



Cluster Munition Monitor 2011



Cluster Munition Monitor 2011

Editorial Board

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

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

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Cluster Munition Coalition

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

The CMC calls for:

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



Preface

Cluster Munitions

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

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

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

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

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

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

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

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

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

Cluster Munition Coalition

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

▲
Stockpiled cluster munitions are prepared for destruction in Bosnia and Herzegovina.

On 1 January 2011, the CMC merged with the International Campaign to Ban Landmines (ICBL) to become the ICBL-CMC. The CMC and ICBL remain two distinct and strong campaigns with a dedicated team of staff for both. For the last few years the ICBL, CMC, and the Monitor have increasingly been sharing resources to achieve their similar goals: to rid the world of landmines and cluster munitions. Work towards these goals has been strengthened with the merger, while still ensuring the three components (CMC, ICBL, and the Monitor) continue to be the global authorities in their distinct areas of work.

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

Since 2009, the CMC has engaged in an intensive global universalization campaign, first to ensure prompt entry into force of the convention, and since entry into force in August 2010, to increase the number of States Parties. In 2011, the CMC pressed for early implementation of the convention in its first year, and increased momentum in the campaign during preparations for the Second Meeting of States Parties in Beirut, Lebanon in September. Representatives from more than 130 governments came to Beirut to participate in the conference, including from 40 countries still outside the ban.

Landmine and Cluster Munition Monitor

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

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

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

The Monitor's reporting complements transparency reporting by states required under international treaties. It reflects the shared view that transparency, trust, and mutual collaboration are crucial elements for the successful eradication of antipersonnel mines and cluster munitions. The Monitor was also established in recognition of the need for independent reporting and evaluation.

The Monitor aims to promote and advance discussion on mine, cluster munition, and ERW-related issues, and to seek clarifications, to help reach the goal of a world free of mines, cluster munitions, and other ERW. The Monitor works in good faith to provide factual information about issues it is monitoring, in order to benefit the international community as a whole.

The Monitor system features a global reporting network and an annual report. A network of 69 Monitor researchers from almost as many countries, and a 15-person Editorial Team gathered information to prepare this report. The researchers come from the CMC and ICBL's campaigning coalitions and from other elements of civil society, including journalists, academics, and research institutions. Researchers contributed primarily to Country Profiles, available on the Monitor's website at www.the-monitor.org/cp.

Unless otherwise specified all translations were done by the Monitor.

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

About This Report

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

Cluster Munition Monitor covers cluster munition ban policy, use, production, trade, and stockpiling for every country in the world, and also includes information on cluster munition contamination, casualties, clearance, and victim assistance. The report focuses on calendar year 2010, with information included up to August 2011 when possible.

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

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

The Editorial Team undertook research and initial country report edits for *Cluster Munition Monitor* from January to August 2011. The Editorial Team included:

- Ban policy: Mary Wareham (principal editor), Kate Castenson, Stephen Goose, Katherine Harrison, Mark Hiznay, Yeshua Moser-Puangsuwan;
- Mine action: Stuart Casey-Maslen (principal editor), Nick Cumming-Bruce, Mike Kendellen;
- Casualties and victim assistance: Megan Burke, Stéphane De Greef, Loren Persi Vicentic, Rashmi Thapa; and
- Support for mine action: Mike Kendellen, Tatiana Stephens.

Mary Wareham provided final editing from May to August 2011 with assistance from Jacqueline Hansen (Program Manager); Andria King (Publications Consultant); and Céline Chang and Gretel Lahmann (ICBL-CMC Interns). Soesi Atantri provided administrative support.

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Abbreviations and Acronyms

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

Glossary

Cluster bomb – Air-dropped cluster munition.

Cluster munition – According to the Convention on Cluster Munitions a cluster munition is: “A conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those submunitions.” Cluster munitions consist of containers and submunitions. Launched from the ground or air, the containers open and disperse submunitions (bomblets) over a wide area. Submunitions are typically designed to pierce armor, kill personnel, or both.

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

Convention on Conventional Weapons – The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, commonly referred to as the Convention on Conventional Weapons (CCW), aims to place prohibitions or restrictions on the use of conventional weapons about which there is widespread concern. It includes Protocol V on Explosive Remnants of War.

Dual purpose improved conventional munition – A type of cluster munition which can be used against both personnel and material targets, including armor.

Explosive remnants of war – Under Protocol V to the Convention on Conventional Weapons, explosive remnants of war are defined as unexploded ordnance and abandoned explosive ordnance. Mines are explicitly excluded from the definition.

Interoperability – In relation to Article 21 of the Convention on Cluster Munitions interoperability refers to joint military operations with states not party to the convention that might engage in activities prohibited to a State Party.

Non-state armed groups – For the Monitor’s purposes, non-state armed groups include organizations carrying out armed rebellion or insurrection, as well as a broader range of non-state entities, such as criminal gangs and state-supported proxy forces.

Oslo Process – The diplomatic process undertaken from 2006–2008 that led to the negotiation, adoption, and signing of the 2008 Convention on Cluster Munitions.

Self-destruct mechanism – Under the Convention on Cluster Munitions an “incorporated automatically-functioning mechanism which is in addition to the primary initiating mechanism of the munition and which secures the destruction of the munition into which it is incorporated.”

Self-deactivating – Under the Convention on Cluster Munitions, automatically rendering a munition inoperable by making an essential component (e.g. a battery) non-functional.

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

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

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

Victim – According to the Convention on Cluster Munitions, “all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities.”

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Table Key
States Parties: Ratified or acceded as of 25 August 2011
Signatories: Signed, but not yet ratified as of 25 August 2011
States Not Party: Not yet acceded as of 25 August 2011

The Americas

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

East & South Asia & the Pacific

Cook Islands	Fiji
Japan	Lao PDR
New Zealand	Samoa
Afghanistan	Australia
Indonesia	Nauru
Palau	Philippines
Bangladesh	Bhutan
Brunei	Cambodia
China	India
Kiribati	Korea, North
Korea, South	Malaysia
Maldives	Marshall Islands
Micronesia	Mongolia
Myanmar	Nepal
Niue	Pakistan
Papua New Guinea	Singapore
Solomon Islands	Sri Lanka
Thailand	Timor-Leste
Tonga	Tuvalu
Vanuatu	Vietnam

Europe, the Caucasus & Central Asia

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

Middle East & North Africa

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

Sub-Saharan Africa

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



▲
*Deminers
head to work
in Lebanon.*

Major Findings

Status of the 2008 Convention on Cluster Munitions

- A total of 109 countries have joined the Convention on Cluster Munitions. This includes 61 States Parties (60 that signed then ratified and one that acceded); and 48 countries that have signed, but not yet ratified.
- Thirty-eight countries that have used, produced, exported, or stockpiled cluster munitions have joined, thereby committing to never engage in those activities again.
- Since the convention entered into force on 1 August 2010, becoming binding international law, states can no longer sign, but must instead accede. Only one country has acceded since entry into force: Grenada on 29 June 2011.
- A total of 60 signatories have ratified the convention, becoming States Parties legally bound by all the convention's provisions. A total of 22 signatories have ratified since 1 August 2010, including countries affected by cluster munitions (Bosnia and Herzegovina [BiH], Lebanon, and Mozambique) and former cluster munition producers and stockpilers (BiH, Chile, and the Netherlands).

Use

- Cluster munitions have been used during armed conflict in 36 countries and four disputed territories since the end of World War II. At least 19 government armed forces have used cluster munitions.
- There have been two instances of new use of cluster munitions since the convention entered into force on 1 August 2010, both by states that have not joined the convention.
- In February 2011, Thailand fired cluster munitions into Cambodia during border clashes.
- In April 2011, government forces loyal to Muammar Gaddafi fired MAT-120 mortar projectiles each containing 21 dual-purpose submunitions into the Libyan city of Misrata.

Production

- A total of 34 states have developed or produced more than 200 types of cluster munitions.
- Sixteen former producers of cluster munitions have joined the Convention on Cluster Munitions, thereby forswearing any future production. Non-signatory Argentina has also stopped production.
- Seventeen countries continue to produce cluster munitions or reserve the right to produce in the future.

Transfer

- The Monitor has identified at least 15 countries that have transferred more than 50 types of cluster munitions to at least 60 other countries.
- In June 2011, Spain confirmed the transfer of 1,055 cluster munitions to Libya in 2006 and 2008, prior to Spain joining the convention.
- There were no reported transfers (deliveries) of cluster munitions in 2010.
- Two states not party to the convention, Singapore and the United States (US), have instituted a moratorium on exports of cluster munitions.

Stockpiling

- The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 86 countries stockpiled millions of cluster munitions containing more than 1 billion submunitions.
- Currently, 69 nations have cluster munition stockpiles, of which 22 have signed and/or ratified the Convention on Cluster Munitions.
- Collectively, prior to any destruction activities, 20 States Parties possessed 1.2 million cluster munitions and at least 166 million submunitions.
- Seventeen States Parties have formally reported that they do not possess stockpiles of cluster munitions.

Stockpile Destruction

- A total of 12 States Parties have reported the destruction of 589,737 cluster munitions containing over 64.5 million submunitions.
- Eight States Parties have completed destruction of their stockpiled cluster munitions: Portugal in April 2011; Austria, Belgium, Moldova, Montenegro, and Norway in 2010; Spain in 2009; and Ecuador in 2004.
- All 12 States Parties with stockpiles to destroy have indicated they will complete this task within the convention's eight-year deadline, if not sooner: BiH, Bulgaria, Chile, Croatia, Denmark, France, Germany, Guinea-Bissau, Japan, the Netherlands, Slovenia, and the United Kingdom (UK).
- Two of the biggest stockpilers, Germany (67 million submunitions) and the UK (39 million submunitions) had destroyed more than half of their respective stockpiles by mid-2011.
- Six signatories have reported the completion of destruction of their stockpiles, including Colombia and the Czech Republic in 2010 and Hungary in May 2011. Afghanistan and Angola reported in 2010 that their cluster munition stocks had been destroyed in recent years as part of broader weapons disposal programs. Signatory Honduras has said it destroyed its stocks prior to the Oslo Process.

Retention

- Most States Parties that have made a formal statement have said that they will not retain any cluster munitions or submunitions for training and development purposes as permitted by the convention, including former stockpilers Austria, Ecuador, Japan, Montenegro, Norway, Portugal, and Slovenia, as well as Croatia and Moldova, which have stated they are retaining only inert items.
- Belgium, France, and Spain have indicated they each intend to keep hundreds of cluster munitions and more than 10,000 submunitions.

Casualties

- As of 1 August 2011, cluster munition casualties were reported in at least 29 states and three other areas, including Libya where the first casualties were recorded following new use of cluster munitions this year. Fifteen of these states have signed the Convention on Cluster Munitions, of which nine have ratified: Albania, BiH, Croatia, Guinea-Bissau, Lao PDR, Lebanon, Montenegro, Mozambique, and Sierra Leone. As States Parties, these nations have a responsibility to assist cluster munition victims.
- At least 16,921 cluster munition casualties have been confirmed globally, through the end of 2010. Many casualties, however, go unrecorded and the global total of cluster munition casualties is estimated at between 20,000 and 54,000.
- There were 60 confirmed cluster munition casualties in seven countries and two other areas in 2010. Due to a lack of reporting on cluster munition casualties in Lao PDR and many other affected countries, the actual number is likely to be considerably higher.

Contamination

- At least 28 states and three other areas, of which 16 are States Parties or signatories to the Convention on Cluster Munitions, are believed to be contaminated by cluster munition remnants and unexploded submunitions.
- Eight contaminated states have ratified the convention, committing to clear their land within 10 years, including heavily affected Lao PDR and Lebanon. Germany and Norway both identified suspected contamination in 2011 from unexploded submunitions on military training ranges. Guinea-Bissau is believed to be contaminated from explosions at ammunition storage areas and not from the use of cluster munition during armed conflict. BiH and Croatia are contaminated from the conflicts in the early 1990s that resulted from the breakup of the former Yugoslavia. Montenegro is believed to have contamination remaining from the 1999 conflict over Kosovo.
- Non-signatories Cambodia, Serbia, and Vietnam are heavily affected by cluster munition remnants, as are the disputed areas of Nagorno-Karabakh and Western Sahara. Libya became a contaminated state in 2011, following the use of cluster munitions by government forces in Misrata.
- Another 14 states may also have a small amount of contamination from past use of the weapon.
- States Parties Albania and Zambia announced completion of their clearance programs in November 2009 and May 2010, respectively.

Clearance

- In 2010, there was clearance of cluster munition remnants and unexploded submunitions in 18 states and three other areas, including in all contaminated States Parties except Germany, although often the clearance was limited. Unexploded submunitions were also cleared and destroyed by contaminated signatories, including Afghanistan, Angola, the Democratic Republic of the Congo (DRC), and Iraq.
- At least 59,978 unexploded submunitions were destroyed during clearance operations in 2010 and more than 18.5km² of cluster munition contaminated land was cleared.
- Significant clearance of cluster munition remnants was recorded in non-signatories Cambodia, Serbia, and Vietnam.

Victim Assistance

- In 2010, States Parties with the largest number of recorded cluster munition casualties made progress in developing the means to assess the needs of cluster munition victims, including in BiH, Croatia, Lao PDR, and Lebanon.
- Nearly every country with cluster munition victims continued to face significant challenges in providing holistic and accessible care to affected individuals, families, and communities. Several States Parties had to cut back victim assistance services due to a decline in international funding.
- Countries with cluster munition victims still have not taken adequate steps to increase the availability of, or access to, services for victims in rural and remote areas, which is a key goal of the convention.
- Most State Parties and signatories included cluster munition survivors in victim assistance coordination mechanisms.
- Except for Lao PDR and Lebanon, all States Parties and signatories with cluster munition victims are also party to the Mine Ban Treaty and have developed victim assistance programs in that context.

International Cooperation and Assistance

- Most governments do not differentiate funding for activities related to cluster munitions from activities related to other explosive remnants of war and mines, so it is not possible to determine an accurate figure for implementation of the Convention on Cluster Munitions.
- A total of 11 states and the European Commission (EC) made cluster munition-specific contributions in 2010 totaling US\$20.5 million. Eight of the donors are States Parties to the Convention on Cluster Munitions and the three others have signed, but not ratified the convention. Norway and the EC made up more than half (56%) of the total funding contributions.
- Recorded contributions went to activities in six contaminated countries. Two affected States Parties, Lebanon and Lao PDR, received 73% of all reported cluster munition-specific donor contributions. Support was also received by State Party Moldova and by non-signatories Georgia, Serbia, and Vietnam.
- Just over three-quarters (77%) of the total recorded contributions in 2010 went towards clearance activities. The remaining funds went to victim assistance, advocacy, and stockpile destruction.

National Legislation and Transparency

- Fourteen countries have enacted national legislation to implement the convention, including the Cook Islands, Czech Republic, and Italy in 2011.
- At least nine countries are in the process of drafting, considering, or adopting national legislation, including Australia, Canada, Sweden, and Switzerland.
- A total of 34 States Parties have submitted an initial transparency report as required by Article 7 of the convention, which represents three-quarters of States Parties.
- Two signatories, Canada and the DRC, submitted voluntary initial transparency reports.

Assistance with Prohibited Acts

- There are some divergent views on the scope of the prohibition on assistance with prohibited acts, especially regarding its application during joint military operations with states not party that may still use cluster munitions. More than 20 States Parties and signatories to the convention have expressed a view that, even during joint operations, any intentional or deliberate assistance is prohibited, including BiH, France, Hungary, Lao PDR, Nicaragua, Sweden, and Switzerland.
- US Department of State cables made public by Wikileaks in late 2010 and the first half of 2011 have shown the extent to which the US worked to influence the outcome of the Oslo Process that created the Convention on Cluster Munitions, particularly on cluster munition use during joint military operations (“interoperability”).

Foreign Stockpiling and Transit

- At least 28 states have unambiguously stated that 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, including Belgium, BiH, Comoros, Croatia, Ireland, Lao PDR, the Former Yugoslav Republic of Macedonia, New Zealand, Senegal, and Spain in 2011.
- States that have expressed the opposite view, that transit and foreign stockpiling is not prohibited by the convention, include Australia, Japan, the Netherlands, Portugal, and the UK.

Disinvestment

- Five states have enacted legislation that explicitly prohibits investment in cluster munitions: Belgium, Ireland, Luxembourg, and New Zealand and, in July 2011, Italy.
- At least 19 States Parties and signatories to the convention, including Australia, BiH, Cameroon, Croatia, Lao PDR, the Netherlands, and Senegal in 2011, have stated their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention.
- Financial institutions in Belgium, Canada, Denmark, France, Germany, Japan, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the UK, and elsewhere have taken action to stop investment in cluster munition production and promote socially responsible investment.



Ban Policy

Introduction

The Convention on Cluster Munitions seeks to put an end to the human suffering and casualties caused by cluster munitions. The convention prohibits the use, production, transfer, and stockpiling of cluster munitions as well as assistance with any of these banned activities. It requires the destruction of stockpiled cluster munitions within eight years and clearance of areas contaminated by cluster munition remnants within 10 years. The convention affirms the rights of cluster munition victims and establishes a strong framework for their assistance.

▲ Cluster munition stockpiles are destroyed in Hungary.

Driven by humanitarian imperatives and propelled forward by the CMC through the fast-track diplomatic Oslo Process, the convention was adopted by 107 states on 30 May 2008 in Dublin.¹ It was opened for signature in Oslo seven months later on 3 December 2008, which is the International Day for Persons with Disabilities. Six months after the 30th ratification was deposited at the UN, the convention entered into force on 1 August 2010, becoming binding international law.

As of 25 August 2011, a total of 108 countries had signed the convention; 60 had also ratified the convention; and one state had acceded. A total of 61 States Parties are legally bound by all of the convention's provisions.

Out of the 86 countries that have used, produced, exported, or stockpiled cluster munitions, 44% (38 countries) have joined the convention and thereby committed to never engage in those activities again.² States Parties include major stockpilers France, Germany, the Netherlands, and the United Kingdom (UK), which are now in the process of destroying their tens of millions of submunitions. Sixteen of the 28 states contaminated by cluster munition remnants (57%) have signed the convention of which eight have ratified, committing to clear their land within 10 years, including the Lao People's Democratic Republic (Lao PDR) and Lebanon.³

In acknowledgment of the humanitarian rationale for the convention, its First Meeting of States Parties was held in Lao PDR—the country most contaminated by unexploded submunitions—on 9–12 November 2010. States Parties adopted the Vientiane Action Plan, an ambitious 66-point action plan to guide their work until the convention's First Review Conference is held in 2015.

The convention's Second Meeting of States Parties on 12–16 September 2011 was held in Lebanon, another highly contaminated country.



© Alma Tassitani/HH, 8 October 2010

Stockpiled cluster munitions are prepared for destruction in Bosnia and Herzegovina.

¹ The convention text was adopted by consensus by the 107 governments that were full participants in the negotiations. However, adoption does not have any legal obligation attached.

² This includes seven former users (Colombia, France, Iraq, Netherlands, Nigeria, South Africa, and the UK); five former exporters (Chile, France, Germany, Moldova, and the UK); 15 former producers (Australia, Belgium, BiH, Chile, France, Germany, Iraq, Italy, Japan, Netherlands, South Africa, Spain, Sweden, Switzerland, and the UK); and 38 former and current stockpilers (see table in Global stockpiles section).

³ Other States Parties where cluster munitions have been used in armed conflict include Albania, BiH, Croatia, Grenada, Montenegro, Mozambique, Sierra Leone, UK (Falkland Islands/Malvinas), and Zambia. In addition, cluster munitions have been used in armed conflict in the following signatory states: Afghanistan, Angola, Chad, Colombia, the DRC, Iraq, Mauritania, and Uganda. Some of these states are no longer affected. Twelve contaminated states remain outside the convention: Argentina (Falkland Islands/Malvinas), Azerbaijan, Cambodia, Georgia, Libya, Russia, Serbia, South Sudan, Syria, Tajikistan, Thailand, and Vietnam.

Cluster Munition Monitor 2011 details how States Parties and signatories are demonstrating great determination to implement all aspects of the convention rapidly and thoroughly. At least 14 countries have already completed the destruction of their stockpiles. Two States Parties—Albania and Zambia—have declared the completion of their clearance of cluster munition remnants. At least 14 countries have enacted national legislation to implement the convention. Three-quarters of States Parties have provided initial transparency reports detailing their implementation of the convention. Other States Parties and signatories are far advanced in these and other implementation activities.

This report documents new cluster munition use in 2011 by non-signatories Libya and Thailand, incidents that elicited a strong response and wide media interest. It also provides examples of measures that countries outside the convention are taking as a result of the convention's stigmatization of cluster munitions. The vast majority of countries that have not yet joined the convention are adhering to its provisions. The convention is beginning to establish a new norm rejecting any use of the weapon and a world free of cluster munitions is no longer an impossible dream, but an eventual reality.

Universalization and Ban Policy Activities

This section looks at the status of universalization of the convention, including countries that have signed and ratified or acceded. It surveys notable developments in the year from August 2010 to August 2011, including key actions, meetings, and universalization efforts. The long-standing, but so far unproductive deliberations on cluster munitions in the framework of the Convention on Conventional Weapons (CCW) are also reviewed.

More than half of the countries in the world—109 states—have signed, ratified, or acceded to the convention as of 25 August 2011. Of these states, 40 are from Africa, 33 are from Europe, 21 are from the Americas, 12 are from Asia-Pacific, and three are from the Middle East and North Africa region.

© Nkem Menkiti/IANSA Women's Network, 3 December 2010



A workshop in Nigeria to mark the International Day of Persons with Disabilities.

Munitions have committed to never use, produce, or transfer cluster munitions, even if they have not yet ratified.⁵

Accession

Only one country acceded to the convention in the year after its entry into force: Grenada on 29 June 2011. Cluster munitions were used in Grenada during the United States (US) invasion in 1983, but it is not yet known if there is still contamination from cluster munition remnants.

The lack of more accessions is regrettable, but a number of non-signatories have indicated their intention to accede in the future, including many of the states that adopted the convention in Dublin, but did not subsequently sign.⁶ Several countries have indicated that accession is being given serious consideration, including Cambodia, Mauritius, Solomon Islands, Swaziland, Tajikistan, Thailand, Trinidad and Tobago, and Vanuatu.

Signature

A total of 108 states have signed the convention. 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 became international law.

Since the convention entered into force on 1 August 2010, states can no longer sign, but must instead accede (essentially a process that combines signature and ratification into a single step).⁴

Of the 108 signatories, 60 have ratified (as of 25 August 2011), leaving 48 signatories that still need to ratify to become States Parties.

Signatories are bound by the Vienna Convention on the Law of Treaties not to engage in acts that “would defeat the object and purpose” of any treaty they have signed. Thus, signatories to the Convention on Cluster Munitions have committed to never use, produce, or transfer cluster munitions, even if they have not yet ratified.⁵

⁴ 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.

⁵ The Vienna Convention is considered customary international law binding on all countries.

⁶ The 19 nations that adopted the convention but did not sign include: Argentina, Bahrain, Belize, Brunei, Cambodia, Estonia, Finland, Kyrgyzstan, Malaysia, Morocco, Papua New Guinea, Qatar, Serbia, Slovakia, Sudan, Swaziland, Timor-Leste, Vanuatu, and Venezuela. Seven other states adopted the convention and did not sign during the Convention on Cluster Munitions Signing Conference, but signed later in 2009 or 2010: Cameroon, the DRC, Dominican Republic, Jamaica, Mauritania, Nigeria, and Seychelles.

Ratification

A total of 60 signatories had ratified the convention as of 25 August 2011, an increase of 22 ratifications since 1 August 2010. Four signatories ratified during the signing conference on 3 December 2008 (Holy See, Ireland, Norway, and Sierra Leone); 22 ratified in 2009; 23 in 2010; and 11 in 2011, as of 25 August.

Convention on Cluster Munitions ratifications since 1 August 2010

2010		2011	
Antigua and Barbuda	23 August 2010	El Salvador	10 January 2011
Bosnia and Herzegovina (BiH)	7 September 2010	Ghana	3 February 2011
Monaco	21 September 2010	Netherlands	23 February 2011
Tunisia	28 September 2010	Portugal	9 March 2011
Cape Verde	19 October 2010	Mozambique	14 March 2011
Saint Vincent and the Grenadines	29 October 2010	Lithuania	24 March 2011
Guatemala	3 November 2010	Bulgaria	6 April 2011
Lebanon	5 November 2010	Costa Rica	28 April 2011
Guinea-Bissau	29 November 2010	Botswana	27 June 2011
Panama	29 November 2010	Senegal	3 August 2011
Chile	16 December 2010	Cook Islands	23 August 2011

The 22 states to ratify the convention since 1 August 2010 include countries that have been affected by cluster munitions (BiH, Lebanon, and Mozambique), countries that have produced the weapon (BiH, Chile, and the Netherlands), and countries that have stockpiled it (BiH, Bulgaria, Chile, Guinea-Bissau, Lebanon, the Netherlands, and Portugal). Other ratifying states include Antigua and Barbuda, Botswana, Cape Verde, Cook Islands, Costa Rica, El Salvador, Ghana, Guatemala, Guinea-Bissau, Lithuania, Monaco, Panama, Saint Vincent and the Grenadines, Senegal, and Tunisia.

Of the 22 ratifications since 1 August 2010, seven are from the Americas, six are from Europe, six are from Sub-Saharan Africa, two are from the Middle East and North Africa, and one is from Asia-Pacific.

Many signatories are in the process of ratification and have completed or are on the verge of completing domestic ratification measures. At least seven signatories are on track to ratify before the end of 2011: Afghanistan, Australia, Cameroon, Czech Republic, Dominican Republic, Italy, and Mauritania.

Regional universalization developments

Africa

African states played a key role during the Oslo Process that created the convention and have continued to demonstrate a high level of interest in the convention. Forty of the 49 Sub-Saharan African states signed the convention, of which 15 have ratified, becoming full States Parties.⁷ Since 1 August 2010, five African signatories have ratified the convention: Cape Verde, Ghana, Guinea-Bissau, Mozambique, and Senegal.

Of the nine countries from Sub-Saharan Africa that have not joined the convention, five participated as observers in the convention's First Meeting of States Parties in November 2010: Eritrea, Mauritius, Sudan, Swaziland, and Zimbabwe.⁸ At the meeting, Swaziland committed to accede "in not so distant future" and said its national procedures to join the convention were "already at an advanced stage."⁹ Government officials from Mauritius informed the CMC that accession to the convention was under active consideration.¹⁰ The new government of South Sudan is apparently prioritizing joining the convention.¹¹

⁷ The Monitor identifies 49 states in Africa with the creation of the Republic of South Sudan as an independent state on 9 July 2011. There are 15 States Parties: Burkina Faso, Burundi, Cape Verde, Comoros, Ghana, Guinea-Bissau, Lesotho, Malawi, Mali, Mozambique, Niger, Senegal, Seychelles, Sierra Leone, and Zambia.

⁸ The nine non-signatories from Africa are: Equatorial Guinea, Eritrea, Ethiopia, Gabon, Mauritius, South Sudan, Sudan, Swaziland, and Zimbabwe. Sudan and Swaziland adopted the convention in Dublin in May 2008.

⁹ Statement of Swaziland, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 11 November 2010. Notes by the CMC.

¹⁰ CMC meeting with Mauritius delegation, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 10 November 2010. Notes by the CMC.

¹¹ CMC meeting with Tim Horner, Program Manager, South Sudan Mine Action Office, UN Mission in Sudan, in Geneva, 23 June 2011. Notes by the CMC.

As of 15 August 2011, Cameroon and Mauritania had completed their domestic ratification procedures, but had not yet deposited their instruments of ratification with the UN.

Americas

Chile, Costa Rica, Ecuador, and Mexico all played an important role in promoting the convention and are now States Parties. Caribbean states have shown increased interest in the convention. Twenty of the 35 countries of the Americas region have signed the convention of which 11 have ratified and one has acceded, becoming full States Parties.¹² Since 1 August 2010, six signatories from the Americas have ratified the convention: Antigua and Barbuda, Costa Rica, El Salvador, Guatemala, Panama, and Saint Vincent and the Grenadines. On 29 June 2011, Grenada became the first state to accede to the convention.

Of the 14 countries from the Americas that have not joined the convention, two participated in the convention's First Meeting of States Parties in November 2010 as observers: Argentina and Trinidad and Tobago.¹³ At the meeting, Trinidad and Tobago said that its cabinet had approved the decision to join the convention and significant progress has been made in preparing the legal measures necessary for accession.¹⁴

The Dominican Republic was believed to be close to completing ratification of the convention as of 15 August 2011.

Asia-Pacific

On 23 August 2011, the Cook Islands became first to ratify from the region since Fiji in May 2010. Twelve of the 40 states from Asia-Pacific have signed the convention, of which six have ratified, becoming full States Parties: Cook Islands, Fiji, Japan, Lao PDR, New Zealand, and Samoa.

Of the 28 states from the Asia-Pacific region that have not joined the convention, 12 attended the convention's First Meeting of States Parties in November 2010 as observers: Brunei, Cambodia, China, Malaysia, Maldives, Mongolia, Myanmar (Burma), Singapore, Solomon Islands, Thailand, Timor-Leste, and Vietnam.¹⁵ In its first engagement in a meeting of the convention, China expressed support for the convention, but said that it was not in a position to accede due to "national defense needs."¹⁶ During the meeting, the Solomon Islands representative informed the CMC that the convention would be added to the government's list of treaty accession priorities.¹⁷

In April 2011, the director-general of Vanuatu's Ministry of Foreign Affairs informed the Monitor that the government is actively considering accession to the convention.¹⁸ In June 2011, Cambodia indicated that accession is being considered by "our top leadership," while Thailand stated that it hopes to accede to the convention in "the near future."¹⁹

Afghanistan and Australia were believed to be close to completing ratification of the convention as of 15 August 2011.

Europe, the Caucasus, and Central Asia

European states have shown strong interest in joining the convention, while no state from the Caucasus and Central Asia is on board. Thirty-three of the 54 countries in Europe, the Caucasus, and Central Asia have signed the convention, of which 25 have ratified.²⁰ Six signatories have ratified since 1 August 2010: BiH, Bulgaria, Lithuania, Monaco, the Netherlands, and Portugal.

¹² There are 12 States Parties from the Americas: Antigua and Barbuda, Chile, Costa Rica, Ecuador, El Salvador, Grenada, Guatemala, Mexico, Nicaragua, Panama, Saint Vincent and the Grenadines, and Uruguay.

¹³ There are 14 non-signatories from the Americas: Argentina, Bahamas, Barbados, Belize, Brazil, Cuba, Dominica, Guyana, Saint Kitts and Nevis, Saint Lucia, Suriname, Trinidad and Tobago, the US, and Venezuela. Argentina, Belize, and Venezuela adopted the convention in Dublin in May 2008.

¹⁴ Statement of Trinidad and Tobago, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 12 November 2010. Notes by the CMC.

¹⁵ There are 19 non-signatories from Asia: Bangladesh, Bhutan, Brunei, Cambodia, China, India, North Korea, South Korea, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Singapore, Sri Lanka, Thailand, Timor-Leste, and Vietnam. There are nine non-signatories from the Pacific: Kiribati, Marshall Islands, Micronesia, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Six of these states adopted the convention in Dublin in May 2008: Brunei, Cambodia, Malaysia, Papua New Guinea, Timor-Leste, and Vanuatu. During the Oslo Process, the Marshall Islands, Nepal, and Niue subscribed to the 2008 Wellington Declaration affirming their intent to conclude the negotiation of an instrument prohibiting cluster munitions that cause unacceptable harm to civilians.

¹⁶ Statement of China, Convention on Cluster Munitions, First Meeting of States Parties, Vientiane, 10 November 2010. Notes by the CMC.

¹⁷ CMC meeting with George Hoa'au, Assistant Secretary for UN and Treaties, Ministry of Foreign Affairs and Trade of the Solomon Islands, in Vientiane, 9 November 2010.

¹⁸ Letter to Human Rights Watch, from Jean Sese, Director General, Ministry of Foreign Affairs of the Republic of Vanuatu, 6 April 2011.

¹⁹ Statement of Cambodia, Convention on Cluster Munitions Intersessional Meetings, Session on Universalization, Geneva, 27 June 2011, www.clusterconvention.org; and statement of Thailand, Convention on Cluster Munitions Intersessional Meetings, Session on Universalization, Geneva, 27 June 2011. Notes by the CMC.

²⁰ There are 25 States Parties from Europe: Albania, Austria, Belgium, BiH, Bulgaria, Croatia, Denmark, France, Germany, Holy See, Ireland, Lithuania, Luxembourg, FYR Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, and the UK.

Of the 21 countries from Europe, the Caucasus, and Central Asia that have not joined the convention, six attended the convention's First Meeting of States Parties in November 2010 as observers: Finland, Poland, Russia, Tajikistan, Turkey, and Ukraine.²¹ Disappointingly, these states and several others that have not joined the convention, such as Estonia, Greece, and Romania, indicated no change in their positions on accession to the convention.

In May 2011, CMC representatives met with a range of government officials in Dushanbe who all expressed support for Tajikistan's accession to the convention.²² At the opening of the UN General Assembly (UNGA) in September 2010, Andorra expressed its intent to join the convention in order "to show its commitment to disarmament."²³

As of 15 August 2011, the Czech Republic and Italy had completed their domestic ratification procedures, but had not yet deposited their instruments of ratification with the UN.



© Katherine Harrison/ICAI, 24 March 2011

Preparing for the destruction of cluster munition stockpiles in Hungary.

Middle East and North Africa

From the Middle East and North Africa, Lebanon and Tunisia have signed and ratified the convention, becoming full States Parties. Iraq has signed, but not yet ratified. In June 2011, Iraqi government representatives informed the CMC that ratification was awaiting parliamentary approval amid a range of urgent issues.²⁴

Of the 15 countries from the Middle East and North Africa that have not joined the convention, five participated as observers in the convention's First Meeting of States Parties in November 2010: Jordan, Kuwait, Libya, Qatar, and Saudi Arabia.²⁵ At the meeting, Prince Mired Ben Raad Zeid Al-Hussein informed States Parties that Jordan hopes to join the convention "in the future."²⁶

As the host of the Second Meeting of States Parties in September 2011, Lebanon has prioritized efforts to get other states from the region to join the convention.

Key Actions and Meetings on Cluster Munitions

Several key actions and meetings took place in the second half of 2010 in the lead-up to the convention's First Meeting of States Parties. CMC members in 84 countries celebrated the convention's 1 August 2010 entry into force and pushed for universalization through a campaign initiative to "beat the drum to ban cluster bombs." Several governments issued statements upon the convention's entry into force urging its universalization, in addition to UN Secretary-General Ban Ki-moon and Pope Benedict XVI.²⁷

A formal Preparatory Meeting was held in Geneva on 6 September to discuss procedural matters and review draft outcome documents for the First Meeting of States Parties.²⁸ The leaders of 10 states welcomed the convention during the high-level opening debate at the UNGA in September 2010 including Lao PDR President Choummaly Sayasoune, who invited all nations to participate in the First Meeting of States Parties. Monaco and Tunisia deposited their instruments of ratification during the annual UN Treaty Event held during the opening of the General Assembly.

²¹ There are 13 non-signatories from Europe: Andorra, Belarus, Estonia, Finland, Greece, Latvia, Poland, Romania, Russia, Serbia, Slovakia, Turkey, and Ukraine. None of the eight states from the Caucasus (Armenia, Azerbaijan, and Georgia) and Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan) have joined the convention. 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.

²² ICBL-CMC, "Report on Advocacy Mission to Tajikistan: 23–27 May 2011."

²³ Statement by Jaume Bartumeu Cassany, Head, Government of Andorra, UNGA General Debate, 27 September 2010, www.un.org.

²⁴ Meeting with Iraqi delegation, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011. Notes by the CMC.

²⁵ 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.

²⁶ Statement of Prince Mired Ben Raad Zeid Al-Hussein of Jordan, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 10 November 2010. Notes by the CMC.

²⁷ The following states issued statements welcoming the convention's 1 August 2010 entry into force: Austria, Belgium, France, Germany, Ireland, Japan, Lao PDR, Mexico, New Zealand, Norway, and the UK. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010.

²⁸ CMC, "Report on CCM Preparatory Meeting: Geneva, 6 September 2010," 14 October 2011, www.stopclustermunitions.org.

Representatives from 45 countries attended a UN Special Event on the convention hosted by Lao PDR and Japan at the UN in New York on 19 October 2010, during the UNGA's First Committee on Disarmament and International Security.²⁹ During the event, Cape Verde deposited its instrument of ratification with the UN.

Lao PDR hosted the convention's First Meeting of States Parties in Vientiane on 9–12 November 2010. A total of 122 governments including 34 observer states participated in the meeting, in addition to representatives from UN agencies and the ICRC. The CMC delegation was comprised of 492 campaigners from 80 countries including survivors, youth, and 170 participants from Lao PDR.³⁰ Hundreds of delegates engaged in field visits to see first-hand communities affected by cluster munition remnants and witness clearance efforts.

© Suzanne Oostervijk/KY Pax Christi, 25 May 2011



Campaigners and parliamentarians participate in the launch of a report on disinvestment in cluster munitions in Belgium.

At the meeting, governments adopted the Vientiane Action Plan, a bold 66-point action plan to turn the legal obligations of the convention into concrete actions. They also issued the Vientiane Declaration, which says that the convention “sets a new standard by which states will be judged. We believe the sea change in the opinion of governments around the world towards this weapon will continue.” A reporting format for transparency measures reports was adopted and a work plan agreed for 2011. Lebanon was named as host and President-Designate of the Second Meeting of States Parties, held in Beirut on 12–16 September 2011.

In cooperation with New Zealand parliamentarians and other country delegations, the CMC promoted the convention at assembly meetings of the Inter-Parliamentary Union held in Panama in April 2011 and Geneva in October 2010.³¹

Campaigners undertook outreach in support of the convention's universalization during the Mine Ban Treaty's Tenth Meeting of States Parties in Geneva on 29 November–3 December 2010. All but three of the countries that have joined the Convention on Cluster Munitions are also States Parties to the Mine Ban Treaty, while 50 Mine Ban Treaty

States Parties have not yet joined the Convention on Cluster Munitions.³²

The first intersessional meetings of the Convention on Cluster Munitions were held on 27–30 June 2011 in Geneva with assistance provided by UNDP, which has acted as an informal secretariat for the convention and hosts an Executive Coordinator appointed by State Parties to support the First Meeting of States Parties President. More than 400 diplomatic representatives from 81 countries participated in the meetings, as well as a CMC delegation of 100 campaigners from 40 countries.³³ In a series of thematic sessions, states discussed their progress in implementing the convention as well as challenges.

On 1 August 2011, CMC members marked the one-year anniversary of the convention's entry into force with a series of campaign actions worldwide themed around the call of “Join the team to ban cluster bombs.”³⁴ On 12 August 2011, the CMC launched a countdown to the Second Meeting of States Parties to the convention.

Convention on Conventional Weapons

Discussions on cluster munitions have been ongoing in some form or another in the 1980 CCW for more than a decade.³⁵ NGO concerns over cluster munitions led the CCW to address the larger problem of explosive remnants of war through the 2003 CCW Protocol V on explosive remnants of war.³⁶ The failure of the CCW to reach agreement on a substantive

²⁹ CMC, “Report on UN Special Event on the Convention on Cluster Munitions: New York, 19 October 2010,” 22 October 2010, www.stopclustermunitions.org.

³⁰ UN, “Final Report, First Meeting of States Parties of the Convention on Cluster Munitions,” Vientiane, 30 November–4 December 2009, Advance copy, undated, www.clusterconvention.org.

³¹ CMC, “Report on 124th General Assembly of the Inter-Parliamentary Union (IPU): Panama City, April 2011,” www.stopclustermunitions.org.

³² As of 25 August 2011, there were 156 States Parties to the Mine Ban Treaty, while Poland and the Marshall Islands had signed, but not yet ratified. Lao PDR, Lebanon, and Somalia have joined the Convention on Cluster Munitions, but not the Mine Ban Treaty. A total of 50 Mine Ban Treaty States Parties have not yet joined the Convention on Cluster Munitions: Algeria, Andorra, Argentina, Bahamas, Bangladesh, Barbados, Belarus, Belize, Bhutan, Brazil, Brunei, Cambodia, Dominica, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Gabon, Greece, Guyana, Jordan, Kiribati, Kuwait, Latvia, Malaysia, Maldives, Mauritius, Niue, Papua New Guinea, Qatar, Romania, Saint Kitts and Nevis, Saint Lucia, Serbia, Slovakia, Solomon Islands, Sudan, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Turkey, Turkmenistan, Ukraine, Vanuatu, Venezuela, Yemen, and Zimbabwe.

³³ CMC, “Landmark meeting held on Convention on Cluster Munitions: Geneva, June 2011,” www.stopclustermunitions.org.

³⁴ See CMC, www.august1.org.

³⁵ As of 25 August 2011, there were a total of 114 States Parties to the Convention on Conventional Weapons, while five countries have signed, but not ratified the CCW (Afghanistan, Egypt, Nigeria, Sudan, and Vietnam).

³⁶ As of 25 August 2011, there were a total of 66 States Parties to CCW Protocol V on explosive remnants of war. In 2010, seven CCW States Parties ratified Protocol V (Belgium, Brazil, China, Cyprus, Honduras, Italy, and Saudi Arabia). There were no ratifications in 2011, as of 25 August.

mandate for future work on cluster munitions at its Third Review Conference in November 2006 led to Norway's initiation of the Oslo Process that created the 2008 Convention on Cluster Munitions.

Largely in reaction to the Oslo Process, a Group of Governmental Experts (GGE) has been meeting regularly to discuss cluster munitions since 2007. Since November 2008, the mandate of the GGE has been to “negotiate a proposal” on cluster munitions. In November 2010, CCW States Parties agreed the GGE mandate in 2011 would be “to negotiate a proposal to address urgently the humanitarian impact of cluster munitions, while striking a balance between military and humanitarian considerations.”

Since 2008, the tone of the debate on cluster munitions in the CCW has shifted markedly, as two-thirds of CCW States Parties have now joined the Convention on Cluster Munitions and are bound by the higher standards contained in the ban convention.³⁷ Yet some of these states have pressed on with CCW deliberations that will result in a lower standard.

Non-signatories to the Convention on Cluster Munitions such as Brazil, China, India, Israel, Pakistan, Poland, Russia, South Korea, Turkey, Ukraine, and the US have been among the most vocal supporters of continued CCW work. However, these states showed little agreement among themselves on central provisions including the scope of a future agreement, the definition of cluster munitions that would be included in it, or the timeframe in which any provision would take effect.

Two new draft texts—strongly influenced and supported by the US—were circulated by the GGE chair during deliberations held on 30 August–3 September 2010. The texts, however, were strongly criticized by supporters of the Convention on Cluster Munitions, who saw them as far too weak, and by states that saw them as too far-reaching such as India, Israel, Pakistan, South Korea, Russia, and Turkey.

The Philippines, as chair, combined both texts into one draft text. In November 2010, the CCW meeting of States Parties agreed to again extend the GGE mandate for another year to focus on the chair's text. Yet GGE meetings held on 21–25 February and on 28 March–1 April 2011 produced little agreement on the scope or provisions of a possible future instrument on cluster munitions. Another version of the chair's text was circulated prior to the GGE session in August 2011.

Several states, as well as the CMC and ICRC, have described the chair's draft text as weak and replete with exceptions, loopholes, and deferral periods that concretely undermine any impact of an effective prohibition. The so-called ban elements in the text would not prohibit cluster munitions that have been demonstrated to cause unacceptable humanitarian harm. It would instead re-legitimize production, stockpiling, use, and transfer of many of the most dangerous types of cluster munitions, threatening the ban already created by the Convention on Cluster Munitions. Moreover, the text contains a lengthy transition period that would enable compliance with the draft protocol to be deferred for at least 12 years.

The CMC has called for states to end their deliberations on cluster munitions at the CCW's Fourth Review Conference in November 2011, regardless of whether an agreement on cluster munitions is reached. To achieve some positive results from the past four years of work on cluster munitions, the CMC has promoted the “optimal outcome” of a humanitarian-inspired political declaration and national measures taken as interim steps towards acceding to the Convention on Cluster Munitions.³⁸



Monitor report launch in the DR Congo.

© Francky Muntula/Congolese Campaign to Ban Landmines, 24 January 2011

Use of Cluster Munitions

Cluster munitions have been used during armed conflict in 36 countries and four disputed territories since the end of World War II: Afghanistan, Albania, Angola, Azerbaijan, BiH, Cambodia, Chad, Colombia, Croatia, Democratic Republic of the Congo (DRC), Eritrea, Ethiopia, Georgia, Grenada, Iran, Iraq, Israel, Kuwait, Lao PDR, Lebanon, Libya, Mauritania, Montenegro, Mozambique, Russia (Chechnya), Saudi Arabia, Serbia, Sierra Leone, South Sudan, Sudan, Syria, Tajikistan, Uganda, Vietnam, Yemen, and Zambia, as well as in the Falklands/Malvinas, Kosovo, Nagorno-Karabakh, and Western Sahara. 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, Africa, and the Americas.

³⁷ All but 39 CCW States Parties have joined the Convention on Cluster Munitions: Argentina, Bangladesh, Belarus, Brazil, Cambodia, China, Cuba, Estonia, Finland, Gabon, Georgia, Greece, India, Israel, Jordan, Kazakhstan, South Korea, Latvia, Maldives, Mauritius, Mongolia, Morocco, Pakistan, Poland, Qatar, Romania, Russia, Saudi Arabia, Serbia, Slovakia, Sri Lanka, Tajikistan, Turkey, Turkmenistan, Ukraine, UAE, the US, Uzbekistan, and Venezuela.

³⁸ Statement by the CMC, Convention on Conventional Weapons GGE meeting, Geneva, 22 August 2011, www.hrw.org.

New use

There have been two instances of new use of cluster munitions since the convention entered into force on 1 August 2010, both by states that have not joined the convention: Thailand and Libya. In February 2011, Thailand fired dual purpose improved conventional munition (DPICM) artillery projectiles containing M42, M46, and M85 submunitions into Cambodia during border clashes near Preah Vihear temple. In April 2011, government forces loyal to Muammar Gaddafi fired MAT-120 mortar projectiles each containing 21 dual-purpose submunitions into residential areas of the Libyan city of Misrata.

Libyan government spokesperson Mussa Ibrahim denied the use of cluster munitions “morally, legally” and said Libya could not use cluster munitions “in our country.”³⁹ Thailand initially denied using cluster munitions, then affirmed that it used DPICMs, but denied that these were a type of cluster munition. In June 2011 said it “fully understands the concerns raised” about the incident and said it hopes to accede to the convention in “the near future.”⁴⁰

Article 21(2) of the Convention on Cluster Munitions requires that each State Party “make its best efforts to discourage States not party...from using cluster munitions.” A significant number of States Parties and signatories condemned or expressed grave concern about the use of cluster munitions by Libya and Thailand and the incidents attracted widespread media coverage and public outcry.⁴¹ The CMC has welcomed these statements and noted in June 2011, “It is only through widespread and vociferous criticism that a deep stigma will attach to the use of cluster munitions, and that stigma is our most powerful method of ensuring a world free of these weapons.”⁴²



Workshop on the Convention on Cluster Munitions in Pakistan.

© Raza Shah Khan/SPADO, 2 July 2010

There has been no evidence of use of cluster munitions in Libya by states involved in the NATO military action, including by the US and other states that have not yet joined the Convention on Cluster Munitions.

Prior to 2011, there had been one serious allegation of cluster munition use since the Convention on Cluster Munitions was opened for signature in December 2008. In June 2010, Amnesty International (AI) reported that the US appeared to have used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack an “alleged al-Qa’ida training camp” in Yemen on 17 December 2009. US Department of State cables released by Wikileaks in late 2010 appear to corroborate this report, and neither the US nor the Yemeni government has denied the claim or refuted the substantial photographic evidence of the incident.⁴³

Users of cluster munitions

At least 19 government armed forces have used cluster munitions since the end of World War II, detailed in the following table. This is an increase of one state (Thailand) since the previous reporting period.

³⁹ “Tripoli denies use of cluster bombs,” Reuters (Tripoli), Video report, 16 April 2011, www.reuters.com.

⁴⁰ Statement of Thailand, Convention on Cluster Munitions Intersessional Meetings, Session on Universalization, Geneva, 27 June 2011. Notes by the CMC.

⁴¹ At least seven States Parties (Austria, Lao PDR, Mexico, New Zealand, Norway, Spain, and the UK), one signatory (Australia), and the European Union have condemned or expressed grave concern at the use of cluster munitions in Libya in April 2011. Thailand’s use of cluster munitions in Cambodia in February 2011 was condemned by at least six States Parties (Austria, Lao PDR, New Zealand, Norway, Switzerland, and the UK).

⁴² Statement by the CMC, Convention on Cluster Munitions Intersessional Meetings, Session on Compliance, Geneva, 29 June 2011, www.stopclustermunitions.org.

⁴³ “General Petraeus’ Meeting with Saleh on Security Assistance, AQAP Strikes,” US Department of State, Cable, 4 January 2010, released by Wikileaks. See Robert Booth and Ian Black, “WikiLeaks cables: Yemen offered US ‘open door’ to attack al-Qaida on its soil,” *The Guardian*, 3 December 2010, www.guardian.co.uk.

Summary of states using cluster munitions and locations used

User state	Locations used
Colombia	Colombia
Eritrea	Ethiopia
Ethiopia	Eritrea
France	Chad, Iraq, Kuwait
Georgia	Georgia, possibly Abkhazia
Iraq	Iran, Iraq
Israel	Lebanon, Syria
Libya	Chad, Libya
Morocco	Western Sahara, Mauritania
Netherlands	Former Yugoslavia (Kosovo, Montenegro, Serbia)
Nigeria	Sierra Leone
Russia	Chechnya, Afghanistan (as USSR), Georgia
Saudi Arabia	Saudi Arabia
South Africa	Has admitted past use, location unknown
Sudan	South Sudan, Sudan
Thailand	Cambodia
UK	Falklands/Malvinas, Iraq, Kuwait, former Yugoslavia (Kosovo, Montenegro, Serbia)
US	Afghanistan, Albania, BiH, Cambodia, Grenada, Iran, Iraq, Kuwait, Lao PDR, Lebanon, Libya, Saudi Arabia, Sudan, Vietnam, Yemen, former Yugoslavia (Kosovo, Montenegro, Serbia)
Yugoslavia (former Socialist Republic of)	Albania, BiH, Croatia, Kosovo

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

Timeline of cluster munition use

Date	Location	Known details
1939–1945	Italy, Libya, Malta, Palau, USSR, the UK, possibly other locations	Munitions similar in function to modern cluster munitions were used by belligerent parties during World War II.
1965–1975	Cambodia, Lao PDR, Vietnam	According to an analysis of US bombing data by Handicap International (HI), approximately 80,000 cluster munitions, containing 26 million submunitions, were dropped on Cambodia between 1969 and 1973; over 414,000 cluster bombs, containing at least 260 million submunitions, were dropped on Lao PDR between 1965 and 1973; and over 296,000 cluster munitions, containing nearly 97 million submunitions, were dropped in Vietnam between 1965 and 1975.
1970s	Zambia	Remnants of cluster munitions, including unexploded submunitions from air-dropped bombs, have been found at Chikumbi and Shang'ombo.
1973	Syria	Israel used air-dropped cluster munitions against non-state armed group (NSAG) training camps near Damascus.
1975–1988	Western Sahara, Mauritania	Moroccan forces used artillery-fired and air-dropped cluster munitions against an NSAG in Western Sahara. Cluster munition remnants of the same types used by Morocco in Western Sahara have been found in Mauritania.
1978	Lebanon	Israel used cluster munitions in south Lebanon.
1979–1989	Afghanistan	Soviet forces used air-dropped and rocket-delivered cluster munitions. NSAGs also used rocket-delivered cluster munitions on a smaller scale.
1982	Lebanon	Israel used cluster munitions against Syrian forces and NSAGs in Lebanon.
1982	Falkland Islands/ Malvinas	UK forces dropped 107 BL-755 cluster bombs containing a total of 15,729 submunitions.
1983	Grenada	US Navy aircraft dropped 21 Rockeye bombs during close air support operations.

1983	Lebanon	US Navy aircraft dropped 12 CBU-59 and 28 Rockeye bombs against Syrian air defense units near Beirut in Lebanon.
1984–1988	Iran, Iraq	It has been reported that Iraq first used air-dropped bombs in 1984. Iraq reportedly used Ababil-50 surface-to-surface cluster munition rockets during the later stages of the war.
1986	Libya	US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra on 25 March. On April 14-15, US Navy aircraft dropped 60 Rockeye bombs on Benina Airfield.
1986–1987	Chad	French aircraft dropped cluster munitions on a Libyan airfield at Wadi Doum. Libyan forces also used AO-1SCh and PTAB-2.5 submunitions at various locations.
1988	Iran	US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship using Mk-20 Rockeye bombs during Operation Praying Mantis.
1991	Saudi Arabia	Saudi Arabian and US forces used artillery-delivered and air-dropped cluster munitions against Iraqi forces during the battle of Khafji.
1991	Iraq, Kuwait	The US, France, and the UK dropped 61,000 cluster bombs containing some 20 million submunitions. The number of cluster munitions delivered by surface-launched artillery and rocket systems is not known, but an estimated 30 million or more DPICM submunitions were used in the conflict.
1992–1994	Angola	Deminers have found dud Soviet-made PTAB and AO-2.5 RT submunitions in various locations.
1992–1994	Nagorno-Karabakh, Azerbaijan	Submunition contamination has been identified in at least 162 locations in Nagorno-Karabakh. Submunition types cleared by deminers include PTAB-1, ShOAB-0.5, and AO-2.5. There are also reports of contamination in other parts of occupied Azerbaijan, adjacent to Nagorno-Karabakh.
1992–1995	BiH	Yugoslav forces and NSAGs used cluster munitions during war. NATO aircraft dropped two CBU-87 bombs.
1992–1997	Tajikistan	ShOAB and AO-2.5RT submunitions have been found in the town of Gharm in the Rasht Valley, used by unknown forces in civil war.
1994–1996	Chechnya	Russian forces used cluster munitions against NSAGs.
1995	Croatia	On May 2-3, 1995, an NSAG used Orkan M-87 multiple rocket launchers to conduct attacks in the city of Zagreb. Additionally, the Croatian government claimed that Serb forces used BL-755 bombs in Sisak, Kutina, and along the Kupa River.
1996–1999	Sudan	Sudanese government forces used air-dropped cluster munitions in southern Sudan, including Chilean-made PM-1 submunitions.
1997	Sierra Leone	Sierra Leone has said that Nigerian the Economic Community of West African States Monitoring Group (ECOMOG) peacekeepers used BLG-66 Beluga bombs on the eastern town of Kenema. ECOMOG Force Commander General Victor Malu denied these reports.
1998	Afghanistan/Sudan	In August, US ships and submarines fired 66 TLAM-D Block 3 cruise missiles, each containing 166 BLU-97 combined effects bomblets, at a factory target in Khartoum, Sudan, and at NSAG training camps in Afghanistan.
1998	Ethiopia, Eritrea	Ethiopia attacked Asmara airport and dropped BL-755 bombs in Gash-Barka province in Eritrea. Eritrea used cluster munitions in two separate strikes in Mekele, including at a school.
1998–1999	Albania	Yugoslav forces used rocket-delivered cluster munitions in disputed border areas, and NATO forces carried out six aerial cluster munition strikes.
1998–2003	The DRC	Deminers have found BL-755 bombs, BLU 63 cluster munitions, and PM1 munitions.
1999	Yugoslavia, Federal Republic of (FRY)	The US, the UK, and the Netherlands dropped 1,765 cluster bombs containing 295,000 submunitions in what is now Kosovo, Montenegro, Serbia, and Albania. FRY also used cluster munitions.
2001–2002	Afghanistan	The US dropped 1,228 cluster bombs containing 248,056 submunitions.
Unknown	Uganda	RBK-250/275 bombs and AO-1SCh submunitions have been found in the northern district of Gulu.

2003	Iraq	The US and the UK used nearly 13,000 cluster munitions, containing an estimated 1.8 to 2 million submunitions, in the three weeks of major combat.
2006	Lebanon	Israeli forces used surface-launched and air-dropped cluster munitions against Hezbollah. The UN estimates that Israel used up to 4 million submunitions.
2006	Israel	Hezbollah fired more than 100 Chinese-produced Type-81 122mm cluster munition rockets into northern Israel.
2008	Georgia	Both Russian and Georgian forces used cluster munitions during the August 2008 conflict. Submunitions found by deminers include the air-dropped AO-2.5 RTM and the rocket-delivered 9N210 and rocket-delivered M85.
2009	Yemen	AI reported that the US used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack a "training camp" in Yemen on 17 December 2009.
2011	Cambodia	Thai forces fired artillery-delivered cluster munitions into Cambodia during border clashes near the Preah Vihear temple.
2011	Libya	Libyan government forces used MAT-120 mortar-fired cluster munitions in residential areas of the city of Misrata.

In addition to use by the armed forces of states, NSAGs have used cluster munitions in Afghanistan (by the Northern Alliance), BiH (by a Serb militia), Croatia (by a Serb militia), and Israel (by Hezbollah). Cluster munitions have also been employed in conflicts in disputed territories against NSAGs. During armed conflict in August 2008, the government of the separatist territory of Abkhazia asserted that Georgian forces fired large numbers of cluster munitions in 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 in 1975–1988.

Paragraph 4 of Article 4 of the Convention on Cluster Munitions states that a State Party that in the past used cluster munitions that became remnants on the territory under the jurisdiction or control of another State Party prior to entry into force of the convention for both of States Parties is "strongly encouraged" to provide assistance to the other State Party. This should 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."

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. According to a June 2008 policy directive issued by the US Department of Defense, until 2018 any US use of cluster munitions that results in a 1% 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 exclusively on its own territory. Poland has said it would use cluster munitions for defensive purposes only, and does not intend to use them outside its own territory. Estonia, Finland, and Slovakia have made similar declarations.

A majority of states not party to a majority the Convention on Cluster Munitions are believed to have never used cluster munitions. In early August 2011, Turkey said that it "has never used cluster munitions in the past."

Production of Cluster Munitions

A total of 34 states have developed or produced⁴⁴ more than 200 types of cluster munitions.⁴⁵



An event in Georgia commemorates the lives lost to conflict.

© Maia Buchukuri/ICBL Georgian Committee, 3 December 2010

⁴⁴ 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.

⁴⁵ As new information has become available, the list of producers has changed over time. A total of 33 states were identified in 2002 by Human Rights Watch (HRW) as having developed or produced cluster munitions. HRW, "Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions," 20 May 2002, www.hrw.org.

Producers

Seventeen countries are believed to produce cluster munitions or reserve the right to do so. None of these states have joined the convention.

In April 2011, Romania's Deputy Minister for Foreign Affairs stated that "Romania is not a producer of cluster munition[s]."⁴⁶ In August 2011, Turkey said it has not produced cluster munitions since 2005.⁴⁷ 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.

At least three of the countries still producing cluster munitions have established reliability standards for submunitions. In 2001, the US instituted a policy that all submunitions reaching a production decision in fiscal year 2005 and beyond must have a dud rate of less than 1%.⁴⁸

Poland stated in 2005, "The Ministry of Defense requires during acceptance tests less than 2.5% failure rate for the purchased submunitions."⁴⁹ South Korea issued a directive in 2008 requiring that in the future it only acquire cluster munitions with self-destruct mechanisms and a 1% or lower failure rate.⁵⁰

Cluster munition producers

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

Former producers

Seventeen states have stopped the production of cluster munitions. All these states have joined the Convention on Cluster Munitions except Argentina, which has indicated that it does not intend to produce cluster munitions in the future. Croatia was added to this list in 2011 after it acknowledged that a Croatian company produced cluster munitions until 1999.⁵¹

Of the 16 former producers that have joined the convention and foresworn any future production, 10 are States Parties and six are signatories. France and Japan have reported detailed information on the status and progress of programs for conversion or de-commissioning of production facilities.⁵²

Former producers of cluster munitions

<i>Argentina</i>	Italy
Australia	Japan
Belgium	Netherlands
BiH	South Africa
Chile	Spain
Croatia	Sweden
France	Switzerland
Germany	UK
Iraq	

Note: Italics indicate states that have not joined the Convention on Cluster Munitions.

Transfer of Cluster Munitions

The true scope of the global trade in cluster munitions is difficult to ascertain due to lack of official information, but 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.⁵³

⁴⁶ Letter # C1-3/3782 from Doru Costea, Deputy Minister for Foreign Affairs, 27 April 2011.

⁴⁷ In early August 2011, a government official informed the Monitor that, "Turkey no longer produces, transfers, exports or imports cluster munitions" and "has not produced cluster munitions since 2005." Email from Ramazan Ercan, Ministry of Foreign Affairs, 8 August 2011.

⁴⁸ 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.

⁴⁹ Communication from the Polish Ministry of National Defense, to Pax Christi Netherlands, 14 February 2005. The information was provided to Pax Christi with the proviso that the "content of the paper does not necessarily reflect the official position of Poland."

⁵⁰ Statement of the Republic of Korea, CCW Annual Meeting of the High Contracting Parties, Geneva, 13 November 2008. During 2008, South Korea included a representative of the Hanwha Company, a Korean company that produces cluster munitions, in its official delegation to the CCW.

⁵¹ Croatian company SUIS d.o.o. in Kumrovec produced a cluster munition called the M93 120mm mortar projectile until 1999. The last batch, series SUK-0298, was delivered to the Ministry of Defence in 1999. The company went bankrupt in 2006 and the owners established a new company Novi SUIS d.o.o. that produces fire extinguishers. Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 23 March 2011.

⁵² Belgium, Croatia, Germany, Spain, and the UK did not report on the status and progress of programs for conversion or de-commissioning of production facilities, most likely because production of cluster munitions ceased before they became States Parties to the convention.

⁵³ Information about transfers of cluster munitions has increased over the years. In 2002, HRW estimated that at least nine countries have transferred 30 different types of cluster munitions to at least 45 other countries. HRW, "Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions," 20 May 2002.

The 2011 conflict in Libya has shed some light on recent transfers. In June 2011, Spain confirmed the transfer of 1,055 MAT-120 cluster munitions containing 22,155 submunitions to Libya in 2006 and 2008.⁵⁴ In addition, Patria, a Finnish company, imported 305 “live” MAT-120 mortar projectiles and 230 inert MAT-120 projectiles from Spain into Finland in 2005–2007.⁵⁵

Thailand’s use of NR269 and M85 cluster munitions in the February 2011 border conflict with Cambodia may indicate recent transfer, as these cluster munition types were not previously known to be stockpiled by Thailand. It is not known who supplied them or when.

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 unreliable and inaccurate submunitions to at least 30 countries.⁵⁶ Cluster munitions of Russian/Soviet origin are reported to be in the stockpiles of 33 states. Many of them inherited stockpiles after the dissolution of the USSR.⁵⁷

Brazil, Israel, South Korea, Slovakia, and Turkey have exported cluster munitions in recent years. States Parties France, Germany, and Spain exported cluster munitions prior to their adoption of the convention. Non-signatories Georgia, India, Pakistan, Slovakia, Turkey, and the United Arab Emirates (UAE) are among the recipients of cluster munitions exports since 2005.

While the full extent of Chinese exports of cluster munitions is not known, unexploded submunitions of Chinese origin have been found in Iraq, Israel,⁵⁸ Lebanon, and Sudan.

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

In June 2011, the US announced the sale of 404 CBU-105D/B Sensor Fuzed Weapons to Saudi Arabia.⁵⁹ This followed a sale of 510 CBU-105s to India that was announced in 2008. The date of delivery of these weapons to the recipient countries is not publicly known. These weapons are prohibited under the Convention on Cluster Munitions, but are not covered by the US export ban because they have a reported failure rate of less than 1%.



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The global launch of Cluster Munition Monitor 2010 in Thailand.

Stockpiles of Cluster Munitions and Their Destruction

Global stockpiles

A total of 86 countries possessed stockpiles of cluster munitions at some point in time. This figure has changed in recent years as new information has become available and governments have clarified whether or not they currently have or previously possessed stockpiles of cluster munitions.⁶⁰ The Monitor added Ecuador to this list in 2011 as it disclosed that it possessed a stockpile in the past, which has been destroyed. Australia has been removed as it has stated that it does not have and has never had an operational stockpile of prohibited cluster munitions.⁶¹

⁵⁴ Five MAT-120 cluster munitions were transferred in October 2006 and another 1,050 in March 2008. Statement of Spain, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011.

⁵⁵ Patria Corporation press release, “Patria’s mortar systems have not been used to fire cluster ammunition in Libya.” 7 July 2011.

⁵⁶ Argentina, Australia, Bahrain, Belgium, Canada, Colombia, Egypt, Denmark, France, Germany, Greece, Honduras, India, Indonesia, Israel, Italy, Japan, Jordan, South Korea, Morocco, the Netherlands, Norway, Oman, Pakistan, Saudi Arabia, Spain, Thailand, Turkey, the UAE, and the UK.

⁵⁷ Algeria, Angola, Azerbaijan, Belarus, Bulgaria, Croatia, Cuba, Czech Republic, Egypt, Hungary, Georgia, Guinea, Guinea-Bissau, India, Iran, Iraq, Kazakhstan, North Korea, Kuwait, Libya, Moldova, Mongolia, Peru, Poland, Romania, Slovakia, Sudan, Syria, Turkmenistan, Uganda, Ukraine, Uzbekistan, and Yemen.

⁵⁸ Hezbollah fired more than 100 Chinese Type-81 122mm submunition rockets into northern Israel in 2006.

⁵⁹ US Defense Security Cooperation Agency, “Saudi Arabia: CBU-105 Sensor Fuzed Weapons,” Transmittal No. 10-03, Washington, DC, 13 June 2011, www.dsca.mil.

⁶⁰ HRW has been documenting the global production, stockpiling, use, and transfer of cluster munitions for many years. In 2002, it identified 56 states that stockpiled cluster munitions.

⁶¹ Email from Philip Kimpton, First Secretary/Legal Adviser, Permanent Mission of Australia to the UN in Geneva, 10 August 2011. In November 2010, Australia stated that it does not possess an operational stockpile of cluster munitions and does not intend to acquire one. Statement of Australia, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 11 November 2010.

Countries that have stockpiled cluster munitions

States Parties	Signatories	Non-Signatories	
<i>Austria</i>	<i>Afghanistan</i>	Algeria	Libya
<i>Belgium</i>	<i>Angola</i>	<i>Argentina</i>	Mongolia
BiH	Canada	Azerbaijan	Morocco
Bulgaria	<i>Colombia</i>	Bahrain	Oman
Chile	Congo, Rep. of	Belarus	Pakistan
Croatia	<i>Czech Republic</i>	Brazil	Poland
Denmark	Guinea	Cambodia	Qatar
<i>Ecuador</i>	<i>Honduras</i>	China	Romania
France	<i>Hungary</i>	Cuba	Russia
Germany	Indonesia	Egypt	Saudi Arabia
Guinea-Bissau	<i>Iraq</i>	Eritrea	Serbia
Japan	Italy	Estonia	Singapore
<i>Moldova</i>	Nigeria	Ethiopia	Slovakia
<i>Montenegro</i>	Peru	Finland	Sudan
Netherlands	South Africa	Georgia	Syria
<i>Norway</i>	Sweden	Greece	Thailand
<i>Portugal</i>	Switzerland	India	Turkey
Slovenia		Iran	Turkmenistan
<i>Spain</i>		Israel	Ukraine
UK		Jordan	UAE
		Kazakhstan	US
		North Korea	Uzbekistan
		South Korea	Yemen
		Kuwait	Zimbabwe
20 (12 current)	17 (10 current)	48 (47 current)	

Note: Italics indicate states that no longer possess stockpiles.

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

© UN Treaty Section, 6 April 2011



Bulgaria ratifies the Convention on Cluster Munitions at the UN in New York.

Only one country that has not joined the convention, the US, has disclosed the size of its stockpile of cluster munitions. As reported to its legislature in 2004, the US stockpile consisted of nearly 5.5 million cluster munitions containing nearly 730 million submunitions.

In this reporting period, Ukraine stated that of its stockpile of conventional weapons totaling two million tons of ammunition, 35% are cluster munitions.

Stockpiles possessed by States Parties

As of August 2011, 20 States Parties have reported stockpiling at least 1,196,441 cluster munitions containing approximately 166 million explosive submunitions. Sixteen of these States Parties have formally declared in Convention on Cluster Munitions Article 7 reports stockpiling a total of 1.02 million cluster munitions containing over 140 million explosive submunitions, as described in the following table.⁶² Many of these stockpiles have been partially or fully destroyed already.

⁶² This total includes information voluntarily provided by States Parties on stockpiles and destruction activities that occurred prior to entry into force of the Convention on Cluster Munitions for that State Party.

Cluster Munitions and explosive submunitions declared by States Parties

	Quantity of cluster munitions	Quantity of explosive submunitions
<i>Austria</i>	12,672	798,336
<i>Belgium</i>	115,210	10,138,480
BiH	429	143,152
Croatia	7,380	190,868
Denmark	42,020	2,440,940
<i>Ecuador</i>	117	17,199
France	34,937	14,923,621
Germany	544,549	67,305,417
Japan	14,011	2,029,469
<i>Moldova</i>	1,385	27,050
<i>Montenegro</i>	353	51,891
<i>Norway</i>	52,190	3,087,910
<i>Portugal</i>	11	1,617
Slovenia	1,080	52,920
<i>Spain</i>	4,762	232,647
UK	191,128	38,758,898
Total	1,022,234	140,200,415

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

Two other States Parties that had not yet submitted Article 7 reports have indicated that they have stockpiled a total of at least 201,302 cluster munitions containing more than 26 million explosive submunitions:

- Bulgaria has stated that its Air Force has a total of 9,802 cluster munitions; and
- the Netherlands has destroyed much of its former stockpile of more than 191,500 cluster munitions containing some 26 million submunitions.

The composition and quantity of Chile and Guinea-Bissau's stockpiles of cluster munitions are not yet known.

Stockpiles possessed by signatories

Of the 17 signatories that have stockpiles, four have reported possessing at some point a total of 14,054 cluster munitions and 1.33 million explosive submunitions:

- Canada submitted a voluntary transparency report in 2011 that declared possession of 13,626 cluster munitions containing 1.3 million explosive submunitions (it has destroyed some of these weapons already);
- Colombia in November 2009 announced the completion of the destruction of its stockpile of 72 cluster munitions containing 10,832 submunitions;
- the Czech Republic announced in November 2010 that its entire stockpile of 67 cluster munitions and 15,000 submunitions has been destroyed; and
- Hungary on 27 June 2011 announced the completion of the destruction of its stockpile of 289 cluster munitions containing nearly 4,000 submunitions.

Several signatories have provided information on their cluster munition stockpiles, but not the quantities. In October 2010, Switzerland's Federal Department of Foreign Affairs listed the various types of cluster munitions stockpiled by the Swiss Army, but not their quantities.⁶³ Sweden has stated that it has a stockpile of BK-90 cluster munitions, but has not yet indicated the quantity.⁶⁴ In July 2011, Italy adopted national implementation legislation that requires the destruction of Italy's stockpile of cluster munitions and budgets for the expenditure of funds for the destruction process.⁶⁵

⁶³ Federal Department of Foreign Affairs, "Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation" ("Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report (Draft) for the Consultation Procedure"), October 2010, Section 1.4.1.

⁶⁴ Statements by Carl Bildt, Minister of Foreign Affairs, in response to parliamentary question 2009/10:130 on the Convention on Cluster Munitions, Swedish Parliamentary Debate, 19 January 2010, www.riksdagen.se.

⁶⁵ Article 3 requires destruction and Article 8(1) specifies funding, Law No. 95 of 14 June 2011. See www.altalex.com.

No stockpiles

Confirmation by States Parties in their transparency reports that they do not possess stockpiles is as important as a declaration of stockpiles. Albania, the Holy See, Ireland, Lao PDR, Lithuania, Luxembourg, Sierra Leone, and Zambia have included a definitive statement that they do not possess stockpiles in their Article 7 reports.⁶⁶ Other States Parties that have indicated that they do not stockpile cluster munitions include Burkina Faso, Burundi, Malawi, Malta, Mexico, New Zealand, Nicaragua, San Marino, and Uruguay.⁶⁷

Stockpile destruction

Destruction of stockpiles by States Parties

A total of 12 States Parties have reported that 589,737 cluster munitions containing over 64.5 million submunitions have been destroyed.⁶⁸

Eight States Parties have completed destruction of their stocks as of August 2011: Austria, Belgium, Ecuador, Moldova, Montenegro, Norway, Portugal, and Spain. Ecuador destroyed its stockpile in 2004, before the convention was created, while Spain completed its stockpile destruction in March 2009. Five States Parties destroyed their stockpiles during 2010 (Moldova and Norway in July, Belgium in August, Montenegro in October, Austria in November) and one completed destruction in the first eight months of 2011 (Portugal in April).⁶⁹

The quantities of cluster munitions and explosive submunitions reported destroyed by States Parties are detailed in the following table.

Quantities of cluster munitions and submunitions destroyed by States Parties

	Cluster munitions destroyed	Explosive submunitions destroyed
<i>Austria</i>	12,672	798,336
<i>Belgium</i>	115,210	10,138,480
BiH	12	78,641
<i>Ecuador</i>	117	17,199
France	9	721
Germany	306,503	27,956,812
<i>Moldova</i>	1,385	27,050
<i>Montenegro</i>	353	51,891
<i>Norway</i>	52,190	3,087,910
<i>Portugal</i>	11	1,617
<i>Spain</i>	4,762	232,647
UK	96,513	22,153,148
Total	589,737	64,544,452

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

All 12 States Parties with cluster munitions to destroy have indicated their intention to complete the task by their treaty-mandated eight-year deadline if not sooner: BiH, Bulgaria, Chile, Croatia, Denmark, France, Germany, Guinea-Bissau, Japan, the Netherlands, Slovenia, and the UK. France is the only country that has so far stated it will need the full eight years for destruction.

Several States Parties with stockpiles have begun the physical destruction of stockpiles, including BiH, Germany, the Netherlands, and the UK. In June 2011, Germany announced that it had destroyed 57.4% of its stockpiled cluster munitions, while the UK reported the destruction of 60% of its stockpile.⁷⁰ Other States Parties that possess stockpiles are in the process of taking concrete action to verify their stockpiles and prepare destruction plans, including Bulgaria, Chile, Denmark, Guinea-Bissau, and Japan.

⁶⁶ States Parties Fiji, Guatemala, Lesotho, FYR Macedonia, Mali, Niger, Samoa, and the Seychelles are late in submitting their initial transparency reports, but none of these states is believed currently to stockpile cluster munitions. Transparency reports for the remaining States Parties are not yet due as of 25 August 2011.

⁶⁷ In their Article 7 reports, these States Parties simply indicated that the form was “not applicable” or “none” or left the form blank. The CMC has urged 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 would be “zero.”

⁶⁸ This includes the information submitted by States Parties on a voluntary basis for those cluster munitions and explosive submunitions destroyed before entry into force.

⁶⁹ The convention did not enter into force for Portugal until 1 September 2011.

⁷⁰ Presentation of the Federal Office of Defense Technology and Procurement, “Disposal/destruction of German cluster munition stockpiles,” Convention on Cluster Munitions Intersessional Meetings, Geneva, 27 June 2011; and statement of the UK, Convention on Cluster Munitions Intersessional Meetings, Session on Universalization, Geneva, 27 June 2011.

Several states have reported on their expenditure of funds to initiate, continue, or complete destruction of their stockpiled cluster munitions. Transparency reporting and other information shows that approximately €150 million (US\$199 million)⁷¹ has been allocated to stockpile destruction since 2008 by states including Austria, Belgium, France,⁷² Germany,⁷³ Japan,⁷⁴ Moldova, Norway, Spain,⁷⁵ and the UK.⁷⁶

Destruction of stockpiles by signatories

The destruction of stockpiles has also been reported by seven signatories. Hungary (May 2011), Colombia (2010), and the Czech Republic (2010) have reported completion of the destruction of their stockpiles. Afghanistan and Angola stated in 2010 that their stockpiles had been destroyed in recent years during broader post-conflict disarmament programs. Honduras has stated that it once had stockpiles, but destroyed them long before the start of the Oslo Process in 2007. The Republic of the Congo has also begun to destroy stocks.

Several of the 10 signatories with stockpiles to destroy have indicated that they are taking measures to verify their stockpiled cluster munitions and prepare destruction plans. In 2011, the DRC provided a voluntary report stating that the verification of its stocks was in progress. In June 2010, a Ministry of Foreign Affairs representative stated that Indonesia was in the process of undertaking an inventory of its stockpile of cluster munitions. In June 2011, Nigeria acknowledged that it has a stockpile of cluster munitions that will be destroyed once it ratifies the convention. Peru has acknowledged a stockpile of cluster munitions and in June 2011 said that it was working on plans for their destruction.

By the convention's definition, abandoned stockpiles are cluster munitions that are "no longer under the control of the party that left them behind or dumped them" and are treated as remnants to be destroyed within the convention's 10-year clearance deadline. Often it is unclear who abandoned the munitions. For example, Afghanistan's Ministry of Defense said in August 2010 that it has no cluster munitions in its depots, but stated "about 113,196 items containing 29,559 kilograms" of old Soviet munitions had been destroyed. In Angola, the HALO Trust has reported the destruction of 7,267 submunitions (likely from cluster bombs numbering in the hundreds) and 506 submunition dispensers between 2006 and 2011.

Cluster munition stockpile destruction is sometimes part of broader conventional weapons destruction and post-conflict stabilization programs supported by donors and implemented by NGOs and commercial companies, such as in Afghanistan, Angola, Republic of the Congo, Iraq, and Montenegro.

Retention

Article 3 of the Convention on Cluster Munitions allows for the retention of cluster munitions and submunitions for development of and training in detection, clearance and destruction techniques, and development of counter-measures, such as armor to protect troops and equipment from the weapons. This provision was opposed by the CMC and a number of states during the negotiation of the convention as none of the purposes advanced for retaining cluster munitions and submunitions were essential enough to justify an exception to the prohibition on stockpiling. For example, to the CMC's knowledge, no clearance organization accredited to the UN is believed to use live submunitions for training.

Retention by States Parties

Only six of the 15 States Parties that have formally declared possessing stockpiles of cluster munitions and explosive submunitions have stated their intent to retain cluster munitions.⁷⁷ Belgium, France, Spain, and the UK have declared the types and quantities retained, while Denmark and Germany have indicated their intent to retain but have not declared the types and quantities.

In contrast, Austria, Ecuador, Japan, Montenegro, Norway, Portugal, and Slovenia have indicated that they are not retaining any cluster munitions or explosive submunitions, while Croatia and Moldova have stated they are retaining only inert items that have been rendered free from explosives and no longer qualify as cluster munitions or submunitions under the convention.

⁷¹ Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁷² France Convention on Cluster Munitions Article 7 Report, Form B, Part II, 31 January 2011.

⁷³ Germany Convention on Cluster Munitions Article 7 Report, Form I, 27 January 2011.

⁷⁴ Japan Convention on Cluster Munitions Article 7 Report, Form I, 27 January 2011.

⁷⁵ Spain Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

⁷⁶ UK Convention on Cluster Munitions Article 7 Report, Form I, 28 April 2011.

⁷⁷ This list includes those states that destroyed their stockpiles prior to entry into force of the convention.

Cluster munitions and submunitions retained by States Parties

State	Quantity and type of cluster munitions (quantity of submunitions) retained	Quantity and type of individual submunitions retained	Total quantity of submunitions retained
Belgium	300 M483 projectiles (26,400) [24 consumed]	0	26,400 [24,328 remain]
France	3 OGR F1 projectiles (189) 10 M26 rockets (6,440) 1 EXPL 122mm rocket (98) 1 Orkan rocket warhead (288) 6 SAKR rocket warheads (588) 25 120mm OGR projectiles (500) 3 Rayé projectiles (60) 3 M26 rockets without DSA (1,932) 3 OGR projectiles (189)	14 OGR 28 KB-1/KB-2 16 9N22	10,342
Spain	366 MAT-120 projectiles (7,686) 331 ESPIN-21 projectiles (6,951) 7 BME-330 bombs (196) 7 CBU-100 bombs (1,729)	0	16,562
UK	1 CB-470 bomb (40) 2 Orkan rockets (576)	244 M42 96 M46	956

Another four States Parties that have stockpiled have not yet provided Article 7 reports. Of these, the Netherlands has stated its intention to retain a “limited number” of cluster munitions, while BiH, Bulgaria, and Chile have not yet indicated if they will retain cluster munitions for training or research purposes.

There is already a wide range emerging in the number of cluster munitions and explosive submunitions being retained. In June 2011, the CMC asked if Belgium, France, and Spain, which have each decided to retain more than 10,000 submunitions, have the large training and counter-measures programs in place to consume such high quantities.⁷⁸

According to the convention, States Parties should limit the number of retained cluster munitions to “the minimum number absolutely necessary” for research and training, but few states have attempted to define this. The CMC has called on states retaining cluster munitions and explosive submunitions “to keep the number retained under constant review and to destroy any found to be in excess of the minimum number strictly required.”⁷⁹

The convention requires detailed annual reporting on past and planned use of retained cluster munitions to ensure they are being kept only for permitted purposes. Three States Parties have reported using (i.e., consuming, destroying) cluster munitions and explosive submunitions during the period covered by their initial transparency reports. Belgium used 24 retained M483 projectiles (containing 2,112 submunitions) for explosive ordnance disposal (EOD) training and apparently intends to use 25 projectiles a year for training. The UK destroyed 12 M42 submunitions (eight in a student project and four on a “defeat of armour” demonstration), while Germany destroyed 10 cluster munitions containing 958 submunitions during EOD training.



Campaigners in the DR Congo celebrate the first anniversary of the entry into force of the Convention on Cluster Munitions.

Fifteen States Parties that have declared no stockpiled cluster munitions have also confirmed that they do not retain any cluster munitions or explosive submunitions.⁸⁰ Other States Parties have not yet submitted an Article 7 report, but have expressed their views on retention. Malawi has stated that the retention of cluster munitions for training and development “should be the exception and not the rule,” and those that do retain should only keep a “very limited number.” Ecuador has stated that the number of units retained for training should not be bigger than 1,000 and should decrease over time. Ghana expressed the view that states should retain only the minimum number of cluster munitions required for training purposes, which could be in the hundreds or thousands but not the tens of thousands.

⁷⁸ Statement by the CMC, Convention on Cluster Munitions Intersessional Meetings, Geneva, 27 June 2011, www.hrw.org.

⁷⁹ *Ibid.*

⁸⁰ Albania, Burkina Faso, Holy See, Ireland, Lao PDR, Lithuania, Luxembourg, Malawi, Malta, Mexico, New Zealand, San Marino, Sierra Leone, Uruguay, and Zambia.

Retention by signatories

Italy, which had not yet ratified as of 15 August 2011, has a national implementation law that permits the retention of a “limited quantity” of cluster munitions not exceeding “1,000 units,” apparently referring to individual submunitions.⁸¹ In June 2011, Australia confirmed its intent to retain a combination of submunitions and dispensers of which only two bombs are “live” and noted these are not part of operational stocks and not suitable for use.⁸²

Other signatories that had stockpiles of cluster munitions have indicated that they intend to retain no cluster munitions or submunitions for research and training, including Afghanistan, Angola, Colombia, and Honduras.

Transparency Reporting

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

As of 25 August 2011, 34 States Parties had submitted an initial transparency report as required by Article 7 of the convention, which represents three-quarters of States Parties for which the obligation applied at that time. This strong start is an impressive indication of the political will existing to implement the convention.

One State Party, Norway, has submitted both an initial transparency report and an annual transparency report covering 2010. Two signatories, Canada and the DRC, have submitted voluntary initial transparency reports.

Ten States Parties are late in submitting their initial transparency reports: Antigua and Barbuda, Comoros, Fiji, Guatemala, Lesotho, the Former Yugoslav Republic of Macedonia (FYR Macedonia), Mali, Niger, Samoa, and the Seychelles. Another 17 States Parties have reporting obligations as detailed in the following table.

The CMC has expressed concern at the wide variation in quality among the reports submitted.⁸³ Too many states are submitting “not applicable” throughout the report and not providing definitive statements.⁸⁴ Several states that stockpile cluster munitions did not clearly indicate if they intend to retain cluster munitions or submunitions.⁸⁵ Few States Parties that indicated they will retain cluster munitions or submunitions have provided details on planned and actual uses, as required by Article 3. Very few States Parties used voluntary Form J to report voluntary measures, such as actions to promote universalization or positions on interpretative issues.⁸⁶

States Parties that have submitted transparency reports

Albania	Luxembourg
Austria	Malawi
Belgium	Malta
BiH	Mexico
Burkina Faso	Moldova
Burundi	Montenegro
Croatia	New Zealand
Denmark	Nicaragua
Ecuador	Norway
France	Portugal
Germany	San Marino
Holy See	Sierra Leone
Ireland	Slovenia
Japan	Spain
Lao PDR	UK
Lebanon	Uruguay
Lithuania	Zambia

State Parties with pending Article 7 report deadlines

Tunisia	28 August 2011
Monaco	28 August 2011
Cape Verde	28 September 2011
Saint Vincent and the Grenadines	28 September 2011
Panama	28 October 2011
Guinea-Bissau	28 October 2011
Chile	28 November 2011
El Salvador	28 December 2011
Netherlands	28 January 2012
Ghana	28 January 2012
Mozambique	28 February 2012
Costa Rica	29 March 2012
Bulgaria	29 March 2012
Botswana	30 May 2012
Grenada	30 May 2012
Senegal	30 July 2012
Cook Islands	30 July 2012

⁸¹ Article 3 (3), Law No. 95 of 14 June 2011. See www.altalex.com.

⁸² Statement of Australia, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Destruction, Geneva, 27 June 2011.

⁸³ Statement by the CMC, Convention on Cluster Munitions Intersessional Meetings, Geneva, 28 June 2011, www.hrv.org.

⁸⁴ For example, states should 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.

⁸⁵ For example, Norway did not fill in Form C, while Denmark and Germany both indicated that the information is still “to be determined.”

⁸⁶ Ireland, New Zealand, and Norway.

National Implementation Legislation

Article 9 of the convention requires States Parties to take “all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions...”⁸⁷ Comprehensive national legislation is the strongest means of fulfilling this obligation as it enshrines the convention’s provisions at the domestic level and provides binding, enduring, and unequivocal rules that leave less room for interpretation.

As of 25 August 2011, 14 states had enacted legislation to implement the convention. Three states adopted national implementing legislation in July 2011, prior to their ratification of the convention: Cook Islands,⁸⁸ Czech Republic,⁸⁹ and Italy.⁹⁰ Spain reported that the Penal Code was amended on 22 June 2010 to include penal sanctions related to cluster munitions and mines.⁹¹

At least nine other countries (Australia, Bulgaria, Canada, Croatia, Malawi, Mali, Slovenia, Sweden, and Switzerland) have said that they are in the process of drafting, considering, or adopting national legislation. In Australia, the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 had reached its final legislative stages as of early August 2011, but had not yet been adopted. In Canada, internal disagreement over draft implementing legislation is apparently a reason for the ratification delay.

Others states that have indicated they intend to prepare national legislation include BiH, Burkina Faso, Burundi, Colombia, the DRC, Lao PDR, Liechtenstein, Niger, the Republic of the Congo, Samoa, Seychelles, South Africa, Tanzania, and Zambia. States that have indicated that they are reviewing whether existing legislation meets the requirements of the convention or if a new law is necessary include Ghana, Guatemala, Honduras, and Mozambique.

At least 13 states have indicated that their existing laws are sufficient to implement the convention: Denmark, Holy See, Lithuania, FYR Macedonia, Malta, Mexico, Moldova, Montenegro, the Netherlands, Nicaragua, San Marino, Slovenia, and Tunisia.

States that have enacted national legislation

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

Interpretative Issues

During the Oslo Process to develop the Convention on Cluster Munitions and the final negotiations in Dublin, it appeared that there was not a uniform view on some important issues related to interpretation and implementation of the convention, including the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on transit and foreign stockpiling of cluster munitions, and the prohibition on investment in production of cluster munitions.

Since the convention entered into force on 1 August 2010, an increasing number of States Parties and signatories to the convention have made their views known on these issues, including through their transparency reports, statements at the First Meeting of States Parties and intersessional meetings, and in direct communication with the Monitor. The CMC has urged all parties to the Convention on Cluster Munitions to engage in open discussions on these special issues of concern so that common understandings can be reached. The strength and credibility of the convention is undermined when States Parties do not have a uniform understanding of what acts are banned and what acts are not.⁹²

⁸⁷ 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,” www.icrc.org.

⁸⁸ “An Act to implement the Convention on Cluster munitions in the Cook Islands and related matters,” Law No. 8, 2011. Email from Myra Patai, Director, International Organizations and Treaties, Ministry of Foreign Affairs and Immigration of the Cook Islands, 25 August 2011.

⁸⁹ Law 213 of 21 June 2011 on the Prohibition of the Use, Development, Production, and Transfer of Cluster Munitions and their Destruction, No. 213/2011, www.sbirka.cz; Official Gazette 76/2011, 19 July 2011, www.psp.cz; and Chamber of Deputies of the Parliament of the Czech Republic, “Parliamentary Journal 214, Government Bill on the Prohibition of Cluster Munitions,” www.psp.cz.

⁹⁰ Law on the Ratification and Implementation of the Oslo Convention on the ban on cluster munitions (Law No. 95) was published in the Official Gazette on 4 July 2011 and took effect the following day Official Gazette (Gazzetta Ufficiale della Repubblica Italiana), No. 153, 4 July 2011, www.altalex.com.

⁹¹ According to the amended Penal Code, violations relating to the use, development, manufacturing, sale, stockpiling, and trafficking of cluster munitions are punishable by a penal term of five to 10 years or three to five years for violations of the prohibition on assistance. Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011. Spain has amended paragraphs one and two of Article 566 of Organic Law [Ley Orgánica] 2/2000 of its penal code to include cluster munitions, mines, chemical and biological weapons. See Organic Law 5/2010 of 22 June 2010, amending Organic Law 10/1995 of 23 November 1995, Penal Code, noticias.juridicas.com.

⁹² Statement by the CMC, Convention on Cluster Munitions Intersessional Meetings, Geneva, 30 June 2011, www.hrw.org.

Prohibition on assistance and interoperability

One of the convention's most basic and important provisions is the prohibition on assistance with prohibited acts. 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.

In late 2010 and the first half of 2011, US Department of State cables made public by Wikileaks have shown the extent to which the US worked to influence the outcome of the Oslo Process on interoperability issues, despite not itself participating in the Oslo Process.⁹³ The US diplomatic cables made public by Wikileaks also show how the US has sought to interpret key provisions of the convention since the adoption of the convention in May 2008, particularly Article 21. For example, in a December 2008 diplomatic demarche to Afghanistan, the State Department affirmed, "The United States reads the phrase 'military cooperation and operations' in Article 21 to include all preparations for future military operations, transit of cluster munitions through the territory of a State Party, and storage and use of cluster munitions on the territory of a State Party."⁹⁴

The CMC has said, "States must make it clear that States Parties must not intentionally or deliberately assist, induce, or encourage any activity prohibited under this treaty—including use, transfer or stockpiling of cluster munitions—when engaging in joint operations with non-States Parties."⁹⁵

More than 20 States Parties and signatories to the convention have indicated their agreement with this position. State policy and practice to date indicates a predominate view 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.⁹⁶ In the second half of 2010 and first half of 2011, several more states shared their views:

- BiH's Ministry of Foreign Affairs informed the Monitor in July 2011 that "under Article 21, para 3, we may engage in joint military operations with non-states Parties that might engage in activities prohibited by the Convention, however our personnel or nationals should not provide assistance with activities prohibited by the Convention."⁹⁷



Opening of the IMSP in Lao PDR.

© Tamar Gabelnick/ICBL, 9 November 2010

⁹³ As of 1 August 2011, Wikileaks had made public a total of 57 US diplomatic cables originating from 24 locations, all relating to US concerns over the Oslo Process initiative. See www.cablegatesearch.net.

⁹⁴ US Department of State, "DEMARCHE TO AFGHANISTAN ON CLUSTER MUNITIONS," Cable 08STATE134777, 29 December 2008, released by Wikileaks on 1 December 2010, www.wikileaks.ch.

⁹⁵ CMC, "CMC Briefing Paper on the Convention on Cluster Munitions," www.stopclustermunitions.org.

⁹⁶ At least 20 States Parties and signatories have previously provided their view: Austria, Belgium, Bulgaria, Colombia, Croatia, Ecuador, Ghana, Guatemala, Holy See, Iceland, Ireland, Lebanon, Madagascar, Malawi, Mali, Mexico, Montenegro, New Zealand, Norway, Portugal, and Slovenia. See ICBL, Cluster Munition Monitor 2010 (Ottawa: Mines Action Canada, October 2010), pp. 20–21; and Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26.

⁹⁷ Email from Anesa Kundurovic, Minister-Counsellor, Ministry of Foreign Affairs, 14 July 2011. Kundurovic noted that the views expressed to the Monitor "represent the position of MFA and may or may not differ from the interpretation of other relevant institutions, including but not limiting to the Ministry of Defence, Armed Forces, etc."

- France’s national implementation law allows for participation in military operations with states not party that might engage in activities prohibited by the convention, but prohibits any French person acting in a joint military operation to use, develop, manufacture, otherwise acquire, stockpile, or transfer cluster munitions, or to use or request the use of cluster munitions, where the choice of ammunition is under their exclusive control.⁹⁸
- Hungary’s Minister of Foreign Affairs stated in relation to the issue of the prohibition on assistance with prohibited acts in joint military operations, Hungary “believes that the Convention prohibits assistance of acts prohibited by the Convention to non-State Parties.”⁹⁹
- Lao PDR’s Ministry of Foreign Affairs informed the Monitor in June 2011, “For us it is clear that we strongly support the full prohibition of cluster munitions, including those activities during the joint military operations....”¹⁰⁰
- Nicaragua informed the Monitor in May 2011 that it “considers that assistance in prohibited acts performed in joint military operations is not permitted to the States Parties.”¹⁰¹
- Sweden’s Article 7 report submitted in January 2011 states, “Article 21.3 makes clear that States Parties can participate in military cooperation and military operations with states not party to the Convention and which may engage in activities that are prohibited for a State Party. This does not imply any right of States Parties in these situations to violate the obligations of Article 1 of the convention or to explicitly request that cluster munitions shall be used in situations where the State Party has exclusive control over the selection of the munition used.”¹⁰²
- Switzerland’s Federal Department of Foreign Affairs’ report on the convention issued in October 2010 states that Switzerland cannot ask its allies to use cluster munitions in the framework of joint military operations, provided that the choice of munitions used is under its exclusive control.¹⁰³

Some states have indicated their view that the Article 1 prohibition on assistance with prohibited acts can be overridden by the Article 21 interoperability provisions, most notably Australia and Canada.

- In Australia, the convention’s “interoperability” provisions have been widely debated as national implementing legislation made its way through parliament in late 2010 and the first half of 2011. The CMC’s view is that the Australian Department of Defence has openly enumerated several activities banned by the convention that, under Australia’s proposed implementing legislation, would be allowed in joint military operations.¹⁰⁴ For example, during joint military operations, Australian military personnel could help plan, provide intelligence for, and/or contribute logistical support to an operation, which may involve a cluster munition attack.¹⁰⁵
- In Canada, internal disagreement over how draft implementing legislation seeks to interpret Article 21 has apparently delayed Canada’s ratification of the convention and resulted in the resignation of the Canadian foreign affairs official who led Canada’s negotiating team during the Oslo Process.¹⁰⁶ Canada stated in June 2011 that its adoption of the convention text in Dublin was based on the understanding that “Article 21, paragraph 4, expressly and fully delineates activities prohibited” in the context of joint operations with states not party.¹⁰⁷

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US youth campaign against cluster munitions.

Canada’s negotiating team during the Oslo Process.¹⁰⁶ Canada stated in June 2011 that its adoption of the convention text in Dublin was based on the understanding that “Article 21, paragraph 4, expressly and fully delineates activities prohibited” in the context of joint operations with states not party.¹⁰⁷

In addition, while Japan has been reluctant to publicly discuss its views on

⁹⁸ This was not the case under France’s implementation law for the Mine Ban Treaty. National Assembly, “Projet de loi tendant à l’élimination des armes à sous-munitions, Texte Adopté no. 508” (“Bill on the elimination of cluster munitions, Adopted text no. 508”), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, Art. L. 2344-3, www.assemblee-nationale.fr.

⁹⁹ Letter from János Martonyi, Minister of Foreign Affairs, 27 April 2011, KÜM/6777/2011/ADM.

¹⁰⁰ Email from Maytong Thammavongsa, Director of UN, Political, and Security Affairs Division, Department of International Organizations, Ministry of Foreign Affairs, 1 June 2011.

¹⁰¹ Response to Monitor questionnaire from Alvaro Miguel Padilla Lacayo, Legal Advisor, Department of Democratic Security, Ministry of Foreign Affairs, 31 May 2011.

¹⁰² “Sveriges tillräde till konventionen om klusterammunition” (“Accession of Sweden to the Convention on Cluster Munitions”), Regeringskansliet Utrikesdepartementet (Government Offices of Sweden), Ds 2010:46, 2010, p. 27, www.svenskafreds.se.

¹⁰³ Federal Department of Foreign Affairs, “Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation” (“Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report (Draft for the Consultation Procedure)”), October 2010, Section 6.2.

¹⁰⁴ CMC, “Australia: Fix the Bill,” 10 May 2011, www.stopclustermunitions.org.

¹⁰⁵ Department of Defence, “Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010,” March 2011, senate.aph.gov.au.

¹⁰⁶ Ibid.

¹⁰⁷ Statement of Canada, Convention on Cluster Munitions Intersessional Meetings, Session on Other Implementation Measures, Geneva, 30 June 2011.

Article 21,¹⁰⁸ in a June 2008 State Department cable made public by Wikileaks in June 2011, 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.¹⁰⁹

Foreign stockpiling and transit

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

In previous years, at least 15 states have unambiguously stated that transit and foreign stockpiling are prohibited by the convention: Austria, Bulgaria, Burkina Faso, Colombia, Ecuador, Germany, Ghana, Guatemala, FYR Macedonia, Madagascar, Malawi, Malta, Mexico, Slovenia, and Zambia.¹¹⁰

At least 12 more states have expressed their views during this reporting period:

- Belgium's Department of Foreign Affairs informed the Monitor in April 2011 that the convention "covers the notion of transfer as involving, in addition to the physical movement of cluster munitions into or from a national, the transfer of title to and control over cluster munitions." Belgian authorities are prohibited from granting import, export, or transit licenses for cluster munitions as they are prohibited under Belgium's national implementing legislation, enacted in 2006.¹¹¹
- BiH's Ministry of Foreign Affairs informed the Monitor in July 2011 that the "transit of cluster munitions across, or foreign stockpiling of cluster munitions on, the national territory of States Parties is prohibited by the Convention."¹¹²
- Comoros stated in April 2011 that "we cannot tolerate any form of transit, even from states which have not signed the convention."¹¹³
- Croatia informed the Monitor in March 2011 that it considers that transit of cluster munitions across, or foreign stockpiling of cluster munitions on, the national territory of States Parties is prohibited by the convention.¹¹⁴
- France has stated that it will endeavor to prevent any state transit of cluster munitions on its territory, and will make its obligations and commitments known through diplomatic channels and urge other countries to respect them.¹¹⁵ The Holy See stated in November 2010 that it considers foreign stockpiling and transit of cluster munitions banned by the convention and said that "a careful reading of the Convention brings us to support the prohibition against a State Party stockpiling or helping to transport cluster bombs within its national territory, taking into account paragraphs 6, 7 and 8 of Article 3 of the Convention."¹¹⁶
- Ireland said in July 2011, with respect to the prohibition on the transit of cluster munitions across, and the foreign stockpiling of cluster munitions on, the territory of States Parties to the convention, that it "recognizes that in any case in which these issues might arise it will be necessary to consider to what extent at all, the provisions of Article 21 of the Convention apply," adding that "inevitably this may be different in each case."¹¹⁷

¹⁰⁸ In June 2011, Japan stated that the use of cluster munitions in joint military operations is "totally under control" and warned the meeting that, "we should not discuss Article 21 here while the appropriate military officials are absent." Statement of Japan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 30 June 2011. Notes by the CMC and HRW.

¹⁰⁹ US Department of State, "Oslo convention on cluster munitions will not prevent U.S.-Japan military operations," Cable, 25 June 2008, released by Wikileaks on 16 June 2011, www.cablegatesearch.net.

¹¹⁰ See ICBL, *Cluster Muniton 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.

¹¹¹ Document provided by email from Henri Vantieghem, Human Security and Conventional Disarmament, Department of Foreign Affairs, Foreign Trade and Development Cooperation, to HI-Belgium, 13 April 2011.

¹¹² In addition, the Ministry noted, "in accordance with Article 3, paragraphs 6 and 7 of the Convention transfer is allowed only in exceptional cases" such as "for the purpose of destruction or for example, for the purpose of development of cluster munition counter measures." Email from Anesa Kundurovic, Ministry of Foreign Affairs, 14 July 2011.

¹¹³ Email from Bourhane Mirhane, Ministry of External Affairs, 18 April 2011.

¹¹⁴ Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 23 March 2011.

¹¹⁵ Statements by Hubert Falco, Secretary of State for Defense, Committee on National Defense and the Armed Forces, National Assembly, "Compte rendu no. 37" ("Record no. 37"), Five pm session, 22 June 2010, www.assemblee-nationale.fr. Falco has also said, "The Government considers without restriction that the scope of the ban as it is now covers the prohibition of commercial activities related to cluster munitions, and therefore transit made in this framework.... State transit concerns the transit of cluster munitions carried aboard government aircraft or vessels belonging to the armies of countries not party to the Oslo Convention." He added, "It will be much more useful to work backwards through diplomatic channels at the highest level to inform our partners and non-signatories of our obligations and our requirements." Statement by Hubert Falco, National Assembly, "Élimination des armes à sous-munitions: Discussion d'un projet de loi adopté par le Sénat" ("Elimination of cluster munitions: Discussion of a bill passed by the Senate"), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

¹¹⁶ Statement by Khamse Vithavong, Vicar Apostolic, Holy See, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 9 November 2010. Notes by the CMC/Action on Armed Violence (AOAV).

¹¹⁷ Email from Alison Kelly, Director, Disarmament and Non-Proliferation Section, Department of Foreign Affairs and Trade, 27 July 2011.

- Lao PDR's Ministry of Foreign Affairs informed the Monitor in June 2011 that "we strongly support the full prohibition of cluster munitions, including...transiting, foreign stockpiling."¹¹⁸
- FYR Macedonia's Ministry of Foreign Affairs informed the Monitor in March 2011 that in the event of the location of foreign military forces on its territory the government will inform them that it will not be possible to stockpile cluster munitions in FYR Macedonia.¹¹⁹ In February 2010, a Ministry of Foreign Affairs official told the Monitor that FYR Macedonia prohibits the transit of cluster munitions across its national territory.¹²⁰
- New Zealand's national implementing legislation does not explicitly include "transit" in its definition of "transfer," but in April 2011 the Minister of Disarmament and Arms Control said that New Zealand accepts that the prohibitions on assistance and transfer that are contained in the law include the prohibition of the transit of cluster munitions across, above, or through national territory.¹²¹
- Senegal stated in February 2011 that foreign stockpiling and transfer of cluster munitions constitutes a violation of the convention.¹²²
- Spain stated in its Article 7 report that it is in the process of informing non-States Parties with which it cooperates in joint military operations of its obligations and adherence to international agreements on both cluster munitions and mines, including its commitments with respect to the prohibition of storage of prohibited weapons on territory under its jurisdiction or control.¹²³

A number of states have expressed the opposite view, that transit and foreign stockpiling is not prohibited by the convention, including Australia, Japan, the Netherlands, Portugal, and the UK:

- The Australian Department of Foreign Affairs and Trade informed the Monitor in March 2011 of its view that that Article 21(3) permits States Parties to undertake military cooperation and operations with states not party to the Convention that "may extend to hosting foreign bases, aircraft, or ships and, in this context, to the stockpiling, retention and/or transfer of cluster munitions by military personnel of States not party to the Convention."¹²⁴
- Japan maintains that US military bases in Japan are under US jurisdiction and control, thus not on Japanese territory, so the possession of cluster munitions by US forces does not violate the national law or the convention. Also, according to the government, Clause 4.4 of Law no. 85 allows Japanese nationals, both civilians and members of the Self-Defense Forces, to transport cluster munitions that are owned by the US.¹²⁵ In a 2008 US diplomatic cable made public by Wikileaks in June 2011, a senior Japanese official apparently said the convention allows the US and Japan to continue to engage in military cooperation and conduct operations that involve US-owned cluster munitions, including, but not limited to: "Transportation and storage of U.S.-owned CM [cluster munitions] by Japan Self Defense Forces or Japanese civilian personnel; Movement of additional CM into U.S. military facilities and JSDF bases; and Stockpiling and handling of CM at civilian ports during contingencies."¹²⁶ In the cable, the US also reported the Japanese official as confirming that "Japanese civilian and Self Defense Forces personnel can transport CM in Japan as long as they do not take legal ownership of the CM," and "the United States can move CM into and out of Japan, and within Japan, as long as Japanese entities and personnel are not taking title to the CM."¹²⁷
- The Netherlands' Minister of Foreign Affairs informed Parliament on 2 May 2011 that a *de facto* prohibition on transit existed, but an exception would be made specifically for NATO allies based on the obligations of the NATO Status of Forces Agreement and its codification in the national transport regulation of strategic goods. On the question of whether or not the obligation to allow NATO allies to transit their own material through Dutch territory conflicted with the prohibition on transfer in the Convention on Cluster Munitions, the Minister stated that this is not the case, as transit is not explicitly forbidden by the Convention.¹²⁸ The

¹¹⁸ Email from Maytong Thammavongsa, Ministry of Foreign Affairs, 1 June 2011.

¹¹⁹ Interview with Edward Mitevski, Head of Department, Directorate of Political Security Cooperation and Multilateral Relations, Ministry of Foreign Affairs, Skopje, 23 March 2011.

¹²⁰ Telephone interview with Majkl Sibinovski, Head, Arms Control Unit, Ministry of Foreign Affairs, 15 February 2010.

¹²¹ Letter to Mary Wareham, ANZCMC Coordinator from Hon. Georgina te Heuheu, Minister of Disarmament and Arms Control, 29 April 2011. According to the letter, "Under New Zealand's Cluster Munitions Prohibition Act 2009 the transit of cluster munitions through New Zealand is an offence but...not all states share that position." According to the Act (Part 1. Preliminary Provisions, 5. Interpretation), New Zealand's definition of transfer includes (i) importation into, and exportation from, New Zealand; and (ii) the transfer of title to, and control over, cluster munitions.

¹²² Response to Monitor questionnaire from Colonel Meissa Niang, Director, Control Research and Legislation of the Ministry of Armed Forces of Senegal, 3 February 2011.

¹²³ Spain Convention on Cluster Munitions Article 7 Report, Forms A and J, 27 January 2011.

¹²⁴ Letter from Peter Hooton, Assistant Secretary, Arms Control and Counter-Proliferation Branch, International Security Division, Department of Foreign Affairs and Trade, 22 March 2011.

¹²⁵ Response to questions in the Diet by Tetsuhiro Hosono, Ministry of Economy, Trade and Industry, Minute No. 20, Commerce and Industry Committee, House of Representatives, 24 June 2009.

¹²⁶ US Department of State, "Oslo convention on cluster munitions will not prevent U.S.-Japan military operations," Cable, 25 June 2008, released by Wikileaks on 16 June 2011, www.cablegatesearch.net.

¹²⁷ Ibid.

¹²⁸ Uri Rosenthal, Minister of Foreign Affairs, "Parliamentary letter regarding the relation between the obligations of the Convention on Cluster Munitions and the NATO Status of Forces agreement and the national transport regulation of strategic goods of strategic goods with regard to the transit of cluster munitions," Parliamentary letter, 32187-(R1902) K, 2 May 2011.

Senate's Committee on Foreign Affairs, Defense and Development in June 2011 said that the Netherlands had a broader commitment and policy to make known through diplomatic channels that it does not "appreciate" the transport of cluster munitions through Dutch territory by NATO allies.¹²⁹

- Portugal stated in July 2010 that the convention "does not unequivocally exclude the possibility of foreign stockpiling of cluster munitions on, or the transit of this type of armament across, the national territory of a State Party. In the latter case, the transit could be authorized once it does not represent a transfer under the definition established in Article 2 of the Convention; in other words, only in the circumstance when the cluster munitions in transit are to remain under the control of the same non State Party that requested the passage."¹³⁰
- The UK stated in June 2008 that it does not view the prohibition on foreign stockpiling as a legal requirement under the treaty, but said it would seek the removal of foreign stockpiles of cluster munitions from UK territories within the eight-year stockpile destruction deadline.¹³¹ At the First Meeting of States Parties in November 2010, the UK announced that there were now "no foreign stockpiles of cluster munitions in the UK or on any UK territory."¹³²
- The UK government in March 2010 informed Parliament that transit of cluster munitions through UK territory is not prohibited by the UK's national implementing legislation enacted in 2010, but said that "a direct application would have to be made to the Secretary of State who would have to grant permission before it [transit] could happen. We would be reluctant to grant such permission."¹³³

Disinvestment

The CMC believes that the convention's Article 1 prohibition on assistance with prohibited acts constitutes a prohibition on investment, both direct and indirect, in the production of cluster munitions. It calls on governments to legislate against cluster munition financing and to rein in financial institutions and investors on the issue of investment in cluster munition production.

NGOs and national stakeholders have continued to raise awareness with governments and investors on the question of cluster munition financing, including through the Stop Explosive Investments campaign initiative launched by the CMC in 2009.¹³⁴ On 25 May 2011, campaigners in 14 countries took part in a Global Day of Action on Disinvestment including IKV Pax Christi and Netwerk Vlaanderen who issued an update of their October 2009 report, *Worldwide investments in cluster munitions: a shared responsibility*.¹³⁵ According to the updated report, a total of 166 financial institutions have invested \$39 billion in eight producers of cluster munitions since the May 2008 adoption of the Convention on Cluster Munitions.¹³⁶



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Raising awareness of the cluster munitions issue with a group of mine survivors in El Salvador.

Financial institutions have taken action to stop investment in cluster munition production and promote socially responsible investment in: Belgium, Canada, Denmark, France, Germany, Japan, the Netherlands, New Zealand, Norway, Sweden, Switzerland, and the UK. Five states have enacted legislation that explicitly prohibits investment in cluster munitions: Belgium, Ireland, Luxembourg, New Zealand and, in July 2011, Italy.¹³⁷ In the first half of 2011

¹²⁹ Letter Reference 147812.07u from the Senate Committee on Foreign Affairs, Defense, and Development to Uri Rosenthal, Minister of Foreign Affairs, 8 June 2011, www.eerstekamer.nl.

¹³⁰ Letter No. 42 from Paula Silva Cepeda, Charge d'Affaires, Embassy of Portugal, Washington, DC, 29 July 2010.

¹³¹ Statement by Lord George Mark Malloch-Brown, Minister of State, Foreign and Commonwealth Office, House of Lords Debate, Hansard (London: HMSO, 3 June 2008), Column 79.

¹³² Statement of the UK, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 10 November 2011.

¹³³ Statement by Chris Bryant, House of Commons Debate, Hansard (London: HMSO, 17 March 2010), Column 925.

¹³⁴ See www.stopexplosiveinvestments.org.

¹³⁵ CMC statement, "Cluster Munition Coalition calls on governments to ban investments in cluster munition producers," 25 May 2011, www.stopclustermunitions.org.

¹³⁶ For the period from 1 May 2008 to 31 March 2011. IKV Pax Christi (Netherlands) and Netwerk Vlaanderen (Belgium), "Worldwide Investments in Cluster Munitions: A shared responsibility." The report was first published on 29 October 2009, updated on 14 April 2010, and for a second time on 25 May 2011. See www.stopexplosiveinvestments.org.

¹³⁷ 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.

here were various legislative initiatives on disinvestment in Belgium,¹³⁸ Germany,¹³⁹ Italy,¹⁴⁰ and the Netherlands.¹⁴¹ Government pension funds in Ireland, New Zealand, Norway, and Sweden have withdrawn and/or banned investments in cluster munition producers.

In previous years, 11 States Parties and signatories to the convention have stated their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention: Colombia, France, Guatemala, Lebanon, Madagascar, Malawi, Malta, Mexico, Rwanda, the UK, and Zambia.

Another eight states offered views in 2010 and 2011 confirming this position:

- Australia said in March 2011, “While the Convention does not explicitly prohibit investment in companies that produce or manufacture cluster munitions, some acts of investment will fall within the scope of the conduct prohibited by Article 1” of the convention.¹⁴²
- BiH’s Ministry of Foreign Affairs stated in July 2011 that it considers “investment in the production of cluster munitions to be prohibited.”¹⁴³
- Cameroon in May 2011, the Ministry of External Relations stated that Cameroon views investment in cluster munitions producers prohibited by the convention.¹⁴⁴
- Croatia informed the Monitor in March 2011 that it views investment in production of cluster munitions as prohibited by the convention.¹⁴⁵
- The Holy See has stated, “It is important for the integrity of the Convention and for its application to include these investments in the list of prohibitions.”¹⁴⁶
- Lao PDR said in June 2011, “We strongly support the full prohibition of cluster munitions, including those activities during the joint military operations, transiting, foreign stockpiling and investment in the production of cluster munitions.”¹⁴⁷
- The Netherlands stated in March 2011 that it considers direct investment to be prohibited under Article 1(c) of the convention on the prohibition on assistance. The Minister of Finance said the Council of State would consider whether Article 1(c) applies to States Parties only or to individuals and private institutions as well.¹⁴⁸
- Senegal stated in February 2011 that investment in cluster munitions would constitute a violation of the convention.¹⁴⁹

Several states expressed the contrary view, however, that the convention does not prohibit investment in cluster munition production, including Denmark, Germany, Japan, Sweden, and Switzerland:

- Denmark published a “Guide on Responsible Investment” in September 2010 that argues against the prohibition of certain investments and instead promotes social responsibility and sustainability in investments through the exclusive relationship between investors and company management.¹⁵⁰

¹³⁸ On 25 February 2011, a bill to promote socially responsible investments and prevent investments in cluster munitions producers from receiving the certification of “Socially Responsible Investment” (SRI) was introduced in the Belgian Senate. “Proposition de loi visant la promotion des investissements socialement responsables, déposée par M. Philippe Mahoux et Mme Marie Arena et consorts” (“Draft law in order to promote socially responsible investments, introduced by Philippe Mahoux and Marie Arena and Co.”), Legislative document 5-808/1, Session 2010-2011, 25 February 2011.

¹³⁹ A disinvestment motion was put forward by the Alliance 90/Greens called for an amendment to the War Weapons Control Act of 2009 and the Act Governing the Certification of Contracts for Retirement Provision. Motion tabled by Members of the Bundestag Agnes Malczak, Dr. Gerhard Schick, and Co., and the Alliance 90/Greens parliamentary group, “Enacting legislation to ban investments in anti-personnel mines and cluster munitions, and removing tax incentives for such investments,” 9 February 2011.

¹⁴⁰ On 18 May 2011, the House of Deputies voted in favor of a motion calling for increased controls on financial institutions on activities prohibited by the convention. Motion (L’ordine del giorno) submitted by Augusto Di Stansilao, No. 9/04193/004, 18 May 2011, www.camera.it; and email from Giuseppe Schiavello, Director, Italian Campaign to Ban Landmines, 23 May 2011. The motion was approved by a vote after it was initially rejected as a recommendation by the government.

¹⁴¹ On 29 March 2011, the Senate adopted a motion to prohibit “demonstrable” direct investments in the production, sale, and distribution of cluster munitions. Motion by Haubrich-Gooskens (Labour Party), Kamerstuk 32 187-(R1902), letter F, adopted on 29 March 2011. On 12 July 2011, the Minister of Finance and Minister of Foreign Affairs informed the Senate that the government was in the process of deliberating a response to the motion, but did not give a timeframe for its completion. C. (Jan Kees) De Jager, Minister of Finance and on behalf of Uri Rosenthal, Minister of Foreign Affairs, “Response to parliamentary question about the Royal Bank of Scotland and cluster munitions,” Parliamentary letter to the Senate, FM/2011/8962 U, 12 July 2011, www.rijksoverheid.nl.

¹⁴² Letter from Peter Hooton, Department of Foreign Affairs and Trade, 22 March 2011.

¹⁴³ Email from Anesa Kundurovic, Ministry of Foreign Affairs, 14 July 2011.

¹⁴⁴ Email from the Ministry of External Relations of Cameroon to HI France, May 2011. See www.stopexplosiveinvestments.org.

¹⁴⁵ Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 23 March 2011.

¹⁴⁶ Statement by Khamse Vithavong, Holy See, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 9 November 2010. Notes by the CMC/AOAV.

¹⁴⁷ Email from Maytong Thammavongsa, Ministry of Foreign Affairs, 1 June 2011.

¹⁴⁸ Summary of the plenary debate on “The Haubrich-Gooskens motion regarding a prohibition on investments in producers of cluster munitions, 32187-(R1902), letter F,” and “The Haubrich-Gooskens motion regarding the reassessment of the government’s position on the transit of cluster munitions through Dutch territory, 32187-(R1902), letter G,” 22 March 2011. For the record of the debate on 22 March 2011, see www.eerstekamer.nl.

¹⁴⁹ Response to Monitor questionnaire from Colonel Meissa Niang, Armed Forces of Senegal, 3 February 2011.

¹⁵⁰ “Vejledning om ansvarlige investeringer” (“Guide on Responsible Investments”), September 2010, forward by Brian Mikkelsen, Minister of Economics and Business Affairs, pp. 3–4, www.samfundsansvar.dk.

- Germany stated in October 2010 that it does not agree that the convention prohibits investment in companies that produce cluster munitions and said that an investment ban would be imposed in exceptional cases only.¹⁵¹
- Japan stated in June 2011 that “there is no clear agreement on financing of cluster munition production” and that “it is up to each state party to determine with their private sector” whether investment in cluster munitions should be prohibited.¹⁵²
- Sweden has said, “The dominant interpretation seems to be that the convention does not oblige State Parties to adopt such an investment ban.”¹⁵³
- Switzerland’s Federal Department of Foreign Affairs issued a report in October 2010 that stated that it is not possible to conclude a ban on investment in cluster munitions production under the convention.¹⁵⁴

¹⁵¹ Response by the Federal Government to questions by Agnes Malczak, Dr. Gerhard Shick, Marie Luise Beck, other Bundestag members (MPs), and the Alliance 90/Greens parliamentary group, “Implementation of the Convention on Cluster Munitions,” 17/2972, 5 October 2010.

¹⁵² Statement of Japan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 30 June 2011. Notes by HRW.

¹⁵³ “Sveriges tillräde till konventionen om klusterammunition” (“Accession of Sweden to the Convention on Cluster Munitions”), Regeringskansliet Utrikesdepartementet (Government Offices of Sweden), Ds 2010:46, 2010, p. 18, www.svenskafreds.se. The report notes that the question of the application of a ban on investment did not arise during Sweden’s ratification of the Mine Ban Treaty. The report notes the suggestion that the ban on cluster munitions under the convention would lead to legislation on investments in companies that develop or produce cluster munitions and that some states had also introduced such legislation.

¹⁵⁴ According to the report, amendments to the law are unnecessary as direct financing of banned activities is already prohibited by the Federal Law on War Material. Federal Department of Foreign Affairs, “Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation,” (“Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report (Draft) for the Consultation Procedure”), October 2010, Section 9.2.2.



Contamination and Clearance

A total of 28 states and three other areas were believed to have cluster munition remnants on their territory as of 25 August 2011. Sixteen of these states have signed or ratified the Convention on Cluster Munitions. The Monitor calculated that in 2010 at least 59,978 unexploded submunitions were destroyed by 18 states and three areas during clearance operations of a total area of 18.5km².

▲ Cluster submunition contamination in Cambodia.

Global Contamination

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

A total of 28 states and three other areas are believed to have cluster munition remnants including unexploded submunitions on their territory as of 25 August 2011 (see States contaminated by cluster munition remnants table below). Eight of these contaminated states have ratified the Convention on Cluster Munitions, committing to clear their land within 10 years, while another eight have signed, but not yet ratified.

States and other areas contaminated by cluster munition remnants

Africa	Asia-Pacific	Europe, Caucasus, and Central Asia	Middle East and North Africa
Angola	Afghanistan	BiH	Iraq
Chad	Lao PDR	Croatia	Lebanon
DRC	Cambodia	Germany	Libya
Republic of the Congo	Thailand	Montenegro	Syria
Côte d'Ivoire	Vietnam	Norway	<i>Western Sahara</i>
Guinea-Bissau		Azerbaijan	
Mauritania		Georgia (South Ossetia)	
South Sudan		Russia	
Sudan		Serbia	
		Tajikistan	
		<i>Kosovo</i>	
		<i>Nagorno-Karabakh</i>	

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

Libya is the most recent addition to the list of contaminated states, following the use of cluster munitions by government forces in Misrata in April 2011. Germany and Norway have also been added for the first time after they both identified suspected contamination in 2011 from unexploded submunitions on military training ranges.

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

In addition, one State Party (Guinea-Bissau) and one signatory (Republic of the Congo) are believed to be contaminated from explosions at ammunition storage areas (ASAs) and not from the use of cluster munitions during armed conflict. Côte d'Ivoire has been added after it stated in June 2011 that it is contaminated by explosive remnants of war (ERW), including cluster munition remnants.²

States Parties Albania and Zambia declared the completion of clearance of all cluster munition remnants from their territory in November 2009 and June 2010, respectively.

Residual or suspected contamination

Another 14 states may also have a small amount of contamination, including Colombia,³ Eritrea, Grenada, Iran, Israel, Kuwait, Mozambique,⁴ Palau,⁵ Saudi Arabia,⁶ and Yemen. Both Argentina and the United Kingdom (UK) claim sovereignty over the Falkland Islands/Malvinas, which may contain areas with unexploded submunitions.⁷ Chile and Jordan may be affected by unexploded submunitions resulting from the use of cluster munitions on training ranges.

Four other states where cluster munitions were used in the past are no longer believed to be contaminated: two are States Parties (Malta and Sierra Leone), one has signed (Uganda), and one has not acceded (Ethiopia). Malta had a small residual threat from cluster munition remnants left from World War II, but, in May 2011, reported there are “no cluster munitions contaminated areas under its jurisdiction or control.”⁸

Extent of contamination in affected states

The extent of contamination across affected states varies significantly. Ten states and three other areas have the greatest contamination from unexploded submunitions.

Extent of contamination in most heavily affected states and other areas

State/area	Estimated extent of contamination (km ²)	No. of confirmed and suspected hazardous areas
Lao PDR	No credible estimate, but massive	Not known
Vietnam	No credible estimate, but massive	Not known
Iraq	No credible estimate, but very large	Not known
Cambodia	No credible estimate, but very large	Not known
Nagorno-Karabakh	69.5	Approx. 250
Western Sahara	32.7	85
Serbia	21.0	404
Lebanon	18.1	758
BiH	12.2	669
Croatia	9.2	Not reported
Mauritania	9.0	2
Kosovo	Not quantified	54
South Sudan	Not quantified	34

² It is not known if the contamination includes unexploded submunitions. Statement of Côte d'Ivoire, Convention on Cluster Munitions Intersessional Meetings, Session on Other Implementation Measures, Geneva, 30 June 2011, www.clusterconvention.org.

³ In December 2010, the Colombian Air Force stated that cluster munitions were last used in Colombia in October 2006. Presentation on Cluster Munitions by the Colombian Ministry of Defense, Bogota, 9 December 2010.

⁴ In 2010, the NGO APOPO reported finding one dispenser containing 150 submunitions in Gaza province. Response to Monitor questionnaire by Andrew Sully, Programme Manager, APOPO, 3 May 2011.

⁵ CGD, which has been clearing ordnance in Palau since 2009, found a cluster munition remnant in 2010. CGD, “Republic of Palau—2010 Landmine Monitor Clearance Statistics,” undated but 2011. Two unexploded submunitions were found in 2011 as of July. Email from Cassandra McKeown, Finance Director, CGD, 18 July 2011.

⁶ In November 2010, the UK stated that “there is only a very small residual risk that may exist from cluster munitions” and that it had “suitable measures in place to mitigate this.” Statement by Amb. Stephen Lillie, Head of Delegation, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 9 November 2010. The UK found and destroyed two submunitions during clearance operations in 2009–2010. See “Compliance with Article 4 of the Convention on Cluster Munitions” in ICBL-CMC, “Country Profile: UK: Cluster Munition Ban Policy,” www.the-monitor.org.

⁷ In November 2010, the UK stated that “there is only a very small residual risk that may exist from cluster munitions” and that it had “suitable measures in place to mitigate this.” Statement by UK, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 9 November 2010. The UK found and destroyed two submunitions during clearance operations in 2009–2010. See ICBL-CMC, “Country Profile: UK: Mine Action,” www.the-monitor.org.

⁸ Convention on Cluster Munitions Article 7 Report, Form G, 9 May 2011.

States Parties

Eight States Parties are contaminated by cluster munition remnants, particularly Lao PDR and Lebanon.

- **Bosnia and Herzegovina** (BiH) is contaminated with cluster munition remnants, primarily as a result of the 1992–1995 conflict related to the break-up of the Socialist Federal Republic of Yugoslavia. Yugoslav aircraft dropped BL 755 cluster munitions in the early stages of the conflict and states participating in the NATO military action subsequently used cluster munitions.⁹ A general survey completed by Norwegian People's Aid (NPA) in June 2011 identified 140 areas hit by air strikes and artillery, resulting in an estimated total of 3,774 unexploded submunitions and additional contamination around a former ammunition factory at Pretis that was hit by a NATO air strike. The survey resulted in a significantly higher estimate of contamination of 669 suspected hazardous areas (SHAs) covering a total of more than 12km².¹⁰
- **Croatia** has areas contaminated by cluster munition remnants left over from the conflict in the 1990s. The Croatian Mine Action Centre (CROMAC) informed the Monitor in March 2011 that a general survey conducted in 2010 identified a total area of 6.9km² that is affected by unexploded submunitions.¹¹ A total of 28 towns and municipalities across eight counties are impacted; the overwhelming majority (90%) is located in Zadarska county.¹² In June 2011, however, Croatia stated that a larger area of 9.2km² was affected by some 5,000 unexploded submunitions.¹³
- **Germany** in June 2011 announced that it had identified areas suspected of containing cluster munition remnants at a former Soviet military training range at Wittstock in Brandenburg.¹⁴ The remnants were “principally found within the confines of a target range,” in the south of the training range covering a SHA of some 4km².¹⁵ Germany did not declare any confirmed or suspected cluster munition contaminated areas in its initial Article 7 report submitted in January 2011.¹⁶
- **Guinea-Bissau** is believed to be contaminated as a result of explosions at ASAs and not from use of cluster munitions during armed conflict.
- **Lao PDR** is the world's most heavily cluster munition contaminated country. The United States (US) dropped more than two million tons (2 billion kg) of bombs between 1964 and 1973,¹⁷ including more than 270 million submunitions. There is no reliable estimate of the extent of residual contamination from unexploded submunitions, but close to 70,000 cluster munition strikes have been identified, each with an average strike “footprint” of 125,000m²; this provides a rough estimate of cluster contamination of 8,750km².¹⁸ According to the National Regulatory Authority (NRA), 10 of Lao PDR's 17 provinces are “severely contaminated.”¹⁹
- **Lebanon's** cluster munition contamination originates primarily from the July–August 2006 conflict with Israel, but parts of the country are affected from cluster munitions used in the 1980s. As of May 2011, 18.1km² of land was suspected to be contaminated by cluster munition remnants, across 758 SHAs.²⁰ This represents an increase on the previous estimate of 16km² at the end of 2008, as data received from Israel in 2009 showed 282 previously unknown strike locations.²¹



A deminer searches for unexploded submunitions in Lebanon.

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⁹ NPA, “Implementation of the Convention on Cluster Munitions in Bosnia and Herzegovina,” Sarajevo, undated but 2010, provided by email from Darvin Lisica, Programme Manager, NPA, 3 June 2010.

¹⁰ NPA, “Cluster Munitions Remnants in Bosnia and Herzegovina: A General Survey of Contamination and Impact,” Draft Report, August 2011. Previously, in 2009, NPA had estimated that cluster munitions affected only 1–2km².

¹¹ Interview with Miljenko Vahtaric, Assistant Director, and Nataša Matesa Mateković, Head, Planning and Analysis Department, CROMAC, Sisak, 21 March 2011.

¹² CROMAC, “Plan of humanitarian demining in 2011, Summary,” Sisak, June 2011, p. 1; and interview with Miljenko Vahtaric and Nataša Matesa Mateković, CROMAC, Sisak, 21 March 2011.

¹³ Statement of Croatia, Convention on Cluster Munitions Intersessional Meetings, Session on Clearance and Risk Reduction, Geneva, 28 June 2011.

¹⁴ Statement of Germany, Mine Ban Treaty Standing Committee on Mine Action, Mine Risk Education and Mine Action Technologies, Geneva, 21 June 2011.

¹⁵ Statement of Germany, Convention on Cluster Munitions Intersessional Meetings, Session on Clearance and Risk Reduction, Geneva, 28 June 2011.

¹⁶ Convention on Cluster Munitions Article 7 Report, Form F, 27 January 2011.

¹⁷ “US bombing records in Laos, 1964–73, Congressional Record,” 14 May 1975.

¹⁸ Telephone interview with Phil Bean, Technical Advisor, Operations/Quality Assurance, NRA, 24 July 2011.

¹⁹ The NRA is planning a district-level survey of cluster munition contamination involving three operators (Handicap International [HI], MAG, and NPA) to try to get a more precise determination of the extent of the problem. The survey will be piloted in three districts before broadening, eventually to cover all 85 UXO-affected districts.

²⁰ The fluctuating figures are said to be the result of re-surveying the contaminated areas, completion reports, and especially the transmission of strike data by Israel in May 2009. Presentation by Maj. Pierre Bou Maroun, Regional Mine Action Center (RMAC), Nabatiye, 13 May 2011.

²¹ “Eleventh report of the Secretary-General on the implementation of Security Council resolution 1701 (2006),” (New York: UN Security Council, 2 November 2009), UN doc. S/2009/566, p. 11.

- **Montenegro** did not declare any contaminated areas in its initial Article 7 report, but in July 2011 the director of the Regional Centre for Divers' Training and Underwater Demining (RCUD) confirmed a possible threat from the presence of unexploded BLU-97 submunitions, mainly at Golubovci airfield near the capital Podgorica.²² The contamination, which is estimated to cover 250,000m²,²³ is said to affect four villages around the airport.²⁴
- **Norway** reported in January 2011 that the Hjerkins firing range is contaminated by an estimated 30 unexploded DM 1383/DM 1385 submunitions.²⁵ In June 2011, it stated that the affected area was 0.84km².²⁶

Signatories

Eight signatories are believed to be contaminated: Afghanistan, Angola, Chad, the Democratic Republic of the Congo (DRC), Republic of the Congo, Côte d'Ivoire, Iraq, and Mauritania.

- **Afghanistan** has a residual threat from cluster munition remnants primarily from use of air-dropped and rocket-delivered submunitions by Soviet forces. In addition, US aircraft dropped 1,228 cluster munitions containing some 248,056 submunitions between October 2001 and early 2002.²⁷ Demining operators continue to encounter both US and Soviet cluster munition remnants.²⁸ In June 2011, the Mine Action Coordination Center for Afghanistan (MACCA) identified 24 areas contaminated by cluster munition remnants.²⁹
- **Angola's** exact contamination by cluster munition remnants is unclear. As of March 2011, only HALO Trust had reported finding unexploded submunitions since February 2008.³⁰ HALO and the National Institute for Demining (INAD) state that unexploded submunitions remain in Kuando Kubango province.³¹ In April 2011, NPA reported that the impact of cluster munition remnants was "very low" in Malanje, Kwanza Sul, Kwanza Norte, Uige, and Zaire provinces.³²
- **Chad** is contaminated by cluster munition remnants, but the precise extent remains to be determined. In December 2008, Chad stated there were "vast swathes of territory" contaminated with "mines and UXO (munitions and submunitions)."³³ During its recent survey, Mines Advisory Group (MAG) found unexploded Soviet antitank PTAB-1.5 submunitions in an area close to Faya Largeau.³⁴
- The explosive threat in the **Republic of the Congo** has included cluster munition remnants,³⁵ although the extent of any residual contamination is not known.³⁶ In July 2010, the Ministry of National Defense reported that some of its stockpiles of Russian cluster munitions exploded during the 1997–1998 civil conflict. At an ammunition storage area at Maya-Maya a member of the armed forces was killed in 2009 after he detonated a submunition.³⁷



Students review a safety booklet during a risk education workshop in Lebanon.

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²² Telephone interviews with Veselin Mijajlovic, Director, RCUD, 19 and 25 July 2011.

²³ "Field of Golubovac, Reconnaissance, Survey, and Removal of Cluster Bombs, Estimated Expenses," Podgorica, 21 February 2009, received by email from Veselin Mijajlovic, RCUD, 26 March 2009.

²⁴ Interview with Borislav Miskovic, Head of EOD Team, Montenegro Police Force, Podgorica, 16 March 2008.

²⁵ Convention on Cluster Munitions Article 7 Report, Form F, 27 January 2011.

²⁶ Statement of Norway, Convention on Cluster Munitions Intersessional Meetings, Session on Clearance and Risk Reduction, Geneva, 28 June 2011. Notes by the CMC.

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

²⁸ Interviews with demining operators, Kabul, 12–18 June 2010. In 2009, HALO cleared 2,607 unexploded submunitions. Email from Ollie Pile, Weapons and Ammunition Disposal Officer, HALO, 30 June 2009; and email from Tom Dibb, Desk Officer, HALO, 3 June 2010.

²⁹ The remaining areas are located in insecure areas such as Registan in Kandahar and Zurmat in Paktia, which will be cleared when security conditions allow. MACCA, "Fact sheet on Cluster munitions in Afghanistan," June 2011, www.macca.org.af.

³⁰ Email from Ken O'Connell, Country Director, Stiftung Menschen gegen Minen (MgM), 5 June 2010; email from J. P. Botha, Technical Operations Manager, MAG, 21 February 2011; email from Fatmire Uka, Operations Manager, DanChurchAid (DCA), 7 March 2011; email from Aubrey Sutherland, Programme Manager, Mine Action, NPA, 1 March 2011; and email from Helen Tirebuck, Programme Manager, HALO, 15 March 2011.

³¹ Interview with Jose Antonio, Site Manager, Kuando Kubango, HALO, Menongue, 24 June 2011; and interview with Coxé Sucama, Director, INAD, Menongue, 24 June 2011.

³² Response to Monitor questionnaire by Aubrey Sutherland, NPA, 1 March 2011.

³³ Statement of Chad, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

³⁴ Email from Liebeschitz Rodolphe, Chief Technical Advisor, UNDP, 21 February 2011; and email from Bruno Bouchardy, Program Manager, MAG Chad, 11 March 2011.

³⁵ MAG, "Where we work: MAG ROC in depth," November 2009, www.maginternational.org.

³⁶ Email from Frédéric Martin, Programme Manager, MAG, 1 February 2010.

³⁷ Email from Lt.-Col. André Pamphile Serge Oyobe, Head of Information Division, Ministry of National Defense, 13 July 2010.

- **Côte d'Ivoire** is contaminated with ERW, including cluster munition remnants.³⁸ In June 2011, Côte d'Ivoire stated that a "small quantity" of abandoned cluster munitions had been found in ASAs at Yamoussoukro and San Pedro under the control of the UN Operation in Côte d'Ivoire (UNOCI).³⁹
- In the **DRC** cluster munition remnants have been found in the provinces of Equateur, Katanga, Maniema, and Orientale, while North Kivu province is also suspected to be contaminated.⁴⁰ In April 2011, the UN Mine Action Coordination Center DR Congo (UNMACC) reported 18 sites in which submunitions had been found, most in Katanga province.⁴¹ The scale of residual contamination from unexploded submunitions has not yet been quantified.
- **Iraq's** precise contamination from cluster munition remnants is unknown, but believed to be significant. During the 1991 Gulf War, the highway between Kuwait and Basra was heavily targeted by cluster bomb strikes.⁴² In northern Iraq (Iraqi Kurdistan), MAG has found cluster munition remnants from when Coalition forces launched cluster strikes around Dohuk in 1991.⁴³ Cluster munitions were used extensively during the 2003 invasion of Iraq, particularly around Basra, Nasiriyah, and the approaches to Baghdad. In 2004, Iraq's National Mine Action Authority identified 2,200 sites of cluster munition contamination along the Tigris and Euphrates river valleys.⁴⁴ Cluster munition remnants are a feature of many of the clearance tasks being undertaken to open up access to oilfields and develop infrastructure, as well as for humanitarian clearance.⁴⁵ In 2010, a MAG survey of Dibis, northwest of Kirkuk, identified 20 previously unknown cluster strikes with contamination from unexploded BLU-97 and BLU-63 submunitions.⁴⁶
- **Mauritania** has two areas that are known to contain cluster munition remnants. Both are located approximately 34km north of the village of Bir Mogrein.⁴⁷ Unexploded submunitions to be destroyed in this area are the Mk-118 and BLU-63. The first contaminated area covers approximately 6km², although further survey is likely to reduce the size of the area.⁴⁸ No human casualties have been recorded in the area, but a camel reportedly lost a foot to an unexploded submunition in March 2010.⁴⁹ The second area, which is located nearby, covers some 3km².⁵⁰ It is not yet marked.⁵¹

Non-signatories

Several of the 12 contaminated states that have not joined the convention have large clearance programs in place, including Cambodia, Serbia, and Vietnam.

- **Cambodia**, particularly its eastern and northeastern areas bordering Lao PDR and Vietnam, is affected by between 1.9 million and 5.8 million cluster munition remnants. During the Vietnam War, the US dropped some 26 million explosive submunitions in Cambodia.⁵² In 2010, MAG reported that its two explosive ordnance disposal (EOD) teams destroyed 2,050 submunitions, of which 1,453 were destroyed in just three months of operations in northern Stung Treng province and 597 in eastern Kompong Cham province.⁵³ In February 2011, Thailand's use of cluster munitions in Cambodia's northern province, Preah Vihear, resulted in additional submunition contamination. An assessment by the Cambodian Mine Action Center and NPA immediately after the shelling identified 12 strike sites and contamination by unexploded submunitions over an area of approximately 1.5km², impacting four villages and affecting between 5,000 and 10,000 people.⁵⁴
- **Libya** is the most recent addition to the list of contaminated states, following use of cluster munitions by government forces in April 2011. The precise extent of contamination from cluster munition remnants is not yet known. MAG conducted a rapid assessment of contamination in Misrata at the end of May 2011 and reported, "The presence of UXO and cluster munitions is extensive. ... Conclusive evidence of cluster

³⁸ Statement of Côte d'Ivoire, Convention on Cluster Munitions Intersessional Meetings, Session on Other Implementation Measures, Geneva, 30 June 2011, www.clusterconvention.org.

³⁹ Ibid.

⁴⁰ Email from Charles Frisby, Chief of Staff, UNMACC, 30 March 2011.

⁴¹ Ibid, 21 April 2011.

⁴² UNICEF/UNDP, "Overview of Landmines and Explosive Remnants of War in Iraq," June 2009, p. 10.

⁴³ Zana Kaka, "IRAQ: Saving lives of returnees in Dohuk," MAG, 28 May 2010, www.maginternational.org.

⁴⁴ Landmine Action, "Explosive remnants of war and mines other than anti-personnel mines," London, March 2005, p. 86.

⁴⁵ Telephone interview with Kent Paulusson, Senior Mine Action Advisor for Iraq, UNDP, 28 July 2011.

⁴⁶ Cuts in funding resulted in MAG standing down these two teams in May 2011. Response to Monitor questionnaire by Mark Thompson, Country Programme Manager, MAG, 23 July 2011.

⁴⁷ Observations during Monitor field mission, Bir Mogrein, 26 April 2010.

⁴⁸ Ibid.

⁴⁹ Discussions with local risk education focal points, Bir Mogrein, 26 April 2010.

⁵⁰ Email from Alioune O. Mohamed El Hacem, Coordinator, National Humanitarian Demining Program for Development, 20 April 2011.

⁵¹ Ibid, 2 May 2011.

⁵² South East Asia Air Sortie Database, cited in Dave McCracken, "National Explosive Remnants of War Study, Cambodia," NPA in collaboration with the Cambodian Mine Action and Victim Assistance Authority, Phnom Penh, March 2006, p. 15; Human Rights Watch, "Cluster Munitions in the Asia-Pacific Region," April 2008, www.hrw.org; and HI, *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI: Brussels, November 2006), p. 11.

⁵³ Emails from Lauren Cobham, Programme Officer, MAG, 12 April and 1 August 2011.

⁵⁴ Three kinds of submunitions were used: M42, M46, and M85. Aina Ostreng, "Norwegian People's Aid clears cluster bombs after clash in Cambodia," NPA, 19 May 2011, www.folkkehjelp.no. NPA said evidence in the area suggested about one in five of the submunitions had failed to detonate. Thomas Miller, "Banks tied to cluster bombs named," *Phnom Penh Post*, 26 May 2011, accessed at www.phnompenhpost.com.

munition use was found at three sites, and the probability of finding additional contamination in other currently inaccessible areas of the city is very high.”⁵⁵ In June 2011, MAG reported that makeshift street “museums” in Misrata were displaying a large and dangerous range of munitions, including unexploded submunitions.⁵⁶

- **Serbia’s** significant problem with cluster munition remnants dates from NATO air strikes in 1999, which hit 16 municipalities across the country.⁵⁷ After re-investigating a 30km² area identified as suspected contaminated by a 2008 NPA survey, the Serbian Mine Action Centre (SMAC) confirmed 290 areas as hazardous over an estimated area of 14.9km² and identified 110 SHAs affecting an estimated total of 6.1km² still to verify.⁵⁸ On 29 April 2011, NPA initiated clearance operations in what was planned to be a three-year project.⁵⁹



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Deminers speak with the owner of land being cleared of unexploded submunitions in Lebanon.

- In **South Sudan**, the world’s newest state, a total of 519 sites containing cluster munition remnants have been identified in six states since 2006. As of June 2011, the number of uncleared sites had been reduced to 34, of which 28 (more than 80%) are in Central and Eastern Equatoria states.⁶⁰ Cluster munition remnants have been found in residential areas, farmland, pasture, rivers and streams, on hillsides, in desert areas, in and around former military barracks, on roads, in minefields, and in ASAs.⁶¹
- In **Thailand**, a survey in 2010 identified contamination by unexploded US Mk-118 submunitions dating back to the Vietnam War in an estimated 315,000m² area in Fakta district of northern Uttaradit province.⁶² The submunitions were apparently dumped by US aircraft returning to bases in Thailand after bombing strikes over Vietnam and Lao PDR.⁶³
- **Vietnam** is contaminated as a result of an estimated 413,130 tons (4.1 million kg) of submunitions used by the US in 1965–1973.⁶⁴ Cluster munitions were used in 55 provinces and cities, including Haiphong, Hanoi, Ho Chi Minh City, Hue, and Vinh. Substantial amounts of cluster munitions were abandoned by the US military, notably at or around old US air bases, including eight underground bunkers found in 2009, one of them covering an area of 4,000m² and containing some 25 tons (25,000 kg) of munitions.⁶⁵

Little is known about the extent of cluster munition contamination in other non-signatories: Azerbaijan, Georgia (South Ossetia), Russia (Chechnya), Tajikistan, and Syria.

Contamination in other areas

- **Kosovo** is affected by remnants of cluster munitions used by the Federal Republic of Yugoslavia armed forces in 1998–1999 and by the 1999 NATO air campaign. After a UN coordinated demining operation from June 1999 to December 2001, it was reported that “the problems associated with landmines, cluster munitions and other items of unexploded ordnance in Kosovo have been virtually eliminated.”⁶⁶ However, further investigation since then has revealed considerably more contamination.⁶⁷ In March 2011, the Kosovo Mine Action Centre reported 48 areas with confirmed contamination by unexploded submunitions and a further six suspected areas.⁶⁸

⁵⁵ MAG, “Libya: Assessment mission shows need for urgent response in Misrata,” 1 June 2011, www.maginternational.org.

⁵⁶ MAG, “Libya: Remnants of conflict continue to pose huge threat to civilians,” 22 June 2011, www.maginternational.org.

⁵⁷ Statement of Serbia, Mine Ban Treaty Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Geneva, 21 June 2011; and interview with Petar Mihajlović, Director, and Slađana Košutić, International Cooperation Advisor, SMAC, Belgrade, 25 March 2011.

⁵⁸ Ibid.

⁵⁹ Email from Vanessa Finson, Desk Officer, NPA, 16 August 2011.

⁶⁰ Email from Mohamed Kabir, Chief Information Officer, UN Mine Action Office (UNMAO), 2 February 2011.

⁶¹ The locations are based on a review of cluster munition sites in the UNMAO database by the Monitor.

⁶² Response to Monitor questionnaire by Lt. Gen. Attanop Sirisak, Director General, Thailand Mine Action Center, 20 May 2011.

⁶³ Email from Amornchai Sirisai, Advisor, Thai Civilian Deminers Association, 23 March 2011.

⁶⁴ Vietnam’s Military Engineering Command has recorded finding 15 types of US-made submunitions. “Vietnam mine/ERW (including cluster munitions) contamination, impacts and clearance requirements,” Presentation by Sr. Col. Phan Duc Tuan, People’s Army of Vietnam, Geneva, 30 June 2011.

⁶⁵ Interview with Sr. Col. Phan Duc Tuan, People’s Army of Vietnam, Geneva, 30 June 2011.

⁶⁶ “UNMIK Mine Action Programme Annual Report—2001,” Mine Action Coordination Cell, Pristina, undated but 2002, p.1.

⁶⁷ See, for example, HALO, “Failing the Kosovars: The Hidden Impact and Threat from ERW,” 15 December 2006, p. 1.

⁶⁸ Email from Ahmet Sallova, Head, Kosovo Mine Action Centre, Ministry of the Kosovo Security Force, 3 March 2011.

- In **Nagorno-Karabakh** HALO has reported a significant problem with cluster munition remnants, particularly in the Askeran and Martakert regions. Large quantities of air-dropped cluster munitions were used in the Nagorno-Karabakh conflict over a six-year period. Cluster munition sites run through villages and contaminate gardens and prime agricultural land. HALO initially conducted emergency surface clearance of cluster munition remnants, but in 2008 concluded there was also a significant subsurface threat and began to re-survey cluster munition strike sites. Subsurface clearance has consistently resulted in clearing more area than originally estimated to be contaminated and new surveys of previously unknown cluster munition strikes have added to the total SHA.⁶⁹ As of March 2011, an estimated area of 69.5 km² impacting 131 communities required battle area clearance (BAC).⁷⁰
- **Western Sahara** has a significant problem with cluster munition remnants. As of March 2011, a total of 85 cluster munition strike sites remained to be cleared from an estimated area of 32.74km².⁷¹ A Landmine Action-managed survey that concluded at the end of 2008 determined that among the range of explosive ordnance contaminating Western Sahara, unexploded submunitions posed the greatest threat to people and animals.⁷²

Clearance of Cluster Munition Remnants

Reporting by states and operators on clearance of unexploded submunitions is incomplete and of varying quality. Based on available reporting and information gathered directly from programs, the Monitor calculated that in 2010, at least 59,978 unexploded submunitions were destroyed during clearance operations of some 18.55km² of cluster munition contaminated area⁷³ in 18 states and three areas (see table below).⁷⁴

In 2009, at least 38km² of affected land was cleared in 14 states (the majority in Georgia) and in three other areas, resulting in the destruction of 55,156 submunitions. This included Albania, which completed clearance of cluster munition remnants in 2009.

Clearance of cluster munition remnants in 2010

State/area	Area cleared (km ²)	No. of submunitions destroyed
Afghanistan	1.01	4,605
Angola	0.50	93
BiH	0.09	70
Croatia	0.07	10
DRC	Not reported	8
Lao PDR	Not reported	35,448
Iraq	10.40	3,028
Lebanon	3.14	3,641
Zambia	0.38	8
Cambodia	Not reported	2,050
Serbia	0.81	13
Vietnam	Not reported	2,848
Kosovo	0.13	80
Nagorno-Karabakh	Not reported	451
Western Sahara	2.02	7,463
Other programs (consolidated)	Not reported	162
Total	18.55	59,978

Clearance obligations

Under the Convention on Cluster Munitions, each State Party is obliged to clear and destroy all unexploded submunitions located in areas under its jurisdiction or control as soon as possible, but not later than 10 years after entry into force for that state. 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 States Parties contaminated by cluster munition remnants are shown below.

⁶⁹ Email from Andrew Moore, Caucasus and Balkans Desk Officer, HALO, 28 April 2010.

⁷⁰ Ibid, 9 March 2011.

⁷¹ Email from Ginevra Cucinotta, Program Officer, Mine Action Coordination Center, UN Mission for the Referendum in Western Sahara, 25 March 2011.

⁷² Email from Melissa Fuerth, Operations Officer, Landmine Action, 20 February 2009.

⁷³ This is certainly a very significant underestimate. Areas where cluster munition remnants were cleared in the course of general BAC and where clearance of cluster munition contaminated areas is not disaggregated from that general BAC, no figure is included as area cleared of cluster munition remnants. This is the case for Cambodia, Lao PDR, and Vietnam, which destroyed a total of more than 40,000 unexploded submunitions in 2010.

⁷⁴ Afghanistan, Angola, BiH, Cambodia, Croatia, DRC, Guinea-Bissau, Iraq, Lao PDR, Lebanon, Montenegro, Mozambique, Palau, Serbia, Tajikistan, the UK, Vietnam, and Zambia. The three other areas were Kosovo, Nagorno-Karabakh, and Western Sahara.

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

Article 4 clearance deadlines for States Parties

State Party	Clearance deadline
BiH	1 March 2021
Croatia	1 August 2020
Germany	1 August 2020
Guinea-Bissau	1 May 2021
Lao PDR	1 August 2020
Lebanon	1 May 2021
Montenegro	1 August 2020
Norway	1 August 2020

Land Release, survey, and clearance

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

The CMC paper recommends that a desk assessment of available information first be conducted to establish an initial understanding of the contamination problem. Then non-technical survey (NTS)⁷⁵ should be used to better identify the “strike footprint” by gathering information in the field through interviews with the local population, military personnel, and other relevant stakeholders. Information garnered from the desk assessment (on weapon delivery systems, ground conditions, battlefield data, etc.) is compared with evidence collected in the field and duplicate or otherwise invalid initially suspected area records can also be cancelled at this point. Technical survey (TS)⁷⁶ more accurately determines the “strike footprint” which is identified by verification of the exact location of the footprint including boundaries of the cluster strike.

In addition, the CMC paper notes that clearance of cluster munition remnants is not mine clearance and should not be regarded as such. The CMC has suggested that states use the basic principles laid out in International Mine

Action Standards (IMAS) 09.11 (Battle Area Clearance) to ensure that clearance is done cost-effectively and without excessive layers of measures that limit efficiency without adding safety. When seeking to release land, however, care must be taken to ensure that certain basic principles are followed. In particular, all areas confirmed to be contaminated with cluster munition remnants must be completely cleared, as required by the convention. In addition, the process of releasing land through NTS and TS must be accountable and follow applicable standards and country-specific standing operating procedures.

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A buried cluster submunition in Lao PDR.

⁷⁵ NTS is defined by the relevant IMAS as survey that involves “collecting and analysing new and/or existing information about a hazardous area. Its purpose is to confirm whether there is evidence of a hazard or not, to identify the type and extent of hazards within any hazardous area and to define, as far as is possible, the perimeter of the actual hazardous areas without physical intervention. A non-technical survey does not normally involve the use of clearance or verification assets. Exceptions occur when assets are used for the sole purpose of providing access for non-technical survey teams. The results from a non-technical survey can replace any previous data relating to the survey of an area.” UN Mine Action Service (UNMAS), “IMAS 08.21: Non-Technical Survey”, First Edition, New York, June 2009, pp. 1–2, www.mineactionstandards.org.

⁷⁶ IMAS defines TS as “a detailed intervention with clearance or verification assets into a CHA [confirmed hazardous area], or part of a CHA. It should confirm the presence of mines/ERW leading to the definition of one or more DHA [defined hazardous area] and may indicate the absence of mines/ERW which could allow land to be released when combined with other evidence.” UNMAS, “IMAS 08.20: Land release,” First Edition, New York, June 2009, p. 2, www.mineactionstandards.org.

Clearance by contaminated States Parties

- In **BiH** in 2010, NPA completed three cluster munition clearance tasks, clearing an area of 88,126m² during which two KB-1 submunitions were found and destroyed.⁷⁷ It also cancelled an area of 151,879m² of previously suspect land through NTS.⁷⁸ In addition, civil protection EOD teams found and destroyed 68 KB-1 submunitions in 2010.⁷⁹
- **Croatia** reported one cluster munition clearance task in 2010 in which an area of 68,202m² in Bjelovar-Bilogora county was cleared and seven unexploded MK-1 submunitions were found and destroyed.⁸⁰ A further seven submunitions were destroyed during BAC and EOD tasks.⁸¹
- **Germany** has not yet reported the clearance of any cluster munition remnants.
- In **Guinea-Bissau**, Cleared Ground Demining (CGD) reported destroying six unexploded PTAB 2.5M submunitions during subsurface clearance at the Paiol da Bra ASA.⁸²
- **Lao PDR** operators cleared 35km² of land in 2010, destroying 36,888 items of unexploded ordnance (UXO) in the process, including 21,031 unexploded submunitions (called “bombies” locally).⁸³ Roving clearance by six operators destroyed another 33,630 items of UXO, including 14,417 unexploded submunitions. The area cleared in 2010 was 5% less than the previous year and more than one-third less than clearance reported in 2008, reflecting the sharp decline in commercial company operations as a result of the global financial crisis. In 2011, commercial operators reported some recovery in activity. Lao PDR’s initial Article 7 report records clearance of a total of 227km² in the period from 1996 to November 2010. In November 2010, NPA released a report on how Lao PDR could meet the convention’s obligations that noted the work “can be done efficiently and it will not take hundreds of years.”⁸⁴
- In **Lebanon**, a total of 3.14km² of contaminated land was cleared in 2010, resulting in the destruction of 3,641 unexploded submunitions. This compares to 3.92km² of clearance in 2009, including the destruction of 4,784 unexploded submunitions.⁸⁵ All clearance of cluster munition remnants is now subsurface as well as surface.⁸⁶ Lebanon Mine Action Center (LMAC) director Brigadier-General Mohammed Fehmi, informed the Monitor in May 2011 that it is possible Lebanon could be cleared of the “impact” of all cluster munition remnants by the end of 2015.⁸⁷
- **Montenegro** did not report any clearance of cluster munition contaminated area in 2010,⁸⁸ but two unexploded submunitions were destroyed during EOD response.⁸⁹ In June 2011, RCUd said a planned TS of SHAs had not attracted donor support.⁹⁰
- **Norway** reported in January 2011 that clearance of the Hjerkin firing range was ongoing.⁹¹ In June 2011, it stated that the clearance would be completed by 2013.⁹²



A clearance team explodes unexploded submunitions in Lao PDR.

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⁷⁷ Telephone interview with Milan Rezo, Deputy Director, BiH Mine Action Center (BHMIC), 1 August 2011; and email from Zeljko Djogo, Planning Sector, BHMIC, 1 August 2011.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Interview with Miljenko Vahtaric and Nataša Matesa Mateković, CROMAC, Sisak, 21 March 2011.

⁸¹ Email from Miljenko Vahtaric, CROMAC, 30 March 2011.

⁸² Email from Cassandra McKeown, CGD, 28 April 2011.

⁸³ NRA, “1 January 2010 to 31 December 2010 UXO operations in Lao PDR,” received by email from Bounpheng Sisawath, Programme and Public Relations Officer, NRA, 25 May 2011.

⁸⁴ NPA, “Fulfilling the Clearance Obligations of the Convention on Cluster Munitions in Lao PDR: The NPA Perspective,” undated but November 2010, p. 4.

⁸⁵ Presentation by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011.

⁸⁶ Presentations by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011; Tamer Said, Field Operations Officer, DCA, Tyre, 14 May 2011; Houmine Al Fawka, Site Manager, Swiss Foundation for Mine Action; Mustafa Salih, Site Manager, Marjeyoun, MAG, 16 May 2011; and John Hare, Operations Officer, HI, Toula, 18 May 2011.

⁸⁷ Interview with Brig.-Gen. Mohammed Fehmi, LMAC, Beirut, 12 May 2011.

⁸⁸ Telephone interview with Veselin Mijajlovic, RCUd, 17 June 2011.

⁸⁹ Email from Nemanja Djurovic, Information Department, Ministry of Internal Affairs, 22 June 2011; and telephone interview with Zoran Begovic, Assistant to the Minister, Ministry of Interior Affairs and Public Administration, 21 June 2011.

⁹⁰ Telephone interviews with Veselin Mijajlovic, RCUd, 17 June and 19 July 2011.

⁹¹ Convention on Cluster Munition Article 7 Report, Form F, 29 April 2011.

⁹² Statement of Norway, Convention on Cluster Munitions Intersessional Meetings, Session on Clearance and Risk Reduction, Geneva, 28 June 2011. Notes by the CMC.



Casualties and Victim Assistance

Global Casualties

According to the Convention on Cluster Munitions, cluster munition victims are defined as all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalization, or substantial impairment of the realization of their rights caused by the use of cluster munitions.¹

At least 29 states and three other areas that have been contaminated by cluster munitions have reported cluster munition casualties as of 15 August 2011.² There may have been casualties in other affected states as well, but these remained unconfirmed.³ There have also been both military and civilian cluster munition casualties from countries that are not affected.⁴

Two states have been added to the list of countries with casualties since 1 August 2010: Libya, where new casualties were reported in 2011, and South Sudan, which became independent in July 2011 and where cluster munition casualties have been recorded.

States/areas with cluster munition casualties

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

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

¹ Cluster munitions victims include survivors (people who were injured by cluster munitions or their explosive remnants and lived), other persons directly impacted by cluster munitions, as well as their affected families and communities. As a result of their injuries, most cluster munition survivors are also persons with disabilities. The term “cluster munition casualties” is used to refer both to people killed and people injured as a result of cluster munition use or cluster munition remnants, mostly explosive submunitions.

² Some of these states have completed their clearance of cluster munition remnants, such as Albania, or are no longer believed to be affected by unexploded submunitions, such as Ethiopia, Sierra Leone, and Uganda. Cluster munition casualties have been reported in Angola, Chad, Guinea-Bissau, and Mozambique, but no definite data was available.

³ There was a credible, but as yet unconfirmed, report of a cluster munition strike in Yemen in December 2009. It is possible that there are also cluster munition casualties that have gone unrecorded in other countries in which cluster munitions were used, abandoned, or stored in the past. Such states and areas would include Azerbaijan, Colombia, Iran, Mauritania, Saudi Arabia, and Zambia, as well as the Falkland Islands/Malvinas.

⁴ Although not systematically differentiated, foreign casualties are included in casualty figures for affected states including some casualties from states that are not affected by cluster munitions. For example, in 1991 at least 80 United States (US) casualties in Iraq were attributed to unexploded submunitions, as were several British peacekeeper casualties in Kosovo in 1999. Unexploded submunition casualties during clearance operations in Lebanon have included Belgian, BiH, and British citizens, but a significant number of foreign workers were reportedly not included in casualty databases. Civilian casualties during cluster munition strikes in Croatia in 1995 included citizens of BiH, Poland, Romania, and Russia. A Dutch journalist was killed during a cluster munition strike in Georgia in 2008. See Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, 2007), pp. 65, 107, 121; HI, *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI: Brussels, November 2006), p. 25; and Human Rights Watch (HRW), *A Dying Practice: use of cluster munitions by Georgia and Russia in August 2008* (New York: HRW, April 2009), p. 2.

▲ *Raising awareness of the cluster munition and mine issues with survivors in Afghanistan.*

Of the 29 states with cluster munition casualties, 15 have joined the Convention on Cluster Munitions. Nine are States Parties: Albania, Bosnia and Herzegovina (BiH), Croatia, Guinea-Bissau, Lao PDR, Lebanon, Montenegro, Mozambique, and Sierra Leone. Six states have signed, but not yet ratified the convention: Afghanistan, Angola, Chad, Democratic Republic of the Congo (DRC), Iraq, and Uganda.

States Parties BiH, Lebanon, and Mozambique confirmed during the convention's first intersessional meetings that they have cluster munition victims, while signatory Angola stated that cluster munition victims would be identified and confirmed through survey.⁵ Albania, Croatia, Lao PDR, and Lebanon confirmed cluster munition victims in their initial Article 7 reports. Montenegro reported that there were no cluster munitions victims on its territory, while Guinea-Bissau has not yet reported on cluster munition victims under its jurisdiction.

Cluster munition casualties overview

There are no comprehensive, reliable statistics on cluster munition casualties, but it is certain that there has been massive underreporting of casualties—civilian and military—from those incurred during strikes and those incurred from unexploded submunitions afterwards.⁶ In 2010, no affected states, including States Parties, attempted to report the total or estimated number of cluster munition victims living in their territory. Most States Parties have not attempted to provide data on the number of cluster munition survivors, though Albania, Lao PDR, and Lebanon reported efforts to disaggregate this information. Even less is known about the number of affected families and communities as the means of measuring them remains largely undefined, but their needs are likely to be extensive.

There have been at least 16,921 cluster munition casualties confirmed globally, through the end of 2010. The estimated total number of cluster munition casualties is far greater and likely a better indicator. The estimated global total of cluster munition casualties is between 20,000 and 54,000, although other estimates, possibly inflated for some countries, range from 58,000 to 85,000 casualties.⁷

Of the 16,921 recorded cluster munition casualties, the vast majority (14,824) occurred after the use of cluster munition and were caused by explosive submunitions that failed to detonate during strikes. The other 2,097 casualties occurred during cluster munition strikes.⁸ Casualties during cluster munition strikes are more difficult to collect systematically and are often not included in casualty reporting. There was no reporting on casualties during cluster munition strikes in Libya and Cambodia in 2011, while unexploded submunitions subsequently caused reported casualties in both cases. There was a credible yet unconfirmed report of casualties, mostly civilians, during a cluster munition strike in Yemen in 2009.⁹ The last confirmed casualties during cluster munition strikes occurred in Georgia in 2008; all the reported casualties were civilians.¹⁰

Almost all known cluster munition casualties were civilians, the majority male, and a significant proportion were children at the time of the incident.¹¹



Wheelchair basketball game at the IMSP in Lao PDR.

© Tamar Gabehnick/ICBL, 9 November 2010

⁵ Statement of Angola, Convention on Cluster Munitions Intersessional Meetings, Session on Victim Assistance, Geneva, 28 June 2011.

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

⁷ Afghanistan, Iraq, and Vietnam all estimate their national casualties in the many thousands and several other countries have estimates much higher than the confirmed number of casualties. HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, 2007).

⁸ See ICBL-CMC, "Landmine and Cluster Munition Monitor Country Profiles," www.the-monitor.org.

⁹ Amnesty International, "Images of missile and cluster munitions point to US role in fatal attack in Yemen," Press release, 7 June 2010.

¹⁰ HRW, *A Dying Practice: use of cluster munitions by Georgia and Russia in August 2008* (New York: HRW, April 2009) pp. 40, 57. Georgia has asserted that its cluster munitions were effective in impeding the advance of Russian troops, but it has not reported any military casualty figures.

¹¹ HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007). Globally, states have done little public reporting of military casualties from cluster munitions, even when they were likely to have been significant, as in the 1991 Gulf War.

Casualty totals in countries/areas, by region

Region	Unexploded submunition casualties	Casualties during use of cluster munitions	Total confirmed casualties	Total estimated casualties
Asia	10,592	26	10,618	10,618–42,507
Middle East and North Africa	3,511	417	3,928	6,433–8,933
Europe, Caucasus, and Central Asia	392	1,175	1,567	(1,567)
Africa	329	479	808	(808)
Total	14,824	2,097	16,921	19,426–53,815

Countries with the largest number of confirmed casualties

Country	Unexploded submunition casualties	Casualties during use of cluster munitions	Total
Lao PDR	7,579	Not available	7,579
Iraq	2,607	388	2,995
Vietnam	2,111	Not available	2,111
Afghanistan	745	26	771
Lebanon	688	16	704
Total	13,730	430	14,160

Note: Convention on Cluster Munitions States Parties and signatories are indicated by bold.

Cluster munition casualties in 2010

In 2010, there were confirmed cluster munition casualties in at least seven states (including two States Parties and three signatories) and two other areas: Cambodia (17), Lebanon (14), Vietnam (11), Lao PDR (8), DRC (5), Afghanistan (2), Iraq (1), Nagorno-Karabakh (1), and Western Sahara (1). Due to inadequate and/or irregular data collection in many countries and a lack of detail in the data from Lao PDR, the country most significantly impacted by cluster munitions, only 60 cluster munition casualties could be identified globally for 2010. There were likely significantly more casualties from unexploded submunitions among the other hundreds of explosive remnants casualties in affected countries that did not separate cluster submunitions in their data or were unable to do so adequately.

Under the convention, States Parties have a clear responsibility for ensuring the rights of members of their population whose lives have been impacted by cluster munitions.

Victim Assistance

The Convention on Cluster Munitions requires that States Parties assist all cluster munition victims in the areas under their jurisdiction. Compliance with victim assistance obligations included in the convention is compulsory, requiring States Parties with cluster munition victims to implement victim assistance activities, including:

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

The Vientiane Action Plan adopted by the convention's First Meeting of States Parties in November 2010 builds on the convention's victim assistance obligations by setting more detailed and time-bound actions for implementation. The plan includes 10 victim assistance actions specific to countries with cluster munition victims and another three more general actions related to victim assistance in States Parties.

Victim assistance programs and activities existed in many cluster munition affected states prior to entry into force of the convention on 1 August 2010. Twenty of the 29 states with cluster munition victims are party to the Mine Ban Treaty, and are responsible for providing assistance to survivors. Most of these states have already received support in developing victim assistance programs through the mechanisms of the Mine Ban Treaty.¹²

The Convention on Cluster Munitions requires that states “adequately provide” victim assistance. Implementation of this obligation may vary according to the specific circumstances of each State Party, but the Vientiane Action Plan provides a guide to prioritizing implementation of victim assistance in all its key aspects (including medical care, rehabilitation and psychological support, social and economic inclusion, and other relevant services). States should take immediate action to remove the identified barriers to services and to guarantee the implementation of quality services. Other time-bound actions for the first year after entry into force relate to coordination and planning:

- designate a focal point for victim assistance coordination within six months; and
- collect all necessary data within one year to assess needs, utilize existing coordination mechanisms or develop new ones, and review national laws and policies.

Assessing needs

Two key victim assistance provisions of the Convention on Cluster Munitions are to make “every effort to collect reliable relevant data with respect to cluster munition victims” and to “[a]ssess the needs of cluster munition victims.” According to the Vientiane Action Plan, within one year of the convention’s entry into force for each State Party, all necessary data should be collected and disaggregated by sex and age and the needs and priorities of cluster munition victims should be assessed.¹³

Of States Parties with casualties, Lebanon has made serious efforts to collect relevant information on cluster munition victims and their needs in 2010 and the first half of 2011, while other States Parties have taken steps to improve casualty data collection and/or needs assessment.

- **Albania**, in cooperation with the main victim assistance NGO, maintains records of cluster munition survivors that detail the needs and services they have received.¹⁴
- **BiH** completed a major national casualty data revision in 2009, but the category of cluster munition/unexploded submunition casualty was not included in the questionnaire.¹⁵ The data was also found to significantly under-report casualties and therefore was not a reliable source of information for program implementation.¹⁶ BiH did not report on progress in needs assessment in 2010. In June 2011, BiH reported that it had identified 225 previously unrecorded cluster munition casualties, based on preliminary data that was pending verification.¹⁷
- **Croatia** continued to pursue the commitment it made in 2009 to unify existing data on mine/explosive remnants of war (ERW) casualties and other war victims for use in needs assessment and service implementation. Agreement to share data between government institutions was not reached until 2011 due to privacy concerns. NGOs, who were the driving force for devising a centralized database, expressed concern that they would not have access to the data to use in implementing services.¹⁸
- **Lao PDR** began phase II of its National UXO Accidents and Victim Survey in 2010, by collecting information on casualties for the period from 2008 onwards. The data is incomplete and less detailed than information that was previously available although it is disaggregated by age and gender. Phase I of the survey recorded retrospective data.¹⁹ However, of over 4,300 people recorded as survivors in the survey, only some 2,500 were believed to still be living in 2010,²⁰ which reduced the usefulness of the data for planning and implementing services. To address this, Lao PDR is preparing a “survivor tracking system,” though implementation is dependent on funding.

¹² The 20 States Parties to the Mine Ban Treaty are: Afghanistan, Albania, Angola, BiH, Cambodia, Chad, DRC, Croatia, Eritrea, Ethiopia, Guinea-Bissau, Iraq, Kuwait, Montenegro, Mozambique, Serbia, Sierra Leone, Sudan, Tajikistan, and Uganda. All, except Kuwait, Montenegro, and Sierra Leone, are self-identified as countries with significant numbers of mine survivors, and with “the greatest responsibility to act, but also the greatest needs and expectations for assistance.”

¹³ 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.

¹⁴ Interview with Jonuz Kola, Executive Director, Albanian Association for Assistance, Integration and Development (ALB-AID), Sarajevo, 13 April 2010; and statement of Albania, Convention on Cluster Munitions Intersessional Meetings, Session on Victim Assistance, Geneva, 28 June 2011.

¹⁵ Statement of BiH, Mine Ban Treaty Intersessional Standing Committee on Victim Assistance and Socio-Economic Reintegration, Geneva, 24 June 2010; BHMIC data collection forms in Suzanne L. Fiederlein, *Landmine Casualty Data: Best Practices Guidebook* (Harrisonburg: Mine Action Information Center, 2008), p. 39.

¹⁶ “Project for mine victims in BiH financed by the European Union,” *B-H News*, 26 January 2010, bh-news.com; and interview with Sanja Tica, Democratic Stabilization and Social Development Section, Delegation of the European Union to BiH, Sarajevo, 14 May 2010.

¹⁷ Statement of BiH, Convention on Cluster Munitions Intersessional Meetings, Session on Victim Assistance, Geneva, 28 June 2011.

¹⁸ Statement of Croatia, Mine Ban Treaty Tenth Meeting of States Parties, Geneva, 1 December 2010; and statement of Croatia, Convention on Cluster Munitions Intersessional Meetings, Session on Victim Assistance, Geneva, 28 June 2011.

¹⁹ The National Regulatory Authority (NRA), “The Unexploded Ordnance (UXO) Problem and Operational Progress in the Lao PDR Official Figures,” 2 June 2010; and NRA, “National Survey of UXO Victims and Accidents Phase 1,” Vientiane, February 2010, p. 39.

²⁰ Statement of Lao PDR, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010; and Lao PDR voluntary Mine Ban Treaty Article 7 Report (for the period to the end of 2010), Form J.

- The **Lebanon** Mine Action Center (LMAC) completed the first phase of a national victim survey and needs assessment in 2010, during which detailed information was collected on the needs of mine/ERW and cluster munition victims, including survivors, family members, and affected communities in accordance with the convention.²¹ The survey covers people affected in the period from July 2006 to the end of 2010. LMAC shares data with all relevant victim assistance stakeholders upon request and updates data on an ongoing basis.²²
- **Guinea-Bissau, Montenegro, Mozambique and Sierra Leone** have made either no effort or extremely limited efforts to survey and assess the needs of cluster munitions victims.
- Most signatory states with cluster munition victims have made progress in understanding the needs of victims, except Afghanistan.
- **Afghanistan** still does not have a needs assessment or data collection system in place or any concrete plan to introduce one.²³
- In **Angola**, a national victim survey to assess the needs of mine and cluster munition survivors with disabilities was launched in October 2010. Angola reported that it expected to have more information on cluster munition survivors after completion of the national victim survey.²⁴ The survey questionnaire did not, however, include a section for reporting on unexploded submunitions as the cause of the incident. Two of 18 provinces had been surveyed by May 2011. Some organizations have reported challenges with the survey process.²⁵
- In **Chad**, survivors in the most mine/ERW-affected areas of the country were interviewed in 2010.²⁶ The data was not available by June 2011.²⁷
- In the **DRC** a national needs assessment of survivors in the most mine/ERW-affected parts of six of 11 provinces was conducted in 2010 for use in developing the national victim assistance strategy.²⁸ Yet the DRC continues to lack an ongoing data and needs collection system and available data is not shared regularly with relevant victim assistance stakeholders.²⁹
- **Iraq** continued to develop a national disability registry in 2011. The registry includes the types and causes of disabilities and the needs of persons with disabilities. Iraq has started training health care workers in data collection.³⁰
- In **Uganda** a second pilot of the national casualty surveillance system was carried out in 2010, following an initial pilot in 2008.³¹



A technician manufactures a prosthetic leg in Lao PDR.

²¹ Email from Col. Rolly Fares, Head of Information Management and Victim Assistance Section, LMAC, 31 May 2011.

²² Presentation by Brig.-Gen. Mohammed Fehmi, Director, LMAC, Convention on Cluster Munitions Intersessional Meetings, Side Event on Lebanon, Geneva, 28 June 2011.

²³ Response to Monitor questionnaire by ADSP, UNOPS, 8 March 2011; and statement of Afghanistan, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-Economic Reintegration, Geneva, 22 June 2010.

²⁴ Statement of Angola, Convention on Cluster Munitions Intersessional Meetings, Session on Victim Assistance, Geneva, 28 June 2011.

²⁵ Interviews with several local survivor associations and disabled persons organizations during Monitor research mission in Lubango, Huila, 22 June 2011; and interview with Fabiano Tubias Hilaka, Chief of Department of Assistance and Social Reintegration and Acting Provincial Director, Ministry of Social Affairs, Lubango, Huila, 22 June 2011.

²⁶ Email from Assane Nguedoum, Technical Advisor, Chad National Demining Center (CND), 14 March 2011.

²⁷ Interview with Zienaba Tidjani Ali, Mine Victim Assistance Director, CND, in Geneva, 23 June 2011.

²⁸ Interview with Jean Marie Kiadi Ntoto, Victim Assistance Officer, UN Mine Action Coordination Center, DR Congo (UNMACC), Kinshasa, 17 April 2011.

²⁹ Ministry of Social Affairs of DRC, "PSNAVH," Kinshasa, 24 February 2011, p. 20.

³⁰ Email from Ibrahim Baba Ali, Programme Specialist Mine Action, UNDP, 24 June 2011; interview with Sabah Ali Sediq Al-Salhy, Director of Medical Operations, Ministry of Health; and Khalid Jabbar, Quality Assurance/Quality Control Manager, Directorate of Mine Action, in Geneva, 24 June 2011.

³¹ Ministry of Gender, Labour and Social Development of Uganda, "Comprehensive Plan on Victim Assistance 2010–2014," Kampala, August 2010, p. 4.

Coordination

The convention requires that states with cluster munition casualties designate a focal point within the government with responsibility for ensuring coordination of the implementation of victim assistance provisions. This should be done within six months of the convention's entry into force for that State Party and the focal point should have the authority, expertise, and adequate resources to carry out its task.

All States Parties with known cluster munition victims have a focal point for victim assistance activities in place except **Sierra Leone** and **Montenegro**, both of which had very few reported cluster munition casualties (28 and eight respectively). **Lao PDR** and **Lebanon** had explicitly designated their existing focal point within the government as responsible for victim assistance obligations under the convention. **Albania** identified its victim assistance focal point as the mine action center, which is a UNDP project, while the Albanian Mine Action Committee, which includes key government ministries, is also referred to as a focal point. The **BiH** Mine Action Center (BHMACH) acts as a coordination point for victim assistance, but has no legal mandate to be the government focal point. **Croatia** has established a new coordination mechanism for victim assistance, but the mine action center remains the legal focal point for victim assistance in mine action and a decision on which body is responsible for cluster munition victim assistance will be taken following the adoption of national implementation legislation. In **Guinea-Bissau**, the National Mine Action Coordination Center (Centro Nacional de Coordenação da Accão Anti-Minas, CAAMI) has been responsible for coordinating victim assistance, but Guinea-Bissau has not indicated if it will also serve as focal point for cluster munition victim assistance. The existing focal point for disability issues in **Mozambique** is within the Ministry of Social Affairs and through the newly formed Disability Council.³²

Albania and Lebanon have effective victim assistance coordination structures in place, while coordination groups in BiH and Croatia convene regularly. Coordination of victim assistance remains weak in Guinea Bissau, Montenegro, Mozambique, and Sierra Leone, although there was improvement in Mozambique, which also stated that assistance for cluster munition victims would be addressed through existing disability structures.³³

All signatory states with cluster munition victims had a designated victim assistance focal point prior to signing the convention, though none could be described as effective. Coordination in Chad, DRC, and Iraq remained reliant on international support; coordination mechanisms in Afghanistan and Uganda met regularly. In Angola, some improvements were seen in the decentralization of coordination.

National plans

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

In 2010, States Parties Albania and Croatia developed victim assistance plans reflecting their obligations under the convention. Victim assistance plans were still under development in both Lao PDR and Lebanon in 2011. BiH adopted a Mine Ban Treaty victim assistance plan in 2009, but this has not been adapted to address its obligations under the Convention on Cluster Munitions. Mozambique has a more general action plan for persons with disabilities that explicitly included mine/ERW survivors, including cluster munition survivors. Plans to ensure assistance to victim of cluster munitions are not known to have been developed in Guinea-Bissau, Montenegro, or Sierra Leone.

Among signatories, Afghanistan had a plan that was due to end in 2011, the DRC had developed a new plan, Uganda had revised its planning, and Angola had an existing plan. A plan for Chad was being developed, but was not yet approved. Iraq and Mauritania lacked national victim assistance planning.

Transparency reporting

Under Article 7 of the convention, States Parties are required to submit reports on the status and progress of implementation of all victim assistance. Victim assistance reporting under the convention is obligatory unlike the Mine Ban Treaty's voluntary reporting on victim assistance.



Iraqi campaigners discuss disability rights issues with the media after a meeting with the Iraqi parliament's Human Rights Committee.

© Mouffak Alkhatib/LADO, 19 June 2011

³² Interview with Mila Massango, Department Head, Mozambique National Institute of Demining, Geneva, 28 June 2011.

³³ Statement of Mozambique, Convention on Cluster Munitions Intersessional Meetings, Session on Compliance, Geneva, 29 June 2011.

As of 25 August 2011, four States Parties had submitted data in their initial Article 7 reports on cluster munition victims and victim assistance: Albania, Croatia, Lao PDR, and Lebanon. Montenegro reported that there were no cluster munition victims on its territory, but between 1999 and 2000, at least eight cluster munition casualties were recorded in Montenegro (four during strikes and four from unexploded submunitions).³⁴ Sierra Leone did not complete the report's sections on casualties or victim assistance. Initial Article 7 reports were not yet due for the remaining States Parties (BiH, Guinea-Bissau, and Mozambique).

The DRC included victim assistance information in its voluntary Article 7 reporting in 2011, the first signatory to do so.

At the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, five States Parties with cluster munition victims made statements on victim assistance. Albania, BiH, and Lao PDR presented overviews of the victim assistance situation and needs in their respective countries. Croatia and Sierra Leone gave broader statements on how they envisaged victim assistance through the convention, focusing on concrete improvements in services, improved funding and use of resources and increased survivor participation.

All States Parties with cluster munition victims gave updates on their victim assistance progress during the first intersessional meetings of the convention in Geneva in June 2011 except Guinea-Bissau, Montenegro, and Mozambique.³⁵ The quality of interventions, however, varied. Lebanon gave only a brief statement that lacked content adequate to define progress or challenges, while BiH and Croatia repeated much of the same content that they had presented a week earlier during intersessional meetings of the Mine Ban Treaty. Signatories Angola and Iraq provided updates on progress and challenges, but Iraq's statement also repeated much of what it had said previously.

Most statements at the intersessional meetings highlighted progress in coordination and planning and identified access to adequate resources as the key challenge to progress. By contrast, Croatia noted areas of progress, but was forthright and even self-critical in presenting the problems it faces in implementation of convention's victim assistance provisions, such as sharing data on survivors needs and implementing economic inclusion and psychological support services. Iraq's statement indicated where national resources were dedicated and constructively identified existing victim assistance gaps and needs, requesting international assistance for capacity building and technical training of Iraqi healthcare professionals.

Providing adequate assistance: key indicators and challenges

States and areas with cluster munition victims continue to face significant challenges in providing holistic and accessible care to affected individuals, families, and communities. Cluster munition victims living far from national centers rarely receive medical care and rehabilitation and thus remain among the most vulnerable. Upon entry into force of the convention, each State Party should take immediate action to increase availability and accessibility of services, particularly in remote and rural areas where they are most often absent. Economic and psychological needs also remain the least fulfilled by existing services and the Monitor has not identified any recent measures by States Parties to address the gaps in these areas.

In the year since the convention entered into force on 1 August 2010, no significant or readily measurable improvement in the accessibility of services was reported by any States Parties and signatories with cluster munition victims. These states do not appear to have addressed or considered how to increase services in remote and rural areas.

The Monitor has identified a range of progress and challenges in 2010 and the first half of 2011 in the provision of victim assistance by States Parties.

- In **Albania**, the availability of both physical rehabilitation and psychological support services decreased in 2010. Contrary to the often mentioned principle that survivors' needs last a lifetime, international funding for victim assistance has decreased significantly since Albania fulfilled its clearance obligations under the Mine Ban Treaty.
- **BiH's** main peer support provider, an NGO, implemented fewer services due to a decrease in the number of staff, but managed to maintain services by training other NGOs.
- **Croatia** recognized that the capacity and condition of its state-run psychological support centers has deteriorated and requires significant improvement.
- In **Guinea-Bissau** the availability of prosthetics services increased in 2011 with the opening of a major rehabilitation center.
- In **Lao PDR** access to prosthetics services improved through an outreach program, but the number of people assisted did not increase.
- In **Lebanon**, the availability, accessibility, and quality of services and assistance to mine/ERW survivors remained fairly constant, despite a pervasive view that funding for victim assistance had continued to decline throughout 2010.³⁶ As in previous years, most victim assistance services, other than medical care provided

³⁴ Norwegian People's Aid (NPA), *Yellow Killers: The Impact of Cluster Munitions in Serbia and Montenegro*, (Oslo: NPA, February 2007), p. 32.

³⁵ Mozambique did make a statement during the intersessional meeting session on compliance in which it indicated a need to assist cluster munition victims, but did not provide additional details.

³⁶ UN, "2011 Portfolio of Mine Action Projects," New York, March 2011, p. 206; response to Monitor questionnaire by Khaled Yamout, Mine Risk Education/Victim Assistance Program Coordinator, NPA, 15 May 2011; and response to Monitor questionnaire by Habbouba Aoun, Coordinator, Landmine Resource Center, 31 May 2011.

by the Ministry of Health, were implemented by national and international NGOs that remained reliant on a small, receding pool of international funding.

- In **Mozambique** as a result of programs targeting the population of persons with disabilities more generally, there were minimal increases in access to vocational training and education, as well as some improvements in living conditions due to a program to subsidize food for vulnerable populations.³⁷

No changes were reported for Montenegro and Sierra Leone.

There was also a range of progress and challenges in the provision of victim assistance by signatories to the convention.

- In **Afghanistan** there were few overall improvements in victim assistance services; this was mostly due to the deterioration of the security situation, which was detrimental to progress in victim assistance in general. One highlight was an increase in the accessibility of schools in urban areas, where most buildings are not accessible, due to the work of NGOs.
- In **Angola** a lack of government funding caused a decline in both the quality and accessibility of physical rehabilitation services.
- In **Chad** despite an increase in the availability of physical rehabilitation services, survivors were less able to access those services following the demolition of an on-site accommodation facility, the costs of services, irregular transportation, and the difficult security situation.
- In the **DRC** where existing services reach only a tiny fraction of the known population of survivors, there was no increase in available services and some programs that had helped to cover the cost of care for survivors closed.
- In southern and central **Iraq** improved security conditions allowed more survivors to travel to access victim assistance services, including services in northern Iraq (Iraqi Kurdistan), but most existing service providers were not able to meet this increased demand.
- In **Uganda** there were some improvements in access to physical rehabilitation services due to NGO efforts (such as the distribution of a service directory for health and rehabilitation services and provision of transportation and accommodation for some survivors) and the increased physical accessibility of the two ICRC-supported rehabilitation centers.

There were changes in the accessibility, availability, and/or quality of victim assistance services in several of the 14 states with cluster munition victims that have not joined the convention.

- In **Cambodia** a sharp decrease in the number of prostheses produced for survivors was reported in 2010, compared to the high level provided in the previous year. Two NGO-run physical rehabilitation centers were transferred to government management in 2010.
- In **Eritrea** the quality of available services improved due to the increased capacity of the community-based rehabilitation network.
- In **Ethiopia** small improvements in accessibility and quality of services were reported but there were fewer economic inclusion services available to survivors.
- In **Georgia** no significant change in victim assistance services was reported, but some new services were initiated in 2010.
- In **Serbia** only a minimal increase in the accessibility of services was reported.
- The accessibility of services decreased in **South Sudan** due to the worsening security situation.
- In **Sudan** there were fewer rehabilitation services due to a lack of funding, but more programs supporting the economic inclusion of survivors were available.
- In **Tajikistan** both the accessibility and quality of services improved.
- In **Vietnam** overall victim assistance services improved.

No significant changes were recorded in other states and areas.

National and international laws

States Parties to the Convention on Cluster Munitions commit to adequately provide assistance to people directly affected by cluster munitions, their families, and communities in accordance with applicable international humanitarian and human rights law. Applicable international law could include the Mine Ban Treaty, the Convention on the Rights of Persons with Disabilities, the Convention on Conventional Weapons (CCW), the Convention on the Rights of the Child, and the Convention on the Elimination of all Forms of Discrimination Against Women, among other agreements.

Except for Lao PDR and Lebanon, all States Parties and signatories with cluster munition victims are party to the Mine Ban Treaty and have committed to improve victim assistance and promote the rights of survivors and other persons with disabilities through implementation of the treaty's Cartagena Action Plan (2010–2014).

³⁷ Ministry of Women and Social Action of Mozambique, "Report on the Evaluation of the National Disability Plan 2006–2010," Maputo, April 2011.

Of the nine States Parties to the Convention on Cluster Munitions with cluster munition victims, five are party to the Convention on the Rights of Persons with Disabilities (BiH, Croatia, Lao PDR, Montenegro, and Sierra Leone), three have signed but not yet ratified (Albania, Lebanon, and Mozambique) and Guinea-Bissau has not yet joined. Many attempts by Convention on Cluster Munitions States Parties to improve their national legislation with respect to cluster munition victims are a direct result of efforts to implement the provisions of the Convention on the Rights of Persons with Disabilities.

Under the Vientiane Action Plan, Convention on Cluster Munitions States Parties are supposed to review their national laws and policies within one year of entry into force to ensure that they are consistent with their victim assistance obligations. Prior to entry into force, most states with responsibility for cluster munition survivors had already taken steps to develop and implement national laws and policies relevant to persons with disabilities including cluster munition victims. Yet, despite advances brought about as a result of implementing the Convention on the Rights of Persons with Disabilities, legislation overall remains inadequate and is not properly enforced. National legislation is not yet able to ensure “the full realisation of the rights of all cluster munition victims,” as called for by the Convention on Cluster Munitions.

- **Albania** reviewed its disability-related legal and policy frameworks in July 2010, to assess its compliance with the Convention on the Rights of Persons with Disabilities. It found that its laws and policies related to mine/ERW survivors and other persons with disabilities remain inadequate.³⁸ As a result, an interministerial working group on legislative reform was established to prepare legislative changes in 2011.³⁹
- In **BiH** discriminatory legislation that disadvantages civilian survivors remains in place, but in 2010 legislative frameworks to reform the social protection system were adopted by the administrative divisions of the Federation of BiH and the Republika Srpska.⁴⁰ Disability strategies were also adopted in both entities in 2010.⁴¹ In February 2010, a law was passed on Professional Rehabilitation and Employment of Persons with Disabilities in the Federation of BiH that allows for a specific Fund that was in the process of being established by June 2011.⁴² Such a fund already exists in the Republika Srpska.
- **Croatia** has over 200 laws and by-laws relating to the rights and status of persons with disabilities, including survivors.⁴³ However, legislation regulating specific rights remains fragmented.⁴⁴ Croatia reported that the “on the ground reality” does not always follow the legislation.⁴⁵
- **Guinea-Bissau** has no known laws in place to protect the rights of survivors or other persons with disabilities.
- In **Lao PDR** legislation to address the rights of persons with disabilities was drafted in early 2008, but as of August 2011 was still awaiting government approval. A review found existing legislation adequate for implementing the victim assistance provisions of the Convention on Cluster Munitions, but it has not indicated which laws are relevant or adequate.⁴⁶
- **Lebanon and Mozambique** both have national laws in place to prevent discrimination against persons with disabilities, but these lack enforcement.



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A survivor's prosthetic is repaired at a rehabilitation center in Lao PDR.

³⁸ Statement of Albania, Mine Ban Treaty Intersessional Standing Committee on Victim Assistance and Socio-economic Reintegration, Geneva, 22 June 2011; and UNDP, “Promoting Disability Rights in Albania, Support Programme on the Convention on the Rights of Persons with Disabilities,” (undated), www.undp.org.al.

³⁹ Interview with Blerta Cani, Executive Director, Albanian Disability Rights Foundation, Tirana, 2 June 2011.

⁴⁰ US Department of State, “2010 Country Reports on Human Rights Practices: Bosnia and Herzegovina,” Washington, DC, 8 April 2011.

⁴¹ BiH Mine Ban Treaty Article 7 Report (for calendar year 2010), Form J.

⁴² Statement of BiH, Mine Ban Treaty Intersessional Standing Committee on Victim Assistance and Socio-Economic Reintegration, Geneva, 22 June 2011.

⁴³ Croatia CCW Protocol V Article 10 Report, Form C (for calendar year 2010), March 2011.

⁴⁴ European Commission, “Croatia 2010 Progress Report,” Commission staff working document, Brussels, 9 November 2010, p. 12.

⁴⁵ Croatia Convention on Cluster Munitions Article 7 Report, Form H, 24 January 2011.

⁴⁶ Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meetings, Session on Victim Assistance, Geneva, 28 June 2011.



A soccer match celebrates the first anniversary of the entry into force of the Convention on Cluster Munitions in Georgia.

operative, pending the passage of a decree to enforce it.⁴⁸

- In **Iraq** legal reforms to protect the rights for persons with disabilities have been underway since 2008, but did not advance in 2010 due to lack of government prioritization.⁴⁹
- In **Uganda**, as a result of joint NGO-government collaboration, detailed physical accessibility standards were created in 2010 that could be used to assess the compatibility of infrastructure with the basic accessibility requirements of other legislation.⁵⁰ By the end of 2010, steps were underway to promote the use of the standards by other government ministries and the private sector. A building control law was proposed and it was hoped that the accessibility standards would be appended to make them enforceable.⁵¹

Gender- and age-sensitive assistance and non-discrimination

States Parties to the Convention on Cluster Munitions commit to adequately provide age- and gender-sensitive assistance to cluster munition victims. Children require specific and more frequent assistance than adults. Children, especially boys, are one of the largest groups of all recorded cluster munition casualties. Women and girls often need specific services depending on their personal and cultural circumstances. Women face multiple forms of discrimination, both as survivors themselves or as those who survive the loss of family members, often the husband and head of household.

Although women, boys, and girls make up a significant proportion of the families and communities affected by cluster munitions, age- and gender-sensitive assistance has been the least considered aspect of the convention's victim assistance provisions since 1 August 2010. Almost all efforts reported were limited to disaggregating data on casualties, rather than the needs indicated by assessments and any services provided to address them.

In 2010 and the first half of 2011, activities aimed at increasing adequate services appropriate to the needs of women, men, girls, and boys, and to eliminate all forms of discrimination in line with the relevant international humanitarian and human rights laws, were mostly initiated by national and international NGOs and implemented in cooperation with relevant ministries. As of August 2011, gender sensitization trainings had been held for government and NGO service providers in the **DRC, Lebanon, and Uganda**.

According to the convention, States Parties cannot discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered from other causes.

⁴⁷ Afghan Landmine Survivors Organization, "The New Disability Law of Afghanistan," 30 July 2011, www.afghanlandminesurvivors.org; statement of ICBL, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-Economic Reintegration, Geneva, 22 June 2011; and statement of Afghanistan, Mine Ban Treaty Standing Committee on Victim Assistance and Socio-Economic Reintegration, Geneva, 22 June 2011.

⁴⁸ Response to Monitor questionnaire by Mahamat Awada, Secretary General, Association of Mutual Aid of Physically Disabled of Chad, 12 March 2011.

⁴⁹ Email from Sardar Sidiq Abdulkarim, Director, Kurdistan Organization for Rehabilitation of the Disabled, 29 May 2011.

⁵⁰ ICBL-CMC, "Connecting the Dots—Detailed Guidance Connections, Shared Elements and Cross-Cutting Action: Victim Assistance in the Mine Ban Treaty and the Convention on Cluster Munitions & in the Convention on the Rights of Persons with Disabilities," April 2011, pp. 23–24.

⁵¹ Uganda National Action of Physical Disability (UNAPD), "Publication of selected legal provisions in domestic and international laws on physical accessibility," May 2010; and UNAPD and Ministry of Gender, Labour and Social Development, "Accessibility Standards: A practical guide to create a barrier-free physical environment in Uganda," (First Edition) 2010, unapd.org.

In **Lao PDR**, National Mine Action Standards require that there is no discrimination against groups or individuals in victim assistance projects due to age, gender, race, ethnicity, religion, disability, or social status.⁵² The government, survivors, and victim assistance service providers have reported that differences in treatment in Lao PDR are based only on survivors' needs and that there was no discrimination in the provision of victim assistance services in 2010.⁵³

Discrimination often comes in multiple forms and is exacerbated by poverty and social exclusion of people who come from underprivileged backgrounds or from rural and remote areas who lack access to consultation with the authorities that enable services. Due to these forms of discrimination in **Afghanistan**, women and the elderly are prevented from gaining adequate access to assistance and receive fewer services.⁵⁴ However, it was also reported that discrimination was not observed within the work or policies of relevant ministries.⁵⁵

For most countries where discrimination was reported, it was due to preferential treatment for veterans, or against particular gender, age, or regional groups, rather than differences in treatment between persons with disabilities based on cause of disability or the type of weapon that caused injury. For example, in **BiH**, disabled war veterans were given a privileged status above that of civilian war survivors and other persons with disabilities, but in 2010, legislative frameworks were adopted to reform social protection systems towards a needs-based approach for social benefits, including veterans' benefits. No other plans or efforts to address the gaps between services available to civilians and military survivors were reported and the obligation for States Parties to provide assistance without discrimination between persons with disabilities remained largely unaddressed.

Survivor inclusion and participation

The convention calls upon 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 further underscores the importance of survivor inclusion by stressing that cluster munition victims be actively involved in newly established coordination mechanisms. In addition, by encouraging and enabling States Parties to include cluster munitions victims and their representative organizations in the work of the convention, the Vientiane Action Plan makes all States Parties, not just states with cluster munition victims, responsible for promoting participation.

Six of the seven States Parties with victim assistance coordination in place involve survivors or their representative organizations in victim assistance or disability coordination mechanisms. No survivor involvement was identified in **Guinea-Bissau's** planning and coordination mechanisms. However, the quality of that participation varied among countries. **Croatia** recognized that survivor involvement had been variable and, at times, token, with survivors lacking a real role in decision-making. In **Mozambique**, where victim assistance has been integrated into the broader disability field, survivors were included in the evaluation of the 2006–2010 National Disability Plan and in the development of the next five-year plan, along with other persons with disabilities.

Survivors or their representative organizations were included in coordination processes in all signatory states with victim assistance coordination in place. However, in four of these, **Angola, Chad, Iraq, and Uganda**, survivor participation was seen as limited; and in all four, coordination itself was also limited, as meetings were infrequent or nearly nonexistent.

In 12 States Parties and signatories, survivors were involved in ongoing victim assistance activities. Survivors implemented and, in some cases, helped to design physical rehabilitation and social and economic inclusion initiatives. Survivors provided peer support and referrals to help other survivors to access services in many countries with cluster munition victims, not only States parties and signatory states, including Afghanistan, Albania, Angola, BiH, Croatia, Ethiopia, Mozambique, Uganda, and Vietnam. In almost all identified cases, survivor involvement in the implementation of victim assistance activities was through NGO programs.

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. Since the convention's entry into force, **Croatia** is the only State Party to have included a survivor as a member of its delegation to an international meeting of the convention.⁵⁶ In contrast, there has been active participation by many cluster munition victims as part of the CMC delegation at international meetings.

⁵² NRA, "Chapter Fourteen: UXO and Mine Victim Assistance," *Lao PDR National UXO/Mine Action Standards* (Vientiane: NRA, 8 January 2009), p.10.

⁵³ Email from Michael Boddington, Victim Assistance Technical Adviser, NRA, 20 July 2010; and statement of Lao PDR, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010.

⁵⁴ Response to Monitor questionnaire by Alberto Cairo, Head of Rehabilitation Programme-Afghanistan, ICRC, 28 March 2010.

⁵⁵ Response to Monitor questionnaire by the Afghanistan Disability Support Programme, UN Office for Project Services, 8 March 2011.

⁵⁶ Croatia included a mine survivor on its delegation to the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. No cluster munition survivors were included on delegations to the convention's first intersessional meetings in Geneva in June 2011.



Support for Mine Action

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

From a survey of donor activities by 28 governments and the European Commission (EC), the Monitor has identified 12 donors that made cluster munition-specific contributions in 2010 totaling US\$20.52 million. However, this certainly does not represent the full extent of global support provided worldwide to eliminate cluster munitions and help victims.

Several donor states are unable to break down expenditures on cluster munition-related activities.¹ The Monitor has not included funding that cannot be disaggregated specifically for cluster munition-related activities.² In June 2011, Australia stated “it is difficult, in many circumstances, to distinguish between the provision and utilisation of our funding for work in relation to cluster munitions, landmines and other explosive remnants of war.”³ Funding for the clearance of cluster munition remnants and unexploded submunitions is often undertaken as part of mine action, including mine clearance, explosive ordnance disposal, and battle area clearance. Likewise, victim assistance is usually provided through a larger framework than the convention.

▲ US campaigners celebrate the International Day of Persons with Disabilities.

Contributions

In 2010, 11 states and the EC reported contributions toward cluster munition-related activities valued at US\$20.52 million. Eight of the donors are States Parties to the Convention on Cluster Munitions and the other three states had signed, but not ratified, as of 25 August 2011. Contributions from both Norway and the EC made up more than half (56%) of the total funding contributions.



Campaigners in Iraq celebrate the first anniversary of the entry into force of the Convention on Cluster Munitions.

¹ Of the 34 States Parties that have submitted an initial Article 7 report, 12 included information on their funding and other contributions specifically for cluster munition-related activities. Fifteen donors provided a comprehensive response to a Monitor questionnaire and five others provided partial information.

² For example, it does not include a C\$1 million contribution by Canada for “humanitarian mine clearance” in Lao PDR, even though the funds were intended to support Lao PDR’s implementation of the Convention on Cluster Munitions. Canada Mine Ban Treaty Article 7 Report, Form J, 30 April 2011.

³ Statement of Australia, Convention on Cluster Munitions Intersessional Meetings, Session on Cooperation and Assistance, Geneva, 29 June 2011.

International cluster munition-related contributions in 2010⁴

Donor	Amount (national currency)	Amount (\$)	Activity
Norway	NOK35,626,259	5,893,411	Clearance, victim assistance, stockpile destruction, advocacy
EC	€ 4,280,282	5,676,082	Clearance
Germany	€ 1,979,806	2,625,421	Clearance, advocacy
Switzerland	CHF1,960,000	1,878,834	Victim assistance, clearance, advocacy
Spain	€ 1,025,492	1,359,905	Clearance, stockpile destruction, advocacy
Ireland	€ 996,400	1,321,326	Stockpile destruction, advocacy
New Zealand	NZ\$1,140,000	822,624	Clearance, advocacy
Australia	A\$560,381	515,551	Clearance, advocacy
Belgium	€ 150,000	198,915	Clearance, advocacy, victim assistance
Austria	€ 65,000	86,197	Advocacy
Canada	C\$74,981	72,811	Advocacy
France	€ 50,000	66,305	Advocacy
Total	N/A	20,517,382	

Note: Bold indicate States Parties to the Convention on Cluster Munitions.

Just over three-quarters of total recorded international cluster munition-related contributions in 2010 went towards clearance activities. Eleven donors reported US\$3.2 million for advocacy activities aimed at promoting the universalization and implementation of the Convention on Cluster Munitions.⁵

International cluster munition-related contributions by activity in 2010

Sector	Amount (\$)	% of total contribution
Clearance	15,827,911	77.14
Advocacy	3,193,241	15.56
Victim assistance	1,286,109	6.27
Stockpile destruction	210,121	1.03
Total	20,517,382	100

Recipients

Eight states and the EC reported contributing \$17.82 million for cluster munition-related activities in six countries: three States Parties to the Convention on Cluster Munitions (Lao PDR, Lebanon, and Moldova) and three non-signatories (Georgia, Serbia, and Vietnam).⁶ These contributions were made through international NGOs, UN agencies including UNDP, and the Organization for Security and Co-operation in Europe (OSCE). There were no bilateral or direct contributions reported.

Lebanon and Lao PDR received 72% of all reported cluster munition-specific donor contributions. More than half (58%) of the contributions for Lao PDR in 2010 were made via the Cluster Munitions Trust Fund for Lao PDR.⁷



A sitting volleyball match with players from Croatia and Serbia celebrates the first anniversary of the entry into force of the Convention on Cluster Munitions.

Jelena Tricomic/AAA Serbia, 1 August 2011

⁴ Average exchange rates for 2010: US\$1=NOK6.0451; €1=US\$1.3261; US\$1=CHF1.0432; NZ\$1=US\$0.7216; A\$1=US\$0.92; and US\$1=C\$1.0298. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁵ Australia, Austria, Belgium, Canada, France, Germany, Ireland, New Zealand, Norway, Spain, and Switzerland.

⁶ The eight states that reported cluster munitions-related contributions to specific states in 2010 were: Australia, Belgium, Germany, Ireland, New Zealand, Norway, Spain, and Switzerland.

⁷ Australia, Belgium, Canada, Germany, Ireland, New Zealand, and Switzerland reported contributions to the fund in 2010.

Recipients of international cluster munition-related contributions: 2010⁸

Recipient	Amount (\$)	Donor	Sector
Lebanon	9,324,441	Australia, Norway, Spain, EC	Clearance
Lao PDR	5,451,714	Belgium, Germany, Ireland, New Zealand, Switzerland	Clearance, victim assistance
Global	2,700,851	Australia, Austria, Canada, France, Ireland, New Zealand, Norway, Spain, Switzerland	Victim assistance, advocacy
Serbia	1,588,063	Norway	Clearance
Vietnam	1,242,192	Germany	Clearance
Moldova	143,816	Norway, Spain	Stockpile destruction
Georgia	66,305	Ireland	Stockpile destruction
Total	20,517,382		

⁸ The breakdown of funds by activity for Lao PDR was: clearance (\$3,010,165), victim assistance (\$1,054,448), advocacy (\$724,051), and stockpile destruction (\$663,050). The global contribution went towards advocacy activities with the exception of \$198,508 for victim assistance activities. Ireland provided €50,000 (\$66,305) to the OSCE to destroy 1,085 units of RBK-250 and RBK-500 aircraft cluster bombs in Georgia. Ireland Convention on Cluster Munitions Article 7 Report, Form I, 27 January 2011. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.



States Parties

Albania

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings of the convention in Geneva in June 2011
Key developments	Completed clearance in December 2009, submitted Article 7 report in January 2011

▲
A race to celebrate the first anniversary of the entry into force of the Convention on Cluster Munitions in Spain.

Policy

The Republic of Albania signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 16 June 2009. It was thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

Albania submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011, for the period from 1 August 2010 to 31 December 2010. According to the report, Albania has not yet enacted specific legislation to implement the convention.¹

Albania actively participated in the Oslo Process that led to the creation of the convention and made many strong contributions from the perspective of a state affected by cluster munitions.²

Albania continued to engage in the work of the convention in 2010 through the first half of 2011. Albania attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 with a delegation led by its Deputy Minister of Defense, Arian Starova, who made a statement encouraging all states to join the convention.³ At the meeting Albania also made statements on clearance and victim assistance.

Albania also participated in the convention's first intersessional meetings in Geneva in June 2011, where it made statements on clearance and victim assistance.

The Albanian Mine Action Executive (AMAE) organized a national workshop on victim assistance in the capital Tirana on 3–4 November 2010.⁴

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

¹ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

² For details on Albania's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 28–29.

³ Statement by Arian Starova, Deputy Minister of Defense, Head of Delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

⁴ The workshop was held in cooperation with the Ministry of Health, the Ministry of Defense, the Ministry of Social Affairs, and with the support of the UNDP. CMC, "CMC Newsletter," November 2010.

Civil society groups in Albania have campaigned in support of the Convention on Cluster Munitions.⁵

Albania is party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not actively engaged in CCW deliberations on cluster munitions.⁶

Production, transfer, use, and stockpiling

In its Article 7 report, Albania confirms that it has never used, produced, transferred, or stockpiled cluster munitions.⁷ Cluster munitions were used in Albania in 1999 by forces of the former Socialist Republic of Yugoslavia and states participating in the NATO operation.⁸

Cluster Munition Remnants

In December 2009, Albania announced it had completed the clearance of all known cluster munition remnants on its territory in November 2009, having found and destroyed 4,869 unexploded submunitions.⁹ The northeast of the country was contaminated with unexploded submunitions from at least six NATO cluster munition strikes that missed their targets during the 1999 conflict.¹⁰ In 1999, a general survey identified 44 areas covering 2.1km² affected by unexploded submunitions, including BLU-97B, BL-755, MK118 Rockeye, KB-1, and KB-2 submunitions.¹¹

In July 2011, Albania stated that clearance of the 2.1km² identified as contaminated was undertaken by explosive ordnance disposal personnel of the Albanian Armed Forces with the support of NATO in 1999 through 2000. The clearance, while drastically reducing the number of civilian casualties, was only a “visual surface clearance” and was not according to humanitarian standards. As a result, areas were subsequently re-cleared.¹² According to Albania’s Article 7 report, a total of more than 1.37km² was cleared through November 2009.¹³

Cluster Munition Casualties

Since 1999, there were 32 incidents involving the explosion of submunitions, resulting in nine deaths and 44 people injured. The last casualty occurred in 2005.¹⁴

In addition to the 53 casualties of cluster munition remnants recorded by AMAE, two casualties during cluster munitions strikes were also identified.¹⁵

⁵ Campaigners celebrated the convention’s 1 August 2010 entry into force with a drumming celebration and march that included survivors who had been injured by cluster munitions and representatives from Albanian civil society. CMC, “Entry into force of the Convention on Cluster Munitions: Report: 1 August 2010,” October 2010.

⁶ Albania regularly participates in meetings of the CCW Group of Governmental Experts on a draft proposal for a new protocol on cluster munitions, but Albania has made no significant statements on its position on the draft proposal or on the CCW negotiations in general.

⁷ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011. Albania stated in December 2008 that it had never has never used, produced, transferred, or stockpiled cluster munitions. Statement by Lulzim Basha, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁸ Statement by Lulzim Basha, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008; and Rosy Cave, Anthea Lawson, and Andrew Sheriff, *Cluster Munitions in Albania and Lao PDR: The Humanitarian and Socio-Economic Impact* (Geneva: UN Institute for Disarmament Research, 2006), p. 7, www.mineaction.org.

⁹ Statement by Arian Starova, Second Review Conference of the Mine Ban Treaty, Cartagena, 3 December 2009; and Convention on Cluster Munitions Article 7 Report, Form F, 27 January 2011.

¹⁰ AMAE, “Mine Action History,” www.amae.org.al.

¹¹ Email from Arben Braha, AMAE, 20 April 2010; and presentation by Aida Alla, Public Information Officer, AMAE, on Albania’s completion of clearance of cluster munition contaminated areas, “After Oslo 2008” Workshop on Cluster Munitions, Rakitje, Croatia, 10 February 2010.

¹² Statement of Albania, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 28 June 2011.

¹³ Convention on Cluster Munitions Article 7 Report, Form F3 and Annex 1, 27 January 2011.

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

¹⁵ Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 58; and HI, *Fatal Footprint: The Global Human Impact of Cluster Munitions* (Brussels: HI, November 2006), p. 22.

Antigua and Barbuda

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Signed the Convention on Cluster Munitions on 16 July 2010 and ratified on 23 August 2010

Policy

Antigua and Barbuda signed the Convention on Cluster Munitions on 16 July 2010 and ratified one month later on 23 August 2010, becoming the first State Party from the Caribbean. The convention entered into force for Antigua and Barbuda on 1 February 2011.

The status of national implementation measures is not known.

Antigua and Barbuda's initial Convention on Cluster Munitions Article 7 report is due 30 July 2011.

Antigua and Barbuda did not participate in the Oslo Process to create the convention, but officials indicated several times in 2009 and 2010 that the government intended to join it.¹⁶

Antigua and Barbuda attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, its first-ever participation in a meeting on cluster munitions. Antigua and Barbuda did not make any statement during the meeting, but offered to host a workshop to promote the convention with Caribbean Community (CARICOM) states. Antigua and Barbuda did not attend intersessional meetings of the convention held in Geneva in June 2011.

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

Antigua and Barbuda is party to the Mine Ban Treaty. It acceded to the Convention on Conventional Weapons (CCW) on 23 August 2010, but has not consented to be bound by CCW Amended Protocol II on landmines or Protocol V on explosive remnants of war.

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

Austria

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
National implementation measures	Federal Act on the Prohibition of Cluster Munitions, 2008
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Completed stockpile destruction on 8 November 2010 and submitted initial Article 7 report in January 2011

Policy

The Republic of Austria signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 2 April 2009. It was thus among the first 30 ratifications to trigger the convention's entry into force on 1 August 2010.

¹⁶ Response to Monitor questionnaire by Antigua and Barbuda, 24 June 2010; and meeting with Gillian Joseph, First Secretary, Permanent Mission of Antigua and Barbuda to the UN in New York, 23 October 2009. Notes by the CMC.

In December 2007, Austria became the second country after Belgium to pass national legislation on cluster munitions when it passed the Federal Act on the Prohibition of Cluster Munitions, which entered into force on 8 January 2008.¹⁷ The law prohibits “the development, production, acquisition, sale, procurement, import, export, transit, use and possession of cluster munitions” in Austria and requires the destruction of stockpiled cluster munitions within three years.¹⁸

Austria submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011.¹⁹ The report covers the period from 1 January to 31 December 2010.

As a member of the small Core Group of nations that steered the Oslo Process to its successful conclusion, Austria played a crucial leadership role in securing the Convention on Cluster Munitions, including by hosting a key meeting of the Oslo Process in Vienna in December 2007. During the formal negotiations of the convention in Dublin in May 2008, Austria played a vital role in securing acceptance of the convention’s groundbreaking provisions on victim assistance.²⁰

In 2010 through the first half of 2011, Austria continued to play a leadership role in the work of the convention. Austria participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it announced the completion of its stockpile destruction.²¹ Austria also attended the first intersessional meetings of the convention in June 2011 in Geneva, where it proposed that the convention explore “synergies” with the Mine Ban Treaty and UN Convention on the Rights of Persons with Disabilities.²²

At both meetings, Austria chaired sessions on victim assistance in its capacity as Friend of the President of the First Meeting of States Parties on victim assistance. Austria also attended the UN Special Event on the convention in October 2010.

In April 2011, the Ministry for European and International Affairs informed the Monitor that Austria “promotes the universalisation of the Convention as a matter of policy.”²³ At the UN General Assembly (UNGA) in September 2010, Minister for European and International Affairs Michael Spindelegger welcomed the convention’s entry into force and described the convention as “a positive example” of how committed governments, international organizations, and civil society “can work together to achieve real progress.”²⁴ During 2010, Austria helped to organize a panel discussion of interested countries and NGOs to identify obstacles and possible opportunities to encourage Cambodia’s accession to the convention.²⁵

In April 2011, Austria expressed grave concern over the use of cluster munitions in the Thai-Cambodia border clashes in February 2011, as well as cluster munition use in Libya.²⁶ Austria urged all parties to immediately cease the use of cluster munitions, protect the civilian population from their effects, and to join the convention as soon as possible.²⁷ On 21 April 2011, Austria joined Norway, New Zealand, and Switzerland in issuing a joint demarche to the Thai Ministry of Foreign Affairs to express their concern over the use of cluster munitions and to urge Thailand to accede to the convention.²⁸

CMC-Austria has continued to campaign in support of the Convention on Cluster Munitions.²⁹

¹⁷ The National Council and the Federal Council enacted the law on 6 and 20 December 2007, respectively, and it entered into force on 8 January 2008. On 12 March 2009, the Austrian National Council approved a motion amending the law to bring its definition of cluster munitions in line with the definition contained in the convention. A second motion authorized ratification of the convention. On 26 March, the Federal Council assented to both motions.

¹⁸ “Bundesgesetz über das Verbot von Streumunition” (“Federal Act on the Prohibition of Cluster Munitions”), GP XXIII RV 232 AB 350 S. 42. BR: AB 7873 S.751, *Bundesgesetzblatt für die Republik Österreich, Bundeskanzleramt Rechtsinformationssystem (Federal Law Gazette for the Republic of Austria, Federal Chancellery Legal Information)*, 7 January 2008, www.ris.bka.gv.at.

¹⁹ Austria completed voluntary Form J to report on other relevant matters including universalization and a Conference on Victim Assistance held in Vienna on 8–9 April 2010.

²⁰ For detail on Austria’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 35–38.

²¹ Statement of Austria, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

²² Statement of Austria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 27 June 2011. Notes by the CMC.

²³ Letter from Alexander Kmentt, Director for Disarmament, Arms Control and Non-Proliferation, Ministry for European and International Affairs, to Mary Wareham, Senior Advisor, Arms Division, Human Rights Watch, no.BMeiA-AT.2.07.41/0021-II.8b/2011, 21 April 2011.

²⁴ Statement by Michael Spindelegger, Minister for European and International Affairs, UNGA 65th Session, First Committee on Disarmament and International Security, New York, 25 September 2010.

²⁵ Convention on Cluster Munitions Article 7 Report, Form J, 27 January 2011.

²⁶ Austrian Foreign Ministry, “Foreign Minister Spindelegger condemns deployment of cluster munitions,” 18 April 2011, www.bmeia.gv.at.

²⁷ Letter from Alexander Kmentt, Ministry for European and International Affairs, to Mary Wareham, Human Rights Watch, no. BMeiA-AT.2.07.41/0021-II.8b/2011, 21 April 2011.

²⁸ Letter from Hon. Georgina te Heuheu, Minister for Disarmament and Arms Control, to Aotearoa New Zealand CMC, 23 May 2011, www.stopclusterbombs.org.nz

²⁹ CMC-Austria organized a drumming event outside of Parliament to celebrate the 1 August 2011 entry into force of the convention. CMC, “Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010,” October 2010.

Convention on Conventional Weapons

Austria is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Austria has participated actively in the CCW deliberations on cluster munitions in 2010 through the first half of 2011. In November 2010, Austria said that it “sees a real value” in continuing CCW discussions on cluster munitions, but, given the lack of progress, asked if it was time to suspend or adapt the mandate to provide a “stronger substantive focus.”³⁰

In April 2011, the Ministry for European and International Affairs said that Austria has “consistently promoted efforts in the Group of Governmental Experts in the CCW to develop a text that is complementary to and compatible with and does not in any way undermine” the Convention on Cluster Munitions.³¹ In CCW deliberations on cluster munitions, Austria has staunchly defended any efforts to weaken the standard set by the Convention on Cluster Munitions and has criticized provisions of the draft chair’s text that would allow for continued humanitarian harm caused by cluster munitions.

In February 2011, Austria outlined four major concerns with the draft chair’s text under consideration: first, the text contains only one immediate prohibition for cluster munitions produced more than 30 years ago and would permit exceptions for continued use of cluster munitions; second, the text would also allow for continued production of cluster munitions; third, the draft contains no deadlines for clearance or stockpile destruction, only mere starting points; and fourth, victim assistance was not sufficiently addressed in the draft and the definition of a cluster munition not even in the operational part of the protocol.³²

In March 2011, Austria again expressed disappointment at the lack of meaningful progress in the CCW, stating that fundamentally, it would not be possible for Austria to agree to an instrument that will re-legitimize the use or production of cluster munitions that have been prohibited. Such a protocol would be a massive step in the wrong direction and contrary to the object and purpose and the norms of the Convention on Cluster Munitions and would undermine the credibility of the whole framework of the CCW.³³

Interpretive issues

Austria has made known its views on a number of issues important to the interpretation and implementation of the convention, including the prohibitions on transit and foreign stockpiling, the prohibition on assistance with prohibited acts, and the prohibition on investment in cluster munition production.

In Austria’s view, the “transit of cluster munitions across or foreign stockpiling of cluster munitions on the national territory of States Parties is prohibited by the Convention. In this regard Article 1 paragraph b is of particular interest as it states a clear prohibition of transferring as well as stockpiling cluster munitions. Should a State Party to the Convention allow a foreign state to stockpile cluster munitions on its territory, this action would be in violation with the provision entailed in Article 1 paragraph c that prohibits assistance *‘to engage in any activity prohibited to a State Party.’*”³⁴ Austria’s national law specifically prohibits transit of cluster munitions.³⁵

On Article 21 (Relations with states not party) or “interoperability,” Austria has stated that the article “leaves room for some interpretation, especially as to paragraph 4. The whole question of interoperability is one that...Austria has always accorded concern.”³⁶ During the Oslo Process, Austria stated that it has a national penal law that acts as a filter to protect service people from unjust prosecutions in instances where others may use cluster munitions. Austria said it was possible that in the future it might not be able to participate, or may consciously choose not to participate, in joint military operations where cluster munitions might be used.³⁷

The Federal Act on the Prohibition of Cluster Munitions does not explicitly prohibit investment in the production of cluster munitions. In April 2011, the Ministry for European and International Affairs said that it was in the process of reviewing the issue of prohibiting investment in the production of cluster munitions.³⁸

³⁰ Statement of Austria, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

³¹ Letter from Alexander Kmentt, Ministry for European and International Affairs, to Mary Wareham, Human Rights Watch, no. BMeiA-AT.2.07.41/0021-II.8b/2011, 21 April 2011.

³² Statement of Austria, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 21 February 2011. Notes by AOAV. In February 2011, Austria, along with Croatia, Denmark, Luxembourg, and Switzerland, supported a German proposal for a ban on transfers of cluster munitions. Proposal for provisions on transfers for consideration in a CCW Protocol on Cluster Munitions, submitted by Austria, Croatia, Denmark, Germany, Luxembourg, and Switzerland, First 2011 Session of the CCW GGE on cluster munitions, Geneva, 22 February 2011, CCW/GGE/2011-I/WP.1.

³³ Statement of Austria, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOAV.

³⁴ Federal Law on the Prohibition on Cluster Munition[s], sec. 2. An unofficial English translation of Austria’s law specifically uses the word transit.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ Statement of Austria, Wellington Conference on Cluster Munitions, 19 February 2008. Notes by the CMC. Austria affirmed that its 40-year tradition of active participation in UN peacekeeping missions would be unaffected by the convention. After the entry into force of its national law, Austria continued to participate in UN operations, however, it now looked at missions more carefully and requested its partners not to use cluster munitions.

³⁸ Letter from Alexander Kmentt, Ministry for European and International Affairs, to Mary Wareham, Human Rights Watch, no. BMeiA-AT.2.07.41/0021-II.8b/2011, 21 April 2011.

Use, production, and transfer

In March 2009, Austria confirmed that it has “never used, produced, or transferred cluster munitions.” In its Article 7 report, Austria reported no production facilities.³⁹

Stockpile destruction

On 8 November 2010, Austria completed the destruction of its entire stockpile of cluster munitions.⁴⁰ Austria destroyed a total of 12,672 155mm DM632 artillery projectiles containing 798,147 M85 submunitions through an Italian company contracted in September 2009.⁴¹ Three projectiles were destroyed by the Austrian Armed Forces prior to February 2010 and the remaining 12,669 were destroyed by the Italian company starting in February 2010; the last items were destroyed in the beginning of November 2010, just days prior to the start of the First Meeting of States Parties.⁴²

At the First Meeting of States Parties, Austria emphasized that the destruction was carried out in an environmentally friendly manner and that all reusable parts were recycled.⁴³ Destruction began in February 2010 and was slated to end in May 2010, but technical challenges pushed the completion date back to November 2010.⁴⁴

Austria’s national law required destruction of its stockpile within three years, by January 2011.⁴⁵

In July 2011, Austria informed the Monitor that it had purchased 12,672 155mm DM632 projectiles from Israel Military Industries. The Ministry of Defense clarified that Austria never possessed German produced DM642 or DM652 projectiles as previously reported.⁴⁶

In June 2007, the Minister of Defense told Parliament that the Austrian Armed Forces stockpiled 12,672 “Hohlladungssprengkörpergranaten 92,” which is the name given nationally for the DM632 projectiles. The minister reported that these cluster munitions were procured in 1998 and 1999 for €10.44 million (US\$14.3 million).⁴⁷

Retention

The Ministry for European and International Affairs has stated that “Austria does not retain any cluster munitions for training or research purposes.”⁴⁸

³⁹ It reported “not applicable” in forms D (Technical characteristics of cluster munitions produced/owned or possessed) and E (Status and progress of programmes for conversion or decommissioning of production facilities) Convention on Cluster Munitions Article 7 Report, Forms D and E, 27 January 2011.

⁴⁰ Letter from Alexander Kmentt, Ministry for European and International Affairs, to Mary Wareham, Human Rights Watch, no. BMeiA-AT.2.07.41/0021-II.8b/2011, 21 April 2011.

⁴¹ Three 155mm artillery projectiles containing 189 submunitions were destroyed in a test dismantling and destruction in Felixdorf, Austria. The remainder were destroyed in Lachiano, Italy by 17 November 2010 through a process of dismantling, recycling, and incineration of the explosive materials, in compliance with environmental and waste management standards. Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011; letter GZ.BMeiA-AT.2.07.41/0055-II.8b/2010 from Amb. Alexander Marschik, Federal Ministry for European and International Affairs, to Judith Majlath, CMC-Austria, 29 July 2010.

⁴² Email from Wolfgang Banyai, Department for Arms Control and Disarmament, Ministry for European and International Affairs, 22 July 2011.

⁴³ Statement of Austria, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

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

⁴⁵ Federal Law on the Prohibition on Cluster Munition[s], sec. 4. In June 2009, Austria stated that a tendering process had been launched with destruction to be completed in 2010. Statement of Austria, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOAV.

⁴⁶ Email from Wolfgang Banyai, Department of Arms Control and Disarmament, Ministry for European and International Affairs, 22 July 2011. The Ministry of Defense stated Austria “had bought from Israel Military Industries 12.672 pieces of ‘15,5 cm Hohlladungssprengkörpergranate 92/oZ/H M185 (M284) (155 mm DP-ICM projectile DM 632 (IMI-M395))’ - Austrian, Israeli and international designation, respectively.”

⁴⁷ The Minister also noted that storage costs were €4,000 (\$5,484) per month. Reply by Minister of Defense Norbert Darabos to the Parliamentary Questions (723/J) submitted by Member of Parliament Caspar Einem and Colleagues and addressed to the Minister of Defense concerning the Procurement of Cluster Munitions (Cluster Bombs and Howitzergrenades) by the Austrian Armed Forces, 26 June 2007, www.parlament.gv.at. Average exchange rates for 2010: €1=US\$1.3261; for 2009: €1=US\$1.3935; for 2008: €1=US\$1.4726; for 2007: €1=US\$1.3711. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

⁴⁸ Letter from Alexander Kmentt, Ministry for European and International Affairs, to Mary Wareham, Human Rights Watch, no. BMeiA-AT.2.07.41/0021-II.8b/2011, 21 April 2011. In its Article 7 report, Austria reported “not applicable” on Form C on cluster munitions retained for training and research purposes. Convention on Cluster Munition Article 7 Report, Form C, 27 January 2011.

Belgium

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Completed stockpile destruction on 6 August 2010, submitted Article 7 report in January 2011

Policy

The Kingdom of Belgium signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 22 December 2009. It was thus among the first 30 countries to ratify, triggering entry into force of the convention on 1 August 2010.

In 2006, Belgium became the first country to enact a national law prohibiting cluster munitions.⁴⁹ Belgium reports that its armed forces have military officers assigned in each unit who are available to advise military commanders on the application of the law of armed conflict, including “obligations and restrictions” of the Convention on Cluster Munitions.⁵⁰

Belgium submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011. The report covers the period from 2009 to 2010.

Belgium participated actively throughout the Oslo Process that produced the convention, hosting a regional conference on cluster munitions in October 2007.⁵¹ Belgium has continued to play a leadership role in the work of the convention in 2010 and the first half of 2011, including in its capacity as Friend of the President of the First Meeting of States Parties on transparency measures and also through its contributions to the work on stockpile destruction and universalization.

Belgium attended the convention’s First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 with a high-level delegation led by HRH Princess Astrid of Belgium, a long-time supporter of the convention and the 1997 Mine Ban Treaty. In a statement to the meeting, Princess Astrid announced a €2 million (US\$2.7 million) funding increase in annual contributions for NGO projects in Southeast Asia, Africa, and South America.⁵²

At the First Meeting of States Parties, Belgium chaired a session on transparency measures, presenting a draft reporting template that was adopted by States Parties. As President of the European Union (EU), Belgium delivered the EU statement to the meeting and also moderated a side-event on “EU cooperation activities in Lao PDR and EU action against UXO.”⁵³

Belgium participated in the first intersessional meetings of the convention in Geneva in June 2011, where it chaired a session on transparency measures and made several statements including on victim assistance and compliance measures.

Throughout 2010 and the first half of 2011, Belgium engaged with stakeholders on Article 7 transparency reporting in its capacity as Friend of the President. On 22 April 2010, it chaired a meeting in Geneva to take views on the draft reporting template.⁵⁴ At the First Meeting of States Parties in November 2010, Belgium introduced the draft template.⁵⁵ Belgium highlighted the importance of the reports to facilitate international cooperation and assistance.⁵⁶ In December

⁴⁹ The law, which bans the production, stockpiling, and trade of cluster munitions, took effect on 9 June 2006, with an additional amendment requiring that “within three years after the publication of the law, the State and public administrations destroy the existing stock of submunitions or devices of similar nature.” For more information, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 39; and Handicap International Belgium (HI-B), “The Belgian Campaign to Ban Cluster Munitions, A Brief History,” version 28, June 2006.

⁵⁰ Convention on Cluster Muniton Article 7 Report, Form A, 27 January 2011.

⁵¹ For more details on Belgium’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 39–42.

⁵² Statement by HRH Princess Astrid, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

⁵³ Document provided by the Department of Foreign Affairs, Foreign Trade and Development Cooperation, in email from Henri Vantiegham, Human Security and Conventional Disarmament, Department of Foreign Affairs, Foreign Trade and Development Cooperation, to HI-B, 13 April 2011; and delegation of the EU to Lao PDR Press release, “EU participates at the First Meeting of States Parties to the Convention on Cluster Munitions held in Vientiane,” 9 November 2010, www.dellao.ec.europa.eu.

⁵⁴ Document provided by the Department of Foreign Affairs, Foreign Trade and Development Cooperation, in email from Henri Vantiegham, Foreign Trade and Development Cooperation, to HI-B, 13 April 2011.

⁵⁵ Statement of Belgium, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

⁵⁶ Statement by Belgium, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010.

2010, Belgium's Permanent Mission to the UN in Geneva distributed letters to the convention's first 30 States Parties reminding them that their initial Article 7 reports were due by 27 January 2011. Follow-up notes were subsequently sent to states that did not meet this deadline. In February and April 2011, Belgium organized open informal consultations on reporting and carried out an initial assessment of the first Article 7 reports submitted. In 2011, Belgium coordinated the preparation of draft guidelines on reporting to be presented at the convention's Second Meeting of States Parties in Beirut, Lebanon in September 2011.⁵⁷

Belgium also participated in a seminar on victim assistance held in Vienna from 8–9 April 2011.

Belgian civil society has continued its active support for the Convention on Cluster Munitions.⁵⁸

Universalization

Belgium has continued to promote and encourage universalization of the convention as well as its implementation through a variety of means, including at the ministerial level, through its diplomatic posts, in bilateral demarches, and in fora including NATO, the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe, and EU working groups.

On 1 August 2010, Deputy Prime Minister and Minister of Foreign Affairs Steven Vanackere welcomed the convention's entry into force and stated that Belgium was "taking diplomatic steps with a view to mobilizing as many countries as possible in favour of universal implementation and correct enforcement of the treaty."⁵⁹ In its capacity as EU President, Belgium also prepared a statement by the EU High Representative for Foreign Affairs and Security Policy, Lady Catherine Ashton, that welcomed the convention's entry into force.⁶⁰

At the First Meeting of States Parties in November 2010, HRH Princess Astrid appealed for the universalization of the convention.⁶¹ In a separate statement to the meeting, Belgium said that its Minister of Foreign Affairs had urged his NATO colleagues to swiftly ratify the convention and that it had actively supported a July 2010 resolution on the convention by the Council of Europe.⁶² Belgium discussed its universalization efforts during the UN Special Event on the convention held in New York in October 2010.⁶³

In September 2010, Belgium issued a declaration to the OSCE Forum for Security Co-operation encouraging those who had not yet done so to sign and ratify the convention. It made a similar appeal in the OSCE Forum for Security Co-operation in January 2010.⁶⁴ Belgium promoted the convention at the Organization of American States (OAS) Committee on Hemispheric Security in December 2010 in the framework of the Comprehensive Action Against Antipersonnel Mines by the OAS.⁶⁵ During an informal NATO ministerial meeting in Istanbul on 4–5 February 2010, Belgium's Minister of Defense promoted universalization of the convention with some of his counterparts including the United States (US) Secretary of Defense.⁶⁶

On 30 March 2011, following Thailand's use of cluster munitions in its border conflict with Cambodia in February, Belgium's ambassador to Thailand urged Thailand to join the convention during a meeting with the Thai Ministry of Foreign Affairs. On 2 April 2011, Belgium and Norway issued a joint demarche on the convention to the legal department of the Thai Armed Forces. On 7 May, the ambassadors of Belgium, Norway, and Austria issued a joint demarche to the Minister of Defense of Cambodia, Chief of Staff of the Cambodian Army, and Cambodian Mine Action Center urging Cambodia to also join the convention.⁶⁷

⁵⁷ Document provided by the Department of Foreign Affairs, Foreign Trade and Development Cooperation, in email from Henri Vantiegham, Foreign Trade and Development Cooperation, to HI-B 13 April 2011.

⁵⁸ For example, on the 1 August 2010 entry into force of the convention, HI-B and the Ban Advocates group of cluster munition survivors launched a film entitled "Ban Advocates: from Victims to Champions." HI-B also held a press conference together with Serbian survivors of cluster munitions and met with Serbian officials to encourage accession to the convention. CMC, "Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010," November 2010. In May 2011, Belgian NGO Netwerk Vlaanderen together with IKV Pax Christi (Netherlands) launched an updated version of their disinvestment report. See "Worldwide Investments in Cluster Munitions: A shared responsibility," IKV Pax Christi and Netwerk Vlaanderen, May 2011, www.stopexplosiveinvestments.org.

⁵⁹ Department of Foreign Affairs, Foreign Trade, and Development Cooperation Press statement, "Steven Vanackere pleased with entry into force of the Convention on Cluster Munitions on 1 August 2010," 30 July 2010.

⁶⁰ Document provided by the Department of Foreign Affairs, Foreign Trade and Development Cooperation, in email from Henri Vantiegham, Foreign Trade and Development Cooperation, to HI-B, 13 April 2011; and "Declaration by the High Representative Catherine Ashton on behalf of the European Union on the Convention on Cluster Munitions," Brussels, 1 August 2010, www.consilium.europa.eu.

⁶¹ Statement by HRH Princess Astrid, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

⁶² Statement of Belgium, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁶³ CMC, "Special Event on the Convention on Cluster Munitions, 19 October 2010," October 2010.

⁶⁴ Statement by Genevieve Renaux, Permanent Representative of Belgium, 600th Meeting of the OSCE Forum for Security Co-operation, "Ratification by Belgium of the Convention on Cluster Munitions," FSC.DEL/3/10, 20 January 2010; "Déclaration sur l'annonce officielle de la destruction finale du stock d'armes à sous-munitions par l'armée belge," OSCE Forum for Security Co-operation, Vienna, FSC.DEL/94/10, 22 September 2010.

⁶⁵ Statement by Joris Totté, First Secretary, Observer Mission of Belgium to the OAS, 10 December 2010, CP/CSH/INF.239/10, www.oas.org.

⁶⁶ Document provided by the Department of Foreign Affairs, Foreign Trade and Development Cooperation, in email from Henri Vantiegham, Foreign Trade and Development Cooperation, to HI-B, 13 April 2011.

⁶⁷ Ibid.

Interpretive issues

Belgium has made known its views on a number of issues important to the interpretation and implementation of the convention.

Belgium has expressed its understanding that Article 21 of the convention, on relations with states not party, prohibits States Parties from assisting others with use of cluster munitions during joint military operations. In a 2009 memorandum, Belgium stated, “In the case where a State Party engages in cooperation or military operations with States non-parties, a series of guaranties are provided: the cooperation or the military operation must be in conformity with international law; each State Party must notify non-states parties of its obligations under the Convention; it must promote the norms established by the Convention and discourage non-states parties from using cluster munitions. Similarly, paragraph 4 affirms the primacy of the fundamental obligations of the Convention, which cannot be derogated from, even in the framework of cooperative activities or military operations with States-non-party.” Belgium has also affirmed the portance of the positive obligations of the Article to promote the convention, noting “the emphasis is placed on the engagement of each State Party to encourage non-states parties to ratify, accede, approve or adhere to the Convention.”⁶⁸

Similarly in 2009, Belgium stated, “Each State Party will encourage other states to ratify, accept and approve or to join the treaty. The goal is the involvement of all countries. Each State Party will communicate that it will promote the standards imposed by the treaty, and that it will make every effort to discourage other states to use cluster munitions. States Parties, their military personnel or their residents can participate in military cooperation and operations with States not Parties, but they have by no means the permission to develop, produce, acquire, stockpile, transfer and use cluster munitions.”⁶⁹

In October 2009, the Minister of Foreign Affairs told the Senate that “military cooperation with third countries is possible, particularly international military operations, but the responsibilities are clearly delineated. In the case of Belgium and for other signatories, the rule is that we will not use cluster munitions and we will not assist States with a view to use them.”⁷⁰

In April 2011, the Department of Foreign Affairs informed the Monitor that Belgian authorities would be prohibited from granting import, export, or transit licenses for arms that are prohibited under Belgium’s national legislation of 2006, which bans cluster munitions. According to the Department, the Convention on Cluster Munitions definition “covers the notion of transfer as involving, in addition to the physical movement of cluster munitions into or from a national, the transfer of title to and control over cluster munitions [...]. In accordance to this definition, there has been no transfer registered [in] 2010.”⁷¹

Belgium has stated that, in its view, live submunitions are necessary for training in destruction techniques.⁷²

Disinvestment

Belgium became the first country to ban investment in cluster munition producers, after passing the Belgian Act Prohibiting the Finance of the Production, Use and Possession of Anti-personnel Mines and Submunitions in March 2007.⁷³ The law prohibits direct and indirect financing.

⁶⁸ This is contained in an explanatory memorandum to the decree approving the convention adopted by the Parliament of Brussels and to the draft law in the Senate. Parliament of Brussels, “Ontwerp van ordonnantie houdende instemming met: het Verdrag inzake clustermuniteit, gedaan te Dublin op 30 mei 2008 en ondertekend te Oslo op 3 december 2008” (“Draft decree approving the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008 and signed in Oslo on 3 December 2008”), 13 October 2009, Legislative document A-14/1-G.Z. 2009, www.weblex.irisnet.be; and Belgian Senate, “Wetsontwerp houdende instemming met het Verdrag inzake clustermuniteit, gedaan te Dublin op 30 mei 2008” (“Bill approving the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008 and signed in Oslo on 3 December 2008”), Legislative documents 4-1419/1-3, Session of 2008-2009, 15 September 2009, www.senate.be.

⁶⁹ This is contained in an explanatory memorandum to the decree approving the convention adopted by the Parliament of Flanders. Parliament of Flanders, “Ontwerp van decreet houdende instemming met het Verdrag inzake clustermuniteit, opgemaakt in Dublin op 30 mei 2008” (“Draft decree approving the Convention on Cluster Munitions, adopted in Dublin on 30 May 2008 and signed in Oslo on 3 December 2008”), Legislative document Stuk 2250 (2008-2009)-Nr. 1, Session of 2008-2009, 30 April 2009, www.jsp.vlaamsparlement.be.

⁷⁰ Belgian Senate, “Inleidende uiteenzetting door de heer Yves Leterme, Minister van Buitenlandse Zaken, Wetsontwerp houdende instemming met het Verdrag inzake clustermuniteit, gedaan te Dublin op 30 mei 2008, Verslag namens de commissie voor de buitenlandse betrekkingen en voor de landsverdediging uitgebracht door mevrouw de Bethune en de heer Mahoux” (“Opening address by Yves Leterme, Minister of Foreign Affairs, Bill approving the Convention on Cluster Munitions, adopted at Dublin on May 30, 2008, Report on behalf of the committee on foreign relations and defence, presented by Mrs. de Bethune and Mr. Mahoux”), Legislative document 4-1419/2, Session of 2009-2010, 28 October 2009, www.senate.be.

⁷¹ Document provided by the Department of Foreign Affairs, Foreign Trade and Development Cooperation, in email from Henri Vantiegham, Foreign Trade and Development Cooperation, to HI-B, 13 April 2011.

⁷² It said that each trainee needs to destroy 10 M42/46 submunitions during his instruction and training period and that each group of three trainees needs to destroy one complete M483 projectile. Presentation by Lt.-Col Eric Carette, Ministry of Defense, “Training with submunitions ... Belgian approach,” Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009.

⁷³ See, House of Representatives, “Projet de loi: interdisant le financement de la fabrication, de l’utilisation ou de la détention de mines antipersonnel et de sous-munitions” (“Bill: Prohibiting the Finance of the Production, Use and Possession of Anti-personnel Mines and Submunitions”), Legislative document DOC 51 2833/002, Session of 2006-2007, 1 March 2007, www.dekamer.be. For a commentary on the Bill, see IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions; a shared responsibility,” April 2010, pp. 107-108.

The law required the Belgian government to publish a list by May 2008 of companies producing prohibited weapons, but, as of July 2011, the list had not yet been published. In April 2011, the Department of Foreign Affairs informed the Monitor that since the last federal elections in 2010, the present government has had limited powers as a caretaker government and said, “at present it is not possible to predict the further delay in this process.”⁷⁴ In March 2011, the Minister of Finance reiterated that the Minister of Justice was responsible for publication of the list, but said the Ministry of Justice “does not have the necessary information to publish the list” and the Ministry of Finance could not provide one either for the same reason.⁷⁵

On 25 February 2011, Senators Philippe Mahoux and Marie Arena introduced a draft bill in the Belgian Senate to promote socially responsible investments and prevent investments in cluster munitions producers from receiving the certification of “Socially Responsible Investment” (SRI).⁷⁶

Convention on Conventional Weapons

Belgium is party to the Convention on Conventional Weapons (CCW) and ratified CCW Protocol V on explosive remnants of war. It participated in CCW deliberations on cluster munitions in 2010 and the first half of 2011, but did not express its views on the process or the draft chair’s text under discussion.

Use, production, and transfer

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

The Poudreries Reunies de Belgique (PRB), now defunct, manufactured the NR 269 155mm artillery projectile with dual purpose improved conventional munition (DPICM) submunitions prior to 1990. This production was reportedly assumed by Giat Industries in France.⁷⁷ Mecar SA and Forges de Zeebrugge (FZ) also had cluster munitions under development.⁷⁸

Stockpile destruction

On 6 August 2010, Belgium completed the destruction of its stockpile of 115,975 cluster munitions (115,210 artillery projectiles and 765 aerial bombs) containing 10,250,935 submunitions.

According to its Article 7 report, Belgium destroyed 115,210 155mm M483A1 artillery projectile cluster munitions containing 10,138,480 M42/M46 DPICM submunitions. The stockpile was destroyed in Italy by Esplodenti Sabino (ITA), under a NATO Maintenance and Supply Agency (NAMSA) contract. Following their extraction from artillery projectiles and the removal of their fuzes, the submunitions were destroyed using cryo-fracture and thermodisposal methods in accordance with the ISO 14001 environment management standard.⁷⁹

The 2006 ban legislation required that the Belgian stockpile be destroyed within three years, which was June 2009.⁸⁰ All of the stocks were transferred out of the country by June 2009 and the Italian company was supposed to have finished the destruction program by the end of July 2010, but requested an extension from NAMSA until the end of October 2010.⁸¹ By April 2010, a total of 94,410 of the artillery projectiles had been destroyed. The remaining 20,800 artillery projectiles were destroyed by 6 August 2010.

According to the Minister of Foreign Affairs, the stockpile destruction program cost approximately €3 million (US\$4.2 million).⁸²

⁷⁴ Document provided by the Department of Foreign Affairs, Foreign Trade and Development Cooperation, in email from Henri Vantiegham, Foreign Trade and Development Cooperation, to HI-B, 13 April 2011.

⁷⁵ Belgian Senate, “Demande d’explication de M. Richard Miller au vice-premier ministre et ministre des Finances et des Réformes institutionnelles sur ‘l’application de la loi interdisant le financement des armes à sous-munitions.’” (“Question of explanation by Mr. Richard Miller to the vice-Premier and Minister of Finances and Institutional Reform on “the implementation of the law that prohibits the financing of weapons and submunitions”), no.5-547, Commission for Finances and for Economical Affaires, Ordinary Morning Session, Report, Session of 2010-2011, Morning Session, 23 March 2011, www.senate.be.

⁷⁶ ISR (“investissements socialement responsables”) or MVI (“maatschappelijk verantwoorde investeringen.”) Belgian Senate, “Proposition de loi visant la promotion des investissements socialement responsables, déposée par M. Philippe Mahoux et Mme Marie Arena et consorts” (“Draft law in order to promote socially responsible investments, introduced by Mr. Philippe Mahoux and Mrs. Marie Arena and Co.”), Legislative document 5-808/1, Session 2010–2011, 25 February 2011, www.senate.be.

⁷⁷ Terry J. Gander and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001), p. 353.

⁷⁸ See, Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 41.

⁷⁹ Convention on Cluster Munition Article 7 Report, Form B, 27 January 2011.

⁸⁰ “Loi réglant des activités économiques et individuelles avec des armes” (“Law regulating economic activities and individuals with weapons”), *Staatsblad Clip*, 9 June 2006, staatsbladclip.zita.be.

⁸¹ Emails from the Cabinet of the Minister of Defense to HI-B, 24 April 2010 and 26 June 2010.

⁸² Belgian Senate, “Inleidende uiteenzetting door de heer Yves Leterme, Minister van Buitenlandse Zaken, Wetsontwerp houdende instemming met het Verdrag inzake clustermunities, gedaan te Dublin op 30 mei 2008, Verslag namens de commissie voor de buitenlandse betrekkingen en voor de landsverdediging uitgebracht door mevrouw de Bethune en de heer Mahoux” (“Opening address by Yves Leterme, Minister of Foreign Affairs, Bill approving the Convention on Cluster Munitions, adopted at Dublin on May 30, 2008, Report on behalf of the committee on foreign relations and defence, presented by Mrs Bethune and Mr Mahoux”), Legislative document 4–1419/, Session 2009–2010, 28 October 2009, www.senate.be. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

From January to April 2005, prior to adopting its ban law, Belgium destroyed its stockpile of 765 BL-755 cluster bombs each containing 147 submunitions that it had imported from the United Kingdom (UK).⁸³

Retention

In its Article 7 report, Belgium stated that it had initially retained a total of 300 155mm M483A1 artillery projectiles, each containing 88 M42/46 submunitions, or a total of 26,400 submunitions. In 2009–2010, it reported using 24 of the projectiles containing a total of 2,112 submunitions for training purposes. As of January 2011, Belgium was retaining a total of 276 155mm M483A1 projectiles with submunitions. Belgium reports that it plans to use 25 cluster munitions per year for the training of explosive ordnance disposal personnel.⁸⁴

Bosnia and Herzegovina

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 March 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified on 7 September 2010, stockpile destruction underway

Policy

Bosnia and Herzegovina (BiH) signed the Convention on Cluster Munitions on 3 December 2008, ratified on 7 September 2010, and became a State Party on 1 March 2011.

It is not known if specific legislation will be undertaken to enforce the convention in BiH.⁸⁵

BiH's initial Convention on Cluster Munitions Article 7 report is due by 28 August 2011.

BiH actively participated throughout the Oslo Process that created the convention, making strong contributions based on its experience as a country affected by cluster munitions and declaring a national moratorium on cluster munition use prior to the conclusion of the process.⁸⁶ BiH has continued to engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as well as intersessional meetings in Geneva in June 2011.

At the First Meeting of States Parties, BiH made a statement calling for the full realization of the rights of victims and described the convention's provisions on victim assistance as "extraordinary."⁸⁷ BiH also expressed its confidence that clearance of unexploded submunitions could be completed in two to three years.⁸⁸

Handicap International's (HI's) Sarajevo-based Office for South East Europe and Landmine Survivors Initiative are promoting the Convention on Cluster Munitions in BiH, including its ratification.⁸⁹

BiH is party to the 1997 Mine Ban Treaty.

⁸³ They were destroyed by the German company Buck through NAMSA. Presentation by Lt.-Col Eric Carette, Ministry of Defense, "Training with submunitions ... Belgian approach," Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009. See also, House of Representatives, "Compte Rendu Intégral Avec Compte Rendu Analytique Traduit des Interventions, Commission de la Défense Nationale" ("Full Report with Summary Record of Translated Interventions, Committee of National Defense"), Legislative document CRIV 51 COM 616, Session of 2004–2005, 25 May 2005, www.lachambre.be; and House of Representatives, "Schriftelijke vragen en antwoorden: Vraag nr. 7 van de heer Dirk Van der Maelen van 15 januari 2008 (N.) aan de minister van Landsverdediging: Vernietiging van stocks van clustermunities; Antwoord van de minister van Landsverdediging van 15 februari 2008" ("Questions and written responses: Question No. 7 by Mr Dirk Van der Maelen, of 15 January 2008 to the Minister of Defense: Destruction of stocks of cluster munitions; and response of the Minister of Defense of 15 February 2008"), Legislative document QRVA 52 009 18–2–2008, Session of 2007–2008, 18 February 2008, www.dekamer.be.

⁸⁴ Convention on Cluster Munitions Article 7 Report, Form C, 27 January 2011.

⁸⁵ In December 2004, the Parliament approved an amendment to the Criminal Code, Article 193A, applying penal sanctions for violations of the Mine Ban Treaty. In addition, the Demining Law of 2002 created the present framework for managing mine action in BiH.

⁸⁶ For details on BiH's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 44–45.

⁸⁷ Statement of BiH, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

⁸⁸ Statements of BiH, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

⁸⁹ To celebrate the convention's entry into force on 1 August 2010 and encourage swift ratification, HI's Office for South East Europe and Landmine Survivors Initiative Bosnia and Herzegovina organized a drumming event in Sarajevo. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, pp. 13–14.

Interpretive issues

In July 2011, the head of the department of conventional weapons of the Ministry of Foreign Affairs expressed the Ministry's views on a number of issues important for the interpretation and implementation of the convention, including the prohibition on assistance with prohibited acts in joint military operations, the prohibitions on transfer and foreign stockpiling, and the prohibition on investment in cluster munitions producers. On the prohibition on assistance with prohibited acts during joint military operations or "interoperability," the Ministry of Foreign Affairs has stated that, "under the same Article 21, para 3, we may engage in joint military operations with non-states Parties that might engage in activities prohibited by the Convention, however our personnel or nationals should not provide assistance with activities prohibited by the Convention."⁹⁰

According to the Ministry of Foreign Affairs, the "transit of cluster munitions across, or foreign stockpiling of cluster munitions on, the national territory of States Parties is prohibited by the Convention."⁹¹ The Ministry, however, noted that it does not have "access to or information on weapon types" that are stockpiled in European Union Force (EUFOR) military bases "on our territory."⁹² The Ministry of Foreign Affairs has also stated that it considers "investment in the production of cluster munitions to be prohibited."⁹³

Convention on Conventional Weapons

BiH is a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war (ERW). BiH played a central role in CCW deliberations on cluster munitions in 2010 and the first half of 2011 in its capacity as Friend of the Chair on victim assistance.

While actively participating in the discussions on the draft chair's text, BiH has maintained that a new protocol must have an immediate and measurable impact to address the humanitarian harm caused by the use of cluster munitions and be compatible with the Convention on Cluster Munitions. At a CCW Group of Governmental Experts (GGE) meeting on 30 August 2010, BiH announced the completion of its domestic procedures to ratify the Convention on Cluster Munitions and pledged its readiness to destroy all its cluster munitions.⁹⁴

Use, production, and transfer

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

BiH has acknowledged that it produced cluster munitions for a period of 11 years, but has stated that production has ceased.⁹⁵ It has noted that since there was a large technology investment in a few production facilities, it would need assistance for conversion of these facilities and care for employees.⁹⁶

BiH produced KB-1 and KB-2 submunitions for the Orkan multi-barrel rocket system.⁹⁷ The production capacity included the ability to manufacture KB-series submunitions and integrate them into carrier munitions such as artillery projectiles and rockets.⁹⁸ According to Jane's Information Group, the Ministry of Defense has produced the 262mm M-87 Orkan rocket, with each rocket containing 288 KB-1 dual purpose submunitions.⁹⁹ Jane's also lists BiH Armed Forces as possessing KPT-150 dispensers (which deploy submunitions) for aircraft.¹⁰⁰

Stockpiling and destruction

In June 2011, BiH stated that the Ministry of Defense adopted a decision on 10 February 2011 "to destroy high risk ammunition" and has designated the following types of cluster munitions for stockpile destruction. No official information is available on the numbers of each type of cluster munitions.

⁹⁰ Email from Anesa Kundurovic, Head of Convention Weapons Department, Ministry of Foreign Affairs, 14 July 2011. Kundurovic noted that the views expressed to the Monitor "represent the position of MFA and may or may not differ from the interpretation of other relevant institutions, including but not limiting to the Ministry of Defence, Armed Forces, etc."

⁹¹ In addition, the Ministry noted, "in accordance with Article 3, paragraphs 6 and 7 of the Convention transfer is allowed only in exceptional cases" such as "for the purpose of destruction or for example, for the purpose of development of cluster munition counter measures." Email from Anesa Kundurovic, Ministry of Foreign Affairs, 14 July 2011.

⁹² Email from Anesa Kundurovic, Ministry of Foreign Affairs, 14 July 2011.

⁹³ Ibid.

⁹⁴ Statement of BiH, CCW GGE on Cluster Munitions, Geneva, 30 August 2010. Notes by Action on Armed Violence. BiH also supported the retention of the Convention on Cluster Munitions' definition of a cluster munition victim in the operable paragraphs of the draft protocol, advocated for stronger language on self destruct mechanisms, and the deletion of clauses that would allow for the continued use of cluster munitions based on a vague series of options or with two or more initiating mechanisms.

⁹⁵ Statement of BiH, Oslo Conference on Cluster Munitions, 22 February 2007. Notes by the CMC/WILPF.

⁹⁶ Statement of BiH, Wellington Conference on Cluster Munitions, 21 February 2008. Notes by the CMC.

⁹⁷ Statement of BiH, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

⁹⁸ Statement of BiH, Wellington Conference on Cluster Munitions, 21 February 2008. Notes by the CMC.

⁹⁹ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 720.

¹⁰⁰ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 836.

Types of cluster munitions stockpiled by BiH¹⁰¹

ORKAN MLRS 262mm
FAB 275 airfuel bomb with ground-launch capacity
FAB 275 M91 aircraft bomb
BL-755
PRAB 250J piercing airbomb

In addition, BiH has identified “other assets that are required to undergo a technical checkup control” to determine ways and means of destruction: FAB 100 M-80, FOTAB 50, and Sapy (durandal).¹⁰²

BiH has said that it lacks the necessary technical means to destroy its cluster munitions and UNDP has agreed to provide financial and technical assistance.¹⁰³ In November 2010, BiH also stated that the Ministry of Defense had all necessary the legal provisions in place to enable the stockpile destruction.¹⁰⁴

At the First Meeting of States Parties in November 2010, BiH announced that it would destroy KB-1 and KB-2 submunitions from the M87 Orkan rockets.¹⁰⁵ Binas Bugojno, a company that produced cluster munitions before the 1992–1995 war, would destroy the submunitions through a process of open detonation. According to HI, a total of 75,000 KB-1 submunitions were transferred to the facility for destruction on 8 October 2010.¹⁰⁶ As of 3 November 2010, a total of 50,000 KB-1 submunitions had been destroyed.¹⁰⁷ In June 2011, BiH stated that the destruction of its KB-1 and KB-2 submunitions would be completed by the end of 2011.¹⁰⁸ In early August 2011, HI stated that the remaining 25,000 submunitions had been destroyed.¹⁰⁹

In November 2010, BiH stated that it possessed “a large quantity” of BL-755 bombs and lacked the capacity to destroy them.¹¹⁰ In June 2011, BiH said that a contract had been signed with UNDP for their destruction.¹¹¹ According to UNDP information provided to HI, the stockpile totaled 321 BL-755 bombs and would be destroyed by the end of 2011.¹¹²

As of early August 2011, UNDP is working with the BiH Armed Forces to prepare for the destruction of a total of 56 Orkan rockets.¹¹³

In November 2010, BiH said that it had received an offer of assistance from the neighboring Former Yugoslav Republic of Macedonia (FYR Macedonia) to destroy cluster munitions stockpiled by BiH.¹¹⁴ The proposed project was not carried out, however, and no cluster munitions or submunitions were transferred from BiH to FYR Macedonia for destruction.¹¹⁵

BiH has not yet indicated if it will retain cluster munitions for training or research purposes.

¹⁰¹ Statement of BiH, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Destruction and Retention, 27 June 2011.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Statement of BiH, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

¹⁰⁵ Ibid.

¹⁰⁶ Email from Alma Al-Osta, Communication and Advocacy Manager, HI South East Europe, 7 October 2010.

¹⁰⁷ Email from Alma Al-Osta, HI South East Europe, 4 November 2010.

¹⁰⁸ Statement of BiH, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Destruction and Retention, 27 June 2011.

¹⁰⁹ Email from Alma Al-Osta, HI South East Europe, 16 August 2011.

¹¹⁰ BiH said the BL-755 cluster munitions could not be destroyed by open detonation. Statement of BiH, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

¹¹¹ Statement of BiH, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Destruction and Retention, 27 June 2011.

¹¹² Email from Alma Al-Osta, HI South East Europe, 16 August 2011.

¹¹³ Ibid.

¹¹⁴ Statement of BiH, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

¹¹⁵ Meeting with Anesa Kundurovic, Ministry of Foreign Affairs, 30 July 2011. A number of FYR Macedonian media outlets reported on the stockpile destruction project that was never undertaken. A media source reported that 250 Orkan rockets containing nearly 75,000 KB-1 submunitions each would be transferred from BiH to Macedonia for destruction. The source stated that the cluster munitions were of Serbian origin and are 20 years old. It alleged that Serbia had refused to destroy the stockpile of cluster munitions remaining on the territory of BiH. “(20 Year Old Cluster Bombs Will Be Destroyed in Our Country: Bosnia bombing Macedonia,” *VECER*, 10 November 2010, daily.mk. FYR Macedonia’s Minister of Defense, Zoran Konjanovski, responded to concerns raised in additional media articles over possible environmental impacts to the area around Krivolak or nearby towns of Kavadarci and Negotino by stating that the destruction process would not adversely affect the environment and that the only atmospheric discharge caused by the destruction process would be water vapor, carbon dioxide, and nitrogen oxides. “Kojanovski Guarantees the Environmental Protection of Krivolak: Bosnian cluster bombs do not threaten Kavadarci and Negotino,” *VEST*, 15 November 2010, www.vest.com.mk. For allegations, see: “Alarm that after the announcement of BiH’s cluster bombs at Krivolak, Bosnian bombs will poison the Tikesko,” *Time*, 11 November 2010, www.vreme.com.mk.

Cluster Munition Remnants

BiH is contaminated with cluster munition remnants, primarily as a result of the 1992–1995 conflict related to the breakup of the Socialist Federal Republic of Yugoslavia. Yugoslav aircraft dropped BL-755 cluster munitions in the early stages of the conflict and NATO forces used them subsequently.¹¹⁶

Norwegian People's Aid (NPA) completed a general survey of the extent and impact of cluster munitions contamination in June 2011, submitting its report to the BiH Mine Action Center (BHMIC), which will be responsible for defining the risk area more precisely and preparing clearance tasks. The survey identified two main types of cluster munition: air-dropped BL-755 submunitions and R262 projectiles fired from Orkan M-87 multiple rocket launchers, which contained Mk-1, Mk-3, or KB-1 submunitions. It also identified contamination by improvised bombs that dispersed KB-1 submunitions.¹¹⁷

The survey identified 140 areas hit by air strikes and artillery with an estimated total of 3,774 unexploded submunitions and additional contamination around a former ammunition factory at Pretis that was hit by a NATO air strike scattering submunitions in the surrounding area. It identified 699 suspected hazardous area (SHA) polygons covering a total of 12.18km², of which 3.23km² is believed to be high risk. Some 5km² is contaminated by artillery-delivered submunitions, 3.9km² by BL 755s and 3.1km² by unexploded KB-1 submunitions. The survey found several previously unidentified areas affected by unexploded submunitions resulting in a significantly higher estimate of contamination. In 2009, NPA had estimated cluster munitions affected only 1–2km².¹¹⁸

SHAs were found in 39 municipalities but 43% of the total SHAs were in the municipalities of Travnik, Bužim, Cazin, Tešanj, Gornji, Vakuf, and Vareš, with a population of more than 226,660 inhabitants. Agricultural land and forests make up more than 82% of the total suspect area and land needed for housing and reconstruction another 15%.¹¹⁹

Clearance of cluster munition contaminated areas

NPA completed three cluster munition clearance tasks in 2010, clearing an area of 88,126m². Two KB-1 submunitions were found and destroyed.¹²⁰ It also canceled an area of 151,879m² of previously suspect land through non-technical survey.¹²¹

In addition, civil protection explosive ordnance disposal teams found and destroyed 68 KB-1 submunitions in 2010.¹²²

Compliance with Article 4 of the Convention on Cluster Munitions

Under Article 4 of the Convention on Cluster Munitions, BiH is required to destroy all cluster munition remnants in areas under its jurisdiction or control as soon as possible, but not later than 1 March 2021. The government has not assigned responsibility for clearing cluster munitions, but NPA is supporting BHMIC in deciding how to address the problem.¹²³

Cluster munition casualties

BiH reported having registered 225 cluster munition casualties (44 killed; 181 injured) for the period 1992–2011. The number was based on preliminary data, which still required verification.¹²⁴ At least 86 cluster munitions casualties during strikes were reported in BiH in 1995.¹²⁵ Some nine casualties caused by unexploded submunitions were identified between 1995 and the end of 2009.¹²⁶ However, submunitions were not distinguished from other ERW in BHMIC casualty data collection.¹²⁷ No casualties from submunitions were reported in 2010.

¹¹⁶ NPA, "Implementation of the Convention on Cluster Munitions (CCM) in Bosnia and Herzegovina," Sarajevo, undated but 2010, provided by email from Darvin Lisica, Programme Manager, NPA, 3 June 2010.

¹¹⁷ NPA, "Report on the danger of cluster munition remnants in Bosnia and Herzegovina," (draft), undated but 2011, p. 23, received from Darvin Lisica, NPA, Sarajevo, 1 August 2011.

¹¹⁸ NPA, "Implementation of the Convention on Cluster Munitions (CCM) in Bosnia and Herzegovina," Sarajevo, undated but 2010.

¹¹⁹ NPA, "Report on the danger of cluster munition remnants in Bosnia and Herzegovina," (draft), undated but 2011, p. 8.

¹²⁰ Telephone interview with Milan Rezo, Deputy Director, BHMIC, 1 August 2011; and email from Zeljko Djogo, Planning Sector, BHMIC, 1 August 2011.

¹²¹ Ibid.

¹²² Ibid.

¹²³ Telephone interview with Darvin Lisica, NPA, Sarajevo, 1 August 2011; and interview with Tarik Serak, Mine Action Planning Manager, BHMIC, 18 January 2011.

¹²⁴ Statement of Bosnia and Herzegovina, Convention on Cluster Munitions Intersessional Meetings, Session on Victim Assistance, Geneva, 28 June 2011.

¹²⁵ HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 60. Some 60 more casualties were reported during an aerial strike in which cluster munitions were used along with other weapons.

¹²⁶ HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities*, (Brussels: HI, May 2007), p. 60; and BHMIC, "Three persons injured in explosion of 'bluebells,'" 20 September 2009, www.bhmic.org.

¹²⁷ See BHMIC data collection forms in: Suzanne L. Fiederlein, *Landmine Casualty Data: Best Practices Guidebook* (Harrisonburg: Mine Action Information Center, 2008), p. 39.

Botswana

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 December 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratified on 27 June 2011

Policy

The Republic of Botswana signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 27 June 2011, becoming the 58th State Party. The convention will enter into force for Botswana on 1 December 2011.

In December 2010, Botswana’s Minister of Foreign Affairs, Phandu Skelemani, said that ratification of the convention was being considered by an interministerial committee on treaties and protocols.¹²⁸ In November 2010, a government representative said that Botswana would ratify by the time of the Second Meeting of States Parties to the Convention on Cluster Munitions in Beirut, Lebanon in September 2011.¹²⁹

The status of national implementation measures is not known. Botswana’s initial Convention on Cluster Munitions Article 7 report is due by 28 May 2012.

Botswana participated in the Oslo Process that created the convention and sought a comprehensive and immediate ban during the formal negotiations in Dublin in May 2008.¹³⁰ Botswana has continued to engage in the work of the convention in 2010 and the first half of 2011. Botswana participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made two statements and confirmed that its ratification of the convention was “underway.”¹³¹

Botswana is a party to the Mine Ban Treaty, but has not joined the Convention on Conventional Weapons.

Botswana has stated that it has not used, produced, transferred, or stockpiled cluster munitions, and is not “directly affected.”¹³²

Bulgaria

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 October 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratified on 6 April 2011, provided information on cluster munition stockpile

Policy

The Republic of Bulgaria signed the Convention on Cluster Munitions on 3 December 2008, ratified on 6 April 2011, and the convention entered into force for Bulgaria on 1 October 2011.

¹²⁸ Government of Botswana, Press statement, “Attorney General Drafts Two Bills,” 13 December 2010, www.gov.bw.

¹²⁹ CMC meeting with Omphile Rhee Hetanang, Minister Counsellor, Permanent Mission of Botswana to the UN in Geneva, Vientiane, 11 November 2010. Notes by the CMC.

¹³⁰ For details on Botswana’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 45–46.

¹³¹ Statement of Botswana, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 10 November 2010; and Statement of Botswana, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 12 November 2010. Notes by the CMC.

¹³² Statement by O. Rhee Hetanang, Permanent Mission of Botswana to the UN in Geneva, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010.

In November 2010, Bulgaria stated that it is considering legal measures to incorporate the convention's provisions into national legislation.¹³³ Bulgaria has stated that it will prepare an initial Convention on Cluster Munitions Article 7 report, which is due by 29 March 2012.¹³⁴

Bulgaria's ratification process began in early 2009.¹³⁵ In April 2010, the Ministry of Foreign Affairs reported that ratification had been delayed to address concerns over the allocation of resources for destruction of stockpiled cluster munitions and to ensure that Bulgaria could complete its implementation obligations after entry into force.¹³⁶ On 9 December 2010, the parliamentary Foreign Affairs and Defense Committee issued a report recommending ratification, which it described as, "a strong political signal to skeptical countries that have not yet signed the convention."¹³⁷ Bulgaria's National Assembly approved ratification legislation on 10 February 2011 and Decree No. 28 was published in the Official Gazette on 18 February 2011.¹³⁸ On 6 April 2011, Bulgaria's Permanent Representative to the UN in New York, Ambassador Rayko S. Raytchev, deposited its instrument of ratification with the UN. Bulgaria was the 56th state to ratify the convention.

Bulgaria played a notable role in the Oslo Process that created the Convention on Cluster Munitions, including by hosting a regional conference in September 2008. It was among a handful of states to announce a unilateral moratorium on the use of cluster munitions prior to the creation of the convention.¹³⁹

Bulgaria continued to actively engage in the work of the convention in 2010 and the first half of 2011. Bulgaria attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it provided an update on ratification and pledged to work together with others to bring about the universal acceptance of the convention.¹⁴⁰ Bulgaria also participated in intersessional meetings of the convention in Geneva in June 2011, but did not make any statements.

Bulgaria is a party to the Mine Ban Treaty.

Interpretive issues

Bulgaria has provided its views on a number of important issues related to the interpretation and implementation of the convention. In a February 2009 letter, Bulgaria stated that it has interpreted Article 1 of the convention to mean that "transit" of cluster munitions across the territory of States Parties is prohibited, as is the stockpiling of foreign-owned cluster munitions.¹⁴¹ Bulgaria has also noted that while a ban on investment in cluster munition production is not explicit in the convention text, it would need to be "considered in light of the general prohibition on the development and production of cluster munitions."¹⁴²

With respect to "interoperability" and the prohibition on assistance during joint military operations with states not party, Bulgaria has stated that it "will fully observe the regulations of Article 21 of the Convention.... Par.4 of Article 21 stipulates that participation in such military operations 'shall not authorize a State Party' to engage in acts prohibited under the terms of the Convention and contains an exhaustive list of such acts."¹⁴³

Bulgaria has not yet made known its views on the necessity of retaining cluster munitions for training or research purposes.

Convention on Conventional Weapons

Bulgaria is a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Bulgaria attended CCW on cluster munitions in 2010 and the first half of 2011, but did not make any statements in its national capacity on its views on the draft chair's text under consideration. Previously, in November 2009, Bulgaria said that a future CCW protocol on cluster munitions should be compatible with the Convention on Cluster Munitions.¹⁴⁴

Ambassador Gancho Ganev of Bulgaria is scheduled to preside over the CCW's Fourth Review Conference in November 2011.

¹³³ Statement of Bulgaria, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 12 November 2010. Notes by the CMC.

¹³⁴ Letter from Plamen Bonchev, Director, Security Policy Directorate, Ministry of Foreign Affairs, Sofia, 11 April 2011, Ref. 04-06-98.

¹³⁵ Letter from Dr. Petio Petev, Director, Security Policy Directorate, Ministry of Foreign Affairs, 25 February 2009.

¹³⁶ Letter from Milen Lyutskanov, Deputy Minister, Ministry of Foreign Affairs, 28 April 2010.

¹³⁷ Report of Foreign Affairs and Defense Parliamentary Committee, "Bill on the ratification of the Convention on Cluster Munitions, No. 002-02-51, submitted by the Council of Ministers on 12/09/2010," 27 January 2011, www.parliament.bg.

¹³⁸ "Law on the ratification of the Convention on Cluster Munitions," Decree No. 28, adopted 10 February 2011, www.parliament.bg; and email to CMC from Lachezara Stoeva, Second Secretary, Permanent Mission of Bulgaria to the UN in New York, 11 March 2011.

¹³⁹ For details on Bulgaria's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 46–48.

¹⁴⁰ Statement of Bulgaria, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 12 November 2010. Notes by the CMC.

¹⁴¹ Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009. According to the letter, "The prohibitions stipulated in Article 1 of the Convention create an obligation for the States Parties not to allow the transit, transfer or stockpiling on their territories of cluster munitions... regardless of whether these munitions are foreign or nationally owned."

¹⁴² Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009.

¹⁴³ *Ibid.*

¹⁴⁴ Statement of Bulgaria, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action. See also, Statement by Amb. Elena Poptodorova, UN General Assembly First Committee, New York, 6 October 2009.

Use, production, and transfer

According to the Ministry of Foreign Affairs, “Cluster munitions have never been used by the Bulgarian Armed Forces.”¹⁴⁵

In May 2008, the Ministry of Foreign Affairs stated that, “Bulgaria does not and has not produced any type of cluster munitions.”¹⁴⁶ The Foreign Ministry officially confirmed this statement in February 2009.¹⁴⁷

Stockpiling and destruction

Bulgaria possesses a stockpile of cluster munitions. According to information made available by the Ministry of Defense upon Bulgaria’s ratification, the Air Force has a total of 9,802 cluster munitions with a “common weight” of 834,598 kilograms, including 752 RBK-250 cluster munitions and 328 RBK-500 cluster munitions. In addition, Bulgaria’s Land Forces possess eight cluster submunitions.¹⁴⁸

Previously, in February 2009, Bulgaria described its stockpile of cluster munitions as “limited” and noted that “the majority of these are deemed to be outdated and unreliable.”¹⁴⁹

In April 2011, the Ministry of Defense stated that stockpile destruction is scheduled to begin in 2011, with the aim of completing the destruction of the majority of its stockpile by 2013. The eight cluster submunitions held by the Land Forces will be destroyed in 2016, when their shelf-life expires.¹⁵⁰ According to a financial statement approved by the Deputy Prime Minister and Minister of Finance on the implementation of Bulgaria’s commitments as a State Party to the convention, in particular those under Article 3 on stockpile destruction, a total of some BGN4.2 million (US\$2.8 million) will be required.¹⁵¹

Bulgaria has not yet indicated if it intends to retain cluster munitions for training and research purposes.

Burkina Faso

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Submitted initial Article 7 report on 26 January 2011

Policy

Burkina Faso signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 16 February 2010. It was thus among the first 30 ratifications that triggered the convention’s entry into force on 1 August 2010.

Burkina Faso submitted its initial Convention on Cluster Munitions Article 7 report on 26 January 2011, for the period from 1 January–31 December 2011. According to the report, national measures are in preparation to implement the convention, but expert assistance and training to prepare implementation legislation is requested.¹⁵²

¹⁴⁵ Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009.

¹⁴⁶ Email from Lachezara Stoeva, Chief Expert, Arms Control and International Security Department, NATO and International Security Directorate, Ministry of Foreign Affairs, 17 May 2008. According to Jane’s Information Group, the Vazov Engineering Plant was associated with the production of 122mm Grad rockets, which included a variant that contains 15 dual purpose improved conventional munitions (DPICM) submunitions. See Terry J. Gander and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001), p. 625.

¹⁴⁷ Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009.

¹⁴⁸ Letter from Plamen Bonchev, Ministry of Foreign Affairs, Sofia, 11 April 2011, Ref. 04-06-98; and report of Foreign Affairs and Defense Parliamentary Committee, “Bill on the ratification of the Convention on Cluster Munitions, no. 002-02-51, submitted by the Council of Ministers on 12/09/2010,” 27 January 2011, www.parliament.bg.

¹⁴⁹ Letter from Dr. Petio Petev, Ministry of Foreign Affairs, 25 February 2009.

¹⁵⁰ Letter from Plamen Bonchev, Ministry of Foreign Affairs, Sofia, 11 April 2011, Ref. 04-06-98.

¹⁵¹ Report of Foreign Affairs and Defense Parliamentary Committee, “Bill on the ratification of the Convention on Cluster Munitions, no. 002-02-51, submitted by the Council of Ministers on 12/09/2010,” 27 January 2011, www.parliament.bg. Average exchange rate for 2010: US\$1=BGN1.4772. Oanda, www.oanda.com.

¹⁵² Burkina Faso, Convention on Cluster Munitions Article 7 Report, Forms A and H, 26 January 2011.

Burkina Faso participated in the Oslo Process that created the convention, including the negotiations in Dublin in May 2008.¹⁵³ It continued to be actively involved in the work of the convention in 2010 and 2011. In October 2010, Burkina Faso made a statement at the UN General Assembly (UNGA) First Committee welcoming the rapid entry into force of the convention and called on all states to join.¹⁵⁴

Burkina Faso attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 and made a statement welcoming entry into force of the convention as “a particularly good development showing the will of society to eliminate these weapons.”¹⁵⁵ It did not attend intersessional meetings of the convention in Geneva in June 2011.

Burkina Faso has expressed its position on one of several important issues for the interpretation and implementation of the convention. In 2009, the Minister of Foreign Affairs stated that Burkina Faso considers that the transit of cluster munitions by states not party through the territory of States Parties is prohibited.¹⁵⁶ Burkina Faso has yet to make known its views on other issues, such as the prohibition on assistance with prohibited acts during joint military operations with states not party, the prohibition on foreign stockpiling, and the prohibition on investment in cluster munition production.

Burkina Faso is party to Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war and did not participate in the CCW discussions on cluster munitions in 2010 or the first half of 2011.

Burkina Faso has stated that it has never used, produced, or stockpiled cluster munitions.¹⁵⁷ Burkina Faso has reported that it has no cluster munitions, including for training.¹⁵⁸

Burundi

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Submitted initial Article 7 report

Policy

The Republic of Burundi signed the Convention on Cluster Munitions on 3 December 2008, ratified on 25 September 2009, and was thus among the first 30 ratifications to trigger the convention’s entry into force on 1 August 2010.

As of June 2011, Burundi had not yet commenced the process of enacting national implementation legislation for the convention.¹⁵⁹ Previously, in August 2010, a Ministry of Foreign Affairs official stated there was willingness to initiate a drafting committee to prepare legislation, but it was not possible to say how long the process would take.¹⁶⁰

Burundi submitted its initial Convention on Cluster Munitions Article 7 report in early 2011.¹⁶¹

¹⁵³ For details on Burkina Faso’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 48–49.

¹⁵⁴ Allison Pytlak, Religions for Peace, in *Reaching Critical Will, First Committee Monitor*, 3rd Edition, 25 October 2010; and Statement of Burkina Faso, UNGA First Committee, New York, 19 October 2010, notes by Allison Pytlak, Religions for Peace.

¹⁵⁵ Statement of Burkina Faso, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

¹⁵⁶ Letter No. 2009-001228/MAE-CR/SG/DGAJC from Minata Samate, Acting Minister of State, Minister of Foreign Affairs and Regional Cooperation, 24 March 2009.

¹⁵⁷ Statement by Amb. Monique Ibouido, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

¹⁵⁸ Burkina Faso, Convention on Cluster Munitions Article 7 Report, Forms B and C, 26 January 2011.

¹⁵⁹ CMC meeting with Laurent Wakana, Burundi National Focal Point of Small Arms and Light Weapons, Ministry of Security, Geneva, 27 June 2011.

¹⁶⁰ Email from Côme Niyongabo, HI, following a telephone interview with Fabien Ndayishimiye, Legal Advisor, Ministry of Foreign Affairs, 3 August 2010.

¹⁶¹ The report, which was due by 27 January 2011, is undated, does not indicate the reporting period, and is comprised of a statement, not completed forms. Convention on Cluster Munitions Article 7 Report, 2011.

Burundi participated in the Oslo Process that led to the creation of the convention, including the formal negotiations in Dublin in May 2008 where it supported a comprehensive ban on cluster munitions.¹⁶² Burundi continued to actively engage in the work of the convention in 2010 and the first half of 2011. Burundi attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it called on all nations to join the convention and confirmed that it is not affected by cluster munition contamination, although mines and unexploded ordnance have created victims.¹⁶³ Burundi also attended the convention's first intersessional meetings in Geneva in June 2011, where it made a statement on cooperation and assistance.

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

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

The Association for the Care of Orphans of War (Association de Prise en Charge des Orphelins de Guerre, APECOG) and Handicap International (HI) campaign in support of the Convention on Cluster Munitions in Burundi.¹⁶⁴

Use, production, transfer, and stockpiling

Burundi has stated that it has never used, produced, stockpiled, or transferred cluster munitions.¹⁶⁵ The Article 7 report confirms no stockpile of cluster munitions, including for training.

Cape Verde

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	None
Key developments	Ratified on 19 October 2010, State Party as of 1 April 2011

Policy

The Republic of Cape Verde signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 19 October 2010. The convention entered into force for Cape Verde on 1 April 2011.

Cape Verde deposited its instrument of ratification during a Special Event on the Convention on Cluster Munitions held during the UN General Assembly's First Committee on Disarmament and International Security in New York on 19 October 2010.¹⁶⁶ Cape Verde was the 43rd state to ratify the convention. The National Assembly approved Resolution No. 137/VII/2010 to ratify the convention in late June 2010, which was then signed by the President and published in the official gazette on 26 July 2010.¹⁶⁷

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

Cape Verde's initial Convention on Cluster Munitions Article 7 report is due by 28 October 2011.

¹⁶² For details on Burundi's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 49–50.

¹⁶³ Statement of Burundi, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 10 November 2010. Notes by Action on Armed Violence (AOAV).

¹⁶⁴ For example, campaigners held an event to celebrate the convention's 1 August 2010 entry into force, including drumming and a "lie-down" action where campaigners laid on the ground to represent the victims of cluster munitions. At an event on 9 July 2010, a Ministry of Foreign Affairs official confirmed Burundi's commitment to universalization of the convention. CMC, "Rapport sur la journée de manifestation de la joie de la prochaine mise en vigueur de la Convention d'Oslo sur les bombs à sous munitions" ("Report on the event on the joy of the upcoming entry into force of the Oslo Convention on Cluster Munitions"), 22 July 2010.

¹⁶⁵ Statement of Burundi, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 10 November 2010, notes by AOAV; and Statement of Burundi, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011.

¹⁶⁶ CMC newsletter, November 2010, www.stopclustermunitions.org

¹⁶⁷ Telephone interview with Elias Lopes Andrade, Counselor, Coordinator of Legal and Treaty Affairs, Ministry of Foreign Affairs, 30 July 2010.

Cape Verde did not participate in any meetings of the Oslo Process that created the convention, before it signed the convention in Oslo in December 2008. It has not attended any international or regional meetings related to the convention since 2008, such as the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Cape Verde is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war and has not actively participated in CCW deliberations on cluster munitions in recent years.

Cape Verde is not known to have ever used, produced, transferred, or stockpiled cluster munitions.

Chile

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 June 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified on 16 December 2010

Policy

The Republic of Chile signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 16 December 2010. The convention entered into force for Chile on 1 June 2011.

Chile's Chamber of Deputies approved ratification of the convention during 2009 and the Senate approved ratification in May 2010, both unanimously.¹⁶⁸ President Sebastian Piñera signed the ratification decree in the first half of November 2010.¹⁶⁹ On 16 December 2010, Chile's Permanent Representative to the UN in New York, Ambassador Octavio Errázuriz, deposited the instrument of ratification with the UN.

Chile has not yet undertaken national measures to enforce the Convention on Cluster Munitions, but in 2010 draft legislation on the assistance of victims of explosive military devices was circulated for consideration.¹⁷⁰

Chile's initial Convention on Cluster Munitions Article 7 report is due by 28 November 2011.

Chile participated in the Oslo Process that produced the convention and was a strong advocate for the most comprehensive convention possible.¹⁷¹ Chile has continued to play an active leadership role in the convention. It hosted an international conference on the convention in Santiago in June 2010 and a regional conference in September 2009.

Chile attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made a statement on international cooperation and assistance and called for more dialogue and exchange of views on this aspect of implementation of the convention.¹⁷² Chile also attended intersessional meetings of the convention in Geneva in June 2011, where it made a statement on national implementation measures. Chile has provided its views on the design of architecture to implement the convention, which it views as "essential," but also "a long job."¹⁷³

Chile has not yet made known its views on certain important issues related to the interpretation and implementation of the convention, including the prohibition on transit, the prohibition on foreign stockpiling of cluster munitions, the prohibition on investment in production of cluster munitions, and the need for retention of cluster munitions and submunitions for training and development purposes. During the Oslo Process, Chile was not in favor of including language on "interoperability" (joint military operations with states not party that may use cluster munitions) in the convention.¹⁷⁴

¹⁶⁸ Statement by Senator Eugenio Tuma, President of the Foreign Affairs Committee of the Senate of Chile, Convention on Cluster Munitions Intersessional Meeting, Session on National Implementation Measures, Geneva, 29 June 2011. Notes by the CMC.

¹⁶⁹ Email from Fernando Guzman, Third Secretary, Department of Human Security, Ministry of Foreign Affairs, 15 November 2010.

¹⁷⁰ Known as "*Ante Proyecto de Ley Sobre Asistencia a Víctimas de Explosivos de Propiedad Militar*," the draft legislation was provided to the Minister of Defense, Andres Allamand, in April 2010.

¹⁷¹ For detail on Chile's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 56–58.

¹⁷² Statement of Chile, First Meeting of States Parties, Convention on Cluster Munitions, 12 November 2010. Notes by the CMC.

¹⁷³ Ibid.

¹⁷⁴ Katherine Harrison, "Report on the Wellington Conference on Cluster Munitions, 18–22 February 2008," WILPF, March 2008, p. 12.

Chilean civil society groups have campaigned in support of the Convention on Cluster Munitions.¹⁷⁵

Chile is a State Party to the Mine Ban Treaty.

Convention on Conventional Weapons

Chile is also party to the Convention on Conventional Weapons (CCW) and CCW Protocol V on explosive remnants of war, and continued to participate in CCW deliberations in 2010 and the first half of 2011. In November 2010, it did not object to continued CCW work on cluster munitions, but noted that it was only prepared to contribute to a CCW protocol that was both “complementary and compatible” with the Convention on Cluster Munitions.¹⁷⁶

In April 2011, Chile cautioned that the draft chair’s text on cluster munitions “should not and cannot lead us to a double standard in international law.”¹⁷⁷ In June 2011, a Chilean senator said that the Convention on Cluster Munitions “is not something that should be weakened by other processes” such as the CCW.¹⁷⁸

Use, production, and transfer

Chile is not known to have used cluster munitions. In February 2011, the Ministry of Defense informed the Monitor that Chile stopped using cluster munitions in training exercises in 2008.¹⁷⁹

In September 2007, Chile stated that it no longer produced cluster munitions and did not intend to produce the weapon in the future.¹⁸⁰ In the past, Industrias Cardeon SA and Los Conquistadores 1700 were reported to have produced at least eight types of air-dropped cluster bombs (CB-130 bomb, CB-250K bomb, CB-500 bomb, CB-500K bomb, CB-500K2 bomb, CB-770 bomb, WB-250F bomb, and WB-500F bomb).¹⁸¹

A complete accounting of transfers of cluster munitions by Chile is not available. The PM-1 combined effects submunitions delivered by bombs produced in Chile have been found in Eritrea, Ethiopia, Iraq, and Sudan.¹⁸² Colombia reported the destruction of its stockpile of 41 Chilean CB-250K bombs in March 2009.¹⁸³ A number of CB-250 bombs were found in the arsenal of Iraq by UN weapons inspectors. The bombs had been modified by the Iraqis to deliver chemical weapons in submunitions.¹⁸⁴

Stockpiling

The precise status and composition of the current stockpile of cluster munitions is not known. In August 2010, General Antonio Cordero said that the Chilean army intends to demilitarize 249 LARS rockets equipped with cluster munitions.¹⁸⁵ The destruction cost has been estimated at approximately US\$300,000, which the Ministry of Defense intended to request in its 2012 budget.¹⁸⁶

Previously, in April 2008, Chile stated that it had stockpiled two types of cluster munitions that would have to be destroyed.¹⁸⁷

In June 2011, a Chilean Senator said that the country’s stockpile of cluster munitions will be destroyed once a technical study has been undertaken to ensure they can be safely disposed of.¹⁸⁸

¹⁷⁵ Campaigners marked the 1 August 2010 entry into force of the convention with a drumming event and flash mob in Plaza de Armas. On 2 August, children in Alto Hospicio village participated in a balloon launch to remember 29 victims of a munitions factory explosion that occurred in Alto Hospicio in 1986. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010”, November 2010, p.15.

¹⁷⁶ Statement of Chile, CCW Meeting of States Parties, 25 November 2010. Notes by Action on Armed Violence (AOAV).

¹⁷⁷ Statement of Chile, CCW Group of Government Experts on Cluster Munitions, Geneva, 1 April 2011. Notes by AOA.

¹⁷⁸ Statement by Senator Eugenio Tuma, Convention on Cluster Munitions Intersessional Meetings Session on National Implementation Measures, Geneva, 29 June 2011. Notes by the CMC.

¹⁷⁹ Interview with a representative of the Ministry of Defense, 22 February 2011.

¹⁸⁰ Statement of Chile, Latin American Regional Conference on Cluster Munitions, San José, 4 September 2007. Notes by the CMC. Chile clarified that two companies used to produce cluster munitions, but no longer did so.

¹⁸¹ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), pp. 306–311.

¹⁸² Rae McGrath, “Cluster Bombs: The Military Effectiveness and Impact on Civilians of Cluster Munitions,” *Landmine Action*, 2000, p. 38. The “Iraq Ordnance Identification Guide” produced by the United States (US) military documents the presence of the PM-1 submunition in Iraq. Mine Action Information Center, James Madison University, “Iraq Ordnance Identification Guide,” 31 July 2006, maic.jmu.edu.

¹⁸³ Email from the Colombian Campaign to Ban Landmines (Campaña Colombiana contra Minas, CCCM), 17 March 2009.

¹⁸⁴ UN Monitoring, Verification and Inspection Commission, “Sixteenth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999) S/2004/160,” Annex 1, p. 10.

¹⁸⁵ Email from Elir Rojas Calderón, Zona Minada, 5 August 2010; and interview with Representative of the Ministry of Defense, 22 February 2011.

¹⁸⁶ During the process of approval by the Congress, on the report from the *Commission of Treasure*, at the Deputy Chamber, Hernán Riquelme, in charge of the Department of International Cooperation of the Ministry of Defense stated that the total cost to destroy the cluster munitions would be approximately US\$300,000.

¹⁸⁷ Statement of Chile, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Mexico City, 16 April 2008. Notes by the CMC.

¹⁸⁸ Statement by Senator Eugenio Tuma, Convention on Cluster Munitions Intersessional Meeting, Session on National Implementation Measures, Geneva, 29 June 2011. Notes by the CMC.

Cluster Munition Remnants

It is not known to what extent Chile has a problem of cluster munition remnants. According to one source, geography experts have seen unexploded submunitions while conducting research at training sites of the Chilean army and air force.¹⁸⁹ Chile has an Article 4 clearance deadline of 1 June 2021.

Comoros

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	State Party as of 1 January 2011

Policy

The Union of Comoros signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 28 July 2010. Comoros became a State Party to the convention on 1 January 2011.

Legislation to ratify the convention was approved by the Federal Assembly on 9 June 2010 and signed into law by the president 10 days later.¹⁹⁰ Comoros is not known to have begun the process of enacting national implementation measures for the convention.

Comoros' initial Convention on Cluster Munitions Article 7 report was due by 30 June 2011, but had not been received by the UN as of 15 July 2011.

Comoros participated in the Oslo Process that created the convention and advocated for the strongest possible text.¹⁹¹ Comoros has continued to participate in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make a statement. Comoros did not participate in the first intersessional meetings of the convention in Geneva in June 2011.

In April 2011, Comoros provided its views on the prohibition on transit of cluster munitions through the territory of a State Party, stating, "we cannot tolerate any form of transit, even from states which have not signed the convention."¹⁹² Comoros has yet to make known its views on other interpretive issues such as the prohibition on foreign stockpiling, the prohibition on assistance with prohibited acts in joint military operations, and the prohibition on investment in cluster munitions production.

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

Comoros has stated that it has never used, produced, transferred, or stockpiled cluster munitions.¹⁹³

¹⁸⁹ Email from Elir Rojas Calderón, Zona Minada, 27 May 2010.

¹⁹⁰ Ratification Law No. 10-OOS/AU and Presidential Decree No. 10-078/PR. Letter No. 261/07/MP/NY-10 from Mohamed El-Marouf, Chargé d'Affaires, Permanent Mission of the Union of Comoros to the UN in New York, 26 July 2010.

¹⁹¹ For details on cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 60.

¹⁹² Email from Bourhane Mirhane, Ministry of External Affairs, 18 April 2011.

¹⁹³ Interview with Mohamed El-Marouf, Permanent Mission of the Union of Comoros to the UN in New York, Pretoria, 25 March 2010.

Cook Islands

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 February 2012
National implementation measures	Cluster Munitions Act of 2011
Participation in Convention on Cluster Munitions meetings	None
Key developments	Ratified on 23 August 2011, enacted national implementation legislation in July 2011

Policy

The Cook Islands signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 23 August 2011. The convention will enter into force for the Cook Islands on 1 February 2012.

In 2011, the Cook Islands Parliament enacted national legislation to implement the convention that was signed into law by Governor-General Sir Fredrick Goodwin on 14 July (see National Implementation Legislation section below). The Cook Islands subsequently deposited its instrument of ratification to the convention with the UN in New York on 23 August 2011, making it the 61st State Party.

The initial Convention on Cluster Munitions Article 7 report by the Cook Islands is due by 30 July 2012.

The Cook Islands joined the Oslo Process in February 2008 and actively supported efforts to create a strong treaty text during the Dublin negotiations.¹⁹⁴

The Cook Islands has not participated in any meetings of the convention since 2008, such as the First Meeting of States Parties in Vientiane, Lao PDR in November 2010.

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

The Cook Islands is party to the Mine Ban Treaty.

The Cook Islands has stated on several occasions that it does not use, develop, produce, or stockpile cluster munitions.¹⁹⁵

National Implementation Legislation

In July 2011, the Cook Islands became the first Pacific island nation to enact specific national legislation to implement the convention. The Cluster Munitions Act of 2011 legislation applies extraterritorially to both people and corporations.¹⁹⁶ It establishes sanctions of up to 10 years imprisonment and/or a fine of US\$10,000 for an individual, or a fine of \$20,000 for a corporation.

The Cluster Munitions Act of 2011 contains definitions that are essentially the same as those contained in the Convention on Cluster Munitions. Section Four prohibits the use, production, transfer, and stockpiling, but does not include a prohibition on assistance with these banned activities. The law does not address participation in joint military operations with states not party (“interoperability”), transit and foreign stockpiling of cluster munitions, or investment in cluster munition production.

Section Nine allows for the retention of cluster munitions in accordance with Article 3 of the convention. The retention of cluster munitions requires approval by the Minister of Foreign Affairs and Immigration and may not exceed “the minimum number absolutely necessary.”

¹⁹⁴ For more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 62.

¹⁹⁵ Email from Myra Patai, Director, International Organizations and Treaties, Ministry of Foreign Affairs and Immigration, 25 August 2011; and email from Myra Moekaa, Director, International Organizations and Treaties, Ministry of Foreign Affairs and Immigration, 28 August 2009.

¹⁹⁶ The full title is “An Act to implement the Convention on Cluster Munitions in the Cook Islands and related matters.” Law No. 8, 2011. Email from Myra Patai, Ministry of Foreign Affairs and Immigration, 25 August 2011.

Costa Rica

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 October 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified on 28 April 2011

Policy

The Republic of Costa Rica signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 28 April 2011. The convention entered into force for Costa Rica on 1 October 2011.

Ratification of the convention was introduced into the Senate on 25 October 2010 and debated for the first time before being referred to the Constitutional Commission for review.¹⁹⁷ Following a positive report by the Commission, the Senate of Costa Rica held a second debate and unanimously approved the ratification decree on 14 December 2010.¹⁹⁸ The ratification decree was published in the official gazette on 25 March 2011.¹⁹⁹ Costa Rica's Minister for Foreign Affairs René Castro Salazar deposited the instrument of ratification with the UN in New York on 28 April 2011.²⁰⁰

It is not known if Costa Rica intends to enact legislation or other national measures to implement the convention.²⁰¹

Costa Rica's initial Convention on Cluster Munitions Article 7 report is due by 29 March 2012.

Costa Rica continued to show strong interest in the convention in 2010 and 2011. Costa Rica attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 where it gave an update on the status of ratification and called for universalization of the convention.²⁰² Costa Rica also attended intersessional meetings of the convention held in Geneva in June 2011.

Costa Rica played an important role in the Oslo Process that produced the convention, including hosting a regional conference in San José in September 2007.²⁰³ In March 2011, Wikileaks released a United States (US) Department of State cable dated 13 February 2008, which said US Embassy representatives had raised concerns on the Oslo Process with Costa Rica's Ministry of Foreign Affairs.²⁰⁴

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

Costa Rica is a party to the Mine Ban Treaty. Costa Rica is also a party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 27 April 2009. Costa Rica has continued to participate in the CCW deliberations on cluster munitions in 2010 and the first half of 2011, but did not actively engage.

Costa Rica has stated that it has never used, produced, transferred, or stockpiled cluster munitions.²⁰⁵

¹⁹⁷ Statement of Costa Rica, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by Action on Armed Violence (AOAV).

¹⁹⁸ The full text of Law 8921 is available at www.gaceta.go.cr.

¹⁹⁹ Decree 8921 (originally bill No. 17,381), *La Gaceta* (Official Gazette), No. 60, 25 March 2011, Resumen Gacetario N° 50-2011, www.gaceta.go.cr; "Aprobado en segundo debate convención sobre Municiones en racimo," *El País*, 16 December 2010, www.elpais.cr.

²⁰⁰ CMC, "Costa Rica ratifies cluster bomb ban," 4 May 2011, www.stopclustermunitions.org.

²⁰¹ Costa Rica has a national law in place to implement the Mine Ban Treaty. ICBL, *Landmine Monitor Report 2003—Costa Rica*, www.the-monitor.org.

²⁰² Statement of Costa Rica, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by AOAV.

²⁰³ For detail on Costa Rica's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 62–63.

²⁰⁴ "Demarche delivered: US concerns on Oslo Process," US Department of State cable dated 13 February 2008, released by Wikileaks on 3 March 2011, www.nacion.com.

²⁰⁵ Statement of Costa Rica, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 14 January 2008. Notes by Landmine Action.

Croatia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	National implementation legislation in preparation, stockpile destruction process underway

Policy

The Republic of Croatia signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 17 August 2009. It was thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

A working group has been established and mandated to draft legislation to enforce the convention, including penal sanctions, and establish a national authority to coordinate and monitor implementation of the convention.²⁰⁶ Croatia has also established the Croatian Action Plan (CAP) to help victims of mines and unexploded ordnance (UXO) for 2010–2014.²⁰⁷

Croatia submitted its initial Convention on Cluster Munitions Article 7 report on 24 January 2011, covering the period 1 August 2010 to 1 January 2011.

Croatia made many notable contributions throughout the Oslo Process which led to the creation of the convention and, from its experience as an affected state, advocated for the strongest possible provisions on victim assistance.²⁰⁸ Croatia enacted a moratorium on the use, production, and transfer of cluster munitions in 2007, prior to the conclusion of the process.²⁰⁹

Croatia has continued to actively engage in the work of the convention including in its capacity as Friend of the President of the First Meeting of States Parties to the convention.²¹⁰ Croatia attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 where it provided information on its stockpiled cluster munitions and plans for their destruction.²¹¹ Croatia also attended intersessional meetings of the convention in Geneva in June 2011 and gave statements on universalization, stockpile destruction, victim assistance, and clearance.

Croatia held a regional workshop on the Convention on Cluster Munitions in Zagreb on 23–26 May 2011 that was attended by eight States Parties and two other states.²¹² To celebrate the entry into force of the convention on 1 August 2010, Croatian Mine Action Center (CROMAC), the Ministry of Foreign Affairs and European Integration, and the NGO MineAid organized a public event in Zagreb.²¹³ Croatia attended a UN Special Event on the convention held during the UN General Assembly's First Committee on Disarmament and International Security in New York in October 2010.

²⁰⁶ The working group is comprised of officials from the Ministry of Foreign Affairs, Ministry of Defense, Ministry of Interior, CROMAC, and the NGO MineAid. The legislation will also include provisions on victim assistance in line with the measures proposed in Vientiane Action Plan. Response to Monitor questionnaire by Hrvoje Debač, Department for Humanitarian Mine Action, Directorate for Multilateral Affairs, Ministry of Foreign Affairs and European Integration, 23 March 2011; and Convention on Cluster Munitions Article 7 Report, Form A, 24 January 2011.

²⁰⁷ The main aim of CAP is to improve the overall system of care for people injured by mines and UXO, as well as for the families of the victims. CAP seeks to fulfill Croatia's victim assistance obligations under the Mine Ban Treaty and Convention on Cluster Munitions and their respective Cartagena and Vientiane Action Plans. Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 23 March 2011.

²⁰⁸ For details on Croatia's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 64–66.

²⁰⁹ Statement of Croatia, Vienna Conference on Cluster Munitions, 5 December 2007. Notes by CMC/WILPF.

²¹⁰ In particular, Croatia has cooperated with Austria on victim assistance.

²¹¹ Statement of Croatia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. It also made a general statement. Statement of Croatia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010.

²¹² Statement of Croatia, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011.

²¹³ The event took place in the main square of Zagreb and included risk education performances for children as well as handouts containing information on cluster munitions and danger signs. CMC, "Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010," October 2010.

Interpretive issues

Croatia has expressed its views on a number of issues important to the interpretation and implementation of the convention. Croatia considers that transit of cluster munitions across, or foreign stockpiling of cluster munitions on, the national territory of State Parties is prohibited by the convention. It also considers investment in the production of cluster munitions to be prohibited by the convention.²¹⁴ On another issue, Croatia has simply stated, “As for the interoperability and use of cluster munitions by countries that are not signatories to the [convention], and are serving within joint military operations, Republic of Croatia will act in accordance with provisions stipulated in Article 21 of the Convention.”²¹⁵

Convention on Conventional Weapons

Croatia is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Croatia continued to actively participate in deliberations in the CCW on cluster munitions in 2010 and the first half of 2011. In November 2010, Croatia expressed its reservations over the “time and money spent” on the CCW’s work on cluster munitions and asked if, “we should take a break in the negotiating process so that states can reconsider their national positions.”²¹⁶

Croatia has been critical of the chair’s draft text.²¹⁷ In February 2011, it supported a proposal by Germany for an immediate ban on transfers of cluster munitions.²¹⁸ Croatia has proposed including a deadline for clearance of cluster munitions in the draft text “as soon as feasible, but not later than 10 years.”²¹⁹ In March 2011, Croatia commented on the draft’s proposed prohibition on the use of cluster munitions produced before 1980, saying, “in our view we have to do more than that to have an immediate humanitarian impact.”²²⁰

Use, production, and transfer

Croatia has stated that it does not produce cluster munitions, did not import them, and that the Armed Forces of Croatia have not used them, including in missions under UN auspices.²²¹

In 2011, Croatia informed the Monitor that “no Yugoslav production facilities for cluster munitions or their components were formerly located in Croatia,” but acknowledged that the Croatian company *SUIS d.o.o.* in Kumrovec produced a cluster munition, called the 120mm M93 mortar projectile, until 1999.²²² In its Article 7 report, Croatia confirmed there is no cluster munition production on its territory.²²³

The Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) established that Milan Martić ordered the shelling of Zagreb on 2–3 May 1995 using M87 Orkan rockets equipped with submunitions. At least seven civilians were killed and more than 200 wounded in the attacks.²²⁴ Additionally, the Croatian government has claimed that Serb forces dropped BL-755 cluster bombs in Sisak, Kutina, and along the Kupa River.²²⁵

Stockpiling and destruction

Croatia inherited approximately 170 tons of stockpiled cluster munitions during the breakup of the Socialist Federal Republic of Yugoslavia.²²⁶ In its Article 7 report, Croatia declared a total of 7,380 cluster munitions containing 190,868 submunitions, comprised of the following types:

²¹⁴ Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 23 March 2011.

²¹⁵ Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 29 March 2010.

²¹⁶ Statement of Croatia, CCW Meeting of States Parties, 25 November 2010, notes by Action on Armed Violence (AOAV); and Statement of Croatia, CCW Meeting of States Parties, 26 November 2010, notes by AOAV.

²¹⁷ Statement of Croatia, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 3 September 2010. Notes by AOAV.

²¹⁸ Proposal for provisions on transfers for consideration in a CCW Protocol on Cluster Munitions, submitted by Austria, Croatia, Denmark, Germany, Luxembourg, and Switzerland, First 2011 Session of the CCW GGE on Cluster Munitions, Geneva, 22 February 2011, CCW/GGE/2011-I/WP.1.

²¹⁹ Statement of Croatia, CCW GGE on Cluster Munitions, Geneva, 25 February 2010. Notes by AOAV. States Parties proposed amending this proposal to a 10 year deadline with the possibility of a five year extension, with no agreement over whether the extension should be granted on approval of a request or on merely on receipt of a notification.

²²⁰ Statement of Croatia, CCW GGE on Cluster Munitions, Geneva, 28 March 2010. Notes by AOAV.

²²¹ Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 29 March 2010; and Statement of Croatia, Lima Conference on Cluster Munitions, 23 May 2007, notes by the CMC/WILPF.

²²² The last batch, series SUK-0298, was delivered to the Ministry of Defence in 1999. The company went bankrupt in 2006 and the owners established a new company *Novi Suis d.o.o.* that produces fire extinguishers. Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 23 March 2011.

²²³ It stated that there are “several manufacturers in the Republic of Croatia that produce military equipment, but not cluster munitions.” Convention on Cluster Munitions Article 7 Report, Form E, 27 January 2011.

²²⁴ Trial Chamber of the ICTY, “Summary of Judgment for Milan Martić,” Press release, 12 June 2007, The Hague. From 4 January 1991 to August 1995, Martić held various leadership positions, including President, Minister of Defense, and Minister of Internal Affairs, in the unrecognized offices of the Serbian Autonomous District Krajina, and the Republic of Serbian Krajina.

²²⁵ Statement of Croatia, Fourth Session of the GGE to Prepare the Review Conference of the States Parties to the CCW, Geneva, January 1995.

²²⁶ Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 23 March 2011.

Croatia's Cluster Munition Stockpile (as of January 2011)²²⁷

Quantity	Type of Cluster Munition	Submunitions per weapon
7,129	120mm M93 mortar projectile	23 KB-2
26	262mm M87 Orkan rocket	288 KB-1
89	BL-755 bomb	147 Mk1
84	RBK-250 PTAB-2.5M bomb	42 PTAB-2.5M
3	RBK-250/275 AO-1 Sch bomb	150 AO-1 Sch
49	RBK-250 ZAB-2.5M bomb	48 ZAB-2.5M

Croatia has stated its commitment to destroying the stockpiled munitions in advance of the convention's eight-year deadline.²²⁸ The stockpile destruction program began in January 2011 with a research stage in which NGO Norwegian People's Aid produced a feasibility study for consideration by the Ministry of Defense. Destruction will be carried out using a combination of disassembly, recycling, and open burning/detonation methods.²²⁹ Provided that financial resources can be located, Croatia has forecast the stockpile could be destroyed by the end of 2012.²³⁰

Retention

Croatia has declared that it intends to retain 14 cluster munitions and a total of 1,737 submunitions for training and educational purposes and for display at a military museum. The cluster munitions will be disassembled and the submunitions disarmed and made free from explosives.²³¹

Cluster Munition Remnants

Croatia has areas contaminated by cluster munition remnants left over from the conflict in the 1990s. As a result of general survey conducted in 2010, CROMAC reported to the Monitor in March 2011 that a total of 6.9km² was affected by unexploded submunitions.²³² This area was said to impact 28 towns and municipalities across eight counties.²³³ The overwhelming majority of these areas, some 90%, are located in Zadarska county.²³⁴ CROMAC says all contaminated areas are marked with a total of 409 warning signs.²³⁵ In contrast, Croatia's initial Article 7 report stated that as of 1 January 2011, 5.3km² was contaminated with an estimated 5,810 unexploded submunitions.²³⁶

At the intersessional meetings in June 2011, however, Croatia reported that a larger total area of 9.2km² was contaminated by some 5,000 unexploded submunitions. Of this larger area, 4.6km² is located within suspected mined areas in 15 affected municipalities, while a further 4.7km² across 21 municipalities is only affected by cluster munition remnants.²³⁷

Clearance of cluster munition contaminated areas

Croatia reported one cluster munitions clearance task in 2010. An area of 68,202m² in Bjelovar-Bilogora county was cleared and seven unexploded MK-1 submunitions were found and destroyed.²³⁸ A further seven submunitions were destroyed during battle area clearance (BAC) and explosive ordnance disposal (EOD) tasks.

²²⁷ Croatia has reported that all cluster munitions are stored with other munitions with the same non-operational status and are separated only administratively. Croatia reports that the ZAB 2.5m are incendiary munitions and reported for transparency purposes. Convention on Cluster Munitions Article 7 Report, Forms B and C, 24 January 2011.

²²⁸ Response to Monitor questionnaire by Hrvoje Debač, Ministry of Foreign Affairs and European Integration, 23 March 2011.

²²⁹ Disassembly will be done at a workshop in Golubić and destruction at the Slunj training ground. Croatia has stated that it will try to minimize the contamination and environmental impact of the destruction process by maximizing re-use, recycling, and reprocessing of materials where possible.

²³⁰ The cost of Croatia's stockpile destruction has been estimated at approximately €340,000 (US\$450,874), of which 60% will be financed through government funds and the rest needs to be fundraised. CMC meeting with Staff Sergeant Ed Batlak, Defence Policy Director, Croatian Verification Centre, Ministry of Defence, Geneva, 30 June 2011. Notes by the CMC. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

²³¹ Convention on Cluster Munitions Article 7 Report, Form B, 24 January 2011.

²³² Interview with Miljenko Vahtaric, Assistant Director, and Nataša Matesa Mateković, Head, Planning and Analysis Department, CROMAC, Sisak, 21 March 2011.

²³³ CROMAC, "Plan of humanitarian demining in 2011, Summary," Sisak, June 2011, p. 1.

²³⁴ Interview with Miljenko Vahtaric and Nataša Matesa Mateković, CROMAC, Sisak, 21 March 2011.

²³⁵ Ibid.

²³⁶ Convention on Cluster Munitions Article 7 Report, Form F, 24 January 2011.

²³⁷ Statement of Croatia, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 28 June 2011. Croatia noted during its statement that its initial Article 7 report "was not the most comprehensive report that [the] Republic of Croatia has ever filed."

²³⁸ Interview with Miljenko Vahtaric and Nataša Matesa Mateković, CROMAC, Sisak, 21 March 2011.

Clearance of cluster munition remnants in 2010 ²³⁹

Operator	Area cleared (km ²)	No. of unexploded submunitions destroyed
Piper	0.07	7
Clearance during BAC/EOD	–	3
Total	0.07	10

Compliance with Article 4 of the Convention on Cluster Munitions

Under Article 4 of the Convention on Cluster Munitions, Croatia is required to destroy all cluster munition remnants as soon as possible, but not later than 1 August 2020. As noted above, Croatia has reported that as of June 2011, 9.2km² was contaminated by some 5,000 unexploded submunitions. Since the entry into force of the Convention, Croatia has destroyed 1,590 unexploded submunitions from 0.6km².²⁴⁰

Cluster munition casualties

At least 238 casualties from cluster munitions have been reported in Croatia. Between 1993 and 1995, at least 206 casualties occurred during cluster munition strikes. CROMAC recorded 32 casualties from incidents involving unexploded submunitions between 1993 and 2007.²⁴¹ No submunition casualties were reported in 2010.

Denmark

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Submitted Article 7 report in January 2011, provided information on stockpile destruction plans

Policy

The Kingdom of Denmark signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 12 February 2010. It was thus among the first 30 ratifications to trigger entry into force of the convention on 1 August 2010.²⁴²

Denmark submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011 for calendar year 2010. Under national implementation measures, it stated that “a review of existing Danish legislation has proven it unnecessary for Denmark to take national legal measures to implement” the Convention on Cluster Munitions.²⁴³ The 2009 parliamentary motion approving ratification of the convention states that the convention’s provisions can be upheld without changes to existing Danish laws, and that penal sanctions for violations of the convention are imposed under the Military Penal Code.²⁴⁴

²³⁹ Email from Miljenko Vahtaric, CROMAC, 30 March 2011.

²⁴⁰ Statement of Croatia, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 28 June 2011.

²⁴¹ Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 65; and CROMAC casualty data provided by email from Goran Gros, CROMAC, 23 April 2008. All known unexploded submunition casualties were included in CROMAC casualty data.

²⁴² Denmark submitted a formal declaration with its ratification instrument stating that the convention did not apply to Denmark’s territories of Greenland and the Faroe Islands, but that it may, by unilateral declaration of the government, apply at a later date. This was done to respect the limited self-governance agreements with the territories, with the aim of removing the exemptions as soon as the local decision-making processes were completed. On 12 February 2010, the convention was extended to cover Greenland. Danish territorial control does not include the United States (US) Thule Air Base in Greenland. Meeting with Ministry of Foreign Affairs and Ministry of Defense officials, Copenhagen, 25 March 2010.

²⁴³ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

²⁴⁴ Folketinget (Danish Parliament), “B60 Proposal for a parliamentary resolution on Denmark’s adoption of the Convention on Cluster Munitions, signed on 4 December 2008 in Oslo,” 19 November 2009, www.ft.dk. The Arms Act prohibits, without permission from the Minister of Justice, the possession, acquisition, and transfer of grenades, bombs, mines, or similar devices. The Military Penal Code will allow punishment for the willful use of cluster munitions in armed conflicts. Use of cluster munitions outside of armed conflicts will be punishable under the military criminal law on breach of duty pursuant to the Military Penal Code.

Denmark also reported that its Defense Command had issued a letter to subordinate commands noting the entry into force of the convention and providing instructions on immediate steps to be taken to implement the convention.²⁴⁵

Denmark participated in the Oslo Process that created the convention and its position shifted significantly to the point that it was able to adopt the convention at the conclusion of the negotiations in Dublin in May 2008.²⁴⁶ Denmark has continued to engage in the work of the convention in 2010 and the first half of 2011. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it pledged to continue to provide significant funding to mine action and provided information on its stockpile of cluster munitions (see Use, production, transfer, and stockpiling section below).²⁴⁷

Denmark also participated in the first intersessional meetings of the convention in Geneva in June 2011. Denmark did not make a national statement, but associated itself with the statement made by the European Union (EU).²⁴⁸

Denmark worked to secure the April 2011 statement by the EU condemning the use of cluster munitions in Libya by Gaddafi forces.²⁴⁹

Interpretive issues

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

Denmark's ratification instrument provides the following statement on the prohibition on assistance with prohibited acts during joint military operations: "Article 21 contains a significant provision for States Parties to be allowed to cooperate with states not party to the Convention (interoperability). Regardless of the broad wording of the ban in Article 1, States Parties may continue to participate in military cooperation and operations with States not party to the Convention. However, this access is not unlimited, as a State Party is never allowed to develop or acquire cluster munitions or explicitly request support in the form of cluster munitions in a situation where the State Party has an exclusive control over the choice of the ammunition."²⁵⁰

In January 2011, Denmark reported that its Defense Command had issued instructions to subordinates that stipulated "limitations on the possibility to co-operate with nations who have not signed the convention."²⁵¹

Disinvestment

For several years Danish NGOs have been calling for Danish financial institutions to stop investing in companies that produce cluster munitions; and in 2009 a motion was submitted for a ban on investment in cluster munition production.²⁵²

During a parliamentary debate on 13 January 2010, the Danish government expressed its opposition to a prohibition on investment in cluster munition producing companies.²⁵³ On 11 January 2010, the Ministry of Economic and Business Affairs stated that mandatory regulation of investment could limit voluntary engagement by investors and a ban on investment in cluster munitions producers could affect the ability of Danish companies to follow UN Principles for Responsible Investment and active ownership.²⁵⁴

In September 2010, the Ministry of Economics and Business Affairs published a "Guide on Responsible Investment" based on the UN Principles for Responsible Investment.²⁵⁵ According to the Guide, the prohibition of certain investments as a starting point is a bad idea. Instead, the government believes that the most effective means to promote social responsibility and sustainability in investments is through the exclusive relationship between investors and company

²⁴⁵ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

²⁴⁶ For more details on Denmark's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 68–71.

²⁴⁷ Statement of Denmark, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

²⁴⁸ Statement of EU, Convention on Cluster Munitions Intersessional Meeting, Opening Session, Geneva, 27 June 2011, www.clusterconvention.org; and email from Adam Ravnkilde, Head of Disarmament Section, Department for Security Policy, Ministry of Foreign Affairs, 11 August 2011.

²⁴⁹ Meeting with Ministry of Foreign Affairs and Ministry of Defense officials, Copenhagen, 14 June 2011. See also, EU Declaration by HR Ashton on the reported use of cluster munitions in Libya, 29 April 2011, www.europa-eu-un.org.

²⁵⁰ Folketinget, "B60 Proposal for a parliamentary resolution on Denmark's adoption of the Convention on cluster munitions, signed on 4 December 2008 in Oslo," 19 November 2009, www.ft.dk.

²⁵¹ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

²⁵² The motion was referred to the Defense Committee, which produced a report in October 2009 stating that, under the terms of the convention, it would be prohibited under certain specified circumstances for the Danish government and municipalities to invest in companies producing cluster munitions. "Report submitted by the Defence Committee on Motion No. B173, Proposal for a parliamentary resolution on the prohibition of investment in production and trade of cluster munitions," 2 October 2009.

²⁵³ Parliamentary debate concerning question S 620, 13 January 2010.

²⁵⁴ It also raised concerns about difficulties in determining an objective and exhaustive list of producers, in light of the likelihood of cluster munitions being produced by large companies that deal with other types of production activities. Ministry of Economic and Business Affairs, "Clarifying questions from the Defence Committee regarding proposals for parliamentary resolution prohibiting investment, production and trade with cluster weapons (B 173)," 11 January 2010.

²⁵⁵ "Vejledning om ansvarlige investeringer." [Guide on Responsible Investments], September 2010, forward by Brian Mikkelsen, Minister of Economics and Business Affairs, pp. 3–4, www.samfundsansvar.dk.

management. The Guide also states that mandatory disinvestment is an “emergency solution” reflecting “the lack of success of the investors in contributing to sustainable development via their investments.”²⁵⁶

In its Article 7 report, Denmark stated that UN Principles for Responsible Investment and the Danish Guide on Responsible Investment “demand all investors to respect international norms and conventions” such as the Convention on Cluster Munitions.²⁵⁷

As of September 2010, 24 Danish investors had signed the UN Principles for Responsible Investment, an increase from four investors in 2008.²⁵⁸ A May 2011 report by NGOs IKV Pax Christi and Netwerk Vlaanderen praised four Danish financial institutions for their measures to ban investments in cluster munition producers.²⁵⁹

Convention on Conventional Weapons

Denmark is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. In the past, Denmark has been a staunch supporter of CCW work on cluster munitions, and served as the chair of the deliberations in 2008. Denmark has continued to engage in CCW deliberations on cluster munitions, but has rarely made its views known on the draft text under discussion. In February 2011, it joined five other countries in support of a proposal to consider a ban on transfers of cluster munitions.²⁶⁰

In June 2011, Danish officials confirmed Denmark’s continued support for the CCW process on cluster munitions, but stated the outcome should not compromise commitments undertaken by countries that have joined the Convention on Cluster Munitions.²⁶¹

Use, production, transfer, and stockpiling

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

In its Article 7 report, Denmark declared a stockpile of 42,020 cluster munitions containing 2,440,940 submunitions. Denmark reported three types of cluster munitions: DM642 artillery projectiles, DM662 artillery projectiles, and MK20 Rockeye cluster bombs.

Cluster munitions stockpiled by Denmark (as of January 2011)²⁶²

Type of munition	Quantity of munitions	Quantity of submunitions
DM642 artillery projectiles, each containing 63 dual purpose improved conventional munition (DPICM) submunitions	27,000	1,701,000
DM662 Base Bleed (extended range) artillery projectiles, each containing 49 DPICM submunitions	15,000	735,000
MK20 Rockeye cluster bombs	20	4,940
Total	42,020	2,440,940

In November 2009, Denmark reported stockpiling approximately 300 M26 cluster munitions.²⁶³ These were not included in the Article 7 report as they are not in the Danish inventory. In July 2011, a Danish official explained that the “M26 rockets were ordered, but were never delivered to Denmark before the contract were cancelled.”²⁶⁴

Denmark has confirmed that its Defense Command has issued instructions that existing stockpiles of cluster munitions could not be used in military operations, must be separated from operational munitions in storage depots, and should be clearly marked for destruction. The Defense Command has also issued instructions that existing stockpiles of munitions prohibited by the convention cannot be transferred, except for “limited amounts of munitions to be used for training purposes” which “should be thoroughly documented.”²⁶⁵

²⁵⁶ Ibid.

²⁵⁷ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

²⁵⁸ “Vejledning om ansvarlige investeringer,” [Guide on Responsible Investments], September 2010, forward by Brian Mikkelsen, Minister of Economics and Business Affairs, pp. 3–4, www.samfundsansvar.dk.

²⁵⁹ IKV Pax Christi and Netwerk Vlaanderen, “Worldwide Investments in Cluster Munitions: A shared responsibility,” May 2011, pp. 8–9, 16–17.

²⁶⁰ Proposal for provisions on transfers for consideration in a CCW Protocol on Cluster Munitions, submitted by Austria, Croatia, Denmark, Germany, Luxembourg, and Switzerland, First 2011 Session of the CCW Group of Governmental Experts on Cluster Munitions, Geneva, 22 February 2011, CCW/GGE/2011-I/WP.1.

²⁶¹ Meeting with Ministry of Foreign Affairs and Ministry of Defense officials, Copenhagen, 14 June 2011.

²⁶² Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

²⁶³ Folketinget, “B60 Proposal for a parliamentary resolution on Denmark’s adoption of the Convention on cluster munitions, signed on 4 December 2008 in Oslo,” 19 November 2009, www.ft.dk.

²⁶⁴ Email from Lt. Col. Jens Erik Mortensen, Ministry of Defense, 18 July 2011.

²⁶⁵ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

In its Article 7 report, Denmark stated that in 2011 its Defense Command will prepare a plan for stockpile destruction.²⁶⁶ In June 2011, Danish officials said that Denmark intends to present a plan for the destruction of its cluster munition stockpile during the Second Meeting of States Parties in September 2011.²⁶⁷

Previously, in 2009, Denmark estimated that destruction of the DM642 and DM662 cluster munitions would cost approximately DKK5,000–6,000 (US\$933–1,120) per munition, or approximately DKK210 million–250 million (\$39.2 million–46.7 million) total. It estimated it would cost approximately DKK15 million (\$2.8 million) to destroy “all manufactured parts” for Multiple Launch Rocket System cluster munitions.²⁶⁸

Retention

At the First Meeting of States Parties in November 2010, Denmark announced that it planned to retain 170 cluster munitions for the training of explosive ordnance disposal (EOD) personnel.²⁶⁹

In its January 2011 Article 7 report, however, Denmark stated that the types and quantities of retained cluster munitions was “To Be Determined.”²⁷⁰ It stated that in 2011 the Defence Command would identify cluster munitions to be retained for training and educational purposes of EOD personnel.²⁷¹

In June 2011, a Ministry of Defense official said that the Danish Defense Forces were in the process of identifying the quantity and types of cluster munitions that it considered necessary to retain for training of EOD teams, and that this information would be included in the stockpile destruction plan to be issued in advance of the Second Meeting of States Parties in September 2011.²⁷²

Previously, in November 2009, Denmark indicated that it intends to retain some Rockeye cluster bombs.²⁷³

Ecuador

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Entry into force on 1 November 2010, reported destruction of stocks in 2004, and submitted Article 7 report in June 2011

Policy

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

Ecuador submitted its initial Convention on Cluster Munitions Article 7 report on 23 June 2011, for the period from 1 January 2010 to 30 April 2011.²⁷⁴ Under national implementation measures, Ecuador reported “does not apply.”²⁷⁵ It is not known if this means that Ecuador considers existing laws sufficient to enforce the Convention on Cluster Munitions.

²⁶⁶ Ibid.

²⁶⁷ Meeting with Ministry of Foreign Affairs and Ministry of Defense officials, Copenhagen, 14 June 2011.

²⁶⁸ Folketinget, “B60 Proposal for a parliamentary resolution on Denmark’s adoption of the Convention on cluster munitions, signed on 4 December 2008 in Oslo,” 19 November 2009, www.ft.dk. The document states there may be “economies of scale” in pursuing a joint destruction program with other countries. Average exchange rate for 2009: DKK1=US\$0.18666. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

²⁶⁹ Statement of Denmark, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

²⁷⁰ Convention on Cluster Munitions Article 7 Report, Form C, 27 January 2011.

²⁷¹ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

²⁷² Meeting with Ministry of Foreign Affairs and Ministry of Defense officials, Copenhagen, 14 June 2011.

²⁷³ Folketinget, “B60 Proposal for a parliamentary resolution on Denmark’s adoption of the Convention on cluster munitions, signed on 4 December 2008 in Oslo,” 19 November 2009, www.ft.dk.

²⁷⁴ The report was due by 30 April 2011, but its delivery was delayed due to an internal consultation. Telephone interview with Monica Martinez, Director, Office for the UN Organizations, Ministry of Foreign Affairs, 9 May 2011.

²⁷⁵ “No aplica.” Convention on Cluster Munitions Article 7 Report, Form A, 23 June 2011.

Ecuador participated fully in the Oslo Process that produced the convention and hosted a regional meeting in Quito in November 2008 to promote signature to the convention.²⁷⁶ Since 2008, Ecuador has continued to show strong support for the convention. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not attend the convention's first intersessional meetings held in Geneva in June 2011.

At the First Meeting of States Parties, Ecuador appealed to states that have not done so to ratify or accede to the convention, and also offered assistance in implementation of the convention.²⁷⁷

In November 2008, Ecuador provided a detailed statement on its views on some key issues of interpretation and implementation. It stated that transit of cluster munitions should be prohibited; the number of units retained for training should not be bigger than 1,000, and should reduce with time; Article 21 (on interoperability) should never be used to justify any derogation from the convention's core prohibitions; and the article should not be interpreted as suspending other obligations under the convention. It said the spirit of Article 21 is to promote universalization of the convention.²⁷⁸

Ecuador is a State Party to the Mine Ban Treaty. Ecuador is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not engaged in CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Ecuador has stated several times that it has not used, produced, or transferred cluster munitions.²⁷⁹

In the Article 7 report, Ecuador stated that it has no stockpiled cluster munitions.²⁸⁰ According to the report, Ecuador destroyed its stockpile of 117 BL-755 cluster bombs in October 2004.²⁸¹

Ecuador reports that it has not retained any cluster munitions for training or research purposes.²⁸²

El Salvador

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 July 2011
Participation in Convention on Cluster Munitions meetings	Attended the First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified on 10 January 2011

Policy

The Republic of El Salvador signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 10 January 2011. The convention entered into force for the country on 1 July 2011, making El Salvador the 50th State Party.

The National Congress of El Salvador approved ratification of the convention on 19 August 2010. The ratification approval was published in the official gazette in November 2010.²⁸³

²⁷⁶ For details on Ecuador's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 71–72.

²⁷⁷ Statement of Ecuador, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by Action on Armed Violence (AOAV).

²⁷⁸ Presentation of Ecuador, "Interpretive Statement," Quito Regional Conference on the Convention on Cluster Munitions, 6 November 2008, www.stopclustermunitions.org. It also stated that it would have preferred a ban on all cluster munitions without exceptions; the establishment of the principle of retroactivity is key; the definition of victim assistance is a pillar of the convention; and, international cooperation is fundamental.

²⁷⁹ Statement of Ecuador, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010, notes by AOAV; Statement of Ecuador, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010, notes by AOAV; and presentation by Ecuador, "Interpretive Statement," Quito Regional Conference on the Convention on Cluster Munitions, 6 November 2008.

²⁸⁰ "No se tiene." Convention on Cluster Munitions Article 7 Report, Form B, 23 June 2011.

²⁸¹ Convention on Cluster Munitions Article 7 Report, Form B, 23 June 2011. In November 2010, a government representative informed the Monitor that Ecuador had destroyed a stockpile of 200 BL-755 bombs in 2004 that it had acquired from the United Kingdom in 1978, as part of the purchase of an aircraft. "Bomba Cluster BL755 en el Ecuador" [BL755 Cluster Bomb in Ecuador], undated document provided to the CMC by the Ecuadorian delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010.

²⁸² Convention on Cluster Munitions Article 7 Report, Form C, 23 June 2011.

²⁸³ Statement of El Salvador, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

The status of national measures to implement the convention, such as domestic legislation, is not known. El Salvador has enacted legislation to implement the Mine Ban Treaty, to which it is also a party.²⁸⁴

El Salvador's initial Convention on Cluster Munitions Article 7 report is due by 28 December 2011.

El Salvador participated actively in the Oslo Process that created the Convention on Cluster Munitions, frequently aligning itself with the views of many Latin American states in favor of the strongest, most comprehensive convention possible.²⁸⁵ Since 2008, El Salvador has continued to show strong interest in the convention. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 and also attended intersessional meetings of the convention in Geneva in June 2011.

At the First Meeting of States Parties, El Salvador provided an update on the status of ratification and called on all states that have not yet done so to join the Convention on Cluster Munitions.²⁸⁶

Local NGO Fundación Red de Sobrevivientes campaigns in support of the cluster bomb ban in El Salvador.²⁸⁷

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

El Salvador is a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not participated actively in the CCW deliberations on cluster munitions in recent years.

El Salvador has confirmed that it has not used, transferred, or stockpiled cluster munitions.²⁸⁸ It is not believed to have ever produced the weapon.

Fiji

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Became a State Party on 1 November 2010

Policy

The Republic of the Fiji Islands signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 28 May 2010. The convention entered into force for Fiji on 1 November 2010.

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

As of 1 June 2011, Fiji had not yet submitted its first Convention on Cluster Munitions Article 7 report, due by 30 April 2011.

²⁸⁴ Decree 471 entered into force on 30 November 2004 and includes penal sanctions of five to 10 years imprisonment for anyone found guilty of using, developing, producing, purchasing, stockpiling, or transferring one or more antipersonnel mines. See *Landmine Monitor Report 2005*—El Salvador, www.the-monitor.org

²⁸⁵ For details on El Salvador's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 73.

²⁸⁶ Statement of El Salvador, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

²⁸⁷ On 30 July 2010, Fundación Red de Sobrevivientes and other NGOs celebrated the convention's entry into force with a drumming action and awareness-raising activities at a public square in the capital of San Salvador.

²⁸⁸ Interview with Francisco González, Security and Defense Policy, and Gustavo Argueta, Multilateral Issues, Ministry of Foreign Affairs, San Salvador, 24 March 2010.

Fiji joined the Oslo Process in February 2008 and adopted the convention at the end of negotiations in Dublin on 30 May 2008.²⁸⁹ Since 2008, Fiji has continued to actively engage in the work of the convention. Fiji attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not participate in the convention's intersessional meetings in Geneva in June 2011.

Fiji's delegation to the First Meeting of States Parties was led by the Minister for Foreign Affairs, Ratu Inoke Kubuabola, who made a statement describing cluster munitions as "inhumane and down-right evil" and urged all states to "please get on board" the Convention on Cluster Munitions.²⁹⁰

In his September 2010 address to the opening of the UN General Assembly (UNGA), Fiji's acting Prime Minister Commodore Voreqe Bainimarama noted the interim government's ratification of the Convention on Cluster Munitions, which he described as "a welcome development in humanitarianism and international disarmament."²⁹¹

Fiji has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on investment in production of cluster munitions, and the prohibition on foreign stockpiling of cluster munitions. During the Dublin negotiations of the Convention on Cluster Munitions, Fiji supported the retention of cluster munitions for training purposes.²⁹²

Fiji is party to the Mine Ban Treaty, but has not joined the Convention on Conventional Weapons.

Fiji has stated several times that it does not use, produce, or stockpile cluster munitions.²⁹³

France

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Issued a decree on implementation of its national legislation and submitted initial Article 7 report in January 2011

Policy

The French Republic signed the Convention on Cluster Munitions on 3 December 2008, ratified on 25 September 2009, and was thus among the first 30 ratifications to trigger the convention's entry into force on 1 August 2010.

France enacted national implementation legislation, the Law on the Elimination of Cluster Munitions,²⁹⁴ on 20 July 2010. On 28 June 2011, the Council of State issued a decree assigning responsibility to various governmental departments for implementation of the law, including allowances for relevant government and military departments to keep stockpiles until their destruction, transfer stocks for destruction, and acquire or retain cluster munitions for training

²⁸⁹ For more details on Fiji's past policy and practice, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 73.

²⁹⁰ Statement by Ratu Inoke Kubuabola, Minister for Foreign Affairs, International Cooperation and Civil Aviation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes taken by the CMC/Action on Armed Violence.

²⁹¹ Statement by Commodore Voreqe Bainimarama, Prime Minister of Fiji, UNGA 65th Session, New York, 27 September 2010, www.fiji.gov.fj.

²⁹² Summary Record of the Committee of the Whole, First Session: 19 May 2008, Dublin Diplomatic Conference on Cluster Munitions, CCM/CW/SR/1, 18 June 2008.

²⁹³ The Minister for Foreign Affairs stated this in May 2010. "Fiji's administration approves ratification of the '2008 Convention on Cluster Munitions,'" *Pacific Islands News Association*, 24 May 2010, www.pina.com.fj. See also, statement by Amb. Seremaia Tiunasonori Cavuilati, Permanent Mission of Fiji to the European Union, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008; and Dublin Diplomatic Conference on Cluster Munitions, 28 May 2008. Notes by the CMC.

²⁹⁴ "Loi no. 2010-819 du 20 juillet 2010 tendant à l'élimination des armes à sous-munitions" [Law No. 2010-819 of 20 July 2010 on the elimination of cluster munitions], *Journal Officiel [Official Journal]*, No. 166, 21 July 2010, consolidated on 2 August 2010. The law prohibits the development, manufacture, production, acquisition, stockpiling, supply, sale, import, export, trade, brokering, transfer, and use of cluster munitions. The law provides strong sanctions for violations including up to 10 years imprisonment and/or a fine of €150,000 (\$209,025). For detailed analysis, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 65–66. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

and research purposes. The decree expanded the mandate of the French National Commission for the Elimination of Anti-Personnel Mines (CNEMA) to include monitoring the national law on the Convention on Cluster Munitions.²⁹⁵

On July 2010, France published a national action plan on “Landmines and Explosive Remnants of War (ERW)” to guide its Ministry of Foreign Affairs on the implementation from 2010 to 2013 of the Convention on Cluster Munitions and related international treaties.²⁹⁶

France submitted its initial Convention on Cluster Munitions Article 7 report on 31 January 2011.²⁹⁷

France participated in the Oslo Process that produced the convention and its policy evolved considerably to support a comprehensive ban.²⁹⁸ France has continued to engage in the work of the convention in 2010 and the first half of 2011.

France attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where its representative made a statement on behalf of Minister of Foreign and European Affairs Bernard Kouchner reaffirming France’s strong commitment to the convention.²⁹⁹ France also made statements on universalization, stockpile destruction, and national implementation measures. France supported the preparations of the First Meeting of States Parties through its role as a member of the Lao Support Group, a voluntary group of states assisting with preparatory work, and with a contribution of €50,000 (US\$66,305) to the Cluster Munitions Trust Fund for Lao PDR, dedicated to the organization of the meeting.³⁰⁰

France also participated in the convention’s first intersessional meetings in Geneva in June 2011, where it made several statements including on universalization and stockpile destruction.

France has pledged €15,000 (\$19,892) from the CNEMA budget in support the organization of the Second Meeting of States Parties, to be held in Beirut, Lebanon in September 2011.³⁰¹

Universalization

France has dedicated considerable effort to universalization of the Convention on Cluster Munitions in 2010 and the first half of 2011. France issued a statement on the 1 August 2010 entry into force of the convention, in which Minister of Foreign and European Affairs Bernard Kouchner declared France’s determination to promote the convention’s universalization and full implementation.³⁰²

In a statement read on his behalf at the First Meeting of States Parties in November 2010, Minister Kouchner stated that “it is the collective and individual responsibility of all present to do everything possible to facilitate accession to the convention” and said that France will do so through “a permanent mobilization of our diplomatic network.”³⁰³ In June 2011, France confirmed it had mobilized its diplomatic corps to “educate its non-States Party allies” on the convention and reiterated its appeal to all countries to join.³⁰⁴

As of July 2011, France reported sending demarches urging signatories to complete ratification, including to Afghanistan, Cape Verde, Indonesia, Kenya, Philippines, Senegal, Tanzania, and Uganda, and demarches urging non-signatories to join the convention, including Ethiopia, Gabon, Mauritius, Morocco, Nepal, Sri Lanka, Tajikistan, Turkmenistan, Uzbekistan, and Vietnam.³⁰⁵ France has issued joint demarches together with CMC member Handicap International (HI) in a number of countries.³⁰⁶

²⁹⁵ “Décret n° 2011-737 du 28 juin 2011 pris pour l’application de la loi n° 2010-819 du 20 juillet 2010 tendant à l’élimination des armes à sous-munitions,” (“Decree n° 11-737 of 28 June 2011, for the application of the law n° 2010-819 of 20 July 2010 on the elimination of cluster munitions”), www.legifrance.gouv.fr.

²⁹⁶ The other agreements are the 1997 Mine Ban Treaty and CCW Amended Protocol II and CCW Protocol V. “Plans d’actions du Ministère des Affaires Étrangères et Européennes contre les mines et les restes explosifs de guerre, juillet 2010,” (“Action Plans against landmines and ERW of the Ministry of Foreign and European Affairs, July 2010”).

²⁹⁷ No reporting period is specified, but it states “initial report of 1 August 2010” (Rapport initial au 01 août 2010).

²⁹⁸ For more details on France’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 74–77.

²⁹⁹ Statement by Amb. Alain Girma, on behalf Bernard Kouchner, Minister of Foreign and European Affairs, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010.

³⁰⁰ Statement of France, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by Action on Armed Violence (AOAV)/Human Rights Watch; and statement by Ambassador Alain Girma, Action Against Mines/Explosive Remnants of War, CNEMA, Paris, 3 March 2011. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

³⁰¹ Plenary meeting of the CNEMA, 7 July 2011. Notes by HI. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

³⁰² Statement by Bernard Valero, Spokesperson, Ministry of Foreign and European Affairs, on behalf of Bernard Kouchner, Minister of Foreign and European Affairs, 1 August 2010, www.diplomatique.gouv.fr.

³⁰³ Statement of France, First Meeting of State Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010.

³⁰⁴ Statement of France, Convention on Cluster Munition Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011.

³⁰⁵ Email to HI Federation from Mathieu Duroselle, Directorate of Strategic Affairs, Security and Disarmament, Arms Control and Organization for Security and Co-operation in Europe (OSCE) Branch, Ministry of Foreign and European Affairs, 28 July 2010; and email to HI Federation from Benjamin Weisz, Directorate of Strategic Affairs, Security and Disarmament, Arms Control and OSCE Branch, Ministry of Foreign and European Affairs, 11 March 2011.

³⁰⁶ Statement of France, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

HI and other French NGOs have continued to advocate in support of the convention. At HI's annual "shoe pyramid" event on 25 September 2010, more than 45,000 signatures were collected for its global petition calling for states to join the convention without delay and provide resources for victim assistance and clearance. By the beginning of 2011, the petition had received a total of more than 800,000 signatures.

At the UN General Assembly (UNGA) First Committee on Disarmament and International Security in New York in October 2010, France welcomed the Convention on Cluster Munitions and said the "beneficial influence and mobilization capacity of civil society are needed" in anti-nuclear and other multilateral disarmament issues.³⁰⁷ France also attended a UN Special Event on the convention held during the UNGA First Committee.

The Monitor is not aware of any public statements by France condemning use of cluster munitions by Thailand and Libya in 2011.

Interpretive issues

Relations with states not party and the prohibition on assistance

France's national implementation legislation contains an explicit prohibition on assistance with not only the use, but also the production, offer, acquisition, importation, exportation, trade, and "brokerage" of cluster munitions.³⁰⁸ The law allows for participation in military operations with states not party that might engage in activities prohibited by the convention, but prohibits any French person acting in a joint military operation to use, develop, manufacture, otherwise acquire, stockpile, or transfer cluster munitions, or to use or request the use of cluster munitions, where the choice of ammunition is under their exclusive control.³⁰⁹

In July 2010, the Secretary of State for Defense stated that France does not consider it necessary for the convention's positive obligations to be expressly mentioned in the law to be actively implemented.³¹⁰ France did so at the outset of the joint military operation in Libya in 2011, when it notified parties to the operation of its obligations under the convention to not use cluster munitions or assist in their use, informed them that it opposed any use of cluster munitions, and called on non-signatories to join the convention.³¹¹

At the intersessional meetings in June 2011, France said, "This is not the place to debate the complexities of Article 21" and urged States Parties to instead "focus on universalization" of the convention.³¹²

Transit

France's national law does not explicitly prohibit "transit" of cluster munitions. In April 2011, France stated that transit across the territory, territorial waters, or airspace of a state "without transfer of ownership, is not prohibited." It noted that its national implementation legislation copies the definition of transfer in the Convention on Cluster Munitions, and thus in its view only the sale, import, and export of cluster munitions would be prohibited.³¹³

France has also stated that, while transit by other governments would be difficult to control, it will endeavor to prevent any state transit of cluster munitions on its territory; and it will make its obligations and commitments known through diplomatic channels and urge other countries to respect them.³¹⁴

On a matter related to transit, France has yet to make its views known on the prohibition on foreign stockpiling of cluster munitions.

³⁰⁷ Statement by Amb. Eric Danon, Permanent Representative to the Conference on Disarmament in Geneva, UNGA First Committee on Disarmament and International Security, New York, 5 October 2010.

³⁰⁸ National Assembly, "Projet de loi tendant à l'élimination des armes à sous-munitions, Texte Adopté no. 508" ("Bill on the elimination of cluster munitions, Adopted text no. 508"), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, Art. L. 2344-2, www.assemblee-nationale.fr.

³⁰⁹ This was not the case under France's implementation law for the Mine Ban Treaty. National Assembly, "Projet de loi tendant à l'élimination des armes à sous-munitions, Texte Adopté no. 508" ("Bill on the elimination of cluster munitions, Adopted text no. 508"), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, Art. L. 2344-3, www.assemblee-nationale.fr.

³¹⁰ Statement by Hubert Falco, Secretary of State for Defense, National Assembly, "Élimination des armes à sous-munitions: Discussion d'un projet de loi adopté par le Sénat" ("Elimination of cluster munitions: Discussion of a bill passed by the Senate"), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

³¹¹ Statement by France, Convention on Cluster Munitions Intersessional Meeting, Session on Other Implementation Measures, Geneva, 30 June 2011. Notes by the CMC.

³¹² *Ibid.*

³¹³ Email from Amb. Alain Girma, Action Against Mines/Explosive Remnants of War, to Handicap International Federation, 8 April 2011.

³¹⁴ Statements by Hubert Falco, National Assembly, "Compte rendu no. 37" ("Record no. 37"), Five pm session, 22 June 2010, www.assemblee-nationale.fr. Falco has also said, "The Government considers without restriction that the scope of the ban as it is now covers the prohibition of commercial activities related to cluster munitions, and therefore transit made in this framework... State transit concerns the transit of cluster munitions carried aboard government aircraft or vessels belonging to the armies of countries not party to the Oslo Convention." He added, "It will be much more useful to work backwards through diplomatic channels at the highest level to inform our partners and non-signatories of our obligations and our requirements." Statement by Hubert Falco, National Assembly, "Élimination des armes à sous-munitions: Discussion d'un projet de loi adopté par le Sénat" ("Elimination of cluster munitions: Discussion of a bill passed by the Senate"), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

Investment

France's national law does not specifically prohibit investment in cluster munition production, but France considers that knowingly financing, directly or indirectly, a prohibited activity under the convention is a case of assistance and is therefore also prohibited. In 2010, the Secretary of State for Defense told the Senate that such financing would constitute assistance, encouragement, or inducement, and fall within the scope of the criminal offenses of the bill.³¹⁵

Efforts to include an explicit prohibition on investment in the draft national implementing legislation in 2010 were rejected by the government, which said that a specific ban on investments would jeopardize general industrial partnerships between French companies and foreign companies that may produce cluster munitions and threaten arms industry jobs.³¹⁶ It was also argued that it would be difficult to control indirect investment and to gather information about foreign arms industries.³¹⁷

HI and Amnesty International France (AIF) have continued to raise awareness with corporations on the issue of cluster munitions financing.³¹⁸ In July 2011, the Minister of Foreign and European Affairs, Alain Juppé, informed HI that disinvestment would be examined by the CNEMA to allow for a better implementation of the law.³¹⁹

Convention on Conventional Weapons

France is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. France has continued to actively engage in CCW deliberations on cluster munitions in 2010 and the first half 2011.

In November 2010, France supported continued CCW work on cluster munitions, but said the CCW's Fourth Review Conference in November 2011 would "constitute a natural limit for many" to conclude the deliberations.³²⁰

France has stated that it is committed to negotiating a protocol that is compatible with the Convention on Cluster Munitions.³²¹ In October 2010, it stated, "We want these negotiations to succeed and for the future protocol to be legally binding with strong humanitarian components, compatible with the Oslo Convention and effective immediately."³²²

France's long-held view is that a CCW protocol on cluster munitions is desirable because it would apply to a substantial portion of the world's stockpiles of cluster munitions.³²³ In November 2010, France stated it would support a prohibition on the use of cluster munitions produced before 1980 as a "useful basis for a future instrument that can have a real impact in the field." In France's view, this proposed regulation of cluster munition use and a ban on the transfer of cluster munitions would have "an undeniable impact as the use of some 50 percent of cluster munitions would be prohibited."³²⁴

In June 2011, France denied that its active efforts to create a CCW protocol allowing for continued use, production, stockpiling, and transfer of cluster munitions was not contrary to its obligation under Article 21 of the Convention on Cluster Munitions to promote the norms of the convention, encourage universalization, and actively discourage the use of cluster munitions.³²⁵

³¹⁵ Falco said that the government would propose necessary legislative changes if CNEMA, in its monitoring the implementation of the law, viewed the law as insufficient on this point. Parliament Statement by Hubert Falco, National Assembly, Élimination des armes à sous-munitions: Discussion d'un projet de loi adopté par le Sénat" ("Elimination of cluster munitions: Discussion of a bill passed by the Senate"), XIII Legislature, Extraordinary session of 2009–2010, 6 July 2010, www.assemblee-nationale.fr.

³¹⁶ Statement by Josselin de Rohan, Senate Foreign Affairs Commission, approved by Hervé Morin, Minister of Defense, during the examination of the implementation bill before the Senate, 6 May 2010. See, Senate, "Séance du 6 mai 2010 (compte rendu intégral des débats)" ("Session of 6 May 2010 (verbatim report of proceedings)"), 6 May 2010, www.senat.fr.

³¹⁷ *Ibid.*

³¹⁸ On the occasion of the Global Day of Action to Stop Explosive Investments on 25 May 2011, HI wrote government officials and parliamentarians to implement the law effectively by officially informing banks of their members' obligations under French law. CMC, "CMC Newsletter," May 2011. On 1 June 2011, HI and AIF wrote letters to the Autorité des marchés financiers [Financial Market Authority], la Fédération Française des sociétés d'assurance [French insurance companies Federation] and Fédération Bancaire Française [French Banks Federation] informing them of their obligations under French law.

³¹⁹ Letter from Alain Juppé, Minister of Foreign and European Affairs, to HI, 11 July 2011.

³²⁰ Statement of France, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOV.

³²¹ HI and ICBL-CMC Meeting with the Delegation of France to CCW Group of Governmental Experts (GGE) meeting on Cluster Munitions, Geneva, 22 February 2011; and statement by Marin Sirakov, Counselor, Permanent Representation to the Conference on Disarmament in Geneva, CCW Meeting of States Parties, Geneva, 25 November 2010.

³²² Statement by Amb. Eric Danon, Permanent Representative to the Conference on Disarmament in Geneva, UN General Assembly First Committee on Disarmament and International Security, New York, 18 October 2010.

³²³ Statement of France, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOV.

³²⁴ Statement of France, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOV.

³²⁵ Statement by France, Convention on Cluster Munitions Intersessional Meeting, Session on Other Implementation Measures, Geneva, 30 June 2011. Notes by the CMC.

Use, production, and transfer

France has stated that it last used cluster munitions in 1991 in Iraq and Kuwait.³²⁶ France also reportedly used cluster munitions in Chad in 1986.³²⁷

France has not produced or exported cluster munitions since 2002.³²⁸ Giat Industries and Thomson Brandt Armements produced OGR 155mm dual purpose improved conventional munition (DPICM) artillery projectiles. The company Matra produced BLG-66 Belouga aerial cluster bombs.³²⁹

The decommissioning of cluster munition production facilities at NEXTER (ex-Luchaire) was completed in July 2010 and at THALES TDA prior to the entry into force of the convention.³³⁰ France has not yet reported on the decommissioning process for SAE ALSETEX and Groupe LACROIX.³³¹

Prior to 2002, France exported Belouga cluster bombs to Argentina, Greece, and India.³³²

In its Article 7 report, France stated that it had instituted an export control policy on materials or components that could be used for the production of cluster munitions: it will not export these goods if assurances cannot be obtained that the receiving state will not use such materials or components in the production of cluster munitions.³³³

In 2009, the government indicated that, after the adoption of its national implementation legislation, four industrial companies which manufactured material or components which could be used to make foreign cluster munitions would have their exports more strictly controlled and if, necessary, prohibited.³³⁴

France stockpiles some munitions not included under the definition of cluster munitions in the convention, such as BONUS 155mm projectiles with two submunitions and Apache missiles carrying KRISS anti-runway submunitions.³³⁵

Stockpiling and destruction

France has a stockpile of approximately 35,000 cluster munitions (21,893 M26 rockets and 12,963 OGR 155mm artillery shells) containing 15 million submunitions that will be destroyed in accordance with the convention.³³⁶ France withdrew its M26 rockets and OGR shells from operational service in May 2008 and November 2008, respectively.³³⁷

Prior to the entry into force of the convention, France destroyed nine OGR 155mm projectiles containing a total of 567 submunitions and a number of individual submunitions (145 M42, 1 M77, 2 KB-2, and 6 BLG-66).³³⁸

In November 2010, France stated that it would complete its stockpile destruction by 2018, which is the eight-year deadline imposed by the convention and contained in its national implementation legislation.³³⁹

³²⁶ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

³²⁷ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 77.

³²⁸ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

³²⁹ In addition, MBDA (a French-Italian-British joint venture) was a subcontractor for M26 rockets for the Multiple Launch Rocket System; Alkan, a branch of MBDA, made submunition dispensers for aircraft; and TDA Armements (a branch of Thales) produced a 120mm mortar shell that was not part of French stockpiles, but sent to one client state (unnamed). Jean-Pierre Plancade and Joëlle Garriaud-Maylam, Rapporteurs of the Senate Foreign Affairs Commission, on behalf of the Senate Foreign Affairs Commission, “Les armes à sous-munitions: Rapport d’information n° 118 (2006–2007)” (“Cluster munitions: Information report no.118 (2006–2007)”), 13 December 2006, www.senat.fr; and Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004).

³³⁰ The Belouga munitions production line was destroyed at the end of the 1970s, as for the other submunitions, TDA was only an integrator and the assembly lines were dismantled. See Convention on Cluster Munitions Article 7 Report, Form D, 31 January 2011, p. 96.

³³¹ Convention on Cluster Munitions Article 7 Report, Form B, 31 January 2011, p. 96.

³³² Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004).

³³³ Convention on Cluster Munitions Article 7 Report, Form A, 31 January 2011, p. 3.

³³⁴ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr. The names of these companies are not specified in the impact study. Minister of Defense Hervé Morin identified one as SNPE-Eurenco. See Senate, “Séance du 6 mai 2010 (compte rendu intégral des débats)” (“Session of 6 May 2010 [verbatim report of proceedings]”), 6 May 2010, www.senat.fr.

³³⁵ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact,” (“Impact study on the bill on the elimination of cluster munitions”), 25 November 2009, www.legifrance.gouv.fr.

³³⁶ Convention on Cluster Munition Article 7 Report, Form B, 31 January 2011, pp. 9, 85. The M26 rockets contain 644 submunitions each, with a total of 14,099,092 submunitions stockpiled. The OGR shells contain 63 submunitions each, for a total of 816,669.

³³⁷ French Republic, “Projet de loi tendant à l’élimination des armes à sous-munitions: Etude d’impact.” (Impact study on the bill on the elimination of cluster munitions,) 25 November 2009, www.legifrance.gouv.fr.

³³⁸ Convention on Cluster Munitions Article 7 Report, Form B, 31 January 2011, p. 89.

³³⁹ Statement of France, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2011; and Convention on Cluster Munition Article 7 Report, Form B, 31 January 2011, p. 87. The French implementation law explicitly requires that stockpile destruction be completed before the eight-year deadline of the convention. It also specifies transparency requirements related to stockpile destruction, in line with Article 7 of the convention. National Assembly, “Projet de loi tendant à l’élimination des armes à sous-munitions, Texte adopté no. 508” (“Bill on the elimination of cluster munitions, Adopted text no.508”), 6 July 2010, para. 2344–4.

In August 2010 and in December 2010, the Ministry of Defense signed stockpile destruction agreements with the NATO Maintenance and Supply Agency (NAMSA). In its Article 7 report, France outlined a proposed schedule to destroy all OGR munitions and at least 10,000 M26 rockets, in the period 2011–2015, and then destroy the remaining M26 rockets in 2016–2018.³⁴⁰

In November 2010, France stated that it did not foresee any difficulties with the destruction of its OGR shells, but said destruction of its M26 rockets presented both technical and industrial challenges and, as of 2012, new environmental standards would also increase constraints on incineration.³⁴¹ In its Article 7 report, France stated that the Ministry of Defense had decided to establish a facility for stockpile destruction in France.³⁴² A study by the Ministry of Defense into adaptation of existing facilities estimated that a high level of investment would be required, such as €6 million (\$8 million) needed the purchase of an incinerator that would comply with future environmental standards.³⁴³

The total cost of destruction, including investment in industrial capacity, is estimated between €30 and €35 million (\$40 and \$46 million).³⁴⁴ In its Article 7 report, France stated that the first tranche of funding (€15/\$20 million) had been paid to NAMSA.³⁴⁵

In June 2011, France announced that it was on track to complete the destruction of all of its OGR grenades and a minimum of 10,000 M26 rockets by 2015. It also stated that 852 cluster munitions would be destroyed by the end of 2011.³⁴⁶

The Ministry of Defense has stated that it does not consider it possible to provide technical and/or financial assistance to other countries for their stockpile destruction processes before 2018.³⁴⁷

Retention

In its Article 7 report, France stated that it was retaining 55 cluster munitions containing a total of 10,284 submunitions, along with 58 additional individual submunitions outside of their containers.³⁴⁸ Many of the types retained include munitions not of French origin.

This is far below the amount permitted by France's national law of up to 500 cluster munitions, together with their submunitions, and an additional 400 submunitions acquired outside the container.³⁴⁹

Civil society groups have described the number of submunitions permitted for retention under the French law as excessive.³⁵⁰

³⁴⁰ Convention on Cluster Munition Article 7 Report, Form B, 31 January 2011, p. 87. France stated that the destruction of 13,000 OGR would cost around €900,000 (\$1,193,490), whereas the destruction of the M26 rockets is more complex as it is needs to destroy the explosive in the submunitions and propellant (100kg per cluster munition). Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

³⁴¹ Statement of France, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010.

³⁴² Convention on Cluster Munitions Article 7 Report, Form B, 31 January 2011.

³⁴³ Statement of France, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2011. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

³⁴⁴ *Ibid.*

³⁴⁵ Convention on Cluster Munitions Article 7 Report, Form B, 31 January 2011, p. 87. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

³⁴⁶ Statement of France, Convention on Cluster Munition Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 May 2011. Notes by the CMC.

³⁴⁷ Email from Amb. Alain Girma, Action Against Mines/Explosive Remnants of War, to HI Federation, 8 April 2011.

³⁴⁸ Convention on Cluster Munitions Article 7 Report, Form C, 31 January 2011, p. 92. According to the report, France has retained six OGR 155mm cargo projectiles containing 378 OGR submunitions; 13 M26 rockets containing 8,372 M77 submunitions; one 122mm EXPL rocket containing 98 M42 or M46 submunitions; one 262mm ORKAN rocket warhead containing 288 KB-1 submunitions; six 122mm SAKR rockets containing 588 unknown submunitions; 25 MO 120mm OGR F1 shells containing 500 OGR submunitions; and three 120mm "Rayo" artillery projectile containing 60 M85 grenades. In addition, France has retained 58 individual submunitions: 14 M93 bomblets for 120 mm mortar shells; 28 KB-1 and KB-2 submunitions; and 16 74mm 9N22 submunitions.

³⁴⁹ National Assembly, "Projet de loi tendant à l'élimination des armes à sous-munitions, Texte adopté no. 508" ("Bill on the elimination of cluster munitions, Adopted text no. 508"), 6 July 2010, para. 2344–4. In French, "Sont également autorisés, à ce titre, leurs sous-munitions explosives, auxquelles s'ajoute un nombre complémentaire de quatre cents sous-munitions explosives acquises hors conteneur." France has stated that since there are over 220 types of cluster munitions in existence, it considers this number to be necessary for the training of deminers, and where appropriate, for the development of countermeasures taking into account—according to France—that 90% of global stockpiles are in the hands of non-states parties. It has also emphasized that without the weapon systems to deliver the various types of cluster munitions, the submunitions would have no operational value. National Assembly, "Projet de loi tendant à l'élimination des armes à sous-munitions: Etude d'impact" ("Impact study on the bill on the elimination of cluster munitions"), 25 November 2009, www.legifrance.gouv.fr; and Statement of France, Berlin Conference on the Destruction of Cluster Munitions, 26 June 2009, notes by Landmine Action.

³⁵⁰ HI and AIF, "Analyse préliminaire du projet de loi tendant à l'élimination des armes à sous-munitions et proposition d'amendements" ("Preliminary analysis of the bill to eliminate cluster munitions and suggested amendments"), 8 April 2010, www.bibliomines.org.

Germany

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
National implementation measures	Act Implementing Article 26(2) of the Basic Law (War Weapons Control Act), 1961, as amended June 2009
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Progress on stockpile destruction, submitted initial Article 7 Report in January 2011

Policy

The Federal Republic of Germany signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 8 July 2009. It was thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

Germany submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011 for the period from 1 August to 31 December 2010.

Germany reported that the War Weapons Control Act was amended in June 2009 to provide for national implementation of the convention's prohibitions on the use, production, transfer, development, or stockpiling of cluster munitions. It includes penal sanctions for violations of up to five years imprisonment.³⁵¹ The Act also establishes extraterritorial jurisdiction over German citizens violating its law overseas.³⁵²

Under national implementation measures in its Article 7 report, Germany also cited the June 2009 law ratifying the convention.³⁵³

Germany participated throughout the Oslo Process that produced the convention and its position evolved significantly to support an immediate and comprehensive prohibition on cluster munitions.³⁵⁴ Since the adoption of the convention in Dublin in May 2008, Germany has played a leading role in advancing the work of the convention. It hosted an international conference on the destruction of cluster munitions in Berlin in June 2009.

Germany attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 and made a statement expressing its commitment to the convention's implementation and universalization.³⁵⁵ Germany also participated in the first intersessional meeting in Geneva in June 2011, where it made a statement declaring that it had areas it suspected of containing cluster munition remnants at a former Soviet military training range at Wittstock in Brandenburg. (See Cluster munition remnants section below.)

At both meetings, in its capacity as Friend of the President of the First Meeting of States Parties, Germany chaired sessions on stockpile destruction and retention of cluster munitions.

Germany has made several statements in support of universalization of the Convention on Cluster Munitions. In a statement welcoming the 1 August 2010 entry into force of the convention, Minister of Foreign Affairs Guido Westerwelle described the convention as a "an undeniable sign that progress in disarmament is possible" and called on all countries to endorse the ban on cluster munitions as soon as possible.³⁵⁶

³⁵¹ "Ausführungsgesetz zu Artikel 26 Abs. 2 des Deutschen Grundgesetzes (Gesetz über die Kontrolle von Kriegswaffen)" ("Act Implementing Article 26(2) of the Basic Law (War Weapons Control Act)", 20 April 1961, Sections 18(a) and 21, www.gesetze-im-internet.de. The Act was amended on 6 June 2009 and entered into force on 11 June 2009 after it was published in the 2009 Federal Law Gazette, (Bundesgesetzblatt) II-502. See Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

³⁵² Section 21 of the Weapons Control Act. See Human Rights Watch and Harvard International Human Rights Clinic, "Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions," June 2010, p.38.

³⁵³ Act Ratifying the Convention on Cluster Munitions (Gesetz zum Übereinkommen vom 30. Mai 2008 über Streumunition). The Act entered into force on 11 June 2009 after it was published in the 2009 Federal Law Gazette (Bundesgesetzblatt) II-502. See Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

³⁵⁴ For more details on Germany's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 78–84.

³⁵⁵ Statement of Germany, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

³⁵⁶ Foreign Office, "Worldwide ban on cluster munitions," 2 February 2011, www.auswaertiges-amt.de.

At a UN Special Event on the convention in New York in October 2010, Germany encouraged states not party to the convention to participate in the First Meeting of States Parties in November 2010 and stated its willingness to provide technical assistance in stockpile destruction.³⁵⁷

In a statement issued in November 2010 to mark the First Meeting of States Parties, Minister of Foreign Affairs Westerwelle appealed to all states that had not yet done so to accede to the convention and help create a “world free from cluster munitions.”³⁵⁸ At the First Meeting of States Parties, Germany said that it had promoted the standards of the convention in a demarche to all cluster munition stockpilers that have not yet joined the convention.³⁵⁹

The Monitor is not aware of any public statements by Germany in the first half of 2011 condemning the use of cluster munitions by Libya or Thailand.

German NGOs have undertaken several activities in support of the Convention on Cluster Munitions.³⁶⁰

Interpretive issues

Germany has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on assistance during joint military operations with states not party that may use cluster munitions, and the prohibition on foreign stockpiling of cluster munitions.

Germany’s implementation legislation bans transit of cluster munitions.³⁶¹

During the negotiations, Germany advocated strongly for provisions on “interoperability” (joint military operations with states not party).

Disinvestment

Germany’s implementation legislation does not explicitly prohibit investment in cluster munition production. In October 2010, Germany stated that it does not agree that the Convention on Cluster Munitions prohibits investment in companies that produce cluster munitions and said that an investment ban would be imposed in exceptional cases only.³⁶²

In February 2011, the Alliance 90/Green group of parliamentarians tabled a motion in the Federal Parliament (*Bundestag*) to amend the War Weapons Control Act of 2009, Germany’s implementation legislation for the convention, to prohibit both direct and indirect investment in companies producing, developing, and trading cluster munitions. The group proposed that tax incentives for investments in cluster munitions be removed through an amendment to the Act Governing the Certification of Contracts for Retirement Provision and requested that cluster munition producers to be excluded from receiving public contracts. The group also called on the government to agree to a more stringent interpretation of the convention’s Article 1(1)(c) prohibition of assistance with prohibited acts.³⁶³

Major German investment groups, including Allianz Global Investors Europe, DWS, and Union Investment, have supported the Green Party’s views and agreed not to further invest in companies producing internationally prohibited weapons.³⁶⁴ Research issued in April 2011 however indicates that Allianz Group still has some \$581 million invested in cluster munition producers.³⁶⁵

³⁵⁷ CMC, “The UN Special Event on the Convention on Cluster Munitions: 19 October 2010,” October 2010.

³⁵⁸ Statement of Germany on the Convention on Cluster Munitions First Meeting of States Parties, 9 November 2010, www.auswaertiges-amt.de.

³⁵⁹ Statement of Germany, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

³⁶⁰ For example, to celebrate the convention’s 1 August 2010 entry into force, Handicap International Germany organized a photo exhibition and audio installation as well as a demining demonstration. ActionGroupLandmine.de held drumming events outside the US and Russian embassies in Berlin. The events generated considerable media coverage. CMC, “Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010,” November 2010, p. 18.

³⁶¹ Section 18(a) of the War Weapons Control Act states that it is prohibited to “transport [cluster munitions] through or otherwise bring them into or out of a federal territory.” See Human Rights Watch and Harvard International Human Rights Clinic, “Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions,” June 2010, p.15.

³⁶² Response by the Federal Government to questions by Agnes Malczak, Dr. Gerhard Schick, Marie Luise Beck, other Bundestag members (MPs), and the Alliance 90/Greens parliamentary group, “Implementation of the Convention on Cluster Munitions,” 17/2972, 5 October 2010.

³⁶³ Motion tabled by Members of the Bundestag Agnes Malczak, Dr. Gerhard Schick, Thomas Gambke, Britta Haßelmann, Lisa Paus, Marie Luise Beck, Volker Beck, Viola von Cramon-Taubadel, Kai Gehring, Katrin Göring-Eckardt, Ulrike Höfken, Thilo Hoppe, Uwe Kekeritz, Katja Keul, Mary Small Schmeink, Ute Koczy, Tom Koenigs, Markus Kurth, Kerstin Müller, Beate Müller-Gemmeke, Ingrid Nestle, Omid Nouripour, Claudia Roth, Manuel Sarrazin, Christine Scheel, Dr. Frithjof Schmidt, Wolfgang Streng-Kuhn, Hans-Christian Ströbele, Dr. Harald, and the Alliance 90/Greens parliamentary group, “Enacting legislation to ban investments in anti-personnel mines and cluster munitions, and removing tax incentives for such investments,” 9 February 2011. In February 2010, the Alliance 90/Greens tabled a motion in the Federal Parliament proposing legislation to ban investments that contravene international conventions, including the production of cluster munitions. See Motion tabled by Members of the Bundestag Dr. Gerhard Schick and Dr. Hermann Ott, and the Alliance 90/ Greens parliamentary group, “Realigning financial markets according to environmental, ethical and social criteria,” 23 February 2010.

³⁶⁴ Allianz Global, “Allianz Global Investors Europe investiert nicht in Hersteller von Streumunition und Antipersonenminen, Pressemitteilung,” (“Allianz Global Investors Europe is not investing in cluster munitions or antipersonnel mines”), Press release, 24 January 2011, www.allianzglobalinvestors.de; and “Unethisches Investment Riester-Sparer unterstützen Streubombenhersteller,” (“Riester-savers support cluster bomb manufacturers”), SpiegelOnline, 5 January 2011, www.spiegel.de.

³⁶⁵ Profundo, *Dirty Business: Spanish banks financing producers of controversial weapons*, Research paper prepared for Setem, final version, 29 April 2011.

Data compiled by German NGOs indicate that several German banks have invested approximately €1.3 billion (US\$2 billion) in loans and bonds in cluster munition producers and at least 21 insurance companies providing public pension funds (so called “Riester-Fonds”) have invested another €500 million (\$663 million).³⁶⁶ In May 2011, Deutsche Bank Group was identified as a significant funder of Spanish company Instalaza SA, which produced the MAT-120 cluster munitions sold to Libya in 2006–2008, and the bank maintains relationships valued at \$750 million with at least four other cluster munition producers.³⁶⁷ At the annual general meeting of the Deutsche Bank in May 2011, German NGO Facing Finance appealed directly to Deutsche Bank Chairman Josef Ackermann and shareholders to cease investment in cluster munition producers. According to Facing Finance, after intensive discussion Deutsche Bank has apparently decided not to invest in certain cluster munition producers in future, but this list of excluded producers will not be made public.³⁶⁸

Convention on Conventional Weapons

Germany is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. In 2010 through the first half of 2011, Germany continued to actively engage in CCW deliberations on cluster munitions.

In November 2010, Germany did not oppose continued CCW work on cluster munitions in 2011, but sought unsuccessfully for the mandate to be “focused negotiations” on “an immediate prohibition on transfers for all cluster munitions.” Germany warned, “if it turns out we do not manage to arrive at agreement on transfers, we believe the CCW should seriously consider making a pause” in its work on cluster munitions.³⁶⁹

In February 2011, Germany introduced a proposal for an immediate CCW prohibition on transfers of cluster munitions, with the support of five other states, which it said would be “consistent” with the Convention on Cluster Munitions’ provisions and would not “undermine” international humanitarian law.³⁷⁰

In September 2010, Germany described the chair’s draft text as a “complicated structure of exceptions, and exceptions to exceptions” and expressed strong concern that it would set a lower standard than the Convention on Cluster Munitions.³⁷¹ It also questioned the effectiveness of a proposed ban on cluster munitions produced before 1980 and said it “fundamentally regretted that the draft continued to legitimize the use of cluster munitions in general.”³⁷² In March 2011, Germany said it was imperative that a CCW protocol on cluster munitions not undermine the provisions of the Convention on Cluster Munitions.³⁷³

Use, production, and transfer

According to the Ministry of Foreign Affairs, Germany has never used cluster munitions and stopped production and transfer in 2005.³⁷⁴ Germany unilaterally renounced the use of all types of cluster munitions on 29 May 2008, one day before it adopted the Convention on Cluster Munitions in Dublin.³⁷⁵

In the past, German industry was very active in the production and export of cluster munitions. Germany also imported cluster munitions from the United Kingdom (UK) and the United States (US). In its Article 7 report, Germany stated that “all former production capabilities were dismantled prior to 2008.”³⁷⁶ The last known export was in 2004 when Germany sent a quantity of M26 rockets with submunitions to Slovakia and another shipment was made in 2005.³⁷⁷

³⁶⁶ Motion tabled by Members of the Bundestag Agnes Malczak, Dr. Gerhard Schick, Thomas Gambke, Britta Haßelmann, Lisa Paus, Marie Luise Beck, Volker Beck, Viola von Cramon-Taubadel, Kai Gehring, Katrin Göring-Eckardt, Ulrike Höfken, Thilo Hoppe, Uwe Kekeritz, Katja Keul, Mary Small Schmeink, Ute Koczy, Tom Koenigs, Markus Kurth, Kerstin Müller, Beate Müller-Gemmeke, Ingrid Nestle, Omid Nouripour, Claudia Roth, Manuel Sarrazin, Christine Scheel, Dr. Frithjof Schmidt, Wolfgang Streng-Kuhn, Hans-Christian Ströbele, Dr. Harald, and the Alliance 90/Greens parliamentary group, “Enacting legislation to ban investments in anti-personnel mines and cluster munitions, and removing tax incentives for such investments,” 9 February 2011; and “Tödlicher Profit. Deutsche Banken und ihr Investment in Streumunition und Antipersonenminen,” (“Deadly Profit. Deutsche Bank and its Investment in Cluster Munitions and Landmines”), Facing Finance (Germany) and urgewald e.V., December 2010, www.facing-finance.org. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

³⁶⁷ “Deutsche Bank finances Gaddafi’s cluster bombs”, *Stop Inversiones Explosivas*, 19 May 2011, www.stopinversionesexplosivas.org.

³⁶⁸ Emails from Thomas Kuchenmeister, Director, Facing Finance, 27 May 2011 and 17 August 2011.

³⁶⁹ Statement of Germany, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

³⁷⁰ Statement by Germany, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 21 February 2011, notes by AOAV; and proposal for provisions on transfers for consideration in a CCW Protocol on Cluster Munitions, submitted by Austria, Croatia, Denmark, Germany, Luxembourg, and Switzerland, First 2011 Session of the CCW GGE on Cluster Munitions, Geneva, 22 February 2011, CCW/GGE/2011-I/WP.1.

³⁷¹ Statement of Germany, CCW GGE on Cluster Munitions, Geneva, 3 September 2010. Notes by AOAV.

³⁷² Ibid.

³⁷³ Statement by Germany, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOAV.

³⁷⁴ Letter from Gregor Koebel, Federal Foreign Office, 5 February 2009.

³⁷⁵ Email from Jörg-Alexander Albrecht, Desk Officer, Conventional Arms Control, Federal Foreign Office, 30 April 2010.

³⁷⁶ It did not list the production facilities or indicate the measures taken to convert or decommission them. Convention on Cluster Munitions Article 7 Report, Form E, 27 January 2011.

³⁷⁷ In 2004, Germany transferred 270 M26 rockets and transferred another 132 in 2005, but it is unclear if these were transfers of individual rockets or pods containing six rockets each. Each M26 rocket has 644 submunitions. Submission of Germany, UN Register of Conventional Arms, Report for Calendar Year 2004, 26 May 2005; and Submission of Germany, UN Register of Conventional Arms, Report for Calendar Year 2005, 1 June 2006.

The company Diehl GmbH and numerous subcontractors were involved in the production of M26 rockets for the 227mm Multiple Launch Rocket System (MLRS) as part of the MLRS European Producers Group.³⁷⁸ Lenkflugkörpersysteme GmbH produced the MW-1 dispenser (that deploys submunitions) for aircraft.³⁷⁹

The company Rheinmetall produced several types of 155mm artillery projectiles containing dual purpose improved conventional munition (DPICM) submunitions.³⁸⁰ These were produced for the German Armed Forces, as well as export customers including Austria, Denmark, Finland, Greece, Italy (co-production), and Norway.³⁸¹

A consortium of Diehl, Gesellschaft für Intelligente Wirksysteme mbH (GIWS), and Rheinmetall produce the SMArt-155 artillery projectile, a weapon that employs two submunitions but is not considered a cluster munition under the Convention on Cluster Munitions because it meets the five technical criteria set out by negotiators as necessary to avoid the negative effects of cluster munitions.³⁸² This has been produced for the German Armed Forces and export customers Greece and Switzerland.³⁸³ The consortium granted Alliant TechSystems in the US licensed co-production rights for the SMArt-155, and Alliant has marketed the munitions in the United Arab Emirates. According to the NGO Actiongroup Landmine.de, over 25,000 SMArt-155 projectiles have been produced.³⁸⁴ Facing Finance has estimated that between 2000 and 2003, Germany acquired 9,000 SMArt-155 howitzer projectiles, and in 2011, it was estimated that up to €510 million (\$676 million) had been spent for the acquisition and development of the SMArt-155 howitzer projectiles.³⁸⁵ According to the Ministry of Defense, as of March 2011, the SMArt-155 has not been used by the German Army in any operations as part of International Security Assistance Force in Afghanistan.³⁸⁶

Stockpiling and destruction

Germany in total possessed 519,818 cluster munitions containing 63,297,553 submunitions, including weapons destroyed prior to entry into force of the Convention on Cluster Munitions.³⁸⁷ According to its Article 7 report, as of 31 December 2010, Germany's stockpile consisted of 238,046 cluster munitions containing 39,348,605 submunitions. All of Germany's stockpiled cluster munitions are reported to have been "removed from service and earmarked to destruction contracts and/or retention."

In June 2011, Germany presented revised stockpile figures, stating that it has a total of 520,000 cluster munitions containing 60,500,000 submunitions.³⁸⁸ Previously in April 2010, Germany stated it initially possessed about 550,000 cluster munitions of 14 types, containing more than 50 million submunitions.³⁸⁹ In June 2009, Germany for the first time revealed stockpile totals, it cited 440,000 cluster munitions with 50 million submunitions.³⁹⁰ These numbers represent a significantly larger stockpile than was first estimated by German NGOs.³⁹¹

³⁷⁸ The MLRS program was known as the *Mittleres Artillerieraketenerwerfer-system* (MARS). Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 716. The 110mm Light Artillery Rocket System was in service with the German Army from 1969 until the mid-1980s, and a submunition warhead was developed for this weapon but was apparently not placed in production. Terry J. Gander, ed., *Jane's Ammunition Handbook 1997–1998* (Surrey, UK: Jane's Information Group Limited, 1997), p. 533.

³⁷⁹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), pp. 360–361. *Raketen Technik Gesellschaft* (RTG) Euromunition acted as the exporter for the MW-1. According to EADS, after 1996 production of MW-1 was undertaken by DASA (Daimler-Benz-Aerospace). Email from Thomas Kuchenmeister, Director, Actiongroup Landmine.de, 24 April 2009.

³⁸⁰ These DPICM submunitions included non-self-destructing (DM1348) and self-destructing (DM1383) variants designed in Germany, as well as a self-destructing type designed in Israel (M85, also known as DM1385 when contained in German-produced projectiles).

³⁸¹ In June 2007, Rheinmetall stated that its involvement in cluster munition production had ended: "Cluster ammunition and/or subammunitions for such ordnance, bombs and cluster bombs do not belong to those goods which are developed, produced or assembled by Rheinmetall nor any of our subsidiaries." Letter from Rheinmetall to Norges Bank (acting on behalf of the Council on Ethics for the Government Pension Fund–Global), 5 June 2007, unofficial translation by the Norwegian Ministry of Finance, cited in Norwegian Ministry of Finance, "Recommendation–New assessment of the company Rheinmetall AG," 5 September 2007, regjeringen.no.

³⁸² Article 2.2(c) of the Convention on Cluster Munitions excludes munitions with submunitions if they have less than 10 submunitions and each submunition weighs more than four kilograms, can detect and engage a single target object, and is equipped with electronic self-destruction and self-deactivation features.

³⁸³ Rheinmetall DeTec AG press release, "SMArt 155—Proven Reliability and Accuracy," June 2005, www.rheinmetall-detec.de.

³⁸⁴ Actiongroup Landmine.de, "Sensor-Fuzed Alternative Cluster Munitions—Friend or Foe?" August 2008, www.landmine.de. According to Alliant, as of January 2005, over 11,000 SMArt-155 projectiles had been produced by consortium members. Alliant TechSystems, "ATK/GIWS SMArt 155 Sensor Fuzed Munition Succeeds in UAE Desert Tests," Press release, 10 January 2005, atk.mediaroom.com.

³⁸⁵ Information provided by email from Thomas Kuchenmeister, Director, Facing Finance, 27 May 2011 and Letter from Ministry of Defense to Uta Zapf, Member of Parliament, 16 March 2011. Information was not provided on the costs of acquisition and development of SMArt-155mm GMLRS versions. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

³⁸⁶ Letter to Uta Zapf, Member of Parliament, from Ministry of Defence, 16 March 2011.

³⁸⁷ Germany destroyed 281,772 cluster munition containing 23,948,928 submunitions prior to entry into force on 1 August 2010.

³⁸⁸ Presentation of the Federal Office of Defense Technology and Procurement, "Disposal/destruction of German cluster munition stockpiles," Convention on Cluster Munitions Intersessional Meeting, Geneva, 27 June 2011.

³⁸⁹ Email from Jörg-Alexander Albrecht, Federal Foreign Office, 30 April 2010.

³⁹⁰ Thomas Frisch, Federal Ministry of Defense, "German National Stockpile Destruction Programme," 25 June 2009, www.berlin-ccm-conference.org.

³⁹¹ Actiongroup Landmine.de published an accounting of the types and quantities of cluster munitions in Germany's stockpile in 2005 estimating that Germany possessed a stockpile of over 190,000 cluster munitions containing at least 33 million submunitions. For details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 83.

Cluster munitions stockpiled by Germany (as of 31 December 2010)³⁹²

Cluster munition type	Submunition type (and quantity per weapon)	Quantity declared in stock as of 31 December 2010	Quantity destroyed before entry into force	Quantity destroyed after entry into force
M483A1 projectile	M42/M46 (88)	--	43,853	--
DM602 projectile	DM1348 (63)	260	109,319	7,024
DM612 projectile	DM1348 (63)	--	69,908	--
DM632 projectile	DM1385 (63)	121,201	50	--
DM642 projectile	DM1383 (63)	34,144	4,944	12,587
DM642A1 projectile	DM1383 (63)	66,206	--	4,421
DM652 projectile	DM1383 (49)	9,407	--	--
DM602 projectile (203mm)	DM1385A1 (120)	240	39,576	--
BL755 bomb	Mk.1 (147)	13	13,341	--
CBU-2CA bomb	BLU-3/B (409)	6	14	--
Dispenser MW-1 DM11	MUSA (668)	6	76	65
Dispenser MW-1 DM12	KB44 (4,536)	1	96	1
Dispenser MW-1 DM22	STABO (200)	106	71	--
Dispenser MW-1 DM31	MUSA; MUSPA; MIFF (692)	30	142	--
Dispenser MW-1 DM32	K44; MIFF (2,632)	1	249	--
M26 Rocket	M77 (644)	6,425	133	633
	Bomblet BLU 3/B			
Total		238,046	281,772	24,731

Germany has stated on a number of occasions its intention to complete stockpile destruction by the end of 2015, three years ahead of the August 2018 deadline mandated by the convention.³⁹³

In its Article 7 report submitted in January 2011, Germany stated that 56% of its cluster munition stockpile has been destroyed since 2001.³⁹⁴ In June 2011, Germany announced that 57.4% of its stockpile has been destroyed.³⁹⁵

Germany started destroying its BL-755 cluster bombs in the period from 2001 to 2008, following reliability concerns. In June 2009, Germany stated that it had destroyed “approximately 65,000 grenades [meaning DPICM submunitions], launch tube clusters and weapons containing 4.5 million submunitions.”³⁹⁶ Destruction of DM612 155mm artillery projectiles began in 2007, and followed with other types in 2009, aiming to finish in 2012. Destruction of MW-1 began in 2009 and is due for completion in 2011. The destruction of M26 rockets began in 2009 and should be finished in 2015.³⁹⁷

In June 2009, the parliamentary committees for defense and budgets approved a “detailed working plan, schedule, and budgetary plan” for destruction of stocks.³⁹⁸ In June 2011, Germany estimated the general cost of destruction to be €37 million (\$49 million).³⁹⁹

According to the Article 7 report, the cluster munition stockpile is being destroyed at three locations in Germany: Nammo Buck in Pinnow, Spreewerk Lübben in Lübben, and Muniberka in Dietersdorf. The report describes the safety and environmental standards to be observed.⁴⁰⁰

At both the First Meeting of States Parties in November 2010 and the intersessional meetings in June 2011, Germany gave detailed presentations on its progress on stockpile destruction.

³⁹² Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

³⁹³ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011; Response to Human Rights Watch letter by Dr. Detlev Wolter, Head of Division, Conventional Arms Control, Federal Foreign Office, 2 May 2011; presentation of the Federal Office of Defense Technology and Procurement, “Disposal/destruction of German cluster munition stockpiles,” Convention on Cluster Munitions Intersessional Meeting, Geneva, 27 June 2011; email from Jörg-Alexander Albrecht, Federal Foreign Office, 30 April 2010; and Thomas Frisch, “German National Stockpile Destruction Programme,” Federal Ministry of Defense, 25 June 2009.

³⁹⁴ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

³⁹⁵ Presentation of the Federal Office of Defense Technology and Procurement, “Disposal/destruction of German cluster munition stockpiles,” Convention on Cluster Munitions Intersessional Meeting, Geneva, 27 June 2011.

³⁹⁶ Statement by Gernot Erler, Minister of State, Berlin Conference on Destruction of Cluster Munitions, Berlin, 25 June 2009.

³⁹⁷ Response by the Federal Government to questions by Agnes Malczak, Dr. Gerhard Shick, Marie Luise Beck, other *Bundestag* members (MPs), and the Alliance 90/Greens parliamentary group, “Implementation of the Convention on Cluster Munitions,” 17/2972, 5 October 2010.

³⁹⁸ Thomas Frisch, “German National Stockpile Destruction Programme,” Federal Ministry of Defense, 25 June 2009, www.berlin-ccm-conference.org.

³⁹⁹ Statement of Germany, Convention on Cluster Munition Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 June 2011. Notes by AOA.V. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

⁴⁰⁰ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

Retention

In its Article 7 report, Germany listed the types of cluster munitions that it intends to retain, but did not indicate the quantity that it will retain.⁴⁰¹ In the report, Germany stated that it had consumed 10 cluster munitions and 958 submunitions in explosive ordnance disposal (EOD) training in the reporting period (1 August–31 December 2010).⁴⁰²

In June 2011, Germany said that quantity and types of cluster munitions to be retained as well as future training and research requirements had not yet been determined.⁴⁰³

Previously, in April 2010 Germany stated that “only the smallest fraction of the former holdings of munitions will be retained for training and test purposes.”⁴⁰⁴

Cluster Munition Remnants

At the Mine Ban Treaty Standing Committee meetings in June 2011, Germany declared for the first time that it suspected it had areas containing cluster munition remnants at a former Soviet military training range at Wittstock in Brandenburg.⁴⁰⁵ It repeated this information at the Convention on Cluster Munitions intersessional meetings a week later and noted that the remnants were “principally found within the confines of a target range,” located at the south of the training area. The suspected hazardous area is some 4km² in size.⁴⁰⁶

In its initial Article 7 report submitted in January 2011, Germany had declared no confirmed or suspected cluster munition contaminated areas.⁴⁰⁷

Compliance with Article 4 of the Convention on Cluster Munitions

Under Article 4 of the Convention on Cluster Munitions, Germany is required to destroy all cluster munition remnants in areas under its jurisdiction or control as soon as possible, but not later than 1 August 2020.

In June 2011, Germany said that it plans to conduct a survey prior to initiating clearance and emphasized that the training range is marked and a security company monitors and controls the area to prevent unauthorized entry.⁴⁰⁸

Ghana

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified on 3 February 2011

Policy

The Republic of Ghana signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 3 February 2011. The convention entered into force for Ghana on 1 August 2011.

⁴⁰¹ Germany stated that the quantity was “TBD” (to be determined) and listed the following types that will be retained: 155mm DM602, DM632, DM642, DM642A1, DM652, DM602, and M26 rockets and six submunition types will be retained without their dispensers: MUSA, KB44, STABO, and BLU3/B bomblets and MIFF and MUSPA mines. Convention on Cluster Munitions Article 7 Report, Form C, 27 January 2011.

⁴⁰² Germany stated that the following items were destroyed during EOD training: One DM602 containing 63 submunitions, two DM632 containing 126 submunitions, one DM652 containing 49 submunitions, and six 203mm DM602 containing 720 submunitions. Convention on Cluster Munition Article 7 Report, Form C, 27 January 2011.

⁴⁰³ Statement of Germany, Convention on Cluster Munition Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 June 2011.

⁴⁰⁴ Email from Jörg-Alexander Albrecht, Federal Foreign Office, 30 April 2010.

⁴⁰⁵ Statement of Germany, Standing Committee on Mine Action, Mine Risk Education and Mine Action Technologies, Geneva, 21 June 2011.

⁴⁰⁶ Statement of Germany, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 28 June 2011.

⁴⁰⁷ Convention on Cluster Munitions Article 7 Report, Form F, 27 January 2011.

⁴⁰⁸ Statement of Germany, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 28 June 2011.

Ghana's parliament approved ratification of the convention on 3 August 2010.⁴⁰⁹ In November 2010, Ghana said that it was taking steps to deposit the instrument of ratification at the UN in New York.⁴¹⁰

In June 2011, an official said that additional national measures may be undertaken such as implementing legislation.⁴¹¹ Ghana's initial transparency report is due by 28 January 2012.

Ghana participated in the Oslo Process that created the convention and worked to achieve a strong treaty during the negotiations in Dublin in May 2008.⁴¹² Ghana has continued to engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it provided an update on ratification. Ghana also participated in the convention's first intersessional meeting in Geneva in June 2011, where it supported the creation of a working group on universalization to encourage states to join the convention.⁴¹³

During the Oslo Process, Ghana provided its views on several important matters related to the interpretation and implementation of the convention. In September 2008, the Minister of State at the Ministry of Interior, Nana Obiri Boahen, expressed Ghana's view that States Parties must not intentionally assist other states in using cluster munitions and in other acts prohibited by the convention, should not allow other states to transport cluster munitions through their territory, should remove stockpiles of foreign cluster munitions from their territory, and should retain only the minimum number of cluster munitions required for training purposes, which could be in the hundreds or thousands but not the tens of thousands.⁴¹⁴

The Accra-based Foundation for Security and Development in Africa has campaigned in support of the Convention on Cluster Munitions.⁴¹⁵

Ghana is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

In August 2010, an official stated that Ghana had not manufactured, purchased, or stockpiled cluster munitions.⁴¹⁶

Grenada

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 December 2011
Participation in Convention on Cluster Munitions meetings	None
Key developments	Acceded on 29 June 2011

Policy

Grenada acceded to the Convention on Cluster Munitions on 29 June 2011. It was the first country worldwide to accede to the convention since its entry into force on 1 August 2010 and the 109th nation to join.⁴¹⁷

⁴⁰⁹ Email from Theodora Williams, Research Officer, Foundation for Security and Development, 6 August 2011.

⁴¹⁰ Statement of Ghana, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁴¹¹ Meeting with Jones Borteye Applerh, Executive Secretary, National Commission on Small Arms, Geneva, 27 June 2011. Notes by the CMC.

⁴¹² For detail on Ghana's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 84.

⁴¹³ Statement of Ghana, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011, www.clusterconvention.org.

⁴¹⁴ CMC, "Report on the Kampala Conference on the Convention on Cluster Munitions," 29–30 September 2008.

⁴¹⁵ For example, on 2 August 2010, a drumming event was held in Accra to celebrate the entry into force of the convention. Campaigners presented parliament's Defense and Interior Select Committee with a petition urging swift ratification of the convention. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 18.

⁴¹⁶ A media article cited Col. Seth Ohene Asare, Chair of the National Commission of Small Arms. See: "Ghana and Canada to commemorate ban of cluster munitions," *Ghana Web* (Accra), 3 August 2010, www.ghanaweb.com.

⁴¹⁷ Once the convention entered into force, a nation can no longer sign then later ratify, but must instead undertake the one-step process of accession.

Grenada’s Ambassador Dessima M. Williams deposited the instrument of accession with the UN in New York on 29 June 2011. Ambassador Williams told media that Grenada decided to join the convention because it is a “law-abiding country” and “interested in global governance” and “international cooperation.”⁴¹⁸

Grenada will formally become a State Party fully bound by all the provisions of the convention on 1 December 2011. Grenada’s first Convention on Cluster Munitions Article 7 report is due by 28 May 2012.

Previously, in October 2009, a government representative told the CMC that a review of international treaties resulted in a desire by the government to join the convention and said, “The will is there, but we have not been able to follow through yet.”⁴¹⁹

Grenada participated in a regional meeting of the Oslo Process that created the convention (Quito, Ecuador in November 2008), but did not engage in any of the international preparatory conferences or the formal negotiations of the convention. Grenada participated in a regional conference on cluster munitions in Santiago, Chile in September 2009. It has not attended any international meetings of the Convention on Cluster Munitions.

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

Grenada is party to the Mine Ban Treaty.

Grenada is not believed to have used, produced, transferred, or stockpiled cluster munitions.

United States (US) Navy aircraft dropped 21 Mk-20 Rockeye cluster bombs on Grenada in close air support operations during the invasion of Grenada in October–November 1983.⁴²⁰ According to a government official in 2009, the area where the cluster munitions were used is still regarded as dangerous by local inhabitants.⁴²¹ The Monitor has described Grenada as a country that may be contaminated or contain a small residual threat from unexploded submunitions. Grenada has not indicated if it will declare itself to be affected by cluster munition remnants and thus have clearance obligations under the convention.

Guatemala

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 May 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified on 3 November 2010

Policy

The Republic of Guatemala signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 3 November 2010. The convention entered into force for Guatemala on 1 May 2011.

The internal process to ratify the convention began soon after signature and on 18 September 2009, Guatemala’s President Álvaro Colom Caballeros submitted the formal ratification request to congress.⁴²² The Commission on External Relations of Congress reviewed the draft ratification legislation and on 21 May 2010 issued a recommendation supporting

⁴¹⁸ “Grenada accedes to Convention on Cluster Munitions,” *Mike’s Blog*, 1 July 2011, mikebas.blogspot.com

⁴¹⁹ Meeting with Michael Mitchell, Minister Counsellor, Permanent Mission of Grenada to the UN in New York, 15 October 2009. Notes by the CMC.

⁴²⁰ US records state that this took place in November 1983. US Department of the Navy, Attack Squadron Fifteen, Memorandum from Commanding Officer, Attack Squadron Fifteen, to Chief of Naval Operations, “Command History: Enclosure 5, Ordnance Expenditure for 1983,” 18 February 1984, declassified 28 April 2000, www.history.navy.mil.

⁴²¹ Meeting with Michael Mitchell, Permanent Mission of Grenada to the UN in New York, 15 October 2009. Notes by the CMC.

⁴²² Letter from President Álvaro Colom Caballeros to José Roberto Alejos Cámbara, President of the Congress, 18 September 2009, www.congreso.gob.gt.

congressional approval.⁴²³ Congress approved Law 4123 to ratify the convention on 9 September 2010 and the law entered into force on 15 October 2010.⁴²⁴

At a UN special event on cluster munitions in New York on 19 October 2010, Guatemala said that it hoped to complete ratification before the First Meeting of States Parties to the Convention on Cluster Munitions and thanked the CMC “for all the work to get us to this point.”⁴²⁵ On 3 November, Guatemala deposited its instrument of ratification with the UN in New York. It was one of three states to ratify the convention in the week before the First Meeting of States Parties opened in Vientiane, Lao PDR in November 2010.⁴²⁶

The government is reviewing whether existing legislation meets the requirements of the convention or if a new law is necessary.⁴²⁷

Guatemala’s initial Convention on Cluster Munitions Article 7 report is due by 28 January 2012.

Guatemala actively participated in the Oslo Process that produced the convention and opposed efforts to dilute the treaty in any way.⁴²⁸ Since 2008, Guatemala has continued to show strong interest in the convention. Guatemala’s Vice Minister of Foreign Affairs, Estuardo Roldan, led the country’s delegation to the First Meeting of States Parties to the convention in Vientiane, Lao PDR in November 2010. Guatemala also attended intersessional meetings of the convention held in Geneva in June 2011.

At the First Meeting of States Parties, Guatemala made statements under the general exchange of views as well as on victim assistance.

While chairing a February 2011 meeting of the Security Commission of the Central American Integration System (Sistema de la Integración Centroamericana, SICA), Guatemala urged SICA member states that had not yet done so to ratify or accede to the convention and reminded States Parties to the convention to review their internal legislative measures to ascertain whether they meet the requirements of the convention.⁴²⁹

On interpretative matters relating to the convention, Guatemala stated in May 2010 that it considers, “the stockpiling of cluster munitions of other countries in the territory of a State Party to the Convention, as well as the investment in its production is prohibited according to Article 1 of the Convention.”⁴³⁰

Guatemala said in March 2009, “Even though the Convention is not explicit... Guatemala agrees that the transit of cluster munitions in the territory of the States Parties should not be permitted.” It also noted its opposition to the convention’s provision on interoperability, and stated, “Guatemala would not participate in any military operation with States that use cluster munitions.”⁴³¹

Guatemala is a party to the Mine Ban Treaty. Guatemala is party to the Convention on Conventional Weapons (CCW) and CCW Protocol V on explosive remnants of war. Guatemala has engaged in the CCW deliberations on cluster munitions in recent years. During the March 2011 session of the CCW Group of Governmental Experts (GGE), Guatemala emphasized the importance of the standards set by the Convention on Cluster Munitions and said that any future protocol must be complementary and compatible with its provisions.⁴³²

Guatemala has stated that it has never used, produced, transferred, or stockpiled cluster munitions.⁴³³

⁴²³ Report of the Foreign Affairs Committee of the Congress, www.congreso.gob.gt; and Statement of Guatemala, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010, notes by Action on Armed Violence (AOAV).

⁴²⁴ Carlos Hugo Avila Martinez, Director, International Humanitarian Law Office, Ministry of Foreign Affairs, Guatemala City, May 26, 2011. The full text of Law 4123 is available at www.congreso.gob.gt.

⁴²⁵ CMC web update, “UN Special Event on the Convention on Cluster Munitions—19 October 2010,” 22 October 2010, www.stopclustermunitions.org.

⁴²⁶ The other ratifications were Lebanon and Saint Vincent and the Grenadines.

⁴²⁷ Interview with Carlos Hugo Avila Martinez, Ministry of Foreign Affairs, Guatemala City, 21 March 2011. Guatemala has legislation in place governing implementation of the Mine Ban Treaty. Decree No. 106-7, “Law on the Prohibition of Production, Purchase, Selling, Importation, Exportation, Transit, Use, Possession, and Transfer of Antipersonnel Land Mines and Antidetonator Detonators or parts of these Devices.” Letter No. 580/MRAC/2010 from the Permanent Mission of Guatemala to the UN in Geneva, 14 May 2010; and letter No. 136/ONU/09 from the Permanent Mission of Guatemala to the UN in Geneva, 19 March 2009.

⁴²⁸ For detail on Guatemala’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 85.

⁴²⁹ Interview with Carlos Hugo Avila Martinez, Ministry of Foreign Affairs, Guatemala City, 21 March 2011. There are seven SICA member states: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. As of 1 June 2011, all were States Parties to the Convention on Cluster Munitions except Honduras, which had signed but not ratified, and Belize.

⁴³⁰ Letter No. 580/MRAC/2010 from the Permanent Mission of Guatemala to the UN in Geneva, 14 May 2010.

⁴³¹ Letter No. 136/ONU/09 from the Permanent Mission of Guatemala to the UN in Geneva, 19 March 2009.

⁴³² Statement of Guatemala, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOA V.

⁴³³ Statement of Guatemala, First Meeting of States Parties, Convention on Cluster Munitions, 10 November 2010, notes by the CMC; and letter No. 136/ONU/09 from the Permanent Mission of Guatemala to the UN in Geneva, 19 March 2009.

Guinea-Bissau

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 May 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified 29 November 2010

Policy

The Republic of Guinea-Bissau signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 29 November 2010. The convention entered into force for Guinea-Bissau on 1 May 2011.

In early November 2010, Guinea-Bissau informed the CMC that its parliament had approved ratification of the convention in May 2010 and said that the instrument of ratification would be deposited within days.⁴³⁴

Guinea-Bissau's initial Convention on Cluster Munitions Article 7 report is due by 28 October 2011.⁴³⁵

Guinea-Bissau participated in some meetings of the Oslo Process that created the convention, including the formal negotiations in Dublin in May 2008, where it supported other African states in opposing efforts to weaken the convention text and joined in the consensus adoption of the text.⁴³⁶

Guinea-Bissau has continued to actively engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make any statements. Guinea-Bissau attended the first intersessional meetings of the convention in Geneva in June 2011, where it gave an update on its stockpile destruction progress.⁴³⁷

Campaigners in Guinea-Bissau have promoted the Convention on Cluster Munitions.⁴³⁸

Guinea-Bissau is a State Party to the Mine Ban Treaty. Guinea-Bissau is also a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not engaged in the CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Guinea-Bissau has stated that it does not use or produce cluster munitions.⁴³⁹ It is not known to have transferred cluster munitions.

Guinea-Bissau inherited a cluster munition stockpile of Soviet origin.⁴⁴⁰ In June 2011, Guinea-Bissau declared that some stockpiled cluster munitions were held at an Air Force base in Bissau City.⁴⁴¹ RBK air-dropped cluster bombs and PTAB 2.5 bomblets were among munitions ejected by an explosion at the Paiol de Bra ammunition storage facility, located in the outskirts of Bissau City, sometime in 2000.⁴⁴²

⁴³⁴ CMC meeting with Guinea-Bissau delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, Lao PDR, 9–12 November 2010. Notes by the CMC.

⁴³⁵ In June 2011, Guinea-Bissau noted that submission of the initial Convention on Cluster Munitions Article 7 report could be delayed as it reviews the status of stockpiled cluster munitions. Statement of Guinea-Bissau, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 29 June 2011, www.clusterconvention.org.

⁴³⁶ For details on Guinea-Bissau's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 86–87.

⁴³⁷ Statement of Guinea-Bissau, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 29 June 2011, www.clusterconvention.org.

⁴³⁸ Campaigners in Guinea-Bissau celebrated the convention's 1 August 2010 entry into force with a march from Chapa de Bissau to Rotunda de Imprério and a presentation on the convention. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 19.

⁴³⁹ Statement by Amb. Augusto Artur António Silva, Secretary of State and International Cooperation, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

⁴⁴⁰ Statement of Guinea Bissau, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 29 June 2011, www.clusterconvention.org.

⁴⁴¹ *Ibid.*

⁴⁴² CGD, "Guinea Bissau Project Update," undated, www.clearedground.org. Some RBK cluster bombs contain PTAB submunitions. These were likely of Soviet/Russian origin.

The size and content of Guinea-Bissau's current stockpile of cluster munitions is not known, but in June 2011 the director of Guinea-Bissau's National Mine Action Coordination Center (Centro Nacional de Coordenação da Accção Anti-Minas, CAAMI) said that it was conducting an inventory into the numbers, types, and origins of Guinea-Bissau's stockpiled cluster munitions that would hopefully be completed by the Second Meeting of States Parties (September 2011).⁴⁴³ In June 2011, Guinea-Bissau stated that international support and assistance would be required to review its stockpiled cluster munitions and plan for their destruction, as well as ensure safe storage facilities.⁴⁴⁴

Cluster Munition Remnants

It is not known to what extent Guinea-Bissau is still contaminated with cluster munition remnants. The last known unexploded submunitions were said to have been destroyed by Cleared Ground Demining (CGD) in August 2008,⁴⁴⁵ although Guinea-Bissau submitted a Mine Ban Treaty transparency report in 2009 which referred to "some clusters" at the Paiol da Bra ammunition storage area.⁴⁴⁶ Subsequently, CGD reported clearing 73 PTAB 2.5M submunitions at Paiol da Bra in 2009.⁴⁴⁷

In June 2010, the general director of CAAMI acknowledged the existence of a cluster munition problem but stated that a survey was needed to identify its extent.⁴⁴⁸ During 2010, CGD found and destroyed six unexploded PTAB 2.5M submunitions during subsurface clearance at Paiol da Bra.⁴⁴⁹ In March 2011, Norwegian People's Aid (NPA) stated that no unexploded submunitions had been found during their survey of explosive contamination in Guinea-Bissau, nor did they expect to find any, although it is believed that cluster munition stockpiles may still exist.⁴⁵⁰

Holy See

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Submitted initial Article 7 report in January 2011

Policy

The Holy See signed and ratified the Convention on Cluster Munitions on 3 December 2008. It was thus among the first 30 ratifications to trigger the convention's entry into force on 1 August 2010.

The Holy See submitted its initial Convention on Cluster Munitions Article 7 report on 20 January 2011. The report covers the period "until 20 January 2011" and includes a section on international cooperation and assistance.⁴⁵¹

Under national implementation measures, the Holy See reported that, "it considers that its legislation is sufficient to deal with all the obligations stemming from the Convention on Cluster Munitions" and "implementing legislation is unnecessary as it has never used, developed, produced, otherwise acquired, stockpiled, retained, or transferred cluster munitions."⁴⁵²

The Holy See played a leading role throughout the Oslo Process to develop the convention, as a member of the "Core Group" of states that facilitated the process, and actively sought the strongest possible convention.⁴⁵³

⁴⁴³ Interview with César Luis Gomes Lopes de Carvalho, General Director, CAAMI, Geneva, 27 June 2011.

⁴⁴⁴ Statement of Guinea Bissau, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 29 June 2011, www.clusterconvention.org.

⁴⁴⁵ Email from Cassandra McKeown, Finance Director, CGD, 22 April 2009.

⁴⁴⁶ Mine Ban Treaty Article 7 Report (for the period 30 April 2008 to 30 April 2009), Form C.

⁴⁴⁷ Email from Cassandra McKeown, CGD, 21 June 2010.

⁴⁴⁸ Interview with César de Carvalho, CAAMI, in Geneva, 23 June 2010.

⁴⁴⁹ Email from Cassandra McKeown, CGD, 28 April 2011.

⁴⁵⁰ Email from Mário Penado Tomé Nunes, Program Manager, NPA, 11 March 2011.

⁴⁵¹ Convention on Cluster Munitions Article 7 Report, Form I, 20 January 2011.

⁴⁵² Convention on Cluster Munitions Article 7 Report, Form A, 20 January 2011.

⁴⁵³ For details on the Holy See's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 87–89.

The Holy See continued to actively engage in the work of the convention in 2010 and the first half of 2011. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR, in November 2010, where it reiterated Pope Benedict XVI's appeal for all states to adhere to the convention in response to "the numerous victims who have suffered and continue to suffer serious physical and moral damage" from cluster munitions.⁴⁵⁴ The Holy See was a member of the Lao Support Group, the voluntary group of states that helped prepare for the meeting.

The Holy See also participated in the first intersessional meetings of the convention in Geneva in June 2011, but did not make any statements.

At the opening of the UN General Assembly (UNGA) in September 2010, the Holy See's Secretary for Relations with States, Archbishop Dominique Mamberti, said the convention "represents an important achievement for multilateralism based on constructive cooperation between governments and civil society, as well as the link between humanitarian law and human rights."⁴⁵⁵ At the UNGA First Committee on Disarmament and International Security in October 2010, the Holy See also called for the convention's universalization and effective implementation, emphasizing that it "offers a rightful response to the numerous victims who have undergone and continue to undergo the tragic effects of this terrible kind of weapon."⁴⁵⁶

Interpretive issues

The Holy See has made known its views on several important issues related to the interpretation and implementation of the convention. The Holy See has indicated that it considers foreign stockpiling and transit of cluster munitions banned by the convention, stating that "a careful reading of the Convention brings us to support the prohibition against a State Party stockpiling or helping to transport cluster bombs within its national territory, taking into account paragraphs 6, 7 and 8 of Article 3 of the Convention."⁴⁵⁷ On the issue of the prohibition in investment in cluster munitions production, the Holy See has stated that, "[i]n a world ever more globalized and interdependent, some countries produce or possess production methods or invest in the military industry, outside their national borders. It is important for the integrity of the Convention and for its application to include these investments in the list of prohibitions."⁴⁵⁸

On the issue of the prohibition on assistance with acts prohibited by the convention during joint military operations with states not party, or interoperability, the Holy See has stated, "In relation to Article 21, joint military operations do not imply, in any way, a suspension of the obligations under the Convention. 'States Parties, their military personnel or nationals' shall never engage in activities prohibited by the Convention. On the contrary, joint military operations should be opportunities for States Parties to promote the standards introduced by the new instrument with the objective to protect civilians during and after armed conflicts."⁴⁵⁹

The Holy See has yet to make known its views on the need for retention of cluster munitions for training and research purposes.

Convention on Conventional Weapons

The Holy See is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. The Holy See attended the CCW meetings on cluster munitions in 2010 and the first half of 2011.

In October 2010, the Holy See said that if the genuine concern behind the proposal for a new CCW protocol on cluster munitions was "motivated by the intention to reinforce the care of victims, this proposal could be taken into consideration," but at the same time cautioned that "the risk that the introduction of a double standard, which might render achievements on the humanitarian and military level ineffective, must not be underestimated."⁴⁶⁰

Use, production, transfer, and stockpiling

The Holy See has never used, produced, transferred, or stockpiled cluster munitions.⁴⁶¹

⁴⁵⁴ Statement by Khamse Vithavong, Vicar Apostolic, Holy See, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by CMC/Action on Armed Violence (AOAV).

⁴⁵⁵ Statement by Archbishop Dominique Mamberti, Secretary for Relations with States, UNGA General Debate, New York, 29 September, 2010.

⁴⁵⁶ Statement by Amb. Archbishop Francis Chullikatt, Apostolic Nuncio, Permanent Observer of the Holy See, UNGA First Committee on Disarmament and International Security, New York, 11 October 2010.

⁴⁵⁷ Statement by Khamse Vithavong, Holy See, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes taken by CMC/AOAV.

⁴⁵⁸ Ibid.

⁴⁵⁹ "Declaration Attached to the Instrument of Ratification to the Convention on Cluster Munitions," The Vatican, 21 November 2008, www.vatican.va.

⁴⁶⁰ Statement by Amb. Archbishop Francis Chullikatt, Permanent Observer of the Holy See, UNGA First Committee on Disarmament and International Security, New York, 11 October 2010.

⁴⁶¹ Convention on Cluster Munitions Article 7 Report, Form A, 20 January 2011.

Ireland

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ireland has continued to play a lead role in promoting the convention

Policy

Ireland both signed and ratified the Convention on Cluster Munitions on 3 December 2008, and thus was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

The Irish national legislation on cluster munitions, the Cluster Munitions and Anti-Personnel Mines Act 2008, was enacted on 2 December 2008 and came into operation on 8 October 2009.⁴⁶² Ireland has reported that in April 2009, the Irish Defence Forces issued an instruction to all Irish commanders and staff officers serving overseas laying down “strict parameters for implementation of the Cluster Munitions and Antipersonnel Mines Act, including inter alia directives concerning engagement in military cooperation and operations with states not party to the convention.” All relevant Defence Forces training institutions were also required to include education on the provisions of the convention and national implementation legislation in their training.⁴⁶³

Ireland submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011. The report covers the period from 1 August to 31 December 2010 and includes voluntary Form J.

Ireland was a driving force behind the Oslo Process that produced the convention and member of the small “Core Group” of nations that took responsibility for steering the process to its successful conclusion. Ireland hosted the formal negotiations of the convention in Dublin in May 2008 and bears a great deal of the responsibility for the successful outcome of the negotiations and the strength of the convention.⁴⁶⁴

Ireland continued to play a central role in the work of the convention in 2010 and the first half of 2011, including in its capacity as Friend of the President of the convention’s First Meeting of States Parties on procedural matters and the preparatory process.⁴⁶⁵ On 6 September 2010, Ireland chaired the preparatory meeting for the First Meeting of States Parties. In July 2011, Ireland reaffirmed that it “continued to regard the implementation of the Convention on Cluster Munitions as a foreign policy priority” and said it concentrates its efforts on the implementation of the convention foremost through its Geneva mission.⁴⁶⁶

Ireland participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made several statements including on clearance, national implementation measures, and retention of cluster munitions. In 2010, Ireland contributed US\$500,000 to the Cluster Munitions Trust Fund for Lao PDR in support of the meeting and Lao PDR’s implementation of the convention, as well as €35,000 (\$46,414) for a UN volunteer position to assist in the preparatory work of the First Meeting of States Parties.⁴⁶⁷

Ireland also attended the convention’s first intersessional meetings in Geneva in June 2011, but did not make any statements.

⁴⁶² “Cluster Munitions and Anti-Personnel Mines Act 2008, no. 20 of 2008,” Houses of the Oireachtas, www.oireachtas.ie. The law prohibits the use, development, production, acquisition, possession, and transfer of cluster munitions and explosive bomblets, and contains other provisions to implement the convention, including an explicit prohibition on the investment of public money in cluster munitions producers. Those guilty of offenses may be fined up to €1 million (\$1,393,500) and imprisoned up to 10 years. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 4 January 2010.

⁴⁶³ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

⁴⁶⁴ For more details on Ireland’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 92–97.

⁴⁶⁵ Letter No. POL0100158 from Aidan Cronin, Private Secretary, Office of the Minister for Foreign Affairs, 28 April 2010; and Department of Foreign Affairs Press release, “Minister for Foreign Affairs, Mr. Micheál Martin, T.D., welcomes significant progress towards implementation of the Convention on Cluster Munitions,” 17 February 2010.

⁴⁶⁶ Email from Alison Kelly, Director, Disarmament and Non-Proliferation Section, Department of Foreign Affairs and Trade, 27 July 2011.

⁴⁶⁷ Convention on Cluster Munitions Article 7 Report, Form I, 27 January 2011. Ireland again funded a UN volunteer position based in Beirut, Lebanon to help with preparations for the Second Meeting of States Parties in September 2011. Email from Alison Kelly, Department of Foreign Affairs and Trade, 27 July 2011. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

In 2010 and 2011, Ireland continued to promote universalization of the convention, including through its network of diplomatic missions and by funding contributions to civil society organizations working for the convention's universalization, such as the CMC. In July 2011, Ireland informed the Monitor that it had initiated bilateral demarches in 2011 to states that had signed, but not yet ratified the convention, and intended to continue "targeted work in this area."⁴⁶⁸ Ireland provided a military expert to contribute to a roundtable discussion on cluster munitions organized by the ICRC in Amman, Jordan in October 2010.⁴⁶⁹

At the opening of the UN General Assembly (UNGA) in September 2010, the Minister for Foreign Affairs, Micheál Martin, described the 1 August 2010 entry into force of the convention as a "landmark development," called for the widest possible adherence to the convention, and said, "We will continue to show leadership on this issue and do all we can to ensure the worldwide elimination of these atrocious weapons."⁴⁷⁰ At a UN Special Event held during the UNGA First Committee in October 2010, Ireland urged all states to attend the First Meeting of States Parties and emphasized the need for universalization of the convention.⁴⁷¹

The Monitor is not aware of any public statements by Ireland in the first half of 2011 condemning the use of cluster munitions by Libya or Thailand.

Several Irish NGOs have campaigned in support of the Convention on Cluster Munitions.⁴⁷²

Interpretive Issues

Ireland has expressed its views on a number of issues important to the interpretation and implementation of the convention, including the prohibition on assistance with prohibited acts, the prohibition on transit and foreign stockpiling, and the need for retention of cluster munitions and submunitions for training and development purposes.

With respect to the prohibition on assistance with prohibited acts during joint military operations and the provisions of Article 21 of the convention, Ireland said in March 2009 that "any deliberate assistance in the commission of an act prohibited by the Convention in the context of military co-operation with a state not party will be inconsistent with this obligation to make its best efforts to discourage the use of cluster munitions by the latter and that Article 21(3) must be interpreted accordingly."⁴⁷³ Ireland's national legislation includes a section on implementation of Article 21, which it has said, "is not to enable assistance with prohibited acts.... Rather, this provision is intended to ensure that no person may be prosecuted for an act or omission that might otherwise constitute assistance but is unintended or inadvertent, or has only a remote or indirect relationship to the commission of a prohibited act by a state not party to the Convention."⁴⁷⁴

In July 2011, Ireland said with respect to the prohibition on the transit of cluster munitions across, and the foreign stockpiling of cluster munitions on, the territory of States Parties to the convention, that it "recognizes that in any case in which these issues might arise it will be necessary to consider to what extent at all, the provisions of Article 21 of the Convention apply," adding that "inevitably this may be different in each case."⁴⁷⁵

At the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, Ireland said that the retention of live cluster munitions is necessary for "the development of render safe procedures, training of personnel, and the calibration of detection equipment."⁴⁷⁶ In July 2011, Ireland confirmed that the Irish Defence Forces do not currently retain any cluster munitions for training purposes, but said, "it is the view of Ireland that doing so is not inconsistent with the obligations of States Parties under the Convention." Ireland also noted that it has retained live antipersonnel mines under the Mine Ban Treaty that it uses for training purposes and as part of the testing and validation of mechanical mine clearance equipment.⁴⁷⁷

⁴⁶⁸ Email from Alison Kelly, Department of Foreign Affairs and Trade, 27 July 2011.

⁴⁶⁹ Jordan has not joined the convention. Convention on Cluster Munitions Article 7 Report, Form J, 27 January 2011.

⁴⁷⁰ Statement by Micheál Martin, Minister for Foreign Affairs, UN General Assembly General Debate, New York, 27 September 2010.

⁴⁷¹ CMC, "Special Event on the Convention on Cluster Munitions, 19 October 2010," October 2010.

⁴⁷² To celebrate the 1 August 2010 entry into force of the convention, Afri (Action from Ireland) and the Bloom Movement for Global Justice held a drumming action outside the Croke Park Stadium, where the convention was negotiated and adopted in May 2008. CMC, "Entry into Force of the Convention on Cluster Munitions: Report, 1 August 2010," October 2010.

⁴⁷³ Department of Foreign Affairs, "Note on the Measures Taken by Ireland to Implement Article 21 of the Convention on Cluster Munitions," 11 March 2009. For a discussion on Ireland's treatment of interoperability, see Human Rights Watch, "Staying True to the Ban on Cluster Munitions: Understanding the Prohibition on Assistance in the Convention on Cluster Munitions," June 2009, pp. 14–16.

⁴⁷⁴ Department of Foreign Affairs, "Note on the Measures Taken by Ireland to Implement Article 21 of the Convention on Cluster Munitions," 11 March 2009. For a discussion on Ireland's treatment of interoperability, see Human Rights Watch, "Staying True to the Ban on Cluster Munitions: Understanding the Prohibition on Assistance in the Convention on Cluster Munitions," June 2009, pp. 14–16.

⁴⁷⁵ Email from Alison Kelly, Department of Foreign Affairs and Trade, 27 July 2011.

⁴⁷⁶ Statement of Ireland, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 11 November 2011. Notes by the CMC.

⁴⁷⁷ Email from Alison Kelly, Department of Foreign Affairs and Trade, 27 July 2011.

Disinvestment

Ireland's implementing legislation prohibits investment of public money in cluster munitions production, which made Ireland the second country to prohibit investment in cluster munitions and set a leading example for the implementation of the convention.⁴⁷⁸ The law contains a clear and unambiguous prohibition on "direct or indirect" investment in cluster munition producers, including producers of components specifically designed for cluster munitions. It stipulates the responsibilities of the investor, including to "exercise due diligence."⁴⁷⁹ Some NGOs have raised concerns about implementation of the law.⁴⁸⁰

In March 2008, upon a specific request from the Irish government, Ireland's National Pensions Reserve Fund, responsible for financing Ireland's national pension requirements, announced the withdrawal of €27 million (\$39,760,200) from six international companies linked to the production of cluster munitions.⁴⁸¹ Following the enactment of Ireland's national legislation on the convention, the National Pension Reserve Fund disinvested from another seven companies and rejected four others from future investments, based on their involvement in the production of cluster munitions or antipersonnel mines.⁴⁸²

Convention on Conventional Weapons

Ireland is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Ireland continued to actively engage in the CCW deliberations on cluster munitions in 2010 and the first half of 2011. Since July 2008, Ireland has provided a Friend of the Chair for the CCW cluster munitions work on definitions and related technical issues.

In its national capacity, Ireland has consistently criticized the draft chair's text for including transition periods that would allow for the continued use of prohibited cluster munitions and has stated that if a transition period is considered necessary, it should take effect from the entry into force of the future protocol as a whole, rather than from date of entry into force for each party.⁴⁸³

Use, production, transfer, and stockpiling

Ireland has never used, produced, stockpiled, or transferred cluster munitions.⁴⁸⁴

In its Convention on Cluster Munitions Article 7 report, Ireland reported no cluster munitions retained for training.⁴⁸⁵

⁴⁷⁸ "Cluster Munitions and Anti-Personnel Mines Act 2008, no. 20 of 2008," Houses of the Oireachtas, www.oireachtas.ie; and Human Rights Watch, "Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions," June 2010.

⁴⁷⁹ "Cluster Munitions and Anti-Personnel Mines Act 2008, no. 20 of 2008," Houses of the Oireachtas, www.oireachtas.ie; and IKV Pax Christi and Netwerk Vlaanderen, "Worldwide investments in cluster munitions; a shared responsibility," April 2010, pp. 102–103.

⁴⁸⁰ For a commentary on the law's provisions on disinvestment see IKV Pax Christi and Netwerk Vlaanderen, "Worldwide investments in cluster munitions; a shared responsibility," April 2010, pp. 102–103. Concerns expressed in the report include that exceptions contained in the law permitting the investment in derivative financial instruments based on a financial index could risk weakening the strength of the prohibition, and the law's lack of application beyond public money. They also called for transparency requirements and the establishment of criteria for determining which companies are involved in the manufacture of cluster munitions or their components.

⁴⁸¹ Deaglán De Bréadún, "Pension fund to remove money from bomb firms," *Irish Times*, 17 March 2008; and IKV Pax Christi and Netwerk Vlaanderen, "Worldwide investments in cluster munitions; a shared responsibility," April 2010, pp. 79–80. Average exchange rate for 2008: €1=US\$1.4726. US Federal Reserve, "List of Exchange Rates (Annual)," 4 January 2010.

⁴⁸² IKV Pax Christi and Netwerk Vlaanderen, "Worldwide investments in cluster munitions; a shared responsibility," April 2010, p. 80.

⁴⁸³ Statement of Ireland, CCW Group of Governmental Experts (GGE) Meeting on Cluster Munitions, Geneva, 30 August 2010; Statement of Ireland, CCW GGE Meeting on Cluster Munitions, Geneva, 1 September 2010; Statement of Ireland, CCW Group of GGE Meeting on Cluster Munitions, Geneva, 2 September 2010; and Statement of Ireland, CCW GGE Meeting on Cluster Munitions, Geneva, 28 March 2011, notes by Action on Armed Violence.

⁴⁸⁴ Convention on Cluster Munitions Article 7 Report, Form J, 27 January 2011; and email from Alma Ni Choighligh, Disarmament and Non-Proliferation Section, Department of Foreign Affairs, 5 August 2011.

⁴⁸⁵ Convention on Cluster Munitions Article 7 Report, Form C, 27 January 2011.

Japan

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
National implementation measures	Law Concerning the Prohibition of the Production of Cluster Munitions and the Regulation of their Possession, July 2009
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Submitted Article 7 report on 27 January 2011

Policy

Japan signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 14 July 2009. It was thus among the first 30 ratifications to trigger the convention's entry into force on 1 August 2010.

Japan's national implementation legislation, Law No. 85, was enacted on 17 July 2009. It bans production and possession of cluster munitions and affirms Japan's obligation to dispose of its stockpiled cluster munitions.⁴⁸⁶ According to the Ministry of Foreign Affairs, the use of cluster munitions is prohibited under the Explosive Control Act and other laws, while transfer is regulated under laws governing Foreign Exchange and Foreign Trade.⁴⁸⁷

Japan submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011, covering the period from 1 August 2010 to 25 January 2011.

Japan participated in the Oslo Process that created the convention and its position evolved significantly over time to allow it to join in the consensus adoption of the convention in Dublin in May 2008.⁴⁸⁸

Japan has continued to engage strongly in the work of the convention. Japan attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Japan's delegation was led by its Vice-Minister for Foreign Affairs, Hisashi Tokunaga, who made a statement noting that Japan has provided more than US\$5.5 million for clearance and victim assistance since joining the convention in 2008.⁴⁸⁹ The Japan delegation participated in a field visit to Xieng Khouang province to see areas affected by cluster munition remnants and other explosive remnants of war. Japan also attended the convention's first intersessional meeting in Geneva in June 2011, where it made several statements including on stockpile destruction.

At both meetings, Japan chaired sessions on universalization in its capacity as Friend of the President. Japan continued to actively promote universalization of the convention in 2010 and 2011, including through its diplomatic missions. It sent demarches on the occasion of the Seventh Asian Senior-level Talks on Non-Proliferation in January 2011 and meetings of the Organization for Security and Co-operation in Europe (OSCE) and NATO. Japan worked with the President of the First Meeting of States Parties to issue joint letters urging non-signatories to join the convention.⁴⁹⁰ Japan has also cooperated on universalization outreach with Belgium, Canada, Chile, and the CMC.⁴⁹¹ Japan's Minister for Foreign Affairs, Katsuya Okada, issued a statement welcoming the convention's 1 August 2010 entry into force.⁴⁹²

⁴⁸⁶ Law No. 85 Concerning the Prohibition of the Production of Cluster Munitions and the Regulation of their Possession. See Cabinet Legislation Bureau, www.clb.go.jp.

⁴⁸⁷ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 29 March 2010.

⁴⁸⁸ For details on Japan's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 100–102. It has come to light that the US exerted extensive pressure on Japan throughout the Oslo Process. In June 2011, Wikileaks released 11 US Department of State reporting cables for the period from January 2007 to November 2008 that show how the US sought to influence Japan's engagement in the Oslo Process. One cable dated 7 May 2007 (shortly after the launch of the Oslo Process) stated, "Japan feels compelled to participate in the Oslo process meetings in order to influence any 'unrealistic' proposals, maintain positive and growing relations with European nations, and to counter domestic public criticism that Japan is not acting." See "Japan urges progress on cluster munitions in the CCW," US Department of State cable dated 7 May 2007, released by Wikileaks on 16 June 2011, www.cablegatesearch.net.

⁴⁸⁹ Statement of Japan, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

⁴⁹⁰ Presentation by Japan, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011. Record by the CMC.

⁴⁹¹ Statement of Japan as Friend of the President on Universalization, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁴⁹² Statement by Katsuya Okada, Minister for Foreign Affairs of Japan, on the Entry into Force of the Convention on Cluster Munitions, 30 July 2010, www.mofa.go.jp.

The Japan Campaign to Ban Landmines (JCBL) has continued its support for the Convention on Cluster Munitions and held several activities in 2010 and the first half of 2011.⁴⁹³

Interpretive issues

Japan has made known its views on certain important issues related to interpretation and implementation of the convention. The government maintains that United States (US) military bases in Japan are under US jurisdiction and control, thus not on Japanese territory, so the possession of cluster munitions by US forces does not violate the national law or the convention (see section on US cluster munitions in Japan below). Also, according to the government, Clause 4.4 of Law no. 85 allows Japanese nationals, both civilians and members of the Self-Defense Forces, to transport cluster munitions that are owned by the US.⁴⁹⁴

During the Dublin negotiations in May 2008, Japan was one of the strongest backers of a provision on “interoperability” or joint military operations with states not party that may use cluster munitions (Article 21). Japan has been reluctant to publicly discuss its views on the convention’s prohibition on assistance during joint military operations. At the intersessional meetings in June 2011, Japan stated that the use of cluster munitions in joint military operations is “totally under control” and warned the meeting that, “we should not discuss Article 21 here while the appropriate military officials are absent.”⁴⁹⁵

In a May 2007 US State Department cable made public by Wikileaks in June 2011, US Force Japan Deputy Commander Major General Timothy Larsen, “confirmed the potential use of [cluster munitions] is vital for the defense of Japan. Japanese and US forces discuss and train together about how these munitions will be used, and most of the scenarios we’ve gamed together envision the use of these assets.”⁴⁹⁶

In a June 2008 US State Department cable made public by Wikileaks in June 2011, 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, including but is not limited to: “Transportation and storage of US-owned CM [cluster munitions] by Japan Self Defense Forces or Japanese civilian personnel; Movement of additional CM into US military facilities and JSDF bases; and Stockpiling and handling of CM at civilian ports during contingencies.”⁴⁹⁷

In the cable, the US also reported the Japanese official as confirming that “Japanese civilian and Self Defense Forces personnel can transport CM [cluster munitions] in Japan as long as they do not take legal ownership of the CM,” and “the United States can move CM into and out of Japan, and within Japan, as long as Japanese entities and personnel are not taking title to the CM.”⁴⁹⁸

Investment

On the prohibition on investment in the production of cluster munitions, Japan stated in June 2011, that “there is no clear agreement on financing of cluster munition production” and noted “it is up to each state party to determine with their private sector” on the question of disinvestment.⁴⁹⁹ Previously, in 2009, the government said that it has not studied investment and loans by Japanese financial institutions to private firms producing cluster munitions, but said it would try to keep financial institutions informed of the convention and request that they carry out banking services in keeping with it.⁵⁰⁰

In July 2010, Japan’s three largest banks said they would refrain from financing the manufacture of cluster munitions: Sumitomo Mitsui Financial Group, Mitsubishi UFJ Financial Group, and Mizuho Bank.⁵⁰¹ In October 2010, the Japanese Bankers Association said that it had instructed its members to stop financing the production of cluster munitions.⁵⁰² In January 2011, JCBL sent a questionnaire to 17 financial institutions reported to invest in cluster munition production:

⁴⁹³ For example, to celebrate the convention’s 1 August 2010 entry into force the campaign organized a traditional drumming concert at Zojoji Temple in Tokyo, one of Japan’s principal Buddhist temples. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 20.

⁴⁹⁴ Response to questions in the Diet by Tetsuhiro Hosono, Ministry of Economy, Trade and Industry, Minute No. 20, Commerce and Industry Committee, House of Representatives, 24 June 2009.

⁴⁹⁵ Statement of Japan, Convention on Cluster Munitions Intersessional Meeting, Geneva, 30 June 2011. Notes by the CMC and Human Rights Watch.

⁴⁹⁶ “Japan urges progress on cluster munitions in the CCW,” US Department of State cable dated 7 May 2007, released by Wikileaks on 16 June 2011, www.cablegatesearch.net.

⁴⁹⁷ “Oslo convention on cluster munitions will not prevent US-Japan military operations,” US Department of State cable dated 25 June 2008, released by Wikileaks on 16 June 2011, www.cablegatesearch.net.

⁴⁹⁸ *Ibid.*

⁴⁹⁹ Statement of Japan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 30 June 2011. Notes by Human Rights Watch.

⁵⁰⁰ Response to questions in the Diet by Masamichi Kohno, Deputy Director-General, Planning and Coordination Bureau, Financial Services Agency, Commerce and Industry Committee, House of Representatives, 24 June 2009; and response to Monitor questionnaire by the Ministry of Foreign Affairs, 29 March 2010.

⁵⁰¹ The banks indicated they would deny any loans for or investments in production of cluster munitions. “Japan banks ban financing cluster arms,” *Agence France-Presse*, 30 July 2010; “Megabanks Sumitomo Mitsui and Tokyo-Mitsubishi ban financing of cluster bomb production,” *Mainichi Daily News*, 30 July 2010.

⁵⁰² The Japanese Bankers Association’s membership is comprised of banks, bank holding companies, and bankers associations in Japan. See Japanese Bankers Association statement, “Banking issues regarding the Convention on Cluster Munitions,” 8 October 2010, www.zenginkyo.or.jp.

Mitsubishi UFJ Morgan Stanley Securities Co., Ltd. and Nippon Life Insurance Company responded that they had halted investment in cluster munition producers, nine said they maintained investments, and six did not confirm or deny investing in cluster munition producers.⁵⁰³

Convention on Conventional Weapons

Japan is a State Party to the Convention on Conventional Weapons (CCW), but not its Protocol V on explosive remnants of war. Japan continued to participate extensively in the CCW deliberations on cluster munitions in 2010 and the first half of 2011. In November 2010, Japan strongly supported continued CCW work on cluster munitions and noted the importance of gaining the “support of major users and producers” of the weapon.⁵⁰⁴

Japan has criticized measures to weaken the draft chair’s text. In September 2010, Japan expressed concern at a Brazilian proposal to make some transparency reporting obligations voluntary and not mandatory.⁵⁰⁵ In February 2011, Japan and France appeared to be the only Convention on Cluster Munitions States Parties willing to indicate their support for the chair’s text as an acceptable basis for work.⁵⁰⁶

Use, production, and transfer

Japan has not used cluster munitions, but it produced and imported them in the past. In its Article 7 report, Japan listed three private companies in two prefectures that produced cluster munitions and now have been decommissioned: IHI Aerospace Co. Ltd. in Gunma prefecture, and Ishikawa Seisakusho Ltd. and Komatsu Ltd. in Ishikawa prefecture.⁵⁰⁷

Stockpiling and destruction

Japan has reported a stockpile of 14,011 cluster munitions containing 2,029,469 explosive submunitions.

Cluster munitions stockpiled by Japan (January 2011)⁵⁰⁸

Quantity	Type of munition	Type and quantity of submunitions per munition
2,232	M26 and M26A1 rockets	M77 (644)
7,329	M261 rocket	M73 (9)
2,702	M483A1 projectile	M42 (64) & M46 (24)
1,748	CBU-87 bomb	BLU-97 (202)

In addition, Japan stated in June 2011 that 76 individual submunitions held by former cluster munition producer Hokkaido NOF Corporation Ltd in Bibai, Hokkaido were destroyed in March 2011.⁵⁰⁹

Japan must destroy its stocks “as soon as possible” but not later than 1 August 2018. Surveys on methods to destroy the types in stockpiles were conducted in 2010.⁵¹⁰ Based upon the outcome of this survey, Japan decided to announce in 2011 a competitive bidding process to contract a private company for the destruction of the stockpile.⁵¹¹ The method of stockpile destruction will be determined upon conclusion of the contract and the government plans to complete the destruction as early as possible.⁵¹² Japan has stated that the stockpile destruction process will be open to the public as long as safety is ensured.⁵¹³ It has allocated about JPY ¥2.8 billion (approximately \$32 million) in its fiscal year 2011 for destruction of the stockpile.⁵¹⁴

Japan stated that it has no cluster munitions retained for training, development, or countermeasure purposes.⁵¹⁵

⁵⁰³ JCBL Press release, “Seven Japanese financial institutions invest in cluster munition producers — Survey,” 7 April 2011, www.jcbl-ngo.org.

⁵⁰⁴ Statement of Japan, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

⁵⁰⁵ Statement of Japan, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 2 September 2010. Notes by AOAV.

⁵⁰⁶ CMC update, First 2011 Session of the CCW GGE, 21–25 Feb 2011. Notes by AOAV.

⁵⁰⁷ Convention on Cluster Munitions Article 7 Report, Form E, 27 January 2011.

⁵⁰⁸ All cluster munitions are held by the Japan Ground Self Defense Force except the CBU-87 bombs, which are held by the Japan Air Self Defense Force. Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

⁵⁰⁹ Statement of Japan, Convention on Cluster Munitions Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 June 2011.

⁵¹⁰ Convention on Cluster Munitions Article 7 Report, Form B — Section II, 27 January 2011.

⁵¹¹ Statement of Japan, Convention on Cluster Munitions Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 June 2011, www.clusterconvention.org.

⁵¹² Convention on Cluster Munitions Article 7 Report, Form B — Section II, 27 January 2011.

⁵¹³ Response to questions in the Diet by Yoshiyuki Iwai, Director-General, Ministry of Defense, Foreign Affairs Committee, House of Representatives, 8 May 2009.

⁵¹⁴ Convention on Cluster Munitions Article 7 Report, Form I, 27 January 2011. Average exchange rate for 2010: US\$1=¥87.78. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

⁵¹⁵ Convention on Cluster Munitions Article 7 Report, Form C — Section II, 27 January 2011; and response to Monitor questionnaire by the Ministry of Foreign Affairs, 29 March 2010.

US cluster munitions in Japan

The US stockpiles cluster munitions on its bases in Japan. The Ministry of Foreign Affairs has stated that the US has not disclosed information to the Japanese government about the type, number, function, and locations of the stockpiles.⁵¹⁶

Local media in Okinawa have reported that US forces in Japan have dropped cluster munitions on bombing ranges during training exercises.⁵¹⁷ In 2010, media published photographs of cluster bombs that appeared to be mounted on US fighter aircraft.⁵¹⁸ In the Diet (parliament), Japan's Minister of Foreign Affairs stated that the government had sent an inquiry to the US military and the US responded that it does not disclose information on the details of its training program.⁵¹⁹ In June 2010, media reported that the Ministry of Foreign Affairs had stated that it is not prohibited for the US to use or retain cluster munitions at US bases in Japan as the bases are not under Japan's jurisdiction.⁵²⁰

Lao People's Democratic Republic

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of State Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Hosted and served as President of the First Meeting of States Parties, submitted Article 7 report in January 2011

Policy

The Lao People's Democratic Republic (Lao PDR) signed the Convention on Cluster Munitions on 3 December 2008. Lao PDR ratified the convention on 18 March 2009, the fifth country globally and the first in Asia to do so, making it among the first 30 ratifications that triggered the entry into force of the convention on 1 August 2010.

Lao PDR has stated that the relevant articles of its Penal Code will be amended in order to reflect its national implementation obligations as required by Article 9 of the convention.⁵²¹ Lao PDR also has a number of regulations on the clearance of cluster munitions and other unexploded ordnance (UXO).⁵²² The existing legislative measures are described in Lao PDR's initial Convention on Cluster Munitions Article 7 report, submitted on 25 January 2011.⁵²³ The report covers the 24-year period from 1 January 1996 to 30 November 2010.

As the most heavily affected country in the world, Lao PDR's support was a crucial element in the success of the Oslo Process that produced the convention. It participated extensively in the Oslo Process and advocated strongly against proposals to weaken the treaty text.⁵²⁴

Lao PDR has continued to be centrally engaged in the work of the convention. In 2010, Lao PDR assumed a crucial leadership role as President of the First Meeting of States Parties.

⁵¹⁶ Response to questions in the Diet by Shintaro Ito, State Secretary for Foreign Affairs, Foreign Affairs Committee, House of Representatives, 8 May 2009.

⁵¹⁷ The media reported in September and December 2007 that a US fighter plane took off from Kadena air base with cluster munitions and came back without them. The cluster munitions were reportedly dropped in a training area near the city of Naha, which is the capital of Okinawa, where most US bases in Japan are located. "F18 with cluster munitions," *Ryukyu Shinpo*, 11 December 2007; and "A series of flights with cluster munitions and missiles, the Kadena base," *Ryukyu Shinpo*, 13 December 2007.

⁵¹⁸ "US Fighters from outside of Kadena Air Base, Have they Dropped Cluster Bombs on the Training Area near Okinawa?" *Ryukyu Shinpo*, 13 May 2010; "Cluster Bombs were Carried Back in the Store House. Bombard Training shall be take place again from today?" *Ryukyu Shinpo*, 19 July 2010.

⁵¹⁹ Response to questions in the Diet by Katsuya Okada, (former) Minister of Foreign Affairs, Committee of Foreign Affairs and Defense, House of Councillors, 18 May 2010.

⁵²⁰ "Cluster munitions in the US base not covered by the Convention on cluster Munitions" *Ryukyu Shinpo*, 18 June 2010.

⁵²¹ Convention on Cluster Munitions Article 7 Report, Form A, 25 January 2011. The report lists selected Penal Code articles, including on illegal production, possession, and use of war weapons and explosives; illegal trade of war weapons and explosives; and robbery, embezzlement, and looting of war weapons and explosives.

⁵²² Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meeting, Session on National Implementation Measures, Geneva, 27 June 2011.

⁵²³ Convention on Cluster Munitions Article 7 Report, Form A, 25 January 2011.

⁵²⁴ For more details on Lao PDR's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 103–105.

On 9–12 November 2010, Lao PDR hosted the First Meeting of States Parties of the Convention on Cluster Munitions in Vientiane. A total of 122 governments (41 States Parties, 47 signatories, and 34 observer states) participated in the meeting, including a dozen high-level political representatives.⁵²⁵ The CMC delegation was comprised of 492 campaigners from 80 countries, including 170 participants from Lao PDR. Hundreds of delegates also participated in field visits to Xieng Khouang Province to see firsthand areas affected by cluster munition remnants and other explosive remnants of war (ERW). Some delegates also undertook a field visit to Savannakhet Province.⁵²⁶ More than two dozen events were held parallel to the First Meeting of States Parties, including a wheelchair basketball match, book and film launches, and a Youth Leaders Forum.

Lao PDR President Choummaly Sayasone spoke in the opening ceremony and appealed to delegates to seize the great opportunity before them to fully implement and realize the objectives and goals of the convention. The official meeting was chaired by Lao PDR’s Deputy Prime Minister and Minister of Foreign Affairs, Thongloun Sisoulith. During the meeting, Lao PDR made statements on universalization, clearance, victim assistance, stockpile destruction, national implementation measures, and transparency measures.

At the First Meeting of States Parties governments adopted the Vientiane Action Plan, a 66-point action plan to turn the legal obligations of the convention into concrete actions, as well as a Vientiane Declaration, which declares that the convention “sets a new standard by which states will be judged.” A reporting format for transparency measures reports was also adopted.

Throughout 2009 and 2010, Lao PDR led preparations for the First Meeting of States Parties.⁵²⁷ Ministry of Foreign Affairs official Saleumxay Kommasith played a key role coordinating the Lao Support Group: a small, informal group of governments, international organizations, and the CMC that supported preparations for the meeting.

In the first half of 2011, Lao PDR continued to engage in its capacity as President of the First Meeting of States Parties. In June 2011, Lao PDR chaired the convention’s first intersessional meetings in Geneva. During the meetings, Lao PDR made statements on universalization, clearance, victim assistance, transparency measures, cooperation and assistance, and national implementation measures.

Lao PDR has undertaken several efforts to promote the universalization of the convention, which it has described as “one of the key aspects of the convention that can assure its legitimacy.”⁵²⁸ At the 16th Ministerial meeting of the Non-Aligned Movement (NAM) meeting in Bali, Indonesia in May 2011, Lao PDR cooperated with Lebanon to secure language in the final declaration on the Convention on Cluster Munitions. Lao PDR has also promoted the universalization of the convention within the Association of Southeast Asian Nations (ASEAN) and other fora.⁵²⁹

In its capacity as President of the First Meeting of States Parties, Lao PDR issued a statement in April 2011 expressing “serious concern” at Thailand’s recent use of cluster munitions in Cambodia and reminding all parties to the convention of “our legal obligation to promote the norms of the Convention which sets a new standard for the conduct of armed conflict and should be accepted by all.”⁵³⁰ In June 2011, Lao PDR expressed its “dismay” at the use of cluster munitions in 2011 by Libya and Thailand, which it said “undermines the ban” and noted the need to condemn new use “in line with our core commitments under the convention.”⁵³¹

In 2010 and 2011, the Lao PDR government increased awareness of the convention across the country with a series of national and provincial level seminars on the convention and its obligations.⁵³² Civil society groups also undertook a range of activities to promote the convention and support the government’s hosting of the First Meeting of States Parties.⁵³³

Lao PDR is not party to the Mine Ban Treaty.

⁵²⁵ UN, “Final Report, First Meeting of States Parties of the Convention on Cluster Munitions,” Vientiane, 30 November–4 December 2009, Advance Copy, Undated, www.clusterconvention.org.

⁵²⁶ Email from Sichanh Sitthiphonh, HI Belgium–Lao PDR, 29 July 2011.

⁵²⁷ See ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 79–80.

⁵²⁸ Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 25 June 2011, www.clusterconvention.org.

⁵²⁹ Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meetings Opening Session, Geneva, 27 June 2011, notes by the CMC; and interview with Saleumxay Kommasith, Director General, Department of International Organizations, Ministry of Foreign Affairs, Vientiane, Lao PDR, 31 March 2011.

⁵³⁰ Statement by President of the First Meeting of States Parties to the Convention on Cluster Munitions on recent use of cluster munitions, Vientiane, 7 April 2011, www.clusterconvention.org.

⁵³¹ Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meetings Opening Session, Geneva, 27 June 2011. Notes by the CMC.

⁵³² Interview with Saleumxay Kommasith, Ministry of Foreign Affairs, Vientiane, Lao PDR, 31 March 2011.

⁵³³ To celebrate the convention’s 1 August 2010 entry into force, campaigners held a drumming event and other activities in Vientiane in cooperation with the Ministry of Foreign Affairs, the NRA on UXO, and the UNDP. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 21.

Interpretive issues

Lao PDR has expressed its views on several important matters related to interpretation and implementation of the convention. In June 2011, a Ministry of Foreign Affairs official informed the Monitor, “With regard to your question on relations with states not party to this convention, we are aware of the different interpretations of the Article 21. For us it is clear that we strongly support the full prohibition of cluster munitions, including those activities during the joint military operations, transiting, foreign stockpiling and investment in the production of cluster munitions.”⁵³⁴

Convention on Conventional Weapons

Lao PDR is party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war. Lao PDR actively engaged in CCW talks on cluster munitions in 2010 and the first half of 2011, often stating that it wanted strong text that would complement the Convention on Cluster Munitions and not a weak text that would compromise its provisions.⁵³⁵

In November 2010, Lao PDR said it had no objection to continued CCW deliberations on cluster munitions, but noted it would like the meetings “to be as fruitful as possible.”⁵³⁶ In June 2011, Lao PDR warned that the CCW chair’s text could “undermine” the Convention on Cluster Munitions and described the text as “unacceptable for all of us, especially those that have extensive experience of being a victim” of cluster munitions.⁵³⁷

Use, production, transfer, and stockpiling

In its Article 7 report, Lao PDR stated that it “has no stockpiles” of cluster munitions and indicated that it is not retaining any cluster munitions for training and research.⁵³⁸ Lao PDR also reported that it had no production facilities to decommission.⁵³⁹ Lao PDR has stated that it has never used, produced, transferred, or stockpiled cluster munitions.⁵⁴⁰

Historic photographic and testimonial evidence shows that the former Royal Lao Air Force used United States (US)-supplied cluster munitions during the Indochina War.

Cluster Munition Remnants

Between 1964 and 1973, the US dropped more than 2 million tons (2 billion kg) of bombs in Lao PDR, including more than 270 million submunitions.⁵⁴¹ There is no reliable estimate of the extent of residual contamination from unexploded submunitions. Analysis of US bombing records has identified close to 77,000 cluster munition strikes. Taking an average strike “footprint” of 125,000m² has yielded a rough estimate of cluster contamination of 8,750km², about one-tenth of officially cited estimates of overall ERW contamination.⁵⁴²

Clearance teams have found 19 types of submunitions during clearance.⁵⁴³ Unexploded submunitions accounted for half (50.1%) of all items of explosive ordnance cleared in 2010.⁵⁴⁴ UXO Lao, Lao PDR’s largest clearance operator, reported in 2011 that during 15 years of operations, submunitions accounted for just under half (49%) of the items cleared.⁵⁴⁵

The critical impact of submunitions (known locally as “bombies”) has given rise to calls for a clearance strategy that prioritizes cluster munition remnants,⁵⁴⁶ which the National Regulatory Authority (NRA) identifies as the most common form of residual ERW contamination and which is responsible for close to 30% of all incidents.⁵⁴⁷ Bombies are also said to be the type of ERW most feared by the population.⁵⁴⁸

⁵³⁴ Email from Maytong Thammavongsa, Director of UN, Political, and Security Affairs Division, Department of International Organizations, Ministry of Foreign Affairs, 1 June 2011.

⁵³⁵ Statement of Lao PDR, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 1 September 2010, notes by Action on Armed Violence (AOAV); and Statement of Lao PDR, CCW GGE on Cluster Munitions, Geneva, 21 Feb 2011, notes by AOAV.

⁵³⁶ Statement of Lao PDR, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

⁵³⁷ Statement of Lao PDR, CMC Side Event on the CCW, Geneva, 29 June 2011. Notes by AOAV. Lao PDR made similar remarks at the intersessional meetings. See Statement of Lao PDR, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011. Notes by AOAV.

⁵³⁸ Convention on Cluster Munitions Article 7 Report, Form B, 25 January 2011. Forms C and D were completed as “Non applicable.”

⁵³⁹ Convention on Cluster Munitions Article 7 Report, Form E, 25 January 2011. The form is completed as “Non applicable.”

⁵⁴⁰ Letter from Saleumxay Kommasith, Ministry of Foreign Affairs, 25 February 2009; and interview with Saleumxay Kommasith, Ministry of Foreign Affairs, Vientiane, 31 March 2011.

⁵⁴¹ “US bombing records in Laos, 1964–73, Congressional Record,” 14 May 1975.

⁵⁴² Telephone interview with Phil Bean, Technical Advisor, Operations/Quality Assurance, NRA, 24 July 2011.

⁵⁴³ NRA, “UXO Sector Annual Report 2009,” Vientiane, undated but 2010, p. 13.

⁵⁴⁴ NRA, “1 January 2010 to 31 December 2010 UXO operations in Lao PDR,” received by email from Bounpheng Sisawath, Programme and Public Relations Officer, NRA, 25 May 2011.

⁵⁴⁵ UXO Lao, “Accomplishment detail 1996–2010,” received by email from Edwin Faigmane, Programme Specialist, UXO Lao, 21 June 2011.

⁵⁴⁶ NPA, “Fulfilling the Clearance Obligations of the Convention on Cluster Munitions in Lao PDR: The NPA Perspective,” undated but November 2010, p. 4.

⁵⁴⁷ NRA, “UXO Sector Annual Report 2009,” Vientiane, undated but 2010, p. 8.

⁵⁴⁸ Interview with Jo Durham, Researcher, Vientiane, 10 November 2010.

Survey

In 2011, the NRA resumed its District Focused Approach (DFA) survey of contamination and impact.⁵⁴⁹ The NRA planned pilot surveys by three operators in three districts, including by Handicap International (HI) in Nong district, Savannakhet province (105 villages); Mines Advisory Group (MAG) in Boualapha district, Khammouane province (81 villages); and Norwegian People's Aid (NPA) in Ta-Oy district, Salavan province (56 villages). The NRA does not expect the survey to locate all contamination, but rather to identify areas of concern in each district, particularly areas contaminated by cluster munition remnants. The survey will eventually be extended to 85 UXO-contaminated districts in Lao PDR.⁵⁵⁰

The NRA conducted a series of workshops in April and May 2011, to introduce the DFA in districts selected for pilot surveys, and trained survey teams in July. Survey work was expected to start in the three pilot districts in August 2011 and take six to nine months to complete.⁵⁵¹

Clearance of cluster munition contaminated areas

Lao PDR does not yet disaggregate clearance of cluster munition strikes from other ERW clearance; therefore, clearance figures encompass clearance of all ERW, including, but not limited to, cluster munition remnants (see Table below). In 2010, clearance operators destroyed at least 35,448 unexploded submunitions.

Destruction of submunitions during battle area clearance in 2010⁵⁵²

Operator	Battle area cleared (km2)	No. of submunitions destroyed
ASA Power Engineering	2.38	734
HI	0.33	239
LXML	0.001	219
MAG	6.17	4,223
Milsearch	0.07	22
NPA	0.75	997
Phoenix	2.44	316
Phonsaka UXO Clearance	0.04	16
Solidarity Service International (SODI)	1.22	1,110
UXO Lao	21.58	13,155
Total	34.981	21,031

NPA started clearance operations in the last quarter of 2009 with three teams in Saravane and Sekong provinces. Five more teams were added in 2010 as operations expanded into Attapeu province and NPA ended the year with 129 active deminers. NPA plans to add eight more teams in 2011. NPA trialed and won NRA endorsement for land release survey procedures for mapping the footprint of cluster munition strikes that are expected to produce a more precise estimate of contaminated areas and lead to more effective use of clearance assets. NPA has also conducted trials with signature detectors that help to screen out metal fragments and are expected to help accelerate clearance.⁵⁵³

Destruction of submunitions during roving operations in 2010⁵⁵⁴

Operator	No. of submunitions destroyed
Swiss Foundation for Mine Action	0
HI	368
MAG	2,519
NPA	497
SODI	662
UXO Lao	10,371
Total	14,417

⁵⁴⁹ The survey started in 2010, but was delayed by Lao PDR's hosting of the convention's First Meeting of States Parties in November 2010.

⁵⁵⁰ Interview with Phil Bean, NRA, Vientiane, 20 April 2011.

⁵⁵¹ Telephone interview with Phil Bean, NRA, 24 July 2011.

⁵⁵² NRA, "1 January 2010 to 31 December 2010 UXO operations in Lao PDR," received by email from Bounpheng Sisawath, Programme and Public Relations Officer, NRA, 25 May 2011.

⁵⁵³ Email from Tony Fish, Operations Manager, NPA, Vientiane, 20 April 2011.

⁵⁵⁴ Ibid.

Compliance with Article 4 of the Convention on Cluster Munitions

Under Article 4 of the Convention on Cluster Munitions, Lao PDR is required to destroy all cluster munition remnants in areas under its jurisdiction or control as soon as possible, but not later than 1 August 2020.

With clearance progressing at a rate of approximately 40km² a year and potentially many thousands of square kilometers of contamination to address, it is apparent Lao PDR will not meet its Article 4 clearance deadline. In June 2011, however, Lao PDR informed the convention's first intersessional meeting that operators were researching new technologies and survey and clearance methodologies to try to accelerate clearance.⁵⁵⁵ In 2011, the NRA started work on a 10-year plan for practical steps and targets for implementation of the convention to be undertaken in two phases: 2011–2015 and 2016–2020.⁵⁵⁶

In November 2010, NPA released a report on how Lao PDR could meet the convention's obligations that noted the work "can be done efficiently and it will not take hundreds of years." The report noted the need for "a renewed focus on gathering and assessing available data" and recommended the development and use of "structured and relevant survey methods" to ensure "clearance standards appropriate to the context."⁵⁵⁷

According to the report, operators do not target cluster munition strikes, but regard all threats equally and current clearance strategies do not really assist in removing strike sites as clearance polygons relate more to perceived development priorities than to the strikes. The report suggests that "by dividing the problem into a cluster munition problem and a UXO problem the threat can be more appropriately identified and the response can, as a result, be more efficient and effective."

The report calls for a general cluster munition assessment followed by a non-technical survey to understand the "footprint" of cluster strikes and technical survey aiming to reduce confirmed hazardous areas to defined tasks. It suggests that clearance focus on cluster munition remnants, that clearance assets be deployed only in relation to cluster strikes, and recommended that operators adopt the principle of clearing the whole strike and not only what has been requested for development or other purposes.⁵⁵⁸

Cluster munition casualties

The NRA did not report which explosive items caused casualties for 2010 and the number of unexploded submunition casualties during the year is not known. However cluster munition remnants continued to cause casualties. In one incident, a 10-year-old girl was killed and her 15-year-old sister was injured by an unexploded submunition in November 2010 during the First Meeting of States Parties.⁵⁵⁹

Unexploded submunitions were reported to have caused 7,571 casualties in the period 1964–2009 (3,170 killed; 4,368 injured; 33 outcome unknown).⁵⁶⁰ In 2010 it was estimated that there were approximately 2,500 unexploded submunition survivors in Lao PDR.⁵⁶¹

⁵⁵⁵ Statement of Laos, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 28 June 2011.

⁵⁵⁶ NRA, "10-Year-Plan Concept Paper for the CCM Implementation," Version 13, June 2011.

⁵⁵⁷ NPA, "Fulfilling the Clearance Obligations of the Convention on Cluster Munitions in Lao PDR: The NPA Perspective," undated but November 2010, p. 4.

⁵⁵⁸ *Ibid.*, pp. 5–9.

⁵⁵⁹ CMC, "CMC Media Coverage Report: First Meeting of States Parties to the Convention on Cluster Munitions Vientiane, Lao PDR 9-12 November 2010." Details of these casualties were recorded in the NRA database but the device was not specified. Monitor analysis of NRA casualty data for 2008–2010 by email from Bountao Chanthavongsa, Victim Assistance Officer, NRA, 14 July 2011.

⁵⁶⁰ Emails from Michael Boddington, NRA, 18 and 26 August 2010.

⁵⁶¹ Statement of Lao PDR, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

Lebanon

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 May 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified on 5 November 2010 and Lebanon will host the Second Meeting of States Parties in September 2011

Policy

The Republic of Lebanon signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 5 November 2010, becoming the first State Party to the convention from the Middle East. The convention entered into force for Lebanon on 1 May 2011.⁵⁶²

Lebanon's Cabinet approved ratification of the convention on 21 April 2010.⁵⁶³ The Parliament unanimously approved ratification legislation on 17 August 2010, which was then published in the Official Gazette. On 5 November 2010, Lebanon's Permanent Mission to the UN in New York, Ambassador Nawaf Salam, deposited the instrument of ratification with the UN.

National measures to enforce the convention, such as legislation, have not been undertaken yet. In August 2010, Lebanon told the Monitor that the government "has not decided yet on the mandate and the shape of the body" that will oversee implementation of the convention and noted that pending a decision on this matter, "the Lebanese Mine Action Center... is coping with the cluster munition contamination alongside other related activities."⁵⁶⁴

Lebanon's initial Convention on Cluster Munitions Article 7 report is due by 28 October 2011.

Lebanon participated throughout the Oslo Process that created the convention and advocated strongly for humanitarian protection to be given primacy in the development of the convention's provisions.⁵⁶⁵ Israel's large-scale use of cluster munitions in Lebanon during the 2006 conflict contributed greatly to the sense of humanitarian urgency that underpinned the Oslo Process.⁵⁶⁶

Lebanon has continued to play an active leadership role in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made several statements including on clearance of cluster munition remnants. During the meeting, widespread support was expressed for Lebanon hosting the convention's Second Meeting of States Parties in Beirut in September 2011.⁵⁶⁷

Lebanon also participated in the convention's first intersessional meetings of the convention in Geneva in June 2011, where it made several interventions and presentations, including on the preparations for the Second Meeting of States Parties. Lebanon's newly appointed Minister of Foreign Affairs and Emigrants, Dr. Adnan Mansour, addressed the intersessional meeting in his capacity as President-designate of the Second Meeting of States Parties and also hosted a side event on Lebanon and cluster munitions.⁵⁶⁸ Mansour said, "I feel pleased and honored to join the national and international efforts aiming at freeing the world from all the threats and dangers posed by the usage of cluster munitions."⁵⁶⁹

⁵⁶² Lebanese government officials and campaigners held an event in Beirut on 6 May 2011 to welcome the convention's entry into force. See CMC update, "Convention on Cluster Munitions takes effect in Lebanon," 16 May 2011, www.stopclustermunitions.org.

⁵⁶³ Mohammed Zaatar, "UN urges Lebanon to ratify land-mine treaty," *Daily Star*, 24 April 2010.

⁵⁶⁴ Letter N/Ref: 210/2010-8/27/1 from the Permanent Mission of Lebanon to the UN in Geneva, 3 August 2010.

⁵⁶⁵ For detail on Lebanon's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 105–107.

⁵⁶⁶ For details on Israel's use of cluster munitions in Lebanon and its impact, see Human Rights Watch, "Flooding South Lebanon: Israel's Use of Cluster Munitions in Lebanon in July and August 2006," Vol. 20, No.2(E), February 2008; and Landmine Action, "Foreseeable harm: the use and impact of cluster munitions in Lebanon: 2006," October 2006.

⁵⁶⁷ Lebanon first indicated its interest in hosting the Second Meeting of States Parties at a preparatory meeting held on the First Meeting of States Parties in Geneva on 6 September 2010.

⁵⁶⁸ Statement by Dr. Adnan Mansour, Minister of Foreign Affairs and Emigrants of Lebanon and President-designate of the Second Meeting of States Parties, Convention on Cluster Munitions Intersessional Meeting, Geneva, 27 June 2011, www.clusterconvention.org.

⁵⁶⁹ *Ibid.*

Between December 2010 and July 2011, three advance planning missions to Lebanon were undertaken by a small group of representatives of States Parties, UN agencies, and the CMC to further preparations for the Second Meeting of States Parties.⁵⁷⁰ Lebanon has taken the lead in drafting a Beirut Declaration to be issued at the meeting and has worked closely with Norway to prepare a Beirut Progress Report. It has worked with Canada on the convention's future implementation structures and intersessional work program.

In June 2011, Lebanon detailed the efforts that it has undertaken to promote the universalization of the convention.⁵⁷¹ In April 2011, Lebanon's Minister of Foreign Affairs raised the convention during meetings with the United Arab Emirates, Kuwait, and Bahrain. Lebanon has issued a demarche to the Secretary General of the Arab League to encourage all Arab countries to attend the Second Meeting of States Parties and join the convention. At the 16th Ministerial meeting of the Non-Aligned Movement meeting in Bali, Indonesia in May 2011, Lebanon cooperated with Lao PDR to secure language on the convention in the meeting declaration. Lebanon has cosigned letters urging states to join the convention together with Japan, which serves as Friend of the President of the First Meeting of States Parties on universalization.

Lebanon has provided interpretive statements on a number of important provisions in the convention. Lebanon has stated that the prohibition on the transfer of cluster munitions includes a prohibition on "transit;" that foreign stockpiling of cluster munitions is prohibited; that financing and investment in cluster munition production or transfer is prohibited; and that Article 1 of the convention takes precedence over Article 21, so that "States Parties must never undertake any act that could constitute deliberate assistance with a prohibited act."⁵⁷²

Lebanon is not party to the Mine Ban Treaty or the Convention on Conventional Weapons (CCW). Lebanon has participated as an observer in CCW deliberations on cluster munitions in recent years, but has not made its views known on the chair's draft protocol text.

Use, production, transfer, and stockpiling

Lebanon has stated that it has never used, produced, or stockpiled cluster munitions.⁵⁷³

Cluster munitions were used in Lebanon by Israel in 1978, 1982, and 2006. United States (US) Navy aircraft dropped 12 CBU-59 and 28 Rockeye bombs against Syrian air defense units near Beirut during an armed intervention in December 1983.⁵⁷⁴

In 2006, Hezbollah fired more than 100 Chinese-produced Type-81 122mm cluster munition rockets from southern Lebanon into northern Israel.⁵⁷⁵ The source for these 122mm cluster munition rockets fired by Hezbollah is not known.

Cluster Munition Remnants

Cluster munition contamination originates primarily from the conflict with Israel in July–August 2006, though some contamination remains from conflict in the 1980s.⁵⁷⁶ As of May 2011, 18.1km² was suspected to still be contaminated by cluster munition remnants across 758 suspected hazardous areas (SHAs).⁵⁷⁷ This is an increase from the estimated 16km² remaining at the end of 2008. The fluctuating figures are the result of re-surveying the contaminated areas, completion reports, and especially the provision of strike data by Israel in May 2009.⁵⁷⁸

⁵⁷⁰ The missions took place on 13–15 December 2010, 23–25 March 2011, and 7–9 June 2011.

⁵⁷¹ Statement of Lebanon, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011, www.clusterconvention.org.

⁵⁷² Letter from the Permanent Mission of Lebanon to the UN in Geneva, 10 February 2009. It states: "It is the understanding of the Government of Lebanon that the transit of cluster munitions across, or foreign stockpiling of cluster munitions on the national territory of States Parties is prohibited by the Convention. Article /1/ paragraph (b) of the Convention explicitly prohibits all stockpiling and all transfers.... It is the understanding of the Government of Lebanon that all assistance with prohibited acts is prohibited under Article /1/ paragraph (c) of the Convention. While Article 21 allows for military cooperation with states non party to the Convention it does not allow any assistance with prohibited acts. In the view of Lebanon Article /1/ paragraph (c) takes precedence over Article 21 and States Parties must never undertake any act that could constitute deliberate assistance with a prohibited act. It is the understanding of the Government of Lebanon that Article /1/ paragraph (c) of the Convention prohibits the investment in entities engaged in the production or transfer of cluster munitions or investment in any company that provides financing to such entities. In the view of Lebanon 'assistance' as stipulated in Article /1/ paragraph (c) includes investment in entities engaged in the production or transfer of cluster munitions and is thus prohibited under the Convention."

⁵⁷³ Letter from the Permanent Mission of Lebanon to the UN in Geneva, 10 February 2009.

⁵⁷⁴ US Department of the Navy, Attack Squadron 15, Memorandum from Commanding Officer, Attack Squadron 15, to Chief of Naval Operations, "Command History: Enclosure 5, Ordnance Expenditure for 1983," 18 February 1984, declassified 28 April 2000.

⁵⁷⁵ Human Rights Watch, "Civilians Under Assault: Hezbollah's Rocket Attacks on Israel in the 2006 War," August 2007, pp. 44–48.

⁵⁷⁶ LMAC, "Mine Action in the Republic of Lebanon," www.lebmac.org.

⁵⁷⁷ Presentation by Maj. Pierre Bou Maroun, Head of the Regional Mine Action Center (RMAC), Nabatiye, 13 May 2011; and response to Monitor questionnaire by Col. Rolly Fares, Head of Information Management and Victim Assistance Sections, LMAC, 28 March 2011.

⁵⁷⁸ Presentation by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011.

Using data received from Israel in 2009 concerning 282 strike locations (of which 166 are north of, and the other 116 south of, the Litani River), the Lebanon Mine Action Center (LMAC) identified 26 strike locations not previously found, all south of the Litani River.⁵⁷⁹ According to LMAC director Brigadier General Mohamed Fehmi, however, the three-year delay in Israel providing information on strike locations resulted in many unnecessary casualties and considerable time and money being spent on survey.⁵⁸⁰

Cluster munition remnants problem as of 31 December 2010⁵⁸¹

Region	No. of SHAs	Suspected area (km ²)
Nabatiye	392	11.54
Mount Lebanon	81	3.37
North Lebanon	5	2.79
Bekaa	24	1.03
South Lebanon	256	0.87
Total	758	19.60

Cluster munition remnants affect water supplies and power lines, and impede the excavation of rubble, farming, and reconstruction efforts.⁵⁸² According to LMAC, if funding is maintained at early 2011 levels, with 25 battle area clearance (BAC) teams and two mechanical teams operating, Lebanon should be free from the “impact” of cluster munitions by the end of 2015.⁵⁸³

Clearance of cluster munition contaminated areas

All clearance of cluster munition remnants is now sub-surface as well as surface.⁵⁸⁴ In 2010, Lebanon cleared 3.14km² of contaminated land, destroying 3,641 unexploded submunitions in the process. This compares to 3.92km² of clearance in 2009, resulting in the destruction of 4,784 unexploded submunitions.⁵⁸⁵

Clearance of cluster munition remnants in 2009 and 2010⁵⁸⁶

Operator	2010		2009	
	Area cleared (m ²)	No. of submunitions destroyed	Area cleared (m ²)	No. of submunitions destroyed
Lebanese Armed Forces	863,496	439	128,706	820
Mines Advisory Group	562,422	906	1,458,626	1,872
DanChurchAid	436,285	414	692,541	534
Norwegian People's Aid	860,668	559	1,181,300	894
Immen Sazan Omran Pars / Peace Generation Organization for Demining	338,450	1,063	50,995	119
Swiss Foundation for Mine Action	76,220	35	61,800	9
BACTEC	Closed	Closed	134,561	77
Swedish Civil Contingencies Agency	Closed	Closed	211,889	459
UN Interim Force in Lebanon	6,656	225	0	0
Total	3,144,197	3,641	3,920,418	4,784

⁵⁷⁹ “Eleventh report of the Secretary-General on the implementation of Security Council resolution 1701 (2006),” (New York: UN Security Council, 2 November 2009), UN doc. S/2009/566, p. 11; and email from Maj. Charmin Rahal, Head, Operations Section, LMAC, 23 June 2011.

⁵⁸⁰ Interview with Brig. Gen. Mohammed Fehmi, Director, LMAC, Beirut, 11 May 2011.

⁵⁸¹ Response to Monitor questionnaire by Col. Rolly Fares, Head of Information Management and Victim Assistance Sections, LMAC, 28 March 2011.

⁵⁸² Ibid.

⁵⁸³ Interview with Brig. Gen. Mohammed Fehmi, LMAC, Beirut, 11 May 2011; and presentation by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011.

⁵⁸⁴ Presentations by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011; Tamer Said, Field Operations Officer, DCA, Tyre, 14 May 2011; Houmine Al Fawka, Site Manager, FSD, and Mustafa Salih, Site Manager, Marjeyoun, MAG, 16 May 2011; and by John Hare, Operations Officer, Handicap International (HI), Toulouza, 18 May 2011.

⁵⁸⁵ Presentation by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011.

⁵⁸⁶ Response to Monitor questionnaire by Col. Rolly Fares, LMAC, 28 March 2011.

Clearance capacity

Five international NGOs, the Lebanese Armed Forces (LAF), the UN Interim Force in Lebanon (UNIFIL), and two national operators cleared mines and cluster munition remnants in 2010. With the NGOs receiving new funding in 2010, the establishment of Middle East Mines Specialists, and the April 2011 return to Lebanon of Swiss Foundation for Mine Action (FSD) under the overall direction of LMAC, Lebanon had a total clearance capacity of 20 demining teams, 29 BAC teams, seven explosive ordnance disposal (EOD) teams, two mechanical teams, and two survey teams.⁵⁸⁷

While the LAF has more than 200 personnel trained in EOD and demining, usually no more than four teams are available at any one time and it is not uncommon for a LAF clearance team to be called away during a clearance task and assigned to a non-mine-action task with the Army. The maximum number of LAF teams available at one time varies from one to four.⁵⁸⁸

As of late 2010, UNIFIL no longer had a formal BAC capacity for the clearance of unexploded submunitions.⁵⁸⁹

As of April 2011, DanChurchAid (DCA) had five BAC teams, MAG had seven teams, Norwegian People's Aid (NPA) had five teams (one of which is all female), and FSD had two teams. DCA has a female supervisor responsible for an all-male team and a female medic.⁵⁹⁰ The LAF engineer regiment contributes four BAC teams that can also be tasked to clear mines when needed.⁵⁹¹

Compliance with Article 4 of the Convention on Cluster Munitions

Under Article 4 of the Convention on Cluster Munitions, Lebanon is required to complete clearance of all areas affected by cluster munition remnants under its jurisdiction or control by 1 May 2021.

LMAC director Brigadier General Mohamed Fehmi informed the Monitor in May 2011 that it is possible Lebanon could be cleared of the "impact" of all cluster munition remnants by the end of 2015.⁵⁹²

Casualties

In 2010, unexploded submunitions claimed 14 casualties (three people killed, 11 injured) including seven casualties among cluster munition clearance personnel or "searchers."⁵⁹³ One single clearance incident caused six casualties (one searcher was killed; five were injured).⁵⁹⁴ All casualties were male, one was a child.

As of December 2010, a total of 704 cluster munition casualties had been identified, most caused by unexploded submunitions. Little data is available on casualties that occurred during cluster munition strikes; 16 casualties (three people killed; 13 injured) were identified.⁵⁹⁵

Lesotho

Policy

The Kingdom of Lesotho signed the Convention on Cluster Munitions on 3 December 2008, ratified on 28 May 2010, and the treaty entered into force for Lesotho on 1 November 2010.

As of August 2011, the status of national measures to implement the convention were not known as Lesotho had not yet submitted its initial Convention on Cluster Munitions Article 7 report on transparency measures, which was due by 30 April 2011.

⁵⁸⁷ Presentation by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011.

⁵⁸⁸ Response to Monitor questionnaire by Col. Rolly Fares, LMAC, 28 March 2011; and presentation by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011.

⁵⁸⁹ Interview with Brig.-Gen. Mohammed Fehmi, LMAC, Beirut, 11 May 2011; presentation by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011; and Christina Greene, "UNIFIL Peacekeeping in Southern Lebanon," *Journal of ERW and Mine Action*, Issue 15.1, Spring 2011.

⁵⁹⁰ Interview with Tamer Said, DCA, Tyre 14 May 2011; and interview with Eva Veble, Programme Manager, NPA, Tyre, 15 May 2011.

⁵⁹¹ Presentation by Maj. Pierre Bou Maroun, RMAC, Nabatiye, 13 May 2011.

⁵⁹² Interview with Brig. Gen. Mohammed Fehmi, LMAC, Beirut, 12 May 2011.

⁵⁹³ "Searcher" is the description used the Lebanon mine action program for cluster munition clearance personnel. Response to Monitor questionnaire by Col. Rolly Fares, LMAC, 28 March 2011.

⁵⁹⁴ Email from Col. Rolly Fares, LMAC, 31 May 2011; and response to Monitor questionnaire by Col. Rolly Fares, LMAC, 28 March 2011.

⁵⁹⁵ Prior to July 2006, there were 338 casualties. Another 366 casualties were recorded between August 2006 and December 2010. It was not clear if the casualties during the cluster munition strikes were included in this total. HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 121; Patrick Galey, "Living without a leg," *Bikya Masr* (Nabatieh), 14 November 2009, bikyamassr.com; and email from Col. Rolly Fares, LMAC, 31 May 2011.

Lesotho participated extensively in the Oslo Process that created the convention and supported a comprehensive ban without exceptions.⁵⁹⁶ Since 2008, Lesotho has continued to engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Lesotho did not make a statement at the meeting, but told the CMC that it was committed to actively promote universalization of the convention.⁵⁹⁷ Lesotho also attended the convention's first intersessional meetings held in Geneva in June 2011.

Lesotho is a State Party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons, but has not ratified Protocol V on explosive remnants of war.

Lesotho has stated that it does not use or produce cluster munitions.⁵⁹⁸ It is not believed to have a stockpile.

Lithuania

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 September 2011
Participation in Convention on Cluster Munitions meetings	Attended intersessional meetings in Geneva in June 2011
Key developments	Ratified on 24 March 2011, submitted voluntary Article 7 Report in March 2011

Policy

The Republic of Lithuania signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 24 March 2011. The convention will enter into force for Lithuania on 1 September 2011.

On 16 December 2010, Lithuania's Parliament approved the Law on the Ratification on the Convention on Cluster Munitions, No. XI-1239, which was published in the Official Gazette No. 157-7973 on 31 December 2010.⁵⁹⁹ Lithuania's Permanent Representative to the UN, Ambassador Dalius Čekuolis, deposited the instrument of ratification at the UN in New York on 24 March 2011. Lithuania became the 55th State Party to the convention and the 14th NATO member to ratify.

On 30 March 2011, Lithuania submitted a voluntary Convention on Cluster Munitions Article 7 report, for calendar year 2010.⁶⁰⁰ According to the report, Article 2 of the ratification law declares that Lithuania will provisionally apply the convention's prohibitions pending its entry into force for Lithuania and requires that an authority be designated to ensure implementation of the convention. The report also lists articles of Lithuania's Criminal Code of 26 September 2000 that apply to the convention.⁶⁰¹

In May 2011, a Ministry of Foreign Affairs official informed the Monitor that according to Lithuania's legal system international treaties are applied directly and a specific implementation law for the convention is not needed.⁶⁰²

Lithuania actively participated in the Oslo Process that created the convention.⁶⁰³ It has continued to engage in the work of the convention. Lithuania attended an international conference on the destruction of cluster munitions in Berlin in June 2009. It did not attend the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but participated in the first intersessional meetings in Geneva in June 2011.

⁵⁹⁶ For details on Lesotho's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 107–108.

⁵⁹⁷ CMC meeting with Lesotho delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁵⁹⁸ Statement of Lesotho, Lima Conference on Cluster Munitions, 24 May 2007. Notes by the CMC/WILPF.

⁵⁹⁹ "(Law on the Ratification of the Convention on Cluster Munitions,)" no. XI-1239, 16 December 2010, www3.lrs.lt; and Convention on Cluster Munitions voluntary Article 7 Report, Form A, 30 March 2011.

⁶⁰⁰ Convention on Cluster Munitions voluntary Article 7 Report, Form A, 30 March 2011.

⁶⁰¹ Article 112, Use of Prohibited Means of Warfare; Article 199, Smuggling; Article 253, Unauthorised Possession of Firearms, Ammunition, Explosives or Explosive Materials; Article 253(1), Unauthorised Intermediation in the Transfer of Military Equipment; and Article 257(1), Production of Installations for the Production of Explosive Materials, Explosives or Radioactive Materials or Development or Distribution of Production Technologies or Specifications Thereof: Convention on Cluster Munitions voluntary Article 7 Report, Form A, 30 March 2011.

⁶⁰² Email from Dovydas Špokauskas, Arms Control and Terrorism Prevention Department, Transatlantic Cooperation and Security Policy Department, Ministry of Foreign Affairs, 5 May 2011.

⁶⁰³ For details on Lithuania's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 109–111.

Interpretive issues

Lithuania has not expressed its views on some important interpretive matters in relation to the convention's provisions on transit through, and foreign stockpiling of cluster munitions on, the national territory of States Parties; assistance with prohibited acts; and investment in production. During the Oslo Process, Lithuania was vocal in calling for provisions on interoperability (joint military operations with states not party).⁶⁰⁴ In May 2011, a Ministry of Foreign Affairs official informed the Monitor that Lithuania's views on the interpretive issues were being discussed internally and said it hoped to express more concrete positions at the Second Meeting of States Parties to the Convention on Cluster Munitions in Beirut, Lebanon in September 2011.⁶⁰⁵

Lithuania is State Party to the Mine Ban Treaty.

Convention on Conventional Weapons

Lithuania is a party to the Convention on Certain Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Lithuania continued to actively engage in CCW deliberations on cluster munitions in 2010 and the first half of 2011.

Lithuania has emphasized that CCW work on cluster munitions should not be based on a premise that any agreement is better than no agreement and has noted that many states involved in the CCW process have a legal obligation to discourage the use of cluster munitions under the Convention on Cluster Munitions.⁶⁰⁶

At the CCW Meeting of States Parties in November 2010, Lithuania announced it was in the final stages of ratifying the Convention on Cluster Munitions and looked forward to becoming a States Party. Lithuania, however, said that a CCW instrument that included major users and producers of cluster munitions was necessary. It said the chair's draft text was a "good basis" for CCW in 2001, but urged a strong mandate to conclude an agreement by the CCW's Fourth Review Conference in November 2011.⁶⁰⁷

Use, production, transfer, and stockpiling

Lithuania has stated that it "does not possess cluster munitions and has never produced, used, stockpiled or transferred such weapons in the past."⁶⁰⁸ This is confirmed in the voluntary Convention on Cluster Munitions Article 7 report.

Luxembourg

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Submitted initial Article 7 Report in January 2011

Policy

The Grand Duchy of Luxembourg signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 10 July 2009. It was thus among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

Luxembourg's 2009 ratification law also serves as its national implementation legislation and includes a comprehensive prohibition on cluster munitions as well as penal sanctions for violations.⁶⁰⁹

On 21 January 2011, Luxembourg submitted its initial Convention on Cluster Munitions Article 7 report, covering the period from 1 August 2010 to 31 December 2010.

⁶⁰⁴ Statement of Lithuania, Wellington Conference on Cluster Munitions, Wellington, 18 February 2008. Lithuania emphasized that provisions on interoperability were necessary "to avoid legal ambiguities that in particular situations might cause very serious problems both on national and international levels." It argued that without certain treaty language, activities such as participation in exercises or operations as part of a military alliance or participation in multilateral operations authorized by the UN could be considered to be in violation of the convention.

⁶⁰⁵ Email from Dovydas Špokauskas, Ministry of Foreign Affairs, 5 May 2011.

⁶⁰⁶ Statement of Lithuania, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

⁶⁰⁷ Statement of Lithuania, CCW Meeting of States Parties, Geneva, 25 November 2011. Notes by Action on Armed Violence.

⁶⁰⁸ Letter from Žygimantas Pavilionis, Ministry of Foreign Affairs, 19 February 2009; Convention on Cluster Munitions voluntary Article 7 Report, Forms B and D, 30 March 2011.

⁶⁰⁹ Convention on Cluster Munitions Article 7 Report, Form A, 21 January 2011. For detailed analysis of Luxembourg's national implementation legislation, see CMC, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 82–83.

Luxembourg participated in the Oslo Process that created the convention and was one of a small number of states that undertook national legislative initiatives on cluster munitions before the Oslo Process was launched.⁶¹⁰ Since 2008, Luxembourg has continued its strong support for the convention. Luxembourg attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not participate in the convention's intersessional meetings in Geneva in June 2011.

The Luxembourg delegation to the First Meeting of States Parties was led by its Deputy Prime Minister and Minister of Foreign Affairs, Jean Asselborn, who made a strong statement that included a call for all states to prohibit investments in cluster munitions. Asselborn expressed his hope that "the prohibition to finance cluster munitions as implemented in Luxembourg's legislation could serve as an example."⁶¹¹ During the meeting, Asselborn also participated in a field visit to Xieng Khouang province to see firsthand areas affected by cluster munition remnants and other explosive remnants of war.

Luxembourg has continued to actively support for the universalization of the convention. During the opening of the UN General Assembly (UNGA) in September 2010, Asselborn welcomed the convention's 1 August 2010 entry into force.⁶¹² At the First Meeting of States Parties, Asselborn renewed his pledge to use "bilateral contacts with states not parties to the Convention to encourage them to join."⁶¹³ In April 2011, the Ministry of Foreign Affairs informed the Monitor that Luxembourg regularly raises the issue of cluster munitions bilaterally.⁶¹⁴

Luxembourg has expressed views on a number of issues important for the interpretation and implementation of the convention. With respect to the issue of the prohibition on assistance during joint military operations with non-signatories, the Ministry of Foreign Affairs has called Article 21 (on relations with states not party) "an important clause to allow continued collaboration with countries that are not yet ready to relinquish the possession of cluster munitions, but also to convince them to join the many countries which have decided to abandon this class of weapons."⁶¹⁵ In April 2011, the Ministry of Foreign Affairs said that Article 1 of the convention enumerates the prohibitions on cluster munitions, including stockpiling, but "does not make a reference to transit."⁶¹⁶

Disinvestment

Luxembourg's 2009 ratification law prohibits investment in cluster munitions, making it one of the convention's leaders on disinvestment.⁶¹⁷ In April 2010, the Ministry of Finance acknowledged the need to address the law's use of the term "knowingly" with respect to financial investment and to develop a list of producers of cluster munitions.⁶¹⁸ In August 2010, a parliamentary question asked why Luxembourg's Social Security Compensation Fund invested in companies producing cluster munitions in 2008 and 2009.⁶¹⁹ In a joint response on 13 September 2010, the Ministry of Foreign Affairs and the Ministry of Social Security said that it was not possible to fault the Compensation Fund for "knowingly" investing in cluster munition producers as there were no "internationally recognized concrete criteria" available at the

⁶¹⁰ For more details on Luxembourg's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 111–113.

⁶¹¹ "Jean Asselborn à la première réunion des États-parties à la Convention sur les armes à sous-munitions à Vientiane (Laos)," (Jean Asselborn at the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Laos.) Government of Luxembourg Press release, 11 November 2010, www.gouvernement.lu.

⁶¹² Statement by Jean Asselborn, Minister of Foreign Affairs, UNGA 65th Session, New York, 24 September 2010.

⁶¹³ Statement by Jean Asselborn, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

⁶¹⁴ Letter from the Ministry of Foreign Affairs to HI Luxembourg, 8 April 2011. In May 2010, the Ministry of Foreign Affairs stated that Luxembourg regularly raises the issue of cluster munitions bilaterally. Upon signing the convention in December 2008, Luxembourg's Minister of Foreign Affairs had pledged to use bilateral contacts with non-signatories to encourage them to join. Email from Claude Faber, Attaché, Ministry of Foreign Affairs, 1 May 2010; and statement by Jean Asselborn, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁶¹⁵ Email from Claude Faber, Ministry of Foreign Affairs, 1 May 2010.

⁶¹⁶ Letter from the Ministry of Foreign Affairs to HI Luxembourg, 8 April 2011.

⁶¹⁷ Chamber of Deputies, "Projet de lois portant approbation de la Convention sur les armes à sous-munitions ouverte à la signature à Oslo, le 3 décembre 2008" ("Draft legislation approving the Convention on Cluster Munitions open for signature in Oslo, 3 December 2008"), No. 5981, Normal Session 2008–2009, 12 January 2009.

⁶¹⁸ NGOs IKV Pax Christi and Network Vlaanderen have said that the inclusion of the term "knowingly" in Luxembourg's legislation risks creating a possible loophole diminishing legal responsibility and due diligence for the identification of transactions relating to cluster munitions. They recommend that Luxembourg establish clear definitions of the terms "knowingly" and "financing," as well as issue mandatory obligations for the provision of monitoring tools, the identification of producers or financiers, and auditing methods. See IKV Pax Christi and Network Vlaanderen, "Worldwide investments in cluster munitions: a shared responsibility," April 2010, pp. 103–104, www.networkvlaanderen.be. In April 2010, a Ministry of Finance official stated that banks should organize themselves to implement the prohibition on investment in production, in collaboration with the government and supervisory board of the financial sector. The official also noted that the absence of a list of producers is problematic for the implementation of the law, especially in light of the inclusion of the term "knowingly" in the text of the legislation. HI telephone interview with M. Kamphaus, Ministry of Finance, 22 April 2010; and email from Jérôme Bobin, Communications, Advocacy and Awareness Manager, HI, 22 July 2010.

⁶¹⁹ "Question écrite no. 847: Sujet investissements de l'Etat dans les entreprises produisant des armes à sous-munitions," (Written question no. 847: Subject investments of the State in industries producing cluster munitions), submitted by André Hoffman, Député, déi Lénk, 18 August 2010. Interviewed by journalists a few days earlier, the Chairman of the Compensation Fund, Robert Kieffer, stated that he was unaware of the issue prior to the parliamentary question. According to Kieffer, a large part of the Fund's investment components were handled by asset managers abroad. Kieffer stated, "I do not know the names of these companies nor their connection with cluster munitions." Kieffer promised to act swiftly to rectify the situation. "Now we will react. Our lawyers are currently trying to address the law and focus on firms in order to create a blacklist," he said. "Maintenant il faut réagir," (Now we must react), *Le Quotidien*, 20 August 2010, www.lequotidien.lu.

time to identify companies producing cluster munitions and, without an official list, it was not possible to know if it was investing in such an industry.⁶²⁰ The government, however, stated that the Compensation Fund would establish a blacklist of companies active in the field of manufacturing cluster munitions that would permit their exclusion from the Fund and said that, together with the President of the Fund, a process would begin to dispose of the shares in the companies identified by an IKV Pax Christi and Netwerk Vlaanderen report.⁶²¹

In October 2010, Handicap International (HI) Luxembourg convened a meeting of national stakeholders, including from the financial sector and government to discuss application of the national law banning investments.⁶²²

During the First Meeting of States Parties, Asselborn proposed the creation of an ethics council to check and verify Luxembourg's current and future public investments in order to prevent any improper investments in companies involved in the production of cluster munitions.⁶²³ In February 2011, HI Luxembourg and other national NGOs were invited to participate in the consideration of establishing such a council.⁶²⁴ In April 2011, the Ministry of Foreign Affairs said that discussions were continuing on the matter.⁶²⁵

Convention on Conventional Weapons

Luxembourg is party to the Convention on Conventional Weapons (CCW), and has ratified Protocol V on explosive remnants of war. In April 2011, the Ministry of Foreign Affairs informed the Monitor that Luxembourg hoped that 2011 would be a decisive year for the negotiations on a future protocol on cluster munitions, as in its view, the CCW is an essential part of international humanitarian law.⁶²⁶ Luxembourg was initially a supporter of CCW work on cluster munitions, but has been less active since the 2008 adoption of the Convention on Cluster Munitions. In 2010 and first half of 2011, Luxembourg did not make a statement on its national position on the draft text under discussion, but it did join five other countries in supporting a proposal to consider a CCW ban on the transfer of cluster munitions.⁶²⁷

Use, production, transfer, and stockpiling

Luxembourg is not believed to have ever used or transferred cluster munitions. In its Article 7 report, Luxembourg confirmed that it does not stockpile cluster munitions including for training purposes.⁶²⁸ Luxembourg's response of "not applicable" to the conversion of production facilities indicates that it does not have any facilities that produce cluster munitions.⁶²⁹

In its Article 7 report, Luxembourg confirmed that the territory of Luxembourg "has never been touched" by cluster munitions and there are no victims.⁶³⁰

⁶²⁰ The joint response also cited issues surrounding the Compensation Fund's investment in index funds, wherein the Fund became the holder of shares in five companies—Lockheed Martin, L-3 Communications, Textron, Hanwha, and Singapore Technologies Engineering—listed in the IKV Pax Christi and Netwerk Vlaanderen report as cluster munition producers, not by a deliberate decision but by the fact that those securities were included in the benchmark index. The 2010 version of the IKV Pax Christi and Netwerk Vlaanderen report named seven major producers of cluster munitions: Lockheed Martin, L-3 Communications, Textron, Alliant Techsystems, Hanwha, Poongsan, and Singapore Technologies Engineering. Of these, the Ministries identified that Luxembourg was invested in five: Lockheed Martin, L-3 Communications, Textron, Hanwha, and Singapore Technologies Engineering. (L-3 Communications has stated that it has since ceased production in cluster munitions. See IKV Pax Christi and Netwerk Vlaanderen, "Worldwide Investments in Cluster Munitions: A shared responsibility, May 2011 Update" May 2011, www.stopexplosiveinvestments.org.) At the end of 2008, the total investment in the five companies amounted to €137,545 (US\$202,549). At the end of 2009, the aggregate market value of the shares was worth more than €800,000 (\$1,114,800). Average exchange rate for 2008: US\$1=€1.2746; and average exchange rate for 2009: US\$1=€1.3935. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011. In response to the parliamentary question which inquires as to why the level of investment in cluster munition producers increased from 2008 to 2009, the Ministries clarified that while the value of the shares had increased, the relative shares had decreased from 0.23% in 2008 to 0.16% in 2009. "Réponse commune à la question parlementaire no. 0847 du 17 août 2010 de Monsieur le Député André Hoffman," (Joint response to the parliamentary question no. 0847 of 17 August 2010 of Deputy André Hoffman,) submitted by Jean Asselborn, and Mars Di Bartolomeo, Minister of Social Security, entered 16 September 2010, Ref: 2009-2010/0847-02.

⁶²¹ "Réponse commune à la question parlementaire no. 0847 du 17 août 2010 de Monsieur le Député André Hoffman," (Joint response to the parliamentary question no. 0847 of 17 August 2010 of Deputy André Hoffman,) submitted by Jean Asselborn and Mars Di Bartolomeo, entered 16 September 2010, Ref: 2009-2010/0847-02.

⁶²² Email from Jérôme Bobin, Communication and Advocacy Manager, HI, 2 May 2011.

⁶²³ "Jean Asselborn à la première réunion des États-parties à la Convention sur les armes à sous-munitions à Vientiane (Laos)," (Jean Asselborn at the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Laos), Government of Luxembourg Press Release, 11 November 2010, www.gouvernement.lu. The ethics council would consist of the financial institutions of Luxembourg (Alfi, Gafi, ABBL, and CSSF) and the public institutions of the Ministry of Finance, Ministry of Justice, Ministry of Foreign Affairs, and the Compensation Fund. Letter from Etika to HI, 22 February 2011.

⁶²⁴ Letter from Etika to HI, 22 February 2011.

⁶²⁵ Letter from Ministry of Foreign Affairs to HI, 8 April 2011.

⁶²⁶ Ibid.

⁶²⁷ Proposal for provisions on transfers for consideration in a CCW Protocol on Cluster Munitions, submitted by Austria, Croatia, Denmark, Germany, Luxembourg, and Switzerland, CCW/GGE/2011-I/WP.1, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 22 February 2011.

⁶²⁸ Convention on Cluster Munitions Article 7 Report, Form B, 21 January 2011.

⁶²⁹ Convention on Cluster Munitions Article 7 Report, Form E, 21 January 2011.

⁶³⁰ Convention on Cluster Munitions Article 7 Report, Form F, 21 January 2011.

Former Yugoslav Republic of Macedonia

Policy

The Former Yugoslav Republic of Macedonia (FYR Macedonia) signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 8 October 2009. It was thus among the first 30 ratifications to trigger the convention's entry into force on 1 August 2010.

In November 2010, FYR Macedonia stated that according to its Constitution the convention “becomes an integral part of our domestic legislation” after its ratification.⁶³¹ In March 2011, a Ministry of Foreign Affairs official said that the report was in its final stage of preparation and would be submitted shortly.⁶³²

FYR Macedonia participated in the Oslo Process that produced the convention. It continued to engage in the work of the convention in 2010 and the first half of 2011.⁶³³ FYR Macedonia attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it advocated a regional approach for enabling implementation of the convention.⁶³⁴ At the meeting, FYR Macedonia announced a planned initiative to assist Bosnia and Herzegovina (BiH) and other States Parties in the region to destroy their cluster munition stockpiles.⁶³⁵ The proposed project was not carried out, however, and no cluster munitions or submunitions were transferred to FYR Macedonia for destruction.⁶³⁶

FYR Macedonia attended intersessional meetings of the convention in Geneva in June 2011, but did not make any statements.

In March 2011, a Ministry of Foreign Affairs official informed the Monitor that FYR Macedonia is committed to universalization of the convention and is making its best effort to discourage the use of cluster munitions.⁶³⁷

Interpretative issues

During the negotiations of the convention, FYR Macedonia was supportive of the inclusion of provisions on “interoperability” (joint military operations with states not party that may use cluster munitions), but said this was not an excuse for countries to continue to use, produce, and transfer cluster munitions.⁶³⁸ In March 2011, the Ministry of Foreign Affairs informed the Monitor that the provisions on interoperability were of particular importance to FYR Macedonia as a

⁶³¹ Statement by Dusko Uzunovski, FYR Macedonia Delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Cluster bombs from BiH were allegedly to be transported to FYR Macedonia, with financial assistance from the Government of Norway, to be destroyed at the Krivolak military base. “20 Year Old Cluster Bombs Will Be Destroyed in Our Country: Bosnia bombing Macedonia,” *VECEER*, 10 November 2010, daily.mk.

⁶³² Meeting with Anesa Kundurovic, Minister-Counsellor, Ministry of Foreign Affairs, 30 July 2011. A number of FYR Macedonian media outlets reported on the stockpile destruction project that was never undertaken. A media source reported that 250 Orkan rockets containing nearly 75,000 KB-1 submunitions each would be transferred from BiH to Macedonia for destruction. “(20 Year Old Cluster Bombs Will Be Destroyed in Our Country: Bosnia bombing Macedonia,” *VECEER*, 10 November 2010, daily.mk. In response to concerns raised in additional media articles over possible environmental impacts to the area around Krivolak or nearby towns of Kavadarci and Negotino, FYR Macedonia Minister of Defense, Zoran Konjanovski, stated that the destruction process would not adversely affect the environment. “Kojanovski Guarantees the Environmental Protection of Krivolak: Bosnian cluster bombs do not threaten Kavadarci and Negotino,” *VEST*, 15 November 2010, www.vest.com.mk. For allegations, see: “Alarm that after the announcement of BiH’s cluster bombs at Krivolak, Bosnian bombs will poison the Tikesko,” *Time*, 11 November 2010, www.vreme.com.mk.

⁶³³ For details on FYR Macedonia’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 113.

⁶³⁴ Statement by Dusko Uzunovski, FYR Macedonia Delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010.

⁶³⁵ Statement by Dusko Uzunovski, FYR Macedonia Delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Cluster bombs from BiH were allegedly to be transported to FYR Macedonia, with financial assistance from the Government of Norway, to be destroyed at the Krivolak military base. “20 Year Old Cluster Bombs Will Be Destroyed in Our Country: Bosnia bombing Macedonia,” *VECEER*, 10 November 2010, daily.mk.

⁶³⁶ Meeting with Anesa Kundurovic, Minister-Counsellor, Ministry of Foreign Affairs, 30 July 2011. A number of FYR Macedonian media outlets reported on the stockpile destruction project that was never undertaken. A media source reported that 250 Orkan rockets containing nearly 75,000 KB-1 submunitions each would be transferred from BiH to Macedonia for destruction. “20 Year Old Cluster Bombs Will Be Destroyed in Our Country: Bosnia bombing Macedonia,” *VECEER*, 10 November 2010, daily.mk. In response to concerns raised in additional media articles over possible environmental impacts to the area around Krivolak or nearby towns of Kavadarci and Negotino, FYR Macedonia Minister of Defense, Zoran Konjanovski, stated that the destruction process would not adversely affect the environment. “Kojanovski Guarantees the Environmental Protection of Krivolak: Bosnian cluster bombs do not threaten Kavadarci and Negotino,” *VEST*, 15 November 2010, www.vest.com.mk. For allegations see, “Alarm that after the announcement of BiH’s cluster bombs at Krivolak, Bosnian bombs will poison the Tikesko,” *Time*, 11 November 2010, www.vreme.com.mk.

⁶³⁷ Interview with Edward Mitevski, Ministry of Foreign Affairs, Skopje, 28 March 2011.

⁶³⁸ FYR Macedonia described Article 21 as an effort to help countries that have shown the political will to join the convention to continue to have practical cooperation with states not party to the convention. Discussion during the Committee of the Whole on Interoperability, Dublin Diplomatic Conference on Cluster Munitions, 26 May 2008. Notes by Landmine Action.

direct participant in international military operations. According to the Ministry of Foreign Affairs, FYR Macedonia will warn international military forces that it does not accept the use of cluster munitions in operations that it participates in.⁶³⁹

In March 2011, the Ministry of Foreign Affairs stated that in the event of the location of foreign military forces on the territory of the FYR Macedonia, the government will inform them that it will not be possible to stockpile cluster munitions in FYR Macedonia.⁶⁴⁰ In February 2010, a Ministry of Foreign Affairs official told the Monitor that FYR Macedonia prohibits the transit of cluster munitions across its national territory.⁶⁴¹

CMC member organization Journalists for Children and Women's Rights and Environmental Protection (JCWE) and partner organizations have campaigned in support of the Convention on Cluster Munitions in FYR Macedonia.⁶⁴²

FYR Macedonia is State Party to the Mine Ban Treaty.

FYR Macedonia is a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but it has not actively engaged in CCW deliberations on cluster munitions.

Use, production, transfer, stockpiling, and destruction

FYR Macedonia has stated it does not use, produce, or stockpile cluster munitions.⁶⁴³ In November 2010, FYR Macedonia stated that it was "making the final inspections on the national level and very soon we will be able to declare that Republic of Macedonia is a country free of cluster munitions."⁶⁴⁴

Malawi

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Submitted initial Article 7 report

Policy

The Republic of Malawi signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 7 October 2009. The treaty entered into force for Malawi on 1 August 2010.

Malawi submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011, covering the period from 1 August 2010 to 27 January 2011. According to the report, legislation to implement the convention has been drafted and will be "scrutinized by the Ministry of Justice before being presented to Parliament soon."⁶⁴⁵

Malawi participated in the Oslo Process that created the convention and supported a comprehensive ban without exceptions.⁶⁴⁶

Malawi has continued to show strong support for the convention. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made a strong statement calling for universalization of the convention, which it said, "bans a whole category of indiscriminate weapons" provides "a comprehensive framework for implementation" and "reinforces the disarmament regime."⁶⁴⁷ Malawi did not attend the convention's first intersessional meetings in Geneva in June 2011.

⁶³⁹ Interview with Edward Mitevski, Ministry of Foreign Affairs, Skopje, 23 March 2011.

⁶⁴⁰ Ibid.

⁶⁴¹ Telephone interview with Majkl Sibinovski, Head, Arms Control Unit, Ministry of Foreign Affairs, 15 February 2010.

⁶⁴² To celebrate the convention's 1 August 2010 entry into force campaigners organized a drumming event in Skopje's Central City Park and also held a roundtable discussion and press conference. During 2010, JCWE organized three debates in high schools to increase awareness about cluster munitions. CMC, "Entry into Force of the Convention on Cluster Munitions: Report, 1 August 2010," November 2010, p. 22.

⁶⁴³ Statement by Dusko Uzunovski, FYR Macedonia Delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010; and statement by Antonijo Miloshoski, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008. Notes by Landmine Action.

⁶⁴⁴ Statement by Dusko Uzunovski, FYR Macedonia Delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010.

⁶⁴⁵ Malawi, Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

⁶⁴⁶ For details on Malawi's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 115.

⁶⁴⁷ Statement of Malawi, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

Malawi has described the prohibitions contained in the Convention on Cluster Munitions as “absolute with no exception or loopholes.”⁶⁴⁸ In March 2010, Malawi expressed its views on a range of important issues related to interpretation and implementation of the convention, including that:⁶⁴⁹

Article 1(c) of the convention’s prohibition of assistance “should read to prohibit investments in CM [cluster munition] producers.”

“As well as transfer, the transit of CM is prohibited” under the convention.

“States Parties must not intentionally or deliberately assist, induce or encourage any prohibited activity” under the convention during joint military operations with states not party that may use cluster munitions.

“There should be no stockpiling of CM of non-State Parties on the territory under the jurisdiction or control of a State Party and State Parties must ensure the destruction or removal of CM of foreign states on the territory.”

The retention of cluster munitions for training and development “should be the exception and not the rule,” and those that do retain should only keep a “very limited number.”

Malawian NGO the Centre of Human Rights and Rehabilitation has campaigned in support of the Convention on Cluster Munitions.⁶⁵⁰

Malawi is a party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Malawi’s response of “none” or “not applicable” to the majority of the information requirements contained in its initial Convention on Cluster Munitions Article 7 report indicates that it does not possess stockpiles; does not retain any cluster munitions or explosive submunitions, including for training or other purposes; and does not have facilities that produce cluster munitions. Additionally, no areas in Malawi contain, or are suspected to contain, remnants of cluster munitions.⁶⁵¹

Malawi is not believed to have ever used or transferred cluster munitions.

Mali

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings held in Geneva in June 2011
Key developments	National implementation measures are being prepared

Policy

The Republic of Mali signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 30 June 2010. The convention entered into force for Mali on 1 December 2010.

In June 2011, Mali said that it has started the process of integrating the convention into national law.⁶⁵² The National Assembly unanimously approved ratification of the convention by decree on 6 May 2010.⁶⁵³

Mali’s initial Convention on Cluster Munitions Article 7 report was due by 30 May 2011. As of early August 2011, Mali had yet to submit its report.

⁶⁴⁸ Ibid.

⁶⁴⁹ Statement by Maj. Dan Kuwali, Director of Legal Services, Malawi Defence Force, on Promoting a Common Understanding of the Provisions of the Convention in Africa, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010, clustermunitionspretoria.blogspot.com.

⁶⁵⁰ The Centre of Human Rights and Rehabilitation organized several activities in Lilongwe to celebrate the 1 August 2010 entry into force of the Convention on Cluster Munitions, including a press conference, a drumming event, and a public debate on cluster munitions. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 22.

⁶⁵¹ Malawi, Convention on Cluster Munitions Article 7 Report, Form B to Form J [inclusive], 27 January 2011. The response in almost all forms consists of “N/A”, meaning that the information to be reported is “not applicable.”

⁶⁵² Statement of Mali, Convention on Cluster Munitions Intersessional Meeting, Session on Victim Assistance, Geneva, 28 June 2011. Notes by the CMC.

⁶⁵³ For details on Mali’s ratification, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), p. 86.

Mali participated actively in the Oslo Process that created the convention and advocated for a total ban on cluster munitions without exception and with immediate effect.⁶⁵⁴ Mali continued to show strong interest in the convention in 2010 and the first half of 2011. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it called on all countries that had not yet done so to join the convention “because unity makes us stronger” and urged the establishment of an international fund to assist affected countries with clearance and victim assistance obligations.⁶⁵⁵ It also made statements on transparency reporting and on the proposed program of work for 2011.

Mali also attended the convention’s first intersessional meetings in Geneva in June 2011, where it gave an update on national implementation measures and confirmed that it has no victims of cluster munitions.

On 18 April 2011, a parliamentary representative from Mali attended a briefing on the convention held during the 124th General Assembly of the Inter-Parliamentary Union in Panama City, Panama.

Mali has not made known its views on certain important issues regarding the interpretation and implementation of the convention, such as the prohibition on foreign stockpiling or transit of cluster munitions, the prohibition on investment in cluster munition production, or the retention of cluster munitions for research or training purposes. On the issue of the prohibition on assistance with acts prohibited under the convention during joint military operations with states not party (interoperability), during the negotiations Mali argued against the inclusion of provisions on interoperability, cautioning that they must not undermine the very purpose of the convention.⁶⁵⁶

The West African Journalists for Security and Development Network campaigns in support of the Convention on Cluster Munitions in Mali.⁶⁵⁷

Mali is a party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons (CCW) and CCW Protocol V on explosive remnants of war, but has not actively engaged in recent CCW deliberations on cluster munitions.

Use, production, transfer, and stockpiling

In November 2010, a government representative said, “We have no cluster munitions in Mali.”⁶⁵⁸ Mali is not known to have used, produced, transferred, or stockpiled cluster munitions.⁶⁵⁹

Malta

Policy

The Republic of Malta signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 24 September 2009. It was thus among the first 30 countries to trigger the convention’s entry into force on 1 August 2010.

Malta submitted its initial Convention on Cluster Munitions Article 7 report on 9 May 2011, for the period from 1 January 2010 to 31 December 2010. The report states that the legal framework necessary to implement the convention in Malta is provided through the National Interest Enabling Powers Act (Chapter 365) and the Military Equipment (Export Control) Regulations.⁶⁶⁰

Malta actively participated in the Oslo Process that created the convention and contributed to efforts to achieve the strongest possible text during the negotiations in Dublin in May 2008.⁶⁶¹

Malta participated in a conference on cluster munition stockpile destruction in Berlin in June 2009, but did not attend any meetings related to the convention in 2010 or the first half of 2011, such as the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. In April 2011, a Ministry of Foreign Affairs official said that Malta is considering its participation in the convention’s Second Meeting of States Parties to be held in Beirut, Lebanon in September 2011.⁶⁶²

⁶⁵⁴ For details on Mali’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 115–116.

⁶⁵⁵ Statement of Mali, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁶⁵⁶ Statement of Mali, Committee of the Whole on Article 1, Dublin Diplomatic Conference on Cluster Munitions, 27 May 2008. Notes by Landmine Action.

⁶⁵⁷ For example, to celebrate the 1 August 2010 entry into force of the convention, campaigners held a public drumming event in Bamako followed by a meeting with government representatives including the Minister of Foreign Affairs, Minister of Defence, Minister of Security, President of the National Security Commission, and President of the Parliament. CMC, “Entry into Force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 22.

⁶⁵⁸ Statement of Mali, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁶⁵⁹ Email from Amadou Maiga, West African Journalists for Security and Development Network, 19 July 2010.

⁶⁶⁰ Convention on Cluster Munitions Article 7 Report, Form A, 9 May 2011.

⁶⁶¹ For details on Malta’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 116–117.

⁶⁶² Email from Laura Sammut, Second Secretary, Directorate Multilateral and Global Issues, Ministry of Foreign Affairs, 8 April 2011.

Malta has provided its views on a number of important issues related to the interpretation and implementation of the convention. In March 2009, it stated, “Our understanding of the commitments arising out of the convention is that, as a party, we will not permit the transit of cluster munitions across, or foreign stockpiling of cluster munitions on, our national territory.”⁶⁶³ On investment, “With regard to investment in the production of cluster munitions, Malta interprets Article 1(b) of the Convention on Cluster Munitions as prohibiting this activity. Malta believes that the assistance prohibition under Article 1(c) of the Convention precludes financing and investment in corporations linked with the production of cluster munitions.”⁶⁶⁴

Malta has not yet made known its views on the prohibition on assistance during joint military operations with states not party that may use cluster munitions.

Malta is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Malta attended CCW deliberations on cluster munitions in 2010, but did not make any statements on the draft chair’s text.

In April 2010, Malta stated that a CCW protocol could allow states not in a position to join the Convention on Cluster Munitions to take a step in the right direction, but emphasized that any new CCW protocol should be complementary with the Convention on Cluster Munitions and make a significant contribution to addressing the humanitarian impact of cluster munitions.⁶⁶⁵ Malta reiterated this view in April 2011 and said it intends to continue to engage in the CCW deliberations on cluster munitions.⁶⁶⁶

Use, production, transfer, and stockpiling

Malta has stated that it has never used, produced, transferred, or stockpiled cluster munitions.⁶⁶⁷ This is confirmed in the Article 7 report.⁶⁶⁸

Cluster Munition Remnants

Malta had a small residual threat from cluster munition remnants left from World War II. In April 2011, Malta stated that “there are no areas in Malta which are contaminated by cluster munitions. From 2005 [...], only six World War II cluster munitions were found on Maltese territory[,] which were subsequently disposed of by the Ammo and Explosives Company.”⁶⁶⁹ In its Article 7 report, Malta said it has “no cluster munitions contaminated areas under its jurisdiction or control.”⁶⁷⁰

In October 2009, an 11-year-old boy found a German butterfly bomb on the island of Malta. Another such device claimed the life of a 41-year-old man in 1981.⁶⁷¹

Mexico

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Submitted initial Article 7 report

Policy

Mexico signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 6 May 2009. The convention entered into force for Mexico on 1 August 2010.

⁶⁶³ Letter from Amb. Saviour F. Borg, Permanent Mission of Malta to the UN in New York, 2 March 2009.

⁶⁶⁴ Email from Mariella Grech, Ministry of Foreign Affairs, to Handicap International (HI) France, 26 April 2010. This view was reiterated April 2011. Email from Laura Sammut, Ministry of Foreign Affairs, 8 April 2011.

⁶⁶⁵ Letter from Amb. Dr. Tonio Borg, Deputy Prime Minister and Minister of Foreign Affairs, 8 April 2010; and letter from Amb. Saviour F. Borg, Permanent Mission of Malta to the UN in New York, 2 March 2009.

⁶⁶⁶ Email from Laura Sammut, Ministry of Foreign Affairs, 8 April 2011.

⁶⁶⁷ Letter from Amb. Saviour F. Borg, Permanent Mission of Malta to the UN in New York, 2 March 2009.

⁶⁶⁸ Convention on Cluster Munitions Article 7 Report, Forms B-E, 9 May 2011.

⁶⁶⁹ Email from Laura Sammut, Ministry of Foreign Affairs, to HI Federation, 8 April 2011.

⁶⁷⁰ Convention on Cluster Munitions Article 7 Report, Form G, 9 May 2011.

⁶⁷¹ K.B. Coster, “Boy finds lethal WWII bomb in Qormi valley,” *Times of Malta.com*, 29 October 2009, www.timesofmalta.com.

In January 2011, Mexico submitted its first Convention on Cluster Munitions Article 7 report covering the seven-month period from 1 August 2010 to 27 February 2011.

Under national implementation measures, Mexico reported that, “In accordance with Article 133 of the Constitution of United Mexican States, the Convention on Cluster Munitions is supreme law of the Union.” Mexico explained that under the ratification decree published in the Federal Official Gazette on 30 July 2010, the provisions of the Convention took effect and was “mandatory” from 1 August 2010 onwards.⁶⁷²

Previously, in April 2010, Mexico had told the Monitor that, “an international treaty of which Mexico is party then becomes the supreme law of the land, and supersedes federal law.”⁶⁷³ Mexico also stated that, “since cluster munitions are weapons for exclusive military use, Mexican law forbids any activity involving the acquisition, possession, transfer, development or manufacturing of such weapons by private parties. Any violation in this regard would constitute a serious crime.”⁶⁷⁴

As a member of the core group of nations that steered the Oslo Process to its successful conclusion, Mexico played an active leadership role in securing the Convention on Cluster Munitions, including by hosting a regional meeting in Mexico City in April 2008.⁶⁷⁵

Mexico has continued to show strong interest in the convention. To celebrate entry into force of the convention, Mexico’s Ministry of Foreign Affairs convened an event together with civil society in Mexico City on 1 August 2010. At the event, Ambassador Pablo Macedo issued a strong call for the universalization of the convention especially by states from Latin America and the Caribbean. In June 2011, Mexico said that it had urged other states in Latin America as well as the Caribbean to join the convention.⁶⁷⁶

Mexico attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it chaired a session on victim assistance and made statements reaffirming its continued commitment to ensure universalization of the convention and urged all nations to join.⁶⁷⁷ Mexico also participated in intersessional meetings of the convention in Geneva in June 2011.

Issues of interpretation and implementation

In March 2009, Mexico offered its interpretation of several key provisions of the Convention on Cluster Munitions. Mexico believes that “both the transit and storage of cluster munitions is prohibited under any circumstances, unless these actions are performed for the purposes specifically stated in Article 3, paragraphs 6 and 7. This rule is also applicable in relations with States not Party to the Convention, as stated in Article 21.” It stated that, “investment for the production of cluster munitions is also prohibited by the Convention.”⁶⁷⁸

With respect to Article 21 and the issue of interoperability, Mexico stated that “even when a State Party does not itself engage in prohibited activities during a joint military operation with States not Party to the Convention, deliberately providing assistance for the execution of prohibited activities is not allowed.”⁶⁷⁹

During the Oslo Process, Mexico opposed the retention of cluster munitions for training or research purposes.⁶⁸⁰

Convention on Conventional Weapons

Mexico is party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war. Mexico has participated in, but been skeptical of the work on cluster munitions in the CCW. At the CCW Meeting of States Parties in November 2010, Mexico supported continued CCW deliberations on cluster munitions, but questioned the “time and resources devoted” when “we see no substantial change in countries’ positions.”⁶⁸¹ In April

⁶⁷² Mexico, Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

⁶⁷³ Letter SSMH-00433/10 from Amb. Juan Manuel Gómez Robledo, Under Secretary for Multilateral Affairs and Human Rights, Ministry of Foreign Affairs, 5 April 2010, with attached document “Implementation by Mexico of the Convention on Cluster Munitions, March 2010.” Translation provided by the Embassy of Mexico, Washington, DC. Similarly, a Foreign Ministry official told the Monitor in March 2010 that international agreements in Mexico are self-executing, and that upon entry into force, the convention becomes fully enforceable domestic law. The official also noted that the possibility of additional national implementation measures was being considered. Response to Monitor questionnaire by Edgar C. León, Head of Department, Department of Chemical, Biological, and Conventional Arms, General Directorate of UN, Ministry of Foreign Affairs, 19 March 2010.

⁶⁷⁴ Letter SSMH-00433/10 from Amb. Juan Manuel Gómez Robledo, Ministry of Foreign Affairs, 5 April 2010, with attached document “Implementation by Mexico of the Convention on Cluster Munitions, March 2010.”

⁶⁷⁵ For detail on Mexico’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 118–119.

⁶⁷⁶ Statement of Mexico, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011. Notes by the CMC.

⁶⁷⁷ Statement of Mexico, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁶⁷⁸ Letter from Amb. Juan Manuel Gómez Robledo, Ministry of Foreign Affairs, 4 March 2009. Translation by the Embassy of Mexico, Washington, DC.

⁶⁷⁹ Ibid.

⁶⁸⁰ Katherine Harrison, “Report on the Wellington Conference on Cluster Munitions, 18–22 February 2008,” Women’s International League for Peace and Freedom, March 2008, pp. 28–29.

⁶⁸¹ Statement of Mexico, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

2011, Mexico said that it was committed to ensuring that a CCW protocol on cluster munitions is compatible with the Convention on Cluster Munitions.⁶⁸²

In June 2011, Mexico described the draft chair’s CCW text on cluster munitions as “unacceptable” and “incompatible” with the Convention on Cluster Munitions as well as “plagued with exceptions.”⁶⁸³

Use, production, transfer, and stockpiling

Mexico “does not use, develop, produce, acquire, store, preserve, or transfer cluster munitions. Mexico has not engaged in the activities in the past.”⁶⁸⁴ This is confirmed in the Article 7 report, which also states that there is no information on the existence of cluster munitions on Mexican soil.⁶⁸⁵

Moldova

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Submitted initial Article 7 Report in January 2011

Policy

The Republic of Moldova signed the Convention on Cluster Munitions on 3 December 2008, ratified on 16 February 2010, and was thus among the first 30 ratifications to trigger the convention’s entry into force on 1 August 2010.

Moldova submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011.⁶⁸⁶

According to the report, there is no specific legislation related to the convention, but the Criminal Code “envisages penal sanctions for the storage, purchase, selling and use of weapons and ammunitions.”⁶⁸⁷ Previously, in March 2010, a Ministry of Foreign Affairs official indicated that Moldova believes existing laws are sufficient to sanction any violations of the convention.⁶⁸⁸

Moldova participated in the Oslo Process from February 2008 onwards.⁶⁸⁹ In 2010 and the first half of 2011, Moldova continued to engage with the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 where it announced that on 29 July 2010, two days before the entry into force of the convention, Moldova had completed the destruction of its entire stockpile of cluster munitions.⁶⁹⁰ It offered to share its knowledge and expertise on stockpile destruction with other countries.⁶⁹¹ Moldova did not participate in the convention’s first intersessional meetings held in Geneva in June 2011.

⁶⁸² Statement of Mexico, CCW Group of Governmental Experts, Geneva, 1 April 2011. Notes by AOAV.

⁶⁸³ CMC Side Event on the Convention on Conventional Weapons and Cluster Munitions, Geneva, 29 June 2011. Notes by the CMC.

⁶⁸⁴ Letter from Amb. Juan Manuel Gómez Robledo, Ministry of Foreign Affairs, 4 March 2009.

⁶⁸⁵ En virtud de las obligaciones previstas en la Convención y de conformidad con la política nacional en materia de armamento se informa que el Gobierno de México no emplea, desarrolla, produce, adquiere, almacena, conserva o transfiere municiones en racimo y no se tiene información sobre la existencia de dicho armamento en territorio mexicano. Mexico, Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

⁶⁸⁶ There is no reporting period for the report, which is described as “initial” and dated 27 January 2011.

⁶⁸⁷ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

⁶⁸⁸ Interview with Dorin Panfil, Head, NATO and Political-Military Cooperation Division, Ministry of Foreign Affairs and European Integration, 18 March 2010.

⁶⁸⁹ For details on Moldova’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 120–121.

⁶⁹⁰ Statement of Moldova, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010, notes by the CMC; and Statement of Moldova, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010, notes by the CMC.

⁶⁹¹ Statement of Moldova, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

At the UN General Assembly (UNGA) First Committee on Disarmament and International Security in October 2010, Moldova welcomed the entry into force of the convention on 1 August 2010.⁶⁹² At the First Meeting of States Parties, Moldova also made a statement on the importance of universalization of the convention as well as its compliance.⁶⁹³

Moldova has yet to make known its views on a number of issues important for the interpretation and implementation of the convention, such as the prohibitions on transit, foreign stockpiling, assistance with prohibited acts in joint military operations, and investment in cluster munition production.

On the issue of retention of cluster munitions for training and research purposes, Moldova has stated that “like Norway and others, Moldova does not believe live submunitions are necessary for training.”⁶⁹⁴ Moldova has also said that it will not acquire or retain any cluster munitions (see Stockpiling and destruction section below).⁶⁹⁵

Moldova is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Moldova has been supportive of CCW work on cluster munitions in the past, but has not actively engaged in CCW deliberations on cluster munitions in recent years.

Use, production, and transfer

In 2009 Moldova stated, “The Republic of Moldova has never produced, used, nor does it plan to use, stockpile or transfer cluster munitions.”⁶⁹⁶ In 2001, Moldova reported the transfer of 860 9M27K rockets to Guinea during the previous year.⁶⁹⁷

Moldovan authorities have stated that they have no information about possible use, transfer, or stockpiling of cluster munitions by the military forces of the breakaway region of Transnistria or by Russian military forces still stationed there.⁶⁹⁸ Moldovan authorities have repeatedly called for a fact-finding mission to be sent in Transnistria to gather information on stockpiled weapons and ensure their removal and destruction.⁶⁹⁹ In its Article 7 report, Moldova said that if cluster munitions were identified in the Transnistrian region, support and financial assistance could be needed to ensure implementation of Moldova’s stockpile destruction obligations under the convention.⁷⁰⁰

Stockpiling and destruction

Moldova has said that it “inherited a limited stockpile from the former Soviet Union.”⁷⁰¹ According to its Article 7 report, prior to its destruction, Moldova’s stockpile totaled 1,385 cluster munitions, containing 27,050 submunitions.⁷⁰² This includes 473 9M27K 220mm surface-to-surface rockets containing a total of 14,190 9N210 fragmentation submunitions destroyed by the Moldovan National Army in 2006.⁷⁰³

Moldova completed the destruction of stockpiled cluster munitions on 29 July 2010, two days before the convention’s entry into force.

When Moldova signed the convention in December 2008, it possessed 78 air-delivered cluster bombs produced by the Soviet Union from 1961–1987 and 834 152mm cluster munition artillery projectiles. After signature, Moldova marked and separated its cluster munitions from all other munitions types.⁷⁰⁴

In December 2009, Moldova signed a Memorandum of Understanding for the disposal of its air-dropped cluster bombs.⁷⁰⁵ The research and development phase of the project was completed on 19 December 2009, when 10 cluster bombs were dismantled, neutralized and parts of the submunitions were destroyed. The final phase of the project began

⁶⁹² Statement by Amb. Alexandru Cujba, Permanent Mission of the Republic of Moldova to the UN, UNGA First Committee, New York, 12 October 2010.

⁶⁹³ Statement of Moldova, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

⁶⁹⁴ Ibid.

⁶⁹⁵ Ibid.

⁶⁹⁶ Letter from the Permanent Mission of the Republic of Moldova to the UN in Geneva, 2 March 2009.

⁶⁹⁷ Submission of the Republic of Moldova, UN Register of Conventional Arms, Report for Calendar Year 2000, 30 May 2001. Moldova reported that it possessed 11 220mm Uragan Multiple Launch Rocket Systems (MLRS) in its UN Register of Conventional Arms, Report for Calendar Year 2002, 1 July 2003. Moldova also reported the transfer of 13 Uragan MLRS to Yemen in 1994 but it is not known if this included rockets containing submunitions. Submission of the Republic of Moldova, UN Register of Conventional Arms, Report for Calendar Year 1994, 28 April 1995.

⁶⁹⁸ Interview with Dorin Panfil, Ministry of Foreign Affairs and European Integration, 18 March 2010; letter from Col. Iurie Dominic, Chief ad-interim of General Staff, National Army, 17 March 2010; and Convention on Cluster Munition Article Report, Form B, 27 January 2011.

⁶⁹⁹ Statement by Amb. Alexandru Cujba, UNGA First Committee, New York, 12 October 2010.

⁷⁰⁰ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

⁷⁰¹ Letter from the Permanent Mission of the Republic of Moldova to the UN in Geneva, 2 March 2009.

⁷⁰² Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011. Previously, in June 2010, the stockpile prior to destruction was reported as comprising 1,385 cluster munitions containing a total of 27,330 submunitions, a difference of 280 submunitions. Presentation by NPA and the Ministry of Defense, “Concept and Current Activities in the Self-Help Project of Cluster Munitions Stockpile Destruction,” Zagreb, 8 February 2010; and email from Col. Andrei Sarban, Commander Logistic Command, Deputy Chief of the Main Staff, National Army, Ministry of Defense, 23 June 2010. See ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada: October 2010), p. 90–92.

⁷⁰³ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

⁷⁰⁴ Presentation by NPA and the Ministry of Defense, “Concept and Current Activities in the Self-Help Project of Cluster Munitions Stockpile Destruction,” Zagreb, 8 February 2010; and email from Col. Andrei Sarban, Ministry of Defense, 23 June 2010.

⁷⁰⁵ Ibid.

in May 2010 and continued through June 2010, resulting in the destruction of nearly 98% of the submunitions and empty canisters. The remaining munitions and submunitions were destroyed at a ceremony on 29 July 2010.⁷⁰⁶ Witnesses included diplomatic representatives as well as media and representatives of civil society from partner Norwegian People's Aid (NPA).⁷⁰⁷

In 2009, National Army engineers planned and developed another project to dismantle and destroy the stockpile of 3-O-13 152mm artillery projectiles. Throughout March and April 2010, 822 of the 834 projectiles were destroyed. The remaining 12 projectiles were destroyed on 29 July 2010.⁷⁰⁸

The stockpile destruction was carried out at the Bulboaca destruction site near Chisinau, using a combination of methods including dismantling, burning, and detonation. Moldova reported that “in order to reduce the impact on the environment, the explosive material was placed in specially arranged 2–3 meter deep pits. The standard of maximum allowable quantity of explosive materials for a safe explosion was also respected.”⁷⁰⁹

Moldova contributed MDL500,000 (US\$40,359) towards the destruction of its air delivered cluster bombs and MDL800,000 (\$64,575) towards the destruction of its artillery cluster munitions. International assistance was provided through the Organization for Security and Cooperation in Europe with funding from Spain (€60,885/\$80,740), Norway (€19,640/\$26,045), and NPA (€27,925/\$37,031).⁷¹⁰

Moldova has stated that it will not acquire or retain any live cluster munitions for training and research purposes.⁷¹¹ It has retained 19 submunitions that have been rendered free from explosives for training and display purposes.⁷¹²

Monaco

Policy

The Principality of Monaco signed the Convention on Cluster Munitions on 3 December 2008. Monaco deposited its instrument of ratification on 21 September 2010 during the annual UN Treaty Event in New York.⁷¹³ The convention entered into force for Monaco on 1 March 2011.

Monaco has not indicated if it will enact national measures, such as legislation, to enforce the convention.

Monaco's initial Convention on Cluster Munitions Article 7 report is due by 28 August 2011.

Monaco attended one meeting of the Oslo Process that created the convention (Vienna in December 2007), as well as the Oslo Signing Conference in December 2008. Monaco participated in the First Meeting of States Parties in Vientiane, Lao PDR in November 2010, but did not make a statement. It did not attend the convention's intersessional meetings in June 2011.

Monaco has yet to make known its views on a number of issues important for the interpretation and implementation of the convention including the prohibition on assistance with prohibited acts in joint military operations, the prohibitions on foreign stockpiling and transit of cluster munitions, and the prohibition on investment in cluster munition production.

Monaco is a State Party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war or actively participated in CCW discussions on cluster munitions.

Monaco is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

⁷⁰⁶ Ministry of Defense Press release, “Moldova has destroyed all cluster munitions in its arsenal,” 29 July 2010; Email from Lee Moroney, NPA, 17 August 2010.

⁷⁰⁷ Statement of Moldova, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2011, notes by the CMC; and CMC, “Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010,” November 2010.

⁷⁰⁸ Ministry of Defense Press release, “Moldova has destroyed all cluster munitions in its arsenal,” 29 July 2010; and email from Lee Moroney, NPA, 17 August 2010.

⁷⁰⁹ Convention on Cluster Muniton Article 7 Report, Form B, 27 January 2011.

⁷¹⁰ Convention on Cluster Muniton Article 7 Report, Form I, 27 January 2011. Average exchange rate for 2010: US\$1=MDL12.3887. Oanda, www.oanda.com; and average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

⁷¹¹ Statement of Moldova, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2011. Notes by the CMC.

⁷¹² Convention on Cluster Munitions Article 7 Report, Forms B and C, 27 January 2011.

⁷¹³ Franck Bianchéri, Counselor of the Government for External Relations and Economic and International Financial Affairs (Conseiller de Gouvernement pour les Relations Extérieures et pour les Affaires Economiques et Financières Internationales) deposited the instrument of ratification.

Montenegro

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Completed stockpile destruction on 5 October 2010 and submitted initial Article 7 report in January 2011

Policy

The Republic of Montenegro signed the Convention on Cluster Munitions on 3 December 2008 and ratified 25 January 2010. It was thus among the first 30 ratifications that triggered the convention's entry into force on 1 August 2010.

Montenegro submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011, covering the period from 1 August 2010 to 27 January 2011. According to the report, Montenegro considers existing national legislation as sufficient to implement the convention and notes that after ratifying, the convention "became an integral part of the criminal legislation of Montenegro."⁷¹⁴ Previously, in April 2010, the Ministry of Foreign Affairs said that Article 9 of the country's constitution stipulates that ratified and announced international treaties and generally accepted rules of international law are an "integral part of the domestic legislation, and have supremacy over domestic legislation and are directly implemented when dealing with issues differently than domestic legislation." The ministry also cited two articles from the Statute Book of Montenegro as relevant to implementation of the convention.⁷¹⁵

Montenegro participated actively in the Oslo Process that led to the creation of the convention.⁷¹⁶ Since 2008, it has continued to engage strongly in the work of the convention. Montenegro attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as well as intersessional meetings held in Geneva in June 2011.

Montenegro attended the Special Event on the Convention on Cluster Munitions at the UN in New York on 19 October 2010, where it announced the completion of its destruction of its entire stockpile of cluster munitions on 5 October 2010 and offered to share its experience and expertise gained in implementing this provision of the convention.⁷¹⁷

At the First Meeting of States Parties, Montenegro also confirmed completion of its stockpile destruction and stated that its Minister of Foreign Affairs had written to UN Secretary General Ban Ki-moon to inform him that "Montenegro has done her part in destroying cluster munitions" and was now free from the weapon.⁷¹⁸

Montenegro has expressed its views on a number of important issues relating to the interpretation and implementation of the convention. On the issue of the prohibition on assistance with prohibited acts in joint military operations with states not party, Montenegro has elaborated its understanding that "the participation in the planning or conducting of operations, exercises or any other military activities by the armed forces of Montenegro, or by any of its nationals, if carried out in conjunction with armed forces of the non-State Parties to the Convention on Cluster Munitions, which engage in activities prohibited under the Convention, does not in any way imply an assistance, encouragement or inducement as referred to in subparagraph 1(c) of the Convention."⁷¹⁹ Montenegro has also stated that it "does not intend to invest in the production of cluster munitions."⁷²⁰

⁷¹⁴ Convention on Cluster Munition Article 7 Report, Form A, 27 January 2011.

⁷¹⁵ Article 432 ("Use of unlawful means of combat") and Article 433 ("Illegal production of weapons forbidden to be used"), both of which contain penal sanctions. Response to Monitor questionnaire by Maja Boskovic, Ministry of Foreign Affairs, 16 April 2010.

⁷¹⁶ For detail on Montenegro's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 121–122.

⁷¹⁷ CMC, "Special Event on the Convention on Cluster Munitions, 19 October 2010," undated.

⁷¹⁸ Statement by Montenegro, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, Lao PDR, 11 November 2010. Notes by the CMC.

⁷¹⁹ Letter from Ambassador Milorad Šćepanović, Permanent Representative of Montenegro to the UN in New York, on behalf of the Ministry of Foreign Affairs and European Integrations, Podgorica, to Mary Wareham, Senior Advisor, Arms Division, Human Rights Watch, 4 May 2011, no. 0715-42/3-2. The Ministry of Foreign Affairs expressed this view previously to the Monitor in April 2010, stating that "participation in planning or implementation of operations, exercise or other military activities by the armed forces of Monte Negro, performed in joint actions with armed forces of states not parties to the CCM, undertaking in activities prohibited by the CCM, are by itself not assistance, encouragement or initiative [sic] in accordance with Article 1, par (c) of the Convention." Response to Monitor questionnaire by Maja Boskovic, Ministry of Foreign Affairs, 16 April 2010.

⁷²⁰ Letter from Ambassador Milorad Šćepanović, Permanent Mission of Montenegro to the UN in New York, on behalf of the Ministry of Foreign Affairs and European Integrations, Podgorica, to Mary Wareham, Human Rights Watch 4 May 2011, no. 0715-42/3-2.

Montenegro is a party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war or actively engaged in CCW discussions on cluster munitions in 2010 and the first half of 2011.

Use, production, transfer, and stockpiling

Montenegro is not known to have used, produced, or exported cluster munitions; but it inherited a stockpile of 353 BL-755 cluster bombs upon the dissolution of the State of Serbia and Montenegro.⁷²¹ In its Article 7 report, Montenegro confirmed that there were no cluster munition production facilities in Montenegro.⁷²²

On 5 October 2010, Montenegro completed the destruction of its entire stockpile of cluster munitions. By 31 July 2010, 84 BL755 cluster munitions, containing 12,348 submunitions (1 MK1 type) were destroyed at a facility in Prage, near the town of Nikšić. The remaining 269 BL-755 cluster munitions, containing 39,543 1 MK1 submunitions were destroyed from 21 July 2010 to 5 October 2010, at Latično Golija, also near Nikšić.⁷²³

Montenegro destroyed its stockpile of cluster munitions as part of a technical agreement with the United States (US) for the disposal of surplus weapons and ammunition.⁷²⁴ To carry out the program, the US State Department hired the company “ArmorGroup North America, Inc” and a United Kingdom (UK) company “Explosive and Ordnance Demilitarisation Solutions, Ltd,” who in turn appointed the company “Booster” from Nikšić as their subcontractor.⁷²⁵

In 2009, the three companies worked on the “delaboration” or dismantling of cluster bombs, wherein submunitions were removed from their parent bombs and placed in separate cases. After dismantling 84 cluster bombs, each containing 147 submunitions, a total of 12,348 submunitions were destroyed by detonation (explosion) at the Trubjela facility in Prage on 2–30 November 2009. The destruction was carried out by the Ministry of Defense, in cooperation with “Explosive and Ordnance Demilitarisation Solutions Ltd.”⁷²⁶

In 2010, the US State Department hired a new contractor, the company “Sterling International,” which subcontracted the “Booster” company from Nikšić. From 21 July to 5 October 2010, these companies completed destruction of the remaining 269 cluster bombs at the Latično training ground. Demolition experts partially dismantled the bombs by removing their shells and stabilizers.⁷²⁷ A total of 39,543 submunitions were then destroyed by open detonation using plastic explosives.⁷²⁸

According to Montenegro’s Article 7 report, the soil at the explosion sites was examined before and after explosions by the Center for Ecological and Toxicological Research of Montenegro and found to have no pollution.⁷²⁹

According to the Article 7 report, Montenegro has not retained any cluster munitions for training and research purposes.⁷³⁰ Previously, in April 2010, the Ministry of Foreign Affairs said that Montenegro had no intentions to retain any cluster munitions.⁷³¹

Cluster Munition Remnants

Contamination includes cluster munition remnants left after NATO air strikes on Serbian and Montenegrin military positions in 1999. The residual problem consists of unexploded BLU-97 submunitions, mainly located on and around Golubovci airfield, near the capital Podgorica. Contamination, which is estimated to cover 250,000m²,⁷³² is said to affect four villages around the airport.⁷³³ Two unexploded submunitions were destroyed during explosive ordnance disposal (EOD) response in 2010.

⁷²¹ During the Berlin Conference on the Destruction of Cluster Munitions, Montenegro confirmed that it had 353 BL-755 CBU in its stockpiles from the former Yugoslav People’s Army. Statement of Montenegro, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. See also, South Eastern and Eastern Europe Clearinghouse for Control of Small Arms and Light Weapons, “Ammunition Technical Assessment of Montenegro (First Edition),” 4 March 2007, p. 39. The BL-755 cluster bombs were produced by the United Kingdom.

⁷²² Convention on Cluster Munition Article 7 Report, Form E, 27 January 2011.

⁷²³ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011; email from Stanica Andjic, Department of Multilateral Affairs, Ministry of Foreign Affairs and European Integration, 1 April 2011 and 6 May 2011; letter from Ambassador Milorad Šćepanović, Permanent Mission of Montenegro to the UN in New York, on behalf of the Ministry of Foreign Affairs and European Integrations, Podgorica, to Mary Wareham, Human Rights Watch 4 May 2011, no. 0715-42/3-2.

⁷²⁴ Statement of Montenegro, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

⁷²⁵ Email from Stanica Andjic, Department of Multilateral Affairs, Ministry of Foreign Affairs and European Integration, 1 April 2011.

⁷²⁶ Ibid.; and 6 May 2011; and Convention on Cluster Munitions, Article 7 Report, Form B, 27 January 2011.

⁷²⁷ Emails from Stanica Andjic, Department of Multilateral Affairs, Ministry of Foreign Affairs and European Integration, 1 April 2011 and 6 May 2011.

⁷²⁸ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011; and email from Stanica Andjic, Department of Multilateral Affairs, Ministry of Foreign Affairs and European Integration, 1 April 2011.

⁷²⁹ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

⁷³⁰ Convention on Cluster Munition Article 7 Report, Form C, 27 January 2011.

⁷³¹ Response to Monitor questionnaire by Maja Boskovic, Ministry of Foreign Affairs, 16 April 2010.

⁷³² “Field of Golubovac, Reconnaissance, Survey, and Removal of Cluster Bombs, Estimated Expenses,” Podgorica, 21 February 2009, received by email from Veselin Mijajlovic, RUCD, 26 March 2009.

⁷³³ Interview with Borislav Miskovic, Head of EOD team, Montenegrin Police Force, Podgorica, 16 March 2008.

In its Article 7 report, Montenegro affirmed that, “according to our data there are no contaminated areas in Montenegro.”⁷³⁴ In July 2011, however, the Director of the Regional Centre for Divers’ Training and Underwater Demining (RCUD) confirmed that unexploded submunitions had been found in the area, most recently in 2007 during EOD response after two cows were injured.⁷³⁵

A technical survey of the area was planned to start in 2007, but was postponed to 2009;⁷³⁶ in June 2011 RCUD said that the plan still had not attracted donor support.⁷³⁷ In 2009, officials said that cultivated land in the area had been cleared and was safe for use, but noted that the edges of the land had not been cleared and might still pose a threat to the population.⁷³⁸ In July 2011, RCUD stated that no general survey was ever conducted in the area and affirmed that clearance had not been in accordance with humanitarian standards.⁷³⁹

Clearance of cluster munition contaminated area

Montenegro did not report any clearance of cluster munition contaminated area in 2010,⁷⁴⁰ although two unexploded submunitions were destroyed during an EOD response.⁷⁴¹

Compliance with Article 4 of the Convention on Cluster Munitions

Under Article 4 of the Convention on Cluster Munitions, Montenegro is required to complete clearance of all areas affected by cluster munition remnants under its jurisdiction or control by 1 August 2020. As a first step, it should acknowledge that it may be affected by cluster munition remnants and actively seek support, if needed, to conduct the necessary survey and clearance as soon as possible.

Cluster munition casualties

No casualties from cluster munition remnants were identified in Montenegro in 2010. Between 1999 and 2000 there were at least eight cluster munitions casualties: four casualties during cluster munition strikes and another four casualties from unexploded submunitions.⁷⁴² However Montenegro’s initial Article 7 report stated “In Montenegro there are no cluster munition victims.”⁷⁴³

Mozambique

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 September 2011
Participation in Convention on Cluster Munitions meetings	Participated in First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified on 14 March 2011

Policy

The Republic of Mozambique signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 14 March 2011. The convention entered into force for Mozambique on 1 September 2011.

⁷³⁴ Convention on Cluster Munitions Article 7 Report, Form F, 27 January 2011.

⁷³⁵ Telephone interviews with Veselin Mijajlovic, RCUD, 19 and 25 July 2011.

⁷³⁶ Telephone interviews with Veselin Mijajlovic, RCUD, 17 June and 19 July 2011; interviews with Veselin Mijajlovic, RCUD, Podgorica, 16 March 2008; and interview with Borislav Miskovic, Montenegro Police Force, Podgorica, 16 March 2008.

⁷³⁷ Telephone interviews with Veselin Mijajlovic, RCUD, 17 June and 19 July 2011.

⁷³⁸ Interview with Veselin Mijajlovic, RCUD, Podgorica, 18 February 2009; and telephone interview with Borislav Miskovic, Montenegrin Police Force, 18 February 2009.

⁷³⁹ Telephone interview with Veselin Mijajlovic, RCUD, 25 July 2011.

⁷⁴⁰ Telephone interview with Veselin Mijajlovic, RCUD, 17 June 2011.

⁷⁴¹ Email from Nemanja Djurovic, Information Department, Ministry of Internal Affairs, 22 June 2011; and telephone interview with Zoran Begovic, Assistant to the Minister, Ministry of Interior Affairs and Public Administration, 21 June 2011.

⁷⁴² *Yellow Killers: The Impact of Cluster Munitions in Serbia and Montenegro*, (Norwegian People’s Aid: Oslo, February 2007), p. 32.

⁷⁴³ Convention on Cluster Munitions Article 7 Report, Form H, 27 January 2011.

In November 2010, Mozambique announced that the convention was in the “advanced stage of ratification” and said that its cabinet was preparing to submit the ratification request to parliament for approval.⁷⁴⁴

The government intends to review all relevant laws and regulations to see if the convention can be accommodated or if new implementing legislation is required.⁷⁴⁵

Mozambique’s initial Convention on Cluster Munitions Article 7 report is due by 28 February 2012 and officials confirmed in June 2011 that the report is being prepared.⁷⁴⁶

Mozambique was one of just three African states that attended the launch in February 2007 of the Oslo Process that produced the Convention on Cluster Munitions. It participated actively throughout the Oslo Process and was a strong advocate for a comprehensive ban without exceptions, as well as victim assistance and international cooperation and assistance.⁷⁴⁷

Mozambique has continued to actively engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it gave an update on the status of ratification and said, “our motto should always be to accelerate progress and fully implement the provisions of the convention.”⁷⁴⁸

Mozambique also attended the convention’s first intersessional meetings in Geneva in June 2011, where it made a statement indicating that it will require international assistance to complete clearance and destruction of cluster munition remnants and committed to report on progress in this work.⁷⁴⁹

Campaigners in Mozambique have undertaken several activities in support of the Convention on Cluster Munitions.⁷⁵⁰

Mozambique is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

Mozambique has not used, produced, or stockpiled cluster munitions; and it is not believed to have transferred them. In June 2011, a government representative stated that Mozambique is not a producer of cluster munitions and said, “we never had the capacity to produce.” The representative also confirmed that Mozambique “never used cluster munitions” and has no stockpile of cluster munitions.⁷⁵¹

Cluster Munition Remnants

Cluster munitions were used in Mozambique by the former apartheid regimes of South Africa and Rhodesia, although a Mozambique official told the Monitor in June 2011 that the use was “not widespread” and consisted of only “a few instances.”⁷⁵²

It is not known to what extent Mozambique is contaminated with cluster munition remnants. The National Institute for Demining (Instituto Nacional de Desminagem, IND) database contains no specific information about the extent of the problem as unexploded submunitions are not distinguished from other unexploded ordnance. The IND has stated that submunitions have been found in some locations over the years, but its records are incomplete.⁷⁵³ The IND does not consider cluster munition contamination to be “a significant problem” and states that it “can be managed under the current operations.”⁷⁵⁴

In 2010, APOPO reported finding one cluster munition containing 150 submunitions in Gaza province.⁷⁵⁵

⁷⁴⁴ Statement of Mozambique, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 12 November 2010. Notes by the CMC.

⁷⁴⁵ Interview with Isabel Massango, Head of Department of National Demining Institute, Ministry of Foreign Affairs and Cooperation, Geneva, 27 June 2011.

⁷⁴⁶ Ibid.

⁷⁴⁷ For detail on Mozambique’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 122–123.

⁷⁴⁸ Statement of Mozambique, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁷⁴⁹ Statement of Mozambique, Convention on Cluster Munitions Intersessional Meeting, Session on Compliance, Geneva, 29 June 2011, www.clusterconvention.org.

⁷⁵⁰ To celebrate the convention’s 1 August 2010 entry into force, campaigners in Mozambique organized football matches, sent letters to the government urging swift ratification, and conducted media outreach. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 23.

⁷⁵¹ Interview with Isabel Massango, Ministry of Foreign Affairs and Cooperation, Geneva, 27 June 2011.

⁷⁵² Ibid.

⁷⁵³ Interview with Mila Massango, Head, International Relations Department, IND, Geneva, 22 June 2010.

⁷⁵⁴ Interview with Isabel Massango, Ministry of Foreign Affairs and Cooperation, Geneva, 27 June 2011.

⁷⁵⁵ Response to Monitor questionnaire by Andrew Sully, Programme Manager, APOPO, 3 May 2011.

Netherlands

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of State Parties in Vientiane, Lao PDR in November 2010 and intersessional meeting in Geneva in June 2011
Key developments	Ratified on 23 February 2011, stockpile destruction is ongoing

Policy

The Kingdom of the Netherlands signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 23 February 2011. The convention entered into force for the Netherlands on 1 August 2011.

On 1 July 2010, the Lower House of Parliament unanimously voted in favor of ratification of the convention.⁷⁵⁶ The Senate approved ratification on 18 January 2011.⁷⁵⁷ The Netherlands deposited the instrument of ratification of the convention on 23 February 2011.⁷⁵⁸

In March 2010, the government said that specific legislation to implement the convention is not required.⁷⁵⁹

The Netherlands' initial Convention on Cluster Munitions Article 7 report is due by 28 January 2012.

The Netherlands actively participated in the Oslo Process that created the convention and its position shifted significantly to support a comprehensive ban on cluster munitions, in part due to a motion by the Lower House of Parliament on 22 May 2008.⁷⁶⁰ The Netherlands continued to engage with the work of the convention in 2010 and the first half of 2011. It attended the First Meeting of State Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011, but did not make any statements at either meeting.⁷⁶¹

In a January 2011 letter to Parliament following the First Meeting of States Parties, the Minister of Foreign Affairs, Uri Rosenthal, noted the significance of the convention's Vientiane Declaration and emphasized the importance of conscientious adherence to ensure implementation of the Vientiane Action Plan.⁷⁶²

During the January 2011 parliamentary debate on ratification of the convention, the Minister of Foreign Affairs reiterated the government's commitment to universalization of the convention and also stated that in its communication with Russian authorities the Netherlands continues to seek accountability and investigation into the death of Dutch journalist Stan Storimans, who was killed by a Russian cluster munition strike in Georgia in August 2008.⁷⁶³

⁷⁵⁶ Summary of the plenary debate on the "Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin," 30 June 2010. For the record of the debate on 30 June 2010, and of the vote in parliament on the ratification on 1 July 2010.

⁷⁵⁷ Summary of the plenary debate on the "Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May in Dublin," 18 January 2011. For the record of the debate on 18 January 2011.

⁷⁵⁸ The ratification instrument was deposited on behalf of the European part of the Netherlands and for the Caribbean part of the Netherlands (the islands of Bonaire, St. Eustatius, and Saba). Separate ratification legislation is required for Aruba, Curacao, and Sint Maarten (Saint Martin). Maxime Verhagen, Minister of Foreign Affairs, and Eimert Middelkoop, Minister of Defense, "Explanatory Note to the Approval of the Convention on Cluster Munitions (Treaty Series 2009, 45) effected on 30 May 2008," 23 October 2009.

⁷⁵⁹ The government has stated, "It is not necessary for the Netherlands to have implementation legislation since the convention can be directly applied." See Maxime Verhagen and Eimert van Middelkoop, "Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report," 5 March 2010.

⁷⁶⁰ For more details on the Netherlands' cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 124–129.

⁷⁶¹ While the Netherlands did not make a national statement at the First Meeting of State Parties, it associated itself with the European Union statement at the meeting, particularly the importance of universalization. Uri Rosenthal, Minister of Foreign Affairs, "Progress on the Convention on Cluster Munitions," Parliamentary letter to the Speaker of the House of Commons, Reference 32187-(R1902) no. 12, 10 January 2011, zoek.officielebekendmakingen.nl.

⁷⁶² Uri Rosenthal, Minister of Foreign Affairs, "Progress on the Convention on Cluster Munitions," Parliamentary letter to the Speaker of the House of Commons, Reference 32187-(R1902) no. 12, 10 January 2011, zoek.officielebekendmakingen.nl.

⁷⁶³ Summary of the plenary debate on the "Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May in Dublin," 18 January 2011. For the record of the debate on 18 January 2011, see zoek.officielebekendmakingen.nl.

The Netherlands played a strong role in securing the April 2011 statement by the European Union condemning the use of cluster munitions in Libya by Gaddafi forces.⁷⁶⁴ On 29 June 2011, a Green Member of Parliament asked the Ministers of Foreign Affairs and Defense for information on the transfer of cluster munitions from Spain to Libya and their use by Gaddafi forces, and also sought guarantees that cluster munitions would not be used by NATO allies or by any other country involved in the Libya operation.⁷⁶⁵

Interpretative issues

The Netherlands has expressed its views on a number of issues important to the interpretation and implementation of the convention, including the transit and foreign stockpiling of cluster munitions, the prohibition on assistance with prohibited acts in joint military operations, the prohibition on investment in cluster munition production, and the retention of cluster munitions for training or research purposes.

In 2009 and 2010, the Ministry of Foreign Affairs stated its view that “the transit across Dutch territory of cluster munitions that remain the property of the third party in question is not prohibited under the Convention.”⁷⁶⁶ In March 2010, the Ministers of Foreign Affairs and Defense told Parliament that the convention “does not contain a ban on transit, but only on transfer.... [the] treaty determines specifically that transfer refers to both physical movement as well as transfer of ownership. Transit is only physical movement, not transfer of ownership. Transit of cluster munitions over Dutch territory that remains property of allies are not subject to the provisions of the convention.”⁷⁶⁷ In a November 2010 memorandum to the Senate, Minister of Foreign Affairs Rosenthal and Minister of Defense Hillen reiterated this interpretation.⁷⁶⁸

On 18 January 2011, Minister of Foreign Affairs Rosenthal stated, however, that the Netherlands “in principle” would not allow for the transit of cluster munitions through its territory.⁷⁶⁹ When asked for further clarification, Secretary of State of Economic Affairs, Agriculture and Innovation Bleker explained in a letter to the Senate that the Dutch government will not prohibit transit, but will in principle refuse to give a permit for transit of cluster munitions through Dutch territory, unless existing alliance agreements prevent the declining of such permission.⁷⁷⁰ On 22 March 2011, the State Secretary repeated his support for a de facto prohibition on transit but “with one exception, namely for the transit of cluster munitions of an ally as internal military transport through Dutch territory.” The State Secretary pledged to strengthen the monitoring of transit and to conduct an evaluation after two years, if after which it turned out that there was no de facto prohibition in practice, the enactment of legally-binding measures prohibiting transit would be considered.⁷⁷¹

On 2 May 2011, the Minister of Foreign Affairs informed Parliament that while a de facto prohibition on transit existed, an exception would be made specifically for NATO allies based on the obligations of the NATO Status of Forces Agreement and its codification in the national transport regulation of strategic goods. On the question of whether or not the obligation to allow NATO allies to transit their own material through Dutch territory conflicted with the prohibition

⁷⁶⁴ IKV Pax Christi meeting with Pieter van Donkersgoed, Deputy Permanent Representative of the Netherlands Mission to the Conference on Disarmament, Convention on Cluster Munitions intersessional meeting, Geneva, 29 June 2011. See EU Declaration by HR Ashton on the reported use of cluster munitions in Libya, 29 April 2011, www.europa-eu-un.org.

⁷⁶⁵ “Parliamentary Questions submitted by El Fassed (Green) to the Ministers of Foreign Affairs and Defence on the export of cluster munitions and use in Libya,” submitted 29 June 2011, zoek.officielebekendmakingen.nl.

⁷⁶⁶ Letter from Henk Swartouw, Ministry of Foreign Affairs, 26 February 2009. In June 2010, the Minister of Foreign Affairs reiterated that the convention prohibits the transfer of cluster munitions, but not the “transit” of cluster munitions across the territory of States Parties, due to the necessity of balancing States Parties’ treaty obligations with alliance obligations during military operations with states not party. In Parliamentary debate on the passage of the implementation bill in June 2010, the Minister of Foreign Affairs further stated that if an ally transported cluster munitions over Dutch territory, as long as the cluster munitions remained in the ownership of that ally, the activity would not be prohibited by the convention. The Minister added that due to the immunity of NATO’s armed forces, Dutch national or local law would not have jurisdiction. He argued that a Dutch prohibition on transit would not be enforceable on its allies and would violate alliance agreements under the NATO framework. The Minister added, however, that the Netherlands would communicate to its allies that the Netherlands would not appreciate the transit of cluster munitions across its territory. The Minister rejected a proposal for issuing transit licenses or permits, based on “reasonable doubt” for NATO allies who are not party to the convention. However, in the case of states not party with whom no other treaty obligations exist, it could be possible that the Netherlands would prohibit the transit of cluster munitions. Summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin,” 30 June 2010.

⁷⁶⁷ Maxime Verhagen and Eimert van Middelkoop, “Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report,” 5 March 2010.

⁷⁶⁸ Uri Rosenthal, Minister of Foreign Affairs, and Hans Hillen, Minister of Defense, “Memorandum of Reply to the Approval of the Convention on Cluster Munitions (Treaty Series 2009, 45) effected on 30 May 2008,” 30 November 2010.

⁷⁶⁹ Summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May in Dublin,” 18 January 2011. For the record of the debate on 18 January 2011.

⁷⁷⁰ Hank Bleker, State Secretary of Economic Affairs, Agriculture and Innovation, “Letter regarding the response to the transit motion that was presented about a total prohibition on the transit of cluster munitions,” Parliamentary letter to the Speaker of the Senate, Reference 32187- (R1902), No. 1, 31 January 2011.

⁷⁷¹ The State Secretary referred to obligations that stem from Articles 11, 12, and 13 of the NATO Status of Forces Agreement and Article 3 of the transport regulation of strategic goods. The State Secretary stated this exception would only apply to NATO allies. Summary of the plenary debate on “The Haubrich-Gooskens motion regarding a prohibition on investments in producers of cluster munitions, 32187- (R1902), letter F)” and “The Haubrich-Gooskens motion regarding the reassessment of the government’s position on the transit of cluster munitions through Dutch territory 32187- (R1902), letter G,” 22 March 2011.

on transfer in the Convention on Cluster Munitions, the Minister stated that this is not the case, as transit is not explicitly forbidden by the Convention.⁷⁷²

In response, the Senate's Committee on Foreign Affairs, Defense and Development wrote on 8 June 2011 that the Minister had sufficiently clarified the hierarchy between the Convention on Cluster Munitions and the NATO Status of Forces Agreement and the national transport regulation of strategic goods. The Senate Committee emphasized the Netherlands's broader commitment and policy to make known through diplomatic channels that the Netherlands does not "appreciate" the transport of cluster munitions through Dutch territory by NATO allies.⁷⁷³

In March 2010, Minister of Defense Van Middelkoop and Minister of Foreign Affairs Verhagen stated that they do not consider the storage of cluster munitions by states not party on the territory of States Parties to be prohibited under the convention, provided that the cluster munitions remain under the ownership of the state not party. They noted that no cluster munitions owned by a third party are stored on the territory of the Netherlands.⁷⁷⁴

On the issue of the prohibition on assistance with prohibited acts during joint military operations (interoperability), the Ministry of Foreign Affairs has stated that States Parties should encourage others to accede to the convention and "try to discourage them from using cluster munitions." However, "military cooperation with States not Party is still permitted, including operations where the use of cluster munitions cannot be ruled out."⁷⁷⁵ The ministers of foreign affairs and defense informed Parliament in March 2010 that, in accordance with its obligations under the convention, the Netherlands would urge military partners from states not party to the convention not to use cluster munitions. In situations during joint military operations with states not party where the rules of engagement permit the use of cluster munitions, certain national reservations or "caveats" would be made by the Dutch government.⁷⁷⁶ In June 2010, the Minister of Defense stated that these "caveats" would be presented to Parliament for confidential inspection in the case that the Netherlands would be sending troops.⁷⁷⁷

Disinvestment

From 2008–2010, the Ministry of Foreign Affairs stated on many occasions that investments in the production of cluster munitions run counter to the spirit of, but are not banned by, the convention.⁷⁷⁸ It also said that the convention cannot be applied to private institutions or persons and that an additional law banning investments in cluster munitions is not deemed necessary.⁷⁷⁹ This policy has evolved in 2011.

A motion that called on the Dutch government to prohibit investments in cluster munitions was adopted by Parliament on 8 December 2009.⁷⁸⁰ However, on 31 March 2010, the Minister of Finance decided not to carry out the motion, later offering the explanation⁷⁸¹ that the convention applies only to States Parties and not to individuals or private institutions.⁷⁸²

⁷⁷² Uri Rosenthal, Minister of Foreign Affairs, "Parliamentary letter regarding the relation between the obligations of the Convention on Cluster Munitions and the NATO Status of Forces agreement and the national transport regulation of strategic goods of strategic goods with regard to the transit of cluster munitions," Parliamentary letter, Reference: 32187-(R1902) K, 2 May 2011.

⁷⁷³ Letter from the Senate Committee on Foreign Affairs, Defense, and Development to Uri Rosenthal, Reference 147812.07u, 8 June 2011, www.eerstekamer.nl.

⁷⁷⁴ Maxime Verhagen and Eimert van Middelkoop, "Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report," 5 March 2010, zoek.officielebekendmakingen.nl.

⁷⁷⁵ Letter from Henk Swarttouw, Ministry of Foreign Affairs, to Stephen Goose, Director, Arms Division, Human Rights Watch, 26 February 2009.

⁷⁷⁶ Maxime Verhagen and Eimert van Middelkoop, Minister of Defense, "Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report," 5 March 2010, zoek.officielebekendmakingen.nl. The Ministers further elaborated on the relation between Article 1c and Article 21: "Art 21, 3d paragraph, is an exception to article 1 and the 4th paragraph of art 21 is an exception to the 3d paragraph of art 21. Art 21 3d paragraph prevails above art 1, as long as it meets the criteria as laid out in the 4d paragraph. ... Art 21 3d paragraph is an exception to art 1, which does not free a state party from the obligation to abide with the core of the treaty."

⁷⁷⁷ Summary of the plenary debate on the "Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin," 30 June 2010.

⁷⁷⁸ Lower House, "General Affairs and External Relations, List of Questions and Answers," 21501-02, No. 846, 2007–2008 Session, 8 September 2008, citing letter from Maxime Verhagen to the Standing Committees on Foreign Affairs and Defense 3 September 2008, zoek.officielebekendmakingen.nl; and letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009. For more information, see: ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 168–169.

⁷⁷⁹ Lower House, "General Affairs and External Relations, List of Questions and Answers," 21501-02, No. 846, 2007–2008 Session, 8 September 2008, citing letter from Maxime Verhagen to the Standing Committees on Foreign Affairs and Defense 3 September 2008, zoek.officielebekendmakingen.nl.

⁷⁸⁰ Motion by Van Velzen (Socialist Party)/ Van Dam (Labor Party), adopted on 8 December 2009, Reference: Kamerstuk 22 054, No. 150.

⁷⁸¹ Parliamentary letter, Reference: FM/2010/3898 M, from J.C. de Jager, Minister of Finance, and J.P.H. Donner, Minister of Social Affairs and Employment, "Government position on the motion regarding cluster munitions," to the Speaker of the Lower House of Parliament, 31 March 2010, www.minfin.nl. In his refusal, the Minister of Finance stated that taking into account the caretaker status of the government at the time of his decision, he would leave open the possibility for the next government to reconsider the decision.

⁷⁸² "Therefore, the Convention does not prohibit financial institutions to invest in arms industries, nor does it oblige state parties to impose such a prohibition to these institutions." The Ministry stated that the Dutch government would "encourage transparency in companies' governance policies," noting that a majority of Dutch financial institutions had already taken steps to prevent investments in controversial arms producers. The ministry concluded that "against this background the question rises what added value a prohibition would provide and if it would not be counterproductive to the purpose." Letter from Maarten Wammes, Ministry of Foreign Affairs, 20 May 2010.

On 22 September 2010, a parliamentary debate was held on the government's refusal to carry out the motion on prohibiting investments.⁷⁸³ During the debate, the Minister of Social Affairs and Employment repeated the government's position that a legal prohibition on investment would run counter to efforts by financial institutions to increase transparency in light of the corporate social responsibility (CSR) regime.⁷⁸⁴ On 30 November 2010, the ministers of foreign affairs and defense reaffirmed the government's position that creating legislation would be counterproductive and its enforcement nearly impossible.⁷⁸⁵

On 18 January 2011, during discussions on the ratification of the convention, members of the Dutch Senate asked for the reexamination of possibilities to prohibit investments in cluster munitions. On 28 January 2011, the Minister of Finance replied to the Senate that the Dutch government would be willing to consider this if it could play "a facilitating role in the establishment of an agreement between financial institutions and pension funds," which "could take the form of a letter of intent to exclude all direct investment in cluster munitions." The Minister stated that with the establishment of voluntary guidelines to ban direct investments, "the responsibility is placed there where it primarily belongs, namely with the financial institutions themselves."⁷⁸⁶ A majority of the Senate was not convinced and requested further clarification. On 21 March 2011, the Minister of Finance reiterated the government's position against a legislative ban on investments and stated its intent to establish within one year a "covenant" under which financial institutions and pensions funds would declare their intention to exclude direct investment in cluster munition production, in addition to transparency policies. The Minister noted such a covenant would require monitoring and said the government intended to investigate its effectiveness on investment practice after three years to determine if further legislative initiatives were necessary.⁷⁸⁷

On 22 March 2011, the Minister of Finance declared that, under Article 1(1)c of the convention on the prohibition on assistance with prohibited acts, the government considers direct investment to be prohibited for the Dutch state. From now on, investment in cluster munition production will therefore be considered a CSR criteria for public tenders, as well as for financial institutions that benefit from government support. The Minister said the Council of State would be asked to advise if Article 1(1)c applies to States Parties only or to anyone, including individuals, on Dutch territory. The Minister said he would consider the opinion of the Council of State binding, despite the position previously expressed by the government that it considered the prohibition to be applicable only to States Parties.⁷⁸⁸ As of July 2011, it was not known if the government had sought or received advice from the Council.⁷⁸⁹

On 29 March 2011, the Senate adopted a motion, proposed by the Labor Party on 18 January 2011, which called for a prohibition on "demonstrable" direct investments in the production, sale, and distribution of cluster munitions.⁷⁹⁰ On 12 July 2011, the Minister of Finance and Minister of Foreign Affairs informed the Senate that the government was in the process of deliberating a response to the motion, but did not give a timeframe for its completion.⁷⁹¹

CMC-member IKV Pax Christi and other NGOs have stated that they will strive to ensure implementation of the parliamentary motions on disinvestment. IKV Pax Christi and the Belgian NGO Netwerk Vlaanderen have led the CMC's Stop Explosive Investments Campaign, launched in London in October 2009, and issued the report, *Worldwide investments in cluster munitions: a shared responsibility*.⁷⁹² On 25 May 2010, to coincide with the Global Day of Action on Disinvestment, IKV Pax Christi and Netwerk Vlaanderen launched an update of the "Worldwide investments" report containing the latest findings on the status of global investment in cluster munition production.⁷⁹³

⁷⁸³ During the debate, two motions were presented regarding investment. The first called for a prohibition on direct investment and an investigation into possibilities to prohibit indirect investments. The second called upon the government to enforce guarantees that banks under state control would not invest in cluster munitions producers. As of July 2011, neither of the motions had been put to a vote. Motion by El Fassed (Green Left), Reference: Kamerstuk 22054, no. 161, presented on 22 September 2010; and motion by Van Dijk (Socialist Party), Reference: Kamerstuk 22054, no. 162, presented on 22 September 2010.

⁷⁸⁴ Summary of the plenary debate on "The government's response to the adopted motion by the Members Van Velzen and Van Dam regarding a prohibition for Dutch financial institutions to invest in cluster munitions (22054, nos. 155 and 158)," 22 September 2010. For the record of the debate on 22 September 2010, see zoek.officielebekendmakingen.nl.

⁷⁸⁵ Uri Rosenthal and Hans Hillen, "Memorandum of Reply to the Approval of the Convention on Cluster Munitions (Treaty Series 2009, 45) effected on 30 May 2008," 30 November 2010, zoek.officielebekendmakingen.nl

⁷⁸⁶ J.C. (Jan Kees) De Jager, "Letter regarding the government's position on a prohibition on investments in cluster munitions/motion Haubrich-Gooskens," Parliamentary letter to the Speaker of the Senate, Reference 32187-(R1902) no. H, 28 January 2011, zoek.officielebekendmakingen.nl.

⁷⁸⁷ J.C. (Jan Kees) De Jager, "Letter regarding the government's position on a prohibition on investments in cluster munitions," Parliamentary letter to the Speaker of the Senate, Reference FM/2011/6391 U, 21 March 2011, www.rijksoverheid.nl.

⁷⁸⁸ Summary of the plenary debate on "The Haubrich-Gooskens motion regarding a prohibition on investments in producers of cluster munitions, 32187-(R1902), letter F)," and "The Haubrich-Gooskens motion regarding the reassessment of the government's position on the transit of cluster munitions through Dutch territory, 32187-(R1902), letter G)," 22 March 2011. For the record of the debate on 22 March 2011, see www.eerstekamer.nl.

⁷⁸⁹ Email from Suzanne Oosterwijk, Programme officer Security and Disarmament, IKV Pax Christi, 21 July 2011.

⁷⁹⁰ Motion by Haubrich-Gooskens (Labor Party), Reference: Kamerstuk 32 187-(R1902), letter F, adopted on 29 March 2011.

⁷⁹¹ J.C. (Jan Kees) De Jager and on behalf of Uri Rosenthal, "Response to parliamentary question about the Royal Bank of Scotland and cluster munitions," Parliamentary letter to the Senate, Reference FM/2011/8962 U, 12 July 2011, www.rijksoverheid.nl.

⁷⁹² CMC, "Stop Explosive Investments: Campaign Update," 1 February 2010. *Worldwide investments in cluster munitions: a shared responsibility* is available at: www.stopexplosiveinvestments.org.

⁷⁹³ The press conference to launch the report was held outside the European Parliament building together with Austrian Member of the European Parliament, Ulrike Lunacek, and followed a few days later by a briefing for Members of the European Parliament. CMC, "CMC Newsletter," May 2011.

To celebrate the entry into force of the convention on 1 August 2010, IKV Pax Christi organized a public drumming action that visited the embassies of Russia, Georgia, Israel, and the United States (US).⁷⁹⁴

Convention on Conventional Weapons

The Netherlands is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. The Netherlands participated actively in the CCW deliberations on cluster munitions in 2010 and the first half of 2011. The Netherlands chaired an informal meeting of a group of countries mandated to discuss a draft technical annex.

In November 2010, the Netherlands stated that it was committed to the Convention on Cluster Munitions, but could see merit in a CCW protocol that included the major users and producers of cluster munitions as long as it produced a tangible result on the ground. The Netherlands agreed to continued CCW deliberations in 2011 on cluster munitions, but cautioned that, if the CCW failed to produce a meaningful result by the end of 2011, serious consideration should be given to ending the work.⁷⁹⁵

The Netherlands has criticized several aspects of the draft chair's text including the inclusion of lengthy transition periods during which time prohibited cluster munitions could still be used.⁷⁹⁶ In September 2010, it opposed the weakening of proposed transparency measures.⁷⁹⁷ In February 2011, the Netherlands supported a German proposal for an immediate prohibition on the transfer of cluster munitions.⁷⁹⁸

Use, production, and transfer

In the past, the Netherlands used, produced, imported, and, reportedly, exported cluster munitions.

The Royal Netherlands Air Force dropped 173 CBU-87 cluster bombs (with 202 bomblets each) during the 1999 NATO air campaign in the former Yugoslavia.⁷⁹⁹

In the past, the company Eurometaal NV produced cluster munitions in the Netherlands. It produced M483A1 and M864 155mm artillery projectiles with dual purpose improved conventional munition (DPICM) submunitions. This capacity was terminated in 2002.⁸⁰⁰

In January 2006, the Ministry of Defense announced the transfer of 18 M26 Multiple Launch Rocket System (MLRS) launchers to Finland.⁸⁰¹

Stockpiling and destruction

In total, the Netherlands once possessed more than 191,500 cluster munitions containing some 26 million submunitions.⁸⁰² As of February 2009, three cluster munition systems remained in the stockpiles: 293 CBU-87 bombs (containing 59,186 submunitions), 1,879 M261 Multi-Purpose Submunition (MPSM) 70mm unguided air-to-surface rockets (containing 16,911 submunitions), and an unknown quantity of M483A1 155mm projectiles (which contain 88 submunitions each).⁸⁰³

⁷⁹⁴ Participants stopped at each embassy to deliver copies of the convention, a drum, and to invite each country to join the convention. The action garnered considerable media attention and several national radio news broadcasts. CMC, "Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010," October 2010.

⁷⁹⁵ Statement of the Netherlands, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

⁷⁹⁶ Statement of the Netherlands, CCW GGE on Cluster Munitions, Geneva, 1 September 2010, notes by AOAV; and Statement of the Netherlands, CCW GGE on Cluster Munitions, Geneva, 28 March 2011, notes by AOAV.

⁷⁹⁷ Statement of the Netherlands, CCW GGE on Cluster Munitions, Geneva, 2 September 2010. Notes by AOAV.

⁷⁹⁸ Statement of the Netherlands, CCW GGE on Cluster Munitions, Geneva, 21 February 2011. Notes by AOAV.

⁷⁹⁹ Parliamentary letter from Maxime Verhagen, "Parliamentary letter regarding questions on cluster munitions," 4 September 2008, www.minbuza.nl.

⁸⁰⁰ Eurometaal NV was licensed by a US manufacturer to produce the DPICM artillery projectiles in its facility in Zaandam. First deliveries were made to the army in 1989. Starting in 1994, Eurometaal shared production from the Zaandam plant with the licensed production undertaken by the Turkish company MKEK at its production facility in Kirikale. Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), pp. 336–338, 635–636.

⁸⁰¹ Ministry of Defense, "Finland Receives Two MLRS Batteries," Press release, 13 January 2006. It was reported that 400 M26 rockets, each containing 644 M77 DPICM grenades, would be included in the sale for qualification testing and conversion into training rockets. The remaining stockpile of 16,000 M26 rockets were to be destroyed, as there was "no market" for them, according to the State Secretary for Defense Procurement. Joris Janssen, "Dutch Plan to Update Cluster Weapons," *Jane's Defence Weekly*, 19 October 2005. The article said that the destruction of half of the M26s had already started and the other half will follow.

⁸⁰² This included at least 173,000 M483 projectiles (15,224,000 submunitions), 16,400 M26 rockets (10,561,600 submunitions), 293 CBU-87 bombs (59,186 submunitions), 1,879 M261 rockets (16,911 submunitions), and an unknown number of BL-755 bombs (247 submunitions each). Letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009; Lower House, "Parliamentary record of questions posed by MP Van Velzen and responded to by the State Secretary of Defence Van Der Knaap," 2005–2006 Session, Appendix to the Acts, pp. 237–239; and Joris Janssen, "Dutch Plan to Update Cluster Weapons," *Jane's Defence Weekly*, 19 October 2005.

⁸⁰³ Letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009. These are all typically identified as US-produced weapons. It is not known when or how the Netherlands acquired them.

In May 2011, the Ministry of Foreign Affairs stated that the destruction of its M483 artillery projectiles had been completed.⁸⁰⁴ It stated that destruction of the CBU-87 aerial bombs and the M261 rockets was expected to be completed by the NATO Maintenance and Supply Agency in November or December 2011.⁸⁰⁵

The Netherlands has removed from service two other cluster munition types: M26 surface-fired rockets and BL-755 aerial bombs.⁸⁰⁶ In March 2010, the Ministers of Defense and Foreign Affairs confirmed the completion of the destruction of its BL-755 aerial bombs.⁸⁰⁷ In 2005, it was reported that 16,000 M26 rockets each containing 644 M77 DPICM grenades would be destroyed.⁸⁰⁸ In 2007, the Minister of Defense confirmed M26 artillery projectiles would be removed from service and be destroyed, but it is not known if this destruction has been completed.⁸⁰⁹

Retention

The Netherlands has stated on several occasions its intention to retain a “limited number” of cluster munitions, as permitted by the convention.⁸¹⁰ The Ministry of Defense has said the cluster munitions will be used for training explosive ordnance disposal personnel.⁸¹¹

In May 2011, the Ministry of Foreign Affairs stated that the Chief of Defense has decided that cluster munitions will be retained by the Defense Explosive Ordnance Disposal Service for education and training purposes, but the exact amount to be retained is not available.⁸¹²

New Zealand

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
National implementation measures	Cluster Munitions Prohibition Act 2009
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of State Parties in Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Submitted initial Article 7 Report in January 2011, Provided view prohibition of transit

Policy

New Zealand signed the Convention on Cluster Munitions on 3 December 2008, ratified on 22 December 2009, and was thus among the first 30 ratifications that triggered entry into force on 1 August 2010.

⁸⁰⁴ In 2004, the army reportedly had a stockpile of 174,000 M483A1 155mm artillery projectiles containing 15.3 million submunitions. Of these, 120,000 projectiles were to be destroyed (likely due to age and reliability concerns) and 54,000 retained until the delivery platform was taken out of service. Joris Janssen, “Dutch Plan to Update Cluster Weapons,” *Jane’s Defence Weekly*, 19 October 2005.

⁸⁰⁵ Email from Tessa van der Sande, Policy Officer, Security Policy Department, Non-proliferation, Disarmament, Arms Control, and Export Control Division, Ministry of Foreign Affairs to IKV Pax Christi, 4 May 2011.

⁸⁰⁶ In October 2005, the State Secretary for Defense Procurement stated that the Air Force’s BL-755 cluster bombs would be destroyed (likely due to age and reliability concerns), with the disposal process to be completed by the end of 2006. Joris Janssen, “Dutch Plan to Update Cluster Weapons,” *Jane’s Defence Weekly*, 19 October 2005.

⁸⁰⁷ Maxime Verhagen and Eimert van Middelkoop, “Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report,” 5 March 2010.

⁸⁰⁸ Joris Janssen, “Dutch Plan to Update Cluster Weapons,” *Jane’s Defence Weekly*, 19 October 2005. The article said that the destruction of half of the M26s had already started and the other half will follow.

⁸⁰⁹ Eimert van Middelkoop, “Answers to question about certain types of cluster munitions,” 4 April 2007, www.defensie.nl.

⁸¹⁰ Letter from Maarten Wammes, Ministry of Foreign Affairs, 20 May 2010; letter from Henk Swarttouw, Ministry of Foreign Affairs, 26 February 2009; summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin,” 30 June 2010; and Maxime Verhagen and Eimert van Middelkoop, “Approval of the Convention on Cluster Munitions adopted on May 30 2008 in Dublin, Note with regard to the report,” 5 March 2010, zoek.officielebekendmakingen.nl.

⁸¹¹ Summary of the plenary debate on the “Approval of the Bill on the Convention on Cluster Munitions adopted on 30 May 2008 in Dublin,” 30 June 2010.

⁸¹² Email from Tessa van der Sande, Ministry of Foreign Affairs, 4 May 2011.

New Zealand's national implementation legislation is the Cluster Munitions Prohibition Act, enacted on 17 December 2009.⁸¹³ The New Zealand Defence Force (NZDF) has included instructions on compliance with the convention's prohibitions in its law of armed conflict training and the convention has been included in a draft update of the defense manual on armed forces law, which is expected to be issued by the Chief of Defence Force in late 2011.⁸¹⁴

New Zealand submitted its initial Convention on Cluster Munitions Article 7 report on 31 January 2011. The report covers the six-month period from 1 August 2010 to 31 January 2011 and includes reporting on universalization measures under voluntary Form J.

New Zealand was an early supporter of diplomatic efforts to deal with cluster munitions and, as a member of the small Core Group of nations, took responsibility for leading the Oslo Process to its successful outcome. During the formal negotiations of the convention in Dublin in May 2008, New Zealand played a vital role in securing acceptance of the convention's definitions. New Zealand hosted a key meeting of the Oslo Process in Wellington in February 2008.⁸¹⁵

New Zealand continued to play a central role in the work of the convention in 2010 and the first half of 2011. New Zealand participated in the First Meeting of State Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 with a high-level delegation led by the Minister of Disarmament and Arms Control, Hon. Georgina te Heuheu. New Zealand made several statements at the meeting and announced a contribution of NZ\$1.1 million (US\$793,760) to cluster munition clearance in Lao PDR.⁸¹⁶ Minister te Heuheu also participated in a field visit to Xieng Khouang province to see areas affected by cluster munition remnants and other explosive remnants of war. New Zealand also attended the convention's first intersessional meetings of the convention in Geneva in June 2011.

At both meetings, New Zealand chaired sessions on national implementation measures in its capacity as Friend of the President of the First Meeting of State Parties. New Zealand has prepared two implementation guidance documents (a checklist of national implementation measures and a simple piece of model implementing legislation) for dissemination at the Second Meeting of States Parties in September 2011.⁸¹⁷

New Zealand continued to promote universalization of the Convention on Cluster Munitions in 2010 and the first half of 2011. According to its Article 7 report, government ministers continue to urge states to join the convention in relevant public appearances and meetings.⁸¹⁸ On 3 August 2010, the Minister of Disarmament and Arms Control hosted an event at parliament to celebrate entry into force of the Convention on Cluster Munitions, which was attended by diplomatic representatives from a number of countries, including non-signatories Brazil, the United States (US), and Vietnam.⁸¹⁹ During meetings of the Inter-Parliamentary Union in Geneva on 4–6 October 2010 and Panama City on 15–20 April 2011, the New Zealand parliamentary delegation sponsored briefings to encourage universalization and implementation of the convention.⁸²⁰ New Zealand's Minister of Foreign Affairs, Murray McCully, welcomed the convention's entry into force during the opening of the UN General Assembly (UNGA) in September 2010.⁸²¹

In response to cluster munition use by Libya, in June 2011 New Zealand said that any use of cluster munitions is "extremely concerning" and "contrary to the spirit" of UN Security Council Resolution 1973 (2010) on Libya, which expressly calls on states to take all measures to protect civilians.⁸²² On 23 May 2011, the Minister of Disarmament and Arms Control said that it participated in a joint demarche on the Thai Ministry of Foreign Affairs together with Norway, Switzerland, and Austria to "register our concern about the reported use of cluster munitions by Thailand" and urge Thailand to join the Convention on Cluster Munitions.⁸²³

⁸¹³ The Cluster Munitions Prohibition Act 2009 provides penal sanctions of up to seven years and fines of up to NZ\$500,000 for violations of the law. See, Cluster Munitions Prohibition Act 2009, Public Act 2009 No. 68, 17 December 2009, www.legislation.govt.nz. For analysis of the law, see ICBL, *Cluster Munition Monitor 2010* (Mines Action Canada: Ottawa, October 2010), p. 93–96.

⁸¹⁴ The prohibitions relating to cluster munitions, as well as the detailed provisions on interoperability as set out in Article 21, form part of the law of armed conflict training of the NZDF at both the basic and advanced/command level. The convention has been included in the draft "Defence Manual 69: The Manual of Armed Forces Law," which is expected to be issued in late 2011 by the Chief of Defence Force in accordance with Section 27 of the Defence Act 1990. Email from Brigadier Kevin Riordan, Director General of Defence Legal Service, NZDF, 14 August 2011.

⁸¹⁵ For details on New Zealand's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 129–132.

⁸¹⁶ Statement by Hon. Georgina te Heuheu, Minister of Disarmament and Arms Control, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010, www.beehive.govt.nz. Average exchange rate for 2010: NZ\$1=US\$0.7216. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁸¹⁷ ANZCMC with New Zealand delegation, Convention on Cluster Munitions Intersessional Meeting, Geneva, 28 June 2011. Notes by the CMC.

⁸¹⁸ The Article 7 report details universalization measures undertaken in 2010 and 2009. New Zealand, Convention on Cluster Munitions Article 7 Report, Form J, 31 January 2011.

⁸¹⁹ Statement by Hon. Georgina te Heuheu, "Entry into Force of the Convention on Cluster Munition," 4 August 2010; and ANZCMC web update, "Parliamentary event for entry into force," 4 August 2010, www.stopclusterbombs.org.nz.

⁸²⁰ See: ANZCMC web update, "Parliamentarians push cluster bomb ban," 8 October 2010, www.stopclusterbombs.org.nz; and ANZCMC web update, "Parliamentarians promote cluster bomb ban," 10 May 2011, www.stopclusterbombs.org.nz.

⁸²¹ Statement by HE Murray McCully, Minister of Foreign Affairs of New Zealand, UNGA, New York, 24 September 2010, www.un.org.

⁸²² Statement of New Zealand, Convention on Cluster Munitions Intersessional Meetings, Session on General Status and Operation of the Convention, Geneva, 27 June 2011, www.clusterconvention.org.

⁸²³ Letter from Hon. Georgina te Heuheu to Mary Wareham, ANZCMC Coordinator, 23 May 2011.

The Aotearoa New Zealand Cluster Munition Coalition (ANZCMC) continued its activities in 2010 and 2011. It participated in the First Meeting of States Parties and delivered a donation of NZ\$4,000 (US\$2,886) raised by students at Rangitoto College in Auckland to the Cooperative Orthotic and Prosthetic Enterprise Lao PDR (COPE Laos) in Vientiane.⁸²⁴ In January 2011, the ANZCMC made a submission on Australia's proposed implementing legislation for the Convention on Cluster Munitions.⁸²⁵ In August 2010, ANZCMC Coordinator Mary Wareham launched a 21-minute documentary film entitled, *Cluster Bombs: Banned New Zealand*.⁸²⁶

Interpretative issues

New Zealand's national implementation law prohibits assistance with acts banned by the convention without qualification or limitation, reflecting the nature of the Article 1 prohibition on assistance as a core and absolute obligation of the convention. In June 2011, New Zealand said that the Act "makes clear that a member of the New Zealand Armed Forces commits an offence if he or she expressly requests the use of cluster munitions when engaged in military activities with the armed forces of a state that is not a party to the Convention and the choice of munitions used is within their exclusive control."⁸²⁷

During the Dublin negotiations of the convention, New Zealand supported the inclusion of a new article on "interoperability" (joint military operations with states not party) and in the end said it viewed the resulting Article 21 as an acceptable compromise.⁸²⁸ New Zealand has stated that Article 21's positive obligations "will be implemented through mechanisms such as diplomatic representation."⁸²⁹ In August 2011, a senior NZDF official said that the "NZDF has made force commanders of combined, coalition or international forces to which members of the NZDF are contributed aware of our obligations under the Cluster Munitions Convention."⁸³⁰

The Cluster Munitions Prohibition Act 2009 specifically prohibits on investment in cluster munition production. According to Clause 10(2), "A person commits an offence who provides or invests funds with the intention that the funds be used, or knowing that they are to be used, in the development or production of cluster munitions." The government has not yet detailed how it will ensure compliance with the disinvestment provisions.⁸³¹

Clause 15 of the Act allows the use, acquisition, possession, retention, and transfer of cluster munitions for training. This requires ministerial authorization and the number of cluster munitions should be the "minimum number that is absolutely necessary for the purposes" of training. New Zealand has not reported holding any cluster munitions for training and in December 2009 the government stated, "There is no present intention to bring any cluster munitions into New Zealand."⁸³²

The Cluster Munitions Prohibition Act 2009 does not explicitly include "transit" in its definition of "transfer," but, in April 2011, the Minister of Disarmament and Arms Control said that New Zealand accepts that the prohibitions on assistance and transfer that are contained in the law include the prohibition of the transit of cluster munitions across, above, or through national territory.⁸³³ New Zealand has the same position on transit of antipersonnel mines under the Mine Ban Treaty.⁸³⁴

⁸²⁴ See ANZCMC, *Report on Activities: First Meeting of States Parties to the 2008 Convention on Cluster Munitions*, 8 February 2011, www.stopclusterbombs.org.nz.

⁸²⁵ ANZCMC web update, "Australia: Fix The Bill!" 29 May 2011, www.stopclusterbombs.org.nz.

⁸²⁶ Next Step Productions web update, *Cluster Bombs: Banned New Zealand*, 1 August 2010, www.nextstepproductions.org. Average exchange rate for 2010: NZ\$1=US\$0.7216. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁸²⁷ Statement of New Zealand, Convention on Cluster Munitions Intersessional Meetings Session on National Implementation Measures, Geneva, 29 June 2011. See also Cluster Munitions Prohibition Act 2009, no. 68, sec. 10(1) and (3).

⁸²⁸ CMC, "CMC Dublin Conference Update—Day 7: Waiting," 27 May 2008, www.stopclusterbombs.ie. On 11 January 2011, Wikileaks released a US Department of State cable dated 8 May 2008 that reported on a meeting held with a Ministry of Foreign Affairs disarmament official. In the cable, the US Embassy reported that New Zealand considers interoperability to be a key issue and stated, "MFAT indicates that New Zealand's approach will be to develop more specific language regarding interoperability as opposed to deleting clauses 1 (b) and (c) of the draft convention." US Department of State cable, "NZ, cluster munitions, and interoperability," dated 8 May 2008, released by Wikileaks on 10 January 2011. See www.scoop.co.nz.

⁸²⁹ Hansard, "Cluster Munitions (Prohibition) Bill — Procedure, Second Reading, Third Reading." Vol. 659, p. 8,482, 10 December 2009, www.parliament.nz.

⁸³⁰ Email from Brigadier Kevin Riordan, NZDF, 14 August 2011.

⁸³¹ During the final debate on the bill, Select Committee Chair John Hayes said "there would... be a reasonable expectation that fund managers and investors would investigate the full portfolio of a company before investing, in case prohibited activities were involved. That provision may also be interpreted by the courts to include retaining an investment after the discovery of its involvement in cluster munitions development or production." See Hansard, "Cluster Munitions (Prohibition) Bill—Second Reading, Third Reading." Vol. 659, p. 8,482, 10 December 2009, www.parliament.nz; and ANZCMC, "Cluster bomb ban law passes," 10 December 2009, www.stopclusterbombs.org.nz.

⁸³² Hansard, "Cluster Munitions (Prohibition) Bill—Procedure, Second Reading, Third Reading" Vol. 659, p. 8,482, 10 December 2009, www.parliament.nz.

⁸³³ Letter from Hon. Georgina te Heuheu to Mary Wareham, ANZCMC, 29 April 2011. According to the letter, "Under New Zealand's Cluster Munitions Prohibition Act 2009 the transit of cluster munitions through New Zealand is an offence but... not all states share that position." According to the Act (Part 1. Preliminary Provisions, 5. Interpretation), New Zealand's definition of transfer includes (i) importation into, and exportation from, New Zealand; and (ii) the transfer of title to, and control over, cluster munitions.

⁸³⁴ In October 2002, the Campaign Against Landmines (CALM) received a letter from the New Zealand Ministry of Foreign Affairs that stated the government's position that the transit of antipersonnel mines through New Zealand's territorial waters is prohibited by domestic laws. It also noted that efforts to enforce these laws against a vessel exercising the right of innocent passage were limited. Letter from Geoff Randal, Director of the Disarmament Division, Ministry of Foreign Affairs, to John Head, Convenor, CALM, 15 October 2002.

Convention on Conventional Weapons

New Zealand is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It continued to participate in CCW deliberations on cluster munitions in 2010 and 2011. In November 2010, New Zealand said that it “remains willing to work in the CCW in expectation of a meaningful outcome on cluster munitions, but said the CCW’s Fourth Review Conference in November 2011 would be an appropriate point to consider “the appropriateness of continuing.”⁸³⁵

In April 2011, New Zealand said the chair’s text was still “some way” from meeting the objectives of creating an instrument with immediate effect that would be complimentary with the Convention on Cluster Munitions and “capable of producing real humanitarian impact.”⁸³⁶

Use, production, transfer, and stockpiling

New Zealand has stated that it “does not possess, will not acquire and will not use cluster munitions.”⁸³⁷ New Zealand has confirmed that it has no stockpiled cluster munitions, including for training.⁸³⁸

Nicaragua

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Submitted initial Article 7 report in April 2011

Policy

The Republic of Nicaragua signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 2 November 2009. It was thus among the first 30 ratifications that triggered the convention’s entry into force on 1 August 2010.

Nicaragua submitted its initial Convention on Cluster Munitions Article 7 report on 28 April 2011, for the period from 1 August 2010 to 28 April 2011. Under national implementation measures, Nicaragua lists the 2009 decree approving ratification of the convention.⁸³⁹ In May 2011, a Ministry of Foreign Affairs official informed the Monitor that Nicaragua has taken “legal and administrative measures at the national level” to implement the convention, which it notes has legal effect both “in and out of Nicaragua.”⁸⁴⁰ In addition, the Arms, Ammunition and Explosives Act (Law 510) includes a prohibition of cluster munitions and Nicaragua’s Penal Code “provides for a series of restrictive norms and prohibitions regarding the use of such munitions.”⁸⁴¹

⁸³⁵ Statement of New Zealand, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

⁸³⁶ Statement of New Zealand, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 1 April 2011. Notes by AOAV.

⁸³⁷ Statement by Hon. Phil Goff, Minister for Disarmament and Arms Control, Parliamentary Reception, Wellington Conference on Cluster Munitions, 20 February 2008.

⁸³⁸ Form B (Stockpiles and Destruction) and Form D (Cluster munitions retained and transferred) were not included in the Article 7 report, but on the report’s cover page these forms were marked as “not applicable.” Convention on Cluster Munitions Article 7 Report, January 2011. Ministry of Foreign Affairs officials subsequently acknowledged that the cover page should not have been used for the initial Article 7 report and confirmed that New Zealand does not stockpile cluster munitions including for training. ANZCMC meeting with George Hampton and David Lynch, International Security and Disarmament Division, Ministry of Foreign Affairs and Trade, Wellington, 8 February 2011.

⁸³⁹ The National Assembly of Nicaragua ratified the convention by Decree No. 5764 on 20 August 2009. Convention on Cluster Munitions Article 7 Report, Form A, 28 April 2011.

⁸⁴⁰ Response to the Monitor from Alvaro Miguel Padilla Lacayo, Legal Advisor, Department of Democratic Security, Ministry of Foreign Affairs, 31 May 2011.

⁸⁴¹ Ibid; Ley Especial Para el Control y Regulación de Armas de Fuego, Municiones, Explosivos y Otros Materiales Relacionados (Special Law for the Control and Regulation of Firearms, Munitions, Explosives and Other Related Materials), Asamblea Nacional, Law 510, 18 November 2004, www.un.org. Nicaragua has enacted a specific national law to implement the 1997 Mine Ban Treaty: Law for the Prohibition of Production, Purchase, Sale, Import, Export, Transit, Use and Possession of Antipersonnel Landmines, Law No. 321, published in the Official Gazette on 12 January 2000.

Nicaragua played an active and positive role in the Oslo Process that created the convention.⁸⁴² Nicaragua continued to show strong interest in the convention in 2010 and 2011. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make any statements. Nicaragua did not attend intersessional meetings of the convention in Geneva in June 2011.

In a May 2011 response to the Monitor, Nicaragua made known its views on important issues related to interpretation and implementation of the convention. In relation to military cooperation by States Parties, Nicaragua “considers that assistance in prohibited acts performed in joint military operations is not permitted to the States Parties.” On the prohibition on transit, Nicaragua said that the convention states that States Parties may not “assist, encourage or induce anyone to engage in any activity prohibited to a State Party,” including transfer.⁸⁴³

Nicaragua has not made its views known on the need for retention of cluster munitions and submunitions for training and development purposes.

Nicaragua is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It has not engaged in the CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

The Article 7 report states that, “the government of Nicaragua does not use, develop, produce, acquire, stockpile, retain or transfer cluster munitions.”⁸⁴⁴ Nicaragua has stated on several occasions that it has never used, produced, or stockpiled cluster munitions.⁸⁴⁵

Niger

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010

Policy

The Republic of Niger signed the Convention on Cluster Munitions on 3 December 2008. Niger ratified on 2 June 2009 and was among the first 30 ratifications that triggered the convention’s entry into force on 1 August 2010.

In November 2010, a government official informed the CMC that Niger would begin to prepare a national implementation law after elections scheduled to be held in early 2011.⁸⁴⁶

Niger’s initial Convention on Cluster Munitions Article 7 report was due by 28 January 2011, but as of July 2011 the UN had not received the report.

Niger participated in the Oslo Process that produced the convention and supported a comprehensive treaty without exception.⁸⁴⁷ Niger has continued to engage in the work of the convention. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make a statement. Niger did not attend intersessional meetings of the convention in Geneva in June 2011.

⁸⁴² For detail on Nicaragua’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 132–133.

⁸⁴³ Response to the Monitor from Alvaro Miguel Padilla Lacayo, Ministry of Foreign Affairs, 31 May 2011.

⁸⁴⁴ Convention on Cluster Munitions Article 7 Report, Form A, 28 April 2011. No stockpiled cluster munitions are reported, including for training. Convention on Cluster Munitions Article 7 Report, Forms B and C, 28 April 2011.

⁸⁴⁵ Response to the Monitor from Alvaro Miguel Padilla Lacayo, Ministry of Foreign Affairs, 31 May 2011; and Statement of Nicaragua, Vienna Conference on Cluster Munitions, 5 December 2007, notes by the CMC/WILPF.

⁸⁴⁶ CMC meeting with Abdou Seydou Sayni, Vice-President, National Commission for the Collection and Control of Illicit Weapons (Commission Nationale pour la Collecte et le Contrôle des Armes Illicites, CNCCAI), Lao PDR, 9–12 November 2010.

⁸⁴⁷ For details on Niger’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 133–134.

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

Niger is party to Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons, but has not ratified CCW Protocol V on explosive remnants of war or actively engaged in recent CCW deliberations on cluster munitions.

Niger has confirmed that it has never used, produced, transferred, or stockpiled cluster munitions.⁸⁴⁸

Norway

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
National implementation measures	Act relating to the implementation of the Convention on Cluster Munitions in Norwegian law of 15 May 2009
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Sustained leadership role in promoting the convention

Policy

Norway signed the Convention on Cluster Munitions on 3 December 2008 and ratified the convention that same day. It was thus among the first 30 ratifications to trigger the convention's entry into force on 1 August 2010.

On 20 November 2008, Norway adopted national legislation, allowing it to sign and simultaneously deposit its instrument of ratification.⁸⁴⁹ The law prohibits use, development, production, acquisition, stockpiling, or transfer of cluster munitions; includes sanctions for violations; and provides for extraterritorial application with respect to Norwegian nationals or persons with residency in Norway.⁸⁵⁰

In January 2011, Norway reported that, as part of mine and unexploded ordnance (UXO) risk education training, armed forces personnel are "given appropriate education and training on the Convention" as are all Norwegians officially deployed in international operations.⁸⁵¹

Norway submitted its initial Convention on Cluster Munitions Article 7 report on 27 January 2011. The report covers the period from 1 August 2010 to 31 December 2010.

Norway was an early supporter of action to deal with the harmful effects of cluster munitions and played an unparalleled leadership role in bringing about the Convention on Cluster Munitions. It initiated the Oslo Process in November 2006 in the wake of failed efforts to address cluster munitions within the framework of the Convention on Conventional Weapons (CCW). Norway held the first international diplomatic conference of the process in Oslo in February 2007 and provided crucial support for all of the meetings of the Oslo Process through to the Convention on Cluster Munitions Signing Conference, which it hosted in Oslo in December 2008. Norway was key to ensuring the strongest, most comprehensive convention text possible. It also promoted a prominent and influential role for the CMC and civil society, including cluster munition survivors.⁸⁵²

⁸⁴⁸ Letter No. 001581 from Aichatou Mindaoudou, Minister of Foreign Affairs and Cooperation, 3 March 2009.

⁸⁴⁹ Act relating to the implementation of the Convention on Cluster Munitions in Norwegian law of 15 May 2009 No. 28 (adopted 20 November 2008). Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011. Proposition No. 7 (2008–2009) to the *Odelsting* on a Bill relating to the implementation of the Convention on Cluster Munitions in Norwegian law; and Proposition No. 4 (2008–2009) to the *Storting* on consent to ratification of the Convention on Cluster Munitions.

⁸⁵⁰ Act relating to the implementation of the Convention on Cluster Munitions in Norwegian law of 15 May 2009 No. 28 (adopted 20 November 2008). Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011. The penalty for violating the Act is a fine or imprisonment for up to two years for cases where the perpetrator acts intentionally, and a fine or imprisonment for up to six months for negligent acts. The Act amends the General Civil Penal Code of Norway to establish criminal jurisdiction over violations of the convention, when committed on Norwegian territory, including Svalbard, Jan Mayen, and other Norwegian dependencies, or on any Norwegian vessel or aircraft, or abroad by any Norwegian national or person with residency in Norway.

⁸⁵¹ Convention on Cluster Munition Article 7 Report, Form A, 27 January 2011.

⁸⁵² For more details on Norway's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 134–140.

Norway has continued its leadership role in the work of the convention in 2010 and the first half of 2011, devoting extensive time and resources to its universalization and implementation. Norway attended the First Meeting of States Parties in Vientiane, Lao PDR in November 2010, with a delegation led by Espen Barth Eide, Secretary of State for the Ministry of Foreign Affairs. In a statement to the meeting, Eide announced Norway's completion of the destruction of its entire stockpile of cluster munitions in July 2010 and emphasized that Norway believes it is not necessary to retain any live cluster munitions or submunitions for training.⁸⁵³ During the meeting, Eide participated in a field visit to Xieng Khouang Province to see firsthand areas affected by cluster munition remnants and other explosive remnants of war (ERW).

At the First Meeting of States Parties, Norway gave a detailed presentation on its stockpile destruction process, pledged to increase its funding and support for the implementation of the convention, announced that it has a small cluster munition remnant problem at Hjerkin firing range, and made statements on victim assistance and clearance. Norway served as a Friend of the President of the First Meeting of States Parties with responsibility for developing the 66-point Vientiane Action Plan adopted at the First Meeting, which lays out the priorities and actions for States Parties to turn the legal obligations of the convention into concrete actions.

Norway also participated in the convention's first intersessional meetings in Geneva in June 2011, where it made statements on stockpile destruction, universalization, victim assistance, clearance, cooperation and assistance, and compliance. Norway also made a joint proposal with Switzerland to establish an implementation support unit for the convention. Finally, Norway offered to host the Third Meeting of States Parties to the convention in Oslo in 2012.

Norway is continuing its role as a Friend of the President in the lead-up to the Second Meeting of States Parties, with the specific task of coordinating the development of the Beirut Progress Report, which will present trends and aggregated information to show how the Vientiane Action Plan is being implemented.⁸⁵⁴ Norway continued to assist Lebanon in the process leading up to the Second Meeting of States Parties to be held in Beirut in September 2011.

In implementation of the convention, Norway has placed particular emphasis on the importance of ensuring cooperative partnership between affected and other states, as well as with international organizations and civil society.⁸⁵⁵ Norway remains one of the largest mine action donors.⁸⁵⁶

With the support of the Royal Norwegian Ministry of Foreign Affairs, the NGO Norwegian People's Aid (NPA) has continued to clear cluster munition remnants in eight of the world's 10 most affected countries, as well as provide technical support on stockpile destruction to Moldova and other states and play a leadership role in the CMC.⁸⁵⁷ NPA has undertaken several activities to promote the Convention on Cluster Munitions in Norway.⁸⁵⁸

Universalization

In June 2011, Norway stated it continuously underlines the importance of the Convention on Cluster Munitions in its bilateral discussions at the political level and at the working level with states not party, in all regional and international fora including the UN.⁸⁵⁹

In a statement to the UN General Assembly's (UNGA's) First Committee in New York in October 2010, Foreign Affairs Secretary Barth Eide welcomed the convention's entry into force.⁸⁶⁰ At the same time, Norway attended a UN Special Event on the convention. In another statement, Norway called on all states to join the convention without delay and noted that the convention is establishing itself as a new international norm that, based on the experience of the Mine Ban Treaty, would extend beyond the membership of the convention.⁸⁶¹

In April 2011, Norway condemned Thailand's use of cluster munitions in its border conflict with Cambodia in February 2011.⁸⁶² On 23 May 2011, Norway participated in a joint demarche to the Thai Ministry of Foreign Affairs together with New Zealand, Switzerland, and Austria to register concern about the cluster munition use and urge Thailand to join the Convention on Cluster Munitions.⁸⁶³ Thailand has accepted a proposal from Norway to organize an interagency seminar

⁸⁵³ Statement by Espen Barth Eide, Secretary of State for Foreign Affairs, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

⁸⁵⁴ Statement of Norway, Convention on Cluster Munitions Intersessional Meeting, Opening Session, Geneva, 27 June 2011.

⁸⁵⁵ Statement by Espen Barth Eide, UNGA First Committee on Disarmament and International Security, New York, 4 October 2010; and Statement of Norway, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011.

⁸⁵⁶ Email from Atle Karlsen, Policy and Strategy Advisor, NPA, 13 May 2011.

⁸⁵⁷ For more information, see NPA, www.npaid.org.

⁸⁵⁸ For example, NPA organized several activities during the Norway Cup, the world's largest youth football tournament attended by approximately 30,000 youth (aged 12 to 19) from 50 countries, to celebrate the convention's 1 August 2010 entry into force, including a drumming action and a statement by State Secretary Gry Larsen. CMC, "Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010," October 2010.

⁸⁵⁹ Statement of Norway, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011.

⁸⁶⁰ Statement by Espen Barth Eide, UNGA First Committee on Disarmament and International Security, New York, 4 October 2010.

⁸⁶¹ Statement by Amb. Terje Hauge, UNGA First Committee on Disarmament and International Security, New York, 18 October 2010.

⁸⁶² Royal Norwegian Ministry of Foreign Affairs Press release, "Norway condemns use of cluster munitions," 7 April 2011, www.stopclustermunitions.org.

⁸⁶³ Letter from Hon. Georgina Te Heuheu, Minister of Disarmament and Arms Control of New Zealand, to Mary Wareham, Aotearoa New Zealand Cluster Munition Coalition Coordinator, 23 May 2011.

on cluster munitions in Bangkok on 18–19 August 2011 to promote Thailand’s accession to the convention.⁸⁶⁴ On 7 May 2011, Norway issued a joint demarche urging Cambodia’s accession to the convention.⁸⁶⁵

Norway also condemned the use of cluster munitions by Gaddafi forces in Misrata, Libya.⁸⁶⁶

Interpretive issues

Norway has made known its views on certain important issues related to interpretation and implementation of the convention, through both statements and its national implementation legislation.

According to Norway’s implementation legislation, the convention’s prohibitions including the prohibition on assistance apply in all circumstances, even during joint military operations. The preparatory section of the implementation legislation states that, “the exemption for military cooperation does not authorize states parties to engage in activities prohibited by the convention.”⁸⁶⁷

During the Oslo Process, Norway argued against the inclusion of language on “interoperability” (joint military operations with states not party), stating that it had yet to see any insurmountable difficulties with interoperability in the context of other legal instruments, including the Mine Ban Treaty. As a NATO member, Norway stated that the issue merited discussion, but it was unfounded to automatically assume that a future treaty would be an obstacle to joint military action. Norway noted that it had solved issues regarding criminal liability for its service personnel in its national legislation, which contained “penal provisions regulating issues such as command responsibility, effective control and individual culpability, in relation to international operations.”⁸⁶⁸

In 2009, Norway announced its decision not to retain any cluster munitions for training or research purposes, and urged all states to take the same decision.⁸⁶⁹ In June 2011, Norway expressed its view that arguments in favor of retaining cluster munitions for training and research purposes are “flawed.”⁸⁷⁰ Norway has stated that retention of large numbers of cluster munitions could be seen as undermining the categorical approach of the prohibitions of the convention.⁸⁷¹

In 2004, the Ministry of Finance decided to include cluster munitions in a category of indiscriminate or inhumane weapons to be excluded from investment under the Norwegian Government Pension Fund’s ethical guidelines. In June 2005, eight foreign companies involved in the production of cluster munitions were excluded from the fund’s investments. Additional companies were excluded in 2006 and 2008.⁸⁷²

Norway has not yet made a clear statement of its views on the prohibition on transit of cluster munitions and the prohibition on foreign stockpiling of cluster munitions.

Convention on Conventional Weapons

Norway is party to the CCW and its Protocol V on explosive remnants of war. Norway continued to actively participate in CCW deliberations on cluster munitions in 2010 and the first half of 2011, but regularly expressed its concern about the need for such work and often cited the potential negative implications for the Convention on Cluster Munitions of creating a CCW protocol that could re-legitimize cluster munitions in perpetuity.

⁸⁶⁴ Statement of Thailand, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011. Notes by the CMC.

⁸⁶⁵ Norway, together with Austria and Belgium, issued a joint demarche to the Minister of Defense of Cambodia, Chief of Staff of the Cambodian Army, and Cambodian Mine Action Center urging Cambodia to also join the convention. Document provided by Belgium’s Department of Foreign Affairs, Foreign Trade and Development Cooperation in email to Handicap International Belgium from Henri Vantieghem, Human Security and Conventional Disarmament, Department of Foreign Affairs, Foreign Trade and Development Cooperation, 13 April 2011.

⁸⁶⁶ Statement of Norway, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 29 June 2011, www.clusterconvention.org.

⁸⁶⁷ Proposition No. 4 (2008–2009) to the *Storting*, p. 23.

⁸⁶⁸ Statement of Norway, Session on General Obligations and Scope, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF.

⁸⁶⁹ Amb. Steffen Kongstad said, “The minimum number of cluster munitions absolutely necessary is zero.” Statement of Norway, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by Action on Armed Violence (AOAV).

⁸⁷⁰ Norway said the accreditation of mine detection dogs was the only situation where there could possibly be a need for training with live munitions, but even then the explosive submunitions required for this type of training would be those used in the area where the dog would work so the training would best be done in the affected country using submunitions cleared from that contaminated area. Statement of Norway, Convention on Cluster Munition Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 June 2011. Notes by AOAV.

⁸⁷¹ Presentation by the Norwegian Defense and Logistics Organization/Surplus Material Management Program, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁸⁷² The fund’s Council on Ethics, an independent council of five people, provides advice to the Ministry of Finance, which then makes the exclusion decision. See Ministry of Finance press releases at www.regjeringen.no: “A Further Eight Companies Excluded from the Petroleum Fund,” No. 57/2005, 2 September 2005; “South Korean producer of cluster munitions excluded from the Government Pension Fund–Global,” No. 89/2006, 6 December 2006; and “One producer of cluster munitions and two producers of nuclear weapons excluded from the Government Pension Fund–Global,” No. 3/2008, 11 January 2008.

In November 2010, Norway spoke against a continuation of CCW work on cluster munitions in 2011 and urged that a deadline be set of the CCW's Fourth Review Conference in November 2011 as the cutoff for work on the issue.⁸⁷³ In April 2011, Norway said "we cannot accept" the chair's draft text and expressed frustration that proposals "made in good faith by us and others... over the past few years... have not been reflected in any way" in the text.⁸⁷⁴

In June 2011, Norway said that the chair's draft text contained substantially lower standards that would allow for example, the continued use of cluster munitions with a claimed 1% UXO rate or which have only one safeguard and added that compliance could be deferred for 12 years. If adopted in its current form, Norway said it seems clear that the CCW protocol would contribute to the re-legitimization of the use, production, and transfer of weapons known to cause humanitarian harm, such as the M85 submunition.⁸⁷⁵ Norway has criticized the "arbitrary date" for prohibiting cluster munitions produced before 1980 for having "no meaning for those killed by cluster munitions."⁸⁷⁶

In September 2010, Norway stated that it would not be possible to associate itself with a protocol that lowers the standards of International Humanitarian Law and does not address the humanitarian impacts of cluster munitions on the ground.⁸⁷⁷ In October 2010, Norway reiterated its position: "For us it is important that these negotiations do not result in a lowering or fragmentation of the international norms which are emerging from the Convention on Cluster Munitions."⁸⁷⁸

In June 2011, Norway warned that States Parties and signatories to the Convention on Cluster Munitions that actively engage in CCW efforts to conclude a protocol that would allow for continued use, production, stockpiling, and transfer of cluster munitions may be in danger of not complying with their obligations under the Convention on Cluster Munitions not to assist, encourage, or induce anyone to engage in any activity prohibited by the convention.⁸⁷⁹ Norway has also said that support for a CCW protocol regulating cluster munitions could be contrary to the positive obligations contained in Article 21 of the Convention on Cluster Munitions to promote the norms of the Convention on Cluster Munitions and encourage its universalization. In addition, Norway has cited the Vientiane Declaration and Vientiane Action Plan adopted at the First Meeting of States Parties to the Convention on Cluster Munitions, which requires that State Parties condemn the use of cluster munitions that cause unacceptable harm, work for universal adherence to the convention, and discourage any use of cluster munitions.⁸⁸⁰

Use, production, and transfer

Norway has not used, produced, or exported cluster munitions. In the past, it imported cluster munitions. It obtained Rockeye cluster bombs from the United States, but destroyed them sometime between 2001 and 2003.⁸⁸¹ Norway obtained from Germany 155mm artillery projectiles with dual purpose improved conventional munition (DPICM) submunitions.⁸⁸²

Stockpile destruction

On 16 July 2010, Norway completed the destruction of its remaining stockpile of 52,190 155mm DPICM artillery projectiles containing over three million (3,087,910) submunitions: 37,900 DM-642 155mm artillery projectiles (each with 63 DM-1383 DPICM submunitions) and 14,290 DM-662 155mm artillery projectiles (each with 49 DM-1385 DPICM submunitions).⁸⁸³

In March 2009, the Norwegian Armed Forces and Nammo Demil Division signed a contract to destroy the stockpile of 155mm DPICM artillery projectiles.⁸⁸⁴ Then-State Secretary for the Ministry of Defense Espen Barth Eide pressed the button to trigger the destruction of the first batch of cluster munitions on 7 May 2009; on 16 July 2010, at an event attended by media and civil society representatives, the new State Secretary for the Ministry of Defense, Roger Ingebrigtsen, pushed the button to destroy Norway's last batch of cluster munitions.⁸⁸⁵

⁸⁷³ Statement of Norway, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

⁸⁷⁴ Statement of Norway, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 1 April 2011. Notes by AOAV.

⁸⁷⁵ Statement of Norway, Convention on Cluster Munitions Intersessional Meeting, Session on Compliance, Geneva, 29 June 2011. Notes by AOAV.

⁸⁷⁶ Statement of Norway, CCW GGE on Cluster Munitions, Geneva, 1 April 2011. Notes by AOAV.

⁸⁷⁷ Statement of Norway, CCW GGE on Cluster Munitions, Geneva, 3 September 2010. Notes by AOAV.

⁸⁷⁸ Statement by Amb. Terje Hauge, UNGA First Committee on Disarmament and International Security, New York, 18 October 2010.

⁸⁷⁹ Statement of Norway, Convention on Cluster Munitions Intersessional Meeting, Session on Compliance, Geneva, 29 June 2011. Notes by AOAV.

⁸⁸⁰ Ibid.

⁸⁸¹ Norway, "National interpretation and implementation of International Humanitarian Law with regard to the risk of Explosive Remnants of War," CCW GGE on ERW, Geneva, CCW/GGE/VI/WG.1/WP.3, 24 November 2003.

⁸⁸² Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), pp. 674–676. This indicates a contract was awarded in late 2006.

⁸⁸³ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011; and presentation by the Norwegian Defense and Logistics Organization/Surplus Material Management Program, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 10 November 2010. Notes by the CMC.

⁸⁸⁴ Ministry of Defense Press release, "Norwegian cluster munitions soon to be history," 7 May 2009. In October 2008, Norway began the process of destroying its stockpile of cluster munitions, initially with the goal of completing destruction sometime in 2009. The Norwegian Armed Forces had completed a preliminary security and environmental assessment and concluded that destroying cluster munitions could have more severe environmental effects compared to other types of munitions. The armed forces were deemed not capable of destroying the stockpile and a private contractor had to be found.

⁸⁸⁵ Ministry of Defense Press release, "Norwegian stockpiles of cluster munitions are history," 16 July 2010; and presentation by the Norwegian Defense and Logistics Organization/Surplus Material Management Program, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

The cluster munitions were destroyed 910m below ground in an old copper mine at Løkken Verk in Trøndelag, south of the city of Trondheim. The cluster munitions were destroyed in batches “to filter air and comply with environmental and safety standards.”⁸⁸⁶

At the First Meeting of States Parties, Norway gave a detailed presentation on its stockpile destruction process, which took 18 months from start to finish. The total cost of the stockpile destruction was US\$4 million, with \$638,000 for transport. One of the biggest challenges was physically transporting the cluster munitions to the destruction site from their various storage locations across the country.⁸⁸⁷

Previously, in November 2003, Norway reported that on the basis of a 2001 parliamentary resolution, “All air-delivered cluster bombs previously in Norwegian stock have been destroyed, because of their low level of precision and high dud-rate.”⁸⁸⁸ According to NPA, Norway had 745 Rockeye bombs, each with 247 bomblets.⁸⁸⁹

In June 2011, Norway urged all States Parties that stockpile cluster munitions to start destruction early. It noted that the destruction process could present logistical and financial challenges for states with large stockpiles, but said completion was not impossible and ultimately not an additional cost as all cluster munitions have to be destroyed when their shelf-life expires. Norway described stockpile destruction as a safeguard against the future use of cluster munitions and key to the fulfillment of the convention’s humanitarian objectives.⁸⁹⁰

Norway has not retained any cluster munitions or submunitions for training or other permitted purposes.⁸⁹¹

Cluster Munition Remnants

In its initial Article 7 report, Norway declared that the Hjerkin “Shooting Range,” at HFK sletta, is contaminated with cluster munition remnants over an area of 617,300m². The area is estimated to contain 30 unexploded DM 1383/DM 1385 submunitions.⁸⁹² The area, which is fenced in, was used in 1986–2007 as a firing range. Norway has also reported that clearance of the area is ongoing.⁸⁹³

At the intersessional meeting in June 2011, Norway said that clearance of cluster munition remnants from its training site (now with a higher than previously estimated area of 0.84km²) would be completed by 2013.⁸⁹⁴

Panama

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended intersessional meetings in Geneva in June 2011
Key developments	Ratified on 29 November 2010

Policy

The Republic of Panama signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 29 November 2010. The convention entered into force for Panama on 1 May 2011.

⁸⁸⁶ Statement of Norway, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOAV.

⁸⁸⁷ Presentation by the Norwegian Defense and Logistics Organization/Surplus Material Management Program, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁸⁸⁸ Norway, “National interpretation and implementation of International Humanitarian Law with regard to the risk of Explosive Remnants of War,” CCW/GGE/VI/WG.1/WP.3, CCW GGE on ERW, Geneva, 24 November 2003.

⁸⁸⁹ Email from Atle Karlsen, Mine Action Advisor, NPA, 23 April 2009.

⁸⁹⁰ Statement of Norway, Convention on Cluster Munition Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 June 2011. Notes by AOAV.

⁸⁹¹ In its Article 7 report, Norway did not complete Form C on cluster munitions retained for training and research purposes, which the Monitor views as meaning it has retained no cluster munitions. Convention on Cluster Munitions Article 7 Report, Form C, 27 January 2011.

⁸⁹² Convention on Cluster Munitions Article 7 Report, Form F, 27 January 2011.

⁸⁹³ Ibid.

⁸⁹⁴ Statement of Norway, Convention on Cluster Munitions Intersessional Meetings, Session on Clearance and Risk Reduction, Geneva, 28 June 2011. Notes by the CMC.

Legislation to approve ratification of the convention was introduced on 26 April 2010.⁸⁹⁵ Panama’s Minister of Foreign Affairs, Juan Carlos Varela, presented the legislation to the National Assembly on 16 July 2010, describing the convention as a “substantial advance in the development of international humanitarian law.”⁸⁹⁶ The National Assembly’s Foreign Affairs Commission reviewed and approved the ratification legislation on 1 September 2010.⁸⁹⁷ The National Assembly then debated the legislation for a second and a final time, approved it, and on 6 September 2010, the bill was signed into law by the president.⁸⁹⁸ Law 49 approving the convention was published in the national gazette on 17 September 2010.⁸⁹⁹ Panama subsequently deposited its instrument of ratification with the UN in New York on 29 November 2010.⁹⁰⁰

The status of national measures to implement the convention, such as domestic legislation, is not known. At the time of signing the convention, Panama stated that it already has a law in place prohibiting weapons such as cluster munitions.⁹⁰¹ This could be a reference to the National Penal Code’s Article 237, which Panama has stated applies to antipersonnel mines.⁹⁰²

Panama’s initial Convention on Cluster Munitions Article 7 report is due by 28 October 2011.

Panama participated in the Oslo Process and advocated for the strongest possible convention text during the Dublin negotiations in May 2008.⁹⁰³ Panama participated in regional and international meetings on cluster munitions in 2009 and 2010. It did not attend the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but participated in intersessional meetings of the convention in Geneva in June 2011.

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

Panama is party to the Mine Ban Treaty. Panama is party to the Convention on Conventional Weapons (CCW) and ratified CCW Protocol V on explosive remnants of war on 29 September 2010. Panama has participated in the CCW discussions on cluster munitions in 2010 and 2011, but did not make any statements.

Panama is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Portugal

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 September 2011
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratified on 9 March 2011 and submitted voluntary Article 7 Report

Policy

The Portuguese Republic signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 9 March 2011. The convention will enter into force for Portugal on 1 September 2011.

⁸⁹⁵ National Assembly, Bill 42, 26 April 2010, www.asamblea.gob.pa. Previously, in September 2009, Panama said that due to a change in internal consultation regulations the government would have to reintroduce ratification legislation that had already been presented to the National Assembly. Statement of Panama, Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, 14 September 2009. Notes by the CMC.

⁸⁹⁶ National Assembly, “Ratificarán convenio que prohíbe producción de bombas de racimo” (“Ratify agreement banning production of cluster bombs”), Press release, 16 July 2010, www.asamblea.gob.pa.

⁸⁹⁷ National Assembly, “Revisarán beneficios de convenios internacionales” (“Benefits of International Conventions Review”), Press release, 1 September 2010, www.asamblea.gob.pa.

⁸⁹⁸ National Assembly, “Acuerdos internacionales pasan a tercer debate” (“International agreements passed third reading”), Press release, 2 September 2010, www.asamblea.gob.pa; and National Assembly, “Aprueban convenios internacionales en tercer debate” (“Approve international conventions on third reading”), Press release, 6 September 2010, www.asamblea.gob.pa.

⁸⁹⁹ National Gazette, Law 49, 16 September 2010, www.gacetaoficial.gob.pa.

⁹⁰⁰ UN notification, Convention on Cluster Munitions–Panama: Ratification, 29 November 2010, treaties.un.org.

⁹⁰¹ Statement by Amb. Cecilio Simon, Representative of Panama to Norway and Sweden, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008. Notes by Landmine Action.

⁹⁰² Article 237 provides for a prison sentence of two to six years for “anyone who attempts to commit a crime endangering collective security by manufacturing, supplying, acquiring, removing or possessing bombs and explosive materials, or materials intended for their preparation.” Mine Ban Treaty Article 7 Report, Form A, 16 April 2002; and statement by Amb. Xiamara de Arrocha, Mine Ban Treaty Fifth Meeting of States Parties, Bangkok, 15–19 September 2003.

⁹⁰³ For detail on Panama’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 141.

On 31 March 2011, Portugal submitted an initial voluntary Convention on Cluster Munitions Article 7 report, for calendar year 2010. Portugal listed the ratification decrees under national implementation measures. It is not known if specific legislation will be undertaken to enforce the convention's provisions.

On 22 October 2010, the Parliament adopted Resolution 141 to ratify the convention, which was then approved by the President on 29 December 2010 as Decree 143.⁹⁰⁴ Portugal deposited its instrument of ratification with the UN Headquarters in New York on 9 March 2011. In a statement, the CMC said "Portugal has set a strong example" by ratifying the convention and by destroying its stockpile of cluster munitions nine months prior to ratification (see Use, production, transfer, and stockpiling section below).⁹⁰⁵ Portugal was the 53rd State Party to the convention and the 13th NATO member to ratify.

Portugal participated in the Oslo Process that created the convention and made substantial contributions throughout, including at the negotiations in Dublin in May 2008.⁹⁰⁶ Portugal continued to contribute to the work of the convention in 2010 and the first half of 2011. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it announced the completion of its stockpile destruction obligations and provided an update on ratification.⁹⁰⁷ Portugal participated in the convention's first intersessional meetings in Geneva in June 2011, but did not make any statement.

At the First Meeting of States Parties in November 2010, Portugal said it is actively working for the convention's full universalization and implementation, and said it had organized a meeting on the convention for Lusophone states in June 2010.⁹⁰⁸

The Monitor is not aware of any public statements by Portugal in the first half of 2011 condemning the use of cluster munitions by Libya or Thailand.

Interpretative issues

Portugal has expressed its views on some of the issues important to the interpretation and implementation of the convention text regarding the prohibition on assistance with prohibited acts, particularly during joint military operations with states not party (interoperability). Portugal has stated that it will not use cluster munitions, "regardless of what country might be commanding military forces."⁹⁰⁹ While it supported the inclusion of a provision on interoperability during the negotiations of the convention, Portugal argued that it should not weaken the convention in any way and stated that future States Parties would have a duty to convince others not to use cluster munitions.⁹¹⁰

Portugal has also stated, "It is the Portuguese view that the Convention does not unequivocally exclude the possibility of foreign stockpiling of cluster munitions on, or the transit of this type of armament across, the national territory of a State Party. In the latter case, the transit could be authorized once it does not represent a transfer under the definition established in Article 2 of the Convention; in other words, only in the circumstance when the cluster munitions in transit are to remain under the control of the same non State Party that requested the passage."⁹¹¹

On the issue of the retention of cluster munitions for training and research purposes, Portugal has stated that it has destroyed its entire stockpile of cluster munitions and does not intend to acquire any cluster munitions to retain for training and research purposes (see Use, production, transfer, and stockpiling section below).⁹¹²

Portugal has yet to formally make known its view on the prohibition on investment in cluster munition production.⁹¹³

Portugal is party to the Mine Ban Treaty.

⁹⁰⁴ Convention on Cluster Munition voluntary Article 7 Report, 31 March 2011, Form A.

⁹⁰⁵ CMC press release, "Portugal Ratifies Treaty Banning Cluster Bombs," London, 16 March 2011.

⁹⁰⁶ For details on Portugal's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 146–147.

⁹⁰⁷ Statement of Portugal, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁹⁰⁸ Statement of Portugal, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC. Portugal organized a seminar in Lisbon on 25 June 2010 for senior and technical level representatives from the following Lusophone countries: Angola, Cape Verde, Guinea-Bissau, Mozambique, São Tomé and Príncipe, and Timor-Leste. Email from Luis Filipe Cunha, Directorate for Security and Defense Affairs, Unit of Disarmament and Non Proliferation, Ministry of Foreign Affairs, 5 July 2010.

⁹⁰⁹ Email from Luis Filipe Cunha, Ministry of Foreign Affairs, 5 July 2010.

⁹¹⁰ Statement of Portugal, Committee of the Whole on Article 1, Dublin Diplomatic Conference on Cluster Munitions, 19 May 2008; and Statement of Portugal, Informal Discussions on Interoperability, Dublin Diplomatic Conference on Cluster Munitions, 20 May 2008, notes by Landmine Action. Portugal stated that legal clarity on interoperability would be necessary and called for a provision that would not promote the use of cluster munitions but would settle the problem of combined obligations between States Parties and states not party during joint military operations.

⁹¹¹ Letter No. 42 from Paula Silva Cepeda, Charge d'Affaires, Embassy of Portugal, Washington, DC, 29 July 2010.

⁹¹² Statement of Portugal, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁹¹³ Statement of Portugal, Committee of the Whole on Article 3, Dublin Diplomatic Conference on Cluster Munitions, 19 May 2008; and Statement of Portugal, Informal Discussions on Interoperability, Dublin Diplomatic Conference on Cluster Munitions, 20 May 2008. Notes by Landmine Action.

Convention on Conventional Weapons

Portugal is a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Portugal continued to actively engage in CCW deliberations on cluster munitions in 2010 and the first half of 2011.

In March 2011, Portugal argued against a proposed CCW transition period during which prohibited cluster munitions could continue to be used.⁹¹⁴

Use, production, transfer, and stockpiling

Portugal has stated it has never produced or transferred cluster munitions, and has never used cluster munitions “except for the purpose of training our Armed Forces.”⁹¹⁵

According to its voluntary Article 7 report, prior to its stockpile destruction Portugal possessed a stockpile of 11 BL-755 cluster bombs containing a total of 1,617 Mk-1 submunitions.⁹¹⁶

According to the Article 7 report, Portugal completed the destruction of its entire stockpile in April 2011. Four BL-755 containing 588 submunitions were destroyed by 28 January 2011 and the remaining seven BL-755 (containing a total of 1,029 submunitions) were destroyed by 29 April 2011 by the Portuguese company Desmilitarização e Defesa, SA.⁹¹⁷

The method of disposal for the BL-755 bomb involved dismantling, removal of charges, separation of submunitions, and the destruction of explosives with thermo disposal techniques, while the submunitions were cut and destroyed using thermo disposal techniques. Portugal has stated that destruction was carried out to international standard ISO 14001 and 95% of all scrap metal produced in the destruction process was recycled.⁹¹⁸

At the First Meeting of States Parties in November 2010, Portugal said it had destroyed its entire stockpile of cluster munitions and had committed itself not to acquire cluster munitions ever again, including for training and research purposes.⁹¹⁹ This is confirmed in the Article 7 report.

Saint Vincent and the Grenadines

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	None
Key developments	Ratified on 29 October 2010, State Party as of 1 April 2011

Policy

Saint Vincent and the Grenadines signed the Convention on Cluster Munitions on 23 September 2009 and ratified on 29 October 2010, becoming the 44th State Party and second Caribbean country to ratify (after Antigua and Barbuda). The convention entered into force for Saint Vincent and the Grenadines on 1 April 2011.

Saint Vincent and the Grenadines’ initial Convention on Cluster Munitions Article 7 report is due by 27 September 2011.

Saint Vincent and the Grenadines did not participate in the Oslo Process that created the convention in 2008, but joined the convention nine months after it was opened for signature. Saint Vincent and the Grenadines’ only participation in a meeting on cluster munitions was in September 2009, when it attended a regional conference on cluster munitions in Santiago, Chile. Saint Vincent and the Grenadines did not attend the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

⁹¹⁴ Statements of Portugal, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 28 March 2011. Notes by Action on Armed Violence.

⁹¹⁵ Letter from Amb. José Filipe Moraes Cabral, Permanent Mission of Portugal to the UN in New York, 3 March 2009.

⁹¹⁶ Each BL-755 contained 147 Mk-1 submunitions. Convention on Cluster Munition voluntary Article 7 Report, Forms B and D, 31 March 2011. Portugal first disclosed information on its stockpile during the negotiation of the convention in May 2008, when it stated that it no longer had any cluster munitions in operational stocks and had initiated their destruction. Statement of Portugal, Opening Session of the Committee of the Whole, Dublin Diplomatic Conference on Cluster Munitions, 19 May 2008. Notes by Landmine Action.

⁹¹⁷ Convention on Cluster Munition voluntary Article 7 Report, Form B, 31 March 2011.

⁹¹⁸ Ibid.

⁹¹⁹ Statement of Portugal, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

The status of national implementation measures is not known.

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

Saint Vincent and the Grenadines is party to the Mine Ban Treaty. It joined the Convention on Conventional Weapons (CCW) on 6 December 2010, including CCW Protocol V on explosive remnants of war and Amended Protocol II on landmines, but did not attend any CCW meetings during 2010.

Saint Vincent and the Grenadines is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Samoa

Policy

The Independent State of Samoa signed the Convention on Cluster Munitions on 3 December 2008 and ratified 28 April 2010. The convention entered into force for Samoa on 1 October 2010.

In February 2009, the chief executive of Samoa's Ministry of Foreign Affairs and Trade said the government would put in place "relevant legislation" to "enable the Convention to be implemented domestically in line with Article 9."⁹²⁰ The status of progress toward adopting national implementation legislation is not known.

As of 1 June 2011, Samoa had not yet submitted its first Convention on Cluster Munitions Article 7 report, due by 30 March 2011.

Samoa joined the Oslo Process in February 2008 and supported the most comprehensive ban possible during the Dublin negotiations.⁹²¹

Samoa has not attended any meetings of the convention since the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, such as the First Meeting of States Parties in Vientiane, Lao PDR in November 2010 or intersessional meetings in Geneva in June 2011.

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

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

Samoa has stated on several occasions that it that it "does not produce, use, stockpile or transfer cluster munitions, nor do we plan to produce, use, stockpile or be a transit point for cluster munitions."⁹²²

San Marino

Policy

The Republic of San Marino signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 10 July 2009. It was thus among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

⁹²⁰ Letter Ref. 5/16/45 from Aiono Mose Pouvi Sua, Chief Executive Officer, Ministry of Foreign Affairs and Trade, 16 February 2009.

⁹²¹ For more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 148.

⁹²² Statement of Samoa, Wellington Conference on Cluster Munitions, 19 February 2008, www.mfat.govt.nz. See also letter Ref. 5/16/45 from Aiono Mose Pouvi Sua, Ministry of Foreign Affairs and Trade, 16 February 2009.

San Marino submitted its initial Convention on Cluster Munitions Article 7 report on 4 March 2011, covering the period from 1 August 2010 to 31 December 2010.⁹²³ Under national implementation measures, San Marino reported that the Great and General Council (Parliament) of San Marino adopted Decree no. 82 approving ratification of the Convention on Cluster Munitions on 23 June 2010.⁹²⁴ According to the Article 7 report, “The San Marino legal system provides that, an international agreement when ratified through the appropriate parliamentary procedure, becomes ipso-facto part of its legal system. Therefore, the provisions of an international agreement that has been duly ratified are directly applicable and there is no need to further implement the legislation.”⁹²⁵

San Marino participated in one meeting of the Oslo Process that developed the convention (Vienna in December 2007) and joined in the consensus adoption of the convention during the negotiations in Dublin in May 2008.⁹²⁶ San Marino did not attend the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 or intersessional meetings of the convention in Geneva in June 2011.

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

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

San Marino has stated that it has never used, produced, transferred, or stockpiled cluster munitions.⁹²⁷ It has reported no stockpile of cluster munitions, including none for training.⁹²⁸ According to the Article 7 report, San Marino is not affected by cluster munition remnants.⁹²⁹

Senegal

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 February 2012
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratified on 3 August 2011

Policy

The Republic of Senegal signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 3 August 2011. The convention will enter into force for Senegal on 1 February 2012.

On 23 June 2010, Senegal’s National Assembly unanimously approved Law No. 14/2010 to ratify the convention. In June 2011, Senegal announced that the domestic ratification process had been completed and the instrument of ratification had been sent for deposit.⁹³⁰ Senegal deposited the ratification instrument at the UN in New York on 3 August 2011, becoming the 60th State Party.

It is not known if Senegal intends to enact specific legislation to enforce the provisions of the convention.

Senegal’s initial Convention on Cluster Munitions Article 7 report is due by 30 July 2012.

Senegal actively participated in the Oslo Process that created the convention and sought a total and immediate ban on cluster munitions with no exceptions.⁹³¹ Senegal continued to engage in the work of the convention in 2010 and the first half of 2011. Senegal attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane,

⁹²³ San Marino, Convention on Cluster Munitions Article 7 Report, Form A, 4 March 2011.

⁹²⁴ Ibid.

⁹²⁵ Ibid.

⁹²⁶ For details on San Marino’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 148.

⁹²⁷ Email from Ilaria Salicioni, First Secretary, Department of Foreign Affairs, 7 September 2009.

⁹²⁸ San Marino, Convention on Cluster Munitions Article 7 Report, Forms B and C, 4 March 2011.

⁹²⁹ San Marino, Convention on Cluster Munitions Article 7 Report, Form G, 4 March 2011.

⁹³⁰ Statement of Senegal, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011.

⁹³¹ For details on Senegal’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 149–150.

Lao PDR in November 2010, where it confirmed that it does not use, produce, or stockpile cluster munitions.⁹³² Senegal participated in the convention's intersessional meetings in Geneva in June 2011. At both meetings, Senegal provided updates on its ratification progress.

At the UN General Assembly (UNGA) First Committee on Disarmament and International Security in October 2010, Senegal welcomed the entry into force of the convention, which it described as a significant advancement for the protection of civilians and international humanitarian law.⁹³³

Civil society in Senegal has campaigned in support of the Convention on Cluster Munitions.⁹³⁴

Senegal is a State Party to the Mine Ban Treaty.

Interpretive issues

In February 2011, Senegal expressed its views on a number of important issues relating to the interpretation and implementation of the convention. Senegal stated that foreign stockpiling and transfer of cluster munitions constitutes a violation of the convention. On the issue of the prohibition on investment in cluster munition production, Senegal expressed its view that investment in cluster munitions would likewise constitute a violation of the convention.⁹³⁵

Convention on Conventional Weapons

Senegal is a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Senegal continued to participate in CCW deliberations on cluster munitions in 2010 and the first half of 2011.⁹³⁶

Senegal has expressed concern at the draft text under discussion, which it believes does go far enough in addressing humanitarian concerns.⁹³⁷

Use, production, transfer, and stockpiling

Senegal has stated that it has never used, produced, transferred, or stockpiled cluster munitions.⁹³⁸

Seychelles

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010

Policy

The Republic of Seychelles signed the Convention on Cluster Munitions on 13 April 2010 and ratified on 20 May 2010. The convention entered into force for Seychelles on 1 November 2010.

⁹³² Statement by Senegal, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁹³³ Statement by Amb. Paul Badji, Permanent Mission of Senegal to the UN, 65th Session of the UNGA, General Debate, New York, 7 October 2010.

⁹³⁴ For example, to celebrate the convention's 1 August 2010 entry into force, campaigners in Dakar and Ziguinchor held events including drumming performances, film screenings, and a public conference. CMC, "Report: Entry into force of the Convention on Cluster Munitions, 1 August 2010," November 2010, pp. 30–31.

⁹³⁵ Response to Monitor questionnaire from Colonel Meïssa Niang, Director, Control Research and Legislation of the Ministry of Armed Forces of Senegal, 3 February 2011.

⁹³⁶ In previously years Senegal was more active in the CCW, for example when Senegalese Amb. Babacar Carlos Mbaye chaired the CCW Meeting of States Parties in November 2009.

⁹³⁷ Statement of Senegal, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 12 April 2010. Notes by Action on Armed Violence.

⁹³⁸ Response to Monitor questionnaire from Colonel Meïssa Niang, Control Research and Legislation of the Ministry of Armed Forces of Senegal, 3 February 2011; and Statement of Senegal, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

In May 2010, a member of the National Assembly informed the CMC that appropriate laws to implement the convention would be drafted following ratification.⁹³⁹ The National Assembly unanimously approved a motion approving ratification of the convention on 20 April 2010.⁹⁴⁰

As of June 2011, Seychelles had not yet submitted its initial Convention on Cluster Munitions Article 7 report due by 30 April 2011.

Seychelles participated in the Oslo Process that created the convention and advocated for a humanitarian rather than technical approach to tackling cluster munitions.⁹⁴¹ Seychelles has continued to engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make a statement. Seychelles did not attend intersessional meetings of the convention in Geneva in June 2011.

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

Seychelles is a party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war.

Seychelles is not known to have used, produced, transferred, or stockpiled cluster munitions.

Sierra Leone

Policy

The Republic of Sierra Leone both signed and ratified the Convention on Cluster Munitions in Oslo on 3 December 2008. Thus, it was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

Sierra Leone did not report any national measures to implement the convention in its initial Convention on Cluster Munitions Article 7 report submitted on 25 January 2011.⁹⁴² The report covers the period from 27 January 2011 to 30 April 2012, but not all forms were completed.⁹⁴³

Sierra Leone participated in the Oslo Process and advocated for a strong convention text during the formal negotiations in Dublin in May 2008.⁹⁴⁴ Sierra Leone has continued to engage in the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made several statements. Sierra Leone did not attend intersessional meetings of the convention in Geneva in June 2011.

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

Sierra Leone is party to the Mine Ban Treaty. It is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not participated in CCW discussions on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Sierra Leone is not believed to have used, produced, or transferred cluster munitions.

In its Article 7 report, Sierra Leone said that it has “never stockpiled any type of cluster munitions or explosive submunitions.”⁹⁴⁵

⁹³⁹ Email from Clifford Andre, Member, Seychelles National Assembly, 29 May 2010.

⁹⁴⁰ Ibid.

⁹⁴¹ For more information on Seychelles’ policy and practice regarding cluster munitions through mid-2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 102.

⁹⁴² Sierra Leone answered “N/A” or not applicable. Convention on Cluster Munitions Article 7 Report, Form A, 25 January 2011.

⁹⁴³ Only included Forms A, B, and C were submitted. Sierra Leone Convention on Cluster Munitions Article 7 Report, 25 January 2011.

⁹⁴⁴ For detail on Sierra Leone’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 151.

⁹⁴⁵ Sierra Leone Convention on Cluster Munitions Article 7 Report, Form B, 25 January 2011.

Sierra Leone, however, reported that cluster munitions were stockpiled in the country during the Economic Community of West African States Monitoring Group (ECOMOG) intervention in 1998 and 1999.⁹⁴⁶ According to sources close to the Sierra Leonean military, in 1997 Nigerian forces operating as ECOMOG peacekeepers dropped two cluster bombs on Lokosama, near Port Loko. ECOMOG Force Commander General Victor Malu denied these reports.⁹⁴⁷ According to media reports, Nigerian ECOMOG peacekeepers used French-produced BLG-66 Belouga cluster bombs in an attack on the eastern town of Kenema in Sierra Leone in 1997.⁹⁴⁸

Sierra Leone reported that an unknown quantity of “M42, M46, and M77” submunitions containing 30.5kg of explosives was destroyed by open detonation in 2001 at Aberdeen Beach near Freetown by an explosive ordnance disposal team from the United Kingdom.⁹⁴⁹

Cluster Munition Casualties

Twenty-eight casualties were reported from cluster munitions strikes in 1997.⁹⁵⁰ No casualties from unexploded submunitions have been identified.

Slovenia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Stockpile destruction underway; submitted Article 7 report in January 2011

Policy

The Republic of Slovenia signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 19 August 2009. It was thus among the first 30 ratifications to trigger the convention’s entry into force on 1 August 2010.

Slovenia submitted its initial Convention on Cluster Munitions Article 7 report on 26 January 2011, for calendar year 2010.

According to the report, Slovenia’s national implementation measures for the convention’s provisions are enacted through Article 307 of its Criminal Code on the Illegal Manufacture of and Trade in Weapons or Explosive Materials, adopted in 1994 and last modified in 2009.⁹⁵¹ Draft legislation to specifically implement the convention had been submitted to Parliament in July 2010, but was never adopted.⁹⁵² In June 2011, a Ministry of Foreign Affairs official said the legislation was found not to be necessary because, according to the Constitution, international agreements and treaties are implemented directly.⁹⁵³

⁹⁴⁶ Ibid.

⁹⁴⁷ “IRIN-WA Weekly Roundup, 10/3/97,” *IRIN*, 10 March 1997, www.africa.upenn.edu.

⁹⁴⁸ “10 Killed in Nigerian raid in eastern Sierra Leone,” *Agence France-Presse*, 11 December 1997; and Human Rights Watch, “Cluster Munition Information Chart,” March 2009, www.hrw.org.

⁹⁴⁹ Convention on Cluster Munitions Article 7 Report, Form B, 25 January 2011.

⁹⁵⁰ *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 54.

⁹⁵¹ Convention on Cluster Munitions Article 7 Report, 26 January 2011, Form A. In Slovenian: “Kazenski zakonik, 307. člen: Nedovoljena proizvodnja in promet orožja ali eksplozivov.”

⁹⁵² In July 2010, Slovenia reported that draft national implementation legislation had been submitted to Parliament. The draft law prohibited the use, production, stockpiling, purchase and sale, import, and export of cluster munitions. It specifically prohibited the transit of cluster munitions across the territory of Slovenia. It required that existing stocks of cluster munitions must be declared within one month after the entry into force of the law and destroyed within two years. It also included penal sanctions for violations of the law. “Predlog zakona o prepovedi proizvodnje, prodaje in uporabe kasetnega streliva” (“Draft law banning the manufacture, use, and sale of cluster munitions”), No. 213-05/10-001/1175-V, 15 July 2010, www.dz-rs.si; and email from Eva Veble, DCA, 30 July 2010.

⁹⁵³ Email from Jurij Žerovec, Security Policy Division, Ministry of Foreign Affairs, 13 June 2011.

Slovenia actively engaged in the Oslo Process that led to the creation of the convention and enacted legislative measures on cluster munitions prior to the conclusion of the process. In July 2007 it had adopted a declaration calling on the government to support all international efforts to conclude an international instrument prohibiting cluster munitions and to consider national measures, including appropriate legislation to ban cluster munitions.⁹⁵⁴

Slovenia continued to engage in the work of the convention in 2010 and the first half of 2011. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it announced that it had initiated the process of destroying its stockpile of 1,080 cluster munitions and pledged to destroy the stockpile well before the deadline set by the convention. Slovenia also called for increased funding from donors to achieve the aims of the convention, noting its own financial contributions to the International Trust Fund for Demining and Victims Assistance.⁹⁵⁵

Slovenia participated in the convention's first intersessional meetings in Geneva in June 2011, but did not make any statements. At both meetings, Slovenia assisted Australia in its role as Friend of the President of the First Meeting of States Parties on clearance.

In a May 2011 letter to the Monitor, Minister of Foreign Affairs, Samuel Žbogar, said that the convention's increasing number of signatories and States Parties is a "positive development" that "gives us hope that a comprehensive ban of cluster munitions will soon become a global standard."⁹⁵⁶ The Minister of Foreign Affairs also expressed his thanks to civil society for "their invaluable contribution to our joint endeavours to reach a common goal—a world free of cluster munitions."⁹⁵⁷

At the First Meeting of States Parties, Slovenia appealed to all States Parties to spare no effort on universalization of the convention and expressed its belief that the convention will become a universal norm with an impact on states not party.⁹⁵⁸

During the UN General Assembly's (UNGA's) First Committee on Disarmament and International Security, Slovenia called the entry into force of the convention on 1 August 2010, "the most important event in the field of conventional weapons in the course of this year."⁹⁵⁹ Slovenia participated in a UN Special Event on the convention held during the UNGA First Committee in New York in October 2010.

Interpretative issues

Slovenia has elaborated its views on several important issues related to interpretation and implementation of the convention, including the prohibition with assistance with prohibited acts in joint military operations, the prohibition on transit and foreign stockpiling, and the retention of cluster munitions for training and research purposes.

In May 2011, the Minister of Foreign Affairs reiterated Slovenia's views on the prohibition on assistance with prohibited acts in joint military operations, saying, "Allow me to stress that Slovenia will not participate in any joint military operation with non-States Parties to the Convention involving the use of cluster munitions."⁹⁶⁰

The Minister of Foreign Affairs reiterated Slovenia's position on transit and foreign stockpiling, stating that, "As the Convention also includes the prohibition on transit and stockpiling of cluster munitions by third countries on the territory of States Parties, we consider such activities illegal on the territory of the Republic of Slovenia."⁹⁶¹

On the issue of retention of cluster munitions for training or research, Slovenia has indicated its intention to destroy its entire stockpile of cluster munitions.⁹⁶²

Slovenia has yet to make known its views on the prohibition on investment in cluster munition production.

Convention on Conventional Weapons

Slovenia is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Slovenia continued to participate in the CCW deliberations on cluster munitions in 2010 and the first half of 2011.

Slovenia has expressed its opposition to a provision in the draft chair's text that would allow for a transition period during which prohibited cluster munitions could still be used.⁹⁶³

⁹⁵⁴ For details on Slovenia's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 152–153.

⁹⁵⁵ Letter from Samuel Žbogar, Minister of Foreign Affairs, to Mary Wareham, Senior Advocate, Human Rights Watch 9 May 2011.

⁹⁵⁶ *Ibid.*

⁹⁵⁷ *Ibid.*

⁹⁵⁸ Statement of Slovenia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁹⁵⁹ Statement by Amb. Sanja Štiglic, Permanent Mission of the Republic of Slovenia to the UN in New York, UNGA First Committee, New York, 19 October 2010.

⁹⁶⁰ Letter from Samuel Žbogar, Minister of Foreign Affairs, to Mary Wareham, Human Rights Watch 9 May 2011.

⁹⁶¹ *Ibid.*

⁹⁶² *Ibid.*

⁹⁶³ Statement of Slovenia, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 30 August 2010, notes by Action on Armed Violence (AOAV); and Statement of Slovenia, CCW GGE on Cluster Munitions, Geneva, 28 March 2011, notes by AOAV.

In 2009, Slovenia stated that it viewed “the efforts in the framework of the CCW process and the Oslo Process [as] complementary” and urged states to try to conclude work by the end of 2010.⁹⁶⁴

Use, production, and transfer

Slovenia is not known to have used or exported cluster munitions. Slovenia has stated that it has never produced cluster munitions or their components.⁹⁶⁵

Stockpiling and destruction

In its initial Article 7 report, Slovenia reported a stockpile of 1,080 cluster munitions, which it has identified as 155mm howitzer PAT-794 CARGO Long-Range/Base Bleed (LR/BB) projectiles. The origin of the PAT-794 projectile is unclear.⁹⁶⁶ Slovenia did not report the possession of any explosive submunitions.⁹⁶⁷

According to the Article 7 report, Slovenia has concluded a contract for the destruction of its cluster munitions at “MAXAM Bulgaria” destruction facilities. The entire stockpile was due to be transported to Bulgaria for destruction by the end of January 2011, with the final deadline for the completion of destruction by September 2011.⁹⁶⁸

In June 2011, a Ministry of Foreign Affairs official said that Slovenia planned to complete the stockpile destruction before the end of 2011 and well in advance of its obligations under the convention.⁹⁶⁹

In its Article 7 report, Slovenia stated that no cluster munitions have been retained for training or research purposes.⁹⁷⁰

Spain

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Submitted Article 7 report in January 2011

Policy

The Kingdom of Spain signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 17 June 2009. It was among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

Spain submitted its initial Article 7 report on 27 January 2011, for the period from 1 August 2010 to 27 January 2011.

Under national implementation, Spain has reported that the Penal Code was amended on 22 June 2010 to include penal sanctions related to cluster munitions as well as mines.⁹⁷¹ According to the amended Penal Code, violations relating to the use, development, manufacturing, sale, stockpiling, and trafficking of cluster munitions are punishable by a penal term of five to 10 years or three to five years for violations of the prohibition on assistance.⁹⁷²

⁹⁶⁴ Statement by Amb. Sanja Štiglic, Permanent Mission of Slovenia to the UN in New York, UNGA First Committee, 20 October 2009.

⁹⁶⁵ Letter from Samuel Žbogar, Minister of Foreign Affairs, 20 April 2010; letter from Samuel Žbogar, Minister of Foreign Affairs, to Mary Wareham, Human Rights Watch 9 May 2011.

⁹⁶⁶ Knowledgeable sources have speculated that the PAT-794 was produced by the ZVS Company from Slovakia and contains 49 M85 dual purpose improved conventional munition (DPICM) submunitions.

⁹⁶⁷ Convention on Cluster Munitions Article 7 Report, Form B, 26 January 2011.

⁹⁶⁸ Ibid.

⁹⁶⁹ Email from Jurij Žerovec, Security Policy Division, Ministry of Foreign Affairs, 13 June 2011.

⁹⁷⁰ Slovenia reported “none” in Form C. Convention on Cluster Munitions Article 7 Report, Form C, 26 January 2011.

⁹⁷¹ Spain has stand-alone national implementation legislation in place for the Mine Ban Treaty: Law Banning Antipersonnel Landmines as well as those Arms with Similar Effects, Law 33/1998. A copy of the Spanish law can be found in the official journal of the state, Boletín Oficial del Estado, num. Ver. 239-1998, 6 October 1998. See also ICBL, *Landmine Monitor Report 2000: Toward a Mine-Free World* (Human Rights Watch: New York, 2000), www.the-monitor.org.

⁹⁷² Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011. Spain has amended paragraphs one and two of Article 566 of Organic Law [Ley Orgánica] 2/2000 of its penal code to include cluster munitions, mines, chemical and biological weapons. See Organic Law 5/2010 of 22 June 2010, amending Organic Law 10/1995 of 23 November 1995, Penal Code, available at noticias.juridicas.com.

Prior to entry into force, Spain declared a unilateral moratorium on use, production, and transfer of cluster munitions on 11 July 2008.⁹⁷³ Directive no. 71/2008, issued by the Secretary of Defense on 30 July 2008, has regulated implementation of the convention by Spain's Armed Forces.⁹⁷⁴

Spain participated throughout the Oslo Process that created the convention and its position evolved significantly to support a comprehensive ban on all cluster munitions. Following the adoption of the convention in Dublin in May 2008, Spain rapidly began to implement its provisions.⁹⁷⁵

Spain continued to participate in the work of the convention in 2010 and the first half of 2011. Spain attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it encouraged states that have not yet done so to join to the convention and provided a statement on the completion of its stockpile destruction in March 2009. Spain also participated in intersessional meetings of the convention in Geneva in June 2011, where it made a statement regarding the transfer of cluster munitions from Spain to Libya in 2006 and 2008 (see Transfer section below).⁹⁷⁶

In its Article 7 report, Spain stated that it uses all relevant fora to make known its position on the Convention on Cluster Munitions and encourage states to join the convention.⁹⁷⁷ At the intersessional meetings in June 2011, Spain stated that the universality of the convention must be a priority for all members.⁹⁷⁸

Also at the intersessional meetings in June 2011, Spain said it “firmly condemns” the use of cluster munitions in Libya.⁹⁷⁹ Spain noted that it had advocated in support of the April 2011 statement by the European Union (EU) that also condemned cluster munition use in Libya.⁹⁸⁰ In a June 2011 meeting, Spain's Permanent Representative to the Conference on Disarmament, Ambassador Javier Catalina, expressed Spain's “strong political commitment” to the convention and noted, “We think it is the universal standard that should be complied with by everybody.”⁹⁸¹

Spanish NGOs have continued to take action in support of the Convention on Cluster Munitions.⁹⁸²

Interpretive issues

Spain has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that may use cluster munitions, and the prohibition on investment in production of cluster munitions.

On the issue of foreign stockpiling, in its Article 7 report Spain stated that it is in the process of informing states not party with which it cooperates in joint military operations of its obligations and adherence to international agreements on both cluster munitions and mines, including its commitments with respect to the prohibition of storage of prohibited weapons on territory under its jurisdiction or control.⁹⁸³

Convention on Conventional Weapons

Spain is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Spain participated in the CCW deliberations on cluster munitions in 2010 and the first half of 2011.

In June 2011, a government representative informed the CMC that Spain was concerned at the CCW work on cluster munitions. The representative said that there was no EU statement given at the CCW meetings on cluster munitions held in April 2011 because Spain had objected and expressed concern that a weak EU statement on the CCW work on cluster munitions was worse than no statement.⁹⁸⁴ In September 2010, Spain observed that the chair's draft text did not represent progress or a step forward.⁹⁸⁵ In August 2010, Spain said that any CCW instrument on cluster munitions must be compatible with the Convention on Cluster Munitions.⁹⁸⁶

⁹⁷³ “España dejará de fabricar bombas de racimo” [Spain will cease to manufacture cluster bombs], *El País*, 8 July 2008, www.elpais.com.

⁹⁷⁴ Convention on Cluster Munitions Article 7 Report, Form A, 27 January 2011.

⁹⁷⁵ For details on Spain's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 156–161.

⁹⁷⁶ Statement of Spain, Convention on Cluster Munitions Intersessional Meeting, Geneva, 29 June 2011. Notes by the CMC.

⁹⁷⁷ Convention on Cluster Munitions Article 7 Report, Forms A and J, 27 January 2011.

⁹⁷⁸ Statement of Spain, Convention on Cluster Munitions Intersessional Meeting, Geneva, 29 June 2011. Notes by Action on Armed Violence (AOAV).

⁹⁷⁹ Statement of Spain, Convention on Cluster Munitions Intersessional Meeting, Geneva, 29 June 2011. Notes by Human Rights Watch.

⁹⁸⁰ See EU Declaration by HR Ashton on the reported use of cluster munitions in Libya, 29 April 2011, www.europa-eu-un.org.

⁹⁸¹ CMC meeting with Amb. Javier Catalina, Permanent Mission of Spain to the Conference on Disarmament, Geneva, 30 June 2011. Notes by the CMC.

⁹⁸² For example, NGOs Fundació per la Pau, Greenpeace, Justícia i Pau, Moviment per la Pau, Plataforma per la Pau de Lloret, and Setem organized a drumming event Barcelona's Plaça de Sant Jaume to celebrate the 1 August 2010 entry into force of the convention. CMC, “Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010,” October 2010.

⁹⁸³ Convention on Cluster Munitions Article 7 Report, Forms A and J, 27 January 2011.

⁹⁸⁴ CMC meeting with Amb. Javier Catalina, Permanent Mission of Spain to the Conference on Disarmament, Geneva, 30 June 2011. Notes by the CMC.

⁹⁸⁵ Statement of Spain, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 1 September 2010. Notes by AOAV.

⁹⁸⁶ Statement of Spain, CCW GGE on Cluster Munitions, Geneva, 30 August 2010. Notes by AOAV.

Use and production

Spain has stated that it has never used cluster munitions.

In its Article 7 report, Spain confirmed that the company Instalaza SA from Zaragoza produced two types of 120mm mortar projectiles containing submunitions: the ESPIN-21 and MAT-120. In May 2011, Spanish media reported that Instalaza SA had filed a claim with the government for approximately €40 million (US\$56 million), an amount that reportedly reflects damages and profits lost in 2009 from the cancellations of sales to seven countries.⁹⁸⁷

Spain also confirmed that the company Explosivos Alaveses SA (EXPAL) produced the BME-330B/AP cluster bomb.⁹⁸⁸ According to a standard reference work, EXPAL has produced two other types of BME bombs, both of which are banned under the Convention on Cluster Munitions. The BME-330AT cluster bomb contains 516 bomblets, a mixture of 512 armor-piercing SAC-1 AP antipersonnel bomblets and four MAC-2 antitank mines.⁹⁸⁹ The BME-330C (multipurpose) cluster bomb holds 180 bomblets of three different types: the CP fragmentation (antipersonnel), the CH shaped charge (anti-armor), and the SNA area denial bomblets.⁹⁹⁰

Spain did not report on the conversion of cluster munition production facilities in its Article 7 report.⁹⁹¹

Transfer

Spain apparently imported two variants of the Rockeye cluster bomb, the CBU-99B and CBU-100, from the United States (US).⁹⁹²

Pursuant to the unilateral moratorium enacted by the Spanish government in June 2008, the Ministry of Industry, Tourism, and Trade and the Inter-Ministerial Board that regulates Foreign Trade on Defense and Dual Use Goods were instructed to deny all requests for the export of cluster munitions as of 11 June 2008.⁹⁹³

Other than to Libya, few details are known on past Spanish exports of cluster munitions. Peru possesses a BME-330 cluster bomb of Spanish origin.⁹⁹⁴

Transfer of cluster munitions to Libya

At the intersessional meetings in June 2011, Spain made a statement condemning use of cluster munitions in Libya and confirming that the cluster munitions used had been transferred from Spain to Libya in 2006 and 2008, prior to the adoption of the convention and Spain's export moratorium.

The New York Times and Human Rights Watch reported on 15 April 2011 that government forces loyal to the Libyan leader, Muammar Gaddafi, had used MAT-120 mortar projectiles containing submunitions in residential areas of Misrata. Both organizations examined and photographed remnants of expended projectiles and unexploded submunitions. According to the markings on the remnants, the carrier munitions and submunitions were manufactured in 2007 by Instalaza SA.⁹⁹⁵

Following the revelation of Libya's use, the CMC urged Spain to provide information on the transfers of cluster munitions to Libya.⁹⁹⁶ In June 2011, Spain confirmed the transfer, stating that a total of 1,055 MAT-120 cluster munitions (containing 22,155 submunitions) were transferred to Libya in 2006 and 2008.⁹⁹⁷ It confirmed information provided to the *New York Times* by the Deputy Director General for Foreign Trade of Defense Materials and Dual Use Goods, Ramon Muro Martinez:

⁹⁸⁷ Javier Noriega, "Instalaza pide 40 millones por la prohibición de las bombas de racimo" [Instalaza 40 million calls for a ban on cluster bombs], *cincodias.com*, 9 May 2011, www.cincodias.com. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁹⁸⁸ For more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 159–160.

⁹⁸⁹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 455.

⁹⁹⁰ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 456.

⁹⁹¹ Spain did not complete Form E on the "Status and progress of programmes for conversion or decommissioning of production facilities."

⁹⁹² Ministry of Defense, "Tres meses antes del compromiso de la ministra de la Defensa España se sitúa a la cabeza de países en eliminar todo su arsenal de bombas de racimo" ("Three months ahead of the commitment of the Minister of Defense, Spain is at the head of countries in eliminating all of its arsenals of cluster bombs"), Press release, 18 March 2009, www.mde.es; and "Spain to destroy all cluster bombs by June 2009: minister," *Agence France-Presse*, 2 December 2008. Letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, Annex II, 12 March 2009.

⁹⁹³ Letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, 12 March 2009.

⁹⁹⁴ Angel Páez, "Peru se suma a iniciativa mundial para prohibir y destruir las 'bombas de racimo'" ("Peru joins global initiative to ban and destroy 'cluster bombs'"), *La República*, 29 May 2007. Human Rights Watch was shown photographs of these cluster munitions by a member of the national media in May 2007. See also, Angel Páez, "Se eliminarán las bombas de racimo" ("Cluster bombs will be eliminated"), *La República*, 29 May 2007.

⁹⁹⁵ C.J. Chivers, "Qaddafi Troops Fire Cluster Bombs Into Civilian Areas," *The New York Times*, 15 April 2011, www.nytimes.com; and Human Rights Watch Press release, "Libya: Cluster Munition Strike in Misrata," 15 April 2011, www.hrw.org.

⁹⁹⁶ Letter from Laura Cheeseman, Director, CMC, to Trinidad Jiménez, Minister of Foreign Affairs and Cooperation, 27 April 2011.

⁹⁹⁷ Five cluster munitions were transferred in October 2006 and another 1,050 in March 2008. Statement of Spain, Convention on Cluster Munitions Intersessional Meeting, Geneva, 29 June 2011. It is not clear if multiple cargo mortars were within a "unit."

One license to Lybia [sic] consisting of 5 cluster munitions for demonstration was issued in August 2006. The export took place in October 2006. There were two more licenses issued in December 2007 with a total amount of 1,050 cluster munitions. They were sent in March 2008.⁹⁹⁸

The last shipment was made three months prior to the enactment of the transfer moratorium (July 2008) and two months prior to the adoption of the Convention on Cluster Munitions (May 2008).⁹⁹⁹

In its April 2011 letter to Spain, the CMC noted that Instalaza SA was still listing the MAT-120 mortar projectile on its website and requested that Spain ask the company to remove all reference to the weapon so that it is completely clear that this weapon can no longer be produced or transferred by a Spanish company.¹⁰⁰⁰

In early May 2011, Spanish parliamentarians asked the government to provide information on the cluster munitions transferred from Spain to Libya and other countries and also asked what measures had been taken to instruct Instalaza SA to remove the MAT-120 information from its website.¹⁰⁰¹ The government responded that Instalaza SA ceased production of cluster munitions as a result of the 2008 moratorium and said that Spanish companies are legally responsible for the content of their websites.¹⁰⁰²

As of July 2011, Instalaza SA continued to feature information on the MAT-120 on its website.¹⁰⁰³

Stockpiling and destruction

Spain was the first signatory to the Convention on Cluster Munitions to complete stockpile destruction.

According to its Article 7 report, Spain destroyed a total of 4,762 cluster munitions containing 232,647 submunitions. Five types of cluster munitions were destroyed: 1,950 ESPIN-21 120mm mortar projectiles (containing 40,950 submunitions); 1,852 MAT-120 120mm mortar projectiles (containing 38,892 submunitions); 575 CBU-100 and CBU-99 Rockeye bombs (containing 142,025 submunitions); and 385 BME-330 B/AP bomb (containing 10,780 submunitions).¹⁰⁰⁴ There are discrepancies between these numbers and those reported earlier by Spain, which the government should explain.¹⁰⁰⁵

The stockpile was destroyed in a seven-month period from December 2008 and March 2009.¹⁰⁰⁶ Stockpile destruction began swiftly after the 11 July 2008 moratorium that included “the commitment of Spain to destroy [existing] weapons of the Armed Forces as soon as possible.”¹⁰⁰⁷

The Spanish government paid €4.9 million (\$6.8 million) to the company Fabricaciones Extremas SA (FAEX), of the Maxam Industrial Group, to destroy the stockpile of cluster munitions, at a unit cost ranging between €500 (\$697) to €6,000 (\$8,361) depending on the type of munition.¹⁰⁰⁸ Instalaza SA dismantled the ESPIN-21 and MAT-120 cluster munitions, which were subsequently destroyed by FAEX.¹⁰⁰⁹

The stockpile destruction was completed in March 2009, three months ahead of schedule.¹⁰¹⁰

⁹⁹⁸ C.J. Chivers, “Following Up, Part 2. Down the Rabbit Hole: Arms Exports and Qaddafi’s Cluster Bombs,” *The New York Times – At War Blog*, 22 June 2011, atwar.blogs.nytimes.com.

⁹⁹⁹ Statement of Spain, Convention on Cluster Munitions Intersessional Meeting, Geneva, 29 June 2011. Notes by the CMC.

¹⁰⁰⁰ Letter from Laura Cheeseman, CMC, to Trinidad Jiménez, Minister of Foreign Affairs and Cooperation, 27 April 2011.

¹⁰⁰¹ Question by Xuclà i Costa, Jordi (GC-CIU), 17 May 2011. Official Bulletin of Congress, No. 596, 29 June 2011, www.congreso.es.

¹⁰⁰² Response by Secretary of State for Constitutional Affairs and Parliamentary, 9 June 2011. Official Bulletin of Congress, No. 596, 29 June 2011, www.congreso.es.

¹⁰⁰³ The site describes the MAT-120’s “level of safety and reliability,” but also notes that Instalaza SA “obeys and complies thoroughly with the decisions of the Spanish government.” See www.instalaza.es.

¹⁰⁰⁴ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

¹⁰⁰⁵ Previously, in March 2009, Spain reported a total stockpile of 5,587 cluster munitions containing 251,836 submunitions as of December 2008. After the quantity destroyed (4,762 cluster munitions containing 232,647 submunitions) and quantity retained (711 cluster munitions containing 16,562 submunitions) are deducted from this total, there still remains 114 cluster munitions and 2,627 submunitions to be accounted for. Letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, 12 March 2009. This letter contained a column heading representing the date of stockpile data that the Monitor reported incorrectly as 12 February 2008 in *Cluster Munition Monitor 2010* (p. 107) and in the 2009 sister publication *Banning Cluster Munitions: Government Policy and Practice* (p. 161). The correct date for the stockpile data was 2 December 2008, not 12 February 2008. The Monitor regrets this error.

¹⁰⁰⁶ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011; “Spain to destroy all cluster bombs by June 2009: minister,” *Agence France-Presse*, 2 December 2008.

¹⁰⁰⁷ Letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, 12 March 2009.

¹⁰⁰⁸ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011. See also “Chacón dice que no quedarán bombas de racimo en España a partir de junio” (“Chacón says there will be no more cluster munitions in Spain starting June”), *El Día*, 3 December 2008, www.eldia.es. Average exchange rate for 2009: €1=US\$1.3935. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011. Spain will retain an additional 40 SNA submunitions from two BME-330B/AP bombs.

¹⁰⁰⁹ Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

¹⁰¹⁰ Ministry of Defense press release, “Tres meses antes del compromiso de la ministra de la Defensa España se sitúa a la cabeza de países en eliminar todo su arsenal de bombas de racimo” (“Three months ahead of the commitment of the Minister of Defense, Spain is at the head of countries in eliminating all of its arsenals of cluster bombs”), 18 March 2009, www.mde.es. In this and other statements, Spain indicated a stockpile destruction completion date of 18 March 2009, but the Article 7 Report states that the last cluster munitions—150 BME-330 bombs—were destroyed on 31 March 2009. Convention on Cluster Munitions Article 7 Report, Form B, 27 January 2011.

Retention

In its Article 7 report, Spain reported the retention of 711 cluster munitions containing 16,562 submunitions for training and countermeasures testing purposes permitted under Article 3 of the Convention on Cluster Munitions: 366 MAT-120 mortar projectiles (containing 7,686 submunitions); 331 ESPIN mortar projectiles (containing 6,951 submunitions); seven CBU-100 (containing 1,729 submunitions); and seven BME-330 B/AP bombs (containing 196 submunitions).¹⁰¹¹

This is 152 cluster munitions and 12,053 submunitions fewer than 863 cluster munitions and 28,615 submunitions that Spain indicated in 2010 and 2009 would be retained.¹⁰¹²

Spain has not provided an explanation for the decrease or provided details on the intended uses or purposes of the cluster munitions. The CMC remains concerned at the considerable number of cluster munitions and submunitions that Spain has retained for training.

Tunisia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	None
Key developments	Became a State Party on 1 March 2011

Policy

The Republic of Tunisia signed the Convention on Cluster Munitions on 12 January 2009 and ratified on 28 September 2010. The convention entered into force for Tunisia on 1 March 2011.

In February 2010, the Chamber of Deputies adopted legislation approving ratification of the convention.¹⁰¹³ Tunisia's Minister of Foreign Affairs, Kamel Morjane, deposited the instrument of ratification on 28 September 2010 during the opening of the UN General Assembly in New York. Tunisia was the first country from the Middle East and North Africa region to ratify the convention and the 42nd globally.

In April 2011, Tunisia's permanent mission to the UN in Geneva informed the Monitor that Tunisia adheres to the convention under the terms of the ratification law enacted in February 2010.

Tunisia's initial Convention on Cluster Munitions Article 7 report is due by 28 August 2011.

Tunisia participated in one regional meeting of the Oslo Process that created the convention (Livingstone, Zambia in March 2008) and was the first country to sign the Convention on Cluster Munitions after it was opened for signature in Oslo in December 2008.¹⁰¹⁴ Despite its support for the convention, Tunisia has not attended any meetings related to the convention since 2008, such as the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 or intersessional meetings in Geneva in June 2011.

Tunisia is party to the Mine Ban Treaty. Tunisia is also a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. It has attended the CCW deliberations on cluster munitions in recent years, but rarely made any statements.

In April 2011, Tunisia stated that it has not used, produced, transferred, or stockpiled cluster munitions.¹⁰¹⁵ Tunisia is reported to possess the Hydra-70 air-to-surface unguided rocket system, but it is not known if the ammunition types available to it include the M261 Multi-Purpose Submunition rocket.¹⁰¹⁶

¹⁰¹¹ Convention on Cluster Munitions Article 7 Report, Form C, 27 January 2011.

¹⁰¹² Statement of Spain, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010, notes by the CMC; and letter from Miguel Ángel Moratinos, Minister of Foreign Affairs and Cooperation, Annex II, 12 March 2009.

¹⁰¹³ Law 08 was enacted on 15 February 2010. Letter from Permanent Mission of Tunisia to the UN in Geneva, to Mary Wareham, Senior Advisor, Arms Division, Human Rights Watch, 10 April 2011; and "Tunisia ratifies Convention on Cluster Munitions," *Tunisia Online News*, 10 February 2010, tunisiaonlinenews.com.

¹⁰¹⁴ For details on Tunisia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 171.

¹⁰¹⁵ Original statement: "la Tunisie n'a aucune activité en lien avec la production, le stockage, le transfert ou l'utilisation des armes à sous-munitions." Letter from Permanent Mission of Tunisia to the UN in Geneva, to Mary Wareham, Human Rights Watch, 10 April 2011.

¹⁰¹⁶ Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

United Kingdom

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
National implementation measures	Cluster Munitions (Prohibitions) Act 2010
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011.
Key developments	Submitted initial Article 7 report in April 2011

Policy

The United Kingdom of Great Britain and Northern Ireland (UK) signed the Convention on Cluster Munitions on 3 December 2008, ratified on 4 May 2010, and became a State Party on 1 November 2010.

The UK submitted its initial Article 7 report on 28 April 2011.¹⁰¹⁷ Under national implementation measures, the report lists the Cluster Munitions (Prohibitions) Act 2010, which entered into force on 25 March 2010 and creates criminal offenses to enforce the prohibitions contained in the convention.¹⁰¹⁸ In December 2010, the government stated that it is in the process of extending the Act to all UK Overseas Territories and that, until it is formally extended, the government's position is to "act in accordance with its prohibitions."¹⁰¹⁹ In November 2010, the UK stated that under its Export Control Order of 2008, cluster munitions are considered in the highest category of prohibited exports.¹⁰²⁰

The Coalition Government that came to power after the May 2010 general elections has affirmed its commitment to the Convention on Cluster Munitions on several occasions. On 27 July 2010, Foreign Secretary William Hague described the convention as "the most significant disarmament agreement of recent years" and urged "all states not yet party to sign and ratify the convention."¹⁰²¹ In November 2010, the UK reiterated that cross-party political support for the convention remains strong and said, "It is a stated priority of our Coalition Government to work to achieve a global ban on cluster munitions."¹⁰²²

The UK participated throughout the Oslo Process that created the convention. Its position changed just before the conclusion of the negotiations in Dublin in May 2008 to support a ban on all cluster bombs, a decision that had significant impact in influencing others' support for the convention text.¹⁰²³

The UK has continued its active engagement with the work of the convention in 2010 and the first half of 2011. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it announced a contribution of approximately £2.5 million (\$4 million) for clearance of unexploded ordnance contamination, including cluster munition remnants in Lao PDR.¹⁰²⁴ The UK participated in the convention's first intersessional meetings in Geneva in June 2011, where it made several statements, including on universalization.

In November 2010, the UK said it "takes all opportunities to encourage universal adherence to the Convention." It noted that in the past year "this has included lobbying most major users and producers of cluster munitions, irrespective of any bilateral or multilateral ties" and expressed its interest in collaboration with civil society in support of "well-targeted

¹⁰¹⁷ The initial report is for the period ending 31 March 2011.

¹⁰¹⁸ House of Lords, *Hansard* (London: Her Majesty's Stationery Office, HMSO, 25 March 2010), Column 1057, www.publications.parliament.uk; and "Cluster Munitions (Prohibitions) Act 2010, 2010 Chapter 11," www.opsi.gov.uk. A person guilty of an offense under this section is liable to imprisonment for a term not exceeding 14 years, or a fine, or both. For analysis of the legislation, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 109–111.

¹⁰¹⁹ Statement by Lord Howell of Guildford, Minister of State, Foreign and Commonwealth Office (FCO), House of Lords Debate, *Hansard*, (London: HMSO, 13 December 2010), Column 110W. UK officials had previously stated that US cluster munitions would be removed from the UK itself by the end of 2010 and from other UK territories, including Diego Garcia, by the end of 2013. See statement by Baroness Glenys Kinnock, House of Lords Debate, *Hansard* (London: HMSO, 8 December 2009), Column 1020; and statement by Chris Bryant, House of Commons Debate, *Hansard*, (London: HMSO, 17 March 2010), Column 925, www.publications.parliament.uk.

¹⁰²⁰ Statement of the UK, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 12 November 2010. Notes by the CMC.

¹⁰²¹ House of Commons, *Hansard*, (London: Foreign and Commonwealth Affairs, Written answers and statements, 27 July 2010), Column 972W.

¹⁰²² Statement of UK, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

¹⁰²³ Statement by Gordon Brown, Prime Minister, "Breakthrough on cluster bombs draws closer," 28 May 2008. For more details on the UK's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 173–180.

¹⁰²⁴ Statement of UK, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Average exchange rate for 2010: £1=US\$1.5452. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

multi-country or regional initiatives.”¹⁰²⁵ In June 2011, the UK said that it continues to use all possible opportunities, both bilateral and multilateral, to encourage universalization of the convention and said that government ministers such as Foreign Secretary Hague regularly raised universalization with states not party. The UK said that it used its 1 November 2010 entry into force “as a springboard for our diplomatic network to globally engage with states yet to join and encourage swift ratification and accession.”¹⁰²⁶

In January 2011, the UK said that its universalization work in support of the convention had found little traction with major powers, such as the United States (US), Russia, India, China, and Pakistan.¹⁰²⁷ The UK said that it had undertaken outreach on universalization to African countries at the African Union Summit.¹⁰²⁸

At the UN General Assembly (UNGA) First Committee on Disarmament and International Security in New York in October 2010, the UK said it is committed to continuing its work to clear contaminated areas and “ensure further suffering does not occur by encouraging other States to join us.”¹⁰²⁹ The UK also attended a UN Special Event on the convention in October 2010.

In response to reports of Thai use of cluster munitions in its border conflict with Cambodia in February 2011, a UK Foreign Office spokesperson told media, “We are aware of the recent allegations of the use of cluster munitions by the Thai army and have raised this with the Thai authorities. That cluster munitions may have been used is of serious concern to the UK. We condemn in the strongest terms the use of cluster munitions that causes unacceptable harm to the civilian population.”¹⁰³⁰ In a House of Commons debate regarding UN Security Council Resolution 1973 on Libya, the Prime Minister, David Cameron, stated that “we do not use [cluster munitions] and we do not believe that others should either.”¹⁰³¹

Interpretive issues

The UK expressed its views on the interpretation and implementation of a number of key provisions in the convention during the process of preparing its national legislation, including the prohibition on foreign stockpiling, the prohibition on transit, the prohibition on investment in cluster munitions producers, and the prohibition on assistance with prohibited acts in joint military operations. A number of ministerial statements are on record clarifying the meaning of the UK’s national legislation on these issues and recognizing the positive obligations under the convention.¹⁰³² Additionally, during late 2010 several questions were raised in Parliament in response to reports in the British media based on US Department of State cables made public by Wikileaks.

Foreign stockpiling

In June 2008, immediately after the adoption of the convention, the UK stated that did not read the prohibition on foreign stockpiling as a legal requirement under the treaty, but said it would seek the removal of foreign stockpiles of cluster munitions from UK territories within the eight-year period allowed for stockpile destruction in the convention.¹⁰³³ In December 2009, the government stated that the US had identified the cluster munitions on UK territory as “exceeding operational planning requirements” and that they would be “gone from the UK itself by the end of [2010]” and “gone from other UK territories, including Diego Garcia, by the end of 2013.”¹⁰³⁴

At the First Meeting of States Parties in November 2010, the UK announced that there were now “no foreign stockpiles of cluster munitions in the UK or on any UK territory.”¹⁰³⁵

Transit

In March 2010, UK parliamentarians asked if “transit” of cluster munitions through UK territory is prohibited under the Cluster Munitions (Prohibitions) Act 2010. The government stated that transit “would not in itself be prohibited, but a direct application would have to be made to the Secretary of State who would have to grant permission before it could happen. We would be reluctant to grant such permission.”¹⁰³⁶

¹⁰²⁵ Speech of UK, First Meeting of States Parties, Convention on Cluster Munitions, 9 November 2010.

¹⁰²⁶ Statement of the UK, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011.

¹⁰²⁷ Statement by Lord Howell of Guildford, House of Lords Debate, *Hansard* (London: HMSO, 31 January 2011), Column 1185.

¹⁰²⁸ Statement of UK, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

¹⁰²⁹ Statement by Amb. John Duncan, UNGA First Committee on Disarmament and International Security, New York, 19 October 2010.

¹⁰³⁰ Andrew Spooner, “UK Government condemns Thai use of cluster munitions,” *Asian Correspondent*, 13 April 2011, asiancorrespondent.com.

¹⁰³¹ House of Commons Debate, *Hansard*, (London: HMSO, 18 March 2011), Column 626, www.publications.parliament.uk.

¹⁰³² See ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 109–111.

¹⁰³³ Statement by Lord George Mark Malloch-Brown, Minister of State, FCO, House of Lords Debate, *Hansard* (London: HMSO, 3 June 2008), Column 79.

¹⁰³⁴ Statement by Baroness Glenys Kinnock, House of Lords Debate, *Hansard* (London: HMSO, 8 December 2009), Column 1020; and statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 925.

¹⁰³⁵ Statement of UK, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2011.

¹⁰³⁶ Statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 925.

In December 2010, the Parliamentary Under Secretary of State for Defence said that under Section 8 of the UK's legislation the 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."¹⁰³⁷

In January 2011, however, a Minister of State, Lord Howell of Guildford, clarified that this provision had been used only once and that future use of the provision might be brought before parliament. He stated that "the one exception was made very properly by the previous Foreign and Commonwealth Secretary, Mr Miliband, allowing the US a temporary extension of its right to keep cluster munitions while it went through the process of getting rid of them as part of the running down of cluster munitions stores in UK territory and in the United Kingdom. That is the only exception that has ever been made. For the future, we will consider bringing to Parliament and recording any decisions that may be proposed for temporary extension, and we will do that on a case-by-case basis. I have to say that in a number of instances it could be governed and limited by security considerations."¹⁰³⁸

A US Department of State cable dated 21 May 2009 and made public by Wikileaks on 1 December 2010, stated that the head of the Foreign Office's Security Policy Group, Nicolas Pickard, had "reconfirmed" to US officials that "off-shore storage" of cluster munitions "on US ships would still be permitted." According to the cable, the UK's position was that "any U.S. cluster munitions currently stored on British territory (either UK territory proper, Diego Garcia, or elsewhere) would be permitted to stay until 2013, while any new cluster munitions the USG [US Government] wanted to bring to those sites after the treaty's entry into force for the UK - either before or after 2013 - would require the temporary exception. Any movement of cluster munitions from ships at Diego Garcia to planes there, temporary transit, or use from British territory also would require the temporary exception after entry into force."¹⁰³⁹

The cable quoted a UK Foreign Office official as telling US officials that:

It would be better for the USG [US government] and HMG [Her Majesty's Government - UK] not to reach final agreement on this temporary agreement understanding until after the CCM ratification process is completed in Parliament, so that they can tell parliamentarians that they have requested the USG to remove its cluster munitions by 2013, without complicating/muddying the debate by having to indicate that this request is open to exceptions.

Foreign Secretary Hague said there was "no evidence that Parliament was misled" during the development of the national implementation legislation.¹⁰⁴⁰ The Minister of State responsible for the legislation in the previous Labour Government said that "it was our complete intention that there would be no American cluster munitions on British territories anywhere in the world."¹⁰⁴¹

Interoperability

The convention's Article 21 provisions on interoperability, the issue of joint military operations with states not party that use cluster munitions, are addressed in Clause 9 of the UK's national legislation.¹⁰⁴² At the intersessional meetings in June 2011, the UK said that its interpretation of the Article 21 is that "notwithstanding the provisions of Article 1 [prohibition on assistance], Article 21(3) allows States Parties to participate in military operations and cooperation with non-States Parties who may use cluster munitions. UK law and operational practice reflect this."¹⁰⁴³

¹⁰³⁷ Statement by Lord Astor of Hever, Parliamentary Under Secretary of State, Defence, Conservative, House of Lords Debate, *Hansard* (London: HMSO, 21 December 2010), Column 278W.

¹⁰³⁸ Statement by Lord Howell of Guildford, FCO, Conservative, House of Lords Debate, *Hansard* (London: HMSO, 31 January 2011), Column 1186, www.theyworkforyou.com. See also, House of Commons Debate, *Hansard*, 9 December 2010, c427W, Secretary of State, Defence, Liam Fox: "Neither I nor any other Secretary of State in this Government has issued any authorisation under Article 8 of the Act. Article 8 does not require such requests to be scrutinised by Parliament. However, in the event of a future request, we would consider on a case-by-case basis how best we can keep Parliament informed within the constraints of classification and operational planning."

¹⁰³⁹ "UK CLUSTER MUNITIONS DIALOGUE," US Department of State cable 052368 dated 21 May 2009, released by Wikileaks on 1 December 2010, www.guardian.co.uk.

¹⁰⁴⁰ House of Commons Debate, *Hansard* (London: HMSO, 14 December 2010), Column 814.

¹⁰⁴¹ House of Commons Debate, *Hansard* (London: HMSO, 15 December 2010), Column 913. In June 2008, Minister of State for the FCO, Lord Malloch-Brown, stated that although the UK did not read the prohibition on foreign stockpiling as a legal requirement under the treaty, it would seek the removal of foreign stockpiles of cluster munitions from UK territories within the eight-year period allowed for stockpile destruction in the convention. The government later told parliamentarians that the US had identified the cluster munitions on UK territory as "exceeding operational planning requirements" and that they would be "gone from the UK itself by the end of [2010]" and "gone from other UK territories, including Diego Garcia, by the end of 2013." Statement by Lord George Mark Malloch-Brown, Minister of State, FCO, House of Lords Debate, *Hansard* (London: HMSO, 3 June 2008), Column 79; statement by Baroness Glenys Kinnock, House of Lords Debate, *Hansard* (London: HMSO, 8 December 2009), Column 1020; and statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 925.

¹⁰⁴² The clause states: "It is a defence for a person charged with an offence specified in any of paragraphs 1 to 6 of Schedule 2 [the prohibitions of the convention] to show that the person's conduct took place in the course of, or for the purposes of, an international military operation or an international military co-operation activity." Members in the House of Commons went to great lengths to seek clarification on the scope of this clause.

¹⁰⁴³ Statement of the UK, Convention on Cluster Munitions Intersessional Meeting, Session on Other Implementation Measures, Geneva, 30 June 2011, www.clusterconvention.org.

During the development of the UK's implementation legislation, parliamentarians expressed concern that this clause would provide a loophole that would undermine the purpose of the convention and the UK's legislation, which is the elimination of cluster munitions.¹⁰⁴⁴ When pushed by members of parliament to clarify just exactly what activities this clause would permit UK troops engaged in joint military operations to carry out, the government responded that UK troops "would not be allowed to request use of [cluster] munitions where the choice of munitions was within their exclusive control," but that "they could facilitate operations where [cluster munitions] might be used by a partner."¹⁰⁴⁵

Parliamentarians argued that there would likely be situations that, while not illegal under the Bill, would clearly be against the spirit and intention of the legislation and pressed the government on the need to develop proper guidelines and briefings for the UK military.¹⁰⁴⁶ The government responded that, "States Parties have to make sure that any other state with which they are working understands the basis on which their personnel will be engaged... We have to make sure there is clear guidance for personnel, so they know exactly what they can and cannot do. That is already in hand."¹⁰⁴⁷ A significant result of the parliamentary debates on interoperability and Clause 9 was the recognition by the government of the need to promote universal adherence to the convention.

In November 2010, the UK described the convention's Article 21 on interoperability as "a necessary evil" until the convention is fully universalized and said it allowed for a balance between "the need to achieve immediate humanitarian gains and the need to continue to work alongside our coalition partners who are not yet in a position to join the Convention."¹⁰⁴⁸

A US Department of State cable dated 21 May 2009 and made public on 1 December 2010, suggested that the UK government's view of the convention was that, "UK pilots embedded in U.S. units could fire cluster munitions," but US officials conceded this would not be allowed under the UK legislation.¹⁰⁴⁹

Investment

The UK's legislation does not explicitly include a prohibition on investment in, or the provision of financial services to, companies involved in the production of cluster munitions. However, in response to parliamentary questions, the government issued a Ministerial Statement on 7 December 2009 confirming that "under the current provisions of the Bill, which have been modelled upon the definitions and requirements of the convention, the direct financing of cluster munitions would be prohibited. The provision of funds directly contributing to the manufacture of these weapons would therefore become illegal."¹⁰⁵⁰

In December 2009, the government stated that it would work to develop a code of conduct for business on investment:

The convention does not prohibit so-called indirect financing of cluster munitions. Indirect financing is therefore not within the scope of the Bill's provisions. As such, it would not become illegal to provide funds generally to companies that manufacture a range of goods, including cluster munitions. However, aware of the humanitarian suffering caused by cluster munitions and the threat they pose to development in post-conflict areas, the Government are keen to see a complete end to cluster munitions. Due to the complex nature of indirect financing, there is a need for thorough consultation to consider the impact of any measures, and to ensure that we develop the most appropriate and effective measures to end direct financing. The Government intends to work with the financial sector, non-governmental organisations and other interested parties, to promote a voluntary code of conduct to prevent indirect financing, and if necessary would use their right to initiate legislation. We shall also review public investment guidelines to the same end.¹⁰⁵¹

In January 2011, the government stated that "a working group has been set up to work out the problem of remote financing."¹⁰⁵² In May 2011, a government official noted that "the [previous] policy announcement does not bind the current UK Government, which is considering the need to take further action on investment."¹⁰⁵³

A May 2011 report by CMC-members IKV Pax Christi and Netwerk Vlaanderen on global cluster munition investment listed 12 UK-based financial institutions that still invest in cluster munitions producers.¹⁰⁵⁴

¹⁰⁴⁴ See for example, statement by William Cash, House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Column 160; statement by Jo Swinson, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 906; and statements by John Redwood and William Cash, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Columns 902–903.

¹⁰⁴⁵ Statements by John Redwood and Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Column 162.

¹⁰⁴⁶ Statement by John Redwood, House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Column 163.

¹⁰⁴⁷ House of Commons Debate, *Hansard* (London: HMSO, 23 March 2010), Columns 161–164.

¹⁰⁴⁸ Statement of UK, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

¹⁰⁴⁹ "UK CLUSTER MUNITIONS DIALOGUE," US Department of State cable 052368 dated 21 May 2009, released by Wikileaks on 1 December 2010, www.guardian.co.uk.

¹⁰⁵⁰ Statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 7 December 2009), Column 2WS, www.publications.parliament.uk.

¹⁰⁵¹ *Ibid.*

¹⁰⁵² Statement by Lord Howell of Guildford, House of Lords Debate, *Hansard* (London: HMSO, 31 January 2011), Column 1185.

¹⁰⁵³ Comment by Michael Clark at a meeting between Article 36 and UK FCO and Ministry of Defence officials, 26 May 2011.

¹⁰⁵⁴ IKV Pax Christi and Netwerk Vlaanderen, "Worldwide investments in cluster munitions – a shared responsibility." Utrecht, May 2011, www.ikvpaxchristi.nl. See also "UK government should stop banks financing cluster bombs," 25 May 2011, Article36.org.

Other institutions have reported to Parliament that they do not consider investment in companies producing cluster munitions to be appropriate. The Church Commissioners of the Church of England “manage an investment portfolio, held mostly in company shares and property, to produce money to support the Church of England’s work across the country.”¹⁰⁵⁵ In a statement of 15 April 2010, the fund managed by the Commissioners was reported to stand at £5.3 billion (\$8 billion).¹⁰⁵⁶ In response to a parliamentary question regarding the ethical investment practices of the Commissioners, Tony Baldry, Second Church Estates Commissioner and Conservative MP, stated that, “there are a number of US companies that we have made a conscious decision not to invest in because of their involvement in cluster munitions systems.”¹⁰⁵⁷

In February 2011, a movement to boycott the UK Census over its ties to US company Lockheed Martin, a cluster munition and nuclear weapon producer, spread widely in social media.¹⁰⁵⁸

Convention on Conventional Weapons

The UK is party to the Convention on Conventional Weapons (CCW), but has not yet ratified CCW Protocol V on explosive remnants of war. The UK continued to participate in CCW deliberations on cluster munitions in 2010 and the first half of 2011.

In June 2011, the UK stated that the objective of the CCW talks on cluster munitions is, in its view, “to establish restrictions on a significant number of cluster munitions, which would have a notable humanitarian effect.” It described the desired outcome as “complementary, rather than contradictory” to the spirit of the Convention on Cluster Munitions.¹⁰⁵⁹

In September 2010, the UK described the draft chair’s text under discussion as “a mixed bag” and “complicated” with “the kind of duplicity and contradiction...that will surely keep our lawyers employed for time to come.”¹⁰⁶⁰ In February 2011, the UK supported a German proposal for an immediate CCW prohibition on transfers of cluster munitions, which it called a “useful contribution” and “a move in the right direction.”¹⁰⁶¹ In March 2011, the UK supported a proposal to ban cluster munitions produced before 1980, but also noted that it would also support “a rolling ban” on cluster munitions that are more than 30 years old. It also stated its preference for no transition period to be included in the chair’s draft text.¹⁰⁶²

In June 2011, the UK stated that it did not agree that the CCW work to create a new protocol that would allow continued use, production, stockpiling, and transfer of cluster munitions is “somehow contrary to the letter or spirit” of its obligations under Article 21 of the Convention on Cluster Munitions to promote the norms of the convention, encourage others to join, and actively discourage the use of cluster munitions.¹⁰⁶³

Use, production, and transfer

The UK used cluster munitions extensively in the past: in the Falkland Islands in 1982, in Iraq and Kuwait in 1991, in the Federal Republic of Yugoslavia (including Kosovo) in 1999, and in Iraq in 2003.¹⁰⁶⁴

The UK has also produced, exported, and imported cluster munitions.

The UK produced several variants the BL-755 bomb with 147 submunitions, and has also produced the L20A1 artillery projectile with 49 M85 dual purpose improved conventional munition (DPICM) submunitions under license from Israel Military Industries.¹⁰⁶⁵

¹⁰⁵⁵ “The Church Commissioners,” website of the Church of England, www.churchofengland.org.

¹⁰⁵⁶ “Church Commissioners’ results confirm long-term growth,” website of the Church of England, 15 April 2011, www.churchofengland.org. Average exchange rate for 2010: £1=US\$1.5452. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

¹⁰⁵⁷ House of Commons Debate, *Hansard*, (London: HMSO, 26 October 2010), Column 164.

¹⁰⁵⁸ “Boycott the UK census over links to Lockheed Martin, protestors say,” *The Guardian*, 19 February 2011, www.guardian.co.uk. Lockheed Martin was awarded a £150 million (\$232 million) contract to run the census on the UK government’s behalf. Protestors stated they were willing to pay the £1,000 (\$1,545) fine for failing to submit the census in protest of the arrangement. Average exchange rate for 2010: £1=US\$1.5452. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

¹⁰⁵⁹ Statement of the UK, Convention on Cluster Munitions Intersessional Meeting, Geneva, 30 June 2011.

¹⁰⁶⁰ Statement of the UK, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 3 September 2010. Notes by Action on Armed Violence (AOAV).

¹⁰⁶¹ Statement of the UK, CCW GGE on Cluster Munitions, Geneva, 21 February 2011. Notes by AOAV.

¹⁰⁶² Statement of the UK, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOAV.

¹⁰⁶³ Statement of the UK, Convention on Cluster Munitions Intersessional Meeting, Session on Other Implementation Measures, Geneva, 30 June 2011, www.clusterconvention.org.

¹⁰⁶⁴ Human Rights Watch, “Ticking Time Bombs: NATO’s Use of Cluster Munitions in Yugoslavia,” vol. 11, no. 6(D), June 1999; Human Rights Watch, “Civilian Deaths in the NATO Air Campaign,” vol. 12, no. 1(D), February 2000; and Human Rights Watch, *Off Target: The Conduct of the War and Civilian Casualties in Iraq* (New York: Human Rights Watch, 2003), www.hrw.org.

¹⁰⁶⁵ Adam Ingram, Written Answers, House of Commons, *Hansard* (London: HMSO, 17 November 2003), Columns 497W and 498W.

BL-755 cluster bombs were exported to, or otherwise ended up being possessed by, the following countries: Belgium, Bosnia and Herzegovina (BiH), Croatia, Ethiopia, Germany, India, Iran, Italy, Montenegro, the Netherlands, Nigeria, Oman, Pakistan, Portugal, Saudi Arabia, Switzerland, Thailand, United Arab Emirates, and the former Federal Republic of Yugoslavia.¹⁰⁶⁶

The UK also imported cluster munitions from the US: M483 155mm artillery projectiles; M26 rockets for Multiple Launch Rocket System (MLRS); M261 Multi-Purpose Submunition rockets used in the CRV-7 air-to-surface launchers; and CBU-87 cluster bombs.¹⁰⁶⁷

Stockpiling and destruction

In its Article 7 report of April 2011, the UK declared a stockpile of at least 190,828 cluster munitions containing 38,758,898 submunitions, which was withdrawn from service by 30 May 2008.¹⁰⁶⁸ As of 31 March 2011, the UK had destroyed 22,153,148 submunitions, comprising 57% of its stockpile. The UK noted that as of 31 March 2011, 67,500 cluster munitions containing 16.6 million submunitions remain to be destroyed.¹⁰⁶⁹

Cluster munitions stockpiled by the UK¹⁰⁷⁰

Cluster munition type	Submunition type (and quantity per weapon)	Quantity declared in stock as of 31 March 2011	Quantity destroyed before entry into force	Quantity of submunitions destroyed after entry into force
BL-755 bomb	No2 Mk1 (147)	-	2,393	-
IBL-755 bomb	No2 Mk1 (147)	-	4	-
RBL-755 bomb	No2 Mk1 (147)	-	1,290	-
M261 rocket	M73 (9)	-	4,571	-
M26 rocket	M77 (644)	22,350	16,320	3,234,166 M77
L20A1 projectile	M85 (49)	45,150	2,453	410,375 M85
M483 projectile	M42/M46 (88)	-	82,900	-
Total		67,500	109,931	3,644,541

The UK stockpile is being destroyed at locations in Germany, Italy, and Sweden. The HE M483A1 were destroyed by Esplodenti Sabino in Casalbordino, Italy. The BL-755 bombs were destroyed by Sprewerk in Lubben, Germany. The CRV-7 M73 were destroyed by the Nordic Ammunition Group (NAMMO Group) Demil Division in Sweden. The ERBS L20A1 are being destroyed by NAMMO Buck in Pinnow, Germany. The MLRS M26 are being destroyed by Esplodenti Sabino in Italy, with subcontractors Sprewerk (Germany) and Noceto (Italy).¹⁰⁷¹

In June 2011, the UK stated that 60% of its stockpile had been destroyed and the remainder would be destroyed by 2013.¹⁰⁷²

¹⁰⁶⁶ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), pp. 468–470; Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, (Surrey, UK: Jane's Information Group Limited, 2008), entries for: Iran, 10 January 2008; Italy, 10 January 2008; Netherlands, 10 January 2008; Oman, 10 January 2008; Pakistan, 10 January 2008; Saudi Arabia, 3 December 2007; Thailand, 10 January 2008; and United Arab Emirates, 10 January 2008; and Landmine Action, *Explosive remnants of war: unexploded ordnance and post-conflict communities* (London: Landmine Action, 2002), www.landmineaction.org. Croatia, Germany, Montenegro, and Portugal declared stockpiles of BL-755 bombs, or the destruction thereof, in their Convention on Cluster Munitions Article 7 reports submitted in January 2011. BiH disclosed stockpiling BL-755 in a statement to the intersessional meeting on stockpile destruction held in Geneva in June 2011.

¹⁰⁶⁷ The US supplied the UK with 1,008 CBU-87 cluster bombs at some point between 1970 and 1995, but they do not appear to be in service any longer. US Defense Security Cooperation Agency, Department of Defense, "Cluster Bomb Exports under FMS, FY1970–FY1995," obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995. The NATO Maintenance and Supply Agency (NAMSA) reported in June 2009 that it contracted the destruction 600 CBU-87 bombs for the UK. See, presentation by Peter Courtney-Green, Chief of the Ammunition Support Branch, NAMSA, "Technical Aspects of Cluster Munitions Stockpile Destruction," Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009, Slide 15.

¹⁰⁶⁸ In the first line of the narrative total on Form B, of the Article 7 Report, the UK states: "The UK withdrew all of its 191,128 (38,758,898 submunitions)," but the total stockpile listed in the report is 190,828 cluster munitions: 109,931 destroyed, plus 67,500 remaining. The difference between these two total stockpile figures is 300. Convention on Cluster Munitions Article 7 Report, Form B, 28 April 2011. UK representatives have acknowledged errors in the figures included in the initial transparency report and informed Human Rights Watch that a corrected report will be issued. For example, the total number of cluster munitions destroyed prior to entry into force was incorrectly reported as 96,513, but the correct total is 109,931. The quantity of M26 rockets was incorrectly listed on Form B.2.2, the correct number is 16,320. The quantities of M26 and L20A1 destroyed after entry into force were omitted on Form B.3.a, and the correct entries should read 5,022 M26 rockets and 8,372 L20A1 projectiles. Interview with UK delegation, CCW GGE on Cluster Munitions, Geneva, 23 August 2011.

¹⁰⁶⁹ Convention on Cluster Munitions Article 7 Report, Form B, 28 April 2011.

¹⁰⁷⁰ Ibid. This table includes corrected information provided by the UK in August 2011. Interview with UK delegation, CCW GGE on Cluster Munitions, Geneva, 23 August 2011.

¹⁰⁷¹ Convention on Cluster Munitions Article 7 Report, Form B – PART II, 28 April 2011.

¹⁰⁷² Statement of the UK, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011.

Retention for training

In its Convention on Cluster Munitions Article 7 report, the UK stated that it is retaining 956 explosive submunitions of four different types for the development of countermeasures, research on rendering safe procedures, “defeat of armour” demonstrations and other projects: 576 KV-1 (from the M87 Orkan), 244 M42 (from the M483A1), 96 M46 (from the M483A1), and 40 Alpha bomblet submunitions (from the CB470).¹⁰⁷³

According to the report, 12 M42 explosive submunitions were consumed for these purposes as of 31 March 2011.¹⁰⁷⁴

In June 2011, the UK stated that it did not intend to retain any additional cluster munitions from its current holdings and reiterated that it would always retain what it considers the minimum number absolutely necessary.¹⁰⁷⁵

The “Starstreak” missile

Questions had been raised about the status of the “Starstreak” missile, manufactured by Thales Air Defence Limited (TADL) in the UK, in relation to the Convention on Cluster Munitions and the UK’s Cluster Munition (Prohibitions) Act. Some of the literature produced by the manufacturer asserted a utility for the weapon against ground-based targets, which would seem to contradict its exclusion from the Convention on Cluster Munitions on the basis that it has been “designed exclusively for an air defence role.”¹⁰⁷⁶

In 2010, when the UK Ministry of Defence was asked, under the Freedom of Information Act, whether it had received any information suggesting that the Starstreak has “a capability” against ground-based targets it replied: “As far as we have been able to ascertain, we have received no information suggesting that the A5 missile, known by Thales Air Defence Ltd (TADL) as Starstreak II, has a capability against ground based targets.... We have, however, seen some articles in the trade press and on the internet reporting a ground based capability. Having discussed the matter with TADL, it is our understanding that confusion may have arisen from a briefing they gave, as it covered several different systems with differing capabilities.”¹⁰⁷⁷

In May 2011, the UK Ministry of Defence provided more information on their analysis of Starstreak.

Starstreak HVM (High Velocity Missile) is manufactured by Thales Air Defence Limited. It was designed exclusively for an air defence role to meet the UK MOD’s [Ministry of Defence’s] requirement for Very Short Range Air Defence (VSHORAD). In accordance with Article 2.2(a) of the Convention on Cluster Munitions it is therefore not a cluster munition - for the purposes of either the Convention or the Cluster Munitions (Prohibitions) Act 2010. This sole air defence role is reflected in the MOD’s Concept of Employment and Concept of Use of Starstreak.

The Starstreak I HVM (High Velocity Missile) entered into service before 1998 and as such does not require a legal review unless it is subject to substantial modification. MOD trials were, however, conducted on the Starstreak I missile system in 2006 to investigate a broader utility of Starstreak in a ground to ground reversionary role, purely as a weapon of last resort, and for self defence only. This concept of a wider utility was subsequently rejected and no additional secondary roles for Starstreak were adopted. No other trials of Starstreak ground to ground capability have been conducted by the MOD, including on Starstreak II.

Prior to the 2008 Convention on Cluster Munitions coming into force, Thales had marketed Starstreak as a multi-role system, but this ceased with the introduction of the Convention. Unfortunately it takes time to redact such capability from the manufacturer’s marketing media and this has served to create an unfortunate misclassification. Starstreak was designed initially, and exclusively, for an air defence role. It will continue to be marketed as an air defence only system by Thales on a variety of launch platforms including the LML (Lightweight Multiple Launcher) and the MMS (Multi-Mission System).¹⁰⁷⁸

Cluster Munition Remnants

In its Article 7 report, the UK states that “there are no UK areas contaminated by cluster munitions or explosive submunitions.”¹⁰⁷⁹ However, there is a small residual threat from cluster munition remnants on the Falklands Islands as a result of use of BL-755 cluster bombs by the UK during the 1982 armed conflict. Clearance operations by the UK in 2009–2010 across four areas encountered and destroyed two unexploded submunitions.¹⁰⁸⁰

In February 2009, in a letter to Landmine Action, the Ministry of Defence stated the following:

¹⁰⁷³ Convention on Cluster Munitions Article 7 Report, Form C, 28 April 2011.

¹⁰⁷⁴ Ibid.

¹⁰⁷⁵ Statement of the UK, Convention on Cluster Munitions Intersessional Meeting, Geneva, 27 June 2011.

¹⁰⁷⁶ See *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada: October 2010), Report on the UK, p. 113.

¹⁰⁷⁷ Letter to Richard Moyes, Policy and Research Director, AOA, from the Ministry of Defence no. 29-01-2010-152831-002, 29 March 2010.

¹⁰⁷⁸ Letter to Richard Moyes from Karen Webb, Defence Equipment and Support, Policy Secretariat Weapons 4 May 2011, Ministry of Defence, Ref: 04-03-2011-130922-005

¹⁰⁷⁹ Convention on Cluster Munitions Article 7 Report, 28 April 2011, p.19.

¹⁰⁸⁰ Statement of UK, Mine Ban Treaty Tenth Meeting of States Parties, Geneva, 1 December 2010.

According to historical records either 106 or 107 Cluster Bomb Units (CBU) were dropped by British Harriers and Sea Harriers during the conflict. Each CBU contains 147 BL-755 submunitions and using the higher CBU figure (107), a total of 15,729 sub-munitions were dropped. Using a 6.4% failure rate assessed during in-service surveillance over 15 years, we would estimate that 1,006 would not explode. Given that 1,378 BL-755s were cleared in the first year after the conflict and that a further 120 have been found and disposed of since (totalling 1,498), clearly there was a slightly higher failure rate. Even if the rate had been closer to 10% and 1,573 had failed, we can only estimate that some 70 remain but that due to the very soft nature of the peat found on the islands, many of these will have been buried well below the surface. We believe that the majority of those remaining are now contained within existing minefields and these will be cleared in due course.¹⁰⁸¹

Compliance with Article 4 of the Convention on Cluster Munitions

Under Article 4 of the Convention on Cluster Munitions, the UK is required to destroy all cluster munition remnants in areas under its jurisdiction or control as soon as possible but not later than 1 November 2020.

In Article 7 report, the UK declared no areas under its jurisdiction or control that contained cluster munition remnants.¹⁰⁸² One BL-755 unexploded submunition was found and destroyed by clearance operations in December 2009.¹⁰⁸³ A second submunition was found during clearance operations in 2010.¹⁰⁸⁴ According to information provided by the Ministry of Defence in 2009, no unexploded submunitions were cleared in 2008, but an unexploded BL755 submunition was destroyed in November 2007.¹⁰⁸⁵

Uruguay

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party as of 1 August 2010
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Submitted initial Article 7 report

Policy

The Eastern Republic of Uruguay signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 24 September 2009. The convention entered into force for Uruguay on 1 August 2010.

Uruguay submitted its initial Convention on Cluster Munitions Article 7 report on 26 January 2011, covering the period from 1 January 2010 to 1 January 2011. Uruguay responded “not applicable” to all of the information requirements contained in its Article 7 report; this indicates that Uruguay had not undertaken any national measures to ensure implementation of the convention, such as domestic legislation.

Uruguay participated in the Oslo Process that created the convention and supported a comprehensive ban without exceptions.¹⁰⁸⁶ Uruguay has continued to show strong support for the convention. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011.

During the UN General Assembly (UNGA) First Committee in October 2010, Uruguay welcomed the convention’s entry into force and affirmed that States Parties “commit themselves under no circumstances to use cluster munitions nor develop, produce, store, or transfer this type of arms.”¹⁰⁸⁷

¹⁰⁸¹ Letter from Lt.-Col. Scott Malina-Derben, Ministry of Defence, 6 February 2009.

¹⁰⁸² Convention on Cluster Munitions Article 7 Report, Form F, 31 March 2011.

¹⁰⁸³ Email from Kathryn Lindsay, Policy Officer, FCO, 3 March 2010.

¹⁰⁸⁴ Statement of the UK to the Mine Ban Treaty Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, 22 June 2010.

¹⁰⁸⁵ Letter from Lt.-Col. Scott Malina-Derben, Ministry of Defence, 6 February 2009.

¹⁰⁸⁶ For details on Uruguay’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 180.

¹⁰⁸⁷ Statement of Uruguay, UNGA First Committee debate, New York, 8 October 2010.

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

Uruguay is party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not actively engaged in CCW deliberations on cluster munitions in recent years.

In February 2008, Uruguay confirmed that it has never used, produced, or stockpiled cluster munitions.¹⁰⁸⁸ Uruguay's responses of "not applicable" to the Convention on Cluster Munitions Article 7 report information requirements indicates that it does not possess stockpiles; does not retain any cluster munitions or explosive submunitions, including for training or other purposes; and does not have facilities that produce cluster munitions. Additionally, no areas in Uruguay contain, or are suspected to contain, remnants of cluster munitions.¹⁰⁸⁹

Zambia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	State Party
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Submitted initial Article 7 report in January 2011, completed clearance of cluster munition remnants in June 2010

Policy

The Republic of Zambia signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 12 August 2009. Zambia was thus among the first 30 ratifications that triggered entry into force of the convention on 1 August 2010.

Zambia submitted its initial transparency report on 21 January 2011, covering the period from 1 August 2010 to 21 January 2011. According to the report, a memorandum to approve the initiation of national measures for the convention was submitted to the cabinet in January 2011.¹⁰⁹⁰ Zambia also reported that its implementation legislation may include victim assistance provisions.¹⁰⁹¹ Previously, in 2009, Zambia's Minister of Foreign Affairs said that the process of domesticating and implementing the convention would take place after ratification and would require extensive consultation.¹⁰⁹²

Zambia played an influential, leadership role during the Oslo Process that created the convention, including by hosting an African regional conference in Livingstone in March–April 2008 that helped generate broad and united support from many African states for a comprehensive convention.¹⁰⁹³

Zambia has continued to play an active role in work relating to the convention. Zambia attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made statements on clearance and national implementation measures. The Zambian delegation was led by Deputy Minister of Foreign Affairs, Fashion Phiri, who also participated in a field visit to Xieng Khouang province to see areas affected by cluster munition remnants and other explosive remnants of war. Zambia also served as a Vice President of the First Meeting of States Parties.

Zambia attended the convention's intersessional meetings in Geneva in June 2011, where it made a statement on clearance.¹⁰⁹⁴

¹⁰⁸⁸ Statement of Uruguay, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

¹⁰⁸⁹ Convention on Cluster Munitions Article 7 Report, Form A to Form I (inclusive), 26 January 2011. Response in all forms consists of "N/A" meaning "not applicable."

¹⁰⁹⁰ Convention on Cluster Munitions Article 7 Report, Form A, 21 January 2011.

¹⁰⁹¹ Convention on Cluster Munitions Article 7 Report, Form H, 21 January 2011.

¹⁰⁹² Letter MFA/104/22/148 from Kabinga J. Pande, Minister of Foreign Affairs, 9 April 2009.

¹⁰⁹³ For details on Zambia's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 181–183.

¹⁰⁹⁴ Statement of Zambia, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 28 June 2011, www.clusterconvention.org.

In November 2010, Deputy Minister of Foreign Affairs Fashion Phiri told the CMC that Zambia would continue to promote universalization of the convention as well as implementation of the Vientiane Action Plan.¹⁰⁹⁵

Zambia has expressed its views on some important matters related to the interpretation and implementation of the convention. In May 2008, during the negotiations, Zambia expressed concern about the proposed article on “interoperability” (joint military operations with states not party) and stated that it understood that the provisions for interoperability in Article 21 did not provide a loophole for States Parties to allow the transit or indefinite stockpiling of cluster munitions in their territories.¹⁰⁹⁶ In an April 2009 letter, the Minister of Foreign Affairs stated that Zambia does not believe that States Parties to the convention should “in any way assist the use [or] transfer of cluster bombs within or without their territories in the name of joint operations.”¹⁰⁹⁷ In September 2009, the Zambian Anti-Personnel Mine Action Centre’s (ZMAC’s) director stated that Zambia believed that the prohibition on assistance prohibits investment in the production of cluster munitions.¹⁰⁹⁸

In Zambia, civil society has taken an active role in promoting the Convention on Cluster Munitions.¹⁰⁹⁹

Zambia is a party to the Mine Ban Treaty. Zambia is not party to the Convention on Conventional Weapons (CCW), but has attended some CCW meetings as an observer.

Use, production, transfer, and stockpiling

According to its initial Article 7 report, “Zambia has never produced cluster munitions” and “has no production facilities for cluster munitions.” In the report, Zambia confirmed it “does not stockpile cluster munitions” including for training or research.¹¹⁰⁰

Cluster Munition Remnants

Clearance of the two known contaminated areas was completed in June 2010 and Zambia no longer has any areas containing cluster munition remnants.¹¹⁰¹ Contamination is believed to have occurred between the 1970s and early 1990s.¹¹⁰²

Clearance of cluster munition remnants

A nationwide survey undertaken by Norwegian People’s Aid (NPA) from September 2008 to September 2009 found two areas containing unexploded submunitions.¹¹⁰³ One was located in Jifumba, Solwezi district (North-Western province), and the other in Majwa, Shangombo district (Western province).¹¹⁰⁴ In June 2010 the Zambian army, with the assistance of NPA, completed clearance of both areas, covering a total of 484,000m² and destroying 22 CB-470 Alpha submunitions in the process.¹¹⁰⁵

Risk education

Zambia reported in 2011 that risk reduction measures are carried out in conjunction with mine risk education nationwide, but particularly in high-risk areas such as communities close to Zambia’s borders.¹¹⁰⁶

There are no known cluster munition casualties in Zambia.

¹⁰⁹⁵ CMC meeting with Fashion Phiri, Deputy Minister of Foreign Affairs of Zambia and Sheila N. Mweemba, Director, ZMAC, Vientiane, 9–12 November 2010. Notes by the CMC.

¹⁰⁹⁶ Statement of Zambia, Committee of the Whole, Dublin Diplomatic Conference on Cluster Munitions, 30 May 2008. Notes by Landmine Action.

¹⁰⁹⁷ Letter MFA/104/22/148 from Kabinga J. Pande, Minister of Foreign Affairs, 9 April 2009.

¹⁰⁹⁸ Statement by Sheila Mweemba, ZMAC, National Committee on Anti-Personnel Landmines (NCAL) Meeting, Lusaka, 11 September 2009. Notes by the Zambia Campaign to Ban Landmines (ZCBL).

¹⁰⁹⁹ Campaigners organized a drumming event in Lusaka to mark the convention’s entry into force on 1 August 2010. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 30.

¹¹⁰⁰ Convention on Cluster Munitions Article 7 Report, Forms A-E (inclusive), 21 January 2011. Previously, in 2009, ZMAC’s director stated that Zambia had never produced and did not possess a stockpile of cluster munitions. Statement by Sheila Mweemba, ZMAC, NCAL Meeting, Lusaka, 11 September 2009. Notes by the ZCBL.

¹¹⁰¹ Convention on Cluster Munitions Article 7 Report, Form F, 21 January 2011.

¹¹⁰² Statement of Zambia, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 29 June 2011, www.clusterconvention.org.

¹¹⁰³ ²⁴ Statement of Zambia, Second Review Conference, Cartagena, 4 December 2009.

¹¹⁰⁴ ²⁵ NPA, “Landmine and other ERW Survey in Zambia, Final Report,” 30 September 2009, Annex 3, p. 2.

¹¹⁰⁵ Convention on Cluster Munitions Article 7 Report, Form F, 21 January 2011.

¹¹⁰⁶ Convention on Cluster Munitions Article 7 Report, Form G, 21 January 2011.



Signatories

Afghanistan

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Completed domestic ratification process on 6 June 2011

Policy

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

As of early August 2011, Afghanistan had yet to deposit its instrument of ratification with the UN in New York—the final step required to complete its ratification of the convention.

On 30 April 2011, Afghanistan’s lower house of the parliament (*Wolesi Jirga*) approved Resolution 3 to ratify the convention. On 24 May 2011, the upper house of the Afghan parliament (*Meshrano Jirga*) approved the resolution. On 6 June 2011, Afghan President Hamid Karzai signed Decree 25 approving ratification. On 8 June 2011, Dr. Zalmay Rasoul, minister of foreign affairs, signed the instrument of ratification and it was sent to be deposited with the UN.¹

Afghanistan has provided regular updates on the status of ratification. In November 2010, it stated that ratification had been delayed by parliamentary elections, but confirmed “strong steps” were being taken to ensure the swift completion of ratification.² In June 2011, Afghanistan informed other States Parties that the Afghan parliament has approved ratification of the convention.³

Afghanistan participated in most meetings of the Oslo Process that created the convention, but, despite its active support for the ban objective, did not endorse the Wellington Declaration, which would have committed it to participate fully in the formal negotiations of the convention, and did not attend the negotiations in Dublin in May 2008, even as an observer.⁴ Afghanistan came to the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 as an observer, but unexpectedly signed the convention near the end of the conference after the Afghan representative announced that he had received instructions and authorization to do so.⁵

¹ The ratification process is detailed in a statement by the Minister of Foreign Affairs that announces completion of the domestic ratification process and confirms the Islamic Republic of Afghanistan’s intent to comply with the provisions of the convention. Statement by Dr. Zalmay Rasoul, Minister of Foreign Affairs of the Islamic Republic of Afghanistan, 8 June 2011.

² Statement of Afghanistan, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

³ Statement of Afghanistan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011. Notes by CMC.

⁴ For details on Afghanistan’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 27–28.

⁵ Two US Department of State cables subsequently made public by Wikileaks have shown how US officials had sought assurances from the highest levels of the Afghan government that Afghanistan would not join the convention; but during the Oslo Signing Conference, President Karzai decided that Afghanistan should sign the convention. “AFGHAN VIEWS ON CLUSTER MUNITIONS AND OSLO PROCESS,” US Department of State cable dated 12 February 2008, released by Wikileaks on 20 May 2011, www.cablegatesearch.net.

▲
A soccer match in Somalia celebrates the first anniversary of the entry into force of the Convention on Cluster Munitions.

Since 2008, Afghanistan has played a positive and active role in the work of the convention. Afghanistan attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it gave an update on ratification and made a statement on clearance. Afghanistan also participated in intersessional meetings of the convention in Geneva in June 2011, where it also provided updates on ratification and clearance.⁶

CMC Afghanistan has campaigned in support of the Convention on Cluster Munitions, including swift ratification.⁷ On 8 May 2011, campaigners met with the First Deputy (speaker) of the upper house of the Afghan parliament, Mohammad Alam Izatyar, to advocate for parliamentary approval of the convention's ratification.

Afghanistan has not yet made known its views on several important issues related to interpretation and implementation of the convention. The United States (US) Department of State cables made public by Wikileaks have outlined the US interpretation of the convention, but the Afghanistan government has not yet made its views known (see Foreign stockpiling section). In a December 2008 State Department cable released by Wikileaks, the US outlined its concern over how Afghanistan would interpret the convention's prohibition on transit and foreign stockpiling, as well as Article 21 on "interoperability" or joint military operations with states not party to the convention. According to the cable, the US has interpreted the convention as allowing "U.S. forces to store, transfer, and use U.S. cluster munitions in the territory of a State Party."⁸

Afghanistan is a State Party to the Mine Ban Treaty. It signed the Convention on Conventional Weapons (CCW) in April 1981, but has never ratified it; thus it is not a party to the CCW or its Protocol V on explosive remnants of war.

Use, production, transfer, and stockpiling

Afghanistan has stated on several occasions that it has not used, produced, or transferred cluster munitions.⁹

At the First Meeting of States Parties in November 2010, Afghanistan stated that it has no stockpiled cluster munitions.¹⁰ This confirmed a previous statement made in June 2010.¹¹ In August 2010, Afghanistan's Ministry of Defense informed the Monitor that it has no cluster munitions in its depots, and said that "about 113,196 items containing 29,559 kilograms" of old Soviet stocks had been destroyed.¹²

There is no clear accounting of former stockpiles in Afghanistan. Jane's Information Group has listed Afghanistan as possessing KMGU dispensers and RBK-250/275 cluster bombs.¹³ Standard international reference sources also list it as possessing Grad 122mm and Uragan 220mm surface-to-surface rockets, but it is not known if these included versions with submunition payloads.¹⁴ In 2002, Australian photographer John Rodsted documented an estimated 60,000 tons (60 million kg) of abandoned Soviet-type submunitions, bulk storage containers (cassettes), and other paraphernalia abandoned at an area in Bagram airbase, outside Kabul.¹⁵

Foreign stockpiling

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 the December 2008 State Department cable released by Wikileaks, "The United States currently has a very small stockpile of cluster munitions in Afghanistan."¹⁶ In February 2011, an Afghan human rights group called on the US government and NATO to reveal if it stockpiles or has used cluster munitions in Afghanistan since the 2002 conflict.¹⁷ An ISAF spokesperson told media, "ISAF conducts operations in accordance with the law of armed conflict. All weapons, weapons systems, and munitions are

⁶ Statement of Afghanistan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011. Notes by the CMC.

⁷ For example, Afghan campaigners, including survivors of cluster munition and mines, conducted media outreach, distributed information on cluster munitions, and organized a public drumming event in Kabul to celebrate the convention's 1 August 2010 entry into force. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 11.

⁸ According to the cable, "the United States reads the phrase 'military cooperation and operations' in Article 21 to include all preparations for future military operations, transit of cluster munitions through the territory of a State Party, and storage and use of cluster munitions on the territory of a State Party." "DEMARCHE TO AFGHANISTAN ON CLUSTER MUNITIONS," US Department of State cable 08STATE134777 dated 29 December 2008, released by Wikileaks on 1 December 2010, www.wikileaks.ch.

⁹ Statement of Afghanistan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011, notes by the CMC; and response to Monitor questionnaire by MACCA, "Landmine and Cluster Munitions Monitoring Report 2010," received by email from Akhshid Javid, Third Secretary, Permanent Mission of Afghanistan to the UN in Geneva, 19 August 2010.

¹⁰ Statement of Afghanistan, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

¹¹ Statement of Afghanistan, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by Action on Armed Violence/Human Rights Watch.

¹² Information provided by the Chief of Ammunition Management, Ministry of Defense, to MACCA, received by the Monitor in an email from MACCA, 9 August 2010.

¹³ Colin King, ed., *Jane's Explosive Ordnance Disposal 2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

¹⁴ Ibid.; and International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 233.

¹⁵ See for example, Norwegian People's Aid, "PTAB," undated, npaid.websys.no.

¹⁶ "DEMARCHE TO AFGHANISTAN ON CLUSTER MUNITIONS," US Department of State cable 08STATE134777 dated 29 December 2008, released by Wikileaks on 1 December 2010, www.wikileaks.ch.

¹⁷ Afghanistan Rights Monitor, "Annual Report: Civilian Casualties of War, January–December 2010." p. 17,

reviewed for legality under international law.¹⁸ A spokesperson for the Mine Action Coordination Center of Afghanistan (MACCA) said, “We have no evidence of NATO/US using cluster munitions [in Afghanistan] since 2002.”¹⁹ For several years, ISAF has had a policy against using cluster munitions.²⁰

Soviet forces used air-dropped and rocket-delivered cluster munitions during their invasion and occupation of Afghanistan from 1979–1989.²¹ A non-state armed group used rocket-delivered cluster munitions during the civil war in the 1990s.²² Between October 2001 and early 2002, United States aircraft dropped 1,228 cluster bombs containing 248,056 bomblets in 232 strikes on locations throughout the country.²³ The Monitor is not aware of additional cluster strikes since that time.

Cluster Munition Remnants

Afghanistan has a residual threat from cluster munition remnants. Contamination resulted primarily from cluster munitions used during the Soviet occupation as well as US cluster munition strikes in 2001 and 2002.²⁴ Clearance operations are believed to have removed most of the contamination from the 2001–2002 air strikes.²⁵ Demining operators, however, continue to encounter both US and Soviet cluster munition remnants.²⁶ Survey in 2010 did not identify any additional cluster munition contaminated areas.²⁷

Clearance of cluster munition contaminated areas

MACCA recorded clearance of 43 cluster munition sites between 2004 and 2009 covering a total area of 3.2km², all by HALO Trust and the Afghan NGO Mine Clearance Planning Agency. Of these, six sites covering a total of 670,276m² were reportedly cleared in 2009.²⁸ In 2010, MACCA reported clearance of a further 1km² of cluster munition contaminated areas by HALO and the Organization for Mine Clearance and Afghan Rehabilitation (OMAR), resulting in the destruction of 594 submunitions from abandoned cluster munitions and 2,683 unexploded submunitions (see Table below).

Cluster munition clearance in 2010²⁹

Operator	Area cleared (m ²)	No. of abandoned cluster munitions destroyed	No. of unexploded submunitions destroyed
OMAR	6,421	533	2,683
HALO	1,002,640	61	0
Total	1,009,061	594	2,683

HALO, in addition, said it cleared a further 1,328 unexploded submunitions in 2010, 696 in the course of battle area clearance and 632 during roving explosive ordnance disposal operations.³⁰

¹⁸ “Afghanistan: US military denies keeping, using cluster munitions,” *IRIN*, 2 February 2011, www.irinnews.org.

¹⁹ *Ibid.*

²⁰ In July 2010, Poland confirmed to the Monitor that the Polish Military Contingent in Afghanistan “has been equipped with 98mm mortars and the appropriate cluster munitions,” while noting, “To date, cluster munitions have never been used in combat in Afghanistan” by Polish forces. Poland also confirmed that the ISAF policy of no use of cluster munitions remains in effect, and stated that this policy has been incorporated into Polish rules of engagement. Letter DPB 2591/16/10/80613 from Marek Szczygiel, Deputy Director, Security Policy Department, Ministry of Foreign Affairs of Poland, 16 July 2010.

²¹ CMC fact sheet prepared by Human Rights Watch, “Cluster Munitions in the Asia-Pacific Region,” October 2008.

²² *Ibid.*

²³ Human Rights Watch, “Fatally Flawed: Cluster Bombs and their Use by the United States in Afghanistan,” Vol. 14, No. 7 (G), December 2002, www.hrw.org.

²⁴ Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 27.

²⁵ For example, HALO has reported that it cleared 9,000 unexploded US submunitions in 2002–2003. Email from Ollie Pile, Weapons and Ammunition Disposal Officer, HALO, Kabul, 30 June 2009; and email from Tom Dibb, Operations Manager, HALO, 3 June 2010.

²⁶ Interviews with demining operators, Kabul, 12–18 June 2010. In 2009, HALO cleared 2,607 unexploded submunitions; and emails from Ollie Pile, HALO, Kabul, 30 June 2009, and from Tom Dibb, HALO, 3 June 2010.

²⁷ Email from MACCA, 10 May 2011.

²⁸ MACCA records cleared submunitions under unexploded ordnance, not as a separate item. Email from MACCA, 14 July 2010.

²⁹ Response to Monitor questionnaire by MACCA, 10 May 2011.

³⁰ Response to Monitor questionnaire by HALO, 30 May 2011.

Cluster munition casualties

Two casualties of unexploded submunitions were reported in Afghanistan in 2010. This represented a significant decrease over the past decade and compared to the 70 casualties recorded in 2001.³¹ In Afghanistan there have been at least 771 casualties in total from cluster munitions. Some 745 casualties of cluster munition remnants were recorded between 1980 and the end of 2010. In addition, at least 26 casualties during cluster munitions strikes have been recorded.³²

Angola

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification process underway

Policy

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

In June 2011, the director of the Inter-sectoral Commission on Demining and Humanitarian Assistance (Comissão Nacional Intersectorial de Desminagem e Assistência Humanitária, CNIDAH) said that the domestic process to ratify the convention was continuing on the “right path.”³³ In June 2011, another CNIDAH official informed the Monitor that the ratification process was still at the consultation stage, during which the convention is being reviewed and discussed by relevant ministries and other stakeholders.³⁴ In November 2010, a government official informed the Monitor that the domestic work necessary for ratification was in progress.³⁵

Angola participated extensively in the Oslo Process and, while it did not attend the formal negotiations in Dublin in May 2008, Angola signed the convention in Oslo in December 2008.³⁶ Angola has continued to actively engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made a statement. Angola attended the convention’s intersessional meeting in Geneva in June 2011, where it made an intervention on victim assistance.

Angola is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Production, transfer, use, and stockpiling

Angola is not believed to have produced or exported cluster munitions.

Cluster munitions have been used in the past in Angola, but it is unclear when or by whom. A CNIDAH official who had seen cluster munitions remnants in Huambo province near Caala and Bailundo, probably from the heavy fighting during 1998–1999, said he believed that the Angolan Armed Forces used cluster munitions because only they used aircraft during this conflict, not the rebel UNITA forces.³⁷

The government has not yet provided any details on stockpile destruction or made an official determination and public announcement that all stocks have been identified and destroyed.

³¹ MACCA, “Fact Sheet on Cluster Munitions in Afghanistan,” June 2011.

³² Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 95. The ICRC recorded 707 casualties occurring during cluster munition use between 1980 and 31 December 2006 to which 36 casualties from 2007 to the end of 2009 recorded by MACCA were added. Due to under-reporting it is likely that the numbers of casualties during use as well as those caused by unexploded submunitions were significantly higher. Email from MACCA, 18 February 2010; and MACCA, Fact Sheet on Cluster Munitions in Afghanistan, June 2011.

³³ Interview with General Santana Pitra Petroff, Director, CNIDAH, Luanda, 14 June 2011.

³⁴ Interview with Adriano Francisco Gonçalves, Senior Mine Action Officer, CNIDAH, Geneva, 27 June 2011.

³⁵ Interview with Balbina Malheiros Dias da Silva, National Coordinator, CNIDAH, Vientiane, 9–12 November 2010.

³⁶ For details on Angola’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 29–30.

³⁷ Interview with Jorge Repouso Leonel Maria, Liaison Officer, CNIDAH, Huambo, 21 April 2010.

In June 2010, a CNIDAH official told the CMC that Angola had destroyed its stockpile of cluster munitions between 2003 and 2010 in a joint initiative of the government and HALO Trust, and that the Armed Forces no longer held any stocks.³⁸ In addition, HALO's Weapons and Ammunition Disposal teams, which operate in all 18 provinces destroying police, army, navy, and air force weapons caches, found and destroyed 51 abandoned cluster bomblets in military warehouses.³⁹ The location of these warehouses has not been reported. As of May 2011, HALO has reported the destruction of 7,267 submunitions (likely from cluster bombs numbering in the hundreds) and 506 submunition dispensers between 2006 and 2011.⁴⁰ According to HALO almost all the munitions it has destroyed were in serviceable condition.⁴¹

In the past, Jane's Information Group has noted that KMG-U dispensers that deploy submunitions were in service for Angolan aircraft.⁴² Deminers operating in Angola have documented the presence of casings of RBK 250/275 cluster bombs among abandoned ammunition.⁴³ It is likely the KMG-U's and RBKs were of Soviet origin.

Cluster Munition Remnants

The extent to which Angola continues to be affected by unexploded submunitions is unclear. As of March 2011, only HALO had reported finding unexploded submunitions since February 2008.⁴⁴ In April 2011, NPA reported that the impact of cluster munition remnants was "very low" in Malanje, Kwanza Sul, Kwanza Norte, Uige, and Zaire.⁴⁵ HALO and the National Institute for Demining (INAD) claim that there remain unexploded submunitions in Kuando Kubango.⁴⁶

Prior to 2009 at least two types of cluster munitions had been found in Angola: the Russian-made PTAB-2.5 K0 and the AO-2.5 RT. According to data and completion reports from NGO operators in the national database at CNIDAH in February 2008, Norwegian People's Aid (NPA) reported clearing 13 unexploded submunitions in the municipality of Ebo in Kwanza Sul province; Mines Advisory Group (MAG) reported clearing 140 unexploded submunitions in Moxico province; and HALO reported clearing 230 unexploded submunitions in Kunhinga municipality in Bié province.⁴⁷

Cluster munition clearance

In 2010, HALO destroyed nine unexploded submunitions and two abandoned cluster bombs containing 84 submunitions in Kuando Kubango during battle area clearance in a 500,000m² area.⁴⁸

Casualties

No casualties from cluster munition remnants were identified in Angola in 2010. However, given that devices are not adequately differentiated, it is possible cluster munition remnants casualties were among those recorded as caused by explosive remnants of war (16) and unknown explosive items (12), which together made up two thirds of all casualties in 2010.⁴⁹

No information was available on the total number of cluster munition casualties. Angola expected to have more information on cluster munition survivors after the completion of the national victim survey.⁵⁰ However the survey questionnaire offers just three options as the cause of disability: "a mine," "an accident," or "unknown" and has no place to report on cluster submunitions as the cause.⁵¹

³⁸ CMC meetings with Maria Madalena Neto, Victim Assistance Coordinator, CNIDAH, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC/Human Rights Watch. Neto later confirmed this statement, noting that the Air Force headed up a task force responsible for the program. Email from Maria Madalena Neto, CNIDAH, 13 August 2010.

³⁹ Response to Monitor questionnaire by Helen Tirebuck, Programme Manager, HALO, 15 March 2011.

⁴⁰ HALO, "Angola: Weapons and Ammunition Disposal (WAD)," May 2011. www.halotrust.org.

⁴¹ Email from Richard Boulter, Weapons and Ammunition Disposal Desk Officer, HALO, 13 August 2010. See also, HALO, "Angola: Weapons and Ammunition Disposal (WAD)," www.halotrust.org.

⁴² Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 835.

⁴³ Landmine Action, "Note on Cluster Munitions in Angola," 10 February 2004.

⁴⁴ Email from Ken O'Connell, Country Director, Stiftung Menschen gegen Minen, 5 June 2010; email from J. P. Botha, Technical Operations Manager, Mines Advisory Group, 21 February 2011; email from Fatmire Uka, Operations Manager, DanChurchAid (DCA), 7 March 2011; email from Aubrey Sutherland, Programme Manager, Mine Action, NPA, 1 March 2011; and email from Helen Tirebuck, HALO, 15 March 2011.

⁴⁵ Response to Monitor questionnaire by Aubrey Sutherland, NPA, 1 March 2011.

⁴⁶ Interview with Jose Antonio, Site Manager, Kuando Kubango, HALO, Menongue, 24 June 2011; and interview with Coxé Sucama, Director, INAD, Menongue, 24 June 2011.

⁴⁷ Email from Mohammad Qasim, then-Acting Chief Technical Advisor and Information Management Advisor, UNDP/CNIDAH, 22 February 2008.

⁴⁸ Response to Monitor questionnaire by Helen Tirebuck, HALO, 15 March 2011.

⁴⁹ Email from Helen Tirebuck, HALO Angola, 15 March 2011; email from JP Botha, MAG, 21 February 2011; email from Aubrey Sutherland, NPA, 1 March 2011; and email from Fatmire Uka, DCA, 7 March 2011. Information Management System for Mine Action (IMSMA) casualty data provided during interview with Pedro Ribiero Toko, National Advisor to CNIDAH, UNDP, Luanda, 16 June 2011.

⁵⁰ Statement of Angola, Convention on Cluster Munitions Intersessional Meeting, Session on Victim Assistance, Geneva, 28 June 2011.

⁵¹ Questionnaire for national victim survey provided by Maria Madalena Neto, CNIDAH, Luanda, 16 June 2011.

Australia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of State Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Draft national implementation legislation introduced, ratification in process

Policy

The Commonwealth of Australia signed the Convention on Cluster Munitions on 3 December 2008.

In June 2011, Australia stated that it has made “steady progress on domestic procedures to ratify” the convention and noted, “once all of the necessary legislative and administrative measures to give effect to the Convention are in place, we will move as quickly as possible towards lodging Australia’s instrument of ratification” with the UN Secretary-General. According to the statement, Australia hopes to be in a position to complete ratification later in 2011.⁵²

In Australia, national implementation legislation must be enacted before ratification. As of early August 2011, the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 had reached its final legislative stages, but had not yet been approved (see National Legislation section below).⁵³

Australia participated extensively in the Oslo Process that created the convention and its policy towards the prohibition on cluster munitions evolved significantly during that time. In addition to participating in the Oslo Process, Australia has also worked to control cluster munitions through the Convention on Conventional Weapons (CCW).⁵⁴ Australia joined in the consensus adoption of the Convention on Cluster Munitions in Dublin on 30 May 2008 and signed the convention in December 2008.

Since 2008, Australia has become one of the most active contributors to the Convention on Cluster Munitions. It attended the First Meeting of State Parties in Vientiane, Lao PDR in November 2010, where it made a general statement as well as statements on universalization, stockpile destruction, victim assistance, and transparency measures, and co-chaired the session on clearance of cluster munition remnants. At the meeting, Australia announced an additional contribution of A\$1 million (US\$920,000) to Lao PDR to support implementation of the convention.

At the convention’s first intersessional meetings in Geneva in June 2011, Australia chaired the session on clearance and risk reduction and made statements on universalization, victim assistance, cooperation and assistance, and other implementation measures.

Australia has acted as Friend of the President of the First Meeting of States Parties on clearance and risk reduction. This follows its membership in the Lao Support Group, a voluntary group of countries tasked with advancing preparations for the First Meeting of States Parties.

At the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, Australia expressed its full commitment to universalization of the convention and said that it takes advantage of all opportunities, including bilateral and regional meetings, to encourage states to join the convention.⁵⁵ It has participated in workshops supporting universalization of the convention held in Bangkok in 2010 and in August 2011 as well as Phnom Penh in August 2011.⁵⁶

⁵² Statement by Australia, Convention on Cluster Munitions Intersessional Meetings, Geneva, 27 June 2011.

⁵³ The Australian Senate was expected to debate the Bill for a final time in early July 2011, but this did not happen and the Bill is now expected to be debated when Parliament resumes from its recess in mid-August.

⁵⁴ For details on Australia’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 30–35. The DFAT also has a webpage on the Convention on Cluster Munitions, www.dfat.gov.au/security/cluster_munitions.html, and the CCW, www.dfat.gov.au/security/ccw.html.

⁵⁵ Statement of Australia, First Meeting of State Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

⁵⁶ Email from Philip Kimpton, First Secretary/Legal Adviser, Australian Permanent Mission to the UN in Geneva, 10 August 2011. Average exchange rate for 2010: A\$1=US\$0.92. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

National legislation

On 12 March 2009, Australia initiated the formal ratification process for the convention by tabling a National Interest Analysis in Parliament that presented the potential benefits and obligations that would arise from ratifying the convention.⁵⁷ In June 2009, the Parliament's Joint Standing Committee on Treaties (JSCOT) held public hearings on the convention and issued a report on 18 August 2009 recommending ratification of the convention.⁵⁸

The Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 was introduced in the House of Representatives on 27 October 2010 and passed after its third and final reading on 18 November 2010. The bill was then introduced in the Senate on 22 November 2010, where it had its first and second reading.⁵⁹ The Bill prohibits the use, production, transfer, and stockpiling of cluster munitions and, according to the Attorney-General, includes penalties of up to 10 years imprisonment for individuals, or A\$330,000 (\$303,600) for bodies corporate for violations of these prohibitions.⁶⁰ After the Selection of Bills Committee found the Bill to be "inconsistent" with recommendations made by the JSCOT report, the Bill was referred by the Senate to committee for review.⁶¹

The Senate Committee on Foreign Affairs, Defence and Trade called for public input on the proposed implementing legislation and 29 submissions were received from Australian and international organizations and individuals.⁶² Several of these NGOs, including Human Rights Watch and the ICRC, testified before the Senate committee on 3 March 2011, along with government officials.⁶³ All of the non-governmental submissions urged that key sections of the Bill be revised and strengthened, while in their submission and statements to the Senate committee, the Government of Australia—represented by the Department of Foreign Affairs and Trade (DFAT), Department of Defence, and Attorney-General's Department—rejected arguments to change the Bill and recommended no change to the existing text.

In their submissions, the CMC and its Australian representatives requested that key sections of the Bill be strengthened and clarified, specifically:⁶⁴

Section 72.41, which should be amended to clarify that Australians may never, even during joint military operations, assist with activities prohibited by the convention on Cluster Munitions;

Section 72.42, which should be deleted as it exempts the military personnel of non-States Parties from the Convention's prohibitions on transfer and stockpiling while they are on Australian territory and is therefore inconsistent with the convention;

Section 72.39, which should be deleted because, in the view of the CMC, the retention of cluster munitions for training is unnecessary.

In addition, the CMC and other non-governmental submitters also recommended that the proposed legislation be amended to prohibit investment by Australian entities in the development or production of cluster munitions.

On 25 March 2011, the Senate Committee on Foreign Affairs, Defence and Trade issued its report on its inquiry into the Bill and recommended no changes to the draft legislation. One Senate committee member, Senator Scott Ludlam of the Australian Greens, issued a dissenting report that agreed with many of the concerns raised by the non-governmental submissions.⁶⁵

After the Senate Committee report was issued, CMC Australia embarked on a campaign to "Fix The Bill" that has involved intensive media outreach and parliamentary engagement.⁶⁶ As of early August, the Senate had not yet approved the Bill.

Interpretive issues

In correspondence as well as through the course of the process to enact implementing legislation, Australia has publicly expressed its views on a range of important matters relating to interpretation of the Convention on Cluster Munitions.

⁵⁷ DFAT, National Interest Analysis [2009] ATNIA 5: Convention on Cluster Munitions, tabled March 12, 2009, wopared.parl.net.

⁵⁸ "Convention on Cluster Munitions," in JSCOT, Report 103: Treaties Tabled on 12 March and 13 May 2009, August 18, 2009, www.aph.gov.au, p. 27.

⁵⁹ Parliament of Australia, ParlInfo Search, "Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010," parlinfo.aph.gov.au.

⁶⁰ Attorney-General Robert McClelland, Second Reading of Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010, October 27, 2010, parlinfo.aph.gov.au. Average exchange rate for 2010: A\$1=US\$0.92. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁶¹ Senate Selection of Bills Committee, Report No. 13 of 2010, October 28, 2010, www.aph.gov.au; and Parliament of Australia, ParlInfo Search, "Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010."

⁶² These submissions are available at: www.aph.gov.au.

⁶³ Hansard transcript of Hearing by Senate Committee on Foreign Affairs, Defence and Trade, Canberra, 3 March 2011, www.aph.gov.au.

⁶⁴ For detailed analysis and recommendations on the Bill, please see Submission to the Senate Committee on Foreign Affairs, Defence and Trade on the Inquiry into the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 from Human Rights Watch and Harvard Law School's International Human Rights Clinic, January 2011, senate.aph.gov.au.

⁶⁵ The dissenting report was attached to the Senate report. See Senate Foreign Affairs, Defence and Trade Legislation Committee report on Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 [Provisions] 25 March 2011, www.aph.gov.au.

⁶⁶ See: www.cmcaustralia.org. See, for example, Dan Oakes, "Wikileaks: Fury Over Secret Australian Deal With US Over Cluster Bombs," The Age (Melbourne), 4 May 2011, www.theage.com.au.

In Australia, the convention's provisions on "interoperability" or military relations with states that have not joined the convention (Article 21) have been widely debated. The Senate Committee on Foreign Affairs, Defence and Trade reported that without the convention's interoperability provisions, Australia's ability to engage with its allies in bilateral and multilateral military operations would be "severely undermined if not impossible."⁶⁷ The CMC's view is that the Department of Defence has openly enumerated several activities banned by the convention that, under Australia's proposed implementing legislation, would be allowed in joint military operations. For example, during joint military operations, Australian Defence Force (ADF) personnel could help plan, provide intelligence for, and/or contribute logistical support to an operation, which may involve a cluster munition attack.⁶⁸ These activities run counter to the convention's object and purpose as well as its prohibition on assistance. The CMC believes a State Party can allow participation in joint military operations without permitting these forms of assistance.

On the prohibition of transit and foreign stockpiling, in a March 2011 letter to the Monitor, the DFAT said that Article 21(3) permits States Parties to undertake military cooperation and operations with States not party to the Convention which "may extend to hosting foreign bases, aircraft, or ships and, in this context, to the stockpiling, retention and/or transfer of cluster munitions by military personnel of States not party to the Convention."⁶⁹

Australia does not have, and has never had, an operational stockpile of prohibited cluster munitions.⁷⁰ It has also informed the Monitor that "no other State has a stockpile of cluster munitions on Australian territory," but "the Bill provides a defence for military personnel of countries that are not party to the Convention who stockpile, retain or transfer cluster munitions while on a base, ship or aircraft in Australian territory. Notwithstanding this defence, visiting forces would not be allowed to use, develop, produce or acquire cluster munitions in Australia."⁷¹ Section 72.42 of Australia's proposed implementing legislation also allows for transit and foreign stockpiling, activities that, in the CMC's view, should be banned under the prohibition on assistance.

Australia's draft implementing legislation does not include specific measures to prohibit investment in cluster munition production. In the March 2011 letter to the Monitor, the DFAT said, however, "While the Convention does not expressly prohibit investment in companies that produce or manufacture cluster munitions, some acts of investment will fall within the scope of the conduct prohibited by Article 1" of the convention.⁷² In May 2011, Australia's sovereign wealth fund confirmed that it had divested itself of holdings in mine and cluster munition manufacturers by excluding 10 companies from its investment portfolio.⁷³

Convention on Conventional Weapons

Australia is a party to the CCW and its Protocol V on explosive remnants of war. Australia continued to actively engage in and be supportive of the CCW deliberations on cluster munitions in 2010 and the first half of 2011 and was a Friend of the Chair of the Group of Governmental Experts (GGE) on cluster munitions.⁷⁴

In November 2010, Australia said that the deliberations on cluster munitions that have occupied the CCW for a number of years could not continue indefinitely and called for them to conclude by the CCW's Fourth Review Conference in November 2011. Australia stated that it strongly supports the Convention on Cluster Munitions, but recognizes that some countries are not yet in a position to join it. It said if the CCW is to address the humanitarian impacts of cluster munitions, it must provide for a strong humanitarian outcome and progress in the development of International Humanitarian Law. In Australia's view, the minimum elements that should be included in a future CCW protocol on cluster munitions are: meaningful prohibitions with immediate effects, the shortest possible transition periods, stockpile destruction and clearance obligations, a ban on transfers, and definitions consistent with the Convention on Cluster Munitions.⁷⁵

⁶⁷ Senate Foreign Affairs, Defence and Trade Legislation Committee, Report on Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010, Section 4.56, 25 March 2011, www.aph.gov.au.

⁶⁸ Department of Defence, "Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010," March 2011, senate.aph.gov.au.

⁶⁹ Letter from Peter Hooton, Assistant Secretary, Arms Control and Counter-Proliferation Branch, International Security Division, DFAT, 22 March 2011.

⁷⁰ Email from Philip Kimpton, Australian Permanent Mission to the UN in Geneva, 10 August 2011.

⁷¹ *Ibid.*

⁷² Letter from Peter Hooton, DFAT, 22 March 2011.

⁷³ The defense investments sold by the Future Fund had a market value of AUD \$74 million as of 31 December 2010. Robert Fenner and Gemma Daley, "Australia's Wealth Fund Dumps Cluster Bomb, Mine Makers on Treaty", Bloomberg, 2 May 2011, www.bloomberg.com.

⁷⁴ Australia has served as Friend of the Chair throughout the CCW's deliberations on cluster munitions. During the March-April 2011 session of the GGE, Australia chaired informal sessions on transfers (draft Article 7) and review of the status and operation of the protocol, reporting, and transparency measures (draft Article 13).

⁷⁵ Statement of Australia, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence.

Use, production, transfer, and stockpiling

Australia's DFAT has previously stated that, "Australia has not developed, produced or used cluster munitions, and does not currently develop, produce or use them."⁷⁶ In November 2010, Australia stated that it does not possess an operational stockpile of cluster munitions and does not intend to acquire one.⁷⁷

Australia has retained cluster munitions for training ADF personnel to defend against cluster munition attacks and in the conduct of battle area clearance.⁷⁸ In June 2011, Australia said that the retention is required to familiarize personnel with cluster munitions. It also noted that the retained munitions are "representative samples," a combination of submunitions and dispensers of which only two bombs are "live," that are not part of operational stocks and not suitable for use.⁷⁹

In April 2010, the DFAT clarified that "To the best of our knowledge, the ADF has not used cluster munitions as a weapon of war, and has never had operational stocks of cluster munitions to use." In the 1970s and 1980s, Australia produced "limited numbers" of Karinga cluster bombs "for testing purposes," noting that approximately 10–20 cluster munitions were tested. Australia also acquired and tested "limited numbers" of United States (US) CBU-58 cluster bombs "to 'baseline' the Karinga's performance."⁸⁰ However, "the trials did not result in a decision to order quantity production of the Karinga weapons." They were never introduced into service and never used in an ADF operation. "Most Karingas and CBU-58s were destroyed in the early 1990s, with some inert samples retained for training and countermeasures purposes."⁸¹

After standard reference works inaccurately suggested Australia held a stockpile of Rockeye cluster munitions, in April 2010 the DFAT clarified that the ADF "does not, and did not previously have a stockpile of Rockeye cluster munitions."⁸² It noted, "The ADF does have one Rockeye dispenser and some representative samples of inert Rockeye submunitions."⁸²

Australia has purchased SMARt 155 weapons with submunitions. The DFAT has stated, "The SMARt 155 is a 155mm anti-tank artillery round that was procured for the Australian Defence Force in 2007. The SMARt 155 contains two submunitions and it is not defined as a cluster munition in the Convention on Cluster Munitions.... While the ADF does not disclose the numbers of operational stocks of specific weapons, we can advise that the contract is worth approximately AUD\$14 million [\$12.9 million]."⁸³ The weapon is not captured by the definition of a cluster munition in the Convention on Cluster Munitions.⁸⁴

Benin

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratification process underway

Policy

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

In November 2010, Benin reaffirmed that a process to ratify the convention was well advanced in parliament, but did not provide any time line for the completion of ratification.⁸⁵

⁷⁶ Letter from Peter Shannon, Assistant Secretary, Arms Control and Counter-Proliferation Branch, DFAT, to Pax Christi Netherlands, 25 February 2005. Similar statements were made by Australian delegations at the Oslo Process conferences in Lima, Wellington, and Dublin.

⁷⁷ Statement of Australia, First Meeting of States Parties, Convention on Cluster Munitions, Session on Stockpile Destruction, Vientiane, 11 November 2010.

⁷⁸ Ibid.

⁷⁹ Statement of Australia, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Destruction, Geneva, 27 June 2011.

⁸⁰ Letter from Peter Hooton, DFAT, 27 April 2010.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Letter from Peter Hooton, DFAT, 27 April 2010. In October 2007, it was reported that Australia "has finalised the acquisition of SMARt 155 artillery rounds worth AUD14 million (USD12.3 million) for its 36 M198 155mm towed howitzers." Jane's Defence Weekly, 4 October 2007. Average exchange rate for 2010: A\$1=US\$0.92. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁸⁴ Article 2.2(c) excludes munitions with submunitions if they have less than 10 submunitions, and each submunition weighs more than 4kg, can detect and engage a single target object, and is equipped with electronic self-destruction and self-deactivation features.

⁸⁵ Statement of Benin, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by Action on Armed Violence (AOAV).

Benin participated in the Oslo Process that created the convention and was a strong advocate for a comprehensive ban.⁸⁶ Benin has continued to participate in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not participate in intersessional meetings of the convention in Geneva in June 2011.

At the First Meeting of States Parties, Benin stated that, despite not yet being a full State Party to the convention, it was solidly committed to its implementation and noted the contribution of its regional training center for post-conflict demining in Ouidah.⁸⁷ Benin called previously for universal accession to the convention at the UN General Assembly (UNGA) in 2009.

Benin also attended a special event on the convention held in New York during the UNGA's First Committee in October 2010.⁸⁸

Benin is party to Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but not CCW Protocol V on explosive remnants of war. It has not actively engaged in CCW discussions on cluster munitions in recent years.⁸⁹

Benin has stated that it has never used or stockpiled cluster munitions, nor has any intention of acquiring them.⁹⁰ Benin is not believed to have ever produced or transferred cluster munitions.

Bolivia

Policy

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

In March 2011, a Ministry of Foreign Affairs official informed the Monitor that the ratification package had been provided to the National Assembly for consideration and approval.⁹¹ Previously, in June 2010, a government representative informed the CMC that the National Assembly had referred ratification to its Defense Committee for consideration.⁹²

Bolivia participated in several meetings of the Oslo Process that created the convention, including the Dublin negotiations in May 2008.⁹³ Bolivia attended meetings on cluster munitions in 2009 and 2010, but was not present at the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 or intersessional meetings of the convention held in Geneva in June 2011. Officials however expect Bolivia to attend the Second Meeting of States Parties to the Convention on Cluster Munitions in Beirut, Lebanon in September 2011.⁹⁴

Bolivia is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war or actively engaged in CCW deliberations on cluster munitions in recent years.

Bolivia is not known to have used, produced, transferred, or stockpiled cluster munitions.

⁸⁶ For details on cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 42–43.

⁸⁷ Statement of Benin, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by AOAV.

⁸⁸ CMC, "Special Event on the Convention on Cluster Munitions," UNGA First Committee, New York, 19 October 2010.

⁸⁹ Benin did not attend CCW meetings in the second half of 2010 or first half of 2011, but it has been an active CCW participant in the past. At a CCW meeting in November 2008, Benin was one of 26 states that issued a joint statement expressing their opposition to the weak draft text on a possible CCW Protocol on cluster munitions, indicating it was an unacceptable step back from the standards set by the Convention on Cluster Munitions.

⁹⁰ Statement of Benin, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by AOAV.

⁹¹ Telephone interview with Marcelo Zambrana, Officer in Charge of Security and Defense Issues, Unit for International Organizations, Ministry of Foreign Affairs, 28 March 2011.

⁹² CMC meeting with Col. Victor Quisberth and Lt.-Col. Ramiro Calderón de la Riva, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by the CMC.

⁹³ For details on Bolivia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 43.

⁹⁴ Telephone interview with Marcelo Zambrana, Ministry of Foreign Affairs, 28 March 2011.

Cameroon

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended the First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification in progress

Policy

The Republic of Cameroon signed the Convention on Cluster Munitions on 15 December 2009.

As of early August 2011, Cameroon had yet to deposit its instrument of ratification with the UN in New York, the final step required to complete its ratification of the convention.

National media reported on 30 March 2011 that Cameroon's parliament had adopted a law authorizing ratification of the convention.⁹⁵ The bill was signed into law by Cameroon's President, Paul Biya, on 6 May 2011.⁹⁶

Cameroon participated in the Oslo Process and joined in the consensus adoption of the convention in Dublin in May 2008, but was unable to sign the convention at the Oslo Signing Conference in December 2008 due to difficulties in securing authorization.⁹⁷ Cameroon signed the convention at the UN in New York in December 2009 and was the 104th signatory to the convention.

Cameroon continued to engage actively in the work of the convention in 2010 and 2011. Cameroon attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it provided an update on ratification and pledged to promote the convention internationally.⁹⁸ Cameroon also participated in the convention's first intersessional meetings in Geneva in June 2011, but did not make any statements.

Cameroon is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war. Cameroon attended CCW meetings on cluster munitions in 2010 and 2011, but did not make any statements.

Use, production, transfer, and stockpiling

Cameroon has stated that it has not used, produced, or transferred cluster munitions and is not affected by them.⁹⁹ Cameroon is not believed to stockpile cluster munitions.

⁹⁵ Esther Kima, "Parliament Adopts Bill on Cluster Munitions," *Crtv* (Cameroon Radio Television), 30 March 2011, www.crtv.cm.

⁹⁶ Law No. 2011/003, President of Cameroon, Press release, "Enactment of Law No. 2011/003 authorizing the Head of State to ratify the Convention on Cluster Munitions," 9 May 2011, www.presidenceducameroun.com.

⁹⁷ For details on Cameroon's cluster munition policy and practice through early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 126–127.

⁹⁸ Statement of Cameroon, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁹⁹ Statement of Cameroon, Dublin Diplomatic Conference on Cluster Munitions, Closing Plenary, 30 May 2008, notes by Landmine Action; and Statement of Cameroon, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010, notes by the CMC.

Canada

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification in progress and stockpile destruction process underway

Policy

Canada signed the Convention on Cluster Munitions on 3 December 2008.

There were few signs of progress on Canada's ratification of the convention in 2010 or the first half of 2011. As of July 2011, the Cabinet had not approved ratification, which is the first step that must be taken before ratification can occur. In Canada, domestic legislation must be enacted prior to ratification "to ensure full compliance with any new international treaty."¹⁰⁰

Internal consultations have been ongoing between Foreign Affairs and International Trade (DFAIT) and other government departments on the ratification and legislation package. Internal disagreement over the draft legislation's interpretation of a key article of the convention is apparently a reason for the ratification delay. According to a media report, in December 2010 "after two years of infighting," DFAIT "gave in" to demands from the Department of National Defence "that would allow for an interpretation of Article 21 more in line with the U.S. position."¹⁰¹ Article 21 of the Convention on Cluster Munitions deals with relations between States Parties and states that have not joined the convention, including during joint military operations.

In March 2011, a Canadian disarmament diplomat who had led Canada's engagement in the Oslo Process that created the convention, Earl Turcotte, resigned in part due to his concern that the government was pursuing weak implementing legislation with respect to Article 21 (see Interpretative issues section below).¹⁰²

Although it did not make any comment during the June 2011 intersessional meetings, Canada has in the past provided updates to States Parties on its ratification status. In November 2010, it stated, "We have a team of lawyers working on [the ratification and implementing legislation] and hope it will not be too long before we can consider it."¹⁰³ In October 2010, Canada stated that it was "actively and diligently" working to ratify the convention.¹⁰⁴ In April 2010, then-Minister of Foreign Affairs, Lawrence Cannon, said that, "Cabinet is expected to consider ratification of the Convention over the next few months."¹⁰⁵

Canada participated in the Oslo Process that produced the convention and advocated for strong provisions on victim assistance and on international cooperation and assistance.¹⁰⁶ It continued to play an active role in the work of the convention in 2010 and the first half of 2011. Canada attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it spoke on universalization. Canada also participated in the convention's intersessional meetings in Geneva in June 2011, where it made several statements including on stockpile destruction, retention of cluster munitions, and victim assistance.

At both meetings, Canada led discussions on the convention's architecture (institutional structures and mechanisms) and work program in its capacity as Friend of the President of First Meeting of States Parties. In 2010, Canada was one of six countries that contributed to a new Cluster Munitions Trust Fund in Lao PDR, established to encourage strong support for the convention and the First Meeting of States Parties.¹⁰⁷

¹⁰⁰ Letter from Earl Turcotte, Senior Coordinator for Mine Action, DFAIT, to Human Rights Watch, 17 June 2010.

¹⁰¹ Mike Blanchfield, "Canadian ex-arms negotiator breaks silence on cluster bombs," *The Star*, 1 April 2011, www.thestar.com.

¹⁰² Turcotte lodged a written complaint after seeing how Canada was planning to interpret Article 21, which he said would enable Canada to "aid and abet" in the use of cluster munitions. Chris Cobb, "Lead arms negotiator quit over 'matter of conscience'" *Ottawa Citizen*, 2 April 2011, www.ottawacitizen.com.

¹⁰³ Statement of Canada, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

¹⁰⁴ CMC, "Special Event on the Convention on Cluster Munitions—19 October 2010," 22 October 2010, www.stopclustermunitions.org.

¹⁰⁵ Letter from Lawrence Cannon, Minister of Foreign Affairs, DFAIT, to Human Rights Watch, 27 April 2010.

¹⁰⁶ For detail on Canada's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 50–54.

¹⁰⁷ UNDP, "Trust Fund for Support to the Full Implementation of the CCM in Lao PDR Financial Report, Trust Fund Steering Committee Meeting, 29 April 2011."

Despite not ratifying, Canada submitted a voluntary Convention on Cluster Munitions Article 7 report on 24 January 2011, covering the period from 1 August 2010 to 31 January 2011. This was the first voluntary report to be submitted by a state not party to the convention.

Canada attended a UN Special Event on the convention in New York in October 2010 and “warmly welcomed” the convention’s 1 August 2010 entry into force during a meeting of the UN General Assembly’s (UNGA’s) First Committee.¹⁰⁸

In March 2011, as part of the 11th annual Canadian Landmine Action Week, Mines Action Canada launched a call for strong national implementing legislation with a letter-writing campaign.¹⁰⁹ It also met with members of parliament from all parties including the foreign affairs critics of the two largest opposition parties.

Interpretive issues

Canada identified “interoperability” (joint military operations with states not party), addressed in Article 21 of the convention, as a key priority during the negotiations of the convention.¹¹⁰ At the intersessional meetings in June 2011, Canada further elaborated its views on Article 21, stating that the provision was designed to protect activities that “might involve or relate to the continued lawful use of cluster munitions by states not party.”¹¹¹ Canada stated that its adoption of the convention text in Dublin was based on the understanding that “Article 21, paragraph 4, expressly and fully delineates activities prohibited” in the context of joint operations with states not party.¹¹²

Canada stated that the positive obligations of Article 21, paragraph 2—to notify states not party of its obligations under the convention, to promote the convention’s norms, and to make its best efforts to discourage the use of cluster munitions by states not party—do not extend beyond the governmental level and are not ongoing obligations “at the operation or tactical levels for individual military personnel.”¹¹³

As noted above, Canadian disarmament diplomat Earl Turcotte resigned in March 2011 due to his concern over how the government planned to interpret Article 21 in its draft implementing legislation to, in Turcotte’s view, essentially allow Canada to “aid and abet” the continued use of cluster bombs.¹¹⁴

Canada has not yet made known its views on other important issues related to interpretation and implementation of the convention such as the prohibition on transit and foreign stockpiling of cluster munitions and the prohibition on investment in production of cluster munitions. In June 2011, Canada stated that a State Party may not itself stockpile or transport cluster munitions, but it did not address stockpiling or transit of cluster munitions by states not party within the territory of States Parties.

Convention on Conventional Weapons

Canada is party to the Convention on Conventional Weapons (CCW) and CCW Protocol V on explosive remnants of war. It continued to participate in CCW deliberations on cluster munitions in 2010 and the first half of 2011.

In November 2010, Canada supported a continuation of CCW work on cluster munitions and successfully sought agreement that the mandate in 2011 would be to “negotiate a protocol” on cluster munitions. It expressed disappointment that a “hard deadline” was not set to complete this work by the CCW’s Fourth Review Conference in November 2011.¹¹⁵ In February 2011, Canada noted that positions were “still far apart” said it believes the CCW work on cluster munitions “must conclude this year.”¹¹⁶

Canada has criticized the CCW chair’s draft text for failing to meaningfully address the humanitarian impact of cluster munitions. In September 2010, Canada expressed concern that a new version of the chair’s text had regressed and become weaker not stronger.¹¹⁷ In February 2011, Canada warned that the chair’s text would “legitimize use and transfer of cluster munitions that are known to have significant humanitarian impact.”¹¹⁸

Use, transfer, and production

Canada is not believed to have ever used or exported cluster munitions.

¹⁰⁸ Statement by Amb. Marius Grinius, Permanent Representative of Canada to the Conference on Disarmament, UNGA First Committee, New York, 5 October 2010.

¹⁰⁹ Mines Action Canada, “Action Alert: Help prevent ‘worst case’ scenario on Canada’s cluster bomb treaty law,” 1 March 2011.

¹¹⁰ For more details on Canada’s role in the Dublin negotiations see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 50–54; and ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 127–130.

¹¹¹ Statement of Canada, Convention on Cluster Munitions Intersessional Meetings, Session on Other Implementation Measures, Geneva, 30 June 2011.

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ Chris Cobb, “Cluster munitions expert Earl Turcotte to leave Foreign Affairs,” *The Ottawa Citizen*, 7 February 2011.

¹¹⁵ Statement of Canada, CCW Meeting of States Parties, Geneva, 26 November 2010.

¹¹⁶ Statements of Canada, CCW Group of Governmental Experts (GGE) on Cluster Munitions, 21 February 2011. Notes by Action on Armed Violence (AOAV).

¹¹⁷ Statements of Canada, CCW GGE on Cluster Munitions, 1 September 2010. Notes by AOAV.

¹¹⁸ Statements of Canada, CCW GGE on Cluster Munitions, 21 February 2011. Notes by AOAV.

In its voluntary Article 7 report, Canada stated that it has never produced cluster munitions.¹¹⁹ The company Bristol Aerospace Limited was once listed as a producer of the CRV-7 70mm unguided air-to-surface rocket containing nine M73 submunitions. However, the company provided information to the Department of National Defence that it has only produced the rocket motor and never produced the cluster warhead (which contains the submunitions) for the CRV-7, indicating this warhead is only produced by General Dynamics, a company from the United States (US).¹²⁰

Stockpiling and destruction

Canada has stockpiled two types of cluster munitions, both imported from the US: Rockeye cluster bombs (each containing 247 submunitions), and M483A1 155mm artillery projectiles, each containing 88 M42/M46 dual purpose improved conventional munition (DPICM) submunitions.

In its voluntary Article 7 report, Canada stated that a total of 1,026 Rockeye cluster bombs containing 253,422 submunitions were destroyed over a two-year period ending in September 2006.¹²¹ After the destruction was completed the area was swept for unexploded ordnance: none were found and complete detonation was confirmed. The munitions scrap was removed, screened for trace energetics, and identified for future demilitarization.¹²²

Canadian Forces also stockpile a total of 12,600 M483A1 155mm artillery projectiles, containing total of 1,108,800 DPICM submunitions (806,400 M42 and 302,400 M46).¹²³ The entire inventory was declared surplus in January 2007 and removed from operational service for destruction.¹²⁴

In June 2011, Canada stated that the “Department of National Defence is working with Public Works and Government Services Canada (PWGSC), the contracting arm of the Government of Canada, to develop a solution” for the destruction of the 155mm projectiles. It said that, “a Statement of Work and evaluation criteria have been drafted and are in the process of being finalized. Once approved, the intent is to publish the disposal requirement as a competitive procurement. It is estimated that it will likely take 12 months to complete the contracting requirements, with roughly 12–24 months to complete disposal of all munitions.”¹²⁵

Canada also noted that the stockpile destruction must be carried out in compliance with stringent laws and regulations, including Canadian Controlled Goods regulations, and said it was a challenge to identify a supplier capable of completing the task.¹²⁶ Previously, in March 2010, a Department of National Defence official noted that the process of seeking tenders for the stockpile destruction had been “slower than expected due to the complexities of the due diligence requirements of Canadian environmental regulations.”¹²⁷

Central African Republic

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratification process underway

Policy

The Central African Republic signed the Convention on Cluster Munitions on 3 December 2008.

¹¹⁹ Convention on Cluster Munitions Article 7 Report, Form D, 24 January 2011.

¹²⁰ Information provided to Human Rights Watch by Department of National Defence representatives, Canadian Delegation, CCW GGE on Cluster Munitions, Geneva, November 2007.

¹²¹ In June 2011, Canada provided slightly different numbers, stating that the Rockeye destruction program included destruction of “over 248,000 bomblets contained within 826 bombs.” Statement of Canada, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Destruction, 27 June 2011, www.clusterconvention.org.

¹²² Statement of Canada, Convention on Cluster Munitions Intersessional Meetings, Session on Stockpile Reduction and Retention, 27 June 2011, www.clusterconvention.org.

¹²³ Information provided to Human Rights Watch by Department of National Defence representatives, Canadian Delegation, CCW GGE on Cluster Munitions, Geneva, November 2007; Statement of Canada, Convention on Cluster Munitions intersessional meetings, Session on Stockpile Reduction and Retention, 27 June 2011, www.clusterconvention.org; and Convention on Cluster Munitions Article 7 Report, Form B, 24 January 2011.

¹²⁴ Statement of Canada, Convention on Cluster Munitions intersessional meetings, Session on Stockpile Reduction and Retention, 27 June 2011, www.clusterconvention.org.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Email from Lt.-Col. Norman Polenz, Directorate of Arms and Proliferation Control Policy, Department of National Defence, 30 March 2010.

As of May 2011, the status of the Central African Republic's ratification was not known. Ratification may have been delayed by national elections, which were scheduled and postponed several times during 2010 before being held in early 2011. Previously, in March 2010, the Ministry of Defense confirmed the government's intention to ratify the convention.¹²⁸

The Central African Republic participated in a regional meeting (Kampala, Uganda in September 2008) of the diplomatic Oslo Process that created the convention.¹²⁹ It has participated in several meetings related to the convention since 2008. The Central African Republic attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make a statement. It did not participate in the first intersessional meetings of the convention in Geneva in June 2011.

The Central African Republic is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.

The Central African Republic has stated that it has never used, produced, transferred, or stockpiled cluster munitions, and is not affected by cluster munition remnants.¹³⁰

Chad

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification underway

Policy

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

In June 2011, Chad said that its ratification process was nearing completion and would be finished by the Second Meeting of States Parties to the Convention on Cluster Munitions in Beirut, Lebanon in September 2011.¹³¹ In December 2010, a government official stated that Chad's ratification was in progress.¹³² Previously, in June 2010, Chad stated that the ratification law had been adopted by the Council of Ministers and was awaiting approval by the National Assembly.¹³³

Chad actively engaged in the Oslo Process that created the convention and was supportive of a comprehensive ban on cluster munitions.¹³⁴ It has continued to engage in the work of the convention in 2010 and the first half of 2011. Chad attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make a statement. Chad participated in the convention's intersessional meetings in Geneva in June 2011, where provided an update on ratification.

Chad is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Chad is not believed to have used, produced, transferred, or stockpiled cluster munitions.

French aircraft dropped cluster munitions on a Libyan airfield inside Chad at Wadi Doum during the 1986–1987 conflict. Libyan forces used AO-1SCh and PTAB-2.5 submunitions.

¹²⁸ Email from Ministry of Defense official to Handicap International France, 30 March 2010.

¹²⁹ For details on the Central African Republic's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 55.

¹³⁰ Statement by Antoine Gambi, Ministry of Defense, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. Notes by Landmine Action.

¹³¹ Statement by Assane Nguéadoum, Technical Advisor, National Demining Office of Chad, Convention on Cluster Munitions Intersessional Meeting, Geneva, 29 June 2011.

¹³² Handicap International (HI) and Action on Armed Violence (AOAV) meeting with Saleh Hissein Hassan, Coordinator, National Mine Action Center, and Rodolphe Liebeshitz, Chief Technical Advisor, UNDP Chad, Tenth Meeting of States Parties to the Mine Ban Treaty, Geneva, 1 December 2010.

¹³³ CMC meeting with Assane Nguéadoum, Ministry of Economy, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010; and Statement of Chad, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by AOAV/Human Rights Watch.

¹³⁴ For details on Chad's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 55.

Cluster Munition Remnants

Chad is contaminated by cluster munition remnants, but the precise extent of contamination remains to be determined. Mines Advisory Group (MAG) found unexploded Soviet PETAB-1.5 submunitions during its recent survey in an area close to Faya Largeau.¹³⁵ Further survey underway in the Gouro area (in the far northeast of Borkou region) is likely to reveal further cluster munition contaminated areas.¹³⁶ In the east of Chad, however, no submunitions were cleared by MineTech, the demining contractor of the UN Mission in the Central African Republic and Chad (MINURCAT).¹³⁷

Following the end of the conflict with Libya in 1987, unexploded submunitions and cluster munition containers were found in the three northern provinces, Biltine department in Wadi Fira region (northeastern Chad), and east of the capital, N'Djamena.¹³⁸ At the Convention on Cluster Munitions Signing Conference in December 2008, the representative of Chad spoke of “vast swathes of territory” contaminated with “mines and unexploded ordnance (munitions and submunitions).”¹³⁹

The number of casualties caused by cluster munition remnants or the use of cluster munitions in Chad was not known due to a lack of detailed and comprehensive data collection.¹⁴⁰

Colombia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification process underway

Policy

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

Legislation approving ratification of the convention was introduced in the Colombian Senate on 25 March 2010 and passed its second debate on 19 October 2010.¹⁴¹ As of July 2011, the bill needed to be reviewed by a House of Representatives committee (*la Comisión Segunda*), then approved by the full House, then reviewed by the Constitutional Court, and then signed into law by the President.¹⁴²

The ratification bill seeks to incorporate the Convention on Cluster Munitions into domestic law, but separate regulations, such as implementing legislation, will be considered after ratification is completed.¹⁴³

Colombia participated in several meetings of the Oslo Process that produced the convention and said that its decision to sign the convention stemmed from its concern about the “humanitarian impact” of cluster munitions.¹⁴⁴ Colombia has continued to actively engage in the work of the convention. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, as well as intersessional meetings of the convention in Geneva in June 2011.

¹³⁵ Emails from Liebeschitz Rodolphe, Chief Technical Advisor, UNDP, 21 February 2011; and from Bruno Bouchardy, Program Manager, MAG Chad, 11 March 2011.

¹³⁶ Email from Bruno Bouchardy, MAG Chad, 11 March 2011.

¹³⁷ Email from Mark Frankish, Chief, Mine Action Unit, MINURCAT, 9 July 2010.

¹³⁸ HI, *Fatal Footprint: The Global Human Impact of Cluster Munitions* (Brussels: HI, November 2006), p. 17; HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 48; Survey Action Center, “Landmine Impact Survey, Republic of Chad,” Washington, DC, p. 59; and see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 56.

¹³⁹ Statement of Chad, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

¹⁴⁰ HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 48. It is likely that there have been unexploded submunition casualties in Chad. However, despite explosive remnants of war (ERW) incidents in regions contaminated by cluster submunitions, unexploded submunition casualties were not differentiated from other ERW casualties. Landmine Impact Survey data also showed that the most common activity at the time of incident was tampering with ERW.

¹⁴¹ The draft legislation is known in the Senate as Bill 234/10 and as 176/10 in the House of Representatives.

¹⁴² Interview with Paola Ximena Fonseca Caro, Political Advisor for Representative Ivan Cepeda, Bogotá, 30 March 2011.

¹⁴³ In July 2002, Colombia enacted national legislation (Law 759) to implement the 1997 Mine Ban Treaty.

¹⁴⁴ For detail on Colombia’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 58–59.

At the First Meeting of States Parties, Colombia described how it completed the destruction of its entire stockpile of cluster munitions within seven months and offered to share its stockpile destruction expertise with other states.¹⁴⁵ Colombia also made a statement on its stockpile destruction experience at the intersessional meetings.¹⁴⁶

The Colombian Campaign to Ban Landmines (Campaña Colombiana contra Minas, CCCM) promotes the Convention on Cluster Munitions, including its swift ratification by Colombia.¹⁴⁷

Colombia is a party to the Mine Ban Treaty.

Interpretive issues

Colombia made known its views on certain important issues related to interpretation and implementation of the convention in a March 2010 response to a Monitor questionnaire.¹⁴⁸ The government “absolutely rejects and prohibits any manner of transfer or storage of foreign cluster bombs in Colombian territory,” as well as “military operations with states not party to the convention in which they carry out exercises or actions prohibited by the Convention.” It also prohibits investment in production of cluster munitions. In addition, “Colombia considers that the countries that are still not a part of this convention can take steps toward honoring the spirit of the convention.” Colombia reaffirmed its position on all these interpretive issues in a May 2011 response to the Monitor.¹⁴⁹

Convention on Conventional Weapons

Colombia is a party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war. Colombia engaged in CCW deliberations on cluster munitions in 2010 and the first half of 2011.

Colombia has objected to the inadequacies of the draft chair’s text in responding to humanitarian imperatives posed by cluster munitions.¹⁵⁰ In May 2011, Colombia told the Monitor that CCW work on cluster munitions should not “run counter to international standards” set by the Convention on Cluster Munitions and said any CCW protocol on cluster munitions should “incorporate extensive provisions on victim assistance and international cooperation and assistance.”¹⁵¹

Use, production, transfer, and stockpile destruction

In May 2011, Colombia affirmed in a letter to the Monitor that it has never produced cluster munitions.¹⁵² In the past, it imported them from Chile, Israel, and the United States (US). In March 2010, Colombia stated that it “has not transferred Cluster Bombs to a third state.”¹⁵³

In March 2010, Colombia confirmed that its armed forces had used and stored cluster munitions in the past, namely CB-250K and ARC-32 cluster munitions, prior to signing the convention.¹⁵⁴

In a December 2010 presentation, the Ministry of Defense said that the Colombian Air Force last used cluster munitions on 10 October 2006 and stated that “the bombs were used to destroy clandestine airstrips belonging to organizations dedicated to drug trafficking in remote areas of the country where the risk to civilians was minimal.”¹⁵⁵ In May 2009, Colombia’s Minister of Defense Juan Manuel Santos acknowledged past use of cluster munitions “to destroy clandestine airstrips and camps held by illegal armed groups,” but noted the submunitions sometimes did not explode and “became a danger to the civilian population.”¹⁵⁶

There were several developments in 2011 relating to the case of reported cluster munition use by the Colombian Air Force at Santo Domingo in the municipality of Tame (Arauca) on 13 December 1998.¹⁵⁷ At the time, the incident was attributed to the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia-Ejército

¹⁴⁵ Statement of Colombia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

¹⁴⁶ Statement of Colombia, Convention on Cluster Munitions Intersessional Meeting, Session on Stockpile Destruction, Geneva, 27 June 2011. Notes by the CMC.

¹⁴⁷ The CCCM organized an event at Jorge Tadeo Lozano University to celebrate the convention’s entry into force in August 2010. The event included updates from representatives of the Ministry of Foreign Affairs and the Ministry of Defense on measures being taken to ratify the convention and a drumming performance. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 15.

¹⁴⁸ Email from Camilo Serna Villegas, Operations Coordinator, CCCM, 11 August 2010.

¹⁴⁹ Response to Monitor questionnaire by Nohra M. Quintero C., Coordinator, Internal Working Group on Disarmament and International Security, 13 May 2011.

¹⁵⁰ CMC update, “Second 2011 session of the CCW Group of Governmental Experts on cluster munitions, 1 April 2011.”

¹⁵¹ Response to Monitor questionnaire by Nohra M. Quintero C., Internal Working Group on Disarmament and International Security, 13 May 2011.

¹⁵² *Ibid.*

¹⁵³ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 26 March 2010.

¹⁵⁴ *Ibid.*

¹⁵⁵ Original Spanish text: “Las bombas eran utilizadas para destruir pistas de aterrizaje clandestinas pertenecientes a organizaciones dedicadas al tráfico de drogas, en zonas apartadas del país donde el riesgo para los civiles era mínimo.” Ministry of Defense presentation on cluster munitions — Slide 11, Bogotá, December 2010.

¹⁵⁶ Carlos Osorio, “Colombia destruye sus últimas bombas de tipo racimo” (“Colombia destroys its last cluster bombs”), *Agence France-Presse*, 7 May 2009.

¹⁵⁷ The case was described in the draft ratification bill contained in letter to Albeiro Vanegas Osorio, Chairperson, Committee II, House of Representatives from Representative Iván Cepeda Castro, April 2011.

del Pueblo, FARC), but a subsequent investigation showed a World War II-era dispenser of US origin was used to drop several 20lb (9kg) fragmentation bombs during the attack.¹⁵⁸ On 15 June 2011, the High Court of Bogotá ratified a 24 September 2009 decision to sentence the two pilots of the helicopter to 30 years in prison each.¹⁵⁹ On 23 June 2011, the Office of Public Prosecutions ordered the arrest of the two other members of the crew involved in the incident.¹⁶⁰

According to the Ministry of Defense, cluster munitions have been replaced by other types of conventional weapons and it has noted that the Convention on Cluster Munitions “does not affect the operational capability of military forces as cluster munitions do not provide a significant tactical advantage over other types of weapons.”¹⁶¹

On 24 November 2009, Colombia announced the completion of the destruction of its stockpile of cluster munitions.¹⁶² In total, Colombia destroyed 72 cluster munitions (31 ARC-32 and 41 CB-250K cluster bombs) containing 10,832 submunitions during 2009.¹⁶³

Colombia has decided not to retain any cluster munitions or submunitions for training or development purposes.¹⁶⁴

Democratic Republic of the Congo

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in June 2011
Key developments	Ratification process underway, submitted voluntary Article 7 report in May 2011

Policy

The Democratic Republic of the Congo (DRC) signed the Convention on Cluster Munitions on 18 March 2009.

On 15 May 2011, the DRC submitted a voluntary Convention on Cluster Munitions Article 7 report, for the period from February 2002 to 15 May 2011. The report stated that draft ratification legislation had been presented to Parliament for consideration and adoption.¹⁶⁵ The draft legislation was referred to the Foreign Affairs Committee for review.¹⁶⁶ According to a government official, the National Assembly approved the ratification law on 10 June 2011, after which it was immediately sent to the Senate for approval.¹⁶⁷

¹⁵⁸ Organization of American States Inter-American Commission on Human Rights document, “Masacre de Santo Domingo, Colombia, Caso 12.416,” 22 April 2011. The Convention on Cluster Munition also bans explosive bomblets that are designed to be released from dispensers affixed to aircraft.

¹⁵⁹ Captain Cesar Romero and Lt. Johan Jimenez Valencia Pradilla. “Ordenan detención a agregado militar colombiano en Francia,” *El Universal* (Caracas), 23 June 2011, internacional.eluniversal.com.

¹⁶⁰ Air Force Colonel Sergio Andrés Garzón Vélez and Major Lamilla Germain David Santos. “Ordenan regreso de agregado militar implicado en bombardeo,” EFE in *El País*, 24 June 2011, www.elpais.com.co. During a press conference with his Brazilian counterpart, Nelson Jobim, Colombia’s Minister of Defense Rodrigo Rivera urged Colonel Garzón, who was then serving as military attaché at Colombia’s Embassy in Paris, to heed the call to return. “Exigen regreso a Colombia de agregado militar en París acusado por bombardeo,” *AFP* (Bogotá), 24 June 2011, www.google.com. On 13 July 2011, Colonel Sergio Garzon returned to Colombia to face the charges. “Retorna a Colombia militar implicado en masacre de civiles,” *Prensa Latina* (Bogotá), 13 July 2011.

¹⁶¹ Original Spanish text: “A nivel militar, la vigencia de la Convención de Oslo no afecta la capacidad operativa de las Fuerza Militares toda vez que las municiones en racimo no ofrecen una ventaja táctica significativa respecto de otro tipo de bombas.” Ministry of Defense presentation on cluster munitions — Slide 25, Bogotá, December 2010.

¹⁶² For details on Colombia’s stockpile destruction see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 135–136.

¹⁶³ Response to Monitor questionnaire by the Ministry of Foreign Affairs, 26 March 2010. This document refers in some places to 41 bombs and in other places to 42 bombs. In the past, Colombia has indicated 41. The CB-250K bombs were produced by Chile and each contains 240 submunitions. In December 2010, the Ministry of Defense reported that 42 CB-250K bombs were destroyed. Ministry of Defense presentation on cluster munitions — Slide 11, Bogotá, December 2010. The ARC-32 bomb is apparently a 350kg weapon containing 32 antirunway submunitions produced by Israel.

¹⁶⁴ Statement of Colombia, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by Landmine Action.

¹⁶⁵ Convention on Cluster Munitions voluntary Article 7 Report, Form A, 15 May 2011.

¹⁶⁶ Email from Francky Miantuala, CCIM, 10 May 2011.

¹⁶⁷ Statement of the DRC, Convention on Cluster Munitions Intersessional Meeting, Geneva, 28 June 2011, www.clusterconvention.org; and CMC meeting with Sudi Kimputu, Coordinator, PFNLAM, Convention on Cluster Munitions Intersessional Meeting, Geneva, 27 June 2011.

Previously, in November 2010, a Ministry of Foreign Affairs official informed the CMC that ratification was being considered by the Prime Minister.¹⁶⁸ In October 2010, the government's National Focal Point of the Struggle Against Mines (Point Focal National pour la Lutte Antimines, PPNLAM) said that the ratification package had been prepared and required executive approval by the Council of Ministers.¹⁶⁹

In June 2011, the DRC stated that it was considering the amendment of its national implementation for the Mine Ban Treaty to include obligations relating to the Convention on Cluster Munitions.¹⁷⁰ In October 2010, the National Assembly adopted a national law on antipersonnel mines to enact the 1997 Mine Ban Treaty.¹⁷¹ Government officials are considering other implementation measures, including the establishment of single structure to ensure implementation on both antipersonnel mines and cluster munitions, as Burkina Faso and France have done.¹⁷²

The DRC actively participated in the Oslo Process that created the convention and strongly supported a comprehensive ban as well as the inclusion of provisions on international cooperation and assistance. Due to inadequate signing authority the DRC was not able to sign the convention in Oslo in December 2008, but signed at the UN in New York in March 2009.¹⁷³

The DRC continued to engage in the work of the convention in 2010 and the first half of 2011. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it gave an update on ratification and called for donors to continue to provide funding to organizations that work in demining and unexploded ordnance clearance in the DRC.¹⁷⁴ The DRC also attended intersessional meetings of the convention in Geneva in June 2011, where it made a statement on clearance.

When asked by the Monitor for its views on a number of issues important for the interpretation and implementation of the convention (such as the prohibition on assistance with prohibited acts in joint military operations, the prohibition on transit and foreign stockpiling, and the prohibition on investment in cluster munition production), a Congolese official responded that the DRC had not provided any reservations when it signed the Convention on Cluster Munitions and therefore fully accepts all of the convention's provisions.¹⁷⁵

The Congolese Campaign to Ban Landmines (CCIM) has promoted the Convention on Cluster Munitions in the DRC, including its swift ratification.¹⁷⁶

The DRC is a State Party to the Mine Ban Treaty, but is not party to the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Officials have stated that the DRC has never used, produced, or transferred cluster munitions and does not stockpile them.¹⁷⁷

In June 2011, the DRC stated that cluster munitions were used in armed conflict by foreign armies, both invited and not invited, and were a serious concern of the government. According to the DRC, there is cluster munition contamination from BLU 755 cluster bombs, BLU 63 cluster munitions, and PM1 munitions.¹⁷⁸

It is not known which party to the various conflicts in the DRC used cluster munitions or when.

¹⁶⁸ CMC meeting with Thierry Ngoy Kabalo, Director, Department of International Organizations, Ministry of Foreign Affairs, Vientiane, 9–12 November 2010.

¹⁶⁹ Statement by Sudi Kimputu, PPNLAM, CCIM Roundtable "On the Road to Vientiane," Kinshasa, 30 October 2010. Report by CCIM.

¹⁷⁰ Statement by the DRC, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 28 June 2011.

¹⁷¹ According to an official, it is possible that the mine legislation could be amended to take into account the provisions of the Convention on Cluster Munitions. Statement by Sudi Kimputu, PPNLAM, CCIM Roundtable "On the Road to Vientiane," Kinshasa, 30 October 2010. Report by the CCIM.

¹⁷² Statement by Sudi Kimputu, National Focal Point of the Struggle Against Mines, CCIM Roundtable "On the Road to Vientiane," Kinshasa, 30 October 2010. Report by the CCIM.

¹⁷³ For details on the DRC's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 60–61.

¹⁷⁴ Statement of the DRC, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

¹⁷⁵ Response to Monitor questionnaire by Sudi Kimputu, PPNLAM, 27 March 2011.

¹⁷⁶ Campaigners held several events in Kinshasa in the second half of 2010 to promote the Convention on Cluster Munitions, including a workshop (on 28 May), a drumming action to mark entry into force of the convention (1 August), a press conference (10 October), and a roundtable discussion (30 October). Email from Francky Miantuala, Coordinator, CCIM, 2 May 2011.

¹⁷⁷ Response to Monitor questionnaire by Capt. Roger Bokwango, Deputy Coordinator, PPNLAM, 30 March 2010; and statement by Nzuzi Manzemi, Director, Directorate of International Organizations, Ministry of Foreign Affairs, 6 March 2009. Notes by the CCIM.

¹⁷⁸ Statement of the DRC, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, Lao PDR, 11 November 2010. Notes by the CMC.

Cluster Munition Remnants

Cluster munition remnants have been found in the provinces of Equateur, Katanga, Maniema, and Province Orientale. Contamination is also suspected in North Kivu province.¹⁷⁹ In April 2011, the UN Mine Action Coordination Center, DRC (UNMACC) reported 18 sites in which submunitions had been found, most in Katanga province.¹⁸⁰ The scale of residual contamination from unexploded submunitions has not, however, yet been quantified.

According to UNMACC, no cluster munition remnants were found in 2010.¹⁸¹ However, Mines Advisory Group (MAG) reported to the Monitor that it cleared eight BLU 63 submunitions while conducting survey operations in Bolomba territory, Equateur province in 2010, “which identified a large area requiring battle area clearance.”¹⁸² In 2009, DanChurchAid (DCA) destroyed four unexploded submunitions in Manono and a fifth in Kabalo.¹⁸³ Handicap International (HI) destroyed a total of 10 PM-1 submunitions in 2009.¹⁸⁴

Casualties

In 2010, the UNMACC reported five casualties (three killed; two injured) from unexploded submunitions in the DRC. All casualties occurred during a single incident on 5 July in Orientale province. At least one boy and one female, both injured, were among those involved in the incident; the age and gender details of the three people who were killed were not available.¹⁸⁵

Cluster munition remnants caused at least 207 casualties in DRC between 1964 and the end of 2010.¹⁸⁶ In the absence of a national data collection system for mine and cluster munition casualties, and because parts of the country are inaccessible due to a lack of infrastructure and security constraints, it is expected that available casualty data significantly underestimates the problem.¹⁸⁷

Republic of the Congo

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification process underway

Policy

The Republic of the Congo (Congo-Brazzaville) signed the Convention on Cluster Munitions on 3 December 2008.

In June 2011, a Congolese official informed the CMC that a bill authorizing the ratification of the convention was sent to the Supreme Court for an advisory opinion in August 2010. After receiving a positive opinion, the bill was sent in March 2011 for consideration at the executive level by Council. After this, the bill will be sent to Parliament for review and adoption, which could occur in 2011.¹⁸⁸

¹⁷⁹ Email from Charles Frisby, Chief of Staff, UN Mine Action Coordination Center, DRC (UNMACC), 30 March 2011.

¹⁸⁰ Email from Charles Frisby, UNMACC, 21 April 2011.

¹⁸¹ Email from Charles Frisby, UNMACC, 8 March 2011.

¹⁸² Email from Kristin Pristupa, Programme Officer, MAG, 20 March 2011. Different figures for clearance of submunitions (totaling four from three locations) were included in DRC’s Convention on Cluster Munitions voluntary Article 7 Report, Form F, for the period 1 February 2002 through 15 May 2011.

¹⁸³ Email from Signe Noermose, DCA, 3 March 2010.

¹⁸⁴ Email from Stephan Jooris, HI, 7 June 2010.

¹⁸⁵ Email from Claude Mushid, Information Management System for Mine Action (IMSMA) Officer, UNMACC, 2 August 2011.

¹⁸⁶ Analysis of casualty data provided during interview with Jean Marie Kiadi Ntoto, Victim Assistance Officer, UNMACC, Kinshasa, April 17, 2011; and email from Claude Mushid, UNMACC, 2 August 2011.

¹⁸⁷ Ministry of Social Affairs, Humanitarian Action and National Solidarity, “Plan Strategique National D’assistance aux Victimes des Mines / REG et autres Personnes en Situation de Handicap: Novembre 2010 – Octobre 2012.” (“National Strategic Plan for Assistance for Mine/ERW Victims and other Persons with Disabilities: November 2010 – October 2010”, PSNAVH), Kinshasa, 24 February 2011, p. 20.

¹⁸⁸ Meeting with Col. Lucien Nkoua, National Focal Point of the Struggle Against Mines, Convention on Cluster Munitions Intersessional Meeting, Geneva, 23 June 2011. This confirms information received in response to Monitor questionnaire from Commandant Kissambou Makanga, Brazzaville, 30 March 2010.

After ratification is completed, Congo intends to enact national implementation legislation for the Convention on Cluster Munitions separate from its implementation legislation for the Mine Ban Treaty.¹⁸⁹

Congo attended several meetings of the Oslo Process that created the convention, and joined in the consensus adoption of the convention in Dublin in May 2008.¹⁹⁰ Since 2008, Congo has shown strong interest in the convention. It participated in the convention's First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made a statement on its destruction of stockpiled cluster munitions and requested assistance to identify existing munitions and receive training in stockpile destruction.¹⁹¹ Congo attended intersessional meetings of the convention in Geneva in June 2011. It also participated in a UN Special Event on the convention held during the UN General Assembly First Committee on Disarmament and International Security in New York on 19 October 2010.

The Congolese Campaign to Ban Landmines (CCIM) has undertaken activities in Kinshasa to promote the convention in both Congo-Brazzaville and the Democratic Republic of the Congo, including a workshop (28 May) and a roundtable (30 October).¹⁹²

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

Use, production, transfer, and stockpiling

Congo is not believed to have used, produced, or transferred cluster munitions.

Congo has reported having stockpiles of Soviet cluster munitions that were supplied for use with MIG-21 fighter aircraft, but had not provided detailed information on the types or quantities of these munitions.

In July 2010, a Ministry of Defense official said that weapons depots containing cluster munitions were destroyed during the country's 1997–1998 civil war, and stocks were also destroyed in the year 2000 as part of a project to collect and destroy damaged weapons and ammunition stockpiles.¹⁹³

Cluster munitions were also apparently part of weapons stockpiles destroyed in 2008–2010 with the assistance of United Kingdom-based humanitarian demining organization Mines Advisory Group (MAG).¹⁹⁴ At the First Meeting of States Parties in November 2010, Congo stated that about 200 cluster munition projectiles had been destroyed in the project since 2008 through a project funded by the European Union, managed by the International Organization for Migration, and implemented by MAG.¹⁹⁵

In March 2011, a military official informed the Monitor that there were no cluster munitions stockpiled in the Republic of Congo and no new stockpiles had been discovered.¹⁹⁶

Cluster Munition Remnants

The explosive threat in Congo has included cluster munition remnants,¹⁹⁷ but the extent of any residual contamination is not known.¹⁹⁸ Between December 2007 and May 2008, MAG destroyed 18 cluster munitions containing submunitions during stockpile destruction activities.¹⁹⁹ In July 2010, the Ministry of National Defense informed the Monitor that some of its stockpiles of Russian cluster munitions exploded during the 1997–1998 civil conflict. In addition, a member of the armed forces was killed in 2009 after he detonated a submunition at an ammunition storage area in Maya-Maya.²⁰⁰ In February 2011, MAG reestablished its program in Congo and was preparing to clear the Maya-Maya site of unexploded ordnance and ammunition.²⁰¹

¹⁸⁹ Meeting with Col. Lucien Nkoua, National Focal Point of the Struggle Against Mines, Convention on Cluster Munitions Intersessional Meeting, Geneva, 23 June 2011.

¹⁹⁰ For details on cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 61–62.

¹⁹¹ Statement of the Republic of Congo, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

¹⁹² Email from Francky Miantuala, Coordinator, CCIM, 2 May 2011; and CMC newsletter, November 2010.

¹⁹³ Email from Lt.-Col. André Pampile Serge Oyobe, Head of Information Division, Ministry of Defense, 13 July 2010.

¹⁹⁴ *Ibid.*

¹⁹⁵ Statement of the Republic of Congo, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

¹⁹⁶ Response to Monitor questionnaire from Commandant Kissambou Makanga, Brazzaville, 30 March 2010.

¹⁹⁷ MAG, "Where we work: MAG ROC in depth," November 2009, www.maginternational.org.

¹⁹⁸ Email from Frédéric Martin, MAG, 1 February 2010.

¹⁹⁹ Email from Anna Kilkenny, MAG, 27 June 2008.

²⁰⁰ Email from Lt.-Col. André Pamphile Serge Oyobe, Ministry of National Defense, 13 July 2010.

²⁰¹ Email from Rebecca Letven, Desk Officer for Republic of Congo, MAG, 21 February 2011.

Côte d'Ivoire

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended intersessional meetings in Geneva in June 2011
Key developments	Ratification is in progress

Policy

The Republic of Côte d'Ivoire signed the Convention on Cluster Munitions on 4 December 2008.

In June 2011, Côte d'Ivoire stated that it is moving towards ratification of the convention and noted that progress should be possible now that its parliament had reconvened.²⁰²

Côte d'Ivoire's ratification slowed when violence erupted after contested elections on 28 November 2010 and escalated into full scale conflict between forces loyal to incumbent Laurent Gbagbo and internationally recognized President Alassane Ouattara. Previously, in March 2010, a Ministry of Foreign Affairs official said that ratification had been delayed due to a change in the Minister of Foreign Affairs.²⁰³

Côte d'Ivoire participated in several meetings of the Oslo Process that created the convention, including the formal negotiations in Dublin in May 2008.²⁰⁴ Côte d'Ivoire did not attend any meetings related to the convention in 2010. It participated in the intersessional meetings held in Geneva in June 2011, where it provided an update on ratification.

Côte d'Ivoire is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

In 2010, a Ministry of Defense official said that Côte d'Ivoire has never used, produced, transferred, or stockpiled cluster munitions.²⁰⁵

Cluster Munition Remnants

Côte d'Ivoire is contaminated with explosive remnants of war, including cluster munition remnants.²⁰⁶ In June 2011, Côte d'Ivoire stated that a "small quantity" of abandoned cluster munitions had been found in ammunition storage areas at Yamoussoukro and San Pedro under the control of the UN Operation in Côte d'Ivoire.²⁰⁷ It is not known whether contamination also includes unexploded submunitions.

Cyprus

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended intersessional meetings in Geneva in June 2011
Key developments	Ratification in progress

Policy

The Republic of Cyprus signed the Convention on Cluster Munitions on 23 September 2009.

²⁰² Statement of Côte d'Ivoire, Convention on Cluster Munitions Intersessional Meeting, Session on Other Implementation Measures, Geneva, 30 June 2011, www.clusterconvention.org.

²⁰³ Email from Ministry of Foreign Affairs official to Handicap International France, 19 March 2010.

²⁰⁴ For details on cluster munition policy and practice see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 64.

²⁰⁵ Interview with Patrick-Alexandre M'Bahia, Officer, Ministry of Defense, Geneva, 23 June 2010.

²⁰⁶ Statement of Côte d'Ivoire, Convention on Cluster Munitions Intersessional Meeting, Session on Other Implementation Measures, Geneva, 30 June 2011, www.clusterconvention.org; and HALO Trust Press release, "HALO assessment mission to Ivory Coast," 1 July 2011, www.trust.org.

²⁰⁷ Statement of Côte d'Ivoire, Convention on Cluster Munitions Intersessional Meeting, Session on Other Implementation Measures, Geneva, 30 June 2011, www.clusterconvention.org.

In May 2011, a Ministry of Foreign Affairs official informed the Monitor that the text of the convention had been translated into Greek and draft legislation to ratify the convention was submitted by the Ministry of Foreign Affairs on 29 March 2011 to the House of Representatives for approval.²⁰⁸ After its adoption in parliament, the ratification legislation must be signed by the President.²⁰⁹

Cyprus participated in one of the Oslo Process international conferences to develop the convention text (Vienna in December 2007), but attended the formal negotiations of the convention in Dublin in May 2008 and the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 as an observer only. Cyprus signed the convention at the UN in New York in September 2009, becoming the 100th signatory to the convention.

Cyprus did not attend any meetings related to the convention in 2009 or 2010. It participated in the convention's first intersessional meetings in Geneva in June 2011, but did not make any statements.

Cyprus has not yet made known its views on several important issues pertaining to the implementation and interpretation, including the prohibition on transit, the prohibition on assistance during joint military operations with states not party that might use cluster munitions, or the prohibition on investment in the production of cluster munitions.

In May 2011, a Ministry of Foreign Affairs official reiterated the importance of universalizing the convention, noting in particular that Turkey has not joined. In June 2010, another Ministry of Foreign Affairs official asserted that Turkish Armed Forces "have stocked considerable quantities of cluster bombs in the occupied territory of the Republic [of Cyprus]."²¹⁰

Cyprus is party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons (CCW) and ratified CCW Protocol V on explosive remnants of war on 11 March 2010. Cyprus has regularly attended CCW deliberations on cluster munitions, but has not expressed its views on the draft chair's text.

Use, production, transfer, and stockpiling

Cyprus is not believed to have used, produced, or transferred cluster munitions.

Cyprus possesses 122mm BM-21 Grad multiple launch rockets, but it is not known if these weapons have cluster munition warheads.²¹¹

Czech Republic

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Completed domestic ratification on 30 July 2011, announced completion of stockpile destruction in November 2010, and legislation to implement the convention passed by parliament and promulgated by the president

Policy

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

As of 1 August 2011, the Czech Republic had completed all the necessary domestic steps to ratify the convention. It has stated that the instrument of ratification will be deposited with the UN in late September 2011 during the annual UN Treaty Event.²¹²

²⁰⁸ Email from Maria Michael, Deputy Permanent Representative, Permanent Mission of Cyprus to the UN in Geneva and other International Organizations, 27 May 2011.

²⁰⁹ Letter from Rea Yiordamliis, Ag. Permanent Secretary, Ministry of Foreign Affairs, 9 May 2011. Another official made a similar statement in June 2010. See: Response to Monitor questionnaire by Panayiotis Papadopoulos, Counsellor, Political Affairs Division, Ministry of Foreign Affairs, 22 June 2010.

²¹⁰ Response to Monitor questionnaire by Panayiotis Papadopoulos, Ministry of Foreign Affairs, 22 June 2010.

²¹¹ International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 117; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008, (Surrey, UK: Jane's Information Group Limited, 2008).

²¹² Email from Stefan Nizny, Defense Policy and Strategy Division, Ministry of Defense, 19 July 2011.

In 2010, the ratification approval request was introduced in Parliament and on 16 March 2011, the Senate gave its consent to ratify by Resolution 149, followed by the Chamber of Deputies on 29 April 2011 by Resolution 462.²¹³

The Czech Republic has provided regular updates on its progress to ratify the convention. In June 2011, the Czech Republic informed States Parties that all necessary steps to ratify the convention had been completed except the signature of the President that was expected “this summer.”²¹⁴

The Czech Republic’s constitutional system requires, “the adoption of a special law in order to impose the obligations resulting from the [Convention on Cluster Munitions] on natural and legal entities.”²¹⁵ Legislation to implement the convention was prepared by the Ministry of Defense and introduced in Parliament in February 2010.²¹⁶ After approval by the Senate and Chamber of Deputies it was published in the Official Gazette on 19 July 2011 as Law No. 213 on the Prohibition of the Use, Development, Production, and Transfer of Cluster Munitions and their Destruction. On 21 June 2011, President Vaclav Klaus signed the legislation.²¹⁷ (See Implementation legislation section below.)

The Czech Republic participated in the Oslo Process that created the convention and its position evolved over time to support the comprehensive prohibition on cluster munitions.²¹⁸ The Czech Republic continued to participate in the work of the convention in 2010 and the first half of 2011. The Czech Republic participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it announced the completion of stockpile destruction and provided an update on ratification. The Czech Republic also attended the convention’s first intersessional meetings in Geneva in June 2011, where it provided clarification on its retention of submunitions for training and also gave an update on ratification.

The Monitor is not aware of any activities by the Czech Republic to promote universalization of the convention or of any public statements condemning the use of cluster munitions by Libya or Thailand in 2011.

The Czech Republic is a State Party to the Mine Ban Treaty.

Implementation legislation

Law No. 213 on the Prohibition of the Use, Development, Production, and Transfer of Cluster Munitions and their Destruction was published in the Official Gazette on 19 July 2011 and signed into law by President Vaclav Klaus on 21 June 2011.²¹⁹

Law No. 213 applies to both individuals and corporations. It does not include penal sanctions for violations because provisions of the general Criminal Code of the Czech Republic apply instead. Under the Criminal Code, penal sanctions for violations related to prohibited weapons include imprisonment between one and five years.²²⁰ The law also contains financial sanctions for violations by corporations of fines of a maximum of CZK50 million (US\$2.6 million).²²¹

Law No. 213 contains the same prohibitions as those in the Convention on Cluster Munitions, and the Ministry of Foreign Affairs has stated that it understands the law’s terms to be defined identically to those in the convention.²²² The law prohibits the use of cluster munitions and, “unless provided for otherwise,” prohibits the development, production, acquisition, possession, storage, stockpiling, collection, transfer of, and trade in cluster munitions. The law also prohibits the possession and transfer of patents for the production of cluster munitions or their components and requires owners of such patents to report them within 90 days of the entry into force of the law.²²³

²¹³ The parliamentary process to approve ratification of the convention is detailed on its website at www.psp.cz/sqw/historie.sqw?T=203&O=6.

²¹⁴ Statement of the Czech Republic, Convention on Cluster Munitions Intersessional Meetings, Geneva, 27 June 2011.

²¹⁵ Statement of the Czech Republic, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010.

²¹⁶ “Vládní návrh, kterým se předkládá Parlamentu České republiky k vyslovení souhlasu s ratifikací Úmluva o kazetové munici /sněmovní tisk 203 /- první čtení,” [The Government’s proposal to be submitted to the Parliament of the Czech Republic for approval of the ratification of the Convention on Cluster Munitions, first reading], Parliamentary Journal 203, Parliament of the Czech Republic, 2 February 2010, www.psp.cz.

²¹⁷ “Zákon ze dne 21. června 2011 o zákazu použití, vývoje, výroby, skladování a převodu kazetové munice a o jejím zničení (zákon o zákazu kazetové munice),” [Law 213 of 21 June 2011 on the Prohibition of the Use, Development, Production, and Transfer of Cluster Munitions and their Destruction, No. 213/2011, www.sbirka.cz; Official Gazette 76/2011, 19 July 2011, www.psp.cz; and website of the Chamber of Deputies of the Parliament of the Czech Republic, Parliamentary Journal 214, Government Bill on the Prohibition of Cluster Munitions, www.psp.cz.

²¹⁸ For details on the Czech Republic’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 66–68.

²¹⁹ “Zákon ze dne 21. června 2011 o zákazu použití, vývoje, výroby, skladování a převodu kazetové munice a o jejím zničení (zákon o zákazu kazetové munice),” [Law 213 of 21 June 2011 on the Prohibition of the Use, Development, Production, and Transfer of Cluster Munitions and their Destruction, No. 213/2011, www.sbirka.cz; Official Gazette 76/2011, 19 July 2011, www.psp.cz; and website of the Chamber of Deputies of the Parliament of the Czech Republic, Parliamentary Journal 214, Government Bill on the Prohibition of Cluster Munitions, www.psp.cz.

²²⁰ Under Section 185 of the Criminal Code on “Development, production, and possession of prohibited means of combat” it is a crime “to develop, produce, import, export, store, or accumulate weapons or means of combat prohibited by law or international treaty, or to dispose of these weapons or means of combat in any way.” Letter from Katerina Sequensova, Director of the UN Department, Ministry of Foreign Affairs, to Mary Wareham, Senior Advisor, Arms Division, Human Rights Watch, REF: 102273/2011-OSN, 2 May 2011.

²²¹ “Zákon ze dne 21. června 2011 o zákazu použití, vývoje, výroby, skladování a převodu kazetové munice a o jejím zničení (zákon o zákazu kazetové munice),” [Law 213 of 21 June 2011 on the Prohibition of the Use, Development, Production, and Transfer of Cluster Munitions and their Destruction, No. 213/2011, www.sbirka.cz. Average exchange rate for 2010: US\$1=CZK19.0977. Oanda, www.oanda.com.

²²² Letter from Katerina Sequensova, Ministry of Foreign Affairs, to Mary Wareham, Human Rights Watch, REF: 102273/2011-OSN, 2 May 2011.

²²³ “Zákon ze dne 21. června 2011 o zákazu použití, vývoje, výroby, skladování a převodu kazetové munice a o jejím zničení (zákon o zákazu kazetové munice),” [Law 213 of 21 June 2011 on the Prohibition of the Use, Development, Production, and Transfer of Cluster Munitions and their Destruction, No. 213/2011, www.sbirka.cz.

Interpretive issues

In July 2011, the Czech Republic informed the Monitor that it had not yet reached national consensus on its views on a number of important issues related to interpretation and implementation of the convention, including the prohibition on assistance during joint military operations with states not party that may use cluster munitions, the prohibition on transit of cluster munitions, the prohibition on foreign stockpiling of cluster munitions, and the prohibition on investment in production of cluster munitions.²²⁴ However, during the Oslo Process, the issue of joint military operations with states not party (interoperability) was a central concern of the Czech Republic.²²⁵

Convention on Conventional Weapons

The Czech Republic is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. The Czech Republic continued to attend CCW deliberations on cluster munitions in 2010 and the first half of 2011, but has not made its views known on the draft chair's text under discussion.

Use, production, and transfer

According to the Ministry of Foreign Affairs, "The Army of the Czech Republic has never used any cluster munitions in military operations," and the "Czech Republic never produced cluster munitions."²²⁶

Stockpiling and destruction

At the First Meeting of States Parties in November 2010, the Czech Republic announced, "Since 2008 all cluster munitions (which represented 67 containers) and about 15 thousands...explosive submunitions have been ecologically destroyed."²²⁷ This information is also confirmed in the Czech Republic's national law to ratify and implement the convention.²²⁸

In May 2011, a Ministry of Foreign Affairs official informed the Monitor that "the Army of the Czech Republic had excluded all cluster munitions from its armament by 2006. Since then, the Ministry of Defense has stockpiled a limited number of RBK-250, RBK-500, and KMGU BKF PTAB cluster munitions" that have been "gradually disposed of." According to the official, "the last 64 pieces of RBK-500 and 3 pieces of KMGU BKF PTAB were destroyed in 2010, including most of the submunitions (several thousands). As for the RBK-250 cluster bombs, the Czech Armed Forces had stockpiled 570 pieces until 2004; the last six pieces of this type were destroyed in 2008."²²⁹

The Czech Republic confirmed to States Parties in June 2011 that it had destroyed its last 67 cluster munitions in 2010.²³⁰

Previously, in March 2009, the Czech Republic disclosed that it that it "currently holds, in storage, 67 containers and 5,377 pieces of RBK-500 and KMGU BKF PTAB sub-munitions," which it said would be destroyed in accordance with the convention.²³¹ In 2007, the Czech Republic stated that it had destroyed "a number of RBK bombs and KMGU aerial dispensers."²³² In 2006, the Ministry of Defense said that the Czech Republic had a limited number of stockpiled RBK-250, RBK-500, and KMG-U cluster munitions that are intended for "complete liquidation eventually." It stated that, contrary to previous information, the Czech Armed Forces had no stockpiles of RBK-275 bombs, PROSAB-250 bombs, AGAT/JRKK-G rockets, or TRNOVNIK rockets.²³³

Retention

At the First Meeting of States Parties in November 2010, the Czech Republic announced that it had retained 796 explosive submunitions to be used "strictly for training purposes of explosive ordnance disposal (EOD) specialists."²³⁴ The Czech Republic's national law confirms that the Army is allowed to retain explosive submunitions for training purposes as permitted under Article 3 of the convention.

²²⁴ Email from Stefan Nizný, Defense Policy and Strategy Division, Ministry of Defense, 19 July 2011.

²²⁵ The Czech Republic stated it could only join the convention if it was sure that its NATO responsibilities would not be hindered. Statement of the Czech Republic, Session on General Scope of Obligations, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF.

²²⁶ Letter from Jan Michal, Ministry of Foreign Affairs, 17 March 2009.

²²⁷ Statement of the Czech Republic, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010.

²²⁸ "Zákon ze dne 21. června 2011 o zákazu použití, vývoje, výroby, skladování a převodu kazetové munice a o jejím zničení (zákon o zákazu kazetové munice)," [Law 213 of 21 June 2011 on the Prohibition of the Use, Development, Production, and Transfer of Cluster Munitions and their Destruction, No. 213/2011, www.sbirka.cz.

²²⁹ Letter from Katerina Sequensova, Ministry of Foreign Affairs, to Mary Wareham, Human Rights Watch, REF: 102273/2011-OSN, 2 May 2011.

²³⁰ Statement of the Czech Republic, Convention on Cluster Munitions Intersessional Meeting, Geneva, 27 June 2011.

²³¹ Letter from Jan Michal, Ministry of Foreign Affairs, 17 March 2009.

²³² Statement of the Czech Republic, Lima Conference on Cluster Munitions, 23–25 May 2007.

²³³ Email from Jakub Cimoradsky, International Law Department, Ministry of Defense, 25 August 2006. It stated that only Nb 122-JROF RM-70 cargo rockets are used for Grad multiple rocket launchers produced by Czechoslovakia.

²³⁴ Statement of the Czech Republic, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010.

In May 2011, a Ministry of Foreign Affairs official informed the Monitor that 653 submunitions have been retained for the training of EOD personnel: 230 AO-2.5, 195 AO-10, 201 PTAB-2.5, and 27 ZAB-2.5 T. According to the Ministry of Foreign Affairs, “The Czech Republic has determined this quantity to be the ‘minimum number absolutely necessary’ for training and research purposes...on the basis of a training plan for EOD specialists, with a 5-year outlook.”²³⁵

In June 2011, the Czech Republic confirmed that 653 explosive submunitions have been retained for training EOD personnel.²³⁶ It also confirmed that it is retaining submunitions or bomblets and not their containers (munitions).²³⁷

It is not clear if the difference of 143 submunitions between the first announcement of 796 retained (November 2010) and the revised total of 653 (May 2011) reflects consumption during training in the period.

Djibouti

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification is underway

Policy

The Republic of Djibouti signed the Convention on Cluster Munitions on 30 July 2010.

In November 2010, a Ministry of Foreign Affairs official said that ratification was being considered by parliament and efforts were being made to make prioritize its approval.²³⁸

Djibouti participated in some meetings of the Oslo Process that created the convention, but did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 due to coordination issues related to the signature and authorization process.²³⁹ After making several positive statements toward the convention, Djibouti signed the convention at the UN in New York in July 2010.

Djibouti attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it called on all countries to join the convention and noted, “Although the convention has a great legitimacy in today’s world and in our region, it is sad to see that certain countries that have used cluster munitions in the region have not signed up.”²⁴⁰ Djibouti also participated in intersessional meetings of the convention in Geneva in June 2011, but did not make any statements.

Djibouti is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war and has not participated in recent CCW discussions on cluster munitions.

Use, production, transfer and, stockpiling

Djibouti has stated that it has not used, produced, or stockpiled cluster munitions.²⁴¹

²³⁵ Letter from Katerina Sequensova, Ministry of Foreign Affairs, to Mary Wareham, Human Rights Watch, REF: 102273/2011-OSN, 2 May 2011.

²³⁶ Statement of the Czech Republic, Convention on Cluster Munitions Intersessional Meeting, Geneva, 27 June 2011.

²³⁷ Ibid.

²³⁸ CMC meeting with Issé Abdillahi Assoweh, National Disarmament Focal Point, Deputy Director, Ministry of Foreign Affairs and International Cooperation of Djibouti, Vientiane, 11 November 2010.

²³⁹ For more information on Djibouti’s policy and practice regarding cluster munitions through mid-2010, see: ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 143–144.

²⁴⁰ Statement of Djibouti, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

²⁴¹ Interview with Amb. Mohamed Siad Douale, Permanent Mission of Djibouti to the UN in Geneva, 13 April 2010; and Statement of Djibouti, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010, notes by the CMC.

Dominican Republic

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended intersessional meetings in Geneva in June 2011
Key developments	Ratification underway

Policy

The Dominican Republic signed the Convention on Cluster Munitions on 10 November 2009.

In April 2011, the Ministry of Foreign Affairs indicated that the Dominican Republic was on track to complete its ratification of the convention by September 2011.²⁴²

On 26 January 2011, the Supreme Court issued a declaration that ratification of the convention conforms with the country's new Constitution.²⁴³ Ratification documents were submitted to the Senate on 28 February 2011 and approved on 21 March 2011.²⁴⁴ As of early April 2011, signature by the president of the Dominican Congress was required to complete the process.²⁴⁵

The Dominican Republic participated in meetings on cluster munitions in 2009 and 2010, but did not attend the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. It participated in intersessional meetings of the convention held in Geneva in June 2011, but did not make any statements.

The Dominican Republic actively participated in the Oslo Process and supported a strong convention during the Dublin negotiations in May 2008. The Dominican Republic signed the convention in November 2009, less than a year after it was opened for signature, and was the 102nd signatory to the convention.²⁴⁶

The Dominican Republic is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war.

Use, transfer, production, and stockpiling

In February 2008, the Dominican Republic stated that it “does not use, stockpile, produce, or have anything to do with cluster munitions.”²⁴⁷

Gambia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratification process underway

Policy

The Gambia signed the Convention on Cluster Munitions on 3 December 2008.

²⁴² Telephone interview with Ana Grisel, Deputy Director of the Department for Multilateral Relations, Ministry of Foreign Affairs, 1 April 2011.

²⁴³ Suprema Corte de Justicia de la República Dominicana, www.suprema.gov.do.

²⁴⁴ The ratification bill was number 00249-2011-PLO-SE. Senate of the Dominican Republic Secretary-General, Order of the Day, No. 00032, 2 March 2011, AGENDA00032-PLO-02-03-2011-SE, www.senado.gob.do.

²⁴⁵ Telephone interview with staff of the Department of Commissions Coordination, Dominican Republic Senate, 4 April 2011.

²⁴⁶ For details on the Dominican Republic's cluster munition policy and practice up to early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), p. 144.

²⁴⁷ Statement of the Dominican Republic, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

In November 2010, a government representative said that Tanzania's ratification of the convention has "gone far" despite "technical challenges" and it is hoped that ratification will be completed "soon." The official said that the delay in ratifying "is in no way a manifestation of lack of will of the Gambian government."²⁴⁸ As of May 2011, the ratification package was apparently being considered by the Cabinet and had not yet been submitted for parliamentary approval.²⁴⁹

The Gambia participated in two meetings of the Oslo Process and, while it did not attend the formal negotiations in Dublin in May 2008, the Gambia signed the convention at the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.²⁵⁰

The Gambia has continued to engage in the work of the convention. The Gambia attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made a statement that included a call for all nations to join the convention.²⁵¹ The Gambia did not attend the convention's intersessional meetings in Geneva in June 2011.

On 18 April 2011, a parliamentary representative from the Gambia attended a briefing on the convention held during the 124th General Assembly of the Inter-Parliamentary Union in Panama City, Panama.

The Gambia is a party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons (CCW), but has attended some meetings of the CCW Group of Governmental Experts on Cluster Munitions.

In the Gambia, the West Africa Network for Peace Building (WANEP) is campaigning in support of the Convention on Cluster Munitions.²⁵²

The Gambia has stated on several occasions that it has never used, produced, or stockpiled cluster munitions.²⁵³

Guinea

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratification process underway

Policy

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

As of June 2011, the status of Guinea's ratification was not known. Previously, in June 2010, Guinea said that it has been unable to progress with ratification due to the exceptional political situation in its country.²⁵⁴ The new constitution requires that ratification be approved by the Guinean parliament.²⁵⁵

Guinea participated in the Oslo Process that created the convention, including the Dublin negotiations in May 2008 where it joined in the consensus adoption of the convention.²⁵⁶ Guinea has continued to engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR

²⁴⁸ Statement of the Gambia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

²⁴⁹ Email from Pamela Kehinda Cole, Gambia Coordinator, West Africa Network for Peace Building, 25 May 2011.

²⁵⁰ For detail on the Gambia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 77–78.

²⁵¹ Statement of the Gambia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

²⁵² Gambian campaigners celebrated the 1 August 2010 entry into force of the Convention on Cluster Munitions with a march through the capital of Banjul accompanied by a band and drumming, followed by a seminar on peace and security, with particular emphasis on cluster munitions. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 17; Abdourahman Sallah, "WANEP–Gambia commemorate CMC convention," 19 August 2010, thepoint.gm.

²⁵³ Statement by Ousman Sonko, then-Secretary of State for the Interior, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008; statement by Ousman Sonko, Minister of the Interior and NGO Affairs, Berlin Conference on the Destruction of Cluster Munitions, Berlin, 26 June 2009; Statement of the Gambia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

²⁵⁴ Statement of Guinea, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by Action on Armed Violence/Human Rights Watch.

²⁵⁵ CMC meeting with the delegation of Guinea, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010.

²⁵⁶ For details on Guinea's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 86.

in November 2010, but did not make a statement. Guinea did not participate in the first intersessional meetings of the convention in Geneva in June 2011.

Guinea is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons (CCW). Guinea attended several CCW meetings in 2010, but did not make known its position on the draft protocol on cluster munitions under deliberation.

Guinea is not believed to have used, produced, or exported cluster munitions, but it is thought to have a stockpile. Moldova reported the transfer to Guinea in 2000 of 860 9M27K rockets, each containing 30 submunitions, for Guinea's 220mm Uragan multiple launch rocket system.²⁵⁷ The size and content of Guinea's stockpile of cluster munitions is not known.

Haiti

Policy

The Republic of Haiti signed the Convention on Cluster Munitions on 28 October 2009.

In October 2010, a government representative said that Haiti's ratification of the convention would not begin until a new president takes office in 2011 and parliamentary elections are held.²⁵⁸

Haiti did not participate in the Oslo Process that created the Convention on Cluster Munitions and it has never attended a meeting related to the convention.

Haiti is party to the Mine Ban Treaty. Haiti has not joined the Convention on Conventional Weapons (CCW). It attended a CCW meeting in Geneva in November 2010 as an observer, but did not make any statement.

Haiti is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Honduras

Policy

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

In January 2011, the Ministry of Foreign Affairs submitted the ratification package to the executive for approval and referral to congress.²⁵⁹ This followed a consultation conducted with related ministries and institutions during 2009 that found no objection to ratification.²⁶⁰ Ratification appears to have been delayed by the 2009 coup, which was followed by general elections that saw Porfirio Lobo Sosa sworn in as president on 27 January 2010.²⁶¹

An official has indicated that some aspects of the convention may already be covered by domestic law, such as a 2004 decree regulating trade and possession of firearms and explosives.²⁶²

Honduras played an active role in the Oslo Process that created the convention.²⁶³ Since signing the convention in December 2008, Honduras has been less active on cluster munitions internationally. It participated in an international conference on the Convention on Cluster Munitions held in Santiago, Chile in June 2010, but did not make any statements. It did not attend the convention's First Meeting of States Parties in Vientiane, Lao PDR in November 2010. It attended intersessional meetings in Geneva in June 2011, but did not make any statements.

²⁵⁷ Submission of the Republic of Moldova, UN Register of Conventional Arms, Report for Calendar Year 2000, 30 May 2001.

²⁵⁸ CMC meeting with Frisnel Azor, Counselor, Permanent Mission of Haiti to the UN, New York, 20 October 2010.

²⁵⁹ The Office of Foreign Policy and Treaties of the Ministry of Foreign Affairs submitted Agreement No. 01DT recommending ratification of the convention to the executive in January 2011. Telephone interview with Ivon Bonilla, Director, Treaty Office, Ministry of Foreign Affairs, 24 March 2011.

²⁶⁰ Telephone interview with Ivon Bonilla, Ministry of Foreign Affairs, 27 February 2010.

²⁶¹ Previously, in December 2008, Honduras said that it hoped to be "among the first to ratify" the convention. Statement by Amb. J. Delmer Urbizo Panting, Permanent Mission of Honduras to the UN in Geneva, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

²⁶² In October 2004, Congress passed the Law on Firearms, Munitions, Explosives and other Similar Objects Control (Decree 30-2000). Telephone interview with Ivon Bonilla, Ministry of Foreign Affairs, 10 March 2010. In June 2000, Honduras adopted legislation to implement the Mine Ban Treaty, Decree No. 60-2000, see ICBL, *Landmine Monitor Report 2004: Toward a Mine-Free World* (New York: Human Rights Watch, August 2004), www.the-monitor.org.

²⁶³ For more information on Honduras' policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 89.

Honduras is party to the Convention on Conventional Weapons (CCW) and CCW Protocol V on explosive remnants of war, but has not actively engaged in the CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Honduras is not believed to have used or produced cluster munitions.

In December 2007, Honduras officially stated that it does not possess cluster munitions.²⁶⁴ Officials have said that Honduras destroyed its stockpile of air-dropped Rockeye cluster bombs as well as an unidentified type of artillery-delivered cluster munition in previous years.²⁶⁵ According to United States (US) export records, Honduras imported 120 Rockeye cluster bombs at some point between 1970 and 1995.²⁶⁶

Hungary

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended intersessional meetings in Geneva in June 2011
Key developments	Announced completion of stockpile destruction on 27 June 2011, ratification is in progress, and provided views on interpretive issues

Policy

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

In an April 2011 letter to the Monitor, the Minister of Foreign Affairs, János Martonyi, described the convention “an important milestone regarding the protection of civilians in conflict and post-conflict environments” and said its ratification would be completed “as quickly as the legislative procedure allows.”²⁶⁷ In June 2011, a government representative informed States Parties that Hungary views ratification of the convention “a priority,” but did not indicate when the parliament would consider ratification.²⁶⁸

Previously, in July 2010, Hungarian officials indicated that ratification had been delayed by general elections held in April 2010 and a lack of prioritization in the subsequent legislative agenda for the new parliament.²⁶⁹ In March 2011, a Ministry of Foreign Affairs official said that the process of translating the convention into Hungarian had begun, a necessary step in the ratification process.²⁷⁰

Hungary actively participated throughout the Oslo Process that resulted in the convention.²⁷¹ In November 2007, Hungary enacted a national moratorium on the use of cluster munitions by its armed forces. In 2010, Hungary said that the use moratorium would remain in place until it has ratified the convention and become a State Party.²⁷²

Hungary did not attend any meetings related to the convention in 2009 or 2010. Hungary participated in the first intersessional meetings of the convention in Geneva in June 2011, where it announced that, despite not yet ratifying the convention, it had completed the destruction of its stockpile of cluster munitions.²⁷³

²⁶⁴ Statement of Honduras, Vienna Conference on Cluster Munitions, 5 December 2007. Notes by the CMC/WILPF.

²⁶⁵ Human Rights Watch meetings with Honduran officials, in San José, 5 September 2007, and in Vienna, 3–5 December 2007.

²⁶⁶ US Defense Security Cooperation Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970–FY1995,” obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

²⁶⁷ Letter from János Martonyi, Minister of Foreign Affairs, Ministry of Foreign Affairs, 27 April 2011, KÜM/6777/2011/ADM.

²⁶⁸ Statement by Ambassador András Dékány, Permanent Representative of Hungary, Convention on Cluster Munitions Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 June 2011, www.clusterconvention.org

²⁶⁹ CMC-Austria telephone interview with Mihály Toth, Alternate Permanent Representative of Hungary to the UN in Vienna, 22 July 2010; and email from Gyula Somogyi, Third Secretary, Disarmament Affairs, Permanent Mission of Hungary to the UN and Conference on Disarmament, Ministry of Foreign Affairs, 23 July 2010.

²⁷⁰ Statement of Eszter Sándorfi, Head of the Security Policy Department, Ministry of Foreign Affairs, Stockpile Destruction Event, Erdőkertes 24 March 2011.

²⁷¹ For more details on Hungary’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 90.

²⁷² Email from Gyula Somogyi, Ministry of Foreign Affairs, 23 July 2010.

²⁷³ Statement by Ambassador András Dékány, Convention on Cluster Munitions Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 June 2011, www.clusterconvention.org.

On 24 March 2011, Hungary hosted an event to mark the initiation of its stockpile destruction that was attended by more than 40 representatives from governments, international organizations, civil society, and the Organization for Security and Cooperation in Europe (OSCE).

Interpretive issues

In his April 2011 letter to the Monitor, Minister of Foreign Affairs János Martonyi provided Hungary's views on a number of important matters relating to the interpretation and implementation of the convention. According to the Minister:

- Hungary believes that the Convention prohibits both the transit across, and stockpiling on, the territory of a State Party of cluster munitions of foreign states.
- Hungary believes that the Convention prohibits assistance of acts prohibited by the Convention to states not party.
- Hungary believes that investment into the production of cluster munitions is prohibited by the Convention.²⁷⁴

Hungary is a State Party to the Mine Ban Treaty.

Convention on Conventional Weapons

Hungary is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. In 2010, Hungary stated that it continues to support the negotiation of a legally-binding protocol on cluster munitions in the framework of the CCW.²⁷⁵ Hungary participated in CCW deliberations on cluster munitions in 2010 and the first half of 2011, but did not provide its views on the draft text under discussion.

Use, production and transfer

In April 2011, Minister of Foreign Affairs Martonyi stated that, “Hungary has never used cluster munitions in the course of an armed conflict, [nor] has it ever produced cluster munitions.”²⁷⁶

Stockpile destruction

In April 2011, Minister of Foreign Affairs Martonyi stated that Hungary's stockpile included 289 cluster bombs containing nearly 4,000 submunitions of three types: 248 BKF “blocks” containing AO-2.5 submunitions, 24 BKF “blocks” containing PTAB-2.5KO submunitions, and 17 RBK-250 cluster bombs containing PTAB 2.5M submunitions.²⁷⁷

According to the Minister of Foreign Affairs, Hungary decided in December 2010 to complete the destruction of its entire stockpile of cluster munitions by 30 June 2011, as a demonstration of its strong commitment to the convention.²⁷⁸

On 24 March 2011, Hungary formally began the stockpile destruction with an event at Erdőkertes outside of Budapest, during which the Hungarian Defense Forces destroyed two batches of both AO-2.5 and PTAB 2.5M submunitions through open detonation. At the event, members of the Hungarian Defense Forces demonstrated manual dismantling of a KMG-U dispenser containing 12 -AO-2.5 submunitions inside a BKF “block” and an RBK-250 cluster bomb, containing 42 PTAB 2.5M submunitions.²⁷⁹

During the event, Hungary's deputy state secretary for defense policy, the head of the Security Policy Department of the Ministry of Foreign Affairs, and the chair of the OSCE Forum for Security Cooperation made strong speeches in support of the convention. All speakers emphasized the importance of ensuring a high standard of compliance with stockpile destruction obligations, as well as ensuring transparency and openness in the destruction process.²⁸⁰

²⁷⁴ Letter from János Martonyi, Ministry of Foreign Affairs, 27 April 2011, KÜM/6777/2011/ADM.

²⁷⁵ Email from Gyula Somogyi, Ministry of Foreign Affairs, 23 July 2010.

²⁷⁶ Letter from János Martonyi, Ministry of Foreign Affairs, 27 April 2011, KÜM/6777/2011/ADM.

²⁷⁷ Ibid.

²⁷⁸ Ibid. In 2006, officials first acknowledged that Hungary possessed Soviet-era air-dropped cluster bombs and said that their status was under review. By the Lima Conference on Cluster Munitions in May 2007, plans were being developed by the armed forces for the destruction of the stockpile. In July 2010, the Ministry of Defense had launched an internal study on the matter. Human Rights Watch interviews with Hungary's delegation to the CCW Group of Governmental Experts on Cluster Munitions, Geneva, 19 June 2006 and 31 August 2006; Statement of Hungary, Lima Conference on Cluster Munitions, 24 May 2007, notes by WILPF; and email from Gyula Somogyi, Ministry of Foreign Affairs, 23 July 2010.

²⁷⁹ Other demonstrations included robots and other technologies used for explosive ordnance disposal and detection and removal or destruction of improvised explosive devices. Katherine Harrison, “Report on the Special Event on Stockpile Destruction in Erdőkertes, Hungary, 24 March 2011,” Action on Armed Violence (AOAV), 30 April 2011.

²⁸⁰ The Hungarian Deputy State Secretary for Defense Policy, Peter Siklósi, the Head of the Ministry of Foreign Affairs Security Policy Department, Eszter Sándorfi, and the Chair of the OSCE Forum for Security Cooperation and the Deputy Permanent Representative of the Icelandic Mission in Vienna, Ingibjörg Davíðsdóttir spoke at the event. CMC, “CMC Newsletter,” April 2011 and Katherine Harrison, “Report on the Special Event on Stockpile Destruction in Erdőkertes, Hungary, on 24 March 2011,” AOAV, 30 April 2011.

On 27 June 2011 at the intersessional meetings, Hungary announced the completion of the destruction of its stockpile of cluster munitions and declared itself a “cluster munitions free country.”²⁸¹ A short documentary on the stockpile destruction, produced by the OSCE, was shown to participants.

Retention

Hungary is not retaining cluster munitions for training or research purposes. In April 2011, the Minister of Foreign Affairs stated that the stockpile destruction process “encompasses Hungary’s entire cluster munitions stockpile.”²⁸²

Iceland

Policy

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

In March 2011, a Ministry of Foreign Affairs official said that Iceland could complete ratification during its 2011 parliamentary sessions.²⁸³ Previously, in March 2010, the Ministry of Foreign Affairs stated that a draft ratification bill was being reviewed by the Ministry of Justice and Human Rights and was expected to be put forward for acceptance by the national parliament in late 2010.²⁸⁴

Iceland engaged in the Oslo Process that created the convention.²⁸⁵ It participated in a conference on the destruction of cluster munitions in Berlin in June 2009, but did not attend any meetings of the convention in 2010 or the first half of 2011.

On interpretive issues relating to the convention, Iceland has made a strong statement on “interoperability” and the prohibition on assistance. Iceland has said that Article 21 (on relations with states not party) should not be seen as undercutting the obligation in Article 1 not to assist with any activity prohibited by the convention, even during joint military operations with states not party to the convention.²⁸⁶

Iceland has not yet made known its views on other important issues related to the interpretation and implementation of the convention, such as the prohibition on transit, the prohibition on investment in the production of cluster munitions, or the prohibition on foreign stockpiling of cluster munitions.

Iceland is a State Party to the Mine Ban Treaty. Iceland is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but it has not actively participated in CCW deliberations on cluster munitions.

Iceland has stated that it has never stockpiled, used, produced, or transferred cluster munitions.²⁸⁷

²⁸¹ Statement by Ambassador András Dékány, Convention on Cluster Munitions Intersessional Meeting, Session on Stockpile Destruction and Retention, Geneva, 27 June 2011, www.clusterconvention.org

²⁸² Letter from János Martonyi, Ministry of Foreign Affairs, 27 April 2011, KÜM/6777/2011/ADM.

²⁸³ Statement by Ingibjörg Davíðsdóttir, Deputy Permanent Representative of the Icelandic Mission in Vienna and Chair of the Organization for Security and Co-operation in Europe Forum for Security Cooperation, Special Event on Stockpile Destruction in Erdokertes, Hungary, 24 March 2011. Notes by Action on Armed Violence.

²⁸⁴ Email from Pétur G. Thorsteinsson, Minister-Counsellor, Office of the Legal Adviser, Ministry for Foreign Affairs, 16 March 2010. In March 2009, the same official said that ratification was in progress, but a timeframe could not be established for its completion due to national elections. Email from Pétur G. Thorsteinsson, then-Head, Arms Control and Disarmament, Ministry for Foreign Affairs, 5 March 2009.

²⁸⁵ For details on Iceland’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 91.

²⁸⁶ Upon adopting the convention text in Dublin in May 2008, Iceland stated, “While the article [21] sets out an appeal to States which are not parties to join the regime of the Convention, it recognizes the need for continuing cooperation in what is hoped will be a short transition period. This intention is captured clearly in paragraph 3 of the Article which should not be read as entitling States Parties to avoid their specific obligations under the Convention for this limited purpose. The decision to reinforce this position by listing some examples in paragraph 4 cannot therefore be interpreted to allow departures in other respects.” Statement of Iceland, Dublin Diplomatic Conference on Cluster Munitions, 30 May 2008.

²⁸⁷ Email from Pétur G. Thorsteinsson, Ministry for Foreign Affairs, 5 March 2009.

Indonesia

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification process underway

Policy

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

In April 2011, a Ministry of Foreign Affairs representative informed the Monitor that Indonesia is still in the preliminary stage of the ratification process during which information on the convention and Indonesia's obligations is being disseminated to governmental stakeholders.²⁸⁸ As a part of the consultation process, approximately 100 military officers and Ministry of Defense officials attended a workshop on the convention in Jakarta on 16 November 2010.²⁸⁹ Previously, in June 2010, a governmental official said that stakeholder consultation on ratification of the convention was continuing.²⁹⁰

Indonesia actively participated in the Oslo Process that created the convention and was one of the strongest supporters of a comprehensive ban on the weapon.²⁹¹ Indonesia has continued to engage strongly in the work of the convention. It hosted a regional conference on the convention in Bali, Indonesia in November 2009. Indonesia participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it pledged to do everything that it can "to help reduce and eliminate human losses occasioned by the use of cluster munitions," which it described as an "atrocious" that no government should tolerate.²⁹² Indonesia made several statements at the meeting, including on stockpile destruction. Indonesia also attended the convention's first intersessional meetings in Geneva in June 2011, but did not make any statements.

Indonesia is party to the Mine Ban Treaty, but not the Convention on Conventional Weapons (CCW). Indonesia has participated as an observer in some of the CCW deliberations on cluster munitions, but did not make its views known on the draft chair's text in 2010 and first half of 2011.²⁹³

Use, production, transfer, and stockpiling

Indonesia has stated that it has never used, produced, or transferred cluster munitions.²⁹⁴

Indonesia has acknowledged having a stockpile of cluster munitions, but the size and precise content is not yet publicly known. Jane's Information Group lists Indonesia as possessing Rockeye cluster bombs.²⁹⁵ In June 2010, a Ministry of Foreign Affairs representative stated that Indonesia was in the process of undertaking an inventory of its stockpile of cluster munitions.²⁹⁶

The November 2010 workshop in Jakarta considered stockpile destruction among a range of implementation aspects of the convention. At the First Meeting of States Parties in November 2010, Indonesia stressed the importance of allowing independent observers, including civil society, to witness stockpile destruction.²⁹⁷

²⁸⁸ Interview with Roy Soemirat, Head of Section, Directorate of International Security and Disarmament, Ministry of Foreign Affairs, Jakarta, 5 April 2011.

²⁸⁹ The workshop included presentations by CMC members Norwegian People's Aid and Jesuit Refugee Service-Indonesia.

²⁹⁰ Email from Luna Amanda Fahmi, Directorate of International Security and Disarmament, Department of Foreign Affairs, 18 June 2010.

²⁹¹ For more details on Indonesia's policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 91–92.

²⁹² Statement by H.E. Mr. Kria Fahmi Pasaribu, Ambassador of the Republic of Indonesia to the Lao People's Democratic Republic, First Meeting of State Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

²⁹³ In November 2008, Indonesia was one of 26 states that issued a joint statement expressing their opposition to the weak draft text on a possible CCW protocol on cluster munitions, indicating it was an unacceptable step back from the standards set by the Convention on Cluster Munitions.

²⁹⁴ Statement of Indonesia, Lima Conference on Cluster Munitions, 24 May 2007. Notes by WILPF.

²⁹⁵ Robert Hewson, ed., *Jane's Air-Launched Weapons, Issue 44* (Surrey, UK, Jane's Information Group Limited, 2004), p. 840.

²⁹⁶ Email from Luna Amanda Fahmi, Department of Foreign Affairs, 18 June 2010.

²⁹⁷ Statement of Indonesia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

Iraq

Policy

The Republic of Iraq signed the Convention on Cluster Munitions on 12 November 2009.

In June 2011, Iraqi government representatives informed the CMC that ratification was awaiting parliamentary approval amid a range of urgent issues.²⁹⁸ In early November 2010, Iraq informed the CMC that ratification had been delayed following elections held in March 2010, but said ratification would be undertaken once a new government was formed.²⁹⁹ The new government was established on 11 November 2010. Iraq has stated that it continues to implement the convention even though it has not yet ratified.³⁰⁰

Iraq participated in some meetings of the Oslo Process that created the convention, but attended both the formal negotiations in Dublin in May 2008 and the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 as an observer.³⁰¹ In December 2008, Iraq pledged to sign the convention as soon as possible after completing national and constitutional processes.³⁰² It subsequently signed the convention at the UN in New York in November 2009, becoming the 103rd country to join.

Iraq has continued to engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but didn't make any statements. Iraq also participated in the convention's first intersessional meetings in Geneva in June 2011.

The Iraqi Alliance for Disability and other civil society groups have campaigned in support of the Convention on Cluster Munitions.³⁰³

Iraq is a State Party to the Mine Ban Treaty.

Iraq is not a party to the Convention on Conventional Weapons. It has participated as an observer in CCW deliberations on cluster munitions in recent years, but has not made its views known on the draft chair's text.

Use, production, transfer, and stockpiling

Iraq may have used cluster munitions in the past. According to one source, Iraq used air-dropped cluster bombs against Iranian troops in 1984 during their border war.³⁰⁴

Coalition forces used large numbers of cluster munitions in Iraq in 1991 and 2003. The United States (US), France, and the United Kingdom (UK) dropped 61,000 cluster bombs containing some 20 million submunitions on Iraq and Kuwait in 1991. The number of cluster munitions delivered by surface-launched artillery and rocket systems is not known, but an estimated 30 million or more dual purpose improved conventional munition (DPICM) submunitions were used in the conflict.³⁰⁵ During the 2003 invasion of Iraq, the US and UK used nearly 13,000 cluster munitions containing an estimated 1.8 million to 2 million submunitions.³⁰⁶

In May 2011, Iraq stated that "There are no facilities that produce cluster munitions in Iraq."³⁰⁷ Prior to 2003, Iraq produced two types of cluster bombs: the NAAMAN-250 and NAAMAN-500.³⁰⁸ It was also involved in joint development of the M87 Orkan (known in Iraq as Ababil) with Yugoslavia.³⁰⁹

²⁹⁸ Meeting with Iraqi delegation, Convention on Cluster Munitions Intersessional Meetings, Geneva, 29 June 2011. Notes by the CMC.

²⁹⁹ Meeting with Amb. Faris Abdulkarim Zarawi, Ministry of Foreign Affairs of Iraq, Vientiane, 10 November 2010.

³⁰⁰ Statement of Iraq, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

³⁰¹ For details on Iraq's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 211–212.

³⁰² Statement of Iraq, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. Notes by Landmine Action.

³⁰³ Campaigners celebrated the convention's 1 August 2010 entry into force with a drumming event in Baghdad that was attended by government officials and the media. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 20.

³⁰⁴ Anthony H. Cordesman and Abraham R. Wagner, *Lessons of Modern War Volume II: The Iran-Iraq War* (Boulder, Colorado: Westview Press, 1990), p. 210. The bombs were reportedly produced by Chile.

³⁰⁵ Colin King, "Explosive Remnants of War: A Study on Submunitions and other Unexploded Ordnance," commissioned by the ICRC, August 2000, p. 16, citing: Donald Kennedy and William Kincheloe, "Steel Rain: Submunitions," *U.S. Army Journal*, January 1993.

³⁰⁶ Human Rights Watch, *Off Target: The Conduct of the War and Civilian Casualties in Iraq* (New York: Human Rights Watch, 2003).

³⁰⁷ "Steps taken by the designated Iraqi authorities with regard to Iraq's ratification and implementation on the Convention on Cluster Munitions," document provided with letter to Human Rights Watch Arms Division from the Permanent Mission of the Republic of Iraq to the UN in New York, 11 May 2011.

³⁰⁸ *Jane's Air Launched Weapons*, Issue 24, July 1996. These are copies of Chilean cluster bombs.

³⁰⁹ Terry J. Gandler and Charles Q. Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001), p. 641.

Iraq imported ASTROS cluster munition rockets from Brazil.³¹⁰ Jane's Information Group has listed it as possessing KMG-U dispensers (which deploy submunitions) and CB-470, RBK-250, RBK-275, and RBK-500 cluster bombs.³¹¹ The current status of the stockpile is not known, although in May 2011, Iraq stated "The Iraqi Army does not possess any stockpiles of cluster munitions at the present time."³¹²

In June 2011, Iraq stated that its Civil Defense team had destroyed 20,819 "cluster items" from 2009–2010, and the Ministry of Defense had destroyed 6,265 "cluster items" in 2010.³¹³

Cluster Munition Remnants

The precise extent of cluster munition remnants in Iraq is unknown, but believed to be significant. According to a 2009 report by UNDP and UNICEF, the main highway between Kuwait and Basra was heavily targeted by cluster bomb strikes during the 1991 Gulf War.³¹⁴ Cluster munitions were also used extensively during the 2003 invasion of Iraq, particularly around Basra, Nasiriyah, and the approaches to Baghdad. In 2004, Iraq's National Mine Action Authority identified 2,200 sites of cluster munition contamination along the Tigris and Euphrates river valleys.³¹⁵ Cluster munitions remnants are a feature of many of the clearance tasks being undertaken to open up access to oilfields and develop infrastructure, as well as for humanitarian clearance.³¹⁶

Mines Advisory Group (MAG) has also found cluster munition remnants in the Iraqi Kurdistan region of northern Iraq. Coalition forces launched cluster strikes around Dohuk in 1991 to support a Kurdish uprising against the government and left contamination that has posed a serious hazard to residents seeking to return to the area.³¹⁷ In 2010, a MAG survey of Dibis, an area northwest of Kirkuk, identified 20 previously unknown cluster strikes with contamination from unexploded BLU-97 and BLU-63 submunitions.³¹⁸

Clearance of cluster munition contaminated areas

Political uncertainties continue to hinder management of the mine action sector and formulation of a coherent national strategy.³¹⁹ As a result, comprehensive data on clearance operations does not exist. However, international and national companies, including G4S, Taaz Group, Arabian Gulf, and al-Safsafa, are undertaking commercial clearance tasks that encounter cluster munition remnants.

In the humanitarian sector, MAG deployed a mine action team to cluster munition clearance in Iraqi Kurdistan in 2010, which resulted in the clearance of 2.1km² of land and the destruction of 1,255 unexploded submunitions.³²⁰ In southern Iraq, Danish Demining Group (DDG), whose operations are based in Basra, cleared 8.3km² of battle area in 2010 destroying 1,008 unexploded submunitions in the process.³²¹

Iraq stated in a letter to the Monitor in May 2011 that the Iraqi Ministry of Defense has formed a committee to conduct operations throughout the country to detect and discard unexploded cluster bombs that remain from past armed conflicts.³²²

Casualties

In 2010, a deminer was killed during a clearance accident caused by a cluster submunition in Duhok, northern Iraq.³²³

³¹⁰ Jonathan Beaty and S.C. Gwynne, "Scandals: Not Just a Bank, You can get anything you want through B.C.C.I.—guns, planes, even nuclear-weapons technology," *Time*, 2 September 1991.

³¹¹ *Jane's Air Launched Weapons*, Issue 24, July 1996, p. 840. The Iraq Ordnance Identification Guide produced for Coalition Forces also lists the Alpha submunition contained in the South African produced CB-470 as a threat present in Iraq. James Madison University Mine Action Information Center, "Iraq Ordnance Identification Guide, Dispenser, Cluster and Launcher," January 2004, p. 6, maic.jmu.edu. The KMG-U and RBKs were likely produced in the Soviet Union.

³¹² "Steps taken by the designated Iraqi authorities with regard to Iraq's ratification and implementation on the Convention on Cluster Munitions," document provided with letter to Human Rights Watch Arms Division from the Permanent Mission of the Republic of Iraq to the UN in New York, 11 May 2011.

³¹³ Presentation by Iraq, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction, Geneva, 28 June 2011, www.clusterconvention.org.

³¹⁴ UNICEF/UNDP, "Overview of Landmines and Explosive Remnants of War in Iraq," June 2009, p. 10.

³¹⁵ Landmine Action, "Explosive remnants of war and mines other than anti-personnel mines," London, March 2005, p. 86.

³¹⁶ Telephone interview with Kent Paulusson, Senior Mine Action Advisor for Iraq, UNDP, 28 July 2011.

³¹⁷ Zana Kaka, "IRAQ: Saving lives of returnees in Dohuk," MAG, 28 May 2010, www.maginternational.org.

³¹⁸ Response to Monitor questionnaire by Mark Thompson, Country Programme Manager, MAG, 23 July 2011.

³¹⁹ Telephone interview with Kent Paulusson, UNDP, 28 July 2011.

³²⁰ MAG response to Monitor questionnaire, received by email from Mark Thompson, MAG, 23 July 2011.

³²¹ Response to Monitor questionnaire by Elina Dibirova, Community Liaison/MRE Advisor, DDG Iraq, 28 July 2011.

³²² "Steps taken by the designated Iraqi authorities with regard to Iraq's ratification and implementation on the Convention on Cluster Munitions," document provided with letter to Human Rights Watch Arms Division from the Permanent Mission of the Republic of Iraq to the UN in New York, 11 May 2011.

³²³ Mudhafar Aziz Hamad, Mine Victim Assistance Manager, Iraqi Kurdistan Mine Action Agency (IKMAA), 14 June 2011.

By the end of 2010, there had been at least 388 cluster munition casualties during strikes (128 killed; 260 injured). Another 1,672 casualties of cluster munition remnants were reported (747 killed; 921 injured; four unknown) and unexploded submunitions caused another 935 casualties with no further details on use (411 killed; 507 injured; 17 unknown).³²⁴ However, due to the level of contamination, it is estimated that there have been between 5,500 and 8,000 casualties from cluster munitions since 1991, including casualties that occurred during cluster munition strikes, and that children made up one quarter of these casualties.³²⁵

Italy

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Legislation to both ratify and implement the convention passed by parliament and promulgated by the president

Policy

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

As of early August 2011, Italy had yet to deposit its instrument of ratification with the UN in New York, the final step required to complete its ratification of the convention.

Legislation to ratify and implement the convention was unanimously adopted by the Senate on 16 March 2011 and then by the Chamber of Deputies on 18 May 2011. It was promulgated by President Giorgio Napolitano on 14 June 2011.³²⁶ “Law on the Ratification and Implementation of the Oslo Convention on the ban on cluster munitions” (Law No. 95) was published in the Official Gazette on 4 July 2011 and took effect the following day.³²⁷

Law No. 95 serves as Italy’s national implementation legislation for the convention. It contains penal sanctions for violations of the convention’s prohibitions of three to 12 years imprisonment as well as fines of between €258,228 (US\$342,436) and €516,456 (\$684,872). (See National implementation legislation below.)³²⁸

During the ratification process, Italy provided regular updates on the status of ratification. In June 2009, Italy announced that it had started its ratification process.³²⁹ In November 2010, Italy stated that the ratification process was delayed during 2010 due to a lack of budgetary provisions allowing the earmarking of resources for stockpile destruction, but said the necessary funding had since been identified.³³⁰ In June 2011, Italy informed other States Parties that the Italian parliament had approved ratification of the convention and said the ratification instrument would be deposited “well in advance” of the convention’s Second Meeting of States Parties, to be held in Beirut, Lebanon in September 2011.³³¹

In November 2010, Italy also stated that while it had not ratified it would still be implementing all provisions of the convention that do not require specific budgetary commitments, including universalization initiatives, and also integrate all new activities under the convention with those undertaken for the Mine Ban Treaty.³³²

³²⁴ 2,989 to April 2007; 4 in 2008; 1 in 2009; and 1 in 2010. Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities*, (Brussels: HI, May 2007), p. 104; Monitor analysis of casualty data provided by email from Mohammed Rasoul, KORD, 2 August 2010; Mine Ban Treaty Article 7 Report (for calendar year 2009), Form J, casualties for Erbil and Dohuk governorates only; and email from Mudhafar Aziz Hamad, IKMAA, 14 June 2011.

³²⁵ HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 104; and UNDP, “Cluster Munitions Maim and Kill Iraqis—Every Day,” 9 November 2010, www.iq.undp.org.

³²⁶ “Ratifica ed esecuzione della Convenzione di Oslo sulla messa al bando delle munizioni a grappolo, fatta a Dublino il 30 maggio 2008, nonche’ norme di adeguamento dell’ordinamento interno” [“The Law on the Ratification and Implementation of the Oslo Convention on the ban on cluster munitions, done at Dublin on 30 May 2008, and adjustment of domestic standards”], No. 95, 14 June 2011, www.altalex.com. Hereafter referred to as Law No. 95 of 14 June 2011.

³²⁷ Official Gazette (*Gazzetta Ufficiale della Repubblica Italiana*), No. 153, 4 July 2011, www.altalex.com.

³²⁸ Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

³²⁹ In June 2009, Italy said that the Senate had approved a motion supporting early ratification in April 2009. Statement of Italy, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by Action on Armed Violence (AOAV)/Human Rights Watch.

³³⁰ Statement of Italy, First Meeting of States Parties, Convention on Cluster Munitions Vientiane, 10 November 2010. Notes by the CMC.

³³¹ Statement of Italy, Convention on Cluster Munitions Intersessional Meetings, Geneva, 27 June 2011.

³³² Statement of Italy, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

Italy participated in the Oslo Process that produced the convention, and its position evolved significantly to support the prohibition on cluster munitions.³³³ Italy has continued to engage in the work of the convention in 2010 and the first half of 2011. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it stated, “Our decision to sign [the convention] was based on the political and ethical premise that the humanitarian damage caused by cluster munitions far outweighs their military utility.”³³⁴ Italy also participated in intersessional meetings of the convention in Geneva in June 2011. At both meetings Italy provided updates on the status of ratification.

The Italian Campaign to Ban Landmines have undertaken several activities in support of the Convention on Cluster Munitions and has been working for Italian financial institutions to disinvest from cluster munitions production.³³⁵

Italy is a State Party to the Mine Ban Treaty.

National implementation legislation

The “Law on the Ratification and Implementation of the Oslo Convention on the ban on cluster munitions” (Law No. 95) contains sanctions for violations of the prohibitions in Article 1(1) of the Convention on Cluster Munitions, including the prohibitions on use, production, transfer, and stockpiling. It also contains sanctions for financially assisting, encouraging, or inducing others to engage in such activities. The sanctions range from three to 12 years imprisonment and from €258,228 (\$342,436) to €516,456 (\$684,872) in fines.³³⁶

Law No. 95 requires the destruction of Italy’s stockpile of cluster munitions and budgets for the expenditure of funds for the destruction process.³³⁷ It states that destruction should be in accordance with Article 3(1) and (2) of the Convention, indicating that stockpiles must be destroyed as soon as possible but no later than within eight years. The law permits the retention of a “limited quantity” of cluster munitions not exceeding “1,000 units” for the exclusive purposes of training and research as permitted under the convention.³³⁸ “Units” is believed to refer to individual submunitions.

Law No. 95 highlights amendments made to implementation legislation for the Mine Ban Treaty—Law No. 58 of 7 March 2001—specifically requiring that Italy work to prevent the use of mines and cluster munitions, advocate for adherence to the total ban on mines and cluster munitions, and seek to universalize the Mine Ban Treaty and Convention on Cluster Munitions.³³⁹

Law No. 95 provides for funding for the clearance of contaminated areas and victim assistance to be implemented in accordance with the Convention on Cluster Munitions. It requires that cluster munition victims be included under existing legal obligations to support and provide assistance to victims of antipersonnel mines, including physical rehabilitation and social and economic reintegration.³⁴⁰

Finally, the law tasks the Ministry of Foreign Affairs with submitting the reports required by the convention to the UN Secretary General and handling matters related to compliance. The Ministries of Economic Development and Defense will provide information necessary for the national reports.

During the process to develop national implementing legislation, Senator Silvana Amati of the Democratic Party (*Partito Democratico*) proposed a series of amendments to strengthen and clarify key sections of the bill, most of which were accepted during the legislation’s review by the Senate Committee on Foreign Affairs.³⁴¹

Interpretive issues

Italy has yet to make known its views on a number of issues important for the interpretation and implementation of the convention, including the prohibition on assistance with prohibited acts in joint military operations, the prohibition on transit of cluster munitions, and the prohibition on foreign stockpiling. On the issue of the prohibition on investment in cluster munition producers, in 2010, Italy moved to enact specific national legal measures prohibiting investment.

³³³ For more details on Italy’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 97–99.

³³⁴ Statement of Italy, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

³³⁵ For example, to celebrate the convention’s 1 August 2010 entry into force, the Italian Campaign organized a drumming event on a beach outside of Rome, distributing flyers about cluster munitions and the convention. It also distributed letters and postcards to all Members of Parliament urging Italy’s swift ratification of the convention. CMC, “Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010,” October 2010. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

³³⁶ Article 7, Law No. 95 of 14 June 2011, www.altalex.com.

³³⁷ Article 3 requires destruction and Article 8(1) specifies funding, Law No. 95 of 14 June 2011, www.altalex.com.

³³⁸ Article 3 (3), Law No. 95 of 14 June 2011, www.altalex.com.

³³⁹ Article 5(1), Law No. 95 of 14 June 2011, www.altalex.com.

³⁴⁰ Articles 5 and 6, Law No. 95 of 14 June 2011, www.altalex.com.

³⁴¹ Email from Giuseppe Schiavello, Director, Italian Campaign to Ban Landmines, 30 March 2011.

Disinvestment

Law No. 95 bans financial assistance to anyone for any act prohibited by the convention. This provision 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.

On 26 April 2010, Senator Amati and 24 other senators introduced draft legislation in the Senate to prohibit all Italian financial institutions from providing any form of support to Italian and foreign companies involved in a range of activities including the production, use, sale, import, export, stockpiling, or transport of antipersonnel mines as well as cluster munitions and explosive submunitions.³⁴² On 26 May 2010, the draft legislation was referred to the Senate Financial and Treasury Commission.³⁴³ The bill is expected to be examined in the second half of 2011.³⁴⁴

On 18 May 2011, the House of Deputies voted in favor of a motion (*l'ordine del giorno*) to consider increased controls on financial brokers and institutions to provide increased controls on activities relating to the financing, production, use, import, export, and stockpiling of antipersonnel mines banned by the Mine Ban Treaty and cluster munitions and explosive submunitions, banned by the Convention on Cluster Munitions. The motion also requests that the government consider producing a detailed annual list of all banks that invest in arms trade.³⁴⁵

Also on 18 May 2011, three other motions on disinvestment from cluster munition production were accepted by the government as recommendations, which means they do not carry the same weight as motions approved by a vote. The first commits the government to prepare measures to prevent identified financial brokers and institutions from financing any company (Italian or foreign) that is involved in any way in activities related to mines and cluster munitions; to publish an annual list of such companies and designate responsible offices to do so; and to ask the Bank of Italy to produce instructions for tighter financial brokerage controls.³⁴⁶ The second motion commits the government to take a decision to establish specific obligations for holders of patents and technology suitable for the manufacturing of cluster munitions or their components to report to the Ministry of Economy and Development.³⁴⁷ The third motion commits the government to endeavor to maintain a high level of funding for the Fund for Humanitarian Demining, including at least €2 million (\$2.7 million) per year for the implementation of the Convention on Cluster Munitions.³⁴⁸

Convention on Conventional Weapons

Italy is party to the Convention on Conventional Weapons (CCW) and CCW Protocol V on explosive remnants of war. Italy continued to participate in the CCW deliberations on cluster munitions in 2010 and the first half of 2011.

In November 2010, Italy supported continued CCW work on cluster munitions. It stated that the Convention on Cluster Munitions “sends a strong signal” that the use of cluster munitions in armed conflict has unacceptable humanitarian consequences, but said that, in its view, the convention includes few of the world’s stockpilers of cluster munitions or major users and producers. Italy said the CCW work on cluster munitions “remains essential” to get countries that cannot join to the Convention on Cluster Munitions “within a restrictive IHL [international humanitarian law] regime.”³⁴⁹

Use, production, transfer, and stockpiling

Italy is not believed to have used cluster munitions, but it has produced and stockpiled them. It is not known if Italy has exported cluster munitions.

³⁴² The bill prohibits the provision of any form of financial support, including for example, granting credit in any form, issuing financial guarantees, equity participation, acquisition or subscription of securities issued by companies producing antipersonnel mines or cluster munitions. It stipulates that both Italian and foreign companies are prohibited from financing companies involved in a range of activities relating to antipersonnel mines, cluster munitions, and submunitions. It requires that within six months, the Bank of Italy to issue appropriate instructions for tighter controls on financial brokers, designate offices responsible for the publication of a list of companies involved in production of mines or cluster munitions, and authorizes the Bank to conduct audits of brokers. The bill provides fines of €50,000 (\$66,305)–€1,000,000 (\$1,326,100) for brokers that violate its provisions and fines of €10,000 (\$13,261)–€100,000 (\$132,610) for persons that perform administrative or management for brokers or on their behalf. It also provides for a probationary period for brokers of a minimum prison term of between two months and three years. “Draft law on measures to counter financing of companies producing antipersonnel mines, cluster munitions, and submunitions,” No. 2136, submitted by Silvana Amati, 26 April 2010, www.senato.it. The bill was drafted with the assistance of the Italian Ethical Bank (*Banca Etica*). CMC, “CMC Newsletter,” September 2010. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

³⁴³ See “Senate Act No. 2136,” Senate of the Republic of Italy, XVI Legislature, www.senato.it.

³⁴⁴ See “Finance and Treasury Commission,” 6th Standing Committee, Senate of the Republic of Italy, XVI Legislature, summary No. 262, 1 June 2011, www.senato.it.

³⁴⁵ The list is part of an annual report from the Ministry of Foreign Affairs to the Prime Minister. Motion (*L'ordine del giorno*) submitted by Augusto Di Stansilao, No. 9/04193/004, 18 May 2011, www.camera.it; and email from Giuseppe Schiavello, Italian Campaign to Ban Landmines, 23 May 2011. The motion was approved by a vote after it was initially rejected as a recommendation by the government.

³⁴⁶ Similar legislative provisions on patents and technology exist in relation to the ban on antipersonnel mines. While the motion states that there are no Italian producers of cluster munitions and that the production of cluster munitions is banned on Italian territory, it is possible that existing technology or patents could be transferred to a third party. Motion (*L'ordine del giorno*) by Federica Mogherini Rebesani, No. 09/04193/002, 18 May 2011, www.camera.it; and email from Giuseppe Schiavello, Italian Campaign to Ban Landmines, 23 May 2011.

³⁴⁷ Motion (*L'ordine del giorno*) submitted by Andrea Sarubbi, No. 9/04193/001, 18 May 2011, www.camera.it.

³⁴⁸ Ibid. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

³⁴⁹ Statement of Italy, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

The company Simmel Difesa SpA (formerly known as BPD Difesa e Spazio)³⁵⁰ at one point produced 81mm mortar bombs called RS6A2 and S6A2 and a 120mm mortar bomb called S12B, which contained a dual purpose improved conventional munition (DPICM) submunition.³⁵¹ Simmel also produced a 155mm projectile called the RB63 (also called 155mm IM 303 BCR) that was a copy of the German DM642 projectile and was the result of a joint development and marketing program between Simmel and the German company Rhienmetall. The projectile contained 63 DM1383 DPICM “self-destructing” submunitions.³⁵²

According to standard reference works, Italy possesses M26 rockets, each with 644 submunitions, for its Multiple Launch Rocket System launchers, and two types of cluster bombs (BL-755 and MK 20 Rockeye).³⁵³

In June 2009, Italy stated that it had already planned all the steps necessary for the destruction of its cluster munition stockpile in a safe, environmentally aware way. It said it would start destruction as soon as ratification was completed.³⁵⁴

Italy’s national implementation legislation, Law No. 95, provides for the expenditure of funds for the destruction of its stockpile of cluster munitions as follows: €500,000 (\$663,050) in 2011, €2,006,400 (\$2,660,687) in 2012, and €2 million (\$3 million) per year from 2013 to 2015.³⁵⁵ Previously, in 2007, the Ministry of Defense estimated the cost of destroying the stockpile at €8,123,380 (\$11,137,930).³⁵⁶

Italy’s national implementation legislation allows for the retention of a “limited quantity” of cluster munitions not exceeding “1,000 units,” but Italy has not yet indicated the exact number of cluster munitions and submunitions that it intends to retain.

Jamaica

Policy

Jamaica signed the Convention on Cluster Munitions on 12 June 2009, becoming the first Caribbean country to join.

In October 2010, Jamaica said that it supports “the aims of the [Convention on Cluster Munitions] to end the indiscriminate effects of these weapons, particularly on civilian populations,” and indicated that it hoped to become a State Party “as soon as possible.”³⁵⁷ In March 2011, a government representative said that consultations were taking place, but ratification may not occur “in the near future” due to a legislative backlog.³⁵⁸

Jamaica participated in the Oslo Process and advocated strongly for the most comprehensive convention text possible during the formal negotiations in Dublin in May 2008.³⁵⁹ Jamaica did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, but signed the convention six months later on 12 June 2009. Jamaica did not attend the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 or the convention’s intersessional meetings in Geneva in June 2011.

Jamaica is party to the Mine Ban Treaty. It has joined the Convention on Conventional Weapons (CCW), including CCW Protocol V on explosive remnants of war and CCW Amended Protocol II on landmines. Jamaica attended the CCW Meeting of States Parties and the annual conferences on Protocol V and Amended Protocol II in November 2010.

Jamaica is not known to have used, produced, transferred, or stockpiled cluster munitions.

³⁵⁰ In March 2007 Simmel Difesa was acquired by the British company Chemring Group PLC, www.chemring.co.uk.

³⁵¹ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 468–469; and Terry J. Gander and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002*, (Surrey, UK: Jane’s Information Group Limited, 2001), p. 522.

³⁵² Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 674–675.

³⁵³ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 841. The M26 rockets and Rockeye bombs were produced by the United States (US), and the BL-755 by the United Kingdom (UK).

³⁵⁴ Statement of Italy, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009. Notes by AOAV/Human Rights Watch. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

³⁵⁵ Article 8(1), Law No. 95 of 14 June 2011, www.altalex.com.

³⁵⁶ Ministry of Defense, Legislative Office, Report No. 8/51585, Section II, 30 November 2007. Average exchange rate for 2007: €1=US\$1.3711. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

³⁵⁷ Statement by Amb. Raymond Wolfe, Permanent Representative of Jamaica to the UN in New York, 65th UN General Assembly First Committee, New York, 5 October 2010, www.un.int.

³⁵⁸ Email from Tyesha Turner, Permanent Mission of Jamaica to the UN in Geneva, 24 March 2011.

³⁵⁹ For details on Jamaica’s cluster munition policy and practice up to early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 156–157.

Kenya

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratification process underway

Policy

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

In November 2010, Kenya said that ratification of the convention was with the Attorney General's office.³⁶⁰ In October 2009, Kenya first reported that the ratification document drafted by the Ministry of Foreign Affairs had been forwarded to the Attorney General's office for legal consideration.³⁶¹ Ratification in Kenya requires approval by the Cabinet.³⁶²

Kenya participated in the Oslo Process that created the convention and worked to achieve a strong convention text during the formal negotiations in Dublin in May 2008.³⁶³ Since 2008, Kenya has continued to engage in the work of the convention. Kenya participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not attend the convention's first intersessional meetings in Geneva in June 2011.

During the general debate of the First Committee at the UN in October 2010, Kenya described the Convention on Cluster Munitions as "a significant milestone in international humanitarian law" that "seeks to ensure a more humane and safer world" and urged states that have not yet done so to join.³⁶⁴

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

Kenya is not believed to have ever used, produced, transferred, or stockpiled cluster munitions. It is, however, reported to possess Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.³⁶⁵

Liberia

Policy

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

In November 2010, Liberia stated that it was working to ratify the convention and hoped to complete the process by the time of the Second Meeting of States Parties in September 2011.³⁶⁶ Previously, in June 2009, a government official said that ratification was being discussed by the Cabinet, but had not yet been considered by parliament.³⁶⁷

³⁶⁰ CMC meeting with the Kenyan delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9–12 November 2010. Notes by the CMC.

³⁶¹ CMC meeting with Salim Mohamed Salim, Second Counsellor, Permanent Mission of Kenya to the UN in New York, 14 October 2009. Notes by the CMC.

³⁶² Statement of Kenya, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010, notes by Action on Armed Violence; and CMC meeting with delegation of Kenya, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010, notes by the CMC. The delegation said Parliamentary approval was not required.

³⁶³ For detail on Kenya's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 102–103.

³⁶⁴ Statement of Kenya, General Debate of the First Committee of the 65th General Assembly, New York, 18 October 2010, www.reachingcriticalwill.org.

³⁶⁵ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 429.

³⁶⁶ Statement of Liberia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010, notes by CMC; and CMC meeting with Platto B. Jarba, Prosecutor, Ministry of Justice of Liberia, Vientiane, 11 November 2010.

³⁶⁷ The official said that he believed a national law was required in order for Liberia to ratify. CMC meeting with Dionysius Sewe, Deputy Minister for Operations, Ministry of Defense, Berlin Conference on the Destruction of Cluster Munitions, 25–26 June 2009. Notes by the CMC.

Liberia participated in the Oslo Process that produced the Convention on Cluster Munitions and since 2008 has continued to engage in the work of the convention.³⁶⁸ Liberia attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it gave an update on ratification and said it was “fully committed to implementation” of the convention.³⁶⁹ Liberia did not attend the convention’s intersessional meetings in Geneva in June 2011.

Liberia is party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not participated in CCW discussions on cluster munitions in recent years.

Liberia is not known to have used, produced, transferred, or stockpiled cluster munitions.

Liechtenstein

Policy

The Principality of Liechtenstein signed the Convention on Cluster Munitions on 3 December 2008.

Upon signing, Liechtenstein pledged to ratify the convention “at the earliest possible date,” but it has subsequently stated that due to its Customs Union Treaty with Switzerland, it will not be in a position to ratify until Switzerland has enacted legal implementation measures and ratified the convention.³⁷⁰ In May 2011, Liechtenstein’s Office for Foreign Affairs stated that it could not provide “exact timing” for its ratification process, but confirmed it would ratify shortly after Switzerland.³⁷¹ As of June 2011, Switzerland had yet to introduce its implementation legislation.

In May 2011, the Office for Foreign Affairs stated that for ratification of international conventions that are not self-executing, “the Liechtenstein practice first wants the internal legislation to be adopted before these conventions are ratified... Therefore, Liechtenstein will have to wait for the Swiss legal implementation and ratification” of the convention before it ratifies.³⁷² Previously, in 2010, Liechtenstein stated that, “a ratified agreement becomes part of national law from the date of entry into force, without the adoption of a special law being necessary, as long as the provisions of the agreement are specific enough to serve as a basis for decision.”³⁷³

Liechtenstein participated in the Oslo Process that created the convention.³⁷⁴ It attended a conference on cluster munition stockpile destruction held in Berlin in June 2009. It did not participate any meetings related to the convention in 2010 or 2011.

Liechtenstein has not provided its views regarding interpretive matters under the convention, such as the transit of cluster munitions across, or foreign stockpiling of cluster munitions on, national territory of states parties; assistance with prohibited acts under the convention; or investment in cluster munitions production.

Liechtenstein is party to the Mine Ban Treaty. It is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not been an active participant in the CCW discussions on cluster munitions.

Liechtenstein has stated that it has never used, produced, transferred, or stockpiled cluster munitions.³⁷⁵

³⁶⁸ For detail on Liberia’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 108.

³⁶⁹ Statement of Liberia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

³⁷⁰ Letter from Christine Stehrenberger, Deputy Director, Office for Foreign Affairs, 10 February 2009. Due to the longstanding Customs Union Treaty with Switzerland, the import and export of goods in Liechtenstein is governed by Swiss legislation. In order for Liechtenstein and Switzerland to incorporate national implementation of the convention into legislation, “an amendment of the Swiss Federal Act on War Material (Schweizerisches Kriegsmaterialgesetz), which is to a large extent applicable to Liechtenstein, will be necessary.” Upon signing, Liechtenstein pledged “the ratification of this treaty at the earliest possible date.” Statement by Daniel Ospelt, Permanent Representative of Liechtenstein to the Council of Europe, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

³⁷¹ Email from Esther Schindler, Office for Foreign Affairs, 26 May 2011.

³⁷² Ibid.

³⁷³ Letter from Amb. Norbert Frick, Permanent Mission of Liechtenstein to the UN in Geneva, 7 April 2010.

³⁷⁴ For details on Liechtenstein’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 109.

³⁷⁵ Letter from Amb. Norbert Frick, Permanent Mission of Liechtenstein to the UN in Geneva, 7 April 2010; and email from Esther Schindler, Office for Foreign Affairs, 26 May 2011.

Madagascar

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification process underway, Madagascar expressed views on several important interpretive issues

Policy

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

In November 2010, Madagascar said that despite the country's "political and social crisis," the government is committed to ratifying the convention "once the crisis is overcome and parliament starts working" again.³⁷⁶ During 2010, Madagascar stated on several occasions its commitment to ratifying the convention as quickly as possible, as soon as the political and security crisis that began in January 2010 is resolved.³⁷⁷

Madagascar participated in the Oslo Process that created the convention and advocated for a strong and comprehensive convention text.³⁷⁸ Since 2008, Madagascar has continued to show strong interest in the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it confirmed its desire to ratify the convention and stated its views on a number of important issues related to interpretation and implementation of the convention. Madagascar attended intersessional meetings in Geneva in June 2011, but did not make any statements.

Mauritania has stated that any investment in cluster munitions should be prohibited in light of the unacceptable suffering caused by these weapons.³⁷⁹ Madagascar has also stated that it would not allow any transit or foreign stockpiling of cluster munitions on its territory.³⁸⁰ In November 2010, Madagascar said it would refuse to provide assistance in military operations with states not party to the convention who might use cluster munitions.³⁸¹ Previously, in April 2010, Madagascar told the Monitor that, in its view, "assistance to prohibited acts during joint military operations with non State Parties is not permitted by the Convention."³⁸²

Madagascar is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not engaged in the CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Madagascar has stated on several occasions that it has never used, produced, transferred, or stockpiled cluster munitions.³⁸³

³⁷⁶ Statement of Madagascar, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

³⁷⁷ Statement of Madagascar, International Conference on the Convention on Cluster Munitions, Santiago, 9 June 2010, notes by Action on Armed Violence (AOAV)/Human Rights Watch; Statement of Madagascar, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010, notes by AOAV; and letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010.

³⁷⁸ For details on cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 114.

³⁷⁹ Statement of Madagascar, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010, notes by the CMC; and letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010.

³⁸⁰ Statement of Madagascar, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010, notes by the CMC; Statement by Gen. Marcel Ranjeva, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008; and letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010.

³⁸¹ Statement of Madagascar, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

³⁸² Letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010. When signing the convention in 2008, the Foreign Minister said that the question of "interoperability" (joint military operations with states not party) should not constitute a barrier for countries to sign the convention. He stated that the goal is to encourage those outside of the convention not to resort to the use and transfer of cluster munitions. Statement by Gen. Marcel Ranjeva, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

³⁸³ Statement of Madagascar, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010, notes by the CMC; letter from Amb. Rajemison Rakotomaharo, Permanent Mission of Madagascar to the UN in Geneva, 2 April 2010; and statement by Gen. Marcel Ranjeva, Minister of Foreign Affairs, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008.

Mauritania

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification in progress

Policy

The Islamic Republic of Mauritania signed the Convention on Cluster Munitions on 19 April 2010.

Mauritania intends to complete its ratification of the convention by the Second Meeting of States Parties in September 2011.³⁸⁴

On 26 January 2011, the government executive body approved the draft ratification law.³⁸⁵ The Senate adopted ratification legislation on 16 June 2011.³⁸⁶ A government official said in June 2011 that the National Assembly still had to approve ratification of the convention and then it would be signed into law by the president.³⁸⁷

Mauritania was an active participant in the Oslo Process that led to the creation of the convention in 2008, and made many strong contributions towards ensuring the most comprehensive treaty possible.³⁸⁸ Mauritania did not sign the convention in December 2008, apparently because of ongoing political uncertainty following the August 2008 overthrow of the government. Ambassador Abderrahim Ould Hadrami signed the convention at the UN in New York in April 2010, making Mauritania the 106th country to join.

Mauritania attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, its first participation in a meeting on cluster munitions since September 2008, where it gave an update on ratification, described the importance that it attaches to implementation of the convention as a country affected by cluster munitions remnants, and called on all states to join the convention.³⁸⁹ Mauritania also attended intersessional meetings of the convention in Geneva in June 2011, where it provided an update on ratification.

On 27–30 September 2010, the Geneva International Centre for Humanitarian Demining organized a seminar on mine action in Francophone Africa in Nouakchott in cooperation with Mauritania’s National Humanitarian Demining Program for Development (Programme National de Déminage Humanitaire pour le Développement, PNDHD).³⁹⁰

Mauritania has yet to formally make known its views on certain important issues for the interpretation and implementation of the convention, including the prohibition on transit, the prohibition on foreign stockpiling, or the prohibition on investment in cluster munition production. On the issue of the prohibition on assistance with prohibited acts during joint military operations with states not party, during the negotiation of the convention in Dublin in May 2008, Mauritania called for clarity of language to ensure that the prohibition on assistance with prohibited acts would still be fully applicable during joint military operations with states not party.³⁹¹

Mauritania is a State Party to the Mine Ban Treaty, but is not party to the Convention on Conventional Weapons.

Mauritania has stated that it has never used, produced, imported, or exported cluster munitions and does not have a stockpile.³⁹²

³⁸⁴ Statement of Mauritania, Convention on Cluster Munitions Intersessional Meeting, Geneva, 28 June 2011, www.clusterconvention.org.

³⁸⁵ Email from Lt.-Col. Alioune O. Mohamed El Hacen, Coordinator, PNDHD, 27 January 2011; and “Communiqué du Conseil des Ministres,” Nouakchott, 26 January 2011.

³⁸⁶ “The Senate adopted the bill on the Convention on Cluster Munitions,” *Agence mauritanienne d’info*, 17 June 2011, www.africetime.com.

³⁸⁷ Statement of Mauritania, Convention on Cluster Munitions Intersessional Meeting, Geneva, 28 June 2011, www.clusterconvention.org.

³⁸⁸ See ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada: October 2010), pp. 163–164.

³⁸⁹ Statement of Mauritania, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

³⁹⁰ CMC Newsletter, October 2010.

³⁹¹ For Article 21 on relations with states not party, Mauritania proposed to delete the phrase “notwithstanding the provisions of Article 1” (Article 1 prohibits assistance with banned acts). Statements of Mauritania, Dublin Diplomatic Conference on Cluster Munitions, 20 May 2008, 23 May 2008, and 27 May 2008. Notes by Landmine Action.

³⁹² Interview with Lt.-Col. Alioune O. Mohamed El Hacen, PNDHD, Vientiane, 10 November 2010; and email from Lt.-Col. Alioune O. Mohamed El Hacen, PNDHD, 4 April 2011.

Cluster Munition Remnants

Two areas in Mauritania are known to contain cluster munition remnants. Both are located approximately 34km north of the village of Bir Mogrein and one area is marked.³⁹³ Unexploded submunitions to be destroyed in this area are the Mk-118 and BLU-63. The first contaminated area covers approximately 6km², although further survey is likely to reduce the size of the area.³⁹⁴ No human casualties have been recorded in the area to date, but a camel reportedly lost a foot to an unexploded submunition in March 2010.³⁹⁵ The second area, which is located nearby, covers some 3km².³⁹⁶ It is not yet marked.³⁹⁷

In June 2011, at the Standing Committee meetings, Mauritania announced that it had a three-year plan for clearance of cluster munition contaminated areas.³⁹⁸

Namibia

Policy

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

As of June 2011, no information was available on the status of ratification. Previously, in June 2010, a Namibian official told the CMC that the government had approved ratification and aimed to complete ratification by the First Meeting of States Parties in November 2010.³⁹⁹

Namibia participated in two Africa regional meetings held during the Oslo Process that produced the convention.⁴⁰⁰ Namibia has continued to engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make any statements. Namibia did not attend the convention's intersessional meetings in Geneva in June 2011.

Namibia is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Namibia has stated that it does not stockpile cluster munitions.⁴⁰¹ It is not known to have used, produced, imported, or exported them. It is, however, reported to possess Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁴⁰²

Nauru

Policy

The Republic of Nauru signed the Convention on Cluster Munitions in Oslo on 3 December 2008. The status of the ratification process is not known.

Nauru expressed support for a ban on cluster munitions during the Oslo Process when it participated in the Wellington Conference on Cluster Munitions in February 2008 and endorsed the Wellington Declaration agreeing to the conclusion of a legally-binding instrument.⁴⁰³

³⁹³ Observations during Monitor field mission, Bir Mogrein, 26 April 2010.

³⁹⁴ Ibid.

³⁹⁵ Discussions with local RE focal points, Bir Mogrein, 26 April 2010.

³⁹⁶ Email from Alioune O. Mohamed El Hacem, PNDHD, 20 April 2011.

³⁹⁷ Ibid.

³⁹⁸ Statement of Mauritania, Convention on Cluster Munitions Intersessional Meeting, Session on Clearance and Risk Reduction Education, Geneva, 28 June 2011.

³⁹⁹ CMC meeting with Namibia delegate, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁴⁰⁰ For detail on Namibia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 123.

⁴⁰¹ Statement of Namibia, Kampala Conference on the Convention on Cluster Munitions, 30 September 2008. Notes by the CMC.

⁴⁰² International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 434.

⁴⁰³ For more detail on Nauru's past policy on cluster munitions, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 123–124.

Nauru has not attended any meetings of the Convention on Cluster Munitions since 2008, such as the First Meeting of States Parties in Vientiane, Lao PDR in November 2010.

Nauru is party to the Mine Ban Treaty. It is also a party to the Convention on Conventional Weapons (CCW) and has ratified CCW Amended Protocol II on landmines, but not CCW Protocol V on explosive remnants of war.

Nauru is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Nigeria

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Acknowledged a stockpile of cluster munitions

Policy

The Federal Republic of Nigeria signed the Convention on Cluster Munitions on 12 June 2009.

In November 2010, Nigeria confirmed that the process to ratify the convention was underway and that it would ratify as soon as legislative process concluded. Nigeria said an interministerial committee has been established to advise the government on International Humanitarian Law, including the ratification of treaties such as the Convention on Cluster Munitions.⁴⁰⁴

Nigeria participated in the Oslo Process that created the convention and joined in the consensus adoption of the convention text in Dublin in May 2008, but attended the signing conference in Oslo in December 2008 only as an observer and said that signature would only be possible once internal processes had been completed.⁴⁰⁵ Nigerian Ambassador U. Joy Ogwu signed the convention at the UN in New York in June 2009.

Nigeria has continued to engage in the work of the convention. Nigeria attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it provided an update on ratification. Nigeria also participated in intersessional meetings of the convention in Geneva in June 2011, but did not make any statements.

In Nigeria, civil society has campaigned in support of the Convention on Cluster Munitions.⁴⁰⁶

Nigeria is a party to the Mine Ban Treaty.

Nigeria has not joined the Convention on Conventional Weapons (CCW), but has occasionally participated as an observer in CCW deliberations on cluster munitions. At a CCW session in April 2010, Nigeria stated that the “discussion based on validation of these weapons seems to us discouraging.”⁴⁰⁷

Use, production, transfer, and stockpiling

Nigeria is not known to have produced or exported cluster munitions, but has imported them in the past. Jane’s Information Group reports that British-produced BL-755 cluster bombs are in service with the country’s air force.⁴⁰⁸

In June 2011, Nigeria acknowledged that has a stockpile of cluster munitions that will be destroyed once Nigeria ratifies the convention.⁴⁰⁹ According to the official, Nigeria may retain a few cluster munitions for training purposes.

⁴⁰⁴ Statement of Nigeria, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁴⁰⁵ For detail on Nigeria’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 223–224.

⁴⁰⁶ To commemorate the convention’s 1 August 2010 entry into force Nigerian campaigners held a memorial service for cluster bomb victims followed by a drumming event. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 24.

⁴⁰⁷ Statement of Nigeria, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 16 April 2010. Notes by Action on Armed Violence.

⁴⁰⁸ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 843.

⁴⁰⁹ CMC meeting with Nigerian delegation to the First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

Sierra Leone has said that Nigerian Economic Community of West African States Monitoring Group (ECOMOG) peacekeepers used cluster munitions in Sierra Leone in 1997, but the use allegation was denied at the time by ECOMOG Force Commander General Victor Malu.⁴¹⁰

Palau

Policy

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

In November 2010, a government official said that Palau was “on track to ratify in the spring of 2011.”⁴¹¹

Palau joined the Oslo Process in February 2008 and played an active role in the Dublin negotiations.⁴¹² Palau attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it provided an update on ratification and expressed its commitment to work to promote the convention with Pacific nations. Palau did not participate in the convention’s intersessional meetings in Geneva in July 2011.

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

Palau is not believed to have ever used, produced, or stockpiled cluster munitions.

Cluster Munition Remnants

It is not known to what extent Palau is contaminated with cluster munition remnants. In May 2010, the British NGO Cleared Ground Demining (CGD) identified and cleared an AN-M41A1 20-pound fragmentation bomb from the Jellyfish Lake tourist path.⁴¹³ After separation from an aircraft, the AN-M1A1 cluster adaptor releases eight AN-M41A1 fragmentation bombs at the same time, making the weapon similar in function to modern-day cluster munitions. Two unexploded submunitions were found in 2011.⁴¹⁴

Paraguay

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratification process underway

Policy

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

In March 2011, a Ministry of Foreign Affairs official informed the Monitor that the ratification package was sent to Congress in the first quarter of 2011.⁴¹⁵

⁴¹⁰ For more information, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), p. 171.

⁴¹¹ Statement of Palau, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁴¹² For more details, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 140–141.

⁴¹³ Document provided to the Monitor by email from Cassandra McKeown, Finance Director, CGD, 19 May 2010.

⁴¹⁴ Email from Cassandra McKeown, CGD, 18 July 2011.

⁴¹⁵ Telephone interview with Lourdes Miranda, Office for International Organizations, Ministry of Foreign Affairs, 28 March 2011. Previous information on the ratification process has not been consistent: in June 2010, government representatives said that the ratification document to be introduced in the National Congress was still with the Executive Branch, CMC meeting with Oscar Gomez, Head of National Arms Register, and Lourdes Monica Miranda Jordan, Department of International Organizations, Ministry of Foreign Affairs, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010, notes by the CMC; and in December 2009, Paraguay told the CMC that ratification was before the National Congress, CMC meeting with Jorge Ramón Lara Castro, Vice-Minister, Ministry of Foreign Affairs, and Justo Apodaca, Counsellor, Director of International Organizations, Ministry of Foreign Affairs, Cartagena, 29 November–4 December 2009, notes by the CMC.

Paraguay participated in the Oslo Process to develop the convention, including the formal negotiations in Dublin in May 2008, where it aligned itself with many other Latin American states in pushing for the strongest convention possible.⁴¹⁶

Paraguay has continued to show strong interest in the convention. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Panama did not attend intersessional meetings of the convention held in Geneva in June 2011.

Paraguay is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and CCW Protocol V on explosive remnants of war. Paraguay has not participated in the CCW deliberations on cluster munitions in recent years.

Paraguay has stated that it does not use, produce, transfer, or stockpile cluster munitions.⁴¹⁷

Peru

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification process underway

Policy

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

Peru's ratification of the convention has been progressing. During 2009 and 2010, the convention was reviewed by relevant government agencies.⁴¹⁸ In October 2010, the Ministry of Foreign Relations submitted the ratification package to the Cabinet.⁴¹⁹ Ratification legislation, number 4638-2010-PE, was introduced in Congress in late 2010 and referred to a congressional committee for review.⁴²⁰ On 18 April 2011, the Committee on Foreign Relations issued a report recommending approval of the ratification legislation.⁴²¹

At the First Meeting of States Parties, Peru gave an update on ratification and said that it had started to determine national and international resources required for implementation. Peru also said it had begun the process of preparing a voluntary Convention on Cluster Munitions Article 7 report.⁴²²

As one of the small core group of nations that took responsibility for the Oslo Process that created the Convention on Cluster Munitions, Peru hosted an international conference on cluster munitions in Lima in May 2007.⁴²³ Since 2008, Peru has continued to support the convention despite the delay in ratifying. Peru attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, as well as intersessional meetings held in Geneva in June 2011.

A local NGO, the Institute for Security and Human Rights (Instituto de Seguridad y Derechos Humanos, ISDH), has been campaigning for Peru to ratify the convention without delay.⁴²⁴

⁴¹⁶ For detail on Paraguay's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 142.

⁴¹⁷ Statement of Paraguay, Latin American Regional Conference on Cluster Munitions, San José, 5 September 2007, notes by Human Rights Watch; and Statement of Paraguay, Wellington Conference on Cluster Munitions, 18–22 February 2008, notes by the CMC.

⁴¹⁸ Letter from José Antonio García Belaunde, Minister of Foreign Relations, to César Alejandro Zumaeta Flores, President of Congress, 25 January 2011.

⁴¹⁹ Letter from Julio Muñoz Deacon, Ambassador, Secretary General of the Ministry of Foreign Relations, to Dr. Luis Antonio Alemán Nakamine, Secretary General of the Presidency of the Cabinet, 12 October 2010.

⁴²⁰ Letter from José Antonio García Belaunde, Minister of Foreign Relations, to César Alejandro Zumaeta Flores, President of Congress, 25 January 2011.

⁴²¹ Letter from Hildebrando Tapia Samaniego, President, Foreign Relations Commission, to César Alejandro Zumaeta Flores, President of Congress, 10 May 2011.

⁴²² Statement of Peru, First Meeting of States Parties, Convention on Cluster Munitions, 10 November 2010. Notes by Action on Armed Violence.

⁴²³ For detail on Peru's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 142–144.

⁴²⁴ ISDH organized several activities to welcome the 1 August 2010 entry into force of the convention including a public screening of films on cluster munitions, Peruvian drumming, and the collection of a petition calling for swift ratification of the convention. See: "Piden que el Perú ratifique acuerdo contra armas de racimo y minas explosivos" ("Peru asked to ratify the agreement against cluster munitions and explosive mines"), Info Region (Lima), 1 August 2010, www.inforegion.pe; and CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 24.

Peru is a State Party to the Mine Ban Treaty. Peru is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war, but has not engaged in CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Peru is not believed to have ever used or produced cluster munitions.

In May 2007, the Peruvian Minister of Defense publicly disclosed that the Peruvian Air Force possesses stockpiles of CB-470 cluster bombs of South African origin, BME-330 cluster bombs of Spanish origin, and RBK-500 cluster bombs of Russian/Soviet origin.⁴²⁵ The status and precise composition of the current stockpile is not known.

Peru has expressed concerns about the cost and timing of the destruction of its stockpile of cluster munitions.⁴²⁶ In June 2011, Peru said that it was working on plans for the destruction of its stockpiled cluster munitions.⁴²⁷

Philippines

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratification process underway

Policy

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

In November 2010, the Philippines stated that its ratification process was “currently undergoing required national procedures.”⁴²⁸ Various government agencies are believed to be discussing the ratification package before it is submitted for formal approval. No timetable is available for when ratification is likely to be completed.

Previously, in June 2010, the Philippines stated that it hoped to complete ratification by the First Meeting of States Parties in November 2010.⁴²⁹

The Philippines actively participated in the Oslo Process that created the convention and sought the most comprehensive convention possible.⁴³⁰ The Philippines has continued to engage in the work of the convention. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it gave an update on ratification and expressed support for universalization of the Convention.⁴³¹ The Philippines did not attend the first intersessional meetings of the convention in Geneva in June 2011.

The Philippine Campaign Against Cluster Munitions is working for ratification of the Convention on Cluster Munitions.⁴³²

⁴²⁵ Ángel Páez, “Peru se suma a iniciativa mundial para prohibir y destruir las ‘bombas de racimo’” (“Peru joins global initiative to ban and destroy the ‘cluster bombs’”), *La República.pe*, 29 May 2007. Human Rights Watch was shown photographs of these cluster munitions by a member of the national media in May 2007. See also, Ángel Páez, “Se eliminarán las bombas de racimo” (“Cluster bombs will be eliminated”), *La República.pe*, 29 May 2007.

⁴²⁶ CMC meeting with the delegation of Peru, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁴²⁷ Statement of Peru, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, 27 June 2011, www.clusterconvention.org.

⁴²⁸ Statement of the Philippines, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁴²⁹ Statement of the Philippines, International Conference on the Convention on Cluster Munitions, Santiago, 7 June 2010. Notes by Action on Armed Violence (AOAV)/Human Rights Watch.

⁴³⁰ For detail on the Philippines’ policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 144–145.

⁴³¹ Statement of the Philippines, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁴³² The Philippine Campaign Against Cluster Munitions launched an information campaign in Manila, Quezon City to celebrate the 1 August 2010 entry into force of the Convention on Cluster Munitions and also met with the Department of National Defense to encourage swift ratification. See Philippine Campaign Against Cluster Munitions Press release, “No More Cluster Bombs,” 31 July 2010, pccm.posterous.com; and CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 24.

The Philippines is a party to the Mine Ban Treaty.

Interpretive issues

The Philippines has not yet made known its views on certain important issues related to interpretation and implementation of the convention, including the prohibition on transit, the prohibition on foreign stockpiling of cluster munitions, the prohibition on investment in production of cluster munitions, and the need for retention of cluster munitions and submunitions for training and development purposes.

On the prohibition on assistance, the Philippines has stated that it “has no intention to assist, encourage or induce any state, group or individual to engage in any of the prohibited activities.”⁴³³

Convention on Conventional Weapons

It is also a party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war. Jesus Ricardo S. “Gary” Domingo of the Philippines chaired the CCW Group of Governmental Experts (GGE) on cluster munitions in 2010 and 2011, receiving praise for his unconventional (but to date unsuccessful) efforts to secure agreement.⁴³⁴

The Philippines did not make any CCW statements in its national capacity in 2010 and the first half of 2011 to express its views on the draft chair’s text under consideration.

Use, production, transfer, and stockpiling

The Philippines has stated several times that it has not used, produced, stockpiled, or supplied cluster munitions.⁴³⁵ In November 2010, the Philippines said that, in compliance with the convention, its armed forces have a standing directive that cluster munitions cannot be included as operational requirements.⁴³⁶

Rwanda

Policy

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

As of June 2011, no information was available on Rwanda’s progress towards ratification of the convention. Previously, in July 2010, the Ministry of Foreign Affairs said that ratification was awaiting parliamentary approval by the Chamber of Deputies and then by the Senate.⁴³⁷ In November 2009, the CMC received information that the Council of Ministers had approved ratification and it was awaiting transmission to parliament.⁴³⁸

Rwanda attended one regional meeting (Kampala, Uganda in September 2008) of the diplomatic Oslo Process that created the convention, before it signed the conference in Oslo in December 2008.⁴³⁹ Rwanda has continued to support the convention. It attended the convention’s First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make a statement. Rwanda did not attend intersessional meetings of the convention in Geneva in June 2011.

⁴³³ Letter from Leslie B. Gatan, Permanent Mission of the Philippines to the UN in New York, 2 March 2009. The Philippines reiterated this during the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 17 November 2009. Notes by AOA.

⁴³⁴ During his tenure as chair, Domingo has used music as well as dance metaphors in an attempt to secure more engagement from states in the deliberations. Statement by Jesus Ricardo S. “Gary” Domingo, Minister, Permanent Mission of the Philippines to the UN in Geneva and Chair of the CCW GGE on Cluster Munitions, CCW Meeting of the High Contracting Parties, Geneva, 25 November 2010. Notes by AOA.

⁴³⁵ Letter from Leslie B. Gatan, Permanent Mission of the Philippines to the UN in New York, 2 March 2009. The Philippines reiterated this during the Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 17 November 2009. Notes by AOA.

⁴³⁶ Statement of the Philippines, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁴³⁷ Email from Eugene Mussolini, Association of Landmine Survivors and Amputees of Rwanda, 21 July 2010.

⁴³⁸ Email from Albert Nzamukwereka, Country Program Coordinator for Rwanda, Survivor Corps, 16 November 2009.

⁴³⁹ For details on Rwanda’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 147.

The Association of Landmine Survivors and Amputees of Rwanda campaigns in support of the Convention on Cluster Munitions.⁴⁴⁰

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

Rwanda has stated that it does not use, produce, transfer, or stockpile cluster munitions.⁴⁴¹

São Tomé e Príncipe

Policy

The Democratic Republic of São Tomé e Príncipe signed the Convention on Cluster Munitions on 3 December 2008.

In November 2010, a government representative informed the CMC that ratification of the convention had been delayed by elections, but was due to be submitted to parliament in the first quarter of 2011.⁴⁴²

During the Oslo Process, São Tomé e Príncipe participated in the formal negotiations of the convention in Dublin in May 2008, where it supported a comprehensive ban without exceptions.⁴⁴³ São Tomé e Príncipe has continued to engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make a statement. São Tomé e Príncipe did not attend intersessional meetings of the convention in Geneva in June 2011.

São Tomé e Príncipe is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

São Tomé e Príncipe has stated that it has never used cluster munitions.⁴⁴⁴ It is not believed to have ever produced, transferred, or stockpiled them.

Somalia

Policy

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

The status of ratification was not known as of May 2011. Previously, in June 2010, the Office of the Prime Minister passed documents related to ratification of the convention to the Ministry of Defense for consultation.⁴⁴⁵

Somalia attended one meeting of the Oslo Process that produced the convention (Vienna in December 2007).⁴⁴⁶ Somalia has not participated in any international or regional meetings on cluster munitions since the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

Somalia is the only state from Sub-Saharan Africa that has not joined the Mine Ban Treaty. It is also not party to the Convention on Conventional Weapons.

Somalia campaigners conducted media outreach and held an event in Mogadishu to celebrate the 1 August 2010 entry into force of the Convention on Cluster Munitions.⁴⁴⁷

Somalia is not believed to have used, produced, transferred, or stockpiled cluster munitions.

⁴⁴⁰ The Association of Landmine Survivors and Amputees of Rwanda undertook several activities to celebrate the 1 August 2010 entry into force of the Convention on Cluster Munitions, including a public drumming event, media outreach, and a meeting with representatives of the Ministry of Foreign Affairs and Cooperation. CMC, "Entry into Force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 24.

⁴⁴¹ Statement of Rwanda, Kampala Conference on the Convention on Cluster Munitions, 30 September 2008. Notes by the CMC.

⁴⁴² CMC meeting with Carlos Manuel Moreno, First Secretary, Ministry of Foreign Affairs, and Lassaletto Neto Boa Morte, Ministry of Defence, Vientiane, November 2010. Notes by the CMC.

⁴⁴³ For details on São Tomé e Príncipe's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 149.

⁴⁴⁴ Statement of São Tomé e Príncipe, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁴⁴⁵ Email from Eng. Dahir Abdirahman Abdulle, Technical Advisor, Somalia Coalition to Ban Landmines, 7 August 2010.

⁴⁴⁶ For details on Somalia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 153.

⁴⁴⁷ CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 25.

South Africa

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification process underway

Policy

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

In June 2011, South Africa informed States Parties that ratification of the convention “will soon be referred to the Parliament for consideration” and said, “we are fully committed to implementation of all provisions” of the convention.⁴⁴⁸ In May 2011, a government official said that the Department of International Relations and Co-operation and the Department of Justice and Constitutional Development had assessed the convention to ensure that it did not contravene any domestic or international laws that South Africa is party to.⁴⁴⁹

South Africa must pass domestic implementation legislation as a prerequisite to ratification. The Department of Foreign Affairs has said that a 2003 Act to implement the Mine Ban Treaty would likely serve as the “principal guideline” when South Africa drafts its national legislation for the Convention on Cluster Munitions.⁴⁵⁰

South Africa participated throughout the Oslo Process that created the convention and its policy evolved to support a comprehensive ban on cluster munitions.⁴⁵¹ South Africa has continued to actively engage in the work of the convention. It hosted a regional meeting on cluster munitions in Pretoria in March 2010. South Africa attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 where it made a statement on transparency reporting. South Africa also participated in the convention’s first intersessional meetings in Geneva in June 2011, where it provided an update on ratification. At both meetings, South Africa chaired sessions to discuss international cooperation and assistance in its capacity as Friend of the President of the First Meeting of States Parties.

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

Civil society groups in South Africa have undertaken a range of activities in support of the Convention on Cluster Munitions.⁴⁵²

South Africa is a State Party to the Mine Ban Treaty.

Convention on Conventional Weapons

South Africa is also party to the Convention on Conventional Weapons (CCW). The National Assembly approved ratification of CCW Protocol V on explosive remnants of war on 10 November 2010; but as of early August 2011, South Africa had not deposited the ratification instrument.⁴⁵³

⁴⁴⁸ Statement of South Africa, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011. Notes by Action on Armed Violence (AOAV).

⁴⁴⁹ Interview with Rob Wensley, Deputy Director, Arms Control, Department of International Relations and Co-operation, Pretoria, 20 May 2011.

⁴⁵⁰ The Anti-Personnel Mines Prohibition Act 2003 prohibits South African forces from assisting a state not party to the Mine Ban Treaty with any activity prohibited under the treaty and includes “transit” under its definition of transfers. Letter from Xolisa Mabongo, Chief Director, UN (Political), Department of Foreign Affairs, 12 March 2009. He said the department’s Business Unit has the responsibility of initiating the ratification process, and the first step was an exchange of views with the Department of Defence.

⁴⁵¹ For details on South Africa’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 153–156.

⁴⁵² To mark the convention’s 1 August 2010 entry into force, the Ceasefire Campaign organized an open-top bus ride through Johannesburg with drummers calling on the government to ratify the convention. The Institute for Security Studies and the ICRC held a panel discussion on the convention in Pretoria. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 26.

⁴⁵³ Statement of South Africa, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

South Africa has actively participated in CCW deliberations on cluster munitions in recent years. In November 2010, South Africa supported a continuation of CCW work on cluster munitions, but also affirmed the need for all countries to join the Convention on Cluster Munitions.⁴⁵⁴

During CCW meetings in 2010 and the first half of 2011, South Africa expressed particular concern at the inclusion in the draft chair's text of transition periods for 12 years or more that would allow for the continued use of even the worst types of cluster munitions.⁴⁵⁵ In June 2011, a government official told the Monitor that the current chair's draft text is "not consistent" with the mandate given to the CCW Group of Government Experts (GGE) to urgently address the humanitarian impact of cluster munitions and said that the proposed deferral periods for implementation of core provisions undermine and contradict the norm that the proposed CCW instrument seeks to establish.⁴⁵⁶

Use, production, transfer, and stockpiling

In January 2005, the Ministry of Foreign Affairs stated, "The South African Defence Force has manufactured and used submunitions in the past, which have been phased out, and is in the process of developing newer generations of submunitions."⁴⁵⁷ The South African company Denel has produced artillery cluster munitions and air-dropped cluster bombs.

No information is publicly available on South Africa's past use of cluster munitions.

South Africa has not yet revealed the precise size and composition of its current stockpile.⁴⁵⁸ It is thought to stockpile the M2001 155mm artillery projectile, produced by Denel, which contains 42 dual purpose improved conventional munition (DPICM) submunitions with self-destruct devices.⁴⁵⁹ South Africa has acknowledged possessing a type of aerial cluster bomb called TIEKIE, which was degraded for training use only.⁴⁶⁰

Denel produced the CB-470 aerial cluster bomb containing 40 Alpha submunitions, although it is thought that this was produced for export purposes only. Iraq is reported to have bought the CB-470 in the late 1980s.⁴⁶¹ Deminers in Zambia have encountered Alpha unexploded submunitions.⁴⁶²

South Africa has stated that it "...has a relatively small stockpile of obsolete cluster munitions that have already been earmarked for destruction."⁴⁶³ In July 2011, a government official informed the Monitor that the Department of Defence has started to prepare a plan to destroy the cluster munition stockpile, including the timeframe and method for destruction as well as estimated financial cost.⁴⁶⁴

Retention

In April 2011, a government official indicated that South Africa would likely retain "a relatively small stockpile" of cluster munitions for training purposes, but the official clarified that only inert cluster munition casings would be retained and not the explosive content.⁴⁶⁵

⁴⁵⁴ Ibid.

⁴⁵⁵ Statement of South Africa, CCW GGE on Cluster Munitions, Geneva, 1 September 2010; Statement of South Africa, CCW GGE on Cluster Munitions, Geneva, 28 March 2011; and Statement of South Africa, CCW GGE on Cluster Munitions, Geneva, 1 April 2011. Notes by AOA.

⁴⁵⁶ Interview with Rob Wensley, Department of International Relations and Co-operation, Pretoria, 25 June 2011.

⁴⁵⁷ Communication from the South African Delegation to the Conference on Disarmament to Pax Christi Netherlands, 19 January 2005.

⁴⁵⁸ In 2005 it asserted, "Details of reliability and functioning of the current generations of submunitions in the South African arsenal are classified, suffice to say that reliability for submunitions to function as intended is currently better than 98% and at a confidence level of better than 95%." Communication from the South African Delegation to the Conference on Disarmament to Pax Christi Netherlands, 19 January 2005.

⁴⁵⁹ Denel, "Land Systems, Artillery Systems, 155 mm Towed/SP Gun-Howitzer," undated, www.denel.co.za; and Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007-2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 665. In 2005, South Africa stated, "In the 155mm product line, a back-up self-destruct pyrotechnical feature is incorporated into the fuze which separates the detonation train from the main charge." Communication from the South African Delegation to the Conference on Disarmament to Pax Christi Netherlands, 19 January 2005.

⁴⁶⁰ Communication from the South African Delegation to the Conference on Disarmament to Pax Christi Netherlands, 19 January 2005.

⁴⁶¹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 440.

⁴⁶² Email from Dr. Robert E. Mtonga, Coordinator, Zambian Campaign to Ban Landmines, 10 February 2009. It is unclear what type of cluster munition was used to deliver the submunitions, who used them, or when, but the Alpha submunition is most often associated with the South African CB-470 cluster bomb. Jane's Information Group reports that the Alpha bomblet developed for the South African CB-470 cluster bomb was produced by Rhodesia (the predecessor of Zimbabwe), and that "Zimbabwe may have quantities of the Alpha bomblet." Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 440.

⁴⁶³ 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.

⁴⁶⁴ Telephone Interview with Colonel Corrie Ferrara, Department of Defence, 20 July 2011.

⁴⁶⁵ Interview with Colonel Nigel Aspey, Department of Defence, Pretoria, 7 April 2011.

Sweden

Policy

The Kingdom of Sweden signed the Convention on Cluster Munitions on 3 December 2008.

On 16 February 2011, Minister of Foreign Affairs Carl Bildt informed the Parliament (*Riksdag*) that the government was committed to introduce a ratification bill in 2011. Several members of parliament expressed their support for Sweden's ratification of the convention, while one asked why it was taking the government so long to ratify.⁴⁶⁶ In October 2010, the opposition Social Democratic Party urged swift government action to ratify the convention.⁴⁶⁷

In 2009, the Ministry of Foreign Affairs informed the Monitor that the first step for its ratification process was the preparation of a report on the convention and measures necessary for its national implementation.⁴⁶⁸ The report was finally made public in January 2011 and makes recommendations on new legislative measures and penal sanctions needed to ensure Sweden's implementation of the convention.⁴⁶⁹

The report proposes the enactment of implementation legislation on "Penalties for Illicit Dealing with Cluster Munitions," including penalties of imprisonment up to four years, or if the offence is considered to be aggravated, of up to 18 years to life for any person who uses, develops, manufactures, acquires, holds, or transfers cluster munitions. The legislation would apply extraterritorially, to all Swedish citizens regardless of where the offence was committed, and to all foreign residents residing within the territory of Sweden.⁴⁷⁰

Sweden actively engaged in the Oslo Process that created the convention and its position changed considerably to support the adoption of the convention in Dublin in May 2008. Sweden decided to sign the convention in Oslo in December 2008, although apparently only after hesitation and deliberation over the cost implications of destroying its stockpile of BK-90 cluster munitions.⁴⁷¹

Sweden has continued to participate in the work of the convention in 2010 through the first half of 2011. Sweden attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 and intersessional meetings of the convention in Geneva in June 2011, but did not make any statements. Sweden also attended a UN Special Event on the convention in New York in October 2010.

The Swedish Network Against Cluster Munitions, a group of 10 organizations founded by the Swedish Peace and Arbitration Society in June 2007, advocates for the Swedish government's strong and swift implementation of the convention.⁴⁷²

Interpretive issues

Sweden has expressed its views on certain important issues related to interpretation and implementation of the convention.

On the prohibition on assistance with prohibited acts in joint military operations, Sweden's January 2011 report on the convention states that, "Article 21.3 makes clear that States Parties can participate in military cooperation and military operations with states not party to the Convention and which may engage in activities that are prohibited for a State Party. This does not imply any right of States Parties in these situations to violate the obligations of Article 1 of the convention or to explicitly request that cluster munitions shall be used in situations where the State Party has exclusive control over the selection of the munition used."⁴⁷³

⁴⁶⁶ Parliament of Sweden (Riksdag), Chamber Minutes, 2010/11:60, "Foreign Policy Debate," 16 February 2011, www.riksdagen.se.

⁴⁶⁷ In October 2010, a parliamentary motion welcomed Sweden's signature of the convention and urged the government to promptly ratify and start destruction of the stockpile of BK90 cluster munitions "as soon as possible." Motion by Urban Ahlin of the Social Democratic Party, Motion 2010/11: U306 "En rättvis värld är möjlig" (A just world is possible), 27 October 2010, www.riksdagen.se.

⁴⁶⁸ Letter from Amb. Lars-Erik Wingren, Department for Disarmament and Non-proliferation, Ministry for Foreign Affairs, 24 March 2009.

⁴⁶⁹ "Sveriges tillräde till konventionen om klusterammunition," ("Accession of Sweden to the Convention on Cluster Munitions"), Regeringskansliet Utrikesdepartementet, (Government Offices of Sweden), Ds 2010:46, 2010, www.svenskafreds.se.

⁴⁷⁰ "Proposed Law on Penalties for Illicit Dealings with Cluster Munitions," Government Offices of Sweden, "Accession of Sweden to the Convention on Cluster Munitions," 2010, pp. 11–12, www.svenskafreds.se.

⁴⁷¹ For more details on Sweden's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 161–165.

⁴⁷² In 2010 and 2011, the Swedish Network Against Cluster Munitions met with the Ministry of Foreign Affairs in advance of the First Meeting of States Parties to discuss Sweden's policy on the convention and advocate for swift ratification. Representatives of the network also met with the Ministry of Foreign Affairs in March 2011 to provide feedback on the government report on the convention made public in January 2011.

⁴⁷³ "Sveriges tillräde till konventionen om klusterammunition" (Accession of Sweden to the Convention on Cluster Munitions), Regeringskansliet Utrikesdepartementet (Government Offices of Sweden), Ds 2010:46, 2010, p. 27, www.svenskafreds.se.

The report also noted that in relation to Article 1(1)(c) of the convention on the prohibition of assistance, encouragement, or inducement of any act prohibited by the convention, such acts would be essentially regarded as “incitement” or “complicity” under Chapter 23 of Sweden’s penal code. The report, therefore, holds that no specific domestic regulations are necessary to meet this obligation of the Convention on Cluster Munitions.⁴⁷⁴

Sweden has yet to provide its views on the prohibitions on transit and foreign stockpiling of cluster munitions.

Disinvestment

On the prohibition on investment in the production of cluster munitions, the January 2011 report states, “The dominant interpretation seems to be that the convention does not oblige State Parties to adopt such an investment ban.”⁴⁷⁵ Sweden has not indicated if disinvestment provisions will be included in the draft implementation legislation.

Since the convention was adopted in May 2008, several Swedish financial institutions have taken action to disinvest from companies involved in the production of cluster munitions. A November 2009 report showed that 20 out of 31 Swedish financial institutions studied had disinvested from cluster munitions and/or antipersonnel mines.⁴⁷⁶

Previously, in 2008, Swedish state-owned pension fund AP7 announced that it would not permit direct investment in companies developing or producing cluster munitions and nuclear weapons.⁴⁷⁷ Swedish pension funds AP1-4 subsequently disinvested from cluster munition producers after the Swedish Ethical Council mandated a screening of companies suspected to be involved in cluster munition production.⁴⁷⁸ The Swedish mutual insurance company Folksam has sold its interest in companies that produce or sell cluster munitions.⁴⁷⁹ Nordea, the largest financial services group in the Nordic and Baltic Sea regions, excluded cluster munitions producers from its investments in 2009.⁴⁸⁰

Convention on Conventional Weapons

Sweden is party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Sweden continued to participate in the CCW negotiations on cluster munitions in 2010 and the first half of 2011, but made few statements on its position on the draft protocol text under discussion.

In February 2011, Sweden called for the draft text to require that permitted cluster munitions have two or more safeguards in a list of optional criteria, rather than only one or more.⁴⁸¹

In 2010, the Minister of Foreign Affairs said Sweden supported the CCW work on cluster munitions as the process includes countries that have used and possess large quantities of cluster munitions.⁴⁸²

Use, production, transfer, and stockpiling

According to the Ministry of Foreign Affairs, “Sweden has never used or transferred cluster munitions as defined in the Convention [on Cluster Munitions].”⁴⁸³

⁴⁷⁴ “Sveriges tillräde till konventionen om klusterammunition,” (“Accession of Sweden to the Convention on Cluster Munitions”), Regeringskansliet Utrikesdepartementet, (Government Offices of Sweden), Ds 2010:46, 2010, p. 44, www.svenskafreds.se.

⁴⁷⁵ “Sveriges tillräde till konventionen om klusterammunition,” (“Accession of Sweden to the Convention on Cluster Munitions”), Regeringskansliet Utrikesdepartementet, (Government Offices of Sweden), Ds 2010:46, 2010, p. 18, www.svenskafreds.se. The report notes that the question of the application of a ban on investment did not arise during Sweden’s ratification of the Mine Ban Treaty. The report notes the suggestion that the ban on cluster munitions under the convention would lead to legislation on investments in companies that develop or produce cluster munitions and that some states had also introduced such legislation.

⁴⁷⁶ Ethix SRI Advisors, “Investments in anti-personnel mines and cluster munitions: a Nordic perspective,” Report to the UN Association of Sweden, 18 November 2009, www.fn.se.

⁴⁷⁷ See, “Swedish pension fund AP 7 sells all holdings in companies making cluster bombs,” *International Herald Tribune*, 1 June 2008, www.ihf.com; and IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions; a shared responsibility,” April 2010, pp. 81–82.

⁴⁷⁸ See, Hugh Wheelan, “Sweden’s AP Funds Sell Off Millions in Cluster Munition Shares,” *The Responsible Investor*, 15 September 2008, www.responsible-investor.com; and IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions; a shared responsibility,” April 2010, p. 84.

⁴⁷⁹ See, IKV Pax Christi and Netwerk Vlaanderen, “Worldwide investments in cluster munitions; a shared responsibility,” April 2010, p. 93.

⁴⁸⁰ Ethix SRI Advisors, “Investments in anti-personnel mines and cluster munitions: a Nordic perspective,” Report to the UN Association of Sweden, 18 November 2009, www.fn.se.

⁴⁸¹ Statement of Sweden, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 21 February 2011. Notes by Action on Armed Violence.

⁴⁸² Statements by Carl Bildt, Minister of Foreign Affairs, in response to parliamentary question 2009/10:130 on the Convention on Cluster Munitions, Swedish Parliamentary Debate, 19 January 2010, www.riksdagen.se.

⁴⁸³ Letter from Amb. Lars-Erik Wingren, Ministry for Foreign Affairs, 24 March 2009. The Foreign Minister said in January 2010 that Sweden has never used its BK-90 cluster munitions and has no plans to do so. Statements by Carl Bildt, in response to parliamentary question 2009/10:130 on the Convention on Cluster Munitions, Swedish Parliamentary Debate, 19 January 2010, www.riksdagen.se.

The Swedish Air Force stockpiles one type of cluster munition, the Bombkapsel BK-90 Mjölner, which dispenses MJ-1 fragmentation bomblets and MJ-2 anti-armor proximity-fuzed bomblets.⁴⁸⁴ The German company LFK was the prime contractor for the BK-90 with participation of SAAB Bofors Dynamics.⁴⁸⁵ In January 2010, the Minister of Foreign Affairs stated he was unable to reveal information on the number of BK-90s Sweden has in its stockpiles.⁴⁸⁶

The Swedish Armed Forces have instructed the Defense Material Administration (*Försvarets Materielverk*, FMV) to initiate the process of stockpile destruction. According to a document issued by FMV in February 2011, Sweden plans to complete destruction of the stockpile by 31 December 2014.⁴⁸⁷

The government's January 2011 report on the convention states that the costs of implementing the convention and the destruction of Sweden's stockpile of BK-90 cluster munitions will fall within the budget of the armed forces.⁴⁸⁸ Previously, in 2008, the Minister of Foreign Affairs stated that it could take up to a decade to destroy its stockpile of BK-90 cluster bombs and that finding a replacement weapons system for the BK-90 could cost a total of approximately SEK500 million (US\$76 million).⁴⁸⁹

Sweden also produces and stockpiles the BONUS Sensor Fuzed Weapon, a 155mm artillery projectile with two submunitions. BONUS is not considered a cluster munition under the terms of the Convention on Cluster Munitions because it meets the five technical criteria set out by negotiators as necessary to avoid the negative effects of cluster munitions.⁴⁹⁰ BONUS is co-produced in Sweden by BAE Systems Bofors and is in service with the Swedish Armed Forces. French partners include Nexter (formerly GIAT Industries) and Intertechniques SA of Plaisir.⁴⁹¹

Sweden intends to retain a number of BK-90 cluster munitions for training and educational purposes, but the armed forces had not decided on the quantity as of March 2011.⁴⁹²

Switzerland

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification approved by Federal Council on 6 June 2011 and submitted to Parliament

Policy

The Swiss Confederation signed the Convention on Cluster Munitions on 3 December 2008.

⁴⁸⁴ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), pp. 360–361. Sweden has reported that the failure rate of the bomblets is less than 1% and if the submunitions become duds on the ground, they are designed to self-deactivate after two hours, preventing it from being dangerous. Communication from the Ministry for Foreign Affairs, "Brevsvar klusterammunition" (Letter to answer cluster munitions"), to Pax Christi Netherlands, 14 January 2005.

⁴⁸⁵ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 361.

⁴⁸⁶ Statements by Carl Bildt in response to parliamentary question 2009/10:130 on the Convention on Cluster Munitions, Swedish Parliamentary Debate, 19 January 2010, www.riksdagen.se.

⁴⁸⁷ Försvarets Materielverk document 10FMV1726-7:1, dated 10 February 2011.

⁴⁸⁸ "Sveriges tillräde till konventionen om klusterammunition," ("Accession of Sweden to the Convention on Cluster Munitions"), Regeringskansliet Utrikesdepartementet, (Government Offices of Sweden), Ds 2010:46, 2010, p. 51, www.svenskafreds.se.

⁴⁸⁹ Statements by Carl Bildt in response to parliamentary question 2008/09: 94 on the international ban on cluster munitions, Swedish Parliamentary Debate, 28 November 2008, www.riksdagen.se. Average exchange rate for 2008: US\$1=SEK6.5846. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁴⁹⁰ Article 2.2(c) excludes munitions with submunitions if they have less than 10 submunitions, and each submunition weighs more than 4kg, can detect and engage a single target object, and is equipped with electronic self-destruction and self-deactivation features.

⁴⁹¹ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), pp. 661–662.

⁴⁹² Email from Lt. Col. Lars O. Olsson, Arms Control Division, Swedish Armed Forces, 25 March 2011.

On 6 June 2011, the Federal Council approved ratification of the convention and adopted an explanatory report on the convention prepared by the Federal Department of Foreign Affairs.⁴⁹³ On 27 June 2011, Switzerland stated that ratification legislation has been presented to Parliament for debate in both chambers during the second half of 2011.⁴⁹⁴ Ratification of the convention may be put to a public referendum under Switzerland's direct democracy procedures.⁴⁹⁵

In November 2010, Switzerland informed States Parties that the ratification process was underway.⁴⁹⁶ Switzerland's ratification of the convention has faced some unexpected challenges. In February 2011, the far right-wing Swiss People's Party (SVP/UDC) and the liberal Free Democratic Party (FDP/PLR) expressed opposition to the ban on cluster munitions, claiming that the Swiss Army's combat capability could be weakened. The FDP/PLR said that it wished to explore alternatives to cluster munitions before agreeing to ratification of the convention.⁴⁹⁷ Switzerland's main political parties, however, support ratification of the convention and have expressed disappointment that the process has not been swiftly completed.⁴⁹⁸

Switzerland was among the first countries to propose international action on cluster munitions, and among the first with domestic initiatives aimed at banning the weapon. During the Oslo Process that produced the convention, Switzerland's position shifted to fully endorse the comprehensive prohibition of cluster munitions.⁴⁹⁹

Switzerland continued to actively engage in the work of the convention in 2010 and the first half of 2011. Switzerland participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made statements on victim assistance international cooperation and assistance, and announced a contribution of US\$3 million in 2010–2013 for clearance of unexploded ordnance in Lao PDR.⁵⁰⁰ The contribution is additional to recommendation by the Federal Department of Foreign Affairs of an annual allocation of at least CHF10 million (\$9.6 million) for international cooperation and assistance for the implementation of the convention.⁵⁰¹

Switzerland also attended the first intersessional meetings of the convention in Geneva in June 2011, where it announced its intent to revise and renew its "anti-mine strategy," which includes all explosive remnants of war, through to 2015.⁵⁰² Switzerland made several statements at the meeting, including on victim assistance, stockpile destruction, and universalization. It also made a joint proposal with Norway to establish an implementation support unit for the convention.

In a statement to the UN General Assembly (UNGA) First Committee on Disarmament and International Security in October 2010, Switzerland welcomed the convention's entry into force of the convention and called it "one of the most notable developments in matters of international humanitarian law and conventional disarmament over the last decade."⁵⁰³ Switzerland also attended a UN Special Event on the convention in New York in October 2010.

In April 2010, Switzerland informed the Monitor that it plans to intensify activities in support of the convention's universalization once it becomes a State Party.⁵⁰⁴

The Monitor is not aware of any public statements by Switzerland in the first half of 2011 condemning the use of cluster munitions by Libya or Thailand.

⁴⁹³ Federal Authorities of the Swiss Confederation Press release, "The Federal Council decides to ratify the Convention on Cluster Munitions," 6 June 2011, www.admin.ch.

⁴⁹⁴ Statement of Switzerland, Convention on Cluster Munitions Intersessional Meetings, Session on Universalization Session, Geneva, 27 June 2011.

⁴⁹⁵ Ibid.

⁴⁹⁶ Statement by Amb. Christine Schraner Burgener of Switzerland, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

⁴⁹⁷ "SVP will kein Verbot Streumunition" (SVP does not want to ban cluster munitions), *News.ch*, Berne, 21 February 2011, www.news.ch; and letter from Fulvio Pelli, President, and Brupbacher, Secretary General, "Übereinkommen vom 30. Mai 2008 über Streumunition und Änderung des Kriegsmaterialgesetzes vom 13. Dezember 1996, Vernehmlassungsantwort der FDP.Die Liberalen," (Convention of 30 May 2008 on Cluster Munitions and amending the Law of War Material of 13 December 1996, consultation response of the FDP/PLR), FDP.Die Liberalen/Les Libéraux-Radicux (FDP/PLR.the Liberals,) 21 February 2011, www.fdp.ch.

⁴⁹⁸ Parties including the Christian Democratic People's Party (CVP/PDC), the Green Party (GPS/PES), and the SP/PS, along with the Federation of Trade Unions (SGB) have expressed support for the convention and its ratification. The SP/PS and the SGB have stated there is no military justification to maintaining stockpiles of cluster munitions and called for their rapid destruction. The Christian Social Party (CSP) has called cluster munitions "inhumane." "SVP will kein Verbot von Streumunition," (SVP does not want to ban cluster munitions), *News.ch*, 21 February 2011, www.news.ch; and "Accord sur les bombes à sous-munitions: retour sur la procédure de consultation," (Agreement on cluster munitions: feedback on the consultation process), Information Platform humanrights.ch, www.humanrights.ch.

⁴⁹⁹ For more details on Switzerland's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 165–169.

⁵⁰⁰ Statement by Amb. Christine Schraner Burgener of Switzerland, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

⁵⁰¹ The report notes that in accordance with its anti-mine strategy of 2008–2011, Switzerland contributes approximately CHF16 million (\$15.3 million) per year to mine action. Federal Department of Foreign Affairs, "Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation," (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, Section 7.3. Average exchange rate for 2010: US\$1=CHF1.0432. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁵⁰² Statement by Switzerland, Convention on Cluster Munitions Intersessional Meeting, Session on Victim Assistance, Geneva, 28 June 2011.

⁵⁰³ Statement by Amb. Jürg Lauber of Switzerland, UNGA First Committee on Disarmament and International Security, New York, 18 October 2010.

⁵⁰⁴ Letter from Jürg Lindenmann, Federal Department of Foreign Affairs, 18 April 2010.

In 2010 and the first half of 2011, Handicap International (HI) Switzerland continued to campaign for swift ratification of the convention and strong implementation legislation.⁵⁰⁵ The NGO has also taken several actions in support of a ban on both direct and indirect financing of cluster munitions.⁵⁰⁶

Implementation legislation

Switzerland intends to revise the Federal Law on War Material of 13 December 1996 to incorporate cluster munitions in its provisions. The Federal Council has also stated that a ban on the financing of prohibited weapons, including cluster munitions, will be introduced.⁵⁰⁷

In October 2010, the Federal Department of Foreign Affairs published an explanatory report on the Convention on Cluster Munitions and recommended amendments of the Federal Law on War Materials to include the prohibition on cluster munitions and corresponding penal sanctions.⁵⁰⁸ The proposed articles would prohibit the development, manufacture, purchase, acquisition, transfer, import, export, transport, and stockpiling or possession in any other manner, of cluster munitions, and the assistance or encouragement of any of the above acts.⁵⁰⁹ The report states that only direct financing of cluster munition production should be prohibited.⁵¹⁰ The report recommended penal sanctions for violations of the convention of up to 10 years imprisonment and a fine of up to CHF5 million (\$4.8 million) for intentional violations and up to 12 months and a fine of up to CHF500,000 (\$479,294) for negligence.⁵¹¹

HI Switzerland stated that the proposed amendments to the law did not contain a prohibition on the actual use of cluster munitions or prohibit assisting and encouraging, directly or indirectly, activities prohibited by the Convention on Cluster Munitions. HI Switzerland warned that the proposed amendments to the Law on War Materials fell short of the aims of the Convention on Cluster Munitions.⁵¹²

Interpretive issues

In April 2010, Switzerland informed the Monitor that its position on a number of important issues relating to the implementation and interpretation of the convention would be decided during the ratification process and provided “in due course.”⁵¹³

In its October 2010 explanatory report on the convention, the Federal Department of Foreign Affairs notes that the concepts of assistance or encouragement that are contained in the Convention on Cluster Munitions are not defined in Swiss or other international law.⁵¹⁴

⁵⁰⁵ To celebrate the 1 August 2010 entry into force of the convention, HI conducted an action urging mayors across Switzerland to welcome the convention in their statements marking Switzerland’s National Day, which is on 1 August. Twenty-two mayors responded by publicly promoting the convention. HI also organized a press event on the convention at the Palais des Nations. CMC, “Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010,” October 2010.

⁵⁰⁶ On 25 May 2011, as part of the Global Day of Action to Stop Explosive Investments, HI held a press conference on disinvestment together with two parliamentarians. CMC, “CMC Newsletter,” May 2011.

⁵⁰⁷ Federal Authorities of the Swiss Confederation Press release, “The Federal Council decides to ratify the Convention on Cluster Munitions,” 6 June 2011, www.admin.ch.

⁵⁰⁸ Federal Department of Foreign Affairs, “Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation,” (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, pp.1–2 and 38–39.

⁵⁰⁹ Federal Department of Foreign Affairs, “Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation,” (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, pp. 38–39.

⁵¹⁰ Federal Department of Foreign Affairs, “Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation,” (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, Section 9.2.1.

⁵¹¹ Federal Department of Foreign Affairs, “Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation,” (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, Section 9.2.3. Average exchange rate for 2010: US\$1=CHF1.0432. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

⁵¹² HI Switzerland also noted that the Council of States and the National Council had approved two motions which expressly instruct the Federal Council to include in the Law on War Materials a ban on financing the production of cluster munitions and antipersonnel mines, already covered by the Law on War Materials. HI Switzerland Press release, “La Suisse pourrait continuer ‘d’assister’ et ‘d’encourager’ leur production” (Switzerland would continue to “assist” and “encourage” their production), 23 February 2011, www.handicap-international.ch; and letter from Paul Vermeulen, Director, HI Switzerland to the President of the Confederation and the Federal Councillor, “Procédure de consultation suite à la ratification par la Confédération helvétique de la Convention sur les armes à sous-munitions du 30 mai 2008” (Consultation procedure on the ratification by the Swiss Confederation of the Convention on Cluster Munitions of 30 May 2008), 21 February 2011.

⁵¹³ Letter from Jürg Lindenmann, Federal Department of Foreign Affairs, 18 April 2010.

⁵¹⁴ Federal Department of Foreign Affairs, “Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation,” (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, Section 6.2.

On the prohibition on assistance with prohibited acts in joint military operations, the report stated the Federal Department of Foreign Affairs' view that under the convention, Switzerland cannot ask its allies to use cluster munitions in the framework of joint military operations, provided that the choice of munitions used is under its exclusive control.⁵¹⁵

Prohibition on investment in production

In its October 2010 explanatory report, the Federal Department of Foreign Affairs states its view that only direct investment in the production of cluster munitions is banned by the convention. The report references the previous opinion given by the Federal Council that it was not possible to infer a ban on indirect financing under the convention.⁵¹⁶

In September 2009 and June 2010, however, the Council of States and the National Council adopted motions on the prohibition of both direct and indirect financing of weapons banned under the Federal Law for War Materials, including cluster munitions once the law is amended to ratify the convention.⁵¹⁷ In February 2011, HI Switzerland called on the Federal Council to honor the commitments contained in the motions to amend the Federal Law on War Materials to include a prohibition on both the direct and indirect financing of the production of cluster munitions.⁵¹⁸ The Social Democratic Party (SP/PS) also called on the Federal Council and the Parliament to adopt a stronger stance against indirect financing and called for the implementation of the motions and a ban on direct and indirect financing as an imperative.⁵¹⁹

Despite the government's reluctance to implement a comprehensive ban on investment, a number of Swiss financial institutions have taken steps to prohibit investment in cluster munition production. In February 2011, Credit Suisse announced the enactment of a new policy that excludes companies producing cluster munitions and mines from its credit, investment banking, and asset management activities.⁵²⁰ Previously, in May 2010, the Swiss bank UBS announced its decision to exclude cluster munitions producers from its funds managed in Switzerland and Luxembourg.⁵²¹

Convention on Conventional Weapons

Switzerland is party to the Convention on Conventional Weapons (CCW) and CCW Protocol V on explosive remnants of war. In 2010 and the first half of 2011, Switzerland continued to actively engage in CCW deliberations on cluster munitions. Switzerland has stated its support for CCW work "with the aim of developing a legal instrument which does not weaken the standards set by the [Convention on Cluster Munitions], but builds a complementary and balanced alternative."⁵²² In September 2010, Switzerland described the CCW talks as "highly unusual" because "the CCW aims at regulating the use of weapons that have already been prohibited" under the Convention on Cluster Munitions.⁵²³

In November 2010, Switzerland did not object to continued CCW work on cluster munitions in 2011, but reiterated its view that the chair's draft text "threatens to jeopardize the consistency of International Humanitarian Law, is vague and imprecise, and does not contain an immediate and substantive ban on the use and transfer of these weapons."⁵²⁴

⁵¹⁵ Federal Department of Foreign Affairs, "Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation," (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, Section 6.2.

⁵¹⁶ According to the report, amendments to the law are unnecessary as direct financing of banned activities is already prohibited by the Federal Law on War Material. Federal Department of Foreign Affairs, "Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation," (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, Section 9.2.2.

⁵¹⁷ Motion by Maury Pasquier, "Against the financing of prohibited weapons," Council of States, No. 09.3618, 11 June 2009, www.parlament.ch; and Motion by Hugue Hiltbold, "Against the financing of prohibited weapons," Council of States, No. 09.3618, 11 June 2009, www.parlament.ch. In September 2009, the Federal Council issued its opinion on the motions, stating that the prohibition on financing would cover direct financing exclusively. It considered that it would not be possible, for practical reasons, to examine within reasonable means whether money invested in foreign stocks is indirectly invested in activities prohibited by the Federal Law on War Material. The motion was adopted by the Council of States unanimously in September 2009, but was rejected by the National Council's Defense Committee. The National Council passed the motion on 10 March 2010 and the Council of States approved the identical motion on 17 June 2010.

⁵¹⁸ HI Switzerland Press release, "La Suisse pourrait continuer d'assister et d'encourager leur production," ("Switzerland would continue to 'assist' and 'encourage' their production," 23 February 2011, www.handicap-international.ch; and letter from Paul Vermeulen, HI Switzerland to the President of the Confederation and the Federal Councillor, "Procédure de consultation suite à la ratification par la Confédération helvétique de la Convention sur les armes à sous-munitions du 30 mai 2008" (Consultation procedure on the ratification by the Swiss Confederation of the Convention on Cluster Munitions of 30 May 2008), 21 February 2011.

⁵¹⁹ Letter from Christian Levrat, President, and Peter Hug, Political Secretary, SP/PS, to the Federal Department of Foreign Affairs, 21 February 2011.

⁵²⁰ Stop Explosive Investments Press release, "New Credit Suisse policy furthers Swiss disinvestment in cluster bombs," 3 February 2011, www.stopexplosiveinvestments.org. According to Stop Explosive Investments, "the Credit Suisse policy is much stronger than a similar policy issued in May 2010 by another large Swiss bank, UBS.... The UBS policy only encompasses asset management and does not cover the bank's credit and investment banking activities, which campaigners say is a major loophole."

⁵²¹ Stop Explosive Investments, "UBS Stops Funding Cluster Bomb Producers," 13 May 2010, www.stopexplosiveinvestments.org; and "UBS fund takes stance against cluster bombs," *Swissinfo.ch*, 11 May 2010, www.swissinfo.ch.

⁵²² Statement by Amb. Jürg Lauber of Switzerland, UN General Assembly First Committee on Disarmament and International Security, New York, 18 October 2010.

⁵²³ Ibid.

⁵²⁴ Statement of Switzerland, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

In February 2011, Switzerland joined four other countries in support of a German proposal to consider a CCW ban on transfers of cluster munitions.⁵²⁵

In February 2011, Switzerland again criticized the failings of the draft chair's text and called for the completion of negotiations on cluster munitions in 2011, saying that, in its opinion, the mandate of the CCW should not be prolonged without prospect of agreement.⁵²⁶

Use, production, and transfer

Switzerland has never used or exported cluster munitions.⁵²⁷ It imported cluster munitions from Israel and the United Kingdom, and currently has a stockpile of cannon artillery and mortar projectiles with submunitions. It destroyed its air-dropped cluster bombs from 1997–2000.⁵²⁸

In 2007, Switzerland stated that it “stopped the production of cluster munitions in 2003.”⁵²⁹ However in 2009, Switzerland clarified that it “did never *per se* produce cluster munitions. Indeed, according to a license agreement with the manufacturer, the munitions were purchased abroad and enterprises based in Switzerland, after adding specific features to increase the reliability of the ammunitions, reassembled them (exclusively for the Swiss Armed Forces).”⁵³⁰ According to the clarification, “This process ended in the last quarter of 2004. Since then, no further treatment or assembly of cluster munitions has taken place in Switzerland.”⁵³¹

Swiss military officials have informed Human Rights Watch that Switzerland imported 155mm artillery projectiles and 120mm mortar projectiles with M85-type⁵³² submunitions from Israel Military Industries; then Swiss firms modified (“Helveticized”) the submunitions’ safeguards and reassembled the weapons.⁵³³

Switzerland purchased from Germany DM702 SMArt-155 Sensor Fuzed Weapons as part of its 2001 Armament Program.⁵³⁴ The SMArt 155 artillery round contains two submunitions, but it is not considered a cluster munition under the Convention on Cluster Munitions because it meets the five technical criteria set out by negotiators as necessary to avoid the negative effects of cluster munitions.⁵³⁵

Stockpiling and destruction

In its explanatory report on the convention issued in October 2010, the Federal Department of Foreign Affairs listed the various types of cluster munitions stockpiled by the Swiss Army, but not their quantities.⁵³⁶ Switzerland stockpiles cluster munitions (*projectiles cargos pour l'artillerie à tube*) for 155mm M-109 and M-109 Kawest self-propelled howitzers, 155mm Bison fortress cannons, and 120mm fortress mortars. The following projectiles for these delivery systems all possess modified M85-type self-destructing submunitions:⁵³⁷

- 155mm KaG-88 (containing 63 submunitions)
- 155mm KaG-90 (containing 49 submunitions)
- 155mm KaG-88/99 (containing 84 submunitions)
- 120mm MP-98 (containing 32 submunitions)

⁵²⁵ Statement of Switzerland, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 21 February 2011. Notes by AOA; Proposal for provisions on transfers for consideration in a CCW Protocol on Cluster Munitions, submitted by Austria, Croatia, Denmark, Germany, Luxembourg, and Switzerland, First 2011 Session of the CCW GGE on Cluster Munitions, Geneva, 22 February 2011, CCW/GGE/2011-I/WP.1.

⁵²⁶ Statement of Switzerland, CCW GGE on Cluster Munitions, Geneva, 21 February 2011.

⁵²⁷ Letter from Micheline Calmy-Rey, Minister of Foreign Affairs, 5 March 2009; and Statement by Amb. Christine Schraner Burgener, Oslo Conference on Cluster Munitions, 22 February 2007.

⁵²⁸ Switzerland said that from 1997 to 2000, it destroyed the air force's stockpile of just under 4,000 BL-755 cluster bombs, which had been acquired in the late 1970s and early 1980s; and Statement of Switzerland, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009.

⁵²⁹ Statement by Amb. Christine Schraner Burgener, Oslo Conference on Cluster Munitions, 22 February 2007.

⁵³⁰ Letter from Micheline Calmy-Rey, Minister of Foreign Affairs, 5 March 2009. Most observers would judge that the activities engaged in constitute “production”: modifying the original manufacturer's product for improved performance in combat, then re-loading, re-assembling, and re-packaging the projectiles into a condition suitable for storage.

⁵³¹ Letter from Micheline Calmy-Rey, Minister of Foreign Affairs, 5 March 2009.

⁵³² The mortar projectiles contain M87 submunitions, which are dimensionally different than the M85, though they possess the same self-destructing fuze type. See Israel Military Industries Ltd “The Cargo Bomb,” undated, imi-israel.com.

⁵³³ Interviews with members of the Swiss Delegation, CCW GGE on Cluster Munitions, Geneva, 16–20 February 2009. These weapons were also on display at the International Workshop on Preventive Technical Measures for Munitions in Thun in May 2004, attended by Human Rights Watch, and representatives offered this same explanation.

⁵³⁴ Department of Defense, Civil Protection and Sport, “Armament Program 2003–1990,” undated, www.ar.admin.ch. See also, Rheinmetall DeTec AG, “SMArt 155—Proven Reliability and Accuracy,” June 2005, www.rheinmetall-detec.de.

⁵³⁵ Article 2.2(c) excludes munitions with submunitions if they have less than 10 submunitions, and each submunition weighs more than four kilograms, can detect and engage a single target object, and is equipped with electronic self-destruction and self-deactivation features.

⁵³⁶ Federal Department of Foreign Affairs, “Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matière de guerre: Rapport explicatif (projet) pour la procédure de consultation,” (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, Section 1.4.1.

⁵³⁷ They were part of different arms procurement programmes (1988, 1991, 1993, and 1999), hence the numbers behind the abbreviation “KaG,” which stands for the German term “Kanistergeschoss.” Email from Garraux François, Policy and Military Advisor, Arms Control and Disarmament Policy, Federal Department of Defense, 23 August 2011.

Switzerland possesses no air-launched cluster munitions. A stockpile of 300kg cluster bombs (“Fliegerbombe 79”) held by the Swiss Air Force was destroyed between 1997 and 2000.⁵³⁸

In February 2011, the SP/PS stated that the Swiss Army stockpile of cluster munitions totaled an estimated 200,000 munitions.⁵³⁹

In 2011, the Federal Council announced that “Swiss stocks of artillery munitions that are subject to the CCM ban will be destroyed” within eight years.⁵⁴⁰ Switzerland has estimated the anticipated stockpile destruction cost at CHF20–60 million (\$19–58 million). It has noted that, regardless of its obligations under the Convention on Cluster Munitions, 70% of the cluster munitions in Switzerland’s stockpile will reach the end of their shelf life in the next 10 to 15 years and will have to be destroyed at the estimated cost of CHF42 million (\$40 million). Therefore, the maximum estimated additional cost for destroying stockpiled cluster munitions within the deadlines established by the convention would be CHF18 million (\$17 million).⁵⁴¹

Retention

In April 2010, Switzerland informed the Monitor that it was not in a position to provide information on the issue of the retention of cluster munitions for training or research purposes, as the “question of retention of cluster munitions in accordance with [Article 3 of the convention] will be decided in the ongoing ratification process.”⁵⁴²

Tanzania

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratification process underway

Policy

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

As of June 2011, the status of ratification was not known. Previously, in June 2010, a government official said the ratification process could be delayed by parliamentary and presidential elections, subsequently held 31 October 2010, as well as competing legislative priorities.⁵⁴³ Tanzania has indicated that following ratification, a national law to implement the convention will be necessary.⁵⁴⁴

Tanzania participated in the Oslo Process that created the convention and worked hard to achieve a strong and comprehensive treaty text during the Dublin negotiations in May 2008.⁵⁴⁵ It has continued to engage in the work of the convention. Tanzania attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made a statement urging all states to join the convention and noted the essential need for “continued support by all stakeholders to achieve universalization.”⁵⁴⁶ Tanzania did not attend the convention’s intersessional meetings in Geneva in June 2011.

⁵³⁸ Email from Garraux François, Policy and Military Advisor, Arms Control and Disarmament Policy, Federal Department of Defense, 23 August 2011.

⁵³⁹ Letter to the Federal Department of Foreign Affairs, from Christian Levrat and Peter Hug, SP/PS, 21 February 2011.

⁵⁴⁰ Federal Authorities of the Swiss Confederation Press release, “The Federal Council decides to ratify the Convention on Cluster Munitions,” 6 June 2011, www.admin.ch. Average exchange rate for 2010: US\$1=CHF1.0432. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

⁵⁴¹ Federal Department of Foreign Affairs, “Ratification de la Convention du 30 mai 2008 sur les armes à sous-munitions et modification de la loi du 13 décembre 1996 sur la matériel de guerre: Rapport explicatif (projet) pour la procédure de consultation,” (Ratification of the Convention of 30 May 2008 on Cluster Munitions and the Amendment of the Law of 13 December 1996 on War Materials, Explanatory Report [Draft] for the Procedure on Consultation), October 2010, Section 7.2.2. Average exchange rate for 2010: US\$1=CHF1.0432. US Federal Reserve, “List of Exchange Rates (Annual),” 6 January 2011.

⁵⁴² Letter from Jürg Lindenmann, Federal Department of Foreign Affairs, 18 April 2010.

⁵⁴³ CMC meeting with delegation to Tanzania, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC.

⁵⁴⁴ CMC meeting with Noel Kaganda, First Secretary, Permanent Mission of Tanzania to the UN in New York, 15 October 2009. Notes by the CMC.

⁵⁴⁵ For detail on Tanzania’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 170.

⁵⁴⁶ Statement of Tanzania, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

On 18 April 2011, a Tanzanian member of parliament attended a briefing on the convention held during the 124th General Assembly of the Inter-Parliamentary Union in Panama City, Panama.

Tanzania is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons (CCW). In December 2008, Tanzania's Minister of Defense and National Service, Hussein Ali Mwinyi, said, "It would be meaningless and a huge disappointment to have a [new CCW] Protocol which falls short to the standards we have set in the Convention on Cluster Munitions."⁵⁴⁷

Tanzania has said it is "neither a producer nor a user of cluster munitions" and is not affected by the weapon.⁵⁴⁸ Tanzania is not believed to have ever stockpiled or transferred cluster munitions.

Togo

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Ratification process underway

Policy

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

Togo's parliament was expected to approve to ratification legislation in April 2011, but no update was available as of July 2011.⁵⁴⁹ In November 2010, Togo said that the Council of Ministers approved ratification of the convention on 9 July 2010, and it was then submitted to the National Assembly for consideration and adoption.⁵⁵⁰

Togo participated in several meetings of the Oslo Process that created the convention, including the formal negotiations in Dublin in May 2008.⁵⁵¹ Togo has continued to play an active role in the convention. It participated in the First Meeting of States Parties in Vientiane, Lao PDR in November 2010, where it provided an update on ratification and described the convention as "a valuable tool, which will help to achieve a safer world, free from cluster munitions."⁵⁵² Togo did not attend intersessional meetings of the convention in Geneva in June 2011.

Togo is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war and has not participated actively in the CCW discussions on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Togo has stated that it has never used, produced, transferred, or stockpiled cluster munitions.⁵⁵³

⁵⁴⁷ Statement by Hussein Ali Mwinyi, Minister of Defense and National Service, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008.

⁵⁴⁸ Statement of Tanzania, Lima Conference on Cluster Munitions, 24 May 2007. Notes by the CMC/WILPF.

⁵⁴⁹ Email from Kokou Aklavon, Coordinator, CMC Togo, 5 April 2011.

⁵⁵⁰ Statement of Togo, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁵⁵¹ For details on Togo's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 170.

⁵⁵² Statement of Togo, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁵⁵³ Ibid.

Uganda

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Ratification process underway

Policy

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

In June 2011, a Ugandan official said that ratification had been delayed by elections held in February 2011, but Cabinet could now refer ratification to the new parliament for approval.⁵⁵⁴ In November 2010, Uganda informed the convention's First Meeting of States Parties that, "we would have loved to come here as a full State Party" but "our ratification has been delayed" by the pending elections. Uganda said that ratification "has started" and the Attorney General would soon submit the ratification package to Cabinet for its consideration.⁵⁵⁵ Uganda has established a committee on International Humanitarian Law to advise the government on the ratification of treaties such as the Convention on Cluster Munitions.⁵⁵⁶

Uganda participated extensively in the Oslo Process that produced the convention and hosted a regional meeting on cluster munitions in Kampala in September 2008. Uganda has continued to actively engage in the work of the convention in 2010 and the first half of 2011. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it gave an update on ratification. Uganda also participated in intersessional meetings of the convention in Geneva in June 2011.

Civil society groups in Uganda have campaigned in support of the Convention on Cluster Munitions.⁵⁵⁷

Uganda is party to the Mine Ban Treaty. Uganda is party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war or actively participated in the CCW discussions on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Uganda is not known to have produced or exported cluster munitions.

Cluster munitions were apparently used in the fighting in northern Uganda between the Lord's Resistance Army (LRA) and the Uganda People's Defence Forces, but it is not clear who used the cluster munitions or precisely when or how many were used. On several occasions, Uganda has denied that its armed forces used cluster munitions and said the LRA was responsible.⁵⁵⁸ The Ugandan Mine Action Centre (UMAC) has informed the Monitor that no unexploded submunitions remain.⁵⁵⁹

⁵⁵⁴ Interview with Oscar Uaule, First Secretary of the Permanent Mission of Uganda to the UN in Geneva, Geneva, 27 June 2011.

⁵⁵⁵ Statement of Uganda, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

⁵⁵⁶ Committee members are drawn from the Ministry of Defense, Ministry of Justice, and Constitutional Affairs. Interview with Vicent Woboya, Director, UMAC, Kampala, 11 March 2011; interview with Bernadette R Mwesige, Foreign Service Officer, Ministry of Foreign Affairs, Kampala, 31 March 2011; and minutes of the inaugural meeting of Uganda's reconstitution of the IHL National Committee, Protea Hotel, 29–30 September 2010.

⁵⁵⁷ To commemorate the convention's 1 August 2010 entry into force, People with Disabilities presented a petition on cluster munitions to the parliament's Committee of Defense and Internal Affairs and a Ugandan children's football team attended the Norway Cup in Oslo, where they participated in drumming event. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 28.

⁵⁵⁸ Article 7 Report (for the period 2 April 2008 to 2 April 2009), Form J; "Uganda: Landmine Survivors Welcome Ban On Cluster Bombs," IRIN (Gulu), 4 June 2008, allafrica.com; and Paul Amoru, "Cluster bombs conference on," Daily Monitor, 29 September 2008, www.monitor.co.ug; and interview with Maj.-Gen. J. F. Oketta, Office of the Prime Minister, in Berlin, 25 June 2009.

⁵⁵⁹ Response to Monitor questionnaire by Vicent Woboya, Director, UMAC, 1 April 2010.

The status of stockpiled cluster munitions is unclear. In 2009, Uganda claimed that it does not have a stockpile of cluster munitions.⁵⁶⁰ In October 2007, a Foreign Ministry official said that Uganda had a stockpile of cluster bombs and pledged to destroy it.⁵⁶¹ In June 2009, a senior official said that Uganda had pledged to “check and destroy all its stockpiles” in 2007 but went on to state that Uganda does not have any stockpiles.⁵⁶²

Cluster Munition Remnants

Uganda had a problem with cluster munition remnants in the past.⁵⁶³ In June 2009, the director of Uganda’s National Emergency Coordination and Operations Centre stated that Uganda is not currently contaminated by cluster munitions.⁵⁶⁴ In April 2010, UMAC told the Monitor that all known unexploded submunitions had been cleared and none remained.⁵⁶⁵

⁵⁶⁰ Human Rights Watch and the CMC have listed Uganda as a stockpiler of cluster munitions, based on an October 2007 Foreign Ministry statement and the cluster bombs, submunitions, and remnants discovered by deminers. In addition to possible stocks of cluster bombs, Uganda possesses Grad 122mm surface-to-surface rocket launchers, which have the capability to deliver rockets with submunitions. See, International Institute for Strategic Studies, *The Military Balance 2005–2006*, (London: Routledge, 2005), p. 403; and Colin King, ed., *Jane’s Explosive Ordnance Disposal 2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

⁵⁶¹ Statement by Amb. Cissy Taliwaku, Deputy Head of Mission, Permanent Mission of Uganda to the UN in Geneva, Belgrade Conference for States Affected by Cluster Munitions, 4 October 2007. Notes by the CMC.

⁵⁶² Presentation by Maj.-Gen. J. F. Oketta, Office of the Prime Minister, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009, slides 2 and 22.

⁵⁶³ Human Rights Watch has previously reported that deminers in the northern district of Gulu have found RBK-250/275 cluster bombs and AO-ISCh submunitions. These cluster bombs and submunitions are likely of Soviet/Russian origin. Photographs and information provided to Human Rights Watch by UNDP. See also, CMC, “Africa and the Oslo Process the Ban Cluster Munitions,” prepared by Human Rights Watch, September 2008; and Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 173.

⁵⁶⁴ Presentation by Maj.-Gen. J. F. Oketta, Office of the Prime Minister, Berlin Conference on the Destruction of Cluster Munitions, 25 June 2009, slide 4.

⁵⁶⁵ Response to Monitor questionnaire by Vicent Woboya, UMAC, 1 April 2010; and email from Vicent Woboya, UMAC, 8 April 2010.



States Not Party

Algeria

Policy

The People's Democratic Republic of Algeria has not yet acceded to the Convention on Cluster Munitions.

In December 2010, an Algerian official said that the government's policy on joining the Convention on Cluster Munitions had not changed.¹ Previously, in December 2009, the same official told the Monitor that, "after a study conducted by different relevant authorities taking into consideration the internal situation in Algeria, its huge borders, and the regional situation, it was decided not to sign the convention at the present time."²

Algeria participated in several meetings of the Oslo Process, but did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.³ Algeria participated in an international meeting on cluster munitions held in Santiago, Chile in June 2010, but did not attend the First Meeting of State Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Algeria is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons (CCW). Algeria has expressed a preference for cluster munitions to be addressed within the framework of the CCW, but it did not engage in CCW deliberations on cluster munitions in 2010 or the first half of 2011.⁴

Use, production, transfer, and stockpiling

Algeria is not known to have used, produced, or exported cluster munitions. It is thought to have a stockpile of cluster munitions. Jane's Information Group notes that KMG-U dispensers that deploy submunitions are in service for aircraft of the Algerian Air Force.⁵ Also according to Jane's, it possesses Grad 122mm, Uragan 220mm, and Smerch 300mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁶

Andorra

Policy

The Principality of Andorra has not acceded to the Convention on Cluster Munitions.

▲
A Serbian survivor celebrates the first anniversary of the entry into force of the Convention on Cluster Munitions at an event in FYR Macedonia.

¹ Interview with Hamza Khelif, Counselor, Permanent Mission of Algeria to the UN in Geneva, Geneva, 1 December 2010.

² Interview with Hamza Khelif, Deputy Director of Disarmament, Ministry of Foreign Affairs, at the Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009.

³ For details on Algeria's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 185.

⁴ Interview with Hamza Khelif, Ministry of Foreign Affairs, at the Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009. Algeria participated as an observer in the CCW Annual Meeting of High Contracting Parties in November 2010, but did not make a statement. It did not attend any CCW Group of Governmental Experts on Cluster Munitions meetings in 2010 or the first half of 2011.

⁵ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 835.

⁶ Colin King, ed., *Jane's Explosive Ordnance Disposal*, CD-edition, 14 December 2007 (Surrey, UK: Jane's Information Group Limited, 2008).

In March 2011, Andorra's Minister of Foreign Affairs and Institutional Relations, Xavier Esport Miró, told the Monitor that Andorra has joined almost 40 humanitarian conventions over the past decade and said that, as "a small country with limited economic and human resources at its disposal," Andorra's accession to the Convention on Cluster Munitions is "not foreseen ... for the moment."⁷ The minister welcomed "progress in the fight against cluster munitions" and described 2010 as a landmark year for the convention.⁸

Previously, in a statement to the opening of the UN General Assembly (UNGA) in September 2010, Andorra's former Head of Government, Jaume Bartumeu Cassany, said that Andorra intended to join the Convention on Cluster Munitions "to show its commitment to disarmament."⁹ This followed a January 2010 meeting with the Monitor, in which Bartumeu said that he did not see any obstacles for Andorra to join the convention.¹⁰ In April 2011, Bartumeu was replaced as head of government by Antoni Martí Petit after elections that resulted in the defeat of the Social Democratic Party (Partit Socialdemòcrata, PS).

In October 2010, Andorra's ambassador to the UN told the CMC that Andorra is "One hundred percent in favor of abolishing of cluster munitions" and said accession was just a matter of time.¹¹ For Andorra to join the convention, a decision must be taken by the government and approved by the legislative body, the General Council. In May 2010, Andorra informed the Monitor that the Ministry of Foreign Affairs was preparing the necessary documents to join the convention.¹²

Andorra attended a regional meeting of the Oslo Process that created the convention (Brussels in October 2007), but has not participated in any subsequent regional or international meetings on cluster munitions.

Andorra is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

In March 2011, Andorra confirmed that it has never used, produced, transferred, or stockpiled cluster munitions.¹³

Argentina

Policy

The Republic of Argentina has not acceded to the Convention on Cluster Munitions.

In March 2011, government officials said that Argentina would continue to attend meetings of the convention as an observer, but provided no indication that accession to the convention is being actively considered.¹⁴ In June 2011, Argentina's Permanent Mission to the UN in Geneva said there was "no new information" available on Argentina and the cluster munition ban.¹⁵

On 12 May 2010, Deputy Natalia Gambaro introduced a congressional resolution calling on Argentina to join the Convention on Cluster Munitions.¹⁶ The Foreign Affairs Committee reviewed and approved the resolution in June 2010; as of April 2011, it was awaiting consideration by the full House of Representatives.¹⁷

Argentina actively participated in the Oslo Process that produced the convention and joined in the consensus adoption of the convention at the negotiations in Dublin in May 2008, but did not attend the Oslo Signing Conference in December 2008.¹⁸

⁷ Letter to Mary Wareham, Senior Advisor, Arms Division, Human Rights Watch, from Xavier Esport Miró, Minister of Foreign Affairs and Institutional Relations, 9 March 2011.

⁸ Ibid.

⁹ Statement by Jaume Bartumeu Cassany, Head of Government of Andorra, to UNGA General Debate, 27 September 2010, www.un.org.

¹⁰ Interview with Prime Minister Jaume Bartomeu, Head of Government of Andorra, Andorra la Vella, 4 January 2010.

¹¹ CMC meeting with Amb. Narcís Casal Fonsdeviela, Permanent Mission of Andorra to the UN, New York, 21 October 2011. Notes by the CMC.

¹² Email from Marian Sanchiz Rego, Chief of Staff of the Head of Government, 17 May 2010.

¹³ Letter to Mary Wareham, Human Rights Watch from Xavier Esport Miró, Minister of Foreign Affairs and Institutional Relations, 9 March 2011.

¹⁴ Interview with Gustavo Ainchil, Minister, Director of Department of International Security and Nuclear Space Affairs, Ministry of Foreign Affairs, International Trade, and Culture, Buenos Aires, 16 March 2011.

¹⁵ Letter to the Monitor from Permanent Mission of Argentina to the UN in Geneva, 6 June 2011, MFO/egd VI/721 No. 03/11.

¹⁶ Natalia Gambaro statement, "se solicita al P. Ejecutivo la firma de la convención sobre municiones en racimo," 12 May 2010, www.nataliagambaro.com.

¹⁷ House of Representatives, Order of the Day No. 495, 15 June 2010.

¹⁸ For detail on Argentina's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 185–188.

Officials have continued to cite two provisions in the convention that Argentina opposed during the negotiations as among the reasons for being hesitant to join: the provision that excludes from the ban munitions that contain submunitions, but may not have the same negative humanitarian effects as cluster munitions; and the provision designed to facilitate “interoperability” (joint military operations with states not party). Argentina views these as potential loopholes for ongoing use of cluster munitions.¹⁹

At the beginning of the Oslo Process, Argentina supported technical solutions to the cluster munition problem, noting that it was developing a new generation of cluster munitions with low failure rates.²⁰ It supported a definition that would exempt cluster munitions with submunitions with self-destruct mechanisms.²¹ This position evolved into support of a broad definition prohibiting all cluster munitions, and a total ban without exceptions.²²

During the Oslo Process, Argentina also expressed strong support for work on cluster munitions in the Convention on Conventional Weapons (CCW). Argentine officials have stated that the government is committed to pursuing a new protocol on cluster munitions in CCW and will not re-evaluate its policy on cluster munitions until it is determined if such an instrument can be adopted in the UN framework.²³ Argentina believes that a CCW protocol on cluster munitions could be “complementary” to the Convention on Cluster Munitions and not mutually exclusive.²⁴ Argentina has not explained why it would support a CCW protocol that would fall far short of banning all cluster munitions, while rejecting the Convention on Cluster Munitions on such grounds.

Officials have stressed that Argentina is “firmly opposed” to the use, transfer, and production of cluster munitions,²⁵ and remains supportive of a ban on cluster munitions.²⁶

Argentina has shown limited interest in the convention since the negotiations in May 2008. An official from the Argentine embassy in Kuala Lumpur attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make a statement. Argentina participated in intersessional meetings of the convention in Geneva in June 2011.

Argentina is a State Party to the Mine Ban Treaty.

Argentina is party to the CCW, but has not ratified CCW Protocol V on explosive remnants of war. Argentina was not a notably active participant in CCW discussions on cluster munitions in 2010 and the first half of 2011. In November 2010, Argentina expressed regret that the CCW had not produced “final and concrete results” on cluster munitions, but supported a continuation of discussions in 2011.²⁷ In 2009, Argentina served as chair of the CCW Group of Governmental Experts (GGE) on cluster munitions.

Local NGO Asociación Para Políticas Publicas (Association for Public Policy, APP) is campaigning for Argentina to join the Convention on Cluster Munitions.²⁸

Use, production, transfer, and stockpiling

Argentina is not known to have ever used or exported cluster munitions, and does not currently produce or stockpile them. In the past, it imported and stockpiled cluster munitions, and had a nascent production program.

In March 2009, Argentina stated, “At present, the Republic of Argentina doesn’t have cluster munitions, it hasn’t utilized or transferred them.”²⁹

¹⁹ Letter from the CMC to Jorge Enrique Tariana, Minister of Foreign Affairs, 31 May 2010; and see also, Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 186–187.

²⁰ Statement of Argentina, Oslo Conference on Cluster Munitions, 22–23 February 2007. Notes by the CMC/WILPF.

²¹ Statement of Argentina, Lima Conference on Cluster Munitions, 23–25 May 2007, notes by the CMC/WILPF; and CMC, “CMC Report on the Lima Conference and Next Steps,” May 2007, www.stopclustermunitions.org.

²² For details on Argentina’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 185–188.

²³ Interview with Susana Carranza, Political Desk, Ministry of Defense and Navy Capitan (ret) Carlos Nielsen, Advisor to the Joint Chief of Staff of the Armed Forces, Buenos Aires, 31 March 2011; interview with Gustavo Ainchil, Ministry of Foreign Affairs, International Trade, and Culture, Buenos Aires, 23 February 2010; and interview with Susana Carranza, Department of International Affairs, Ministry of Defense, Buenos Aires, 25 March 2010.

²⁴ Statement of Argentina, CCW Meeting of States Parties, Geneva, 25 November 2010, notes by Action on Armed Violence (AOAV); and interview with Gustavo Ainchil, Ministry of Foreign Affairs, International Trade, and Culture, Buenos Aires, 16 March 2011.

²⁵ Interview with Alfredo Forti, Secretary of International Affairs, Ministry of Defense, Buenos Aires, 31 March 2010.

²⁶ Interview with Gustavo Ainchil, Ministry of Foreign Affairs, International Trade, and Culture, Buenos Aires, 23 February 2010.

²⁷ Statement of Argentina, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOA.

²⁸ On 1 August 2010, APP held a drumming action in Buenos Aires to celebrate entry into force of the Convention on Cluster Munitions. The next day, a roundtable discussion on cluster munitions was held with speakers from the government of Norway, UNDP, Consejo Argentino de Relaciones Internacionales, and APP. See Rodrigo Lloret, “Argentina no respalda la Convención para prohibir las bombas de racimo,” *Perfil.com*, 15 August 2010, www.diarioperfil.com.ar; Channel “América 24” TV programme “Encuentro Global”; and UN Radio.

²⁹ Letter from Amb. Jorge Argüello, Permanent Mission of Argentina to the UN in New York, 13 March 2009.

Argentina said in May 2007 that it had already destroyed its stocks of cluster munitions.³⁰ Military officials informed Human Rights Watch in September 2006 that stocks of French BLG-66 Belouga and United States Rockeye air-dropped bombs were destroyed by 2005.³¹

In March 2010, a government official said that there was no intention to produce cluster munitions in the future.³²

In the past, the Armed Forces Center for Technical and Scientific Research (Centro de Investigaciones Técnicas y Científicas de las Fuerzas Armadas, CITEFA) developed and initiated production of the CME 155mm artillery projectile which contains 63 dual purpose improved conventional munition (DPICM) submunitions equipped with a backup pyrotechnic self-destruct mechanism.³³ According to military officials, this effort did not reach full scale production and was dismantled, and the projectiles were never fielded by the armed forces of Argentina.³⁴

Cluster Munition Remnants

The United Kingdom dropped a maximum of 107 BL755 cluster munitions containing a total of 15,729 submunitions on Argentinean positions during the armed conflict in the Malvinas/Falkland Islands in 1982.³⁵ Argentina has stated that it is still affected by cluster munitions used during the conflict.³⁶

Armenia

Policy

The Republic of Armenia has not acceded to the Convention on Cluster Munitions.

Armenia did not make any statements on the convention in the second half of 2010 or first half of 2011. Previously, in April 2010, a Ministry of Foreign Affairs official said, “Armenia values the new Convention as an important step toward the total elimination of an entire category of excessively injurious conventional weapons.... However, at this moment Armenia cannot become a member of the Convention on Cluster Munitions, due to the same reasons as it is with the [Mine Ban Treaty].”³⁷ Armenia has consistently stated that it cannot join the Mine Ban Treaty unless Azerbaijan does so, and settlement of the Nagorno-Karabakh conflict is reached.³⁸

Armenia did not participate in the Oslo Process that created the Convention on Cluster Munitions.³⁹ It has never attended a regional or international meeting on cluster munitions.

Armenia is not party to the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

In an April 2010 letter, Armenia declared that it has “never produced or exported” cluster munitions.⁴⁰

³⁰ Statement of Argentina, Lima Conference on Cluster Munitions, Session on Stockpile Destruction, 24 May 2007. Notes by the CMC/WILPF.

³¹ Human Rights Watch, “Survey of Cluster Munition Policy and Practice,” February 2007, www.hrw.org.

³² Interview with Alfredo Forti, Ministry of Defense, Buenos Aires, 31 March 2010.

³³ CITEFA, “Informe Referido a Empleo de Submuniciones” (“Report Referring to Employment of Submunitions”), undated, provided to Pax Christi Netherlands by the Permanent Mission of Argentina to the UN in Geneva, 14 June 2005; and Argentina, “Replies to Document CCW/GGE/X/WG.1/WP.2, Entitled ‘International Humanitarian Law and ERW,’” CCW/GGE/XI/WG.1/WP.10, 2 August 2005, p. 3.

³⁴ Interview with Navy Capitan (ret) Carlos Nielsen, Advisory to the Joint Chiefs of Staff of the Armed Forces, Buenos Aires, 31 March 2011; and remarks made to Human Rights Watch by members of the Argentine delegation to the Latin American Regional Conference on Cluster Munitions, San José, 5 September 2007.

³⁵ Human Rights Watch, “Cluster Munition Information Chart,” March 2009, www.hrw.org.

³⁶ Interview with Alfredo Forti, Ministry of Defense, Buenos Aires, 31 March 2010; interview with Guillermo R. Rossi, Plenipotentiary Minister, Malvinas and South Atlantic Office, Ministry of Foreign Affairs, International Trade, and Culture, Buenos Aires, 23 March 2009; and remarks of Argentina, Oslo Conference on Cluster Munitions, 22–23 February 2007. Notes by the CMC/WILPF.

³⁷ Letter No. 19/06300 from Armen Yedigarian, Head, Department of Arms Control and International Security, Ministry of Foreign Affairs, 29 April 2010.

³⁸ Ibid; and letter No. 13/15938 from Arman Kirakosian, Deputy Minister, Ministry of Foreign Affairs to the CMC, 5 November 2008. Both letters assert that Azerbaijan “still stores a significant quantity and uses the Cluster Munitions.”

³⁹ For detail on Armenia’s policy and practice regarding cluster munitions through early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 193–194.

⁴⁰ Letter No. 19/06300 from Armen Yedigarian, Ministry of Foreign Affairs, 29 April 2010.

In the letter, Armenia acknowledged a stockpile of antipersonnel mines, but did not state if it stockpiles cluster munitions.⁴¹ Armenia is not specifically known to stockpile cluster munitions. It possesses Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁴² Armenia also possesses Chinese-made WM-80 273mm multiple rocket launchers, and the only known ammunition types for this system are a unitary high explosive variant and another that contains 380 dual purpose submunitions.⁴³

Submunition contamination has been identified in Nagorno-Karabakh, a territory claimed by Azerbaijan but occupied and under the control of a breakaway government since the 1988–1994 conflict between Azerbaijan and Armenia.⁴⁴ There are also reports of contamination in other parts of occupied Azerbaijan, adjacent to Nagorno-Karabakh, which are under the control of Armenian forces.⁴⁵ It is unclear which country's armed forces used cluster munitions.⁴⁶

Azerbaijan

Policy

The Republic of Azerbaijan has not acceded to the Convention on Cluster Munitions.

Government officials have been more open to discussing the convention in the past two years, but have stated that Azerbaijan will not join the convention until the conflict with Armenia is settled, including the status of Nagorno-Karabakh.

In August 2010, a Ministry of Foreign Affairs official said that the government “supports” the Convention on Cluster Munitions, but cannot join “at this stage” because of the “ongoing occupation” of Nagorno-Karabakh and “seven areas adjoining regions” of Azerbaijan by Armenia.⁴⁷

In November 2010, the director of the Azerbaijan National Agency for Mine Action (ANAMA), said that the Armenia-continued occupation of parts of Azerbaijan as well as Nagorno-Karabakh means it is not possible for Azerbaijan to join the convention at this time.⁴⁸

Azerbaijan participated in some of the Oslo Process meetings that led to the creation of the Convention on Cluster Munitions, but did not attend the formal negotiations in Dublin in May 2008.⁴⁹ It has not attended any regional or international meetings held on cluster munitions since 2008.

On 2 August 2010, the Azerbaijan Campaign to Ban Landmines (AzCBL) convened a roundtable event in Baku to celebrate the Convention on Cluster Munitions' entry into force, which included a short film screening and dissemination of the text of the convention as translated by the campaign into Azerbaijani.⁵⁰

Azerbaijan is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Azerbaijan is not known to have produced or exported cluster munitions. It inherited a stockpile of cluster munitions from the Soviet Union. Jane's Information Group reports that RBK-250, RBK-250/275, and RBK-500 cluster bombs are in service with the country's air force.⁵¹ RBK-250 bombs with PTAB submunitions were among the abandoned Soviet-

⁴¹ Ibid.

⁴² International Institute for Strategic Studies, *The Military Balance 2011*, (London: Routledge, 2011), p. 85; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008, (Surrey, UK: Jane's Information Group Limited, 2008).

⁴³ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 721.

⁴⁴ Nagorno-Karabakh is not recognized by any UN member state. Prior to the dissolution of the Soviet Union, the Parliament of the Nagorno-Karabakh Autonomous Province voted in 1988 to secede from the Azerbaijan Soviet Socialist Republic (SSR) and join the Armenian SSR, which resulted in armed conflict from 1988–1994. The region declared independence as the Nagorno-Karabakh Republic in 1991.

⁴⁵ There are reports of contamination in the Fizuli, Terter, and Tovuz districts. Azerbaijan Campaign to Ban Landmines, “Cluster Munitions in Azerbaijan,” undated, www.azcbl.org.

⁴⁶ ICBL, *Landmine Monitor Report 2008: Toward a Mine-Free World* (Ottawa: Mines Action Canada: October 2008), pp. 1,088–1,089.

⁴⁷ Statement by Elchin Huseynli, Arms Control Department, Ministry of Foreign Affairs, Baku, 2 August 2010. The AzCBL organized this roundtable meeting on the mine and cluster munitions problem in Azerbaijan and globally; “Azerbaijan not join the UN Convention on the prohibition of cluster munitions,” *Zerkalo* (newspaper) www.zerkalo.az, 3 August 2010; and letter No. 115/10/L from Amb. Murad N. Najafbayli, Permanent Mission of the Republic of Azerbaijan to the UN in Geneva, to the CMC, 10 May 2010.

⁴⁸ Interview with Nazim Ismayilov, Director, ANAMA, Baku, 18 November 2010.

⁴⁹ For details on Azerbaijan's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 188.

⁵⁰ Participants included government officials, diplomatic representatives, ICRC, UNDP, NGO members, mine survivors and local media. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 12.

⁵¹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 835.

era ammunition stockpiles located near the village of Saloglu in the northwestern part of the country.⁵² Azerbaijan also possesses Grad 122mm and Smerch 300mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁵³

Cluster Munition Remnants

Azerbaijan is affected by cluster munition remnants. In 2007, the Azerbaijan Campaign to Ban Landmines conducted a survey of cluster munition contamination in the non-occupied border regions of Azerbaijan. It concluded that cluster munitions had been used in Aghdam, Aghdara, and Fizuli districts/regions.⁵⁴

Significant contamination from cluster munition remnants has also been identified in Nagorno-Karabakh (see the profile for Nagorno-Karabakh).⁵⁵ In 2006 and 2007, cluster munition remnants were found in and around warehouses at a former Soviet ammunition storage area (ASA) located at Saloglu in Agstafa district. None have since been encountered (see below section, Clearance of cluster munition contaminated area).

Clearance of cluster munition contaminated area

No cluster munition remnants were cleared in 2010.⁵⁶ In 2006, at Saloglu, 16 “9M 27 K” cluster munition rockets were destroyed (each rocket has 24 submunitions). In 2007, 181 “Z-O-13” cluster munition artillery shells were destroyed (each item has eight submunitions). In 2008–2010, no cluster munition remnants were found at Saloglu.⁵⁷

Bahamas

Policy

The Commonwealth of the Bahamas has not yet acceded to the Convention on Cluster Munitions. The Bahamas did not participate in the Oslo Process that created the convention. It has never attended a meeting on cluster munitions or made a statement on cluster munitions.

The Bahamas is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

The Bahamas is not believed to have used, produced, transferred or stockpiled cluster munitions.

Bahrain

Policy

The Kingdom of Bahrain has not acceded to the Convention on Cluster Munitions.

In January 2011, eight Bahraini members of parliament endorsed a call by the NGO Protection Against Armaments and their Consequences for the government of Bahrain to join both the Convention on Cluster Munitions and the Mine Ban Treaty.⁵⁸ A Ministry of Foreign Affairs official responded that both conventions were “being studied by different ministries, who are considering the regional and international situation and positions of other states in the region.”⁵⁹

⁵² Human Rights Watch visit to Saloglu, May 2005.

⁵³ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 88; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

⁵⁴ Azerbaijan Campaign to Ban Landmines, “Information Bulletin,” January 2008.

⁵⁵ Interview with Nazim Ismayilov, Director, ANAMA, Baku, 2 April 2010; see also Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice*, Mines Action Canada, May 2009, p. 188.

⁵⁶ Email from Tural Mammadzada, Operations Officer, ANAMA, 6 May 2011.

⁵⁷ ANAMA, “Azerbaijan National Agency for Mine Action 2010,” 2009, p. 10; and email from Tural Mammadzada, ANAMA, 6 May 2011.

⁵⁸ The eight MPs were Abdelgalil Khalil, Jasem Husien, Abdelhusien Almetghouy, Jawad Fairouz, Abdalah Alaaly, Sayed Hady Almoussaouy, Matar Ibrahim Matar, and Sayed Gamel Alalawy. Monitor event, Manama, 2 January 2011. Notes by Protection Against Armaments and their Consequences.

⁵⁹ Amb. Karim E. Al-Shakar, Undersecretary of International Affairs, Ministry of Foreign Affairs, Monitor event, Manama, 2 January 2011. Notes by Protection Against Armaments and their Consequences.

Previously in August 2009, Minister of Foreign Affairs Khalid bin Ahmed Al-Khalifa expressed support for the entry into force of the Convention on Cluster Munitions “so as to avoid further civilian casualties from these weapons” and said that authorities in Bahrain were studying the possibility of joining it.⁶⁰

During the Wellington Conference on Cluster Munitions in February 2008, Bahrain called upon all states “to stop using such weapons, and should consider such use as a crime against humanity” and said it “strongly supports all efforts to eliminate all kinds of cluster munitions, and to prohibit their use, transfer, trade and stockpiling.”⁶¹

Bahrain participated in a couple of meetings of the Oslo Process that created the convention and joined in the consensus adoption of the convention in Dublin in May 2008, but did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.⁶²

Bahrain has not participated in any regional or international meetings on cluster munitions held since 2008, such as the convention’s First Meeting of States Parties in Vientiane, Lao PDR in November 2010.

On 2 January 2011, ICBL-member Protection Against Armaments and their Consequences held an event in Manama to release the Middle East and North Africa findings of the Monitor’s 2010 reports. Bahraini officials, members of parliament, diplomatic representatives, UN officials, and the media attended the event.

On 31 July 2010, Amnesty International’s Bahrain chapter organized an event to celebrate the convention’s entry into force at the Al-Riwaq Art Space in Manama. The event included a photo exhibition, a short film screening, and live drumming.⁶³

Bahrain is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Bahrain is not known to have used, produced, or exported cluster munitions, but has a sizeable stockpile. It has received significant exports from the United States (US). The US transferred 30,000 artillery projectiles (M509A1, M449A1, and M483) containing 5.06 million dual purpose improved conventional munition (DPICM) submunitions to Bahrain between 1995 and 2001 as this type of ammunition was being phased out of the US inventory.⁶⁴

The US has also provided M26 rockets and ATACMS-1A missiles with more than 1 million submunitions to Bahrain for its Multiple Launch Rocket System (MLRS) launchers. Bahrain purchased 151 M26A1 MLRS extended range rocket pods (six missiles per pod, 644 submunitions per rocket) in 1996, 55 rocket pods in 1997, and 57 rocket pods in 2003.⁶⁵ In 2000, the US sold Bahrain 30 M39 ATACMS-1A missiles, each with 950 M74 submunitions.⁶⁶

Additionally Jane’s Information Group lists Bahrain as possessing the Hydra-70 air-to-surface unguided rocket system, but it is not known if this stockpile includes the M261 multipurpose submunition variant.⁶⁷

Bangladesh

Policy

The People’s Republic of Bangladesh has not acceded to the Convention on Cluster Munitions.

In October 2010, a government representative said that the question of Bangladesh joining the convention was an issue of priorities.⁶⁸

⁶⁰ The Minister also noted that, “Bahrain was closely involved in the process of negotiating the Convention...driven by my Government’s deep concern to ensure the protection of civilians from such indiscriminate weapons.” Letter from Khalid bin Ahmed Al-Khalifa, Minister of Foreign Affairs, to Human Rights Watch, 23 August 2009 (forwarded to Human Rights Watch through the Embassy of the Kingdom of Bahrain, Washington, DC, 11 September 2009).

⁶¹ Statement by Amb. Karim E. Al-Shakar, Ministry of Foreign Affairs, Wellington Conference on Cluster Munitions, 18 February 2008.

⁶² For details on Bahrain’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 189–190.

⁶³ CMC, “Report: Entry into force of the Convention on Cluster Munitions, 1 August 2010,” November 2010, p. 19; and Tom Hanratty, “Ban cluster bombs!” *Gulf Daily News*, 7 August 2010.

⁶⁴ US Defense Security Cooperation Agency, Department of Defense, “Excess Defense Article,” undated, www.dsca.osd.mil.

⁶⁵ US Department of Defense, “Memorandum for Correspondents No. 091-M,” 10 May 1996; and Lockheed Martin Corporation, “Bahrain Purchases Lockheed Martin’s Multiple Launch Rocket System Extended-Range Rockets,” Press release, 20 December 2003.

⁶⁶ US Department of Defense, “News Release No. 591-00: Proposed Foreign Military Sale to Bahrain Announced,” 26 September 2000. The 30 ATACMS missiles contained 28,500 submunitions.

⁶⁷ Colin King, ed., *Jane’s Explosive Ordnance Disposal*, CD-edition, 14 December 2007 (Surrey, UK: Jane’s Information Group Limited, 2008).

⁶⁸ Meeting with Sarwar Mahmood, Counselor, Permanent Mission of the People’s Republic of Bangladesh to the UN, New York, 19 October 2010. Notes by the CMC.

Previously, during a regional conference on cluster munitions held in November 2009, Bangladesh expressed its unwavering commitment to disarmament (it is constitutionally mandated to campaign on international disarmament), but provided no information on its policy or progress toward joining the Convention on Cluster Munitions.⁶⁹

Bangladesh participated in several meetings of the Oslo Process that created the convention, but did not attend the formal negotiations in Dublin in May 2008.⁷⁰ Since 2008, Bangladesh has continued to show an interest in the convention. It attended a regional conference on cluster munitions in Bali, Indonesia in November 2009. On 18 April 2011, parliamentary representatives from Bangladesh attended a briefing on the convention held during the 124th General Assembly of the Inter-Parliamentary Union in Panama City, Panama. Bangladesh did not participate in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Bangladeshi NGO Latifa Gono Shohay Angon undertook several activities to celebrate the 1 August 2010 entry into force of the Convention on Cluster Munitions, including distribution of a flyer urging Bangladesh to join the convention at an event in front of the national monument in Dhaka.⁷¹

Bangladesh is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war. Bangladesh has attended some of the CCW discussions on cluster munitions, but has not made any statements.

Bangladesh is not believed to have used, produced, or exported cluster munitions, and is not known to possess any stockpiles of cluster munitions.

Barbados

Policy

Barbados has not yet acceded to the Convention on Cluster Munitions. Barbados did not participate in the Oslo Process that created the convention. It has never attended a meeting on cluster munitions or made an official statement on the issue.

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

Barbados is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Belarus

Policy

The Republic of Belarus has not acceded to the Convention on Cluster Munitions.

In November 2010, a government representative said that Belarus considers the convention to be “too strict” and not applicable for Belarus as it may threaten its security.⁷²

Previously, in October 2008, Belarus said that it “shares the humanitarian concerns” caused by the use of cluster munitions and “welcomes the decisions of a number of countries to renounce the use of cluster munitions,” but believes that new agreements should be “developed in the course of a step-by-step process and open discussion.”⁷³

Belarus views the Convention on Conventional Weapons (CCW) as “the most appropriate forum for negotiations on international agreement on cluster munitions.”⁷⁴ In September 2010, Belarus said it views the CCW deliberations on cluster munitions as “an attempt by users and producers [of cluster munitions] to reach a reasonable balance on set of rules [involving] serious compromise.”⁷⁵

⁶⁹ Statement of Bangladesh, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions, Bali, 17 November 2009. Notes by Action on Armed Violence.

⁷⁰ For more information on Bangladesh’s policy and practice regarding cluster munitions through early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), p. 196.

⁷¹ CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 13.

⁷² Meeting with Ivan Grinevich, Counsellor, Ministry of Foreign Affairs of Belarus, Geneva, 30 November 2010. Notes by the CMC.

⁷³ Statement of Belarus, UN General Assembly, First Committee, New York, 30 October 2008. Translation provided by email from Tatiana Fedorovich, Permanent Mission of Belarus to the UN in New York, 26 November 2008.

⁷⁴ Ibid.

⁷⁵ Statement of Belarus, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 1 September 2010. Notes by Action on Armed Violence (AOAV).

Belarus did not participate in the Oslo Process that created the Convention on Cluster Munitions and has not attended any meetings of the convention in the period since 2008, even as an observer.⁷⁶

CMC member Belarus Support Center for Associations and Foundations (SCAF) meets regularly with government officials and conducts awareness-raising activities to promote the Convention on Cluster Munitions.⁷⁷ According to SCAF, the Convention on Cluster Munitions is not a high priority for the government as it is prioritizing the destruction of its stockpile of PFM-1 antipersonnel mines.⁷⁸ Belarus is a party to the Mine Ban Treaty, but missed its 1 March 2008 treaty-mandated deadline for the destruction of all stockpiled antipersonnel mines.⁷⁹ It now expects to finish destruction by 2013. (See Belarus Country Profile for more on mine destruction status).

Belarus is a party to the CCW and its Protocol V on explosive remnants of war. Belarus continued to engage in CCW deliberations on cluster munitions in 2010 and the first half of 2011. In November 2010, Belarus expressed support for continued CCW work on cluster munitions and noted, “We have brought our positions much closer together and are near to a balance of military and humanitarian considerations.”⁸⁰

Belarus has objected to any effort to ensure coherence between the CCW and the Convention on Cluster Munitions, warning that it would be “judicious to refrain from discussion of the details, or any separate processes” in the CCW.⁸¹ At a March 2011 CCW meeting, Belarus urged major stockpilers and producers at CCW to indicate how much of their stockpiles would be impacted by a proposed CCW prohibition on cluster munitions produced prior to 1980.⁸²

Use, production, transfer, and stockpiling

In September 2010, Belarus said, “Our country is not a producer of cluster munitions.”⁸³ It is not believed to have used or exported cluster munitions.

Belarus inherited a stockpile of cluster munitions from the Soviet Union. In September 2010, Belarus said it doesn’t have a “major” stockpile of cluster munitions, but it has not provided any information on the types or quantities.⁸⁴

According to Jane’s Information Group, RBK-500 cluster bombs are in service with the country’s air force.⁸⁵ Belarus also possesses Grad 122mm, Uragan 220mm, and Smerch 300mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁸⁶

According to a CMC member in Belarus, cluster munitions with expired shelf-life are regularly destroyed by the Ministry of Defense.⁸⁷

Belize

Policy

Belize has not yet acceded to the Convention on Cluster Munitions. In March 2010, Belize informed the Monitor that it was “considering the feasibility” of joining the convention.⁸⁸

Belize participated in the Oslo Process that created the convention and sought a strong treaty text.⁸⁹ At the conclusion of the Dublin negotiations, Belize joined in the consensus adoption of the Convention on Cluster Munitions, which it said would be forwarded to the capital with the “strongest recommendation for its adoption and endorsement.”⁹⁰

⁷⁶ For details on Belarus’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 190–191.

⁷⁷ On 1 August 2010, SCAF organized a concert and photo exhibition in Minsk to celebrate the convention’s entry into force. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 13.

⁷⁸ Email from Dr. Iouri Zagoumenov, Director, SCAF, 19 March 2009.

⁷⁹ See ICBL, “Country Profile: Belarus.” www.the-monitor.org.

⁸⁰ Statement of Belarus, CCW Meeting of the High Contracting Parties, Geneva, 25 November 2010. Notes by AOA.V.

⁸¹ *Ibid.*

⁸² Statement of Belarus, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOA.V.

⁸³ Statement of Belarus, CCW GGE on Cluster Munitions, Geneva, 1 September 2010. Notes by AOA.V.

⁸⁴ *Ibid.*

⁸⁵ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 836.

⁸⁶ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 89; and Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008, (Surrey, UK: Jane’s Information Group Limited, 2008).

⁸⁷ Interview with Dr. Iouri Zagoumenov, SCAF, Minsk, 1 April 2010.

⁸⁸ Letter FA/UN/32/10 (2) from Nyasha Laing, Legal Officer for Chief Executive Officer, Ministry of Foreign Affairs and Foreign Trade, 25 March 2010.

⁸⁹ For more information, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 198.

⁹⁰ Summary Record of the Committee of the Whole, Sixteenth Session: 28 May 2008, Dublin Diplomatic Conference, CCM/CW/SR/16, 18 June 2008.

Belize did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 and has not participated in any subsequent meetings of the convention, such as the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Belize is party to the Mine ban Treaty. It has not joined the Convention on Conventional Weapons.

Belize confirmed in March 2010 that it has never used, produced, transferred, or stockpiled cluster munitions.⁹¹

Bhutan

Policy

The Kingdom of Bhutan has not acceded to the Convention on Cluster Munitions.

In October 2010, Bhutan's permanent representative to the UN in New York said that the government views the convention as "a commendable achievement" and appreciates the work of civil society on the issue. According to Ambassador Lhatu Wangchuk, Bhutan respects the convention and is "looking at it very closely with a view to taking positive action." The government in Thimphu is "acutely aware of the issue" and "very positive" towards accession. The only obstacle is the human resource constraint of ensuring that officials with legal expertise have the necessary time to prepare the accession process.⁹²

Previously, in January 2010, a Ministry of Foreign Affairs official said there were no obstacles to Bhutan joining the convention, but that there were few resources available internally to undertake the accession process.⁹³

Bhutan did not participate in the Oslo Process that created the convention and has not participated in any convention-related meetings.⁹⁴

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

Bhutan is not believed to have used, produced, transferred, or stockpiled cluster munitions. In October 2010, Ambassador Wangchuk said that Bhutan is a peaceful country and confirmed it does not have any cluster munitions or any plans to acquire them.⁹⁵

Brazil

Policy

The Federative Republic of Brazil has not acceded to the Convention on Cluster Munitions.

In October 2010, government officials said that accession to the convention is not being considered because Brazil sees military utility in cluster munitions and views the weapon as a deterrent.⁹⁶ Brazil has objected to the non-traditional diplomatic process that brought about the convention, which, in its view, did not balance legitimate defense needs with humanitarian concerns.⁹⁷

Brazil's new Minister of Foreign Affairs, Antonio Patriota, has not yet made his views known on cluster munitions. In 2008, Brazil's former Minister of Foreign Affairs, Celso Amorim, called cluster munitions an inhumane weapon that should be eliminated.⁹⁸

⁹¹ Letter FA/UN/32/10 (2) from Nyasha Laing, Ministry of Foreign Affairs and Foreign Trade, 25 March 2010.

⁹² Meeting with Amb. Lhatu Wangchuk, Permanent Mission of the Kingdom of Bhutan to the UN, New York, 19 October 2010. Notes by the CMC.

⁹³ Interview with Kingye Singye, Minister-Counselor, Embassy of Bhutan, New Delhi, 29 January 2010.

⁹⁴ Bhutan's only participation in an event on cluster munitions was in October 2009 when it attended a Special Event on the Convention on Cluster Munitions at the UN in New York.

⁹⁵ Meeting with Amb. Lhatu Wangchuk, Permanent Mission of the Kingdom of Bhutan to the UN, New York, 19 October 2010. Notes by the CMC.

⁹⁶ CMC meeting with João Marcelo Galvão de Queiroz, Counselor, Permanent Mission of Brazil to the Conference on Disarmament, New York, 19 October 2010.

⁹⁷ For example, Statement of Brazil, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 7 November 2008. Notes by Landmine Action.

⁹⁸ The minister said this in June 2008 to a meeting of the Committee on Foreign Affairs and National Defense of the Chamber of Deputies. Mylena Fiori, "Brasil poderá aderir a acordo para acabar com produção de bombas cluster" ("Brazil may join the agreement to end production of cluster bombs"), 17 June 2008, www.agenciabrasil.gov.br. He said it again in December 2008 at the time of the Convention on Cluster Munitions Signing Conference in Oslo. "Brazil not to sign treaty banning cluster bombs," *Xinhua*, 4 December 2008, news.xinhuanet.com.

On 3 February 2009, Congressional Deputy Fernando Gabeira (PV-RJ) introduced Bill 4590/09 in the Chamber of Deputies to ban the use, production, import, and export of cluster munitions.⁹⁹ On 4 May 2010, the Committee on Foreign Affairs and National Defense held a public hearing on the draft legislation.¹⁰⁰ Gabeira left congress at the end of 2010, but has continued to advocate for Brazil to join the international ban on cluster munitions.¹⁰¹

Brazil participated minimally in the Oslo Process that produced the convention and did not attend the formal negotiations in Dublin in May 2008, even as an observer.¹⁰² During the Oslo Process, Brazil maintained that cluster munitions were effective militarily and said the most appropriate way to address cluster munitions was through existing international humanitarian law and the Convention on Conventional Weapons (CCW).¹⁰³ Brazil has criticized two provisions in the convention: the provision that excludes from the ban munitions that contain submunitions but may not have the same negative humanitarian effects as cluster munitions, and the provision designed to facilitate “interoperability” (joint military operations with states not party).¹⁰⁴

Brazil has not engaged in the work of the convention in 2010 or 2011. It was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Brazil did not participate in intersessional meetings of the convention in Geneva in June 2011.

Brazil is a State Party to the Mine Ban Treaty.

Convention on Conventional Weapons

Brazil is a party to the CCW and ratified CCW Protocol V on explosive remnants of war on 30 November 2010. Brazil continued to actively participate in CCW deliberations on cluster munitions in 2010 and the first half of 2011. In November 2010, Brazil stated its “strong” support for a continuation of CCW deliberations on cluster munitions in 2011, noting the result should be a “universally accepted instrument that produces real impact on the ground and can be regularly improved and developed as necessary.”¹⁰⁵ At a September 2010 CCW session, Brazil led an informal working group on transparency measures and recommended that some transparency reporting under the proposed protocol be made voluntary instead of mandatory as originally intended.¹⁰⁶ Brazil has continued to make CCW statements criticizing the Convention on Cluster Munitions and countries that have joined it.¹⁰⁷

Use, production, transfer, and stockpiling

Brazil has stated several times that it has never used cluster munitions.¹⁰⁸ It produces, exports, and stockpiles cluster munitions.

In May 2010, the Ministry of Defense stated that national military doctrine prohibits the use of cluster munitions in urban areas. It also stated that Brazil’s stockpiles of cluster munitions are limited and cluster bombs held by the Air Force should be destroyed soon because they are out of date. The Ministry of Defense also asserted that Brazil needs to retain its cluster munition production capacity at current levels in order to support local defense manufacturing capacity.¹⁰⁹

At least three companies have produced cluster munitions in Brazil, according to the companies’ own materials and to standard reference works. Avribrás Aeroespacial SA has produced the ASTROS family of surface-to-surface rockets with submunition warheads. At the hearing in May 2010, a representative from Avribrás said that the company generates

⁹⁹ Chamber of Deputies, Proposition PL-4590/2009, www.camara.gov.br. See also, Rodrigo Bittar, “Projeto proíbe fabricação e uso de bombas de fragmentação” (“Project prohibits the manufacture and use of cluster bombs”), *Agência Câmara*, 27 February 2009, www.direitos.org.br.

¹⁰⁰ Email from Gustavo Oliveira Vieira, Brazil Campaign to Ban Landmines and Cluster Bombs, 13 August 2010; and Hearing, Committee on Foreign Affairs and National Defense of the Chamber of Deputies, Brasília, 4 May 2010. The Monitor has a Portuguese transcript of the hearing.

¹⁰¹ See Fernando Gabeira web update, “Kadafi usa bombas condenadas,” 15 April 2011, www.gabeira.com.br; and Fernando Gabeira media statement, “Brasil, Líbia e os outros,” 3 April 2011, www.itamaraty.gov.br.

¹⁰² For more details on Brazil’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 191–193.

¹⁰³ Statement of Brazil, Latin American Regional Conference on Cluster Munitions, San José, 5 September 2007. Notes by Human Rights Watch.

¹⁰⁴ Statement by Santiago Irazabal Mourão, Director, Disarmament and Sensitive Technologies, Ministry of Foreign Affairs, Hearing, Committee on Foreign Affairs and National Defense of the Chamber of Deputies, Brasília, 4 May 2010; and “Report on the Hearing” provided by Gustavo Oliveira Vieira, Brazil Campaign to Ban Landmines and Cluster Bombs, 13 August 2010.

¹⁰⁵ Statement of Brazil, CCW Meeting of the High Contracting Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

¹⁰⁶ Statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 2 September 2010. Notes by AOAV.

¹⁰⁷ For example, at the November 2010 meeting, Brazil referred to the Convention on Cluster Munitions as an “illusory achievement” and criticized the “trend” of what it described as “aristocratic multilateralism” amongst like-minded countries. Statement of Brazil, CCW Meeting of the High Contracting Parties, Geneva, 25 November 2010. Notes by AOAV.

¹⁰⁸ Statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 8 April 2008, notes by Landmine Action; Statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 16 February 2009, notes by Landmine Action; and Statement of Brazil, CCW GGE on Cluster Munitions, Geneva, 14 April 2009, notes by Landmine Action.

¹⁰⁹ Statement by Marcelo Mário de Holanda Coutinho, Ministry of Defense, Hearing, Committee on Foreign Affairs and National Defense of the Chamber of Deputies, Brasília, 4 May 2010; and “Report on the Hearing” provided by Gustavo Oliveira Vieira, Brazil Campaign to Ban Landmines and Cluster Bombs, received 13 August 2010.

\$60–70 million per year from cluster munitions and claimed that cluster bombs produced by Avribrás have a failure rate of less than 1%.¹¹⁰

These weapons have been exported to Iran, Iraq, and Saudi Arabia.¹¹¹ Brazil also exported the ASTROS system to Malaysia in 2002, and an additional sale of more launch units was completed in 2010, but it is not known if the ammunition types include the variant with a submunition payload.¹¹²

In March 2011, Deputy Gabeira said the government had refused “as a matter of security” to respond to his request for a list of the countries to which Brazil has exported cluster munitions.¹¹³

The ASTROS Multiple Launch Rocket System was used by Saudi Arabian forces against Iraqi forces during the Battle of Khafji in January 1991, leaving behind significant numbers of unexploded submunitions.¹¹⁴

The company Ares Aeroespacial e Defesa Ltda has produced the FZ-100 70mm air-to-surface rockets, akin to the Hydra M261 multipurpose submunitions.¹¹⁵ Additionally, Target Engenharia et Comércio Ltda. has produced two types of cluster bombs (BLG-120 and BLG-252) for the Brazilian Air Force and reportedly for export.¹¹⁶

In a May 2010 letter to the Minister of Defense, the CMC wrote, “There are a number of positive steps Brazil could take as it considers joining the Convention. Most notably, Brazil could clarify if any production of cluster munitions is ongoing and it could put in place a moratorium on use, production and transfer.... As a confidence-building measure, Brazil should provide complete information on its stockpile of cluster munitions.”¹¹⁷

Brunei

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Non-signatory
Participation in Convention on Cluster Munitions meetings	First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010
Key developments	Reviewing the convention, confirms no stockpile

Policy

Brunei Darussalam has not acceded to the Convention on Cluster Munitions.

Brunei has never made a public statement detailing its views on cluster munitions. In November 2010, a government representative told CMC representatives that Brunei was reviewing the convention.¹¹⁸

Brunei participated in several meetings of the Oslo Process that created the convention and joined in the consensus adoption of the convention in Dublin on 30 May 2008. Brunei did not, however, attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.¹¹⁹

¹¹⁰ Statement by José de Sá Carvalho, Jr, “Commercial Director–Brazil and Americas,” Avribrás Aeroespacial SA, Hearing, Committee on Foreign Affairs and National Defense of the Chamber of Deputies, Brasília, 4 May 2010; and “Report on the Hearing” provided by Gustavo Oliveira Vieira, Brazil Campaign to Ban Landmines and Cluster Bombs, received 13 August 2010. In a letter to the Defense Minister, the CMC noted this claim and stated, “However, failure rates in combat are always higher than failure rates in tests and so reliability performance in tests does not prevent the humanitarian harm that is caused in reality. The majority of the world has already rejected a prohibition based on failure rates as it cannot safeguard against the humanitarian impact of these weapons.” Letter from the CMC to Nelson Jobim, Minister of Defense, 17 May 2010.

¹¹¹ Terry J. Gander and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001); and Jonathan Beaty and S.C. Gwynne, “Scandals: Not Just a Bank,” *Time Magazine*, 2 September 1991, www.time.com.

¹¹² Federative Republic of Brazil, UN Register of Conventional Arms, Submission for Calendar Year 2002, 28 April 2004. It reported the transfer of 12 launch units. The Arms Transfers Database of the Stockholm International Peace Research Institute notes that the US\$300 million deal was signed in 2007 and deliveries began in 2009.

¹¹³ Media statement by Gabeira Brasil, “Líbia e os outros,” 3 April 2011, www.itamaraty.gov.br.

¹¹⁴ Human Rights Watch interviews with former explosive ordnance disposal personnel from a Western commercial clearance firm and a Saudi military officer with firsthand experience in clearing the dud dual purpose bomblets from ASTROS rockets, names withheld, Geneva, 2001–2003.

¹¹⁵ Aeroespacial e Defesa Ltda, “Cabeza Cargo de Submuniciones” (“Head charged submunitions”), www.ares.ind.br.

¹¹⁶ Brazilian Association of the Industries of Defense Materials and Security, “Product List, 2000 to December 2005,” abimde.com.br.

¹¹⁷ Letter from the CMC, to Nelson Jobim, Minister of Defense, 17 May 2010.

¹¹⁸ Interview with Sahrún Haji Hashim, Senior Legal Officer, Legal Unit, Ministry of Defense, Vientiane, 10 November 2010; and CMC meeting with Sahrún Haji Hashim, Ministry of Defense, Vientiane, 10 November 2010.

¹¹⁹ For detail on Brunei’s policy and practice regarding cluster munitions through early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), p. 201.

Brunei participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer. This was its first participation in a conference on cluster munitions since 2008.¹²⁰

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

Brunei is not believed to have used, produced, or transferred cluster munitions. In November 2010, a government representative told the Monitor that Brunei does not possess a stockpile of cluster munitions.¹²¹

Cambodia

Policy

The Kingdom of Cambodia has not acceded to the Convention on Cluster Munitions.

In June 2011, Cambodia informed the convention's first intersessional meetings that joining the convention is "just a matter of time" and said its lack of accession was, "not an issue of our commitment" to the convention and its merits. Cambodia stated, "Recently, there have been discussions at the highest level of the government and some common understanding in favor of the [convention] was reached. The issue is now in the hands of our top leadership. We hope that an announcement regarding our position vis-à-vis the [convention] can be made" before the Eleventh Meeting of States Parties to the 1997 Mine Ban Treaty, which Cambodia is hosting in Phnom Penh in November 2011.¹²²

Cambodia was an early, prominent, and influential supporter of the Oslo Process that produced the convention. It hosted the first regional forum on cluster munitions in Southeast Asia in Phnom Penh in March 2007. Cambodia advocated strongly for the most comprehensive and immediate ban possible and joined in the consensus adoption of the convention at the conclusion of the Dublin negotiations in May 2008. Yet, despite Cambodia's extensive and positive leadership role in the creation of the convention, it attended the Convention on Cluster Munitions Signing Conference in Oslo on 3 December as an observer only and did not sign, stating that it needed more time to study the security implications of joining.¹²³

Throughout 2009 and 2010, Cambodia continued to cite several reasons, mostly security-related, for its delay in joining the convention.¹²⁴ In November 2010, Cambodia stated that it was "still assessing the impact of signing [the convention] on national security, sovereignty and territorial integrity," and would "need time to assess" and "prepare itself" so signing "will be a matter of time."¹²⁵ In August 2010, the Secretary-General of the Cambodian Mine Action and Victim Assistance Authority expressed concern about Cambodia's ability to meet the convention's 10-year clearance obligation and noted, "If we sign, it means we bind our hands. We're studying how much it will cost to remove old cluster munitions and to protect our nation against border violations."¹²⁶

Cambodia's position toward joining the convention began to show signs of change after Thailand fired cluster munitions into Cambodian territory in February 2011. On 9 February 2011, the Cambodian Mine Action Center (CMAC), a government entity, claimed that Thai military forces had used cluster munitions during fighting on its border with Cambodia near Preah Vihear temple. CMAC said it had identified "evidence of heavy artillery such as 105MM, 130MM and 155MM used by Thai military, and CMAC experts have verified and confirmed that these artillery pieces contained Cluster Munitions including M35, M42 and M46 types."¹²⁷ On 9 February, Cambodian Prime Minister Hun Sen said that the clash at the border amounted to "a real war" in which Thailand had used cluster munitions.¹²⁸

In February and April 2011, CMC members conducted missions to areas contaminated by the cluster munition use in Cambodia including in Svay Chrum Village, Sen Chey Village, and around the Preah Vihear temple hill. They witnessed unexploded M42/M46 and M85 type (dual purpose improved conventional munition [DPICM]) submunitions as well as fragmentation damage caused by cluster munitions.¹²⁹ The Cambodia program of Norwegian People's Aid (NPA) was

¹²⁰ Brunei attended a Special Event on the Convention on Cluster Munitions at the UN in New York in October 2009.

¹²¹ Interview with Sahrun Haji Hashim, Ministry of Defense, Vientiane, 10 November 2010.

¹²² Statement of Cambodia, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011, www.clusterconvention.org.

¹²³ For detail on Cambodia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 193–195.

¹²⁴ See ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), p. 201.

¹²⁵ Statement of Cambodia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

¹²⁶ Leng Sochea, Secretary-General, Cambodian Mine Action and Victim Assistance Authority. See Irwin Loy and Phak Seangly, "Govt holds out on cluster ban," *Phnom Penh Post*, 2 August 2010.

¹²⁷ CMAC Press release, "CMAC Mine Risk Education (MRE) teams to raise awareness of mines, ERW and Cluster Munitions for the communities in Preah Vihear," 10 February 2011, www.cmac.gov.kh.

¹²⁸ "Cambodia, Thailand at 'war': PM," *Phnom Penh Post*, 9 February 2011.

¹²⁹ The missions were conducted by Cambodia Campaign to Ban Landmines and Cluster Bombs (on 9 February and 12 February 2011) and NPA (1–2 April 2011).

shown an unexploded NR269 projectile by the CMAC office in Sraaem.¹³⁰ The cluster munition attacks killed two men and injured seven more including two who lost their arms.¹³¹

On 6 April 2011, the CMC issued a press statement announcing that, based on the on-site investigations, it had established that cluster munitions were used by Thailand on Cambodian territory during the February 2011 border conflict. The CMC urged Thailand to provide detailed information on the cluster munition strikes and said that both Cambodia and Thailand should take steps to join the Convention on Cluster Munitions.¹³²

Despite not joining, Cambodia has continued to engage in the work of the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer and made statements regarding its position on accession. Cambodia also participated in the convention's first intersessional meetings in Geneva in June 2011, where it also made a statement on its position on accession.

Cambodia is a State Party to the Mine Ban Treaty.

Cambodia is party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war (ERW) or actively engaged in the CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Cambodia is not believed to have used, produced, or exported cluster munitions. In June 2011, Cambodia stated that, "Despite being confronted and threatened by forces, so far we have refrained from employing cluster munitions in our response."¹³³

The size and precise content of Cambodia's stockpile of cluster munitions is not known. In December 2008, a Ministry of Defense official said that Cambodia has "some missile launchers that use cluster munitions that weigh more than 20 kg" and said there were also stockpiles of cluster munitions weighing 250kg left over from the 1980s which Cambodia intends to destroy.¹³⁴ Weapons with submunitions that weigh more than 20kg each are not defined as cluster munitions by the Convention on Cluster Munitions and are not prohibited.¹³⁵

In July 2009, it was reported that the armed forces was still engaged in a study of its cluster munition stockpile.¹³⁶ In December 2009, a review of Cambodia's cluster munition stockpile was completed with technical assistance provided by the German Society for Technical Cooperation (Deutsche Gesellschaft für Technische Zusammenarbeit, GTZ).

Cluster Munition Remnants

The United States dropped at least 26 million explosive submunitions on Cambodia during the Vietnam War, mostly in eastern and northeastern parts of the country bordering Lao PDR and Vietnam. The bombing is estimated to have left between 1.9 million and 5.8 million cluster munition remnants, including unexploded BLU-24, BLU-26, BLU-36, BLU-42, BLU-43, BLU-49, and BLU-61 submunitions.¹³⁷

In February 2011, cross-border shelling by Thailand of Cambodia's northern province, Preah Vihear, resulted in additional submunition contamination (see Thailand report). An assessment by the CMAC and NPA conducted immediately after the cluster munition use identified 12 strike sites and contamination by unexploded M42, M46, and M85 submunitions over an area of approximately 1.5km², impacting four villages and affecting between 5,000 and 10,000 people.¹³⁸ NPA said evidence in the area suggested about one in five of the submunitions failed to detonate.¹³⁹

A clearer understanding of the extent of contamination by cluster munition remnants is expected from the second and third phases of a Baseline Survey, which will cover eastern and northeastern districts. The Cambodia Mine/UXO Victim Information System (CMVIS) recorded 17 submunition casualties in 2010, including four fatalities.¹⁴⁰ Mines Advisory

¹³⁰ NPA, "Impact Assessment Report: Preah Vihear Province, Cambodia," Undated, but circulated 3 April 2011, p. 2.

¹³¹ CMC Press release, "CMC condemns Thai use of cluster munitions in Cambodia," 5 April 2011, www.stopclustermunitions.org.

¹³² Ibid.

¹³³ Statement by Cambodia, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011, www.clusterconvention.org.

¹³⁴ The official is Chau Phirun, Ministry of Defense. Lea Radick and Neou Vannarin, "No Rush to Sign Cluster Munition Ban: Gov't," *Cambodia Daily*, 5 December 2008.

¹³⁵ Article 2.2 states: "'Cluster munition' means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions."

¹³⁶ Sam Rith and Sebastian Strangio, "Officials announce further delay on cluster bomb ban," *Phnom Penh Post*, 9 July 2009.

¹³⁷ South East Asia Air Sortie Database, cited in Dave McCracken, "National Explosive Remnants of War Study, Cambodia," NPA in collaboration with CMAA, Phnom Penh, March 2006, p. 15; Human Rights Watch, "Cluster Munitions in the Asia-Pacific Region," April 2008; and Handicap International (HI), *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI: Brussels, November 2006), p. 11.

¹³⁸ Aina Ostreng, "Norwegian People's Aid clears cluster bombs after clash in Cambodia," NPA, 19 May 2011, www.folkehjelp.no.

¹³⁹ Thomas Miller, "Banks tied to cluster bombs named," *Phnom Penh Post*, 26 May 2011, www.phnompenhpost.com.

¹⁴⁰ Casualty data provided by email by Chhiv Lim, Manager, CMVIS, 25 March 2011.

Group (MAG) reported in 2009 that in northeastern Stung Treng province unexploded submunitions constitute up to 80% of the ERW encountered by its clearance team.¹⁴¹

Clearance of cluster munition contaminated areas

Demining operators did not report any area clearance tasks targeting cluster munition remnants in 2010. MAG, working with two explosive ordnance disposal (EOD) teams, reported destroying 2,050 unexploded submunitions in the course of EOD operations in 2010, including 1,453 submunitions destroyed in just three months of operations in Stung Treng province and 597 in eastern Kompong Cham province. However, funding cuts resulted in MAG standing down these two teams in May 2011.¹⁴²

CMAC, the biggest NGO clearance operator, focused increasing attention on battle area clearance in the eastern provinces and reported that it responded to 12,410 calls for EOD interventions in 2010 and destroyed 143,924 ERW, but did not identify the number of unexploded submunitions included in this total.¹⁴³

After Thailand's use of cluster munitions in February 2011, CMAC and NPA reported clearing 298,365m² in the vicinity of two villages in May 2011, destroying a total of six unexploded M46 and M42 submunitions.¹⁴⁴

Cluster munition casualties

The total number of cluster munition casualties in Cambodia not known. Prior to 2006, data collection did not differentiate submunitions from other ERW incidents. From 1998 to 2010, a total of 172 cluster munition remnant casualties were reported in Cambodia, including 17 in 2010.¹⁴⁵ Yet due to the lack of available data this does not reflect the actual total number of cluster munition casualties.

China

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Non-signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010 and intersessional meetings in Geneva in June 2011
Key developments	Participated in Convention on Cluster Munitions meetings for the first time

Policy

The People's Republic of China has not acceded to the Convention on Cluster Munitions.

In a statement to the convention's First Meeting of States Parties in November 2010, China said that it appreciates the humanitarian nature of the convention and is committed to cooperate with States Parties and make a "positive contribution" to help the convention "achieve its desired results," but said "at present" China "is not in a position to accede due to national defence needs." China said it is pursuing a "people-oriented policy" and attaches "great importance to issue of cluster munitions."¹⁴⁶

In the November 2010 statement, China also reiterated its long-held view that "irresponsible" use and transfer of cluster munitions is the principal issue (not the weapon itself).¹⁴⁷

¹⁴¹ Interview with Jamie Franklin, Country Programme Manager, and Nick Guest, Technical Operations Manager, MAG, Phnom Penh, 28 April 2010.

¹⁴² Emails from Lauren Cobham, Programme Officer, MAG, 12 April and 1 August 2011.

¹⁴³ CMAC, "Operational Summary Progress Report, 1992 – December 2010," received by email, 8 February 2011.

¹⁴⁴ Aina Ostreng, "Norwegian People's Aid clears cluster bombs after clash in Cambodia," NPA, 19 May 2011.

¹⁴⁵ For the period 1998 to early 2007, 127 cluster munition remnant casualties were identified; 11 in 2007; seven in 2008; 10 in 2009; and 17 in 2010. See HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (HI: Brussels, May 2007), pp. 23, 26; and CMVIS data provided by Cheng Lo, Data Management Officer, CMVIS, Phnom Penh, 17 June 2008 and 19 June 2009.

¹⁴⁶ Statement of China, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

¹⁴⁷ Ibid. Notes by the CMC. It made a similar statement in April 2010: Statement by Amb. Wang Qun, Head, Chinese Delegation, CCW GGE on Cluster Munitions, Geneva, 12 April 2010, notes by Landmine Action.

Until 2008, China stated that existing international humanitarian law was sufficient to deal with the issue of cluster munitions, but it has since supported the negotiation and adoption of a Protocol on cluster munitions in the framework of the Convention on Conventional Weapons (CCW).¹⁴⁸

China did not participate in the Oslo Process that produced the Convention on Cluster Munitions.¹⁴⁹ When the convention was opened for signature in Oslo in December 2008, China issued a statement saying that it would continue to work for an “early and proper solution on the humanitarian problems arising from cluster bombs.”¹⁵⁰

China participated as an observer in First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. This was its first engagement in a meeting of the convention. In its statement to the meeting, China said it was “saddened by tragic casualties by cluster munitions scattered around the world” and said it was the “urgent task of international community to establish the user clears principle” and “provide timely and effective assistance to victims.”¹⁵¹

China also attended the first intersessional meetings of the convention in Geneva in June 2011, but did not make any statement.

China is not a party to the Mine Ban Treaty.

Convention on Conventional Weapons

China is party to the CCW and ratified CCW Protocol V on explosive remnants of war (ERW) on 10 June 2010. China has actively participated in CCW deliberations on cluster munitions.

China appeared to become more supportive of a possible CCW Protocol on cluster munitions during the second half of 2010 and first half of 2011. During CCW Group of Governmental Experts (GGE) meetings on cluster munitions in August 2010, China gave clear indication that, in light of what it considered “substantial” amendments to the text under discussion, it was not in a position to continue negotiations on the present text and would have to reconsider its position on all aspects.¹⁵² Yet by November 2010, China said it supported a continuation of the CCW work on cluster munitions and noted, “We are of the view that the latest version of the chair texts reflects important consensus achieved so far.”¹⁵³ In March 2011, China said its position on the aim of a CCW Protocol was clear: “to regulate the use of cluster munitions.”¹⁵⁴ China described the chair’s text as “a good basis” and said it was “ready for serious consultations.”¹⁵⁵

In March 2011, China said that for the CCW to resolve concerns with cluster munitions “the most important thing is to have restrictions on use” as prohibitions on the weapon itself would be “humanitarian” but “something that people would find hard to accept.”¹⁵⁶ Throughout 2010 and the first half of 2011, China continued to push forward its proposal to carve out exceptions to regulations of so-called anti-ship munitions.¹⁵⁷ China has yet to give an indication of what types of existing munitions would fall under the proposed “anti-ship” category.

Use, production, transfer, and stockpiling

China has stated that it has never used cluster munitions anywhere in the world.¹⁵⁸ China produces, stockpiles, and exports cluster munitions.

China Northern Industries (NORINCO) produces a range of conventional air-dropped and surface-launched cluster munitions including bombs, artillery projectiles, and rockets. The Sichuan Aerospace Industry Corporation produces and markets 302mm (WS-1, WS-1B, and WS-1E) and 320mm (WS-2) unguided multiple-launch surface-to-surface artillery rockets. Among the warheads available for these rockets are “armor-defeating and killing double use cluster,” “comprehensive effect cluster,” and “sensor fused cluster.”¹⁵⁹ Additionally, a number of China’s ballistic missile systems are reported to have warheads that contain conventional explosive submunitions, but few details are available.¹⁶⁰

¹⁴⁸ Statement of China, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

¹⁴⁹ For details on China’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 195–196.

¹⁵⁰ Wang Hongjiang, ed., “Ministry: China supports int’l efforts to ban cluster bombs,” *Chinese Government’s Official Web Portal*, 2 December 2008, www.gov.cn.

¹⁵¹ Statement of China, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

¹⁵² CMC update, “CCW GGE on Cluster Munitions, Wednesday 1 September 2010.”

¹⁵³ Statement of China, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

¹⁵⁴ Statement of China, CCW GGE on Cluster Munitions, Geneva, 31 March 2011. Notes by AOAV.

¹⁵⁵ Statement of China, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOAV.

¹⁵⁶ Statement of China, CCW GGE on Cluster Munitions, Geneva, 30 March 2011. Notes by AOAV.

¹⁵⁷ Statement of China, CCW GGE on Cluster Munitions, Geneva, 31 March 2011. Notes by AOAV.

¹⁵⁸ Statement of China, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC. In April 2010 and in February 2011, China stated that it has “never used cluster munitions outside its territories.” Statement by Amb. Wang Qun, CCW GGE on Cluster Munitions, Geneva, 12 April 2010; and Statement by China, CCW GGE on Cluster Munitions, Geneva, 21 February 2011, notes by the CMC.

¹⁵⁹ Sichuan Aerospace Industry Corporation, “Our Products,” www.scaic.com.

¹⁶⁰ Chinese ballistic missile systems reported to be capable of delivering conventional explosive submunitions among the warhead options include the DF-11, DF-15, DF-21, and M-7 (Project 8610). For details, see Duncan Lennox, *Jane’s Strategic Weapons Systems 46* (Surrey, UK: Jane’s Information Group Limited, January 2007).

Cluster munitions produced in China¹⁶¹

Type	Caliber	Carrier Name	Number	Submunition Type
Projectiles	120mm	Type W01	30	DPICM
	122mm	Type-83	30	Type-81 DPICM
	130mm	Type-59	35	Type-81 DPICM
	152mm	Type-62	63	Type-81 DPICM
	152mm	Type-66	63	Type-81 DPICM
	155mm	Unknown	72	Type-81 DPICM
	203mm	Unknown	100	DPICM
Bombs		Anti-Runway	12	Unknown
		Anti-Tank	16	Unknown
		BL-755 clone	147	Unknown
		340 Kg.	189	Unknown
		Type 2	42	AP bomblets
	Type 2	26	AT bomblets	
	Type 2	28	APAM	
Rockets	107mm	Type-63	16	Type-81 DPICM
	122mm	Type-81	39	Type-90 DPICM
	122mm	Type-90A	39	DPICM
	273mm	WM-80	320	DPICM
	302mm	WS-1, -1B, -1E	–	DPICM, CEM, SFW
	320mm	WS-2	–	DPICM, CEM, SFW

In 2010, China stated that it “always takes a cautious and responsible attitude towards the transfer of arms including the cluster munitions.”¹⁶² While the full extent of Chinese exports of cluster munitions is not known, ERW from cluster munitions of Chinese origin have been found in Iraq, Israel, Lebanon, and Sudan. Hezbollah fired over 100 Chinese Type-81 122mm rockets containing Type-90 (also called MZD-2) dual purpose improved conventional munition (DPICM) submunitions into northern Israel in July/August 2006. Submunitions from these weapons were also found in southern Lebanon by UN and Lebanese deminers after the cessation of the conflict.¹⁶³

Another type of DPICM submunition of Chinese origin, called Type-81, was found and photographed by American deminers in Iraq in 2003.¹⁶⁴ The United States (US) military’s unexploded ordnance identification guide also identifies the Chinese 250kg Type-2 dispenser as being present in Iraq.¹⁶⁵ Additionally, the NGO Landmine Action photographed a Rockeye type cluster bomb with Chinese-language external markings in Yei, Sudan in October 2006.

Cuba

Policy

The Republic of Cuba has not acceded to the Convention on Cluster Munitions. Cuba has not expressed any support for the convention or given any indications that it is considering acceding.

¹⁶¹ The primary sources for information on China’s cluster munitions are Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 837; and Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007). This is supplemented with information from US Defense Intelligence Agency, Department of Defense, “Improved Conventional Munitions and Selected Controlled-Fragmentation Munitions (Current and Projected) DST-1160S-020-90,” 8 June 1990, partially declassified and made available to Human Rights Watch under a Freedom of Information Act request.

¹⁶² Statement by Amb. Wang Qun, CCW GGE on Cluster Munitions, Geneva, 12 April 2010.

¹⁶³ Human Rights Watch “Lebanon/Israel: Hezbollah Hit Israel with Cluster Munitions during Conflict,” Jerusalem, 18 October 2006, www.hrw.org.

¹⁶⁴ Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008, (Surrey, UK: Jane’s Information Group Limited, 2008).

¹⁶⁵ US Navy Explosive Ordnance Disposal Technical Division, “Iraq Ordnance Identification Guide, Dispenser, Cluster and Launcher-2,” maic.jmu.edu.

Cuba is a party to the Convention on Conventional Weapons (CCW) and supports negotiation of a new CCW protocol on cluster munitions. At the CCW, Cuba has stated on several occasions that it supports a “total ban” on cluster munitions, but it has also stated that a CCW protocol should balance military and humanitarian considerations by regulating and not prohibiting the weapon.¹⁶⁶

At a CCW meeting in February 2011, Cuba said that cluster munitions “should be prohibited completely” and expressed support for CCW efforts “to achieve a document which eliminates the possibility of using these weapons.”¹⁶⁷

Cuba did not participate in the Oslo Process that created the Convention on Cluster Munitions. It did not attend any regional or international diplomatic meetings on the convention until November 2010, when it participated as an observer in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Cuba’s diplomatic representative to Lao PDR, Ambassador Waldo Reyes Sardinias attended the meeting, but did not make any statement.

Cuba is not party to the Mine Ban Treaty. Cuba is party to the CCW, but has not ratified Protocol V on explosive remnants of war. It attended every CCW meeting held in Geneva in 2010 and the first half of 2011, including the CCW Annual Meeting of High Contracting Parties in November 2010.

Use, production, transfer, and stockpiling

Cuba is not believed to have used, produced, or exported cluster munitions. It has a stockpile of cluster munitions of Russian origin. Jane’s Information Group lists Cuba as possessing KMG-U dispensers that deploy submunitions, and RBK-250, RBK-275, and RBK-500 cluster bombs.¹⁶⁸

Dominica

Policy

The Commonwealth of Dominica has not yet acceded to the Convention on Cluster Munitions. In April 2010, a Ministry of Finance official informed the Monitor, “I have been directed to inform that the Government of Dominica has no interest in being a party to the Convention on Cluster Munitions.”¹⁶⁹

Dominica did not participate in the Oslo Process that created the convention and it has never attended a meeting on cluster munitions.

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

Dominica confirmed in April 2010 that it has not used, produced, transferred, or stockpiled cluster munitions.¹⁷⁰

Egypt

Policy

The Arab Republic of Egypt has not acceded to the Convention on Cluster Munitions.

On 2 August 2010, Egypt’s Ministry of Foreign Affairs issued a statement welcoming the convention’s entry into force and noting the government’s support for the goals of the convention. According to the statement, “Egypt did not sign the Convention till now due to a number of shortages in it, on the top of which is excluding several types of cluster munitions especially the munitions with advanced technology from the ban, and also the main countries that produce

¹⁶⁶ See for example, Statement of Cuba, CCW Annual Meeting of the High Contracting Parties, Geneva, 25 November 2010, notes by Action on Armed Violence (AOAV); Statement of Cuba, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 4 November 2008, notes by Landmine Action; Statement of Cuba, CCW Annual Meeting of the High Contracting Parties, Geneva, 12 November 2009, notes by the CMC; and Statement of Cuba, CCW GGE on Cluster Munitions, Geneva, 12 April 2010, notes by AOAV.

¹⁶⁷ Statement of Cuba, CCW GGE on Cluster Munitions, Geneva, 21 February 2011. Notes by AOAV.

¹⁶⁸ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 837.

¹⁶⁹ Letter from H. Bazil, for the Financial Secretary, Ministry of Finance, 21 April 2010. This was in response to a letter from the Monitor addressed to the Foreign Minister inquiring about Dominica’s cluster munition policy and practice.

¹⁷⁰ Ibid.

and use cluster munitions did not join the treaty, as well as the issue that the affected countries are the one that have to shoulder the main responsibility of clearing its lands of the cluster munitions.” The statement concludes by expressing the government’s hope that these so-called shortages are addressed by the First Review Conference of the Convention, which is not scheduled to take place until 2015.¹⁷¹

Egypt participated in the Oslo Process that created the convention, but engaged in the negotiations in Dublin in May 2008 as an observer only and did not attend the Oslo Signing Conference in December 2008.¹⁷² In October 2008, Egypt expressed concern with both the “substantive content” of the convention and “the process which led to its conclusion outside the framework of the United Nations.”¹⁷³

Egypt has participated in some meetings related to the convention since 2008. It attended an international meeting on cluster munitions in Santiago, Chile in June 2010. Egypt was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Egypt participated in intersessional meetings of the convention in Geneva in June 2011, but did not make any statements.

Egypt is not party to the Mine Ban Treaty. Egypt signed the Convention on Conventional Weapons (CCW) in 1981, but has never ratified it or any of its protocols. Egypt has attended, but not actively engaged in CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Egypt has said that it has never used cluster munitions.¹⁷⁴ But it is a producer, importer, and stockpiler of the weapon. It is unclear if it has exported cluster munitions.¹⁷⁵

The Helipolis Company for Chemical Industries produces 122mm and 130mm artillery projectiles which contain 18 and 28 M42D dual purpose improved conventional munition (DPICM) submunitions, respectively.¹⁷⁶ The SAKR Factory for Developed Industries produces two types of 122mm surface-to-surface rockets: the SAKR-18 and SAKR-36, containing 72 and 98 M42D submunitions, respectively.¹⁷⁷

Egypt has also imported a significant number of cluster munitions, primarily from the United States (US). The US provided at least 760 CBU-87 cluster bombs to Egypt as part of a foreign military sales program in the early 1990s.¹⁷⁸ Lockheed Martin Corporation was awarded a US\$36,132,500 contract to produce 485 M26A1 Extended Range Multiple Launch Rocket System rockets for Egypt in November 1991.¹⁷⁹ Between 1970 and 1995, the US also supplied Egypt with 1,300 Rockeye cluster bombs.¹⁸⁰

Jane’s Information Group notes that KMG-U dispensers are in service for Egypt’s aircraft.¹⁸¹ Additionally, Egypt possesses Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.¹⁸²

Equatorial Guinea

Policy

The Republic of Equatorial Guinea has not acceded to the Convention on Cluster Munitions.

¹⁷¹ Arab Republic of Egypt, Ministry of Foreign Affairs press release, “The Official Spokesman welcomes the coming into force of the Convention on Cluster Munitions, on 1st August, 2010,” 2 August, 2010, www.mfa.gov.eg.

¹⁷² For details on Egypt’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 197–199.

¹⁷³ Egypt’s explanation of vote, UN General Assembly, First Committee, 30 October 2008.

¹⁷⁴ Statement by Ehab Fawzy, Oslo Conference on Cluster Munitions, 22 February 2007. Notes by the CMC/WILPF.

¹⁷⁵ A number of SAKR rockets were found in the arsenal of Iraq by UN weapons inspectors possibly indicating export activity. The SAKR rockets were the “cargo variant” but had been modified by the Iraqis to deliver chemical weapons. “Sixteenth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999) S/2004/160,” Annex 1, p. 10.

¹⁷⁶ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 582, 589–590.

¹⁷⁷ *Ibid.*, p. 707.

¹⁷⁸ “Dozen + Mideast Nations Bought Weapons since Gulf War,” *Aerospace Daily*, 10 December 1991; and Barbara Starr, “Apache buy will keep Israeli edge,” *Jane’s Defence Weekly*, 1 October 1992.

¹⁷⁹ US Department of Defense, “US Army Aviation & Missile Command Contract Announcement: DAAH01-00-C-0044,” Press release, 9 November 2001, www.defenselink.mil.

¹⁸⁰ US Defense Security Assistance Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970-FY1995,” 5 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

¹⁸¹ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 838.

¹⁸² International Institute for Strategic Studies, *The Military Balance 2005–2006* (London: Routledge, 2005), p. 185; and Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008, (Surrey, UK: Jane’s Information Group Limited, 2008).

In October 2010, a government representative told the CMC that Equatorial Guinea is concerned with the humanitarian consequences of cluster munition use and is committed to follow-up on the status of accession to the convention.¹⁸³

Equatorial Guinea participated in one meeting of the Oslo Process that created the convention, where it called for an end to the production and use of cluster munitions and for the destruction of all stockpiles.¹⁸⁴ Equatorial Guinea has not made any public statement on cluster munitions or engaged in any regional or international meetings on cluster munitions since 2007.

Equatorial Guinea is party to the Mine Ban Treaty.

Equatorial Guinea is not known to have ever used, produced, transferred, or stockpiled cluster munitions.

Eritrea

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Non-signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010
Key developments	Considering accession

Policy

Eritrea has not acceded to the Convention on Cluster Munitions.

In November 2010, Eritrea's ambassador to Japan said that Eritrea supports the convention and would join "one day" in the future.¹⁸⁵ In October 2010, a government official said that Eritrea is prioritizing the convention and sees benefits in joining.¹⁸⁶

Previously, in 2008, Eritrea said that as a contaminated state, it understood the problems caused by cluster munitions and supported a prohibition on the weapon.¹⁸⁷

Eritrea did not participate in the international meetings of the Oslo Process that created the convention, but did attend the two Africa regional meetings, where it supported a comprehensive ban.¹⁸⁸ Since 2008, Eritrea has shown an interest in the convention. It attended a regional conference on cluster munitions in Pretoria, South Africa in March 2010 and participated as an observer in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

In Eritrea's statement to the First Meeting of States Parties, Eritrea said it, "looks forward to full implementation of the convention, not tomorrow but today."¹⁸⁹ Eritrea did not make any commitment to accede.

Eritrea is a State Party to the Mine Ban Treaty.

Use, production, transfer, and stockpiling

In October 2010, Eritrea confirmed that it has not produced cluster munitions.¹⁹⁰ Eritrean and Ethiopian forces both used cluster munitions during their 1998–2000 border war. Eritrean aircraft attacked the Mekele airport in Ethiopia with cluster bombs in 1998.¹⁹¹

¹⁸³ CMC meeting with Toribio-Obiang Mba Meye, Counsellor, Permanent Mission of Equatorial Guinea to the UN in New York, New York, 22 October 2010. Notes by the CMC.

¹⁸⁴ Statement of Equatorial Guinea, Vienna Conference on Cluster Munitions, 6 December 2007. Notes by the CMC/WILPF.

¹⁸⁵ CMC meeting with Amb. Estifanos Afewerki, Embassy of Eritrea to Japan, Vientiane, 11 November 2010. Notes by the CMC.

¹⁸⁶ CMC meeting with Elsa Haile, Director, Department of International and Regional Organizations, Ministry of Foreign Affairs, New York, 20 October 2010. Notes by the CMC.

¹⁸⁷ CMC, "Report on the Kampala Conference on the Convention on Cluster Munitions," September 2008, www.stopclustermunitions.org.

¹⁸⁸ For details on Eritrea's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and *Landmine Action*, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 199.

¹⁸⁹ Statement of Eritrea, First Meeting of States Parties to the Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

¹⁹⁰ CMC meeting with Elsa Haile, Ministry of Foreign Affairs, New York, 20 October 2010. Notes by the CMC.

¹⁹¹ See *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, 2007), p. 52, citing Eritrea-Ethiopia Claims Commission, Partial Award—Central Front—Ethiopia's Claim 2 between The Federal Democratic Republic of Ethiopia and the State of Eritrea, The Hague, 28 April 2004, p. 24.

Eritrea has denied stockpiling cluster munitions.¹⁹² Eritrea reportedly inherited Chilean-manufactured CB-500 cluster bombs when it achieved independence from Ethiopia.¹⁹³ According to the International Institute for Strategic Studies, it also possesses Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.¹⁹⁴

Cluster Munition Remnants

It is not known to what extent Eritrea still has cluster munition remnants on its territory. In addition to use by Ethiopia in the 1998–2000 conflict, Ethiopia is reported to have dropped cluster bombs on Eritrean forces in the late 1980s and early 1990s during the struggle for independence.¹⁹⁵ The UN Mission in Eritrea and Ethiopia's Mine Action Coordination Center (UNMEE MACC) reported that in 2007, unexploded PTAB 2.5 and BL755 submunitions were found in Eritrea.¹⁹⁶ A UN explosive ordnance disposal team in the area of Melhadega in Eritrea identified and destroyed a dud M20G dual purpose improved conventional munition (DPICM) submunition of Greek origin in October 2004, but it is not known who used the weapon.¹⁹⁷

Estonia

Policy

The Republic of Estonia has not signed the Convention on Cluster Munitions.

In April 2011, Estonia's Minister of Foreign Affairs, Urmas Paet, informed the Monitor that the government "supports the goals" of the convention, but remains focused on concluding an agreement on cluster munitions in the Convention on Conventional Weapons (CCW). In Estonia's view, a CCW protocol that involves "all the main producers and users" of cluster munitions would "significantly contribute to addressing the humanitarian impact" of these weapons.¹⁹⁸

Estonia's Ministry of Defense has also stated that Estonia is not in a position to join the Convention on Cluster Munitions as it possesses stockpiled cluster munitions that "will not be possible to destroy and replace... in the next 10 years."¹⁹⁹ Estonia has previously cited the cost of destruction and replacement of its stocks of cluster munitions within the convention's eight-year deadline as an impediment to joining.²⁰⁰

Estonia has noted its commitment to humanitarian efforts aiming to eliminate the risk to civilians from mines and other explosive remnants of war, including unexploded cluster munitions, through its contributions to the Voluntary Trust Fund for Assistance in Mine Action and in assisting clearance of contaminated land, such as in Georgia. The Minister of Foreign Affairs has pledged that support for clearance efforts will continue in the future.²⁰¹

In April 2011, Estonia said that due to an "ongoing intergovernmental process" a decision on submitting a voluntary transparency report for the Convention on Cluster Munitions "as a confidence building measure" had not yet been taken.²⁰²

Estonia participated throughout the Oslo Process to develop the Convention on Cluster Munitions and joined in its consensus adoption in Dublin in May 2008, where it described the convention as a "remarkable achievement," but cautioned that it would need to further consider the convention before joining.²⁰³

Estonia has not engaged in the work of the Convention on Cluster Munitions since 2008 and did not attend the First Meeting of States Parties in Vientiane, Lao PDR in November 2010 or intersessional meetings held in Geneva in June 2011.

Estonia is party to the Mine Ban Treaty.

¹⁹² CMC meeting with Elsa Haile, Ministry of Foreign Affairs, New York, 20 October 2010. Notes by the CMC.

¹⁹³ Rae McGrath, *Cluster Bombs: The Military Effectiveness and Impact on Civilians of Cluster Munitions* (London: Landmine Action, 2000), p. 38.

¹⁹⁴ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 423.

¹⁹⁵ Africa Watch, "Ethiopia: 'Mengistu has Decided to Burn Us like Wood,' Bombing of Civilians and Civilian Targets by the Air Force," *News from Africa Watch*, 24 July 1990, pp. 16–17; and Africa Watch, "Evil Days: 30 Years of War and Famine in Ethiopia," September 1991, pp. 241–242.

¹⁹⁶ UNMEE MACC, "Annual Report 2008," undated draft, p. 1, provided by email from Anthony Blythen, Programme Officer, UN Mine Action Service, 7 April 2009.

¹⁹⁷ UNMEE MACC, "Weekly Update," Asmara, 4 October 2004, p. 4.

¹⁹⁸ Letter No. 3.3-1/3080-1 from Urmas Paet, Minister of Foreign Affairs, to Mary Wareham, Human Rights Watch, 6 April 2011.

¹⁹⁹ Email from Kadi Silde, Adviser, International Co-operation Department, Ministry of Defense, 2 May 2011.

²⁰⁰ Letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010; and letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, 27 April 2010, which states, "Due to the fact that the Convention on Cluster Munitions establishes an immediate ban on cluster munitions and imposes an eight-year deadline for state party to dispose of all stocks of cluster munitions, Estonia is currently not in a position to sign up to the convention."

²⁰¹ Letter No. 3.3-1/3080-1 from Urmas Paet, Minister of Foreign Affairs, 6 April 2011; and email from Kadi Silde, Ministry of Defense, 2 May 2011.

²⁰² *Ibid.* A decision had yet to be taken as of 2 May 2011.

²⁰³ For details on Estonia's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice*, (Ottawa: Mines Action Canada, May 2009), p. 200–201.

Convention on Conventional Weapons

Estonia is party to CCW and its Protocol V on explosive remnants of war. In April 2011, Estonia's Minister of Foreign Affairs said the government's aim was for CCW states to adopt a new protocol on cluster munitions at its Review Conference in November 2011.²⁰⁴

Estonia actively participated in CCW work on cluster munitions in 2010 through the first half of 2011. In May 2011, a Ministry of Defense official said that Estonia supported the draft chair's text circulated after the March–April 2011 session of the CCW Group of Governmental Experts (GGE) on Cluster Munitions and would support a prohibition on cluster munitions that were produced before 1980. The official informed the Monitor that Estonia would also support a ban on the transfer of cluster munitions should this achieve consensus at CCW.²⁰⁵

Previously, in 2010, Estonia said that any CCW agreement on cluster munitions needed to be compatible with the Convention on Cluster Munitions.²⁰⁶ In 2009, Estonia called for a transition period of 15 years to meet its national security needs.²⁰⁷

Use, production, transfer, and stockpiling

Estonia's Minister of Foreign Affairs has stated that, "Estonia has never produced or used cluster munitions" and has no intention of doing so.²⁰⁸ According to the Minister, "the use of cluster munitions has been restricted only to the defence of our own territory."²⁰⁹ Estonia is not known to have exported cluster munitions.

In 2010, the Minister of Foreign Affairs stated that the "Estonian Defence Forces possess cluster munitions in small amounts (type DM-632) which can only be used on howitzers for training and defensive purposes."²¹⁰ As noted above, in 2011, a Ministry of Defense official stated that Estonia would not be able to destroy its stockpile of cluster munitions in less than 10 years.²¹¹

Ethiopia

Policy

The Federal Democratic Republic of Ethiopia has not acceded to the Convention on Cluster Munitions.

In February 2011, a Ministry of Foreign Affairs official said that Ethiopia has not yet acceded to the convention due to regional considerations.²¹² In October 2010, government representatives told the CMC that Ethiopia had not "rejected" joining the convention, but was carefully considering it and reviewing the positions of other states in the region.²¹³ As of July 2011, three of Ethiopia's direct neighbors had signed the Convention on Cluster Munitions (Djibouti, Kenya, and Somalia), while Eritrea and Sudan had not yet joined.

Previously, in October 2008, a Ministry of Foreign Affairs official indicated that it was not a question of whether Ethiopia would sign, but rather when.²¹⁴

Ethiopia attended a few meetings of the Oslo Process that created the Convention on Cluster Munitions, but participated only as an observer in the formal negotiations in Dublin in May 2008 and thus did not join in the consensus adoption of the convention text.²¹⁵ Since 2008, Ethiopia has shown limited interest in the convention. It participated in a regional conference on cluster munitions in Pretoria, South Africa in March 2010, but did not make any statements. Ethiopia did

²⁰⁴ Letter No. 3.3-1/3080-1 from Urmas Paet, Minister of Foreign Affairs, 6 April 2011.

²⁰⁵ Email from Kadi Silde, Ministry of Defense, 2 May 2011.

²⁰⁶ Letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010; and letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, to Judith Majlath, CMC Austria, 27 April 2010.

²⁰⁷ Statement of Estonia, CCW GGE on Cluster Munitions, Geneva, 18 August 2009. Notes by Landmine Action.

²⁰⁸ Letter No. 3.3-1/3080-1 from Urmas Paet, Minister of Foreign Affairs, 6 April 2011; letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010; and letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, to Judith Majlath, CMC Austria, 27 April 2010.

²⁰⁹ Letter No. 3.3-1/5341 from Urmas Paet, Minister of Foreign Affairs, to Judith Majlath, CMC Austria, 27 April 2010.

²¹⁰ Letter No. 03.3-1/4591 from Urmas Paet, Minister of Foreign Affairs, 29 March 2010; and letter from Urmas Paet, Minister of Foreign Affairs, 12 February 2009. The DM-632 projectile contains 63 DM-1383 dual purpose improved conventional munition (DPICM) submunitions equipped with a pyrotechnic self-destruct back-up fuze. The DM designation is German, but there is no specific information on transfer of these weapons from Germany to Estonia.

²¹¹ Email from Kadi Silde, Ministry of Defense, 2 May 2011.

²¹² Telephone interview with Fortuna Dibaco, Director, Specialized Agencies and Intergovernmental Organizations Affairs Directorate, Ministry of Foreign Affairs, 27 February 2011.

²¹³ CMC meeting with Abebaw Felleke, Director, Head, Multilateral Cooperation Department, Ministry of Foreign Affairs of Ethiopia; and Fortuna Dibaco, Ministry of Foreign Affairs, New York, 21 October 2010.

²¹⁴ CMC, "CMC Newsletter, October 2008," Issue 4, 17 November 2008, www.stopclustermunitions.org.

²¹⁵ For details on Ethiopia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 201–202.

not attend the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 or the convention's intersessional meetings held in Geneva in June 2011, but Ethiopian civil society representatives were present at all these meetings.

In Ethiopia, civil society has been campaigning in support of the Convention on Cluster Munitions.²¹⁶

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

Use, production, transfer and stockpiling

Ethiopia and Eritrea both used cluster munitions during the 1998–2000 border war. Ethiopia attacked several parts of Eritrea with cluster munitions. The Mine Action Coordination Center of the UN Mission in Ethiopia and Eritrea has identified approximately 30–40 cluster munition strikes inside Eritrea.²¹⁷ There have also been reports of Ethiopia using cluster bombs in other areas in the late 1980s and early 1990s.²¹⁸

Ethiopia is still believed to possess cluster munition stockpiles, including BL-755 cluster bombs, cluster bombs containing PTAB submunitions, and CB-500 cluster bombs.²¹⁹ Additionally, it also possesses Grad 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.²²⁰ Ethiopia is not known to have produced or exported cluster munitions.

Cluster Munition Remnants

It is not known if current explosive remnants of war contamination includes cluster munition remnants.

Finland

Policy

The Republic of Finland has not acceded to the Convention on Cluster Munitions.

In a March 2011 letter to the Monitor, the Ministry of Foreign Affairs said that, “Finland regards the Convention on Cluster Munitions [as] important from the humanitarian standpoint” and “supports the goals of the Convention as well as the efforts towards its universalisation.”²²¹ According to the letter, Finland is monitoring implementation of the convention and undertaking a study of “the Defence Force’s capabilities and the international development work on cluster munitions, procurement options and costs.”²²² The letter also cited Finland’s support for the negotiation of a protocol on cluster munitions in the framework of the Convention on Conventional Weapons (CCW).²²³

This is the same position as articulated in 2010 and laid out in a 2009 report by the government on “Finnish Security and Defence Policy.”²²⁴ The 2009 report stated that while Finland is not a party, the convention nonetheless “significantly impacts Finland’s defence and its resource requirements.”²²⁵ The report declares, “Once a study relating to the Defence Forces’ capabilities has been completed and the international development work on cluster munitions, procurement

²¹⁶ On 1 August 2010, an event was held at the Addis Ababa headquarters of the Ethiopian National Association for the Physically Handicapped to celebrate the entry into force of the Convention on Cluster Munitions. On 5 August, an annual meeting of the survivors’ group Yitaweklign Yeakalgudatagnoch Mehiber (YYM) in Addis Ababa included a presentation on cluster munitions and the status of the convention. In Mekele, at a school that was hit by a cluster bomb strike in 1998, a film about cluster munition survivors was screened. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, pp. 16–17.

²¹⁷ For additional information, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 201.

²¹⁸ Africa Watch, “Ethiopia: ‘Mengistu has Decided to Burn Us like Wood,’ Bombing of Civilians and Civilian Targets by the Air Force,” *News from Africa Watch*, 24 July 1990, pp. 16–17; and Africa Watch, “Evil Days: 30 Years of War and Famine in Ethiopia,” September 1991, pp. 241–242.

²¹⁹ Mines Action Canada, Actiongrouplandmine.de, and Landmine Action, *Explosive remnants of war and mines other than anti-personnel mines: Global Survey 2003–2004* (London: Landmine Action, 2005), pp. 60, 64–65; Landmine Action, *Explosive remnants of war: Unexploded ordnance and post-conflict communities* (London: Landmine Action, 2002), pp. 50–53; and Rae McGrath, *Cluster Bombs: The Military Effectiveness and Impact on Civilians of Cluster Munitions* (London: Landmine Action, 2000), p. 38.

²²⁰ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 424.

²²¹ Letter from Markku Virri, Arms Control Unit, Ministry for Foreign Affairs, HEL7913-3, 10 March 2011.

²²² Ibid.

²²³ Ibid.

²²⁴ Email from Pia Nordberg, First Secretary, Ministry for Foreign Affairs, 7 May 2010; email from Pentti Olin, Adviser, Ministry of Defense, 27 April 2010; and “Finnish Security and Defence Policy 2009, Government Report,” Prime Minister’s Office Publications 13/2009, 5 February 2009, p. 76.

²²⁵ “Finnish Security and Defence Policy 2009, Government Report,” Prime Minister’s Office Publications 13/2009, 5 February 2009, p. 64.

options and costs have been analysed, the Oslo Convention will be reassessed. The Cabinet Committee on Foreign and Security Policy will review the developments yearly.”²²⁶

In December 2010, the Office of the Prime Minister announced that implementation of the convention had been discussed during a 3 December 2010 meeting of the President of the Finland and the Cabinet Committee on Foreign and Security Policy, but did not provide any further details.²²⁷

Finland participated throughout the Oslo Process that created the Convention, but consistently expressed reservations about the process and the convention text and was not supportive of a broad categorical ban on cluster munitions.²²⁸ Finland joined the consensus adoption of the convention at the end of the negotiations in May 2008, but five months later announced that it would not sign the convention in Oslo in December 2008.²²⁹ At the time, Minister of Defense Jyri Häkämies stated that, “cluster munitions play an important role in the credibility [and] autonomy...of Finnish defense.” The Finnish military claimed that due to costs and other factors it would not be possible to replace Finland’s stockpile of cluster munitions with alternative weapons within five to 10 years.²³⁰ Finland has also cited security concerns over its border with Russia for its refusal to sign the convention.²³¹

Finland is the only European Union country not to have signed, ratified, or acceded to the Mine Ban Treaty. Finland has, however, stated its intention to join the treaty in 2012 and to destroy its stockpiles of antipersonnel mines by 2016.²³²

Finland has continued to participate in the work of the Convention on Cluster Munitions in 2010 and the first half of 2011. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer and also participated in the convention’s intersessional meetings in June 2011. Finland did not make any statements at these meetings.

The Finnish Campaign to Ban Landmines has campaigned in support of the Convention on Cluster Munitions.²³³

Convention on Conventional Weapons

Finland is party to CCW and its Protocol V on explosive remnants of war. Finland participated in CCW meetings on cluster munitions in 2010 and the first half of 2011, but did not make any statement on its views on the chair’s draft text under consideration. In April 2011, Finland informed the Monitor that it supports continued CCW discussions on cluster munitions.²³⁴

Use, production, transfer, and stockpiling

According to the Ministry of Foreign Affairs, “Finland does not produce cluster munitions nor has is never [sic] used them.”²³⁵

In early 2005, Patria, a Finnish company, made arrangements to co-produce a 120mm cluster munition mortar projectile called MAT-120, which was developed and produced by the Spanish company Instalaza SA. The deal was cancelled in 2009 by Patria and the Finnish Defense Forces after Spain enacted a national prohibition on cluster munitions and signed the Convention on Cluster Munitions in 2008. During the development of the program, Patria imported to Finland 305 “live” MAT-120 mortar projectiles from Spain in 2005–2007 and also acquired 230 inert MAT-120 projectiles. As of July 2011, a total of 136 “live” MAT-120 projectiles remained in the custody of the Finnish Defense Forces; none of the MAT-120 projectiles imported to Finland were exported.²³⁶

²²⁶ “Finnish Security and Defence Policy 2009, Government Report,” Prime Minister’s Office Publications 13/2009, 5 February 2009, p. 76, www.vnk.fi, p. 76. This was also stated in a letter from Mari Männistö, Attaché, Unit for Arms Control, Ministry of Foreign Affairs, 26 February 2009. Similarly, a November 2008 media report said Finland will review its position on the convention “once studies on the capacity of the Finnish Armed Forces have been carried out, as well as studies on the existence, availability and cost of alternative systems.” “Disarmament: Finland refuses to sign cluster bomb ban,” *Europolitics*, 4 November 2008.

²²⁷ Prime Minister’s Office press release, “Cabinet Committee on Foreign and Security Policy discussed anti-personnel mines and cluster munitions,” 3 December 2010, www.vnk.fi.

²²⁸ For details on Finland’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 202–204.

²²⁹ “Disarmament: Finland Refuses to Sign Cluster Bomb Ban,” *Europolitics*, 4 November 2008. In a February 2009 letter to Human Rights Watch, Finland said the decision was made by the President and the Cabinet Committee on Foreign and Security Policy. Letter from Mari Männistö, Ministry of Foreign Affairs, 26 February 2009.

²³⁰ “Disarmament: Finland refuses to sign cluster bomb ban,” *Europolitics*, 4 November 2008; and “Finland opts out of cluster munitions ban treaty,” *BBC Monitoring European*, 3 November 2008.

²³¹ “Why is Finland reluctant to ban cluster bombs?” *Mainichi Daily News*, 7 December 2008.

²³² See ICBL-CMC, “Country Profile: Finland: Mine Ban Policy,” www.the-monitor.org, 2011.

²³³ For example, campaigners organized events in three different parts of Helsinki, including in front of the Parliament, to celebrate the 1 August 2010 entry into force of the convention and encourage Finland’s accession. CMC, “Entry into Force of the Convention on Cluster Munitions Report 1 August 2010,” November 2010.

²³⁴ Email from Elina Dakash, Attaché, Unit for Arms Control, Disarmament and Non-Proliferation, Ministry of Foreign Affairs, 21 April 2011.

²³⁵ Letter from Mari Männistö, Ministry of Foreign Affairs, 26 February 2009.

²³⁶ The company also notes, “Patria does not develop, produce or sell cluster ammunition products.” Patria Corporation Press release, “Patria’s mortar systems have not been used to fire cluster ammunition in Libya,” 7 July 2011, www.patria.fi.

In 2010, a Ministry of Defense official stated that information on the size and composition of Finland's stockpile of cluster munitions was confidential.²³⁷ Finland has acknowledged possessing one type of cluster munition: the DM-662 155mm artillery projectile, which contains 49 dual purpose improved conventional munition (DPICM) submunitions with back-up self-destruct fuzes.²³⁸

In 2006, the Ministry of Defense of the Netherlands announced the transfer of 18 Multiple Launch Rocket System (MLRS) launchers to Finland.²³⁹ It was reported that 400 M26 rockets (each containing 644 M77 DPICM submunitions) were to be included in the sale for qualification testing and conversion into training rockets.²⁴⁰

Gabon

Policy

The Gabonese Republic has not acceded to the Convention on Cluster Munitions.

In October 2010, a government representative told the CMC that Gabon intends to accede to the convention and said that the delay in joining was due to administrative constraints.²⁴¹

Gabon did not participate in the Oslo Process and has never attended a regional or international meeting on cluster munitions or made a public statement on the issue. In October 2010, Gabon attended a Special Event on the Convention on Cluster Munitions, held during the UN General Assembly's First Committee on Disarmament and International Security.²⁴²

Gabon is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified Protocol V on explosive remnants of war or engaged in CCW deliberations on cluster munitions.

Gabon is not known to have ever used, produced, transferred, or stockpiled cluster munitions.

Georgia

Policy

Georgia has not acceded to the Convention on Cluster Munitions.

Georgia did not make any statements on the convention in the second half of 2010 or first half of 2011. Previously, in an April 2010 letter, an official stated, "The Georgian government has expressed its support to the spirit of the Mine Ban Treaty and the Cluster Munitions Convention, but the bitter reality on the ground with reference to the security situation in the region didn't allow us to adjoin the mentioned conventions. Unfortunately the situation has not changed much and has even worsened security-wise that does not leave us any option other than to stay reluctant to join the conventions until the credible changes occur in the security environment of the region."²⁴³

Georgia participated in some meetings of the Oslo Process that created the Convention on Cluster Munitions, but did not make any formal statements.²⁴⁴ Since 2008, Georgia has shown limited interest in the convention. It participated an international conference on the convention held in Santiago, Chile in June 2010.

Georgia is party to the Convention on Conventional Weapons (CCW) and Protocol V on explosive remnants of war (ERW), but while it has attended CCW deliberations on cluster munitions, it has rarely made any statements.

To welcome the entry into force of the Convention on Cluster Munitions on 1 August 2010, Georgian campaigners held an event in Gori that included drumming, traditional dance, and a photo exhibition dedicated to three journalists killed during the 2008 conflict with Russia, including Stan Storimans of the Netherlands who was killed in a cluster bomb attack.²⁴⁵

²³⁷ Email from Pentti Olin, Ministry of Defense, Adviser, 27 April 2010.

²³⁸ Email from Tiina Raijas, Ministry of Defense, 8 June 2005.

²³⁹ Ministry of Defense of the Netherlands Press release, "Finland Receives Two MLRS Batteries," 13 January 2006. Translated by Defense-aerospace.com.

²⁴⁰ Joris Janssen, "Dutch Plan to Update Cluster Weapons," *Jane's Defence Weekly*, 19 October 2005.

²⁴¹ CMC meeting with Charles Lembouma, First Counselor, Permanent Mission of Gabon to the UN, New York, 20 October 2010. Notes by the CMC.

²⁴² CMC, "Special Event on the Convention on Cluster Munitions, 19 October 2010," 22 October 2010, stopclustermunitions.org.

²⁴³ Letter No. 8/37-02 from Amb. Giorgi Gorgiladze, Permanent Mission of Georgia to the UN in Geneva, 30 April 2010.

²⁴⁴ For details on Georgia's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 205–207.

²⁴⁵ The other journalists were Giga Chikhladze and Sasha Klimchuk. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, pp. 17–18.

Use, production, transfer, and stockpiling

Georgia is not known to have produced or exported cluster munitions. It inherited some air-dropped cluster bombs from the Soviet Union, but these appear to be obsolete and slated for destruction.²⁴⁶ Georgia acquired 160mm surface-to-surface rockets equipped with cluster munition payloads from Israel in 2007.²⁴⁷

Cluster munitions were used by both Georgian and Russian forces during their conflict in August 2008. Georgian forces used M85 submunitions delivered by Mk.-4 160mm unguided surface-to-surface rockets, weapons that it bought pre-packaged from Israel. The Ministry of Defense said Georgia launched 24 volleys of 13 Mk.-4 rockets each.²⁴⁸

On 31 August 2008, the Ministry of Defense acknowledged that the Georgian Armed Forces used cluster munitions against the Russian military near the Roki tunnel.²⁴⁹ However, remnants of Georgian cluster munitions were also found by Human Rights Watch in civilian areas in the north of Gori district, south of the South Ossetian administrative border.²⁵⁰

During the conflict, Abkhazian and Russian forces moved into the upper Kodori Gorge and retook it from Georgian forces. Abkhazia has asserted that Georgia fired large numbers of cluster munitions with M095 submunitions from LAR-160 rockets in the Kodori Valley.²⁵¹ The Monitor has not been able to independently investigate and confirm this information.

Cluster Munition Remnants

There may be a small residual threat from cluster munition remnants in Georgia. Cluster munition contamination resulted from the conflict over South Ossetia in August 2008, in which Georgian and Russian forces both used cluster munitions. After the conflict, HALO conducted a survey to identify the level of contamination, which estimated that some 37km² were contaminated with unexploded submunitions and other explosive remnants of war (ERW).²⁵² HALO reported completion of clearance of unexploded submunitions in its tasked areas in December 2009.²⁵³ NPA completed clearance of its tasked areas in May 2010.²⁵⁴

In December 2010, a Urugan rocket with 9N-210 submunitions remaining inside the carrier was discovered by a landowner and destroyed by the Ministry of Internal Affairs in January 2011. In May 2011, once the snows had melted, HALO conducted subsurface clearance around the location of the rocket over some four hectares but did not find any more ordnance.²⁵⁵

Despite fears of cluster munition remnants in Poti military harbor, none was found during demining operations by NPA in 2009.²⁵⁶

HALO had hoped to be able to undertake an assessment of contamination in South Ossetia in 2009.²⁵⁷ As of February 2011, however, it had not been granted access to the area.²⁵⁸

Cluster munition casualties

There have been at least 70 casualties due to cluster munitions in Georgia; all were reported in 2008, including 61 casualties during strikes and nine due to unexploded submunitions.²⁵⁹ No casualties caused by submunitions have been identified since the cluster munitions were used in 2008, including none in 2010.

²⁴⁶ In 2004 and 2007, Jane's Information Group reported that the Georgian Air Force had KMGU and RBK-500 cluster bombs, both of which can carry a variety of submunitions. The Georgian Ministry of Defense told Human Rights Watch in February 2009 that it still has RBK-500 cluster munitions and BKF blocks of submunitions that are delivered by KMGUs, but that their shelf-lives have expired and they are slated for destruction. First Deputy Minister of Defense Batu Kutelia said its air force planes are not fitted for delivering these air-dropped weapons. See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 207.

²⁴⁷ The transfer of the launchers was reported in: Submission of Georgia, UN Register of Conventional Arms, Report for Calendar Year 2007, 7 July 2008.

²⁴⁸ "Some Facts," attachment to email from David Nardaia, Head, Analytical Department, Ministry of Defense, 18 November 2008. The rockets would have carried 32,448 M85 submunitions.

²⁴⁹ Ministry of Foreign Affairs, "Response to Human Rights Watch inquiry about the use of M85 bomblets," 2 September 2008, georgiamfa.blogspot.com.

²⁵⁰ For more information, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 206; and Human Rights Watch, "A Dying Practice: Use of Cluster Munitions by Russia and Georgia in August 2008," April 2009, p. 57, www.hrw.org. The Georgian Ministry of Defense said in February 2009 that it is investigating the possibility of "failure of the weapons system."

²⁵¹ Email from Maxim Gunjia, Deputy Foreign Minister of Abkhazia, 24 August 2009. See ICBL, *Landmine Monitor Report 2009*, p. 1,159. The deputy foreign minister provided photographs of submunitions and containers. The M095 is described as an M85-type submunition.

²⁵² ERWCC, "Explosive Remnants of War Coordination Centre (ERWCC) in Facts and Figures," November 2009, p. 17, www.erwcc.org.ge.

²⁵³ HALO, "The HALO Trust completes cluster munitions clearance in Georgia – December 2009," www.halousa.org.

²⁵⁴ Email from Jonathon Guthrie, Programme Manager, NPA, 27 May 2010.

²⁵⁵ Email from Andrew Moore, Caucasus and Balkans Desk Officer, HALO, 27 July 2011.

²⁵⁶ NPA, "Poti Harbour Survey Technical Report, 3rd to 24th of January 2009," p. 5.

²⁵⁷ HALO, "Caucasus & Balkans, Georgia, Requirement for Continued Clearance," www.halotrust.org.

²⁵⁸ Interview with Andrew Moore, HALO, 18 February 2011.

²⁵⁹ Human Rights Watch, "A Dying Practice: Use of Cluster Munitions by Russia and Georgia in August 2008," April 2009, pp. 40, 57. Russian cluster munition strikes on populated areas killed 12 civilians and injured 46 and Georgian cluster munitions killed at least one civilian and injured at least two more when they landed on or near the towns of Tirdznisi and Shindisi.

Greece

Policy

The Hellenic Republic (Greece) has not acceded to the Convention on Cluster Munitions.

In June 2011, a Ministry of Foreign Affairs official said that Greece's position on the convention had not changed from the position previously reported by the Monitor.²⁶⁰ Officials have expressed on several occasions Greece's preference for cluster munitions to be addressed within the framework of the Convention on Conventional Weapons (CCW).²⁶¹

Greece has also said it is hesitant to sign the Convention on Cluster Munitions because of the continued perception of the need to use cluster munitions for defense purposes, concerns regarding the stockpile destruction deadline and the costs of destruction, and the fact that others in the region are not ready to sign.²⁶² In June 2011, Greece confirmed that it is "not in a position to accede for reasons of national defense, as well as for financial reasons."²⁶³

Greece participated in two conferences of the Oslo Process that developed the convention text (Lima in May 2007 and Vienna in December 2007), but attended both the negotiations in Dublin in May 2008 and the Convention on Cluster Munitions Signing Conference in December 2008 as an observer only and did not sign the convention.²⁶⁴

Since 2008, Greece has not participated in any meetings related to the convention. It was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Greece did not participate in intersessional meetings of the convention in Geneva in June 2011.

Greece is a State Party to the Mine Ban Treaty.

Convention on Conventional Weapons

Greece is party to the CCW, but has not ratified CCW Protocol V on explosive remnants of war. In 2010 and first half of 2011, Greece continued to actively participate in CCW deliberations on cluster munitions. In June 2011, a Ministry of Foreign Affairs official said that Greece views the CCW work on cluster munitions as important "to ensure that all major users and producers of these weapons are included in the process" and "to reinforce the credibility of any future CCW initiatives dealing with other conventional weapons."²⁶⁵

In August 2010, Greece supported a proposed eight-year transition period during which prohibited cluster munitions could continue to be used.²⁶⁶ In February 2011, Greece supported a proposal for a prohibition on cluster munitions produced before 1980.²⁶⁷

In June 2011, Greece told the Monitor that the draft chair's text was "a careful and well calibrated balance" and said that a CCW protocol on cluster munitions "could significantly contribute to addressing the humanitarian impact of cluster munitions."²⁶⁸

Use, production, transfer, and stockpiling

Greece is not known to have used cluster munitions, but has produced, imported, and stockpiled the weapon. It is unclear if Greece has exported cluster munitions.²⁶⁹

²⁶⁰ Email from Yannis Mallikourtis, First Secretary, Permanent Mission of Greece in Geneva, 14 June 2011.

²⁶¹ CMC meeting with George Petmezakis, First Secretary, Permanent Mission of Greece to the UN in Geneva, 15 April 2010; and CMC meeting with Eleftherios Kouvaritakis, First Counsellor, Permanent Mission of Greece to the UN in New York, 10 September 2008.

²⁶² CMC meeting with Eleftherios Kouvaritakis, Permanent Mission of Greece to the UN in New York, 10 September 2008. He also noted that US policy based on the elimination of cluster munitions in 2018 would influence Greece's thinking greatly.

²⁶³ Email from Yannis Mallikourtis, Permanent Mission of Greece in Geneva, 14 June 2011.

²⁶⁴ For details on Greece's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 207–208. Six US Department of State cables made public by Wikileaks in May 2011 show how, according to US officials, Greece did not support the Oslo Process objective to conclude a legally-binding instrument to stop cluster munitions from causing civilian harm. See, for example, "CLUSTER MUNITIONS: GREECE SHARES U.S. CONCERNS," US Department of State cable dated 12 December 2007, released by Wikileaks on 20 May 2011, www.cablegatesearch.net.

²⁶⁵ Email from Yannis Mallikourtis, Permanent Mission of Greece in Geneva, 14 June 2011.

²⁶⁶ Statement of Greece, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 30 August 2010. Notes by Action on Armed Violence (AOAV).

²⁶⁷ Statement of Greece, CCW GGE on Cluster Munitions, Geneva, 21 February 2011. Notes by AOAV.

²⁶⁸ Email from Yannis Mallikourtis, Permanent Mission of Greece in Geneva, 14 June 2011.

²⁶⁹ A UN explosive ordnance disposal team in the area of Melhadega in Eritrea identified and destroyed a dud M20G DPICM grenade of Greek origin in October 2004. UN Mission in Ethiopia and Eritrea Mine Action Coordination Center, "Weekly Update," Asmara, 4 October 2004, p. 4.

In June 2011, a Ministry of Foreign Affairs official stated that “the last production of cluster munitions in Greece was in 2001.”²⁷⁰

Hellenic Defence Systems S.A. (EBO-PYRKAL), also known as EAS, has produced two versions of the GRM-49 155mm artillery projectile with 49 dual purpose improved conventional munitions (DPICM) submunitions and the 107mm high explosive/improved conventional munition (HE/ICM) GRM20 mortar projectile containing 20 DPICM.²⁷¹

Greece has imported 203mm DPICM artillery projectiles, M26 Multiple Launch Rocket System (MLRS) rockets, and Rockeye bombs from the United States (US).²⁷² According to US export records, Greece also imported 4,008 CBU-55B cluster bombs at some point between 1970 and 1995.²⁷³ In June 2011, Greece informed the Monitor that Greece possessed 1,286 CBU-55B cluster bombs and not 4,008 CBU-55B cluster bombs.²⁷⁴

Greece is the sole reported customer for the Autonomous Free Flight Dispenser System (AFDS), which disperses a variety of explosive submunitions, developed by General Dynamics (US) and LFK (Germany).²⁷⁵ Jane’s Information Group lists Greece as also possessing BLG-66 Belouga and CBU-71 cluster bombs.²⁷⁶

In addition, Greece has imported DM-702 SMArt-155 sensor-fuzed munitions from Germany. These contain two submunitions, but are not considered cluster munitions under the terms of the Convention on Cluster Munitions.²⁷⁷

Guyana

Policy

The Republic of Guyana has not yet acceded to the Convention on Cluster Munitions.

In October 2010, a government official said that Guyana recognizes the importance of the convention, but accession is not a priority at this time.²⁷⁸ Previously, in October 2009, a government representative said that Guyana expected to join the convention in the future.²⁷⁹

Guyana did not participate in the Oslo Process that created the convention and has not participated in any meetings of the convention.

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

Guyana is not believed to have used, produced, transferred, or stockpiled cluster munitions.

India

Policy

The Republic of India has not acceded to the Convention on Cluster Munitions.

²⁷⁰ Email from Yannis Mallikourtis, Permanent Mission of Greece in Geneva, 14 June 2011.

²⁷¹ Hellenic Defence Systems S.A., “Our Products,” www.eas.gr. The Greek Powder and Cartridge Company (Pyrkal) was merged into EAS in 2004.

²⁷² The US sent 50,000 M509 203mm projectiles to Greece in 1996 under the Excess Defense Article program. Each M509A1 contains 180 M42/M46 DPICM. US Defense Security Cooperation Agency, “Excess Defense Articles,” www.dsca.osd. For the M26, see US Defense Security Cooperation Agency news release, “Greece – M26A2 MLRS Extended Range Rocket Pods,” Transmittal No. 06–47, 29 September 2006. For Rockeye bombs, see Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

²⁷³ US Defense Security Cooperation Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970-FY1995,” November 15, 1995, obtained by Human Rights Watch in a Freedom of Information Act request, November 28, 1995.

²⁷⁴ Email from Yannis Mallikourtis, Permanent Mission of Greece in Geneva, 14 June 2011.

²⁷⁵ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), pp. 365–367.

²⁷⁶ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 839. The Belouga was produced by France, and the CBU-71 was produced by the US.

²⁷⁷ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), p. 668. Greece may also have imported DPICM artillery projectiles from Germany.

²⁷⁸ CMC meeting with Bibi Ally, First Secretary, Permanent Mission of the Republic of Guyana to the UN, 19 October 2010.

²⁷⁹ The statement was made at an informal briefing convened by the United Kingdom (UK) to promote the convention with Commonwealth states. Meeting with Guy Pollard, Second Secretary, Permanent Mission of the UK to the UN in Geneva, Geneva, 20 October 2009.

India has often stated that it shares concerns about the humanitarian impact of the irresponsible use of cluster munitions, but considers cluster munitions legitimate when used in accordance with international humanitarian law.²⁸⁰ It has called for “effective regulation rather than the prohibition on the use” of cluster munitions.²⁸¹ India has stated its preference for cluster munitions to be addressed by the Convention on Conventional Weapons (CCW).

India has expressed the view that the Convention on Cluster Munitions will create space in the international market for more advanced varieties of cluster munitions and, in its view, will force countries down an expensive path of adapting their cluster munition stocks.²⁸²

India did not participate in the Oslo Process that produced the convention, but did attend a regional meeting on cluster munitions in Lao PDR in October 2008.²⁸³ India has not attended any international or regional meetings related to the convention since 2008. It was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. India did not participate in intersessional meetings of the convention in Geneva in June 2011.

India is not party to the Mine Ban Treaty.

Campaigners in India undertook a number of activities to celebrate the 1 August 2010 entry into force of the Convention on Cluster Munitions and called on the Indian government to join the convention.²⁸⁴

Convention on Conventional Weapons

India is party to the CCW and its Protocol V on explosive remnants of war. India has been an active participant in CCW deliberations on cluster munitions in recent years. In November 2010, India supported continued CCW work on cluster munitions, noting that it “welcomes the progress made” and believes a new protocol “with large representation of a cross section of states will have a significant impact on the ground.”²⁸⁵

India has said that a CCW protocol on cluster munitions should include a large number of producing and stockpiling states.²⁸⁶ India has insisted on including language on the need to strike a balance between military and humanitarian concerns in the draft CCW text on cluster munitions.²⁸⁷ During CCW deliberations, India has questioned the real humanitarian benefits of requirements related to accuracy and reliability and has insisted on the need for a phased approach with a transition period.²⁸⁸

Use, production, transfer, and stockpiling

The Monitor has not been able to verify any use of cluster munitions by India. The size and precise content of India’s stockpile of clusters munitions is not known.

The India Ordnance Factories produces and advertises for export 130mm and 155mm artillery projectiles containing dual purpose improved conventional munition (DPICM) submunitions, which are equipped with a self-destruct feature.²⁸⁹ These projectiles are the result of a transfer of production technology from Israel Military Industries and are produced at Khamaria Ordnance Factory near Jabalpur in Madhya Pradesh.²⁹⁰

In addition to artillery projectiles, the Defence Research and Development Organization of the Ministry of Defence produces a cargo rocket containing anti-tank/anti-material submunitions for the 214mm Pinaka multi-barrel rocket system.²⁹¹ Other sources have claimed that warheads containing submunitions were developed for the Agni, Dhanush, and Prithvi missile systems.²⁹²

²⁸⁰ Statement of India, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 30 August 2010, notes by Action on Armed Violence (AOAV); and Statement of India, CCW GGE on Cluster Munitions, Geneva, 12 April 2010, notes by AOAV.

²⁸¹ Statement by Amb. Hamid Ali Rao, Permanent Mission of India, Conference on Disarmament, CCW GGE on Cluster Munitions, Geneva, 7 July 2008. He said that “until [cluster munitions] can be replaced by other alternatives which are cost effective and perform the required military tasks, [cluster munitions] will continue to find a place in military armories as both point target as well as area target weapons.”

²⁸² Statement of India, CCW GGE on Cluster Munitions, Geneva, 14 April 2009. Notes by Landmine Action.

²⁸³ For more details on India’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 208–209.

²⁸⁴ The Control Arms Foundation of India held a press conference in New Delhi followed by a drumming activity at India Gate. Campaigners met with members of parliament and diplomatic representatives in New Delhi. A seminar was held for members of Maharashtra state assembly. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 19.

²⁸⁵ Statement of India, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

²⁸⁶ Statements of India, CCW GGE on Cluster Munitions, Geneva, 12 and 14 April 2010. Notes by AOAV.

²⁸⁷ Statements of India, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOAV.

²⁸⁸ Statements of India, CCW GGE on Cluster Munitions, Geneva, 14 and 17 April 2009. Notes by Landmine Action.

²⁸⁹ The 130mm projectile contains 24 submunitions, and the 155mm projectile contains 49 submunitions. India Ordnance Factories, www.ofbindia.gov.in.

²⁹⁰ “Ordnance Board to produce ‘cargo ammunition’ with Israeli company,” *The Hindu* (online edition), 6 August 2006, www.hindu.com.

²⁹¹ Leland S. Ness and Anthony G. Williams eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), p. 715.

²⁹² Duncan Lennox, ed., *Jane’s Strategic Weapons Systems 46* (Surrey, UK: Jane’s Information Group Limited, January 2007), pp. 49–56, 85–87; and Duncan Lennox, ed., *Jane’s Strategic Weapons Systems 42* (Surrey, UK: Jane’s Information Group Limited, January 2005), pp. 85–87.

India has also imported cluster munitions. Jane's Information Group lists India as possessing KMG-U dispensers, and BL-755, BLG-66 Belouga, RBK-250, RBK-275, and RBK-500 cluster bombs.²⁹³ In February 2006, India bought 28 launch units for the Russian-produced 300mm Smerch Multiple Launch Rocket System fitted with dual-purpose and Sensor Fuzed Submunitions; it was the third export customer for the system.²⁹⁴

The United States (US) announced in September 2008 that at the request of India, it was intending to sell 510 CBU-105 air-dropped Sensor Fuzed Weapons in an arms deal valued at as much as US\$355 million.²⁹⁵ According to the US Department of Defense, "India intends to use the Sensor Fuzed Weapons to modernize its armed forces and enhance its defensive ability to counter ground-armored threats."²⁹⁶ The US has attached a term to the transfer, in compliance with Public Law 110-161 (26 December 2008), which requires that the submunitions have a 99% or higher reliability rate and stipulates that "the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present."²⁹⁷ The Monitor has not been able to ascertain if delivery of these weapons has occurred.

Iran

Policy

The Islamic Republic of Iran has not acceded to the Convention on Cluster Munitions.

Iran did not participate in the Oslo Process that created the convention and has never attended a meeting on cluster munitions or made a public statement on the issue.

Iran is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Iran is not known to have used cluster munitions, but has a stockpile. It has imported cluster munitions and may have produced them.

Jane's Information Group lists Iran as possessing KMG-U dispensers that deploy submunitions, PROSAB-250 cluster bombs, and BL-755 cluster bombs.²⁹⁸ Media reports indicate that in November 2006 it tested a domestically produced version of the Shahab-2 missile capable of delivering 1,400 bomblets.²⁹⁹

Additionally, Iran possesses Grad 122mm surface-to-surface rockets as well as a number of types of 122mm, 240mm, and 333mm rockets it produces, but it is not known if these include versions with submunition payloads.³⁰⁰

According to one source, Iraq used air-dropped cluster bombs against Iranian troops in 1984 during the Iran-Iraq war.³⁰¹

According to a United States (US) Navy document, on 18 April 1988, US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship with 18 Mk-20 Rockeye bombs during Operation Praying Mantis.³⁰²

²⁹³ Robert Hewson, ed., *Jane's Air Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 840. While there is no information about specific transfers, the manufacturers are the United Kingdom (BL-755), France (BLG-66), and Russia/USSR (RBKs).

²⁹⁴ "India, Russia sign \$500 mn rocket systems deal," *Indo-Asian News Service* (New Delhi), 9 February 2006. Each Smerch rocket can carry five Sensor Fuzed Submunitions and either 72 or 646 dual-purpose, high explosive submunitions.

²⁹⁵ US Defense Security Cooperation Agency, Department of Defense, "India: CBU-105 Sensor Fuzed Weapons," Transmittal No. 08-105, Press release, 30 September 2008.

²⁹⁶ "Policy Justification" information provided with a letter from Vice Admiral Jeffrey A. Wieringa, Director, US Defense Security Cooperation Agency, to Senator Robert C. Byrd, Chairman, US Senate Committee on Appropriations (USP012679), 26 September 2008.

²⁹⁷ Letter from Vice Admiral Jeffrey A. Wieringa to Senator Robert C. Byrd, 26 September 2008. The law prohibits the export of cluster munitions that do not have a 99% or higher reliability rate.

²⁹⁸ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 840.

²⁹⁹ Nasser Karimi, "Iran Test-Fires New Longer-Range Missile," Associated Press (Tehran), 2 November 2006.

³⁰⁰ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 309; Colin King, ed., *Jane's Explosive Ordnance Disposal 2007-2008*, CD-edition, 15 January 2008, (Surrey, UK: Jane's Information Group Limited, 2008).

³⁰¹ Anthony H. Cordesman and Abraham R. Wagner, *Lessons of Modern War Volume II: The Iran-Iraq War* (Boulder, Colorado: Westview Press, 1990), p. 210. The bombs were reportedly produced by Chile.

³⁰² Memorandum from the Commanding Officer of the USS Enterprise (CVN-65) to the Director of Naval History (OP-09BH), "1988 Command History," 27 February 1989, p. 20.

Israel

Policy

The State of Israel has not acceded to the Convention on Cluster Munitions.

Israel did not make any public statements on the convention in 2010 or the first half of 2011. The Ministry of Foreign Affairs said that the views it expressed in a 2009 letter to the Monitor remain unchanged.³⁰³ In 2009, Israel stated that it “shares the views of those states wishing to alleviate the humanitarian concerns that may be associated with the use of cluster munitions,” but said it “believes that this could be best achieved within the framework of the CCW [Convention on Conventional Weapons].” Israel said that it “welcomes and supports the ongoing negotiations” in the CCW, which it views as “the appropriate forum to negotiate such matters, one that has traditionally enjoyed the membership and expertise of relevant states.”³⁰⁴

Israel did not participate at all in the diplomatic Oslo Process that created the convention.³⁰⁵ From 2000, when the CCW first began discussing cluster munitions, until mid-2008, Israel opposed any new rules or regulations for states on the use of cluster munitions, insisting that existing international law was sufficient. In justifying its use of cluster munitions in Lebanon in July and August 2006, Israel stressed that it did so in conformity with international humanitarian law. It said, “Both international law and accepted practice do not prohibit the use of... ‘cluster bombs.’ Consequently, the main issue... should be the method of their use, rather than their legality.”³⁰⁶

Israel has never attended any international or regional meetings held in relation to the convention. It was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Israel is not party to the Mine Ban Treaty.

Convention on Conventional Weapons

Israel is party to CCW, but has not ratified CCW Protocol V on explosive remnants of war. Israel continued to engage actively in CCW deliberations on cluster munitions in 2010 and the first half of 2011. In November 2010, Israel said that “significant progress” had been made on the chair’s text of a draft CCW protocol on cluster munitions, which it described as “a step in the right direction.” Israel supported a continuation of the CCW work and said it was “confident that an agreed outcome” is possible.³⁰⁷

Despite its willingness to continue CCW work, Israel has cited many objections to the draft text under consideration. In March 2011, Israel opposed the inclusion of the key provision that would prohibit the use of cluster munitions produced before 1980. It also noted that the text “may have moved farther away rather than closer to the necessary balance we need to achieve between military and humanitarian considerations.”³⁰⁸

Use

Israel used cluster munitions in 1973 in Syria against non-state armed group training camps near Damascus, in 1978 in south Lebanon, in 1982 in Lebanon against Syrian forces and non-state armed groups, and in 2006 in south Lebanon against Hezbollah.³⁰⁹

Israel fired cluster munitions containing some 4 million submunitions into south Lebanon in 2006. According to the UN, 90% of the cluster munitions were fired in the last 72 hours of the conflict.³¹⁰ A spokesperson for the UN Mine Action Coordination Centre for Southern Lebanon (MACC SL) said Israel’s use of cluster munitions “was unprecedented

³⁰³ Letter from Ministry of Foreign Affairs of Israel, 19 June 2011.

³⁰⁴ Letter from Rodica Radian-Gordon, Director, Arms Control Department, Ministry of Foreign Affairs, to Human Rights Watch, 23 February 2009.

³⁰⁵ For details on Israel’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 212–215.

³⁰⁶ Ministry of Foreign Affairs, “Behind the Headlines: Legal and operational aspects of the use of cluster bombs,” 5 September 2006, www.mfa.gov.il.

³⁰⁷ Statement of Israel, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

³⁰⁸ Statement of Israel, CCW Group of Governmental Experts on Cluster Munitions, Geneva, 28 March 2011. Notes by AOAV.

³⁰⁹ During the 1978 and 1982 Lebanon conflicts, the US placed restrictions on the use of its cluster munitions by Israel. In response to Israel’s use of cluster munitions in 1982 and the civilian casualties that they caused, the US issued a moratorium on the transfer of cluster munitions to Israel. The moratorium was lifted in 1988. Human Rights Watch, “Flooding South Lebanon: Israel’s Use of Cluster Munitions in Lebanon in July and August 2006,” Vol. 20, No.2(E), February 2008, p. 26.

³¹⁰ For details on Israel’s use of cluster munitions in Lebanon and its impact, see Human Rights Watch, “Flooding South Lebanon: Israel’s Use of Cluster Munitions in Lebanon in July and August 2006,” Vol. 20, No.2(E), February 2008, p. 26; and Landmine Action, “Foreseeable harm: the use and impact of cluster munitions in Lebanon: 2006,” October 2006, www.landmineaction.org.

and one of the worst, if not the worst, use of submunitions in history.”³¹¹ In January 2008, the Winograd Commission of inquiry appointed by the Israeli government reported that there was a lack of clarity regarding the acceptable or appropriate use of these weapons.³¹²

During the 2006 conflict, Hezbollah fired over 100 Chinese made Type-81 122mm cluster munitions rockets from Lebanon into northern Israel.³¹³

Production, transfer, and stockpiling

Israel has been a major producer and exporter of cluster munitions, primarily artillery projectiles and rockets containing the M85 dual purpose improved conventional munition (DPICM) submunition equipped with a back-up pyrotechnic self-destruct fuze. Israel Military Industries (IMI) produces, license-produces, and exports cluster munitions including artillery projectiles (105mm, 122mm, 130mm, 152mm, 155mm, 175mm, and 203mm), mortar bombs (120mm), and rockets (EXTRA, GRADLAR, and LAR-160).³¹⁴

IMI has reportedly produced over 60 million M85 DPICM submunitions.³¹⁵ Historically it has concluded licensing agreements for the M85 with Germany, India, Romania, Switzerland, Turkey, the United Kingdom (UK), and the United States (US).³¹⁶ Based on lot numbers and production markings, Austria, Germany, and the UK have declared stockpiling 155mm artillery projectiles containing M85 submunitions in their initial Convention on Cluster Munitions Article 7 reports submitted in January 2011. An air-dropped anti-runway cluster bomb called ARC-32 of Israeli origin has been reported in the stockpiles of Colombia.³¹⁷

Israel transferred four GRADLAR 122mm/160mm rocket launcher units to Georgia in 2007. Georgia has acknowledged using the launchers with 160mm Mk.-4 rockets, each containing 104 M85 DPICM submunitions, during its August 2008 conflict with Russia.³¹⁸ Israel has also produced several types of air-dropped cluster munitions. The Rafael Corporation is credited with producing the ATAP-300, ATAP-500, ATAP-1000 RAM, TAL-1, and TAL-2 cluster bombs, as well as the BARAD Helicopter Submunition Dispenser.³¹⁹

Israel has imported cluster munitions from the US, including M26 rockets (each with 644 submunitions) for its Multiple Launch Rocket System (MLRS) launchers and 155mm M483A1 projectiles (each with 88 submunitions), both used in south Lebanon in 2006. The US has also supplied Rockeye cluster bombs (with 202 bomblets each) and CBU-58B cluster bombs (with 650 bomblets each).³²⁰

The size and composition of Israel's current stockpile of cluster munitions is not known. Additionally, it captured and possesses Grad 122mm surface-to-surface rocket launchers, but it is not known if the ammunition for these weapons includes versions with submunition payloads.³²¹

Cluster Munition Remnants

It is not known whether Israel remains affected by cluster munition remnants. According to the commander of the bomb squad of the National Police, all known strike locations of cluster munitions fired into Israel from Lebanon by Hezbollah in 2006 were cleared of any remnants found at the time. However, no systematic survey was conducted, nor was there any

³¹¹ UN Office for the Coordination of Humanitarian Affairs, “Lebanon: Deminers find new cluster bomb sites without Israeli data,” *IRIN*, 22 January 2008, quoting Dalya Farran, Spokesperson, MACC SL, www.reliefweb.int.

³¹² Landmine Action, “Cluster Munitions: A survey of legal responses,” 2008, pp. 18–26, www.landmineaction.org.

³¹³ Human Rights Watch, “Civilians Under Assault: Hezbollah’s Rocket Attacks on Israel in the 2006 War,” Vol. 19, No. 3(E), August 2007, pp. 44–48.

³¹⁴ Information on surface-launched cluster munitions produced and possessed by Israel is taken primarily from IMI’s corporate website, www.imi-israel.com. It has been supplemented with information from Leland S. Ness and Anthony G. Williams, *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007) and US Defense Intelligence Agency, “Improved Conventional Munitions and Selected Controlled-Fragmentation Munitions (Current and Projected) DST-1160S-020-90.”

³¹⁵ Mike Hiebel, Alliant TechSystems, and Ilan Glickman, IMI, “Self-Destruct Fuze for M864 Projectiles and MLRS Rockets,” Presentation to the 48th Annual Fuze Conference, Charlotte, North Carolina, 27–28 April 2004, Slide 9, www.dtic.mil.

³¹⁶ Human Rights Watch, “Flooding South Lebanon: Israel’s Use of Cluster Munitions in Lebanon in July and August 2006,” Vol. 20, No. 2(E), February 2008, p. 27.

³¹⁷ Ministry of Defense of Colombia Presentation on cluster munitions, Bogotá, December 2010. See ICBL-CMC, “Country Profile: Colombia: Cluster Munition Ban Policy,” www.the-monitor.org.

³¹⁸ The transfer of the GRADLAR launchers was reported in UN Register of Conventional Arms, Submission of Georgia, UN Register of Conventional Arms, Report for Calendar Year 2007, 7 July 2008. The Georgian Ministry of Defense on 1 September 2008 admitted to using Mk.-4 rockets against Russian forces on its website. “Georgian Ministry of Defence’s Response to the Human Rights Watch Inquire about the Usage of M85 Bomblets,” www.mod.gov.ge.

³¹⁹ Robert Hewson, ed., *Jane’s Air Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), pp. 370–380.

³²⁰ Human Rights Watch, “Flooding South Lebanon: Israel’s Use of Cluster Munitions in Lebanon in July and August 2006,” Vol. 20, No. 2(E), February 2008, pp. 27–28.

³²¹ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 313; and Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

attempt to identify strikes that may have landed in the desert.³²² Survivor Corps has reported that Ktura Valley in Arava is contaminated by unexploded submunitions.³²³

Jordan

Policy

The Hashemite Kingdom of Jordan has not acceded to the Convention on Cluster Munitions.

In November 2010, Prince Mired Ben Raad Zeid Al-Hussein informed States Parties that Jordan understands the importance of this convention and will continue to “support from the sidelines,” but noted “we have yet to decide if and when we can join.” Prince Mired added, “we hope to join the convention in the future.”³²⁴

Previously, in June 2010, Jordan said it was considering the convention and that it was a matter of when Jordan would join and not if it would join.³²⁵

Jordan participated in two meetings of the Oslo Process that created the convention, but did not attend the formal negotiations in Dublin in May 2008, even as an observer.³²⁶ Since 2008, Jordan has continued to show interest in the convention. It participated in an international conference on cluster munitions in Santiago, Chile in June 2010 and attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR as an observer, but did not participate in intersessional meetings of the convention held in Geneva in June 2011.

Jordan is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war (ERW) and has not engaged in CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Jordan is not believed to have used or produced cluster munitions, but it has imported them. The current status and content of Jordan’s stockpile of cluster munitions is not known.

The United States (US) transferred 31,704 artillery projectiles (M509A1, M483) containing over 3 million dual purpose improved convention munition (DPICM) submunitions to Jordan in 1995 as these were being phased out of the US inventory.³²⁷ According to US export records, Jordan also imported 200 CBU-71 and 150 Rockeye cluster bombs at some point between 1970 and 1995.³²⁸ Jordan is also reported to possess the Hydra-70 air-to-surface unguided rocket system, but it is not known if the ammunition types available to it include the M261 Multi-Purpose Submunition rocket.³²⁹

Cluster Munition Remnants

There may be cluster munition remnants in remote areas of Jordan as a result of the armed forces testing cluster munitions on firing ranges.³³⁰ The National Committee for Demining and Rehabilitation (NCDR) has no data on the extent of possible contamination, but believes that it is not extensive. A NATO-funded ERW survey initiated in September 2008 had recorded no findings of unexploded submunitions as of the end of June 2010.³³¹

³²² Human Rights Watch interview with the Commander of the National Police Bomb Squad, Ramla, Israel, 17 October 2006. See also Human Rights Watch, “Lebanon/Israel: Hezbollah Hit Israel with Cluster Munitions During Conflict,” Press release, 18 October 2006, Jerusalem, www.hrw.org.

³²³ Survivor Corps, “Explosive Litter, Status Report on Minefields in Israel and the Palestinian Authority,” Draft Report, April 2010, p. 19 (Appendix I: Table of Mined Areas in Israel and West Bank).

³²⁴ Statement of Prince Mired Ben Raad Zeid Al-Hussein of Jordan, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

³²⁵ CMC meeting with the Jordanian delegation, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010. Notes by the CMC. The delegation noted that the process to join is first recommendation by the Ministry of Foreign Affairs, then ratification by the Parliament, then signature by the King.

³²⁶ For more details on Jordan’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 215–216.

³²⁷ US Defense Security Cooperation Agency, Department of Defense, “Excess Defense Article database,” undated, www.dsca.osd.mil.

³²⁸ US Defense Security Cooperation Agency, “Cluster Bomb Exports under FMS, FY1970–FY1995.”

³²⁹ Colin King, ed., *Jane’s Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

³³⁰ See, for example, Dalya Dajani, “Mine action authority to tackle unexploded ordnance,” *Jordan Times*, 22 January 2009, www.jordantimes.com; and email from Stephen Bryant, former Program Manager, Norwegian People’s Aid, 2 February 2009.

³³¹ Email from Muna Alalul, Head of International Relations, NCDR, 1 August 2010.

Kazakhstan

Policy

The Republic of Kazakhstan has not acceded to the Convention on Cluster Munitions.

In an April 2011 letter to the Monitor, a government representative repeated Kazakhstan's first official statement on the issue made in an August 2010 letter that, "Kazakhstan highly values the humanitarian focus of the Convention on Cluster Munitions, but at this stage does not consider its possible accession to the Convention."³³²

In both letters Kazakhstan stated, "We proceed from the point that cluster munitions as weapons are not prohibited under international humanitarian law. Each State shall determine on the feasibility and timing of accession according to the interests of national security and their own economic potential."³³³

Kazakhstan participated in meetings of the Oslo Process that created the convention, including the negotiations in Dublin in May 2008 as an observer, but made no statements.³³⁴ Kazakhstan has not attended any meetings on cluster munitions held since 2008, such as the First Meeting of State Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Kazakhstan is not a party to the Mine Ban Treaty. It joined the Convention on Conventional Weapons (CCW) in July 2009, but has not ratified CCW Protocol V on explosive remnants of war and has not participated in CCW discussions on cluster munitions.

Use, production, transfer, and stockpiling

Kazakhstan is not known to have used, produced, or exported cluster munitions. Kazakhstan has stated that it does not "produce and does not intend to produce and acquire cluster munitions in the medium term."³³⁵ Kazakhstan has also stated that it "cannot be a source of proliferation of cluster munitions" because it has "an effective system of export control of arms."³³⁶

Kazakhstan inherited a stockpile of cluster munitions from the Soviet Union, but has not made a public declaration regarding its cluster munition stockpiles. Jane's Information Group reports that RBK-500 cluster bombs are in service with the country's air force.³³⁷ It also possesses Grad 122mm and Uragan 220mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.³³⁸

Kiribati

Policy

Kiribati has not yet acceded to the Convention on Cluster Munitions.

Kiribati did not participate in the Oslo Process and has never attended a meeting on cluster munitions or made a public statement on this issue.

Kiribati is a party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Kiribati is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Kiribati is affected by unexploded ordnance, particularly Betio and South Tarawa, but is not believed to be affected by cluster munition remnants.³³⁹

³³² Letter No. 10-2/1744 from A. Tanalinov, Head, Division of International Security, Ministry of Foreign Affairs, 23 April 2011; and Letter No. 10-2/2176 from A. Tanalinov, Ministry of Foreign Affairs, 1 August 2010.

³³³ Ibid.

³³⁴ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 216.

³³⁵ Letter No. 10-2/1744 from A. Tanalinov, Ministry of Foreign Affairs, 23 April 2011; and Letter No. 10-2/2176 from A. Tanalinov, Ministry of Foreign Affairs, 1 August 2010.

³³⁶ Ibid.

³³⁷ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 841.

³³⁸ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 249.

³³⁹ The government has stated that Kiribati is not believed to be affected by antipersonnel mines. Statement of Kiribati, Second Review Conference of the Mine Ban Treaty, Cartagena, 4 December 2009.

Democratic People’s Republic of Korea

Policy

The Democratic People’s Republic of Korea (North Korea) has not acceded to the Convention on Cluster Munitions.

North Korea did not participate in the Oslo Process that created the convention and has never attended a meeting on cluster munitions or made a public statement on the issue.

North Korea is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Jane’s Information Group lists North Korea as producing and stockpiling submunition warheads for 122mm, 170mm, and 240mm rockets. Jane’s Information Group also cites the North Korean air force as possessing KMG-U dispensers (which deploy submunitions), RBK-500 cluster bombs, and unspecified types of anti-armor and anti-runway cluster bombs.³⁴⁰

North Korea is not known to have used or exported cluster munitions.

Republic of Korea

Policy

The Republic of Korea (South Korea) has not acceded to the Convention on Cluster Munitions.

South Korea did not make any statements on the convention in 2010 or the first half of 2011. Previously, in October 2009, an official said, “The Republic of Korea fully recognizes the need to reduce humanitarian suffering caused by cluster munitions and supports international efforts to address the problems associated with the use of cluster munitions. . . . However, due to the unique security situation on the Korean peninsula, my government is unable to take an active stance on the Convention on Cluster Munitions which bans the use of all cluster munitions.”³⁴¹

South Korea has described cluster munitions as legitimate weapons that are “efficient. . . in deterring enemy attacks.”³⁴² It has stated its preference for cluster munitions to be addressed within the framework of the Convention on Conventional Weapons (CCW) in order to strike “an appropriate balance between humanitarian concerns and military considerations.”³⁴³ Yet until the 2007 launch of the Oslo Process that resulted in the Convention on Cluster Munitions, South Korea opposed efforts to tackle cluster munitions in the CCW framework.

South Korea did not participate in the Oslo Process, but it attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 as an observer and stated, “We value the intent of the [convention], but considering the current relations between the North and the South, we can’t sign it.”³⁴⁴

Since 2008, South Korea has not participated in any of the regional or international diplomatic meetings relating to the convention.

South Korea is party to the CCW and its Protocol V on explosive remnants of war. South Korea has participated regularly in CCW meetings on cluster munitions. In November 2010, South Korea expressed its support for continued CCW deliberations on cluster munitions, noting “our efforts are by no means in vain.”³⁴⁵

A local peace group called “Weapon Zero Team” has undertaken several activities to call on the South Korean government to ban cluster munitions.³⁴⁶

South Korea is not party to the Mine Ban Treaty.

³⁴⁰ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 841; and Terry J. Gander and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001).

³⁴¹ Republic of Korea, “Explanation of Vote on L. 16, 64th Session of the UN General Assembly First Committee,” New York, 11 October 2009.

³⁴² Statement by Amb. Dong-hee Chang, Permanent Mission of the Republic of Korea to the UN in Geneva, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 14 January 2008.

³⁴³ Statement of the Republic of Korea, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by Action on Armed Violence (AOAV).

³⁴⁴ “Facing military confrontation, South Korea clings to cluster munitions,” Mainichi Daily News, 8 December 2008, mdn.mainichi.jp. For more details on South Korea’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 217–219.

³⁴⁵ Statement of the Republic of Korea, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

³⁴⁶ War Resisters International, “South Korea: Weapon Zero Team,” 18 February 2010, www.wri-irg.org.

Use, production, transfer, and stockpiling

South Korea has stated on several occasions that it has never used cluster munitions.³⁴⁷ It is, however, a known producer, importer, exporter, and stockpiler of the weapon.

In August 2008, the Ministry of National Defense adopted a directive requiring that it only acquire cluster munitions with self-deactivation devices and a 1% or lower failure rate, and recommending, “the development of alternative weapon systems which could potentially replace cluster munitions in the long run.”³⁴⁸

In November 2010, South Korea informed the CCW that, “we will do our part to reduce the humanitarian impact of cluster munitions by reflecting [international humanitarian law] standards in our defence forces.”³⁴⁹

The Ministry of National Defense has said that “South Korea stopped production of old types of cluster munitions,” and “cluster munitions currently in production have a high level of reliability and most are equipped with [self-destruct] mechanisms.”³⁵⁰

The United States (US) concluded a licensing agreement with South Korea in 2001 for production of dual purpose improved conventional munition (DPICM) submunitions for Multiple Launch Rocket System (MLRS) rockets.³⁵¹

Two companies in South Korea, Hanwha and Poongsan, produce cluster munitions.³⁵² Hanwha has acknowledged that it has produced 2 M261 Multi-Purpose Submunition rockets for the Hydra-70 air-to-ground rocket system, as well as KCBU-58B cluster bombs.³⁵³ In March 2008, Hanwha apparently exported an unknown quantity of M261 Multi-Purpose Submunition rockets (each containing nine M73 submunitions) to Pakistan.³⁵⁴

Poongsan’s website has advertised a 155mm projectile containing 88 submunitions designated DP-ICM TP, and another 155mm projectile with submunitions designated DP-ICM K305.³⁵⁵ In April 2009, Poongsan listed among its products the following two types of 155mm artillery projectiles that contain submunitions: K308 DP-ICM TP, containing 88 K224 submunitions, and K310 DP-ICM B/B, containing 49 K221 submunitions.³⁵⁶

Poongsan entered into a licensed production agreement with Pakistan Ordnance Factories in November 2004 to co-produce K310 155mm extended-range (base bleed) DPICM projectiles in Pakistan at Wah Cantonment. While the ammunition is primarily being produced for Pakistan’s army, the two firms will also co-market the projectiles to export customers.³⁵⁷

According to the report “Worldwide Investments in Cluster Munitions: a shared responsibility,” 17 Korean financial entities are involved in investments in manufacturers of cluster munitions. Both Hanwha and Poongsan are invested in by 16 Korean financial entities, 10 US financial entities, three in the United Kingdom (UK), and one each in both Canada and Switzerland.³⁵⁸

South Korea has imported a variety of cluster munitions from the US. It is known to possess M26 rockets, M26A1 extended range rockets, and ATACMS missiles for its MLRS launchers. Between 1993 and 1999, the US provided 393 M26A1 extended range rocket pods, 271 M26 rocket pods, 111 ATACMS-1 missiles, and 111 ATACMS missiles.³⁵⁹ South Korea also stockpiles several artillery projectiles with DPICM submunitions (M483A1, M864, and M509A1) imported

³⁴⁷ Statement by Amb. Dong-hee Chang, CCW GGE on Cluster Munitions, Geneva, 7 July 2008. Earlier, the ambassador said, “What should be noted here is that we have never used that weapon system in the real battlefield, and have never caused any harm to civilians.” Statement by Amb. Dong-hee Chang, CCW GGE on Cluster Munitions, Geneva, 14 January 2008.

³⁴⁸ Republic of Korea, “Explanation of Vote on L. 16, 64th Session of the UN General Assembly First Committee,” New York, 11 October 2009. See also, statement of the Republic of Korea, CCW Meeting of States Parties, Geneva, 13 November 2008; and Republic of Korea, “Explanation of Vote on Cluster Munitions,” UN General Assembly, First Committee, New York, 30 October 2008.

³⁴⁹ Statement of the Republic of Korea, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

³⁵⁰ Communication from the Ministry of National Defense through the Permanent Mission of the Republic of Korea to the UN in Geneva, to IKV-Pax Christi Netherlands, 3 June 2005.

³⁵¹ Notification to Congress pursuant to Section 36(c) and (d) of the Arms Export Control Act, Transmittal No. DTC 132–00, 4 April 2001, www.pmdtc.state.gov.

³⁵² Both companies were excluded from investment under the Norwegian Petroleum Fund’s ethical guidelines for producing cluster munitions, Poongsan in December 2006 and Hanwha in January 2008. For more details on production by these companies, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 219.

³⁵³ Norwegian Ministry of Finance, “Recommendation on exclusion of the companies Rheinmetall AG and Hanwha Corp.,” 15 May 2007, www.regjeringen.no. MLRS are ground rocket systems.

³⁵⁴ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 219.

³⁵⁵ Letter from Council on Ethics for the Norwegian Government Pension Fund—Global, to the Norwegian Ministry of Finance, “Recommendation of 6 September 2006,” 6 September 2006, www.regjeringen.no.

³⁵⁶ Poongsan, “Defence Products, Howitzer Ammunition,” www.poongsan.co.kr.

³⁵⁷ “Pakistan Ordnance Factory, S. Korean Firms Sign Ammunition Pact,” *Asia Pulse* (Karachi), 24 November 2006.

³⁵⁸ IKV-Pax Christi and Netwerk Vlaanderen, “Worldwide Investments in Cluster Munitions: a shared responsibility,” April 2010, pp.17–21.

³⁵⁹ Data from US Defense Security Cooperation Agency, Department of Defense, “Notifications to Congress of Pending U.S. Arms Transfers,” “Foreign Military Sales,” “Direct Commercial Sales,” and “Excess Defense Articles” databases, www.dsca.osd.mil. M26 rockets each contain 644 submunitions, and there are six rockets to a pod. M26A1 rockets have 518 submunitions each. ATACMS 1 missiles have 950 submunitions each.

from the US.³⁶⁰ In 2001, the US supplied South Korea with 16 each of the following cluster bombs: CBU-87, CBU-97, CBU-103, and CBU-105.³⁶¹ Jane's Information Group lists it as possessing CBU-87 and Rockeye cluster bombs.³⁶²

The current size and content of South Korea's stockpile of cluster munitions is not known. In 2005, South Korea's Ministry of National Defense acknowledged that it "maintains stockpiles of old types of cluster munitions with a high failure rate" and stated, "There are currently no plans to upgrade these holdings.... Equipping old types of submunitions with [self-destruct] mechanisms is not considered feasible due to technical and financial problems."³⁶³

Kuwait

Policy

The State of Kuwait has not acceded to the Convention on Cluster Munitions.

Kuwait has never made a public statement on its cluster munition policy. In November 2010, officials said that Kuwait supported the humanitarian aspects of the convention and was studying the implications of joining it.³⁶⁴ Previously, in December 2009, officials said that Kuwait was looking at joining the convention.³⁶⁵

Kuwait participated in the Oslo Process to develop the convention, including as an observer in the Dublin negotiations in May 2008.³⁶⁶ Kuwait did not participate in any meetings on cluster munitions in 2009, but attended at the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer.

Kuwait is a State Party to the Mine Ban Treaty. It is not a party to the Convention on Conventional Weapons.

While Kuwait is not believed to have used, produced, or exported cluster munitions, it has a stockpile. In 1995, Kuwait was the first export customer for the Russian-produced Smerch 300mm multiple launch rocket system fitted with dual-purpose and sensor-fuzed submunitions, buying 27 launch units.³⁶⁷ Additionally, Jane's Information Group lists Kuwait as possessing the Hydra-70 air-to-surface unguided rocket system, but it is not known if this stockpile includes the M261 multipurpose submunition variant.³⁶⁸

Cluster Munition Remnants

Kuwait remains affected by cluster munitions, which were used extensively during the 1991 Gulf War, especially by United States forces, but also by British and French forces. The precise extent of contamination is not known, although unexploded submunitions continue to be found occasionally.

Clearance of cluster munition remnants

From the end of the conflict in 1991 through December 2002, 108 tons (108,000kg) of cluster munitions were discovered and destroyed by mine clearance and explosive ordnance disposal teams in Kuwait.³⁶⁹ In 2002, more than a decade after the fighting stopped, 2,400 submunition duds were detected and destroyed. These included: M42/M46/M77 (dual purpose improved conventional munition, DPICM); Mk-118 (Rockeye); BLU-61A/B; BLU-77B; BLU-97 (CBU-87); and Belouga (a French air-dropped cluster munition). Almost 20% of submunition duds found in 2002 were from Rockeye air-dropped bombs.³⁷⁰ There is also a residual problem of unexploded submunitions within the country (see Mine Action section of Kuwait profile).

³⁶⁰ M483A1 shells have 88 submunitions, M864 have 72 submunitions.

³⁶¹ US Defense Security Cooperation Agency, "Republic of Korea—F-15E/K Aircraft Munitions and Avionics," Press release, 15 February 2001, www.dsca.mil. It also provided 45 AGM-54 JSOW bombs, but it is not known if these were the version with submunitions.

³⁶² Robert Hewson, ed., *Jane's Air Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 841. CBU-87 bombs have 202 submunitions, and Rockeye cluster bombs have 247 submunitions.

³⁶³ Communication from the Ministry of National Defense through the Permanent Mission of the Republic of Korea to the UN in Geneva, to IKV-Pax Christi Netherlands, 3 June 2005.

³⁶⁴ CMC meeting with the Kuwaiti delegation to the First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010.

³⁶⁵ ICBL meeting with the Kuwaiti delegation to the Second Review Conference of the Mine Ban Treaty, Cartagena, 30 November–4 December 2009.

³⁶⁶ For details on Kuwait's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 220.

³⁶⁷ "Kuwait to get smart submunitions for Smerch MRL," *Jane's Defence Weekly*, 21 April 1995.

³⁶⁸ Colin King, ed., *Jane's Explosive Ordnance Disposal*, CD-edition, 10 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

³⁶⁹ Kuwait Ministry of Defense, Headquarters Land Forces Command, "Monthly Ammunition and Explosive Destroyed/Recovery Report," Annex A, 21 December 2002.

³⁷⁰ *Ibid.* According to the same document, a similar number of cluster munitions were cleared in 2001.

Kyrgyzstan

Policy

The Kyrgyz Republic has not acceded to the Convention on Cluster Munitions.

Kyrgyzstan did not make any statements on the convention in the second half of 2010 or first half of 2011. Previously, in April 2010, the Ministry of Foreign Affairs told the Monitor that adherence to the convention is “under consideration.”³⁷¹

Kyrgyzstan participated in the Oslo Process that led to the creation of the convention and joined in the consensus adoption of the convention text in Dublin in May 2008, but did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.³⁷² Kyrgyzstan has not participated in any regional or international meetings on cluster munitions since 2008.

Kyrgyzstan is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

In April 2010, Kyrgyzstan stated that it has never used, produced, transferred, or stockpiled cluster munitions.³⁷³

Latvia

Policy

The Republic of Latvia has not acceded to the Convention on Cluster Munitions.

In April 2011, the head of the arms control division of Latvia’s Ministry of Foreign Affairs said that Latvia was concerned with the “indiscriminate use of certain cluster munitions” and described the August 2010 entry into force of the Convention on Cluster Munitions as an “important step.” The official, however, expressed Latvia’s preference for cluster munitions to be regulated through the “much broader framework” provided by the Convention on Conventional Weapons (CCW).³⁷⁴

While acknowledging that “considerable difficulties... still exist” on the scope and parameters of a draft CCW protocol on cluster munitions, the official described the chair’s draft text as representing “progress in terms of acquiring the support... by states producing and possessing the major part of [the] world’s cluster munitions stockpile” and said it was therefore “important to continue the efforts to the maximum extent possible.”³⁷⁵ Latvia expressed a similar position on the CCW in April 2010.³⁷⁶

In Latvia’s view, a CCW protocol on cluster munitions “needs to be complementary and compatible” with the Convention on Cluster Munitions and should contain a prohibition concerning at least one aspect of cluster munitions, which it said could be either on production, transfer, or stockpiling of cluster munitions.³⁷⁷

Latvia participated in a couple of meetings of the Oslo Process that created the convention, including as an observer in both the Dublin negotiations in May 2008 and the Oslo Signing Conference in December 2008.³⁷⁸ Latvia has not attended any meetings related to the Convention on Cluster Munitions since 2008, such as the First Meeting of States Parties in Vientiane, Lao PDR in November 2010 or intersessional meetings in Geneva in June 2011.

Latvia is a State Party to the Mine Ban Treaty. Latvia is a party to the CCW, including Protocol V on explosive remnants of war, but was not a notably active participant in CCW discussions on cluster munitions in 2010 and the first half of 2011.³⁷⁹ Previously, Latvia served as chair of the Group of Governmental Experts (GGE) on cluster munitions in 2007.

Latvia has stated that it has never used, produced, stockpiled, or transferred cluster munitions.³⁸⁰

³⁷¹ Letter No. 011-14/809 from the Ministry of Foreign Affairs of the Kyrgyz Republic, 30 April 2010.

³⁷² For detail on Kyrgyzstan’s policy and practice regarding cluster munitions through early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), p. 225.

³⁷³ Letter No. 011-14/809 from the Ministry of Foreign Affairs of the Kyrgyz Republic, 30 April 2010.

³⁷⁴ Email from Ieva Jirgensone, Head of Arms Control Division, Ministry of Foreign Affairs, 14 April 2011. These views were reiterated in 2010 in a letter (No. 32/112-1697) from Kaspars Ozolins, Director, Security Policy Department, Ministry of Foreign Affairs, 23 April 2010.

³⁷⁵ Email from Ieva Jirgensone, Ministry of Foreign Affairs, 14 April 2011.

³⁷⁶ See ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 225–226; and letter No. 32/112-1697 from Kaspars Ozolins, Ministry of Foreign Affairs, 23 April 2010.

³⁷⁷ Email from Ieva Jirgensone, Ministry of Foreign Affairs, 14 April 2011.

³⁷⁸ For details on Latvia’s cluster munition policy and practice through early 2010 see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 225–226.

³⁷⁹ Latvia attended the 2010 Meeting of States Parties of the CCW but did not attend the August–September 2010, February 2011, or March–April 2011 sessions of the GGE on cluster munitions.

³⁸⁰ Letter No. 32/112-1697 from Kaspars Ozolins, Ministry of Foreign Affairs, 23 April 2010; and email from Ieva Jirgensone, Ministry of Foreign Affairs, 14 April 2011.

Libya

Background

As this report went to print in early August 2011, fighting was continuing between Libyan government forces under the leadership of Muammar Gaddafi and rebel groups supported by nations participating in the Operation Unified Protector military action by NATO. Cluster munitions have been used in the conflict by Libyan government forces.

Policy

The Great Socialist People's Libyan Arab Jamahiriya has not acceded to the Convention on Cluster Munitions. Under the leadership of Muammar Gaddafi, Libya showed interest in the convention, but made no effort to join it.

The Monitor is not aware of any statements on the cluster munition ban by the National Transitional Council (NTC), the opposition authority in Libya. On 28 April 2011, the NTC formally pledged not to use mines.³⁸¹

Libya participated in three regional conferences held during the 2007–2008 Oslo Process that developed the convention, but attended the formal negotiations in Dublin in May 2008 as an observer only and did not join in the consensus adoption of the convention.³⁸² Libya did not attend the Oslo Signing Conference in December 2008.

Libya showed some interest in the convention during 2010. It attended a regional conference on cluster munitions in Pretoria, South Africa in March 2010 and participated as an observer in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Its representatives did not make any statements at these meetings. Libya did not attend intersessional meetings of the convention in Geneva in June 2011.

Libya is not a party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Production, transfer, and stockpiling

Libya is not known to have produced or exported cluster munitions.

Libya possesses a stockpile of cluster munitions, but its current status and composition are unknown. Jane's Information Group lists Libya as possessing KMG-U dispensers (which deploy submunitions) and RBK-500 aerial cluster bombs, again presumably of Soviet/Russian origin.³⁸³ It also possesses Grad 122mm surface-to-surface rocket launchers, but it is also not known if the ammunition for these weapons includes versions with submunition payloads.³⁸⁴

In June 2011, Spain confirmed that it had transferred a total of 1,055 MAT-120 cluster munitions containing 22,155 submunitions to Libya in 2006 and 2008.³⁸⁵

³⁸¹ Human Rights Watch Press release, "Libya: Rebels Pledge Not to Use Landmines," 29 April 2011, www.hrw.org.

³⁸² At the Livingstone Conference on Cluster Munitions in April 2008, Libya endorsed the Livingstone Declaration, which called on African states to support the negotiation of a "total and immediate" prohibition on cluster munitions. At the Kampala Conference on the Convention on Cluster Munitions in September 2008, Libya endorsed the Kampala Action Plan, which called on all African states to sign and ratify the convention as soon as possible. For more details on Libya's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 220–221. Libya also attended the Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions in Pretoria, South Africa in March 2010.

³⁸³ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 842.

³⁸⁴ International Institute for Strategic Studies, *The Military Balance 2011*, (London: Routledge, 2011), p. 320. Libya has demonstrated that it possesses at least one type of 122mm cargo rocket. Human Rights Watch and *The New York Times* also documented the use by government forces of Type-84A scatterable antivehicle mines (made in China) delivered by 122mm rockets into the port area of Misrata on the night of 14–15 April 2011, see www.hrw.org.

³⁸⁵ The transfer took place before Spain instituted a moratorium on export of cluster munitions and prior to its adoption of the Convention on Cluster Munitions. Statement by Spain, Convention on Cluster Munitions Intersessional Meeting, Geneva, 29 June 2011. In the statement, Spain confirmed information provided to the *New York Times* by the Deputy Director General for Foreign Trade of Defense Materials and Dual Use Goods, Ramon Muro Martinez, that: "One license to Lybia [sic] consisting of 5 cluster munitions for demonstration was issued in August 2006. The export took place in October 2006. There were two more licenses issued in December 2007 with a total amount of 1,050 cluster munitions. They were sent in March 2008." CJ Chivers, "Following Up, Part 2. Down the Rabbit Hole: Arms Exports and Qaddafi's Cluster Bombs," *The New York Times – At War Blog*, June 22, 2011, atwar.blogs.nytimes.com.

Use

2011 conflict

In April 2011, Human Rights Watch and *The New York Times* documented the use of cluster munitions by government forces loyal to Libyan leader Muammar Gaddafi in residential areas of the city of Misrata. This is believed to be the first and only known use of the MAT-120 cluster munition in combat.

Human Rights Watch observed at least three cluster munitions explode over the el-Shawahda neighborhood of Misrata on the night of 14 April 2011. It subsequently interviewed witnesses to two other apparent cluster munition strikes and found that submunitions appeared to have landed about 300 meters from Misrata hospital. Recovered remnants of the cluster munitions were identified by Human Rights Watch and *The New York Times* as the MAT-120 manufactured by Spanish company Instalaza SA. The MAT-120 is a projectile fired by a 120mm mortar that contains 21 dual-purpose submunitions. Markings on carrier projectile remnants and submunitions indicated they were produced in 2007.³⁸⁶

Libyan authorities immediately denied government use of cluster munitions in Misrata. When asked by media to comment on the use, Tripoli-based government spokesperson Mussa Ibrahim responded, “We can never do this [use cluster munitions], morally, legally and because this is our country. We can’t do that, we will never do it.”³⁸⁷

On 8 May 2011, NATO’s chief of operations and intelligence, U.S. Air Force Maj. Gen. Mark Ramsay, said, “We have absolutely irrefutable evidence that he [Gaddafi] used, likely mortar fire, to drop cluster munitions on his own people for the express purpose of killing and injuring them.”³⁸⁸

By 1 July, the European Union and at least eight States Parties and signatories to the Convention on Cluster Munitions had condemned or expressed grave concern about the Libyan government’s use of cluster munitions: Austria, Australia, Lao PDR, Mexico, New Zealand, Norway, Spain, and the United Kingdom (UK). United States (US) Secretary of State Hilary Clinton described the Libyan government’s cluster munition use as “worrying.”³⁸⁹ The UN High Commissioner for Human Rights and the CMC condemned Libyan use of cluster munitions.³⁹⁰ A NTC spokesperson said the government’s use of cluster munitions confirmed it was “bent on creating a large humanitarian crisis in Misrata.”³⁹¹

There is no evidence of cluster munition use in Libya by states involved in the NATO military action, including by the US and other states that have not yet joined the Convention on Cluster Munitions.³⁹²

Previous Use

Previously, Libyan forces used aerial cluster bombs, likely RBK bombs of Soviet/Russian origin, containing AO-1Sch and PTAB-2.5 submunitions, at various locations during its intervention in Chad during the 1986–1987 conflict.³⁹³

On 25 March 1986, US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra. On the night of 14–15 April 1986, US Navy aircraft dropped 60 Rockeye bombs on the airfield at Benina.³⁹⁴

On 27 November 2009, a commercial oil company survey crew in Libya found remnants of a German World War II-era “butterfly bomb” (an early version of a cluster bomb). Subsequently, an explosive ordnance disposal (EOD) expert identified six more such cluster munition remnants.³⁹⁵

Cluster Munition Remnants

The precise extent of contamination from cluster munition remnants is not known. Mines Advisory Group (MAG) conducted a rapid assessment of contamination in Misrata at the end of May 2011 and reported, “The presence of UXO and cluster munitions is extensive. ... Conclusive evidence of cluster munition use was found at three sites, and the probability of finding additional contamination in other currently inaccessible areas of the city is very high.”³⁹⁶

³⁸⁶ Human Rights Watch fact sheet: “Cluster Munition Use in Libya,” 27 June 2011. www.hrw.org; CJ Chivers, “Qaddafi Troops Fire Cluster Bombs Into Civilian Areas,” *The New York Times*, 15 April 2011, www.nytimes.com; and Human Rights Watch Press release, “Libya: Cluster Munitions Strike Misrata,” 15 April 2011, www.hrw.org.

³⁸⁷ “Tripoli denies use of cluster bombs,” *Reuters* (Tripoli), video report, 16 April 2011, www.reuters.com.

³⁸⁸ Eric Westervelt, “NATO Official: More Progress Than Meets Eye In Libya,” NPR, 8 May 2011, www.npr.org.

³⁸⁹ Transcript of remarks by Hillary Rodham Clinton, US Secretary of State, Berlin, 15 April 2011, www.state.gov.

³⁹⁰ CMC press release, “Cluster Munition Coalition condemns use of cluster munitions by Libyan Armed Forces,” 15 April 2011, www.stopclustermunitions.org; and UN High Commissioner for Human Rights Navi Pillay, “Condemnation of reported use of cluster munitions in Libya,” 20 April 2011, www.ohchr.org.

³⁹¹ Abdul Hafiz Ghoga, NTC Spokesperson, Comments on reports of cluster munition use in Libya, 17 April 2011, www.telegraph.co.uk.

³⁹² At the outset of the conflict, the CMC urged all countries that have joined the Convention on Cluster Munitions to help ensure that cluster munitions are not used by states that have not yet joined the Convention in any military action in Libya. See CMC statement, “States parties should warn against use of cluster munitions in Libya,” 18 March 2011, www.stopclustermunitions.org.

³⁹³ HI, Circle of Impact: *The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, 2007), p. 48.

³⁹⁴ Daniel P. Bolger, *Americans at War: 1975–1986, An Era of Violent Peace* (Novato, CA.: Presidio Press, 1988), p. 423.

³⁹⁵ Daily report by Jan-Ole Robertz, EOD Technical Advisor, Countermine Libya, 27 November 2009.

³⁹⁶ MAG, “Libya: Assessment mission shows need for urgent response in Misrata,” 1 June 2011, www.maginternational.org.

In June 2011, MAG reported that makeshift street “museums” in Misrata were displaying a large range of munitions, including unexploded submunitions, and attracting hundreds of curious visitors every day. MAG displayed a photograph on its website of a man holding a submunition in each hand, which it described as “a disaster waiting to happen.”³⁹⁷

While it has not been confirmed, contamination from unexploded submunitions may also have occurred from air strikes on ammunition storage areas that contained stockpiled cluster munitions, causing submunitions to be ejected into the surrounding area.

Clearance of cluster munition contaminated areas

Due to the ongoing conflict, as of July 2011 the Monitor is not able to provide detailed information on the status of the clearance of cluster munition remnants. In July 2011, it was reported that MAG and DanChurchAid (DCA) had found parts of a cluster munition casing and four unexploded submunitions at Al Dafaniya, west of Misrata, which were all subsequently destroyed.³⁹⁸

To ensure the mine action response to the mine/explosive remnants of war (ERW) threat in Libya is coordinated, the UN and international NGOs have partnered to form a “Joint Mine Action Coordination Team” (JMACT).³⁹⁹ JMACT partners include, Danish Demining Group (DDG), DCA, Handicap International (HI), Information Management and Mine Action Programs (iMMAP), ICRC, Norwegian People’s Aid, MAG, the Swiss Foundation for Mine Action, UNICEF, and the UN Mine Action Service (UNMAS).

Risk reduction education

To respond to the immediate threat from ERW, including cluster munition remnants, UNICEF and HI have initiated a mine/ERW risk education (RE) program in Libya. As of July 2011, direct sessions with trained volunteers were underway in internally displaced person (IDP) camps in areas of eastern Libya including Ajdabiya, Benghazi, and Misrata.⁴⁰⁰ In addition, more than 30,000 information leaflets had been distributed to IDP communities in Ajdabiya, Benghazi, Brega, and Misrata in addition to Tunisian border areas. Mosques, local radio stations, and civil society groups have also disseminated safety messages in their local communities.⁴⁰¹ As of mid-July, HI reported that it had intervened in 23 IDP camps in Benghazi, providing more than 2,000 people (mostly children) with emergency RE. Private companies, local authorities, and other associations have also benefited from RE.⁴⁰²

Casualties

In June and July 2011, four cluster munition casualties were reported, all in Misrata: one man was reported killed at Al Dafaniya west of Misrata⁴⁰³ and three children—two boys⁴⁰⁴ and one girl⁴⁰⁵—were reported injured. The Monitor has been unable to verify if these casualties were caused by unexploded submunitions from the MAT-120 cluster munition strikes and, as yet, there is no coherent data collection system in place.

The Monitor has identified a total of 63 mine/ERW casualties in the period from April-July 2011, including the four reported cluster munition casualties listed above. Casualties were reported in Ajdabiya, Al Wahat, Misrata, and the Nafusa mountains. For 54 casualties, no detailed information was available on the type of explosive item that caused the casualty; it is possible that there may have been additional casualties from unexploded submunitions among these casualties.⁴⁰⁶

³⁹⁷ MAG, “Libya: Remnants of conflict continue to pose huge threat to civilians,” 22 June 2011, www.maginternational.org.

³⁹⁸ In mid-July 2011, it was reported that MAG and DCA had conducted an assessment in Al Dafaniya, west of Misrata, where they found that a man had been killed while handling an item of unexploded ordnance. On further inspection the teams found parts of a cluster munition casing as well as four other unexploded submunitions, all of which were destroyed. Joint Mine Action Coordination Team – Libya, “Weekly Report # 9, 18 July 2011,” p. 4.

³⁹⁹ UNMAS, “Joint Mine Action Coordination Team – Libya (JMACT),” undated, www.mineaction.org.

⁴⁰⁰ UNICEF Press release, “UNICEF and Handicap International raising risk awareness through programs for children in Libya,” Benghazi, Libya, 8 July 2011, www.unicef.org.

⁴⁰¹ Ibid.

⁴⁰² HI, “Libya: Widespread distribution of mine-risk prevention messages,” 12 July 2011, www.handicap-international.us.

⁴⁰³ Joint Mine Action Coordination Team – Libya, “Weekly Report # 9, 18 July 2011,” p. 4.

⁴⁰⁴ On 6 June 2011, UNICEF reported that two cousins, Ayman (14) and Mamud (9), had brought home a piece of ordnance from near the Medical Technical College in Misrata, which subsequently exploded, destroying Ayman’s hands. UNICEF, “Libya: Protecting children from unexploded ordnance,” Misrata, 6 June 2011. www.unicef.org.au. Ayman was subsequently taken to Tunisia for treatment. His family believes his injuries were definitely caused by an unexploded submunition. Email from James Wheeler, 11 June 2011.

⁴⁰⁵ In late June 2011, a spokesperson for Misrata health committee, Dr. Khaled Abufalghan, told *Al Jazeera*, “Just the other day a child was admitted to hospital after picking up a live cluster bomb. She lost her hand.” Ruth Sherlock, “Unlucky camel finds Libya’s largest minefield,” *Al Jazeera*, 28 June 2011, english.aljazeera.net.

⁴⁰⁶ Monitor casualty analysis based on the following sources: MAG, “LIBYA: Children at risk from munitions,” 14 June 2011, www.maginternational.org; UNICEF, “Libya: Protecting children from unexploded ordnance,” Misrata, 6 June 2011, www.unicef.org.au; Ruth Sherlock, “Unlucky camel finds Libya’s largest minefield,” *Al Jazeera*, 28 June 2011, english.aljazeera.net; email from James Wheeler, Photographer, 10 August 2011; C.J. Chivers, “Land Mines Descend on Misrata’s Port, Endangering Libyan City’s Supply Route,” *New York Times* (Misrata) 6 May 2011, www.nytimes.com; Human Rights Watch, “Libya: Government Lays More Mines in Western Mountains,” (Zintan), 8 July 2011, www.hrw.org; and UN Office for the Coordination of Humanitarian Affairs (OCHA), “Libya Arab Jamahiriya Crisis: Situation Report #44,” 10 June 2011, libya.humanitarianresponse.info.

No casualties from cluster munitions were identified in Libya prior to the outbreak of conflict in 2011.

The 2011 conflict has resulted in a deteriorating health care situation in the country including lack of access to health care, drugs, and medical supplies and a shortage of health professionals, including nurses and other hospital staff. Libya's health system had been dependent on migrant workers, many of whom left the country due to the conflict.⁴⁰⁷

Malaysia

Policy

Malaysia has not acceded to the Convention on Cluster Munitions.

In November 2010, Malaysia described the convention as “a landmark humanitarian instrument” and said it was “confident that the day will come when regional environment is such that Malaysia can join.”⁴⁰⁸ Until “that time” Malaysia pledged to “work with others and fully respect the sanctity of the convention.”⁴⁰⁹

Previously, in March 2010, a Ministry of Defense spokesperson told the Monitor that Malaysia was in the process of formulating its policy toward the convention.⁴¹⁰

Malaysia fully participated in the Oslo Process to create the convention and expressed its support for a complete prohibition on cluster munitions without exceptions. It joined in the consensus adoption of the convention text at the end of the Dublin negotiations in May 2008, but did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.⁴¹¹

Malaysia has continued to participate in meetings related to the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer and made a statement. Malaysia participated in the first intersessional meetings of the convention in Geneva in June 2011, but did not make a statement.

Malaysia is a State Party to the Mine Ban Treaty. It is not a party to the Convention on Conventional Weapons (CCW), but has occasionally attended CCW deliberations on cluster munitions as an observer.

Malaysia is not believed to have used, produced, or exported cluster munitions. It is uncertain if Malaysia has a stockpile.⁴¹² Officials have neither confirmed nor denied the existence of a stockpile of cluster munitions.⁴¹³

Malaysia possesses Brazilian-made ASTROS rocket launchers, but it is not known if this includes ammunition containing submunitions.⁴¹⁴ It is also reported to possess the Hydra-70 air-to-surface unguided rocket system, but it is not known if the ammunition types available to it include the M261 Multi-Purpose Submunition Rocket.⁴¹⁵

⁴⁰⁷ OCHA, “Libya Arab Jamahiriya Crisis: Situation Report #49,” 14 July 2011, libya.humanitarianresponse.info.

⁴⁰⁸ Of Malaysia's immediate neighbors, Indonesia has joined the convention, while Brunei Darussalam, Singapore, and Thailand have not. Singapore has not joined the Mine Ban Treaty, but that did not deter Malaysia from joining.

⁴⁰⁹ Statement by Bala Chandran Tharman, Undersecretary, Disarmament and Non-Proliferation Division, Ministry of Foreign Affairs of Malaysia, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 12 November 2010. Notes by the CMC.

⁴¹⁰ Interview with Col. Abdul Rahim Sebeli, Principal Assistant Secretary, Policy Division, Ministry of Defense, Kuala Lumpur, 12 March 2010.

⁴¹¹ For details on Malaysia's policy and practice regarding cluster munitions through early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 227.

⁴¹² On 18 March 2009, Human Rights Watch (HRW) wrote to the Malaysian Minister of Foreign Affairs asking for clarification on whether or not Malaysia possessed a stockpile of cluster munitions. The letter noted that a news article in *Berita Harian Online* included an undated photo of a member of the Royal Malaysian Air Force with a CB-250K cluster bomb produced by Chile. The accompanying caption indicated that the soldier was offering an explanation of the weapon's function and suggests the weapon is part of the air force's arsenal. HRW did not receive a response. However, Malaysian officials told the Monitor in March 2010 that a reply had been sent to HRW, stating that the cluster bomb in the photo was only a mock version. The news article is available at www.bharian.com.my.

⁴¹³ Interview with Ministry of Defense officials, Kuala Lumpur, 12 March 2010. One official noted that he had previously asked a CMC campaigner why Malaysia was not on the CMC list of countries that stockpile cluster munitions.

⁴¹⁴ Brazil, UN Register of Conventional Arms, Submission for Calendar Year 2002, 28 April 2004, reported the transfer of 12 launch units and the Arms Transfers Database of the Stockholm International Peace Research Institute notes that the US\$300 million deal was signed in 2007 and deliveries began in 2009; and Brazil, UN Register of Conventional Arms, Submission for Calendar Year 2009, 7 June 2010, reports the transfer of one ASTROS launcher.

⁴¹⁵ Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

Maldives

Policy

The Republic of Maldives has not acceded to the Convention on Cluster Munitions.

Maldives is not known to have made any public statements regarding its policy on cluster munitions.

Maldives did not participate in the Oslo Process that created the convention. Maldives attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer, but did not make any statement. This was Maldives' first participation in a meeting on cluster munitions.

Maldives is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons, but has not ratified Protocol V on explosive remnants of war or participated in CCW discussions on cluster munitions in recent years.

Maldives is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Marshall Islands

Policy

The Republic of the Marshall Islands has not yet acceded to the Convention on Cluster Munitions.

In October 2009, a government representative indicated that joining the convention would require a realistic assessment of existing treaty commitments.⁴¹⁶

The Marshall Islands expressed its support for a ban on cluster munitions during the Oslo Process when it participated in the Wellington Conference on Cluster Munitions in February 2008 and endorsed the Wellington Declaration agreeing to the conclusion of a legally-binding instrument.⁴¹⁷ The Marshall Islands did not, however, attend the subsequent Dublin negotiations or the Convention on Cluster Munitions Signing Conference in Oslo. It has not attended any meetings of the Convention on Cluster Munitions such as the First Meeting of States Parties in Vientiane, Lao PDR in November 2010.

The Marshall Islands has signed, but not yet ratified, the Mine Ban Treaty. The Marshall Islands is not party to the Convention on Conventional Weapons.

The Marshall Islands is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Mauritius

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Non-signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Accession is being actively considered

Policy

The Republic of Mauritius has not yet acceded to the Convention on Cluster Munitions.

In November 2010 government representatives said that Mauritius values international humanitarian law and accepts the importance of accession to the Convention on Cluster Munitions. They indicated that Mauritius is considering the cost implications of becoming a party to the convention.⁴¹⁸

⁴¹⁶ CMC/ICBL meeting with Caleb Christopher, Legal Advisor, Permanent Mission of the Republic of the Marshall Islands to the UN in New York, 16 October 2009. Notes by the CMC/ICBL.

⁴¹⁷ Statement of the Marshall Islands, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

⁴¹⁸ CMC meeting with the delegation of Mauritius to the First Meeting of States Parties, Vientiane, 10 November 2010. Notes by the CMC.

Previously, in June 2010, government officials said that there were no obstacles to Mauritius joining the convention, other than the fact that it is a small country with limited capacity and the convention is not high on the political agenda.⁴¹⁹

In March 2011 an official informed the Monitor that international treaties ratified by Mauritius are not automatically incorporated into the domestic law, so to give effect to the Convention on Cluster Munitions Mauritius would likely need to either amend existing legislation, such as the Explosives Act, or enact separate implementing legislation.⁴²⁰

Mauritius participated in one meeting of the Oslo Process, a regional conference held in Kampala, Uganda in September 2008, which issued the Kampala Action Plan calling on all African states to join the convention.⁴²¹

Mauritius continued to participate in the treaty meetings in 2010 and the first half of 2011. In November 2010, Mauritius attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR as an observer, but did not make any statement as the government had not taken any policy decision at that time on joining the convention.⁴²²

Mauritius is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons, but has yet to ratify its Protocol V on explosive remnants of war.

In March 2011, Mauritius confirmed that it has never used, produced, transferred, or stockpiled cluster munitions.⁴²³

Micronesia

Policy

The Federated States of Micronesia (FSM) has not yet acceded to the Convention on Cluster Munitions.

In an April 2011 letter, the secretary of FSM's Department of Foreign Affairs said it was the government's "intention to be a party" to the Convention on Cluster Munitions. The official said that the convention would be submitted to congress for action simultaneous to that required to join the 1997 Mine Ban Treaty.⁴²⁴

Previously, in October 2009, a FSM representative said that the government wished to complete accession to the Mine Ban Treaty before considering joining the Convention on Cluster Munitions. The representative also cited capacity constraints in meeting its treaty obligations and added that the FSM's Compact of Free Association with the United States (US) requires that FSM clear any strategic defense decisions with the US before it can join any international weapons treaties.⁴²⁵

FSM did not participate in the Oslo Process and has never attended a meeting on cluster munitions.

FSM is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Mongolia

Policy

Mongolia has not acceded to the Convention on Cluster Munitions.

It has never made a public statement on its policy toward joining the convention.

Mongolia did not participate in the diplomatic Oslo Process that created the convention. It first participated in a meeting related to the convention in November 2009, when it participated in a regional workshop in Bali, Indonesia. Mongolia participated as an observer in the convention's First Meeting of the States Parties to in Vientiane, Lao PDR in November 2010, but did not make any statements. Mongolia did not attend intersessional meetings in Geneva in June 2011.

⁴¹⁹ CMC meeting with the delegation of Mauritius, International Conference on the Convention on Cluster Munitions, Santiago, 7–9 June 2010.

⁴²⁰ Mauritius received the model implementation law circulated at the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR which it believes could be adapted for use as implementation legislation should Mauritius join the convention. Response to Monitor questionnaire by Gulshan Ramreka, Assistant Secretary, Prime Minister's Office, 28 March 2011.

⁴²¹ For more information, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 228–229.

⁴²² Response to Monitor questionnaire by Gulshan Ramreka, Prime Minister's Office, 28 March 2011.

⁴²³ Ibid.

⁴²⁴ Letter to Mark Hiznay, Human Rights Watch from Lorin S. Robert, Secretary, Department of Foreign Affairs of the FSM, 29 April 2011.

⁴²⁵ CMC/ICBL meeting with Martin Zvachula, Second Secretary, Permanent Mission of the FSM to the UN in New York, 19 October 2009. Notes by the CMC/ICBL.

Mongolia is not a party to the Mine Ban Treaty. It is party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war or engaged in CCW deliberations on cluster munitions in recent years.

Mongolia is not known to have used, produced, or exported cluster munitions, but is believed to have a stockpile. Jane's Information Group reports that KMG-U dispensers that deliver submunitions are in service with the country's air force.⁴²⁶

Morocco

Policy

The Kingdom of Morocco has not yet acceded to the Convention on Cluster Munitions.

In a March 2011 letter to the Monitor, Morocco's permanent representative to the UN in Geneva said that the government views accession to the convention as "a strategic objective... that will be achieved once security imperatives related to the protection of its southern provinces disappear." According to the letter, Morocco supports the humanitarian principles of the convention and has a deep attachment to its disarmament objective.⁴²⁷

In November 2010, a government representative stated that the Convention on Cluster Munitions was still being studied and, until a final decision is reached, Morocco would continue the same policy as the Mine Ban Treaty.⁴²⁸

Morocco is not party to the Mine Ban Treaty. Moroccan officials have repeatedly stated that the dispute over Western Sahara is the only obstacle preventing Morocco from acceding to the Mine Ban Treaty.⁴²⁹ In a one-page statement provided with the March 2011 letter, Morocco said that it "applies *de facto*" the Mine Ban Treaty's "obligations and fully and unconditionally aligns itself with its principles and objectives, especially those on [international humanitarian law]."⁴³⁰

Morocco participated in the Oslo Process that created the Convention on Cluster Munitions and joined in the consensus adoption of the convention in Dublin in May 2008, but did not sign the convention.⁴³¹

Morocco attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer, but did not make any statements. This marked Morocco's first participation in a meeting on cluster munitions since 2008.

Morocco is party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war. In November 2010, Morocco expressed support for continued CCW deliberations on cluster munitions in 2011.⁴³²

Use, production, transfer, and stockpiling

In March 2011, Morocco stated that it has never produced or transferred cluster munitions.⁴³³

Moroccan forces used cluster munitions in the past. Morocco has imported cluster munitions and maintains a stockpile.

Moroccan forces used artillery-fired and air-dropped cluster munitions against the Polisario Front in the disputed territory of Western Sahara during their conflict from 1975–1988. Between 1980 and 1981, the Royal Moroccan Air Force conducted attacks on Akka, Guelta Zemmour, Hausa, and Messeid using French-made cluster bombs.⁴³⁴ In March 1982, the Royal Moroccan Air Force attacked the Bu-Crag area with United States (US)-supplied cluster bombs.⁴³⁵

⁴²⁶ Robert Hewson, ed., *Jane's Air-Launched Weapons, Issue 44* (Surrey, UK: Jane's Information Group Limited, 2004), p. 842.

⁴²⁷ Original statement in French: "A l'instar de sa politique vis à vis de la Convention sur les Mines antipersonnel, l'adhésion du Royaume du Maroc à la CCM constitue un objectif stratégique qui sera réalisé dès la disparition des impératifs sécuritaires liés à la protection de ses provinces du Sud." Letter from Amb. Omar Hilale, Permanent Mission of Morocco to the UN in Geneva, to Mary Wareham, Senior Advisor, Arms Division, Human Rights Watch, 28 March 2011.

⁴²⁸ Interview with Amb. El-Houcine Fardani, Embassy of Morocco to Vietnam, Vientiane, 10 November 2010.

⁴²⁹ See Country Profile on Morocco.

⁴³⁰ "Kingdom of Morocco's Position in regards to the CCM: Main points," statement attached to letter from Amb. Omar Hilale, Permanent Mission of Morocco to the UN in Geneva, to Mary Wareham, Human Rights Watch, 28 March 2011.

⁴³¹ For details on Morocco's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 221–223.

⁴³² Statement of Morocco, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

⁴³³ "Kingdom of Morocco's Position in regards to the CCM: Main points," statement attached to letter from Amb. Omar Hilale, Permanent Mission of Morocco to the UN in Geneva, to Mary Wareham, Human Rights Watch, 28 March 2011.

⁴³⁴ Lt.-Col. David Dean, "The Air Force Role in Low-Intensity Conflict," US Air Force, Air University Center for Aerospace Doctrine, Research, and Education, 1986, p. 45. Undated photographs of Royal Moroccan Air Force Mirage aircraft on static display with its weaponry clearly show BLG-66 Belouga bombs.

⁴³⁵ *Ibid.*, p. 70.

The British NGO Action on Armed Violence (AOAV) has reported significant contamination in Western Sahara from US-made CBU-71 cluster bombs with BLU-63 submunitions, and from US-made M483A1 155mm artillery projectiles with M42 and M46 dual purpose improved conventional munition (DPICM) submunitions.⁴³⁶

There are also remnants of cluster munitions of the same types used by Morocco in Western Sahara present in neighboring Mauritania. It is unclear when such attacks took place.

The status and composition of Morocco's stockpile of cluster munitions is not known. Between 1970 and 1995, the US transferred to Morocco 2,994 CBU-52; 1,752 CBU-58; 748 CBU-71; and 850 Rockeye cluster bombs.⁴³⁷ Combined, those cluster bombs contained nearly 2.5 million submunitions.

Morocco also possesses Grad 122mm surface-to-surface rocket launchers, but it is not known if the ammunition for these weapons includes versions with submunition payloads.⁴³⁸

Myanmar

Policy

The Union of Myanmar⁴³⁹ has not acceded to the Convention on Cluster Munitions.

In November 2010, a government representative said that the legal affairs department of the Ministry of Foreign Affairs is reviewing the convention.⁴⁴⁰ Previously, in November 2009, a government official informed a regional conference on cluster munitions that while Myanmar has not yet joined the convention it nonetheless, "criticizes the use of such weapons with indiscriminate area effect and which can cause humanitarian consequences."⁴⁴¹

Myanmar attended one regional meeting of the Oslo Process that created the Convention on Cluster Munitions (Xiang Khouang, Lao PDR in October 2008). Since 2008, Myanmar has shown an interest in the convention. It participated in a regional conference on cluster munitions in Bali, Indonesia in November 2009, where it made its first public statement on the issue. Myanmar attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer, but did not make any statement.

Myanmar is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

In November 2009 Myanmar stated, "We do not use cluster munitions, develop, produce, otherwise acquire, retain or transfer to anyone, directly or indirectly, nor assist, encourage or induce anyone to engage in any activity prohibited under this Convention."⁴⁴²

Nepal

Policy

The Republic of Nepal has not acceded to the Convention on Cluster Munitions.

⁴³⁶ Landmine Action, "Explosive Ordnance Disposal and technical survey in Polisario-controlled areas of Western Sahara," Project proposal, February 2006, p. 4. Email from Simon Conway, Director, Landmine Action, 3 May 2006; and *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, 2007), p. 134, citing email from Capt. Muhammad Aimaar Iqbal, UN Mission for the Referendum in Western Sahara, Western Sahara, 19 April 2007.

⁴³⁷ US Defense Security Assistance Agency, Department of Defense, "Cluster Bomb Exports under FMS, FY1970–FY1995," 15 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

⁴³⁸ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 323; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2008*, CD-edition, 3 December 2007, (Surrey, UK: Jane's Information Group Limited, 2008).

⁴³⁹ The military junta ruling the country changed the name from Burma to Myanmar. Many ethnic groups in the country and a number of states still prefer to use the name Burma.

⁴⁴⁰ Interview with Aye Thidar Myo, Assistant Director, International Organizations and Economic Department, Ministry of Foreign Affairs, Vientiane, 10 November 2010.

⁴⁴¹ Statement by Ye Minn Thein, Assistant Director, International Organizations Department, Ministry of Foreign Affairs, Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions. Bali, 16 November 2009.

⁴⁴² Ibid.

Nepal has never made a public statement on its policy on joining the convention. In December 2009, the Minister of Peace and Reconstruction told the CMC that there are no issues preventing the government from acceding to the convention.⁴⁴³

Nepal participated in two meetings of the Oslo Process that created the convention (Vienna in December 2007 and Wellington in February 2008), but did not participate in Dublin negotiations in May 2008 or the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, even as an observer. Nepal has shown limited interest in the convention since 2008. It was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Ban Landmines Campaign Nepal (NCBL) has undertaken several activities to promote the Convention on Cluster Munitions.⁴⁴⁴

Nepal is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

In June 2010, Nepal confirmed that it does not possess cluster munitions and has never used, produced, transferred, or stockpiled cluster munitions.⁴⁴⁵

Niue

Policy

Niue has not yet acceded to the Convention on Cluster Munitions.

Niue expressed its support for a ban on cluster munitions during the Oslo Process when it participated in the Wellington Conference on Cluster Munitions in February 2008 and endorsed the Wellington Declaration agreeing to the conclusion of a legally-binding instrument.⁴⁴⁶

Niue did not, however, attend the subsequent Dublin negotiations of the convention or the Convention on Cluster Munitions Signing Conference in Oslo. It has never attended a meeting of the Convention on Cluster Munitions.

Niue is party to the Mine Ban Treaty.

Niue is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Oman

Policy

The Sultanate of Oman has not acceded to the Convention on Cluster Munitions.

Oman has never made a public statement detailing its position on cluster munitions.

Oman participated in several meetings of the Oslo Process, including the formal negotiations in Dublin in May 2008 as an observer, but it did not sign the convention in December 2008.⁴⁴⁷ Oman has not attended any meetings on cluster munitions since 2008, such as the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Oman is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

⁴⁴³ NCBL and CMC interview with Rakam Chemjong, Minister for Peace and Reconstruction, Cartagena, 3 December 2009.

⁴⁴⁴ Ban Landmines Campaign held an event in Kathmandu to welcome the convention's 1 August 2010 entry force that included presentations, drumming and traditional music, and the distribution of information on cluster munitions. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 23.

⁴⁴⁵ Letter No. GE/2010/577 from Hari Pd. Odari, Second Secretary, Permanent Mission of Nepal to the UN in Geneva, 21 June 2010; and NCBL and CMC interview with Rakam Chemjong, Minister for Peace and Reconstruction, Cartagena, 3 December 2009.

⁴⁴⁶ Statement of Niue, Wellington Conference on Cluster Munitions, 22 February 2008. Notes by the CMC.

⁴⁴⁷ For more details on Oman's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 224–225.

Oman is not known to have used, produced, or exported cluster munitions, but it does possess a stockpile. The United States announced the sale of 50 CBU-97/105 Sensor Fuzed Weapons to Oman in April 2002.⁴⁴⁸ Jane's Information Group reports that Oman owns BL-755 and Rockeye cluster bombs as well as 122mm Grad-type and Hydrda-70 rocket launchers, but it is not known if the latter two include ammunition stockpiles that include cluster munitions.⁴⁴⁹

Pakistan

Policy

The Islamic Republic of Pakistan has not acceded to the Convention on Cluster Munitions.

In November 2010, Pakistan repeated its long-held view that cluster munitions are legitimate weapons with military utility, but said it opposed the use of cluster munitions against civilians.⁴⁵⁰ Pakistan has argued that the problem with cluster munitions is not the weapon itself, but its "irresponsible use."⁴⁵¹ Previously, in February 2009, a government official said that "in view of Pakistan's security environment and legitimate defence needs, we do not support a ban on use, production, and transfer of cluster munitions due to their military utility."⁴⁵²

Pakistan supports efforts to tackle cluster munitions through the framework of the Convention on Conventional Weapons (CCW) and has cautioned against encouraging "extra-UN mechanisms" such as the Convention on Cluster Munitions, which it believes "should supplement and not supplant the CCW process."⁴⁵³

Pakistan did not participate in the Oslo Process that created the Convention on Cluster Munitions and has not attended any of the regional or international diplomatic meetings related to the convention.⁴⁵⁴ It was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Pakistan did not participate in intersessional meetings of the convention in Geneva in June 2011.

In Pakistan, campaigners held a forum on 1 August 2010 to welcome entry into force of the Convention on Cluster Munitions and to encourage Pakistan to accede.⁴⁵⁵

Pakistan is not party to the Mine Ban Treaty.

Convention on Conventional Weapons

Pakistan is party to the CCW and its Protocol V on explosive remnants of war. Pakistan has been an active participant in the CCW meetings on cluster munitions in recent years. In November 2010, Pakistan supported continued CCW deliberations on cluster munitions and said it remained optimistic despite "deep differences."⁴⁵⁶

Pakistan has urged CCW states to "focus on the irresponsible use and transfer of cluster munitions" and has described a transition period before key provisions take effect as essential.⁴⁵⁷ In February 2011, Pakistan objected to 1980 as the proposed cut-off date for prohibiting cluster munitions produced before 1980, which it described as "too arbitrary." Pakistan also called for a 15-year transition and deferral period for implementation of the proposed protocol and urged the inclusion of new text requiring the facilitation of technical, material, and other assistance for the development of cluster munitions.⁴⁵⁸

⁴⁴⁸ US Defense Security Cooperation Agency, "News Release: Oman-F-16 Aircraft Munitions," Transmittal No. 02-16, 10 April 2002.

⁴⁴⁹ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 843; and Colin King, ed., *Jane's Explosive Ordnance Disposal*, CD-edition, 10 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

⁴⁵⁰ Statement of Pakistan, CCW Meeting of States Parties, Geneva, 25 November 2010, notes by Action on Armed Violence (AOAV); Statement of Pakistan, CCW Meeting of States Parties, Geneva, 12 November 2009, notes by Landmine Action.

⁴⁵¹ Statement of Pakistan, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 30 August 2010.

⁴⁵² Letter from Dr. Irfan Yusuf Shami, Director General for Disarmament, Ministry of Foreign Affairs, 16 February 2009.

⁴⁵³ Pakistan, Explanation of Vote on UN General Assembly First Committee draft resolution A/C.1/63/L.56, "Convention on Cluster Munitions" (UNGA 63/71), 63rd Session, 30 October 2008.

⁴⁵⁴ For more details on Pakistan's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 225–226.

⁴⁵⁵ CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, pp. 24.

⁴⁵⁶ Statement of Pakistan, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

⁴⁵⁷ Statement of Pakistan, CCW GGE on Cluster Munitions, Geneva, 17 April 2009, notes by Landmine Action; and Statement of Pakistan, CCW GGE on Cluster Munitions, Geneva, 12 April 2010, notes by AOAV. In 2008, Pakistan said that "the cost of destroying current stocks of cluster munitions and moving to newer technologies would be huge." Statement by Amb. Masood Khan, Permanent Mission of Pakistan to the Conference of Disarmament, CCW GGE on Cluster Munitions, Geneva, 14 January 2008.

⁴⁵⁸ Statement of Pakistan, CCW GGE on Cluster Munitions, Geneva, 21 February 2011. Notes by AOAV.

Use, production, transfer, and stockpiling

Pakistan has often stated that it has never used cluster munitions.⁴⁵⁹

Pakistan Ordnance Factories (POF) produces and offers for export M483A1 155mm artillery projectiles containing 88 M42/M46 dual purpose improved conventional munition (DPICM) grenades.⁴⁶⁰ The South Korean company Poongsan entered into a licensed production agreement with POF in November 2004 to co-produce K-310 155mm extended-range DPICM projectiles in Pakistan at Wah Cantonment. While the ammunition is being produced for Pakistan's army, the two firms have said they will also co-market the projectiles to export customers.⁴⁶¹ The Pakistani army took delivery of the first production lots in April 2008.⁴⁶²

Jane's Information Group reports that the Pakistan Air Weapons Center produces the Programmable Submunitions Dispenser (PSD-1), which is similar to the United States (US) Rockeye cluster bomb and dispenses 225 anti-armor submunitions.⁴⁶³ Jane's states that the Pakistan National Development Complex produces and markets the Hijara Top-Attack Submunitions Dispenser (TSD-1) cluster bomb.⁴⁶⁴ It lists Pakistan's Air Force as possessing BL-755 cluster bombs.⁴⁶⁵ The US transferred to Pakistan 200 Rockeye cluster bombs at some point between 1970 and 1995.⁴⁶⁶

Papua New Guinea

Policy

Papua New Guinea (PNG) has not yet acceded to the Convention on Cluster Munitions. The status of accession is not known.

PNG joined the Oslo Process in February 2008 and adopted the Convention on Cluster Munitions in Dublin on 30 May 2008. A government representative was present at the Signing Conference in Oslo in December 2008, but indicated that he did not have the correct paperwork ready to sign the convention at the time.⁴⁶⁷

PNG has not attended any meetings of the Convention on Cluster Munitions since December 2008 or made any statements on cluster munitions.

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

PNG is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Poland

Policy

The Republic of Poland has not acceded to the Convention on Cluster Munitions.

In June 2011, Poland reiterated its position that it will not join the convention at present due to its "security needs" and because it is not prepared to accept the convention's "far-going prohibitions."⁴⁶⁸ Previously, in March 2009, Poland said that it considers cluster munitions equipped with self-destruct mechanisms and with a failure rate no higher than 3% to be "legitimate weapons of significant military value."⁴⁶⁹

⁴⁵⁹ Statement by Amb. Masood Khan, CCW Meeting of States Parties, Geneva, 7 November 2007; Statement of Pakistan, CCW Meeting of States Parties, Geneva, 12 November 2009, notes by Landmine Action; and Statement of Pakistan, CCW Meeting of States Parties, Geneva, 25 November 2010, notes by AOAV.

⁴⁶⁰ POF, "Products, Ordnance, Artillery Ammunition, 155mm HOW HE M483A1-ICM," www.pof.gov.pk.

⁴⁶¹ "Pakistan Ordnance Factory, S. Korean Firms Sign Ammunition Pact," *Asia Pulse* (Karachi), 24 November 2006.

⁴⁶² "Pak Army Gets First Lot of DPICM Ammunition," *PakTribune*, 13 April 2008, www.paktribune.com.

⁴⁶³ Robert Hewson, ed., *Jane's Air Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 389.

⁴⁶⁴ *Ibid.*

⁴⁶⁵ *Ibid.*, p. 843. BL-755s are manufactured by the United Kingdom (UK).

⁴⁶⁶ US Defense Security Cooperation Agency, Department of Defense, "Cluster Bomb Exports under FMS, FY1970–FY1995," 15 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

⁴⁶⁷ Interview with Yu Minibi, Foreign Service Officer, Department of Foreign Affairs and Trade, in Oslo, 3 December 2008.

⁴⁶⁸ Letter from Tomasz Łęcarski, Deputy Director, Security Policy Department, Ministry of Foreign Affairs, 10 June 2011.

⁴⁶⁹ Letter from Adam Kobieracki, Director, Security Policy Department, Ministry of Foreign Affairs, 10 March 2009. See also Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 226.

Poland has consistently expressed its preference for cluster munitions to be addressed within the framework of the Convention on Conventional Weapons (CCW). In June 2011, the Ministry of Foreign Affairs stated that Poland takes an “active part” in CCW talks on cluster munitions, where it is working for a protocol on cluster munitions that would “guarantee a balance between states’ humanitarian and defense needs” by “limiting the use of cluster munitions with high failure rates (over 3%) and without self-destruct mechanisms.”⁴⁷⁰

In July 2010, the Ministry of Foreign Affairs stated that Poland is not in a position to undertake a moratorium on the use, production, acquisition, or transfer of cluster munitions, but repeated that Poland attaches “the utmost importance to the humanitarian aspects of the use of cluster munitions and supports measures designed to reduce civilian losses and suffering.”⁴⁷¹

Poland participated in the Oslo Process that led to the creation of the convention, but made it clear from the start that it did not support a comprehensive prohibition on cluster munitions and preferred to address the issue within the framework of the CCW.⁴⁷² Poland attended both the negotiations of the convention in Dublin in May 2008 and the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 as an observer.⁴⁷³

Poland did not attend any of the international or regional conferences on the convention in 2009 or the first half of 2010. It participated as an observer in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR, in November 2010, but did not make any statements. During the meeting, Poland’s head of delegation met with the CMC representatives and restated the government’s views on cluster munitions, which are described above.⁴⁷⁴

Poland did not attend the convention’s first intersessional meetings in Geneva in June 2011.

Poland signed the Mine Ban Treaty and has indicated that it will ratify in 2012.⁴⁷⁵

Convention on Conventional Weapons

Poland is party to the CCW. In May 2011, Poland’s legislation to ratify CCW Protocol V on explosive remnants of war entered into force; however, as of early August 2011 Poland had not yet deposited the instrument of ratification.⁴⁷⁶

Poland continued to engage in CCW deliberations on cluster munitions in 2010 and the first half of 2011. In November 2010, Poland expressed its support for continued CCW work in 2011 and described the draft chair’s text as “well balanced.”⁴⁷⁷

Within the CCW, Poland has stated that it is prepared to accept restrictions for certain types of munitions that cause unacceptable harm to civilians and stated that “in our opinion it would be counterproductive to insist on establishing any ban covering the whole category of cluster munitions or any immediate prohibitions without a possibility for states to ask for a transitional period.”⁴⁷⁸

In August 2010, Poland objected to CCW proposals requiring cluster munitions to have at least two safeguards instead of only one.⁴⁷⁹ In June 2011, the Ministry of Foreign Affairs said that it strongly opposes the inclusion of any proposal requiring cluster munitions to have self-destruct mechanisms in addition to the primary fuzing mechanism.⁴⁸⁰

Poland has emphasized that in its view a future CCW agreement on cluster munitions would not be contradictory to the Convention on Cluster Munitions.⁴⁸¹ Poland has said that countries that have adopted a higher standard on cluster munitions should have no problem with others adopting a lesser one. For those adopting the lesser standard, it should be seen as a time of transition.⁴⁸²

⁴⁷⁰ Letter from Tomasz ŁękarSKI, Ministry of Foreign Affairs, 10 June 2011.

⁴⁷¹ Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010.

⁴⁷² Poland was one of three states present at the initial conference launching the process in February 2007 that did not endorse the Oslo Declaration, in which states pledged to negotiate a legally-binding instrument by the end of 2008 prohibiting cluster munitions that cause unacceptable humanitarian harm.

⁴⁷³ For details on Poland’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 226–227.

⁴⁷⁴ CMC meeting with Dr. Jerzy Bayer, Ambassador to Thailand and head of the Polish delegation to the First Meeting of States Parties, Vientiane, 10 November 2010. Notes by the CMC.

⁴⁷⁵ ICBL, *Landmine Monitor Report 2009: Toward a Mine-Free World* (Ottawa: Mines Action Canada, October 2009), p. 865.

⁴⁷⁶ Act of 4 February 2011 on the ratification of the Protocol on explosive remnants of war 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 (Protocol V), done at Geneva on 28 November 2003 (Dz.U. 2011 nr 81 poz. 438), isap.sejm.gov.pl.

⁴⁷⁷ Statement of Poland, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by Action on Armed Violence (AOAV).

⁴⁷⁸ *Ibid.*

⁴⁷⁹ Poland continued to maintain that it was still technically feasible to produce cluster munitions with only one safeguard that “will not cause humanitarian harm.” Statement of Poland, CCW Group of Governmental Experts (GGE) on cluster munitions, 30 August 2010. Notes by AOA V.

⁴⁸⁰ Letter from Tomasz ŁękarSKI, Ministry of Foreign Affairs, 10 June 2011.

⁴⁸¹ Statement of Poland, CCW GGE on Cluster Munitions, Geneva, 16 February 2009.

⁴⁸² Statement of Poland, CCW GGE on Cluster Munitions, Geneva, 2 September 2008. Notes by Landmine Action.

Use

Poland has consistently stated that the Polish Armed Forces have never used cluster munitions in combat situations.⁴⁸³

In June 2011 Poland confirmed that, as in previous years, cluster munitions were used for training purposes in 2010 and 2011 on training grounds by its land forces as well as the air force. It claimed that there was not a single unexploded submunition found during tests of new GKO artillery submunitions. Unexploded remnants were found during tests of old-generation cluster bombs for the SU-22M4 aircraft.⁴⁸⁴

Stockpiling

Poland acknowledges possessing both air-dropped and surface-launched cluster munitions.⁴⁸⁵ Polish Land Forces are equipped with the following types:

- 122mm M-21FK “FENIKS-Z” rockets, containing 42 GKO submunitions, used by BM-21/21M or RM-70/85 multi-barrel rocket launchers.
- 122mm “HESYT-1” artillery projectiles, containing 20 GKO submunitions, used by 2S1 “GOŹDZIK” self-propelled howitzers.
- 98mm “RAD-2” mortar projectiles, containing 12 GKO submunitions, used by M-98 mortars.

The Polish Air Force possesses the following types of cluster munitions:

- ZK-300 cluster bomb, containing 315 LBOK fragmentation bomblets; both the carrier and bomblets were designed and produced in Poland.
- BKF expendable unit loader with antitank, incendiary and fragmentation bomblets, imported from the former Soviet Union, for use in KMG-U dispensers on Su-22 aircraft.

According to information provided by the Ministry of Foreign Affairs in previous years, the GKO submunitions are typical dual purpose improved conventional munitions (DPICM) that combine an antipersonnel fragmentation with an anti-armor shaped charge. Poland claims that they are an entirely Polish design and are “relatively new and modern” (produced since 2001), incorporating a back-up self-destruction mechanism, which it claims ensures “negligible failure rates of the submunitions in all environmental conditions.”⁴⁸⁶

Poland has stated that its air-delivered cluster munitions which entered into service in the 1980s during the Warsaw Pact Era are “obsolete” and stressed that “the current military Air Force doctrine does not anticipate any use of air-delivered cluster munitions in military operations.” However, as indicated above, Poland acknowledged in April 2010 that the Polish Air Force used cluster munitions in 2009 for training crews of Su-22M4 aircraft. It confirmed that the Polish Armed Forces are equipped with cluster munitions for the Su-22M4 aircraft and stated, “If this ammunition is not fully used in training purposes, after the exhaustion of services life, they will be subject to disposal and destruction.”⁴⁸⁷

In 2010, the Ministry of Foreign Affairs stated that the Armed Forces no longer possessed RBK-250, RBK-275, and RBK-500 type cluster bombs, as in view of their age, the bombs were withdrawn from use during the 1990s and destroyed.⁴⁸⁸

In October 2010, the Minister of Defense informed Parliament that “the ministry is considering equipping the Polish Armed Forces with precision strike munitions (intelligent munitions), in case a complete ban on cluster munition use is introduced.”⁴⁸⁹

⁴⁸³ Letter from Tomasz Łękarcki, Ministry of Foreign Affairs, 10 June 2011; letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010; and letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009. In 2010, the Ministry of Foreign Affairs confirmed that the Polish Military Contingent in Afghanistan have been equipped with cluster munitions for 98mm mortars, but also stated that NATO’s International Security Assistance Force policy not to use cluster munitions in Afghanistan “has been put into effect through the order of the Chief of General Staff” of the Polish Armed Forces. Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010; and ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 235–236.

⁴⁸⁴ Letter from Tomasz Łękarcki, Ministry of Foreign Affairs, 10 June 2011; and letter from Adam Kobieracki, Ministry of Foreign Affairs, 8 April 2010.

⁴⁸⁵ All information on current stockpiles provided by letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009.

⁴⁸⁶ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009.

⁴⁸⁷ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 8 April 2010.

⁴⁸⁸ Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010.

⁴⁸⁹ Response by Bodgan Klich, Minister of Defense, to Parliamentary question no. 18071 on cluster munitions, submitted by Joseph Rojek, MP, SPS-023-18071/10, 26 October 2010, orka2.sejm.gov.pl.

Production

Several Polish companies produce cluster munitions. According to the Ministry of Foreign Affairs, the types of cluster munitions it lists as being in the Polish arsenal “are produced by the Polish companies exclusively for the needs of the Polish Armed Forces.”⁴⁹⁰ The ministry confirmed in 2010 that cluster munitions “are still produced by the Polish companies” for its armed forces.⁴⁹¹

The Polish company Zakłady Metalowe “Dezamet” S.A. has produced the ZK-300 Kisajno cluster bomb and also lists producing another type of cluster bomb called the LBKas-250, which contains 120 LBok-1 bomblets.⁴⁹² Zakłady Metalowe “Dezamet” S.A. also produces a 98mm mortar cluster munition, as well as a 122mm projectile designed for the 2S1 “GOŹDZIK” howitzer.⁴⁹³ The Kraśnik defense plant has produced cluster munitions for 98mm mortars, 122mm artillery, and 152mm artillery.⁴⁹⁴ The Polish company Tłocznia Metali Pressta Spółka Akcyjna has manufactured 122mm rockets.⁴⁹⁵ Fabryka Produkcji Specjalnej Sp. z o.o. produces the 122mm M-21FK “FENIKS-Z” and the 122mm “HESYT” rockets.⁴⁹⁶ The latter company also produces GKO submunitions.⁴⁹⁷ Many are subsidiaries of the Bumar Group, a majority government-owned defense industry consortium of 23 defense sector companies specializing in munitions, rockets, and other weaponry technology.⁴⁹⁸ Regarding future procurement of cluster munitions, Poland stated in 2005, “The Ministry of Defense requires during acceptance tests less than 2.5% failure rate for the purchased submunitions.”⁴⁹⁹

Transfer

According to the Ministry of Foreign Affairs, Poland and or Polish companies have not exported any cluster munitions in the period from 2009 through 2011, or in previous years.⁵⁰⁰ However, the Ministry of Foreign Affairs in 2010 informed the Monitor that Polish companies could, theoretically, be legally granted permission to export cluster munitions, if an application was requested.⁵⁰¹ As noted above, the Ministry of Foreign Affairs stated in 2010 that Poland is not prepared to introduce a moratorium on the use, production, or transfer of cluster munitions.⁵⁰²

Qatar

Policy

The State of Qatar has not acceded to the Convention on Cluster Munitions.

In November 2010, a government representative told the Monitor that Qatar is considering accession to the Convention on Cluster Munitions, but first wants to see regional and international progress in eliminating the weapon.⁵⁰³ Previously, in March 2009, Qatar said that a committee established to study the convention had recommended that a decision on joining the convention be postponed in order to study the matter further.⁵⁰⁴

⁴⁹⁰ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009.

⁴⁹¹ Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010.

⁴⁹² Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 391; and Dezamet, “Air Armament,” undated, www.dezamet.com.pl.

⁴⁹³ Zakłady Metalowe DEZAMET S.A. website, www.dezamet.com.pl.

⁴⁹⁴ Dezamet, “Cargo Ammunition,” www.dezamet.com.pl; and Marcin Górka, “Poland Sees Nothing Wrong in Cluster Bombs,” *Gazeta Wyborcza*, 9 September 2008, wyborcza.pl.

⁴⁹⁵ Terry J. Gander and Charles Q. Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001), p. 626.

⁴⁹⁶ Fabryka Produkcji Specjalnej Sp. z o.o. website, www.fps.com.pl.

⁴⁹⁷ Ibid.

⁴⁹⁸ Bumar website, www.bumar.com.

⁴⁹⁹ Communication from the Polish Ministry of Defense, to Pax Christi Netherlands, 14 February 2005. The information was provided to Pax Christi Netherlands with the proviso that the “content of the paper does not necessarily reflect the official position of Poland.”

⁵⁰⁰ Letter from Tomasz Łęcarski, Ministry of Foreign Affairs, 10 June 2011; letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010; and letter from Adam Kobieracki, Ministry of Foreign Affairs, 10 March 2009.

⁵⁰¹ Letter from Adam Kobieracki, Ministry of Foreign Affairs, 8 April 2010. The response stated: “Currently regulations on control of trade in goods of strategic importance do not provide for a total ban on exports of cluster munitions, as opposed to anti-personnel mines falling within CN code 9306 90 10 Combined Nomenclature, whose export from the territory of the Republic of Poland shall be prohibited (with limited exceptions) under the Regulations Ministers of 20 October 2009 amending Regulation on the introduction of bans and restrictions on goods of strategic importance for national security (Journal of Acts 2009, No. 183, pos. 1427). Administrative decisions on the granting of permits to export weapons are considered on an individual basis with the involvement of consulting authorities, in accordance with the provisions of the Act of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance for national security and for the maintenance of international peace and security (Journal of Laws of 2004 No. 229, item. 2315, as amended later). Obtaining permission for export of cluster munitions is theoretically possible, in the case of approval of the transaction by the trade control authority, after having received a positive opinion of consulting bodies, including the Foreign Ministry.” Translation by Marta Kulikowska, Polish Red Cross, 30 May 2010.

⁵⁰² Letter from Marek Sczygieł, Ministry of Foreign Affairs, 16 July 2010.

⁵⁰³ Interview with Brig. Gen. Nasser Mohammed Al-Maaded, Chair, National Committee for the Prohibition of Weapons, Vientiane, 9 November 2010.

⁵⁰⁴ Letter from Amb. Nassir Abdulaziz Al-Nasser, Permanent Mission of the Qatar to the UN, New York, to Human Rights Watch, 9 March 2009. The letter stated this was “the response of the concerned authority” in Qatar, and contained an Annex with an unofficial translation into English.

Qatar participated in the Oslo Process that created the convention and joined in the consensus adoption of the convention in Dublin in May 2008. Yet Qatar participated in the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 as an observer only and did not sign the convention.⁵⁰⁵

Qatar has participated in meetings on cluster munitions since 2008 and attended as an observer the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Qatar has never made a public statement on cluster munitions, including at any of the meetings it has attended.

Qatar is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), including CCW Protocol V on explosive remnants of war.

Qatar is not believed to have used, produced, or exported cluster munitions, but does have a stockpile. It acquired ASTROS rockets with cluster munition warheads from Brazil.⁵⁰⁶

Romania

Policy

Romania has not acceded to the Convention on Cluster Munitions.

In an April 2011 letter to the Monitor, Deputy Minister for Foreign Affairs Doru Costea said that Romania “supports the current need for identifying solutions for all humanitarian problems caused by the use of cluster munitions” but considers the “UN mechanism” of the Convention on Conventional Weapons (CCW) to be “the appropriate multilateral framework for negotiating an international legally-binding instrument to stipulate the [cluster munition] regime.”⁵⁰⁷

In October 2010, a government representative informed the CMC that the Convention on Cluster Munitions “is not a priority” and reiterated the government’s long-held preference for cluster munitions to be addressed through the CCW.⁵⁰⁸

Romania attended the conference held to launch the Oslo Process in February 2007, but did not endorse the Oslo Declaration pledging to conclude in 2008 a legally-binding instrument prohibiting cluster munitions that cause unacceptable harm to civilians as it said it wanted to wait for the outcome of CCW work on cluster munitions. Romania attended a number of diplomatic conferences of the Oslo Process, but did not actively engage in discussions. It attended the formal negotiations in Dublin in May 2008 as an observer and thus did not join in the consensus adoption of the convention.⁵⁰⁹

Since 2008, Romania has shown no interest in the Convention on Cluster Munitions. It did not attend any meetings relating to the convention, such as the First Meeting of States Parties in Vientiane, Lao PDR in November 2010.

Romania is party to the Mine Ban Treaty.

Convention on Conventional Weapons

Romania is a party to the CCW and its Protocol V on explosive remnants of war. The April 2011 to the Monitor letter said that Romania was actively working to achieve CCW consensus on a new internationally legally-binding instrument on cluster munitions.⁵¹⁰ In February 2011, Romania described the draft text of a protocol on cluster munitions as “a valuable basis for compromise” and “a step forward for future work” and expressed its hope that a protocol on cluster munitions would be agreed by the CCW Review Conference in November 2011.⁵¹¹

In September 2010, Romania called for the CCW text to include a 10-year transition period and possible five-year extension period during which time cluster munitions could be used.⁵¹²

⁵⁰⁵ For more details on Qatar’s cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 228–229.

⁵⁰⁶ Terry J. Gander and Charles Q. Cutshaw, eds. *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited, 2001), pp. 630–631.

⁵⁰⁷ Letter from Doru Costea, Deputy Minister for Foreign Affairs, 27 April 2011, C1-3/3782.

⁵⁰⁸ CMC meeting with Eugen Mihut, Minister Counsellor, Permanent Mission of Romania to the UN, New York, 21 October 2010. Notes by the CMC.

⁵⁰⁹ For details on Romania’s cluster munition policy and practice through early 2009 see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 229–230.

⁵¹⁰ Letter from Doru Costea, 27 April 2011, C1-3/3782.

⁵¹¹ Statement of Romania, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 21 February 2011. Notes by Action on Armed Violence (AOAV).

⁵¹² Statement of Romania, CCW GGE on Cluster Munitions, Geneva, 1 September 2010. Notes by AOAV.

Use, production, transfer, and stockpiling

The April 2011 letter to the Monitor stated that, “Romania has never used and does not intend to use cluster munition[s] in operational theaters,” and that “this type of ammunition is only used within the framework of the national defense program.”⁵¹³ In October 2010, a government official informed the Monitor that: “Romania didn’t use, is not using and doesn’t intend to use cluster munitions in the operational theatres abroad where it is engaged with military personnel. This type of ammunition is used exclusively on our territory, under the national defence program.”⁵¹⁴ Romania has made similar statements in previous years.⁵¹⁵

In his April 2011 letter, Costea said, “Romania is not a producer of cluster munition[s].”⁵¹⁶ The Monitor believes, however, that there is clear evidence Romania has produced cluster munitions.

Jane’s Information Group reports that the company ROMAIR has developed and produced the CL-250 cluster bomb, which is described as similar in appearance to the Soviet RBK-250. It reportedly carries BAAT-10 antitank bomblets and BF-10T antipersonnel bomblets.⁵¹⁷

Jane’s Information Group has reported that Aerostar SA has produced the LAR-160 Multiple Launch Rocket System, which can use the MK4 rocket that contains 104 M85 submunitions.⁵¹⁸ In August 2008, Aerostar SA told Human Rights Watch that it “is not involved in any way in the production of cluster munitions or their components.”⁵¹⁹

Romania stockpiles cluster munitions. Two types of 152mm dual purpose improved conventional munition (DPICM) artillery projectiles called the CG-540 and CG-540 ER appear on the website of the company Romarm.⁵²⁰ According to Jane’s Information Group, these cluster munitions, which contain GAA-001 submunitions, are a joint production and marketing venture with Israel Military Industries. The GAA-001 submunition is described as identical to the Israeli M85 and is produced by the Romanian company Aeroteh SA.⁵²¹

In April 2011, Romania said that it, “does not possess KMG-U dispensers, RBK-250, RBK-275, and RBK-500 cluster bombs.”⁵²²

Russia

Policy

The Russian Federation has not acceded to the Convention on Cluster Munitions.

Russia has justified its decision to remain outside the convention on the grounds that its views were not incorporated into the agreement. In 2009, the Deputy Minister of Foreign Affairs said that Russia “cannot agree to the classifications and restrictions of cluster munitions outlined in [the Convention on Cluster Munitions] because they were established with disregard for the input from the Russian Federation. Therefore, we are not considering the ratification.”⁵²³ Russia has also said that “the definitions of cluster munitions and their prohibition” were decided “with no account for Russia’s opinion and groundless and we cannot accept them.”⁵²⁴

Yet Russia did not participate in the diplomatic Oslo Process in 2007 and 2008 that produced the Convention on Cluster Munitions.⁵²⁵ When the convention was opened for signature in 2008, Russia’s Ministry of Foreign Affairs stated that cluster munitions were “a legitimate type of weapon that is not banned by international humanitarian law and

⁵¹³ Letter from Doru Costea, 27 April 2011, C1-3/3782.

⁵¹⁴ Email from Eugen Mihut, Permanent Mission of Romania to the UN in New York, 21 October 2010.

⁵¹⁵ Letter from Mihail Dumitru, Ministry of Foreign Affairs, to Judith Majlath, CMC–Austria, 24 June 2010; and letter from Amb. Adrian Vierita, Embassy of Romania to the United States, to Human Rights Watch, 3 March 2009.

⁵¹⁶ Letter from Doru Costea, 27 April 2011, C1-3/3782.

⁵¹⁷ Robert Hewson, ed., *Jane’s Air Launched Weapons, Issue 44* (Surrey, UK: Jane’s Information Group Limited, 2004), p. 290.

⁵¹⁸ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), p. 714.

⁵¹⁹ Letter from Grigore Filip, President and General Director, Aerostar SA, No. 246, 26 August 2008.

⁵²⁰ Romarm, “Artillery Ammunition,” www.romarm.ro.

⁵²¹ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 605–606.

⁵²² Letter from Doru Costea, 27 April 2011, C1-3/3782. Jane’s Information Group has listed Romania as possessing KMG-U dispensers (which deploy submunitions), and RBK-250, RBK-275, and RBK-500 cluster bombs.

⁵²³ Letter from Sergey Ryabkov, Deputy Minister of Foreign Affairs, Ministry of Foreign Affairs, to Human Rights Watch, 20 March 2009.

⁵²⁴ Letter from Sergey Ryabkov, Ministry of Foreign Affairs, to the CMC, 18 September 2009. Unofficial translation by the Russian Ministry of Foreign Affairs.

⁵²⁵ Russia attended a regional meeting held during the Oslo Process as an observer (in Brussels in October 2007). For details on Russia’s policy and practice on cluster munitions through 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 230–235.

plays a significant role in the defense interests of Russia.... We are against unjustified restrictions and bans on cluster munitions.”⁵²⁶ Similar language was used in a September 2009 letter to the CMC.⁵²⁷

Russia has conceded on several occasions that cluster munitions cause serious humanitarian harm, but it has argued that technical improvements to the weapon coupled with their “appropriate application,” can reduce the humanitarian risks associated with their use.⁵²⁸

Russia considers the Convention on Conventional Weapons (CCW) as the most appropriate forum to tackle cluster munitions. At a September 2010 meeting of the CCW, Russia described the Convention on Cluster Munitions as a “political agreement” and said, in its view, it was “more important to have a universal instrument with perhaps slightly lower standards” than the convention’s “illusionary” agreement among a “smaller number of states” with a higher standard and “a less significant impact on the ground.”⁵²⁹ At a November 2010 CCW meeting, Russia criticized the “automatic transfer to the CCW of standards agreed in other formats as well as their mechanical synchronization is regarded by us as unjustified and counterproductive.”⁵³⁰

Since 2008, Russia has shown limited interest in the Convention on Cluster Munitions. It participated in an international conference on cluster munitions held in Santiago, Chile in June 2010. A representative from the Russian Embassy in Lao PDR attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer and met with CMC representatives.⁵³¹ Russia did not make any statements at these meetings.

On 3 August 2010, campaigners in Moscow held a press conference at the Interfax News Agency headquarters together with the ICRC to welcome the entry into force of the Convention on Cluster Munitions.⁵³²

Convention on Conventional Weapons

Russia is party to the CCW and CCW Protocol V on explosive remnants of war. Russia has been among the states most opposed to pursuing any work internationally on cluster munitions, even in the CCW.⁵³³ In September 2010, Russia informed the CCW that it was not “enormously optimistic about the prospects for our further dialogue” and called on states to “make additional compromise.”⁵³⁴

In November 2010, a senior Russian official, however, stated that “Russian positions have undergone a certain evolution” in CCW deliberations on cluster munitions “for the sake of finding mutually acceptable approaches and reasonable compromises.”⁵³⁵ The official said that Russia was in “possible agreement with obligatory elements of military and technical improvement” of cluster munitions, but warned destruction of munitions that do not meet CCW requirements would have “significant military and technical as well as financial and economic implications.”⁵³⁶

Russia has acknowledged possessing a “large stockpile” of cluster munitions “stored throughout the state,” and has said that the disposal of a wide range of obsolete cluster munitions types would be time consuming and result in “a significant financial expenditure,” comparable to the US\$2.2 billion estimated by the United States (US) to destroy the US stockpile (see Stockpiling section below).⁵³⁷

By the April 2011 CCW deliberations, Russia had asserted that the draft CCW text on cluster munitions would achieve meaningful results on the ground.⁵³⁸ It also stated that a proposed 12-year deferral period for implementation of the draft protocol was “insufficient” and that the deferral period should begin upon each State Party’s ratification of the protocol.⁵³⁹

Russia is not party to the Mine Ban Treaty.

⁵²⁶ “Russia explains refusal to join cluster bombs convention,” *Interfax: Russia & CIS Military Newswire*, 8 December 2008.

⁵²⁷ Letter from Sergey Ryabkov, Ministry of Foreign Affairs, to the CMC, 18 September 2009. Unofficial translation by the Russian Ministry of Foreign Affairs.

⁵²⁸ Statement by Amb. Anatoly I. Antonov, Head of the Russian Delegation, CCW Meeting of the High Contracting Parties, Geneva, 25 November 2010. Unofficial translation by the Russian Ministry of Foreign Affairs.

⁵²⁹ Statement of Russia, CCW Group of Governmental Experts (GGE) on Cluster Munitions, 1 September 2010. Notes by Action on Armed Violence (AOAV).

⁵³⁰ Statement by Amb. Anatoly Antonov, CCW Meeting of States Parties, Geneva, 25 November 2010.

⁵³¹ CMC meeting with Alexander Artamonov, Counsellor, Embassy of the Russian Federation to Lao PDR, Vientiane, 12 November 2010.

⁵³² CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 24.

⁵³³ For details on Russia’s view of cluster munitions within the context of CCW through 2010, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 230–235; and ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada: October 2010), p. 240.

⁵³⁴ Statement of Russia, CCW GGE on Cluster Munitions, 1 September 2010. Notes by AOAV.

⁵³⁵ Statement by Amb. Anatoly Antonov, CCW Meeting of States Parties, Geneva, 25 November 2010.

⁵³⁶ *Ibid.*

⁵³⁷ Statement of Russia, CCW Meeting of States Parties, Geneva, 12 November 2009. Notes by Landmine Action.

⁵³⁸ Statement of Russia, CCW GGE on Cluster Munitions, Geneva 1 April 2011. Notes by AOAV.

⁵³⁹ Statement of Russia, CCW GGE on Cluster Munitions, Geneva 28 March 2011. Notes by AOAV.

Use

The Soviet Union used cluster munitions in 1943 against German armed forces during World War II and from 1979–1989 in Afghanistan.⁵⁴⁰ Russia used cluster munitions in Chechnya from 1994–1996 and again in 1999.⁵⁴¹

Russia most recently used cluster munitions in the August 2008 conflict with Georgia. According to Human Rights Watch (HRW), Russian cluster munition strikes on populated areas killed 12 civilians and injured 46 more. Clearance personnel have found Russian air-dropped AO-2.5 RTM and rocket-delivered 9N210 submunitions, delivered by RBK aerial bombs and Uragan ground rockets, respectively. Russia used cluster munitions in or near nine towns and villages in the Gori-Tskhinvali corridor south of the South Ossetian administrative border.⁵⁴²

Russia has denied using cluster munitions in Georgia since the first reports about cluster use were published.⁵⁴³

Production and transfer

Russia, and historically the Soviet Union, is a major producer and exporter of cluster munitions. Additionally, a number of states inherited stocks of cluster munitions when the Soviet Union dissolved. According to the Ministry of Foreign Affairs, “Our records on the production, usage, and export of cluster munitions... are confidential and will not be publicized.”⁵⁴⁴

According to international technical reference materials, the following Russian companies are associated with the production of cluster munitions: Bazalt State Research and Production Enterprise (air-dropped bombs), Mechanical Engineering Research Institute (120mm, 152mm, and 203mm artillery projectiles), and Splav State Research and Production Enterprise Rocket (122mm, 220mm, and 300mm rockets).⁵⁴⁵

Cluster munitions of Russian/Soviet origin are reported to be in the stockpiles of the following 34 states:⁵⁴⁶ Algeria, Angola, Azerbaijan, Belarus, Bulgaria,⁵⁴⁷ Republic of the Congo, Croatia,⁵⁴⁸ Cuba, Czech Republic,⁵⁴⁹ Egypt, Hungary,⁵⁵⁰ Georgia,⁵⁵¹ Guinea, Guinea-Bissau, India,⁵⁵² Iran, Iraq, Kazakhstan, North Korea, Kuwait,⁵⁵³ Libya, Moldova,⁵⁵⁴ Mongolia, Peru,⁵⁵⁵ Poland,⁵⁵⁶ Romania, Slovakia, Sudan, Syria, Turkmenistan, Uganda, Ukraine,⁵⁵⁷ Uzbekistan, and Yemen.

⁵⁴⁰ Mennonite Central Committee, “Drop Today, Kill Tomorrow: Cluster Munitions as Inhumane and Indiscriminate Weapons,” June 1999, p. 5, www.mineaction.org. Additionally, cluster munitions were also used by various forces in several conflicts that resulted from the breakup of the Soviet Union in Azerbaijan, Nagorno-Karabakh, and Tajikistan. The degree of involvement of Russian forces in the use of cluster munitions is not known but cannot be discounted.

⁵⁴¹ Mennonite Central Committee, “Clusters of Death: Global Report on Cluster Bomb Production and Use,” 2000, Chapter 3, mcc.org.

⁵⁴² See Human Rights Watch, “A Dying Practice: Use of Cluster Munitions by Russia and Georgia in August 2008,” April 2009.

⁵⁴³ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 232–233; and Human Rights Watch, “A Dying Practice: Use of Cluster Munitions by Russia and Georgia in August 2008,” April 2009.

⁵⁴⁴ Letter from Sergey Ryabkov, Ministry of Foreign Affairs, to Human Rights Watch, 20 March 2009.

⁵⁴⁵ The primary sources for information on Russian companies that produce cluster munitions are *Jane’s Air Launched Weapons* and *Jane’s Ammunition Handbook*. Splav State Research and Production Enterprise Rocket details the numerous types of rockets it produced at www.splav.org.

⁵⁴⁶ Unless otherwise footnoted with supplementary information, the source is Jane’s Information Group.

⁵⁴⁷ The Bulgarian Ministry of Foreign Affairs notes, “There are limited amounts of cluster munitions of the type RBK-250 and RBK-500 which are currently held by the Bulgarian Armed Forces.” Email from Lachezara Stoeva, Chief Expert, Arms Control and International Security Department, NATO and International Security Directorate, Bulgaria Ministry of Foreign Affairs, to the CMC, 17 May 2008.

⁵⁴⁸ Croatia, Convention on Cluster Munitions Article 7 Report, Form B, 24 January 2011.

⁵⁴⁹ The Ministry of Defense of the Czech Republic currently holds, in storage, 67 containers, and 5,377 pieces of RBK-500 and KMGU BKF PTAB submunitions. Letter from Jan Michal, Director, UN Department, Czech Republic Ministry of Foreign Affairs, to Human Rights Watch, 17 March 2009.

⁵⁵⁰ Action on Armed Violence, “Report on the Special Event on Stockpile Destruction in Erdőkertes, Hungary, 24 March 2011,” 30 April 2011.

⁵⁵¹ The Georgian Ministry of Defense reports having RBK-500 cluster munitions and BKF blocks of submunitions that are carried in KMGU dispensers, but it told Human Rights Watch that their shelf-lives have expired and they are slated for destruction. Response to Monitor questionnaire by Georgian Ministry of Defense, 12 February 2009.

⁵⁵² In February 2006, India bought 28 launch units for the 300mm Smerch Multiple Launch Rocket System (MLRS) fitted with DPICM and Sensor Fuzed Submunitions. “India, Russia sign \$500 mn rocket systems deal,” *Indo-Asian News Service* (New Delhi), 9 February 2006.

⁵⁵³ In 1995, Kuwait was the first export customer for the Russian produced 300mm Smerch MLRS fitted with DPICM and Sensor Fuzed Submunitions, buying 27 launch units. “Kuwait to get smart submunitions for Smerch MRL,” *Jane’s Defence Weekly*, 21 April 1995.

⁵⁵⁴ Moldova reported destroying a stockpile of 1,385 cluster munitions with more than 27,000 submunitions in July 2010. Email from Col. Andrei Sarban, Commander Logistic Command, Deputy Chief, Main Staff, National Army, Moldova Ministry of Defense, to the CMC, 23 June 2010.

⁵⁵⁵ In May 2007 it was disclosed that the Peruvian air force possesses stockpiles of RBK-500 bombs. Ángel Páez, “Peru se suma a iniciativa mundial para prohibir y destruir las ‘bombas de racimo’” (“Peru joins global initiative to ban and destroy the ‘cluster bombs’”), *La Republica*, 29 May 2007. Human Rights Watch was shown photographs of these cluster munitions by a member of the national media in May 2007. See also, Ángel Páez, “Se eliminarán las bombas de racimo” (“Cluster bombs will be eliminated”), *La Republica*, 29 May 2007.

⁵⁵⁶ The Polish Air Force possesses “BKF expendable unit loader with anti-tank, incendiary and fragmentation bomblets, imported from USSR.” Letter from Adam Kobieracki, Director, Security Policy Department, Poland Ministry of Foreign Affairs, to Human Rights Watch, 10 March 2009.

⁵⁵⁷ Presentation of Ukraine, “Impact of the CCW Draft Protocol VI (current version) on Ukraine’s Defense Capacity, made to CCW GGE on Cluster Munitions, Geneva, 30 March 2011.

Stockpiling

According to the Ministry of Foreign Affairs, “The quantity and types of cluster munitions stockpiled in the Russian Ministry of Defence are confidential and will not be publicized.”⁵⁵⁸ Officials have acknowledged that Russia possesses a significant stockpile of cluster munitions.⁵⁵⁹ The following chart is based on a wide variety of publicly available sources.

Cluster munitions stockpiled by the Russian Federation⁵⁶⁰

Type	Caliber	Carrier name	No. of submunitions	Submunition type
Projectile	152mm	3-O-23	42	DPICM
	152mm	3-O-13	8	DPICM
	203mm	3-O-14	24	DPICM
Bomb	KMGU	Mix of: 96 8 98 248	AO-2.5 APAM ODS-OD FAE PTAB 2.5 PTAB-1M	
	PROSAB-250	90	PROSAB bomblet	
	RBK-250	48	ZAB 2.5 incendiary	
	RBK-250	42	PTAB-2.5M HEAT	
	RBK 250-275	60	AO-2.5 APAM	
	RBK 250-275	60	AO-2.5-2 APAM	
	RBK 250-275	150	AO-1SCh	
	RBK 250-275	30	PTAB 2.5M	
	RBK-500	108	AO-2.5 APAM	
	RBK-500	108	AO-2.5-2 APAM	
	RBK-500	75	PTAB 2.5	
	RBK-500	268	PTAB 2.5M	
	RBK-500	565	ShOAB-0.5	
	RBK-500	12	BetAB bomblets	
	RBK-500	117	ZAB 2.5 incendiary	
	RBK-500	15	SPBE-D SFW	
		RBK-500U	10 26 15 352	OFAB-50 APAM OFAB 2.5 APAM SPBE-D PTAB
Rocket		122mm	Grad (9M218)	45 DPICM
122mm		Grad (9M217)	2 SFW	
220mm		Uragan (9M27K)	30 9N210 APAM	
300mm	Smerch (9M55K)	72 9N235 APAM		
300mm	Smerch (9M55K1)	5 SFW		
300mm	Smerch (9M55K5)	646 APAM		

DPICM=Dual purpose improved conventional munition

⁵⁵⁸ Letter from Sergey Ryabkov, Ministry of Foreign Affairs, to Human Rights Watch, 20 March 2009.

⁵⁵⁹ Statement by Amb. Anatoly Antonov, CCW Meeting of States Parties, Geneva, 25 November 2010.

⁵⁶⁰ The data in this table comes from the following sources: Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), pp. 414–415, 422–432; Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), pp. 572, 597–598, 683, 703–706, 715–716, 722–723; US Defense Intelligence Agency, “Improved Conventional Munitions and Selected Controlled-Fragmentation Munitions (Current and Projected),” partially declassified and made available to Human Rights Watch under a Freedom of Information Act request; and “Russia's Arms Catalog: Volume IV, Precision Guided Weapons and Ammunition, 1996–1997,” (Military Parade: Moscow), 1997, pp. 138–139, 148–152, 373–392, 504, 515–516. This research has been supplemented by information found on the Splyav State Research and Production Enterprise corporate website: www.splyav.org.

A number of international reference sources note that at least two Russian/Soviet ballistic missile systems are equipped with submunition payloads—the R-65/70 Luna M (FROG-7) and Iskander (SS-26)—but confirmed details are not publicly available.⁵⁶¹

Cluster Munition Remnants

Cluster munitions were used extensively by Russian Federation forces in Chechnya, both during the 1994–1996 conflict and again during hostilities in 1999.⁵⁶² The extent of residual contamination from cluster munition remnants is not known.

Cluster munition casualties

At least 638 cluster munition casualties have been reported in the Russian Federation due to use in Chechnya. Cluster munitions used in Chechnya are reported to have caused at least 612 casualties (294 people killed; 318 injured) during the period from 1994 to the end of 1999. Another 26 casualties from unexploded submunitions have been reported for the period from 1994 to the end of 2007.⁵⁶³ There were no reported unexploded submunition casualties elsewhere in the Russian Federation in 2010.

Saint Kitts and Nevis

Policy

Saint Kitts and Nevis has not yet acceded to the Convention on Cluster Munitions. In October 2009, a representative told the CMC that the government supports the convention and views joining it as a priority, but other issues such as climate change have taken precedence.⁵⁶⁴

Saint Kitts and Nevis attended one meeting of the Oslo Process that created the convention (Vienna in December 2007) and one regional meeting (Mexico City in April 2008). Since 2008, Saint Kitts and Nevis has not participated in any meetings of the convention such as the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Saint Kitts and Nevis is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Saint Kitts and Nevis is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Saint Lucia

Policy

Saint Lucia has not yet acceded to the Convention on Cluster Munitions. It has never made a public statement on its cluster munition policy or attended a meeting on cluster munitions.

Saint Lucia is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Saint Lucia is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Saudi Arabia

Policy

The Kingdom of Saudi Arabia has not acceded to the Convention on Cluster Munitions.

⁵⁶¹ Duncan Lennox, *Jane's Strategic Weapons Systems* 46 (Surrey: Jane's Information Group), January 2007, pp. 123–124, 139–141.

⁵⁶² Human Rights Watch and Landmine Action, *Banning Cluster Munitions, Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 233.

⁵⁶³ Handicap International, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 85; and ICBL, *Landmine Monitor Report 2007: Toward a Mine-Free World* (Ottawa: Mines Action Canada, October 2007), p. 1,048.

⁵⁶⁴ Meeting with Carlisle L. Richardson, Counsellor, Permanent Mission of Saint Kitts and Nevis to the UN in New York, 22 October 2009. Notes by the CMC.

Saudi Arabia has never made a public statement on its cluster munition policy. In November 2010, a government representative said that Saudi Arabia supported the humanitarian goals of the convention and followed its progress, but the representative did not elaborate on the government's position on joining the convention.⁵⁶⁵

Saudi Arabia participated in several meetings of the Oslo Process, including the Dublin negotiations in May 2008 as an observer.⁵⁶⁶ Yet Saudi Arabia did not attend the Convention on Cluster Munitions Signing Conference in Oslo.

Saudi Arabia did not participate in any meetings on cluster munitions in 2009, but in November 2010, Saudi Arabia's ambassador to Vietnam attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR as an observer.

Saudi Arabia is not party to the Mine Ban Treaty. Saudi Arabia is party to the Convention on Conventional Weapons (CCW) and ratified Protocol V on explosive remnants of war on 8 January 2010, but has not actively engaged in CCW discussions on cluster munitions.

Use, production, transfer, and stockpiling

Saudi Arabia has used cluster munitions in the past and continues to stockpile cluster munitions, but it is not known to have produced or exported the weapon.

Both Saudi and United States (US) forces used cluster munitions on the territory of Saudi Arabia in 1991 in response to an incursion by Iraqi armor units in the prelude to Operation Desert Storm.

During the battle of Khafji in January 1991, Saudi Arabia attacked Iraqi forces with cluster munitions fired from ASTROS Multiple Launch Rocket Systems, which Saudi Arabia had acquired from Brazil.⁵⁶⁷ The weapons reportedly left behind significant amounts of unexploded submunitions.⁵⁶⁸

The US transferred to Saudi Arabia 1,000 CBU-58 and 350 CBU-71 cluster bombs sometime between 1970 and 1995.⁵⁶⁹ In 1991, the US announced its intent to transfer 1,200 CBU-87 Combined Effects Munitions cluster bombs.⁵⁷⁰ In addition, the US transferred 600 CBU-87 cluster bombs to Saudi Arabia as part of a larger package of arms sales announced in 1992.⁵⁷¹

Jane's Information Group has reported that British-produced BL-755 cluster bombs are in service with the Saudi air force.⁵⁷² It also possesses Hydra-70 and CRV-7 air-to-surface rockets, but it is not known if this stockpile includes the M261 multipurpose submunition variant.⁵⁷³

Serbia

Policy

The Republic of Serbia has not yet acceded to the Convention on Cluster Munitions, even though it played an important role in the Oslo Process that produced the convention.

In February 2011, the Ministry of Foreign Affairs said that accession to the convention is being considered.⁵⁷⁴ Previously, in 2009, Minister of Defense Dragan Šutanovac stated that Serbia could not give up its cluster munitions because it did not have the capacity to replace them and said, "We cannot... give up something that we are still using."⁵⁷⁵ According to

⁵⁶⁵ CMC meeting with Amb. Salah bin Ahmed Sarhan, Embassy of Saudi Arabia to Vietnam, Vientiane, 10 November 2010; and Monitor interview with Amb. Salah bin Ahmed Sarhan, Vientiane, 11 November 2010.

⁵⁶⁶ For more details on Saudi Arabia's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 235–236.

⁵⁶⁷ Terry Gander and Charles Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001), p. 630.

⁵⁶⁸ Human Rights Watch interviews with former explosive ordnance disposal personnel from a Western commercial clearance firm and a Saudi military officer with first-hand experience in clearing the dud dual purpose improved conventional munition (DPICM) bomblets from ASTROS rockets and Rockeye cluster bombs, names withheld, Geneva, 2001–2003.

⁵⁶⁹ US Defense Security Cooperation Agency, Department of Defense, "Cluster Bomb Exports under FMS, FY1970–FY1995," 15 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

⁵⁷⁰ US Defense Security Cooperation Agency, Department of Defense, "Notifications to Congress of Pending US Arms Transfers," 25 July 1991.

⁵⁷¹ US Defense Security Cooperation Agency, Department of Defense, "Notifications to Congress of Pending US Arms Transfers," #92–42, 14 September 1992.

⁵⁷² Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 845.

⁵⁷³ Colin King, ed., *Jane's Explosive Ordnance Disposal*, CD-edition, 14 December 2007 (Surrey, UK: Jane's Information Group Limited, 2008).

⁵⁷⁴ Email from Zoran Vujic, Assistant to the Minister of Foreign Affairs, Sector for Security Policy, Ministry of Foreign Affairs, 14 February 2011.

⁵⁷⁵ "Cluster munitions indispensable," *B92 News* (Belgrade), 27 August 2009, www.b92.net.

he Ministry of Defense, the signing of the convention was blocked by the Army General Staff because, it argued, cluster munitions constitute a significant part of the army's arsenal and would be too costly to destroy as well as replace.⁵⁷⁶

In October 2007, Minister of Foreign Affairs Vuk Jeremić stated that Serbia was considering enacting a unilateral moratorium on the use of cluster munitions.⁵⁷⁷ In February 2011, the Ministry of Foreign Affairs stated the proposed moratorium was no longer being discussed as it falls under general discussions on joining the convention.⁵⁷⁸

Serbia played a leadership role throughout the Oslo Process, most notably by hosting a conference for states affected by cluster munitions in Belgrade in October 2007.⁵⁷⁹ It actively participated in the formal negotiations in Dublin in May 2008 and joined in the consensus adoption of the convention text at the conclusion. However, Serbia attended the Convention on Cluster Munitions Signing Conference in Oslo in December 2008 only as an observer, and did not at the time provide an explanation for not signing.

Since 2008, Serbia has shown limited interest in the convention. It was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Serbia participated in a regional workshop on cluster munitions held in Zagreb, Croatia on 23–26 May 2011, where it made a statement on clearance.⁵⁸⁰ Serbia did not participate in intersessional meetings of the convention held in Geneva in June 2011.

Civil society from Serbia, including cluster munition survivors, participated in both the First Meeting of States Parties and intersessional meetings and have continued to advocate for Serbia to accede to the Convention on Cluster Munitions without delay.⁵⁸¹

Serbia is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has yet to ratify CCW Protocol V on explosive remnants of war and has not actively engaged in CCW deliberations on cluster munitions in recent years.

Use, production, transfer, and stockpiling

Cluster munitions were used by the Socialist Federal Republic of Yugoslavia (SFRY) as well as ethnic militias and secessionist forces during the conflicts resulting from the breakup of Yugoslavia starting in 1991. Forces of the successor, the Federal Republic of Yugoslavia, used cluster munitions during the 1998–1999 conflict in Kosovo. Yugoslav forces also launched several cluster rocket attacks into border regions controlled by Albania. Additionally, aircraft from the Netherlands, United Kingdom (UK), and the United States (US) dropped cluster bombs in Serbia and Kosovo during the 1999 air campaign by NATO.⁵⁸²

On 6 July 2011, the Ministry of Defense stated that the “Republic of Serbia is not a producer of cluster munitions.”⁵⁸³ In 2009, Serbia stated that it does not have the capacity to produce cluster munitions and has not produced cluster munitions since the dissolution of the SFRY.⁵⁸⁴ According to standard reference works, Serbia was thought to have inherited some of those production capabilities.⁵⁸⁵

As of July 2011, a number of Serbian companies were advertising surface-to-surface rocket launchers, rockets, and artillery that could be used with either unitary warheads or submunitions.⁵⁸⁶

⁵⁷⁶ “General Staff blocking the signing,” *Danas* (daily newspaper), 26 August 2009. The article quotes Petar Bošković, Public Relations Department, Ministry of Defense.

⁵⁷⁷ “Cluster Bomb Conference in Belgrade,” *B92 News* (Belgrade), 3 October 2007, www.b92.net.

⁵⁷⁸ Email from Zoran Vujic, Ministry of Foreign Affairs, 14 February 2011.

⁵⁷⁹ For more details on Serbia's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 236–238.

⁵⁸⁰ Statement of Croatia, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011. Notes by Action on Armed Violence.

⁵⁸¹ For example, to commemorate the convention's entry into force on 1 August 2010, a concert featuring Serbia's most renowned drummer, Dragoljub Đuričić, and 23 other artists was held at Nikola Pašić Square in Belgrade. Hundreds of signatures were collected on a petition urging the Serbian government to join the convention. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 25.

⁵⁸² Human Rights Watch, “Civilian Deaths in the NATO Air Campaign,” Vol. 12, No. 1(D), February 2000; NPA, “Yellow Killers: The Impact of Cluster Munitions in Serbia and Montenegro,” 2007; and NPA, “Report on the Impact of Unexploded Cluster Munitions in Serbia,” January 2009.

⁵⁸³ Letter from the Public Relations Department, Ministry of Defense, 6 July 2011.

⁵⁸⁴ Letter No. 235/1 from Dr. Slobodan Vukcevic, Permanent Mission of Serbia to the UN in Geneva, 9 February 2009.

⁵⁸⁵ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 238.

⁵⁸⁶ On its website, Engine Development and Production Serbia (EDEPRO Serbia) advertised improvements to the range of Orkan surface-to-surface rockets. On its website, Yugoimport–SDPR also advertised artillery that could fire cluster munitions. At an arms fair held in Belgrade in July 2011, the ORKAN and OGANJ MLRS systems were showcased, along with an upgraded version of the OGANJ called the LRSVM (Self-Propelled Multiple Modular Rocket Launcher, Lanser Raketa Samohodni Višecelni Modularni), capable of delivering both cluster and unitary munitions. See, EDEPRO Serbia website, “Artillery Rocket, R267mm,” www.edepro.com; and email from Jelena Vicentic, Executive Director, Assistance Advocacy Access–Serbia, 4 July 2011.

The Center for Weapons Testing of Serbia's Ministry of Defense published an article describing a "very demanding testing" of Orkan rockets on 22 March 2011 at its Nikinci firing range, but it is not known if submunitions were used as Orkan rockets are capable of firing both cluster and unitary munitions.⁵⁸⁷

The precise size and composition of Serbia's stockpile of cluster munitions is not known, but it is thought to be a large stockpile, and to include air-delivered cluster bombs, ground-launched rockets, and artillery projectiles. Jane's Information Group lists Serbia as possessing BL-755 cluster bombs.⁵⁸⁸ Assuming Serbia's stockpile contains cluster munitions that were produced by Yugoslavia, it may also possess 152mm 3-O-23 artillery projectiles (containing 63 KB-2 submunitions) and 262mm M87 Orkan surface-to-surface rockets (containing 288 KB-1 submunitions). KB submunitions are the dual purpose improved conventional munition (DPICM) type. It may also possess RAB-120 and KPT-150 cluster bombs.⁵⁸⁹

In February 2011, the Ministry of Economy and Regional Development informed the Monitor that it has no records in its database on any foreign trade involving cluster munitions in the period from 2005 to 2010.⁵⁹⁰

On 14 February 2011, the Ministry of Foreign Affairs informed the Monitor that information on stockpiling, production, and transfer of cluster munitions was not within its mandate, but rather the responsibility of the Ministry of Defense and the Ministry of Economy and Regional Development.⁵⁹¹ On the same day, the Ministry of Defense informed the Monitor that had no information on Serbia's stockpiled cluster munitions and said that information on stockpiled cluster munitions as well as transfers were "not within the mandate of the Ministry of Defense."⁵⁹²

Cluster Munition Remnants

Serbia has a significant problem with cluster munition remnants resulting from the NATO air strikes in 1999. According to Serbia, NATO cluster munitions struck 16 municipalities: Brus, Bujanovac, Čačak, Gadžin Han, Kraljevo, Knić, Kuršumljija, Leposavić, Niš city-Crveni Krst, Niš city-Medijana, Preševo, Raška, Sjenica, Sopot, Stara Pazova, and Vladimirci.⁵⁹³

After re-investigating a 30km² area identified as suspect by a 2008 Norwegian People's Aid (NPA) survey, the Serbian Mine Action Center (SMAC) confirmed 290 areas as hazardous over an estimated total of 14.9km² and identified 110 suspected hazardous areas (SHAs) affecting an estimated total of 6.1km² still to verify. SMAC planned to complete survey of the unverified areas by the end of 2011 and said in June 2011 it expected the total area of contamination would ultimately amount to about 15km².⁵⁹⁴

The NPA survey, which was completed in November 2008, identified 28 local communities with about 162,000 inhabitants as affected by cluster munition remnants. The survey found that 88,000 people lived in the immediate vicinity of a suspected area and were exposed to daily risk. Of these, two-thirds live in Duvanište, a suburb of the city of Niš. NPA found that unexploded submunitions mostly denied access to agricultural land (one-third of the total suspect area), impeded reconstruction of community infrastructure and utilities (19.9%), or prevented the reconstruction of housing (14.2%).⁵⁹⁵

⁵⁸⁷ Mira Švedić, "Velika obnova" (The great renewal), *Odbrana*, Directorate of Public Relations, Ministry of Defense, 1 April 2011.

⁵⁸⁸ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 845.

⁵⁸⁹ For information on Yugoslav production of these weapons see, Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 291; Terry J. Gandler and Charles Q. Cutshaw, eds., *Jane's Ammunition Handbook 2001–2002* (Surrey, UK: Jane's Information Group Limited, 2001), p. 641; Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), pp. 598–599, 720; and, US Defense Intelligence Agency, "Improved Conventional Munitions and Selected Controlled-Fragmentation Munitions (Current and Projected) DST-1160S-020-90."

⁵⁹⁰ According to the Ministry, publicly available reports on the transfers of controlled goods for 2005–2006, 2007, and 2008 provide sufficient evidence that there were no imports or exports of cluster munitions. While the reports for 2009 and 2010 had yet to be published, the Ministry stated that it could confirm that there were no records in its database of licenses issued in 2009 or 2010 for the import or export of cluster munitions. Email from Jasmina Roskić, Head of Division for Agreements on Bilateral Promotion and Protection of Investments, Concessions, and Foreign Trade in Controlled Goods, Ministry of Economy and Regional Development, 16 February 2011. See also, "Annual Report on the Realization of Foreign Trade Transfers of Controlled Goods for 2005 and 2006," Ministry of Economy and Regional Development, Belgrade, 2007; "Annual Report on the Transfers of Controlled Goods in 2007," Ministry of Economy and Regional Development, Belgrade, 2009; and "Annual Report on the Transfers of Controlled Goods in 2008," Ministry of Economy and Regional Development, Belgrade, 2010.

⁵⁹¹ Email from Zoran Vujic, Ministry of Foreign Affairs, 14 February 2011.

⁵⁹² Telephone interview with Capt. Jovan Krivokapić, Department of Public Relations, Ministry of Defense, 14 February 2011; and email from Department of Public Relations, Ministry of Defense, 14 February 2011.

⁵⁹³ Statement of Serbia, Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Geneva, 21 June 2011; and interview with Petar Mihajlović, Director, and Sladana Košutić, International Cooperation Advisor, SMAC, Belgrade, 25 March 2011.

⁵⁹⁴ *Ibid.*

⁵⁹⁵ NPA, "Report on impact of unexploded cluster submunitions in Serbia," Belgrade, January 2009, pp. 43, 47.

Clearance of cluster munition contaminated areas

During 2010, four demining organizations with a total of 151 clearance personnel cleared cluster munition remnants in Serbia: PMC Inženjering, DOK-ING razminiranje, Enigma, and UXB Balkans. Those four organizations released a total of 0.84km² of SHA, which was more than in 2009, but still less than the amount released in 2008.⁵⁹⁶ The slow pace of clearance is explained by lack of funding. The price of cluster munition clearance in 2010 varied between €0.85 (US\$1) to €1.2 (\$2) per m² depending on location.⁵⁹⁷

Cluster munition clearance in 2010⁵⁹⁸

Operator	Area cleared (km ²)	No. of unexploded submunitions destroyed
PMC Inženjering	0.12	6
DOK-ING razminiranje	0.14	1
Enigma	0.12	2
UXB Balkans	0.43	4
Total	0.81	13

Risk reduction education

SMAC developed a new bilingual unexploded ordnance (UXO)/submunition warning sign in Serbian and Albanian in 2008.⁵⁹⁹ A total of 250 new UXO/submunition warning signs were placed in cluster munition-affected areas during 2009 and 300 in 2010.⁶⁰⁰

Casualties

No casualties from cluster munition remnants were identified in Serbia in 2010.⁶⁰¹ On 29 May 2010, two boys were injured in an explosion in Niš, an area known to be affected by cluster munition remnants. The device type causing the explosion was unknown and thus the incident was not included in the total of mine/ERW casualties.⁶⁰² In 2009, also in Niš, a man was killed by what was initially suspected to be an unexploded submunition, but the cause of the explosion was not confirmed.⁶⁰³

At least 78 casualties occurred during cluster munition strikes in Serbia. A further 16 casualties were caused by unexploded submunitions between 1999 and 2006. Cluster munitions are estimated to have caused more than 100 additional unreported casualties in Serbia during strikes on Niš. Furthermore, unexploded submunitions are known to have caused casualties in several regions, which were not reported to the authorities.⁶⁰⁴ A survey by NPA identified 191 cluster munition casualties (31 killed; 160 injured) for the period between 1999 and 2008, but details were not provided and the report did not differentiate between casualties during strikes and those caused by unexploded submunitions.⁶⁰⁵

Singapore

Policy

The Republic of Singapore has not acceded to the Convention on Cluster Munitions.

⁵⁹⁶ Email from Sladana Košutić, SMAC, 28 March 2011.

⁵⁹⁷ Interview with Petar Mihajlović and Sladana Košutić, SMAC, Belgrade, 25 March 2011. Average exchange rate for 2010: €1=US\$1.3261. US Federal Reserve, "List of Exchange Rates (Annual)," 6 January 2011.

⁵⁹⁸ Email from Sladana Košutić, SMAC, 28 March 2011; and telephone interview with Stoja Pejic, Program Manager, PMC Inženjering, Belgrade, 2 August 2011.

⁵⁹⁹ Interview with Petar Mihajlović and Sladana Košutić, SMAC, Belgrade, 26 April 2010.

⁶⁰⁰ Telephone interview with Sladana Košutić, SMAC, 10 August 2010; and interview with Petar Mihajlović and Sladana Košutić, SMAC, Belgrade, 25 March 2011.

⁶⁰¹ Fax from Petrovic Dragan, Officer in Charge, Bureau for Information of Public Importance, Cabinet of the Minister, Ministry of Interior, 12 April 2011.

⁶⁰² "Decaci povredjeni u eksploziji u Nisu" ("Boys injured in an explosion in Niš"), *Juzne vesti* (Niš), 30 May 2010, www.juznevesti.com.

⁶⁰³ "Razneo se bombom kasikarom!" ("Blew himself up with a hand grenade!"), *Press* (Niš), 20 July 2009, www.pressonline.rs; M. Smiljković, "Razneo se kasikarom pored Nisave" ("Blew himself up with a hand grenade on Nisava river bank"), *Blic* (daily newspaper), 19 July 2009, www.blic.rs.

⁶⁰⁴ NPA, "Yellow Killers, the Impact of Cluster Munitions in Serbia and Montenegro," (NPA: Belgrade, January 2007), pp. 39, 56.

⁶⁰⁵ NPA, "Report on the impact of unexploded cluster submunitions in Serbia," (NPA: Belgrade, January 2009), p. 10.

In a May 2011 letter, a Ministry of Foreign Affairs official said that there was no update to the policy information provided to the Monitor in May 2010 and stated that the “indefinite moratorium on the export of cluster munitions has not changed.”⁶⁰⁶

In the May 2010 letter, the same official said that, “Singapore believes that humanitarian concerns pertaining to anti-personnel mines and cluster munitions should be balanced against the legitimate right of States to use such munitions judiciously for self-defence.... We will continue to support international efforts to resolve the humanitarian concerns over anti-personnel mines and cluster munitions, and to work with members of the international community towards a durable and truly global solution.”⁶⁰⁷

Singapore has expressed concern at the way in which the Convention on Cluster Munitions was “negotiated outside of the United Nations framework into the United Nations system.”⁶⁰⁸ Singapore participated as an observer in one meeting of the Oslo Process that created the convention.⁶⁰⁹

A representative of the Singapore Ministry of Defense attended as an observer at the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make any statements. This was Singapore’s first participation in a meeting on cluster munitions since 2008.

Singapore is not party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Singapore is not known to have used cluster munitions. However, it produces the weapon and has a stockpile.

According to Jane’s Information Group, Advanced Material Engineering Pte Ltd., a subsidiary of Singapore Technologies Engineering, produces 155mm dual purpose improved conventional munition (DPICM) artillery projectiles, each consisting of 64 bomblets and equipped with electro-mechanical self-destruct fuzes.⁶¹⁰ The company also produces a 120mm mortar bomb that delivers 25 DPICM grenades.⁶¹¹

Singapore received 350 CBU-71 air-delivered cluster bombs from the United States (US) at some point between 1970 and 1995.⁶¹²

Details on the size of Singapore’s stockpile remain unknown, as the government has not chosen to disclose such information. It is not known if Singapore possesses other types of cluster munitions in addition to its domestically produced 155mm projectiles and 120mm mortar bombs, and the US-supplied cluster bombs.

In November 2008, Singapore announced that, while it did not plan to sign the Convention on Cluster Munitions, it would impose an indefinite moratorium on the export of cluster munitions with immediate effect.⁶¹³ In May 2010, a Ministry of Foreign Affairs official told the Monitor that the indefinite export moratorium was undertaken “to ensure that these munitions will not be transferred to other parties who might use them indiscriminately and irresponsibly.”⁶¹⁴

In May 2010, Singapore Technologies Engineering, when asked by the Monitor if it was producing cluster munitions, stated, “ST Engineering does not produce cluster munitions for export, nor are we a sub-contractor to anyone who does. We are committed to work with the Singapore government and abide by the moratorium imposed by the Singapore government on the export of cluster munitions. ST Engineering is committed to working with the government, defense contractors and international organizations to bring about a truly international and enduring solution to the humanitarian concerns over cluster munitions.”⁶¹⁵

In the past, companies in Singapore publicly advertised cluster munitions for sale. However, it is not known if exports actually occurred.

⁶⁰⁶ Letter from Seah Seow Chen, First Secretary, Permanent Mission of Singapore to the UN in Geneva, 9 May 2011.

⁶⁰⁷ Letter from Seah Seow Chen, Second Secretary, Permanent Mission of Singapore to the UN in Geneva, 4 May 2010.

⁶⁰⁸ Ministry of Foreign Affairs, “Singapore’s Explanation of Position on Resolution L16 on the ‘Convention on Cluster Munitions’ at the First Committee, 64th UNGA, on 28 October 2009,” app.mfa.gov.sg.

⁶⁰⁹ Singapore did not participate in any of the preparatory meetings of the Oslo Process but sent an observer to the Dublin negotiations in May 2008. For details on Singapore’s cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 238–239.

⁶¹⁰ Leland S. Ness and Anthony G. Williams, eds., *Jane’s Ammunition Handbook 2007–2008* (Surrey, UK: Jane’s Information Group Limited, 2007), pp. 657–658. The bomblets have an advertised dud rate of less than 3%.

⁶¹¹ Singapore Technologies Engineering, “Product: 155m Cargo Round,” www.stengg.com.

⁶¹² US Defense Security Assistance Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970–FY1995,” 15 November 1995, obtained by Human Rights Watch in a Freedom of Information Act request.

⁶¹³ “Joint Press Statement By Ministry Of Foreign Affairs And Ministry Of Defence: Singapore Imposes A Moratorium On The Export Of Cluster Munitions,” 26 November 2008, app.mfa.gov.sg.

⁶¹⁴ Letter from Seah Seow Chen, Permanent Mission of Singapore to the UN in Geneva, 4 May 2010.

⁶¹⁵ Email from Sharolyn Choy, Senior Vice President, Corporate Communications, Singapore Technologies Engineering, 3 May 2010.

Slovakia

Policy

The Slovak Republic has not acceded to the Convention on Cluster Munitions.

In April 2011, a Ministry of Defense official informed the Monitor that, following a strategic defense policy review, a draft action plan had been developed for Slovakia's accession to the convention and was being reviewed by other government ministries.⁶¹⁶ The process to develop the action plan was initiated in November 2008 and led by the Ministry of Defense, in cooperation with the Ministry of Foreign Affairs and the Ministry of Economy.⁶¹⁷ The plan was originally due to be delivered to the government in December 2009; but in March 2010, the Ministry of Defense was granted an extension to submit the finalized action plan by June 2012.⁶¹⁸

Previously in May 2010, Slovakia issued a policy paper that found that while the convention "brings about a significant contribution to the humanitarian aspect of the problem, it has failed to address legitimate defense interests" and that, therefore, Slovakia, "does not see herself in a position for the moment to join the Convention."⁶¹⁹ The policy paper cited concerns over the costs and time period necessary for the replacement of weapons systems.⁶²⁰ Officials have also raised concerns the costs of stockpile destruction and about the perceived economic impact of the loss of jobs associated with the manufacturing of cluster munitions as among the main obstacles to joining the convention.⁶²¹

According to the May 2010 policy paper, Slovakia has decided to undertake a number of measures aimed at addressing the problems posed by cluster munitions, including no use of cluster munitions outside Slovakia's territory, no future acquisition of cluster munitions, and the destruction of existing stocks deemed "not absolutely necessary."⁶²²

Slovakia actively participated throughout the Oslo Process that led to the creation of the convention text, but repeatedly expressed its opposition to a categorical ban on cluster munitions. Slovakia joined the consensus adoption of the convention in Dublin, but participated as an observer only in the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.⁶²³

Slovakia has not attended any meetings related to the convention since December 2008. It was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Amnesty International Slovakia has campaigned for Slovakia to join the Convention on Cluster Munitions through its "Stop Cluster Bombs" campaign.⁶²⁴

Slovakia is a State Party to the Mine Ban Treaty.

Convention on Conventional Weapons

Slovakia is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war. Slovakia has attended CCW deliberations on cluster munitions, but has not make any national statements on the draft text.

⁶¹⁶ Interview with Capt. Zsolt Pastorek, Ministry of Defense, 12 April 2011.

⁶¹⁷ On 6 November 2008, the Slovak government adopted a decree, No. 810/2008, on the "analysis of the Convention on Cluster Munitions and proposal for further action." The decree required the Ministry of Defense, in cooperation with the Ministry of Economy and the Ministry of Foreign Affairs, to develop an action plan aimed at a gradual process leading to the fulfillment of obligations under the Convention on Cluster Munitions. According to the decree, the action plan should have been submitted to the government in December 2009.

⁶¹⁸ Letter from Katarina Bartosiewiczová, Ministry of Defense, 1 April 2010. The Minister of Defense requested an extension of the original deadline of December 2009 for the submission of the action plan until 31 March 2010, on the basis that a comprehensive assessment was required, in particular, of the possibility of allocating resources in the state budget for the measures necessary for the implementation of the convention. The extension was granted by the Prime Minister in December 2009. In March 2010, the Minister of Defense requested a second extension until June 2012, due to "unsolved allocation of financial resources in the state budget in connection with the accession to the convention." The Ministry of Defense was tasked with producing an analysis of the cost implications of destroying and replacing Slovakia's cluster munitions stockpiles in order to inform the government's decisions on further steps toward acceding to the convention.

⁶¹⁹ Slovakia, "Position paper on the Cluster Munitions," provided to the CMC by the Embassy of the Slovak Republic, London, 25 May 2010.

⁶²⁰ *Ibid.*

⁶²¹ CMC meeting with Milan Vojtko and Darina Kosegiová, Embassy of the Slovak Republic, London, 25 May 2010. In December 2009, a Ministry of Foreign Affairs spokesperson told reporters that Slovakia's accession to the convention would have an immediate and direct impact on the labor market and on the state budget because of cost implications associated with the production of munitions, the rearmament of the army, and the destruction of the ammunition. "Smrt zo Slovenska" ("Death from Slovakia"), Plus sedem dní, 16 December 2009.

⁶²² CMC meeting with Milan Vojtko and Darina Kosegiová, Embassy of the Slovak Republic, London, 25 May 2010.

⁶²³ For more details on Slovakia's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 239–242.

⁶²⁴ For example, to celebrate the convention's 1 August 2010 entry into force, Amnesty International Slovakia requested that participants to the Pohoda music festival take photographs of a cluster bomb display and subsequently compiled the photos into a giant visual petition that was presented to the Ministry of Defense, urging Slovakia to join the convention. CMC, "Entry into Force of the Convention on Cluster Munitions: Report, 1 August 2010," November 2010.

In April 2011, the Ministry of Foreign Affairs informed the Monitor that Slovakia views a future CCW protocol on cluster munitions as “an important means of the further implementation and realization of international humanitarian law.”⁶²⁵

Use, production, transfer, and stockpiling

Slovakia has stated “the Armed Forces have not used and will not use cluster munitions ever in the military operations outside of the territory of the Slovak Republic.”⁶²⁶ According to the Minister of Defense, cluster munitions are not in service with Slovak troops deployed in military operations outside the territory of the Slovak Republic.⁶²⁷

As noted above, Slovakia stated in May 2010 that the armed forces have “adopted a new policy of not purchasing cluster munitions.”⁶²⁸ The Minister of Defense confirmed in June 2010 that “purchase of additional cluster munitions for the Armed Forces of the Slovak Republic is not expected.”⁶²⁹

Slovakia has produced, exported, and imported cluster munitions in the past and currently has a stockpile. In March 2010, the Ministry of Defense stated that the armed forces stockpile the following types of cluster munitions: M26 rockets,⁶³⁰ 122mm JRKK–AGAT rockets, RBK bombs, and KMGU dispensers.⁶³¹

The company Konstrukta Defense SA once produced 152mm artillery projectiles that contain dual purpose improved conventional munition (DPICM) type submunitions with a “self-destructing” capability.⁶³² It also produced a 122mm rocket called AGAT that contains 50 dual purpose and six incendiary submunitions; both types of submunition can self-destruct. The ZVS Company has likewise publicly advertised 122mm AGAT rockets and 152mm and 155mm artillery ammunition.⁶³³ Technopol International a.s., Bratislava has also offered the AGAT 122mm cluster munition on its website.⁶³⁴ Slovakia reported the export of 380 AGAT rockets to Turkey in 2007.⁶³⁵

Technopol has held licenses for the export of cluster munitions. According to the Ministry of Economy, those licenses were issued on 22 September 2009 and 27 August 2009 and expired on 31 December 2010.⁶³⁶ In March 2011, Jane’s Information Group reported that Technopol continued to advertise the AGAT for the export market, but no known sales had been reported as of early 2011.⁶³⁷

In June 2011, a Technopol official stated that Technopol still produced and advertised for export the AGAT 122mm cargo ammunition. The official said that orders for the AGAT were currently pending and Technopol had exported the AGAT “many times” during the past 10 years that it has been produced.⁶³⁸

Slovakia’s neighboring country Slovenia has reported that it possesses 1,080 155mm artillery projectiles, designated PAT-794, that contain submunitions.⁶³⁹ While the origin of the PAT-794 projectile is uncertain, knowledgeable sources have speculated that the PAT-794 was produced by the ZVS Company from Slovakia and contains 49 M85-type DPICM submunitions.

⁶²⁵ Letter from Stella Kukučová, Ministry of Foreign Affairs, 20 April 2011.

⁶²⁶ Letter from Miroslav Lajčák, Minister of Foreign Affairs, 1 October 2009; and Slovakia, “Position paper on the Cluster Munitions,” provided to the CMC by Embassy of the Slovak Republic, London, 25 May 2010.

⁶²⁷ Letter from Jaroslav Baška, Minister of Defense, 16 June 2009.

⁶²⁸ Slovakia, “Position paper on the Cluster Munitions,” provided to the CMC by the Embassy of the Slovak Republic, London, 25 May 2010.

⁶²⁹ Letter from Jaroslav Baška, Minister of Defense, 16 June 2009.

⁶³⁰ In 2004, Germany transferred 270 M26 rockets and transferred another 132 in 2005 but it is unclear if these were transfers of individual rockets or pods containing six rockets each. Each M26 rocket has 644 submunitions. Submission of Germany, UN Register of Conventional Arms, Report for Calendar Year 2004, 26 May 2005; and Submission of Germany, UN Register of Conventional Arms, Report for Calendar Year 2005, 1 June 2006. In February 2009, the Slovak Ministry of Defense reportedly cancelled further orders of M26 rockets and suggested that it would replace its existing stocks of cluster munitions with other munitions by 2016 to 2020 at the latest. “Slovak Defense Ministry cancels orders for cluster munitions,” Zibb, 3 February 2009, www.zibb.com. The original source cited is the Slovak News Agency website, www.sita.sk, Bratislava, BBC Monitoring.

⁶³¹ Letter from Col. Boris Pittner, Deputy Director General, Ministry of Defense, 19 March 2010.

⁶³² Terry J. Gander and Charles Q. Cutshaw, eds., *Jane’s Ammunition Handbook 2001–2002* (Surrey, UK: Jane’s Information Group Limited 2001), pp. 321, 627.

⁶³³ Konstrukta Defense SA, “Our products – results of our R&D work, AGAT – 122mm Cargo Rocket,” undated, www.kotadef.sk. Additionally, the company ZVS holding, a.s. offered 122mm rockets under the trade name AGAT. Letter from Anna Palkovičová, Ministry of Economy, 25 March 2010; ZVS holding, a.s., “Products: special production,” undated, www.zvsholding.sk. Konstrukta Defense SA also advertises the FOBOS anti-runway dispenser that ejects between one and nine “bombs” which appear to weigh 50kg each, and if so, would not be prohibited by the Convention on Cluster Munitions, see Konstrukta Defense SA website, “Our products – results of our R&D work, FOBOS – Anti-runway Aviation System,” undated, www.kotadef.sk.

⁶³⁴ ZVS holding, a.s. website, “Products: special production,” undated, www.zvsholding.sk; Technopol International website, “AGAT 122mm cargo ammunition,” brochure, undated, www.technopol.sk; and Technopol International, “Products: AGAT 122mm cargo ammunition,” undated, www.technopol.sk.

⁶³⁵ Submission of Slovakia, UN Register of Conventional Arms, Report for Calendar Year 2007, 12 June 2008.

⁶³⁶ Letter from Lubomír Kovačik, Ministry of Economy, 1 December 2009.

⁶³⁷ According to Jane’s, “The Military and Police Group, Technopol International of the Slovak Republic is now marketing an improved cargo warhead, the AGAT, for use with 122 mm calibre unguided surface-to-surface rockets of the type used with the RM-70, Mod 70/85, Russian BM-21 and equivalent 122 mm multiple rocket systems. This has been offered on the export market but there are no known sales as of early 2011.” Jane’s Armour and Artillery, “Military and Police Group, Technopol International AGAT cargo warhead for 122 mm rockets (Slovakia), Multiple rocket launchers,” 16 March 2011, articles.janes.com.

⁶³⁸ Telephone interview with Bajca Dusan, Director, Technopol, 13 June 2011.

⁶³⁹ Letter from Samuel Žbogar, Minister of Foreign Affairs, Slovenia, 25 February 2009.

Solomon Islands

Policy

The Solomon Islands has not yet acceded to the Convention on Cluster Munitions. In February 2011, an official indicated the government is actively working to join the convention by September 2011.

The Solomon Islands did not participate in the Oslo Process. In November 2010 the Solomon Islands attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR, its first ever participation in a meeting on cluster munitions.

The Solomon Islands did not make a public statement on the issue during the meeting, but its representative told the CMC that he would recommend that accession to the convention be added to the government's list of treaty priorities. The representative said that the meeting and particularly the field visit had given him a clear understanding of the humanitarian impacts caused by cluster munitions and the rationale for the Convention on Cluster Munitions.⁶⁴⁰

In February 2011, the same official indicated that the Convention on Cluster Munitions has been included in a list of international instruments being considered by the government for accession in New York during the annual treaty event held parallel to the opening of the UN General Assembly in September 2011.⁶⁴¹

The Solomon Islands is party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

The Solomon Islands is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

South Sudan

Background

Under the Comprehensive Peace Agreement signed on 9 January 2005 by the government of Sudan and the southern-based rebel Sudan People's Liberation Movement/Army (SPLM/A), a referendum on self-determination for the south was held in January 2011. The final result of the referendum, announced by the South Sudan Referendum Commission on 7 February 2011, was a near-unanimous vote for the South's secession from northern Sudan. Southern Sudan became an independent state on 9 July 2011 and is officially called the Republic of South Sudan. Please see the separate entry for the Republic of Sudan in *Cluster Munition Monitor 2011*.

Policy

The Republic of South Sudan has not acceded to the Convention on Cluster Munitions.

The Monitor is not aware of any statements regarding cluster munitions from officials representing the Republic of South Sudan. In June 2011, the chair of the Southern Sudan Mine Action Authority, Brigadier Jurkuch Barach, said that the government of South Sudan fully intends to join the 1997 Mine Ban Treaty. A UN official informed the CMC in June 2011 that the Convention on Cluster Munitions is one of four international treaties identified by the Southern Sudan Mine Action Authority as a priority for the new government of South Sudan to join.⁶⁴²

Production, Transfer, Stockpiling, Use

The Monitor has no indications of any past production, export, use, or stockpiling of cluster munitions by the SPLM/A.

Numerous independent sources have documented the presence of cluster munitions remnants that indicate that Republic of Sudan forces sporadically used air-dropped cluster munitions, including Chilean-made PM-1 submunitions, in southern Sudan between 1995 and 2000.⁶⁴³ Landmine Action photographed a Rockeye-type cluster bomb with Chinese-language external markings in Yei in October 2006. Additionally, clearance personnel in Sudan have identified a variety

⁶⁴⁰ CMC meeting with George Hoa'au, Assistant Secretary for the UN and Treaties, Ministry of Foreign Affairs and Trade, in Vientiane, 9 November 2010.

⁶⁴¹ Email from George Hoa'au, Ministry of Foreign Affairs and Trade, 4 February 2011.

⁶⁴² CMC meeting with Tim Horner, Program Manager, South Sudan Mine Action Office, UNIMIS, Geneva, 23 June 2011. Notes by the CMC.

⁶⁴³ Virgil Wiebe and Titus Peachey, "Clusters of Death, Chapter 4: Cluster Munition Use in Sudan," Mennonite Central Committee, 2000, clusterbombs.mcc.org.

of submunitions, including the Spanish-manufactured HESPIN 21, United States-produced M42 and Mk-118 (Rockeye), and Soviet-manufactured PTAB-1.5.⁶⁴⁴

Cluster Munition Remnants

Since 2006, 519 sites containing cluster munition remnants have been identified in six states in South Sudan. As of June 2011, the number of uncleared sites had been reduced to 34, of which 28 (more than 80%) are in Central and Eastern Equatoria states.⁶⁴⁵ Cluster munition remnants have been found in residential areas, farmland, pasture, rivers and streams, on hillsides, in desert areas, in and around former military barracks, on roads, in minefields, and in ammunition storage areas.⁶⁴⁶

No. of cluster munition contaminated areas in South Sudan as of June 2011⁶⁴⁷

State	Open	Closed	Total
Central Equatoria	16	82	98
East Equatoria	12	278	290
West Equatoria	2	27	29
Warrab	2	1	3
Jonglei	2	1	3
Lakes	0	12	12
Blue Nile	0	9	9
West Bahr El Ghazal	0	4	4
North Bahr El Ghazal	0	1	1
Total	34	415	449

Casualties

No casualties from cluster munition remnants were identified in South Sudan in 2010 or in the first half of 2011. However, given that devices are not adequately differentiated in casualty data, it is possible that casualties from cluster munition remnants were among those recorded as caused by explosive remnants of war (44) and unknown explosive items (27), which together made up 87% of all casualties in 2010.⁶⁴⁸

Through July 2011, the UN Mine Action Office (UNMAO) reported a total of 64 casualties from cluster munitions in South Sudan, all of which occurred in 2009 or before.⁶⁴⁹ No further details were available.

Sri Lanka

Policy

The Democratic Socialist Republic of Sri Lanka has not acceded to the Convention on Cluster Munitions.

Sri Lanka has never made a public statement on its policy toward joining the convention.

Sri Lanka participated in one meeting of the Oslo Process that created the convention (Vienna in December 2007) and attended a regional meeting on cluster munitions in November 2009 in Bali, Indonesia. Sri Lanka was invited to, but did not attend, the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Sri Lanka is not party to the Mine Ban Treaty. Sri Lanka is party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war or actively participated in CCW discussions on cluster munitions.

⁶⁴⁴ Handicap International, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, 2007), p. 55.

⁶⁴⁵ Email from Mohamed Kabir, Chief Information Officer, UNMAO, 2 February 2011.

⁶⁴⁶ The locations are based on a review of cluster munition sites in the UNMAO database by the Monitor.

⁶⁴⁷ Email from Mohamed Kabir, UNMAO, 27 June 2011.

⁶⁴⁸ All casualty details, unless otherwise specified, provided by emails from Mohammad Kabir, UNMAO, 5 April 2011, 13 April 2011, and 4 May 2011.

⁶⁴⁹ Email from Mohammad Kabir, UNMAO, 24 July 2011.

Use, production, transfer, and stockpiling

There were media reports of Sri Lanka using cluster munitions against the Liberation Tigers of Tamil Eelam in 2008 and 2009, but Sri Lanka strongly denied the claims, and there has been no compelling evidence of such use.⁶⁵⁰ In October 2009, Sri Lankan Army Commander Lieutenant General J. Jayasuriya stated, “Where the cluster munitions are concerned, I wish to categorically state that such inhumane weapons have never, and will never be used by the Sri Lankan Armed Forces.”⁶⁵¹

A March 2011 report by a UN panel of experts on Sri Lanka noted Sri Lanka’s denial of use of the weapon and said that it was unable to reach a conclusion on the credibility of the allegation of use of cluster munitions by Sri Lanka.⁶⁵²

Sri Lanka has said that it does not possess cluster munitions.⁶⁵³ The Sri Lankan government’s Media Center for National Security issued the following statement on its website in February 2009: “The Government wishes to clarify that the Sri Lanka army do not use these cluster bombs nor do they have facilities to use them.”⁶⁵⁴ The Ministry of Defence website posted a statement saying Sri Lanka never fired cluster munitions and never brought them into the country.⁶⁵⁵ In February 2009, a military spokesperson was quoted stating, “We don’t have the facility to fire cluster munitions. We don’t have these weapons.”⁶⁵⁶

Sri Lanka possesses both aircraft and rocket launchers capable of deploying cluster munitions. In February 2009, the CMC wrote a letter to Sri Lankan President Rajapaksa asking the government to officially state whether Sri Lanka possesses cluster munitions and to provide “clarification on whether Sri Lanka has imported either cluster bombs for use in Kfir attack aircraft or 122mm cluster rockets for RM-70 rocket launchers.”⁶⁵⁷ Sri Lanka did not respond.

Sudan

Background

Under the Comprehensive Peace Agreement signed on 9 January 2005 by the government of Sudan and the southern-based rebel Sudan People’s Liberation Movement/Army, a referendum on self-determination for the south was held in January 2011. The final result of the referendum, announced by the South Sudan Referendum Commission on 7 February 2011, was a near-unanimous vote for the South’s secession from northern Sudan. Please see the separate entry for the Republic of South Sudan in *Cluster Munition Monitor 2011*.

Policy

The Republic of Sudan has not acceded to the Convention on Cluster Munitions.

In November 2010, the General Secretary of Sudan’s Ministry of Defense, Lt. General Abdelrahman Mohamed Zain Awoda, stated that Sudan would like to join the convention, but said it first wanted to “take a collective regional approach” by working with neighbors as “it is important for all countries to accede to the convention.”⁶⁵⁸ This is the first time that Sudan has mentioned the positions of other governments as a reason for not joining the convention and it is unclear if this is new policy.⁶⁵⁹

⁶⁵⁰ See Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 242.

⁶⁵¹ Lt.-Gen. J. Jayasuriya said, “During the last stages of the conflict, interested parties have alleged such use in Sri Lanka, with a view to bringing the Government and the Security Forces into disrepute, which allegations are totally unfounded and baseless.” Keynote address by Lt.-Gen. J. Jayasuriya, Sri Lankan Army, International Law on Landmines and Explosive Remnants of War Seminar, Colombo, 27 October 2009. The text of the address was included in “Flow of arms to terrorists must stop,” *Daily News*, 28 October 2009, www.dailynews.lk.

⁶⁵² Report of the Secretary General’s Panel of Experts on Accountability in Sri Lanka, 31 March 2011, p. 47 (Section G, paras 168–169).

⁶⁵³ ICBL meeting with Amb. Dr. Palitha T.B. Kohona, and Dilup Nanyakkara, Advisor, Permanent Mission of Sri Lanka to the UN, New York, 19 October 2010.

⁶⁵⁴ Media Center for National Security, “Government denies the attack on Pudukuduerippu hospital or using cluster bombs,” 4 February 2009, www.nationalsecurity.lk.

⁶⁵⁵ Walter Jayawardhana, “UN Spokesman Accepts Sri Lanka Never Had Cluster Bombs,” Ministry of Defence, 5 February 2009, www.defence.lk.

⁶⁵⁶ Walter Jayawardhana, “UN Spokesman Accepts Sri Lanka Never Had Cluster Bombs,” Ministry of Defence, 5 February 2009, www.defence.lk.

⁶⁵⁷ CMC, “Open Letter to Sri Lanka: Join Convention on Cluster Munitions,” 18 February 2009, www.stopclustermunitions.org.

⁶⁵⁸ Statement of Sudan, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁶⁵⁹ As of August 2011, five of Sudan’s direct neighbors had signed the Convention on Cluster Munitions (Central African Republic, Chad, Democratic Republic of Congo, Kenya, and Uganda), while Egypt, Eritrea, Ethiopia and Libya had not yet joined.

Previously, in August 2010, State Minister to the Ministry of Humanitarian Affairs, Dr. Mutrif Siddiq, expressed Sudan's intent to join the convention by its First Meeting of States Parties in November 2010.⁶⁶⁰ In April 2010, the Chief of Staff of the Armed Forces of Sudan, General Mohamed Abd-al-Qadir, stated that Sudan was ready to join the convention.⁶⁶¹

Sudan participated in the Oslo Process that produced the convention and joined the consensus adoption of the convention at the conclusion of the formal negotiations in Dublin in May 2008.⁶⁶² At the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, Sudan stated its intent to sign as soon as possible, once logistical and national measures had been completed.⁶⁶³

Sudan continued to actively engage in the work of the convention in 2010 and the first half of 2011. It attended the convention's First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, where it made a statement. Sudan participated in the first intersessional meetings of the convention in Geneva in June 2011.

Sudan is a State Party to the Mine Ban Treaty. Sudan signed the Convention on Conventional Weapons on 10 April 1981, but has never ratified the convention or its protocols.

Campaigners have undertaken a number of activities in support of the Convention on Cluster Munitions.⁶⁶⁴

Use, production, transfer, and stockpiling

In November 2010, the General Secretary of the Ministry of Defense informed the convention's First Meeting of States Parties in Vientiane that Sudan does not possess any stockpiles of cluster munitions, does not produce the weapon, and has "never used cluster munitions, not even in the wars that have occurred in the south and east of the country and in Darfur."⁶⁶⁵ Previously, in April 2010, the Chief of Staff of the Armed Forces of Sudan stated that Sudan does not possess cluster munitions.⁶⁶⁶

The Monitor has no indications of any past production or export of cluster munitions by Sudan. However, it appears that Sudan imported cluster munitions in the past from a number of countries and there is sufficient evidence to indicate that Sudan used cluster munitions in the past. The current status of Sudan's stockpile is uncertain.

Numerous independent sources have documented the presence of cluster munitions remnants that indicate Sudanese government forces sporadically used air-dropped cluster munitions in southern Sudan between 1995 and 2000, including Chilean-made PM-1 submunitions.⁶⁶⁷ Landmine Action photographed a Rockeye-type cluster bomb with Chinese-language external markings in Yei in October 2006. Additionally, clearance personnel in Sudan have identified a variety of submunitions, including the Spanish-manufactured HESPIN 21, United States-produced M42 and Mk-118 (Rockeye), and Soviet-manufactured PTAB-1.5.⁶⁶⁸

Jane's Information Group reports that KMG-U dispensers, which deploy submunitions, are in service with the country's air force.⁶⁶⁹ Sudan also possesses Grad, Egyptian-produced Sakr, and Chinese-produced Type-81 122mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁶⁷⁰

⁶⁶⁰ "Sudan Joins Enforcement of Convention on Cluster Munitions," *Sudan Vision* (Khartoum), 3 August 2010.

⁶⁶¹ Statement by Gen. Mohamed Abd-al-Qadir, Chief of Staff, Armed Forces of Sudan, Sudan Mine Action Day Celebration, Khartoum, 1 April 2010. See also, "Sudan armed forces deny possession of cluster bombs," *BBC Monitoring Middle East*, 2 April 2010, citing original source as *Akhir Lahzah* (Khartoum newspaper in Arabic), 2 April 2010.

⁶⁶² For details on Sudan's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 243–244.

⁶⁶³ ⁶ Statement of Sudan, Convention on Cluster Munitions Signing Conference, Oslo, 3 December 2008. Notes by Landmine Action. Officials told the CMC that Sudan intended to sign, but the Minister of Foreign Affairs was unexpectedly unable to come and no one else had authorization to sign.

⁶⁶⁴ Campaigners held an event in Khartoum to welcome the convention's 1 August 2010 entry into force, which featured drumming and dance as well as statements. Approximately 200 people attended the event including the State Minister of Humanitarian Affairs, government officials, diplomatic representatives, and members of UNMAO, UNDP, the National Mine Action Center, and local NGOs. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 26.

⁶⁶⁵ Statement of Sudan, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁶⁶⁶ Statement by Gen. Mohamed Abd-al-Qadir, Armed Forces of Sudan, Sudan Mine Action Day Celebration, Khartoum, 1 April 2010. See also, "Sudan armed forces deny possession of cluster bombs," *BBC Monitoring Middle East* (English), 2 April 2010, citing original source as *Akhir Lahzah* (Khartoum newspaper in Arabic), 2 April 2010.

⁶⁶⁷ Virgil Wiebe and Titus Peachey, "Clusters of Death, Chapter 4: Cluster Munition Use in Sudan," Mennonite Central Committee, 2000, clusterbombs.mcc.org.

⁶⁶⁸ Handicap International, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: Handicap International, 2007), p. 55.

⁶⁶⁹ Robert Hewson, ed., *Jane's Air Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 846; Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 10 January 2008, (Surrey, UK: Jane's Information Group Limited, 2008).

⁶⁷⁰ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 443.

Cluster Munition Remnants

Since 2006, Sudan has identified 530 sites covering 57.3km² in 13 states contaminated by cluster munition remnants. As of June 2011, Sudan had reduced the number of uncleared sites to 43 covering 2.9km² in seven states (Central Equatoria, East Equatoria, Kassala, South Kordofan, West Equatoria, and Warrab), of which 28, almost two-thirds, are in Central and Eastern Equatoria states.⁶⁷¹ Cluster munition remnants have been found in residential areas, farmland, pasture, rivers and streams, on hillsides, in desert areas, in and around former military barracks, on roads, in mined areas, and in ammunition storage areas.⁶⁷²

Clearance of cluster munition contaminated areas in 2010

The UN Mine Action Office (UNMAO) does not distinguish between clearance of different types of explosive remnants of war (ERW) in its reporting so is unable to confirm how much land was cleared of cluster munition remnants in 2010.⁶⁷³ The vast majority of clearance of cluster munition contaminated areas is believed to be unexploded ordnance spot clearance.⁶⁷⁴

Casualties

No casualties from cluster munition remnants were identified in Sudan in 2010. However, given that devices are not adequately differentiated, it is possible that unexploded submunition casualties were among those recorded as caused by ERW (26) and unknown explosive items (37), which together made up 94% of all casualties in 2010. As of July 2011, six casualties from cluster munitions had been reported for the year.⁶⁷⁵

Suriname

Policy

The Republic of Suriname has not yet acceded to the Convention on Cluster Munitions. In September 2009, Suriname stated its intention to join the convention in the near future.⁶⁷⁶ A representative confirmed in October 2009 that the government was considering joining the convention.⁶⁷⁷

Suriname took part in one meeting of the Oslo Process that created the convention (Vienna in December 2007), but did not participate in the Dublin negotiations or the Convention on Cluster Munitions Signing Conference in Oslo in December 2008. Suriname attended a regional conference on cluster munitions in Santiago, Chile in September 2009, but has not participated in any meetings held since, such as the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

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

Suriname has never made a public statement on cluster munitions, but it is not believed to have used, produced, transferred, or stockpiled the weapon.

⁶⁷¹ Email from Mohamed Kabir, Chief Information Officer, UNMAO, 2 February and 27 June 2011.

⁶⁷² The locations are based on a review of cluster munition sites in the UNMAO database by the Monitor.

⁶⁷³ Email from Mohamed Kabir, UNMAO, 16 May 2011.

⁶⁷⁴ Ibid; and 27 June 2011.

⁶⁷⁵ Email from Mohammad Kabir, UNMAO, 24 July 2011.

⁶⁷⁶ CMC, "Update on the Fourth Regional Conference for Latin America and the Caribbean on Cluster Munitions, Santiago, Chile, 14–15 September 2009," 14 September 2009.

⁶⁷⁷ Meeting with Is Inlucy, Department of International Organizations, Ministry of Foreign Affairs, New York, 15 October 2009. Notes by the CMC.

Swaziland

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Non-signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Accession process underway

Policy

Swaziland has not yet acceded to the Convention on Cluster Munitions.

In November 2010, Swaziland informed the convention’s First Meeting of States Parties that it supports the “aims and objectives” of the convention and has come to a decision to accede in the “not so distant future.” It said that national procedures to join the convention were “already at an advanced stage.”⁶⁷⁸

Swaziland participated in the Oslo Process that created the Convention on Cluster Munitions. It also joined in the consensus adoption of the convention text in Dublin in May 2008, but could not sign the convention in Oslo in December 2008 due to incorrect paperwork.⁶⁷⁹

Swaziland has continued to engage in the work of the convention since 2008. It attended a regional conference on cluster munitions held in Pretoria, South Africa in March 2010 and participated as an observer in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. Swaziland did not attend the convention’s intersessional meetings held in Geneva in June 2011.

Swaziland is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

Swaziland is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Syria

Policy

The Syrian Arab Republic has not acceded to the Convention on Cluster Munitions.

Syria has never made a public statement detailing its position on cluster munitions. Syria did not participate in the Oslo Process that created the Convention on Cluster Munitions and has never attended any of the regional or international meetings held on cluster munitions.

Syria is not a party to the Mine Ban Treaty or the Convention on Conventional Weapons.

Campaigners in Syria have undertaken several activities in support of the Convention on Cluster Munitions.⁶⁸⁰

Syria is not known to have produced or used cluster munitions, but does have a stockpile of the weapons. Jane’s Information Group lists Syria as possessing KMG-U dispensers, RBK-250, RBK-275, and RBK-500 cluster bombs.⁶⁸¹ It also possesses Grad 122mm rockets, which may include versions with submunition payloads.⁶⁸² It is not known if

⁶⁷⁸ Statement of Swaziland, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010, notes by the CMC. Previously, in October 2009, a government official said that the Ministry of Foreign Affairs was reviewing the convention and then it would be sent to Cabinet for approval. CMC meeting with Col. Cypryan Nhlengethwa, Ministry of Defence, New York, 15 October 2009, notes by the CMC.

⁶⁷⁹ For detail on Swaziland’s policy and practice regarding cluster munitions through early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), p. 252.

⁶⁸⁰ Campaigners undertook several activities to welcome the convention’s 1 August 2010 entry into force, including media outreach, a drumming event, and a meeting with the Secretary General of the Arab Inter-Parliamentary Union. An “Introduction on CCM for parliamentarians” publication by Dr. Ghassan Shahrouh, ANROLM was distributed to parliaments of 22 states comprising the Arab Inter-Parliamentary Union. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 27.

⁶⁸¹ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 846.

⁶⁸² International Institute for Strategic Studies, *The Military Balance 2005–2011* (London: Routledge, 2011), p. 331.

Syria was the source for Chinese Type-81 122mm cluster munition rockets fired by Hezbollah into northern Israel from southern Lebanon in July–August 2006.

Israel reportedly used air-dropped cluster munitions against Palestinian camps near Damascus, Syria, in 1973.⁶⁸³

Cluster Munition Remnants

The Golan Heights is contaminated with unexploded ordnance, including unexploded submunitions, but the precise extent of the problem is not known. In 2009, UN Disengagement Observer Force (UNDOF) explosive ordnance disposal personnel destroyed a variety of items including four unexploded submunitions.⁶⁸⁴

Tajikistan

Policy

The Republic of Tajikistan has not acceded to the Convention on Cluster Munitions.

As of July 2011, a process of interministerial review and approval of accession to the convention is believed to be ongoing. In November 2010, Tajikistan informed the CMC that the Commission on Implementation of International Humanitarian Law is assessing the implications of joining the convention and consulting with government ministries and agencies. No timeframe is available for when this process will conclude, but the Commission will produce a report.⁶⁸⁵

In May 2011, representatives of the CMC visited Tajikistan and met with a range of government officials representing the Office of the President, Ministry of Defense, Ministry of Labor and Social Protection, and the Ministry of Interior. All expressed support for Tajikistan's accession to the Convention on Cluster Munitions.⁶⁸⁶ The position of the Ministry of Foreign Affairs is not known.

Previously, in June 2010, Tajikistan said it was in the process of analyzing the convention.⁶⁸⁷

Tajikistan participated in the Oslo Process and endorsed both the Oslo Declaration, committing to the conclusion of an international instrument banning cluster munitions that cause unacceptable harm to civilians, and the Wellington Declaration, committing to negotiate a convention banning cluster munitions based on the Wellington draft text. However, Tajikistan did not attend the formal negotiations of the convention in Dublin in May 2008, even as an observer, and did not attend the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.⁶⁸⁸

Since 2008, Tajikistan has engaged in the work of the convention. It attended an international conference on cluster munitions held in Santiago, Chile in June 2010. Tajikistan participated as an observer in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 and in intersessional meetings in Geneva in June 2011, but did not make any statements.

Tajik campaigners have undertaken several activities in support of the Convention on Cluster Munitions and Tajikistan's accession.⁶⁸⁹

Tajikistan is a State Party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW) and its Protocol V on explosive remnants of war (ERW), but has not participated in CCW discussions on cluster munitions in recent years.

⁶⁸³ Anthony H. Cordesman and Abraham R. Wagner, *Lessons of Modern War Volume 1: The Arab Israeli Conflicts, 1973–1989* (Boulder, Colorado: Westview Press, 1990), p. 98.

⁶⁸⁴ Email from Col. Tadeucz Bicz, Acting Chief of Staff, UNDOF, 22 February 2010.

⁶⁸⁵ CMC meeting with Tajikistan delegation to the First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

⁶⁸⁶ ICBL-CMC, Report on Advocacy Mission to Tajikistan: 23–27 May 2011.

⁶⁸⁷ Statement of Tajikistan, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010. Notes by Action on Armed Violence (AOAV)/Human Rights Watch. Later in June 2010, an official said interdepartmental evaluations and consultations were ongoing. CMC/ICBL meeting with Tajik delegation, Mine Ban Treaty Intersessional Standing Committee Meeting, Geneva, 21 June 2010. Notes by the ICBL.

⁶⁸⁸ For details on Tajikistan's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 244–245.

⁶⁸⁹ For example, to celebrate the convention's 1 August 2010 entry into force campaigners held a film screening, a drumming event, and a roundtable discussion in Dushanbe with government officials and survivors of mines and cluster munitions. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 27.

Production, transfer, use, and stockpiling

Tajikistan has stated on several occasions that it does not use, produce, transfer, or stockpile cluster munitions.⁶⁹⁰

Cluster munitions were used in Tajikistan during its civil war in the 1990s. ShOAB-0.5 and AO-2.5RT submunitions have been found in the town of Gharm in the Rasht Valley.⁶⁹¹ It is not known what forces used the weapons.

In May 2011, the Ministry of Defense said that Tajik forces had never used cluster munitions.⁶⁹² A representative of Tajikistan's Ministry of Interior said that cluster munitions were used by Uzbek forces in the 1990s in Rasht Valley as well as Ramit Valley, and the cluster munition remnants in Ramit Valley were cleared in 2000. According to the official, Tajik forces had no capacity to use the cluster munitions, which were air-delivered.⁶⁹³

In May 2011, the Ministry of Defense informed the CMC that it has checked the weapons stocks of all its military units and has not found any stockpiled cluster munitions. The Ministry has submitted an official letter to the Office of the President to confirm there are no stockpiles and that there was no use by Tajik forces, and to indicate its approval of ratification.⁶⁹⁴

Cluster Munition Remnants

There is a residual threat from cluster munition remnants in Tajikistan, particularly in Central Region, although the precise location and extent of contamination is not known.⁶⁹⁵ In 2009 and 2010, re-survey identified four hazardous areas containing cluster munition remnants covering 150,000m².⁶⁹⁶ In 2010, two unexploded submunitions were destroyed during ERW clearance in Central Region. Further clearance of cluster munition remnants planned for the second half of 2010 could not be carried out due to insecurity.⁶⁹⁷

Cluster munition casualties

No casualties from cluster munition remnants were reported in Tajikistan since 2007.⁶⁹⁸ At least 54 casualties from unexploded submunitions have been reported in total. Most incidents occurred in the Rasht Valley area. The exact timeline of incidents between 1991 and 2007 is not known and the number of casualties was thought to be significantly under-reported because many unexploded submunition incidents were not differentiated from other ERW incidents.⁶⁹⁹ In 2010, Tajikistan estimated that there were some 200 cluster munition casualties in total.⁷⁰⁰

Thailand

Policy

The Kingdom of Thailand has not acceded to the Convention on Cluster Munitions.

In June 2011, Thailand informed the convention's first intersessional meetings that it hopes to accede to the convention in "the near future."⁷⁰¹ In a March 2011 letter to the CMC, Thai Ambassador Sihasak Phuangketkeow said that the government "places high importance" on the convention and noted that Thai authorities would continue to "seriously

⁶⁹⁰ Statement of Tajikistan, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010, notes by AOA/Human Rights Watch; and Letter No. 10-3 (5027) from the Ministry of Foreign Affairs of the Republic of Tajikistan to the Ministry of Foreign Affairs of New Zealand, 22 April 2008.

⁶⁹¹ Tajikistan Mine Action Center (TMAC), "Cluster munitions in Gharm," undated, but reporting on an April 2007 assessment.

⁶⁹² CMC meeting with Gen. Maj. Abdulkhlor Sattorov, Ministry of Defense, Dushanbe, 25 May 2011.

⁶⁹³ CMC meeting with Col. Mahmad Shoev Khurshed Izatulloevich, Commander of Special Militia AMON (SWAT) anti-terrorist unit, Ministry of Interior, Dushanbe, 26 May 2011.

⁶⁹⁴ CMC meeting with Gen. Maj. Abdulkhlor Sattorov, Ministry of Defense, Dushanbe, 25 May 2011.

⁶⁹⁵ Telephone interview with Parviz Mavlonkulov, Operations Manager, TMAC, 18 August 2009, and emails, 28 April 2010 and 18 January 2011.

⁶⁹⁶ Email from Parviz Mavlonkulov, TMAC, 18 January 2011.

⁶⁹⁷ Ibid.; Mine Ban Treaty Article 7 Report, 25 March 2011, p. 129.

⁶⁹⁸ Email from Reykhan Muminova, TMAC, 17 June 2011.

⁶⁹⁹ Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 90; and interview with Reykhan Muminova, TMAC, Dushanbe, 23 May 2011.

⁷⁰⁰ Statement of Tajikistan, International Conference on the Convention on Cluster Munitions, Santiago, 8 June 2010.

⁷⁰¹ Statement of Thailand, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011. Notes by the CMC.

consider the possibility of acceding” to it.⁷⁰² On 14 February 2011, Thailand’s Minister of Foreign Affairs Kasit Piromya informed the UN Security Council that, “We are seriously considering joining the Convention on Cluster Munitions.”⁷⁰³

These statements came after Thailand used cluster munitions in early February 2011 during its border conflict with Cambodia (see Use section below). Thailand has stated that it “fully understands the concerns raised” by States Parties over its use of cluster munitions and has promised to “remain committed to engaging with the international community on this issue.”⁷⁰⁴ Thailand said it had “concern for safety of civilians” and “no intention to exacerbate the situation” on the border, but noted that, “important lessons have been learnt from this episode and we therefore see the need to close this chapter and move forward.”

Thailand has accepted a proposal from Norway to organize an interagency seminar on cluster munitions and has expressed its hope that “the seminar will help pave the way for Thailand to better prepare for our accession to the Convention in the near future.”⁷⁰⁵

Prior to 2011, Thailand had expressed concern about how it would meet the convention’s obligations if it were to join. In November 2010, Thailand said that it was “seriously considering” joining the convention, but described implementation as “challenging” and said it would accede “only when we are fully ready to join.”⁷⁰⁶ In February 2010, a Ministry of Foreign Affairs official told the Monitor that an interagency review was looking at implementation considerations, including stockpile destruction obligations.⁷⁰⁷

Thailand participated in most of the diplomatic conferences of the Oslo Process that created the convention, but attended the formal negotiations in May 2008 as an observer and did not sign the convention when it was opened for signature in Oslo in December 2008.⁷⁰⁸

Since 2008, Thailand has continued to show a strong interest in the convention. It attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer and made statements on its position on joining the convention as well as on international cooperation and assistance. Thailand also participated the convention’s first intersessional meetings in Geneva in June 2011, where it provided a statement expressing its intent to join the convention.

Thailand is a State Party to the Mine Ban Treaty.

Thailand is not a party to the Convention on Conventional Weapons (CCW). It participated as an observer in CCW deliberations on cluster munitions in 2010 and 2011, but did not make its views known on the chair’s draft text.

Civil society groups have undertaken several activities in support of the Convention on Cluster Munitions and Thailand’s accession.⁷⁰⁹

Production, transfer, and stockpiling

Thailand is not believed to have ever produced or exported cluster munitions.

Thailand possesses a stockpile of cluster munitions, but the composition and status is not known. The United States (US) supplied Thailand with 500 Rockeye and 200 CBU-71 air-dropped cluster bombs at some point between 1970 and 1995.⁷¹⁰ Thailand also possesses French-made 155 mm NR 269 ERFB extended-range artillery projectiles each

⁷⁰² Letter to Sylvie Brigot, ICBL-CMC Executive Director from Amb. Sihakak Phuangketkeow, Permanent Mission of Thailand to the UN in Geneva, 28 March 2011. REF: 52101/229.

⁷⁰³ Statement of Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand, UN Security Council, New York, 14 February 2011, thailand.prd.go.th.

⁷⁰⁴ Statement of Thailand, Convention on Cluster Munitions Intersessional Meeting, Session on Universalization, Geneva, 27 June 2011. Notes by the CMC.

⁷⁰⁵ Ibid. The workshop was due to be held in Bangkok on 18–19 August 2011.

⁷⁰⁶ Statement of Thailand, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

⁷⁰⁷ Interview with Cherdkiat Atthakor, Director, Peace Security and Disarmament Division, Department of International Organizations, Ministry of Foreign Affairs, Bangkok, 24 February 2010.

⁷⁰⁸ For details on Thailand’s policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 245–246.

⁷⁰⁹ For example, several activities took place in Bangkok to celebrate the convention’s 1 August 2010 entry into force and promote its universalization. The ICRC organized a national workshop on the convention on 29–30 July 2010. On 30 July, the CMC held a press conference on the convention that included a cluster munition survivor and representatives from the government of Lao PDR, the UN, and the ICRC. Campaigners organized a drumming event at Baan Xavier Church in Bangkok. CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 28.

⁷¹⁰ US Defense Security Assistance Agency, Department of Defense, “Cluster Bomb Exports under FMS, FY1970–FY1995,” obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

containing 56 M42/M46⁷¹¹ type dual purpose improved conventional munition (DPICM) submunitions.⁷¹² Based on the types of submunitions identified in Cambodia after artillery strikes, Thailand also possesses a cluster munition that delivers M85 self-destructing DPICM submunitions.

Thailand has said that it does not intend to acquire more stocks of cluster munitions.⁷¹³ Norwegian People's Aid (NPA) has been providing the government with advice and information on efficient solutions for the destruction of Thailand's stockpile of cluster munitions.⁷¹⁴

Use

In recent years, Thailand and Cambodia's military forces have engaged in several brief skirmishes over disputed parts of the border near Preah Vihear temple, resulting in claims and counter-claims of new antipersonnel mine use.⁷¹⁵ On 9 February 2011, the Cambodian Mine Action Centre (CMAC), a government entity, claimed that Thai military forces had fired cluster munitions during fighting on the border, which had started on 4 February. CMAC said it had identified "evidence of heavy artilleries such as 105MM, 130MM and 155MM used by Thai military, and CMAC experts have verified and confirmed that these artilleries contained Cluster Munitions including M35, M42 and M46 types."⁷¹⁶

The Thai army denied the claim of cluster munition use.⁷¹⁷ On 10 February, the Cluster Munition Coalition issued a public statement noting the use allegations and requesting that both countries "clarify if their armed forces have used cluster munitions in the recent border conflict."⁷¹⁸ On 15 February, Thailand's diplomatic mission in Geneva provided the CMC with a one-page statement denying cluster munition use.⁷¹⁹ On 16 February 2011, the CMC sent a formal letter to Thailand requesting an investigation into whether Thai forces used cluster munitions.⁷²⁰ In a 28 March 2011 response, Ambassador Sihasak Phuanketkeow expressed Thailand's support for the convention, but did not state if Thailand had taken any measures to investigate the allegations of cluster munition use.⁷²¹

In February and April 2011, CMC members conducted separate missions to cluster munition contaminated areas in Cambodia including in Svay Chrum Village, Sen Chey Village, and around the Preah Vihear temple hill, and witnessed unexploded M42/M46 and M85 type DPICM submunitions as well as fragmentation damage caused by cluster munitions.⁷²² The Cambodia programme of NPA was shown an unexploded NR269 projectile by the CMAC office in Sraaem.⁷²³

On 6 April 2011, the CMC issued a press statement announcing that, based on the on-site investigations, it had established that cluster munitions were used by Thailand on Cambodian territory during the February 2011 border conflict. The statement also acknowledged Thailand's allegation of heavy use of rocket fire by Cambodian forces against civilian targets in Santisuk,

⁷¹¹ This specific type of submunition is also called a "grenade." A certain amount of contradictory information exists publicly about the specific type of DPICM submunition contained in the NR269 projectile. France lists it as an "M42 type" in its initial Article 7 report in January 2011. Other international ammunition reference publications list the type as M46. There is little outward visual difference between the two types: the M46 DPICM is heavier/thicker and has a smooth interior surface. A portion of the interior of the M42 DPICM body is scored for greater fragmentation.

⁷¹² NPA, "Impact Assessment Report: Preah Vihear Province, Cambodia," Undated, but circulated 3 April 2011. Both Canadian and South African companies were involved in the development of this weapon. "155 mm ERFB cargo projectiles," *Janes*, articles.janes.com.

⁷¹³ Interview with Cherdkiat Atthakor, Ministry of Foreign Affairs, Bangkok, 24 February 2010; and Statement of Thailand, Convention on Cluster Munitions Signing Conference, Oslo, 4 December 2008. Notes by Landmine Action.

⁷¹⁴ Email from Lee Moroney, Programme Manager, NPA, 17 August 2010.

⁷¹⁵ See ICBL, *Landmine Monitor Report 2009: Toward a Mine-Free World* (Ottawa: Mines Action Canada, October 2009), pp. 243–244 and pp. 719–710; and ICBL, *Landmine Monitor 2010* (Ottawa: Mines Action Canada, October 2010), www.the-monitor.org.

⁷¹⁶ CMAC press release, "CMAC Mine Risk Education (MRE) teams to raise awareness of mines, ERW and Cluster Munitions for the communities in Preah Vihear," 10 February 2011, www.cmac.gov.kh.

⁷¹⁷ On 10 February, Thai army spokesperson Sansern Kaewkamnerd denied Thai use of cluster munitions at Preah Vihear and accused the Cambodian army of using cluster munitions against Thailand. See "Sansern: No cluster munitions used," *Bangkok Post*, 10 February 2011. A spokesman for the Thai Army's Suranaree Task Force, Col. Chinnakaj Rattanajitti, also denied Thai use of cluster munitions use and stated that, "No such weapon is used. It is not part of military operations." See: "Task force denies Thai troops used cluster bombs," *Bangkok Post*, 11 February 2011, www.bangkokpost.com. Another Thai army spokesperson, Colonel Veerachon Sukondhadhpatipak, said Thai troops had only deployed conventional artillery and noted, "This is just a normal one, not something against international law or standards." See "Border still in crosshairs," *Phnom Penh Post*, 7 February 2011.

⁷¹⁸ CMC press release, "CMC concerned about reports of cluster munition use on Cambodia-Thailand border," 10 February 2011, www.stopclustermunitions.org.

⁷¹⁹ According to the statement, "Thailand did not employ any form of cluster munitions throughout the operation to defend its sovereignty and territorial integrity during the recent border clashes with Cambodia on 4–7 February. Thailand is fully aware of the indiscriminate effects and vast humanitarian repercussions of cluster munitions. Thailand, therefore, reaffirms its commitment to refrain from using such weapons to settle border disputes. ... Regarding photos of weapons published in various media, the Royal Thai Army is unable to identify those weapons since they have never been in the possession of the Royal Thai Army." See "Clarification on the Allegation of the Use of Cluster Munitions and Chemical Weapons," document provided by Thailand's Permanent Mission to the UN in Geneva to the CMC, 15 February 2011.

⁷²⁰ Letter from Sylvie Brigot, ICBL-CMC Executive Director, to Prime Minister Abhisit Vejjajiva, 16 February 2011.

⁷²¹ Letter from Amb. Sihasak Phuanketkeow, Permanent Representative of Thailand to the UN in Geneva, to Sylvie Brigot, ICBL-CMC, 28 March 2011, REF: 52101/229.

⁷²² The missions were conducted by Cambodia Campaign to Ban Landmines and Cluster Bombs (on 9 February and 12 February), NPA (1–2 April).

⁷²³ NPA, "Impact Assessment Report: Preah Vihear Province, Cambodia," Undated, but circulated 3 April 2011, p. 2.

Khun Han district of Thailand. The CMC statement noted that during a 5 April meeting with the CMC, Thai Ambassador Sihakak Phuangketkeow had confirmed Thai use of 155mm DPICM and said that Thailand used the weapons in accordance with the principles of “necessity, proportionality and in compliance with the military code of conduct.”⁷²⁴ The CMC urged Thailand to provide detailed information on the cluster munition strikes and urged both Cambodia and Thailand to take urgent action to denounce cluster munitions and join the Convention on Cluster Munitions.⁷²⁵

On 8 April, Thailand’s Ministry of Foreign Affairs issued a statement that said the CMC had “misinterpreted” Ambassador Sihakak’s statement, and noted, “The Permanent Representative had informed the CMC that Thailand had used ‘Dual Purpose Improved Conventional Munitions’ (DPICM), not ‘cluster munitions’ as erroneously reported by CMC.”⁷²⁶

The CMC views the DPICM as a “classic example of a cluster munition” that clearly and unequivocally falls under the definition of a cluster munition contained in the Convention on Cluster Munitions. It has noted that dozens of states stockpile the DPICM and has cited the large numbers of civilian casualties caused by the use in Iraq (2003), Lebanon (2006), and Georgia (2008) of DPICM cluster munitions with M85 DPICM submunitions (including with self-destruct mechanisms which are banned under the convention).⁷²⁷

Thailand’s use of cluster munitions elicited a strong international response. During April 2011, Austria, Lao PDR, Norway, and the United Kingdom (UK) all condemned Thailand’s use of cluster munitions.⁷²⁸ On 21 April 2011, Norway, together with Austria, New Zealand, and Switzerland, issued a joint demarche to the Thai Ministry of Foreign Affairs expressing their concern over the cluster munition use and urging Thailand to accede to the convention.⁷²⁹

Cluster Munition Remnants

Survey by the Thai Civilian Deminers Association (TDA) in 2010 identified contamination by US Mk-118 submunitions dating back to the Vietnam War and covering an estimated 315,000m² in Fakta district of northern Uttaradit province.⁷³⁰ They were apparently dumped by US aircraft returning to bases in Thailand after sorties over Vietnam and Lao PDR.⁷³¹ The contamination is located in a remote area of forest and mountains and no casualties have been reported.⁷³² TDA said the contamination limits villagers’ access to forest products, grazing for livestock, farming, and recreation.⁷³³

Clearance of cluster munition contaminated areas

No clearance of cluster munition remnants was reported in 2010. TMAC’s HMAU 4 started clearing cluster munitions in 2011 and, as of April, had cleared 56,816m² in the Pooh Nong Sam Yai area of Uttaradit province.⁷³⁴

Timor-Leste

Policy

The Democratic Republic of Timor-Leste has not acceded to the Convention on Cluster Munitions.

⁷²⁴ CMC Press release, “CMC condemns Thai use of cluster munitions in Cambodia,” 5 April 2011, www.stopclustermunitions.org.

⁷²⁵ Ibid.

⁷²⁶ Thailand government public relations department statement, “Thailand Refutes CMC’s Claim on Its Use of Cluster Bombs,” 4 April 2011, thailand.prd.go.th. Thailand’s Minister of Defense, General Prawit Wongsuwon, denied any use of cluster munitions by Thai forces and said that the Thai Army “strictly complied with international laws banning their use.” See “Cluster bomb claim denied,” *Bangkok Post*, 8 April 2011, www.bangkokpost.com.

⁷²⁷ “Anti-munitions group takes aim at Thailand’s cluster bomb denial,” *Bangkok Post*, 9 April 2011, www.bangkokpost.com.

⁷²⁸ Austrian Foreign Ministry press release, “Foreign Minister Spindelegger condemns deployment of cluster munitions,” 18 April 2011, www.bmeia.gv.at; statement by Dr. Thongloun Sisoulith, Deputy Prime Minister and Foreign Minister of Lao PDR, 7 April 2011, www.stopclustermunitions.org; and Royal Norwegian Ministry of Foreign Affairs Press release, “Norway condemns use of cluster munitions,” 7 April 2011, www.stopclustermunitions.org. A spokeswoman for the UK’s Foreign and Commonwealth Office told IPS: “That cluster munitions may have been used is of serious concern to the UK. We condemn in the strongest terms the use of cluster munitions, which cause unacceptable harm to the civilian population.” See Irwin Loy, “Cluster bombs cloud prospects for peace,” IPS, 19 April 2011, www.ipsnews.net.

⁷²⁹ Letter from Hon. Georgina te Heuheu, Minister for Disarmament and Arms Control, to Aotearoa New Zealand Cluster Munition Coalition, 23 May 2011, www.stopclusterbombs.org.nz

⁷³⁰ Response to Monitor questionnaire by Lt. Gen. Attanop Sirisak, Director General, TMAC, 20 May 2011.

⁷³¹ Email from Amornchai Sirisai, Advisor, TDA, 23 March 2011.

⁷³² Response to Monitor questionnaire by Lt. Gen. Attanop Sirisak, TMAC, 20 May 2011.

⁷³³ Ibid.

⁷³⁴ Ibid.

In November 2010, government representatives informed the CMC that Timor-Leste supports the convention, but has not been able to join yet due to limited human resources, other treaty implementation commitments, and other government priorities such as joining the Association of South-East Asian Nations (ASEAN).⁷³⁵ In April 2011, a Ministry of Defense official also stated that the government had not been able to give priority to the issue.⁷³⁶ Government representatives have previously cited these reasons for Timor-Leste's lack of accession to the Convention on Cluster Munitions.⁷³⁷

Timor-Leste participated in the Oslo Process that created the convention. It joined in the consensus adoption of the convention text in Dublin on 30 May 2008, but did not sign the convention at the Signing Conference in Oslo in December 2008.

Timor-Leste has continued to engage in the work of the convention. It attended a regional conference on cluster munitions in Bali, Indonesia in November 2009. Timor-Leste participated as an observer in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make any statement. It did not attend intersessional meetings of the convention in Geneva in June 2011.

Timor-Leste is party to the Mine Ban Treaty, but has not joined the Convention on Conventional Weapons.

Timor-Leste is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Tonga

Policy

The Kingdom of Tonga has not yet acceded to the Convention on Cluster Munitions. Tonga has not made any formal statement on the cluster munition issue.

Tonga attended one meeting of the Oslo Process, the Wellington Conference on Cluster Munitions in February 2008, but it did not endorse the Wellington Declaration in support of the negotiation of an instrument prohibiting cluster munitions. Tonga did not attend the subsequent Dublin negotiations or the Convention on Cluster Munitions Signing Conference in Oslo. It has not participated in any meetings of the Convention on Cluster Munitions, such as the First Meeting of States Parties in Vientiane, Lao PDR in November 2010.

Tonga is not party to the Mine Ban Treaty.

Tonga is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Trinidad and Tobago

Policy

The Republic of Trinidad and Tobago has not yet acceded to the Convention on Cluster Munitions. In November 2010, Trinidad and Tobago said that the cabinet had approved the decision to join the convention and that significant progress has been made in preparing the legal measures necessary for accession.⁷³⁸ Previously, in 2009 and earlier in 2010, government representatives had indicated Trinidad and Tobago's support for the convention.⁷³⁹

Trinidad and Tobago participated in one meeting of the Oslo Process to develop the convention (Wellington in February 2008), but did not take part in the formal negotiations in Dublin in May 2008 or the Convention on Cluster Munitions Signing Conference in Oslo in December 2008.

⁷³⁵ CMC meeting with Timor-Leste delegation, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010.

⁷³⁶ Email from Tiago A. Sarmento, Legal Advisor SED, Ministry of Defense and Security of Timor-Leste, 10 April 2011.

⁷³⁷ Email from Charles Scheiner, Researcher, La'o Hamutuk (Timor-Leste Institute for Development Monitoring and Analysis), 20 April 2010.

⁷³⁸ Statement of Trinidad and Tobago, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 12 November 2010. Notes by the CMC/Action on Armed Violence.

⁷³⁹ Letter No. 98/20/6 from Gail P. Guy, Minister Counsellor for the High Commissioner, High Commission of the Republic of Trinidad and Tobago, United Kingdom, to the CMC, 26 May 2010; and meeting with Eden Charles, Chargé D'Affaires, Permanent Mission of Trinidad and Tobago to the UN in New York, 22 October 2009, notes by the CMC.

A representative of the Trinidad and Tobago Defence Force attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer and gave an update on the status of accession.⁷⁴⁰

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

Trinidad and Tobago is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

Turkey

Policy

The Republic of Turkey has not acceded to the Convention on Cluster Munitions.

In both 2010 and 2011, Turkish officials informed the Monitor that Turkey's position on joining the Convention on Cluster Munitions had not changed from the position previously articulated in 2009.⁷⁴¹ In March 2009, Turkey said it shares the "humanitarian concerns behind the efforts limiting the indiscriminate use of cluster munitions" and was "not making use of cluster munitions." Turkey, however, stated that its primary aim was to fulfill its obligations under the Mine Ban Treaty and, "for the time being, [it was] not considering to sign the 2008 Convention on Cluster Munitions."⁷⁴²

In early August 2011, a government official informed the Monitor that, "Turkey no longer produces, transfers, exports or imports cluster munitions; has not produced cluster munitions since 2005; and has never used cluster munitions in the past."⁷⁴³

Turkey is a State Party to the Mine Ban Treaty, but missed its antipersonnel mine stockpile destruction deadline in 2008. It has declared, however, that it will complete the destruction of its remaining antipersonnel mines by the end of August 2011.

Turkey has also expressed its support for cluster munitions to be addressed within the framework of the Convention on Conventional Weapons (CCW).⁷⁴⁴

Turkey attended several of the diplomatic conferences of the Oslo Process that produced the Convention on Cluster Munitions, but participated in both the formal negotiations in Dublin in May 2008 and in Oslo Signing Conference in December 2008 as an observer only and thus did not sign the convention.⁷⁴⁵

Turkey has shown interest in the convention despite not joining. It attended an international conference on the convention in Santiago, Chile, in June 2010. Turkey attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer and made a statement on its Armed Forces Rehabilitation Centre, which is also open to civilians and provides assistance to victims of mine and explosive remnants of war. Turkey also noted its work on victim assistance in the framework of the Mine Ban Treaty.⁷⁴⁶ Turkey did not participate in the convention's intersessional meetings in Geneva in June 2011.

CMC member, the Initiative for a Mine-Free Turkey, has continued its work to garner domestic support for the Convention on Cluster Munitions.⁷⁴⁷

Convention on Conventional Weapons

Turkey is a party to the CCW, but has not ratified CCW Protocol V on explosive remnants of war. Turkey actively engaged in the CCW deliberations on cluster munitions in 2010 and the first half of 2011. For many years, Turkey has repeatedly argued in favor of a CCW instrument on cluster munitions on the basis that it would include the major users and producers.

⁷⁴⁰ Statement of Trinidad and Tobago, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 12 November 2010. Notes by the CMC.

⁷⁴¹ Email from İsmail Çobanoğlu, Counsellor, Permanent Mission of Turkey to the UN in New York, 24 June 2010; and interview with Serhan Yiğit, Head, Disarmament Unit, and Ramazan Ercan, Consultant, Ministry of Foreign Affairs, Ankara, 25 March 2010.

⁷⁴² Letter to Human Rights Watch from Amb. Tomur Bayer, Director-General, International Security Affairs, Ministry of Foreign Affairs, 2 March 2009.

⁷⁴³ Email from Ramazan Ercan, Arms Control and Disarmament Department, Ministry of Foreign Affairs, 8 August 2011.

⁷⁴⁴ Interview with Serhan Yiğit and Ramazan Ercan, Ministry of Foreign Affairs, Ankara, 25 March 2010.

⁷⁴⁵ For details on Turkey's cluster munition policy and practice through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 246–249.

⁷⁴⁶ Statement of Turkey, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

⁷⁴⁷ For example, a drumming parade was held from Galatasaray to Taksim Square in Istanbul to celebrate the convention's 1 August 2010 entry into force. CMC, "Entry into Force of the Convention on Cluster Munitions: Report 1 August 2010," November 2010.

In August 2010, Turkey reaffirmed its willingness to work to reach a consensus on a CCW protocol on cluster munitions and said it did not agree that a protocol would be counter-productive for the Convention on Cluster Munitions.⁷⁴⁸ In September 2010, Turkey maintained that the CCW's objective was not to pursue a total ban on cluster munitions and asserted that the use of cluster munitions would remain legitimate.⁷⁴⁹

In November 2010, Turkey supported a continuation of CCW work on cluster munitions, noting “we have come a long way,” but also appealing to CCW participants to “rise above political differences and not turn a deaf ear” to the prospect of a CCW protocol that “will make a difference on the ground.”⁷⁵⁰

In February 2011, Turkey acknowledged that the chair's draft text could “be improved,” but said “even as it stands it will make a difference of the ground” and be complementary to the Convention on Cluster Munitions.⁷⁵¹

Throughout CCW work in 2010 and the first half of July 2011, Turkey continued to oppose the inclusion of a definition of cluster munition victims in the draft chair's text that would match that of the Convention on Cluster Munitions on the grounds that combatants that are casualties from the “legitimate use of cluster munitions...cannot legally be described as victims.”⁷⁵²

Use, production, transfer, and stockpiling

In June 2010, a government official informed the Monitor that “Turkey does not use, transfer, produce or import cluster munitions.”⁷⁵³ In early August 2011, a government official informed the Monitor that, “Turkey no longer produces, transfers, exports or imports cluster munitions; has not produced cluster munitions since 2005; and has never used cluster munitions in the past.”⁷⁵⁴

A US Department of State cable issued in February 2008 and made public by Wikileaks in May 2011 states that, “there exists a de facto moratorium on the use of cluster munitions by the Turkish armed forces [but] Turkey's military doctrine continues to call for the use of cluster munitions in the event of an ‘all out war.’”⁷⁵⁵

In March 2009, Turkey stated that it “is not making use of cluster munitions.”⁷⁵⁶ It is not known if Turkey used cluster munitions in the past.⁷⁵⁷

In the past, Turkey has produced, exported, and imported cluster munitions; and it currently has a stockpile.

According to its website, the Turkish company Makina ve Kimya Endustrisi Kurumu (MKEK) produces an extended range M396 155mm artillery projectile which contains self-destructing M85 dual purpose improved conventional munition (DPICM) submunitions.⁷⁵⁸ MKEK has also produced, under license from the US, M483A1 155mm artillery projectiles with DPICM submunitions.⁷⁵⁹ It is unclear if this latter projectile is still in production.

The firm Roketsan has produced the TRK-122 122mm rocket, which contains 56 M85 DPICM submunitions.⁷⁶⁰ Turkey sold 3,020 of the TRK-122 122mm rockets to the United Arab Emirates in 2006–2007.⁷⁶¹

⁷⁴⁸ Statement of Turkey, CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 30 August 2010. Notes by Action on Armed Violence (AOAV).

⁷⁴⁹ Statement of Turkey, CCW GGE on Cluster Munitions, Geneva, 2 September 2010. Notes by AOAV.

⁷⁵⁰ Statement of Turkey, CCW Meeting of States Parties on Cluster Munitions, Geneva, 25 November 2010. Notes by AOAV.

⁷⁵¹ Statement of Turkey, CCW GGE on Cluster Munitions, Geneva, 21 February 2011. Notes by AOAV.

⁷⁵² See, for example, Statement of Turkey, CCW GGE on Cluster Munitions, Geneva, 2 September 2010. Notes by AOAV.

⁷⁵³ Email from İsmail Çobanoğlu, Permanent Mission of Turkey to the UN in New York, 24 June 2010.

⁷⁵⁴ Email from Ramazan Ercan, Ministry of Foreign Affairs, 8 August 2011.

⁷⁵⁵ “Turkey Shares USG Concerns About Oslo Process,” US Department of State cable dated 12 February 2008, released by Wikileaks on 20 May 2011, www.cablegatesearch.net

⁷⁵⁶ Letter from Amb. Tomur Bayer, Ministry of Foreign Affairs, 2 March 2009.

⁷⁵⁷ In January 1994, the Turkish air force carried out an attack on the Zaleh camp of the Kurdistan Worker's Party (Partiya Karkerên Kurdistan, PKK) in northern Iraq near the Iranian border. The PKK is listed as a terrorist organization by the European Union, NATO, Australia, Canada, the United Kingdom (UK), and the United States (US). Turkish television reported that US-supplied cluster bombs were used. See, Human Rights Watch, “U.S. Cluster Bombs for Turkey?” Vol. 6, No. 19, December 1994, www.hrw.org, citing Foreign Broadcast Information Network, Western Europe, FBIS-WEU-94-0919, 28 January 1994, p. 26, from Ankara TRT Television Network in Turkish, 11:00 GMT, 18 January 1994.

⁷⁵⁸ MKEK, “155 mm M396 ERDP Ammunition,” undated, www.mkek.gov.tr.

⁷⁵⁹ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), pp. 635–636.

⁷⁶⁰ Roketsan, “122 mm Artillery Weapons Systems, Extended Range Rockets and 122 mm MBRL System,” undated, www.roketsan.com.tr; and Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 702.

⁷⁶¹ Submission of the Republic of Turkey, UN Register of Conventional Arms, Report for Calendar Year 2006, 22 March 2007, and Report for Calendar Year 2007, 7 July 2008.

A media article in August 2008 reported that Turkey and Pakistan were looking at potential cooperation in the “production of cluster bombs with 300–400 bomblets each for different missions,” as well as “the sale and production of 122 millimeter short-range and long-range multiple rocket launcher ammunition.”⁷⁶²

The US supplied Turkey with 3,304 Rockeye cluster bombs, each with 247 submunitions, at some point between 1970 and 1995.⁷⁶³ In 1995, the US announced that it would provide Turkey with 120 ATACMS missiles with submunitions for its Multiple Launch Rocket System (MLRS) launchers.⁷⁶⁴ Turkey also possesses US-supplied M26 rockets, each with 644 submunitions, for its MLRS. The US announced in October 2004 its intent to transfer to Turkey two CBU-103 Combined Effects Munitions cluster bombs, each with 202 submunitions, and two AGM-154 Joint Stand-Off Weapons, each with 145 submunitions.⁷⁶⁵ In September 2005, it announced the proposed sale of another 50 CBU-103 and 50 JSOW.⁷⁶⁶

Slovakia reported the export of 380 AGAT 122mm rockets, each containing 56 submunitions, to Turkey in 2007.⁷⁶⁷

Turkmenistan

Policy

Turkmenistan has not acceded to the Convention on Cluster Munitions. It did not participate in the Oslo Process that created the convention and has never attended a meeting on cluster munitions or made a public statement on the issue.

Turkmenistan is party to the Mine Ban Treaty. It is also party to the Convention on Conventional Weapons (CCW), but has not been involved in CCW discussions on cluster munitions and has not joined CCW Protocol V on explosive remnants of war.

Use, production, transfer, and stockpiling

Turkmenistan is not known to have used, produced, or exported cluster munitions. It inherited a stockpile of cluster munitions from the Soviet Union, but has not made a public declaration regarding its cluster munition stockpiles.⁷⁶⁸ It is reported to possess Smerch 300mm, Uragan 220mm, and Grad 122mm unguided surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁷⁶⁹

Tuvalu

Policy

Tuvalu has not yet acceded to the Convention on Cluster Munitions. Tuvalu did not participate in the Oslo Process and has never attended a meeting on cluster munitions or made a public statement on the issue.

Tuvalu is not party to the Mine Ban Treaty.

Tuvalu is not believed to have ever used, produced, transferred, or stockpiled cluster munitions.

⁷⁶² “Turkey to upgrade Pakistani F-16s as US sanctions ease,” *Today’s Zaman*, 8 August 2008, www.todayzaman.com.

⁷⁶³ US Defense Security Cooperation Agency, “Cluster Bomb Exports under FMS, FY1970–FY1995,” obtained by Human Rights Watch in a Freedom of Information Act request, 28 November 1995.

⁷⁶⁴ Congressional Record, “Proposed Sale of Army Tactical Missile System to Turkey,” 11 December 1995, p. E2333, www.fas.org. Each ATACMS missile contains 300 or 950 submunitions.

⁷⁶⁵ US Defense Security Cooperation Agency, “Notifications to Congress of Pending US Arms Transfers,” No. 05-12, 7 October 2004.

⁷⁶⁶ US Defense Security Cooperation Agency, “Turkey—Munitions and Aircraft Components for F-16 Aircraft,” Press release, Transmittal No. 05-29, 8 September 2005, www.dsca.mil; and US Defense Security Cooperation Agency, “Turkey—AGM-154A/C Joint Standoff Weapons,” Press release, Transmittal No. 05-33, 6 September 2005, www.dsca.mil.

⁷⁶⁷ Submission of the Slovak Republic, UN Register of Conventional Arms, Report for Calendar Year 2007, 12 June 2008.

⁷⁶⁸ As part of its Mine Ban Treaty obligations, Turkmenistan destroyed a very large stockpile of antipersonnel mines: 5,452,416 PFM-type scatterable mines contained in 75,718 KSF-type cassettes, which are sometimes identified as cluster weapons. See ICBL, *Landmine Monitor Report 2004*, pp. 830–832. Turkmenistan may also have a sizeable stock of cluster munitions, as the main ammunition storage facility for Soviet combat operations in Afghanistan was located in Charjoh (now Turkmenabad), according to military officials in April 2004.

⁷⁶⁹ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 279; and Colin King, ed., *Jane’s Explosive Ordnance Disposal*, CD-edition, 10 January 2008 (Surrey, UK: Jane’s Information Group Limited, 2008).

Ukraine

Commitment to the Convention on Cluster Munitions

Convention on Cluster Munitions status	Non-signatory
Participation in Convention on Cluster Munitions meetings	Attended First Meeting of States Parties in Vientiane, Lao PDR in November 2010
Key developments	Provided information on stockpiled cluster munitions

Policy

Ukraine has not acceded to the Convention on Cluster Munitions.

In November 2010, a Ministry of Foreign Affairs official said that Ukraine's "negative experience" with respect to securing international funding for the destruction of its antipersonnel mine stockpiles under the Mine Ban Treaty influences how it views the Convention on Cluster Munitions.⁷⁷⁰ Ukraine is a party to the Mine Ban Treaty, but missed its 1 June 2010 treaty-mandated deadline for the destruction of all stockpiled antipersonnel mines and does not expect to complete destruction of its very large stockpile for several more years; it therefore remains in violation of the treaty.⁷⁷¹

According to the official, with its own resources alone Ukraine would not be able to meet the eight-year stockpile destruction deadline contained in the Convention on Cluster Munitions. Ukraine has a large stockpile of cluster munitions that it inherited from the Soviet Union (see Stockpiling and destruction section of this profile). According to the official, once Ukraine has fulfilled its Mine Ban Treaty obligations it will consider accession to the Convention on Cluster Munitions.⁷⁷²

Previously, in an April 2010 letter, Ukraine stated that it considers cluster munitions "to be legal weapons [whose] use is not prohibited under international law. Ukraine believes that the issue of cluster munitions should be resolved taking into account both the humanitarian norms and security imperatives of [the] State."⁷⁷³ But, Ukraine has also said that cluster munitions have long-term and deadly consequences for humanity and should be dealt with effectively and urgently.⁷⁷⁴ It has called for a moratorium on the use of "inaccurate and unreliable cluster munitions."⁷⁷⁵

Ukraine participated in several meetings of the Oslo Process that created the convention text, including the formal negotiations in Dublin in May 2008 as an observer.⁷⁷⁶ Ukraine did not attend any of the meetings related to the convention in 2009. It participated in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer, but did not make any statement. Ukraine did not attend intersessional meetings of the convention in Geneva in June 2011.

Ukraine has expressed its preference for cluster munitions to be addressed under the framework of the Convention on Conventional Weapons (CCW). Ukraine is a party to the CCW and its Protocol V on explosive remnants of war. It has regularly participated in the CCW deliberations on cluster munitions and, during the CCW Group of Governmental Experts (GGE) meetings on cluster munitions in February 2011, expressed its willingness to conclude a CCW protocol on cluster munitions in 2011.⁷⁷⁷ In April 2011, a government representative informed Human Rights Watch that Ukraine is participating in CCW talks to achieve "a legally binding document on cluster munitions in terms of maintaining balance between military and humanitarian aspects of the use of cluster munitions."⁷⁷⁸ This indicates that Ukraine does not support a prohibition on the use of cluster munitions in all circumstances.

Previously, in April 2010, Ukraine expressed general support for the draft CCW Protocol text, but also called for it to have "synergies" with the Convention on Cluster Munitions, especially in the areas of victim assistance and international cooperation and assistance.⁷⁷⁹

⁷⁷⁰ CMC meeting with Ruslan Nimchynskyi, Deputy Director-General, Directorate General for Armaments Control and Military Technical Cooperation, Ministry of Foreign Affairs, Vientiane, 11 November 2010. Notes by the CMC.

⁷⁷¹ See ICBL-CMC, "Country Profile: Ukraine: Mine Ban Policy", 18 October 2010, www.the-monitor.org.

⁷⁷² CMC meeting with Ruslan Nimchynskyi, Ministry of Foreign Affairs, Vientiane, 11 November 2010. Notes by the CMC.

⁷⁷³ Letter No. 181/017 from the Permanent Mission of Ukraine to the UN in Geneva, 29 April 2010.

⁷⁷⁴ Statement of Ukraine, CCW GGE on Cluster Munitions, 8 April 2008. Notes by Landmine Action.

⁷⁷⁵ Letter No. 181/017 from the Permanent Mission of Ukraine to the UN in Geneva, 29 April 2010, it first called for such a moratorium in April 2008; and Statement of Ukraine, CCW GGE on Cluster Munitions, 8 April 2008, notes by Landmine Action.

⁷⁷⁶ For details on Ukraine's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 249–250.

⁷⁷⁷ Statement of Ukraine, CCW GGE on Cluster Munitions, Geneva, 21 February 2011. Notes by Action on Armed Violence (AOAV).

⁷⁷⁸ Email from Tetiana Pokhvalona, Second Secretary, Permanent Mission of Ukraine to the UN in New York, 29 April 2011.

⁷⁷⁹ Statement of Ukraine, CCW GGE on Cluster Munitions, Geneva, 17 April 2010. Notes by AOAV.

Use, production, and transfer

Ukraine is not known to have used, produced, or exported cluster munitions. In November 2010, a Ministry of Foreign Affairs official said that Ukraine would not use cluster munitions except to defend itself from outside aggression. The official also said that Ukraine was not producing new cluster munitions, and would not export or import the weapons from any other country.⁷⁸⁰

Stockpiling and destruction

Ukraine inherited a large stockpile of cluster munitions from the Soviet Union. During a CCW meeting on cluster munitions in April 2011, Ukraine provided information on the types of its stockpiled cluster munitions.

Cluster Munitions of the Armed Forces of Ukraine⁷⁸¹

	Cluster munition name
Surface-to-Surface Rocket	220mm Uragan 9M27K
	300mm Smerch 9M55K
	Tochka-U (SS-21)
Aircraft Dispenser	KMG-U containing BFK-AO2.5, BFK-ODC, BFK-PTAB, BFK-AP blocks of submunitions
Air-Dropped Bomb	RBK-500-375
	RBK-500-AO
	RBK-500-255
	RBK-500-SP-B7
	RBK-500-3AB
	RBK-250-275
	RBK-250-3AB

Ukraine stated that cluster munitions constitute 35% of its stockpile of conventional weapons totaling two million tons of ammunition. Of these cluster munitions, 34% were produced before 1980, and therefore would be banned by the current draft protocol. Another 36.18% were produced between 1981 and 1992 and “are planned to be stockpiled and might be used.” The remaining 29.82% would not be covered under the present draft of the protocol since they contain antivehicle landmines.⁷⁸²

Ukraine also reported a yearly average destruction of 10,000–20,000 tons of cluster munitions, and concluded that under present conditions, it would take 60 years to destroy the stockpiles that are currently slated for destruction.⁷⁸³

United Arab Emirates

Policy

The United Arab Emirates (UAE) has not acceded to the Convention on Cluster Munitions.

The UAE has never made a public statement on its policy on cluster munitions. The UAE did not participate in the Oslo Process that created the convention in 2008 and has never attended a regional or international meeting on cluster munitions.

The UAE is not party to the Mine Ban Treaty. The UAE is party to the Convention on Conventional Weapons (CCW), including Protocol V on explosive remnants of war, but has not actively engaged in CCW discussions on cluster munitions.

Use, production, transfer, and stockpiling

The UAE is not believed to have used, produced, or exported cluster munitions, but it has a stockpile of the weapons, which it imported from several sources.

⁷⁸⁰ CMC meeting with Ruslan Nimchynskyi, Ministry of Foreign Affairs, Vientiane, 11 November 2010. Notes by the CMC.

⁷⁸¹ Presentation of the Ukraine, “Impact of the CCW Draft Protocol VI (current version) on Ukraine’s Defense Capability,” Geneva, 1 April 2011, Slides 3–4.

⁷⁸² Presentation of the Ukraine, “Impact of the CCW Draft Protocol VI (current version) on Ukraine’s Defense Capability,” Geneva, 1 April 2011, Slide 2.

⁷⁸³ Ibid.

In 1999, the United States (US) sold the UAE 1,800 CBU-87 bombs (each containing 202 BLU-97 submunitions).⁷⁸⁴ In September 2006, the US announced the sale of large amounts of cluster munitions to the UAE: 101 M39A1 ATACMS missiles (each containing 300 M74 submunitions), 104 M26 MLRS rocket pods (each pod contains six rockets, each rocket contains 644 M77 dual purpose improved conventional munition [DPICM] submunitions), and 130 M30 GMLRS DPICM rocket pods.⁷⁸⁵

Growing out of the September 2006 deal, it was reported in March 2009 that the US intended to produce and export 780 M30 GMLRS rockets (each with 404 M101 DPICM submunitions) to the UAE.⁷⁸⁶ Under US legislation signed into law on 11 March 2009, the export of these cluster munitions is prohibited. However, an army official said that the deal was signed in 2007, well before the export ban legislation was introduced, and that the army obtained legal opinions that confirm the validity of the final sale.⁷⁸⁷

In 2006–2007, Turkey sold to the UAE 3,020 TRK-122 122mm unguided surface-to-surface rockets, each containing 56 M85 DPICM submunitions.⁷⁸⁸

Additionally, Textron Defense Systems of the US delivered an unknown number of CBU-105 sensor-fuzed weapons, valued at \$57 million, to the UAE in June 2010. The contract for the sale was signed in November 2007.⁷⁸⁹ Sensor-fuzed weapons are cluster munitions that are prohibited by the Convention on Cluster Munitions, but export is allowed under US law because they have a reported failure rate of less than 1%.

Jane's Information Group also reports that British-made BL-755 bombs are in service with the UAE air force.⁷⁹⁰ Additionally Jane's lists the UAE as possessing the Hydra-70 air-to-surface unguided rocket system, but it is not known if this stockpile includes the M261 multipurpose submunition variant.⁷⁹¹

The UAE is also reported to possess 122mm Type-90 and 330mm Smerch surface-to-surface rocket launchers, but it is not known if the UAE possess rockets with submunition payloads.⁷⁹²

United States of America

Policy

The United States of America (US) has not acceded to the Convention on Cluster Munitions.

In 2008, then-Secretary of Defense Robert M. Gates explained the US decision not to join, stating, “The elimination of cluster munitions from our stockpiles would put the lives of our soldiers and those of our coalition partners at risk. There are no substitute munitions, and some of the possible alternatives could actually increase the damage that results from an attack.”⁷⁹³

Under the current July 2008 Department of Defense policy, by the end of 2018 the US will no longer use cluster munitions that result in more than 1% unexploded ordnance (UXO).⁷⁹⁴ Until 2018, use of cluster munitions that exceed the 1% UXO rate must be approved by the Combatant Commander.⁷⁹⁵ A 10-year transition period was seen as “necessary

⁷⁸⁴ US Defense Security Cooperation Agency, “Notifications to Congress of Pending US Arms Transfers,” November 1999.

⁷⁸⁵ US Defense Security Cooperation Agency, “News Release: United Arab Emirates- High Mobility Artillery Rocket System” (Transmittal No. 06-55), 21 September 2006.

⁷⁸⁶ Kate Brannen, “Army will Complete 2007 DPICM Sale Despite New Law From Congress,” *Inside the Army*, 23 March 2009.

⁷⁸⁷ *Ibid.*

⁷⁸⁸ Turkey, UN Register of Conventional Arms, submission for Calendar Year 2006 (22 March 2007) and submission for Calendar Year 2007 (7 July 2008).

⁷⁸⁹ Textron Inc., “Q2 2010 Earnings Call,” 21 July 2010, seekingalpha.com; and Textron Defense Systems, “Textron Defense Systems and UAE Armed Forces Sign Sensor Fuzed Weapon Contract,” Press release, 13 November 2007, www.textrondefense.com. Also, the US Congress was notified in June 2007 of a proposed commercial sale of “technical data, defense services, and defense articles to support the sale of the Sensor Fuzed Weapons” to the UAE. Jeffrey T. Bergner, Assistant Secretary for Legislative Affairs, US Department of State, to Nancy Pelosi, Speaker of the US House of Representatives (Transmittal No. DDTC 017-07), 7 June 2007.

⁷⁹⁰ Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 847.

⁷⁹¹ Colin King, ed., *Jane's Explosive Ordnance Disposal*, CD-edition, 14 December 2007 (Surrey, UK: Jane's Information Group Limited, 2008).

⁷⁹² International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 334.

⁷⁹³ Letter from Secretary of Defense Robert M. Gates to Sen. Patrick Leahy, 12 September 2008.

⁷⁹⁴ The policy memorandum was dated 19 June, but not formally released until 9 July 2008. Secretary of Defense Robert M. Gates, “Memorandum for the Secretaries of the Military Departments, Subject: DOD Policy on Cluster Munitions and Unintended Harm to Civilians,” 19 June 2008, www.defenselink.mil.

⁷⁹⁵ The new policy requires cluster munitions used after 2018 to meet a 1% UXO rate not only in testing, but in actual use during combat operations within the variety of operational environments in which US forces intend to use the weapon. Combatant Commander is the title of a major military leader of US Armed Forces, either of a large geographical region or of a particular military function, formerly known as a commander-in-chief.

to develop the new technology, get it into production, and to substitute, improve, or replace existing stocks.⁷⁹⁶ Also, all cluster munition stocks “that exceed operational planning requirements or for which there are no operational planning requirements” were to be removed from active inventories as soon as possible, but not later than 19 June 2009. These excess cluster munitions will be demilitarized as soon as practicable.⁷⁹⁷

The administration of President Barack Obama has embraced the July 2008 cluster munition policy and has been working extensively to achieve a new protocol to the Convention on Conventional Weapons (CCW) regulating some cluster munitions (See CCW section below). In March 2010, Senators Feinstein and Leahy, along with 20 other senators, and Representative Jim McGovern, reintroduced the “Cluster Munitions Civilian Protection Act.” The Act would limit the use and transfer of cluster munitions to those munitions that have a 99% or higher reliability rate, and would prohibit use of cluster munitions in areas where civilians are known to be present. It would also require the president to submit a plan to Congress for cleanup of cluster munition remnants if the US used cluster munitions.⁷⁹⁸ The act had not been reported out of committee as of July 2011, although it continued to gather support in the Senate and House of Representatives.

The US did not directly participate, even as an observer, in the diplomatic Oslo Process in 2007 and 2008 that resulted in the Convention on Cluster Munitions. However, US Department of State cables made public by Wikileaks in late 2010 and the first half of 2011 show how the US attempted to influence its allies and partners during the Oslo Process.⁷⁹⁹ For example, US officials sought assurances from the highest levels of the Afghan government that Afghanistan would not join the convention, but President Karzai instructed Afghan officials to sign at the Convention on Cluster Munitions Signing Conference in December 2008.⁸⁰⁰ Twelve US diplomatic cables from the period from January 2007 to November 2008 show how the US sought to influence Japan’s engagement in the Oslo Process.⁸⁰¹

During the Oslo Process the US worked hard to influence the outcome of the negotiations and address its concerns, primarily on the issue of “interoperability” (joint military operations among the US and States Parties to the convention).⁸⁰² The US diplomatic cables made public by Wikileaks show how the US sought to influence the draft text of the convention through its allies and how it has sought to interpret key provisions of the convention since its adoption. For example, in a December 2008 diplomatic demarche to Afghanistan, the State Department stated, “The United States reads the phrase ‘military cooperation and operations’ in Article 21 to include all preparations for future military operations, transit of cluster munitions through the territory of a State Party, and storage and use of cluster munitions on the territory of a State Party.”⁸⁰³

The US has not engaged in any meetings related to the convention, including in 2010 and first half of 2011. It was invited to, but did not attend the convention’s First Meeting of States Parties in Vientiane, Lao PDR in November 2010.

Civil society groups in the US have continued to take action in support of the Convention on Cluster Munitions.⁸⁰⁴

The US has not joined the 1997 Mine Ban Treaty, but in late 2009 the Obama administration began a comprehensive review of US policy on banning antipersonnel mines and accession to the treaty. Nearly two years after the policy review commenced, it had not concluded as of August 2011.

Convention on Conventional Weapons

The US is party to the CCW and its Protocol V on explosive remnants of war. The US continued to play a leading role in the CCW deliberations on cluster munitions in 2010 and in the first half 2011.

In November 2010, the US reiterated its commitment to conclude a legally-binding instrument on cluster munitions that covers, in their view, a large proportion of cluster munitions not captured by the Convention on Cluster Munitions. It supported continued CCW work on cluster munitions in 2011 and said, “We are closer to reaching agreement on admittedly difficult decisions.” However, in its statement the US representative noted that it viewed the Fourth Review

⁷⁹⁶ Statement by Stephen Mathias, “United States Intervention on Technical Improvements,” CCW Group of Governmental Experts (GGE) on Cluster Munitions, Geneva, 15 July 2008.

⁷⁹⁷ Secretary of Defense Robert M. Gates, “Memorandum for the Secretaries of the Military Departments, Subject: DOD Policy on Cluster Munitions and Unintended Harm to Civilians,” 19 June 2008, www.defenselink.mil. The US has not reported any details on the removal of stocks, or whether the undertaking has been completed.

⁷⁹⁸ Cluster Munitions Civilian Protection Act of 2009, S. 416 and H. 981. It was first introduced in February 2007, and reintroduced in February 2009.

⁷⁹⁹ As of early August 2011, Wikileaks had made public a total of 57 US diplomatic cables originating from 24 locations, all relating to US concerns over the Oslo Process initiative. See www.cablegatesearch.net.

⁸⁰⁰ “Afghan Views on Cluster Munitions and Oslo Process,” US Department of State cable 0STATE167308 dated 12 February 2008, released by Wikileaks on 20 May 2011, www.cablegatesearch.net; and “Demarche to Afghanistan on Cluster Munitions,” US Department of State cable 08STATE134777 dated 29 December 2008, released by Wikileaks on 1 December 2010, www.wikileaks.ch.

⁸⁰¹ See www.cablegatesearch.net.

⁸⁰² For detail on US policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 251–260.

⁸⁰³ “Demarche to Afghanistan on Cluster Munitions,” US Department of State cable 08STATE134777 dated 29 December 2008, released by Wikileaks on 1 December 2010, www.wikileaks.ch.

⁸⁰⁴ For example, US civil society groups organized several events to commemorate the convention’s 1 August 2010 entry into force. In Portland, Oregon, campaigners held a drumming event in the park to celebrate the occasion, and the West Virginia Campaign to Ban Landmines and Proud Students Against Landmines and Cluster Bombs made presentations to city and state government leaders, encouraging them to sign the People’s Treaty on cluster munitions.

Conference of CCW in November 2011 as the “end game” for CCW negotiations on cluster munitions.⁸⁰⁵ In March 2011, the US continued to insist that a draft protocol that would provide a “substantial and immediate impact on the ground is an essential and achievable goal.”⁸⁰⁶

In November 2010, the US delegation claimed that the draft protocol under consideration at the time would require it to destroy nearly 50% of its stockpiles.⁸⁰⁷ By the session in February 2011, the US clarified that a prohibition on the use of cluster munitions produced before 1980 as proposed by the meeting chair, would capture “over 40 percent” of its current stockpiles and total nearly 2.8 million cluster munitions.⁸⁰⁸

Throughout the CCW deliberations in 2010 and 2011, the US has worked intensively, including in private and during intersessional periods between meetings, to forge a compromise for a CCW protocol on cluster munitions. It has worked to develop, as it put it in September 2010, “meaningful requirements” while accommodating proposals for a transition period, opposing a deadline for stockpile destruction, and opposing a broad definition of “cluster munition victim.” Also at this time, the US asked for “a little bit of homage to reality” from states regarding the immediate and significant humanitarian benefits of the protocol.⁸⁰⁹

In March 2011, the US stated that a protocol that contains an immediate prohibition on all cluster munitions produced before January 1980, contains a deadline for the clearance of cluster munition remnants, and a requirement that parties at all times use only cluster munitions with lowest possible UXO rate would “provide substantial and immediate impact on the ground.” However, during the same session, it noted that a transition period was essential for implementation.⁸¹⁰

Use

The US used cluster munitions in Cambodia, Lao PDR, and Vietnam (1960s and 1970s); Grenada and Lebanon (1983); Libya (1986); Iran (1988); Iraq, Kuwait, and Saudi Arabia (1991); Bosnia and Herzegovina (1995); Serbia, Montenegro, and Kosovo (1999); Afghanistan (2001 and 2002); and Iraq (2003).⁸¹¹ The US has apparently not used cluster munitions in Afghanistan since 2002 or in Iraq since 2003.

In June 2010, Amnesty International (AI) published a series of photographs and stated that it appears the US used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack an “alleged al-Qa’ida training camp” in al-Ma’jalah in the al-Mahfad district of Abyan governorate of Yemen on 17 December 2009.⁸¹² Neither the US nor Yemeni governments have publicly responded to AI’s allegations. An August 2010 *New York Times* story on US military involvement in Yemen referred to the AI report on the cruise missile cluster munition attack, noting that a “Navy ship offshore had fired the weapon in the attack.”⁸¹³ On 8 June 2010, the CMC called on the US to confirm or deny this reported use of US-manufactured cluster munitions in Yemen, but there has been no response.⁸¹⁴

In December 2010, Wikileaks released a US Department of State cable dated 21 December 2009 that acknowledged the US had a role in the 17 December strike, and said that Yemeni government officials:

...continue to publicly maintain that the operation was conducted entirely by its forces, acknowledging U.S. support strictly in terms of intelligence sharing. Deputy Prime Minister Rashad al-Alimi told the Ambassador on December 20 that any evidence of greater U.S. involvement such as fragments of U.S. munitions found at the sites - could be explained away as equipment purchased from the U.S.⁸¹⁵

⁸⁰⁵ Statement by US, CCW Meeting of States Parties, Geneva, 26 November 2010. Notes by Action on Armed Violence (AOAV).

⁸⁰⁶ Statement by US, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOAV.

⁸⁰⁷ Statement by US, CCW Meeting of States Parties, Geneva, 25 November 2010. Notes by AOAV.

⁸⁰⁸ Statement by US, CCW GGE on Cluster Munitions, Geneva, 21 February 2011. Notes by AOAV.

⁸⁰⁹ Statement by US, CCW Meeting of States Parties, Geneva, 1 September 2010. Notes by AOAV.

⁸¹⁰ Statement by US, CCW GGE on Cluster Munitions, Geneva, 28 March 2011. Notes by AOAV.

⁸¹¹ For historical details on the use of cluster munitions by the US, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 262–263.

⁸¹² The remnants in the photographs included images of the propulsion system, a BLU-97 submunition, and the payload ejection system, the latter of which is unique to the TLAM-D cruise missile. AI, “Images of Missile and Cluster Munitions Point to US Role in Fatal Attack in Yemen,” 7 June 2010, www.amnesty.org. See also, “U.S. missiles killed civilians in Yemen, rights group says,” *CNN*, 7 June 2010.

⁸¹³ Scott Shane, Mark Mazzetti, and Robert F. Worth, “Secret Assault on Terrorism Widens on Two Continents,” *New York Times*, 14 August 2010, www.nytimes.com.

⁸¹⁴ CMC, “US: Confirm or deny use of cluster munitions in Yemen,” Press release, 8 June 2010, www.stopclustermunitions.org.

⁸¹⁵ “ROYG [Republic of Yemen Government] looks ahead following CT operations, but perhaps not far enough,” US Department of State cable SANAA02230 dated 21 December 2009, released by Wikileaks on 4 December 2010, www.guardian.co.uk.

Production

In 2001, then-Secretary of Defense William Cohen issued a policy memorandum stating that all submunitions reaching the “full rate” production decision by fiscal year 2005 and beyond must have a failure rate of less than 1%.⁸¹⁶ The US has not budgeted any money for producing new cluster munitions since 2007.⁸¹⁷ Research and development activities, at the applied research level, for improving the reliability of existing submunitions as well as the development of new types of submunitions continue with programs being conducted by the Air Force, Army, and the Office of the Secretary of Defense.⁸¹⁸

Transfer

The omnibus budget bill (HR 1105) signed into law on 11 March 2009 by President Obama contains a provision banning nearly all cluster bomb exports by the US.⁸¹⁹ The legislation also requires the receiving country to agree that cluster munitions “will not be used where civilians are known to be present.”⁸²⁰

On 19 May 2011, the Defense Security Cooperation Agency (DSCA) issued a memorandum on the sale of cluster munitions that incorporates these legal requirements into DSCA policy by adding them to the Security Assistance Management Manual. According to this policy, the US can only export cluster munitions that leave behind less than 1% of UXO. According to the US agency that administers weapons transfers, “At present the only cluster munition with a compliant submunition (one that does not result in more than 1% UXO across the range of intended operational environments) is the CBU-97B/CBU-105, Sensor Fuzed Weapon (SFW). The CBU-107 Passive Attack Weapon, which contains non-explosive rods, is not captured by the ban.”⁸²¹

The most recent US exports of cluster munitions include sales to the United Arab Emirates⁸²² (announced September 2006 of 780 M30 GMLRS rockets), India⁸²³ (announced September 2008 of 510 CBU-105 SFW), and most recently to Saudi Arabia (announced in June 2011 of 404 CBU-105D/B SFW). It is not known if these weapons have been delivered to the recipient countries yet.⁸²⁴

While the historical record is incomplete, the US has transferred hundreds of thousands of cluster munitions, containing tens of millions of submunitions to at least 30 countries: Argentina, Australia, Bahrain, Belgium, Canada, Colombia, Denmark, Egypt, France, Germany, Greece, Honduras, India, Indonesia, Israel, Italy, Japan, Jordan, South Korea, Morocco, the Netherlands, Norway, Oman, Pakistan, Saudi Arabia, Spain, Thailand, Turkey, the UAE, and the United Kingdom (UK).

Seven signatories of the Convention on Cluster Munitions have declared that they possess or have already destroyed US-produced cluster munitions, including Belgium, Canada, Germany, Japan, the Netherlands, Spain, and the UK.

⁸¹⁶ Secretary of Defense William Cohen, “Memorandum for the Secretaries of the Military Departments, Subject: DoD Policy on Submunition Reliability (U),” 10 January 2001. In other words, submunitions that reach “full rate production,” i.e. production for use in combat, during the first quarter of fiscal year 2005 must meet the new standard. According to an October 2004 Pentagon report to Congress on cluster munitions, submunitions procured in past years are exempt from the policy, but “[f]uture submunitions must comply with the desired goal of 99% or higher submunition functioning rate or must receive a waiver.” Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense, “Report to Congress: Cluster Munitions,” October 2004, p. ii.

⁸¹⁷ For detail on the production of cluster munitions by the US from 2005 to 2007, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 257–258; and ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada: October 2010), p. 263.

⁸¹⁸ For example, see US Air Force, “Research, Development, Test, and Evaluation Budget Item Justification, Applied Research: Program Element Number PE 0602602F: Conventional Munitions,” February 2011, p. 6; US Army, “Research, Development, Test, and Evaluation Budget Item Justification, Applied Research: Program Element Number 0602624A: Weapons and Munitions Technology,” February 2011, p. 5; and Office of the Secretary of Defense, “Research, Development, Test, and Evaluation Budget Item Justification, Applied Research: Program Element Number 0602000D8Z: Joint Munitions Technology,” February 2011, p. 13.

⁸¹⁹ Omnibus Appropriations Act, 2009 (H.R. 1105), became Public Law No. 111-8, 11 March 2009. See also, Sen. Patrick Leahy and Sen. Dianne Feinstein, “FY2009 Omnibus Bill Includes Leahy-Feinstein Provision to Prohibit Sale or Transfer of Most U.S. Cluster Munitions,” Press release, 12 March 2009, Washington, DC, feinstein.senate.gov. The sponsors of the provision characterized it as a permanent ban on exports. This view has been disputed by others, who have said that it can only apply to the one-year period funded in the bill. Sen. Leahy included the provision again in the fiscal year 2011 appropriations bill, which had not yet been acted on by Congress as the Monitor went to print. A one-year US export ban was first enacted in a budget bill in December 2007, and extended the following year. Consolidated Appropriations Act, 2008 (H.R. 2764), 110th Congress, 2007. In September 2008, Congress passed a continuing resolution to extend the Consolidated Appropriations Act, and thus the moratorium, through 6 March 2009.

⁸²⁰ US-supplied cluster munitions have been used in combat by Israel in Lebanon and Syria, by Morocco in Western Sahara and possibly Mauritania, by the UK, and the Netherlands in the former Yugoslavia, and by the UK in Iraq.

⁸²¹ US Defense Security Cooperation Agency, “Guidance on the Sale of Cluster Munitions, DSCA Policy 11-33,” Memorandum, 19 May 2011, Washington, DC, www.dsca.mil.

⁸²² US Defense Security Cooperation Agency Press release, “United Arab Emirates: High Mobility Artillery Rocket Systems,” Transmittal No. 06-55, 21 September 2006, Washington, DC, www.dsca.mil. While the export of these cluster munitions is not allowed under the ban legislation, an Army officer told the trade publication *Inside the Army* in 2009 that the deal was signed in 2007, well before the export ban legislation was introduced, and that the army obtained legal opinions that confirm the validity of the final sale. It is not publicly known how or when this situation was resolved.

⁸²³ US Defense Security Cooperation Agency Press release, “India: CBU-105 Sensor Fuzed Weapons,” Transmittal No. 08-105, 30 September 2008, Washington, DC, www.dsca.mil.

⁸²⁴ US Defense Security Cooperation Agency Press release, “Saudi Arabia: CBU-105 Sensor Fuzed Weapons,” Transmittal No. 10-03, 13 June 2011, Washington, DC, www.dsca.mil.

The US also licensed the production of cluster munitions with Japan, South Korea, the Netherlands, Pakistan, and Turkey.

Stockpiling

In November 2009, a US Department of State official said, “The current stockpile is huge; the Department of Defense currently holds more than 5 million cluster munitions with 700 million submunitions. Using our current demilitarization capabilities, it will cost \$2.2 billion to destroy this stockpile.”⁸²⁵

An October 2004 report to the US Congress by the Department of Defense provides details on a stockpile of 5.5 million cluster munitions containing about 728.5 million submunitions.⁸²⁶

In February 2011, the US stated that “around two million” cluster munitions would be captured by a CCW proposal for a ban on the use of cluster munitions produced before 1980. The types of cluster munitions included in this figure were listed on a slide projected during an informal briefing to CCW delegates by a member of the US delegation. Several of the types, such as CBU-58, CBU-55B, and M509A1 were not listed in the “active” or “total” inventory by the US Department of Defense in a report to Congress in late 2004.

US Stockpile of Cluster Munitions (as of 2004)⁸²⁷

Type	Number of submunitions per munition	Munitions in active inventory	Submunitions in active inventory	Munitions in total inventory	Submunitions in total inventory
Rocket					
ATACMS 1	950	1,091	1,036,450	1,304	1,238,800
ATACMS 1A	400	405	162,000	502	200,800
M26 MLRS	644	369,576	238,006,944	439,194	282,840,936
M26A1 MLRS	518	4,128	2,138,304	4,128	2,138,304
M261 MPSM	9	74,591	671,319	83,589	752,301
Total	449,791	242,015,017	528,717	287,171,141	
Projectile					
M449 APICM	60	27	1,620	40	2,400
M449A1 APICM	60	24	1,440	49	2,940
M483/M483A1	88	3,336,866	293,644,208	3,947,773	347,404,024
M864	72	748,009	53,856,648	759,741	54,701,352
M444	18	30,148	542,664	134,344	2,418,192
Total	4,115,074	348,046,580	4,841,947	404,528,908	
Bomb					
Mk-20 Rockeye	247	58,762	14,514,214	58,762	14,514,214
CBU-87 CEM	202	99,282	20,054,964	99,282	20,054,964
CBU-103 CEM WCMD	202	10,226	2,065,652	10,226	2,065,652
CBU-97 SFW	10	214	2,140	214	2,140
CBU-105 SFW WCMD	10	1,986	19,860	1,986	19,860
CBU-105 SFW P31 WCMD	10	899	8,990	899	8,990
AGM-154A JSOW-A	145	669	97,005	1,116	161,820
Total	172,038	36,762,825	172,485	36,827,640	
Grand total	4,736,903	626,824,422	5,543,149	728,527,689	

⁸²⁵ Statement by Harold Hongju Koh, US Department of State, Third Conference of the High Contracting Parties to CCW Protocol V, 9 November 2009, geneva.usmission.gov.

⁸²⁶ 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.”

⁸²⁷ Office of the Under Secretary of Defense (Acquisition, Technology and Logistics), Department of Defense, “Report to Congress: Cluster Munitions,” October 2004.

The October 2004 Department of Defense report to US Congress provides details on a stockpile of 5.5 million cluster munitions of 17 different types that contain about 728 million submunitions.⁸²⁸ However, this figure does not appear to be a full accounting of cluster munitions available to US forces. The tally apparently does not include cluster munitions that are located in foreign countries or stockpiled as part of the War Reserve Stocks for Allies (WRSA).⁸²⁹

The Department of Defense had not publicly reported on the removal of excess cluster munitions from stocks by June 2009, as called for in the July 2008 policy. But it appears that action has been taken. For example, the UK government told parliamentarians that the US had identified the cluster munitions on UK territory as “exceeding operational planning requirements” and that they would be “gone from the UK itself by the end of [2010]” and “gone from other UK territories, including Diego Garcia, by the end of 2013.”⁸³⁰ In December 2010, Wikileaks released a US Department of State cable dated 21 May 2009 and titled “US-UK Cluster Munitions Dialogue,” which reported on a proposal that would provide a temporary exception to this timeline for new cluster munitions that the US brought to British territory after the 2013 deadline.⁸³¹

Since 2000, the US has destroyed on average 9,400 tons of outdated cluster munitions (not including missiles and rockets) per year at an average annual cost of \$7.2 million. For fiscal year 2012, the funding for the destruction of non-missile cluster munitions and submunitions consumes 24% of the annual budget allocation for the destruction of conventional ammunitions.⁸³²

Since fiscal year 2007, there has been a separate funding source for the destruction of Multiple Launch Rocket System (MLRS) rockets and ATACM missiles, with special destruction facilities for MLRS rockets at the Anniston Defense Munitions Center in Alabama and the Letterkenny Munitions Center in Pennsylvania. The army has requested \$109 million for the destruction of 98,904 M26 MLRS rockets from fiscal year 2007 to fiscal year 2012.⁸³³

Uzbekistan

Policy

The Republic of Uzbekistan has not acceded to the Convention on Cluster Munitions.

Uzbekistan did not participate in the Oslo Process that created the convention and has never attended a meeting on cluster munitions. It has made no public statement on cluster munitions.

Uzbekistan is not party to the Mine Ban Treaty. It is party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war and has not participated in CCW discussions on cluster munitions.

Uzbekistan is not known to have produced or exported cluster munitions. It inherited a stockpile of cluster munitions from the Soviet Union. Jane’s Information Group reports that KMG-U dispensers that deploy submunitions are in service with the country’s air force.⁸³⁴

Uzbekistan also possesses Grad 122mm and Uragan 220mm surface-to-surface rockets, but it is not known if these include versions with submunition payloads.⁸³⁵

⁸²⁸ 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.”

⁸²⁹ Under this program, munitions are stored in foreign countries, but kept under US title and control, then made available to US and allied forces in the event of hostilities. The 2004 Department of Defense report also does not include SADARM cluster munitions (thought to number 715) and an unknown number of TLAM-D cruise missiles with conventional submunitions. In 1994, the stockpile, including WRSA, consisted of 8.9 million cluster munitions containing nearly 1 billion submunitions, see US Army Material Systems Analysis Activity, “Unexploded Ordnance (UXO) Study,” April 1996.

⁸³⁰ Statement by Baroness Glenys Kinnock, House of Lords Debate, *Hansard* (London: Her Majesty’s Stationery Office, HMSO, 8 December 2009), Column 1020; and statement by Chris Bryant, House of Commons Debate, *Hansard* (London: HMSO, 17 March 2010), Column 925.

⁸³¹ “U.S.-UK Cluster Munitions Dialogue,” US Department of State cable 09STATE52368 dated 21 May 2009, released by Wikileaks on 1 December 2010. See David de Sola, “UK offered exceptions for U.S. cluster munitions despite treaty,” *CNN*, 3 December 2010, edition.cnn.com.

⁸³² Figures and averages are compiled from annual editions of Department of the Army, “Procurement of Ammunition, Committee Staff Procurement Backup Book,” from fiscal year 2000 to fiscal year 2012.

⁸³³ Department of the Army, “Procurement of Ammunition, Committee Staff Procurement Backup Book,” February 2011, pp. 729–730.

⁸³⁴ Robert Hewson, ed., *Jane’s Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane’s Information Group Limited, 2004), p. 848.

⁸³⁵ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 280.

Vanuatu

Policy

The Republic of Vanuatu has not yet acceded to the Convention on Cluster Munitions.

In an April 2011 letter to the Monitor, the director-general of Vanuatu's Ministry of Foreign Affairs said, "Vanuatu has prepared its Policy Paper for possible ratification of the Cluster Munitions Convention which will be tabled before the Council of Ministers" in April 2011.⁸³⁶

Vanuatu joined the Oslo Process in February 2008 and endorsed the Wellington Declaration in support of an instrument prohibiting cluster munitions. It joined in the consensus adoption of the Convention on Cluster Munitions in Dublin in May 2008, but did not attend the Signing Conference in Oslo in December 2008.

Vanuatu has not participated in any meetings on cluster munitions since 2008, such as the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010.

Vanuatu is party to the Mine Ban Treaty, but has not joined the Convention on Conventional Weapons.

On 29 January 2011, Andonia Sema Piau-Lynch of the Disability Promotion & Advocacy Association passed away in Port Vila, Vanuatu. Piau-Lynch had campaigned for the government of Vanuatu to participate in the Oslo Process and join the Convention on Cluster Munitions.⁸³⁷

In April 2011, Vanuatu confirmed that it "does not use, produce, stockpile or transfer cluster munitions."⁸³⁸

Venezuela

Policy

The Bolivarian Republic of Venezuela has not yet acceded to the Convention on Cluster Munitions.

In October 2010, Venezuela informed the CMC that its position had not changed from the views that it expressed when the convention was negotiated in 2008. Venezuela participated in several meetings of the diplomatic Oslo Process that created the convention. When it joined in the consensus adoption of the convention text in Dublin on 30 May 2008, Venezuela expressed its opposition to the convention's Article 21 on "interoperability" (relations with states not party), which it said "[undermines] the spirit and purpose" of the convention.⁸³⁹

Since May 2008, Venezuela has not made a public statement on the convention and has not attended any regional or international meeting on cluster munitions.

In May 2011, Amnesty International Venezuela released a short film calling on Venezuela to renounce cluster munitions and join the convention.⁸⁴⁰

Venezuela is a State Party to the Mine Ban Treaty. Venezuela is also a party to the Convention on Conventional Weapons (CCW), but has not ratified CCW Protocol V on explosive remnants of war. It has not actively engaged in the CCW deliberations on cluster munitions in recent years.

Venezuela is not believed to have used, produced, transferred, or stockpiled cluster munitions.

Vietnam

Policy

The Socialist Republic of Vietnam has not acceded to the Convention on Cluster Munitions.

⁸³⁶ Letter to Mary Wareham, Senior Advisor, Human Rights Watch, from Jean Sese, Director General, Ministry of Foreign Affairs, 6 April 2011.

⁸³⁷ ANZCMC, Pacific campaigner Andy Piau-Lynch, 30 January 2010, www.stopclusterbombs.org.nz.

⁸³⁸ Letter to Mary Wareham, Human Rights Watch, from Jean Sese, Ministry of Foreign Affairs, 6 April 2011.

⁸³⁹ For more information on Venezuela's policy and practice regarding cluster munitions through early 2010, see ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 267–268.

⁸⁴⁰ Amnesty International Venezuela, "Venezuela y las Bombas en racimo: Un compromiso pendiente con la humanidad," May 2011.

In a statement to the convention's First Meeting of States Parties in November 2010, Vietnam's Vice-Minister of Foreign Affairs, Pham Binh Minh, welcomed the humanitarian goals of the convention, but said that some of its obligations "create difficulty for implementation." He cited two particular concerns: 1. That the convention places "responsibility for solving the cluster munition problem with victim states while the international cooperation and assistance mechanisms have not been specified," and 2. That it will take Vietnam "decades, if not a couple of centuries" to complete clearance in affected areas while the convention requires that states "complete in ten years with an extension of not more than five years."⁸⁴¹

In October 2010, Vietnam's Deputy Permanent Representative to the UN in New York expressed the same concerns in a meeting with CMC representatives. He said Vietnam was not in a position to join the convention because, in his view, it puts the obligation to clear "exclusively" on affected countries and only "encourages" other states to support and assist. The representative said that Vietnam first wants to see how Lao PDR benefits from being a party to the convention.⁸⁴²

Vietnam has expressed its full support for the humanitarian aims of the convention on several occasions.⁸⁴³ It has often expressed concern that important producers and stockpilers of cluster munitions have not joined the convention.⁸⁴⁴

During a May 2010 visit to Vietnam, the CMC met with senior government officials and reported that the government was studying a number of issues to address concerns relating to the convention through an interministerial policy review process led by the Ministry of Foreign Affairs with engagement by the Ministry of Defense and the Ministry of Labor, Invalids, and Social Affairs.⁸⁴⁵ As of May 2011, this policy review was believed to be continuing, but no timetable was available for its completion.

Vietnam participated in two of the international Oslo Process diplomatic conferences to develop the convention text, but attended the formal negotiations in Dublin in May 2008 and the Oslo Signing Conference in December 2008 as an observer.⁸⁴⁶ Vietnam has continued to participate in meetings related to the convention. It attended a regional conference in Bali, Indonesia in November 2009 and an international conference in Santiago, Chile in June 2010. Vietnam sent a large high-level observer delegation to the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 and also attended intersessional meetings in Geneva in June 2011.

At the First Meeting of States Parties, Vietnam commended the "important" effort made by the CMC to mobilize support for the convention as well as the clearance work conducted in Vietnam over the years by NGOs.⁸⁴⁷

Local NGOs have undertaken a number of activities in support of the Convention on Cluster Munitions.⁸⁴⁸ In October 2010, a public exhibition of cluster munition photographs by John Rodsted was held at the Hanoi Cinematheque.⁸⁴⁹

Vietnam is not party to the Mine Ban Treaty. Vietnam is also not a party to the Convention on Conventional Weapons (CCW), but it attended a CCW meeting in November 2010 as an observer and made a statement stating that it "fully supports" the CCW and would ratify "when conditions permit."⁸⁵⁰ Vietnam has not provided its view on the CCW deliberations to negotiate an agreement on cluster munitions.

Vietnam is not believed to have ever used, produced, or transferred cluster munitions. It is not clear if it possesses a stockpile. Some officials have said that Vietnam does not have a stockpile, but others have been less than certain.⁸⁵¹ Vietnam's May 2010 position paper states that foreign reports show that Vietnam has never used, produced, transferred, or stockpiled cluster munitions.⁸⁵²

⁸⁴¹ Statement by Pham Binh Minh, First Vice-Minister of Foreign Affairs of Vietnam, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

⁸⁴² Meeting with Pham Vinh Quang, Deputy Permanent Mission of Vietnam to the UN, New York, 21 October 2010.

⁸⁴³ CMC, "Santiago Conference update for 9 June 2010," www.stopclustermunitions.org; Thomas Nash, CMC Coordinator, "Report on Cluster Munition Coalition Visit to Vietnam, 10–11 May 2010, CMC;" "Vietnam's Position on Cluster Munition Convention," undated but provided to the Aotearoa New Zealand Cluster Munition Coalition (ANZCMC) on 26 May 2010; and statement on cluster munitions provided to the CMC by Vietnam's Permanent Mission to the UN in Geneva, April 2010.

⁸⁴⁴ Statement by Pham Binh Minh, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010, notes by the CMC; ANZCMC meeting with Amb. Vuong Hai Nam, Embassy of Vietnam, Wellington, 26 May 2010, notes by ANZCMC; email from Mary Wareham, Coordinator, ANZCMC, 27 May 2010; and Thomas Nash, Coordinator, "Report on Cluster Munition Coalition Visit to Vietnam, 10–11 May 2010," CMC.

⁸⁴⁵ Thomas Nash, Coordinator, "Report on Cluster Munition Coalition Visit to Vietnam, 10–11 May 2010," CMC.

⁸⁴⁶ For more details on Vietnam's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 261–262.

⁸⁴⁷ Statement by Pham Binh Minh, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 9 November 2010. Notes by the CMC.

⁸⁴⁸ For example, NGOs issued a joint statement welcoming the convention's 1 August 2010 entry into force and held a meeting with survivors in Quang Binh province to discuss the issue. CMC, "Entry into force of the Convention on Cluster Munitions Report: 1 August 2010," November 2010, p. 30.

⁸⁴⁹ CMC, Newsletter, October 2010; www.stopclustermunitions.org.

⁸⁵⁰ Statement of Vietnam, CCW Meeting of the High Contracting Parties, 25 November 2010. Notes by Action on Armed Violence.

⁸⁵¹ During the CMC mission in May 2010, a Foreign Ministry official said there were no stocks, but a Defense Ministry official was not clear on the issue. Thomas Nash, "Report on Cluster Munition Coalition Visit to Vietnam, 10–11 May 2010," CMC.

⁸⁵² "Vietnam's Position on Cluster Munition Convention," undated, but provided to ANZCMC on 26 May 2010.

Cluster Munition Remnants

The US scattered a total of 413,130 tons (4.1 million kg) of submunitions over Vietnam between 1965 and 1973, striking 55 of its 64 provinces and cities, including Haiphong, Hanoi, Ho Chi Minh City, Hue, and Vinh. Vietnam's Military Engineering Command has recorded finding 15 types of US-made submunitions.⁸⁵³ Most submunition types used by the US were air delivered, but artillery-delivered submunitions were used in three provinces: Quang Binh, Quang Nam, and Thua-Thien Hue.⁸⁵⁴ There is no reliable figure for the amount of contamination remaining, although the extent of the threat remains vast.

The Military Engineering Command has also encountered substantial amounts of cluster munitions abandoned by the US military, notably at or around old US air bases, including eight underground bunkers found in 2009, one of them covering an area of 4,000m² and containing some 25 tons of munitions.⁸⁵⁵

Clearance of cluster munition remnants

Vietnam does not report in detail on its clearance of cluster munition remnants. In 2010, international NGO operators reported destroying a total of 2,848 submunitions in the course of battle area clearance operations.⁸⁵⁶

Cluster munition casualties

In 2010, 11 casualties from unexploded submunitions were recorded in Vietnam.⁸⁵⁷ However it is likely that more casualties occur annually as there was no national casualty data collection system in Vietnam and the information available was not comprehensive. At least 2,111 casualties from incidents involving unexploded submunitions were reported as of the end of 2010.⁸⁵⁸ However, one estimate put the likely total of such casualties at over 34,000.⁸⁵⁹ In addition, numerous casualties occurring from cluster munitions strikes have been reported.⁸⁶⁰

Yemen

Policy

The Republic of Yemen has not acceded to the Convention on Cluster Munitions.

Yemen has not made a public statement about why it has not joined the convention.

Yemen participated in two meetings of the Oslo Process that produced the convention (Lima in May 2007 and Belgrade in October 2007) and stated its support for work to prohibit cluster munitions.⁸⁶¹ But Yemen did not attend the negotiations of the convention in Dublin in May 2008 or the Convention on Cluster Munitions Signing Conference in Oslo in December 2008, even as an observer.⁸⁶²

⁸⁵³ "Vietnam mine/ERW (including cluster munitions) contamination, impacts and clearance requirements," presentation by Col. Phan Duc Tuan, Army Engineering Command, Geneva, 30 June 2011.

⁸⁵⁴ Handicap International (HI), *Fatal Footprint, the Global Human Impact of Cluster Munitions* (Brussels: HI, November 2006), p. 15.

⁸⁵⁵ Interview with Col. Phan Duc Tuan, Army Engineering Command, Geneva, 30 June 2011.

⁸⁵⁶ Emails from Hannah Bryce, Country Programme Manager, Mines Advisory Group, Hanoi, 25 April 2011; and from Operations Manager, Norwegian People's Aid (NPA), Vietnam, 12 April 2011; and interview with Gus Guthrie, NPA, Hanoi, 22 April 2011; and emails from Milica Koscica, Program Coordinator, PeaceTrees Vietnam, 14 June 2011; and from Marion Gnanko, Project Manager, UXO/Mine Action, Solidarity Service International, 29 April 2011.

⁸⁵⁷ Casualty data sets from Le Thi Yen Nhi, Office Manager, Clear Path International (CPI), 14 March 2011 and Dang Quang Toan, Mine Victim Assistance Manager, Project RENEW, 4 April 2011 by email from Nguyen Thi Thanh Hong, Vice-Chairperson, Association for Empowerment for Persons with Disabilities (Monitor researcher), 18 July 2011.

⁸⁵⁸ Monitor analysis of data provided by emails from Tran Hong Chi, CPI, 12 March 2009 and 1 July 2009, and Phan Van Hung, Project RENEW, 12 August 2008; Monitor media analysis from January to December 2008; Monitor analysis of data provided by email from Tran Thi Thanh Toan, Administrative Coordinator, CPI, 24 July 2008, and data provided by email from Phan Van Hung, Project RENEW, 12 August 2008; HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 39; and casualty data for 2010.

⁸⁵⁹ This estimate supposes that over 33% of all mine/explosive remnant of war casualties reported since 1975 were likely to have been caused by unexploded submunitions, based on ratios in available data. HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 39.

⁸⁶⁰ See for example documentation on deaths and injuries caused by cluster munitions in "International War Crimes Tribunal – 1967," www.vietnamese-american.org.

⁸⁶¹ Statement of Yemen, Lima Conference on Cluster Munitions, Session on Victim Assistance, 23 May 2008. Notes by WILPF.

⁸⁶² For details on Yemen's cluster munition policy and practice up to early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), p. 262.

Yemen has not participated in any meetings related to the convention, such as the First Meeting of States Parties in Vientiane, Lao PDR in November 2010. Representatives from the Yemen Association for Landmines/UXO Survivors and the Yemen Executive Mine Action Center attended the First Meeting of States Parties.

Yemen is a State Party to the Mine Ban Treaty. It is not party to the Convention on Conventional Weapons.

Use, production, transfer, and stockpiling

Yemen is not believed to have used, produced, or exported cluster munitions.⁸⁶³

It appears that Yemen stockpiles cluster munitions. Jane's Information Group reports that KMG-U dispensers that deploy submunitions are in service with the country's air force.⁸⁶⁴ Moldova exported 13 220mm Uragan Multiple Rocket Launch Systems to Yemen in 1994, and it possesses Grad 122mm surface-to-surface rocket launchers, but it is not known if the ammunition for these weapons includes versions with submunition payloads.⁸⁶⁵

In June 2010, Amnesty International (AI) stated that it appears the United States (US) used at least one TLAM-D cruise missile with 166 BLU-97 submunitions to attack a "training camp" in al-Ma'jalah in the al-Mahfad district of Abyan governorate of Yemen on 17 December 2009. It said the attack killed 55 people, including 14 alleged members of the targeted "terrorist group," as well as 14 women and 21 children.⁸⁶⁶ Neither the US nor Yemeni governments have publicly responded to AI's allegations. In December 2010, Wikileaks released a US Department of State cable dated 21 December 2009 that acknowledged the US had a role in the 17 December strike, and said that Yemeni government officials:

...continue to publicly maintain that the operation was conducted entirely by its forces, acknowledging U.S. support strictly in terms of intelligence sharing. Deputy Prime Minister Rashad al-Alimi told the Ambassador on December 20 that any evidence of greater U.S. involvement such as fragments of U.S. munitions found at the sites - could be explained away as equipment purchased from the U.S.⁸⁶⁷

The extent of any residual contamination from reported cluster munition use is not known.

Zimbabwe

Policy

The Republic of Zimbabwe has not yet acceded to the Convention on Cluster Munitions.

In November 2010, a government representative said that Zimbabwe was following the progress of the convention with interest, but could not state when it would accede.⁸⁶⁸ Previously, in March 2010, Zimbabwe stated that "discussions are underway on the matter" of joining the convention.⁸⁶⁹

Zimbabwe participated in two regional meetings held during the Oslo Process that created the convention and expressed its support for a comprehensive ban without exceptions.⁸⁷⁰ Since 2008, Zimbabwe has continued to engage in the work of the convention. It attended a regional conference on cluster munitions in Pretoria, South Africa in March 2010. Zimbabwe participated as an observer in the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010, but did not make any statement. It did not attend the convention's intersessional meetings held in June 2011.

Zimbabwe is a State Party to the Mine Ban Treaty. It has not joined the Convention on Conventional Weapons.

⁸⁶³ There are unconfirmed reports that cluster munitions may have been used in the 1994 civil war.

⁸⁶⁴ Robert Hewson, ed., *Jane's Air Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 848.

⁸⁶⁵ Submission of the Republic of Moldova, UN Register of Conventional Arms, Report for Calendar Year 1994, 28 April 1995; International Institute for Strategic Studies, *The Military Balance 2011*, (London: Routledge, 2011), p. 335; and Colin King, ed., *Jane's Explosive Ordnance Disposal 2008*, CD-edition (Surrey, UK: Jane's Information Group Limited, 2008).

⁸⁶⁶ AI published a series of photographs showing the remnants of the cruise missile, including the propulsion system, a BLU-97 submunition, and the payload ejection system, the latter of which is unique to the TLAM-D cruise missile. See www.amnesty.org. See also, "U.S. missiles killed civilians in Yemen, rights group says," *CNN*, 7 June 2010, www.cnn.com.

⁸⁶⁷ "ROYG [Republic of Yemen Government] looks ahead following CT operations, but perhaps not far enough," US Department of State cable SANAA 02230 dated 21 December 2009, released by Wikileaks on 4 December 2010, www.guardian.co.uk.

⁸⁶⁸ CMC meeting with Chameso Mucheka, Counsellor, Permanent Mission of Zimbabwe to the UN in Geneva, Vientiane, November 2010.

⁸⁶⁹ Statement of Zimbabwe, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25 March 2010. Notes by Action on Armed Violence.

⁸⁷⁰ For details on Zimbabwe's policy and practice regarding cluster munitions through early 2009, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 262-263.

Use, production, transfer, and stockpiling

Zimbabwe has a stockpile of cluster munitions. In March 2010, an official told the CMC that Zimbabwe still possessed cluster munitions left over from the former Rhodesia's arsenal.⁸⁷¹ Jane's Information Group has reported that the Alpha bomblet developed for the South African CB-470 cluster bomb was produced by Rhodesia, and that "Zimbabwe may have quantities of the Alpha bomblet."⁸⁷² Additionally, Zimbabwe possesses RM-70 122mm surface-to-surface rocket systems, but it is not known if these include versions with submunition payloads.⁸⁷³

Zimbabwe is not known to have produced or exported cluster munitions since its independence. It is unclear if Zimbabwe has ever used cluster munitions.⁸⁷⁴

⁸⁷¹ CMC meeting with Mucheka Chameso, Permanent Mission of Zimbabwe to the UN in Geneva, Africa Regional Conference on the Universalization and Implementation of the Convention on Cluster Munitions, Pretoria, 25–26 March 2010. Notes by the CMC.

⁸⁷² Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 440.

⁸⁷³ International Institute for Strategic Studies, *The Military Balance 2011* (London: Routledge, 2011), p. 449.

⁸⁷⁴ Zimbabwe has not made a statement regarding possible past use. One source has said Zimbabwean and/or Congolese aircraft dropped cluster bombs in the Democratic Republic of the Congo in 1998. Tom Cooper, Air Combat Information Group website, www.acig.org.



Other Areas

Abkhazia

▲
Roundtable meeting about the UN CRPD in Azerbaijan.

Policy

Abkhazia is a breakaway region of Georgia recognized by only a handful of states.¹ Due to its status, Abkhazia cannot accede to the Convention on Cluster Munitions.

Abkhazia did not make any statements on the convention in the second half of 2010 or first half of 2011. Previously, in March 2010, an Abkhazian defense official told the Monitor that Abkhazia did not support a ban on cluster munitions.² The official also stated that Abkhazian military forces do not possess cluster munitions. It is not known if Russian units stationed in Abkhazia possess cluster munitions.

During the August 2008 conflict between Russia and Georgia, Abkhazian and Russian forces moved into the upper Kodori Valley and retook it from Georgian forces. Abkhazia has asserted that Georgia fired large numbers of cluster munitions with M095 submunitions from LAR-160 rockets in the Kodori Valley.³ The Monitor has not been able to independently investigate and confirm this information. In March 2010, the Abkhazian Ministry of Defense stated that the submunitions had been cleared and destroyed.⁴

Kosovo

Background

The status of Kosovo is disputed. Kosovo declared independence from Serbia in February 2008. As of July 2011, the declaration of independence was recognized by 77 states. However, Serbia considers the declaration illegal and still views Kosovo as its southern territory. Kosovo has not been able to become a UN member state and thus is not eligible to adhere formally to international instruments such as the Convention on Cluster Munitions.

Policy

In March 2010, a spokesperson for the self-declared Republic of Kosovo told the Monitor, “In principle, as a country that that has been through war, Kosovo supports the initiatives to reduce and ban arms, including the policy to ban cluster ammunition.” He stated that Kosovo does not possess any cluster munitions.⁵

¹ After the disintegration of the Soviet Union, conflict erupted between Abkhazia and Georgia which ended with a cease-fire agreement in May 1994. Abkhazia is a member of the Unrepresented Nations and Peoples Organization. As of April 2011, four states had recognized Abkhazia: Nauru, Nicaragua, Russia, and Venezuela.

² Interview with Roland Jojua, Press Secretary, Ministry of Defense, Sukhum, 19 March 2010.

³ Email from Maxim Gunjia, Deputy Foreign Minister, 24 August 2009. See *Landmine Monitor Report 2009*, p. 1,159. The deputy foreign minister provided photographs of submunitions and containers. The M095 is described as an M85-type submunition.

⁴ Interview with Roland Jojua, Ministry of Defense, Sukhum, 19 March 2010.

⁵ Email from Memli Krasniqi, Spokesperson, Republic of Kosovo, 30 March 2010. He wrote, “KFOR [Kosovo Protection Force] is the mission responsible for issues related to defense, while Kosovo institutions have certain limitations in this field. Consequently, Kosovo does not have stocks of any kind of explosive device or other weapons.”

Forces of the Federal Republic of Yugoslavia (FRY) used cluster munitions during the 1998–1999 conflict in Kosovo.⁶ Additionally, aircraft from the Netherlands, United Kingdom, and the United States dropped cluster bombs in Kosovo during the 1999 NATO air campaign.⁷

Cluster Munition Remnants

Kosovo is affected by remnants of cluster munition used by the FRY armed forces in 1998–1999 and by the 1999 NATO air campaign. The Kosovo Mine Action Centre (KMAC) reported that as of 1 June 2010 it had identified 48 areas of confirmed submunition contamination (four less than in 2009) and six suspected areas of contamination (two fewer than in 2009).⁸ The estimated extent of contamination has not been made public.

Clearance of cluster munition contaminated areas

In 2010, the Kosovo Security Force explosive ordnance disposal teams, Mines Awareness Trust, and HALO Trust conducted cluster munition clearance.⁹ KMAC reported that a total of five cluster munition clearance tasks were conducted, resulting in the destruction of 80 unexploded submunitions during 2010, but gave no further details.¹⁰ HALO conducted cluster munition clearance at one site in Pepsh¹¹ over an area of 128,182m², finding and destroying 44 unexploded submunitions.¹²

Cluster munition casualties

At least 203 casualties of cluster munition have been recorded in Kosovo. A total of 25 casualties were recorded during the 1999 cluster munitions strikes.¹³ Unexploded submunitions caused at least 178 casualties between 1999 and the end of 2009.¹⁴ No casualties of unexploded submunitions were reported in 2010.

Nagorno-Karabakh

Policy

Prior to the dissolution of the Soviet Union, the Parliament of the Nagorno-Karabakh Autonomous Province voted in 1988 to secede from the Azerbaijan Soviet Socialist Republic (SSR) and join the Armenian SSR, which resulted in armed conflict from 1988 to 1994. The region declared independence as the Nagorno-Karabakh Republic in 1991. Nagorno-Karabakh is not recognized by any UN member state and thus is not eligible to adhere formally to international instruments such as the Convention on Cluster Munitions.

Authorities in Nagorno-Karabakh have not made a public declaration of their cluster munition policy. It is not known if Nagorno-Karabakh forces possess cluster munitions.

Submunition contamination has been identified in Nagorno-Karabakh from the 1988 to 1994 conflict between Armenia and Azerbaijan over the territory. Large quantities of air-dropped cluster munitions were used over the six-year period. However, which armed forces used cluster munitions is not known.

⁶ Human Rights Watch and Landmine Action, *Banning Cluster Munitions, Government Policy and Practice* (Mines Action Canada, May 2009), p. 238.

⁷ The three countries dropped 1,765 cluster bombs containing 295,000 submunitions in what is now Serbia, Montenegro, and Kosovo. Human Rights Watch, “Civilian Deaths in the NATO Air Campaign,” Vol. 12, no. 1(D), February 2000, www.hrw.org. See also, Human Rights Watch, “Cluster Munition Information Chart,” March 2009, www.hrw.org; Norwegian People’s Aid (NPA), “Yellow Killers: The Impact of Cluster Munitions in Serbia and Montenegro,” 2007, www.stopclustermunitions.org; and NPA, “Report on the Impact of Unexploded Cluster Munitions in Serbia,” January 2009, www.stopclustermunitions.org.

⁸ Email from Ahmet Sallova, Head, KMAC, Ministry of the Kosovo Security Force, 3 March 2011.

⁹ Interview with Ahmet Sallova, Ministry of the Kosovo Security Force, in Ljubljana, 5 February 2010.

¹⁰ Email from Ahmet Sallova, Ministry of the Kosovo Security Force, 26 July 2011.

¹¹ International Trust Fund for Demining and Mine Victims Assistance, “Annual Report 2010,” March 2011, p. 69.

¹² Email from Andrew Moore, Caucasus and Balkan Desk Officer, HALO, 4 March 2011.

¹³ Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 69.

¹⁴ *Ibid.*; “Mine wounds two children in Kosovo,” *Agence France-Presse* (Pristina), 9 April 2007; “Land mine explodes in Kosovo; 4 children injured,” *International Herald Tribune*, 9 November 2007; email from Bajram Krasniqi, Office for the Kosovo Protection Corps Coordinator (OKPCC), UN Interim Administration Mission in Kosovo (UNMIK), 5 May 2009; and telephone interview with Bajram Krasniqi, OKPCC, UNMIK, 1 July 2009.

Cluster Munition Remnants

HALO Trust has reported that Nagorno-Karabakh has a significant problem of cluster munition remnants, particularly in the Askeran and Martakert regions. Large quantities of air-dropped cluster munitions were used in the Nagorno-Karabakh conflict over a six-year period. Cluster munition sites run through villages and contaminate gardens and prime agricultural land. HALO has already cleared the majority of cluster munition tasks around Stepanakert and Shushi.¹⁵

HALO initially conducted emergency surface clearance of cluster munition remnants. In 2008, HALO concluded there was also a significant sub-surface threat and they began to re-survey cluster munition strike sites. Sub-surface clearance has consistently cleared more area than originally estimated to be contaminated, and new surveys of previously unknown cluster munition strikes have added to the total suspected hazardous area (SHA).¹⁶

The result of the re-survey was an increase of SHA from 85km² to 94km² between 2008 and 2009.¹⁷ As of March 2011, the estimated remaining area in need of battle area clearance (BAC) was 69.5km² impacting 131 communities.¹⁸

Clearance of battle areas, including cluster munition contaminated areas, in 2010

Unexploded submunitions contaminate villages, gardens, and prime agricultural land. They sometimes, but not always, prevent people from cultivating land. HALO prioritizes clearance in communities where agricultural land is not used because it is contaminated, often by cluster munition remnants.¹⁹

Battle area clearance in 2010²⁰

Battle area cleared (km ²)	No. of unexploded submunitions destroyed	No. of other UXO destroyed	No. of AXO destroyed
2.83 km ²	369	703	1,778

AXO = abandoned explosive ordnance

UXO = unexploded ordnance

Roving clearance/explosive ordnance disposal in 2010

HALO has one dedicated explosive ordnance disposal (EOD) team, although its mine clearance and BAC teams can also conduct EOD call-outs close to their clearance sites.

Roving clearance/explosive ordnance disposal in 2010²¹

No. of roving tasks	No. of unexploded submunitions destroyed	No. of other UXO destroyed	No. of AXO destroyed
191	82	308	884

Cluster munition casualties

One casualty from an unexploded submunition in Nagorno-Karabakh was reported for 2010.²² Between 1995 and 2010 there were at least 15 casualties from unexploded submunitions.²³

¹⁵ Emails from Andrew Moore, Caucasus and Balkans Desk Officer, HALO, 5 March 2010 and 9 March 2011.

¹⁶ Email from Andrew Moore, HALO, 28 April 2010.

¹⁷ Response to Monitor questionnaire by Andrew Moore, HALO, 5 March 2010.

¹⁸ Response to Monitor questionnaire by Andrew Moore, HALO, 5 March 2010; and response to Monitor questionnaire by Andrew Moore, HALO, 9 March 2011.

¹⁹ Response to Monitor questionnaire by Andrew Moore, HALO, 5 March 2010; and response to Monitor questionnaire by Andrew Moore, HALO, 9 March 2011.

²⁰ Response to Monitor questionnaire by Andrew Moore, HALO, 5 March 2010; response to Monitor questionnaire by Andrew Moore, HALO, 9 March 2011; and email from Andrew Moore, HALO, 18 April 2011.

²¹ Response to Monitor questionnaire by Andrew Moore, HALO, 9 March 2011.

²² Email from Andrew Moore, HALO, 6 April 2011.

²³ Emails from Andrew Moore, HALO, 25 February 2010 and 6 April 2011; Matthew Hovell, Caucasus and Balkans Desk Officer, HALO, 8 July 2009; and Valon Kumnova, Program Manager, HALO, 6 April 2007.

Palestine

Policy

The Palestinian National Authority (PA) governs the Occupied Palestinian Territories (OPT), including Gaza and parts of the West Bank. Two Palestinian factions, Hamas in Gaza and Fatah in the West Bank, both claim to be the legitimate governing authority of the OPT. Neither faction has made any recent public statements on its policy toward banning cluster munitions.

In November 2010, a PA representative informed the First Meeting of States Parties, “Although Palestine is an observer, we would like to sign and ratify the Convention on Cluster Munitions.”²⁴ Palestine is not able to accede to the convention due to its UN status designation as a “non-member entity.”

The PA did not participate in any meetings of the Oslo Process that created the convention. In June 2010, the PA attended its first convention-related meeting, when it participated in an international meeting on cluster munitions held in Santiago, Chile. The PA attended the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010 as an observer and, in a meeting with the CMC, said that Palestine would like to join the convention once it has achieved full legal status with the UN.²⁵

In November 2010 a PA representative informed the Monitor that Palestine does not possess any cluster munitions and that there had never been any use of cluster munitions in Palestinian territory by Israeli forces.²⁶

Somaliland

Policy

The Republic of Somaliland proclaimed independence from Somalia in 1991 after the fall of the government of Siad Barre. Somaliland is not recognized by the international community as an independent state and thus is not eligible to adhere formally to international instruments such as the Convention on Cluster Munitions.

Somaliland authorities have not made a statement on their policy toward cluster munitions. There are no indications that Somaliland has ever used or produced cluster munitions. It is not known if Somaliland possesses a stockpile of cluster munitions.

In August 2010, Handicap International convened an orientation session in Hargeisa on cluster munitions for members of a parliamentary committee that deals with social issues and government officials.²⁷

Taiwan

Policy

Due to its international status, Taiwan cannot accede to the Convention on Cluster Munitions.

In July 2008, the Ministry of National Defense stated that Taiwan could only ban cluster munitions if the convention gains universal support in the future and all countries ban their use. It said that Taiwan possesses cluster munitions to counter the military threat from China, which has not joined the convention. It said Taiwan needs cluster munitions to attack enemy ships and landing craft in waters close to Taiwan, and to attack enemy airfields.²⁸

²⁴ Statement of Palestine, First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 10 November 2010. Notes by the CMC.

²⁵ Meeting with Palestinian delegation to the First Meeting of States Parties, Convention on Cluster Munitions, Vientiane, 11 November 2010. Notes by the CMC.

²⁶ Meeting with Col. Mohammad A.M. Ghanayem, Palestinian Ministry of Interior, Vientiane, 9 November 2010. Notes by the Monitor.

²⁷ CMC, “Entry into force of the Convention on Cluster Munitions Report: 1 August 2010,” November 2010, p. 25.

²⁸ Hsu Shao-Hsuen, “MND says Taiwan is ready to make cluster-bombs,” *Taipei Times*, 5 July 2008, www.taipetimes.com; and Hung Che-Cheng and Wu Sheng-Hung, “Expose IDF load with Wan-Jian missiles,” *Apple Daily*, 23 July 2008, tw.nextmedia.com.

Use, production, transfer, and stockpiling

Taiwan has never used cluster munitions but it possesses a stockpile, has imported them, and produces them domestically. There is no public information regarding the number of cluster munitions in Taiwan's arsenal. It is not known if Taiwan has ever exported cluster weapons.

It appears that Taiwan produces two types of cluster munitions: the RT2000 Multiple Launch Rocket System (MLRS) and the Wan-Jian missile. The RT2000 (RT meaning Ray Ting or "Thunder") MLRS fires unguided surface-to-surface rockets that can utilize either cluster warheads or unitary high explosive warheads. The submunition in the three rocket types available for the launch system is reported to be the M77 dual purpose improved conventional munition (DPICM).²⁹ The Wan-Jian (also seen as Wan Chien, meaning 10,000 Swords) is an air-launched missile, containing 100–120 submunitions. It has its own inertial navigation system and a range of 600km.³⁰ According to the Taiwan's National Defense budget, the Chung Shan Institute of Science and Technology has spent nearly TWD3 billion (US\$103.5 million) on the Wan-Chien Missile Project, and that the missile had passed initial operational test and evaluation by the Air Force in the first half of 2010 and that indigenous fighter aircraft will be equipped with the Wan-Jian weapon system in the future.³¹

It has been reported that the Ministry of National Defense started to conduct research on production of cluster munitions in the late 1990s and began fielding systems in 2006.³² The Military News Agency reported that Taiwan used cluster munitions in military training maneuvers in 2006 and 2007.³³ The military reportedly tested the Wan-Jian missile on several occasions between 2006 and 2008.³⁴

Taiwan has imported a large number of air-delivered cluster bombs from the United States (US). According to a standard reference work, Taiwan possesses US-made CBU-24, CBU-49, CBU-52, CBU-58, CBU-71, and Rockeye cluster bombs.³⁵ The Taiwanese media has noted that Taiwan has Rockeye cluster bombs, each containing 247 submunitions.³⁶

Taiwan has also imported from the US Hydra-70 air-to-surface unguided rocket system, but it is not known if the ammunition types available to it include the M261 Multi-Purpose Submunition rocket.³⁷

Western Sahara

Policy

The sovereignty of Western Sahara remains the subject of a dispute between the government of Morocco and the Popular Front for the Liberation of Saguía el Hamra and Río de Oro (Polisario). Polisario's Saharawi Arab Democratic Republic is a member of the African Union, but is not universally recognized. It has no official representation in the UN, which prevents formal accession to the Convention on Cluster Munitions.

Western Saharan authorities have not made a public statement regarding their policy toward cluster munitions.

²⁹ Leland S. Ness and Anthony G. Williams, eds., *Jane's Ammunition Handbook 2007–2008* (Surrey, UK: Jane's Information Group Limited, 2007), p. 700.

³⁰ The Chungshan Institute reportedly developed the Wan-Jian between 1999 and 2006 at a budget of about TWD1.3 billion (US\$40.6 million). Chu Ming, "Wan-Jian missile can attack China's missile base in long-range," *Apple Daily*, 20 April 2006, tw.nextmedia.com. See also, Hsu Shao-Hsuan, "Exposing our remote control weapon, the Wan-Jian missile," *Liberty Times* (Chinese), 28 December 2004, www.libertytimes.com.tw; "How powerful could Taiwan's new missile Wan-Jian be," *China's National Defense*, 5 July 2005, news.xinhuanet.com. It was reported in 2008 that the Chung Shan Institute of Science and Technology had produced at least four Wan-Jian cruise missiles for testing. Wang Chiung-Hua, "Taiwan made 4 Wan-Jian missiles," *Apple Daily*, 11 October 2008, tw.nextmedia.com.

³¹ Yung-Chieh Chou, "Wan-Chien Missile has passed the initial operational test and evaluation, To promote air force extended-range strike ability," *Central News Agency*, 8 September 2010, tw.money.yahoo.com; and The Ministry of Defense 2011 National Defense budget statement in Central Government General Budget Proposal of R.O.C. in 2011.

³² "How powerful could Taiwan's new missile Wan-Jian be," *China's National Defense*, 5 July 2005, news.xinhuanet.com; and Hsu Shao-Hsuan, "MND says Taiwan is ready to make cluster-bombs," *Taipei Times*, 5 July 2008, www.taipeitimes.com. See also, Russell Hsiao, "Taiwan's State-Owned Aerospace Firm to Build Aircraft in China: Risks and Opportunities," *Jamestown China Brief*, Vol. 9, Issue 14, 9 July 2009, www.jamestown.org.

³³ Lu Shih-Min, "'Chinese Glory' military drills: Taiwan shows off military muscle in defense training drill," *Military News Agency*, 20 July 2006; and Sun Chien-Ping, "'Chinese Glory' military drills at Hai-Kou, Pingdong shows combined military operation in high-performance," *Military News Agency*, 17 May 2007.

³⁴ Chu Ming, "Wan-Jian missile can attack China's missile base in long-range," *Apple Daily*, 20 April 2006, tw.nextmedia.com.

³⁵ Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

³⁶ Sun Chien-Ping, "'Chinese Glory' military drills at Hai-Kou, Pingdong shows combined military operation in high-performance," *Military News Agency*, 17 May 2007, mna.gpw.gov.tw; and Wang Chiung-Hua, "Taiwan made 4 Wan-Jian missiles," *Apple Daily*, 11 October 2008, tw.nextmedia.com.

³⁷ Colin King, ed., *Jane's Explosive Ordnance Disposal 2007–2008*, CD-edition, 15 January 2008 (Surrey, UK: Jane's Information Group Limited, 2008).

There is no evidence that Polisario has ever used cluster munitions. It is not known if Polisario possesses any cluster munitions.

The Royal Moroccan Armed Forces used artillery-fired and air-dropped cluster munitions against Polisario in Western Sahara during their conflict from 1975 to 1991.

In April 2011, workshops on cluster munitions and mines were included in the program of the 6th National Congress of the Union of Saharawi Women, which was held in Tindouf, Algeria.³⁸

Cluster Munition Remnants

There is a significant problem of cluster munition remnants in Western Sahara. As of March 2011, a total of 85 cluster munition strike sites remained to be cleared from an estimated area of 32.74km².³⁹ A Landmine Action-managed survey that concluded at the end of 2008 determined that, among the range of explosive ordnance contaminating Western Sahara, unexploded submunitions posed the greatest threat to people and animals.⁴⁰

Release of cluster munition contaminated areas

In 2010, Action on Armed Violence (AOAV, previously known as Landmine Action) released more than 6.9km² of land suspected to be contaminated with cluster munition remnants, of which some 2km² was through clearance of 75 contaminated areas (see Table below).⁴¹ In 2009, it released a total of more than 2.9km² of battle areas and areas contaminated by cluster munition remnants.⁴² In total, 51 cleared sites were handed back to local communities on 1 March 2010.⁴³

Clearance of cluster munition remnants in 2010⁴⁴

Operator	Area cleared (m ²)	Submunitions destroyed	Suspected hazardous area (m ²) canceled by visual inspection	No. of other unexploded ordnance destroyed	No. of antipersonnel mines destroyed
Landmine Action	2,015,367	7,463	4,895,275	120	1

Casualties

One casualty from an unexploded submunition was identified in 2010. A boy was injured while tending livestock in Polisario-controlled Western Sahara.⁴⁵ At least nine casualties from unexploded submunitions incidents were recorded between 1998 and 2010.⁴⁶

³⁸ CMC newsletter, "Campaign and Country Updates: Western Sahara," Issue 34, May 2011.

³⁹ Email from Ginevra Cucinotta, Program Officer, Mine Action Coordination Center, UN Mission for the Referendum in Western Sahara (MINURSO MACC), 25 March 2011.

⁴⁰ Email from Melissa Fuerth, Operations Officer, Landmine Action, 20 February 2009.

⁴¹ Email from Ginevra Cucinotta, MINURSO MACC, 25 March 2011.

⁴² Emails from Penelope Caswell, Field Program and GIS Manager, AOAV, 15 February and 18 May 2010, incorporating information from James Mbogo, MINURSO MACC.

⁴³ Email from Diek Engelbrecht, MINURSO MACC, 30 March 2010.

⁴⁴ Email from Penelope Caswell, AOAV, 11 April 2011. Different figures for the destruction of unexploded submunitions in 2010 were provided by MINURSO MACC in May 2011: 7,138 destroyed during battle area clearance and a further 113 during spot clearance. Email from Ginevra Cucinotta, MINURSO MACC, 11 May 2011.

⁴⁵ Email from Penelope Caswell, AOAV, 3 March 2011.

⁴⁶ There was one casualty in 2010, four in 2008, and four prior to 2008. Handicap International (HI), *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 132; email from Tammy Hall, Senior Technical Advisor for Mine Action, MINURSO MACC, 29 June 2009; and email from Penelope Caswell, AOAV, 3 March 2011.



Convention on Cluster Munitions

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

CCM/77

▲
Campaigners
at the IMSP in
Lao PDR.

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 2011



Cluster Munition Monitor 2011 provides a global overview of efforts to eliminate cluster munitions with a focus on developments in 2010 and 2011. It covers global developments in ban policy, survey and clearance of cluster munition remnants, casualties and victim assistance, and support for mine action. The report includes chapters for every country in the world with updates on the use, production, stockpiling, and transfer of cluster munitions, and focuses on the universalization and implementation of the 2008 Convention on Cluster Munitions.

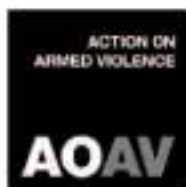
This report was prepared by Landmine and Cluster Munition Monitor, the unprecedented civil society initiative providing research and monitoring for the Cluster Munition Coalition and the International Campaign to Ban Landmines.

Cover photo © André Löhn/Human Rights Watch, April 2011

Forces loyal to Libya's leader used cluster munitions in Misrata in April 2011. Two cluster submunitions hit the home of Mustafa Bin Ismail, 40, a business employee, on the morning of 18 April 2011. One landed in front of his home, and the other landed to the side of his house beside the garden.

www.the-monitor.org

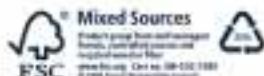
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Norwegian People's Aid



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