SPECIAL FIVE-YEAR REVIEW

Cluster Munition Monitor 2015

CLUSTER MUNITION COALITION
CMC

Cluster Munition Monitor 2015

SPECIAL FIVE-YEAR REPORT

Monitoring and Research Committee, ICBL-CMC Governance Board
DanChurchAid • Handicap International • Human Rights Watch • Mines Action Canada
Research team leaders • ICBL-CMC staff experts

ISBN: 978-2-8399-1706-3

Cover design by Rafael Jiménez

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 monitor2@icblcmc.org.

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

Cluster Munition Coalition

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

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

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

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

Preface

Covers of five previous Cluster Munition Monitor editions.

Cluster Munitions

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

To protect civilians from the effects of cluster munitions, Norway and other like-minded countries initiated a fast-track diplomatic process in 2006 aimed at creating a new international treaty. Working in partnership with UN agencies, the International Committee of the Red Cross, and civil society grouped under the Cluster Munition Coalition (CMC), the fast-track Oslo Process resulted in the adoption in May 2008 of the Convention on Cluster Munitions.

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

Cluster Munition Coalition

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

Landmine and Cluster Monition Monitor

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

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

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

A Monitoring and Research Committee coordinates the Monitor system and has overall decision-making responsibility for the Monitor's research products, acting as a standing committee of the ICBL-CMC Governance Board. To prepare this report, an Editorial Team gathered information with the aid of a global reporting network comprised of more than three dozen researchers and the assistance of CMC campaigners. Researchers contributed primarily to Country Profiles, available on the Monitor's website at www.the-monitor.org.

Unless otherwise specified, all translations were done by the Monitor.

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

About This Report

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

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

To mark the First Review Conference of the 2008 Convention on Cluster Munitions, the report reviews developments in the period since the convention entered into force on 1 August 2010. It also looks closely at calendar 2014, with information included into July 2015 where possible.

Acknowledgments

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

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

The Monitor is grateful to everyone who contributed research to this report. We wish to thank the scores of individuals, campaigns, NGOs, international organizations, field practitioners, and governments who provided us with essential information. We are grateful to CMC staff for their review of the content of the report and their assistance in the release, distribution, and promotion of Monitor reports.

Responsibility for the coordination of the Monitor lies with the Monitoring and Research Committee, a standing committee of the ICBL-CMC Governance Board comprised of four NGOs as well as Monitor research team leaders and ICBL-CMC staff. The committee's members include: DanChurchAid (Richard MacCormac), Handicap International (Marion Libertucci), Human Rights Watch (Stephen Goose), Mines Action Canada (Paul Hannon), Loren Persi Vicentic (casualty and victim assistance team coordinator), Amelie Chayer (ICBL-CMC government liaison and policy manager), and Jeff Abramson (Monitor program manager). Megan Burke (ICBL-CMC director) is an *ex-officio* member.

From January to August 2015, the Monitor's Editorial Team undertook research, updated country profiles, and produced thematic overviews for *Cluster Munition Monitor 2015*. The Editorial Team included:

- Ban policy: Mary Wareham (ban policy lead), Stephen Goose, Andrew Haag, Katherine Harrison, Mark Hiznay, Yeshua Moser-Puangsuwan, with assistance from Robert Pattilo and Marion Loddo;
- Contamination and clearance: Jennifer Reeves and Marion Loddo; and
- Casualties and victim assistance: Loren Persi Vicentic, Erin Hunt, Clémence Caraux-Pelletan, Marie-Josée Hamel, Michael Moore, and Marianne Schulze,

The Monitor gratefully acknowledges the contributions of Norwegian People's Aid (NPA), which conducted the majority of mine action research performed in 2015 and shared it with the Monitor. The Monitor is responsible for the findings presented here.

Jeff Abramson of ICBL-CMC provided final editing in August 2015 with assistance from Morgan McKenna (publications consultant) and Taylor Braun-Dorrell (intern).

Report formatting was undertaken by Lixar I.T. Inc. MediaPrint printed the report in Croatia and Imprimerie Minute in Switzerland. Rafael Jiménez provided the cover design. The front cover photograph was provided Mary Hiznay/ Human Rights Watch, and back cover photographs by So Not/Cambodian Campaign to Ban Landmines and Cluster Munitions, and Till Mayer/Handicap International. Additional photographs found within *2015 Cluster Munition Monitor* were provided by multiple photographers, cited with each photograph.

We extend our gratitude to Monitor financial contributors. This work was made possible with funding from:

- Government of Australia
- Government of Austria
- Government of Belgium
- Government of Denmark
- Government of France
- Government of Germany
- Government of Ireland
- Government of Norway
- Government of Sweden
- Government of Switzerland
- Holy See
- UNICEF
- UN Mine Action Service (UNMAS)

The Monitor's supporters are in no way responsible for, and do not necessarily endorse, the material contained in this report. We also thank the donors who have contributed to the organizational members of the Monitoring and Research Committee and other participating organizations.

Abbreviations and Acronyms

AXO	abandoned explosive ordnance
CBU	cluster bomb unit
CHA	confirmed hazardous area
CCW	1980 Convention on Conventional Weapons
CMC	Cluster Munition Coalition
DPICM	dual-purpose improved conventional munition
ERW	explosive remnants of war
HI	Handicap International
HRW	Human Rights Watch
ICBL	International Campaign to Ban Landmines
ICRC	International Committee of the Red Cross
NGO	non-governmental organization
NSAG	non-state armed group
NPA	Norwegian People's Aid
SHA	suspected hazardous area
UNICEF	United Nations Children's Fund
UN	United Nations
UNDP	United Nations Development Programme
UNMAS	United Nations Mine Action Service
UXO	unexploded ordnance

Glossary

Cluster bomb – Air-dropped cluster munition.

Confirmed hazardous area (CHA) – An area where the presence of mine/ERW contamination has been confirmed on the basis of direct evidence of the presence of mines/ERW.

Clearance – Tasks or actions to ensure the removal and/ or the destruction of all mine and ERW hazards from a specified area to a specified depth.

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

Convention on Cluster Munitions – An international convention adopted in May 2008 and opened for signature in December 2008, which entered into force 1 August 2010. The United Nations Secretary-General is the depository for the treaty. The convention prohibits the use, production, stockpiling, and transfer of cluster munitions. It also requires stockpile destruction, clearance, and victim assistance.

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

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

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

Non-state armed groups (NSAGs) – For the Monitor's purposes, non-state armed groups include organizations carrying out armed rebellion or insurrection, as well as a broader range of non-state entities, such as criminal gangs.

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

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

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

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

Suspected hazardous area (SHA) – An area where there is reasonable suspicion of mine/ERW contamination on the basis of indirect evidence of the presence of mines/ERW.

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

Unexploded ordnance (UXO) – Munitions that were designed to explode but for some reason failed to detonate.

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

Table of Contents

2008 Convention on Cluster Munitions

Table Key
States Parties: Ratified or acceded as of 17 August 2015
Signatories: Signed, but not yet ratified as of 17 August 2015
Non-signatories Not yet acceded as of 17 August 2015

The Americas

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

East & South Asia & the Pacific

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

Europe, the Caucasus & Central Asia

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

Middle East & North Africa

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

Sub-Saharan Africa

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

Major Findings

Five-Year Review

Status of the 2008 Convention on Cluster Munitions

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

Stockpile Destruction

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

Use

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

Contamination

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

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

Recent Developments: 2014-2015

Status of the 2008 Convention on Cluster Munitions

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

Stockpile Destruction

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

New Use

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

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

Casualties

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

Clearance

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

Production and Transfer

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

National Legislation

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

Interpretation of the Convention on Cluster Munitions

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

Clearance

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

Casualties

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

Victim Assistance

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

Production and Transfer

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

Retention

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

National Legislation and Transparency

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

Interpretation of the Convention on Cluster Munitions

- At least 34 States Parties and signatories to the convention view any intentional or deliberate assistance with activities banned by the convention as prohibited, even during joint military operations with states not party. States Parties Australia, Canada, Japan, and the UK however support the contrary view that the convention's Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21.
- At least 32 states agree that both the transit of cluster munitions by a state not party across the territory of a State Party and foreign stockpiling are prohibited by the convention. States Parties Australia, Canada, Japan, the Netherlands, Portugal, Sweden, and the UK have asserted that transit and foreign stockpiling are not prohibited by the convention.
- States Parties Norway and the United Kingdom have confirmed that the United States has removed its stockpiled cluster munitions from their respective territories, while the United States has stockpiled and may continue to store cluster munitions in States Parties Afghanistan, Germany, Italy, Japan, and Spain, as well as in non-signatories Israel, Qatar, and perhaps Kuwait.
- Ten States Parties have enacted legislation that explicitly prohibits investment in cluster munitions. At least 27 States Parties and signatories to the convention have provided their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention.

© UN Treaty Collection, August 2015

Cluster Munition Ban Policy

Introduction

The Convention on Cluster Munitions provides a comprehensive framework to eradicate cluster munitions and thereby put an end to the suffering caused by these weapons.

The 117 states that have signed, ratified, or acceded to the convention are its success story.[1] Spurred on by the United Nations (UN), International Committee of the Red Cross (ICRC), and the Cluster Munition Coalition (CMC), these states are adhering to the convention's absolute prohibition on the use, production, transfer, and stockpiling of cluster munitions and are working to destroy their stocks, clear land contaminated by cluster munition remnants, and assist victims of the weapons.

When the Convention on Cluster Munitions entered into force on 1 August 2010, becoming binding international law, 108 states had signed, of which 38 were States Parties legally bound by its provisions. Over the past five years another 46 signatories have ratified and nine countries have acceded, bringing the number of countries that are part of the convention to 93 States Parties and 24 signatories.

Slovakia, a former producer and exporter of cluster munitions, acceded to the convention on 24 July 2015 after adopting an action plan that paved the way for its accession. In the past year, Belize, Guyana, and Palestine also acceded to the convention, while five signatories ratified it.

To date, 23 States Parties have destroyed their stocks of cluster munitions, all well in advance of the convention's eight-year deadline. Collectively States Parties have destroyed more than 1.3 million stockpiled cluster munitions containing 160 million submunitions, representing the destruction of 88% of all cluster munitions and 90% of all submunitions declared stockpiled under the convention.

In 2014 alone, eight States Parties destroyed more than 121,000 cluster munitions and 16.4 million submunitions. Japan completed its stockpile destruction in February 2015, while Canada completed in 2014 before ratifying the convention in March 2015. Another 14 States Parties are in the process of destroying their stocks, of which Botswana, Germany, Italy, Mozambique, and Sweden are working to complete the task in 2015.

A total of 23 States Parties and one signatory have enacted specific legislation to enforce the convention's provisions, while 28 others have indicated that existing laws will suffice to ensure their adherence. Some 80% of States Parties have provided initial transparency reports detailing the actions they have taken to implement and promote the convention.

There have been no reports or allegations of any States Parties engaging in activities banned by the Convention on Cluster Munitions since before 2008, when the convention was adopted in Dublin on 30 May and opened for signature in December.[2]

However, new use of cluster munitions in states outside the convention in 2015 is providing the greatest challenge for those working to end to suffering caused by the weapons. Cluster munitions have been used in seven states since August 2010, including in the first half of 2015 in Libya, Sudan, Syria, Ukraine, and Yemen.

This use of a banned weapon and the resulting civilian casualties has been met with swift public outcry and widespread media coverage. It has been condemned by more than 140 states, including resolutions by the European Parliament, UN General Assembly, and UN Security Council. These responses contribute to the stigma the convention is establishing against any use of cluster munitions. They also show how many non-signatories are disturbed by the use of cluster munitions even if they themselves have not yet relinquished the weapons.

▲ *Slovakia, a past producer and exporter of cluster munitions, submits its accession instrument to become the 93rd State Party to the Convention on Cluster Munitions.*

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

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

Recent users of cluster munitions have denied using them or argued the weapon used was not a cluster munition, providing another indicator of the stigma attached to these weapons. Yet they have ignored multiple calls from States Parties and the CMC to accede to the Convention on Cluster Munitions.

Other past users of cluster munitions, such as Israel, Russia, and the United States (US), as well as states where the weapons have been used, such as Cambodia, Ethiopia, Serbia, Sudan, Tajikistan, and Vietnam, also have yet to heed calls to accede to the convention.

Several non-signatories such as Estonia, Greece, Latvia, and Romania committed to reassess their position on accession to the ban convention once Convention on Conventional Weapons (CCW) deliberations on regulating cluster munitions concluded. Yet none of these states have reassessed their stance on the ban since the CCW's Fourth Review Conference failed to conclude a new protocol on cluster munitions in 2011, effectively ending its deliberations on cluster munitions.[3]

The Convention on Cluster Munitions and its sister instrument, the 1997 Mine Ban Treaty, represent the best examples of the alternative humanitarian disarmament path, which places humanitarian considerations and the protection of civilians ahead of narrow, perceived national security interests.[4] Another hallmark of humanitarian disarmament is seen in the collaboration of the close-knit community of states, UN agencies, ICRC, and CMC that works to promote universalization of the convention and ensure that its norms are respected and implemented by all.

The advances made by this global movement under the Convention on Cluster Munitions over the past five years are impressive, but must continue after the convention's First Review Conference in September 2015. New use and continued stockpiling by states outside the convention, as well as new victims from cluster munition remnants, underscore the need for all to redouble their efforts to encourage universalization and implementation of the convention in the coming period leading up to its Second Review Conference in 2020.

This ban overview covers activities during the second half of 2014 and the first half of 2015, and sometimes later when data was available. Where possible it provides five-year overviews of progress made since the convention's 2010 entry into force. All findings are drawn from detailed country profiles available on the Monitor website.[5]

Universalization

"Universalization" refers to the process of non-signatory countries joining the Convention on Cluster Munitions, usually through accession. It also refers to the ratifications required by countries that signed the convention prior to its entry into force on 1 August 2010. Both processes often involve some form of parliamentary approval, typically in the form of legislation.

Since the convention took effect in 2010, states can no longer sign, but instead join through a process known as accession, which is essentially a process that combines signature and ratification into a single step.[6] Mauritius appears to be closest to completing its accession to the convention.

Almost all of the convention's 24 signatories have committed to ratify and most are in the process of either consulting on ratification or engaging in parliamentary approval of ratification, as the following regional summaries show.[7] Colombia, Democratic Republic of the Congo (DRC), Iceland, Madagascar, Rwanda, and Somalia appear to be the closest to completing their ratification of the convention.

[3] All but 40 of the 121 high contracting parties to the Convention on Conventional Weapons have joined the Convention on Cluster Munitions. The CCW states that have yet to ban cluster munitions are: Algeria, Argentina, Bangladesh, Belarus, Brazil, Cambodia, China, Cuba, Estonia, Finland, Gabon, Georgia, Greece, India, Israel, Jordan, Kazakhstan, Kuwait, South Korea, Latvia, Maldives, Mauritius, Mongolia, Morocco, Pakistan, Poland, Qatar, Romania, Russia, Saudi Arabia, Serbia, Sri Lanka, Tajikistan, Turkey, Turkmenistan, Ukraine, United Arab Emirates (UAE), the United States (US), Uzbekistan, and Venezuela. See the full list of CCW states at bit.ly/MonitorCMM15Banf3.

[4] As of 1 August 2015, there were 162 States Parties to the Mine Ban Treaty and one signatory (Marshall Islands). All States Parties to the Convention on Cluster Munitions have joined the Mine Ban Treaty except Lao PDR, Lebanon, and Palestine, while 46 Mine Ban Treaty States Parties have yet to accede to the Convention on Cluster Munitions: Algeria, Argentina, Bahamas, Bangladesh, Barbados, Belarus, Bhutan, Brazil, Brunei, Cambodia, Dominica, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, Gabon, Greece, Jordan, Kiribati, Kuwait, Latvia, Malaysia, Maldives, Mauritius, Niue, Papua New Guinea, Qatar, Romania, Saint Lucia, Serbia, Solomon Islands, South Sudan, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Turkey, Turkmenistan, Tuvalu, Ukraine, Vanuatu, Venezuela, Yemen, and Zimbabwe.

[5] See www.the-monitor.org/cp.

[6] 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 or ratification with the UN in New York. The Monitor considers a country a State Party as soon as the deposition occurs.

[7] Of the 24 signatories left to ratify the convention, 16 are from Sub-Saharan Africa (Angola, Benin, Central African Republic, DRC, Djibouti, Gambia, Kenya, Liberia, Madagascar, Namibia, Nigeria, Rwanda, São Tomé e Príncipe, Somalia, Tanzania, and Uganda), three from the Americas (Colombia, Haiti, and Jamaica), three from Asia-Pacific (Indonesia, Palau, and the Philippines), and two are from Europe (Cyprus and Iceland). 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. The Vienna Convention is considered customary international law binding on all countries.

Five-Year Review

Since the Convention on Cluster Munitions became binding international law in 2010, the number of countries that are part of the convention has risen from 108 to 117, following accessions by nine countries.[8] Belize, Guyana, Palestine, and Slovakia have acceded since the publication of *Cluster Munition Monitor 2014* in September 2014.[9]

A total of 46 signatories have ratified the convention since August 2010 to become States Parties, including Canada, Republic of the Congo, Guinea, Paraguay, and South Africa since *Cluster Munition Monitor 2014* was published.[10]

Regional universalization developments

Africa

Of the 49 states in sub-Saharan Africa, 24 have ratified the convention and Swaziland has acceded, making a total of 25 States Parties from the region.

Former cluster munition producer South Africa ratified on 28 May 2015, while Guinea, which is believed to have a stockpile of cluster munitions, ratified on 21 October 2014. The Republic of the Congo ratified on 2 September 2014 during the convention's Fifth Meeting of States Parties, hosted by Costa Rica in San José.

Five African signatories have either completed or are undertaking parliamentary or executive approval processes to ratify the convention. Rwanda's parliament adopted legislation approving ratification of the convention in 2011 and Rwanda's president signed an executive order approving ratification in December 2014. Madagascar's parliament enacted legislation approving its ratification of the convention on 12 May 2015 and the last remaining step is for it to deposit the ratification instrument. The DRC's parliament adopted ratification legislation for the convention in November 2013 that was undergoing a judicial review in June 2015. Somalia's Prime Minister Omar A. A. Sharmarke signed the country's instrument of ratification for the convention on 31 July 2015 and gave it to the Ministry of Foreign Affairs to deposit. Liberia's government introduced draft legislation to ratify the convention in parliament on 22 July 2015.[11]

The other 11 signatories to the convention from sub-Saharan Africa have all expressed their intent to ratify, and some have undertaken consultations on the matter, but none are known to have introduced ratification measures for parliamentary consideration and approval.[12]

Most of the eight non-signatories from Sub-Saharan Africa have shown interest in the convention over the past five years, but only Mauritius appears to have taken any steps towards accession.[13]The Council of Ministers of Mauritius (the government's executive body) approved accession to the convention on 26 June 2015.[14]

A Gabonese official attended a regional workshop on universalization of the convention in April 2015, indicating an interest in the convention, but Gabon has not provided a timeframe for accession.[15] Eritrea, Ethiopia, and Zimbabwe have participated in a number of meetings of the convention and expressed interest in joining, but have not taken any steps towards accession.

Sudan has steadfastly ignored calls to accede to the convention, which intensified after new cluster munition use was recorded in early 2015. In September 2014, South Sudan acknowledged that an "unfortunate incident" of cluster munition occurred earlier in the year near the town of Bor and pledged not to use cluster munitions, but did not indicate when it might accede to the convention.[16] Equatorial Guinea has never expressed its view on accession to the convention and last spoke on cluster munitions in 2007.

Americas

Of the 35 states from the Americas, 22 are States Parties to the convention, while three signatories still need to ratify.[17]

[8] Ninety-four states signed the convention in Oslo on 3–4 December 2008, while 10 signed in 2009 and four signed in the first seven months of 2010 before the convention entered into force.

[9] Grenada, Swaziland, and Trinidad and Tobago acceded in 2011; Andorra and Saint Kitts and Nevis in 2013; Belize and Guyana in 2014; and Palestine and Slovakia in 2015.

[10] Eleven in the last five months of 2010, 15 in 2011, 10 in 2012, five in 2013, two in 2014, and three in 2015, as of 1 August. Prior to entry into force, four signatories ratified upon signing the convention in 2008, 22 in 2009, and 12 in 2010 before 1 August.

[11] Email from Teresa Dybeck, Programme Manager, Parliamentary Forum on Small Arms and Light Weapons, 27 July 2015.

[12] Angola, Benin, Central African Republic, Djibouti, Gambia, Kenya, Namibia, Nigeria, São Tomé e Príncipe, Tanzania, and Uganda.

[13] Equatorial Guinea, Eritrea, Ethiopia, Gabon, Mauritius, South Sudan, Sudan, and Zimbabwe.

[14] Mauritius's Cabinet Decisions, 26 June 2015, bit.ly/MonitorCMM15Banf14.

[15] Email from Amy Little, Campaign and Advocacy Consultant – Convention on Cluster Munitions, Norwegian People's Aid (NPA), 11 May 2015.

[16] South Sudan stated an investigation conducted jointly with UN officials had not been able to determine who had used the cluster munitions found by the UN in Bor in February 2014. Statement of South Sudan, Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 3 September 2014, www.clusterconvention.org/files/2014/09/South-Sudan.pdf.

[17] Of the 22 States Parties from the Americas, 17 signed and ratified the convention (Antigua and Barbuda, Bolivia, Canada, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, and Uruguay), while five joined through accession (Belize, Grenada, Guyana, Saint Kitts and Nevis, and Trinidad and Tobago).

Belize acceded to the convention on 2 September 2014 during the convention's Fifth Meeting of States Parties. This was the first accession to the convention since Saint Kitts and Nevis a year before in September 2013. Guyana followed with its accession on 31 October 2014. Paraguay ratified the convention on 12 March 2015, while Canada ratifed four days later on 16 March 2015, after adopting legislation to implement and ratify the convention in late 2014.

Colombia enacted legislation approving its ratification of the convention in December 2012, but stated in May 2015 that it is conducting stakeholder consultations.[18] During a 10 August 2015 meeting with CMC representatives, Colombian President Juan Manuel Santos committed to ensure that Colombia completes its ratification by the First Review Conference.[19] In September 2014, Jamaica stated it is preparing "applicable domestic legislation" with the goal of ratifying the convention "at its earliest opportunity."[20] The status of Haiti's ratification process is not known.

The 12 non-signatories from the Americas region include states with long-held objections to the convention—namely Argentina, Brazil, Cuba, the US, and Venezuela—as well as smaller states with less capacity to undertake the accession process: Bahamas, Barbados, Dominica, Saint Lucia, and Suriname. Argentina and Cuba were the only non-signatories from the region to participate in the convention's Fifth Meeting of States Parties in September 2014.

Asia-Pacific

Just 12 of the 40 states from the Asia-Pacific region have signed the Convention on Cluster Munitions, of which nine are States Parties.[21] There have been no accessions from Asia-Pacific, while the region's last ratification was the Pacific island state of Nauru in February 2013.[22]

Asia-Pacific signatories Indonesia, Palau, and the Philippines all state that they are pursuing ratification, but none are known to have introduced ratification legislation into their respective parliaments for consideration and approval. Indonesia and the Philippines still do not appear to have concluded their years-long stakeholder consultations on ratification of the convention.

Non-signatories China, Mongolia, and Thailand participated as observers in the convention's the Fifth Meeting of States Parties in September 2014, while Cambodia and Vietnam were absent, unlike in previous years.

More than a dozen non-signatories from the Asia-Pacific region still have not made a public statement articulating their position on joining the convention.[23]

Europe, the Caucasus, and Central Asia

Of the 54 countries in Europe, the Caucasus, and Central Asia, 31 have signed and ratified the convention and two have acceded to make a total of 33 States Parties.[24]

Former producer and exporter Slovakia acceded to the convention on 24 July 2015, after adopting an action plan for accession in January 2014. With this accession, all but seven of the European Union's (EU) 28 member states are now party to the convention.[25]

In Finland, a cabinet committee has conducted annual reviews of the convention and accession since 2009, but has yet to recommend the government amend its stance toward joining.[26] Latvia regularly informs the Monitor of its "firm support" for the convention's objectives and states that it "de-facto complies" with the convention's provisions, but has

[18] Letter to Campaña Colombiana contra Minas (CCCM) from Mauricio Gonzalez Lopez, Director for Multilateral Affairs, Ministry of External Relations, 11 May 2015.

[19] CMC, "Colombia commits to ratifying the Convention," 11 August 2015, stopclustermunitions.org/en-gb/media/news/2015/colombia-commits-to-ratifying-the-convention.aspx.

[20] Statement of Jamaica, Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 2 September 2014, www.clusterconvention.org/files/2014/09/Jamaica.pdf.

[21] There are 19 non-signatories from Asia (Bangladesh, Bhutan, Brunei, Cambodia, China, India, North Korea, South Korea, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Singapore, Sri Lanka, Thailand, Timor-Leste, and Vietnam) and nine non-signatories from the Pacific (Kiribati, Marshall Islands, Micronesia, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu). Six 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.

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

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

[24] Of the 33 States Parties from Europe, 31 signed and ratified the convention (Albania, Austria, Belgium, BiH, Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Holy See, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, FYR Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Switzerland, and the UK), while two acceded (Andorra and Slovakia).

[25] Estonia, Finland, Greece, Latvia, Poland, and Romania and signatory Cyprus, which has yet to ratify.

[26] "Finnish Security and Defence Policy 2009, Government Report," Prime Minister's Office Publications 13/2009, 5 February 2009, p. 64. Finland has also stated that it was 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." Letter No. HEL7913-3, from Markku Virri, Ministry for Foreign Affairs, 10 March 2011.

not taken any steps to accede.[27] Poland also communicates regularly with the Monitor, stating in April 2015 that despite its lack of accession it "takes precautions to limit the inhumane effects of [cluster] munitions."[28]

Estonia, Greece, Latvia, and Romania committed to reevaluate their stance on joining the convention after the CCW concluded its work on cluster munitions. Yet none of these states have done so since the CCW ended its deliberations on cluster munitions in 2011. Nor have they made any concrete proposals for the CCW to address cluster munitions again.

Serbia's Minister of Defense said in April 2015 that the government would consider accession to the convention after new weapons are acquired to replace the country's stocks of cluster munitions.[29]

Russia and the eight states from the Caucasus and Central Asia that remain outside the Convention on Cluster Munitions have made even less progress toward joining.[30] Both Ukraine and Russia have ignored calls to accede to the convention since cluster munition rocket attacks were first documented in eastern Ukraine in mid-2014.

Tajikistan has participated in all of the convention's Meetings of States Parties and states that it is studying the convention, but progress towards accession has stalled since 2011. Armenia informed States Parties in September 2014 of its hope to join the convention, but stated it cannot accede at this time due to the regional security situation.[31]

Iceland adopted ratification and implementation legislation for the convention on 30 June 2015, which was signed into law on 10 July 2015. The last remaining step is for it to deposit the ratification instrument. The parliament of Cyprus has been considering draft ratification legislation for the convention since 2011, where the convention is viewed positively, but there are concerns over Turkey's absence from the convention.[32]

Middle East and North Africa

The four States Parties to the Convention on Cluster Munitions from the Middle East and North Africa are Iraq, Lebanon, Palestine, and Tunisia.[33]

The State of Palestine acceded to the convention on 2 January 2015 after making several positive statements indicating its intent to join.

None of the 15 non-signatories from the Middle East and North Africa have indicated they are considering accession to the convention.[34] Saudi Arabia and the other states from the region that have been participating in a coalition operation against Ansar Allah forces (also known as the Houthis) in Yemen since March 2015 have ignored calls to cease using cluster munitions and join the convention.[35]

Meetings on cluster munitions

Several key meetings related to the Convention on Cluster Munitions took place in the second half 2014 and the first half of 2015, providing opportunities to promote universalization of the convention.[36]

Costa Rica hosted the Fifth Meeting of States Parties to the Convention on Cluster Munitions in San José, Costa Rica from 2–5 September 2014. A total of 98 states (60 States Parties, 16 signatories, and 22 non-signatory observers) attended, in addition to representatives from UN agencies, the ICRC, and the CMC.[37] Costa Rica's Minister of Foreign Affairs, Manuel Gonzalez Sanz, was elected President of the meeting and was represented by Costa Rica's Permanent

[27] Letter No. 32/202-2010, from Baiba Braže, Ambassador, Director-General of Security Policy and International Organisations Directorate, Ministry of Foreign Affairs, to Mary Wareham, Advocacy Director, Arms Division, Human Rights Watch (HRW), 11 May 2015. According to the letter, Latvia is not considering submitting a voluntary Article 7 transparency report for the Convention on Cluster Munitions.

[28] Letter from Tomasz Łękarski, Deputy Director, Security Policy Department, Ministry of Foreign Affairs, to Mary Wareham, HRW, 29 April 2015.

[29] Letter from Bratislav Gašić, Minister of Defense, to Assistance Advocacy Access–Serbia (AAAS), 15 April 2015. Translation by CMC member AAAS.

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

[31] Statement of Armenia, Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 3 September 2014. Notes by the CMC, www.clusterconvention.org/files/2013/04/Armenia.pdf.

[32] Letter from Elena Rafti, Security Policy Director, Ministry of Foreign Affairs, to Mary Wareham, HRW, 27 May 2015.

[33] 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.

[34] Algeria, Bahrain, Egypt, Iran, Israel, Jordan, Kuwait, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, UAE, and Yemen.

[35] Bahrain, Egypt, Jordan, Kuwait, Morocco, Pakistan, Qatar, Sudan, and UAE are participating in the Saudi-led coalition, which was initially called "Operation Decisive Storm" and then "Operation Restoring Hope."

[36] Since 2013, Cluster Munition Monitor no longer includes a section reporting on activities at the CCW as it has done no work on cluster munitions since November 2011 when the Fourth Review Conference failed to conclude a protocol on cluster munitions. This has effectively ended the CCW's deliberations on cluster munitions and left the Convention on Cluster Munitions as the sole international instrument to specifically address cluster munitions. See *Cluster Munition Monitor 2012*, www.the-monitor.org/cmm/2012/.

[37] See the official website for the Convention on Cluster Munitions Fifth Meeting of States Parties, www.clusterconvention.org/meetings/msp/5msp/.

Representative to the UN in Geneva, Ambassador Christian Guillermet Fernández. The meeting received significant media attention after Belize acceded to the convention on the opening day, making Central America the first sub-region to have universalized the convention and become a zone free of cluster munitions.

Several regional workshops aimed at encouraging universalization and implementation of the Convention on Cluster Munitions took place in the first half of 2015. Norway and Ecuador convened an informal workshop on the convention for Southeast Asia states in Geneva on 24 March 2015.[38] Costa Rica and Croatia together with CMC members Norwegian People's Aid (NPA) and PAX held a workshop on the convention for states from sub-Saharan Africa in New York on 16 April 2015.[39] A workshop on cluster munitions was held during the seventh annual mine action symposium by the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) at the Centre for Security Cooperation in Biograd, Croatia on 27–30 April 2015.[40] Norway, with the support of CMC members Uganda Landmine Survivors Association and NPA, convened a workshop on the convention for East African Community member states in Kampala, Uganda on 19 May 2015.[41] Zambia and the ICRC co-hosted a seminar on the convention for Southern African Development Community (SADC) member states in Lusaka on 17–18 June 2015.[42]

The fifth round of intersessional meetings of the Convention on Cluster Munitions took place in Geneva on 22–23 June 2015, with participation from representatives of 56 countries in addition to UN agencies, the ICRC, and the CMC.[43]

Croatia will host the convention's First Review Conference in Dubrovnik from 7–11 September 2015.[44]

Use of Cluster Munitions

Global overview

Cluster munitions have been used by at least 23 governments in 39 countries and four disputed territories since the end of World War II (as detailed in the following table and the *Timeline of cluster munition use* found at the end of this chapter). Almost every part of the world has experienced cluster munition use at some point over the past 70 years, including Southeast Asia, Southeast Europe, the Caucasus, the Middle East and North Africa, Sub-Saharan Africa, and Latin America.

The US, Israel, and Syria—all non-signatories to the Convention on Cluster Munitions—have been among the most prolific users of cluster munitions, while the vast majority of states outside the convention have never used them.[45] Only three non-signatories are considered major users and producers of cluster munitions: Israel, Russia, and the US.[46]

Article 1 of the Convention on Cluster Munitions contains the convention's core preventive measures designed to eliminate future humanitarian problems from cluster munitions, most crucially the absolute ban on the use of cluster munitions. Many countries that used cluster munitions in the past are now either States Parties (France, Iraq, the Netherlands, South Africa, and the UK) or have signed (Colombia and Nigeria) the Convention on Cluster Munitions, and have relinquished use of cluster munitions.

Article 4 of the convention addresses the clearance of cluster munition remnants and is not retroactive, but affirms that a State Party that previously used cluster munitions that became remnants on the territory of another State Party before the convention's entry into force for both states is "strongly encouraged" to provide assistance to the affected State Party.

[38] Representatives attended from Cambodia, Malaysia, Indonesia, Philippines, and Thailand.

[39] Representatives attended from Angola, Gabon, Kenya, Rwanda, Zimbabwe as well as Zambia. See: CMC, "Strong call for African countries to commit to cluster bomb ban," 4 May 2015, bit.ly/MonitorCMM15Banf39.

[40] Representatives attended from Albania, BiH, Croatia, Hungary, FYR Macedonia, Montenegro, and Serbia, as well as Kosovo in addition to participants from other parts of Europe and around the world. See RACVIAC, "Mine Action Seminar Held in Biograd," 5 May 2015, www.ctro.hr/en/news/205-mine-action-symposium-2015-held-in-biograd.

[41] Representatives attended from Burundi, Kenya, Tanzania, South Sudan, and Uganda. See, CMC, "Kampala hosts East African Community countries on cluster bomb ban," 19 May 2015, bit.ly/MonitorCMM15Banf41.

[42] Representatives attended from Mauritius, Namibia, Uganda, and Zimbabwe as well as Malawi, Botswana, Lesotho, Mozambique, and Zambia. ICRC, "Zambia: Implementing the ban on cluster munitions in southern Africa," 17 June 2015, www.icrc.org/en/document/zambia-implementing-ban-cluster-munitions-southern-africa.

[43] Representatives attended the 2015 intersessional meetings from non-signatories Cambodia, Cuba, Finland, India, Libya, Pakistan, Qatar, Serbia, Sudan, Thailand, Turkey, and Zimbabwe.

[44] See the website of the Convention on Cluster Munitions First Review Conference, www.1rc.clusterconvention.org/.

[45] Non-signatories stockpilers Estonia, Finland, Turkey, and the UAE state that they have never used the cluster munitions, while another 13 non-signatories with cluster munition stocks are not known to have ever used them (Algeria, Argentina, Bahrain, Belarus, Cuba, Jordan, Kazakhstan, Kuwait, Mongolia, Oman, Qatar, Turkmenistan, and Uzbekistan).

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

Summary of states using cluster munitions and locations used[47]

User state	Locations used
Colombia	Colombia
Eritrea	Ethiopia
Ethiopia	Eritrea
France	Chad, Iraq, Kuwait
Georgia	Georgia, possibly *Abkhazia*
Iraq	Iran, Iraq
Israel	Lebanon, Syria
Libya	Chad, Libya
Morocco	*Western Sahara*, Mauritania
Netherlands	Former Yugoslavia (*Kosovo*, Montenegro, Serbia)
Nigeria	Sierra Leone
Russia	*Chechnya*, Afghanistan (as USSR), Georgia
Saudi Arabia	Saudi Arabia, Yemen
South Africa	Has admitted past use, location unknown
Sudan	Sudan
Syria	Syria
Thailand	Cambodia
Ukraine	Ukraine
United Kingdom (UK)	Falklands/Malvinas, Iraq, Kuwait, former Yugoslavia (*Kosovo*, Montenegro, Serbia)
United States (US)	Afghanistan, Albania, Bosnia and Herzegovina (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*

Note: Other areas are indicated in italics.

Five-year review of cluster munition use

There have been no confirmed reports or allegations of new use of cluster munitions by any State Parties to the convention. However, cluster munitions have been used in seven non-signatories to the convention since its August 2010 entry into force:

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

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

Since 2010, there was also an allegation that a weapon that appears to meet the criteria of a cluster munition was used in non-signatory Myanmar in early 2013.[48]

In this reporting period—since 1 July 2014—cluster munitions have been used in Libya, Sudan, Ukraine, Syria, and Yemen, as summarized below *(for a more detailed accounting, please see the relevant country profile)*.

Use in Syria

Syrian government forces have used cluster munitions in multiple locations across 10 of the country's 14 governorates since mid-2012.[49] At least seven types of cluster munitions have been used, including air-dropped bombs, dispensers fixed to aircraft, and ground-launched rockets, and at least eight types of explosive submunitions.[50] IS forces have used at least one type of rocket-fired cluster munition and submunition (the "ZP-39").

Initial reports of the use of RBK-series air-dropped cluster bombs containing AO-1SCh and PTAB-2.5M bomblets emerged in mid-2012, when the government began its air campaign on rebel-held areas.[51] It continued to use cluster bombs in 2013 and 2014, including RBK-500 cluster bombs containing ShOAB-0.5 submunitions and AO-2.5RT and PTAB-2.5KO submunitions.[52] There is some evidence of Syrian government use of air-dropped cluster bombs in 2015, but significantly less than previous years as government forces have intensified their use of other air-dropped munitions such as improvised "barrel bombs."[53]

On 15 August 2014, the local authority of `Ayn al-`Arab or Kobani (in Kurdish) on Syria's northern border with Turkey issued a warning for locals to avoid cluster munition remnants "fired by Daash [IS] mercenaries on villages" near the city. From photos and video, Human Rights Watch confirmed that IS forces used a Dual Purpose Improved Conventional Munition (DPICM)-like submunition in its advance on Kobani in July and August 2014.[54] Featuring a distinctive red nylon stabilizing ribbon, the country of origin and information about the "ZP-39" submunition is not known, but it may have been delivered by Sakr rocket.[55]

Several videos posted online from Syria, as recently as June 2015, show remnants of Sakr cluster munition rockets and/or unexploded DPICM submunitions including "ZP-39" submunitions, indicating continued use of the cluster munition rockets by government and/or IS forces.

As the conflict in Syria worsens, it is becoming much harder to determine with confidence if cluster munitions have been used by opposition groups other than IS. There is some evidence that opposition forces have utilized unexploded submunitions as improvised explosive devices (IEDs).[56] There is no evidence to indicate that the US is using cluster munitions in the "Operation Inherent Resolve" military action against IS forces that began last year in Syria and Iraq.

---

[48] Kachin Independence Army (KIA) in Myanmar's northern Kachin state claimed that the Myanmar army used cluster munitions against KIA forces in an attack near the town of Laiza on 26 January 2013. Photographs showed the remnants of an M1A1 cluster adapter and 20-pound fragmentation bombs.

[49] No cluster munition use has been recorded in the governorates of Tartus, Quneitra, As-Suwayda, and Al-Hasakah. Previously, *Cluster Munition Monitor 2014* reported that at least 249 cluster munitions were used in multiple locations across 10 governorates from July 2012 until July 2014, according to HRW. Since 2012, HRW has researched and recorded cluster munition use in Syria and is responsible for documenting cluster munition use in its capacity as the Monitor's ban policy editor. The information contained in this Monitor profile summarizes and updates information it has provided in press releases and an April 2014 briefing note. See HRW, "Technical Briefing Note: Use of Cluster Munitions in Syria," 4 April 2014, www.hrw.org/news/2014/04/04/technical-briefing-note-use-cluster-munitions-syria.

[50] In addition, ZAB incendiary submunitions delivered by RBK bombs have been used by government forces, but this weapon is not accounted for by the Monitor as it is not considered to be an explosive submunition covered by the Convention on Cluster Munitions. An incendiary weapon, the ZAB submunitions ignite after release from its container instead of detonating on, before, or after impact. For further information on Syria's use of incendiary weapons, see HRW Memorandum to CCW Delegates, "Syria Use of Incendiary Weapons," November 2013, www.hrw.org/sites/default/files/related_material/Arms_SyriaIncendiary_Nov13_Final_0.pdf.

[51] The 250-kilogram class RBK-series cluster bombs can be delivered by jet aircraft as well as rotary wing aircraft, such as Mi-24 and Mi-8 series helicopters. Brown Moses Blog, "Evidence of cluster bombs being deployed in Syria," 10 July 2012, www.brown-moses.blogspot.it/2012/07/evidence-of-cluster-bombs-being.html; and HRW Press Release, "Syria: Evidence of Cluster Munitions Use by Syrian Forces," 12 July 2012, www.hrw.org/news/2012/07/12/syria-evidence-cluster-munitions-use-syrian-forces.

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

[53] In 2014 and first half of 2015, there were fewer reports of cluster munition use compared to 2013 and the second half of 2012, with a particularly significant drop in evidence indicating the use of air-dropped cluster bombs, but remnants and submunitions from RBK cluster bombs continue to be recorded in videos. For example, a video uploaded on 4 July 2015 and apparently filmed in Daraa governorate shows the tail fin of an RBK-250 cluster bomb and AO-1Sch submunitions, while a video uploaded on 14 July 2014 and apparently filmed in eastern Hama shows ShOAB-0.5 submunitions. See, www.youtube.com/watch?v=9ozHLcoLfq8 (4 July 2015); and www.youtube.com/watch?v=YcOMvl2Ugs0 (14 July 2014).

[54] HRW, "Syria: Evidence of Islamic State Cluster Munition Use," 1 September 2014. www.hrw.org/news/2014/09/01/syria-evidence-islamic-state-cluster-munition-use.

[55] Markings on some of the submunitions indicate they were manufactured in 1993. Brown Moses Blog, Eliot Higgins (@EliotHiggins), "The markings on what's assumed to be a Sakr submunition suggests the designation is ZP39, made in 1993," 4 April 2014, www.twitter.com/Brown_Moses/status/452120358271725568, tweet.

[56] A video uploaded to YouTube on 26 March 2014, reportedly of arms captured by government forces from rebel groups, shows submunitions prepared for use as IEDs, http://youtu.be/UTwbnoRQodc.

Responses to the use of cluster munitions

The Syrian military has denied possessing or using cluster munitions and the government usually does not respond to or comment on its use of cluster munitions.[57] IS has not responded to its reported use of cluster munitions.

The cluster munition use in Syria has attracted widespread media coverage, public outcry, and condemnations by more than 140 states since 2012.[58] At least 41 of these states have made national statements to condemn the use, including the foreign ministers of States Parties Austria, Belgium, Costa Rica, Denmark, France, Germany, Mexico, Norway, and the UK.[59]

Three UN General Assembly (UNGA) resolutions condemning the use of cluster munitions in Syria have been adopted since May 2013.[60] Four Human Rights Council resolutions have been adopted that condemn the use of cluster munitions in Syria, most recently on 2 July 2015.[61]

More than two dozen states condemned the use of cluster munitions in Syria at the Fifth Meeting of States Parties in September 2014, while in a statement to the meeting, UN Secretary-General Ban Ki-moon described "the carnage caused by cluster munitions in Syria" as "a direct violation" of international humanitarian law.[62]

Use in Ukraine

Cluster Munition Monitor 2014 reported evidence that emerged in July 2014 strongly indicating the use of ground-launched cluster munition rockets in Donetsk province in eastern Ukraine as fighting began between Ukrainian government forces and armed opposition supported by Russia.[63] Field research conducted by Human Rights Watch in October 2014 and a follow-up investigation in January–February 2015 confirmed the use of cluster munitions by both Ukrainian government forces and Russian-backed anti-government forces in dozens of urban and rural locations of Donetsk and Luhansk provinces.[64] An Organisation for Security and Co-operation in Europe (OSCE) monitoring mission has also reported on the cluster munition rocket attacks since late 2014.

Both parties to the conflict have used two types of cluster munitions fired from dedicated launch tubes mounted on vehicles:

- The 300mm 9M55K-series *Smerch* ("Tornado") cluster munition rocket, which has a minimum range of 20 kilometers and a maximum range of 70 kilometers, and delivers 72 9N235 submunitions.
- The 220mm 9M27K-series *Uragan* ("Hurricane") cluster munition rocket, which has a range of 10–35 kilometers and delivers 30 9N235 submunitions or 30 9N210 submunitions.

---

[57] According to the state-run Syrian Arab News Agency (SANA), "the General Command of the Army and the Armed Forces stressed on [15 October 2012] that the misleading media outlets have recently published untrue news claiming the Syrian Arab Army has been using cluster bombs against terrorists." According to SANA, "the General Command said the Syrian Army does not possess such bombs." "Syria denies using cluster bombs," CNN, 16 October 2012, www.edition.cnn.com/2012/10/15/world/meast/syria-civil-war/. See also, letter from Firas al Rashidi, Charge d'affair ad interim, Embassy of the Syrian Arab Republic to Japan, 7 March 2013.

[58] A total of 143 countries have condemned the use of cluster munitions in Syria via national statements and/or by endorsing resolutions or joint statements. See the Syria country profile for the list, which includes 50 non-signatories, such as: Argentina, Brazil, Egypt, Finland, Greece, Israel, Jordan, South Korea, Kuwait, Libya, Malaysia, Myanmar, Pakistan, Poland, Qatar, Romania, Saudi Arabia, Serbia, Turkey, Ukraine, UAE, the US, and Yemen.

[59] Australia, Cambodia, Canada, Chile, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Ecuador, Ghana, Ireland, Italy, Japan, Lao PDR, Lebanon, Lithuania, Luxembourg, Madagascar, Mauritania, Netherlands, New Zealand, Peru, Portugal, Qatar, Slovenia, Somalia, South Africa, Swaziland, Switzerland, and Togo, Turkey, and US.

[60] "Situation of human rights in the Syrian Arab Republic," UNGA Resolution A/RES/69/189, 18 December 2014, www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/189; "Situation of human rights in the Syrian Arab Republic," UNGA Resolution A/RES/68/182, 18 December 2013, www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/182; and "The situation in the Syrian Arab Republic," UNGA Resolution A/RES/67/L.63, 15 May 2013, www.un.org/ga/search/view_doc.asp?symbol=A/67/L.63. See also UN, "General Assembly Adopts Text Condemning Violence in Syria, Demanding That All Sides End Hostilities," 15 May 2013.

[61] See, "The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic," Human Rights Council Resolution A/HRC/29/L.4, 2 July 2015, www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/29/L.4; "The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic," UN Human Rights Council Resolution A/HRC/RES/28/20, 27 March 2015, bit.ly/MonitorCMM15Banf61a; "The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic," UN Human Rights Council Resolution A/HRC/RES/26/23, 27 June 2014, bit.ly/MonitorCMM15Banf61b; and "The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic," UN Human Rights Council Resolution A/HRC/RES/25/23, 28 March 2014, bit.ly/MonitorCMM15Banf61c.

[62] Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Ecuador, France, Germany, Guatemala, Ireland, Italy, Mauritania, Netherlands, New Zealand, Norway, Peru, Portugal, Slovenia, Somalia, and Switzerland. See, Statement of the UN Secretary General, Convention on Cluster Munitions Fifth Meeting of State Parties, San José, 3 September 2014, www.clusterconvention.org/files/2014/09/UNSG.pdf.

[63] Violence began in eastern Ukraine following the 21 February 2014 ousting of President Viktor Yanukovich when armed groups initially calling themselves "self-defense units" seized and occupied administrative buildings in Luhansk and Donetsk regions. Their demands range from making Ukraine a federation to separation of their regions from the rest of Ukraine and joining Russia.

[64] See, "Ukraine: Widespread Use of Cluster Munitions," HRW news release, 20 October 2014, www.hrw.org/news/2014/10/20/ukraine-widespread-use-cluster-munitions; "Ukraine: More Civilians Killed in Cluster Munition Attacks," HRW news release, 19 March 2015, www.hrw.org/news/2015/03/19/ukraine-more-civilians-killed-cluster-munition-attacks. For an overview of the methodology used to confirm cluster munition use see the methodology section of HRW, "Technical Briefing Note: Cluster Munition Use in Ukraine," June 2015, www.hrw.org/sites/default/files/supporting_resources/ukraine_clusters_briefing_note_final.pdf.

The 9N210 and 9N235 are fragmentation submunitions designed to self-destruct a minute or two after being ejected from the rocket.[65] These rockets and submunitions appear to fall under the category of "inaccurate and unreliable" cluster munitions that Ukraine has expressed concern about in the past, as their remnants pose a long-term threat until cleared and destroyed.[66]

As of 1 August 2015, no cluster munition rocket attacks have been recorded in eastern Ukraine since the ceasefire went into effect on 16 February 2015. There has been no evidence to indicate that cluster munitions have been used elsewhere in Ukraine, for example, in Crimea.

Neither party to the conflict has taken responsibility for use of cluster munitions in eastern Ukraine. Ukraine has repeatedly denied the use of cluster munitions by its armed forces since October 2014, when it blamed the use on pro-Russian separatist groups.[67] Russia has repeatedly drawn attention to Ukraine's use of cluster munitions, but has not itself acknowledged or taken any responsibility for cluster munition rocket attacks by the armed opposition fighters supported by Russia.[68]

The cluster munition rocket attacks in Ukraine have attracted widespread media coverage, public outcry, and condemnations by at least 32 states and the European Union.[69] At the convention's Fifth Meeting of States Parties in September 2014, 21 states expressed concern at/or condemned the reported use of cluster munitions in Ukraine.[70] During a UN Security Council debate on Ukraine on 24 October 2014, 11 of the Council's 15 member states expressed specific concern at the reported use of cluster munitions in Ukraine with most calling for an investigation.[71] At an OSCE meeting on 29 October 2014, the US and the European Union expressed concern at reports of cluster munition use and requested an investigation, while Ukraine denied the use, but agreed to investigate.[72]

Ukraine has stated several times that it is willing to conduct its own investigation and cooperate with other investigations into the cluster munition use.[73] In October 2014, Ukraine's Minister of Foreign Affairs, Pavlo Klimkin, denied the cluster munition use, but said the "serious accusations…deserve the deepest investigation."[74] However, in December 2014, high-level Ukraine government officials informed Human Rights Watch representatives that an internal review of stocks had found no evidence of cluster munition use by Ukrainian armed forces.[75]

[65] These submunitions are identical in size, shape, and color. The only way to distinguish between them is by the size of the pre-formed fragments they contain.

[66] Ukraine called for a moratorium on the use of "inaccurate and unreliable cluster munitions" in 2008 and again in 2010. See, Letter No. 181/017 from the Permanent Mission of Ukraine to the UN in Geneva, 29 April 2010; and statement of Ukraine, CCW Group of Governmental Experts (GGE) on Cluster Munitions, 8 April 2008. Notes by Landmine Action. HRW and international media including *The New York Times* have recorded numerous unexploded submunitions in eastern Ukraine, indicating a significant number may have failed to self-destruct as intended. They also documented several cluster munition rockets that malfunctioned shortly after launch and still contained their full payload of submunitions.

[67] Statement of Ukraine, OSCE Forum for Security Co-operation, Vienna, 29 October 2014, www.osce.org/fsc/126235.

[68] Statement of Russia, OSCE Forum for Security Co-operation, Vienna, 10 December 2014, www.osce.org/fsc/132321.

[69] Some of these states have condemned the use of cluster munitions in Ukraine on several occasions: Argentina, Australia, Austria, Belgium, Burundi, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Ecuador, France, Guatemala, Ireland, Italy, Jordan, Lithuania, Luxembourg, Mauritania, the Netherlands, New Zealand, Norway, Peru, Portugal, Russia, Rwanda, Slovenia, Somalia, Switzerland, the UK, and the US.

[70] Australia, Austria, Belgium, Chile, Colombia, Côte d'Ivoire, Croatia, Ecuador, France, Guatemala, Ireland, Italy, Mauritania, the Netherlands, New Zealand, Norway, Peru, Portugal, Slovenia, Somalia, and Switzerland. "General exchange of views," Convention on Cluster Munitions Fifth Meeting of States Parties, San José, Costa Rica, 2–5 September 2014, www.clusterconvention.org/meetings/msp/5msp/general-exchange-of-views/. See also, "Fifth Meeting of States Parties," Convention on Cluster Munitions, undated, www.clusterconvention.org/meetings/msp/5msp/.

[71] Argentina, Australia, Chad, Chile, Jordan, Lithuania, Luxembourg, Russia, Rwanda, the UK, and the US. Provisional report of the 7287th meeting of the UN Security Council, S/PV.7287, 24 October 2014, p. 21, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.7287.

[72] Statement of US, Meeting of the OSCE Permanent Council, Vienna, 29 October 2014, osce.usmission.gov/oct_30_14_russia_violations.html; and statement of Italy as President of the European Union, Meeting of the OSCE Permanent Council, Vienna, 29 October 2014, www.osce.org/fsc/126240.

[73] UN Statement, "As Death Toll Surpasses 3,700, Assistant Secretary-General Tells Security Council Faster Action Needed to End Violence, Tensions in Eastern Ukraine," SC/11614, 24 October 2014, www.un.org/press/en/2014/sc11614.doc.htm.

[74] Letter from Pavlo Klimkin, Minister of Foreign Affairs of Ukraine, to the Editor, *The New York Times*, 30 October 2014, www.nytimes.com/2014/10/31/opinion/start-a-dialogue-ukraines-foreign-minister-urges.html.

[75] According to the military prosecutor, his office conducted an inventory of Ukraine's stocks of prohibited weapons and found none had been moved and the total number remained the same, which led it to conclude no cluster munitions were used. However, it appears the investigation only looked at antipersonnel landmine stocks (9M27K3 rockets with PFM-1S antipersonnel mines), which are prohibited by the Mine Ban Treaty to which Ukraine is a party. HRW encouraged Ukraine to review its use of *Smerch* and *Uragan* cluster munition rockets containing 9N210 and 9N235 submunitions as the 9M27K3 landmine rocket are similar in name to the 9M27K3 and 9M27K1 cluster munition rockets, but are not the same. See, HRW, "Ukraine: Attacks Require Better Investigation," 18 December 2014, www.hrw.org/news/2014/12/18/ukraine-attacks-require-better-investigation; and letter from HRW to Anatoly Vasilievich Matios, Military Prosecutor, 14 December 2014, www.hrw.org/sites/default/files/related_material/HRW letter to mil pros Ukraine_Dec 15 2014.pdf.

Use in Libya

In February and March 2015, remnants of air-dropped cluster bombs were recorded at Bin Jawad and Sirte respectively. The Libyan Air Force admitted to bombing both locations in early 2015 during attacks against Libya Dawn forces, but denied using cluster munitions.[76]

Human Rights Watch identifed the munitions used as air-dropped RBK-250 PTAB 2.5M cluster bombs, but found it was not possible to conclusively determine responsibility for the use on the basis of available evidence.[77]

At the convention's intersessional meetings in June 2015, seven states expressed concern at and/or condemned the new use of cluster munitions in Libya in addition to the UN, the ICRC, and the CMC.[78] In March 2015, Sweden's Ministry of Foreign Affairs described evidence of new use of cluster munitions in Libya as a "worrisome development" and called on Libya to accede to the ban convention.[79]

Use in Sudan

Sudan used air-dropped cluster bombs in Southern Kordofan state several times in the first half of 2015, most recently on 27 May 2015. Cluster munition use was previously recorded in 2012 in the state, which borders South Sudan and has experienced fighting between the Sudan Armed Forces and the Sudan People's Liberation Army North (SPLM-N) since mid-2011, when South Sudan became independent.

In May 2015, Human Rights Watch reported that government aircraft dropped two cluster bombs on Tongoli village in Delami county on 6 March 2015 and four bombs on Rajeefi village in Um Durein county in late February 2015.[80] Human Rights Watch identified the weapons used as RBK-500 cluster bombs containing AO-2.5 RT submunitions. In June 2015, *Nuba Reports*—a network of local journalists in the Nuba Mountains where Southern Kordofan is located—published video showing the remnants of RBK-500 cluster bombs containing AO-2.5 RT submunitions that it said was filmed in Kauda, a town in the region, after a government air attack on 27 May 2015. In almost all of these documented incidents the cluster munitions failed to function as designed, leaving failed munitions and unexploded submunitions. Two days after the Kauda attack, SPLM-N soldiers removed and "rolled the bomblets into a hole, covered them with dirt, and marked them with thorn bushes."[81]

Sudan has repeatedly denied using cluster munitions.[82] In various media comments, Sudanese Army spokesperson, Col. Alswarmy Khalid, denied responsibility for the use detailed in the May 2015 Human Rights Watch report.[83] Sudan's Geneva-based representatives denied the cluster munition use in a May 2015 meeting with CMC representatives.[84]

The cluster munition attacks in Sudan in the first half of 2015 have been met with strong media coverage, public outcry, and condemnations by at least 23 states.[85] On 29 June 2015, the UN Security Council unanimously adopted a UK-led resolution that—for the first time on Sudan—contained specific language on cluster munitions "*expressing* concern at evidence, collected by AU-UN Hybrid Operation in Darfur (UNAMID), of two air-delivered cluster bombs near Kirigiyati, North Darfur, taking note that UNAMID disposed of them safely, and reiterating the Secretary-General's

[76] Libyan Air Force Commander Brig. Gen. al-Jerroushi denied that forces under his command used cluster bombs. HRW, "Libya: Evidence of New Cluster Bomb Use," 15 March 2015, www.hrw.org/news/2015/03/14/libya-evidence-new-cluster-bomb-use.

[77] HRW found that the good condition of the paint on the bomb casings and lack of extensive weathering indicated that the remnants had not been exposed to the environment for long and were from a recent attack. See also, HRW, "Libya: Evidence of New Cluster Bomb Use," 15 March 2015, www.hrw.org/news/2015/03/14/libya-evidence-new-cluster-bomb-use.

[78] Including Austria, Burundi, Costa Rica, Croatia, Ecuador, Ireland, Luxembourg, and New Zealand.

[79] Tweet from @SwedenArmsControl, Twitter, 16 March 2015, twitter.com/SweArmsControl/status/577434060164849664.

[80] HRW Press Release, "Sudan: Cluster Bombs Used in Nuba Mountain," 15 April 2015, www.hrw.org/news/2015/04/15/sudan-cluster-bombs-used-nuba-mountains.

[81] "Cluster bombs hit homes in May," *Nuba Reports*, 15 June 2015, nubareports.org/cluster-bombs-hit-homes-in-may/.

[82] In 2010, the Ministry of Defense stated 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." Statement of Sudan, Convention on Cluster Munitions First Meeting of States Parties, Vientiane, 10 November 2010. Notes by the CMC. In May 2012, a spokesperson for Sudan's armed forces, Col. al-Sawarmi Khalid Sa'ad, was quoted in the local media stating with respect to cluster munitions: "We never use them in our military operations and we don't have them to begin with." "Sudan's army denies using cluster munitions in South Kordofan," *Sudan Tribune* (Khartoum), 28 May 2012, www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=42728.

[83] Mohammed Amin, "Sudan denies using cluster bombs in war areas," *Anaduka Agency*, 17 April 2015, www.aa.com.tr/en/news/495268--sudan-denies-using-cluster-bombs-in-war-areas; Bassem Abo Alabass Mohamme, "Sudan Used Cluster Bombs in Rebel-Held Mountains, Group Says," Bloomberg News, 16 April 2015, bit.ly/MonitorCMM15Banf83.

[84] CMC meeting with Khalid Musa Dafalla, Minister Plenipotentiary, Permanent Mission of Sudan to the UN in Geneva, Geneva, 26 May 2015. In an April 2015 letter the CMC called on Sudan to cease using cluster munitions and accede to the Convention on Cluster Munitions. Letter from CMC to President Omar Hassan Ahmad Al-Bashir of Sudan, 17 April 2015, www.stopclustermunitions.org/media/1779803/cmc-letter-to-sudan-17-april-2015.pdf.

[85] Angola, Austria, Burundi, Canada, Chad, Chile, China, Costa Rica, Croatia, Ecuador, France, Ireland, Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Norway, Russia, Spain, the UK, the US, and Venezuela.

call on the Government of Sudan to immediately investigate the use of cluster munitions."[86] Sudan's representative at the UN Security Council session objected "strenuously" to the paragraph.[87]

Use in Yemen

Saudi Arabia is leading a coalition of states that began attacking Ansar Allah forces (the Houthis) in Yemen on 25 March 2015, in a conflict that is continuing as of 1 August 2015.[88] The coalition has used two types of air-dropped cluster munitions in Yemen's northern Saada governorate, while a cluster munition rocket has also been used, but it is not clear who was responsible.

Human Rights Watch has documented at least two instances of use of US-made and supplied CBU-105 Sensor Fuzed Weapons, which deploy 10 BLU-108 canisters that each subsequently release four submunitions called "skeets" by the manufacturer: at al-Shaaf in Saqeen in the western part of Sadaa governorate on 17 April and near al-Amar area in al-Safraa, 30 kilometers south of Saada City on 27 April.[89] A subsequent Human Rights Watch research visit to al-Amar confirmed the cluster munition use, reviewing physical evidence of the remnants of BLU-108 canisters.

A Saudi military spokesman acknowledged use of the CBU-105 (*see below*), although the United Arab Emirates also possesses them and could be responsible.

The Saudi coalition also used US-made BLU-97 submunitions, 202 of which are contained in each CBU-87 bomb, in the al-Maqash and al-Nushoor districts of Saada City on 23 May 2015.

Ground-launched cluster munitions containing "ZP-39" submunitions were found near Baqim in Saada province on 29 April 2015, but it was not possible to determine who was responsible.[90] Neither Saudi Arabia nor Houthi forces are known to possess this type of weapon, but both sides have rocket launchers and tube artillery capable of delivering them.[91]

Evidence of the use of a fourth type of cluster munition emerged on social media in June and July 2015, but had not been confirmed as *Cluster Munition Monitor 2015* went to print.[92]

As of 1 August 2015, the government of Saudi Arabia has not issued a formal statement to confirm or deny the Saudi-led coalition's use of cluster munitions in Yemen.[93] In numerous media interviews, Saudi Arabia's military spokesperson Brig. Gen. Ahmed Asiri acknowledged use of CBU-105 cluster munitions in Yemen, but argued they have not been used in civilian areas or against civilians, and are not prohibited weapons.[94] Saudi Arabia has not commented on the BLU-97 submunitions used by Saudi-led coalition forces.

CBU-105 Sensor Fuzed Weapons are banned by the Convention on Cluster Munitions as they fall under the convention's definition of a cluster munition specified in Article 2. The US government acknowledges that the CBU-105 version of the Sensor Fuzed Weapon is the only cluster munition in the active US inventory "that meet[s] our stringent requirements for unexploded ordnance rates, which may not exceed 1 percent."[95] Human Rights Watch found evidence that CBU-105 Sensor Fuzed Weapons fell within 600 meters of villages in one attack, in possible violation of US law. It also found that

[86] The five permanent members of the UN Security Council voted for the resolution as did non-permanent members Angola, Chad, Chile, Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Spain, and Venezuela. UNSC Resolution 2228, 29 June 2015, www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2228(2015).

[87] Sudan argued that because the UN Secretary-General is conducting an inquiry into the incident "it is therefore unacceptable" for the resolution to include it. The representative did not indicate if Sudan would undertake its own investigation into the use of cluster munitions. Provisional report of the 7475th meeting of the UN Security Council, S/PV.7475, 29 June 2015, p. 5, www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.7475.

[88] None of the coalition members—Bahrain, Egypt, Jordan, Kuwait, Morocco, Pakistan, Qatar, Sudan, UAE—are party to the Convention on Cluster Munitions. The operation was initially called "Operation Decisive Storm" and then amended to "Operation Restoring Hope."

[89] "Yemen: Saudi aggressor planes drop American internationally-banned cluster bombs" (اليمن : نمي طائرات العدوان السعودي الامريكي ايلول قمر حرم قيظم لبانق), YouTube.com, 17 April 2015, www.youtube.com/watch?v=TI8BcHofWdw.

[90] HRW, "Yemen: Cluster Munitions Harm Civilians," 31 May 2015, www.hrw.org/news/2015/05/31/yemen-cluster-munitions-harm-civilians.

[91] Ibid.

[92] On 2 July 2015, Abdulrahman Alrazhi tweeted a photograph showing a child holding two M77 submunitions from a ground-launched M26 rocket and stated that the munitions had been used in his district of Razeh in Saada. Abdulrahman Alrazhi (@AAlrazhi), "My district #Razeh in #Saada north #Yemen was shed by this kind of cluster bombs, many of them weren't exploded #HRW," 2 July 2015, twitter.com/AAlrazhi/status/616680759756222464/photo/1, tweet. On 8 June, a Saudi reporter in Saudi Arabia's southern Jizan province, which borders Yemen's Saada governorate, tweeted a photograph showing a failed M26 rocket containing M77 submunitions. قنبس - يلماك دهف (@fahadkamly), 8 June 2015, twitter.com/fahadkamly/status/607894078592675840, tweet.

[93] It also has not responded to a 27 March 2015 CMC letter sent to Saudi Arabia and other coalition members urging that they refrain from using cluster munitions in the military operation in Yemen. CMC press release, "Saudi Arabia and others must not use cluster munitions in Yemen," 27 March 2015, bit.ly/MonitorCMM15Banf93.

[94] Asiri informed *CNN* on 4 May 2015 that Saudi Arabia had used CBU-105 in Yemen against armored vehicles only, describing it as an "anti-vehicle weapon" and stating "We do not use it against persons. We don't have any operation in the cities." Ben Brumfield and Slma Shelbayah, "Report: Saudi Arabia used U.S.-supplied cluster bombs in Yemen," *CNN*, 4 May 2015, edition.cnn.com/2015/05/03/middleeast/yemen-hrw-cluster-munitions-saudi-arabia/index.html. Asiri acknowledged to the *Financial Times* that Saudi forces have used a US weapon that engages targets such as armored vehicles and is "equipped with self-destruct and self-deactivation features" but did not call it a cluster munition and argued it was being used to target vehicles and not people. "Saudi Arabia accused of using cluster bombs in Yemen airstrikes," *The Financial Times*, 3 May 2015, www.ft.com/cms/s/0/57ee6c92-f1a1-11e4-98c5-00144feab7de.html.

[95] Jeff Rathke, Acting Deputy Spokesperson, US State Department press conference, 4 May 2015, www.state.gov/r/pa/prs/dpb/2015/05/241844.htm - SAUDIARABIA2.

some of the cluster munitions malfunctioned as their submunitions failed to disperse from the canister or dispersed but did not explode.[96]

Saudi Arabia and other members of the coalition possess attack aircraft of US and Western/NATO origin capable of dropping US-made cluster bombs, while Yemen's Soviet supplied aircraft are not capable of delivering US-made cluster bombs. Houthi forces are not known to operate aircraft capable of using cluster munitions, but may have access to ground-fired cluster munitions.

The use of cluster munitions in Yemen has received worldwide media coverage, public outcry, and condemnations by a dozen states, including Costa Rica as president of the convention's Fifth Meeting of States Parties.[97] On 9 July 2015, the European Parliament adopted a resolution condemning the Saudi-led coalition airstrikes in Yemen, including the use of cluster bombs.[98] During a European Parliament debate on 13 July 2015, European Parliament member Marietje Schaake requested that reports of cluster munition use by the Saudi-led coalition in Yemen "be investigated thoroughly by the United Nations" as they "have serious consequences."[99]

Unilateral restrictions on use

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

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

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

In December 2013, a Greek defense blog reported on "intense debate" by the General Staff of the Greek Armed Forces over procurement efforts to modernize the country's stocks of ammunition for the M270 Multiple Launch Rocket System (MLRS) due to the apparent requirement that it "select and implement a solution within a global binding environment that is required by international treaty to ban cluster munitions."[100]

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

Non-State Armed Groups

Due to the relative sophistication of cluster munitions and their delivery systems, very few non-state armed groups (NSAGs) have used them.

In the past, NSAG use of cluster munitions has been recorded in Afghanistan (by the Northern Alliance), BiH (by a Serb militia), Croatia (by a Serb militia), and Israel (by Hezbollah). For the first time since 2006, cluster munitions were used by NSAGs in two countries in the second half of 2014: by IS in Syria and by Russian-backed opposition forces in Ukraine.[101]

[96] During a visit in May 2015, residents showed HRW two BLU-108 canisters and an unexploded submunition from the attack on the main road between Sanaa and Sadaa, about 100 meters south of al-Amar. HRW found a third empty canister in bushes near the strike site. HRW, "Yemen: Cluster Munitions Harm Civilians," 31 May 2015, www.hrw.org/news/2015/05/31/yemen-cluster-munitions-harm-civilians.

[97] Austria, Belgium, Burundi, Costa Rica, Croatia, Ecuador, Ireland, Italy, Luxembourg, Netherlands, New Zealand, and Norway. See also, Costa Rica, "Costa Rica condemns the use of cluster munitions in Yemen" ("Costa Rica condena el uso de municiones en racimo en Yemen"), Ministry of Foreign Affairs, 5 May 2015, bit.ly/MonitorCMM15Banf97.

[98] The resolution was adopted without a vote. European Parliament, "Joint Motion for a Resolution on the situation in Yemen," 8 July 2015, bit.ly/MonitorCMM15Banf98.

[99] Schaake spoke on behalf of the Alliance of Liberals and Democrats for Europe. European Parliament Debate on the Situation in Yemen, 13 July 2015. Notes by HRW.

[100] The article was prepared in cooperation with the Athens-based Institute for Security and Defense Analyses. See "US-German 'battle' for Greek MLRS," *Defence Point*, 19 December 2013, www.defence-point.gr/news/?p=91903.

[101] The last reported use of cluster munitions by a NSAG occurred in 2006, when when Hezbollah fired more than 100 cluster munition rockets from southern Lebanon into northern Israel. See CMC, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada: October 2010), p.159.

Government forces used cluster munitions against NSAGs in Libya, Sudan, Syria, Ukraine, and Yemen in 2014 and/or early 2015, while in the past, cluster munitions were used against NSAGs in several countries, including Lebanon, Libya, South Sudan, and Syria, as well as in Abkhazia, Nagorno-Karabakh, and Western Sahara.[102]

Production of Cluster Munitions

A total of 34 states have developed or produced[103] more than 200 types of cluster munitions.[104] Half of these producers ceased manufacturing cluster munitions prior to or as a result of joining the Convention on Cluster Munitions.

Producers

Sixteen countries are believed to produce cluster munitions or reserve the right to do so.[105] None of these states have joined the Convention on Cluster Munitions. Asia and Europe account for the majority of producer states, with six and five producers respectively, while the Middle East and North Africa has three producer states and two producers are from the Americas.

Cluster munition producers

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

It is not known if cluster munitions were produced in all these countries in 2014 or the first half of 2015 due to lack of transparency and available data.

In early 2015, state-owned company Israel Military Industries (IMI) was put up for sale as part of a privatization measure and the government apparently intends to sell it to the highest qualified bidder by the end of the year.[106] IMI has produced, license-produced, and exported cluster munitions.[107]

Previously, Greece informed the Monitor that its last production of cluster munitions was in 2001.[108] India stated that it did not produce any cluster munitions in 2011.[109]

At least three cluster munition producers have established specific standards aimed at addressing the weapon's failure rate and resulting unexploded ordnance (UXO):

- **Poland** stated in 2005, "The Ministry of Defense requires during acceptance tests less than 2.5% failure rate for the purchased submunitions."[110]
- **South Korea** in 2008 issued a directive requiring that in the future it would only acquire cluster munitions with self-destruct mechanisms and a 1% or lower failure rate.[111]
- The **US** in 2001 instituted a policy that all submunitions reaching a production decision in fiscal year 2005 and beyond must have a UXO rate of less than 1%.[112]

[102] Use of cluster munitions against Syrian opposition forces has been ongoing since 2012. In 2011, Libyan forces of the Gaddafi regime used cluster munitions against rebel forces in Misrata. In August 2008, the government of the separatist territory of Abkhazia asserted that Georgian forces fired cluster munitions into the Kodor Valley. Cluster munitions were used in Nagorno-Karabakh sometime between 1992 and 1994 during the conflict between Armenia and Azerbaijan over the territory, but it is not known which armed forces used cluster munitions. Moroccan forces used artillery-fired and air-dropped cluster munitions against the Popular Front for the Liberation of Saguía el Hamra and Río de Oro (Polisario) in Western Sahara during their conflict from 1975 to 1988.

[103] 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.

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

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

[106] Ari Rabinovitch, "A dozen firms interested in sale of Israel Military Industries," Reuters, 28 May 2015, www.reuters.com/article/2015/05/28/israel-privatisation-imi-idUSL5N0YJ3UP20150528; and Barbara Opall-Rome, "'No Turning Back' for IMI Sale," Defense News, 21 March 2015, bit.ly/MonitorCMM15Banf106.

[107] The IMI website no longer lists the M85 DPICM submunition among its products, but it lists the M99 "dual-purpose advanced submunition" that IMI says provides "improved operational safety and reliability" and "guarantees extremely low dud rate" due to three independent fuze mechanisms. According to IMI, the M99 integrates a proximity sensor and an electronic/pyrotechnic self-destruct mechanism. It can be used in various rockets, projectiles, and aerial dispensers. IMI webpage, "M99 Dual-Purpose Advanced Submunition." undated, www.imi-israel.com/home/doc.aspx?mCatID=68560.

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

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

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

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

[112] Secretary of Defense William Cohen, "Memorandum for the Secretaries of the Military Departments, Subject: DoD Policy on Submunition Reliability (U)," 10 January 2001.

Former producers

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

Eighteen states have ceased the production of cluster munitions, as shown by the following table. All are States Parties to the Convention on Cluster Munitions except non-signatory Argentina, which has indicated that it does not intend to produce cluster munitions in future.

Several States Parties have provided information on the conversion or decommissioning of production facilities in their Article 7 transparency reports, including France, Japan, Sweden, and Switzerland.[113]

Former producers of cluster munitions

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

Transfer of Cluster Munitions

The true scope of the global trade in cluster munitions is difficult to ascertain due to the overall lack of transparency on arms transfers. Despite this challenge, the Monitor has identified at least 15 countries that have in the past transferred more than 50 types of cluster munitions to at least 60 other countries.[114]

Exporters and recent transfers

Since joining the Convention on Cluster Munitions, no State Party is known to have transferred cluster munitions other than for the purposes of stockpile destruction or for research and training purposes. States Parties Chile, France, Germany, Moldova, Slovakia, Spain, and the UK exported cluster munitions before they adopted the Convention on Cluster Munitions in May 2008.

While the historical record is incomplete and there are large variations in publicly available information, the US has probably been the world leader in exports, having transferred hundreds of thousands of cluster munitions containing tens of millions of submunitions to at least 30 countries and other areas.[115] Cluster munitions of Russian/Soviet origin are reported to be in the stockpiles of at least 36 states, including countries that inherited stocks after the dissolution of the USSR.[116] The full extent of China's exports of cluster munitions is not known, but unexploded submunitions of Chinese origin have been found in Iraq, Israel, Lebanon, and Sudan.

Non-signatories Brazil, Israel, South Korea, Turkey, Ukraine, and the US are known to have exported cluster munitions since 2000. The use of US-manufactured and supplied CBU-105 cluster munitions by a Saudi Arabia-led coalition in Yemen in 2015 is raising questions about whether US transfer requirements are being met.[117]

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

At least two states that have not joined the Convention on Cluster Munitions have enacted an export moratorium: Singapore and the US.[118] In a March 2015 response to a Monitor request for information, South Korea declared it would not release information on its exports of cluster munitions and stated, "the ROK has not established moratorium policy" on future exports. [119]

[113] Belgium, Croatia, Germany, Italy, the Netherlands, Spain, and the UK did not report on the conversion or decommissioning of production facilities, most likely because production of cluster munitions ceased before they became States Parties to the convention. BiH, which inherited the production capacity of former Yugoslavia, has declared, "There are no production facilities for [cluster munitions] in Bosnia and Herzegovina." BiH, Convention on Cluster Munitions Article 7 Report, Form E, 20 August 2011, bit.ly/MonitorCMM15Banf113.

[114] There is no comprehensive accounting available of global transfers of cluster munitions, but at least seven States Parties exported them in the past (Chile, France, Germany, Moldova, Slovakia, Spain, and the UK), in addition to exports by non-signatories Brazil, Egypt, Israel, Russia, South Korea, Turkey, the US, and Yugoslavia.

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

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

[117] See, for example, John Hudson, "U.S.: Saudis Can Use Cluster Bombs in Yemen, But Only if They're Extra Careful," *Foreign Policy*, 4 May 2015, bit.ly/MonitorCMM15Banf117.

[118] See country profiles for more details, the-monitor.org/cp.

[119] Reply to an Official Information Disclosure Act request by the Defense Acquisition Program Administration on 11 March 2015.

Stockpiles of Cluster Munitions and their Destruction

Global stockpiles

The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 91 countries stockpiled millions of cluster munitions containing more than one billion submunitions, as shown in the following table.[120] At least 26 of these states have destroyed their stockpiled cluster munitions, while 15 States Parties to the convention are in the process of destroying their stocks.

Countries that have stockpiled cluster munitions

States Parties	Signatories	Non-Signatories	
Afghanistan	Angola	Algeria	Mongolia
Austria	*Central African Republic*	*Argentina*	Morocco
Belgium	*Colombia*	Azerbaijan	Oman
BiH	Indonesia	Bahrain	Pakistan
Botswana	Nigeria	Belarus	Poland
Bulgaria		Brazil	Qatar
Canada		Cambodia	Romania
Chile		China	Russia
Congo, Republic of		Cuba	Saudi Arabia
Côte d'Ivoire		Egypt	Serbia
Croatia		Eritrea	Singapore
Czech Republic		Estonia	Sudan
Denmark		Ethiopia	Syria
Ecuador		Finland	Thailand
France		Georgia	Turkey
Germany		Greece	Turkmenistan
Guinea-Bissau		India	Ukraine
Guinea		Iran	UAE
Honduras		Israel	United States
Hungary		Jordan	Uzbekistan
Iraq		Kazakhstan	Venezuela
Italy		Korea, North	Yemen
Japan		Korea, South	Zimbabwe
Macedonia FYR		Kuwait	
Moldova		Libya	
Montenegro			
Mozambique			
Netherlands			
Norway			
Peru			
Portugal			
Slovakia			
Slovenia			
South Africa			
Spain			
Sweden			
Switzerland			
United Kingdom			
38 (15 current)	5 (2 current)	48 (47 current)	

Note: Countries in italics report no longer possessing stockpiles.

[120] The number of identified stockpiling states has increased since 2002, when HRW cited a total of 56 states that have stockpiled cluster munitions. This is due in large part to new information disclosed by states on their current and past possession of cluster munitions. HRW, "Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions," 20 May 2002, www.hrw.org/node/66890.

Stockpiles possessed by non-signatories

It is not possible to provide a global estimate of the quantity of cluster munitions currently stockpiled by non-signatories to the Convention on Cluster Munitions as so few have disclosed information on the types and quantities possessed.[121]

The US stated in 2011 that its stockpile comprised of "more than 6 million cluster munitions."[122] However, it appears to have made significant progress since 2008 in removing the cluster munitions from the active inventory and destroying them through demilitarization, despite a lack of detailed information on the process, including the number and types destroyed. In February 2015, the Army disclosed that there are currently "approximately 221,502 tons of cluster munitions in the demil[itarization] stockpile" and "an additional 250,224 tons are expected to be added into the [demilitarization account] no later than FY [fiscal year] 2018 to ensure compliance with the Cluster Munitions Policy."[123]

Georgia completed the destruction of a significant stockpile of 844 RBK-series cluster bombs containing 320,375 submunitions in 2013, but it is unclear if it holds additional stocks of cluster munitions.[124] Greece and the Ukraine have disclosed partial figures on their respective stockpiles of cluster munitions.[125]

Stockpiles possessed by States Parties[126]

A total of 38 States Parties have stockpiled cluster munitions at some point in time, of which 23 have completely destroyed their stockpiles.

According to available information, at one point 30 States Parties stockpiled nearly 1.5 million cluster munitions containing more than 178 million submunitions, as shown in the following table.

Another four States Parties are not listed in the table above and currently stockpile cluster munitions that must be formally declared in their initial Article 7 transparency reports:

- **Guinea-Bissau** acknowledges that it stockpiles cluster munitions, but is nearly four years late in delivering its initial transparency report for the convention.[127]
- **Guinea**'s stockpile status and plans for its destruction are not known, but its initial transparency report is due by September 2015.

Cluster munitions and explosive submunitions declared by States Parties

State Party	Cluster Munitions	Explosive Submunitions
Austria	12,672	798,336
Belgium	115,210	10,138,480
BiH	445	148,059
Botswana	510	12,900
Bulgaria	6,909	173,161
Canada	13,623	1,361,958
Chile	249	25,896
Côte d'Ivoire	68	10,200
Croatia	7,235	178,318
Czech Rep.	480	16,400
Denmark	42,176	2,440,940
Ecuador	117	17,199
France	34,856	14,916,881
Germany	573,700	62,923,641
Hungary	287	3,954
Italy	5,113	2,849,979
Japan	14,011	2,027,907
Macedonia FYR	2,426	39,980
Moldova	1,385	27,050
Montenegro	353	51,891
Mozambique	293	12,804
Netherlands	191,471	25,867,510
Norway	52,190	3,087,910
Peru	676	86,200
Portugal	11	1,617
Slovenia	1,080	52,920
Spain	8,362	308,245
Sweden	370	20,595
Switzerland	205,894	12,203,035
United Kingdom	190,828	38,758,898
Total	**1,483,000**	**178,562,684**

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

[121] Slovakia published information on its stockpile of 899 cluster munitions in January 2014, prior to acceding to the Convention on Cluster Munitions. It reported 602 122mm AGAT rockets, 67 M26 rockets, 95 RBK cluster bombs and 3,303 submunitions, and 135 KMG-U dispensers. Explanatory Note, "Draft Action Plan for the Implementation of the Commitments of the Slovak Republic under the Convention on Cluster Munitions," attached in letter No.590.736/2014-OKOZ from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs, 25 April 2014, bit.ly/MonitorCMM15Banf121.

[122] Statement of the US, CCW Fourth Review Conference, Geneva, 14 November 2011, bit.ly/MonitorCMM15Banf122. 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 Department of Defence in a report to Congress in late 2004.

[123] Department of Defence, "Fiscal Year (FY) 2016 President's Budget Submission," February 2015, asafm.army.mil/Documents/OfficeDocuments/Budget/budgetmaterials/fy16/pforms/ammo.pdf.

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

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

[126] There are some changes to the total numbers of cluster munitions and/or submunitions previously reported in Cluster Munition Monitor 2014 for France and Germany, as well as Croatia, Mozambique, and Peru due to revisions based on adjusted information provided in transparency reports. See the country profiles for full information.

[127] In 2013 and 2011, Guinea-Bissau blamed the delay on a lack of information on its stockpile of cluster munitions. Statement of Guinea-Bissau, Convention on Cluster Munitions Fourth Meeting of States Parties, Lusaka, 11 September 2013, www.clusterconvention.org/files/2013/09/Guinea-Bissau-SP.pdf. In June 2011, Guinea-Bissau warned the Article 7 report could be delayed due to its review of the status of stockpiled cluster munitions. Statement of Guinea-Bissau, Convention on Cluster Munitions Intersessional Meetings, Session on Clearance and Risk Reduction, Geneva, 29 June 2011.

- **Slovakia** disclosed information on a stockpile of 899 cluster munitions in its January 2014 action accession plan for the convention.[128]
- **South Africa** has stated that its relatively small stockpile of cluster munitions has been earmarked for destruction.

Stockpiles possessed by signatories

Two signatories have completed stockpile destruction and state that they no longer possess cluster munitions:

- **Colombia** destroyed a stockpile of 72 cluster munitions and 10,832 submunitions in 2009.[129]
- The **Central African Republic** stated in 2011 that it had destroyed a "considerable" stockpile of cluster munitions and no longer had stocks on its territory.[130]

Three other signatories acknowledge stockpiling cluster munitions, but have yet to disclose information on the quantities and types or destruction plan:

- **Angola** stated in 2010 that its entire stockpile had been destroyed and its armed forces no longer possessed cluster munitions.[131] It has yet to make an official declaration that all stocks of cluster munitions were destroyed.
- **Indonesia** has acknowledged stockpiling cluster munitions, but has not disclosed information on the types and quantities possessed.
- A **Nigerian** official confirmed in April 2012 that Nigeria has a stockpile of BL-755 cluster bombs.[132]

No stockpiles

A total of 37 States Parties have confirmed never stockpiling cluster munitions, most through a direct statement in their transparency report for the convention.[133] Since September 2014, El Salvador and Trinidad and Tobago have turned in initial transparency reports confirming they do not possess any stocks.

Stockpile destruction

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

States Parties to the Convention on Cluster Munitions have destroyed a total of 1.3 million cluster munitions containing more than 160 million submunitions, as shown in the following table.[134] This represents the destruction of 88% of the total stockpiles of cluster munitions and 90% of the total number of submunitions declared by States Parties.

Prior to the convention's entry into force for States Parties, a total of 712,977 cluster munitions containing more than 78 million submunitions were destroyed by Belgium, Germany, Netherlands, Switzerland, and the UK.[135]

[128] 602 122mm AGAT rockets, 67 M26 rockets, 95 RBK cluster bombs and 3,303 submunitions, and 135 KMG-U dispensers. Explanatory Note, "Draft Action Plan for the Implementation of the Commitments of the Slovak Republic under the Convention on Cluster Munitions," attached in letter No.590.736/2014-OKOZ from Miroslav Lajčák, Deputy Prime Minister and Minister of Foreign and European Affairs, to Sarah Blakemore, Director, CMC, 25 April 2014, bit.ly/MonitorCMM15Banf121.

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

[130] Statement of the Central African Republic, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011, bit.ly/MonitorCMM15Banf130.

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

[132] Statement of Nigeria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012, bit.ly/MonitorCMM15Banf132. Jane's Information Group has reported that the Nigeria Air Force possesses British-made BL-755 cluster bombs. Robert Hewson, ed., *Jane's Air-Launched Weapons*, Issue 44 (Surrey, UK: Jane's Information Group Limited, 2004), p. 843.

[133] Albania, Andorra, Australia, Burkina Faso, Burundi, El Salvador, Grenada, Guatemala, Iraq, Ireland, Holy See, Lao PDR, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mexico, Monaco, New Zealand, Nicaragua, Saint Vincent and the Grenadines, San Marino, Swaziland, Trinidad and Tobago, Uruguay, and Zambia have made definitive statements, either in transparency reports or in interventions at official meetings. However, other States Parties did not indicate if they possess stockpiles, but simply indicated "not applicable" or "none" in the form or left the form blank. The CMC has urged all states to clearly indicate in their next reports that there are no cluster munitions stockpiled under their jurisdiction and control, including by stating a more unequivocal response such as "zero."

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

[135] The numbers of munitions reported destroyed by these nations prior to entry into force are included in this table and more information is available in the Monitor country profiles.

Five-year review of stockpile destruction under the convention

States Parties have destroyed a total of 532,938 cluster munitions and 85 million submunitions since the convention took effect in 2010:

- In 2011, 10 States Parties destroyed 107,000 cluster munitions and 17.6 million submunitions. BiH, Hungary, Portugal, and Slovenia completed destruction of their stockpiles;
- In 2012, nine States Parties destroyed 173,973 cluster munitions and 27 million submunitions. The Netherlands completed destruction;
- In 2013, 10 States Parties destroyed 130,380 cluster munitions and 24 million submunitions. Chile, Côte d'Ivoire, Macedonia FYR, and the UK completed destruction;
- In 2014, eight States Parties destroyed 121,585 cluster munitions and 16.4 million submunitions. Canada and Denmark completed destruction.

Destruction completed

Seven States Parties completed their stockpile destruction before the convention's entry into force on 1 August 2010, while 12 States Parties have completed destruction in the period since.

Japan announced the completion of its stockpile destruction on 9 February 2015, more than three years in advance of its August 2018 deadline. Canada destroyed its stockpile of 13,623 cluster munitions and 1.36 million submunitions in 2014, prior to ratifying the convention in March 2015.

Four States Parties that once stockpiled are not listed in the table above due to lack of available information on the total number of cluster munitions destroyed. The Republic of the Congo informed States Parties in 2011 that it had no stocks of cluster munitions; its transparency report is due on 28 August 2015.[136] Honduras stated in 2007 that it no longer possessed a stockpile of cluster munitions, but has yet to deliver its initial transparency report, originally due in February 2013.

There has been a lack of clarity in Afghanistan and Iraq's transparency reports with respect to their reporting of destroyed stocks of cluster munitions.[137]

Cluster munitions destroyed by States Parties

State Party (year completed	Cluster Munitions	Explosive Submunitions
Austria (2010)	12,672	798,336
Belgium (2010)	115,210	10,138,480
BiH (2011)	441	147,967
Canada (2014)	13,623	1,361,958
Chile (2013)	249	25,896
Côte d'Ivoire (2013)	68	10,200
Croatia	159	13,830
Czech Republic (2010)	400	16,400
Denmark (2014)	42,176	2,440,940
Ecuador (2004)	117	17,199
France	28,893	11,066,880
Germany	565,978	58,073,241
Hungary (2011)	287	3,954
Italy	3,743	2,483,669
Japan (2015)	14,011	2,027,907
Macedonia FYR (2013)	2,426	39,980
Moldova (2010)	1,385	27,050
Montenegro (2010)	353	51,891
Mozambique	92	3,870
Netherlands (2012)	191,543	25,862,158
Norway (2010)	52,190	3,087,910
Portugal (2011)	11	1,617
Slovenia (2011)	1,080	52,920
Spain	4,762	232,647
Sweden	370	12,164
Switzerland	58,015	3,455,305
UK (2013)	190,828	38,758,898
Total	**1,301,082**	**160,213,267**

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

[136] Statement of Republic of the Congo, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 15 September 2011, www.clusterconvention.org/files/2011/09/cl_congo.pdf. In 2011, clearance personnel destroyed cluster munitions remnants and PTAB-2.5M and AO-1SCh submunitions from an arms depot that was bombed during the 1997–1998 conflict. Cluster munitions were also apparently part of weapons stockpiles destroyed in 2008–2010 with the assistance of UK-based humanitarian demining organization Mines Advisory Group (MAG).

[137] Afghanistan reports that its national armed forces no longer stockpile cluster munitions and regularly reports on the discovery and destruction of cluster munitions recovered from abandoned weapons. Abandoned cluster munitions are not considered stockpiles under the convention but rather are covered by Article 4 on the destruction of cluster munition remnants. In June 2015, Iraq reported that it has no stockpile of cluster munitions, while the previous report provided in June 2014 listed 92,092 munitions destroyed from 2003–2013 (prior to the convention's entry into force) and 6,489 munitions destroyed in 2013 in the reports stockpiling section, but are more likely cluster munition remnants or abandoned cluster munitions destroyed in the course of clearance. See, Convention on Cluster Munitions Article 7 Report, Form B, 29 April 2015, bit.ly/MonitorCMM15Banf137a; and Convention on Cluster Munitions Article 7 Report, Form B, 27 June 2014, bit.ly/MonitorCMM15Banf137b.

Destruction underway

In 2014, eight States Parties destroyed 121,585 cluster munitions and 16.4 million submunitions, as shown in the following table.

Cluster munitions destroyed by States Parties in 2014

State Party	Cluster Munitions Destroyed	Explosive Submunitions Destroyed
Canada	12,597	1,108,536
France	8,304	5,347,776
Germany	37,860	5,325,898
Italy	360	231,840
Japan	4,965	962,429
Mozambique	89	3,738
Sweden	79	12,164
Switzerland	57,331	3,412,213
Total	**121,585**	**16,404,594**

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

Guinea is the only State Party that has not articulated a stockpile destruction plan. Fourteen States Parties are preparing to begin, or are in the process of, stockpile destruction: Botswana, Bulgaria, Croatia, France, Germany, Guinea-Bissau, Italy, Mozambique, Peru, Slovakia, South Africa, Spain, Sweden, and Switzerland.

Five States Parties are working to complete their stockpile destruction this year. Germany had destroyed 99% of its original stockpile of cluster munitions and 92% of its submunitions by the end of 2014 and was on track to complete destruction in 2015.[138] Italy stated in September 2014 that its stockpile destruction process was "on track for completion by 2015."[139] Mozambique stated in May 2015 that it is working to complete its stockpile destruction by the end of 2015.[140] Sweden informed the Monitor in May 2015 that the stockpile should be completely destroyed by the end of 2015 at the latest.[141] In April 2014, Botswana reported that it plans to destroy its stockpile by the end of 2015.[142]

France reported in April 2015 that "all cluster munitions will be destroyed before 1 August 2018."[143] Croatia reported in 2014 that it has the necessary capabilities and facilities in place to destroy its stockpile ahead of its August 2018 deadline.[144] Spain enacted implementing legislation for the convention in July 2015 that specifies its obligation to destroy its remaining cluster munition stocks by its August 2018 treaty deadline.[145] Switzerland confirmed in April 2015 that it plans to complete destruction in 2018.[146]

Guinea-Bissau stated in September 2014 that it will require financial and technical assistance to destroy its stockpile by its May 2019 deadline.[147] In 2014, Bulgaria affirmed its determination to meet its October 2019 deadline.[148] In October 2014, Peru confirmed it is preparing to destroy its stockpile by the March 2021 deadline.[149] In April 2015, Slovakia affirmed its commitment to destroy the stockpile "within the given timeframe."[150] Slovakia's stockpile destruction deadline is 1 January 2024.

Destruction costs

More than US$112 million has been spent on cluster munition stockpile destruction by States Parties BiH, Croatia, Denmark, Japan, Moldova, Norway, Spain, Sweden, and the UK.

At least $133 million has been allocated or estimated as necessary for the destruction of stockpiled cluster munitions by States Parties France (€20.2 or $26.9 million), Germany (€41.4 million or $55.0 million), Slovakia (€5.5 million or $7.3 million), and Switzerland (CHF40 million or $43.7 million).[151]

138 Statement of Germany, Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 2 September 2014.

139 Statement of Italy, Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 2 September 2014.

140 Convention on Cluster Munitions Article 7 Report, Form B, 29 May 2015, bit.ly/MonitorCMM15Banf140.

141 Email from Gunnar Klinga, Deputy Director, Department for Disarmament and Non-proliferation, Ministry for Foreign Affairs, 18 May 2015.

142 Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2014, http://bit.ly/MonitorCMM15Banf142.

143 Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2015, p. 34. Monitor translation.

144 Convention on Cluster Munitions Article 7 Report, Form B, 5 May 2014.

145 Article 3, Section 1 of the Amendment to Law 33/1998. The law also states that the cost for the destruction of cluster munitions will be covered by the owner of the cluster munitions. Article 7, Section 2 of the Amendment to Law 33/1998.

146 Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2015.

147 Statement of Guinea-Bissau, Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 3 September 2014, www.clusterconvention.org/files/2014/09/Statement-Costa-Rica_Guinea-Bissau.pdf.

148 Statement of Bulgaria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 8 April 2014. Bulgaria reiterated this commitment in a May 2014 letter to the Monitor. Letter from Vassil Petkov, Ministry of Foreign Affairs, to Mary Wareham, HRW, 13 May 2014.

149 Statement of Peru, UN General Assembly First Committee on Disarmament and International Security, New York, 15 October 2014, bit.ly/MonitorCMM15Banf149.

150 Letter No. 590.7564/2015-OKOZ from Karol Mistrik, Director, Department for Disarmament and Counter-Terrorism, Ministry of Foreign and European Affairs of the Slovak Republic, to Mary Wareham, HRW, 16 April 2015.

151 Average exchange rate for 2014. US Federal Reserve, "Foreign Exchange Rates," 2 January 2015, www.federalreserve.gov/releases/g5a/current/default.htm.

Retention

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

The CMC questioned the need for this provision when the convention was negotiated, as it saw no compelling reason to retain live cluster munitions and explosive submunitions for research and training purposes. In their transparency reports, statements and letters, and implementation legislation, most States Parties have expressed the view that there is no need to retain any live cluster munitions or explosive submunitions for training in detection, clearance, and destruction techniques, or for the development of counter-measures. This includes 18 States Parties that stockpiled cluster munitions in the past.[152]

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

Despite this, 10 States Parties—all from Europe—are retaining cluster munitions for training and research purposes, as shown in the following table. The initial quantity of cluster munitions (and submunitions) retained, the quantity retained at the end of calendar year 2014, and the quantity and types used or "consumed" for permitted purposes are listed in the following table.

Cluster munitions retained for training (as of 31 December 2014)[153]

State Party	Quantity of cluster munitions (submunitions)			Types of cluster munitions (individual submunitions)
Country (date of initial declaration)	Retained Initially	Retained in 2014	Consumed in 2014	
Germany (2011)	685 (62,580)	587 (54,811)	70 (4,744)	Projectiles: DM602, DM632, DM642/ DM642A1, DM602. (MUSA, KB44, STABO, MIFF, MUSPA, BLU-3/B, DM1383, M77, Mk.1)
Spain (2011)	711 (16,652)	315 (7,335)	39 (1,045)	MAT-120, ESPIN-21 projectiles BME-330, CBU-100 bombs
Netherlands (2011)	272 (23,545)	276 (24,347)	0 (0)	CBU-87 bomb, Mk.-20 Rockeye bomb, M261 rocket, M483 projectiles. (Mk.-1)
Belgium (2011)	276 (24,288)	226 (19,888)	0 (0)	M483A1 projectiles
Switzerland (2013)	138 (7,346)	138 (7,346)	0 (0)	Projectiles KaG-88, KaG-90, KaG-88/99, MP-98
France (2011)	55 (10,284)	9 (4,089)	0 (6)	(KB-1, SAKR, M93, 9N22)
Italy (2012)	3 (641)	3 (641)	0 (0)	Bombs RBL-755, Mk.-20 Rockeye
Denmarkn (2011)	170 (-)	0 (3,634)	0 (0)	(DM1383, DM1385)
Czech Rep. (2011)	0 (796)	0 (63)	0 (37)	(AO-2.5, AO-10, PTAB-25)
Sweden (2013)	0 (125)	0 (125)	0 (0)	(MJ-1, MJ-2)

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

Germany has reduced the number of cluster munitions retained by almost a quarter since 2011 by consuming them in explosive ordinance disposal (EOD) training, but remains the State Party with the highest number of retained cluster munitions.[154]

Belgium, Czech Republic, Denmark, France, and Spain have also lowered—in most cases significantly—the number of cluster munitions retained for training since their initial declarations were made. This would indicate that the initial amounts retained were likely too high, but it is still not clear if current holdings constitute the "minimum number absolutely necessary" as required by the convention for the permitted purposes.

[152] Afghanistan, Austria, BiH, Botswana, Bulgaria, Canada, Côte d'Ivoire, Ecuador, Hungary, Iraq, Japan, FYR Macedonia, Montenegro, Mozambique, Norway, Peru, Portugal, and Slovenia.

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

[154] In 2011–2014, Germany consumed a total of 195 cluster munitions and 17,061 in EOD training.

Italy, the Netherlands, Sweden, and Switzerland have yet to consume any of their retained cluster munitions.

States Parties Australia and the UK initially retained cluster munitions, but have since destroyed and not replaced them as of July 2015.

Czech Republic, Denmark, and Sweden are retaining individual submunitions only.

Transparency Reporting

Under Article 7 of the Convention on Cluster Munitions, States Parties are obliged to submit an initial transparency measures report no later than 180 days after the convention's entry into force for that State Party. An updated report is due by 30 April each year thereafter. The CMC encourages states to submit their Article 7 transparency reports by the deadline and provide complete information, including definitive statements.[155]

Initial reports

According to the UN Office of Disarmament Affairs website as of 1 August 2015, a total of 67 States Parties have submitted an initial transparency report as required by Article 7 of the convention, representing 80% of States Parties for which the obligation applied at that time. This compliance rate represents a slight increase from previous years.[156]

Seventeen States Parties missed the deadline to submit their initial Article 7 transparency reports, as listed in the table below. Of these states, eight had submission deadlines in 2011, two were due in 2012, three were due in 2013, four were due in 2014, and two were due in 2015.

Nine new States Parties have deadlines pending: Belize (28 August 2015), Canada (27 February 2016), Republic of the Congo (28 August 2015), Guinea (in September 2015), Guyana (27 September 2015), Palestine (27 December 2015), Paraguay (28 February 2016), South Africa (29 April 2016), and Slovakia (29 June 2016).[157]

El Salvador and Trinidad and Tobago have provided their initial transparency reports since the convention's Fifth Meeting of States Parties in September 2014.

State Parties with overdue initial Article 7 reports

Bolivia	30 March 2014
Cameroon	30 June 2013
Cape Verde	28 October 2011
Chad	28 February 2014
Comoros	30 June 2011
Cook Islands	30 July 2012
Dominican Republic	28 November 2012
Fiji	30 April 2011
Guinea-Bissau	28 October 2011
Honduras	28 February 2013
Mali	30 May 2011
Nauru	28 January 2014
Niger	28 January 2011
Panama	28 October 2011
St. Kitts & Nevis	28 August 2014
Togo	29 May 2013
Tunisia	28 August 2011

Annual reports for 2014

As of 1 August 2015, a total of 43 States Parties have submitted their annual updated transparency report covering activities in 2014: Afghanistan, Albania, Andorra, Australia, Austria, Belgium, BiH, Bulgaria, Costa Rica, Croatia, Czech Republic, Denmark, El Salvador, France, Germany, Holy See, Iraq, Ireland, Italy, Japan, Lao PDR, Liechtenstein, Luxembourg, Macedonia FYR, Mauritania, Mexico, Moldova, Montenegro, Mozambique, Netherlands, New Zealand, Norway, Peru, Portugal, San Marino, Senegal, Slovenia, Spain, Swaziland, Sweden, Switzerland, Trinidad and Tobago, and the UK.

Two dozen States Parties have yet to submit their annual updated reports for 2014, which were due by 30 April 2015: Antigua and Barbuda, Botswana, Burkina Faso, Burundi, Chile, Côte d'Ivoire, Ecuador, Ghana, Grenada, Guatemala, Hungary, Lebanon, Lesotho, Lithuania, Malawi, Malta, Monaco, Nicaragua, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Uruguay, and Zambia.

[155] A small number of states are not providing definitive statements throughout their reports. Notably, some simply submit "not applicable" in response to particular information requests. States should, for example, include a short narrative statement on Form E on conversion of production facilities, i.e., "Country X never produced cluster munitions," instead of simply putting "N/A" on the form. In addition, only a small number of states used voluntary Form J to report on actions to promote universalization and to discourage use of cluster munitions by states not party, cooperation and assistance, or to report on other important matters such as positions on interpretive issues. Austria, Belgium, DRC, France, Guatemala, Ireland, Japan, Lao PDR, Lebanon, New Zealand, Norway, Spain, and Zambia have utilized Form J in their initial Article 7 transparency reports.

[156] The compliance rate is an improvement on the 77% compliance rate reported by *Cluster Munition Monitor 2014*, and similar to the "three-quarters" compliance rate recorded by *Cluster Munition Monitor 2012* and *Cluster Munition Monitor 2013*.

[157] As of 1 August 2015, the UN website that houses Article 7 transparency reports listed Guinea's reporting due date as 19 April 2015, but the convention did not enter into force for Guinea until 1 April 2015. According to Article 7, initial transparency reports are due "no later than 180 days after the convention's entry into force for that State Party."

Voluntary reporting

Voluntary transparency reports have been provided by Canada (submitted every year between 2011 and 2014), DRC (submitted in 2011, 2012, and 2014), and Palau (submitted in 2011).

Only a small number of states have used voluntary Form J to report on actions to promote universalization and discourage use of cluster munitions, list cooperation and assistance support, or report on other important matters such as their position on interpretive issues.[158]

National Implementation Legislation

According to Article 9 of the Convention on Cluster Munitions, States Parties are required to take "all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions."[159] The CMC urges all States Parties to enact comprehensive national legislation to enforce the convention's provisions and provide binding, enduring, and unequivocal rules.

National implementation laws

A total of 23 States Parties and signatory Iceland have enacted specific legislative measures to implement the convention's provisions as listed in the table below. Most enacted legislation prior to ratifying the convention, often by combining the legislative process for approval of implementation and ratification.

States with implementation laws for the Convention on Cluster Munitions

Before entry-into-force in August 2010 (year enacted)	Since entry-into-force (year enacted)
Austria (2008)	Australia (2012)
Belgium (2006)	Canada (2014)
Ecuador (2010)	Cook Islands (2011)
France (2010)	Czech Republic (2011)
Germany (2009)	Guatemala (2012)
Ireland (2008)	Hungary (2012)
Japan (2009)	Iceland (2015)
Luxembourg (2009)	Italy (2011)
New Zealand (2009)	Liechtenstein (2013)
Norway (2008)	Samoa (2012)
UK (2010)	Spain (2015)
	Sweden (2012)
	Switzerland (2012)

A total of 11 states enacted implementing legislation prior to the convention's August 2010 entry into force, while 13 states have enacted implementation legislation in the period since.[160]

Since *Cluster Munition Monitor 2014* was published in September 2014:

- Canada's Prohibiting Cluster Munitions Act received its royal assent on 6 November 2014 and took effect on 16 March 2015.[161]

[158] Austria, Belgium, DRC (voluntary report), France, Guatemala, Ireland, Japan, Lao PDR, Lebanon, New Zealand, Norway, Spain, and Zambia utilized Form J in their initial Article 7 transparency reports.

[159] For recommendations of best practice in this field, see HRW and Harvard Law School's International Human Rights Clinic, *Staying Strong: Key Components and Positive Precedent for Convention on Cluster Munitions Legislation*, September 2014; ICRC, "Model Law, Convention on Cluster Munitions: Legislation for Common Law States on the 2008 Convention on Cluster Munitions," 2013; and "Model Legislation: Cluster Munitions Act 2011," prepared by New Zealand for small states not possessing cluster munitions and not contaminated by them, 2013, www.clusterconvention.org/files/2013/03/Model-Legislation_Cluster-Munitions-Act-2011.pdf.

[160] Three in 2011, six in 2012, one in 2013, one in 2014, and two in 2015.

[161] The Prohibiting Cluster Munitions Act prohibits the use, acquisition, transfer, and possession of cluster munitions and also prohibits "aid[ing], abet[ting] and counsel[ing]" the commission of such activities. For violations of these prohibitions, the law contains penalties for persons "on conviction on indictment" of up to five years imprisonment or C$500,000 fine and "on summary conviction" of up to 18 months imprisonment or C$5,000 fine. The definition of person applies to both individuals and organizations. See, "Prohibiting Cluster Munitions Act (S.C. 2014, c. 27)," 2014, laws-lois.justice.gc.ca/eng/annualstatutes/2014_27/page-1.html.

- Iceland enacted Law 83 in July 2015, which approves its ratification of the convention and imposes penal sanctions of between six months and four years imprisonment as well as fines for violations of its ban on the use, production, transfer, and stockpiling of cluster munitions.[162]
- Spain enacted amendments that took effect on 30 July 2015, incorporating the provisions of the Convention on Cluster Munitions into its 1998 implementing legislation for the Mine Ban Treaty.[163] Previously, in 2010, Spain amended its penal code to provide penal sanctions for violations of the Convention on Cluster Munitions.

Legislation under consideration

At least 20 States Parties have stated that they are planning or are in the process of drafting, reviewing, or adopting specific legislative measures to implement the convention: Afghanistan, Botswana, Burkina Faso, Burundi, Republic of the Congo, Côte d'Ivoire, Croatia, Ghana, Grenada, Lao PDR, Lebanon, Lesotho, Malawi, Mali, Niger, Saint Vincent and the Grenadines, Sierra Leone, Swaziland, Togo, and Zambia.

Existing law deemed sufficient

At least 28 States Parties have indicated that their existing laws will suffice to enforce their adherence to the convention: Albania, Andorra, BiH, Bulgaria, Chile, Costa Rica, Denmark, El Salvador, Guinea-Bissau, Holy See, Iraq, Lithuania, FYR Macedonia, Malta, Mauritania, Mexico, Moldova, Montenegro, Netherlands, Nicaragua, Peru, Portugal, San Marino, Senegal, Slovenia, Tunisia, Trinidad and Tobago, and Uruguay.

During the reporting period, El Salvador listed its ratification decree under national implementation measures in its transparency report.[164] Trinidad and Tobago also reported existing legislation under national implementation measures.

Status unknown

The status of national implementation measures is unknown or unclear in another 17 States Parties, including many that have not submitted their initial Article 7 transparency report.[165]

Interpretive Issues

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

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

A number of States Parties and signatories to the convention have elaborated their views on these issues, including through Article 7 transparency reports, statements at meetings, parliamentary debates, and direct communications with the CMC and the Monitor. Several strong implementation laws provide useful models for how to implement certain provisions of the convention. Yet, as of 31 July 2015, 38 States Parties had not articulated their views on even one of these interpretive issues.[166]

More than 400 US Department of State cables made public by Wikileaks in 2010–2011 demonstrate how the US—despite not participating in the Oslo Process—made numerous attempts to influence its allies, partners, and other states on the content of the draft Convention on Cluster Munitions, especially with respect to interoperability.[167] The cables also show that the US has stockpiled and may continue to be storing cluster munitions in a number of States Parties.

[162] Law 83 applies to both individuals and companies, and it covers actions committed outside its borders by Icelandic citizens and legal entities. It does not explicitly address the question of assistance with prohibited activities. Law 83 "Act on the implementation of the Convention on Cluster Munitions" ("Lög um framkvæmd samnings um klasasprengjur"), 10 July 2015, www.althingi.is/altext/144/s/1533.html.

[163] Official State Bulletin, No. 180, 29 July 2015, www.boe.es/boe/dias/2015/07/29/pdfs/BOE-A-2015-8471.pdf.

[164] El Salvador has reported the Executive Order 1064/2010 of 21 July 2010, which approved its ratification of the convention. Convention on Cluster Munitions Article 7 Report, Form A, 10 April 2015.

[165] Belize, Bolivia, Cameroon, Cape Verde, Comoros, Dominican Republic, Fiji, Guyana, Honduras, Monaco, Nauru, Palestine, Panama, Paraguay, Saint Kitts and Nevis, Slovakia, and South Africa.

[166] The States Parties that have yet to publicly elaborate a view on any of these interpretive issues include: Afghanistan, Albania, Andorra, Antigua and Barbuda, Belize, Bolivia, Botswana, Cape Verde, Cook Islands, Costa Rica, Côte d'Ivoire, Dominican Republic, El Salvador, Fiji, Guinea, Guinea-Bissau, Honduras, Iraq, Lesotho, Lithuania, Mauritania, Moldova, Monaco, Mozambique, Nauru, Palestine, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, San Marino, Seychelles, Sierra Leone, Slovakia, Swaziland, Trinidad and Tobago, Tunisia, and Uruguay.

[167] As of July 2012, Wikileaks had made public a total of 428 cables relating to cluster munitions that originated from 100 locations in the period from 2003 to 2010.

Interoperability and the prohibition on assistance

Article 1 of the convention obliges States Parties "never under any circumstances to…assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention." Yet during the Oslo Process, some states expressed concern about the application of the prohibition on assistance during joint military operations with countries that have not joined the convention. In response to these "interoperability" concerns, Article 21 on "Relations with States not Party to this Convention" was included in the convention. The CMC has strongly criticized Article 21 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 states 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 require states parties to discourage the use of cluster munitions and, by implication, allow them to encourage it. Furthermore, to interpret Article 21 as qualifying Article 1 would run counter to the object and purpose of the convention, which is to eliminate cluster munitions and the harm they cause to civilians.

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

At least 34 States Parties and signatories have agreed that the convention's Article 21 provision on interoperability should not be read as allowing states to avoid their specific obligation under Article 1 to prohibit assistance with prohibited acts.[168]

States Parties Australia, Canada, Japan, and the UK have indicated their support for the contrary view that the convention's Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21:

- Australia's Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012 has been heavily criticized for allowing Australian military personnel to assist with cluster munition use by states not party. Section 72.41 of Australia's implementing legislation "provides a defence to the offence provisions where prohibited conduct takes place in the course of military cooperation or operations with a foreign country that is not a party to the Convention."[169] During joint or coalition military operations, Australian Defence Force personnel could help plan operations or provide intelligence for, and/or contribute logistical support to coalition members during which a state not party uses cluster munitions.[170]
- Canada's Prohibiting Cluster Munitions Act 2014 has elicited similar criticism for its provisions allowing Canadian Armed Forces (CAF) and public officials to "direct or authorize" an act that "may involve" a state not party performing activities prohibited under the convention during joint military operations.[171] In March 2015, the Chief of Defense Staff issued a directive it said "reflects the requirements of the Act" to "provide direction on prohibited and permitted activities to [Canadian Armed Forces] personnel who might become involved in cluster munition related activities."[172]
- Japan has been reluctant to publicly discuss its interpretation of Article 21.[173] However, in a June 2008 State Department cable, a senior Japanese official apparently told the US that Japan interprets the convention as enabling the US and Japan to continue to engage in military cooperation and conduct operations that involve US-owned cluster munitions.[174]

[168] At least 34 States Parties and signatories have previously stated their agreement with this view: Austria, Belgium, BiH, Bulgaria, Burundi, Cameroon, Chile, Colombia, Croatia, Czech Republic, DRC, Ecuador, Germany, Ghana, Guatemala, Holy See, Hungary, Iceland, Ireland, Lao PDR, Lebanon, Madagascar, Malawi, Mali, Mexico, Montenegro, New Zealand, Nicaragua, Norway, Portugal, Senegal, Slovenia, Sweden, and Switzerland. See, CMC, *Cluster Munition Monitor 2012* (Geneva: ICBL-CMC, August 2012), pp. 34–35; CMC, *Cluster Munition Monitor 2011* (Ottawa: Mines Action Canada, October 2011), pp. 25–27; ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 20–21; and HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26. See also, HRW and Harvard Law School's International Human Rights Clinic, *Staying Strong*, pp. 19–23.

[169] Bills digest 72 2010-11 on the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010, 1 March 2011, www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1011a/11bd072.

[170] Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012, No. 114, 2012, www.comlaw.gov.au/Details/C2012A00114/Download.

[171] "Prohibiting Cluster Munitions Act (S.C. 2014, c. 27)," sec. 11(1)(a-b).

[172] Convention on Cluster Munitions voluntary Article 7 Report, Form A, 29 April 2015.

[173] At the convention's 2011 intersessional meetings, 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.

[174] "Oslo convention on cluster munitions will not prevent U.S.-Japan military operations," US Department of State cable 08TOKYO1748 dated 25 June 2008, released by Wikileaks on 16 June 2011, bit.ly/MonitorCMM15Banf174.

- The UK's 2010 implementation law permits assistance with a number of acts prohibited under the convention if the assistance occurs during joint military operations.[175] In addition, the UK stated in 2011 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."[176]

States Parties France, the Netherlands, and Spain have provided the view that Article 21 allows for military cooperation in joint operations, but have not indicated the forms of assistance allowed. Spain's 2015 implementation law establishes that military cooperation and participation in military operations by Spain, its military personnel, or its nationals with states that are not party to the Convention on Cluster Munitions and that use of cluster munitions is not prohibited.[177] After Spain's opposition parties called for the draft legislation to prohibit Spain's involvement at all times in military operations with other states that use cluster munitions, the draft legislation was adjusted to incorporate the positive obligations of Article 21(2) of the convention, requiring Spain to work for universalization and to discourage the use of cluster munitions.

In addition, while there is no evidence to indicate that the US has used cluster munitions in the "Operation Inherent Resolve" military action against IS forces that began last year in Syria and Iraq, the CMC has warned the US against using any cluster munitions in the operation.[178] The Monitor requested information from the UK on how it is engaging in the Iraq portion of the joint operation with the US and other states that have not banned cluster munitions. In May 2015, the Foreign and Commonwealth Offfice (FCO) responded:

> The prohibition on the UK's use of cluster munitions is reflected in our operational targeting policy documents which outline how UK armed forces will operate, including with coalition partners. Restrictions on the use of weapons and national caveats imposed during coalition operations are a normal part of coalition operations. These directives include the national, operationally-specific, rules of engagement profiles and national caveats which will ensure that any action is within the parameters of UK law.[179]

Transit and foreign stockpiling

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

At least 32 States Parties and signatories have declared that transit and foreign stockpiling are prohibited by the convention.[180]

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

US stockpiling and transit

States Parties Norway and the UK have confirmed that the US has removed its stockpiled cluster munitions from their respective territories. The UK announced in 2010 that there were now "no foreign stockpiles of cluster munitions in the UK or on any UK territory."[181] According to a Norwegian Ministry of Foreign Affairs official, the US removed its stockpiled cluster munitions from Norway in 2010.[182]

---

[175] Cluster Munitions (Prohibitions) Act, ch. 11, 2010, , sec. 9 and schedule 2, www.legislation.gov.uk/ukpga/2010/11/pdfs/ukpga_20100011_en.pdf.

[176] Statement of the UK, Convention on Cluster Munitions Intersessional Meetings, Geneva, 30 June 2011.

[177] Article 2, Section 3 of the Amendment to Spain's Law 33/1998.

[178] Letter from CMC US to President Barack Obama, 30 March 2015, www.noclusterbombs.org/assets/uscbcm/pdf/Letters/CMCUSA_LtrObama_30Mar2015_final.pdf.

[179] "Response to Cluster Munition Monitor," document attached to email from Jeremy Wilmshurst, Conventional Arms Policy Officer, Arms Export Policy Department, Foreign and Commonwealth Office, 15 May 2015.

[180] Austria, Belgium, BiH, Bulgaria, Burkina Faso, Burundi, Cameroon, Colombia, Comoros, Croatia, Czech Republic, DRC, Ecuador, France, Germany, Ghana, Guatemala, Holy See, Ireland, Lao PDR, Luxembourg, FYR Macedonia, Madagascar, Malawi, Malta, Mexico, New Zealand, Norway, Senegal, Slovenia, Spain, and Zambia. See CMC, *Cluster Munition Monitor 2011* (Ottawa: Mines Action Canada, October 2011), pp. 27–29; ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 20–21; and HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26.

[181] Section 8 of the UK's legislation states that its foreign secretary may grant authorization for visiting forces of states not party to the Convention on Cluster Munitions to "possess cluster munitions on, or transfer them through, UK territory." In November 2011, UK officials stated that the only such authorization given to date was provided by former Foreign Secretary David Miliband to the US Department of State to permit the US to transfer its cluster munitions out of UK territory. Statement by Jeremy Browne, Minister of State, Foreign and Commonwealth Office, House of Commons Debate, Hansard, (London: HMSO, 1 November 2011), Column 589W, bit.ly/MonitorCMM15Banf181.

[182] According to a Norwegian Ministry of Foreign Affairs official, "After the adoption of the Convention on Cluster Munitions, Norway discussed with the USA the issue of their stockpile of cluster munitions on Norwegian territory. Norway offered to destroy these cluster munitions together with our own stockpiles. However, the USA decided to remove their stocks, something which happened during the spring of 2010." Email from Ingunn Vatne, Senior Advisor, Department for Human Rights, Democracy and Humanitarian Assistance, Royal Norwegian Ministry of Foreign Affairs, 1 August 2012. According to a 2008 US cable, the US stockpile in Norway apparently consisted of "2,544 rounds" of "D563 Dual Purpose Improved Conventional Munitions (DPICM)" and "2,528 rounds" of "D864 Extended Range Dual Purpose ICM." See "Norway raises question concerning U.S. cluster munitions," US Department of State cable 08OSLO676 dated 17 December 2008, released by Wikileaks on 1 September 2011, bit.ly/MonitorCMM15Banf182.

The US Department of State cables released by Wikileaks show that the US has stockpiled and may still store cluster munitions in States Parties Afghanistan, Germany, Italy, Japan, and Spain, as well as in non-signatories Israel, Qatar, and perhaps Kuwait:

- A US cable dated December 2008 states, "The United States currently has a very small stockpile of cluster munitions in Afghanistan."[183]
- Germany has not expressed clear views on the convention's prohibition on foreign stockpiling of cluster munitions, but according to a December 2008 cable, it has engaged with the US on the matter of cluster munitions that may be stockpiled by the US in Germany.[184]
- Italy, Spain, and Qatar were identified by the US in a November 2008 cable as "states in which the US stores cluster munitions," even though apparently Qatar "may be unaware of US cluster munitions stockpiles in the country."[185] Spain reported in 2011 that it is in the process of informing the states not party with which it cooperates in joint military operations of its international obligations with respect to the prohibition of storage of prohibited weapons on territory under its jurisdiction or control.[186]
- Japan maintains that US military bases in Japan are under US jurisdiction and control, so the possession of cluster munitions by US forces does not violate the national law or the convention. A December 2008 cable states that Japan "recognizes U.S. forces in Japan are not under Japan's control and hence the GOJ [government of Japan] cannot compel them to take action or to penalize them."[187]
- According to a cable detailing the inaugural meeting on 1 May 2008 of the "U.S.-Israeli Cluster Munitions Working Group (CMWG)," until US cluster munitions are transferred from the War Reserve Stockpiles for use by Israel in wartime, "they are considered to be under U.S. title, and U.S. legislation now prevents such a transfer of any cluster munitions with less than a one percent failure rate."[188]
- According to a May 2007 cable, the US may store cluster munitions in Kuwait.[189]

Disinvestment

A number of States Parties and the CMC view the convention's Article 1 ban on assistance with prohibited acts as constituting a prohibition on investment in the production of cluster munitions.

A total of 10 States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, as shown in the table.[190]

Four States Parties enacted legislation on cluster munitions containing provisions on disinvestment prior to the convention's 1 August 2010 entry into force, while six have have adopted disinvestment laws in the period since.

In this reporting period:

- The Monitor added Spain after it enacted implementing legislation in 2015 that includes an amendment made during the parliamentary review process that added the word "financing" to the prohibition on advertising or publicizing of cluster munitions, which appears to prohibit financial investment in activities prohibited by the law.[191]

Disinvestment laws on cluster munitions

State Party	Year enacted
Belgium	2007
Ireland	2008
Italy	2011
Liechtenstein	2013
Luxembourg	2009
Netherlands	2013
New Zealand	2009
Samoa	2012
Spain	2015
Switzerland	2013

[183] "Demarche to Afghanistan on cluster munitions," US Department of State cable 08STATE134777 dated 29 December 2008, released by Wikileaks on 2 December 2010, bit.ly/MonitorCMM15Banf183.

[184] A US cable dated 2 December 2008 citing a discussion between US officials and Gregor Köbel, then-Director of the Conventional Arms Control Division of the German Federal Foreign Office, states "Koebel stressed that the US will continue to be able to store and transport CM in Germany, noting that this should be of 'no concern whatsoever to our American colleagues.'" "MFA gives reassurances on stockpiling of US cluster munitions in Germany," US Department of State cable 08BERLIN1609 dated 2 December 2008, released by Wikileaks on 1 September 2011, bit.ly/MonitorCMM15Banf184a. See also, "Demarche to Germany Regarding Convention on Cluster Munitions," US Department of State cable 08STATE125631 dated 26 November 2008, released by Wikileaks on 1 September 2011, bit.ly/MonitorCMM15Ban184b.

[185] The cable states, "Rome should note that cluster munitions are stored at Aviano and Camp Darby." "Demarche to Italy, Spain and Qatar Regarding Convention on Cluster Munitions," US Department of State cable 08STATE125632 dated 26 November 2008, released by Wikileaks on 30 August 2011, bit.ly/MonitorCMM15Banf185.

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

[187] "Consultations with Japan on implementing the Oslo convention on cluster munitions," US Department of State cable 08TOKYO3532 dated 30 December 2008, released by Wikileaks on 1 September 2011, bit.ly/MonitorCMM15Banf187.

[188] "Cluster munitions: Israeli's operational defensive capabilities crisis," US Department of State cable dated 18 April 2008, released by Wikileaks on 1 September 2011, bit.ly/MonitorCMM15Banf188.

[189] The cable contains the text of a message sent from a US military advisor to UAE authorities concerning a transfer of "ammunition immediately via US Air Force aircraft from Kuwait stockpile to Lebanon." With respect to the items to be transferred, the cable states: "The United States will not approve any cluster munitions or white phosphorus." See, "Follow-up on UAE response to Lebanese request for emergency aid," US Department of State cable 07ABUDHABI876 dated 24 May 2007, released by Wikileaks on 1 September 2011, bit.ly/MonitorCMM15Banf190.

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

[191] General Courts, "Amendments and amendments to the articles index," 13 December 2013, www.congreso.es/public_oficiales/L10/CONG/BOCG/A/BOCG-10-A-61-2.PDF.

- An official review in March 2015 of the UK's 2010 implementing legislation for the convention highlights a Ministerial statement that clarified that the direct financing of cluster munitions production would be illegal under the law, but found the law "did not prohibit indirect financing of cluster munitions production."[192] That same month in parliament, an opposition member asked the UK government if it would consider enacting specific legislation to ban investment in cluster munition producers and if guidance could be issued to help pension schemes avoid such investment.[193] The government responded that there are no plans to review this specific area of pensions investments.[194]

At least 27 States Parties and signatories to the convention have elaborated their view that investment in cluster munition production is a form of assistance that is prohibited by the convention: Australia, BiH, Cameroon, Canada, Colombia, Republic of the Congo, Croatia, Czech Republic, DRC, France, Ghana, Guatemala, the Holy See, Hungary, Lao PDR, Lebanon, Madagascar, Malawi, Malta, Mexico, Niger, Norway, Rwanda, Senegal, Slovenia, the UK, and Zambia.

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

Government pension funds in Australia, Ireland, New Zealand, Norway, Luxembourg, Sweden, and other states have either fully or partially withdrawn investments, or banned investments, in cluster munition producers.

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

CMC co-founder and member PAX (formerly IKV Pax Christi) continues to lead advocacy and research to encourage governments to legislate against investment in cluster munition producers and provide clear guidance to financial institutions and investors.[195] In November 2014, PAX issued another update of its report detailing the status of global investment in cluster munition producers.[196]

[192] Foreign and Commonwealth Office, Command Paper Cm9021, "Post–legislative scrutiny of the Cluster Munitions (Prohibitions) Act 2010," presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty, 5 March 2015, bit.ly/MonitorCMM15Banf192.

[193] Questions by Jim Cunningham, House of Commons Debate, (London: HMSO, 23 March 2015) Column W.

[194] Response by Rt. Hon. Steve Webb, House of Commons Debate, (London: HMSO, 23 March 2015) Column W.

[195] Roos Boer and Suzanne Oosterwijk, PAX, *Banning Investments in Cluster Munitions Producers: National Legislation*, March 2014.

[196] PAX, "Worldwide investment in Cluster Munitions: a shared responsibility, November 2014 update," Utrecht, November 2014, bit.ly/MonitorCMM15Banf196.

Timeline of cluster munition use[197]

Date	Location	Known details of use
2015	Yemen	A Saudi Arabia-led coalition of states that began attacking Ansar Allah forces (the Houthi) in Yemen on 25 March 2015 has used CBU-105 Sensor Fuzed Weapons as well as BLU-97 submunitions, while ground-launched cluster munitions containing "ZP-39" submunitions have been used, but the user is not known.
2015	Sudan	The Sudanese Air Force was responsible for cluster munition attacks in Southern Kordofan in February, March, and May 2015 using RBK-500 cluster bombs containing AO-2.5 RT submunitions.
2015	Libya	In February and March 2015, remnants of air-dropped cluster bombs were recorded at Bin Jawad and Sirte respectively. The Libyan Air Force bombed both locations in early 2015, but it was not possible to conclusively determine responsibility.
2014–2015	Ukraine	From mid-July until a February 2015 ceasefire, both Ukrainian government forces and opposition groups backed by Russia used two types of cluster munition rockets in eastern Ukraine: 300mm 9M55K-series *Smerch* rocket delivering 72 9N235 submunitions and 220mm 9M27K-series *Uragan* ("Hurricane") rockets delivering 30 9N235 submunitions or 30 9N210 submunitions.
2012–2015	Syria	Syrian government forces have used at least seven types of cluster munitions, including air-dropped bombs, dispensers fixed to aircraft, and ground-launched rockets, and at least eight types of explosive submunitions. IS forces have used at least one type of cluster munition and submunition (the "ZP-39"). Cluster munitions attacks have been documented in multiple locations across 10 of Syria's 14 governorates.
2014	South Sudan	In Jonglei State, the UN found the remnants of at least eight RBK-250-275 cluster bombs and AO-1SCh submunitions by the road 16 kilometers south of Bor in the week of 7 February, in an area not known to be contaminated by remnants before that time.
2012	Sudan	There were two compelling allegations of cluster munition use by the armed forces of Sudan in Southern Kordofan state, involving a Chinese Type-81 DPICM in Troji on 29 February and a RBK-500 cluster bomb and AO-2.5RT submunitions in Ongolo on 15 April.
2011	Libya	Libyan government forces used MAT-120 mortar-fired cluster munitions, RBK-250 cluster bombs with PTAB-2.5M submunitions, and 122mm cargo rockets with an unidentified type of DPICM. Intact submunitions were found in an arms depot hit by NATO air strikes.
2011	Cambodia	Thai forces fired artillery-delivered cluster munitions with M42/M46 and M85 type DPICM submunitions into Cambodia during border clashes near Preah Vihear temple.
2009	Yemen	The US used at least one TLAM-D cruise missile with BLU-97 submunitions to attack a "training camp" in southern Abyan governorate on 17 December. Northern Saada governorate is contaminated by cluster munitions used in late 2009 during fighting by the government of Yemen, Houthi rebels, and Saudi Arabia. The user responsible is not clear, but remnants include US-made CBU-52 cluster bombs and BLU-97, BLU-61 and M42/M46 submunitions as well as Soviet-made RBK-250-275 AO-1SCh cluster bombs.
2008	Georgia	Russian and Georgian forces used cluster munitions during the August 2008 conflict. Submunitions cleared by deminers include air-dropped AO-2.5RTM and rocket-delivered 9N210 and M85.
2006	Lebanon	Israeli forces used surface-launched and air-dropped cluster munitions against Hezbollah. The UN estimates that Israel used up to 4 million submunitions.
2006	Israel	Hezbollah fired more than 100 Chinese-produced Type-81 122mm cluster munition rockets into northern Israel.

[197] For more detailed information, please see the relevant *Cluster Munition Monitor* country profile online at: www.the-monitor.org. This accounting does not capture every location of cluster munitions use. Cluster munitions have been used in some countries, but the party responsible for the use is not clear.

Date	Location	Known details of use
2003	Iraq	The US and the UK used nearly 13,000 cluster munitions, containing an estimated 1.8 to 2 million submunitions in the three weeks of major combat.
Unknown	Uganda	RBK-250-275 bombs and AO-1SCh submunitions have been found in the northern district of Gulu.
2001–2002	Afghanistan	The US dropped 1,228 cluster bombs containing 248,056 submunitions.
1999	Yugoslavia, Federal Republic of (FRY)	The US, the UK, and the Netherlands dropped 1,765 cluster bombs containing 295,000 submunitions in what is now Kosovo, Montenegro, Serbia, and Albania. FRY also used cluster munitions.
1998–2003	Democratic Republic of the Congo (DRC)	Deminers have found BL755 bombs, BLU-63 cluster munitions, and PM-1 submunitions.
1998–1999	Albania	Yugoslav forces used rocket-delivered cluster munitions in disputed border areas, and NATO forces conducted six aerial cluster munition strikes.
1998	Ethiopia, Eritrea	Ethiopia attacked Asmara airport and dropped BL755 bombs in Gash-Barka province in Eritrea. Eritrea used cluster munitions in two separate strikes in Mekele, including at a school.
1998	Afghanistan/Sudan	In August, US ships and submarines fired 66 TLAM-D Block 3 cruise missiles, each containing 166 BLU-97 submunitions, at a factory in Khartoum, Sudan, and at non-state armed group (NSAG) training camps in Afghanistan.
1997	Sierra Leone	Sierra Leone has said that Nigerian peacekeepers in the Economic Community of West African States Monitoring Group (ECOMOG) used BLG-66 Beluga bombs on the eastern town of Kenema. ECOMOG Force Commander General Victor Malu denied these reports.
1996–1999	Sudan	Sudanese government forces used air-dropped cluster munitions in southern Sudan, including Chilean-made PM-1 submunitions.
1995	Croatia	An NSAG used Orkan M-87 multiple rocket launchers in an attack on the city of Zagreb on 2–3 May. Additionally, the Croatian government claimed that Serb forces used BL755 bombs in Sisak, Kutina, and along the Kupa River.
1994–1996	Chechnya	Russian forces used cluster munitions against NSAGs.
1992–1997	Tajikistan	ShOAB and AO-2.5RT submunitions have been found in the town of Gharm in the Rasht Valley, used by unknown forces in civil war.
1992–1995	Bosnia and Herzegovina (BiH)	Yugoslav forces and NSAGs used cluster munitions during the war. NATO aircraft dropped two CBU-87 bombs.
1992–1994	Nagorno-Karabakh, Azerbaijan	Submunition contamination has been identified in at least 162 locations in Nagorno-Karabakh. Submunition types cleared by deminers include PTAB-1, ShOAB-0.5, and AO-2.5. There are also reports of contamination in other parts of occupied Azerbaijan, adjacent to Nagorno-Karabakh.
1992–1994	Angola	Deminers have found dud Soviet-made PTAB and AO-2.5 RT submunitions in various locations.
1991	Iraq, Kuwait	The US, France, and the UK dropped 61,000 cluster bombs containing some 20 million submunitions. The number of cluster munitions delivered by surface-launched artillery and rocket systems is not known, but an estimated 30 million or more DPICM submunitions were used in the conflict.
1991	Saudi Arabia	Saudi Arabian and US forces used artillery-delivered and air-dropped cluster munitions against Iraqi forces during the Battle of Khafji.
1988	Iran	US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship using Mk-20 Rockeye bombs during Operation Praying Mantis.
1986–1987	Chad	French aircraft dropped cluster munitions on a Libyan airfield at Wadi Doum. Libyan forces also used AO-1SCh and PTAB-2.5 submunitions at various locations.
1986	Libya	US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra on 25 March. On 14–15 April, US Navy aircraft dropped 60 Rockeye bombs on Benina Airfield.

Date	Location	Known details of use
1984–1988	Iran, Iraq	It has been reported that Iraq first used air-dropped bombs in 1984. Iraq reportedly used Ababil-50 surface-to-surface cluster munition rockets during the later stages of the war.
1983	Lebanon	US Navy aircraft dropped 12 CBU-59 and 28 Mk-20 Rockeye bombs against Syrian air defense units near Beirut in Lebanon.
1983	Grenada	US Navy aircraft dropped 21 Mk-20 Rockeye bombs during close air support operations.
1982	Falkland Islands/ Malvinas	UK forces dropped 107 BL755 cluster bombs containing a total of 15,729 submunitions.
1982	Lebanon	Israel used cluster munitions against Syrian forces and NSAGs in Lebanon.
1979–1989	Afghanistan	Soviet forces used air-dropped and rocket-delivered cluster munitions. NSAGs also used rocket-delivered cluster munitions on a smaller scale.
1978	Lebanon	Israel used cluster munitions in southern Lebanon.
1977–1978	Somalia	Contamination discovered in 2013 in Somali border region. Submunitions found include PTAB-2.5M and AO-1SCh, but the party that used the weapons is unknown.
1975–1988	Western Sahara, Mauritania	Moroccan forces used artillery-fired and air-dropped cluster munitions against an NSAG in Western Sahara. Cluster munition remnants of the same types used by Morocco in Western Sahara have been found in Mauritania.
1973	Syria	Israel used air-dropped cluster munitions against NSAG training camps near Damascus.
1970s	Zambia	Remnants of cluster munitions, including unexploded submunitions from air-dropped bombs, have been found at Chikumbi and Shang'ombo.
1965–1975	Cambodia, Lao PDR, Vietnam	According to a Handicap International (HI) review of US bombing data, approximately 80,000 cluster munitions, containing 26 million submunitions, were dropped on Cambodia in 1969–1973; over 414,000 cluster bombs, containing at least 260 million submunitions, were dropped on Lao PDR in 1965–1973; and over 296,000 cluster munitions, containing nearly 97 million submunitions, were dropped in Vietnam in 1965–1975.
1939–1945	Italy, Libya, Malta, Palau, Solomon Islands, USSR, the UK, possibly other locations	Munitions similar in function to modern cluster munitions were used by belligerent parties during World War II in Europe, North Africa, and the Pacific.

© NPA Cambodia, June 2015

Contamination and Clearance

Overview[1]

Cluster Munition Remnant Survey (CMRS) team, searching for cluster munition footprint in Kornmom district, Ranakiri province, Cambodia.

As of July 2015, a total of 25 states and other areas are contaminated by cluster munition remnants (nine States Parties, two signatories, 11 non-signatories, and three other areas).[2] It is unclear whether a further three States Parties, two signatories, and two non-signatories are contaminated by cluster munition remnants.[3] New use since the Convention on Cluster Munitions came into force in August 2010 has resulted in further contamination in six non-signatories: Cambodia, Libya, South Sudan, Sudan, Syria, and Yemen. In addition, non-signatory Ukraine became contaminated for the first time after the convention entered into force. The threat to civilians and the socioeconomic impact is a particular cause for concern in: Afghanistan, Bosnia and Herzegovina (BiH), Cambodia, Iraq, Lao PDR, Lebanon, South Sudan, Sudan, Syria, Ukraine, Somalia, Vietnam, and Yemen, as well as Kosovo, Nagorno-Karabakh, and Western Sahara.

To address the risks posed by these weapons, eight States Parties have already completed clearance of areas contaminated by cluster munition remnants: Albania, the Republic of the Congo, Grenada, Guinea-Bissau, Malta, Mauritania, Norway, and Zambia. One signatory, Uganda, and one non-signatory, Thailand, have also completed clearance of areas contaminated by cluster munition remnants.

Most other states continue land release efforts. Between 2010 and 2014, a total of more than 255km^2 of land was cleared and 295,000 submunitions destroyed. Approximately 74km^2 of land was cleared and 69,000 submunitions destroyed during 2014. Five States Parties, one signatory, four non-signatories, and two other areas have reported land release through technical survey, non-technical survey, or both since the convention entered into force.[4]

However, these estimates are based on incomplete data.[5] Survey and clearance results have been poorly recorded and reported in many states. Therefore a clear picture is not available of the scale of contamination, the amount of land released through survey and clearance, and the number of submunitions destroyed.

Conflict and insecurity impeded land release efforts in 2014 and 2015 in Afghanistan, Iraq, Libya, Somalia, South Sudan, Syria, Ukraine, and Yemen.

Clearance completed

Eight States Parties to the Convention on Cluster Munitions have completed clearance of cluster munition-contaminated areas or declared that they no longer have any cluster munition remnants: Albania, Republic of the Congo, Grenada, Guinea-Bissau, Malta, Mauritania, Norway, and Zambia.

In addition, signatory Uganda completed clearance of cluster munition-contaminated areas in 2008, while non-signatory Thailand completed clearing cluster munition remnants in 2011.

---

1 The Monitor acknowledges the contributions of Norwegian People's Aid (NPA), which conducted the majority of mine action research performed in 2015 and shared it with the Monitor. The Monitor is responsible for the findings presented here.

2 See tables below for details. States Parties: Afghanistan, Bosnia and Herzegovina (BiH), Chile, Croatia, Germany, Lao PDR, Iraq, Lebanon, and Montenegro; signatories: Democratic Republic of Congo (DRC) and Somalia; non-signatories: Cambodia, Iran, Libya, Serbia, South Sudan, Sudan, Syria, Tajikistan, Ukraine, Vietnam, and Yemen; and other areas: Kosovo, Nagorno-Karabakh, and Western Sahara.

3 See tables below for details. States Parties: Chad, Mozambique, and the United Kingdom (UK); signatories: Angola and Colombia; and non-signatories: Azerbaijan and Georgia.

4 States Parties: BiH, Lao PDR, Lebanon, Montenegro, and Mozambique; signatory: DRC; non-signatories: Cambodia, Serbia, South Sudan, and Tajikistan; and other areas: Nagorno-Karabakh and Western Sahara.

5 In several countries, the amount of land cleared of cluster munition remnants has not been disaggregated from the clearance of landmines and/or other unexploded countries. As Lao PDR has high clearance rates, its total battle area clearance (BAC) has been adjusted *pro rata* for clearance of cluster munition remnants compared to other forms of unexploded ordnance.

Clearance obligations under Article 4

Under the Convention on Cluster Munitions, each State Party is obliged to clear and destroy all cluster munition remnants in areas under its jurisdiction or control as soon as possible but not later than 10 years after becoming party to the convention. If unable to complete clearance in time, a state may request an extension of the deadline for periods of up to five years. The first clearance deadline is 1 August 2020.

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 education to ensure awareness among civilians living in or around areas contaminated by cluster munitions;
- Take steps to mobilize the necessary resources (at national and international levels); and
- Develop a national plan, building upon existing structures, experiences, and methodologies.

At the Second Meeting of States Parties to the Convention on Cluster Munitions in September 2011, States Parties agreed to encourage the implementation of recommendations submitted by Australia on the use of all appropriate methods to release land that is deemed not to be contaminated.[6] Norway, as President of the Third Meeting of States Parties, submitted a paper entitled "Compliance with Article 4" to the Fourth Meeting of States Parties. The paper's stated aim was to explain the key obligations that states must fulfill in order to be able to make a declaration of compliance. Ireland and Lao PDR, as Co-Coordinators of the Working Group on Clearance and Risk Reduction Education, submitted to the same meeting a paper entitled "Effective steps for the clearance of cluster munition remnants." States Parties "warmly welcomed" both documents.[7]

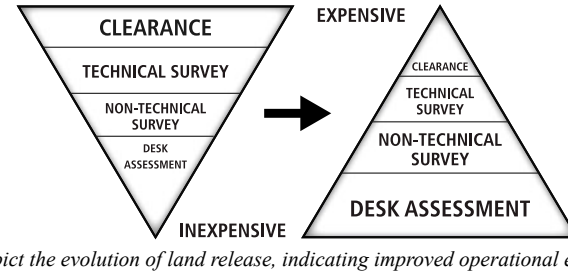
Improving clearance efficiency: land release

Survey methodologies in mine action have evolved over the last two decades in order to improve the effectiveness and efficiency of the removal of the threat of explosive remnants of war (ERW), including cluster munition remnants. In the 1990s and 2000s, many surveys were conducted that lacked technical expertise and resulted in a significant overestimation of the problem. This, along with insufficient technical survey, led to reports of large quantities of uncontaminated land being cleared at considerable expense.

The International Mine Action Standard (IMAS) for Land Release was introduced in June 2009 to address this. The definition of land release is "the process of applying all reasonable effort to identify, define, and remove all presence and suspicion of mines/ERW through non-technical survey, technical survey and/or clearance. The criteria for 'all reasonable effort' shall be defined by the National Mine Action Authority (NMAA)."[8]

A set of guiding principles for the land release of cluster munition-contaminated areas was published by the CMC in June 2011. It calls for affected states to invest sufficient resources into properly identifying cluster munition-affected areas before carrying out clearance. It recommends states conduct a desk assessment of ground conditions, weapons delivery systems, battlefield data, etc., followed by non-technical survey to collect field evidence of contamination and, where required, technical survey to define a cluster strike footprint. It notes clearing cluster munitions should not be approached in the same way as clearing landmines and suggests states apply principles detailed in the IMAS battle area clearance (BAC)[9] standards (09.11) for land contaminated exclusively with cluster munition remnants.[10]

Evolution of land release



The two pyramids depict the evolution of land release, indicating improved operational efficiency. It is derived from graphic provided courtesy of the Geneva International Center for Humanitarian Demining (GICHD)

[6] See, statement of Australia, "Application of all available methods for the efficient implementation of Article 4," CCM/MSP/2011/W.P.4, 15 July 2011.

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

[8] International Mine Action Standard (IMAS) 07.11 "Land Release," First Edition (Amendment 2, March 2013), p. 3.

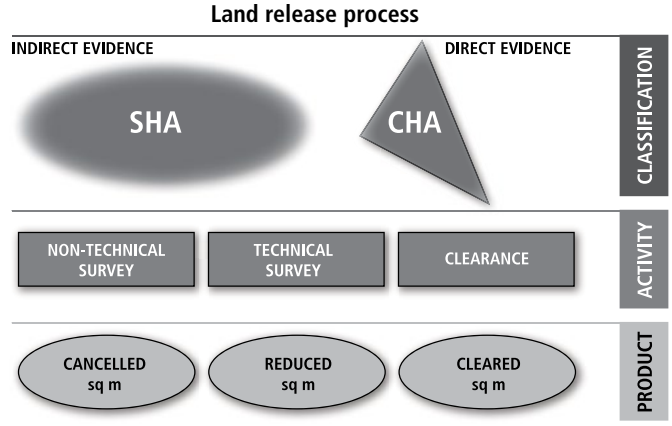
[9] According to IMAS, battle area clearance refers to "the systematic and controlled clearance of dangerous areas where the explosive hazards are known not to include landmines."

[10] "CMC Guiding Principles for Implementing Article 4 of the Convention on Cluster Munitions," June 2011.

Land release terminology

Specific IMAS terminology used for referring to contamination, survey, and clearance activities includes:[11]

- **Suspected Hazardous Area (SHA)** – An area where there is reasonable suspicion of mine/ERW contamination on the basis of indirect evidence of the presence of mines/ERW.
- **Confirmed Hazardous Area (CHA)** – An area where the presence of mine/ERW contamination has been confirmed on the basis of direct evidence of the presence of mines/ERW.
- **Non-technical survey** – The collection and analysis of data without the use of technical interventions about the presence, type, distribution, and surrounding environment of mine/ERW contamination, in order to better define where mine/ERW contamination is present and where it is not, and to support land release prioritization and decision-making processes through the provision of evidence. Non-technical survey activities typically include, but are not limited to, desk studies seeking information from central institutions and other relevant sources, as well as field studies of the suspected area.[12]
- **Technical survey** – The collection and analysis of data, using appropriate technical interventions, about the presence, type, distribution, and surrounding environment of mine/ERW contamination, in order to better define where mine/ERW contamination is present, and where it is not, and to support land release prioritization and decision-making processes through the provision of evidence. Technical survey activities may include visual search, instrument-aided surface search, and shallow- or full sub-surface search.[13]
- **Clearance** – refers to tasks or actions to ensure the removal and/or the destruction of all mine and ERW hazards from a specified area to a specified depth.
- **Cancelled land** (m^2) – A defined area concluded not to contain evidence of mine/ERW contamination following the *non-technical survey* of a SHA/CHA.
- **Reduced land** (m^2) – A defined area concluded not to contain evidence of mine/ERW contamination following the *technical survey* of a SHA/CHA.
- **Cleared land** (m^2) – A defined area cleared through the removal and/or destruction of all specified mine/ERW hazards to a specified depth.



Derived from graphic provided courtesy of the Geneva International Center for Humanitarian Demining (GICHD).

To promote more efficient release of land, amendments to IMAS were adopted in April 2013 to the general assessment standards (formerly 08.10). These amendments set out to simplify and clarify standards on land release (now 07.11), non-technical survey (now 08.10), and technical survey (now 08.20).

It is beyond the scope of this overview to evaluate how land release methodologies have been used and the extent to which clearance of cluster munition contamination has become more efficient. Such an assessment would need to consider several factors, such as: how funding and mine action resources have been used; how many submunitions have been destroyed per square kilometer cleared; and the context in which mine action operations have been conducted.

[11] International Mine Action Standard 07.11 "Land Release," First Edition (Amendment 2, March 2013), pp. 3–4.
[12] See, Glossary of Terms, available on Monitor website, the-monitor.org/en-gb/the-issues/glossary.aspx.
[13] Ibid.

Nevertheless, it is possible to report a positive trend toward using land release methodologies. Since 2010, five States Parties, one signatory, four non-signatories, and two other areas have reported releasing land through survey, thereby avoiding unnecessary clearance costs.[14] In Lao PDR, Norwegian People's Aid's (NPA) Cluster Munition Remnants Survey (CMRS) is now recognized by the mine action authority, the National Regulatory Authority (NRA), and has been adopted by all NGOs as "evidence based survey."[15] However, in several states there still appear to be instances of clearance being conducted without evidence of contamination.[16]

Progress under the Vientiane Action Plan

The Vientiane Action Plan adopted by States Parties at the Convention on Cluster Munitions First Meeting of States Parties in Vientiane, Lao PDR, 9–12 November 2010 seeks to ensure effective and timely implementation of the convention's provisions. Section V (Actions #10–#19) is related to "Clearance and destruction of cluster munition remnants and risk reduction activities."[17] This section examines the progress of States Parties related to clearance and destruction of cluster munition remnants.[18]

Action #10 calls on States to increase their capacities for clearance. The extent to which States Parties have increased their capacities for clearance is unclear as existing information about resources allocated to cluster munition clearance, improvements in clearance efficiency, and clearance rates is insufficient. However, Lao PDR has demonstrated a sharp upward annual trend in clearance rates, with double the annual rate of clearance in 2014 as that in 2010. Croatia and BiH have also shown an upward trend from 2010 to 2014. Croatia expected clearance capacity to increase in 2015 due to increased funding.[19] However, a lack of funding is reported to hinder progress in tackling cluster munition remnants in Afghanistan, Chad, Lebanon, and Montenegro.[20]

Action #12 calls on States Parties to "endeavour to, within one year of entry into force for that State Party, identify as precisely as possible locations and size of all cluster munition contaminated areas under their jurisdiction or control." As of 1 August 2015, only BiH, Croatia, and Montenegro have provided an indication of the location and size of their cluster munition-contaminated areas. Lao PDR and Iraq are among the most contaminated states in the world, but are unable to give a realistic estimate of their contamination. Afghanistan and Lebanon have provided figures for known SHAs, but there may be other unknown or unconfirmed areas.[21] Chile, Germany, and the United Kingdom (UK) have areas that are suspected to contain cluster munition remnants, but have not conducted survey to define the area—the UK's suspected areas are located within known minefields. Mozambique is in the process of confirming that it no longer has suspected cluster munition-contaminated areas.[22]

Action #13 calls for the development and implementation of national clearance plans. While Croatia lacks a specific plan and BiH's plan has not yet been endorsed by the government,[23] both states demonstrate progress toward completing their clearance obligations. Afghanistan, Lao PDR, Lebanon, and Montenegro have plans in place to clear cluster munition remnants, but progress is slow due to lack of capacity and, in the case of Afghanistan, security conditions.[24] Iraq, Chad, Chile, Germany, and the UK have not presented comprehensive plans with timelines for survey and clearance.

[14] States Parties: BiH, Lao PDR, Lebanon, Montenegro, and Mozambique; signatory: DRC; non-signatories: Cambodia, Serbia, South Sudan, and Tajikistan; and other areas: Nagorno-Karabakh and Western Sahara.

[15] NPA, Cluster Munition Remnants: Methods of Survey and Clearance (August 2014); NRA Announcement No. 004/NRAB, 21 January 2015; and, interview with Phoukhieo Chanthasomboune, Director, NRA, Vientiane, 28 April 2015.

[16] For example, most clearance in non-signatory Vietnam does not appear to be based on evidence of contamination. The Army Engineering Corps reports large areas released (45km2 released in 2012, and 1,000km2 cleared in 2013), but provides no information on the numbers of submunitions or other UXO found and destroyed, nor the use of either non-technical or technical survey.

[17] "Vientiane Action Plan," Convention on Cluster Munitions, as adopted at the final plenary meeting on 12 November 2010.

[18] Action points 10, 12, 13, 15, 16, 18, and 19 are related to clearance. The other action points are related to risk reduction activities.

[19] Email from Miljenko Vahtarić, Assistant Director for International Cooperation and Education, Croatian Mine Action Centre, 27 April 2015.

[20] Afghanistan, Convention on Cluster Munitions Article 7 Report (calendar year 2014), Form F, 28 April 2015; presentation of Chad, African Union/ICRC Weapons Contamination Workshop, Addis Ababa, 3–5 March 2013; Third Article 5 deadline Extension Request, 2 May 2013, p.12; statement of Chad, Mine Ban Treaty Third Review Conference, Maputo, June 2014; Lebanon Mine Action Center (LMAC), "Mid-term Review to Strategy 2011–2020, Milestone 2013," August 2014; and email from Darvin Lisica, Programme Manager, BiH, NPA, 3 March 2015. Article 7 reports available at bit.ly/MonitorArt7ClusterMunitions and meeting statements generally available under "Work Programme and Meetings" at www.clusterconvention.org.

[21] Interviews with Mine Action Coordination Centre of Afghanistan (MACCA) implementing partners, Kabul, May 2013; response to NPA questionnaire by Brig.-Gen. Elie Nassif, LMAC, 12 May 2015; and email, 2 July 2015.

[22] Response to NPA questionnaire by the IND, 30 April 2015; and statement by Alberto Maverengue Augusto, IND, Fifth Meeting of States Parties, 4 September 2014.

[23] BiH Mine Action Centre (BHMAC), "Revision of Mine Action Strategy in Bosnia and Herzegovina 2009-2019 (First Revision 2012)," 14 March 2013; and, UNDP, Draft Mine Action Governance and Management Assessment for Bosnia and Herzegovina, 13 May 2015, p. 17.

[24] Afghanistan, Convention on Cluster Munitions Article 7 Report (calendar year 2014), 28 April 2015, Form F; "Safe Path Forward II," Lao PDR, 22 June 2012; LMAC, "Lebanon Mine Action Strategy 2011–2020," September 2011, p. 4; response to Monitor questionnaire by Brig.-Gen. Imad Odiemi, LMAC, 2 May 2014; response to Monitor questionnaire by Amela Balik, NPA, 3 March 2014; and email from Darvin Lisica, NPA, 3 March 2015.

Action #15 calls for the application of non-technical survey, technical survey, and clearance, which constitute land release methodologies. Standards or standard operating procedures specifically related to cluster munition remnants were approved in Lao PDR in early 2015,[25] and are being developed in BiH and Mozambique.[26] By 2015, five States Parties had reported some cancellation or reduction of land through survey.[27] No survey has yet been conducted in Chad or Chile, while the situation in Iraq is unclear.

Action #16 calls on States Parties to "provide annually precise and comprehensive information on the size and location of cluster munition contaminated areas released. This information should be disaggregated by release methods." Discrepancies exist for almost all countries, in at least one year, between the data provided by different sources: the Article 7 reports, the national mine action centers, and mine action operators. There are major gaps in reporting from Iraq, while Chad has provided no reports. Some operators in Afghanistan, Lao PDR, and Iraq do not disaggregate data on submunition clearance and destruction from other mine clearance and explosive ordnance disposal (EOD)[28] activities.

Action #18 calls for all States Parties to ensure that they fulfill their obligations under Article 4 as expeditiously as possible, and that the least number of States Parties possible will be compelled to request an extension. Of the nine States Parties with known cluster munition contamination, three appear to be on track to meet their deadlines: BiH, Croatia, and Montenegro.[29] Lebanon may not meet its deadline, as progress has fallen short of its planning targets.[30] Afghanistan may be able to meet its deadline, but notes that clearance in some areas is subject to appropriate security conditions.[31] Lao PDR and Iraq are highly unlikely to be able to meet their deadlines due to the scale of the problem, insufficient data to define the problem, the lack of a comprehensive plan, and capacity, and, in the case of Iraq, ongoing conflict. In the cases of Chile and Germany, it is unclear whether they will meet their deadline, as neither state has provided a comprehensive plan. The same is true of the UK, one of three countries where contamination is unclear. Of the remaining two, Mozambique is in the process of confirming it is free of contamination and Chad lacks a comprehensive survey to define the problem.

Action #19 calls on States Parties to promote the achievement of clearance goals and the identification of clearance needs. As of August 2015, Chad had yet to submit an Article 7 transparency report; the first one was due in 2014. Chile submitted its last report in 2012, and Lebanon in 2014. In 2014, there were discrepancies between Article 7 reports and data provided by other sources in Afghanistan, BiH, Iraq, Lao PDR, and Lebanon.

Clearance in conflict

In 2014 and 2015, conflict has hindered land release activities in two States Parties (Afghanistan and Iraq), and seven non-signatories (Libya, Somalia, South Sudan, Sudan, Syria, Ukraine, and Yemen). Not only is clearance of cluster munition remnants impeded, but the contamination exacerbates the impact of conflict on civilians. Refugees and internally displaced persons may face danger from cluster munition remnants while on the move and when they resettle or return home. Access to vital services and livelihoods, already impeded by conflict, may be even further constrained by cluster munition contamination.

Afghanistan, Somalia, South Sudan, and Yemen report that some cluster munition-contaminated areas cannot be accessed due to insecurity or conflict. In Iraq, it was reported that escalating conflict between Iraq and the non-state armed group Islamic State in the second half of 2014 forced the temporary suspension of operations in some areas, and drew army demining and EOD capacity away from operations in the south. Most of Syria is inaccessible to clearance operators. In Libya, international mine action actors withdrew after the conflict escalated in July 2014.

Conflict impedes the functioning of mine action programs. No mine action program exists in Syria, while in Libya the program is impaired by the lack of a functioning government. In Yemen it was reported that the conflict in 2014 and 2015 had affected the mine action center's ability to fulfill its role.[32]

In March 2015, the UN reported that the ongoing conflict in South Sudan had resulted in the suspension of all evaluation of progress under the National Mine Action Strategic Plan for 2012–16.[33] Sudan's mine action plan for 2013–2019 was designed in light of the overall security situation, capacity for mine action, and types of assets available.[34]

[25] NRA Announcement No. 004/NRAB, 21 January 2015.

[26] "Revision of Mine Action Strategy in Bosnia and Herzegovina 2009–2019 (First Revision – 2012)," Sarajevo, March 2013, p. 12; statement of Mozambique, Convention on Cluster Munitions Fourth Meeting of States Parties, Lusaka, 12 September 2013; and response to NPA questionnaire by the IND, 30 April 2015.

[27] BiH, Lao PDR, Lebanon, Montenegro, and Mozambique.

[28] Explosive ordnance disposal: the detection, identification, evaluation, render safe, recovery, and disposal of explosive ordnance.

[29] Response to NPA questionnaire by the IND, 30 April 2015; and statement by Alberto Maverengue Augusto, IND, Fifth Meeting of States Parties, 4 September 2014.

[30] LMAC, "Mid-term Review to Strategy 2011–2020, Milestone 2013," August 2014.

[31] Convention on Cluster Munitions Article 7 Report (calendar year 2014), Form F, 28 April 2015.

[32] Interviews with mine action stakeholders requesting anonymity, February–June 2015.

[33] Response to NPA questionnaire by Robert Thompson, UNMAS, 30 March 2015.

[34] Revised Article 5 deadline Extension Request, 30 July 2013, pp. 28–33.

In Syria and Libya, clearance has frequently been conducted immediately after fighting has occurred, by non-state armed groups and volunteers, often lacking adequate training and resources. In Ukraine, clearance has been conducted by local authorities on both sides of the conflict, usually immediately after cluster munition contamination has occurred, and the Organization for Security and Co-operation in Europe (OSCE) recommended that a national mine authority and center appropriate to a conflict setting be established.[35]

Contamination and land release

It is difficult to present an accurate picture of global cluster munition contamination given the shortcomings in reporting on both the scale of contamination and on land release efforts. The tables below therefore provide only an indication of the situation and highlight weaknesses in the data. Please see the relevant mine action country profiles online for detailed information and sources.[36]

Contamination statistics

The size of cluster munition-contaminated areas is not known in several countries due to a lack of survey and poor data collection and management. The data contained in the following table is drawn from various sources—those that appear to be most accurate and complete have been used.

The cases where the reported size of area contaminated by cluster munitions has increased, or stayed roughly the same despite clearance, are usually due to the identification of previously unknown or unsurveyed areas. This is the case in Croatia, Iraq, Lebanon, and Tajikistan, as well as Kosovo and Western Sahara.

The new contamination resulting from conflict since the Convention on Cluster Munitions came into force has not been surveyed and quantified, with the exception of Cambodia.[37]

Estimated cluster munition contamination

Country	Contamination (km^2)			
	End 2010	End 2013	End 2014 or mid-2015	Notes
More than 1,000 km^2				
Lao PDR	Not known (insufficient data)	Not known (insufficient data)	Not known (insufficient data)	The estimate of 8,470km^2 in Article 7 report (2015), based on analysis of US bombing records, is not credible.
Vietnam	Not known (insufficient data)	Not known (insufficient data)	Not known (insufficient data)	Among the most extensive contamination in the world, but no credible estimate available.
100-1000km^2				
Cambodia	Not known (insufficient data)	Not known (insufficient data)	217 SHA, at least	According to an ongoing Baseline Survey, as of April 2015, at least 217km^2 is contaminated. Survey to be completed by the end of 2015.
Iraq	Not known (insufficient data)	192.06	236.97 CHA and 1.42 SHA in center and south, 0.8 SHA in north	The reported increase in 2014 is a result of survey. However, the data is probably incomplete.
5-99km^2				
Afghanistan	6.98	7.27	6.86 SHA	There may be more contamination, as operators continue to encounter scattered submunitions.
Bosnia and Herzegovina (BiH)	12.2	10.5	0.78 CHA and 8.76 SHA	The Article 7 report for 2014 only states 8.76 SHA.

[35] OSCE, "ERW clearance in a conflict setting," presentation by Anton Shevchenko, 16 February 2015.

[36] Available on the Monitor website at the-monitor.org/cp.

[37] Aina Ostreng, "Norwegian People's Aid clears cluster bombs after clash in Cambodia," NPA, 19 May 2011, bit.ly/MonitorCMM15Clearancef37.

Country	Contamination (km²)			
	End 2010	End 2013	End 2014 or mid-2015	Notes
Chile	Not known (up to 97 SHA)	Not known (up to 97 SHA)	Not known (up to 97 SHA)	The military training areas cover 97km², however contamination may be limited (648 suspected submunitions). Survey is required to define the CHA.
Croatia	9.2 SHA	3.45 SHA	2.82 CHA	A new area was identified in 2014, and subsequently cleared.
Lebanon	18.1	17	17.85 CHA and SHA at least	In 2015, a further 178 "dangerous areas" totaling 8.82km² were suspected to contain either cluster munition remnants or landmines.
South Sudan	See Sudan	Not known (insufficient data)	7.51 SHA at least	Areas of old contamination were identified in 2014, and new contamination has also been reported, but not recorded.
Syria	Not known	Not known	Not known	After extensive cluster munition use since 2012, the extent of contamination is unknown.
Ukraine	0	0	Not known	Not contaminated by cluster munition remnants prior to mid-2014. The extent of contamination is unknown.
Yemen	Not known (insufficient data)	18.3 SHA at least	18.3 SHA at least	In addition, there are also suspected areas in northwestern Hajjah governorate, which it is not possible to survey due to insecurity. New contamination exists from use in 2015.
Kosovo	Not known (was thought to be no longer contaminated)	7.63 at least	7.69 at least	Clearance was previously thought to be completed, however, 48 CHAs and 6 SHAs were found in 2011.
Nagorno-Karabakh	69.7 SHA	60.4 SHA	42.7 SHA	Only surface contamination is recorded. The total area of contamination, including sub-surface, may be much higher.
Western Sahara	32.7	Not known (insufficient data)	4.67 CHA	Previously unknown contamination was identified in 2012. Other hazardous areas are expected to be found.
Less than 5km²				
Democratic Republic of the Congo (DRC)	Not known (insufficient data)	Not known (insufficient data)	0.02 CHA	In April 2011, 18 sites were suspected, but the scale of residual contamination had not been quantified. In March 2013, a survey was launched, and in April 2014, DRC reported 0.02km² (17,590m²) CHA.
Germany	N/R	11	11	Suspected contamination of a former military area was declared in 2011. Technical survey is underway to precisely identify the contaminated area.
Iran	Not known	Not known	Not known	Some contamination is believed to remain from the Iran-Iraq war, but no survey has been conducted.

Country	Contamination (km²)			
	End 2010	End 2013	End 2014 or mid-2015	Notes
Libya	Not known	Not known	Not known	New contamination reported in 2011 and 2015, but scale unknown. Prior to the 2011 revolution, World War II-era submunitions had been found.
Montenegro	0.25	1.7	1.72 (CHA and SHA)	A survey in 2012–2013 identified a total of 1.72km2 suspected or confirmed to contain cluster munition remnants.
Serbia	21 CHA and SHA	6.23 CHA and SHA	0.5 CHA and 5.3 SHA	
Somalia	N/R	Not known (insufficient data)	Not known (insufficient data)	Although submunitions have been found over the last few years, the extent of cluster munition contamination is not known.
Sudan	Not known (insufficient data)	Not known (insufficient data)	Not known (insufficient data)	In June 2011, the mine action center reported that 2.9km² was contaminated. There has been no update since. Cluster munitions were used in the first half of 2015.
Tajikistan	Considered uncontaminated	0	0.15 CHA	In March 2014, the mine action center stated that there was no contamination, however, later in 2014 an area was identified and surveyed.
Unclear				
Angola	Not known	Not known	Not known	Any impact from cluster munition contamination is reported to be minimal. In 2011, it was confirmed that unexploded submunitions were reported in Kuando Kubango, but no survey was conducted.
Azerbaijan	Not known	Not known	Not known	No known contamination in government controlled areas (see *Nagorno-Karabakh*).
Chad	Not known	Not known	Not known	Contamination is suspected, but no comprehensive survey has been conducted.
Colombia	Not known	Not known	Not known	If contaminated, then very minimal.
Georgia	Not known	Not known	Not known	Following clearance in 2014, Georgia is now believed to be free of cluster munition contamination, with the possible exception of the breakaway region of South Ossetia.†
Mozambique	Not known	Not known	Not known	No CHAs or SHAs reported as of May 2015. A detailed cluster munition remnants survey is being undertaken in the second half of 2015 to be completed in 2016 to confirm that that there are no more contaminated areas.
United Kingdom (UK)	Not known	Not known	Not known	Any cluster munition contamination is most likely within mined areas.

Note: States Parties to the Convention on Cluster Munitions are indicated in **bold***; convention signatories are* underlined*; other areas are in italics; N/R = Not reported.*

† *ICBL, "Country Profile: Georgia: Mine Ban Policy," 1 October 2012, the-monitor.org/en-gb/reports/2012/georgia/mine-ban-policy.aspx.*

Land release statistics

The information provided in the table below draws on data provided in Article 7 transparency reports, national programs, and mine action operators. There are sometimes discrepancies between these sources. Where this is the case, the data that appears to be most reliable is used and a note has been made. Among the countries that reported clearance, those for which the results were most unclear were States Parties Afghanistan, Iraq, and Lao PDR; non-signatories Cambodia, Libya, South Sudan, Sudan, and Vietnam; as well as the area of Kosovo.

This section provides information on land release by clearance and, where data is available, land release by technical and non-technical survey (*see text box for an explanation of land release terminology*).

Where destruction of submunitions was reported, but no area was reported to be released, this was usually the result of BAC or roving EOD.

Cluster munition clearance in States Parties, 2010–2014

Country	Land release through clearance				Notes
	2014		2010–2014 total		
	km²	No. submunitons destroyed	km²	No. submunitons destroyed	
Afghanistan	0.0063 (6,300m²)	125 est.	1.39 est.	5,952 est.	Only estimates can be provided, as there is discrepancy between sources and some operators do not disaggregate submunitions from other UXO destroyed.
Bosnia and Herzegovina	0.26	581	0.75	1,267	In 2012, another 0.58km² of land was released by technical survey, and approx. 1.27km² by non-technical survey. In 2013, another 1.31km² by non-technical survey and 0.80km² by technical survey. In 2014, another 0.4km² through non-technical survey and 1.07km² by technical survey.
Chad	N/R	N/R	N/R	N/R	No clearance reported
Chile	0	0	0	0	No clearance conducted
Croatia	0.66	647	3.22 est.	694 est.	There was a small discrepancy in 2011 in data between the mine action center and Article 7 report.
Germany	0	0	0	0	No clearance conducted.
Iraq	Unclear	Unclear	Unclear	Unclear	There are major gaps in Iraq's reporting and significant discrepancies between sources.
Lao PDR	68 at most	58,498 est	261 at most	210,849 est.	Discrepancy between sources. The total area reported cleared may not be only submunition clearance, but may include other battle area clearance (BAC).
Lebanon	2.10	2,750	13.23 est.	15,807 est.	There are some small discrepancies between sources. In 2014, a further 1.7km² of land was released by non-technical survey.
Montenegro	0.065 (6,500m²)	2	0.065 (6,500m²)	7 est.	In 2014, two UXO that may have been submunitions were found during construction work.
Mozambique	0.35	12	0.35	188	In 2010, one dispenser containing 150 submunitions was found and destroyed. In 2014, one area of 0.35km² was identified, and subsequently surveyed and cleared.
United Kingdom (UK)	0	0	0	1	In 2015, 19 submunitions were destroyed during mine clearance operations.

Note: N/R = Not reported.

Cluster munition clearance in signatories, 2010–2014

Country	Land release through clearance				Notes
	2014		2010–2014 total		
	km²	No. submunitons destroyed	km²	No. submunitons destroyed	
Angola	0	0	0	12	Twelve submunitions were found and destroyed in 2012.
Colombia	0	0	0	0	No clearance of submunitions reported.
DRC	0.07	55	0.07	159 approx.	There was a discrepancy between MAG and UN data in 2010. A further 5 submunitions were destroyed in 2015.
Somalia	0	1	0	1	A submunition was found in a private stockpile in a home in Puntland in 2014, and subsequently destroyed.

Cluster munition clearance in non-signatories, 2010–2014

Country	Land release through clearance				Notes
	2014		2010–2014 total		
	km²	No. submunitons destroyed	km²	No. submunitons destroyed	
Azerbaijan	-	-	-	-	See *Nagorno-Karabakh*
Cambodia	Unclear	Unclear	Unclear	7,712 at least	Several km² of land have been released, but it is not possible to provide a realistic figure as some data is not disaggregated or is not provided by calendar year. The number of submunitions destroyed is probably significantly under-reported.
Georgia	1.3	68	N/R	N/R	
Iran	N/R	N/R	N/R	N/R	No reports of survey or clearance operations.
Libya	N/R	9 at least	N/R	460 at least	Data is incomplete and inconsistent. Clearance is under-reported.
Serbia	0.29	56	6.09	1177	In 2014, a further 0.81km² was cancelled through non-technical survey.
South Sudan	1.28	At least 254	Unclear	Unclear	South Sudan first reported clearing cluster munition remnants in 2013. Two operators did not disaggregate submunitions from other UXO in 2014. In 2014, an additional 0.12km² of suspected contamination was cancelled though non-technical survey.
Sudan	0	0	N/R	N/R	Data on clearance of submunitions and other UXO is not disaggregated.
Syria	N/R	N/R	N/R	N/R	There is no mine action program. Any clearance that may have occurred has not been reported.

Country	Land release through clearance				Notes
	2014		2010–2014 total		
	km²	No. submunitons destroyed	km²	No. submunitons destroyed	
Tajikistan	0	0	N/R	At least 2	Last reported clearance was conducted in 2010.
Ukraine	N/R	N/R	N/R	N/R	There was no cluster munition contamination until 2014. Clearance is conducted by local authorities on both sides of the conflict. No clear data is available.
Vietnam	Unclear	4,027 at least	Unclear	16,154 at least	Some data is not disaggregated, and the largest operator did not provide data for 2014.
Yemen	N/R	N/R	N/R	880	Yemen did not report the clearance of cluster munition-contaminated areas in 2010–2015, but reported the destruction of submunitions during BAC operations in 2012–2013.

Note: N/R = Not reported.

Cluster munition clearance in other areas, 2010–2014

Country	Land release through clearance				Notes
	2014		2010–2014 total		
	km²	No. submunitons destroyed	km²	No. submunitons destroyed	
Kosovo	Up to 0.84	361	Up to 3.31	952 approx.	The mine action center does not distinguish BAC from mine clearance in its reporting.
Nagorno-Karabakh	13.01	311	33.76 at least	1,758	In 2010, the area cleared of submunitions was not disaggregated from other BAC. In 2014, an additional amount of just under 7km² was reported released during clearance operations
Western Sahara	1.76	321	6.64	12,974	A further 13.75km² of SHA was released through survey in 2010–2012.

Five-year country summaries on contamination and clearance

States Parties

Afghanistan's cluster munition contamination dates from use by Soviet and United States (US) forces and blocks access to agricultural and grazing land.[38] Most cluster munitions used by the US in late 2001 and early 2002 were removed during clearance operations in 2002–2003 guided by US airstrike data.[39] The total area of 6.86km² suspected to be contaminated by cluster munition remnants at of the end of 2014, is similar to the figure reported five years earlier.[40] In 2013, operators said they continued to find random submunitions during demining operations.[41] Afghanistan reported in

[38] Statement of Afghanistan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 15 April 2013.

[39] Human Rights Watch (HRW) and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Mines Action Canada, Ottawa, May 2009), p. 27; and interviews with demining operators, Kabul, 12–18 June 2010.

[40] Ibid.

[41] Interviews with MACCA implementing partners, Kabul, May 2013.

2014 that clearance was severely hampered by a shortage of funds and security problems.[42] Five long-established national NGOs and two international NGOs conducted clearance in 2014 and 2015.

Bosnia and Herzegovina's cluster munition contamination results from Yugoslav use in the 1992–1995 conflict after the break-up off the Socialist Federal Republic of Yugoslavia. Additionally, cluster munitions were used by NATO forces in Republika Srpska.[43] In 2011, the first phase of a general survey identified 12.18 km^2 SHA, of which 3.23 km^2 was believed to be high risk.[44] As of April 2015, BiH's contamination is spread across 10 cantons.[45] In 2014 and 2015, land release has been conducted by the BHMAC, NPA, the Armed Forces, and the Civil Protection.[46]

Chad is believed to be contaminated by cluster munitions used by France and Libya in the 1980s, but the full extent of contamination is unknown and only a few submunitions have been found by clearance operators in the north.[47] Chad stated in 2013 that the Tibesti region in the northwest of the country was being surveyed, but has provided no further information since then.[48] The National Demining Center (Centre National de Déminage, CND) operates demining and EOD teams.[49] The only international operators that have been present in the last five years are Minetech and MAG.[50] No clearance of cluster munition remnants has been reported over the last five years.

Chile has reported three military training areas totalling 97km^2 that are suspected to be contaminated by cluster munition remnants. No survey has been conducted as of June 2015.[51]

Croatia is contaminated by cluster munitions used in the 1990s conflict that followed the dissolution of the former Yugoslavia.[52] The contaminated area reduced from 9.2km^2 suspected hazardous area in 2010 to 2.82km^2 confirmed by the end of 2014, across five counties, although new contamination was found in the intervening period.[53] Many of the contaminated areas "are used for cattle breeding and are close to settlements."[54] State-owned MUNGOS conducted the majority of clearance in 2014, while commercial demining companies conducted other clearance-related tasks.[55]

Germany reported in June 2011 that it had identified areas suspected of containing cluster munition remnants at a former Soviet military training range at Wittstock in Brandenburg. Non-technical survey resulted in a suspected area of approximately 11km^2.[56] The area is completely perimeter marked with warning signs and an official directive constrains access to it.[57] In June 2015, Germany stated a technical survey of the area is underway, but did not provide information on the expected timeframe for survey or clearance operations.[58]

The extent of **Iraq**'s cluster munition contamination is not known with any degree of accuracy. As of December 2014, surveys identified 237km^2 CHA,[59] but this data is probably incomplete. Heavy contamination exists in central and southern Iraq as a result of extensive use by the US in 1991 and 2003.[60] In addition, cluster munition remnants were found in 2010 from strikes launched by coalition forces around Dohuk in the north in 1991.[61] In 2010, submunition contamination was reported to be a significant problem, more so than mines.[62] Clearance is conducted by NGOs, commercial operators, the army, and the civil defence. Operations over the last five years have been hampered by insecurity and bureaucratic problems.

42 Convention on Cluster Munitions Article 7 Report (for 2014), Form F, 28 April 2015.

43 NPA, "Implementation of the Convention on Cluster Munitions (CCM) in Bosnia and Herzegovina," Sarajevo, undated but 2010, provided by email from Darvin Lisica, NPA, 3 June 2010. See also country profile for Bosnia and Herzegovina.

44 NPA, "Cluster Munitions Remnants in Bosnia and Herzegovina: A General Survey of Contamination and Impact," 2011, p. 21.

45 Emails from Tarik Serak, Head, Department for Mine Action Management, BHMAC, 23 April 2015; and Amela Balic, Operations Manager, NPA Bosnia, 15 April 2015.

46 Email from Tarik Serak, BHMAC, 23 April 2015.

47 Handicap International (HI), *Fatal Footprint: The Global Human Impact of Cluster Munitions* (Brussels, 2006), p. 17; HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels, 2007), p. 48; Survey Action Centre, "Landmine Impact Survey, Republic of Chad," Washington, DC, 2002, p. 59; HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Mines Action Canada, Ottawa, 2009), p. 56; and emails from Liebeschitz Rodolphe, UNDP, 21 February 2011; and from Bruno Bouchardy, MAG Chad, 11 March 2011.

48 Statement of Chad, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 13 September 2012.

49 ICBL-CMC, "Country Profile: Chad: Mine Action," 14 August 2014, the-monitor.org/en-gb/reports/2014/chad/mine-action.aspx.

50 Landmine and Cluster Munition Report 2011–2015.

51 Convention on Cluster Munitions Article 7 Report, Form F, September 2012; and email from Juan Pablo Rosso, Ministry of Foreign Affairs, 16 June 2015.

52 CROMAC, "Mine Action in Croatia and Mine Situation," www.hcr.hr/en/minSituac.asp.

53 Emails from Miljenko Vahtarić, Assistant Director for International Cooperation and Education, CROMAC, 27 April and 10 June 2015.

54 Ibid., 27 April 2015.

55 Ibid., 27 April and 10 June 2015.

56 Convention on Cluster Munitions Article 7 Report (for 2014), Form F, 20 April 2015.

57 Ibid.; and Convention on Cluster Munitions Article 7 Report, Form G, 4 April 2012.

58 Interview with Volker Boehm, Deputy Head of Mission, Permanent Mission of Germany to the Conference on Disarmament, Geneva, 25 June 2015.

59 Data provided by Ahmed al-Jasim, Head, Information Management, Department of Mine Action, 8 July 2015.

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

61 Response to Monitor questionnaire by Mark Thompson, Country Programme Manager, MAG, 23 July 2011.

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

Lao PDR is the world's most heavily contaminated state as a result of cluster bombs used by the US between 1964 and 1973, including more than 270 million submunitions.[63] There is no agreed estimate of the full extent of contamination, but 14 of the country's 17 provinces and a quarter of all villages are reported to be UXO-contaminated.[64] Submunitions are reported to be the most common form of remaining ERW contamination and are responsible for close to 30% of all incidents, with a significant economic impact.[65] In 2014, submunitions accounted for 21 out of the 45 casualties reported.[66] The National Regulatory Authority (NRA) approved a new standard for evidence-based survey in late 2014 and survey is being conducted, with development and resettlement areas identified as initial survey priorities.[67] UXO Lao (the country's biggest operator), five international NGOs, and several national and international commercial operators conducted clearance operations in 2014. Lao PDR has also been training the army for a role in mine action since 2012.[68]

Lebanon's four southern regions are affected by contamination resulting from Israeli use of cluster munitions during the July–August 2006 conflict, while some parts of the country are also contaminated by cluster munitions used in the 1980s.[69] Cluster munition remnants continue to affect agriculture.[70] Of approximately 57.8km^2 of contaminated area that has reportedly affected Lebanon as of December 2014, an estimated 17.85km^2 remains to be released. Additionally, a further 8.82km^2 is suspected to contain either cluster munition or mine contamination.[71] Slow clearance progress has been attributed to funding shortfalls, and the identification of previously unreported contaminated areas.[72] Since 2010, clearance has been conducted by the Lebanese Armed Forces and national and international NGOs.

Montenegro's cluster munition contamination is the result of NATO airstrikes in 1999.[73] Montenegro initially reported in 2011 that it had no contaminated areas, but later that year confirmed that submunitions were found in 2007.[74] A non-technical survey conducted in 2012–2013 identified approximately 1.7km^2 suspected and confirmed contaminated areas in two municipalities and one urban municipality.[75] The contamination mainly affects infrastructure and utilities, accounting for 63% of the affected land, with agriculture accounting for another 30%. One area remains unsurveyed as it was inaccessible due to bad weather conditions.[76] Funding has not yet been secured to undertake technical survey and clearance of the contaminated areas.[77]

Mozambique stated in 2014 that there was limited use of cluster munitions during its civil war.[78] Clearance operators have cleared and destroyed cluster munition remnants over the past five years during BAC and EOD operations. In 2014, a CHA of 0.35km^2 in Cahora-Bassa district, Tete province, was identified and subsequently cleared.[79] As of May 2015 there were no known hazardous areas. In 2015, Mozambique has been undertaking a survey to confirm that areas already cleared do not contain any submunitions.[80] The completion date for this survey and clearance is 2016.[81]

United Kingdom. There may be an unknown number of cluster munition remnants on the Falkland Islands/Malvinas as a result of use of cluster bombs by the UK against Argentine positions in 1982. Most cluster munition contamination was cleared in the first year after the conflict.[82] In 2015, 19 submunitions were destroyed during mine clearance operations. The UK affirmed in 2015 that no known areas of cluster munition remnants exist outside suspected hazardous areas on the islands, in particular mined areas, which are all marked and fenced.[83]

63 "US bombing records in Laos, 1964–73, Congressional Record," 14 May 1975; NRA, "UXO Sector Annual Report 2009," Vientiane, undated but 2010, p. 13; and Convention on Cluster Munitions Article 7 Report (for 2013), Form F.

64 NRA, "UXO Sector Annual Report 2012," undated but 2013, p. 5.

65 Ibid.; and "Hazardous Ground, Cluster Munitions and UXO in the Lao PDR," UNDP, Vientiane, October 2008, p. 8.

66 Convention on Cluster Munitions Article 7 Report (calendar year 2014), Form H; and email from Bountao Chanthavongsa, NRA, 3 August 2015.

67 NRA Announcement No. 004/NRAB, 21 January 2015; and interview with Phoukhieo Chanthasomboune, NRA, Vientiane, 28 April 2015.

68 Interview with Phoukhieo Chanthasomboune, NRA, Vientiane, 28 April 2015.

69 LMAC, "Lebanon Mine Action Strategy 2011–2020," September 2011; and responses to NPA questionnaire by Brig.-Gen. Elie Nassif, LMAC, 12 May and 17 June 2015.

70 MAG, "Cluster Munition Contamination in Lebanon using survey data," September 2014, p. 4.

71 Response to NPA questionnaire by Brig.-Gen. Elie Nassif, LMAC, 12 May 2015; and email, 2 July 2015.

72 LMAC, "Mid-term Review to Strategy 2011–2020, Milestone 2013," August 2014.

73 NPA, "Cluster Munition Remnants in Montenegro," July 2013, p. 21.

74 Article 7 Report (for 1 August 2010 to 27 January 2011), Form F; and telephone interviews with Veselin Mijajlovic, Director, Regional Centre for Divers Training and Underwater Demining (RCUD), 19 and 25 July 2011.

75 Convention on Cluster Munitions Article 7 Report (for 2014), Form F; Article 7 Report (for 2013), Form F; and NPA, "Cluster Munition Remnants in Montenegro," July 2013, p. 26. There is a discrepancy in the locations reported as contaminated between the Article 7 reports and NPA.

76 Email from Veselin Mijajlovic, RCUD, 16 June 2015.

77 Email from Darvin Lisica, NPA, 3 March 2015.

78 Statement by Alberto Maverengue Augusto, IND, Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 4 September 2014.

79 Ibid.; and responses to NPA questionnaire by the IND, 30 April 2015; and APOPO, 15 May 2015.

80 Response to NPA questionnaire by Afedra Robert Iga, Advisor, Capacity Building Project Mozambique, NPA, 4 June 2015.

81 Response to NPA questionnaire by the IND, 30 April 2015.

82 Letter to Landmine Action from Lt.-Col. Scott Malina-Derben, Ministry of Defence, 6 February 2009.

83 Email from Jeremy Wilmshurst, Foreign and Commonwealth Office, 1 July 2015.

Non-signatories with more than 5km² of contaminated land

Cambodia's cluster munition contamination is the result of the intensive US air campaign during the Vietnam War that concentrated on the country's northeastern provinces along its border with Lao PDR and Vietnam.[84] In 2011, Thailand fired cluster munitions into Cambodia's northern Preah Vihear province, which resulted in additional contamination of approximately 1.5 km².[85] The full extent of the country's contamination is unknown.[86] Since 2012, a baseline survey of seven eastern provinces had identified almost 217km² of suspected cluster munition contamination by April 2015, almost half located in one province, Stung Treng. The survey was expected to be completed by the end of 2015.[87] Land release has been conducted by the Cambodian Mine Action Centre (CMAC) and international NGOs.

All 10 of **South Sudan**'s states experienced cluster munition use at some point, as operators have identified cluster munition remnants since 2006. As of 2015, nine states are still contaminated, particularly Central, Eastern, and Western Equatorial states.[88] Further areas of contamination were identified in 2014 from use prior to independence, as well as new use since December 2013.[89] Access to contaminated areas in Jonglei, Unity, and Upper Nile states has been extremely limited due to instability and fighting and this is severely impeding efforts to confirm or address contamination.[90] Four international operators reported clearing cluster munition remnants in 2014.

Syria. Syrian government forces have used cluster munitions extensively since 2012, while non-state armed group Islamic State also used cluster munitions in the second half of 2014. Cluster munitions have been used in at least 10 of Syria's 14 governorates, but the extent of contamination is not known.[91] Prior to the current conflict, the Golan Heights was contaminated by UXO, including unexploded submuntions. There is no functioning mine action program in Syria in government- or opposition-controlled areas. In 2012, UNMAS opened and then closed an office in Damascus.[92] Government and opposition armed forces as well as civilians conduct some clearance on an ad hoc basis.[93]

Ukraine. The full extent of contamination from cluster munition rockets used by both government and pro-Russian armed opposition forces in Ukraine's eastern provinces of Donetsk and Luhansk from mid-2014 until a February 2015 ceasefire is not known. Prior to 2014, cluster munitions had never been used in Ukraine. Both Ukrainian government authorities and opposition groups have conducted clearance of ERW including cluster munition remnants, usually reacting after attacks have taken place, or when community members notify authorities of remnants and suspected contamination.[94]

Vietnam is one of the most cluster munition-contaminated countries in the world as a result of the US use in 1965–1973 in 55 provinces and cities.[95] The US military also abandoned substantial quantities of cluster munitions.[96] There is no accurate assessment of contamination and no clear data on land release. The Army Engineering Corps has conducted most clearance in the country over the past five years, while several NGOs conduct clearance including BAC and roving EOD. According to the Engineering Command, it would need to at least double the number of clearance teams in order to meet a 2013–2015 National Mine Action Plan released in May 2013 that calls for clearance of 1,000km² a year, prioritizing clearance of provinces with the highest levels of contamination and casualties.[97]

Yemen. Much of the contamination is in areas of ongoing conflict and the full extent is not known. There are some 18km² of suspected submunitions in the northern Saada governorate but it has not been possible to survey other suspected areas in the northwestern Hajjah governorate.[98] Contamination results from use in 2009 and perhaps earlier. The extent of new contamination arising in 2015 has not been determined, resulting from air strikes by the Saudi-led coalition on Ansar

[84] South East Asia Air Sortie Database, cited in D. McCracken, "National Explosive Remnants of War Study, Cambodia," NPA in collaboration with Cambodian Mine Action and Victim Assistance Authority (CMAA), Phnom Penh, March 2006, p. 15; HRW, "Cluster Munitions in the Asia-Pacific Region," April 2008, www.hrw.org/legacy/pub/2008/arms/CMC.ClusterMunitions.Asia-Pacific.2008.pdf; and HI, *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI, Brussels, November 2006), p. 11.

[85] Aina Ostreng, "Norwegian People's Aid clears cluster bombs after clash in Cambodia," NPA, 19 May 2011, http://bit.ly/MonitorCMM15Clearancef37.

[86] South East Asia Air Sortie Database, cited in D. McCracken, "National Explosive Remnants of War Study, Cambodia," NPA in collaboration with CMAA, Phnom Penh, March 2006, p. 15; HRW, "Cluster Munitions in the Asia-Pacific Region," April 2008, www.hrw.org/legacy/pub/2008/arms/CMC.ClusterMunitions.Asia-Pacific.2008.pdf; and HI, *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI, Brussels, November 2006), p. 11.

[87] NPA Cambodia PowerPoint presentation, undated but May 2015, received by email from Jan Erik Stoa, Programme Manager, NPA, 1 June 2015.

[88] Response to NPA questionnaire by Robert Thompson, UNMAS, 30 March 2015; and email, 12 May 2014.

[89] UNMAS, "About UNMAS in South Sudan," updated March 2014, www.mineaction.org/programmes/southsudan.

[90] Response to NPA questionnaire by Robert Thompson, UNMAS, 30 March 2015.

[91] HRW, "Technical Briefing Note: Use of cluster munitions in Syria," 4 April 2014. The governorates were Aleppo, Damascus City and Rural Damascus, Daraa, Deir al-Zour, Hama, Homs, Idlib, Latakia, and Raqqa.

[92] The office was established in March 2012, but then closed in August 2012. Emails from Flora Sutherland, Senior Programme Coordinator, UNMAS, New York, 28 May 2013, and 9 June 2015.

[93] Landmine and Cluster Munition Monitor Syria Country Profile, 2014.

[94] Side-event presentation by Mark Hiznay, HRW, in Geneva, February 2015; and interview, 18 February 2015.

[95] "Vietnam mine/ERW (including cluster munitions) contamination, impacts and clearance requirements," presentation by Sr. Col. Phan Duc Tuan, People's Army of Vietnam (PAVN), in Geneva, 30 June 2011.

[96] Interview with Sr. Col. Phan Duc Tuan, PAVN, in Geneva, 30 June 2011.

[97] Prime Minister's Decision No. 738/QD-TTg, 13 May 2013; and interview with Sr. Col. Nguyen Thanh Ban, Engineering Command, Hanoi, 18 June 2013.

[98] Email from Ali al-Kadri, General Director, YEMAC, 20 March 2014.

Allah (the Houthi), most notably in Saada.[99] All survey and clearance is conducted by the Yemen Mine Action Centre (YEMAC), however it did not report results for operations in 2014. Escalating political turmoil and conflict in 2014 together with a lack of funding have impaired YEMAC's abilities to discharge its responsibilities.[100]

Other areas with more than 5km² of contaminated land

Kosovo is affected by cluster munitions used by Federal Republic of Yugoslavia armed forces in 1998–1999 and by a NATO air campaign in 1999.[101] After demining operations finished in 2001, the UN reported the problem virtually eliminated.[102] However, subsequent surveys since 2008 have identified uncleared areas.[103] Clearance has been conducted by NGOs, the Kosovo Security Forces, and NATO's Kosovo Force (KFOR).

Nagorno-Karabakh's cluster munition contamination dates from the conflict in 1988–1994 and affects all regions with more than 75% of the contamination located in three regions: Askeran, Martuni, and Martakert.[104] HALO has been the only operator since 2000. Cluster munition remnants contamination decreased significantly during 2014, as a result of clearance operations.[105] In 2011 it was reported that cluster munition sites run through villages and contaminated gardens and prime agricultural land.[106] Despite a clear humanitarian need, the international isolation of Nagorno-Karabakh is reported to make it difficult to raise funds.[107]

Western Sahara. Morocco used cluster munitions against Polisario Front forces from 1975 to 1991. Western Sahara was expected to complete the clearance of known cluster munition remnants outside the buffer zone with the Moroccan beam (sand wall) by the end of 2012.[108] However, the target date could not be met after the discovery of previously unknown contaminated areas.[109] Additional strike sites may be identified from information provided by the local population.[110]

[99] HRW, "Yemen: Saudi-Led Airstrikes Used Cluster Munitions," 3 May 2015; and HRW, "Yemen: Cluster munitions harm civilians," 31 May 2015.

[100] Interviews with mine action stakeholders requesting anonymity, February–June 2015.

[101] See UN Mission in Kosovo (UNMIK), "UNMIK OKPCC EOD Management Section Annual Report 2005," Pristina, 18 January 2006, p. 2; and ICRC "Explosive Remnants of War, Cluster Bombs and Landmines in Kosovo," Geneva, revised June 2001, pp. 6 and 15, www.icrc.org/eng/resources/documents/misc/explosive-remnants-of-war-brochure-311201.htm.

[102] "UNMIK Mine Action Programme Annual Report – 2001," Mine Action Coordination Cell, Pristina, undated but 2002, p. 1.

[103] HALO Trust, "Failing the Kosovars: The Hidden Impact and Threat from ERW," 15 December 2006, p. 1.

[104] Email from Andrew Moore, Caucasus & Balkans Desk Officer, HALO Trust, 29 May 2015.

[105] Ibid

[106] Ibid., 5 March 2010, and 9 March 2011.

[107] "Were we work: Nagorno-Karabakh," HALO website, undated, www.halotrust.org/where-we-work/nagorno-karabakh.

[108] Email from Karl Greenwood, Chief of Operations, Action on Armed Violence (AOAV)/Mechem Western Sahara Programme, AOAV, 18 June 2012.

[109] Response to Monitor questionnaire by Sarah Holland, MINURSO, 24 February 2014; and email from Gordan Novak, Senior Technical Advisor, AOAV Western Sahara, 25 July 2014.

[110] Email from Gordan Novak, AOAV Western Sahara, 25 July 2014.

© COPE, December 2014

Casualties and Victim Assistance

Cluster Munition Casualties

Orthopedic training in Lao PDR.

The Monitor provides the most comprehensive statistics available on cluster munition casualties recorded annually over time, in individual countries, and aggregated globally. The Monitor has documented a total of 19,868 cluster munition casualties in 33 countries and three other areas from the mid-1960s through the end of 2014.[1] This includes casualties recorded as directly resulting from the use of cluster munitions, as well as from cluster munition remnants.[2] However, a summary total of more than 55,000 casualties globally, calculated from various country estimates, provides a better indicator of the number of cluster munition casualties.

States and other areas with cluster munition casualties (as of 1 August 2015)[3]

States Parties	Non-signatories and other areas
Afghanistan	Cambodia
Albania	Eritrea
Bosnia and Herzegovina	Ethiopia
Chad	Georgia
Croatia	Israel
Guinea-Bissau	Kuwait
Iraq	Libya
Lao PDR	Russia
Lebanon	Serbia
Montenegro	South Sudan
Mozambique	Sudan
Sierra Leone	Syria
Signatories	Tajikistan
Angola	Ukraine
Colombia	Vietnam
Democratic Republic of the Congo (DRC)	Yemen
Somalia	*Kosovo*
Uganda	*Nagorno-Karabakh*
	Western Sahara

Note: other areas in italics.

1 Casualties include persons killed and injured.

2 Cluster munition remnants include abandoned cluster munitions, unexploded submunitions and unexploded bomblets, as well as failed cluster munitions. Unexploded submunitions are "explosive submunitions" that have been dispersed or released from a cluster munition but failed to explode as intended. Unexploded bomblets are similar to unexploded submunitions but refer to "explosive bomblets" which have been dispersed or released from an affixed aircraft dispenser and failed to explode as intended. Abandoned cluster munitions are unused explosive submunitions or whole cluster munitions that have been left behind or dumped and are no longer under the control of the party that left them behind or dumped them. See Convention on Cluster Munitions, Art. 2 (5), (6), (7), and (15).

3 Since the publication of *Cluster Munition Monitor 2014* two countries were added to this table, Somalia and Ukraine. In 2014, for the first time, cluster munition casualties were confirmed in non-signatory Ukraine. In 2014, signatory Somalia reported on the needs of its cluster munitions victims. Statement of Somalia, General Exchange of Views, Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 2 September 2014. There may have been casualties, as yet unconfirmed, in several more states. There was a credible report of unexploded submunition casualties on a weapons testing range in Zimbabwe (formerly Rhodesia). It is possible that cluster munition casualties have occurred but gone unrecorded in other countries where cluster munitions were used, abandoned, or stored in the past—such as States Parties Mauritania and Zambia and non-signatories Azerbaijan, Iran, and Saudi Arabia.

Documentation of casualties from cluster munitions improved in the lead-up to the 2008 signing of the Convention on Cluster Munitions and continued to improve throughout the first five years following the convention's entry into force on 1 August 2010. Before 2006, there was no global total available for casualties caused by cluster munitions. The first survey, published by Handicap International (HI) in November 2006, identified 11,044 cluster munition casualties globally.[4] These evidence-based findings contributed to a sense of outrage at the human cost of the weapon that increased the momentum of the humanitarian disarmament process for a ban on cluster munitions that would also address the needs of victims. In early 2007, HI extended its research, identifying 13,306 confirmed cluster munition casualties, with many more estimated casualties reported.[5]

Those pre-convention figures represent about two-thirds of the men, boys, women, and girls, killed and injured by cluster munitions recorded by the Monitor to date.[6] The current total includes updated data for some countries for the period before entry into force of the convention. However, even as the amount of data available on casualties has increased, one fundamental statistic has remained constant; the vast majority of the casualties of cluster munition have been civilians.

Although casualties from cluster munitions continue to be under-reported, more recent improvements in data collection highlight the widespread failure to record cluster munition casualties in past conflicts, particularly casualties that occurred during airstrikes and shelling in Southeast Asia and the Middle East.

Global casualties

Despite improvements in data collection methods since the entry into force of the Convention on Cluster Munitions, new casualties from cluster munitions occurring each year remained underreported. In many countries' data, cluster munition casualties are not recorded separately from casualties of other types of unexploded ordnance.

In 2010-2014, cluster munition casualties were reported in 14 countries and three other areas: Afghanistan, Cambodia, DRC, Croatia, Iraq, Lao PDR, Lebanon, Libya, Serbia, South Sudan, Sudan, Syria, Ukraine, and Vietnam as well as Kosovo, Nagorno-Karabakh, and Western Sahara.

A continuing pattern of harm to civilians—particularly children and young adults—is still apparent. Children under 18 years of age accounted for half of all cluster munition casualties in 2010–2014 in countries where casualties from submunitions were disaggregated and details known.[7]

In the period 2010–2014, civilians were the majority (92%) of all cluster munition casualties where the status was recorded. Humanitarian clearance personnel accounted for 2%, and security forces—military and other security personnel as well as non-state armed group (NSAG) actors—accounted for 5%.[8] The high percentage of civilian casualties is consistent with the findings based on analysis of historical data reported previous to entry into force of the convention.[9]

Cluster munition remnants continue to be a threat to humanitarian clearance personnel—explosive ordinance disposal (EOD) teams and deminers—when clearing hazardous areas. In the period 2010–2014, at least 19 clearance personnel were casualties of submunitions, including four in 2014.[10]

In global casualty data recorded by the Monitor, which starts at the time of United States (US) cluster munition attacks in Southeast Asia in the 1960s and continues through to the end of 2014, at least 19,868 cluster munition casualties have been reported. Yet a better indicator of the extent of cluster munition casualties worldwide is the total sum of country estimates, which amounts to more than 55,000. Global projections range as high as 85,000 casualties or more, but some of those country totals are based on extrapolations from limited samples and data may be inflated.[11]

[4] *Fatal Footprint: The Global Human Impact of Cluster Munitions*, Preliminary Report (Brussels, HI, November 2006), p. 44.

[5] HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), bit.ly/MonitorHICircleofImpact2007.

[6] The Monitor collects data from an array of sources, including national reports, mine action centers, mine clearance operators, victim assistance service providers, as well as from a range of national and international media. Global cluster munition casualty data used by the Monitor includes the global casualty data collected by HI in 2006 and 2007. See, HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities*.

[7] There were 112 child casualties, 113 adult casualties, and 14 of unknown age.

[8] From 2010–2014 there were 653 civilian casualties, 19 clearance personnel casualties, and 34 military casualties, of 706 casualties where the civilian status was reported.

[9] HI found that 98% of casualties were civilian by applying an equation to a small percentage of unkown casualties based on the percentage of casualties for which civilian statues was known. Of the number of known casualties the percentage of civilians was some 94%. Data used by the Monitor includes global casualty data collected by HI in 2006 and 2007. The addition of new data sources over time did not significantly change the percentage of civilian casualties. See, HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), bit.ly/MonitorHICircleofImpact2007.

[10] This total does not include NSAG fighters or civilians clearing cluster munition remnants.

[11] See also, HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), bit.ly/MonitorHICircleofImpact2007. "A conservative estimate indicates that there are at least 55,000 cluster submunitions casualties but this figure could be as high as 100,000 cluster submunitions casualties."

The majority of reported cluster munition casualties (64%) have occurred in States Parties to the convention, particularly Afghanistan (775), Iraq (3,035), Lao PDR (7,628), and Lebanon (721).[12]

The vast majority (15,761) of all reported casualties to date were caused by cluster munition remnants—typically explosive submunitions that failed to detonate during strikes. Another 2,783 casualties were directly caused by cluster munition use.[13] As noted in the introduction to this casualty section, casualties directly caused by use have been grossly under-reported, as were casualties among military and security personnel; therefore the actual number of casualties, both known and estimated, is massively under-represented.

Cluster munition casualties in 2014

For calendar year 2014, the Monitor received reports of 445 cluster munition casualties. Of the total, 336 occurred during cluster munition airstrikes and shelling and 106 casualties were from unexploded submunitions. The cause for three of the casualties was not reported. In 2014, 10 countries and one other area reported cluster munition casualties: Afghanistan (one), Cambodia (one), Iraq (16), Lao PDR (21), Lebanon (eight), Libya (one), South Sudan (one), Syria (383), Ukraine (seven), Vietnam (four), and Kosovo (two). Almost half (46%) of all recorded casualties in Lao PDR in 2014 were caused by unexploded submunitions, demonstrating that unexploded submunition continued to present a significant threat compared to all other explosive remnants of war (ERW) in that country.

Casualties from cluster munition airstrikes and shelling in Syria and Ukraine were recorded in 2014. In 2012 and 2013, the only cluster munition casualties from attacks were in Syria.[14] Prior to Syrian cluster munition use, the last reported casualties from cluster munition attacks were recorded before the convention's entry into force: by the United States in Yemen in 2009 and by Russia and Georgia in Georgia in 2008. In 2011, cluster munition shelling by Thailand into Cambodia resulted in 10 unexploded submunition casualties immediately following the attack.[15]

Syria had by far the most reported cluster munition casualties in 2014 (both from direct use of cluster munitions and from unexploded submunitions), as has been the case since 2012. A total of 383 cluster munition casualties were reported in Syria for 2014, including 329 casualties directly caused by cluster munition use—airstrikes and shelling. This is less than 40% of the 1,001 cluster munition casualties reported in Syria in 2013. The extreme difficulties of collecting data inside the country may have influenced the decline in the annual casualty numbers reported.

Data for Syria reported in the Monitor was collected and disaggregated according to the weapons that caused the casualties by the Violation Documentation Center in Syria (VDC) and the Syrian Network for Human Rights (SNHR). Casualty data collection for Syria is ongoing, but efforts have been impeded by the continuing conflict. Both organizations recognize that the number of cluster munition casualties from use and due to unexploded submunitions is likely much higher than has been recorded.[16]

From 2012 through to the end of 2014, at least 1,968 cluster munition casualties were reported in Syria.

Cluster munition victims

"Cluster munition victims" as defined under Article 5 of the Convention on Cluster Munitions are all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalization, or substantial impairment of the realization of their rights caused by the use of cluster munitions.

This definition includes survivors (people who were injured by cluster munitions or their explosive remnants and lived), other persons directly impacted by cluster munitions, as well as their affected families and communities.

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

Although little is known about the actual number of families and communities affected by cluster munitions, available information indicates that their needs are likely to be extensive.

[12] The Monitor has recorded 12,725 casualties in States Parties through to the end of 2014.

[13] For another 1,324 casualties documented it was not specified how many were due to strikes.

[14] There may have been casualties due to the use of a type of cluster munition in Myanmar in 2013, but no details were available.

[15] However, no casualties directly caused by the shelling were reported.

[16] In July 2015, the SNHR informed the Monitor that it believes that the number of cluster munition casualties, including persons injured, is likely far more than what they had been able to report, noting that "the Syrian regime relies greatly on using cluster munitions." The VDC reported that the statistics available through casualty reports on its website database are likely far lower than those caused by the actual use of cluster munitions and that this "is of course due to the hardship of collecting data inside of the different geographic [locations] in Syria and the pursuit of human rights activists by all military parties." Email from Amir Kazkaz, VDC, 8 March 2015; and email from Fadel Abdul Ghani, SNHR, 27 July 2015.

Victim Assistance

Introduction

In many ways a landmark humanitarian disarmament agreement, the Convention on Cluster Munitions is the first international treaty to make the provision of assistance to victims of a given weapon a formal requirement for all States Parties. It is also the first international humanitarian law treaty to include a reporting obligation for victim assistance. At this significant milestone, the fifth year since its entry into force on 1 August 2010, the Convention on Cluster Munitions continues to set the highest standard in obligations for the provision of assistance as well as on reporting practices on victim assistance.[17]

The objectives of the convention's victim assistance obligations were elaborated in the 2011–2015 Vientiane Action Plan adopted by States Parties at the First Meeting of States Parties in November 2010, which included a set of measurable goals and commitments.[18] This victim assistance overview includes Monitor reporting and findings from 2010 to 1 August 2015.[19]

Research shows that the Convention on Cluster Munitions, and victim assistance in humanitarian disarmament more broadly, has contributed to making more resources available to survivors, as well as people with similar needs—mostly persons with disabilities.[20] Because it requires a non-discriminatory approach to providing all forms of assistance and services, victim assistance often contributes to addressing some of the needs of persons with disabilities who are not survivors, but also have requirements—for assistance and the fulfillment of their rights—that are similar to those of cluster munition victims.

Some victim assistance efforts have reached family members of people killed by cluster munitions, as well as those who survived direct harm from cluster munitions. Assistance to so-called indirect victims is, however, far less common than assistance provided to survivors and persons with disabilities.[21]

The Convention on Cluster Munitions has provisions to safeguard against discrimination that align it with the 2008 Convention on the Rights of Persons with Disabilities (CRPD), which includes non-discrimination as a general principle and proscribes "discrimination of any kind on the basis of disability."[22] In addition, the Convention on Cluster Munitions prohibits discrimination between cluster munition victims with disabilities and other persons with disabilities and requires that differences in treatment be based only on medical, rehabilitative, psychological, or socioeconomic needs.[23]

The preamble of the Convention on Cluster Munitions highlights the close relationship between the CRPD and the Convention on Cluster Munitions.[24] However, while domestic implementation of the CRPD is developing alongside the implementation of the Convention on Cluster Munitions, the structures established under the CRPD had often not yet built adequate capacity for supporting the fulfillment of the state's obligations under either convention. In such circumstances, existing victim assistance-specific coordination remained the most viable mechanism for maintaining progress on the objectives of the Vientiane Action Plan.

By codifying the international understanding of victim assistance and its components and provisions that originally developed under the Mine Ban Treaty (1997), the Convention on Cluster Munitions has also influenced the victim assistance commitments in the Convention on Conventional Weapons (CCW), particularly Protocol V and its Plan of Action on Victim Assistance (2008). It has also been reinforcing victim assistance practices under the Mine Ban Treaty's five-year action plans. All but two of the States Parties to the Convention on Cluster Munitions with cluster munition victims (Lao PDR and Lebanon) are also party to the Mine Ban Treaty and, as such, have also made victim assistance commitments through the Mine Ban Treaty action plans.

[17] See Article 5 and Article 7.k. of the Convention on Cluster Munitions. In contrast, the text relevant to victim assistance in Mine Ban Treaty (1997) only applies to parties in a position to provide assistance, as does the text of Article 8.2 of the Convention on Conventional Weapons (CCW) Protocol V on Explosive Remnants of War (2003).

[18] Cluster munition victims include survivors (people who were injured by cluster munitions or their explosive remnants and lived), other persons directly impacted by cluster munitions, as well as their affected families and communities. 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 by cluster munition remnants.

[19] The majority of information provided was on the basis of annual calendar year updates for the period 1 January 2010 to December 2014, with additional information to 1 August 2014 included as available.

[20] See individual country profiles; and the Monitor, "Frameworks for Victim Assistance: Monitor key findings and observations," 3 December 2013, bit.ly/MonitorVAFrameworks2013.

[21] For more information on services provided to indirect victims see, ICBL-CMC, "Victim Assistance and Widowhood" (Briefing Paper), 23 June 2015, bit.ly/MonitorVAWidowhood2015.

[22] See, Convention on Cluster Munitions, Article 5.2.e; CRPD, Article 3.b; and CRPD, Article 4.1.

[23] Convention on Cluster Munitions, Article 5.2.e. This is also relevant to with International Humanitarian Law, including Additional Protocol II of the Geneva conventions, in regard to persons wounded: "There shall be no distinction among them founded on any grounds other than medical ones." Article 7.2., Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. bit.ly/MonitorCMM15VAf23.

[24] The preamble states: "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."

Non-signatories Cambodia and Vietnam are also viewed as countries with the most significant numbers of cluster munition victims in need of assistance and support.[25] Both have recognized the need to assist cluster munition victims and to provide information on their victim assistance efforts.[26]

The Convention on Cluster Munitions requires that States Parties with cluster munition victims implement specific activities with tangible outcomes, including the following:

- Ensure adequate, available, and accessible assistance;
- Provide assistance that is gender- and age-sensitive as well as non-discriminatory;
- Collect relevant data and assess the needs of cluster munition victims;
- Coordinate the implementation of victim assistance and develop a national plan;
- Integrate assistance into existing national disability, development, and human rights frameworks and mechanisms;
- Actively involve cluster munition victims in all processes that affect them; and
- Report on progress.

States Parties with responsibility for cluster munition victims should identify the resources available as well as mobilize international cooperation for victim assistance activities. The convention holds that States Parties in a position to provide international cooperation and support should direct assistance to implementation of the convention's victim assistance obligations.[27]

Five years after the convention was adopted, victim assistance required significantly greater targeted resources to be made available in order to address the needs identified by States Parties and cluster munition victims.

Victim assistance under the Vientiane Action Plan

The Vientiane Action Plan (2010–2015) has provided a set of commitments guiding the implementation of victim assistance in all its key aspects.[28] Under the plan, states with responsibilities for cluster munition victims must increase their capacities for providing assistance.[29] Correspondingly, the States Parties in a position to provide assistance should promptly respond to requests for support "to ensure that the pace and effectiveness of these activities increases in 2011 and beyond." They should also "strive to ensure continuity, predictability and sustainability of resource commitments."[30]

Most of the time-bound actions of the Vientiane Action Plan were formulated to begin at the point of entry into force for each State Party. This meant that the states that ratified initially had the full five years to organize and implement the actions of the plan, while the most recent States Parties had less than two years.

Entry into force for States Parties with cluster munition victims

2010
Albania (1 August) Croatia (1 August) Lao PDR (1 August) Montenegro (1 August) Sierra Leone (1 August)
2011
Bosnia and Herzegovina (1 March) Guinea-Bissau (1 May) Lebanon (1 May) Mozambique (1 September)
2012
Afghanistan (1 March)
2013
Chad (1 September) Iraq (1 November)

Government focal points

All States Parties with responsibility for cluster munition victims must designate a government focal point for victim assistance issues.[31] Under Action #21 of the Vientiane Action Plan they committed to do *so within six months of the convention's entry into force for each State Party*.

Since entry into force of the convention, all States Parties with cluster munition victims rapidly designated one or more focal points, with the exception of Guinea-Bissau and Sierra Leone. Some states' focal points have changed over the course of the past five

[25] "Draft Oslo Progress Report," CCM/MSP/2012/WP.1, undated, pp. 7 and 9, www.clusterconvention.org/files/2012/06/Oslo-Progress-Report-13-7-2012-2_final.pdf; and "Lusaka Progress Report," Lusaka, (corrected) 13 September 2013, p. 9, www.clusterconvention.org/files/2013/04/LPR-with-annex-as-corrected.pdf.

[26] Cambodia and Vietnam have reported on their implementation efforts in accordance with the convention's specific requirements of planning, coordination, and the integration of victim assistance into rights-based frameworks, such as the CRPD. Statement of Cambodia, Convention on Cluster Munitions Third Meeting of States Parties, Oslo, 12 September 2012, bit.ly/MonitorCMM15VAfn26a; and statement of Vietnam, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2012, bit.ly/MonitorCMM15VAfn26b. Vietnam stated that it is "among the countries most affected by cluster munitions and other explosive remnants of war." It also stated, "Viet Nam has signed the Convention on the Rights of Persons with Disabilities and adopted a Law on Persons with Disabilities, which provides an important legal framework for the care for and assistance to victims of ERW." Vietnam identified the Ministry of Labour, War Invalids and Social Affairs as the focal point for victim assistance and is developing a Victim Assistance Action Plan and Standard Guidelines on Victim Assistance.

[27] Convention on Cluster Munitions, Article 6.7.

[28] The Vientiane Action Plan includes 14 victim assistance actions, with 10 detailed and time-bound victim actions specific to countries with cluster munition victims, and three other actions relating to victim assistance in States Parties.

[29] Vientiane Action Plan, Action #20.

[30] Vientiane Acton Plan, Action #37; and Action #38.

[31] Convention on Cluster Munitions, Article 5.1g.

years. Croatia designated the Croatian Mine Action Centre as its victim assistance focal point in 2011, and then transferred that responsibility to the Office for Mine Action in 2012.[32] Bosnia and Herzegovina (BiH) reported that its focal point was located within the Ministry of Foreign Affairs in 2010–2011.[33] It did not report a victim assistance focal point in 2012–2014.[34]

Assessing needs

Understanding cluster munition victims' situations and requirements is essential to meeting needs. Under Article 5, the convention requires that States Parties make "every effort to collect reliable relevant data" and assess the needs of cluster munition victims. Under Action #22 of the Vientiane Action Plan, all necessary data should have been collected and disaggregated by sex and age, and the needs and priorities of cluster munition victims assessed *within one year of the convention's entry into force for each State Party*.[35]

Monitor reporting indicates that data collection efforts in Albania, Croatia, Lao PDR, and Lebanon prioritized limited survey resources by focusing on understanding the needs of survivors and disaggregating data by age and sex, above identifying the specific number of cluster munition victims or which weapons caused the casualties. In BiH and Montenegro, the number of cluster munition victims was revised by survey, but did not record or report information on the age and sex of casualties and the needs of survivors. While no States Parties fulfilled the action within the timeframe envisioned, most States Parties took steps or saw progress in needs assessment.[36]

Authorities in **Albania**, in cooperation with the main victim assistance NGO Albanian Association for Assistance, Integration and Development (ALB-AID, maintained records of cluster munition survivors that detail their needs and the services received.[37] ALB-AID with support from the Albanian Mines and Munitions Coordination Office (AMMCO), expanded data collection to assess the socioeconomic and medical needs of marginalized ERW victims in several regions throughout the country.[38]

In **Afghanistan**, no specific national survivor survey or needs assessments have been carried out, but government ministries, the ICRC, and NGOs have collected data on the needs of survivors and other persons with disabilities for the implementation of projects. The social security registration system for persons with disabilities includes survivors. However, an independent assessment found serious problems with the system and reported that it required a significant overhaul.[39]

BiH completed a major national casualty data revision in 2009, but did not include the category of cluster munitions/unexploded submunition casualties in the questionnaire.[40] After entry into force of the convention, BiH reported in June 2011 that it had identified 225 previously unrecorded cluster munition casualties.[41] BiH has continued to identify new cluster munition casualties, however, the data has not been disaggregated by age or sex, and details were insufficient for planning or analysis.[42]

Croatia continued to pursue a commitment it made in 2009 to unify existing data on mine/ERW casualties, including cluster munition victims, to be available for use in survey and needs assessment as well as for the implementation of services.[43] A coordination group was established in 2010 to develop a unified survivor database, but progress stalled in 2011. The project restarted in 2013, and by 2014, a unified database was completed and ready for use in a needs

[32] Convention on Cluster Munitions Article 7 Report (for calendar year 2011), Form H,; and Convention on Cluster Munitions Article 7 Report (for calendar year 2012), Form H, bit.ly/MonitorArt7ClusterMunitions.

[33] Convention on Cluster Munitions Article 7 Report (for calendar year 2010), Form H,; and Convention on Cluster Munitions Article 7 Report (for calendar year 2011), Form H, bit.ly/MonitorArt7ClusterMunitions.

[34] Convention on Cluster Munitions Article 7 Report (for calendar year 2012), Form H,; Convention on Cluster Munitions Article 7 Report (for calendar year 2013), Form H; and Convention on Cluster Munitions Article 7 Report (for calendar year 2014), Form H, bit.ly/MonitorArt7ClusterMunitions.

[35] 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.

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

[37] 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.

[38] Email from with Jonuz Kola, ALB-AID, 20 May 2015; and interview with Izet Ademaj and Zabit Cukes, ALB-AID, Tirana, 20 May 2015.

[39] Independent Joint Anti-Corruption Monitoring and Evaluation Committee Vulnerability to Corruption, "Assessment of the Payment System for Martyrs and Persons Disabled by Conflict," 3 June 2015, pp. 2–9, www.mec.af/files/2015_06_03_MOLSAMD_VCA_%28English%29.pdf.

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

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

[42] Convention on Cluster Munitions Article 7 Report (for calendar year 2014), Form H.

[43] 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.

assessment survey.[44] In early 2015, a lack of funding delayed survey implementation and alternative means to conduct the survey were being explored.[45]

In **Chad**, a mine/ERW survivor survey and needs assessment in the most mine/ERW-affected areas of the country was carried out by the mine action center (Centre National de Deminage, CND) with the technical support of Handicap International (HI), while it was still a signatory state in 2010. A planned countrywide mapping of all mine/ERW survivors, announced in 2011 as part of the implementation of the National Action Plan on Victim Assistance, has not been completed, while a census of mine victims and their needs was identified as a priority in 2013.[46]

In **Iraq**, the identification of cluster munition casualties through an ongoing survey and needs assessment was reported. Iraq's survey of mine/ERW victims had identified 880 cluster munition victims (148 people killed, 732 injured) in five provinces as of 31 March 2014.[47] Another 16 were identified during April to December 2014.[48]

Lao PDR's national UXO (unexploded ordnance) victims and accidents survey, which started in 2008, recorded data disaggregated by age and sex back to the 1960s.[49] However, only 15,000 mine/ERW survivors of more than 21,019 recorded were believed to still be living in 2010 (including an estimated 2,500 of 4,300 recorded cluster munition survivors).[50] This reduced the usefulness of the data for planning and implementing services. To address this, Lao PDR introduced a survivor tracking system in 10 provinces through which more than 10,000 individual survivors' survey forms had been received by the National Regulatory Authority for the UXO/Mine Action Sector in the Lao PDR (NRA) by 2013.[51] By the beginning of 2015, all data received was entered into a database to be shared for the preparation of work plans and funding requests.[52]

The **Lebanon** Mine Action Center (LMAC) completed the first phase of a national needs assessment of mine/ERW and cluster munition victims, including survivors and family members, in 2010 prior to entry into force for Lebanon.[53] In 2013, Lebanon initiated another national survey and needs assessment of 690 people injured, as well as the families of people killed, which was finalized in 2014. Survey data provided the national Victim Assistance Steering Committee with information focusing mostly on medical and rehabilitation needs.[54]

In **Montenegro**, in 2013, Norwegian People's Aid (NPA), in cooperation with the state-run Montenegrin Regional Centre for Underwater Demining, reported one more cluster munition casualty from 1999, in addition to the eight identified by NPA during a research study in 2006. No other details about the casualty were reported.[55]

In **Mozambique**, a needs assessment of a representative sample of mine/ERW survivors was completed by HI and the survivor network RAVIM (Rede para Assistência às Vítimas de Minas) in 2013, in partnership with the Ministry of Social Affairs. The survivor survey, conducted in two provinces, did not identify the type of munition or explosive device that caused injuries.[56]

Guinea-Bissau and **Sierra Leone** have not reported on efforts to survey and assess the needs of cluster munition victims.

[44] Convention on Cluster Munitions Article 7 Report (for the calendar year 2014), Form H; and email from Hrvoje Debač, Government Office for Mine Action, 23 March 2014.

[45] Emails from Maja Dundov Gali, CROMAC, 7 April 2015; and Marija Breber, MineAid, 10 April 2015.

[46] ICRC Physical Rehabilitation Programme (PRP), "Annual Report 2014," Geneva, 2015; response to Monitor questionnaire by Zienaba Tidjani Ali, CND, 2 April 2013; email from Zakaria Maiga, ICRC, 29 March 2013; and statement of Chad, Mine Ban Treaty Twelfth Meeting of States Parties, Geneva, 4 December 2012.

[47] Convention on Cluster Munitions Article 7 Report (Initial report 2013), Form H.

[48] Convention on Cluster Munitions Article 7 Report (from April to December 2014), Form H.

[49] 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.

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

[51] Convention on Cluster Munitions Article 7 Report (calendar year 2013), Form H, bit.ly/MonitorArt7ClusterMunitions.

[52] Convention on Cluster Munitions Article 7 Report (calendar year 2014), Form H; and interview with Bountao Chanthavongsa, NRA, Vientiane, 11 June 2015.

[53] The survey covered people affected in the period from July 2006 to the end of 2010. Email from Col. Rolly Fares, Head of Information Management and Victim Assistance Section, LMAC, 31 May 2011.

[54] Email from Brig. Gen. Elie Nassif, Director, LMAC, 13 May 2015.

[55] No other details about the casualty were reported. Cluster Munition Remnants in Montenegro: Non-technical Survey of Contamination and Impact (Podgorica: Regional Centre for Underwater Demining, Norwegian People's Aid (NPA), May 2013), p. 27.

[56] There were casualties from incidents involving cluster munition remnants in Mozambique, though these were not distinguished from ERW in the data and would require a survey to identify them. Convention on Cluster Munitions Article 7 Report (for the calendar year 2012), Form H; statement of Mozambique, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 16 September 2011; and interview with António Belchior Vaz Martin, IND, and Mila Massango, Head of International Affairs, IND, in Geneva, 22 June 2010.

Coordination and plans

Victim assistance coordination and planning in 2010–2014

State Party	Victim assistance coordination	Collaboration with disability coordination	Survivor participation in coordination	Plan for assistance
Afghanistan	Yes	Yes	Yes	No
Albania	Yes	Yes	Yes	Yes, 2010
BiH	Yes, until end of 2013	Partial collaboration	Yes	Yes (revised in 2013)
Chad	No	No coordination	No coordination	Yes (2013–2017)
Croatia	Yes	Yes	Yes	Yes (2010–2014)
Guinea-Bissau	Not reported	Unkown	No coordination	Yes (no timeframe)
Iraq	No (ad hoc meetings)	Partial collaboration	Yes	No
Lao PDR	Yes	Partial collaboration	Yes	Yes (2014–2020)
Lebanon	Yes	Yes	Yes	Yes (2011–2020)
Montenegro	No	Designated focal points	No coordination	No coordination
Mozambique	Yes	Same as disability coordination	Yes	Component of disability plan (2012–2019)
Sierra Leone	No coordination	Disability coordination exists	Unknown	No

Coordination and collaboration

States Parties should integrate the implementation of the victim assistance into existing coordination mechanisms, such as those created under the CRPD (according to Action #23 of the Vientiane Action Plan), or, if there were no such mechanisms, establish a coordination mechanism *within one year of the convention's entry into force for that State Party*.

However, the challenge in many States Parties where such mechanisms did exist was that the relevant coordination bodies were too weak to coordinate effectively. Therefore, victim assistance coordination could not be effectively integrated into these systems. This has been the case in states including Afghanistan, BiH, Lao PDR, and Lebanon.

Similarly, a study by HI in 2014 noted, "In some cases, the DPOs movement itself faces difficulties in coordination at the national level, in which case some [survivors' organizations] may prefer to work separately."[57]

Afghanistan planned to establish a national disability council or federation of disabled persons' organizations (DPOs), but this has not been achieved.[58] While there are many coordination groups for specific disability-related issues, there has been no functioning, unified coordination mechanism.[59] Guidelines for the constitution of a national disability rights body were developed, but not implemented.[60] The Ministry of Labor, Social Affairs, Martyrs & Disabled (MoLSAMD) led efforts to revive the national disability rights body but was not successful due to the different interests of key actors.[61]

There were no mine, cluster munition, and other ERW survivors' representative organizations on the National Council for Persons with Disabilities in **BiH**, which includes 10 representatives of ministries and 10 representatives of persons with disabilities.[62] A collective of NGOs, including one representing mine/ERW survivors, reported in 2014 that the national council "does not constitute an independent mechanism" in accordance with Article 33 of the CRPD.[63] According to another report, many DPOs did not consider the council inclusive or representative and reported that, as of 2014, the council had yet to show results for persons with disabilities.[64]

[57] "Victim assistance issue briefs: how to ensure mine/ERW survivors benefit from and participate in disability-inclusive development," Brussels, 2014, bit.ly/MonitorCMM15VAf57.

[58] Response to Monitor questionnaire by Mine Action Coordination Centre of Afghanistan (MACCA) (consolidated questionnaire including information from Ministry of Education, MoLSAMD, and Ministry of Public Health), April 2015.

[59] Response to Monitor questionnaire by Juliette Coatrieux, Programme Support Officer, HI, 26 April 2015.

[60] Email from Samiulhaq Sami, HI, Kabul, 14 October 2014.

[61] Response to Monitor questionnaire by Juliette Coatrieux, HI, 26 April 2015.

[62] Response to Monitor questionnaire by Esher Sadagic, BHMAC, 27 May 2013; and statement of BiH, Mine Ban Treaty Thirteenth Meeting of States Parties, Geneva, 3 December 2013.

[63] Report for the Universal Periodic Review Bosnia and Herzegovina Informal Coalition of Non-governmental Organisations for Reporting on Human Rights, p. 5, bit.ly/MonitorCMM15VAf63. See also, CRPD Article 33 - National implementation and monitoring, www.un.org/disabilities/default.asp?id=293.

[64] Light for the World/MyRight, "Report for the Universal Periodic Review–second cycle Bosnia and Herzegovina," March 2014, pp. 2, 6, bit.ly/MonitorCMM15VAf64.

In **Lao PDR**, the National Committee for Disabled People and Elderly (NCDE) is the main disability coordination body, but the disability sector requires far greater organization and international support than the NCDE provides. There are no official disability coordination meetings for all stakeholders.[65] In 2014, DPOs reported problems with disability coordination, including frequent changes of designated disability focal points within ministries due to staff turnover, and low funding for DPOs that obstructed them from representing their members at a policy level.[66]

The National Council of Persons with Disabilities in **Lebanon** does not have any executive power despite its responsibility for disability social policy.[67]

National plans and strategies

Under Action #24 of the Vientiane Action Plan, States Parties without a comprehensive national plan of action should commit to adopting one that is consistent with the fulfillment of victim assistance obligations under the convention. States Parties with a plan should have adapted it to fulfill the convention.[68] This commitment had no timeframe, but was nonetheless successfully undertaken by most States Parties (*see table*).

Albania and Croatia adopted national victim assistance plans in 2010. Chad adopted a plan in 2012 that was extended in 2013. Lebanon introduced a victim assistance strategy as part of its 2011–2020 Mine Action National Strategy. BiH revised its victim assistance strategy (a sub-strategy of its mine action strategy) in 2012 and included references to obligations under the Convention on Cluster Munitions. Guinea-Bissau reported a national victim assistance plan in December 2013. After a period of several years planning, Lao PDR adopted a victim assistance strategy for the NRA in March 2014. Mozambique developed a national plan for victim assistance in 2013, as a component of its National Disability Plan, but it has yet to be officially adopted or put into use.

Role of survivors

The participation of cluster munition victims was essential to the development and adoption of the Convention on Cluster Munitions and their full and active inclusion remains a core principle of the convention and a legal obligation for States Parties. The convention requires that States Parties "closely consult with and actively involve cluster munition victims and their representative organisations"[69] while fulfilling victim assistance obligations. The Vientiane Action Plan holds that States Parties must actively involve cluster munition victims (Action #23) and their representative organizations in the work of the convention, placing responsibility on all States Parties—not just those with cluster munition victims—for promoting the participation of cluster munition victims.

Since 2010, the trend regarding survivor participation has been positive; in general, there has been an increase in the involvement of survivors in service provision, coordination, and policy creation.

Survivor networks, peer support organizations, and DPOs have taken on an increasingly important role in *providing services* to survivors. Survivors and other persons with disabilities are involved in victim assistance activities in nine States Parties with known cluster munition victims, including through the provision of ongoing services, such as prosthetics or peer support. For example, the ICRC Afghan Physical Rehabilitation Project was managed by persons with disabilities. The rehabilitation project maintained a policy of "positive discrimination," employing and training only people with disabilities.[70] In many States Parties (including Albania, Afghanistan, BiH, Croatia, Lao PDR, and Mozambique) peer support work was carried out by survivors.

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

Since the first Meeting of States Parties and the adoption of the Vientiane Action Plan in 2010, the participation of survivors in national *coordination* mechanisms has increased in a number of states. Survivors were included in Lao PDR's Technical Working Group on Victim Assistance.[71] Survivors and their representative organizations participated in meetings of Croatia's national victim assistance coordinating body. The representation and participation of persons with disabilities on Iraq's national disability commission was included in the law mandating its establishment after advocacy efforts by the Iraq Alliance for Disability Organizations and other members of civil society.[72] In Lebanon, the National Steering Committee on Victim Assistance, coordinated by LMAC, involves national victim assistance, NGO service providers, and relevant government ministries.[73]

---

65 Notes from Monitor field mission to Lao PDR, 11–12 June 2015.

66 "Universal Periodic Review (UPR 18)," A Stakeholders report prepared by Lao Disability Network, Lao PDR Coordinated by: Lao Disabled People's Association (LDPA), undated, but 2014, bit.ly/MonitorCMM15VAf66.

67 Lebanese Coalition of Organizations of Disabled Persons, Questionnaire response to Special Rapporteur on the rights of persons with disabilities on the right of persons with disabilities to social protection, May 2015, www.ohchr.org/documents/issues/disability/socialprotection/civil_society/lcdp_lebanon_eng.doc.

68 Together with the plan States Parties should develop a budget.

69 Convention on Cluster Munitions, Article 5.2.f.

70 Responses to Monitor questionnaires by Alberto Cairo, ICRC, Kabul, 26 April 2014, and 14 April 2015.

71 Notes from Monitor field mission to Lao PDR, 11–12 June 2015.

72 Email from Moaffak Alkhfaji, Director, Iraqi Alliance for Disability (IADO), 29 June 2013.

73 Convention on Cluster Munitions Article 7 Report (for calendar year 2012), Form H.

Progress has also been made on including survivors in consultations about the *creation of policies*, national victim assistance plans, and legislative measures that affect them. Survivors have been consulted or otherwise involved in the creation of national victim assistance plans in Albania, BiH, Croatia, Lao PDR, and Mozambique. In Lao PDR, representatives of survivor groups participate in consultative processes, special events, and ERW sector-wide working group meetings.[74] In Albania, a survivor network leader is also the representative of a political party that specifically represents persons with disabilities.[75]

As highlighted by Actions #30 and #31 of the Vientiane Action Plan, cluster munition victims should be considered as experts in victim assistance and included on government delegations to international meetings as well as in all activities related to the convention. There is significant scope for increased *representation of survivors in international fora* and the CMC has called on States Parties to make a concentrated effort to include survivors on national delegations to Meetings of States Parties and Review Conferences. Since 2010, a few states, including BiH, Croatia, and Iraq, have included a survivor as a member of their delegation to international meetings of the convention. Many more cluster munition victims participated in international meetings as part of the CMC delegation.

Progress in providing adequate assistance

The obligation for States Parties responsible for cluster munition victims to adequately provide assistance including medical care, rehabilitation, and psychological support, as well as social and economic inclusion of victims, stands at the core of the convention's victim assistance provisions.[76] Such assistance should be age- and gender-sensitive.[77] Most States Parties have seen concrete activities undertaken to improve the delivery of adequate assistance since they committed to the measures established in the Vientiane Action Plan.

This summary overview covers developments in States Parties, while data on the provision of victim assistance in signatory states and non-signatories is available online in relevant Monitor country profiles. More details on services is available through the Monitor's Equal Basis report, which provides information on efforts to fulfill responsibilities in promoting the rights of persons with disabilities—including the survivors of landmines, cluster munitions, and other ERW—as well as in providing assistance for activities that address the needs of survivors and other persons with disabilities with similar needs in 33 countries that have obligations and commitments to enforce those rights.[78]

International organizations and NGOs carried out many, if not most, of the steps that have been taken to provide victim assistance with the backing of donor funding and in coordination with relevant government agencies and ministries.[79] These services provided the most direct and measurable assistance to persons with disabilities and war-injured persons, including cluster munition survivors. For their part, States Parties contributed by coordinating and sometimes monitoring those activities. They also provided assistance to survivors through existing healthcare, rehabilitation, and social welfare systems without having the capacity to measure the scale or impact of state-run services that reach cluster munition victims.

Availability, accessibility, and sustainability of services

Under Action #25 of the Vientiane Action Plan, States Parties committed to *take immediate action* to increase availability and accessibility of services, particularly in remote and rural areas where they are most often absent. In 2010, the Monitor reported on victim assistance provision in countries with cluster munition casualties, finding it to be dire in most states at that time. Among the 12 countries that are now States Parties with cluster munition victims, the Monitor found insufficient emergency medical capacity, few available services, available services that were not able to meet demand, and limited access to victim assistance services of any kind, especially for survivors in rural areas.

Despite challenges, the Monitor has identified many examples of progress in 2010–2014 in the provision of victim assistance by States Parties. The following are some highlights from the period:

- **Afghanistan** saw improvements in the availability of inclusive education as a result of improved physical accessibility to buildings, including schools and mosques, in urban areas following NGO activities and a national survey, which lead to a better understanding of needs. The Ministry of Health's priority system and national development budget have been linked to a list of needs, while the ICRC and NGOs have worked to build national staff capacity.

[74] The survivor groups include the Lao Disabled People Association, HI, Lao Ban Advocates Project, and Quality of Life Association. Convention on Cluster Munitions Article 7 Report (for calendar year 2014), Form H.

[75] Interview with Izet Ademaj and Zabit Cukes, ALB-AID, Tirana, 20 May 2015.

[76] Convention on Cluster Munitions Article 5.1, which applies with respect to cluster munition victims in areas under the States Parties jurisdiction or control.

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

[78] See, ICBL-CMC, "Equal Basis 2014: Access and Rights in 33 Countries," December 2014, bit.ly/MonitorEqualBasis2014.

[79] Such contributions are consistent with Article 6.7 of the Convention on Cluster Munitions, which specifies that assistance can 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."

- **Albania** maintained a sustainable physical rehabilitation training program. The prosthetics department, in a hospital in the cluster munition-affected Kukes region, obtained much-needed rehabilitation materials to meet increasing demand from beneficiaries in other regions.
- In **BiH**, more local and national NGO projects were established for economic and employment assistance to adapt to the withdrawal of international actors.
- In **Croatia**, the availability of emergency medical care improved with a revised contractual system in place for service providers. Psychological support services increased with the opening of a new facility that continued to improve the availability of short-term assistance.
- In **Guinea-Bissau**, the availability of prosthetics services increased with the opening of a rehabilitation center. In 2012, the first full year of operations of the center, more prosthetics services were provided and remained the point of greatest progress during the period.
- In Iraq, the national healthcare budget increased and, in 2013, the Iraqi and Kurdistan Ministries of Health assumed greater responsibility for the management and financing of physical rehabilitation.
- In **Lao PDR**, an outreach program established in 2009 has improved access to prosthetics services. Since 2012, NGO-supported first aid training, rehabilitation services, and wheelchair production has increased. Peer support activities and psychosocial assistance increased in some cluster munition-affected regions in 2013–2015.
- In **Lebanon**, active but often poorly funded private organizations made most of the efforts to assist persons with disabilities, while the mine action center increased its support by funding prosthetics directly for survivors in need and by ensuring they were registered to receive health and rehabilitative care.
- In **Montenegro**, the national health insurance system explicitly mandated free access to medical care and physical rehabilitation services for mine/ERW survivors in 2012.
- 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. All rehabilitation centers suspended the production of new prostheses in 2012, but then resumed in 2013. Peer support has increased since 2013 through survivor network outreach.

Serval programs and projects reported that the services provided did not discriminate on the basis of age or gender, however information remained limited. Many physical rehabilitation programs and economic inclusion programs disaggregated data on beneficiaries according to sex, but most did not report details indicating consideration of a gender-sensitive approach to implementation.

Many challenges remain and are most apparent in States Parties that have not managed to effectively develop much needed services in areas with gaps or failed to replace services and programs that were reduced or closed due to changes in international funding.

In **Chad**, no significant changes have been reported in the accessibility, availability, or quality of victim assistance services. Rehabilitation was inadequately available and there was a persistent lack of physiotherapists, psychosocial support, vocational training, and economic reintegration opportunities for survivors and persons with disabilities. There were also no significant reported changes in the accessibility, availability, or quality of victim assistance services in **Sierra Leone**.

Sometimes, state systems that were intended to reach persons with disabilities did not come close to fulfilling their objectives. This was the case with quota systems for employment of persons with disabilities. For example, in **Afghanistan**, although persons with disabilities should comprise 3% of state employees according to the law, 94% of those places were not filled and, often due to improper practices, work opportunities were taken away from persons with disabilities.[80] Disability legislation in **Lebanon** also stipulates a 3% quota to hire persons with disabilities for all employers. However, there was no evidence the law was enforced and it has made little or no impact.[81] The labor law of **Lao PDR** states that priority must be given to persons with disabilities for job placement in both the private and the public sector, but there was little awareness of this legislation among employers and no enforcement mechanisms.[82]

The principle of non-discrimination

States Parties must not discriminate against or among cluster munition victims, or between cluster munition victims and those who have injuries or disabilities from other causes, according to the Convention on Cluster Munitions.[83] During the first five years of the convention, the Monitor has not identified any discrimination specifically in favor of cluster

[80] Independent Joint Anti-Corruption Monitoring and Evaluation Committee Vulnerability to Corruption, "Assessment of the Payment System for Martyrs and Persons Disabled by Conflict," 3 June 2015, p. 5, www.mec.af/files/2015_06_03_MOLSAMD_VCA_%28English%29.pdf.

[81] United States Department of State, "2014 Country Reports on Human Rights Practices: Lebanon," Washington, DC, 25 June 2015, www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm - wrapper.

[82] "Universal Periodic Review (UPR 18)," A Stakeholders Report prepared by Lao Disability Network, Lao PDR, Coordinated by: Lao Disabled People's Association (LDPA), undated, but 2014, bit.ly/MonitorCMM15VAf66.

[83] Article 5.2.e.

munition victims by States Parties with Article 5 obligations.[84] Despite this, concerns about positive discrimination in the allocation of services to cluster munition victims were raised regularly by a small number of States Parties and in convention documents.

Monitor research shows that for most countries where discrimination between persons with disabilities was reported, it has been due to the privileges and special status often accorded to war veterans with disabilities, or sometimes to people from state-recognized national DPOs with influence in decision-making mechanisms.

In most countries—not only States Parties to the Convention on Cluster Munitions—war veterans with disabilities are assigned a privileged status above that of civilian war survivors and other persons with disabilities, particularly with respect to financial allowances and other state benefits. Since 2010, this disparity continues to be a concern in countries including **Afghanistan**, **BiH**, and **Lao PDR**.

In 2013 and 2014, through legislative reform **Albania** began to tackle regulations that gave particular benefits and concessions to certain groups of persons with disabilities (persons with disabilities that have work-related disability, as well as visual impairment, and paraplegia or quadriplegia) that were not available to other persons with disabilities, including cluster munition victims. However, while making these reforms, changes were made to the system for social benefits that left many amputees without even the minor financial benefits that they previously had.[85]

In taking a rights-based approach to victim assistance, States Parties need to be mindful of the requirement not to remove existing rights, as set out in Article 4.4 of the CRPD: "Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State."[86]

Monitor reporting showed that discrimination in States Parties also manifested informally, on the basis of gender, age, ethnicity, and other prejudices.

Reporting on progress

Under Article 7 of the Convention on Cluster Munitions, States Parties are required to report on the status and progress of implementation of all victim assistance obligations. This reporting requirement is both a legal obligation and an opportunity. Victim assistance reporting under the convention is obligatory, unlike the Mine Ban Treaty's voluntary reporting on victim assistance.

States that have made important strides in addressing the needs of cluster munition victims can share this progress with other States Parties, providing a positive example and strengthening the norm for victim assistance. States that continue to face challenges in addressing needs can clearly present what those challenges are and how technical and financial support from the international community might help overcome those challenges.

Signatory DRC included victim assistance information in its voluntary Article 7 report in 2011, becoming the first state not party to do so. In 2012, DRC submitted another voluntary report. In 2013, DRC and one other area, Western Sahara, both submitted voluntary Article 7 reports with information on victim assistance. No such reporting was noted for 2014.

All nine States Parties with cluster munition victims that submitted their Article 7 reports after entry into force have included information on victim assistance; most provided detailed information or new factual reporting.[87] The exceptions were Sierra Leone, which did not attach Form H, and Chad and Guinea-Bissau, neither of which have submitted an initial report.

Applicable national and international law

States Parties to the Convention on Cluster Munitions are legally bound to implement adequate victim assistance in accordance with applicable intern ational humanitarian and human rights law. [88] Applicable international law includes the CRPD, the Mine Ban Treaty, and the Convention on Conventional Weapons Protocol V on Explosive Remnants of War. Other instruments with relevant provisions that should be used to support the implementation of the victim assistance obligations of the Convention on Cluster Munitions include the Geneva Conventions, the 1951 Refugee Convention, the Convention on the Rights of the Child (CRC), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the International Covenant on Civil and Political Rights.

[84] Such discrimination by donors and implementers in the sphere of landmine/ERW victim assistance more broadly has been identified by HI, as well as the perception of such discrimination by persons with disabilities in some countries. In 2014, HI reported that services targeting only landmine and ERW survivors still existed, and other practices which may favor survivors were reported, but did not specify this was occurring with cluster munition survivors and victims in States Parties to the Convention on Cluster Munitions. See, "Victim assistance issue briefs: how to ensure mine/ERW survivors benefit from and participate in disability-inclusive development," Brussels, 2014, bit.ly/MonitorCMM15VAf57.

[85] Email from Jonuz Kola, ALB-AID, 3 August 2015.

[86] CRPD, Article 4.4, www.un.org/disabilities/default.asp?id=264.

[87] Afghanistan, Albania, BiH, Croatia, Iraq, Lao PDR, Lebanon, Montenegro, and Mozambique included victim assistance information in Form H of their Article 7 reporting during the period.

[88] Convention on Cluster Munitions, Article 5.1.

The Convention on Cluster Munitions has no definition or measure of what "adequate" assistance requires. However, applicable international law offers more advanced measures, including requirements such as the "highest attainable standard of healthcare."

States Parties to the Convention on Cluster Munitions have yet to elaborate the specific application of international humanitarian law related to protection of civilians, particularly the provisions relevant to people who have been injured and to persons with disabilities.[89] However, such provisions in the Geneva Conventions and their additional protocols, as well as customary law, may be relevant, particularly in the cases of Iraq and Afghanistan, which are among the States Parties with the largest numbers of victims and where conflict was ongoing.

States Parties' understanding of their international humanitarian and human rights law requirements has mostly focused on a rights-based approach with particular emphasis on integrating efforts to fulfill those obligations with the implementation of the CRPD, and using national structures developed for coordination of the CRPD where they exist and are functioning adequately.

By the end of 2014, all but one of the States Parties to the Convention on Cluster Munitions with cluster munition victims had ratified the CRPD. Many of those States Parties with cluster munition victims ratified the CRPD after the Convention on Cluster Munitions had entered into force: Afghanistan (September 2012), Albania (November 2013), BiH (March 2010), Croatia (August 2007), Iraq (March 2013), Guinea-Bissau (September 2014), Lao PDR (September 2009), Mozambique (January 2012), Montenegro (November 2009), and Sierra Leone (October 2010). Lebanon signed the convention but has not yet ratified.

In addition to international law, the Convention on Cluster Munitions' requirement for national implementation legislation means that States Parties' laws should ensure "the full realisation of the rights of all cluster munition victims," as called for under Article 5. The Vientiane Action Plan *specified that within one year of entry into force*, States Parties were supposed to review their national laws and policies to ensure that they are consistent with their victim assistance obligations under the convention.

States Parties should have revised any inconsistent legislation by 2015. However, the process of changing national legislation often requires decisions and action of government and political groups. These groups may not understand or be aware of the Convention on Cluster Munitions victim assistance provisions. Also, those that became States Parties toward the last part of the action plan period may not have been able to progress very far with this objective. Most States Parties did not report on this objective specifically, but rather reported changes to legislation which incidentally brought them closer to fulfilling the obligations of victim assistance and the rights of cluster munition victims.

[89] These provisions can been seen, for example, in the ICRC, Customary IHL Database, Rule 138. The elderly, disabled and infirm affected by armed conflict are entitled to special respect and protection, www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter39_rule138; Rule 110. Treatment and Care of the Wounded, Sick and Shipwrecked, www.icrc.org/customary-ihl/eng/docs/v1_rul_rule110; and Rule 111. Protection of the Wounded, Sick and Shipwrecked against Pillage and Ill-Treatment, www.icrc.org/customary-ihl/eng/docs/v1_rul_rule111.

©CMC, September 2014

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

CCM/77

DUBLIN 19-30 MAY 2008

Campaigner Jesús Martínez addressing the audience at the national opening ceremony of the Fifth Meeting of States Parties in San José, Costa Rica.

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.

SPECIAL FIVE-YEAR REVIEW

Cluster Munition Monitor 2015

Cluster Munition Monitor 2015 examines how states are working to implement and adhere to the ban on cluster munitions, ensure clearance of cluster munition remnants, and assist victims of these indiscriminate weapons. To mark the First Review Conference of the 2008 Convention on Cluster Munitions, the report reviews developments in the period since the convention entered into force on 1 August 2010. It also looks at activities in 2014 and the first half of 2015. It covers global trends in ban policy, survey and clearance of cluster munition remnants, and casualties and victim assistance. The online report contains profiles on every country in the world.

This report was prepared by Landmine and Cluster Munition Monitor, the unprecedented civil society initiative providing research and monitoring for the Cluster Munition Coalition (CMC) and the International Campaign to Ban Landmines (ICBL).

Cover photo © Mark Hiznay/Human Rights Watch, October 2014
Only the tail section is visible of this Smerch cluster munition rocket lodged in the ground outside a local administrative building in the Ukrainian town of Starobesheve, 35 kilometers southeast of Donetsk. The cluster munition rocket landed on the government-held town on the morning on 24 August 2014 in an attack that the local hospital said killed three civilians and injured 17. It was not possible to conclusively attribute responsibility for this attack.

Back cover photos (top) © Sak Sopheak/Cambodian Campaign to Ban Landmines and Cluster Munitions, July 2015
Women with disabilities in Cambodia advocate for their country to join the Convention on Cluster Munitions.

(bottom) © Till Mayer/Handicap International, February 2014
Villagers in Sobkong in Lao PDR consult with a demining team to map areas suspected to be contaminated by cluster munitions and other explosive remnants of war.

www.the-monitor.org

Landmine and Cluster Munition Monitor is coordinated by the Monitoring and Research Committee, a standing committee of the Governance Board of the ICBL-CMC.
Research team leaders, ICBL-CMC staff, and expert representatives of the following organizations comprise the committee: DanChurchAid, Handicap International, Human Rights Watch, and Mines Action Canada

DANCHURCHAID AYUDA DE DCA DENMARK actalliance

MINES ACTION CANADA

HANDICAP INTERNATIONAL

HUMAN RIGHTS WATCH

Cover Design by Rafael Jiménez | Printed and bound in Croatia

LANDMINE & CLUSTER MUNITION MONITOR

ISBN 978-2-8399-1706-3
9 782839 917063