CLUSTER MUNITION MONITOR 2016

CLUSTER MUNITION COALITION
CMC

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Monitoring and Research Committee, ICBL-CMC Governance Board
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Landmine and Cluster Munition Monitor provides research and monitoring for the Cluster Munition Coalition (CMC) and the International Campaign to Ban Landmines (ICBL) and is a formal program of the ICBL-CMC. For more information visit www.the-monitor.org or email monitor2@icblcmc.org.

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CLUSTER MUNITION COALITION

The Cluster Munition Coalition (CMC) is an international civil society campaign working to eradicate cluster munitions and prevent further 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;
- Efficient clearance and destruction of all cluster munition remnants in cluster munition-contaminated areas;
- Fulfillment of the rights and needs of all cluster munition and explosive remnants of war (ERW) victims.

PREFACE

CLUSTER MUNITIONS

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

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

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

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

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

A Monitoring and Research Committee coordinates the Monitor system and has overall decision-making responsibility for the Monitor's research products, acting as a standing committee of the ICBL-CMC Governance Board. To prepare this report, an Editorial Team gathered information with the aid of a global reporting network comprised of more than 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 seventh 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 covers cluster munition ban policy, use, production, transfers, and stockpiling in every country in the world, and 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 the Rights of Persons with Disabilities. The report focuses on calendar year 2015, with information included into July 2016 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 (Alma Taslidžan Al-Osta), 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 2016, the Monitor's Editorial Team undertook research, updated country profiles, and produced thematic overviews for *Cluster Munition Monitor 2016*. The Editorial Team included:

- Ban policy: Mary Wareham, Kate Castenson, Stephen Goose, Andrew Haag, Mark Hiznay, and Yeshua Moser-Puangsuwan, with assistance from Haley Demuse and Hannah Vester.
- Contamination, clearance, and support for mine action: 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 the Mine Action Review supported and published by Norwegian People's Aid (NPA), which conducted mine action research in 2016 and shared it with the Monitor. The Monitor is responsible for the findings presented online and in its print publications.

Jeff Abramson of ICBL-CMC provided final editing in August 2016 with assistance from Morgan McKenna (publications consultant) and Nicholas Hitchens-Spellman (intern).

Report and cover formatting and design was undertaken by Lixar I.T. Inc. Imprimerie Minute printed the report in Switzerland. The front cover photograph was provided Ole Solvang/Human Rights Watch, and back cover photographs by Ole Solvang/Human Rights Watch, and Lara Brose/Handicap International. Additional photographs found within *Cluster Munition Monitor 2016* were provided by multiple photographers, cited with each photograph.

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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

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
UNDP	United Nations Development Programme
UNMAS	United Nations Mine Action Service
UXO	unexploded ordnance

GLOSSARY

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 bomb – Air-dropped cluster munition.

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

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.

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. 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 that 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 and state-supported proxy forces.

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

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

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

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

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 at the time of use, 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."

2008 CONVENTION ON CLUSTER MUNITIONS

Table Key
States Parties: Ratified or acceded as of 15 August 2016
Signatories: Signed, but not yet ratified as of 15 August 2016
Non-signatories: Not yet acceded as of 15 August 2016

The Americas

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

East & South Asia & the Pacific

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

Europe, the Caucasus & Central Asia

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

Middle East & North Africa

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

Sub-Saharan Africa

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

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Two BLU-108 canisters disbursed from US-manufactured CBU-105 cluster munitions, one with two skeet (submunitions) still attached, found in the al-Amar area of al-Safraa in Saada governorate, northern Yemen after an attack on 27 April 2015. Under existing US policy, the CBU-105 is required to have a failure rate of less than 1%.

MAJOR FINDINGS

STATUS OF THE 2008 CONVENTION ON CLUSTER MUNITIONS

- A total of 119 countries have signed or acceded to the Convention on Cluster Munitions as of 10 August 2016, of which 100 are States Parties legally bound by all of the convention's provisions. The convention entered into force on 1 August 2010 and is the sole international instrument dedicated to ending the suffering caused by cluster munitions.
- Since August 2015, Colombia, Iceland, Palau, Rwanda, and Somalia have ratified the convention. Cuba and Mauritius have acceded.

PROMOTION OF THE BAN

- On 7 December 2015, the first United Nations General Assembly resolution on the Convention on Cluster Munitions ever to be voted on was adopted with 139 votes in favor, including 32 non-signatories to the convention. Only Russia and Zimbabwe opposed.
- Croatia hosted the First Review Conference of the Convention on Cluster Munitions on 7–11 September 2015, where States Parties adopted the "Dubrovnik Declaration" committing "to end the harm caused by cluster munitions" and affirming that, "We condemn any use of cluster munitions by any actor."

NEW USE

- There have been no confirmed reports or allegations of new use of cluster munitions by any State Party since the Convention on Cluster Munitions was adopted in May 2008.

- Since 1 July 2015, new use of cluster munitions has been documented in two non-signatory states, Syria and Yemen.
    - Syrian government forces used at least 13 types of air-dropped and ground-launched cluster munitions from July 2012 until July 2016. During that period there were at least 360 cluster munition attacks in 10 of Syria's 14 governorates, but the actual number is likely far higher as many attacks are not recorded.
    - Russia has denied using cluster munitions in Syria since beginning its joint military operation on opposition-held areas with Syrian government forces on 30 September 2015, but there is compelling evidence that it is using them.
    - Saudi Arabia, and possibly other members of the coalition that it has led in Yemen since 25 March 2015 against Ansar Allah (the Houthi), has used air-dropped and ground-launched cluster munitions. Between April 2015 and February 2016, at least 19 cluster munition attacks were documented involving the use of seven types of cluster munitions. The United Arab Emirates has denied using cluster munitions, while Saudi Arabia has admitted to just one attack, in April 2015.
    - The civilian harm caused by the use of cluster munitions in Syria and Yemen has attracted widespread media coverage, public outcry, and condemnations.
- In addition, there is also strong, but unconfirmed evidence that cluster munitions were used in Nagorno-Karabakh in April 2016. Azerbaijan and Armenia have both denied using cluster munitions in the brief conflict.
- Signatory Kenya has denied an allegation that it used cluster munitions in Somalia in January 2016.

CASUALTIES

- More than 20,300 cluster munition casualties have been documented globally from the 1960s, when the United States conducted cluster munition attacks in Lao PDR and Southeast Asia, to the end of 2015. Many casualties, however, go unrecorded or lack sufficient documentation. The estimated number of global all-time casualties for 33 countries and three other areas is more than 55,000.
- In total, 417 cluster munition casualties were recorded in 2015, with the highest number in Syria (248) followed by Yemen (104). In both those countries, the vast majority of casualties occurred during cluster munition attacks.
- Casualties during cluster munition attacks were recorded in 2015 in Syria (ongoing), Ukraine (into February), and Yemen (from March onward).
- In 2015, casualties from cluster munition remnants were recorded in at least eight countries and two other areas: Afghanistan, Cambodia, Chad, Lebanon, Lao PDR, Syria, Ukraine, and Yemen, as well as in Nagorno-Karabakh and Western Sahara.
- Civilians accounted for the vast majority of casualties, making up 97% of all casualties whose status was recorded in 2015.

CONTAMINATION

- As of August 2016, a total of 24 states (13 States Parties, one signatory, and 10 non-signatories) and three other areas are contaminated by cluster munition remnants. It is unclear whether five additional states are contaminated (one State Party, one signatory, and three non-signatories).
- New use increased contamination in Sudan and Ukraine in the first half of 2015, in Syria and Yemen in 2015 and 2016, and reportedly in the area of Nagorno-Karabakh in 2016.

CLEARANCE

- In 2015, at least 70km^2 of contaminated land was cleared, with a total of at least 120,000 submunitions destroyed during land release (survey and clearance) operations. However, this estimate is based on incomplete data, as survey and clearance results have been poorly recorded and reported in many countries.
- Conflict and insecurity in 2015 and 2016 impeded land release efforts in three States Parties (Afghanistan, Iraq, and Somalia), and six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen).

VICTIM ASSISTANCE

- States Parties have committed to improving assistance for cluster munition victims by 2020 as part of the Dubrovnik Action Plan, but during the reporting period renewed attention was needed to replace or manage services that were reduced and programs that closed because of declines in international funding.
- Increased international support is essential to ensure adequate availability of assistance, in particularly to cluster munition victims' representative organizations that are able to reach the many survivors living in remote and rural areas.

STOCKPILE DESTRUCTION

- A total of 40 States Parties have stockpiled cluster munitions at some point in time. Twenty-nine of these have completely destroyed their stockpiles, collectively destroying nearly 1.4 million cluster munitions containing 172.9 million submunitions. This represents the destruction of 93% of the total stockpiles of cluster munitions and 97% of the total number of submunitions declared by States Parties.
- During 2015, nine States Parties destroyed 79,184 cluster munitions and 8.7 million submunitions. Germany, Italy, Japan, Mozambique, and Sweden completed their stockpile destruction in 2015, while France announced completion in June 2016.

PRODUCTION AND TRANSFER

- Seventeen States Parties and Argentina, a non-signatory, have ceased production of cluster munitions.
- In November 2015, the private company Singapore Technologies Engineering (STE) announced that it has ceased production of cluster munitions. Singapore observes an indefinite export moratorium but has yet to commit to not acquire cluster munitions.
- In May 2016, the Obama administration suspended US transfers of cluster munitions to Saudi Arabia after reports of their use in civilian areas in Yemen.

RETENTION

- Most States Parties have formally declared that they are not retaining any cluster munitions for training or research in detection, clearance, and destruction techniques, as permitted by the convention.
- Eleven States Parties—all from Europe—are retaining live cluster munitions or submunitions for training and research, but Belgium, Czech Republic, Denmark, France, Germany, Spain, and Switzerland have significantly lowered the numbers retained since making their initial declarations. Italy, the Netherlands, and Sweden have not reported consuming any cluster munitions, while Slovakia said it intends to destroy its stockpile of retained cluster munitions.

NATIONAL LEGISLATION AND TRANSPARENCY

- Bulgaria, Mauritius, and Togo have enacted national legislation to implement the convention since September 2015, making a total of 27 States Parties with specific national laws governing their implementation of the convention. Thirty-one States Parties indicate that existing legislation is sufficient to enforce their implementation. Another 23 States Parties are in the process of drafting, considering, or adopting national legislation for the convention.
- A total of 76 States Parties have submitted an initial transparency report as required by the convention, representing 82% of all of States Parties for which the obligation applied as of July 2016. Five States Parties are more than five years late delivering their initial reports.
- As of 21 July 2016, two-dozen States Parties have yet to submit their annual updated reports, which were due by 30 April 2016.

INTERPRETATION OF THE CONVENTION ON CLUSTER MUNITIONS

- At least 37 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 33 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, while at least 28 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.

Fifty years after US bombing, Vietnam is littered with cluster munitions, such as this BLU-26 uncovered in Tan Tuong Village of Cam Thanh Commune, Quang Tri Province. See the "Timeline of cluster munition use" at the end of this chapter for details on the global history of cluster munition use since 1939.

@ Hien Xuan Ngo, NPA/Project RENEW, March 2016

CLUSTER MUNITION BAN POLICY

INTRODUCTION

With last September's successful First Review Conference now behind them, the 100 States Parties to the Convention on Cluster Munitions are entering a new period characterized by further implementation of the convention's obligations and by responding to threats against the norm that the treaty seeks to establish.

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 all of its provisions. Over the past six years another 51 signatories have ratified, while 11 countries have acceded, including Cuba and Mauritius in the past year.[1]

Five signatories have ratified since *Cluster Munition Monitor 2015* was published, but 19 signatories still must ratify to become fully bound by the convention's provisions.

The first United Nations General Assembly (UNGA) resolution on the convention to ever be voted on was adopted on 7 December 2015 by an impressive margin: 139 countries voted in favor, including 33 non-signatories to the convention, while two voted against it and 40 countries abstained. Cyprus and Uganda were the only signatories to abstain.

Non-signatory Russia bolstered the case for it being the country most opposed to eradicating cluster munitions after it voted against the UNGA resolution together with Zimbabwe. Russia is largely responsible for the significant increase in cluster munition attacks on opposition-held areas of Syria since October 2015.

1 Since entry into force on 1 August 2010, states can no longer sign the Convention on Cluster Munitions, in accordance with Article 15. Accession and ratification are now the most common ways to become a State Party. Non-signatories to the convention, also known as "states not party," are those that have not signed the convention or bound themselves as States Parties through accession or other mechanisms such as acceptance or approval.

Non-signatory Saudi Arabia abstained from voting on the UNGA resolution and has said little in response to more than 15 months of documented cluster munition attacks in Yemen by the coalition of states it leads.

The use of banned cluster munitions in Syria and Yemen, and the resulting civilian casualties, has been met with swift public outcry and global media coverage. It has been widely condemned by States Parties and non-signatories alike as well as through resolutions by the European Parliament, Human Rights Council, UNGA and UN Security Council. Such 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.

There have been no reports or allegations of any States Parties engaging in activities prohibited by the Convention on Cluster Munitions since 2008, when the convention was adopted in Dublin on 30 May and opened for signature on 3 December.[2]

As of 15 August 2016, the Convention on Cluster Munitions has 100 States Parties and 19 signatories. See the "Status of the 2008 Convention on Cluster Munitions" map at the end of this chapter.

To date, 29 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 172 million submunitions, representing the destruction of 93% of all cluster munitions and 97% of all submunitions declared stockpiled under the convention.

In 2015 alone, nine States Parties destroyed 79,184 cluster munitions and 8.7 million submunitions. States Parties France, Germany, Italy, Mozambique, and Sweden have completed destruction of their stocks since the publication of *Cluster Munition Monitor 2015*.[3]

Most of the 11 States Parties with stockpiles still to destroy have begun the destruction process. All are expected to finish in advance of their respective deadlines, however some have indicated they require assistance.

A total of 27 States Parties have enacted specific legislation to enforce the convention's provisions, while two dozen are in the process of adopting new legislation. Another 30 States Parties have indicated that existing laws will

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 countries 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.

3 Sweden destroyed its last stocks on 13 April 2015, but did not announce completion until September 2015.

suffice to ensure their adherence. More than 80% of States Parties have provided initial transparency reports detailing the actions they are taking to implement and promote the convention.

The community of governments, UN agencies, the International Committee of the Red Cross (ICRC), and Cluster Munition Coalition (CMC) that brought about the Convention on Cluster Munitions remains strongly engaged and united.[4] This partnership champions a common humanitarian disarmament objective that places the protection of civilians, victims, and affected communities at the center. In these challenging times, it should be celebrated and replicated as an inspirational example of peace in the making.

This ban overview covers activities during the second half of 2015 and the first half of 2016, and sometimes later when data was available. 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 encompasses ratifications by countries that signed the convention prior to its entry into force on 1 August 2010. Both accession and ratification usually involve some form of parliamentary approval, typically in the form of legislation.

ACCESSIONS

Since the Convention on Cluster Munitions became binding international law on 1 August 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]

Since August 2010, the number of countries that are part of the convention has risen from 108 to 119, following accessions by 11 countries.[7] Two accessions have occurred since the publication of *Cluster Munition Monitor 2015*: Mauritius on 1 October 2015 and Cuba on 6 April 2016.[8]

4 There are 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 Cuba, Lao PDR, Lebanon, and Palestine, while 47 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, Niue, Oman, Papua New Guinea, Poland, 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 lists a country as a State Party as soon as the deposit has occurred.

7 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.

8 Grenada, Swaziland, and Trinidad and Tobago acceded in 2011; Andorra and Saint Kitts and Nevis in 2013; Belize and Guyana in 2014; Palestine, Mauritius, and Slovakia in 2015; and Cuba in 2016.

RATIFICATIONS

A total of 51 signatories have ratified the convention since August 2010 to become States Parties, including five since *Cluster Munition Monitor 2015* was published: Colombia, Iceland, Palau, Rwanda, and Somalia.[9]

Almost all of the convention's 19 remaining signatories have committed to ratify.[10] Many have conducted stakeholder consultations on the convention, but only a few appear to have parliamentary approval processes underway, as the following regional summaries show. The Democratic Republic of the Congo (DRC), Jamaica, and Madagascar appear to be the closest to completing their ratification of the convention.

MEETINGS ON CLUSTER MUNITIONS

Croatia hosted the First Review Conference of the Convention on Cluster Munitions in Dubrovnik on 7–11 September 2015. A total of 95 countries attended the meeting (61 States Parties, nine signatories, and 25 non-signatories) in addition to UN agencies, the ICRC, and the CMC.[11] Croatia's Prime Minister Zoran Milanović was elected by acclamation as President of the First Review Conference and in his opening address called on all countries to reject the use of cluster munitions and join the convention.[12] Colombia ratified the convention during the meeting, while Cuba made a surprise announcement committing to accede. States Parties adopted a progress report reviewing implementation since entry into force and an action plan.

States Parties also adopted the "Dubrovnik Declaration" committing "to end the harm caused by cluster munitions" and "ensure that cluster munitions remain a stigmatized weapon" by working for "a world free of the suffering, casualties and socio-economic impacts" caused by the weapons.[13] In the weeks and months leading up to the Review Conference, States Parties led by Croatia, in cooperation with partners such as the CMC, worked to ensure the draft declaration was not weakened or watered down. The Declaration's firm statement that "We condemn any use of cluster munitions by any actor" was adopted without amendment. Four States Parties—United Kingdom, Australia, Canada, and Lithuania—expressed reservations with the text.

9 Prior to entry into force of the convention, four signatories ratified upon signing in 2008, 22 in 2009, and 12 in 2010 before 1 August. Eleven ratified in the last five months of 2010, 15 in 2011, 10 in 2012, five in 2013, two in 2014, seven in 2015, and one in 2016, as of 21 July.

10 Of the 19 signatories left to ratify the convention, 14 are from Sub-Saharan Africa, two are from the Americas, two from Asia-Pacific, and one from Europe. 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.

11 The 25 non-signatories that attended were: Algeria, Argentina, Armenia, China, Cuba, Eritrea, Finland, Gabon, Kazakhstan, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Serbia, Singapore, South Sudan, Sri Lanka, State of Palestine, Sudan, Suriname, Thailand, Turkey, Turkmenistan, and Vietnam. Armenia and Suriname are not on the List of Participants, but delivered statements to the meeting. See, Convention on Cluster Munitions First Review Conference List of Participants, 1 October 2015, www.clusterconvention.org/files/2014/11/List-of-participants_CCM_1RC.pdf.

12 The president was assisted by Josko Klisovic, Deputy Assistant Minister of Foreign and European Affairs of Croatia and Dijana Pleština, Director of the Office for Mine Action of the Government of Croatia.

13 The Dubrovnik Declaration and other official documents are available at bit.ly/CCM1stRevCon.

At the annual meeting of the Convention on Conventional Weapons (CCW) in November 2015, several countries expressed their views on cluster munitions, including South Korea, which expressed regret that a "complex security environment" prevents it from acceding to the Convention on Cluster Munitions.[14] Some non-signatories to the Convention on Cluster Munitions, such as India and Israel, as well as EU member states Estonia, Finland, Greece, and Poland, expressed regret that states failed in 2011 to regulate the use of cluster munitions through the framework provided by the CCW. Yet none of these states have proposed CCW work on cluster munitions since then or reassessed their approach to the Convention on Cluster Munitions.[15] The 2011 failure effectively ended CCW deliberations on the matter, leaving the Convention on Cluster Munitions as the sole international instrument to specifically address the suffering caused by cluster munitions.

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The Monitor is not aware of any regional workshops aimed at encouraging universalization and implementation of the Convention on Cluster Munitions in the second half of 2015 or first half of 2016.[16]

After States Parties decided in 2015 to no longer hold intersessional meetings for the convention, the Netherlands in cooperation with the CMC organized an informal meeting for States Parties in Geneva on 17 May 2016.[17] The half-day discussion focused on universalization, responses to instances and allegations of use of cluster munitions, and strengthening the norm against the weapon.

Since 1 January 2016, the Permanent Representative of the Netherlands to the Conference on Disarmament, Ambassador Henk Cor van der Kwast, has served as President of the convention's Sixth Meeting of States Parties.[18] The meeting will be held at the UN in Geneva on 5–7 September 2016, marking the first time States Parties have held their annual meeting at the UN.[19]

14 Statement of South Korea, CCW Meeting of High Contracting Parties, 15 November 2015, bit.ly/CCWSouthKorea2015.

15 Of the 121 high contracting parties to the Convention on Conventional Weapons all but 39 have joined the Convention on Cluster Munitions: Algeria, Argentina, Bangladesh, Belarus, Brazil, Cambodia, China, 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, UAE, United States (US), Uzbekistan, and Venezuela. See the full list of CCW states at bit.ly/CCWstatus.

16 The African regional workshop held in Addis Abada in August 2016 falls outside the reporting period of *Cluster Munition Monitor 2016*.

17 The fifth and final round of intersessional meetings of the Convention on Cluster Munitions took place in Geneva on 22–23 June 2015, with participation by 56 countries including from non-signatories Cambodia, Cuba, Finland, India, Libya, Pakistan, Qatar, Serbia, Sudan, Thailand, Turkey, and Zimbabwe. UN agencies, the ICRC, the CMC and other international organizations also attended.

18 See the website of the Convention on Cluster Munitions Sixth Meeting of States Parties: www.clusterconvention.org/meetings/msp/6msp/.

19 The first five annual meetings of the Convention on Cluster Munitions and its First Review Conference took place in States Parties that are contaminated by cluster munition remnants and/or leaders of the convention: Lao PDR in 2010, Lebanon in 2011, Norway in 2012, Zambia in 2013, Costa Rica in 2014, and Croatia in 2015.

UN GENERAL ASSEMBLY RESOLUTION 70/54

Croatia and 36 co-sponsors introduced UNGA Resolution 70/54 on "Implementation of the Convention on Cluster Munitions."[20] The non-binding resolution calls for full implementation of the Convention on Cluster Munitions and urges states outside the convention to "join as soon as possible."[21] It was the first UNGA resolution on the convention to be adopted by a vote.[22]

On 7 December 2015, the resolution was adopted by a vote of 139 states in favor and only two states—Russia and Zimbabwe—opposed.

Forty states abstained, all non-signatories to the convention except for signatories Cyprus and Uganda.[23]

Thirty-two non-signatories voted in favor of Resolution 70/54, proving its usefulness as a barometer of support for the convention.[24] It also saw Russia and 13 other states that abstained on the resolution make statements explaining their vote and stance on the convention.[25]

REGIONAL UNIVERSALIZATION DEVELOPMENTS

Africa

Of the 49 states in Sub-Saharan Africa, 28 are States Parties to the convention. Mauritius and Swaziland have acceded to the convention, while the rest signed and ratified. There are 14 signatory states in the region, and seven non-signatories.

Rwanda ratified on 25 August 2015, just prior to the convention's First Review Conference. Somalia, which has suffered from the use of cluster munitions, ratified on 30 September 2015 and Mauritius acceded the next day, after enacting national implementation legislation.

20 Croatia sponsored UNGA Resolution 70/54 on Implementation of the Convention on Cluster Munitions, with these co-sponsors: Albania, Australia, Belgium, Bulgaria, Chile, Costa Rica, Czech Republic, Denmark, Ecuador, France, Germany, Grenada, Guyana, Hungary, Ireland, Lao PDR, Lebanon, Liechtenstein, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Portugal, Senegal, Slovakia, Slovenia, Somalia, Sweden, Switzerland, Macedonia FYR, Trinidad and Tobago, the UK, and Zambia.

21 "Implementation of the Convention on Cluster Munitions," UNGA Resolution 70/54, 7 December 2015, www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/54.

22 Previous UNGA resolutions on the convention in 2008 and 2009 were adopted without a vote. See, UNGA Resolution 63/71 on the Convention on Cluster Munitions, adopted without a vote on 2 December 2008, bit.ly/UNGA63-71; and UNGA Resolution 64/36 on the Convention on Cluster Munitions, adopted without a vote on 2 December 2009, bit.ly/UNGA64-36.

23 The 40 abstentions were: Algeria, Argentina, Armenia, Bahrain, Belarus, Brazil, China, Cyprus, Egypt, Estonia, Finland, Georgia, Greece, India, Iran, Israel, Kuwait, Kyrgyzstan, Latvia, Morocco, Myanmar, Nepal, Oman, Pakistan, Poland, Qatar, Republic of Korea, Romania, Saudi Arabia, Serbia, Syria, Tajikistan, Turkey, Uganda, Ukraine, UAE, the US, Uzbekistan, Vietnam, and Yemen.

24 The non-signatories that voted in favor of the UNGA resolution were: Azerbaijan, Bahamas, Bangladesh, Barbados, Bhutan, Brunei, Central African Republic, Dominica, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Jordan, Kazakhstan, Kiribati, Libya, Malaysia, Maldives, Marshall Islands, Federated States of Micronesia, Mongolia, Papua New Guinea, Saint Lucia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Thailand, Timor-Leste, Tuvalu, Vanuatu, and Venezuela.

25 The following abstainers elaborated their views on the draft resolution on the Convention on Cluster Munitions: Argentina, Brazil, Cyprus, Iran, Latvia, Pakistan, Poland, Republic of Korea, the US, and Vietnam. Four states voting in favor made statements (Austria, Cuba, Mexico, and Singapore), in addition to the Russian Federation with its no vote. See, UN, "Record of First Committee 24th meeting," A/C.1/70/PV.24, 4 November 2015.

In December 2015, five of the seven non-signatories to the convention from Sub-Saharan Africa voted in favor of the UNGA resolution calling on states that have not done so to join the Convention on Cluster Munitions as soon as possible: Equatorial Guinea, Eritrea, Ethiopia, Gabon, and Sudan.South Sudan was absent from the vote.

At the First Review Conference in September 2015, Gabon informed States Parties that it hopes to join the convention, but did not provide a timeframe for completing accession.[26] The six other African non-signatories appear to take few, if any, steps toward acceding to the convention, but Eritrea, South Sudan, and Sudan also participated as observers in the First Review Conference.

Zimbabwe surprised many by voting against the UNGA resolution in December 2015 together with Russia. It has not responded to requests to elaborate why it voted no. Signatory Uganda also has not explained why it abstained from both rounds of voting on Resolution 70/54, while signatories Angola and São Tomé e Príncipe were absent during the final vote on the resolution.

Of the 14 African signatories to the convention, three have completed or are undertaking parliamentary approval processes to ratify the convention. Madagascar's parliament approved ratification of the convention in May 2015 while DRC's parliament did so in 2013. For both, the last remaining step is to deposit the ratification instrument with the UN.[27] In October 2015, Madagascar informed states that it was awaiting promulgation of the ratification, which it described as "imminent."[28] Liberia's government introduced draft legislation to ratify the convention in parliament in July 2015.[29]

The 11 other signatories from Sub-Saharan Africa have expressed their desire to ratify and several have undertaken stakeholder consultations on the matter, but none have introduced ratification measures for parliamentary consideration and approval.[30]

Americas

Of the 35 states from the Americas, 24 are States Parties to the convention, while signatories Haiti and Jamaica still need to ratify.[31] There are nine non-signatories in the region.

26 Statement of Gabon, Convention on Cluster Munitions First Review Conference, Dubrovnik, 7–11 September 2015. Unofficial translation, www.clusterconvention.org/files/2015/09/Gabon_Statement1.pdf.

27 In January 2016, the convention's coordinators for universalization reported that only "administrative procedures" remain for Madagascar and the DRC to complete ratification. Minutes of the Convention on Cluster Munitions Coordination Meeting, Geneva, 21 January 2016, www.clusterconvention.org/wp-content/uploads/2012/11/Minutes-21-January-2016.pdf.

28 "Décret de promulgation," statement of Madagascar, UNGA First Committee on Disarmament and International Security, New York, 16 October 2015, bit.ly/Madagascar1stComm2015.

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

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

31 Of the 24 States Parties from the Americas, 18 signed and ratified the convention: Antigua and Barbuda, Bolivia, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, and Uruguay.

Colombia ratified the convention on 10 September 2015, during the First Review Conference. Dubrovnik is also where Cuba announced that it would accede to the convention.[32] It followed through six months later, becoming the sixth country from the region to accede to the convention.[33]

In December 2015, six non-signatories from the Americas voted in favor of the UNGA resolution: Suriname; Venezuela; and Caribbean states Bahamas, Barbados, Dominica, and Saint Lucia. These countries have limited capacity to undertake the accession process, but their positive votes for the resolution indicate the likelihood they will join the convention in the future.

Before its accession, Cuba also voted in favor of Resolution 70/54 and affirmed its "strong support" for the convention at the UNGA First Committee in October 2015.[34]

Argentina, Brazil, and the United States (US) abstained from the vote on the UNGA resolution and provided explanations to elaborate their long-held objections to the convention.[35]

General Óscar Adolfo Naranjo Trujillo, Minister For Post-Conflict, Human Rights and Security of Colombia, announces that his country will deposit its instrument of ratification at the Convention on Cluster Munitions First Review Conference.

© Lara Brose/Handicap International, 8 September 2015.

At the UNGA in October 2015, Jamaica said "we are currently working towards ensuring our ratification [of the convention] at the earliest opportunity."[36] The status of Haiti's ratification process is not known.

Asia-Pacific

Only 10 of the 40 states in the Asia-Pacific region are States Parties to the Convention on Cluster Munitions, while Indonesia and the Philippines have signed, but still not ratified.[37]

The last ratification of the convention was the Pacific island state of Palau on 19 April 2016, which became the 100th State Party to the convention.[38]

32 Statement of Cuba, Convention on Cluster Munitions First Review Conference, Dubrovnik, 11 September 2015, www.clusterconvention.org/files/2015/09/Cuba_High-Level-Segment1.pdf.

33 Belize, Cuba, Grenada, Guyana, Saint Kitts and Nevis, and Trinidad and Tobago have acceded to the convention from the Americas.

34 Statement of Cuba, UNGA First Committee on Disarmament and International Security, New York, 26 October 2015, bit.ly/UNGA1stCommCuba2015.

35 Explanation of Vote by Argentina, UNGA First Committee on Disarmament and International Security, New York, 4 November 2015. See, UN, "Record of First Committee 24th meeting," A/C.1/70/PV.24, 4 November 2015; Explanation of Vote by Brazil, UNGA First Committee on Disarmament and International Security, New York, 4 November 2015, bit.ly/UNGA1stCommBrazil2015; and Explanation of Vote by the US, UNGA First Committee on Disarmament and International Security, New York, 4 November 2015, http://usun.state.gov/remarks/6955.

36 Statement of Jamaica, UNGA First Committee on Disarmament and International Security, New York, 26 October 2015, bit.ly/UNGA1stCommJamaica2015.

37 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, Federated States of Micronesia, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu).

38 The 10 States Parties from the Asia-Pacific region are Afghanistan, Australia, Cook Islands, Fiji, Japan, Lao PDR, Nauru, New Zealand, Palau, and Samoa.

From the Asia-Pacific region, 17 non-signatories voted in favor of the UNGA resolution on the convention in December 2015, including nine that have not made a public statement articulating their position on the convention: Bangladesh, Bhutan, Brunei Darussalam, Maldives, Marshall Islands, Federated States of Micronesia, Sri Lanka, Timor-Leste, and Tuvalu. They were joined by eight other non-signatories: Kiribati, Malaysia, Mongolia, Papua New Guinea, Singapore, Solomon Islands, Thailand, and Vanuatu.

Only seven non-signatories from the Asia-Pacific region abstained on Resolution 70/54: China, India, South Korea, Myanmar, Nepal, Pakistan, and Vietnam. Cambodia, North Korea, and Tonga were absent during the vote. Non-signatory Niue is not eligible to vote on UNGA resolutions, but can accede to the convention.

Pakistan and Vietnam explained why they abstained from the vote, while Singapore expressed its support for the convention after voting in favor of the UNGA resolution.

Non-signatories China, Pakistan, Singapore, Sri Lanka, Thailand, and Vietnam participated as observers in the convention's First Review Conference in September 2015.

Asia-Pacific signatories Indonesia and the Philippines still do not appear to have concluded their years-long stakeholder consultations on the convention or introduced ratification legislation into their respective parliaments for consideration and approval.

Europe, the Caucasus, and Central Asia

Of the 54 countries in Europe, the Caucasus, and Central Asia, 34 are States Parties to the convention: 32 have signed and ratified, while Andorra and Slovakia have acceded.[39]

Iceland ratified the convention on 31 August 2015 and the following week participated as a State Party in the convention's First Review Conference.

Only two non-signatories from Europe voted in favor of Resolution 70/54 on the Convention on Cluster Munitions: Azerbaijan and Kazakhstan.

Support for the convention is strongest in the European Union, where 21 of 28 EU member states are State Parties to the convention. The UNGA resolution demonstrated a clear split between EU members on the convention, as all EU non-signatories to the convention—Estonia, Finland, Greece, Latvia, Poland, and Romania—abstained rather than vote in favor.

Poland provided an explanation on behalf of itself, Greece, Estonia, and Finland that expressed "support [for] the humanitarian goal of the Convention on Cluster Munitions" but said "at the same time, we believe that humanitarian concerns must be balanced with States' legitimate security concerns and military and defence needs."[40]

39 From Europe, 32 countries have signed and ratified the convention: Albania, Austria, Belgium, Bosnia and Herzegovina (BiH), Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Macedonia FYR, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, San Marino, Slovenia, Spain, Sweden, Switzerland, and the UK.

40 Explanation of Vote by Greece, Estonia, Finland, and Poland, delivered by Poland, UNGA First Committee on Disarmament and International Security, New York, 4 November 2015. UN, "Record of First Committee 24th meeting," A/C.1/70/PV.24, 4 November 2015.

Russia explained why it voted against the UNGA resolution, expressing "concern about the humanitarian impact of the arbitrary use of cluster munitions" but disagreeing vehemently with the approach taken by the ban convention. Nine other European non-signatories abstained on Resolution 70/54: Armenia, Belarus, Georgia, Kyrgyzstan, Serbia, Tajikistan, Turkey, Ukraine, and Uzbekistan. Turkmenistan was absent from both rounds of voting on the resolution.

Other states from the Caucasus and Central Asia have made no progress toward joining the Convention on Cluster Munitions.[41]

Finland, Kazakhstan, Serbia, Turkey, and Turkmenistan participated as observers in the convention's First Review Conference in September 2015.

Cyprus is the last signatory left to ratify the convention from Europe. Its parliament has been considering draft ratification legislation for the convention since 2011, but there are concerns over Turkey's absence from the convention.[42] Cyprus abstained from both rounds of voting on the UNGA resolution and explained that the "abnormal security situation on the island" may have prevented ratification, but pledged "these issues can and will be resolved."[43]

Middle East and North Africa

Of the 19 countries in the Middle East and North Africa, only four are States Parties to the Convention on Cluster Munitions: Iraq, Lebanon, Palestine, and Tunisia.[44]

Algeria participated in a meeting of the convention for the first time in September 2015, when it attended the First Review Conference. It expressed firm opposition to cluster munitions and said the convention "provides a useful international norm to the global regime on disarmament."[45] Yemen said in May 2016 that it is considering acceding to the convention.[46]

Jordan and Libya voted in favor of the UNGA resolution in December 2015, calling for the universalization of the Convention on Cluster Munitions. The other non-signatories abstained.[47] Iran was the only country from the region to explain why it abstained from the resolution.

Algeria, Morocco, Oman, Qatar, and Saudi Arabia participated as observers in the convention's First Review Conference in September 2015.[48]

41 Outside of the EU, the 13 other European and Central Asian non-signatories are: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Russia, Serbia, Tajikistan, Turkey, Turkmenistan, Ukraine, and Uzbekistan.

42 Letter from Elena Rafti, Security Policy Director, Ministry of Foreign Affairs, to Mary Wareham, Human Rights Watch (HRW), 27 May 2015.

43 Explanation of Vote by Cyprus, UNGA First Committee on Disarmament and International Security, New York, 4 November 2015, bit.ly/UNGAResRecord2015.

44 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.

45 Statement of Algeria, Convention on Cluster Munitions First Review Conference, Dubrovnik, 9 September 2015, www.clusterconvention.org/files/2015/09/Algeria_Hardcopy_statement.pdf.

46 Statement of Yemen, Mine Ban Treaty Intersessional Meetings, Geneva, 19 May 2016. Notes by HRW.

47 Algeria, Bahrain, Egypt, Iran, Israel, Kuwait, Morocco, Oman, Qatar, Saudi Arabia, Syria, UAE, and Yemen.

48 In February 2015, Libya, Morocco, Saudi Arabia, and Yemen sent observers to the First Preparatory meeting of the Review Conference, and in June 2015, Libya, Morocco, and Yemen sent observers to the Second Preparatory meeting of the Review Conference, both held in Geneva.

USE OF CLUSTER MUNITIONS

GLOBAL OVERVIEW

Cluster munitions have been used by at least 21 governments in 40 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 in the appendices of this chapter*). Almost every region 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.

Most states outside the convention have never used cluster munitions.[49] Only Israel, Russia, and the US can be considered major or prolific users and producers of cluster munitions.[50]

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 States Parties to the Convention on Cluster Munitions and have relinquished any use of these weapons under any circumstances.[51]

Article 4 of the convention addresses the clearance of cluster munition remnants. While not retroactive, it finds 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.

There have been no confirmed reports or allegations of new use of cluster munitions by any State Party to the convention.

However, cluster munitions have been used in seven non-signatories to the convention since its August 2010 entry into force, including Cambodia (2011), Libya (2011 and 2015), South Sudan (2014), Sudan (2012 and 2015), Syria (2012–present), Ukraine (2014–2015), and Yemen (2015–present).[52]

49 Non-signatory stockpilers Estonia, Finland, Turkey, and the UAE state that they have never used cluster munitions, while a dozen non-signatories with cluster munition stocks are not known to have ever used them: Algeria, Argentina, Bahrain, Belarus, Jordan, Kazakhstan, Kuwait, Mongolia, Oman, Qatar, Turkmenistan, and Uzbekistan.

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

51 Colombia, France, Iraq, the Netherlands, South Africa, and the UK.

52 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. 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.

Summary of states using cluster munitions and locations used[53]

User state	Locations used
Colombia	Colombia
Eritrea	Ethiopia
Ethiopia	Eritrea
France	Chad, Iraq, Kuwait
Georgia	Georgia, possibly *Abkhazia*
Iraq	Iran, Iraq
Israel	Egypt, 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	Admitted past use, but did not specify where
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*.

In this reporting period—since 1 July 2015—cluster munitions have been used in Syria and Yemen, as summarized below (*for a more detailed accounting, please see the relevant country profile*). There is also strong, but unconfirmed

53 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, DRC, Mozambique, Myanmar (Burma), Somalia, South Sudan, Tajikistan, Uganda, and Zambia, as well as Nagorno-Karabakh.

evidence that cluster munitions were used in Nagorno-Karabakh in April 2016, while signatory Kenya has denied an allegation that it used cluster munitions in Somalia in January 2016.

At the First Review Conference of the Convention on Cluster Munitions in September 2015, States Parties adopted the Dubrovnik Declaration, which affirms: "We are deeply concerned by any and all allegations, reports or documented evidence of the use of cluster munitions, including in Cambodia, Libya, South Sudan, Sudan, Syrian Arab Republic, Ukraine and Yemen. We condemn any use of cluster munitions by any actor."[54]

USE IN SYRIA

Since 2012, Syrian government forces have used at least 13 types of cluster munitions made by two countries, as the following table shows.[55]

From July 2012 until July 2016 at least 360 cluster munition attacks have been recorded in Syria.[56] The actual number is likely far higher. Since mid-2012, Syrian government forces have used cluster munitions in multiple locations across 10 of the country's 14 governorates.[57]

Cluster Munition Monitor 2014 reported at least 249 cluster munition attacks from July 2012 until July 2014. The frequency of reported use of cluster munitions decreased significantly in the second half of 2014 and first three-quarters of 2015.[58] It increased again when Russia began its joint operation with Syrian government forces and at least 76 attacks were recorded between 30 September 2015 and 20 July 2016.[59]

Russia has denied using cluster munitions in Syria since beginning its joint military operation with Syrian government forces on 30 September 2015, but its response is unconvincing. There is growing evidence that Russia stockpiles cluster munitions at its airbase at Hmeymim, southeast of Latakia City in Syria.

54 "The Dubrovnik declaration 2015: Spectemur agendo (judged by our actions)," annexed to the Final Report of the First Review Conference of States Parties to the Convention on Cluster Munitions, CCM/CONF/2015/7, 13 October 2015, bit.ly/CCMRevConFinalReport.

55 In 2004, Jane's Information Group listed Syria as possessing RBK-series air-dropped bombs as well as the KMGU dispensers, indicating that the stocks used after 2012 were not newly-acquired. Robert Hewson, ed., *Jane's Air-Launched Weapons, Issue 44* (Surrey, UK: Jane's Information Group Limited, 2004), p. 846.

56 The information contained in this Monitor summarizes and updates information published in HRW reports, which in turn draws on reporting by locals—including photographs and videos—and witness accounts. HRW generally only records the use of cluster munitions if the attack and/or remnants were filmed to ensure visual confirmation and if at least one other source has confirmed the use of cluster munitions. The actual number of attacks is probably much higher, as local activists and media have reported many more incidents of what appear to be cluster munition use.

57 As of July 2016, the Monitor still has not seen any evidence of cluster munition use in the governorates of Tartus, Quneitra, As-Suwayda, or Al-Hasakah.

58 Video database searches have revealed evidence of a few dozen cluster munition attacks in the period. HRW documented IS use in July–August and an air-delivered cluster munition attack by Syrian government forces on Manbij on 21 August. 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.

59 There were at least 34 cluster munition attacks by the Russian-Syrian joint operation on opposition-controlled territory between 30 September 2015 and 8 February 2016. While it is possible that new use went unrecorded, just two cluster munition attacks were reported in March, April, and the first three weeks of May. Another 40 cluster munition attacks were recorded from 27 May–20 July 2016.

Types of cluster munitions used in Syria since 2012[60]

Type	Cluster munition name	Number of submunitions	Country produced
Bomb	RBK-250 PTAB-2.5M	42	USSR
	RBK 250-275 AO-1SCh	150	USSR
	RBK-500 AO-2.5RT/RTM	108	Russia/USSR
	RBK-500 PTAB-1M	268	USSR
	RBK-500 ShOAB-0.5	565	USSR
	RBK-500 SPBE	15	Russia
Rocket	Uragan (9M27K-series)	30	Russia
	Smerch (9M55K)	72	Russia
	SAKR	56 or 72	Egypt
Missile	9M79 Tochka with 9N123K warhead	50	Russia/USSR
Projectile	3-O-8	14	Russia/USSR
Dispenser	BKF AO-2.5RT	96	USSR
	BKF PTAB-2.5KO	96	USSR

There is compelling evidence that Russia is using cluster munitions in Syria and/or directly participating with Syrian government forces in attacks using cluster munitions on opposition-held areas of governorates such as Aleppo, Homs, and Idlib, and on armed opposition groups.

The first use in the conflict of two more types of cluster munitions has been documented since the start of Russia's joint military operation with Syria. Advanced air-dropped RBK-500 SPBE cluster bombs containing SPBE sensor fuzed submunitions have been used since October 2015 and ground-launched 3-O-8 cluster munition projectiles containing O-10 submunitions have been used since December 2015.[61]

A remarkable number of RBK-500 AO-2.5RT/RTM bombs appear to have been used and failed, given the high numbers of unexploded submunitions recorded after attacks.

Several air-dropped RBK-series cluster munitions used since 30 September 2015 bear markings showing they were produced from 1989 into the early

60 In addition, it is not clear how the Islamic State (IS, also called ISIL) obtained cluster munitions rockets of unknown origin containing "ZP-39" submunitions that it first used in Syria in 2014.

61 HRW stated, "The four types of ground-fired cluster munitions used recently were launched from large vehicles that are complicated to operate and have never been seen in the possession of armed opposition groups." HRW, "Russia/Syria: Extensive Recent Use of Cluster Munitions," 20 December 2015, www.hrw.org/news/2015/12/20/russia/syria-extensive-recent-use-cluster-munitions.

1990s, particularly the RBK-500 SPBE cluster bombs, which appear to have been manufactured in 1990 and 1991. This appears to be a noticeable shift from before the Russian intervention, when production markings on the cluster bombs used in Syria showed they were produced in the 1970s and 1980s.[62]

The UK and US have said that Russia is using cluster munitions in Syria, including in a 16 June 2016 attack on coalition-backed armed opposition forces near the Syrian al-Tanf border crossing with Iraq. Photographs released by the forces attacked show RBK-500 AO-2.5RT/RTM cluster munition remnants.[63] The US Department of Defense claimed that Russian forces conducted the attack.[64] In a statement, the Russian Ministry of Defense appeared to acknowledge responsibility for the attack, but did not address the reported use of cluster munitions.[65]

It is challenging to determine conclusively if Russian or Syrian government forces are responsible for individual attacks, as they use many of the same aircraft and weapons and frequently carry out offensives together. However, only Russia has forces in Syria that operate the Sukhoi SU-25 and SU-34 fighter-ground attack aircraft that have been used to deliver some of the RBK-series cluster bombs used in Syria. Human Rights Watch (HRW), Amnesty International, and others have compiled credible evidence, including video and photographs, documenting SU-25 and SU-34 near or involved in attack sites when cluster munitions were used.[66]

There has been no evidence to indicate that the US or its partners have used cluster munitions in the coalition's Inherent Resolve operation against the non-state armed group Islamic State (IS) in Syria and Iraq that began in August 2014.[67] A spokesperson for the US Air Force Central Command informed *The Washington Post* on 26 July 2016 that: "We have not employed cluster munitions in Operation Inherent Resolve. This includes both U.S. and coalition aircraft."[68]

62 Markings on the RBK-series air-dropped bombs and their submunitions, as well as a comparison with the Soviet manuals for the weapons, show the cluster munitions used in Syria until September 2015 were manufactured at Soviet state munitions factories in the 1970s and early 1980s.

63 The New Syrian Army (@NSyA_Official), "Russians are lying with E-conference & more updates on our FB page," 1:18pm, 19 June 2016, Tweet, https://twitter.com/NSyA_Official/status/744625482973519872.

64 US Department of Defense, "Statement by Pentagon Press Secretary Peter Cook on U.S.-Russia video conference," 18 June 2016, bit.ly/Cook18Jun2016.

65 Ministry of Defence of the Russian Federation, "On June 18 Russia and US held teleconference on implementing the Memorandum on preventing aerial incidents in Syria," 19 June 2016, http://eng.mil.ru/en/news_page/country/more.htm?id=12087713@egNews.

66 Amnesty International, "Syria: Russia's shameful failure to acknowledge civilian killings," 23 December 2015, bit.ly/Amnesty23Dec2015; and HRW, "Russia/Syria: Daily Cluster Munition Attacks," 8 February 2016, www.hrw.org/news/2016/02/08/russia/syria-daily-cluster-munition-attacks.

67 In September 2015, the US Department of Defense listed eight Operation Inherent Resolve coalition members conducting US-led airstrikes in Iraq: Convention on Cluster Munitions non-signatories Jordan and the US, and States Parties Australia, Canada, Denmark, France, Netherlands, and the UK. It listed nine coalition nations participating in US-led airstrikes in Syria: Convention on Cluster Munitions non-signatories Bahrain, Jordan, Saudi Arabia, Turkey, UAE, and the US, as well as States Parties Australia, Canada, and France. Department of Defense, "Airstrikes Hit ISIL Terrorists in Syria, Iraq," 30 September 2015, www.defense.gov/News/Article/Article/621107/airstrikes-hit-isil-terrorists-in-syria-iraq.

68 Email from Thomas Gibbons-Neff, Writer, *The Washington Post,* 27 July 2016. See also: Thomas Gibbons-Neff, "Despite denial, 'growing evidence' Russia is using cluster bombs in Syria, report says," *The Washington Post*, 28 July 2016, bit.ly/WashPost28Jul2016.

Earlier use of cluster munitions

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 Syrian government began its air campaign on opposition-held areas.[69] Its use of air-dropped cluster bombs has continued since then, including RBK-500 cluster bombs containing ShOAB-0.5 submunitions and AO-2.5RT and PTAB-2.5KO submunitions for which the delivery system still is not clear.[70]

Ground-launched cluster munitions have been used since the end of 2012, when government forces first used multi-barrel rocket launchers to deliver 122mm SAKR cluster munition rockets containing DPICM submunitions with distinctive white nylon stabilizing ribbons.[71] In early 2014, Syrian government forces began to use 9M55K and 9M27K-series surface-to-surface rockets containing 9N210/9N235 submunitions equipped with self-destruct mechanisms.[72] In July 2014, the first IS cluster munition use was documented during its advance on Ayn al-`Arab/Kobani, involving a DPICM-like submunition with a distinctive red ribbon, called "ZP-39" by experts.[73]

Multiple 9M79-series Tochka ballistic missiles with submunition warheads have been used in Syria, including in an attack on Al-Najeya village on 4 December 2015.

As the Syria conflict continues to spiral, it is not possible to determine with confidence if opposition groups other than IS have used cluster munitions. There is evidence that opposition forces have repurposed unexploded submunitions as improvised explosive devices (IEDs).[74] However, no opposition group operates aircraft and none have been seen in possession of the systems necessary to deliver ground-launched cluster munitions.[75]

69 The 250-kilogram class RBK-series cluster bombs can be delivered by fighter ground-attack 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, bit.ly/BrownMoses10Jul2012; 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.

70 AO-2.5RT and PTAB-2.5KO submunitions can be loaded into BKF cartridges and dispersed by KMG-U dispensers, while AO-2.5RT submunition can also be delivered by RBK-500 cluster bomb.

71 It is not known if the 122mm rockets are SAKR-18 or SAKR-36 variants, which contain 72 and 98 submunitions respectively. The design of the fuze system in this type of submunition makes it very sensitive and submunitions that fail to explode on initial impact are liable to detonate if disturbed. HRW Press Release, "Syria: Army Using New Type of Cluster Munition," 14 January 2013, www.hrw.org/news/2013/01/14/syria-army-using-new-type-cluster-munition.

72 Armament Research Services, "9M27K Series Cargo Rockets in Syria," 22 February 2014, www.armamentresearch.com/9m27k-series-cargo-rockets-in-syria/. HRW attributed responsibility for the use to Syrian government forces, stating, "It is highly unlikely that rebel forces could acquire the eight-wheeled, 43,700-kilogram launch vehicle or operate its sophisticated fire control system without significant training or time to conduct practice drills. There is no video evidence or written claims that any rebel group controls any BM-30 launchers, its similarly sized re-supply vehicle, or any 300mm surface-to-surface rockets like the 9M55K rocket." HRW Press Release, "Syria: New Deadly Cluster Munition Attacks," 19 February 2014, www.hrw.org/news/2014/02/18/syria-new-deadly-cluster-munition-attacks.

73 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. Markings on some of the submunitions indicate they were manufactured in 1993. Brown Moses Blog, "The markings on what's assumed to be a Sakr submunition suggests the designation is ZP39, made in 1993," 4 April 2014, https://twitter.com/Brown_Moses/status/452120358271725568.

74 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.

75 HRW, "Russia/Syria: Extensive Recent Use of Cluster Munitions," 20 December 2015, www.hrw.org/news/2015/12/20/russia/syria-extensive-recent-use-cluster-munitions.

Responses to the use of cluster munitions

The Syrian military has denied possessing or using cluster munitions, but usually does not respond to or comment on new use of cluster munitions.[76] In December 2015, the Russian Defence Ministry stated that "Russian aviation does not use [cluster munitions]" and that "there are no such munitions at the Russian air base in Syria."[77] IS has not responded to its reported use of cluster munitions.

The civilian harm caused by the use of cluster munitions in Syria has attracted widespread media coverage, public outcry, and condemnations from more than 140 states.[78] Of these countries, more than 40 have made national statements condemning the use in Syria, including by the foreign ministers of Convention on Cluster Munitions States Parties Austria, Belgium, Costa Rica, Croatia, Denmark, France, Germany, Mexico, Netherlands, Norway, Sweden, and the UK.[79] In February 2016, US Secretary of State John Kerry expressed concern at the use of cluster munitions in Syria, which he said is "killing innocent women and children."[80]

During the First Review Conference, 29 states condemned or expressed concern at ongoing use of cluster munitions, a dozen of which specifically mentioned cluster munition use in Syria.[81]

UN Secretary-General Ban Ki-moon has described "the carnage caused by cluster munitions in Syria" as "a direct violation" of international humanitarian law.[82] However, the UN Secretary-General's statement to the First Review Conference in September 2015 failed to condemn or even object to new use of cluster munitions.

76 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 [in] Command said the Syrian Army does not possess such bombs." "Syria denies using cluster bombs," *CNN*, 16 October 2012, http://edition.cnn.com/2012/10/15/world/meast/syria-civil-war/. In March 2013, Syrian diplomatic representatives denied the evidence of Syrian cluster bomb use. Letter from Firas al Rashidi, Charge d'affair ad interim, Embassy of the Syrian Arab Republic to Japan, to the Japanese Campaign to Ban Landmines, 7 March 2013.

77 Ministry of Defence of the Russian Federation, "Russian Defence Ministry commented on briefing of Amnesty International," 23 December 2015, http://eng.mil.ru/en/news_page/country/more.htm?id=12072315@egNews.

78 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, including 93 States Parties and signatories. The 50 non-signatories that have condemned the use of cluster munition in Syria are: Argentina, Azerbaijan, Bahamas, Bahrain, Barbados, Brazil, Brunei Darussalam, Cambodia, Dominica, Egypt, Estonia, Finland, Gabon, Georgia, Greece, Israel, Jordan, Kiribati, South Korea, Kuwait, Latvia, Libya, Malaysia, Maldives, Marshall Islands, Mauritius, Federated States of Micronesia, Mongolia, Morocco, Myanmar, Oman, Pakistan, Papua New Guinea, Poland, Qatar, Romania, Saudi Arabia, Serbia, Slovakia, Solomon Islands, Thailand, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, UAE, the US, Vanuatu, and Yemen.

79 The following states have made national statements condemning the use of cluster munitions in Syria: 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, Sweden, Switzerland, and Togo, Turkey, UK, and US.

80 "Remarks by Secretary Kerry and Egyptian Foreign Minister Shoukry," YouTube.com, 9 February 2016, https://youtu.be/zv9zD3Upqps.

81 BiH, Costa Rica, Ecuador, Iceland, Ireland, Italy, Luxembourg, Mexico, the Netherlands, New Zealand, Portugal, and Zambia.

82 Statement by 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; and statement of the UN Secretary-General, Convention on Cluster Munitions First Review Conference, Dubrovnik, 7 September 2015.

States have adopted four UNGA resolutions since May 2013 condemning the use of cluster munitions in Syria, including Resolution 70/234 adopted on 23 December 2015 by a vote of 104 states in favor, which deplored and condemned "in the strongest terms" the continued use of cluster munitions.[83]

Since April 2014, states have adopted seven Human Rights Council resolutions condemning the use of cluster munitions in Syria, including five since April 2015.[84]

The UN Commission of Inquiry on Syria, which reports to the Human Rights Council, has reported on cluster munition use several times.[85]

USE IN YEMEN

On 26 March 2015, a Saudi Arabia-led coalition began a military operation in Yemen against Ansar Allah (Houthi forces) that was continuing as of July 2016 despite a 10 April 2016 ceasefire agreement.

HRW and Amnesty International have documented evidence of at least 19 cluster munition attacks in the conflict involving the use of seven types of air-delivered and ground-launched cluster munitions produced in three countries, as the following table shows.

None of the states participating in the Saudi Arabia-led coalition—Bahrain, Egypt, Jordan, Kuwait, Morocco, Pakistan, Qatar, Sudan, UAE—are party to the Convention on Cluster Munitions.

HRW could not determine who used ground-launched cluster munitions containing "ZP-39" submunitions in Saada in April 2015, but Saudi Arabia and Houthi forces both possess rocket launchers and tube artillery capable of delivering them.[86]

Man holding the remnant of a ribbon from an M77 submunition used in an M26 cluster munition rocket attack on Malus village, Yemen, on 7 June 2015.

© Ole Solvang/Human Rights Watch, July 2015

83 "Situation of human rights in the Syrian Arab Republic," UNGA Resolution 70/234, 23 December 2015, www.un.org/en/ga/search/view_doc.asp?symbol=a/res/70/234.

84 "The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic," UN Human Rights Council Resolution 28/20, 8 April 2015, bit.ly/HRC28-20.

85 "Report of the Independent International Commission of Inquiry on the Syrian Arab Republic," UN Human Rights Council Report 28/69, 5 February 2015.

86 The "ZP-39" is a dual-purpose improved conventional munition (DPICM) type submunition but its manufacturer and delivery system are not publicly known or reported by standard international reference materials. HRW, "Yemen: Cluster Munitions Harm Civilians," 31 May 2015, www.hrw.org/news/2015/05/31/yemen-cluster-munitions-harm-civilians.

Cluster munitions used in Yemen since April 2015[87]

Type of cluster munition	Country of origin	Stocks possessed by	Locations, governorate, and date of attack
Air-delivered			
CBU-105 Sensor Fuzed Weapon, each deploying 10 BLU-108 canisters that subsequently disperse four submunitions called "skeet" by the manufacturer Textron	US	Saudi Arabia, UAE	Al-Shaaf in Saada, 17 Apr. 2015 Al-Amar in Saada. 27 Apr. 2015 Harf Sofian in Amran, 29 Jun. 2015 Sanhan in Sanaa, 1 Nov. 2015 Al-Hayma in Hodaida, 12 Dec. 2015 Amran, 15 Feb. 2016
CBU-87 bomb, each containing 202 BLU-97 submunitions	US	Saudi Arabia	Al-Nushoor in Saada, 23 May 2015 Al-Maqash in Saada, 23 May 2015
CBU-58 bomb, each containing 650 BLU-63 submunitions	US	Saudi Arabia, Morocco	Sanaa City in Sanaa, 6 Jan. 2016
BL-755 cluster bomb, each containing 147 No 2 Mk 1 submunitions	UK	Saudi Arabia	Al-Khadhra in Hajja, 6 Jan. 2016
Ground-launched			
ASTROS II rocket, each containing up to 65 submunitions	Brazil	Bahrain, Saudi Arabia	Ahma in Saada, 25 Oct 2015
M26 rocket, each containing 644 M77 Dual Purpose Improved Conventional Munition (DPICM) submunitions	US	Bahrain, Egypt, UAE	Bani Kaladah in Hajja, Apr/May 2015 Al-Hazan in Hajja, May/Jun. 2015 Malus in Hajja, 7 Jun. 2015 Dughayj in Hajja, Jun/Jul. 2015 Al-Qufl in Hajja, 14/15 Jul. 2015 Haradh in Hajja, 25 Jul. 2015 Al-Fajj in Hajja, 25 Jul. 2015
"ZP 39" DPICM submunition (unknown delivery system)	Unknown	Unknown	Baqim in Saada, 29 Apr. 2015

87 HRW conducted four research missions to Yemen since May 2015, documenting 16 cluster munition attacks that killed 19 civilians and wounded 66. Email from Belkis Wille, Senior Researcher, HRW, 22 May 2016. Between July 2015 and April 2016, Amnesty International documented 10 cases in which 16 civilians were injured or killed by cluster munition attacks and from their remnants. Nine were children, two of whom were killed. Amnesty International, "Children among civilians killed and maimed in cluster bomb minefields in Yemen," 22 May 2016, bit.ly/Amnesty22May2016.

The first recorded cluster munition attack occurred at al-Shaaf in the western part of Saada governorate according to a video uploaded on 17 April 2015.[88] A subsequent visit by HRW researchers to al-Amar village, 30 kilometers south of Saada City, confirmed a cluster munition attack on 27 April, including the presence of unexploded submunitions.[89] The most recently documented cluster munition attack was on 15 February 2016 at a cement factory in Amran governornate. All three of these attacks involved the use of CBU-105 Sensor Fuzed Weapons, the only cluster munition that the US has exported since 2008 and only on the condition that they are not used in civilian areas.[90] Both Saudi Arabia and UAE have received CBU-105s from the US.

In Yemen, HRW has found at least three instances in which CBU-105s malfunctioned as their "skeet" or submunitions did not disperse from the BLU-108 canister and did not explode.[91] Under existing US policy, the CBU-105 is required to have a failure rate of less than 1%. HRW documented evidence showing the CBU-105 was used in or near civilian areas, also in apparent violation of US export law.[92]

In August 2015, HRW published the results of a research mission to Hajja governorate, which borders Saudi Arabia, documenting at least seven cluster munition rocket attacks by coalition forces from late April to mid-July 2015 that caused dozens of civilian casualties.[93]

On 6 January 2016, coalition forces dropped a US-made CBU-58 cluster bomb containing BLU-63 submunitions on Yemen's capital Sanaa in an attack documented by HRW, *The New York Times*, *The Washington Post*, and others.[94] Markings on the bomb remnants indicate that it was manufactured in 1978. In Saada, HRW and *VICE News* also documented coalition use of notoriously harmful BLU-97 submunitions delivered by CBU-87 cluster bombs.[95]

88 "اليمن : إسقاط طيران العدوان السعودي الامريكي قنابل عنقودية محرمة دوليا," YouTube.com, 17 April 2015. HRW found these cluster munitions were used within 600 meters of villages, in possible violation of US law. HRW, "Yemen: Saudi-led Airstrikes Used Cluster Munitions," 3 May 2015, www.hrw.org/news/2015/05/03/yemen-saudi-led-airstrikes-used-cluster-munitions.

89 Fatik Al-Rodaini (@Fatikr), "Types of bombs being parchuted by Saudi warplanes in Saada N #Yemen," 27 April 2015, 12:50pm, Tweet, https://twitter.com/Fatikr/status/592777902736965632.

90 The US states that CBU-105 Sensor Fuzed Weapons are the only cluster munitions "that meet that our stringent requirements for unexploded ordnance rates, which may not exceed 1 percent." Jeff Rathke, Acting Deputy Spokesperson, US State Department Press Conference, 4 May 2015, http://www.state.gov/r/pa/prs/dpb/2015/05/241844.htm#SAUDIARABIA2.

91 During a visit in May 2015, residents showed HRW two BLU-108 canisters and an unexploded submunition from the attack near the main road between Sanaa and Saada, about 100 meters south of al-Amar. At that location, HRW found a third empty canister in bushes nearby. HRW field researchers also identified BLU-108 with their "skeet" still attached following the 21 May 2015 attack in Sanaa and the 15 February 2016 attack in Amran. HRW, "Yemen: Cluster Munitions Harm Civilians," 31 May 2015, www.hrw.org/news/2015/05/31/yemen-cluster-munitions-harm-civilians; and HRW, "Yemen: Saudis Using US Cluster Munitions," 6 May 2016, www.hrw.org/news/2016/05/06/yemen-saudis-using-us-cluster-munitions.

92 A woman and two children were injured in their homes by CBU-105 Sensor Fuzed Weapons used on 12 December 2015, on the port town of Hodaida, while at least two civilians were wounded in an attack near al-Amar village in Saada governorate on 27 April 2015.

93 HRW, "Yemen: Cluster Munition Rockets Kill, Injure Dozens," 26 August 2015, www.hrw.org/news/2015/08/26/yemen-cluster-munition-rockets-kill-injure-dozens.

94 Sudarsan Raghavan, "A cluster bomb made in America shatters lives in Yemen's capital," *The Washington Post*, 10 July 2016, bit.ly/10July2016.

95 Ben Anderson, Samuel Oakford, and Peter Salisbury, "Dead Civilians, Uneasy Alliances, and the Fog of Yemen's War," *VICE News*, 11 March 2016, https://news.vice.com/article/dead-civilians-uneasy-alliances-and-the-fog-of-yemens-war.

Amnesty International researchers documented the use of two types of cluster munitions in Yemen since April 2015, apparently by coalition forces. It found the remnants of a Brazil-made ASTROS II cluster munition rocket in Saada from a 27 October 2015 attack, and in May 2016 confirmed the presence of UK-made BL-755 cluster munitions remnants in al-Khadra village in Hajja governorate.[96]

Responses to the use of cluster munitions

In May 2016, Yemen informed a Mine Ban Treaty meeting that its mine clearance program has been set back by the conflict that began in March 2015 and has generated new contamination, including from cluster munition remnants.[97]

The government of Saudi Arabia still has not issued a formal statement to confirm or deny the reports that the Saudi-led coalition used cluster munitions multiple times in Yemen.[98] Saudi Arabia's principle military spokesperson Brig. Gen. Ahmed Asiri has admitted in media interviews to one instance of use of CBU-105 Sensor Fuzed Weapons in April 2015 in Hajja governorate, but argued it was not in a populated area and that they are not prohibited weapons.[99] In February 2016, *The New York Times* reported that Saudi officials continue to deny ordering the use of cluster munitions in Yemen.[100]

The UAE has denied using CBU-105 Sensor Fuzed Weapons in Yemen.[101] None of the other members of the coalition have commented on the use of cluster munitions in Yemen or responded to a CMC letter calling for an end to the attacks.

US officials have indicated that the US is aware of Saudi Arabia's use of cluster munitions in Yemen, including CBU-105 Sensor Fuzed Weapons,

96 Amnesty International, "Children among civilians killed and maimed in cluster bomb minefields in Yemen," 22 May 2016, bit.ly/Amnesty22May2016; and Amnesty International, "Yemen: Evidence counters UK claims about the use of British-made cluster munitions in Yemen," 6 June 2016, bit.ly/Amnesty6Jun2016.

97 Statement of Yemen, Mine Ban Treaty Intersessional Meetings, Geneva, 19 May 2016. Notes by HRW.

98 It also has not responded to a 27 March 2015 letter sent by the CMC to Saudi Arabia and other coalition members urging that they refrain from using cluster munitions in the military operation in Yemen. CMC, "Saudi Arabia and others must not use cluster munitions in Yemen," 27 March 2015, bit.ly/CMC27Mar2015.

99 Asiri informed *CNN* on 4 May 2015 that Saudi Arabia had used CBU-105s 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, http://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 used to target vehicles not people. "Saudi Arabia accused of using cluster bombs in Yemen airstrikes," *The Financial Times,* 3 May 2015, https://next.ft.com/content/57ee6c92-f1a1-11e4-98c5-00144feab7de. Asiri told *Bloomberg News* that the categorization of the cluster munitions as banned "isn't correct." Alaa Shahine, "Saudis deny sending troops to Yemen, reject cluster-bomb report," *Bloomberg News*, 3 May 2015, bit.ly/SaudiDenial3May2015. Asiri informed *CNN* on 11 January 2016 that it has used cluster munitions against concentrated rebel camps and armored vehicles, but never against civilian populations. "Rights group: Saudi Arabia used US cluster bombs on civilians," *CNN*, 29 February 2016, www.cnn.com/2016/02/29/politics/saudi-arabia-us-cluster-bombs-on-civilians/.

100 "New Report of US-Made Cluster Bomb Use by Saudis in Yemen," *The New York Times*, 14 February 2016, bit.ly/NYT14Feb2016.

101 A diplomatic representative of the UAE told the CMC that the UAE is not using CBU-105 Sensor Fuzed Weapons because they are banned by the 2008 Convention on Cluster Munitions. Interview with UAE Ministry of Foreign Affairs representative, Geneva, 12 April 2016.

which are banned by the Convention on Cluster Munitions as they fall under the convention's definition of a cluster munition.[102] In May 2016, the Obama administration suspended transfers of cluster munitions to Saudi Arabia after reports of their use in civilian areas in Yemen.[103]

The use of BL-755 cluster munitions in Yemen marks the first documented use of UK-made cluster munitions since the Convention on Cluster Munitions, to which the UK is party, entered into force in 2010. The UK has denied Saudi use of cluster munitions in Yemen.[104] The UK's last transfer of BL-755 cluster munitions to Saudi Arabia was in 1989.[105]

Brazil has not commented on the evidence that its ASTROS cluster munition rockets have been used by the Saudi-led coalition in Yemen. In May 2016, HRW shared research findings with Brazilian government officials, including photographs from Hajja governorate showing unexploded submunitions from the rocket attacks.

Since the convention's intersessional meetings in June 2015, states have continued to express concern at or condemn new use of cluster munitions in Yemen.[106]

On 12 January 2016, the Netherlands in its capacity as president of the convention expressed deep concern at the reported cluster munition use in Yemen.[107] At the Conference on Disarmament on 29 February 2016, the Netherlands Minister of Foreign Affairs Bert Koenders said he was "deeply concerned about reports of the use of cluster munitions in the Yemen conflict" and called on all countries to "refrain from using cluster munitions."[108]

Previously, Costa Rica as president of the convention's Fifth Meeting of States Parties and Croatia as president of the First Review Conference both condemned the use of cluster munitions in Yemen.[109]

102 For example, a US Defense Department official, speaking on the condition of anonymity, told media in August 2015 that "the U.S. is aware that Saudi Arabia has used cluster munitions in Yemen." See, Paul D. Shinkman, "U.S. Official: Saudis Have Used Cluster Bombs in Yemen, *US News and World Report*, 19 August 2015, bit.ly/SaudiUse-US-19Aug2015.

103 According to *Foreign Policy*, a senior US official said the administration acknowledged reports that the weapons had been used "in areas in which civilians are alleged to have been present or in the vicinity" and added: "We take such concerns seriously and are seeking additional information." John Hudson, "White House blocks transfer of cluster bombs to Saudi Arabia," *Foreign Policy*, 27 May 2016, bit.ly/UStransferblock27May2016. See also, HRW, "US: Stop Providing Cluster Munitions," 2 June 2016, www.hrw.org/news/2016/06/02/us-stop-providing-cluster-munitions.

104 For example, on 24 May 2016, the UK Foreign Secretary Philip Hammond told parliament that "there is no evidence yet that Saudi Arabia has used cluster munitions" in Yemen. See, Jeremy Binnie, "UK rejects claim BL 755 cluster munition used in Yemen," *IHS Jane's Defence Weekly*, 26 May 2016, www.janes.com/article/60748/uk-rejects-claim-bl-755-cluster-munition-used-in-yemen.

105 "MoD to investigate claims Saudis used UK cluster bombs in Yemen," *The Guardian,* 24 May 2016, bit.ly/MODInvestigate24May2016.

106 Countries that have expressed concern at or condemned the use of cluster munitions in Yemen in national statements include: Austria, Belgium, BiH, Burundi, Costa Rica, Croatia, Ecuador, Iceland, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, and Portugal.

107 "CCM President expresses concern over the use of cluster munitions in Yemen," Permanent Representation of the Netherlands in Geneva, Switzerland, 12 January 2016, bit.ly/CCMConcern12Jan2016.

108 Statement by Bert Koenders, Minister of Foreign Affairs of the Netherlands, Conference on Disarmament, Geneva, 29 February 2016, bit.ly/CDNetherlands29Feb2016.

109 Costa Rica, "Costa Rica condena el uso de municiones en racimo en Yemen," Ministry of Foreign Affairs, 5 May 2015, bit.ly/CostaRicaCondemns5May2015; and statement of Croatia, Convention on Cluster Munitions Intersessional Meetings. Geneva, 23 June 2015. Notes by HRW.

The UN, the ICRC, and the CMC have condemned the use of cluster munitions in Yemen. On 25 February 2016, the European Parliament adopted another resolution condemning the Saudi-led coalition airstrikes in Yemen, including the use of cluster bombs. It adopted a similar resolution on 9 July 2015.[110]

USE IN NAGORNO-KARABAKH, AZERBAIJAN

There is credible evidence that two types of ground-launched cluster munition rockets were used in Nagorno-Karabakh during the first week of April 2016 during fighting across the line of contact separating local Armenian-backed separatists and Azerbaijani forces. Ground fighting was confined to areas close to the line of contact, but Azerbaijan launched artillery and rockets more than 10 kilometers into Nagorno-Karabakh from 1 April until 5 April 2016 when a ceasefire went into effect.[111]

Azerbaijan and Armenia have both denied using cluster munitions in the brief conflict and accused the other side of using cluster munitions against civilians.[112] Cluster Munition Monitor has not been able to conduct an independent investigation to make a conclusive determination about responsibility.

Within 10 days of commencing an emergency clearance operation in cooperation with Nagorno-Karabakh's Emergency Situations Service on 8 April 2016, the HALO Trust reported the clearance and destruction of close to 200 unexploded M095 DPICM-type submunitions from near the villages of Nerkin Horatagh and Mokhratagh, close to the town of Martakert in northeast Nagorno-Karabakh.[113] HALO found remnants of Israeli-produced LAR-140 surfaced-fired rockets, which deliver the M095 DPICM submunitions.[114] The cluster munitions were reportedly fired from Azerbaijan.[115]

110 European Parliament, "Resolution on the humanitarian situation in Yemen," 25 February 2016, bit.ly/EPYemen25Feb2016; and "Joint Motion for a Resolution on the situation in Yemen," 8 July 2015, bit.ly/EpYemen8Jul2015. The earlier resolution was adopted without a vote.

111 HALO Trust, "HALO Begins Emergency Clearance in Karabakh," 19 April 2016, www.halotrust.org/media-centre/news/halo-begins-emergency-clearance-in-karabakh/; HALO NargoroKarabakh (@HALO_NK), "NK's Emergency Situations Service & HALO have destroyed 200+ #clustermunitions since clearance resumed in #Karabakh," 20 April 2016, 9:14am, Tweet, https://twitter.com/HALO_NK/status/722820830254641152.

112 On 28 April 2016, a spokesperson from Azerbaijan's Ministry of Foreign Affairs claimed that "cluster munitions used by the Armenian troops against the civilian Azerbaijani population living densely along the line of contact aimed at intentional destruction of manpower, do not bear any military goal and serve solely to perpetrate mass killings among the civilians." See, "Azerbaijani MFA: Armenian use of cluster munition serves only committing mass destruction among civilians," *Report.az*, 28 April 2016, bit.ly/Az28Apr2016. On 6 April 2016, a spokesperson from Armenia's Ministry of Defense issued photographs showing the remnants of Smerch rockets that he claimed Azerbaijan fired into Nagorno-Karabakh. According to the article, Armenia and Nagorno-Karabakh "do not possess weaponry of this kind." "Armenian MOD provides factual proof of prohibited cluster missile use by Azerbaijani army," *ArmenPress*, 6 April 2016.

113 HALO NargoroKarabakh (@HALO_NK), "HALO's assessment of new #clustermunition contamination is underway near Mokhratagh village, Martakert, #Karabakh," 14 April 2016, 6:39am, Tweet, https://twitter.com/halo_nk/status/720607303779676164; and HALO NargoroKarabakh (@HALO_NK), "Rapid assessment of new #clustermunition strikes in #Karabakh has allowed HALO to establish the footprint (extent)," 6 May 2016, 8:19am, Tweet, https://twitter.com/HALO_NK/status/728605106434904064.

114 HALO NargoroKarabakh (@HALO_NK), "HALO starts emergency clearance of #clustermunition(s) in Nerkin Horatagh village, Martakert, #Karabakh," 12 April 2016, 6:19am, Tweet, https://twitter.com/halo_nk/status/719877588248829952.

115 Roberto Travan, "Nagorno-Karabakh, A 25-Year Border War Reignites With Religion," *La Stampa,* republished in English by *World Crunch*, 11 June 2016, bit.ly/NK11Jun2016.

Media documented the remnants of the cargo section of 9M55K 300mm Smerch rockets in the southeast of Hardut district near the borders with Azerbaijan and Iran.[116] Correspondents from Russian media outlet *Sputnik* photographed remnants of the cargo section of 9M55K Smerch rockets in a cemetery outside the village of Shukyurbeyli in Hadrut region. Azerbaijan was reported to have fired the Smerch rockets on the night of 4 April.[117]

ALLEGATION OF USE BY KENYA IN SOMALIA

On 24 January 2016, a Somali media outlet published a report on an alleged cluster munition attack in the Gedo region of Somalia.[118] It published photographs reportedly taken at the site of the attack that show dead livestock and the remnants of UK-made BL-755 cluster bombs and their submunitions. According to the article, the Kenyan Defence Forces (KDF) carried out the attack, reportedly against al-Shabaab, after Kenyan troops were forced to retreat from their base near the Somali border town of El Adde.

The Governor of Gedo region, Mohamed Abdi Kalil, accused the KDF of attacking the area around Bardere City "using illegal cluster bombs."[119] At the UN Security Council in February 2016, the US said it was "deeply disturbed by allegations" that Kenya attacked civilian areas in Somalia in January 2016, including "claims that cluster munitions were deployed in violation of international law."[120] It called for an investigation.

The UN investigated and reported to the Security Council on 9 May 2016, finding that:

> In addition to civilian casualties, air strikes by the Kenyan military from 15 to 23 January in the Gedo region reportedly resulted in the killing of livestock and the destruction of water wells and houses. In this regard, allegations of cluster munitions were reported by the media and local communities. However, the Government of Kenya has officially denied them. Unexploded sub-munitions are reported to have been used by Al-Shabaab as improvised explosive devices during attacks. On 31 January, the Federal Government announced a committee to investigate the impact of the air strikes, but the committee has yet to begin its work.[121]

116 *RT* (*Russia Today*) correspondent Murad Gazdiev (@MuradoRT), "@MarkHiznay South-East of Hardut. Right where NKR, Azerbaijan and Iran borders cross. Exact coordinates in pic," 5 April 2016, 1:37pm, Tweet, https://twitter.com/muradort/status/717451053315330048; and Alexandru Cociorvel (@AlexandruC4), "Azerbaijani "cluster bomb" that fell on NKR last night. Patches of burned ground all around," 5 April 2016, 11:22am, Tweet, https://twitter.com/alexandruc4/status/717417219970478081.

117 "Traces of war in Karabakh," *Sputnik*, 4 April 2016, http://sputnikarmenia.ru/photo/20160406/ 2804318.html.

118 "Losses shelling forces arrested Gedo and Juba," *Calanka Media*, 24 January 2016, http://calankamedia.com/?nid=33006. See also, "Sawirro: Kenya Oo Qaaday Weerar Culus Oo Aar goosi Ah!!," *Somalia Memo*, 24 January 2016, http://somalimemo.net/articles/4278/Sawirro-Kenya-Oo-Qaaday-Weerar-Culus-Oo-Aar-goosi-Ah.

119 Mohamed Abdi Klil (@GovernorKalil), "#KDF jets pounded #Bardere city area southern #Gedo region, killing Civilians, destroying livestock Using illegal cluster bombs #Somalia @UN," 5 March 2016, 8:02am, https://twitter.com/GovernorKalil/status/706147790703955969.

120 "Somalia - Security Council, 7626th meeting," *UN Web TV*, 18 February 2016, http://webtv.un.org/search/somalia-security-council-7626th-meeting/4762620696001?term=Eritrea.

121 UN Security Council, "Report of the Secretary-General on Somalia (S/2016/430)," 9 May 2016, p. 10, para. 51.

It is not possible on the basis of the above evidence for the Monitor to confirm the use of cluster munitions in January 2016, or to identify the responsible party.

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.

Several non-signatories have imposed restrictions on the possible future use of cluster munitions, including Estonia, Finland, Romania, and the United States.

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 must be approved by a "Combatant Commander," a high-ranking US 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.

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, 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 toward 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), Israel (by Hezbollah), Syria (by IS), and Ukraine (by opposition forces). [122]

Government forces used cluster munitions against NSAGs in Syria, and Yemen in the second half of 2015 and into 2016, while in the past, cluster munitions were used against NSAGs in several countries, including Lebanon, Libya, South Sudan, Sudan, Syria, and Ukraine, as well as in Abkhazia, Nagorno-Karabakh, and Western Sahara.[123]

122 In 2006, Hezbollah fired more than 100 cluster munition rockets from southern Lebanon into northern Israel. See, ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada: October 2010), p. 159.

123 Use of cluster munitions against Syrian opposition forces has been ongoing since 2012. Libyan forces of the Gaddafi regime used cluster munitions against rebel forces in 2011. The government of the separatist territory of Abkhazia asserted that Georgian forces fired cluster munitions into the Kodor Valley in August 2008. Moroccan forces used cluster munitions against the Popular Front for the Liberation of Saguía el Hamra and Río de Oro (Polisario) in Western Sahara from 1975 to 1988.

PRODUCTION OF CLUSTER MUNITIONS

A total of 34 states have developed or produced more than 200 types of cluster munitions.[124] Half of these states 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. 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. The Middle East and North Africa has three producer states while the Americas has two.

It is not known if cluster munitions were produced in all these countries in 2015 or the first half of 2016 due to lack of transparency and available data. Greece, Romania, Singapore, and Turkey have indicated no active production, but the Monitor continues to list them as producers as it is unclear if they have adopted a new policy forswearing any future production of cluster munitions.

Cluster munition producers

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

In November 2015, the private company Singapore Technologies Engineering (STE) announced that it had ceased production of cluster munitions. In a statement posted to its website, STE wrote, "As a responsible military technology manufacturer we do not design, produce and sell anti-personnel mines and cluster munitions and any related key components."[125] The Monitor will continue to list Singapore as a producer until the government formally commits not to acquire cluster munitions from its domestic industry. Singapore already observes an indefinite export moratorium.

In June 2011, Greece told the Monitor that its last production of cluster munitions was in 2001.[126] 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.

Some cluster munition producers have established specific standards aimed at addressing the weapon's failure rate and resulting UXO:

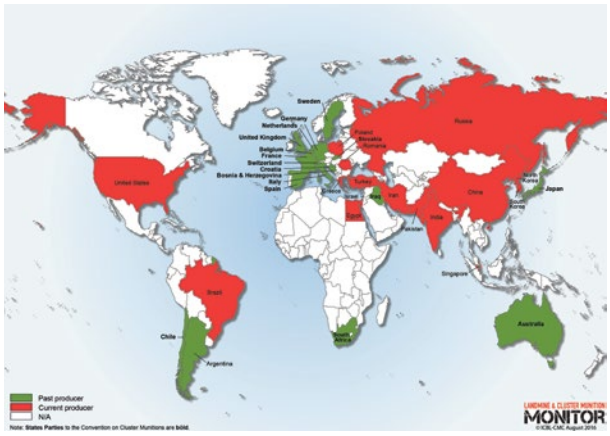
- South Korea in 2008 issued a directive requiring that in the future it would only acquire cluster munitions with self-destruct mechanisms and a 1% or lower failure rate.[127]

124 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.

125 "Sustainability Governance," Singapore Technologies Engineering website, undated, http://www.stengg.com/corporate-governance/sustainability/sustainability-governance; and Stop Explosive Investments, "Singapore Technologies Engineering stops production of cluster munitions," 18 November 2015, bit.ly/STE18Nov2015. Investors received similar letters. See also, Local Authority Pension Fund Forum, "ST Engineering Quits Cluster Munitions," 18 November 2015, bit.ly/STEQuits18Nov2015.

126 Email from Yannis Mallikourtis, Permanent Mission of Greece to the UN in Geneva, 14 June 2011.

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



See the "Production of Cluster Munitions" map at the end of this chapter.

- In 2001, the US instituted a policy that all submunitions produced after 2005 must have a UXO rate of less than 1%.[128]

FORMER PRODUCERS

Under Article 1(1)(b) of the Convention on Cluster Munitions, States Parties undertake to never develop, produce, or acquire cluster munitions. There have been no confirmed instances of new production of cluster munitions by any of the convention's States Parties or signatories since the convention took effect in August 2010.

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 the future.

Former producers of cluster munitions

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

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.[129]

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.[130]

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

129 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/BihCCMArt7-20Aug2011.

130 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.

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.

Ecuador's Santa Barbara company, which is part of the Ministry of Defense, listed a type of cluster munition in its 2016 arms catalogue as available for sale.[131] In June 2016, following an inquiry from the CMC, Ecuador confirmed that it is not selling cluster munitions and the item was removed from the catalogue.[132]

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.[133] 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.[134] 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.

Use of cluster munitions in 2015 and 2016 and further research point to previously unknown transfers of cluster munitions. For example:

- Saudi Arabia acquired ASTROS cluster munition rockets from Brazil at some point and received its last shipment of BL-755 cluster bombs from the UK in 1989.
- Syria possesses SAKR cluster munition rockets bearing the production markings of Egyptian companies. Based on evidence of cluster munition use by government forces since 2012, Syria has imported at least 12 types of cluster munitions made by either the USSR or Russia.
- In October 2015, Nigeria's Defence Headquarters issued an alert warning the public of improvised explosive devices (IEDs) fabricated by Boko Haram from cluster munitions. It issued photographs showing submunitions from French-made BLG-66 cluster munitions that it said had been recovered from arms caches found in areas contested by Boko Haram.[135]

131 81mm Cargo Mortar Bomb Type W87. Initial research findings by Neil Corney, Omega Research Foundation (UK).

132 Letter from Dr. Oswaldo Salgado Espinoza, Gerente General, Santa Barbara, to Megan Burke, Director, CMC, 9 June 2016.

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

134 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.

135 "Boko Haram has cluster bombs: Nigeria's DHQ," *The News Nigeria*, 8 October 2015, http://thenewsnigeria.com.ng/2015/10/boko-haram-has-cluster-bombs-nigerias-dhq/.

- The US provided small numbers of CBU-105 Sensor Fuzed Weapons to Oman (32 in 2012), Singapore (3 in 2014), and South Korea (2 in 2015).

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 the Saudi Arabia-led coalition in Yemen in 2015 and 2016 is raising questions about whether statutory US transfer requirements are being met.[136] In May 2016, the Obama administration suspended transfers of US cluster munitions to Saudi Arabia after reports of their use in civilian areas of Yemen.[137]

Non-signatories Georgia, India, Oman, Pakistan, Saudi Arabia, Singapore, South Korea, Taiwan, Turkey, and the 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 a partial or complete export moratorium: Singapore and the US.

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.[138] At least 31 of these countries have destroyed their stockpiled cluster munitions, while 11 States Parties to the convention still have stocks to destroy.

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 too few have disclosed information on the types and quantities possessed.[139]

136 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/US-Saudi4May2015.

137 John Hudson, "White House blocks transfer of cluster bombs to Saudi Arabia," *Foreign Policy*, 27 May 2016, bit.ly/UStransferblock27May2016.

138 The number of countries that have stockpiled cluster munitions has increased significantly since 2002, when HRW listed 56 states that stockpiled. This is largely due to new information disclosed by States Parties under the Convention on Cluster Munitions. HRW, "Memorandum to CCW Delegates: A Global Overview of Explosive Submunitions," 20 May 2002, www.hrw.org/node/66890.

139 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/Slovakia25Apr2014.

Countries that have stockpiled cluster munitions

States Parties	Signatories	Non-signatories	
Afghanistan	*Angola*	*Algeria*	*Ukraine*
Austria	Cent. African Rep.	Argentina	*UAE*
Belgium	*Indonesia*	*Azerbaijan*	*United States*
BiH	*Nigeria*	*Bahrain*	*Uzbekistan*
Botswana		*Belarus*	*Venezuela*
Bulgaria		*Brazil*	*Yemen*
Canada		*Cambodia*	*Zimbabwe*
Chile		*China*	
Colombia		*Egypt*	
Congo, Rep. of		*Eritrea*	
Côte d'Ivoire		*Estonia*	
Croatia		*Ethiopia*	
Cuba		*Finland*	
Czech Republic		*Georgia*	
Denmark		*Greece*	
Ecuador		*India*	
France		*Iran*	
Germany		*Israel*	
Guinea		*Jordan*	
Guinea-Bissau		*Kazakhstan*	
Honduras		*Korea, North*	
Hungary		*Korea, South*	
Iraq		*Kuwait*	
Italy		*Libya*	
Japan		*Mongolia*	
Macedonia FYR		*Morocco*	
Moldova		*Oman*	
Montenegro		*Pakistan*	
Mozambique		*Poland*	
Netherlands		*Qatar*	
Norway		*Romania*	
Peru		*Russia*	
Portugal		*Saudi Arabia*	
Slovakia		*Serbia*	
Slovenia		*Singapore*	
South Africa		*Sudan*	
Spain		*Syria*	
Sweden		*Thailand*	
Switzerland		*Turkey*	
United Kingdom		*Turkmenistan*	
40 *(11 current)*	**4 *(3 current)***	**47 *(46 current)***	

Note: Countries in *italics* still possess stockpiles.

In 2011, the US said its stockpile was comprised of "more than 6 million cluster munitions."[140] However, the US appears to have made significant progress since 2008 in removing the cluster munitions from its active inventory and placing them in the demilitarization inventory for destruction. There is a lack of detailed information on the process, including the number and types destroyed, but according to a December 2015 US Army presentation there are currently 136,000 tons of cluster munitions in the demilitarization account.[141]

Georgia completed the destruction of 844 RBK-series cluster bombs containing 320,375 submunitions in 2013; it used Israeli-made cluster munition rockets during the 2008 conflict with Russia.[142] Greece and Ukraine have disclosed partial figures on their respective stockpiles of cluster munitions.[143]

Stockpiles possessed by States Parties

A total of 40 States Parties have stockpiled cluster munitions at some point in time, of which 29 have completely destroyed their stockpiles.

According to available information, at one point 32 States Parties stockpiled nearly 1.5 million cluster munitions containing more than 178 million submunitions, as shown in the following table.

Eight more States Parties that have or are believed to stockpile cluster munitions are not listed in the table above. Six have not formally declared the stocks in their initial Article 7 transparency reports:

- The Republic of the Congo informed States Parties in 2011 that it had no stocks of cluster munitions, but has not provided its transparency report, originally due in August 2015.[144]
- Cuba has never confirmed or denied stockpiling cluster munitions, but is believed to possess cluster munitions of Soviet-era origin. Its initial transparency report is due by March 2017.
- Guinea's stockpile status and plans for its destruction are not known. It has not yet submitted its initial transparency report, which was due by September 2015.

140 Statement of the US, CCW Fourth Review Conference, Geneva, 14 November 2011, bit.ly/CCWUS14Nov2011. 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 Defense in a report to Congress in late 2004.

141 Rickey Peer, US Army, "Joint Munitions Command (JMC) Overview, Conventional Ammunition Demil Program," Global Demil Symposium, 8 December 2015, Slide 5, www.dtic.mil/ndia/2015demil/Peer.pdf. It did not indicate the type, but described the munitions as "rounds" which indicates artillery-delivered DPICM. According to the presentation, an additional 272,000 tons "remain in service accounts which would require disposal."

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

143 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.

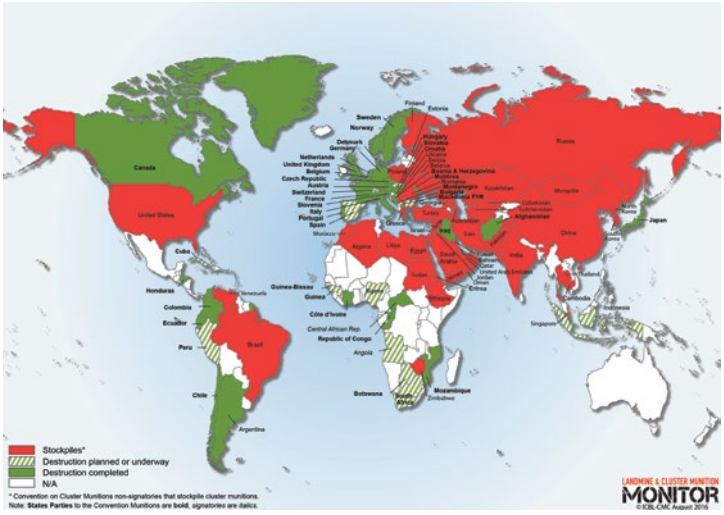
144 Statement of Republic of the Congo, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 15 September 2011, www.clusterconvention.org/files/2011/09/cl_congo.pdf. In 2011, clearance personnel destroyed cluster munitions remnants and PTAB-2.5M and AO-1SCh submunitions from an arms 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).

- Guinea-Bissau acknowledges that it stockpiles cluster munitions, but is nearly four years late in delivering its initial transparency report for the convention.[145]
- 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.
- South Africa has stated that its relatively small stockpile of cluster munitions has been earmarked for destruction.

States Parties Afghanistan and Iraq have reported the completion of stockpile destruction, but did not provide a specific completion date or the total quantity destroyed. Both continue to report the discovery and destruction of stocks of cluster munitions believed to have been abandoned in arms caches.[146]

No stockpiles

A total of 43 States Parties have confirmed never stockpiling cluster munitions, most through a direct statement in their transparency report for the convention.[147] Since September 2015, Mali, Panama, Paraguay, and Saint Kitts and Nevis have submitted initial transparency reports confirming they do not possess any stocks.



See the "Cluster Munition Stockpiles and Destruction" map at the end of this chapter.

145 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.

146 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/CCMArt7Iraq29Apr2015; and Convention on Cluster Munitions Article 7 Report, Form B, 27 June 2014, bit.ly/CCMArt7Iraq27Jun2014.

147 Albania, Andorra, Australia, Burkina Faso, Burundi, El Salvador, Grenada, Guatemala, 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."

Cluster munitions declared by States Parties[148]

State Party	Quantity of cluster munitions	Quantity of 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
Colombia	72	10,832
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	62,923,935
Hungary	287	3,954
Italy	4,963	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	193,643	25,867,510
Norway	52,190	3,087,910
Peru	2,007	153,174
Portugal	11	1,617
Slovakia	1,235	299,187
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	**1,487,660**	**178,940,151**

Note: *Italics* indicate states that still possess stockpiles to destroy.

148 There are some changes to the total numbers of cluster munitions and/or submunitions previously reported due to revisions based on adjusted information provided in transparency reports. See the country profiles for full information.

Stockpiles possessed by signatories

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.[149] Angola stated in 2010 that its entire stockpile had been destroyed and its armed forces no longer possessed cluster munitions, but it has yet to make an official declaration that all stocks of cluster munitions were destroyed.[150]

Two other signatories acknowledge stockpiling cluster munitions, but have yet to disclose information on the quantities and types or destruction plan. 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 its armed forces stockpile BL-755 cluster bombs.[151] In October 2015, Nigeria alleged that Boko Haram has been using BLG-66 cluster munitions recovered from arms caches.[152]

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 have collectively destroyed nearly 1.4 million cluster munitions containing more than 172 million submunitions, as shown in the following table.[153] This represents the destruction of 93% of the total stockpile of cluster munitions and 97% of the total number of submunitions declared by States Parties.

Annual destruction progress since entry into force

Since the convention took effect in August 2010, States Parties have destroyed 611,787 cluster munitions and 93.6 million submunitions:

- In 2011, 10 States Parties destroyed 107,000 cluster munitions and 17.6 million submunitions.
- In 2012, nine States Parties destroyed 173,973 cluster munitions and 27 million submunitions.
- In 2013, 10 States Parties destroyed 130,380 cluster munitions and 24 million submunitions.

149 Statement of the Central African Republic, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011, bit.ly/CCMCAR14Sep2011.

150 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.

151 Statement of Nigeria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012, bit.ly/CCMNigeria18April2012. 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.

152 "Boko Haram has cluster bombs: Nigeria's DHQ," *The News Nigeria*, 8 October 2015, http://thenewsnigeria.com.ng/2015/10/boko-haram-has-cluster-bombs-nigerias-dhq/.

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

- In 2014, eight States Parties destroyed 121,585 cluster munitions and 16.4 million submunitions.
- In 2015, nine States Parties destroyed 79,184 cluster munitions and 8.7 million submunitions.

Destruction completed

Of the 29 States Parties that have completed destruction of their stockpiled cluster munitions, four destroyed their stocks before the convention's entry into force: Ecuador in 2004, Colombia in 2009, and Moldova and Norway in July 2010.

In the period since then, 21 States Parties have completed their stockpile destruction obligation under the convention:

- Austria, Belgium, Czech Republic, and Montenegro in the last four months of 2010.
- BiH, Hungary, Portugal, and Slovenia in 2011.
- The Netherlands in 2012.
- Chile, Côte d'Ivoire, Macedonia FYR, and the UK in 2013.
- Canada and Denmark in 2014.
- Germany, Italy, Japan, Mozambique, and Sweden in 2015.
- France in the first half of 2016.

States Parties Afghanistan, Republic of the Congo, Honduras, and Iraq report or state that they have completed stockpile destruction, but have not specified the date of completion or the total quantity destroyed.

Destruction in 2015 and 2016

All States Parties have destroyed their stocks of cluster munitions well in advance of the convention's eight-year deadline, which was hotly debated during the 2008 negotiations. With more than half a million cluster munitions, Germany reported the highest number of stocks of any State Party, but destroyed them all two years and nine months in advance of its 1 August 2018 deadline. Germany's Minister of Defence and Minister of Foreign Affairs announced on 25 November 2015 the completion of the destruction of "50,000 tonnes" of cluster munitions.[154]

France and Japan were also among the first 30 ratifications to trigger the convention's entry into force on 1 August 2010, resulting in the same August 2018 stockpile destruction deadline: France completed destruction on 30 June 2016, which is two years and a month in advance, while Japan completed three years in advance, on 9 February 2015. Croatia and Spain are the last States Parties with the August 2018 deadline still to complete stockpile destruction.

Other States Parties that concluded stockpile destruction in 2015 took even less time. Italy announced completion on 14 December 2015, four years and 2 months in advance of its deadline. Mozambique destroyed all its stocks between October 2014 and September 2015, completing destruction five years in advance

154 Federal Foreign Office and Federal Ministry of Defence press release, "Germany fulfils Oslo Convention obligations ahead of time - 50,000 tonnes of cluster munitions destroyed," 25 November 2015, bit.ly/GermanyCompletes25Nov2015.

of its deadline. Sweden completed its stockpile destruction on 13 April 2015, five and a half years in advance of its deadline.

Cluster munitions destroyed by States Parties[155]

State Party (year completed)	Cluster munitions	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	798	38,030
Czech Republic (2010)	400	16,400
Denmark (2014)	42,176	2,440,940
Ecuador (2004)	117	17,199
France (2016)	34,876	14,916,881
Germany (2015)	573,700	62,923,935
Hungary (2011)	287	3,954
Italy (2015)	4,963	2,849,979
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 (2015)	293	12,804
Netherlands (2012)	193,643	25,867,510
Norway (2010)	52,190	3,087,910
Portugal (2011)	11	1,617
Slovenia (2011)	1,080	52,920
Spain	4,762	232,647
Sweden (2015)	370	20,595
Switzerland	121,656	7,122,448
UK (2013)	190,828	38,758,898
Total	**1,382,588**	**172,994,332**

Note: *Italics* indicate States Parties that have not yet completed stockpile destruction.

155 Before the convention took effect, Belgium, Germany, Netherlands, Switzerland, and the UK destroyed a total of 712,977 cluster munitions containing more than 78 million submunitions. The numbers of munitions reported destroyed by these nations prior to entry into force are included in this table. See the relevant Monitor country profile for more information.

Destruction underway

During 2015, nine States Parties destroyed 79,184 cluster munitions and 8.7 million submunitions, as shown in the following table.

Cluster munitions destroyed by States Parties in 2015

State Party	Cluster munitions destroyed	Submunitions destroyed
Croatia	639	24,200
France	6,289	4,104, 212
Germany	7,526	4,845,750
Italy	210	135,240
Japan	328	66,256
Mozambique	208	5,970
Slovakia	163	11,666
Sweden	180	8,431
Switzerland	63,641	3,667,143
Total	**79,184**	**8,740,456**

Note: *Italics* indicate States Parties that have not completed stockpile destruction.

Three States Parties are in the process of stockpile destruction:

- Croatia has made rapid progress since beginning the destruction of its cluster munition stocks, destroying 80% of them by the end of 2015.[156]
- Slovakia began stockpile destruction in the second half of 2015 and destroyed another 50 cluster munitions and 3,026 submunitions in the first half of 2016.[157] It is on track to complete destruction well in advance of its January 2024 deadline.
- Switzerland destroyed 60% of its cluster munition stockpile by the end of 2015. It is on track to complete destruction in 2018, in advance of its January 2021 deadline.

Six States Parties with stockpiles indicate that they plan to begin destruction, but are not known to have started yet:

- Botswana previously reported its plan to destroy its stocks by the end of 2015 in advance of its December 2019 deadline. The current status of stockpile destruction is unclear as Botswana last provided an Article 7 transparency report in April 2014.[158]
- Bulgaria last provided an Article 7 report in April 2015, but has committed to destroy its stocks by the October 2019 deadline.
- Guinea-Bissau still has not submitted its initial Article 7 transparency report for the convention, originally due in October 2011, but it has

156 Convention on Cluster Munitions Article 7 Report, Form B, 9 May 2016.

157 Slovakia, Convention on Cluster Munitions Article 7 Report, Form B.2 and B.3, 28 June 2016.

158 Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2014, bit.ly/CCMArt7Botswana30Apr2014.

requested financial and technical assistance to destroy the stockpile by the May 2019 deadline.

- Peru reported a slightly larger stockpile in July 2016 that it is preparing to destroy by its March 2021 deadline.[159]
- South Africa has not submitted its initial Article 7 transparency report for the convention, originally due by 29 April 2016, or detailed the number and types of cluster munitions it stockpiles or the plan for their destruction.
- Spain still has not destroyed additional stocks reported in 2012, but its implementing legislation for the convention specifically requires their destruction by the convention's deadline of 1 August 2018.[160]

Two States Parties are believed to stockpile cluster munitions, but must confirm:

- Cuba's initial transparency report is due by 30 March 2017.
- Guinea is believed to stockpile cluster munitions, but has not provided its Article 7 transparency report for the convention, originally due in September 2015.

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 19 States Parties that stockpiled cluster munitions in the past.[161]

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, 11 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 2015, and the quantity and types used or "consumed" for permitted purposes are listed.

159 657 RBK-250 PTAB 2.5 cluster bombs and 27,594 submunitions and 53 BME-330 AR and 9,540 submunitions.

160 Article 3, Section 1 of the Amendment to Law 33/1998.

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

Cluster munitions retained for training (as of 31 December 2015)[162]

State Party	Quantity of cluster munitions (submunitions)			Types of cluster munitions (individual submunitions)
Country (date of initial declaration)	Retained initially	Retained in 2015	Consumed in 2015	
Germany (2011)	685 (62,580)	570 (52,801)	17 (2,010)	Projectiles: DM602, DM632, DM642/DM642A1, DM602 (MUSA, KB44, STABO, MIFF, MUSPA, BLU-3/B, DM1383, M77, Mk.1)
Spain (2011)	711 (16,652)	292 (6,605)	0 (0)	MAT-120, ESPIN-21 projectiles BME-330, CBU-100 bombs
Netherlands (2011)	272 (23,545)	274 (23,901)	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)	84 (4,672)	54 (2,674)	Projectiles KaG-88, KaG-90, KaG-88/99, MP-98
France (2011)	55 (10,284)	9 (4,089)	0 (0)	(KB-1, SAKR, M93, 9N22)
Slovakia (2015)	5 (3,220)	5 (3,220)	0 (0)	M26 (M77)
Italy (2012)	3 (641)	3 (641)	0 (0)	Bombs BL-755, Mk.-20 Rockeye
Denmark (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.

In September 2015, Slovakia stated that with respect to the convention's provision concerning the retention of cluster munitions, "Slovakia does not intend to keep any submunitions and we plan to destroy all our stockpiles."[163] Slovakia subsequently reported that it intends to use its retained cluster munitions for the development of destruction techniques in "the second half of 2016."[164]

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

163 Statement of Slovakia, Convention on Cluster Munitions First Review Conference, Dubrovnik, 7 September 2015, www.clusterconvention.org/files/2015/09/Slovakia_High-level-segment1.pdf.

164 Slovakia, Convention on Cluster Munitions Transparency Report, Form C, 28 June 2016.

Germany has reduced the number of cluster munitions retained by almost a quarter since 2011 by consuming them in explosive ordnance disposal (EOD) training, but remains the State Party with the highest number of retained cluster munitions.[165]

Switzerland reduced the number of cluster munitions it has retained for training as Belgium, Czech Republic, Denmark, France, Germany, and Spain have also done. In most cases, states have significantly reduced 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.

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

Italy and Sweden have yet to consume any of their retained cluster munitions. During 2015, the Netherlands reduced the number retained slightly from the previous total, stating that the "quantity for 2015 is slightly lower than reported for 2014, without use during reporting period."[166]

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 report within 180 days of the convention taking effect for that country. An updated report is due by 30 April each year thereafter, covering activities in the previous year. The CMC encourages states to submit their Article 7 transparency reports by the deadline and provide complete information, including definitive statements.[167]

INITIAL REPORTS

According to the UN Office of Disarmament Affairs website as of 21 July 2016, a total of 76 States Parties have submitted an initial transparency report for the convention, representing 82% of States Parties for which the obligation applied at that time. This compliance rate represents a slight increase from previous years.[168]

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

166 Convention on Cluster Munitions Article 7 Report, Form C, 29 April 2016, bit.ly/CCMArt7Netherlands29Apr2016. According to the Ministry of Foreign Affairs, an annual inventory check to prepare the 2016 Article 7 report identified a smaller number of cluster munitions and submunitions. It informed the Monitor that none of the retained cluster munitions were used in calendar year 2015, but in a previous calendar year, although the consumption was not reported as such at the time. Email forwarded by Maaike Beenes, Humanitarian Disarmament Program Officer, PAX, 25 July 2016.

167 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.

168 The compliance rate is an improvement on the 80% compliance rate reported by *Cluster Munition Monitor 2015*, 77% compliance rate reported by *Cluster Munition Monitor 2014*, and the "three-quarters" compliance rate recorded by *Cluster Munition Monitor 2012* and *Cluster Munition Monitor 2013*.

A total of 18 States Parties have missed the deadline to submit their initial transparency reports, of which six are more than five years late.

Six new States Parties have deadlines pending: Iceland and Rwanda (31 July 2016), Colombia (28 August 2016), Somalia (31 August 2016), Mauritius (29 September 2016), and Cuba (30 March 2017).

Canada, Chad, Mali, Panama, Paraguay, Slovakia, and St. Kitts and Nevis have provided their initial transparency reports since the convention's First Review Conference in September 2015.

ANNUAL REPORTS FOR 2015

As of 21 July 2016, a total of 43 States Parties have submitted their annual updated transparency report covering activities in 2015.[169] Two dozen States Parties have yet to submit their annual updated reports, which were due by 30 April 2016.[170]

States Parties with overdue initial Article 7 reports (as of 21 July 2016)

Belize	28 August 2015
Bolivia	30 March 2014
Cape Verde	28 October 2011
Comoros	30 June 2011
Congo	28 August 2015
Cook Islands	30 July 2012
Dominican Republic	28 November 2012
Fiji	30 April 2011
Guinea	19 April 2015
Guinea-Bissau	28 October 2011
Guyana	27 September 2015
Honduras	28 February 2013
Nauru	28 January 2014
Niger	28 January 2011
Palestine	27 December 2015
South Africa	29 April 2016
Togo	29 May 2013
Tunisia	28 August 2011

VOLUNTARY REPORTING

Prior to ratifying, Canada provided voluntary transparency reports for the convention in 2011–2014, while Palau provided one in 2011. DRC submitted voluntary reports in 2011, 2012, and 2014.

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.[171]

169 Afghanistan, Albania, Antigua and Barbuda, Australia, Austria, Belgium, BiH, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Denmark, Ecuador, Germany, Ghana, Holy See, Iraq, Italy, Japan, Lao PDR, Lebanon, Liechtenstein, Lithuania, Macedonia FYR, Malta, Mauritania, Mexico, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, San Marino, Seychelles, Slovenia, Spain, Swaziland, Sweden, Switzerland, the UK, and Zambia.

170 Andorra, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Chile, El Salvador, France, Grenada, Hungary, Ireland, Lesotho, Luxembourg, Malawi, Moldova, Monaco, Montenegro, Samoa, Senegal, Sierra Leone, St. Vincent and the Grenadines, Trinidad and Tobago, and Uruguay.

171 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.

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."[172] The CMC urges all States Parties to enact comprehensive national legislation to enforce the convention's provisions and provide binding, enduring, and unequivocal rules.

A total of 27 States Parties have enacted specific legislative measures to implement the convention's provisions, as listed in the table below. Some enacted legislation prior to ratifying or acceding to the convention, often by combining the legislative approval process for both implementation and ratification/accession.

A total of 11 states enacted implementing legislation prior to the convention's August 2010 entry into force. Since then, 16 states have enacted implementing legislation, including four in 2015 and one in the first half of 2016.

Since mid-2015, three States Parties to the convention have adopted implementing legislation:

- Bulgaria's parliament adopted implementing legislation for both the Convention on Cluster Munitions and the Mine Ban Treaty on 24 November 2015 and the law took effect on 8 December 2015. The legislation "prohibits any activities with cluster munitions and antipersonnel mines on the territory of the Republic of Bulgaria, except those permitted by the Convention…[and] regulates the conditions and procedures for transfer, transportation, and destruction."[173] It also amended Articles 337–339 of the Penal Code in June 2016 to establish

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)	Bulgaria (2015)
Ecuador (2010)	Canada (2014)
France (2010)	Cook Islands (2011)
Germany (2009)	Czech Republic (2011)
Ireland (2008)	Guatemala (2012)
Japan (2009)	Hungary (2012)
Luxembourg (2009)	Iceland (2015)
New Zealand (2009)	Italy (2011)
Norway (2008)	Liechtenstein (2013)
UK (2010)	Mauritius (2016)
	Samoa (2012)
	Spain (2015)
	Sweden (2012)
	Switzerland (2012)
	Togo (2015)

172 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.

173 Letter Ref: 258 from Maria Pavlova, Ministry of Foreign Affairs, to Mary Wareham, HRW, 18 May 2016.

penal sanctions for violating the prohibitions in the new implementation law on the Convention on Cluster Munitions.[174]

- In Mauritius, the National Assembly adopted a law on 21 June 2016 that serves as the country's implementing legislation for both the Convention on Cluster Munitions and Mine Ban Treaty.[175] The Anti-Personnel Mines and Cluster Munitions (Prohibition) Act 2016 prohibits the development, production, acquisition, stockpiling, retention, or transfer of cluster munitions and provides for penal sanctions of up to 15-years' imprisonment for violations.[176]
- Togo amended its Penal Code in November 2015 to criminalize use, production, transfer, and stockpiling of cluster munitions, as well as explosive bomblets, in accordance with the convention.[177] Article 577 provides for penal sanctions of 10–20 years' imprisonment and a fine of CFA5–100 million.

In addition, Saint Kitts and Nevis reported in December 2015 that it enacted domestic legislation entitled the Cluster Munitions (Prohibition) Act on 27 August 2014.[178] The Monitor is seeking a copy of the law, which does not appear to be available online.

LEGISLATION UNDER CONSIDERATION

At least 23 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, Antigua and Barbuda, Belize, Botswana, Burkina Faso, Burundi, Chad, Colombia, Republic of the Congo, Côte d'Ivoire, Ghana, Grenada, Lao PDR, Lebanon, Lesotho, Malawi, Mali, Niger, Seychelles, Sierra Leone, South Africa, Swaziland, and Zambia.

EXISTING LAW DEEMED SUFFICIENT

At least 31 States Parties have indicated that their existing laws will suffice to enforce their adherence to the convention: Albania, Andorra, BiH, Chile, Costa Rica, Croatia, Denmark, El Salvador, Guinea-Bissau, Holy See, Iraq, Lithuania, Macedonia FYR, Malta, Mauritania, Mexico, Moldova, Montenegro, Netherlands, Nicaragua, Palau, Paraguay, Peru, Portugal, San Marino, Senegal, Slovakia, Slovenia, Tunisia, Trinidad and Tobago, and Uruguay.

174 Law on the Criminal Code, Decree No. 182, Law No. 47/2016, adopted 8 June 2016, www.parliament.bg/bg/bills/ID/42057.

175 The Anti-Personnel Mines and Cluster Munitions (Prohibition) Act 2016, Act No. 11 of 2016, entered into force 25 June 2016, http://mauritiusassembly.govmu.org/English/acts/Documents/2016/act1116.pdf. It repealed the Anti-Personnel Mines (Prohibition) Act.

176 Ibid., sections 4 and 7.

177 According to Articles 560–579 the manufacture and trafficking of cluster munitions is punishable under the amended Penal Code. CEJUS, "Passage en revue du nouveau code pénal togolais: qu'est-ce qui a changé?" ("Review the new penal code of Togo: what has changed?"), 24 November 2015, bit.ly/TogoCode24Nov2015.

178 Saint Kitts and Nevis, Convention on Cluster Munitions Article 7 Report, Form A, 31 December 2015, bit.ly/CCMArt7StKitts31Dec2015.

Developments in the reporting period included:

- Croatia enacted mine action legislation on 21 October 2015 that it reports is "intended to be comprehensive" and "as such, the Act states that each failure in treatment of cluster munitions is subject to misdemeanor sanction."[179] The law does not impose sanctions to prevent and suppress any activity prohibited under the convention on territory under its jurisdiction or control, however Croatia's Penal Code does apply.[180]
- Palau has reported existing legislation under legal, administrative, and other measures to implement the convention, including its constitution, which it states "prohibits use, production, and transhipment of cluster munitions."[181]
- Paraguay provided its initial transparency report in May 2016, listing its ratification law under national implementation measures.[182]
- Slovakia cited existing arms trafficking legislation and its Penal Code to enforce its adherence to the convention's provisions.[183]

STATUS UNKNOWN

The status of national implementation measures is unknown or unclear in the remaining States Parties, most of which have not provided an initial Article 7 transparency report.

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:

- The prohibition on assistance during joint military operations with states not party that may use cluster munitions ("interoperability");
- The prohibitions on transit and foreign stockpiling of cluster munitions; and
- 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

179 Croatia, Convention on Cluster Munitions Article 7 Report, Form A, 9 May 2016.

180 Email from Hrvoje Debač, Deputy Director, Croatia Office for Mine Action, 29 June 2016.

181 Palau, Convention on Cluster Munitions Article 7 Report, Form A, 20 April 2016, bit.ly/CCMArt7Palau20Apr2016.

182 Paraguay, Convention on Cluster Munitions Article 7 Report, Form A, May 2016, bit.ly/CCMArt7ParaguayMay2016.

183 Act No. 392/2011 Coll. and Act No. 300/2005 Coll. as Amended. Slovakia, Convention on Cluster Munitions Article 7 Report, Form A, 28 June 2016.

convention. Yet, as of 21 July 2016, more than three dozen States Parties had not articulated their views on even one of these interpretive issues.[184]

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.[185] The cables also show that the US has stockpiled and may continue to be storing cluster munitions in a number of States Parties.

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 37 States Parties and signatories have agreed that the convention's Article 21 provision on interoperability should not be read as allowing states

184 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, Côte d'Ivoire, Cuba, Dominican Republic, El Salvador, Fiji, Guinea, Guinea-Bissau, Honduras, Iraq, Lesotho, Lithuania, Mauritania, Moldova, Monaco, Mozambique, Nauru, Palau, Palestine, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, San Marino, Seychelles, Sierra Leone, Slovakia, Swaziland, Trinidad and Tobago, Tunisia, and Uruguay.

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

to avoid their specific obligation under Article 1 to prohibit assistance with prohibited acts.[186]

During the reporting period:

- Costa Rica stated that Article 21 must not be interpreted in a manner that contradicts Article 1.[187]
- Mauritius enacted implementing legislation in June 2016 that states: "no person shall in any manner assist, encourage or induce any other person to engage in any [of the prohibited acts]."[188]
- Togo's amended its Penal Code to prohibit assisting, encouraging, or inciting others to violate the convention's prohibition on cluster munitions.[189]

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."[190] 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.[191]
- Canada's Prohibiting Cluster Munitions Act 2014 has elicited similar criticism for its provisions allowing Canadian Armed Forces and public officials to "direct or authorize" an act that "may involve" a state not party performing activities prohibited under the convention during joint

186 At least 37 States Parties and signatories have previously stated their agreement with this view: Austria, Belgium, BiH, Bulgaria, Burundi, Cameroon, Chile, Colombia, Costa Rica, Croatia, Czech Republic, DRC, Ecuador, Germany, Ghana, Guatemala, Holy See, Hungary, Iceland, Ireland, Lao PDR, Lebanon, Madagascar, Malawi, Mali, Mauritius, Mexico, Montenegro, New Zealand, Nicaragua, Norway, Portugal, Senegal, Slovenia, Sweden, Switzerland, and Togo. 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.

187 Statement of Costa Rica, First Review Conference of the Convention on Cluster Munitions, 10 September 2015.

188 See section 4(1)(b) of The Anti-Personnel Mines and Cluster Munitions (Prohibition) Act 2016, Act No. 11 of 2016, which entered into force on 25 June 2016 and repealed the Anti-Personnel Mines (Prohibition) Act, http://mauritiusassembly.govmu.org/English/acts/Documents/2016/act1116.pdf.

189 According to Articles 560–579 the manufacture and trafficking of cluster munitions is punishable under the amended Penal Code. CEJUS, "Passage en revue du nouveau code pénal togolais: qu'est-ce qui a changé?" ("Review the new penal code of Togo: what has changed?"), 24 November 2015, bit.ly/TogoCode24Nov2015.

190 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.

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

military operations.[192] In March 2015, the Chief of Defence Staff issued a directive to "provide direction on prohibited and permitted activities to [Canadian Armed Forces] personnel who might become involved in cluster munition related activities."[193]

- Japan has been reluctant to publicly discuss its interpretation of Article 21.[194] 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.[195]
- 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.[196] In addition, the UK stated in 2011 that its interpretation of 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."[197]

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 cluster munitions is not prohibited.[198] 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.

The US and its coalition partners have not used cluster munitions in the "Operation Inherent Resolve" military action against IS forces that started in 2014 in Syria and Iraq.[199] 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 Office (FCO) responded:

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

193 Convention on Cluster Munitions voluntary Article 7 Report, Form A, 29 April 2015.

194 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.

195 "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, https://wikileaks.org/plusd/cables/08TOKYO1748_a.html.

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

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

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

199 The CMC has urged the US against using any cluster munitions in the operation. Letter from CMC US to President Barack Obama, 30 March 2015, www.noclusterbombs.org/assets/uscbcm/pdf/Letters/CMCUSA_LtrObama_30Mar2015_final.pdf.

> 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.[200]

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 33 States Parties and signatories have declared that transit and foreign stockpiling are prohibited by the convention.[201] In the reporting period, Costa Rica was added to this list.[202]

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.

At least 33 States Parties and signatories have declared that transit and foreign stockpiling are prohibited by the convention.

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

200 "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.

201 Austria, Belgium, BiH, Bulgaria, Burkina Faso, Burundi, Cameroon, Colombia, Comoros, Costa Rica, 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.

202 Statement of Costa Rica, First Review Conference of the Convention on Cluster Munitions, 10 September 2015.

UK or on any UK territory."[203] According to a Norwegian Ministry of Foreign Affairs official, the US removed its stockpiled cluster munitions from Norway in 2010.[204]

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."[205]
- 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.[206]
- 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."[207] 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.[208]

203 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 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/Browne1Nov2011.

204 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, https://wikileaks.org/plusd/cables/08OSLO676_a.html.

205 "Demarche to Afghanistan on cluster munitions," US Department of State cable 08STATE134777 dated 29 December 2008, released by Wikileaks on 2 December 2010, https://wikileaks.org/plusd/cables/08STATE134777_a.html.

206 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, https://wikileaks.org/plusd/cables/08BERLIN1609_a.html. 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, https://wikileaks.org/plusd/cables/08STATE125631_a.html.

207 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, https://wikileaks.org/plusd/cables/08STATE125632_a.html.

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

- 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."[209]
- 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."[210]
- According to a May 2007 cable, the US may store cluster munitions in Kuwait.[211]

DISINVESTMENT

A number of States Parties as well as 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 below.[212]

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 adopted disinvestment laws in the period since. There was no new legislation relating to disinvestment in the second half of 2015 or first half of 2016.

At least 28 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, Costa Rica, 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.

209 "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, https://wikileaks.org/plusd/cables/08TOKYO3532_a.html.

210 "Cluster munitions: Israeli's operational defensive capabilities crisis," US Department of State cable dated 18 April 2008, released by Wikileaks on 1 September 2011, https://wikileaks.org/plusd/cables/08TELAVIV1012_a.html.

211 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, https://search.wikileaks.org/plusd/cables/07ABUDHABI876_a.html.

212 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.

At the First Review Conference in September 2015, Costa Rica made its first interpretive statement regarding investments in cluster munitions, declaring that it views "investment in the production of cluster munitions…as a form of assistance that is prohibited by the convention."[213]

A few States Parties to the convention 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, France, New Zealand, Norway, Luxembourg, Sweden, and other states have either fully or partially withdrawn investments, or banned investments, in cluster munition producers.

At the First Review Conference, States Parties also adopted the Dubrovnik Action Plan, which encourages the adoption of national legislation prohibiting investments in producers of cluster munitions.[214]

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 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. In June 2016, PAX issued another update of its report detailing the status of global investment in cluster munition producers.[215]

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

213 Statement of Costa Rica, Convention on Cluster Munitions First Review Conference, Dubrovnik, 10 September 2015. Cited in: PAX, *Worldwide Investment in Cluster Munitions: a shared responsibility, June 2016 update* (Utrecht, June 2016), p. 210, www.stopexplosiveinvestments.org/report.

214 Dubrovnik Action Plan, First Review Conference of the Convention on Cluster Munitions, Dubrovnik, Croatia, 10 September 2015, bit.ly/DubrovnikActionPlan.

215 PAX, *Worldwide investment in Cluster Munitions: a shared responsibility, June 2016 update* (Utrecht, June 2016), www.stopexplosiveinvestments.org/report.

Timeline of cluster munition use[216]

Date	Location	Known details of use
2012–present	Syria	Syrian government forces have used 13 types of cluster munitions, including air-dropped bombs, dispensers fixed to aircraft, and ground-launched rockets, while IS forces have used at least one type of cluster munition. Cluster munition attacks increased after Russia began its joint military operation in Syria on 30 September 2015, including the use of types not seen used before in Syria.
2015–present	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, CBU-58 and CBU-87 bombs, and M26 and Astros rockets. Ground-launched cluster munitions containing "ZP-39" submunitions have been used, but the user is not known.
2016	Nagorno-Karabakh, Azerbaijan	There is credible evidence that two types of cluster munition rockets were used in Nagorno-Karabakh in April 2016. Armenia and Azerbaijan denied using cluster munitions while accusing each other of use. The Monitor has not been able to conduct an independent investigation to make a conclusive determination about responsibility.
2016	Somalia	Kenya has denied an allegation that it used BL-755 cluster munitions in Somalia in January 2016 in an attack against al-Shabaab. The Monitor could not confirm this use of cluster munitions or identify the responsible party.

216 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
2015	Sudan	The Sudanese Air Force was responsible for cluster munition attacks in Southern Kordofan in February, March, and May 2015 using RBK-500 AO-2.5 RT cluster bombs.
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 rockets delivering 72 9N235 submunitions and 220mm 9M27K-series Uragan ("Hurricane") rockets delivering 30 9N235 submunitions or 30 9N210 submunitions.
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 AO-2.5RT cluster bomb in Ongolo on 15 April.
2011	Libya	Libyan government forces used MAT-120 mortar-fired cluster munitions, RBK-250 PTAB-2.5M cluster bombs, and 122mm cargo rockets containing an unidentified type of DPICM.

Date	Location	Known details of use
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 five TLAM-D cruise missiles, each containing 166 BLU-97 submunitions, to attack a "training camp" in 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 M095.
2006	Lebanon	Israeli forces used ground-launched and air-dropped cluster munitions against Hezbollah. The UN estimates that Israel used up to 4 million submunitions.
2006	Israel	Hezbollah fired more than 100 Chinese-produced Type-81 122mm cluster munition rockets into northern Israel.
2003	Iraq	The US and the UK used nearly 13,000 cluster munitions, containing an estimated 1.8 to 2 million submunitions in the three weeks of major combat.
Unknown	Uganda	RBK-250-275 bombs and AO-1SCh submunitions have been found in the northern district of Gulu.
2001 – 2002	Afghanistan	The US dropped 1,228 cluster bombs containing 248,056 submunitions.

Date	Location	Known details of use
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.
1999	Chechnya	Russian forces used cluster munitions against NSAGs.
1998–2003	Democratic Republic of the Congo (DRC)	Deminers have found BL-755 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 BL-755 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 reported 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 BL-755 bombs in Sisak, Kutina, and along the Kupa River.

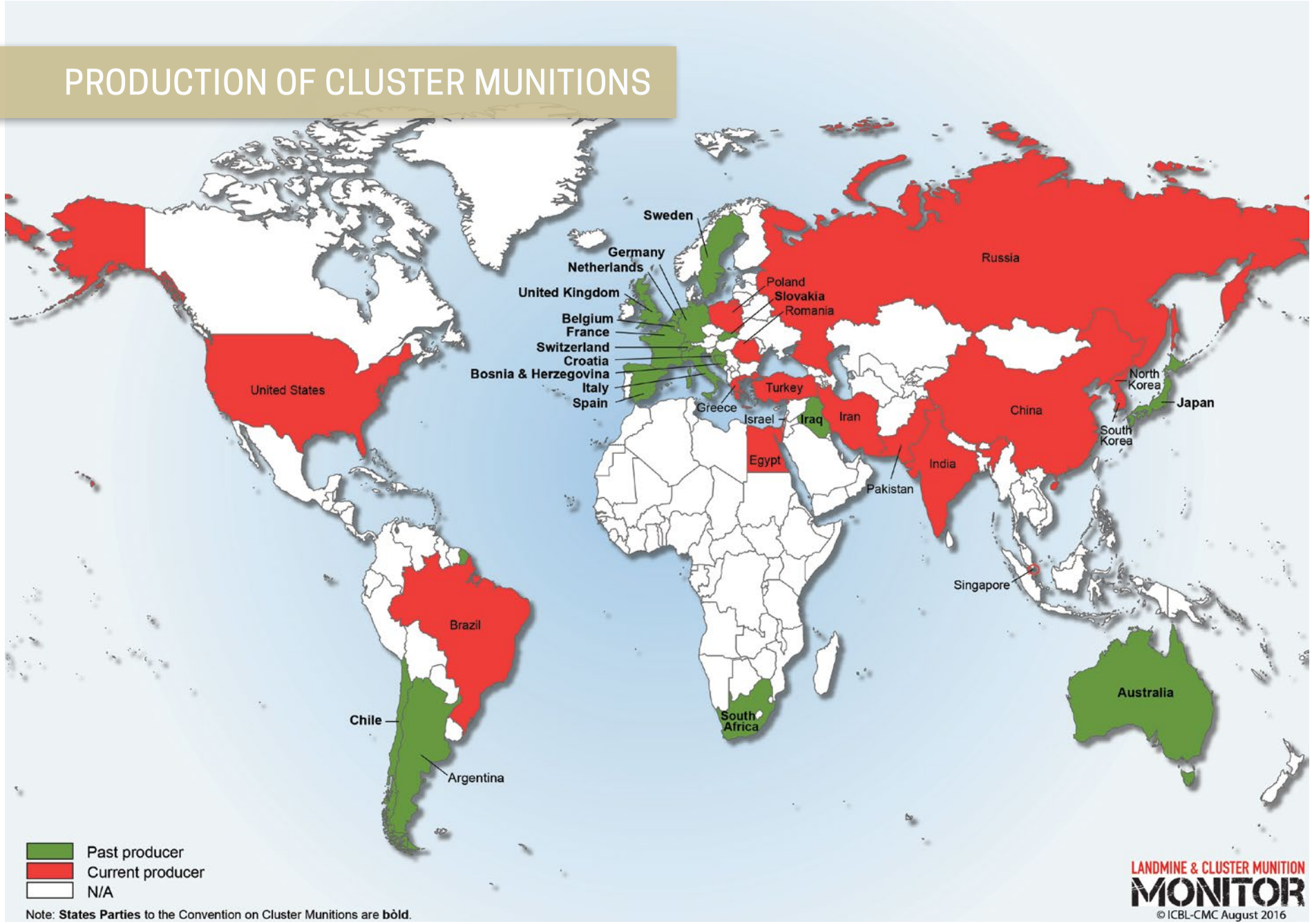
Date	Location	Known details of use
1994–1996	Chechnya	Russian forces used cluster munitions against NSAGs.
1992–1997	Tajikistan	ShOAB and AO-2.5RT submunitions have been found in the town of Gharm in the Rasht Valley, used by unknown forces in civil war.
1992–1995	Bosnia and Herzegovina (BiH)	Yugoslav 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.

Date	Location	Known details of use
1986	Libya	US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra on 25 March. On 14–15 April, US Navy aircraft dropped 60 Rockeye bombs on Benina Airfield.
1984–1988	Iran, Iraq	It has been reported that Iraq first used air-dropped bombs in 1984. Iraq reportedly used Ababil-50 surface-to-surface cluster munition rockets during the later stages of the war.
1983	Lebanon	US Navy aircraft dropped 12 CBU-59 and 28 Mk-20 Rockeye bombs against Syrian air defense units near Beirut.
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 extensively 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	Egypt, Syria	Israel used air-dropped cluster munitions against Egyptian air defense installations in the Suez Canal zone and on reported NSAG training camps near Damascus.

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

STATUS OF THE 2008 CONVENTION ON CLUSTER MUNITIONS

PRODUCTION OF CLUSTER MUNITIONS



CLUSTER MUNITION STOCKPILES AND DESTRUCTION

A searcher uses a Vallon detector to check for cluster munition remnants in a lemon grove, during battle area clearance in Al Bazoureye Village, southern Lebanon.

CONTAMINATION AND CLEARANCE

States and other areas with cluster munition contamination

Afghanistan	**Montenegro**
Bosnia and Herzegovina (BiH)	**Mozambique**
Cambodia	Serbia
Chad	**Somalia**
Chile	South Sudan
Croatia	Sudan
Democratic Republic of the Congo (DRC)	Syria
Germany	Ukraine
Iran	**United Kingdom (UK)***
Iraq	Vietnam
Lao PDR	Yemen
Lebanon	*Kosovo*
Libya	*Nagorno-Karabakh*
	Western Sahara

Unclear whether contaminated:

Angola	Georgia
Azerbaijan**	Tajikistan
Colombia	

* Argentina and the UK both claim sovereignty over the Falkand Islands/Malvinas, where any cluster munition contamination is likely within mined areas.

** It is unclear whether the territory under government control is contaminated. Nagorno-Karabakh, however, is contaminated.

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

SUMMARY[1]

As of August 2016, a total of 24 states (13 States Parties, one signatory, and 10 non-signatories) and three other areas are contaminated by cluster munition remnants.[2] It is unclear whether five additional states are contaminated (one State Party, one signatory, and three non-signatories).[3]

Very little changed in the global understanding of the extent of the problem during 2015. The size of contaminated areas is not known in approximately half of the cluster munition-affected states. In 2015, several states and other areas continued to identify previously unknown areas of contamination.

A total of 24 states and three other areas are contaminated by cluster munitions. It is unclear whether five additional states are contaminated.

New use increased contamination in Sudan and Ukraine in 2015, in Syria and Yemen in 2015 and 2016, and in the area of Nagorno-Karabakh in 2016.

In 2015, at least 70km^2 of contaminated land was cleared, with a total of at least 120,000 submunitions destroyed during land release (survey and clearance) operations. However, this estimate is based on incomplete data. Between 2010 and 2015, a total of more than 415,000 submunitions were destroyed and at least 325km^2 of land cleared. In 2015, cluster munition contamination reportedly decreased as a result of survey and clearance in States Parties Bosnia and Herzegovina (BiH), Croatia, and Lebanon; in signatory Democratic Republic of the Congo (DRC); and non-signatories Serbia and Sudan.

No states reported completion of clearance in 2015 or up to August 2016. Only three States Parties appear to be on track to meet their Article 4 clearance deadline: BiH, Croatia, and Mozambique.

Conflict and insecurity in 2015 and 2016 impeded land release efforts in three States Parties (Afghanistan, Iraq, and Somalia) and six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen).

The convention entered into force for Colombia and Somalia in 2016. Colombia may be able to declare it has no contaminated areas, once assessment and survey have been conducted. The extent of contamination in Somalia is not known. Initial Article 7 transparency reports for both states are due in August 2016.

1 The Monitor gratefully acknowledges the contributions of the Mine Action Review supported and published by Norwegian People's Aid (NPA), which conducted mine action research in 2016 and shared it with the Monitor. The Monitor is responsible for the findings presented online and in its print publications.

2 States Parties with cluster munition remnants: Afghanistan, BiH, Chad, Chile, Croatia, Germany, Iraq, Lao PDR, Lebanon, Montenegro, Mozambique, Somalia, and the UK; signatory: DRC; non-signatories: Cambodia, Iran, Libya, Serbia, South Sudan, Sudan, Syria, Ukraine, Vietnam, and Yemen; other areas: Kosovo, Nagorno-Karabakh, and Western Sahara.

3 States Parties where it is unclear whether there is cluster munition contamination: Colombia; signatory: Angola; non-signatories: Azerbaijan, Georgia, and Tajikistan.

CONTAMINATION AND LAND RELEASE

CONTAMINATION STATISTICS

Very little changed in the global understanding of the extent of cluster munition contamination during 2015.

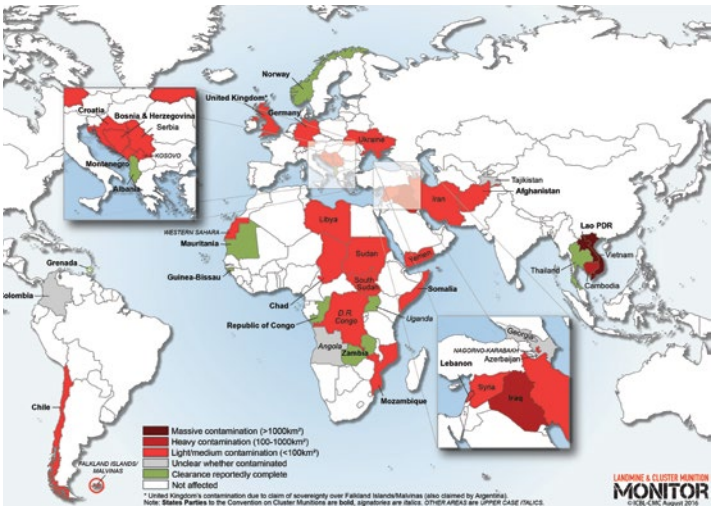
The extent of contamination remains unknown in the most cluster munition-contaminated countries in the world: Cambodia, Iraq, Lao PDR, and Vietnam. Survey efforts are being made to improve understanding of the problem.

In only six countries did the total size of cluster munition-contaminated areas decrease during 2015 as a result of land release (survey and clearance) efforts: BiH, Croatia, DRC, Lebanon, Serbia, and Sudan.

As a result of the identification of previously unknown or unreported contaminated areas, the total size of estimated cluster munition contamination has increased in Mozambique, and three other areas: Kosovo, Nagorno-Karabakh, and Western Sahara.

New contamination was reported in 2015 in Libya, Sudan, and Ukraine, and in 2015 and 2016 in Syria and Yemen. In all these states the extent of contamination is not known as insecurity prevents or hampers survey and clearance. In 2016, the use of cluster munitions in Nagorno-Karabakh resulted in additional contamination of approximately 2km^2.[4]

The data contained in the following table is drawn from various sources—those that appear to be most accurate and complete have been used.[5]



See the "Cluster Munition Contamination" map at the end of this chapter.

4 HALO Trust, "HALO Trust begins emergency clearance in Karabakh," 19 April 2016, www.halotrust.org/media-centre/news/halo-begins-emergency-clearance-in-karabakh/.

5 See the relevant mine action country profiles online for detailed information and sources, available on the Monitor website, the-monitor.org/cp.

Estimated cluster munition contamination

Country/ Other Area	Contamination (km^2)	
	End 2015	Comments
More than 1,000 km^2 (massive)		
Lao PDR	Not known	Survey efforts are underway to define the problem.
Vietnam	Not known	Survey efforts to define the problem have started in Quang Tri province.
100–1000km^2 (heavy)		
Cambodia	Not known, at least 334*	334km^2 suspected contaminated areas, results of baseline survey of eight provinces, completed in 2015.
Iraq	Not known, at least 202*	Data is almost certainly incomplete.
5–99km^2 (medium)		
Afghanistan	6.86	No change since end 2014. There may be more contamination, as operators continue to encounter scattered submunitions.
BiH	8.15	Mostly suspected hazardous area. The amount of confirmed hazardous area increased slightly in 2015 to 0.85km^2. Total area decreased in 2015 as a result of survey and clearance.
Chile	97	No survey has been conducted to date. This is the size of four military training areas, actual contaminated area may be smaller.
Germany	11	Suspected contamination of a former military area was declared in 2011. Technical survey to precisely identify the contaminated area commenced in 2015.
Lebanon	16.3	The total area decreased in 2015 as a result of clearance, although previously unknown contaminated areas were identified in 2015.
South Sudan	Not known, at least 6.5	The number of known suspected hazardous areas has decreased, however, the scale of contamination is not known as some areas cannot be accessed to verify contamination.
Syria	Not known	Extensive use of cluster munitions since 2012, the extent of contamination is not known.
Ukraine	Not known	Not contaminated by cluster munition remnants prior to mid-2014. The extent of contamination is not known.

Country/ Other Area	Contamination (km²)	
	End 2015	Comments
Yemen	Not known, at least 18.3	In addition to contamination in Saada governorate, there are also suspected areas in northwestern Hajjah governorate, which it is not possible to survey due to insecurity. Further contamination has resulted from new use since April 2015.
Kosovo	16	Significant increase in reported contamination since end of 2014 due to confirmation of previously unrecorded contamination.
Nagorno-Karabakh	67	Significant increase in reported contamination since end of 2014 due to first time reporting of sub-surface contamination. An estimated 2km² of new cluster munition contamination resulted from hostilities between Armenia and Azerbaijan in April 2016.
Western Sahara	At least 4.89	Fifteen additional strike areas were identified in 2015, resulting in an increase in estimated contamination, and more are expected to be found.
Less than 5km² (light)		
Croatia	2.64	The total area decreased in 2015 as a result of clearance.
DRC	0.003	Total area decreased in 2015 as a result of clearance.
Montenegro	1.7	The same size of contamination reported at end of 2014, as a result of survey. No clearance was conducted in 2015.
Mozambique	0.74	Two new areas identified in 2016. Prior to 2016, contamination was not known.
Serbia	3.13	0.85km² confirmed hazardous area, and 2.24km² suspected hazardous area.
UK	Not known	Any cluster munition contamination on the Falkland Islands/Malvinas is most likely within mined areas. Nineteen submunitions were found during mine clearance operations in 2015.
Extent of contamination not known (light or medium)		
Chad	Not known	No comprehensive survey has been conducted. Cluster munition casualties were reported in 2015.
Iran	Not known	Some contamination is believed to remain from the Iran-Iraq war, but no survey has been conducted.

Country/ Other Area	Contamination (km²)	
	End 2015	Comments
Libya	Not known	New contamination reported in 2011 and 2015, but scale not known. Prior to the 2011 revolution, World War II-era submunitions had been found.
Somalia	Not known	Evidence of cluster munition contamination has been found in south-central Somalia and Puntland.
Sudan	Not known	Reports of new use in 2015.
Unclear whether contaminated		
Angola	Unclear	If contaminated, then very minimal.
Azerbaijan	Unclear	See Nagorno-Karabakh. There may also be some minimal contamination in the territory under government control.
Colombia	Unclear	If contaminated, then very minimal.
Georgia	Unclear	It is believed that there is no contamination, with the possible exception of South Ossetia.
Tajikistan	0	No known areas, but some areas where contamination is suspected were being surveyed in 2015.

Note: * Mid-2016 data; States Parties to the Convention on Cluster Munitions are indicated in **bold**; convention signatories are underlined; other areas are in *italics*.

LAND RELEASE STATISTICS

The information provided in the table below draws on data provided in Article 7 transparency reports, by national programs, and from 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. For an explanation of land release terminology see "Improving clearance efficiency: land release," in the *Cluster Munition Monitor 2015* contamination and clearance chapter.

Cluster munition land release in States Parties, 2010–2015

Country	Land release through clearance				Survey in 2015	Notes, including on change since 2014
	2010–2015 total		2015			
	km²	No. submunitions destroyed	km²	No. submunitions destroyed		
Afghanistan	1.39 est.	6,077 est.	0	10	None	No cluster munition clearance during 2015. Ten submunitions were destroyed during mine clearance.
BiH	1.01	1,848	0.23	354	0.76km² reduced by TS and 0.47km² canceled by NTS	Decrease in clearance rate from 2014. Discrepancies between data sources.
Chad	N/R	N/R	0	3	None	No change since 2014. Submunitions destroyed during mine and UXO clearance.
Chile	0	0	0	0	None	No change since 2014.
Colombia	0	0	0	0	None	No efforts yet taken to confirm that there is no remaining cluster munition contamination.
Croatia	3.88 est.	1,341 est.	0.43	101	0.25km² CHA identified through NTS	Decrease in clearance figures from 2014.
Germany	0	0	Unclear	4	Survey conducted, extent not reported.	

Country	Land release through clearance				Survey in 2015	Notes, including on change since 2014
	2010–2015 total		2015			
	km²	No. submunitions destroyed	km²	No. submunitions destroyed		
Lao PDR	329 at most	269,347 est.	41	100,022	102.11km² confirmed as CHA	Significant decrease in area cleared from 2014, but highest ever recorded number of submunitions destroyed. Discrepancies between data sources.
Iraq	Unclear	Unclear	8.78	2867	4.5km² SHA identified, 42km² of CHA confirmed	Decrease in area cleared from 2014, but increase in submunitions destroyed. Data may be incomplete. Discrepancies between data sources.
Lebanon	15.33 est.	18,557 est.	1.69	3.329	92,614m² canceled through NTS. Thirteen areas newly identified but not surveyed	Decrease in area cleared from 2014. Discrepancies between data sources.
Montenegro	0.13	9 est.	0	0	None	No clearance conducted in 2015.
Mozambique	0.6	200	0	0	0.74km² CHA identified	Only survey was conducted in 2015 to identify contaminated land, no clearance was conducted.

Country	Land release through clearance				Survey in 2015	Notes, including on change since 2014
	2010–2015 total		2015			
	km²	No. submunitions destroyed	km²	No. submunitions destroyed		
Somalia	0	2	0	0	None	No survey or clearance of cluster munition suspected areas conducted in 2015.
UK	0	1	0	19	None	Submunitions destroyed during mine clearance.

Note: N/R = not reported; NTS = non-technical survey; TS = technical survey; SHA = suspected hazardous area; CHA = confirmed hazardous area; UXO = unexploded ordinance.

Cluster munition land release in signatories, 2010–2015

Country	Land release through clearance				Survey in 2015	Notes
	2010–2015 total		2015			
	km²	No. submunitions destroyed	km²	No. submunitions destroyed		
Angola	0	12	0	0	None	No efforts were taken in 2015 to confirm whether there is remaining cluster munition contamination.
DRC	0.14	214 est.	0.08	68	65 SHAs canceled through NTS. 75,845 km² confirmed	A slight increase in area cleared from 2014.

Note: NTS = non-technical survey; SHA = suspected hazardous area.

Cluster munition land release in non-signatories, 2010–2015

Country	Land release through clearance				Survey in 2015	Notes
	2010–2015 total		2015			
	km²	No. submunitions destroyed	km²	No. submunitions destroyed		
Azerbaijan	–	–	–	–	–	See Nagorno-Karabakh.
Cambodia	Unclear	7,712 at least	0.77 at least	4,644 at least	Baseline survey of eight provinces conducted 2012–2015, 3.34km² reduced by TS	Cambodian Mine Action Center cleared 22.86km² battle area, but did not identify whether this included any cluster munition-contaminated areas.
Georgia	1.3 at least	68 at least	0	0	None	No cluster munition contamination, with the possible exception of South Ossetia.
Iran	N/R	N/R	N/R	N/R	N/R	No reports of survey or clearance operations.
Libya	N/R	469 at least	N/R	N/R	N/R	No reports of survey or clearance operations.
Serbia	6.38	1,233	0.18	235	1.41km² reduced by TS, and 1km² canceled by NTS	Decrease in area cleared from 2014. 233 of the submunitions were destroyed during survey.

Country	Land release through clearance				Survey in 2015	Notes
	2010–2015 total		2015			
	km²	No. submunitions destroyed	km²	No. submunitions destroyed		
South Sudan	1.28 at least	254 at least	1.41	1,235	1.35km² CHA confirmed, and 500m2 canceled by NTS	Increase in area cleared from 2014.
Sudan	N/R	N/R	0	0	None	No reports of survey or clearance operations.
Syria	N/R	N/R	N/R	N/R	None	No reports of survey or clearance operations.
Tajikistan	N/R	2 at least	0.45	84	0.4km² SHA identified	Increase from 2014 when no clearance was reported.
Ukraine	N/R	N/R	N/R	N/R	N/R	Mine action activities are not systematically recorded.
Vietnam	Unclear	20,181 at least	9.83 at least	7,946 at least	13.27km² CHA confirmed, 0.085km² SHA canceled	Only international operators' data available. Most clearance is conducted by Army Engineering Corps, for which no data is available.
Yemen	N/R	880 est.	N/R	N/R	None	No reports of survey or clearance operations.

Note: N/R = not reported; NTS = non-technical survey; TS = technical survey; SHA = suspected hazardous area; CHA = confirmed hazardous area; UXO = unexploded ordinance.

Cluster munition land release in other areas, 2010–2015

Other area	Land release through clearance				Survey in 2015	Notes
	2010–2015 total		2015			
	km²	No. submunitions destroyed	km²	No. submunitions destroyed		
Kosovo	Up to 4.15	1,313 est.	0.34	63	8.9km² contamination identified	Decrease in area cleared from 2014.
Nagorno-Karabakh	46.77 at least	2,069	2.9	284	1.14km² reduced by TS, 3.5km² CHA confirmed	Decrease in area cleared from 2014.
Western Sahara	8.4	13,295	1.84	143	0.54km² CHA identified	A slight increase in area cleared but a decrease in the number of submunitions destroyed.

Note: TS = Technical survey; CHA = confirmed hazardous area.

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, the State Party may request a deadline extension for periods of up to five years. No such requests have yet been made as 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.

The following table provides an assessment of progress of States Parties against clearance deadlines based on size of contamination, the existence of a resourced plan, progress to date, and obstacles to land release operations such as conflict and insecurity.

Clearance progress under the Convention on Cluster Munitions

Country	Convention on Cluster Munitions Article 4 clearance deadline	On track to meet deadline
Afghanistan	1 March 2022	Unclear
BiH	1 March 2021	On track
Chad	1 September 2023	Not on track
Chile	1 June 2021	Not on track
Colombia	1 March 2026	Unclear whether contaminated
Croatia	1 August 2020	On track
Germany	1 August 2020	Unclear
Lao PDR	1 August 2020	Not on track
Iraq	1 November 2023	Not on track
Lebanon	1 May 2021	Not on track
Montenegro	1 August 2020	Unclear
Mozambique	1 September 2021	On track
Somalia	1 March 2026	Too soon to determine likelihood of meeting deadline
UK	1 November 2020	Not on track

CLEARANCE COMPLETED

No States Parties reported the completion of clearance of cluster munition-contaminated areas in 2015.

Seven States Parties have in previous years completed the clearance of areas contaminated by cluster munition remnants: Albania, the Republic of the Congo, Grenada, Guinea-Bissau, Mauritania, Norway, and Zambia. One signatory, Uganda, and one non-signatory, Thailand, have also completed clearance of areas contaminated by cluster munition remnants.

PROGRESS BY STATES PARTIES UNDER THE DUBROVNIK ACTION PLAN

The Dubrovnik Action Plan adopted by States Parties at the Convention on Cluster Munitions First Review Conference in Dubrovnik, Croatia in September 2015 builds on the Vientiane Action Plan adopted by States Parties in 2010. It seeks to ensure the effective implementation of the provisions of the convention until the Second Review Conference in 2020. Section III (Actions 3.1–3.8) is related to "Clearance and Risk Reduction Education."

This section examines the progress of States Parties related to clearance and destruction of cluster munition remnants.[6]

Action 3.1—Assess the extent of the problem of cluster munition contamination

States Parties are required to provide an assessment of the extent of the problem of cluster munition contamination within two years of the First Review Conference or two years after entry into force of the Convention for that State Party. (*Refer to the table "Estimated cluster munition contamination" above for existing knowledge of extent of the problem.*) By the end of 2015:

- Five States Parties had a fairly good understanding of the extent of the problem, although only in Croatia is the problem very well defined;
- Three states knew the locations of suspected contamination but not the precise extent;
- Four states—including the most heavily contaminated states—had a poor understanding of the problem; and
- Two states may soon be in a position to declare they have no remaining contamination.

The five States Parties that have a fairly good understanding of the extent of the problem are Afghanistan, BiH, Croatia, Lebanon, and Montenegro. However, with the exception of Croatia, that understanding can be improved. The contamination in Afghanistan may be more widespread than reported.[7] BiH has suspected hazardous areas that require survey to either confirm or release.[8] Lebanon continued to identify previously unknown contaminated areas in 2015.[9] Although Montenegro has conducted survey of all its known contaminated areas, there are discrepancies in the information regarding their location.

The three States Parties that know the locations of suspected contamination, but not the extent of contamination, are Chile, Germany, and the UK. Chile has yet to survey the four military training areas that it suspects are contaminated.

6 Cluster Munition Monitor does not report on Action 3.4, "Be inclusive when developing the plan." For Action 3.6, "Provide support, assist and cooperate," please see the Support for Mine Action country profiles.

7 Interviews with the Mine Action Coordination Centre of Afghanistan (MACCA) implementing partners, Kabul, May 2013.

8 Email from Tarik Serak, Head, Department for Mine Action Management, Bosnia and Herzegovina Mine Action Center (BHMAC), 26 May 2016.

9 Emails from Brig. Gen. Elie Nassif, Lebanon Mine Action Center (LMAC), 12 May, 17 June, and 2 July 2015.

Germany started its survey of a contaminated military training area in 2015.[10] The UK has reported that any cluster munition contamination in the Malvinas/Falkland Islands is most likely within mined areas, but is not aware of the extent of such contamination.[11]

Cluster munition technical survey with special detection dogs, Livno, BiH.

© Norwegian People's Aid BiH, October 2014

The four States Parties that have a poor understanding of the extent or location of the cluster munition problem are Chad, Lao PDR, Iraq, and Somalia. Lao PDR is the world's most contaminated country, and the extent of affected areas is not known. It has now taken steps to improve this; in 2016, it committed to a nationwide non-technical and technical survey with a view to producing Lao PDR's first baseline estimate of cluster munition contamination by the end of 2021.[12] Although Iraq has confirmed more than 200km^2 of cluster munition contamination, the true extent is not known, and conflict and insecurity continued to prevent efforts to better define the problem in 2015. Although Chad and Somalia are contaminated by cluster munitions, they have not recorded any suspected or confirmed hazardous areas.

Two States Parties may be close to declaring that they are free of contamination: Colombia and Mozambique. Mozambique is in the process of clearing its last known areas, and hopes to declare completion by the end of 2016. Colombia may be able to declare it has no contaminated areas, once assessment and survey have been conducted.

Action 3.2—Protect people from harm

This action point requires States Parties "to mark and fence, to the extent possible, confirmed hazardous areas as soon as possible and enforce legislation that protects the marking."[13]

Croatia, Germany, and the UK have reported on the measures they have taken to protect people from contaminated areas. In Germany, the areas are completely perimeter-marked with warning signs and an official directive constrains access to the area.[14] The UK has conducted comprehensive perimeter-marking of mined areas potentially containing cluster munition remnants.[15] Croatia's priorities for 2016 include maintaining the marking of all confirmed hazardous areas containing cluster munition remnants.

10 Statement of Germany, Convention on Cluster Munitions First Review Conference, Dubrovnik, 7 September 2015.

11 Email from an official in the Arms Export Policy Department of the Foreign and Commonwealth Office, 1 July 2015.

12 The National Regulatory Authority (NRA), "From Survey to Safety, Quantifying and Clearing UXO Contamination in Lao PDR," March 2016.

13 It also requires that states conduct mine risk education, a topic on which the Cluster Munition Monitor does not report.

14 Convention on Cluster Munitions Article 7 Report, Form G, 4 April 2012; and Convention on Cluster Munitions Article 7 Report, Form F (for 2014), 20 April 2015.

15 Statement of the UK, Mine Ban Treaty Intersessional Meetings (Standing Committee on Mine Action), Geneva, 27 May 2009.

In all States Parties, apart from Chile, Germany, and the UK, a humanitarian and/or socio-economic impact is reported to varying degrees, indicating the need for greater efforts to fulfill this action.[16] In several states, cluster munition remnants continue to cause casualties (*see the casualties chapter for further details*).

Action 3.3—Develop a resourced plan

Little progress has been made in the development of national clearance strategies and plans since 2014, despite the requirement to have a plan in place within one year of the First Review Conference or by entry into force of the convention for that State Party.

Four States Parties have a plan for survey and clearance of cluster munition remnants: Afghanistan, Lebanon, Montenegro, and Mozambique. However, of these, only Mozambique is on track. Afghanistan has reported that insecurity is hampering its ability to conduct clearance.[17] Lebanon estimates that 40 battle area clearance teams would be needed in order to complete clearance by 2020, but in 2015 it had 21 to 25 teams.[18] Montenegro's plan to complete clearance of cluster munition remnants is not funded.[19]

Lao PDR plans to complete a survey by the end of 2021, which will provide the basis upon which a clearance plan can be developed.[20] However, this will not be achieved within the Article 4 clearance deadline, and an extension request will need to be submitted.

Three other States Parties have mine action plans in place, but they do not contain specific plans for survey and clearance of cluster munition remnants: BiH, Croatia, and Chad. In BiH, a revised plan including cluster munition remnants is awaiting adoption by the Council of Ministers.[21] Although Croatia does not have a specific cluster munition clearance strategy, it is nevertheless on track for meeting its Article 4 deadline. Chad's plan notes that it adheres to the Convention on Cluster Munitions but does not detail plans to clear cluster munition remnants.[22]

In addition, the following States Parties have not presented plans for how they will achieve their Article 4 clearance deadline: Chile, Germany, Iraq, and the UK.

The convention entered into force on 1 March 2016 for Colombia and Somalia, which now have one year to develop and start implementing a clearance plan, in accordance with the Dubrovnik Action Plan.

16 In Chile and Germany, the contamination is at military training ranges. In the UK (Falkland Islands/Malvinas), areas are marked and fenced.

17 Email from Mohammed Wakil, MACCA, 1 May 2016; and Convention on Cluster Munitions Article 7 Report (for 2015), Form F.

18 Lebanon, Convention on Cluster Munitions Article 7 Report (for 2015), Form F.

19 Email from Veselin Mijajlovic, The Regional Centre for Divers' Training and Underwater Demining (RCUD), 13 May 2016.

20 NRA, "From Survey to Safety, Quantifying and Clearing UXO Contamination in Lao PDR," March 2016.

21 UNDP, "Draft Mine Action Governance and Management Assessment for Bosnia and Herzegovina," 13 May 2015, p. 17.

22 The National High Commission for Demining (Haut Commissariat National de Déminage, HCND), "Mine Action Plan 2014–2019," May 2014, p. 4.

Action 3.5—Manage information for analysis, decision-making, and reporting

Each State Party is required to "record and provide information to the extent possible on the scope, extent and nature of all cluster munition contaminated areas under its jurisdiction or control." (*See Action 3.1 above for details.*)

The quality of reporting on survey and clearance is variable, and has not improved significantly since 2014. Of those States Parties that conducted survey and clearance of cluster munition contaminated-areas in 2015, only Croatia, Mozambique, and the UK had clear, consistent land release data across the different sources.

Discrepancies between survey and clearance data provided by mine action centers, operators, and Article 7 reports were found in BiH, Iraq, Lao PDR, and Lebanon.

Germany should provide more details of the results of its technical and non-technical survey, to enable a better understanding of the efforts it has taken to tackle its cluster munition problem.

As of July 2016, Chile and Montenegro had not provided Article 7 transparency reports covering calendar year 2015. Chile has not reported since 2013.

Action 3.7—Apply practice development

States Parties continue to implement land release methodologies to improve the efficiency of clearance of cluster munition remnants (*for further information about land release, see "Improving clearance efficiency: land release," in the Cluster Munition Monitor 2015 contamination and clearance chapter*).

In 2015, the following States Parties reported using technical and/or non-technical survey to confirm, reduce, or cancel hazardous areas: BiH, Croatia, Germany, Lao PDR, Iraq, Lebanon, and Mozambique. In Lao PDR, the introduction of cluster munition-specific survey greatly improved the efficiency of clearance. While the total area cleared in Lao PDR reduced significantly in 2015, the number of submunitions destroyed increased significantly.

Action 3.8—Promote and expand cooperation

International cooperation and assistance to support survey and clearance is provided to almost all States Parties. The UN Mine Action Service (UNMAS) provides support to mine action programs in States Parties Afghanistan, Colombia, Iraq, and Somalia. In Lebanon, UNMAS supports the UN Interim Force in Lebanon (UNIFIL). In 2015, the UN Development Programme (UNDP) had an advisor in Lebanon, and conducted an evaluation in BiH, where it also contracted a consultant.

International NGOs provided support to mine action programs, capacity-building support on standards (particularly on land release and information management), as well as conducted clearance operations and mine risk education in 2015 in States Parties Afghanistan, BiH, Chad, Colombia, Iraq, Lao PDR, Lebanon, Mozambique, and Somalia.

(*For information about funding for cluster munition survey and clearance, please see the Support for Mine Action sections of the country profiles*).[23]

23 Available on the Monitor website, www.the-monitor.org/cp.

PROGRESS IN SIGNATORIES, NON-SIGNATORIES, AND OTHER AREAS

In general, there is much better knowledge of cluster munition contamination and more thorough reporting of land release activities in States Parties and signatories than in non-signatories. This underlines the importance of striving for universalization of the convention, in order to improve global efforts to address the threat posed by cluster munition remnants.

The extent of contamination is not known in six of the 14 States Parties (43%). This compares to 11 of 13 non-signatories (84%), and one of the two signatories.[24] All three other areas have a good understanding of the extent of contamination.

Reports of land release activities—or confirmation that these did not take place—were available for all States Parties, signatories, and other areas. However, no data on survey or clearance was available for five non-signatories: Iran, Libya, Syria, Ukraine, and Yemen.

While all States Parties, signatories, and other areas have a mine action program, authority, center, or other institutions responsible for mine action, two non-signatories do not. Syria does not have a national mine action program, authority, or center, while as of mid-2016, Ukraine was in the process of establishing the national mine action institutional structure.[25]

With the exception of Iran, all non-signatories, signatories, and other areas received international support from either the UN or international NGOs, or both, in 2015.

CLEARANCE IN CONFLICT

In 2015 and 2016, conflict has hindered land release activities in three States Parties (Afghanistan, Iraq, and Somalia), and six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen). These are the same countries that were affected by conflict in 2014, and little has changed in the overall picture since then.

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.[26]

Conflict affects the functioning of mine action programs, as well as prevents access to contaminated areas. In Syria, there is no national mine action program,

24 Whether there is contamination or the extent of it is not known in States Parties Chad, Colombia, Iraq, Lao PDR, Somalia, and the UK; in signatory Angola; and in non-signatories Azerbaijan, Cambodia, Georgia, Iran, Libya, South Sudan, Sudan, Syria, Ukraine, Vietnam, and Yemen.

25 "Mine Action in Ukraine," Side-event presentation by Lt. Col. Yevhenii Zubarevskyi, Ministry of Defence, Geneva, 17 February 2016; and interviews in Geneva, 19 February and 20 May 2016.

26 For instance, in Ukraine, cluster munition remnants, mines, and other ERW contamination are reported to pose a risk to the internally displaced and returning refugees. See, Protection Cluster Ukraine, "Eastern Ukraine: Brief on the need for humanitarian mine action activities," undated, bit.ly/EasternUkrainebrief.

and most of the country is inaccessible to clearance operators.[27] In Libya, mine action is impaired by the lack of a functioning central government. International mine action actors stopped land release operations when the conflict escalated in July 2014, and these had not been resumed as of July 2016. In Yemen, it was reported that the conflict had affected the mine action center's ability to fulfill its role. Its operations were frozen in mid-2014 and resumed on a limited emergency basis only after late September 2015.[28] In Sudan, the National Mine Action Center reported that it was not possible to implement activities according to the national mine action plan due to insecurity.[29] In Iraq, mine action operations were overshadowed by conflict and insecurity, and the urgent need to clear and destroy improvised explosive devices. Afghanistan, Somalia, South Sudan, and Yemen continued to report that some cluster munition-contaminated areas cannot be accessed due to insecurity or conflict.[30]

In both Syria and Libya, non-state armed groups and volunteers have often conducted clearance immediately after fighting has occurred, despite a lack of adequate training, equipment, and resources.[31] In both countries, international efforts to support mine action have therefore focused on developing national capacity. In Libya, in 2015 and 2016, UNMAS and its implementing partners conducted training on explosive ordnance disposal (EOD), quality assurance and quality control, and non-technical survey to the Libyan Mine Action Center, as well as other government institutions and NGOs. These training courses have taken place outside Libya.[32] In Syria, UNMAS also planned to begin a training and mentoring program for national organizations in early 2016.[33]

In Ukraine, clearance of ERW has been undertaken by both Ukrainian government authorities and separatist groups. The State Emergency Services of Ukraine (SESU), which is responsible for humanitarian demining, suffered severe losses to buildings and vehicles during the conflict.[34] The OSCE project coordinator and Danish Deming Group (DDG) therefore provided the SESU with equipment and training to support their operational capacity.[35]

27 UNMAS, "Programmes: Syria," last updated March 2016.

28 UNDP, "Grant Progress Reports for 1 July–30 September 2015 and 1 October–31 December 2015," 25 January 2016.

29 Email from Ahmed Elser Ahmed Ali, National Mine Action Center (NMAC), 9 May 2016. However, note that the NMAC stated that no cluster munitions had been found in all mine action activities "to date," although the UN provided a list of contaminated areas in 2011 and there have been reports of new use as recently as 2015. Email from Mohamed Kabir, Chief Information Officer, UNMAO, 27 June 2011; and email from Ahmed Elser Ahmed Ali, Chief of Operations, NMAC, 8 June 2016.

30 Email from Mohammed Wakil, MACCA, 1 May 2016; Convention on Cluster Munitions Article 7 Report (for 2015), Form F; UNMAS, "2016 Portfolio of Mine Action Projects, Somalia," undated but 2016, www.mineaction.org/sites/default/files/print/country_portfolio6512-1530-12626.pdf; Somalia, Mine Ban Treaty Article 7 Report (for 16 April 2012–30 March 2013); UNMAS, "2016 Portfolio of Mine Action Projects: South Sudan," undated but 2016, www.mineaction.org/taxonomy/term/1116; and, email from Ali al-Kadri, General Director, Yemen Mine Action Center (YEMAC), 20 March 2014.

31 UNMAS, Programmes: Syria," updated March 2016; and email from Bridget Forster, UNMAS Libya, 25 August 2015.

32 Skype interview with Ezzedine Ata Alia, Administration Manager, 9 August 2016; and email from Caitlin Longden, Junior Programme Officer, UNMAS, 9 August 2016.

33 UNMAS Programme, "Syria," updated May 2016, www.mineaction.org/programmes/syria.

34 Statement of Ukraine, Mine Ban Treaty Fourteenth Meeting of States Parties, Geneva, 2 December 2015.

35 Emails from Rowan Fernandes, DDG Ukraine, 20 May and 17 June 2016; and email from Anton Shevchenko, OSCE, 14 June 2016.

In 2016, conflict in Nagorno-Karabakh in April resulted in a need for emergency clearance of approximately 2km^2 of contaminated areas.[36]

COUNTRY SUMMARIES

Where discrepancies between data sources exist, only one source has been utilized—usually the mine action center (*for details of data variations, please refer to the mine action country profiles*).

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.[37] 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.[38] At the end of 2015, 6.86km^2 of cluster munition-contaminated areas were recorded, a level unchanged since April 2015.[39] Contamination, however, is probably more widespread than reported.[40] No release of areas contaminated by cluster munition remnants occurred in 2015 due to insecurity in affected areas and a downturn in funding.[41]

BiH's cluster munition contamination results from Yugoslav use in the 1992–1995 conflict after the break-up of the Socialist Federal Republic of Yugoslavia. Additionally, cluster munitions were used by NATO forces in Republika Srpska.[42] Sixty communities across seven cantons are affected by 0.85km^2 of confirmed hazardous area and 7.3km^2 of suspected hazardous area.[43] The total amount of hazardous areas reduced in 2015 as a result of survey and clearance. During 2015, Norwegian People's Aid (NPA), the Federal Administration of Civil Protection, and the BiH Armed Forces conducted cluster munition remnants survey and clearance.[44]

Chad is believed to be contaminated by cluster munitions used by France and Libya in the 1980s, but the full extent of contamination is not known. Chad stated in 2013 that the Tibesti region in the northwest of the country was

36 Email from Andrew Moore, HALO Trust, 7 June 2016.

37 Statement of Afghanistan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 15 April 2013.

38 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.

39 Emails from Mohammed Wakil, Chief of Staff, MACCA, 1 May 2016; and from Abdel Qudos Ziaee, MACCA, 30 April 2015; and Article 7 Report (for 2015), Form F.

40 Interviews with MACCA implementing partners, Kabul, May 2013.

41 Email from Mohammed Wakil, MACCA, 1 May 2016.

42 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 BiH available on the Monitor website, www.the-monitor.org/cp.

43 Email from Tarik Serak, BHMAC, 26 May 2016.

44 Statement of BiH, Convention on Cluster Munitions First Review Conference, Dubrovnik, 9 September 2015; and email from Tarik Serak, BHMAC, 26 May 2016.

being surveyed, but has provided no further information since then.[45] There was evidence of cluster munition contamination in 2015, as three cluster munition remnants were discovered and destroyed in 2015, and civilian casualties were reported as a result of an accident with a submunition.[46] No clearance of cluster munition remnants has been reported during the last six years. The National Demining Center (Centre National de Déminage, CND) operates demining and EOD teams.[47] Mines Advisory Group (MAG) and Handicap International operated in Chad in 2015.[48]

Chile has reported three military training areas totaling 97km^2 that are suspected to be contaminated by cluster munition remnants. No survey had been conducted as of June 2016.[49] Chile has not reported on any steps taken to elaborate a workplan to address its four contaminated areas.

The convention entered into force for **Colombia** on 1 March 2016. In 2009 and 2010, the Ministry of Defence acknowledged that cluster munitions had been used in the past.[50] However, the impact of any cluster munition contamination is believed to be minimal, and operators have not encountered or received reports of unexploded submunitions.[51] As of the end of May 2016, Colombia had not reported conducting any survey or clearance of any cluster munition-contaminated areas. Colombia may be able to declare full completion of its Article 4 obligations once the requisite assessment and survey has been taken.

Croatia is contaminated by cluster munitions used in the 1990s conflict that followed the dissolution of the former Yugoslavia.[52] As of the end of 2015, 2.64km^2 of land across four counties was confirmed to be contaminated by cluster munition remnants, a reduction of 0.18km^2 from 2014.[53] The decrease in contaminated area resulting from clearance in 2015 was partly offset by

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

46 Convention on Cluster Munitions Article 7 Report (for 2015), Forms F and H; and email from Llewelyn Jones, Director of Programmes, MAG, 31 May 2016.

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

48 MAG, "New Help for More Than 400,000 People in Chad," 15 December 2014, www.maginternational.org/our-impact/news/new-project-will-help-more-than-400000-people-in-chad/; and, emails from Julien Kempeneers, Deputy Desk Officer, Mine Action Department, Handicap International (HI), 2 May 2016; and HI, "Landmine Clearance Efforts Begin in Chad," undated, www.handicap-international.us/landmine_clearance_efforts_begin_in_chad.

49 Email from Juan Pablo Rosso, Expert in International Security, International and Human Security Department, Chilean Ministry of Foreign Affairs, 16 June 2015; and Convention on Cluster Munitions Article 7 Report, Form F, September 2012.

50 C. Osorio, "Colombia destruye sus últimas bombas de tipo racimo" ("Colombia destroys its last cluster bombs"), *Agence France-Presse*, 7 May 2009; and Ministry of National Defense presentation on cluster munitions, Bogotá, December 2010.

51 Email from Dan Haddow, Colombia Programme Support Officer, HALO Trust, 28 May 2016; and, email from Fredrik Holmegaard, Project Manager, Humanitarian Disarmament – Colombia, NPA, 13 June 2016.

52 Croatian Mine Action Centre (CROMAC), "Mine Action in Croatia and Mine Situation," undated, www.hcr.hr/en/minSituac.asp.

53 Emails from Miljenko Vahtaric, Assistant Director for International Cooperation and Education, CROMAC, 13 and 18 May 2016, and 10 June 2015; and Convention on Cluster Munitions Article 7 Report (for 2015), Form A.

the discovery of previously unrecorded cluster munition contamination.[54] The majority of clearance was conducted by the state-owned operator MUNGOS, and the remainder by two commercial demining companies.

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.[55] The area is completely perimeter-marked with warning signs and an official directive constrains access to it.[56] After a delay since 2012, in September 2015, Germany reported that it has "carried out extensive non-technical and technical surveys," during which four ShOAB-0.5 submunitions were cleared and destroyed.[57] Site and "geophysical investigation" revealed strong evidence that contamination from cluster munition remnants existed only on the surface.[58]

The extent of **Iraq**'s cluster munition contamination is not known with any degree of accuracy. Cluster munition remnants contaminate significant areas of central and southern Iraq, a legacy of the 1991 Gulf War and the 2003 invasion of Iraq. Iraq reports that cluster munition remnants in confirmed hazardous areas cover a total of 200km^2 across nine central and southern governorates: 95% is in just the three governorates of Basra, Muthanna, and Thi-Qar.[59] There are also 2.42km^2 of suspected and confirmed hazardous areas in the northern Kurdish region.[60] In 2015, survey and clearance were conducted by the civil defense and the army, along with humanitarian operators Iraq Mine Clearance Organization, NPA, and MAG. Mine action sector operations were overshadowed by conflict. Survey and clearance slowed in 2015 compared to the previous year, although data deficiencies hinder an accurate determination of progress.

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.[61] 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.[62] Submunitions are reported to be the most common form of remaining ERW contamination with a significant economic impact.[63] Although the amount of land cleared in 2015 reduced to 41.30km^2, a considerable reduction

54 Email from Miljenko Vahtaric, CROMAC, 13 May 2016; and Convention on Cluster Munitions Article 7 Report (for 2015), Form A.

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

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

57 Convention on Cluster Munitions Article 7 Report (for 2015), Form F; and statement of Germany, Convention on Cluster Munitions First Review Conference, Dubrovnik, 7 September 2015.

58 Convention on Cluster Munitions Article 7 Report (for 2015), Form F.

59 Email from Ahmed Al-Jasim, Head of Information Management Department, Department of Mine Action (DMA), 30 May 2016.

60 Email from Khatab Omer Ahmed, Planning Manager, Directorate General of Technical Affairs, Iraqi Kurdistan Mine Action Agency (IKMAA), 20 May 2016.

61 "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.

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

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

Cluster munition found during survey operations in southern Lao PDR.

@ Phoonsab Thevongsa/NPA, December 2014

in clearance rate over the past three years, the number of submunitions destroyed in 2015 rose significantly to 100,022, the most recorded in any year.[64] In 2016, Lao PDR committed to a nationwide non-technical and technical survey with a view to producing Lao PDR's first baseline estimate of cluster munition contamination by the end of 2021.[65] Operators included five humanitarian operators, one national (UXO Lao), and four international (HALO Trust, Handicap International, MAG, and NPA), as well as several international and national commercial operators.

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.[66] Cluster munition remnants continue to affect agriculture.[67] New contamination continued to be discovered in 2015.[68] Cluster munition clearance was conducted by international operators DanChurchAid (DCA), MAG, and NPA; national operator Peace Generation Organization for Demining (POD); and the Engineering Regiment of the Lebanese Armed Forces.

Montenegro's cluster munition contamination is the result of NATO airstrikes in 1999.[69] 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.[70] The contamination mainly affects infrastructure and utilities, accounting for 63% of the affected land, with agriculture accounting for another 30%. One area remains unsurveyed.[71] No land release operations took place in 2015, as funding has not yet been secured.[72]

Mozambique stated in 2014 that there was limited use of cluster munitions during its 1977–1992 civil war.[73] During surveys conducted in 2015 with the intention of confirming the absence of cluster munition remnants, in order to

64 Data from operators. Convention on Cluster Munitions Article 7 Report (for 2015), Form F states that 35.99km^2 of land was cleared, and 115,082 items destroyed, of which 87,389 were "cluster munitions." NRA, "UXO Sector Annual Report 2012," Vientiane, undated but 2013 states that 100,026 submunitions were destroyed.

65 NRA, "From Survey to Safety, Quantifying and Clearing UXO Contamination in Lao PDR," March 2016.

66 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.

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

68 Convention on Cluster Munitions Article 7 Report (for 2015), Form F; and email from Brig.-Gen. Elie Nassif, LMAC, 14 May 2016.

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

70 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.

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

72 Ibid., 13 May 2016.

73 Statement by Alberto Maverengue Augusto, National Demining Institute (IND), Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 4 September 2014.

complete Mozambique's Convention on Cluster Munitions Article 4 obligations, six areas with a total size of nearly 0.74km^2 of confirmed cluster munition contamination were identified.[74] Clearance of these areas began in January 2016. In 2016, two additional areas of cluster munition contamination were also identified, and clearance of those areas commenced.[75] NPA was the only operator conducting cluster munition survey and clearance in 2015–2016.[76]

The convention entered into force for **Somalia** on 1 March 2016. The Ethiopian National Defence Forces reportedly used cluster munitions in clashes with Somali armed forces along the Somali-Ethiopian border during the 1977–1978 Ogaden War.[77] Cluster munition contamination is suspected in south-central Somalia and Puntland, but the extent is not known. No survey or clearance of cluster munition remnants was conducted in 2015, and no cluster munition remnants were found.

UK. 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.[78] In 2015 and 2016, land release was conduced by BACTEC. 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.[79]

NON-SIGNATORIES WITH MORE THAN 5KM^2 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.[80] In 2011, Thailand fired cluster munitions into Cambodia's northern Preah Vihear province, which resulted in additional

A deminer searches for cluster munition remnants in Cambodia

© Ruth Goodwin/NPA, January 2016

74 Skype interview with Afedra Robert Iga, Programme Manager Mozambique, NPA, 7 June 2016.

75 Skype interview with, and email from, Afedra Robert Iga, NPA, 7 June 2016.

76 Email from Afedra Robert Iga, NPA, 7 June 2016.

77 UNMAS, "UN-suggested Explosive Hazard Management Strategic Framework 2015–2019," undated, provided by email from Kjell Ivar Breili, Project Manager, Humanitarian Explosive Management Project, UNMAS Somalia, 7 July 2015; and email from Mohammed Abdulkadir Ahmed, Somali National Mine Action Authority (SNMAA), 17 April 2013.

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

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

80 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.

contamination of approximately 1.5 km^2.[81] The full extent of the country's contamination is not known.[82] On the basis of a baseline survey of eight eastern provinces, the estimated area affected by cluster munition remnants was 334km^2 as of May 2016, almost 70% of total ERW contamination amounting to more than 482km^2. The survey showed 60% of the cluster munition problem is located in the provinces of Kratie and Stung Treng.[83] Survey and clearance of cluster munition remnants in eastern Cambodia are undertaken mainly by the Cambodian Mine Action Centre (CMAC), NPA, and MAG. The armed forces have conducted clearance in cluster munition-affected areas but they have not reported the extent and results of their operations.[84]

Villagers show the community liason team unexploded PM-1 cluster munitions in South Sudan.

© Sean Sutton/MAG, November 2015.

South Sudan. From 1996 to 1999, prior to South Sudan's independence, Sudanese government forces are believed to have air-dropped cluster munitions sporadically in southern Sudan.[85] All 10 states experienced cluster munition use at some point, as operators have identified cluster munition remnants since 2006. At the end of 2015, contamination was suspected across eight of 10 states.[86] New use of cluster munition contamination was identified in 2014 in Jonglei state.[87] However, ongoing insecurity, particularly in Greater Upper Nile region (Jonglei, Unity, and Upper Nile states), prevents access to confirm or address cluster munition contamination.[88] Cluster munition contamination in South Sudan continues to pose a physical threat to local populations, prevents the delivery of vital humanitarian aid, curtails freedom of movement, and significantly impedes the development of affected communities.[89] Four international NGOs (DCA, DDG, MAG, and NPA) and four commercial companies (G4S Ordnance Management, Mecham, Dynasafe MineTech Limited, and the Development Initiative) operated in 2015.

81 Aina Ostreng, "Norwegian People's Aid clears cluster bombs after clash in Cambodia," NPA, 19 May 2011, bit.ly/NPACambodia2011.

82 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.

83 Data received from CMAA, 30 May 2016.

84 Interviews with CMAA and operators, Phnom Penh, 9–12 May 2016.

85 Cluster Munition Monitor, "Country Profile: South Sudan: Cluster Munition Ban Policy," updated 23 August 2014. See also, UNMAS, "Reported use of Cluster Munitions South Sudan February 2014," 12 February 2014; and UN Mission in South Sudan (UNMISS), "Conflict in South Sudan: A Human Rights Report," 8 May 2014, p. 26.

86 Email from Robert Thompson, Chief of Operations, UNMAS, 21 April 2016.

87 UNMAS, "Reported use of Cluster Munitions South Sudan February 2014," 12 February 2014. See also, UNMISS, "Conflict in South Sudan: A Human Rights Report," 8 May 2014, p. 26.

88 UNMAS, "2016 Portfolio of Mine Action Projects: South Sudan," undated but 2016, www.mineaction.org/taxonomy/term/1116.

89 Emails from Robert Thompson, UNMAS, 21 April 2016; and from Hilde Jørgensen, Desk Officer for Horn of Africa, NPA, 19 May 2016.

Syria. Cluster munitions have been used extensively since 2012, by government forces and a non-state armed group, and likely Russia, but the full extent of contamination is not known. Prior to the current conflict, the Golan Heights was contaminated by UXO, including unexploded submunitions. There is no national mine action program in Syria. UNMAS deployed a team to southern Turkey in August 2015. Conflict in many governorates has prevented access by mine action organizations. The extent and impact of contamination has resulted in Syrians without formal training conducting *ad hoc* clearance without the technical ability to do so.[90]

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.[91] A UN-coordinated mine action sub-cluster is comprised of several international mine action organizations.[92]

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.[93] The US military also abandoned substantial quantities of cluster munitions.[94] 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 few years, but they did not provide data for 2015. Two international NGOs, MAG and NPA, conducted survey and clearance in 2015.

Yemen. Since the start of the latest conflict on 26 March 2015, intensive air strikes by the Saudi-led coalition have resulted in a significant amount of contamination and threat to the civilian population.[95] The Yemen Mine Action Centre (YEMAC) has identified heavy cluster munition contamination in Saada governorate as well as contamination in Amran, Hodeida, Mawit, and Sanaa governorates.[96] Most is in areas of ongoing conflict and the full extent is not known. Contamination also results from use in 2009 and perhaps earlier. There are some 18km^2 of suspected contamination with submunitions in the northern Saada governorate, but it has not been possible to survey other

90 UNMAS Programme, "Syria," updated May 2016, www.mineaction.org/programmes/syria.

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

92 UN Ukraine, "Joint UN Mission to Assess Mine Action Needs in Ukraine," 25 January 2016.

93 "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.

94 Interview with Sr. Col. Phan Duc Tuan, PAVN, in Geneva, 30 June 2011.

95 UNDP, "Grant Progress Report for the period 1 October 2015–31 December 2015," 25 January 2016.

96 Interview with Ahmed Alawi, YEMAC, 17 February 2016.

suspected areas in the northwestern Hajjah governorate.[97] All survey and clearance is conducted by YEMAC. YEMAC operations were frozen in mid-2014 and resumed on a limited emergency basis only after late September 2015.[98]

OTHER AREAS WITH MORE THAN 5KM^2 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.[99] After demining operations finished in 2001, the UN reported the problem virtually eliminated.[100] However, subsequent surveys since 2008 have identified uncleared areas.[101] At the end of 2015, contamination from cluster munition remnants in Kosovo doubled from the size reported at the end of 2014, due to the identification of previously unrecorded contamination. Land release was conducted by the Kosovo Security Forces, the HALO Trust, and NPA.

Most of **Nagorno-Karabakh**'s cluster munition contamination dates from use in 1992–1994 during armed conflict between Armenia and Azerbaijan. An estimated 67km^2 affects all regions with more than 75% of the contamination located in three regions: Askeran, Martuni, and Martakert.[102] Survey and clearance was conducted by HALO Trust. In 2016, a further 2km^2 of new contamination was estimated to have resulted from use of cluster munitions in the hostilities between Armenia and Azerbaijan in April.[103] HALO Trust's survey teams and the *de facto* authority conducted rapid survey and clearance close to populated areas.[104]

Western Sahara. Morocco used cluster munitions against Polisario Front forces during their conflict from 1975 to 1991. Some cluster munition contamination is located inside the buffer strip and is inaccessible to clearance operators.[105] Additional strike sites may be identified from information provided by the local population.[106] A UN Mine Action Coordination Centre is responsible for managing mine action in Western Sahara. The Polisario Front has a local center (the Saharawi Mine Action Coordination Office, SMACO), which is supported by the UN and is responsible for coordinating mine action activities in Western Sahara, east

97 Email from Ali al-Kadri, General Director, YEMAC, 20 March 2014.

98 UNDP, "Grant Progress Reports for 1 July–30 September 2015 and 1 October–31 December 2015," 25 January 2016.

99 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/report/explosive-remnants-of-war-brochure-311201.htm.

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

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

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

103 HALO Trust, "HALO Trust begins emergency clearance in Karabakh," 19 April 2016, www.halotrust.org/media-centre/news/halo-begins-emergency-clearance-in-karabakh/.

104 Email from Andrew Moore, HALO Trust, 26 May 2016.

105 The buffer strip is an area 5km wide east of the Berm. UN Mission for the Referendum in Western Sahara (MINURSO), "Ceasefire Monitoring Overview," undated, https://minurso.unmissions.org/Default.aspx?tabid=11421&language=en-US.

106 Email from Gordan Novak, Action on Armed Violence Western Sahara, 25 July 2014.

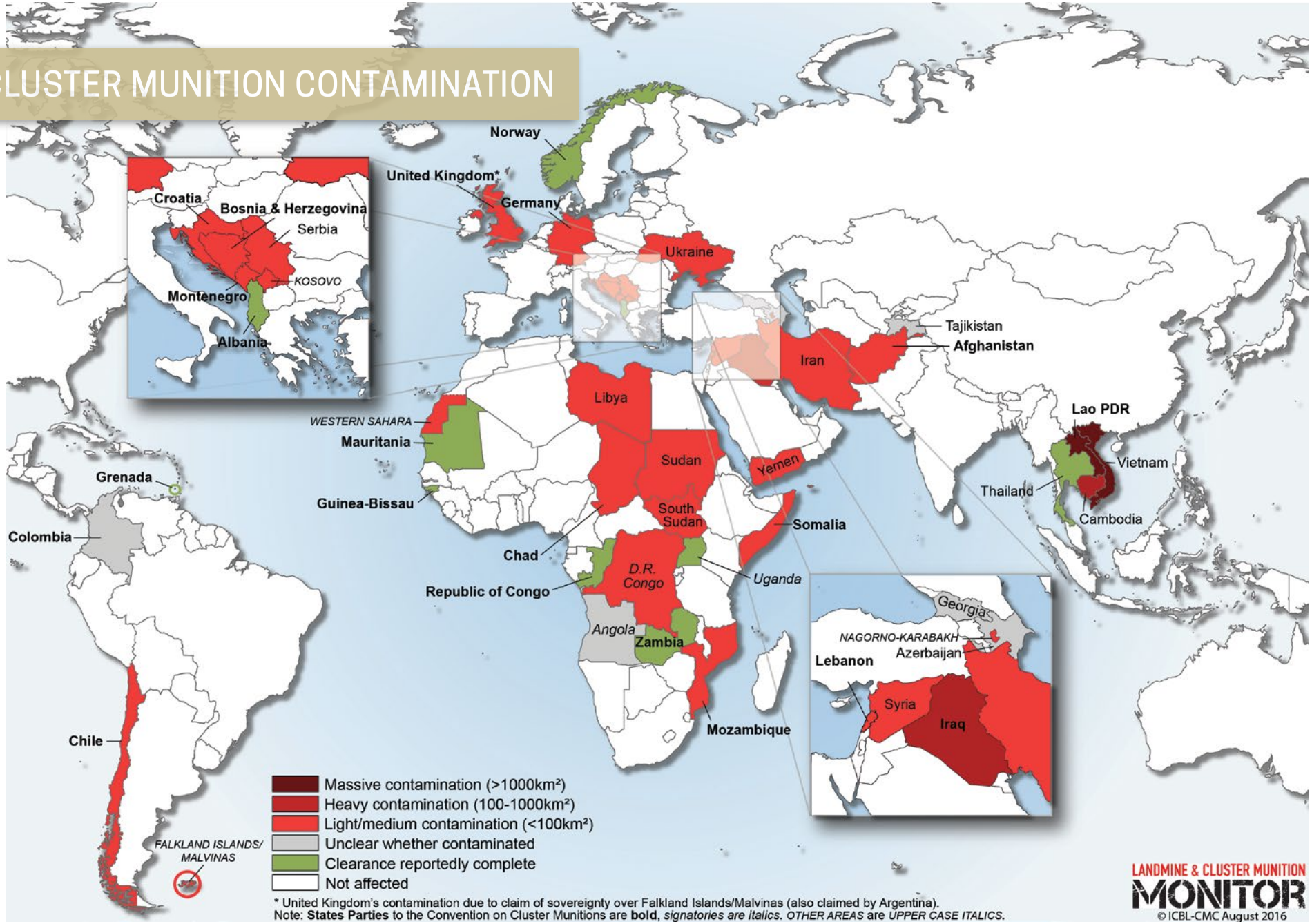
of the Berm, and for land release activities.[107] Dynasafe MineTech Limited was the only implementing operator tasked with conducting cluster munition survey and clearance during 2015. In March 2016, Morocco expelled the international staff of UNMAS, resulting in the suspension of UNMAS-contracted demining activities.[108] This also severely constrained the activities of the Saharawi Mine Actions Coordination Office (SMACO), as anticipated funding was put on hold.[109]

107 Response to questionnaire by Sarah Holland, UNMAS, 24 February 2014; and email, 25 February 2014.

108 Rick Gladstone, "Morocco Orders U.N. to Cut Staff in Disputed Western Sahara Territory," *The New York Times*, 17 March 2016, bit.ly/WesternSahara17Mar2016; and What's in Blue: Insights on the work of the UN Security Council, "Western Sahara: Arria-formula Meeting, Consultations, and MINURSO Adoption," 26 April 2016, bit.ly/WesternSahara26Apr2016.

109 Email from Samu Ami, Coordinator, SMACO, 27 April 2016.

CLUSTER MUNITION CONTAMINATION



On the way to the Kandahar Rehabilitation Center guesthouse in Afghanistan; in all countries transportation and accommodation can make services more accessible to people form rural and remote areas.

CASUALTIES AND VICTIM ASSISTANCE

CLUSTER MUNITION CASUALTIES

The total number of cluster munition casualties for all time recorded by the Monitor had surpassed 20,300 as of the end of 2015.[1] This total includes casualties recorded as directly resulting from cluster munition attacks or other deployment of cluster munitions, as well as casualties that occurred from cluster munition remnants.[2] Casualties directly caused by use have been grossly under-reported in data and in many estimates, including those casualties among military and security personnel. As many casualties still go unrecorded, a summary total of more than 55,000 cluster munition casualties globally, calculated from various country estimates, provides a better indicator of the sum over time. Global projections of cluster munition casualties range as high as 85,000 casualties or more, but some of those projected country totals are based on extrapolations from limited data samples and the data may not be representative of national averages or the actual number of casualties.[3]

1 Cluster munition casualties include persons killed and injured, and those persons for whom it was not reported if they survived.

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 See also, Handicap International (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."

States and other areas with cluster munition casualties (as of 31 December 2015)[4]

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

Note: other areas are indicated in *italics*.

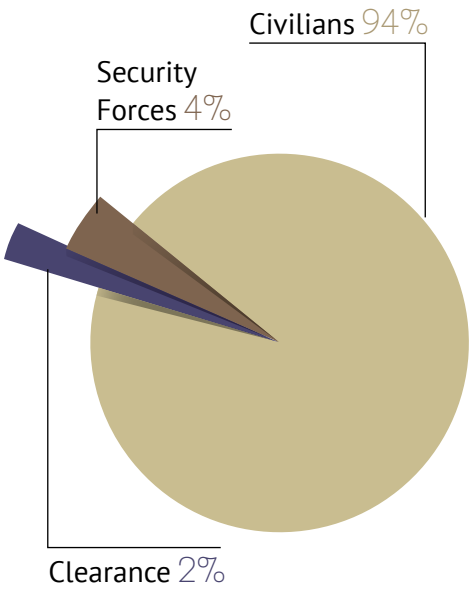
The Monitor provides the most comprehensive statistics available on cluster munition casualties recorded annually over time, in individual countries, and aggregated globally. The present total of 20,302 cluster munition casualties from the mid-1960s through the end of 2015, recorded in 33 countries and three other areas, is far greater than the 13,306 recorded cluster munition casualties identified before the signing of the Convention on Cluster Munitions in 2008.[5] The increase is mostly due to more casualties from the past being identified since the adoption of the Convention on Cluster Munitions. Deplorably, however, some 2,600 newly occurring casualties were recorded in the period 2010–2015.[6]

4 The table notes states and areas where casualties occurred. No precise number, or estimate, of casualties is known for Guinea-Bissau, Mozambique, or Somalia. There are known to be other states with cluster munition victims, including casualties who were injured and the families of casualties killed on the territory of other states.

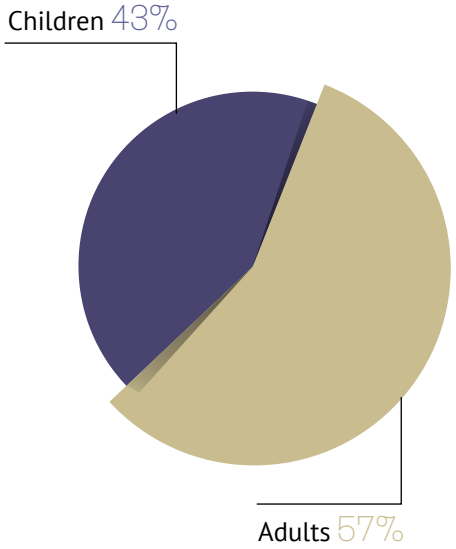
5 The Monitor collects data from an array of sources, including national reports, mine action centers, mine clearance operators, victim assistance service providers, as well as from a range of national and international media. Global cluster munition casualty data used by the Monitor includes the global casualty data collected by HI in 2006 and 2007. For the 13,306 cluster munition casualties reported for all time in 2007, see, HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), bit.ly/MonitorHICircleofImpact2007.

6 In total, 2,635 cluster munition casualties were recorded in the period 2010–2015 by the Monitor.

2010–2015 casualties by civilian status



2010–2015 casualties by age group



From 2010–2015, civilians were the vast majority (94%) of all cluster munition casualties where the status was recorded. Cluster munition clearance personnel—humanitarian deminers and explosive ordinance disposal (EOD) experts— accounted for 2%, and security forces—military and other security personnel as well as non-state armed group (NSAG) actors—accounted for 4%.[7] The high percentage of civilian casualties is consistent with the findings based on analysis of historical data reported prior to entry into force of the convention.[8]

Children under 18 years of age accounted for more than 40% of all cluster munition casualties in 2010–2015, in countries where casualties from submunitions were disaggregated and details known.[9]

The vast majority (15,852) of all reported casualties to date were caused by cluster munition remnants—typically explosive submunitions that failed to detonate during strikes. Another 3,126 casualties occurred during the deployment of cluster munitions (mostly attacks but also the dumping of cluster munitions prior to aircraft landing).[10] More recent improvements in data collection highlight the widespread failure to record cluster munition casualties in past conflicts, particularly casualties that occurred during

7 From 2010–2015 there were 1,023 civilian casualties, 19 clearance personnel casualties, and 49 military casualties, of 706 casualties where the civilian status was reported.

8 HI found that 98% of casualties were civilian by projecting the percentage of casualties for which civilian statues was known to those with unknown civilian status. 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.

9 There were 223 child casualties, 300 adult casualties, and 116 of unknown age.

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

airstrikes and shelling in Asia and the Middle East. The number of states with cluster munition victims is also likely to be greater than those currently identified.[11]

CASUALTIES IN 2015

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. The actual annual total of submunition casualties is likely much higher than recorded, as is the number of countries in which they were reported.

For calendar year 2015, the Monitor recorded 417 cluster munition casualties. These cluster munition casualties were recorded in at least eight countries and two other areas: Afghanistan (four), Cambodia (two), Chad (four), Lebanon (13), Lao PDR (18), Syria (248), Ukraine (19), Yemen (104), as well as *Nagorno-Karabakh* (one), and *Western Sahara* (four). Of the total, casualties in 2015, 343 occurred during cluster munition attacks and 74 were from unexploded submunitions. Due to the lack of consistency in the availability and disaggregation of data on cluster munition casualties annually, comparisons with previous annual reporting are not believed to be necessarily indicative of trends.[12]

Civilians made up 97% of all cluster munition casualties in 2015 where the status was known (388 civilians, 14 security forces, and 15 without recorded status). In 2015, children accounted for 36% of all civilian cluster munition casualties, where the age group was reported (102 children among 286 civilian casualties of known age), and women and girls made up 23% of civilian casualties, where sex was recorded (41).[13]

Despite the overall ambiguity in many reporting systems, the effects of unexploded submunitions clearly continued long after the munitions were used, disproportionately affecting civilians, including children. This was the case in State Parties Lebanon and Lao PDR, for example. In Lebanon, unexploded submunitions were the cause of more than three-quarters of all mine and explosive remnants

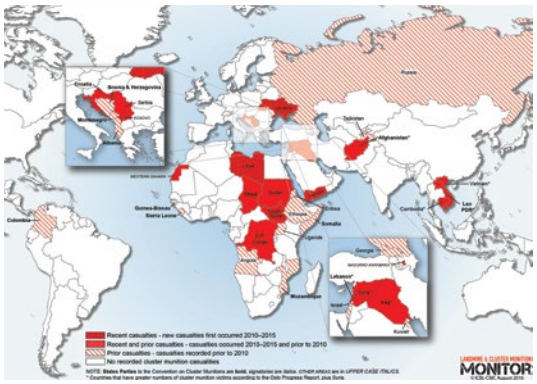
11 It is possible that cluster munition casualties have occurred but gone unrecorded in other countries where cluster munitions were used, abandoned, or stored in the past—such as States Parties Mauritania and Zambia and non-signatories Azerbaijan, Iran, Saudi Arabia, and Zimbabwe. Better identification and disaggregation of cluster munition casualties are needed in most cluster munition-affected states and areas. States Parties Mauritania and Zambia have both reported that survey is required to identify whether they have cluster munition victims on their territories. They have not yet been included in list of states with cluster munition casualties. There is also a firsthand historical account of civilian casualties from an incident with an unexploded submunition at a weapons testing range in Zimbabwe, a non-signatory state (in the time of the former Rhodesia). For the first time in 2015, Chad—a State Party reported to have cluster munition casualties earlier, but lacking disaggregated casualty data—recorded a specific unexploded submunition incident causing casualties. As reported by Angola, a national victim survey identified at least 354 cluster munition survivors in one province of the country. However, since *Cluster Munition Monitor 2015* was published, newly available information has indicated uncertainty around this finding, both whether the casualties were caused by cluster munitions and the means by which they were identified. Those reported cluster munition casualties in Angola have not been confirmed by two surveys conducted in the past year, including a specific desk-based casualty survey. The casualties reported for Angola remain in the Cluster Munition Monitor global casualty total, pending further clarification.

12 For 2014, 10 countries and one other area had 445 reported cluster munition casualties. See, previous Cluster Munition Monitor reports for other annual casualty totals.

13 Sex was not recorded for 212 of 388 civilian casualties in 2015.

of war (ERW) casualties in 2015.[14] Children were the most harmed by far, making up 12 of the 13 (92%) recorded cluster munition casualties in Lebanon for 2015. In Lao PDR, 18 unexploded submunition casualties were disaggregated among a total of 42 ERW casualties recorded in 2015. Another 17 casualties were suspected to have been due to unexploded submunitions, although the device involved could not be adequately determined. Three-quarters of cluster munition casualties in Lao PDR in 2015 were children (12 of 18, or 67%).

Casualties from cluster munition attacks were recorded in Syria, Ukraine, and Yemen in 2015. All three states also reported unexploded submunition casualties in 2015. In Syria, 231 casualties of cluster munition attacks and 17 casualties of unexploded submunitions were reported during 2015. As has been the case each year since 2012, Syria had the highest annual total of reported cluster munition casualties.[15] In Ukraine, 18 casualties of cluster munition attacks were reported in January and February 2015 alone (after which use was not reported); at least one civilian casualty from unexploded cluster munitions was identified. In Yemen, 94 casualties from attacks were reported in 2015, and 10 from unexploded submunitions. Civilians made up 89% of the total of cluster munition casualties recorded both from attacks and unexploded submunitions in Yemen.[16]



See the "Cluster Munition Casualties" map at the end of this chapter.

In 2015, many casualties from attacks were recorded in and near market places, schools, and hospitals. For example in Syria, the Syrian Network for Human Rights (SNHR) documented cluster munition attacks on a makeshift hospital in Al-Musayfrah city, Daraa governorate in February; a displaced persons camp in Younseyeh village in Idlib governorate in November killed eight and injured 43; and a cluster munition attack on a displaced persons camp near Al-Naqeer in Idlib governorate killed five people and injured 20 in October.[17] Human Rights Watch documented cluster munition attacks on two schools in Douma in December that killed at least eight children and two teachers.[18] In Yemen, at least two casualties were wounded in a cluster munition attack near the Al-Amar village in Saada governorate on market day on 27 April.[19] In Ukraine, a woman and child were killed in playground

14 Cluster munitions caused 13 of 17 recorded mine/ERW casualties in 2015, or 76% of the total.

15 For Syria, 248 cluster munition casualties were reported in 2015; 383 in 2014; 1,001 in 2013; and at least 583 for 2012. The extreme difficulties faced in collecting data continued to intensify, which likely influenced, or resulted in, the decline in the annual reported cluster munition casualty numbers.

16 Of the total cluster munition casualties in Yemen in 2015, 93 were civilian and the remaining 11 casualties were security forces.

17 Casualty data sent by email from Fadel Abdul Ghani, Director, SNHR, 8 June 2016; and SNHR, "Russian Forces are Pouring Cluster Munition [*sic*] over Syria No less than 54 Russian Cluster Attacks Recorded before the Cessation of Hostilities Statement," 22 July 2016, bit.ly/SN4HR22July2016. In some cases, the number of casualties in Human Rights Watch (HRW) reporting differs from SNHR reporting. See, HRW, "Russia/Syria: Extensive Recent Use of Cluster Munitions," 20 December 2015, www.hrw.org/news/2015/12/20/russia/syria-extensive-recent-use-cluster-munitions.

18 HRW, "Russia/Syria: Extensive Recent Use of Cluster Munitions," 20 December 2015, www.hrw.org/news/2015/12/20/russia/syria-extensive-recent-use-cluster-munitions.

19 HRW, "Yemen: Cluster Munitions Wounding Civilians," 14 February 2016, www.hrw.org/news/2016/02/14/yemen-cluster-munitions-wounding-civilians.

by a school in cluster munition rocket attacks on Artemivsk in the Donetsk region on 13 February.[20]

Prior to entry into force of the Convention on Cluster Munitions in 2010, the civilian casualties caused by cluster munition attacks hitting markets, hospitals, and schools were known due to many widely reported events. The casualties from the following examples of such attacks are included in the Cluster Munition Monitor global total for all time: cluster munition attacks on Gori, Georgia in 2008, killed six civilians in the city square, including people gathered to collect food contributions from a local administration office.[21] In 1999, at least 137 people were killed and some hundreds more reported injured by cluster munitions in a market in Grozny, Chechnya. A maternity ward was also hit during the attacks on Grozny, resulting in 28 casualties (13 women and 15 children).[22] Also in 1999, cluster munition attacks on Niš, Serbia killed 14 people, seven at the city marketplace and another seven at the hospital; 57 people were injured in the attacks.[23] Cluster munitions attacks on Mekele, Ethiopia in 1998, hit a school and its urban neighborhood, killing 53 civilians (including 12 school children); another 185 civilians were injured (including 42 children).[24] In 1995, a cluster munition attack struck a displaced persons camp in Živinice, Bosnia and Herzegovina, killing 10 people and injuring 34.[25]

VICTIM ASSISTANCE

INTRODUCTION

The Convention on Cluster Munitions requires that States Parties with cluster munition victims implement specific activities to ensure adequate assistance in accordance with applicable international humanitarian and human rights law.[26] The convention's victim assistance obligations have been elaborated in the Dubrovnik Action Plan adopted by States Parties at the First Review Conference of the convention in September 2015.[27]

20 HRW, "Ukraine: More Civilians Killed in Cluster Munition Attacks," 19 March 2015, www.hrw.org/news/2015/03/19/ukraine-more-civilians-killed-cluster-munition-attacks.

21 HRW, "A Dying Practice: Use of Cluster Munitions by Russia and Georgia in August 2008," 14 April 2009, www.hrw.org/report/2009/04/14/dying-practice/use-cluster-munitions-russia-and-georgia-august-2008.

22 HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 85.

23 Three schools were also heavily damaged and another contaminated, but there were no casualties as students were not in school at the time. Norwegian People's Aid, *Yellow Killers, the Impact of Cluster Munitions in Serbia and Montenegro* (NPA: Belgrade, January 2007), pp. 25 and 55.

24 HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 52.

25 Ibid., p. 61.

26 These activities include medical care, rehabilitation, and psychological support, as well as provision for their social and economic inclusion.

27 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.

The first international treaty to make the provision of assistance to victims of a given weapon a formal requirement for all States Parties with victims, the Convention on Cluster Munitions continues to set the highest standards in requirements for victim assistance.[28] By codifying the international understanding of victim assistance and its components and provisions, the Convention on Cluster Munitions extended the reach and understanding of the growing norm on victim assistance. The convention demands that differences in treatment between cluster munition victims with disabilities and other persons with disabilities be based only on their needs.[29] It reflects the Convention on the Rights of Persons with Disabilities' (CRPD's) general principle prohibiting "discrimination of any kind on the basis of disability."[30] The preamble of the Convention on Cluster Munitions also highlights its close relationship with the CRPD.[31]

The 14 States Parties with responsibility for cluster munition victims should identify the resources available, as well as mobilize international cooperation needed for victim assistance activities. States Parties in a position to provide international cooperation are required to provide such support in order for States Parties with cluster munition victims to fulfill their obligations. Addressing the needs identified by States Parties and cluster munition victims will require that significantly greater targeted resources be made available by both affected and donor States Parties.

Monitor research has shown that over time 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 to people with similar needs. Since it requires a non-discriminatory approach to providing all forms of assistance and services, victim assistance often contributes to addressing some of the rights of other persons with disabilities in the same communities. The Monitor's reporting has also demonstrated that significant earmarked support to victim assistance is still needed due to the lack of capacity of other so-called frameworks to adequately respond to the needs of cluster mention victims.[32]

In many states, there are inadequate funding and resources for the international organizations, national and international NGOs, and disabled people's organizations (DPOs) that deliver most direct assistance and services to cluster munition victims. In May 2016, the ICBL-CMC expressed concern that

28 See, Article 5 and Article 7.k. of the Convention on Cluster Munitions.

29 Including medical, rehabilitative, psychological, or socio-economic needs. Convention on Cluster Munitions, Article 5.2.e. This is also relevant to international humanitarian law, including Additional Protocol II of the Geneva conventions, in regard to wounded military personnel and direct participants in hostilities: "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/GenevaProtocolII.

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

31 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."

32 ICBL-CMC, "Frameworks for Victim Assistance: Monitor key findings and observations," December 2013, http://the-monitor.org/media/131747/Frameworks_VA-December-2013.pdf.

local-level resources available for victim assistance are "reaching the point of catastrophic deficiency in many countries." The countries noted as most affected include many States Parties to the Convention on Cluster Munitions with victims.[33] Additionally, many states have not recovered significantly from the armed conflicts and military interventions that devastated essential infrastructure, including healthcare and rehabilitation. Continuing armed conflict in several countries further hindered the implementation of victim assistance.

Expectations have been placed on the capacity of disability-inclusive development to ensure the sustainability of victim assistance. For example, in 2013, Norway, then a long-time major provider of support to victim assistance implementation through the convention, announced a "prediction that in the coming years we will see a downward trend in funds identified as dedicated to assisting victims…but that more and more states, including donors such as Norway, will strive to ensure that their development cooperation is inclusive of all persons with disabilities."[34] However, significant reductions to victim assistance support were being felt on the ground in many States Parties with cluster munition victims, while at the same time support to implementation of the rights of persons with disabilities has not been seen to close the gap in the needs of cluster munition victims.[35] The Dubrovnik Action Plan presents an opportunity for States Parties to make progress.

VICTIM ASSISTANCE IN THE DUBROVNIK ACTION PLAN

The Dubrovnik Action Plan lays out six very broad objectives to be achieved by the time of the Second Review Conference of the Convention on Cluster Munitions in 2020:

- Improvement in the quality and quantity of assistance for persons with disabilities;
- Strengthened respect for human rights;
- Increased exchange of information on good and cost-effective practices;
- Increased involvement of victims in processes that concern them;
- Increased support for victim assistance programs;[36]
- Increased demonstration of results in Article7 transparency reports.

This summary highlights developments and challenges in States Parties relative to the six objectives of the Dubrovnik Action Plan and their identified actions and results. More details on the implementation of services is available through the Monitor's "Equal Basis" reporting, 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

33 ICBL-CMC, "Statement on Victim Assistance," Mine Ban Treaty Intersessional Meetings, 19 May 2016, www.icbl.org/media/2333176/icbl-statement-on-victim-assistance.pdf.

34 Presentation of Norway, "Convention on Cluster Munitions Technical Workshop on Cooperation and Assistance," 15 April 2015, www.clusterconvention.org/files/2013/04/II-Norway.pdf.

35 In the case of Norway, in November 2015, 160 Norwegian civil society organizations protested cuts to the aid budget that would negatively affect inclusive development and the rights of persons with disabilities.

36 Including through "traditional mechanisms, and south-south, regional and triangular cooperation and in linking national focal points and centres."

ERW—in countries that have obligations and commitments to enforce those rights.[37] Data on the provision of victim assistance in States Parties, signatory states, and non-signatories to the Convention on Cluster Munitions is available online in relevant Monitor country profiles.

IMPROVEMENT IN THE QUALITY AND QUANTITY OF ASSISTANCE

DESIGNATED GOVERNMENT FOCAL POINTS

According to the Dubrovnik Action Plan, all States Parties with responsibility for cluster munition victims should have designated a focal point within the government to coordinate victim assistance by the end of 2016, in accordance with Article 5 of the convention.[38]

In 2015, only Bosnia and Herzegovina (BiH), Guinea-Bissau, and Sierra Leone did not have, or had not reported, current designated victim assistance focal points. The convention had not yet entered into force for States Parties Colombia and Somalia, but Somalia was lacking overall victim assistance or disability coordination in 2015, while Colombia has both disability rights and victim assistance coordination structures firmly established. All other nine States Parties have reported who are their focal points for victim assistance.

Each designated focal point for victim assistance must have "authority, expertise and adequate resources" according to the Dubrovnik Action Plan. So far, States Parties have not been reporting on all three of these essential elements of the focal point role.

ONGOING DATA COLLECTION

Building national capacity requires an understanding of cluster munition victims' situations and requirements. Under Article 5, the convention requires that States Parties with victims make "every effort to collect reliable relevant data" and assess the needs of cluster munition victims. The Dubrovnik Action Plan calls for ongoing assessment of the needs of cluster munition victims, while also referring victims to existing services during the data collection process.

Data disaggregated by sex and age was generally available to all relevant stakeholders and its use in program planning was reported for Albania, Afghanistan, BiH, Lao PDR, and Lebanon. Albania had an assessment of socio-economic and medical needs of marginalized ERW victims conducted during 2013–2016. Croatia continued the development of a unified database of all mine/ERW casualties and their families, which required field research on the current

37 See, ICBL-CMC, "Equal Basis 2015: Inclusion and Rights in 33 Countries," December 2015, pp. 5–6, bit.ly/EqualBasis2015; and ICBL-CMC, "Equal Basis 2014: Access and Rights in 33 Countries," December 2014, bit.ly/MonitorEqualBasis2014.

38 Convention on Cluster Munitions, Article 5.2g. Note: Under Action #4.1 of the Convention on Cluster Munitions' 2011–2015 Vientiane Action Plan, States Parties committed to designating a government focal point for victim assistance *within six months of the convention's entry into force for each State Party*.

situations and needs of victims. Lao PDR continued to maintain the unexploded ordinance (UXO) Survivor Tracking Survey system in 10 provinces. Lebanon also continued to update its victim database that was finalized in 2014. Mozambique reported that survey was needed in order to identify cluster munition victims.

In Afghanistan, the health management information system was not reviewed as planned in 2015 and the few existing disability indicators were insufficient and not very relevant. Methodological gaps in the collection of data occurred in BiH, which has a comprehensive database on mine and ERW casualties, but has repeatedly also reported that further survey was needed to disaggregate data on cluster munition victims. In Iraq, a lack of coordinated data about service provision was the main constraint for service providers to understand needs and for survivors to access services. Lao PDR included basic questions relating to persons with disabilities in its national census in early 2015, but limited training of the census personnel created some confusion among respondents and preliminary results of the census did not mention data on disability.

COORDINATION, POLICIES, AND PLANS

According to the Dubrovnik Action Plan, coordination of victim assistance activities can be situated within existing coordination systems, including those created for the CRPD, or states can establish a comprehensive coordination mechanism.[39] Existing national policies, plans, and legal frameworks should be utilized; States Parties without a national disability action plan committed, through the Dubrovnik Action Plan, to draft a disability or victim assistance plan before the end of 2018.[40]

National implementation of the CRPD is developing alongside the implementation of the Convention on Cluster Munitions among most States Parties to both conventions. However, in the reporting period, the structures established under the CRPD often did not have adequate capacity to fulfill the state's obligations under either convention. Instead, existing victim assistance-specific coordination often remained a viable mechanism for making progress on the objectives relevant to both conventions.

An ongoing challenge in many States Parties where CRPD coordination 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, for instance, in Afghanistan, BiH, and Lao PDR.

Afghanistan also needed to develop, adopt, and implement a national disability plan that includes objectives responding to the needs of survivors and that recognizes its victim assistance obligations and commitments. Croatia's national plan on victim assistance expired without review in 2014. In Iraq, a gap in developing a national victim assistance strategy was due to the need for improved coordination between the mine action sector ministries and NGOs.

39 Dubrovnik Action Plan, Action 4.1 (c). A comprehensive coordination mechanism actively involves cluster munition victims and their representative organizations, as well as relevant health, rehabilitation, psychological, psychosocial services, education, employment, gender, and disability rights experts.

40 Dubrovnik Action Plan, Action 4.1 (c).

In Lao PDR, plans to hold regular disability sector coordination meetings and link victim assistance coordination with the development of disability strategies were yet to be realized, hampering rapid implementation of recently adopted legislation. A new strategic plan for the UXO Sector developed in 2015 saw a need to improve the coordination on victim assistance between sector stakeholders and the relevant ministries, and to better integrate assistance into broader disability sector programs and workplans.[41]

Victim assistance planning in 2015

State Party	Plan for victim assistance
Afghanistan	No
Albania	Yes (2010)
BiH	Yes (2009–2019)
Chad	Yes (2013–2017; revised 2016–2020)
Colombia	Yes (multiple)
Croatia	**Victim assistance plan expired in 2014, not renewed in 2015**
Guinea-Bissau	Yes (no timeframe)
Iraq	No
Lao PDR	Yes (2014–2020)
Lebanon	Yes (2011–2020)
Montenegro	No
Mozambique	**Victim assistance plan adopted in 2015**
Sierra Leone	No
Somalia	No

Note: **Bold** indicates a change in 2015.

Mozambique adopted a national victim assistance plan in December 2015, however it lacked the resources needed for implementation. Mozambique identified weak coordination of activities between the relevant sectors and a lack of information about the activities that each sector undertakes as the main challenge to the implementation of victim assistance activities.[42]

Throughout the reporting period, in the majority of States Parties, international organizations and NGOs—both local and international—provided the most direct

41 National Regulatory Authority for UXO/Mine Action Sector in Lao PDR, HRTM 2015: UXO Sector Working Group Progress Report, Vientiane, 15 November 2015.

42 Convention on Cluster Munitions Article 7 Report (for the calendar year 2015), Form H.

and measurable assistance to persons with disabilities and war-injured persons, including cluster munition survivors. States Parties sometimes coordinated those activities. Most states themselves also provided some services to survivors through healthcare, rehabilitation, and/or social welfare systems.

SURVIVOR NETWORKS AND SUSTAINABILITY

In order to strengthen sustainability and the effective delivery of services, States Parties have committed, through the Dubrovnik Action Plan, to enhancing the capacity of organizations representing survivors and persons with disabilities, and national institutions.[43] In anticipation of a drastic and potentially devastating decline in funding for survivor participation broadly, and survivors' networks in particular, from 2011 the ICBL-CMC began to increase information sharing between survivors' networks, NGOs, and states. These activities included a series of international interactive side events and discussions held over several years. Importantly, in 2014, a side event considered what would become of survivor participation in disarmament contexts as existing resources were about to decline drastically and generated suggestions for finding new resources for survivor participation. These included collecting private national contributions and uniting with other groups that have more diverse mandates and demands, but similar overall objectives.[44] Increased support directly to survivors' representative organizations, by states in a position to provide assistance as well as by affected states, is still a massive and increasingly unfulfilled need at the outset of the Dubrovnik Action Plan period, as demonstrated in the following examples:[45]

- Albania: Survivor network continued to exist despite funding shortfalls.
- Afghanistan: Reduced capacity and geographic reach of the survivor network.
- BiH: Survivor network closed in 2016.
- Croatia: Reduced capacity of survivors' representative organizations; changing focus of survivor networks due to funding constraints.
- Colombia: Increased networking among survivor groups, and peer support training in 2015, but no funding for implementation of services.
- Lao PDR: Survivor group project the Lao Ban Advocates closed in early 2015.
- Lebanon: No survivor network yet established, but recommended by a survey in 2012.
- Mozambique: Reduced capacity of survivor network due to decreased funding.
- Somalia: There were efforts to establish a much-needed survivor network in 2015, but funding for victim assistance is almost non-existent.

AVAILABILITY AND ACCESSIBILITY

At the core of the convention's victim assistance provisions is the obligation for States Parties responsible for cluster munition victims to adequately provide

43 Dubrovnik Action Plan, Action 4.1 (a).

44 ICBL Report on Activities, Mine Ban Treaty Third Review Conference, undated, p. 15.

45 See individual country profiles available on the Monitor website for details, www.the-monitor.org/cp.

assistance.[46] Such assistance should be age- and gender-sensitive.[47] States Parties have committed to increasing the availability and accessibility of services in remote and rural areas and to guarantee the implementation of quality services.

Conflict situations significantly hampered effective assistance in States Parties Afghanistan, Iraq, and Somalia. In Afghanistan, many survivors and conflict-injured persons were beyond the reach of overstretched government services and humanitarian actors.[48] Somalia needed to increase the number of medical staff, adequate health facilities, and services with a particular focus on rural areas.[49] In addition, political instability resulted in decelerated efforts in Guinea-Bissau.

A specific emphasis on increasing the economic inclusion of victims of cluster munitions through training and employment, as well as social protection measures, is found in the Dubrovnik Action Plan. Suggestions include employer incentives or quotas for employment. Oftentimes however, state systems that were intended to implement quotas for the employment of persons with disabilities did not come close to fulfilling their minimum objectives, for example, in Afghanistan, Croatia, Lebanon, and Lao PDR. In 2015, it was also reported that Lebanon had no disability pensions, nor did persons with disabilities receive mobility grants. Civil society in Mozambique reported that the state does not consider a quota system that would ensure inclusion of persons with disabilities in employment because low education levels created a barrier to job entry.[50]

RESPECT FOR HUMAN RIGHTS

States Parties to the Convention on Cluster Munitions with victims are legally bound to implement adequate victim assistance in accordance with applicable international humanitarian and human rights law.[51] Applicable international human rights law includes the CRPD, the Convention on the Rights of the Child (CRC), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. For example, the Convention on Cluster Munitions has no definition, or measure of, what might constitute "adequate" assistance. However, applicable international law provides

46 Convention on Cluster Munitions Article 5.1, which applies with respect to cluster munition victims in areas under the State Party's jurisdiction or control.

47 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.

48 ICRC, "Annual Report 2015," Geneva, 2016, p. 334.

49 Somalia Civil Society Organizations Universal Periodic Review Report May 2015, Somalia Civil Society Organizations – Office of the High Commissioner on Human Rights (OHCHR) Universal Periodic Review (UPR) submissions.

50 UPR Mechanism of the UN Human Rights Council Shadow Report – Mozambican civil society (Cycle 2012–2015), bit.ly/UPRMozambiqueShadow2012-2015.

51 Convention on Cluster Munitions, Article 5.1.

more specific classifications, and includes such requirements as achieving the "highest attainable standard" of physical and mental health.[52]

Instruments of international humanitarian law pertinent to the implementation of victim assistance include the Mine Ban Treaty, the Convention on Conventional Weapons' Protocol V on Explosive Remnants of War, and the Geneva Conventions. The 1951 Refugee Convention is also relevant.

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 made victim assistance commitments through the Mine Ban Treaty's action plans. The Geneva Conventions and their additional protocols, as well as customary law may also be relevant, particularly in the cases of Afghanistan, Iraq, and Somalia, which are among the States Parties where conflict is ongoing.

States Parties' in 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 engaging national structures developed for coordination of the CRPD, where they exist.

One State Party to the Convention on Cluster Munitions with cluster munition victims is not a signatory to the CRPD (Somalia). Two are signatories to the CRPD (Lebanon and Chad) and all others are State Parties. In order for improvements as countries set out to implement the Dubrovnik Action Plan, concerted international efforts are needed to ensure support with actions, far beyond reiterations of limited examples of "good practices" and "lessons learned." Issues in need of attention due to the slow pace of the enforcement of the rights and meeting of the needs of persons with disabilities in States Parties with cluster munition victims include:

- Afghanistan: The law on the rights of persons with disabilities included discriminatory sections and was being reviewed. Local NGOs and DPOs also reported that the implementation of the CRPD received little attention. The committee established to review the legislation was yet to make suggested amendments.
- BiH: Persons with disabilities are not adequately protected by anti-discrimination regulations and, as of 2015, the existing anti-discrimination law still had not been amended to include disability as grounds for discrimination. BiH needed to address discrimination based on the category of disability and improve the quality and sustainability of services for survivors and other persons with disabilities.
- Chad: Persons with disabilities including survivors' representative organizations continued to hold regular public protests calling on the government to implement disability rights legislation, create accessible environments, and ratify the CRPD. Chad needed to enhance victim

52 See, for example, CRPD, "Article 25 – Health," www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx - 25; and Committee on Economic, Social and Cultural Rights, "General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)," 11 August 2000, www.ohchr.org/Documents/Issues/Women/WRGS/Health/GC14.pdf.

assistance coordination and align with disability rights coordination; plan and undertake survivor identification and needs assessment; increase services in all areas of victim assistance, particularly employment; and improve professional capacity in the physical rehabilitation sector.

- Croatia: The absence of a broad service providers' network forced DPOs to assume a networking role, at the expense of their human rights advocacy role. NGOs suggested that Croatia begin a comprehensive review of existing legislation, align legislation with the CRPD in accordance with the human rights model of disability, and provide funding to enable DPOs to fulfill their role in advocacy and decision-making processes.
- Guinea-Bissau: Persons with disabilities were among the most disadvantaged in all regards, experiencing neglect within their communities and throughout the health, education, and social protection systems. Guinea-Bissau was yet to adopt sectoral plans for the promotion of the rights of persons with disabilities.
- Iraq: Persons with disabilities continued to suffer from a lack of institutional infrastructure, schools and means of education, and rehabilitation programs, as well as access to health and employment opportunities. There was a "failure to allocate a special budget to help cover those needs."[53] Iraq was yet to improve the planning and coordination of victim assistance and disability issues throughout the country and increase the participation of survivors and their representative organizations.

Persons with disabilities protest for health and employment opportunities in Iraq.

© Iraqi Alliance of Disability Organizations, September 2015

- Lao PDR: noted that it "has a long way to go to fully achieve the victim assistance goals within the broader disability and development frameworks."[54] No change was reported by Lao PDR in its efforts to raise awareness of the rights of cluster munitions victims and persons with other disabilities since 2010.[55]
- Lebanon: Persons with disabilities faced challenges in gaining access to services, isolation, and stigma. Lebanon still needed to enforce law 220/2002 on persons with disabilities. It was reported that Lebanon lacked a budget for its implementation and a national disability policy. Insufficient coordination between relevant ministries wasted the opportunities for implementation of existing legislation.[56]
- Mozambique: Civil society organizations reported that in contrast to the past, "the political environment is…unfavorable and not taking real steps to improve the implementation of the [CRPD]." It was further reported

53 Human Rights Council, "Summary Working Group on the Universal Periodic Review: Twentieth session," A/HRC/WG.6/20/IRQ/3, 27 October–7 November 2014, p. 65.

54 National Regulatory Authority for UXO/Mine Action Sector in Lao PDR, "HRTM 2015: UXO Sector Working Group Progress Report," Vientiane, 15 November 2015.

55 Convention on Cluster Munitions Article 7 Report (for calendar year 2015), Form H.

56 "A common presentation by several PWD Associations, to the 'High Commissioner of Human Rights' on the occasion of the 10th session of the 'Universal Periodic Review 2015,'" bit.ly/UPRLebanon2015.

that the "political system also excludes the disabled person, not involving them in decision-making process."[57]

- Somalia: In October 2015, Somalia's Federal Cabinet unanimously approved the Persons with Disabilities bill, which is intended to eliminate all forms of discrimination against persons with disabilities and improve the living standards of persons with disabilities.[58] Persons with disabilities are subject to discrimination, exploitation, and abuse by both public and private actors, without means or mechanisms for addressing violations of their rights.[59] Somalia was yet to ratify the CRPD and tackle unemployment among persons with disabilities through a national plan for promoting job creation as recommended by rights groups.

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.[60] From 2015, States Parties have committed to monitor the implementation of victim assistance and ensure that the relevant frameworks do not discriminate, while also guaranteeing that cluster munition victims can access specialized services as needed. [61]

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. States Parties need to be mindful of the requirement not to affect existing rights, as set out in Article 4.4 of the CRPD.[62]

EXCHANGE OF INFORMATION ON GOOD AND COST-EFFECTIVE PRACTICES

The Convention on Cluster Munitions coordinators on victim assistance and coordinators on cooperation and assistance, with technical support from Handicap International, began preparation for a guidance document "by states for states" on an integrated approach to victim assistance to be issued during 2016.[63] In this

57 Universal Periodic Review Mechanism of the UN Human Rights Council Shadow Report – Mozambican civil society (Cycle 2012–2015), bit.ly/UPRMozambiqueShadow2012-2015.

58 Abdirahman A., "Somalia Cabinet Approves Persons with Disabilities Bill," *Horseed Media*, 9 October 2015, https://horseedmedia.net/2015/10/09/somalia-cabinet-approves-persons-with-disabilities-bill.

59 Summary prepared by the Office of the UN High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, (A/HRC/WG.6/23/SOM/3) 6 November 2015.

60 Article 5.2.e.

61 Dubrovnik Action Plan, Action 4.1 (d).

62 "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." CRPD, Article 4.4.

63 Convention on Cluster Munitions Implementation Support Unit (ISU), "Workshop on an Integrated Approach to Victim Assistance," (including workshop documents) 27 May 2016, www.clusterconvention.org/2016/05/27/workshop-on-an-integrated-approach-to-victim-assistance.

context, an integrated approach can be understood to mean supporting victim assistance commitments and obligations through international cooperation and national coordination with two core complimentary elements:

- First, that international support to survivors continues to increase benefits to other persons with disabilities; and
- Second, that other international assistance, such as that provided through funding to protracted crisis development initiatives, human rights, the rights of persons with disabilities and inclusive development, poverty reduction, and humanitarian response, should also reach, amongst the beneficiaries, survivors and others in their communities.[64]

In May 2016, a workshop held in Geneva provided an opportunity for Convention on Cluster Munitions and Mine Ban Treaty States Parties,[65] and other organizations,[66] to share views on national examples of good practices and challenges in implementing an integrated approach to victim assistance. The guidance document is to include the combined input from the workshop and responses to questionnaires.

Eufemia Amela, designated victim assistance focal point for Mozambique, asks about means of funding coordination for the CRPD during a workshop on an integrated approach to victim assistance.

Prior to its ratification, Colombia had already started sharing good practices on victim assistance with States Parties to the Convention on Cluster Munitions at the intersessional meetings of the convention in April 2014 and through the Bridges Between Worlds conference hosted by Colombia in Bogota in the same month.[67]

64 See, ICBL-CMC, "Equal Basis 2015: Inclusion and Rights in 33 Countries," December 2015, pp. 5-6, www.the-monitor.org/media/2155496/Equal-Basis-2015.pdf. The integrated approach through relevant frameworks and domains can be differentiated from a comprehensive "integrated approach" to victim assistance that includes the key components, or "pillars," of assistance that was frequently used terminology in the Mine Ban Treaty. Regarding an "integrated approach" to victim assistance as comprehensive assistance through coordinated implementation of its key components data collection, emergency and ongoing medical care, physical rehabilitation, psychological support and social reintegration (inclusion), economic reintegration (inclusion), and laws and policies, see ICBL, "Guiding Principles on Victim Assistance," 2007, www.icbl.org/media/919871/VA-Guiding-Principles.pdf; and "Chapter 5 – A Holistic and Integrated Approach to Addressing the Rights and Needs of Victims and Survivors: Good Practice," in Mine Ban Treaty ISU, *Assisting Landmine and other ERW Survivors in the Context of Disarmament, Disability and Development* (Geneva, 2011), pp. 75–99, http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1398.pdf.

65 Albania, Australia, Austria, Belgium, Cambodia, Canada, Chile, Croatia, Democratic Republic of Congo, Iraq, Italy, Japan, Lao PDR, Mozambique, Netherlands, Norway, Peru, Spain, Switzerland, Tajikistan, Thailand, as well as the United States, which is not party to either convention, but is party to CCW Protocol V.

66 Non-state representatives that attended the workshop were from the Landmine and Cluster Munition Monitor, the ICBL-CMC, the Gender and Mine Action Program, the International Disability Alliance, the Special Rapporteur on the rights of persons with disabilities-Office of the High Commissioner for Human Rights, survivors from El Salvador and Uganda, an independent expert on disability and victim assistance from Australia, and the UN Mine Action Service.

67 Statement of Colombia, Convention on Cluster Munition Working Group on Victim Assistance, Geneva, 9 April 2014.

INVOLVEMENT OF VICTIMS

States Parties have obligations to "closely consult with and actively involve cluster munition victims and their representative organisations."[68] The states have committed to actively include cluster munition victims and their representative organizations in policy-making and decision-making, so that their participation is made sustainable and meaningful.[69] In most States Parties, survivors were engaged in, or invited to attend, relevant activities. Exceptions included Guinea-Bissau, Montenegro, Sierra Leone, and Somalia where no survivor involvement in victim assistance activities was identified. However, DPOs were active in all four countries.

Many States Parties regularly report that survivors are included in decision-making activities. However, reporting from service providers, survivors' organizations, and affected communities most often presents a more nuanced view. Following are examples of participation and variance in practice in 2015:

- Albania: Survivors participated in victim assistance planning and implementation of services, including the survivor survey, through participation in the national survivor representative organization.
- Afghanistan: Persons with disabilities and their representative organizations were included in decision-making and participated in the various coordination bodies. However, it was sometimes reported that their views were not fully taken into account.
- Chad: Participation was not reported.
- Colombia: Survivors participated in some coordination meetings and at national and departmental Victim's Participation Roundtables (VPRs).
- Croatia: Survivors and/or their representative organizations equally participated in the two meetings of the national coordinating body in 2015 and were involved in consultations through networking of their representative organizations.
- Iraq: Survivors participated in victim assistance discussions and meetings through the Iraqi Alliance for Disability.
- Lao PDR: Handicap International's Lao Ban Advocates project, which had supported survivor participation in victim assistance coordination since 2010, ended in March 2015. In 2015, Lao PDR reported that the government worked closely with representatives of several DPOs.
- Lebanon: The national steering committee on victim assistance includes a survivor and members of DPOs.
- Mozambique: Mine/ERW survivors were represented in the coordination of disability and victim assistance in two meetings of the national disability coordination body. They engaged in the monitoring of disability rights policy through a national umbrella organization of persons with disabilities.

By the end of the Dubrovnik Action Plan period, States Parties will also need to demonstrate how they have included cluster munitions victims and representatives of DPOs as relevant experts to be part of their delegations in

68 Convention on Cluster Munitions, Article 5.2.f.

69 Dubrovnik Action Plan, Action 4.2, "Increase the involvement of victims," items a and b.

all convention-related activities.[70] At the First Review Conference survivor and victim participation was organized by civil society; the CMC and its members.

SUPPORT FOR VICTIM ASSISTANCE PROGRAMS

The Convention on Cluster Munitions holds that States Parties in a position to do so should support the implementation of the convention's victim assistance obligations. International cooperation and assistance should be provided by States Parties for the implementation of the victim assistance by other States Parties to the convention. These may be made bilaterally or through other bodies and organizations.[71] Large differences between the needs in States Parties and the resources made available through international cooperation continued to obstruct progress in victim assistance in 2015. Below are some of the situations reported for States Parties in 2015:

- BiH: A lack of resources continued to erode victim assistance efforts as donor funding declined. After more than 18 years of continuous operation, the NGO Landmine Survivors Initiatives (once a branch office of the US-based NGO Landmine Survivors Network/Survivor Corps) closed down permanently.[72]
- Colombia: International cooperation continued to decrease, leaving large gaps in the support for survivors previously provided by national networks and through local organizations and international NGOs. This funding is crucial for connecting survivors with existing services, especially peer support networks for survivors and persons with disabilities, which cannot be funded through the national health insurance system.
- Croatia: NGOs found that there had been an overall decrease in the number of people that they could assist "due to the omnipresent lack of financial resources."[73] The government reduced overall funding for programs for persons with disabilities as part of budget cuts.[74] Austerity measures reduced the previously achieved standard supply of orthopedic devices.[75]
- Iraq: The country suffers from a financial crisis while the focus of donors and international NGOs is on the massive needs of internally displaced persons. This has diminished financial support to victim assistance and minimized the scale of service provisions to survivors across the country.[76]

70 Dubrovnik Action Plan 4.2 (b) "Include relevant experts to be part of their delegations in all convention related activities (including cluster munitions victims, and representatives of disabled person's organizations)."

71 Such assistance may be provided, *inter alia*, through NGOs; the UN system; international, regional, or national organizations or institutions; the ICRC; national Red Cross and Red Crescent Societies and their International Federation; or on a bilateral basis. Convention on Cluster Munitions Article 6, and Article 6.7.

72 Landmine Survivors Initiatives, "The closure of Association 'Landmine Survivors Initiatives'," 31 May 2016, bit.ly/LSIClosure; and see also, Amir Mujanovic, "Providing Integrated Peer-support Assistance to Landmine Survivors," *The Journal of ERW and Mine Action*, Issue 19.3, December 2015, bit.ly/MujanovicPeerSupport.

73 Statement by Croatia, CCW Protocol V Meeting of Experts, Geneva, 7 April 2015.

74 US Department of State, "2015 Country Reports on Human Rights Practices: Croatia," Washington, DC, 13 April 2016, bit.ly/USHRReportCroatia2015.

75 Ombudsman of the Republic of Croatia, "Universal Periodic Review On Human Rights In The Republic Of Croatia - Nhri Report, 2nd cycle," September 2014.

76 Response to Monitor questionnaire from Ahmed Al Zubaidi, Iraqi Health and Social Care Organization (IHSCO), 27 July 2016.

- Lao PDR: There were little available resources and few donors made victim assistance a priority.[77] The budget allocated to victim assistance is very limited, and as a result Lao PDR cannot pursue its strategic plan for the Dubrovnik Action Plan period through 2020.[78]
- Lebanon: The funding situation had improved since a severe decline in 2013. However, the current level of support was insufficient to serve the needs of victims.[79]
- Mozambique: Insufficient financial and qualified human resources was one of the main challenges to implementation of victim assistance activities.[80] Handicap International noted a lack of success in its exceptional efforts to raise funds, and found that donors seemed to lose interest in victim assistance as a result of the completion of landmine clearance in Mozambique.[81]

DEMONSTRATION OF RESULTS IN ARTICLE 7 TRANSPARENCY REPORTS

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. In the Dubrovnik Action Plan, States Parties with responsibility for cluster munition victims have committed to making the best use of Article 7 reports. States can share progress providing positive examples and strengthening the norm of victim assistance. They can also clearly present their challenges and how technical and financial support from the international community would help.

In 2016, Afghanistan, Albania, BiH, Croatia, Iraq, Lao PDR, Lebanon, and Mozambique reported in detail on victim assistance efforts. However, for the most part, reporting did not present what constituted progress made during the previous calendar year. There was often little specific reference to plans, actions, or adaptions made to other frameworks for the implementation of victim assistance.[82] Chad presented minimal reporting. Montenegro had not submitted its report for calendar year 2015, but has previously reported on victim assistance focal points and legislation. Guinea-Bissau has never submitted an Article 7 report for the Convention on Cluster Munitions and Sierra Leone did not include the form on victim assistance in its initial Article 7 report. Colombia and Somalia are due to submit reports later in 2016 and will have the opportunity to highlight their victim assistance needs, plans, and along with their fellow States Parties, progress on implementing the Dubrovnik Action Plan.

77 Victim assistance statements of Lao PDR, Convention on Cluster Munitions First Review Conference, Dubrovnik, Croatia, 7–11 September 2015.

78 UNDP in Lao PDR, "UXO Sector Working Group approves new strategy," 16 November 2015, bit.ly/UNDP2015UXOStrategy.

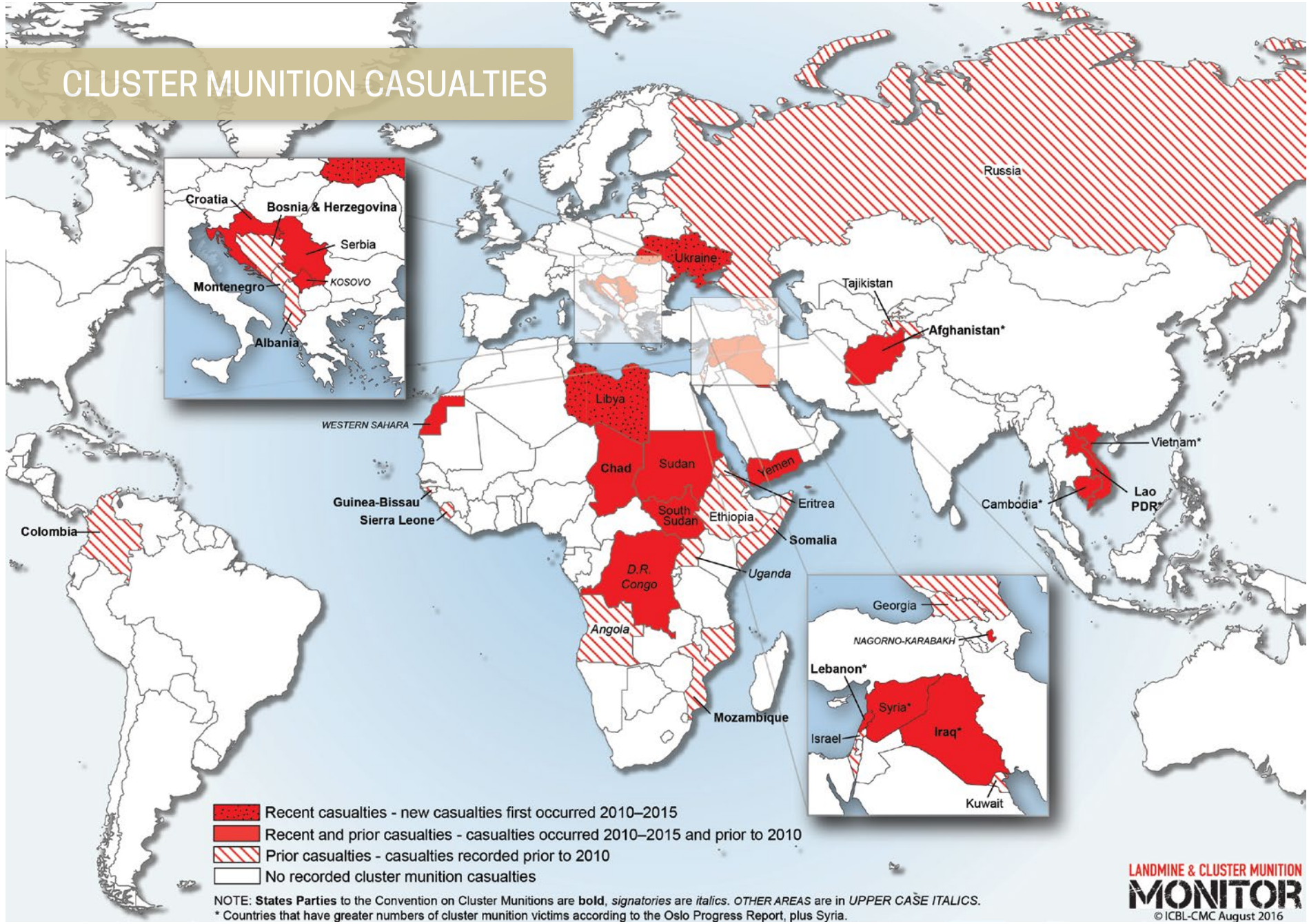
79 Emails from Brig. Gen. Nassif, Lebanon Mine Action Center, 13 May and 9 June 2015.

80 Convention on Cluster Munitions Article 7 Report (for the calendar year 2015), Form H.

81 Notes from side event, Mine Ban Treaty Fourteenth Meeting of States Parties, December 2015.

82 States Parties committed to "Ensure that existing national policies, plans and legal frameworks related to people with similar needs, such as disability and poverty reduction frameworks, address the needs and human rights of cluster munition victims, or adapt such plans accordingly." Dubrovnik Action Plan, Action 4.1 (c).

CLUSTER MUNITION CASUALTIES



NOTE: **States Parties** to the Convention on Cluster Munitions are **bold**, *signatories* are *italics*. *OTHER AREAS* are in *UPPER CASE ITALICS*.
* Countries that have greater numbers of cluster munition victims according to the Oslo Progress Report, plus Syria.

LANDMINE & CLUSTER MUNITION MONITOR

Luz Landazury of Colombia, one of four experts to present survivor statements, addresses the First Review Conference to the Convention on Cluster Munitions in Dubrovnik, Croatia.

STATUS OF THE CONVENTION

2008 CONVENTION ON CLUSTER MUNITIONS

Under Article 15, the convention was open for signature from 3 December 2008 until its entry into force, which was 1 August 2010. On the following list, the first date is signature; the second date is ratification. Now that the convention has entered into force, states may no longer sign—rather they may become bound through a one-step procedure known as accession. According to Article 16(2), the treaty is open for accession by any state that has not signed. Accession is indicated below with (a).

As of 15 August 2016 there were 100 States Parties and 19 signatories.

STATES PARTIES

Afghanistan 3 Dec 08; 8 Sep 11
Albania 3 Dec 08; 16 Jun 09
Andorra 9 Apr 13 (a)
Antigua and Barbuda 16 Jul 10; 23 Aug 10
Australia 3 Dec 08; 8 Oct 12
Austria 3 Dec 08; 2 Apr 09
Belgium 3 Dec 08; 22 Dec 09
Belize 2 Sep 14 (a)
Bolivia 3 Dec 08; 30 Apr 13
Bosnia and Herzegovina 3 Dec 08; 7 Sep 10
Botswana 3 Dec 08; 27 Jun 11
Bulgaria 3 Dec 08; 6 Apr 11
Burkina Faso 3 Dec 08; 16 Feb 10
Burundi 3 Dec 08; 25 Dec 09
Cameroon 15 Dec 09; 12 Jul 12
Canada 3 Dec 08; 16 Mar 15
Cape Verde 3 Dec 08; 19 Oct 10
Chad 3 Dec 08; 26 Mar 13
Chile 3 Dec 08; 16 Dec 10
Colombia 3 Dec 08; 10 Sep 15
Comoros 3 Dec 08; 28 Jul 10
Congo, Rep. 3 Dec 08; 2 Sep 14
Cook Islands 3 Dec 08; 23 Aug 11
Costa Rica 3 Dec 08; 28 Apr 11
Côte d'Ivoire 4 Dec 08; 12 Mar 12
Croatia 3 Dec 08; 17 Aug 09

Cuba 6 Apr 16 (a)
Czech Republic 3 Dec 08; 22 Sep 11
Denmark 3 Dec 08; 12 Feb 10
Dominican Republic 10 Nov 09; 20 Dec 11
Ecuador 3 Dec 08; 11 May 10
El Salvador 3 Dec 08; 10 Jan 11
Fiji 3 Dec 08; 28 May 10
France 3 Dec 08; 25 Sep 09
Germany 3 Dec 08; 8 Jul 09
Ghana 3 Dec 08; 3 Feb 11
Grenada 29 Jun 11 (a)
Guatemala 3 Dec 08; 3 Nov 10
Guinea 3 Dec 08; 21 Oct 14
Guinea-Bissau 3 Dec 08; 29 Nov 10
Guyana 31 Oct 14 (a)
Holy See 3 Dec 08; 3 Dec 08
Honduras 3 Dec 08; 21 Mar 12
Hungary 3 Dec 08; 3 Jul 12
Iceland 3 Dec 08; 31 Aug 15
Iraq 12 Nov 09; 14 May 13
Ireland 3 Dec 08; 3 Dec 08
Italy 3 Dec 08; 21 Sep 11
Japan 3 Dec 08; 14 Jul 09
Lao PDR 3 Dec 08; 18 Mar 09
Lebanon 3 Dec 08; 5 Nov 10
Lesotho 3 Dec 08; 28 May 10
Liechtenstein 3 Dec 08; 4 Mar 13
Lithuania 3 Dec 08; 24 Mar 11
Luxembourg 3 Dec 08; 10 Jul 09
Macedonia FYR 3 Dec 08; 8 Oct 09
Malawi 3 Dec 08; 7 Oct 09
Mali 3 Dec 08; 30 Jun 10
Malta 3 Dec 08; 24 Sep 09
Mauritania 19 Apr 12; 1 Feb 12
Mauritius 1 Oct 15 (a)
Mexico 3 Dec 08; 6 May 09
Moldova 3 Dec 08; 16 Feb 10
Monaco 3 Dec 08; 21 Sep 10
Montenegro 3 Dec 08; 25 Jan 10
Mozambique 3 Dec 08; 14 Mar 11
Nauru 3 Dec 08; 4 Feb 13
Netherlands 3 Dec 08; 23 Feb 11
New Zealand 3 Dec 08; 22 Dec 09
Nicaragua 3 Dec 08; 2 Nov 09
Niger 3 Dec 08; 2 Jun 09
Norway 3 Dec 08; 3 Dec 08
Palau 3 Dec 08; 19 Apr 16
Palestine 2 Jan 15 (a)
Panama 3 Dec 08; 29 Nov 10
Paraguay 3 Dec 08; 12 March 15
Peru 3 Dec 08; 26 Sep 12
Portugal 3 Dec 08; 9 Mar 11
Rwanda 3 Dec 08; 25 Aug 15
Saint Kitts and Nevis 13 Sep 13 (a)
Saint Vincent and the Grenadines 23 Sep 09; 29 Oct 10
Samoa 3 Dec 08; 28 Apr 10
San Marino 3 Dec 08; 10 Jul 09
Senegal 3 Dec 08; 3 Aug 11
Seychelles 13 Apr 10; 20 May 10
Sierra Leone 3 Dec 08; 3 Dec 08
Slovak Republic 24 Jul 15 (a)
Slovenia 3 Dec 08; 19 Aug 09
Somalia 3 Dec 08; 30 Sep 15
South Africa 3 Dec 08; 28 May 15
Spain 3 Dec 08; 19 Jun 09
Swaziland 13 Sep 11 (a)
Sweden 3 Dec 08; 23 Apr 12
Switzerland 3 Dec 08; 17 Jul 12
Togo 3 Dec 08; 22 Jun 12
Trinidad and Tobago 21 Sep 11 (a)
Tunisia 12 Jan 09; 28 Sep 10
United Kingdom 3 Dec 08; 4 May 10
Uruguay 3 Dec 08; 24 Sep 09
Zambia 3 Dec 08; 12 Aug 09

SIGNATORIES

Angola 3 Dec 08
Benin 3 Dec 08
Central African Republic 3 Dec 08
Congo, Dem. Rep. 18 Mar 09
Cyprus 23 Sep 09
Djibouti 30 Jul 10
Gambia 3 Dec 08
Haiti 28 Oct 09
Indonesia 3 Dec 08
Jamaica 12 Jun 09

Kenya 3 Dec 08
Liberia 3 Dec 08
Madagascar 3 Dec 08
Namibia 3 Dec 08
Nigeria 12 Jun 09
Philippines 3 Dec 08
São Tomé & Príncipe 3 Dec 08
Tanzania 3 Dec 08
Uganda 3 Dec 08

NON-SIGNATORIES

Algeria
Argentina
Armenia
Azerbaijan
Bahamas
Bahrain
Bangladesh
Barbados
Belarus
Bhutan
Brazil
Brunei Darussalam
Burma/Myanmar
Cambodia
China
Dominica
Egypt
Equatorial Guinea
Eritrea
Estonia
Ethiopia
Finland
Gabon
Georgia
Greece
India
Iran
Israel
Jordan
Kazakhstan
Kiribati
Korea, North
Korea, South
Kuwait
Kyrgyzstan
Latvia
Libya
Malaysia
Maldives
Marshall Islands
Micronesia
Mongolia
Morocco
Nepal
Niue
Oman
Pakistan
Papua New Guinea
Poland
Qatar
Romania
Russian Federation
Saint Lucia
Saudi Arabia
Serbia
Singapore
Solomon Islands
South Sudan
Sri Lanka
Sudan
Suriname
Syria
Tajikistan
Thailand
Timor Leste
Tonga
Turkey
Turkmenistan
Tuvalu
Ukraine
United Arab Emirates
United States
Uzbekistan
Vanuatu
Venezuela
Vietnam
Yemen
Zimbabwe

CONVENTION ON CLUSTER MUNITIONS

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

DUBLIN 19-30 MAY 2008 CCM/77

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.

Such an extension may be renewed by a period of up to five years upon the submission of a new request, in accordance with paragraphs 5, 6 and 7 of this Article. In requesting a further extension a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted pursuant to this Article.

ARTICLE 5

Victim assistance

1. Each State Party with respect to cluster munition victims in areas under its jurisdiction or control shall, in accordance with applicable international humanitarian and human rights law, adequately provide age and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. Each State Party shall make every effort to collect reliable relevant data with respect to cluster munition victims.

2. In fulfilling its obligations under paragraph 1 of this Article each State Party shall:
   a. Assess the needs of cluster munition victims;
   b. Develop, implement and enforce any necessary national laws and policies;
   c. Develop a national plan and budget, including timeframes to carry out these activities, with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms, while respecting the specific role and contribution of relevant actors;
   d. Take steps to mobilise national and international resources;
   e. Not discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs;
   f. Closely consult with and actively involve cluster munition victims and their representative organisations;
   g. Designate a focal point within the government for coordination of matters relating to the implementation of this Article; and
   h. Strive to incorporate relevant guidelines and good practices including in the areas of medical care, rehabilitation and psychological support, as well as social and economic inclusion.

ARTICLE 6

International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.
2. Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of this Convention. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organisations or institutions, non-governmental organisations or institutions, or on a bilateral basis.
3. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision and receipt of clearance and other such equipment and related technological information for humanitarian purposes.
4. In addition to any obligations it may have pursuant to paragraph 4 of Article 4 of this Convention, each State Party in a position to do so shall provide assistance for clearance and destruction of cluster munition remnants and information concerning various means and technologies related to clearance of cluster munitions, as well as lists of experts, expert agencies or national points of contact on clearance and destruction of cluster munition remnants and related activities.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled cluster munitions, and shall also provide assistance to identify, assess and prioritise needs and practical measures in terms of marking, risk reduction education, protection of civilians and clearance and destruction as provided in Article 4 of this Convention.
6. Where, after entry into force of this Convention, cluster munitions have become cluster munition remnants located in areas under the jurisdiction or control of a State Party, each State Party in a position to do so shall urgently provide emergency assistance to the affected State Party.
7. Each State Party in a position to do so shall provide assistance for the implementation of the obligations referred to in Article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation, non-governmental organisations or on a bilateral basis.

8. Each State Party in a position to do so shall provide assistance to contribute to the economic and social recovery needed as a result of cluster munition use in affected States Parties.
9. Each State Party in a position to do so may contribute to relevant trust funds in order to facilitate the provision of assistance under this Article.
10. Each State Party that seeks and receives assistance shall take all appropriate measures in order to facilitate the timely and effective implementation of this Convention, including facilitation of the entry and exit of personnel, materiel and equipment, in a manner consistent with national laws and regulations, taking into consideration international best practices.
11. Each State Party may, with the purpose of developing a national action plan, request the United Nations system, regional organisations, other States Parties or other competent intergovernmental or non-governmental institutions to assist its authorities to determine, inter alia:
    a. The nature and extent of cluster munition remnants located in areas under its jurisdiction or control;
    b. The financial, technological and human resources required for the implementation of the plan;
    c. The time estimated as necessary to clear and destroy all cluster munition remnants located in areas under its jurisdiction or control;
    d. Risk reduction education programmes and awareness activities to reduce the incidence of injuries or deaths caused by cluster munition remnants;
    e. Assistance to cluster munition victims; and
    f. The coordination relationship between the government of the State Party concerned and the relevant governmental, intergovernmental or non-governmental entities that will work in the implementation of the plan.
12. States Parties giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programmes.

ARTICLE 7

Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party, on:
    a. The national implementation measures referred to in Article 9 of this Convention;
    b. The total of all cluster munitions, including explosive submunitions, referred to in paragraph 1 of Article 3 of this Convention, to include a breakdown of their type, quantity and, if possible, lot numbers of each type;
    c. The technical characteristics of each type of cluster munition produced by that State Party prior to entry into force of this Convention for it, to the extent known, and those currently owned or possessed by it, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of cluster munitions; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information that may facilitate the clearance of cluster munition remnants;
    d. The status and progress of programmes for the conversion or decommissioning of production facilities for cluster munitions;
    e. The status and progress of programmes for the destruction, in accordance with Article 3 of this Convention, of cluster munitions, including explosive submunitions, with details of the methods that will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
    f. The types and quantities of cluster munitions, including explosive submunitions, destroyed in accordance with Article 3 of this Convention, including details of the methods of destruction used, the location of the destruction sites and the applicable safety and environmental standards observed;

g. Stockpiles of cluster munitions, including explosive submunitions, discovered after reported completion of the programme referred to in sub-paragraph (e) of this paragraph, and plans for their destruction in accordance with Article 3 of this Convention;
h. To the extent possible, the size and location of all cluster munition contaminated areas under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of cluster munition remnant in each such area and when they were used;
i. The status and progress of programmes for the clearance and destruction of all types and quantities of cluster munition remnants cleared and destroyed in accordance with Article 4 of this Convention, to include the size and location of the cluster munition contaminated area cleared and a breakdown of the quantity of each type of cluster munition remnant cleared and destroyed;
j. The measures taken to provide risk reduction education and, in particular, an immediate and effective warning to civilians living in cluster munition contaminated areas under its jurisdiction or control;
k. The status and progress of implementation of its obligations under Article 5 of this Convention to adequately provide age- and gender- sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims and to collect reliable relevant data with respect to cluster munition victims;
l. The name and contact details of the institutions mandated to provide information and to carry out the measures described in this paragraph;
m. The amount of national resources, including financial, material or in kind, allocated to the implementation of Articles 3, 4 and 5 of this Convention; and
n. The amounts, types and destinations of international cooperation and assistance provided under Article 6 of this Convention.

2. The information provided in accordance with paragraph 1 of this Article shall be updated by the States Parties annually, covering the previous calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.
3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

ARTICLE 8

Facilitation and clarification of compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to a matter of compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information that would assist in clarifying the matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.
4. Pending the convening of any Meeting of States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.

5. Where a matter has been submitted to it pursuant to paragraph 3 of this Article, the Meeting of States Parties shall first determine whether to consider that matter further, taking into account all information submitted by the States Parties concerned. If it does so determine, the Meeting of States Parties may suggest to the States Parties concerned ways and means further to clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6 of this Convention.
6. In addition to the procedures provided for in paragraphs 2 to 5 of this Article, the Meeting of States Parties may decide to adopt such other general procedures or specific mechanisms for clarification of compliance, including facts, and resolution of instances of non-compliance with the provisions of this Convention as it deems appropriate.

ARTICLE 9

National implementation measures

Each State Party shall take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

ARTICLE 10

Settlement of disputes

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the States Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of their choice, including recourse to the Meeting of States Parties and referral to the International Court of Justice in conformity with the Statute of the Court.
2. The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

ARTICLE 11

Meetings of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention, including:
   a. The operation and status of this Convention;
   b. Matters arising from the reports submitted under the provisions of this Convention;
   c. International cooperation and assistance in accordance with Article 6 of this Convention;
   d. The development of technologies to clear cluster munition remnants;
   e. Submissions of States Parties under Articles 8 and 10 of this Convention; and
   f. Submissions of States Parties as provided for in Articles 3 and 4 of this Convention.
2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent

Societies and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed rules of procedure.

ARTICLE 12

Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
   a. To review the operation and status of this Convention;
   b. To consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention; and
   c. To take decisions on submissions of States Parties as provided for in Articles 3 and 4 of this Convention.
3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed rules of procedure.

ARTICLE 13

Amendments

1. At any time after its entry into force any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Secretary-General of the United Nations, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than 90 days after its circulation that they support further consideration of the proposal, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Amendment Conference as observers in accordance with the agreed rules of procedure.
3. The Amendment Conference shall be held immediately following a Meeting of States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.
4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to all States.
5. An amendment to this Convention shall enter into force for States Parties that have accepted the amendment on the date of deposit of acceptances by a majority of the States which were Parties at the date of adoption of the amendment. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

ARTICLE 14

Costs and administrative tasks

1. The costs of the Meetings of States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not party to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 of this Convention shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.
3. The performance by the Secretary-General of the United Nations of administrative tasks assigned to him or her under this Convention is subject to an appropriate United Nations mandate.

ARTICLE 15

Signature

This Convention, done at Dublin on 30 May 2008, shall be open for signature at Oslo by all States on 3 December 2008 and thereafter at United Nations Headquarters in New York until its entry into force.

ARTICLE 16

Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval by the Signatories.
2. It shall be open for accession by any State that has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

ARTICLE 17

Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

ARTICLE 18

Provisional application

Any State may, at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally Article 1 of this Convention pending its entry into force for that State.

ARTICLE 19

Reservations

The Articles of this Convention shall not be subject to reservations.

ARTICLE 20

Duration and withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

ARTICLE 21

Relations with States not Party to this Convention

1. Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.
2. Each State Party shall notify the governments of all States not party to this Convention, referred to in paragraph 3 of this Article, of its obligations under this Convention, shall promote the norms it establishes and shall make its best efforts to discourage States not party to this Convention from using cluster munitions.
3. Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.
4. Nothing in paragraph 3 of this Article shall authorise a State Party:
   a. To develop, produce or otherwise acquire cluster munitions;
   b. To itself stockpile or transfer cluster munitions;
   c. To itself use cluster munitions; or
   d. To expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control.

ARTICLE 22

Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

ARTICLE 23

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention shall be equally authentic.

CLUSTER MUNITION MONITOR 2016

Cluster Munition Monitor 2016 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. Using the 2008 Convention on Cluster Munitions as its principal frame of reference, the report focuses on calendar year 2015 with information included into July 2016 where possible. It covers global trends in ban policy, survey and clearance of cluster munition remnants, cluster munition casualties, and efforts to guarantee the rights and meet the needs of cluster munition victims. Profiles published online provide additional country-specific findings on these topics.

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: Fatima Ibrahim al-Marzuqi is being carried by her brother because she is not able to walk due to injuries sustained during a cluster munition attack on Malus village, Yemen, on 7 June 2015. © Ole Solvang/Human Rights Watch, July 2015

Top left: Advocates gather to support the Convention on Cluster Munitions before its First Review Conference in Dubrovnik, Croatia. © Lara Brose/Handicap International, September 2015

Top right: Only the distinctive white nylon stabilizing ribbon is visible on this unexploded M77 submunition from a M26 cluster munition rocket attack in late May or early June 2015 on the village of al-Hazen in Yemen's Hajjah governorate, 20 kilometers from the country's border with Saudi Arabia. © Ole Solvang/Human Rights Watch, July 2015

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