

# CLUSTER MUNITION MONITOR 2018



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*Monitoring and Research Committee, ICBL-CMC Governance Board*  
Danish Demining Group • Human Rights Watch  
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Landmine and Cluster Munition Monitor makes an effort to limit the environmental footprint of reports by publishing all of our research reports online. This report is available online.

Detailed country profiles are available online at [www.the-monitor.org/cp](http://www.the-monitor.org/cp)

## 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; and
- 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 Convention on Cluster Munitions, which this year celebrated the tenth anniversary of its adoption in May 2008.

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

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 with the assistance of CMC campaigners. Researchers contributed primarily to country profiles, available on the Monitor’s website at [www.the-monitor.org](http://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 ninth 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 2017, with information included into August 2018 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](http://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: Danish Demining Group (Richard MacCormac), Humanity & Inclusion (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), Jeff Abramson (Monitor program manager), and *ex officio* member Hector Guerra (ICBL-CMC director).

From January to August 2018, the Monitor's Editorial Team undertook research, updated country profiles, and produced thematic overviews for *Cluster Munition Monitor 2018*. The Editorial Team included:

- Ban policy: Mary Wareham, Stephen Goose, Mark Hiznay, Marta Kosmyna, and Yeshua Moser-Puangsuwan, with assistance from Rachael Folakemi Akinola and Kevin Klyman;
- Contamination, clearance, and support for mine action: Jennifer Reeves, Amelie Chayer, and Marion Loddo; and
- Casualties and victim assistance: Loren Persi Vicentic, Jennifer Reeves, Farzana Mursal Alizada, Éléa Boureux, Clémence Caraux-Pelletan, Michael Moore, and Marianne Schulze, with assistance from Clémentine Tavernier.

The Monitor acknowledges the contributions of the Mine Action Review ([www.mineactionreview.org](http://www.mineactionreview.org)), which has conducted the primary mine action research in 2018 and shared all its country-level landmine reports (from *Clearing the Mines 2018*) and country-level cluster munition reports (from *Clearing Cluster Munition Remnants 2018*) with the Monitor. The Monitor is responsible for the findings presented online and in its print publication.

Jeff Abramson of ICBL-CMC provided final editing in August 2018 with assistance from Morgan McKenna (publications consultant) and Trushaa Castelino (intern).

Report and cover design was created by Lixar I.T. Inc. Imprimerie Genève printed the report in Switzerland. The front cover and one back photograph was provided by Sean Sutton/MAG, and a second back cover photograph provided by Blaise Kormann/HI. Additional photographs found within *Cluster Munition Monitor 2018* were provided by multiple photographers, cited with each photograph.

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# ABBREVIATIONS AND ACRONYMS

BAC	battle area clearance
CBU	cluster bomb unit
CHA	confirmed hazardous area
CCW	1980 Convention on Conventional Weapons
CMC	Cluster Munition Coalition
CRPD	Convention on the Rights of Persons with Disabilities
DPICM	dual-purpose improved conventional munition
ERW	explosive remnants of war
HI	Humanity & Inclusion (formerly 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
NTS	non-technical survey
SHA	suspected hazardous area
TS	technical survey
UN	United Nations
UNDP	United Nations Development Programme
UNMAS	United Nations Mine Action Service
UXO	unexploded ordnance

# GLOSSARY

**Battle area clearance** – The systematic and controlled clearance of dangerous areas where the explosive hazards are known not to include landmines.

**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.

**Non-technical survey** – The collection and analysis of data, without the use of technical interventions, about the presence, type, distribution, and surrounding environment of mine/ERW contamination, in order to define

better where mine/ERW contamination is present, and where it is not, and to support land release prioritization and decision-making processes through the provision of evidence. Non-technical survey activities typically include, but are not limited to, desk studies seeking information from central institutions and other relevant sources, as well as field studies of the suspected area.

**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.

**Technical survey** – The collection and analysis of data, using appropriate technical interventions, about the presence, type, distribution, and surrounding environment of mine/ERW contamination, in order to define better where mine/ERW contamination is present, and where it is not, and to support land release prioritization and decision-making processes through the provision of evidence. Technical survey activities may include visual search, instrument-aided surface search, and shallow- or full sub-surface search.

**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 14 August 2018

Signatories: Signed, but not yet ratified as of 14 August 2018

Non-signatories: Not yet acceded as of 14 August 2018

## The Americas

Antigua & Barbuda	Guyana
Belize	Honduras
Bolivia	Mexico
Canada	Nicaragua
Colombia	Panama
Chile	Paraguay
Costa Rica	Peru
Cuba	Saint Vincent & the Grenadines
Dominican Rep.	Saint Kitts & Nevis
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	Nauru
Australia	New Zealand
Cook Islands	Palau
Fiji	Samoa
Japan	Sri Lanka
Lao PDR	
Indonesia	Philippines
Bangladesh	Mongolia
Bhutan	Myanmar
Brunei Darussalam	Nepal
Cambodia	Niue
China	Pakistan
India	Papua New Guinea
Kiribati	Singapore
Korea, North	Solomon Islands
Korea, South	Thailand
Malaysia	Timor-Leste
Maldives	Tonga
Marshall Islands	Tuvalu
Micronesia, Fed. States of	Vanuatu
	Vietnam

## Europe, the Caucasus & Central Asia

Albania	Holy See	Montenegro
Andorra	Hungary	Netherlands
Austria	Iceland	Norway
Belgium	Ireland	Portugal
Bosnia & Herzegovina	Italy	San Marino
Bulgaria	Liechtenstein	Slovakia
Croatia	Lithuania	Slovenia
Czech Republic	Luxembourg	Spain
Denmark	Macedonia, FYR	Sweden
France	Malta	Switzerland
Germany	Moldova	United Kingdom
	Monaco	
Cyprus	Greece	Serbia
Armenia	Kazakhstan	Tajikistan
Azerbaijan	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

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

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A submunition from a BL-755 cluster bomb cleared and destroyed in Bosnia and Herzegovina.

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# MAJOR FINDINGS

AS OF 1 AUGUST 2018

## STATUS OF THE 2008 CONVENTION ON CLUSTER MUNITIONS

- A total of 120 countries have signed or acceded to the Convention on Cluster Munitions, of which 103 are States Parties legally bound by all of the convention's provisions. The convention, which entered into force on 1 August 2010, is the sole international instrument dedicated to ending the human suffering caused by cluster munitions.
- Sri Lanka acceded to the convention in March 2018. None of the convention's remaining 17 signatory states have ratified in the period since July 2017. A total of 142 states, including 32 non-signatories to the Convention on Cluster Munitions, voted in favor of an annual United Nations General Assembly resolution promoting the convention in December 2017. Non-signatories Russia and Zimbabwe voted no to the resolution for the third consecutive year.
- The Seventh Meeting of States Parties to the Convention on Cluster Munitions in Geneva in September 2017 adopted a final report condemning "any use of cluster munitions by any actor."

## NEW USE

- There have been no 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 2017, cluster munitions have been used in Syria by Syrian government forces with Russia's support, and in Yemen by a Saudi Arabia-led coalition of states. The Monitor could not conclusively confirm allegations of new cluster munition use in Egypt and Libya. There was a significant drop in the number of reported cluster munition attacks in Syria and Yemen, but many attacks likely went unrecorded.

## CASUALTIES (THROUGH 2017)

- In total, the Monitor recorded 289 new cluster munition casualties in 2017, a sharp decrease compared to an annual total of 971 in 2016.
- In 2017, the highest number of casualties were recorded in Syria (187) and Yemen (54). In each country, casualties occurred both due to cluster munition remnants and during cluster munition *attacks*. However, fewer casualties during attacks were recorded, thereby accounting for the overall annual decrease (196 in 2017, from 857 in 2016).
- The 2017 casualty total marked the lowest annual figure since increased cluster munition casualties from new use in Syria were reported in 2012. From 2012 to 2017, the majority of global casualties were recorded in Syria (77%).
- Civilians accounted for 99% of all casualties whose status was recorded in 2017, consistent with statistics on cluster munition casualties for all time, and due to the indiscriminate and inhumane nature of the weapon.
- In 2017, casualties from cluster munition *remnants* were recorded in eight countries and two other areas: Cambodia, Iraq, Lao PDR, Lebanon, Serbia, Syria, Vietnam, and Yemen, as well as Nagorno-Karabakh and Western Sahara.
- More than 21,614 cluster munition casualties have been documented globally, beginning in the 1960s when the United States conducted cluster munition attacks in Lao PDR and Southeast Asia.
- The countries with the highest recorded numbers of cluster munition casualties for all time are Lao PDR (7,697), Syria (3,081), and Iraq (3,039). Many casualties, however, go unrecorded or lack sufficient documentation, particularly casualties that occurred during extensive use in Asia (Southeast Asia and Afghanistan) and in Iraq. The estimated number of global all-time casualties for 33 countries and three other areas is 56,000 or more.

## CONTAMINATION

- As of 1 August 2018, a total of 26 states (12 States Parties to the Convention on Cluster Munitions, two signatories, and 12 non-signatories) and three other areas are contaminated by cluster munition remnants. It is unclear whether one State Party and one non-signatory are contaminated.
- New use increased contamination in Syria and Yemen in 2017.

## CLEARANCE

- In 2017, a total of at least 153,000 submunitions were destroyed during land release (survey and clearance operations) and at least 93km<sup>2</sup> of contaminated land cleared. This estimate is based on incomplete data, but represents a 9% increase in the number of submunitions destroyed and a 6% increase in the land cleared compared to 2016.
- No country completed clearance in 2017.

- Only one State Party, Croatia, appears on track to meet its Article 4 convention-mandated deadline to clear all contaminated areas within 10 years. Four States Parties are not on track, and it is unclear if the remaining States Parties will meet their deadlines.
- Conflict and insecurity in 2017 and 2018 impeded land release efforts in three States Parties (Afghanistan, Iraq, and Somalia), six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen), and signatory Democratic Republic of the Congo.

## STOCKPILE DESTRUCTION

- A collective total of 1.4 million cluster munitions and more than 177 million submunitions has been destroyed by 35 States Parties to the convention. This represents the destruction of 99% of the total global cluster munition stocks declared by States Parties.
- No State Party has failed to meet the convention's eight-year deadline to destroy their stocks. Since July 2017, Croatia, Cuba, Slovenia, and Spain completed destruction of their stockpiled cluster munitions.
- Of the eight States Parties with stocks left to destroy, Switzerland appears closest to completing.
- During 2017, seven States Parties destroyed a total of 33,551 cluster munitions and nearly 1.8 million submunitions. Another five States Parties did not destroy any of their stockpiles in the past year, including several that have indicated financial and technical assistance is needed.

## VICTIM ASSISTANCE

- States Parties have committed to improving assistance for cluster munition victims by 2020 as part of the Dubrovnik Action Plan, but continued declines in funding for community-based work of local organizations hampered access to rehabilitation and economic activities.
- Some assistance existed in all affected States Parties, and work to improve the quality and quantity of rehabilitation programs for survivors was reported in several countries. It was also documented that more services, better coordination, and greater integration into national systems remained necessary.
- Most coordination of activities included some survivor representation, but this was not meeting the standard of close consultation with cluster munition victims including survivors required both in the convention itself and in associated rights of persons with disabilities.
- In many States Parties, inadequate resources for survivors' own organizations that deliver most psychological assistance to cluster munition victims reduced the availability of such essential services.

## PRODUCTION AND TRANSFER

- Eighteen States Parties and one non-signatory no longer produce cluster munitions.
- Sixteen countries produce cluster munitions or reserve the right to do so. None are party to the convention.

## 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.
- Twelve States Parties are retaining live cluster munitions or submunitions for training and research. All are from Europe with the exception of Cameroon, which is retaining all six of its stockpiled cluster munitions for research and training purposes.
- Germany retains the most cluster munitions for research and training, but significantly lowered the number retained again in 2017, as did Belgium, Czech Republic, Denmark, and Spain.
- Italy destroyed all the cluster munitions and submunitions that it initially retained.

## NATIONAL LEGISLATION AND TRANSPARENCY

- Thirty States Parties have enacted national legislation to implement the convention, most recently Cameroon in December 2016. Another 20 States Parties are in the process of drafting, considering, or adopting national legislation for the convention, while 43 States Parties indicate that their existing legislation is sufficient to enforce implementation of the convention.
- A total of 89 States Parties have submitted an initial transparency report as required by the convention, representing 87% of all States Parties for which the obligation currently applies. Another 13 States Parties have not delivered their initial transparency reports.

## INTERPRETATION OF THE CONVENTION ON CLUSTER MUNITIONS SINCE ITS ADOPTION

- At least 38 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 United Kingdom (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 35 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.
- The United States removed its stockpiled cluster munitions from States Parties Norway and the UK since the adoption of the convention, but 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.
- Eleven States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, while at least 31 States Parties and signatories to the convention have elaborated their view that investment in cluster munition production is a form of assistance prohibited by the convention.



Submunitions from BL-755 cluster bombs are destroyed by Croatia to meet its stockpile destruction obligation under the Convention on Cluster Munitions.

© Office for Mine Action - Croatia, July 2018

# CLUSTER MUNITION BAN POLICY

## INTRODUCTION

This report documents the positive impact that the Convention on Cluster Munitions is making as States Parties conclude their first decade of implementation. Adopted in Dublin, Ireland, on 30 May 2008, the convention opened for signature in Oslo, Norway, six months later and entered into force on 1 August 2010.<sup>1</sup> Today it is widely acknowledged as the principal framework for the worldwide effort to eradicate cluster munitions and thereby prevent further human suffering from the weapons.

There were 103 States Parties to the convention as of 1 August 2018. Another 17 states have signed but not yet ratified to become States Parties themselves. The pace of universalizing the convention has continued to slow. Since publication of *Cluster Munition Monitor 2017*, in September 2017, the only state to ratify or accede was Sri Lanka, which acceded on 1 March 2018.

A decade on, many reasons provided by states for their lack of ratification or accession to the convention increasingly sound like excuses for inaction rather than challenges to be overcome. Israel, Russia, the United States (US), and other major non-signatories to the convention hardened their defense of cluster munitions during the reporting period. This shows how now, more than ever, is the time to defend existing norms prohibiting inhumane weapons, such as cluster munitions.

Nonetheless, there is evidence that the stigma against cluster munitions continues to grow. More than two-dozen non-signatories have voted since 2015

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<sup>1</sup> A total of 107 governments that were full participants in the negotiations adopted the convention text by consensus, but adoption does not carry any legal obligations. Sixteen countries adopted the Convention on Cluster Munitions in Dublin on 30 May 2008, but never signed or acceded: Argentina, Bahrain, Brunei Darussalam, Cambodia, Estonia, Finland, Kyrgyzstan, Malaysia, Morocco, Papua New Guinea, Qatar, Serbia, Sudan, Timor-Leste, Vanuatu, and Venezuela.

for an annual United Nations General Assembly (UNGA) resolution promoting the Convention on Cluster Munitions. Most states that stockpile cluster munitions have never themselves used the weapons. Several states outside the convention have destroyed their stocks and companies have stopped producing them. As a recent workshop of Pacific island states concluded, there is a “clear moral and humanitarian rationale for joining” the Convention on Cluster Munitions.<sup>2</sup>

The Cluster Munition Coalition (CMC) of non-governmental organizations (NGOs) continues its work to promote implementation and universalization of the convention. In his May 2018 “Agenda for Disarmament,” UN Secretary-General António Guterres praised NGOs and campaigners of the CMC for convincing states to stem the unacceptable harm caused by cluster munitions by negotiating the 2008 convention.<sup>3</sup>

The CMC views compliance with core obligations as essential to ensuring the convention makes a positive impact. According to the Monitor’s review of available evidence there have never been any instances, or even allegations, of any State Party using cluster munitions.

In the reporting period, there was new use of cluster munitions in Syria and Yemen, as well as allegations of use in Egypt and Libya. None of these states are party to the convention.

None of the 17 States Parties that produced cluster munitions in the past have violated this core obligation. The Monitor seeks clarification or confirmation on South Africa’s report that cluster munitions were apparently produced until 2012—after it signed, but before it ratified the convention.

The Convention on Cluster Munitions also prohibits the acquisition and stockpiling of cluster munitions and adherence with the requirement that States Parties destroy their stocks within eight years so far remains untarnished. All States Parties facing the first stockpile destruction deadline—1 August 2018—successfully destroyed their stocks in time, including Croatia, Slovenia, and Spain in the past year. New State Party Cuba also completed its stockpile destruction, while Switzerland is expected to announce completion shortly after this report goes to print.

Of the 93 countries that stockpiled cluster munitions when this provision was negotiated, 32 have since completed destruction of their stocks, almost all due to the convention. States Parties have destroyed a collective total of 1.4 million cluster munitions and more than 177 million submunitions, which means that 99% of the total reported global stocks held by States Parties have now been destroyed. During 2017, seven States Parties destroyed a total of 33,551 cluster munitions and 1.7 million submunitions.

A total of 30 States Parties have enacted specific legislative measures to enforce their implementation of the convention’s provisions, most recently Cameroon in December 2016. Another 20 States Parties are in the process of

<sup>2</sup> “Auckland Declaration on Conventional Weapons Treaties,” Pacific Conference on Conventional Weapons Treaties, Auckland, New Zealand, 12–14 February 2018, [bit.ly/AucklandDeclaration2018](http://bit.ly/AucklandDeclaration2018).

<sup>3</sup> UN Office for Disarmament Affairs, *Securing Our Common Future – An Agenda for Disarmament* (New York, June 2018), [bit.ly/SGDisarmamentAgenda2018](http://bit.ly/SGDisarmamentAgenda2018).

adopting specific implementation legislation for the convention, while 43 view existing legislation as sufficient to ensure their adherence.

Some 87% of States Parties have provided initial transparency reports detailing the actions they are taking to implement and promote the convention, while compliance with the annual reporting obligation is less impressive.

This ban overview covers activities during the second half of 2017 and the first half of 2018, with some updates through to 1 August. All findings are drawn from detailed country profiles available from the Monitor website.<sup>4</sup>

## UNIVERSALIZATION

Under Article 21 of the Convention on Cluster Munitions, States Parties must encourage other states to ratify, accept, approve, or accede to the convention, with the goal of attracting adherence by all.<sup>5</sup>

## ACCESSIONS

Since the Convention on Cluster Munitions became binding international law on 1 August 2010, states can no longer sign, but instead must join through a process known as accession, which is essentially a process that combines signature and ratification into a single step.<sup>6</sup>

A dozen countries have acceded to the convention, most recently Sri Lanka on 1 March 2018.<sup>7</sup> Sri Lanka joined after years of outreach by local campaigners. According to the government, a 2015 “paradigm shift in...policy” was driven by a desire “to see Sri Lanka again a committed member of the international community to promote disarmament and humanitarian mine action.”<sup>8</sup>

Yet there were few other positive developments regarding possible accessions to the convention in the reporting period. Notably, in August 2017, South Sudan’s executive Council of Ministers unanimously approved the country’s accession to the convention.<sup>9</sup> As of July 2018, its parliament is considering a legislative measure approving the government’s decision to accede to the convention.<sup>10</sup>

<sup>4</sup> See, [www.the-monitor.org/cp](http://www.the-monitor.org/cp).

<sup>5</sup> Both accession and ratification usually involve some form of parliamentary approval, typically in the form of legislation.

<sup>6</sup> 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. However, the Monitor lists a country as a State Party as soon as the deposit has occurred. When the convention became binding international law on 1 August 2010, 108 states had signed, of which 38 were States Parties legally bound by its provisions. 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.

<sup>7</sup> Grenada, Swaziland, and Trinidad and Tobago acceded in to the convention in 2011; Andorra, and Saint Kitts and Nevis in 2013; Belize and Guyana in 2014; Mauritius, Palestine, and Slovakia in 2015; Cuba in 2016; and Sri Lanka in the first half of 2018.

<sup>8</sup> Statement by Amb. Ravinatha Aryasinha, Mine Ban Treaty Fourteenth Meeting of States Parties, Session on Universalization, Geneva, 1 December 2015, [bit.ly/MBT4MSPSriLanka](http://bit.ly/MBT4MSPSriLanka).

<sup>9</sup> The announcement was made by Jurkuch Barach Jurkuch, Chairperson of National Mine Action Authority of South Sudan. See, [bit.ly/CCM7MSPSouthSudan](http://bit.ly/CCM7MSPSouthSudan) and [bit.ly/SouthSudanBansCMs](http://bit.ly/SouthSudanBansCMs).

<sup>10</sup> Email from Jurkuch Barach Jurkuch, Chairperson, National Mine Action Authority of South Sudan, 19 July 2018.

During the reporting period, certain non-signatories hardened their defense of cluster munitions:

- Brazil's Ministry of Foreign Affairs provided a local journalist with a list of the government's long-standing criticisms of the convention in early 2018, but also acknowledged "the serious humanitarian problems caused by the use of cluster munitions."<sup>11</sup>
- China told States Parties in September 2017 that it "cannot join the convention at the moment...due to our national defence needs," but expressed appreciation for its "humanitarian spirit."<sup>12</sup>
- Israel's *Haaretz* reported in August 2017 on the government's decision to purchase an artillery system made in Israel rather than Germany, apparently to allow Israeli forces to use cluster munitions in the future.<sup>13</sup>
- Russia repeated its many criticisms of the convention during an October 2017 UN meeting and said its assessment of convention "has not changed."<sup>14</sup>
- The US issued a 30 November 2017 Department of Defense policy directive, abandoning a long-standing requirement that, after 2018, the US would not use cluster munitions that result in more than a 1% unexploded ordnance (UXO) rate.<sup>15</sup>

## RATIFICATIONS

A total of 53 signatories have ratified the convention since August 2010 and are now States Parties. Benin was the last signatory to ratify the convention, on 10 July 2017.

At the convention's Seventh Meeting of States Parties in September 2017:

- Gambia announced its intent to complete ratification shortly, noting "there is strong political will" to do so following a recent change in government.<sup>16</sup>
- Haiti said that a "draft decree of ratification of the convention has been submitted for assessment by the legislature."<sup>17</sup>
- The Philippines said that after "certificates of concurrence" are collected from four ministries, the ratification proposal will be

11 Thiago de Araújo, "Bombas de fragmentação: as mortes no exterior que militares do Brasil não permitem evitar" ("Fragmentation bombs: the deaths abroad that the Brazilian military cannot avoid"), *Sputnik Brazil*, 13 March 2018, [bit.ly/BrazilianBombsAbroad](http://bit.ly/BrazilianBombsAbroad).

12 Statement of China, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4 September 2017, [bit.ly/CCM7MSPChina](http://bit.ly/CCM7MSPChina).

13 Gill Cohen, "Israeli Army Buying Local Cannons to Sidestep International Ban on Cluster Bombs," *Haaretz*, 8 August 2017, [bit.ly/IsraelBuysLocalCannons](http://bit.ly/IsraelBuysLocalCannons).

14 Statement of the Russian Federation, UNGA First Committee on Disarmament and International Security, New York, 20 October 2017, [bit.ly/UNGARussia20Oct2017](http://bit.ly/UNGARussia20Oct2017).

15 Deputy Secretary of Defense Shanahan, "Memorandum for the Secretaries of the Military Departments, Subject: DoD Policy on Cluster Munitions," 30 November 2017, [bit.ly/DoDPolicyOnCM17](http://bit.ly/DoDPolicyOnCM17).

16 Statement of the Gambia, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4 September 2017, [bit.ly/CCM7MSPGambia](http://bit.ly/CCM7MSPGambia).

17 Unofficial translation. "Aujourd'hui, ma délégation est en mesure de confirmer que le projet de décret de ratification de la Convention sur les armes à sous-munitions a été soumis à l'appréciation du pouvoir législatif." Statement of Haiti, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4 September 2017, [bit.ly/CCM7MSPHaiti](http://bit.ly/CCM7MSPHaiti). Official audio recording, UN Digital Recordings Portal, [bit.ly/CCM7MSPHaitiRecording](http://bit.ly/CCM7MSPHaitiRecording).

forwarded to the president for signature and then introduced for Senate approval.<sup>18</sup>

There was otherwise little progress toward ratification by the 14 other signatories to the Convention on Cluster Munitions during the reporting period.<sup>19</sup>

Namibia again signaled its intent to ratify the convention in September 2016, but still has not completed the process. Liberia's parliament has not adopted ratification legislation introduced in mid-2015. Uganda's Cabinet received a ratification package for the convention in May 2016 that has not yet been submitted to parliament for consideration and approval.<sup>20</sup> Angolan officials say they are making a strong case for ratification, but the government still has not referred the convention to parliament for consideration and approval.<sup>21</sup> There were few moves to ratify in the reporting period by the other signatories from Sub-Saharan Africa: Central African Republic, Democratic Republic of the Congo (DRC), Djibouti, Kenya, Nigeria, São Tomé and Príncipe, and Tanzania.

Indonesia has conducted extensive stakeholder consultations over the past decade, but still has not started the parliamentary approval process required to ratify. The status of Jamaica's ratification is unknown.

The position of the last European Union (EU) signatory Cyprus is perhaps the most disappointing for those seeking to universalize the convention. In June 2018, the foreign minister of Cyprus said the government's ratification of the Convention on Cluster Munitions is "still pending...due to the fact that Turkey, which has not joined the convention, is still illegally occupying the northern part of Cyprus."<sup>22</sup>

## MEETINGS AND ACTIONS ON CLUSTER MUNITIONS

The Permanent Representative of Germany to the Conference on Disarmament, Ambassador Michael Biontino, served as president of the convention's Seventh Meeting of States Parties in Geneva on 4–6 September 2017. A total of 82

<sup>18</sup> Statement of the Philippines, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4 September 2017, [bit.ly/CCM7MSPPhilippines](http://bit.ly/CCM7MSPPhilippines).

<sup>19</sup> Signatories to the Convention on Cluster Munitions 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 acquire, produce, transfer, or use cluster munitions, even if they have not yet ratified. The Vienna Convention is considered customary international law and binding on all countries.

<sup>20</sup> Statements of Uganda, Convention on Cluster Munitions Fifth Meeting of States Parties, San Jose, 3 September 2014; and Convention on Cluster Munitions Coordination Committee Meeting, Geneva, 28 April 2016. Notes by the CMC. In February 2014, a Ugandan diplomat told the CMC that the ratification process was underway but requires Cabinet approval before it can be referred to parliament for adoption. Interview with Matata Twaha, Second Secretary, Permanent Mission of Uganda to the UN in Geneva, Geneva, 20 February 2014.

<sup>21</sup> In June 2016, representatives from Angola's Ministry of Foreign Affairs and Ministry of Defense said the ratification process was at a "very advanced stage." See, Michael P. Moore, "It's time for Angola to ratify the Convention on Cluster Munitions," Opinion piece, Cluster Munition Coalition website, based on meeting between Michael P. Moore, Researcher for the Landmine and Cluster Munition Monitor, and representatives from Angola's Ministry of Foreign Affairs and Ministry of Defense, Angola, June 2016, [bit.ly/MooreOpEdAngola](http://bit.ly/MooreOpEdAngola). In August 2016, Angolan officials predicted that the ratification process would be completed within two months. ICBL-CMC meeting with Fernando Pedro Marques, Third Secretary, Ministry of Foreign Affairs, Angola, Addis Ababa, 4–5 August 2016.

<sup>22</sup> Letter to Mines Action Canada from Nikos Christodoulides, Minister of Foreign Affairs of Cyprus, 12 June 2018.

countries attended the meeting—59 States Parties, eight signatories, and 15 non-signatories—as well as UN agencies, the ICRC, and the CMC. States Parties reaffirmed their commitment to the convention and condemned “any use of cluster munitions by any actor.”<sup>23</sup>

This was the only international meeting of the convention during the reporting period, but States Parties convened regional and other meetings. New Zealand and Zambia hosted a workshop on national implementing legislation and transparency measures for the convention during the annual session of UNGA First Committee on Disarmament and International Security in New York on 17 October 2017.<sup>24</sup>

Representatives from seven non-signatories to the convention from the Pacific region attended a regional workshop on the convention and other humanitarian disarmament treaties convened by New Zealand in Auckland on 12–14 February 2018.<sup>25</sup>

No state proposed to add cluster munitions back on to the program of work of the Convention on Conventional Weapons (CCW) during its last annual meeting in Geneva in November 2017.<sup>26</sup> The failure of the CCW’s 2011 Review Conference to adopt a draft protocol on cluster munitions has affirmed the central position of the Convention on Cluster Munitions as the sole international instrument dedicated to ending the suffering caused by cluster munitions.

The CMC continues its advocacy in support of the convention’s universalization and implementation, including small grants to support national campaign members.<sup>27</sup>

The Permanent Representative of Nicaragua to the UN in Geneva has agreed to serve as president of the convention’s Eighth Meeting of States Parties in Geneva on 3–5 September 2018.<sup>28</sup> The UN has received sufficient funds to enable the meeting to be held, but states owed the convention \$19,415 as of 31 May 2018.<sup>29</sup>

<sup>23</sup> Cuba and Nicaragua did not support the inclusion of the phrase “in conformity with article 21.” See the final report of the Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, September 2017, <http://bit.ly/CCMFinalReport2017>.

<sup>24</sup> New Zealand convened the workshop in its capacity as coordinator of national implementation measures together with Zambia, which serves as the convention’s coordinator for transparency measures, with support provided by the convention’s implementation support unit. See the website of the Convention on Cluster Munitions, [bit.ly/CCMNationalImplementation](http://bit.ly/CCMNationalImplementation).

<sup>25</sup> Kiribati, Federated States of Micronesia (FS Micronesia), Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu. States Parties Australia, Cook Islands, Fiji, Nauru, New Zealand, Palau, and Samoa also attended. See, Pacific Conference on Conventional Weapons Treaties, <http://bit.ly/PacificConferenceConventionalWeapons>.

<sup>26</sup> Final Report of the CCWFifth Review Conference, Geneva, 23 December 2016, [bit.ly/CCW5ReviewFinalReport](http://bit.ly/CCW5ReviewFinalReport).

<sup>27</sup> Campaigners received support for their outreach activities in countries including Afghanistan, Bangladesh, Cambodia, Canada, Colombia, DRC, Egypt, India, Indonesia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, and Somalia. International Campaign to Ban Landmines–Cluster Munition Coalition (ICBL–CMC), “2016 Annual Report,” March 2017, [bit.ly/ICBLCMC16AnnualReport](http://bit.ly/ICBLCMC16AnnualReport).

<sup>28</sup> See the final report of the Seventh Meeting of States Parties, <http://bit.ly/CCMFinalReport2017>. The first meetings of the Convention on Cluster Munitions were held 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.

<sup>29</sup> A total of 52 countries owed funds to the Convention on Cluster Munitions as of 31 May 2018: State Party Spain owed the most (US\$5,094), followed by State Party Chile (\$4,532), and non-signatory Brazil (\$4,320). See, UN Finance Office, Status of Contributions of BWC, CCW, CCM, OTW as of 31 May 2018, [bit.ly/FundStatusMay2018](http://bit.ly/FundStatusMay2018).

## UN GENERAL ASSEMBLY RESOLUTION 72/54

On 4 December 2017, 142 states voted in favor of UNGA Resolution 72/54, which urges all states outside the Convention on Cluster Munitions to “join as soon as possible.”<sup>30</sup> Non-signatories Russia and Zimbabwe were the only states to vote against the resolution, for the third consecutive year. All of the 36 states that abstained from voting on the resolution were non-signatories to the convention with the exception of signatories Cyprus and Uganda.

A total of 32 non-signatories to the convention voted in favor of Resolution 72/54, including Nepal and Yemen for the first time.<sup>31</sup> Several states and groups of states made detailed statements explaining their vote on the resolution and position on joining the Convention on Cluster Munitions.<sup>32</sup> Poland delivered what has become an annual statement on behalf of itself and EU non-signatories Estonia, Finland, Greece, and Romania.<sup>33</sup>

Since its introduction in 2015, the annual UNGA resolution promoting implementation of the Convention on Cluster Munitions has become a key barometer for gauging support of non-signatories for the convention’s goals. In 2016, 141 states voted in favor of the resolution, with two against and 39 abstentions.<sup>34</sup> In 2015, 139 states voted in favor the first resolution, with two against and 39 abstentions.<sup>35</sup>

## USE OF CLUSTER MUNITIONS

### GLOBAL OVERVIEW

At least 21 governments in 40 countries and four disputed territories have used cluster munitions since the end of World War II, as detailed in the following table and longer timeline of cluster munition use included at the end of this chapter. Almost every region of the world has experienced cluster munition

<sup>30</sup> “Implementation of the Convention on Cluster Munitions,” UNGA Resolution 72/54, 4 December 2017, [bit.ly/UNGAResolution72-54](http://bit.ly/UNGAResolution72-54).

<sup>31</sup> Thirty-two non-signatories voted in favor of the resolution: Algeria, Azerbaijan, Bahamas, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Eritrea, Ethiopia, Jordan, Kazakhstan, Kiribati, Kyrgyzstan, Libya, Malaysia, Maldives, Marshall Islands, FS Micronesia, Mongolia, Nepal, Papua New Guinea, Saint Lucia, Singapore, Solomon Islands, Sudan, Suriname, Thailand, Timor-Leste, Tuvalu, Vanuatu, Venezuela, and Yemen.

<sup>32</sup> These non-signatories abstained from voting on the 2018 UNGA resolution and elaborated their views on the Convention on Cluster Munitions: Argentina, Brazil, Myanmar, Pakistan, Poland (on behalf of Greece, Estonia, Finland, and Romania), and South Korea. State Party Cuba and signatory Cyprus also spoke. See, UN, “Record of First Committee 26th meeting,” A/C.1/72/PV.26, 31 October 2017, [undocs.org/A/C.1/72/PV.26](http://undocs.org/A/C.1/72/PV.26).

<sup>33</sup> Poland provided an explanation on behalf of itself, Greece, Estonia, Finland, and Romania 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.” Explanation of Vote by Greece, Estonia, Finland, Poland, and Romania, delivered by Poland, UNGA First Committee on Disarmament and International Security, New York, 31 October 2016, [bit.ly/UNGAPoland31Oct2016](http://bit.ly/UNGAPoland31Oct2016).

<sup>34</sup> “Implementation of the Convention on Cluster Munitions,” UNGA Resolution 71/45, 5 December 2016, [bit.ly/UNGAResolution71-45](http://bit.ly/UNGAResolution71-45).

<sup>35</sup> “Implementation of the Convention on Cluster Munitions,” UNGA Resolution 70/54, 7 December 2015, [bit.ly/UNGAResolution70-54](http://bit.ly/UNGAResolution70-54).

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.

### Summary of states that have used cluster munitions and locations used<sup>36</sup>

User state	Locations used
Colombia	Colombia
Eritrea	Ethiopia
Ethiopia	Eritrea
France	Chad, Iraq, Kuwait
Georgia	Georgia, possibly <i>Abkhazia</i>
Iraq	Iran, Iraq
Israel	Egypt, Lebanon, Syria
Libya	Chad, Libya
Morocco	<i>Western Sahara</i> , Mauritania
Netherlands	Former Yugoslavia ( <i>Kosovo</i> , Montenegro, Serbia)
Nigeria	Sierra Leone
Russia	<i>Chechnya</i> , Afghanistan (as USSR), Georgia, Syria
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)	<i>Falklands/Malvinas</i> , Iraq, Kuwait, former Yugoslavia ( <i>Kosovo</i> , 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 ( <i>Kosovo</i> , Montenegro, Serbia)
Yugoslavia (former Socialist Republic of)	Albania, BiH, Croatia, <i>Kosovo</i>

Note: Other areas are indicated in *italics*.

<sup>36</sup> 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 other area Nagorno-Karabakh.

Most states that have not joined the convention have *never* used cluster munitions. Despite rhetoric to the contrary, only Israel, Russia, and the US are known to be major users *and* producers of cluster munitions.<sup>37</sup>

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. Several past users of cluster munitions are now States Parties to the convention and have relinquished any use of these weapons under any circumstances such as France, the Netherlands, South Africa, and the UK.

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

Cluster munitions have been used in seven non-signatories since the convention entered into force in August 2010: Cambodia (2011), Libya (2011 and 2015), South Sudan (2014), Sudan (2012 and 2015), Syria (2012–present), Ukraine (2014–2015), and Yemen (2015–present).<sup>38</sup>

## NEW USE

In this reporting period (July 2017–July 2018), cluster munitions were used in Syria and Yemen, while allegations of new use in Egypt and Libya could not be conclusively confirmed by the Monitor. None of these states are party to the Convention on Cluster Munitions.

Civilian harm caused by new use of cluster munitions has attracted widespread media coverage, public outcry, and condemnations. In September 2017, States Parties to the Convention on Cluster Munitions adopted a report that “expressed their strong concern regarding recent incidents and evidence of use of cluster munitions in different parts of the world and condemned any use by any actor, in conformity with article 21.”<sup>39</sup> Approximately 20 countries and the EU publicly condemned or expressed grave concern over new use of cluster munitions during the meeting, with most citing Syria as the key country of concern.<sup>40</sup>

### New use in Syria

Research continues to show that Syrian government forces are primarily responsible for using cluster munitions in the country. The Monitor has documented at least 36 cluster munition attacks between July 2017 and June 2018, but could not verify additional evidence of at least two-dozen more possible cluster munition attacks. Previously, *Cluster Munition Monitor 2017*

<sup>37</sup> Nine non-signatories that produce cluster munitions have stated that they have never used cluster munitions (Brazil, China, Egypt, Greece, South Korea, Pakistan, Poland, Romania, and Turkey), while the Monitor has not verified any use of cluster munitions by four other producers (India, Iran, North Korea, and Singapore), which leaves Israel, Russia, and the US as the only countries to *both* produce and use cluster munitions.

<sup>38</sup> 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.

<sup>39</sup> See, “Final report of the Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4–6 September 2017,” CCM/MSP/2017/12, 25 September 2017, para. 27, [bit.ly/CCMFinalReport2017](http://bit.ly/CCMFinalReport2017).

<sup>40</sup> Belgium, China, Cuba, Croatia, France, Germany, Ghana, Holy See, Iraq, Ireland, Madagascar, Netherlands, New Zealand, Norway, Slovenia, Sweden, Switzerland, and Turkey.

reported at least 600 cluster munition attacks in Syria between July 2012 and July 2017, including 238 attacks between August 2016 and July 2017.

This indicates a significant drop in new use in the reporting period, but the number of cluster munition attacks was certainly higher, as many attacks likely went unrecorded. Local residents, journalists, activists, and first responders continue to record and share evidence of cluster munition use in Syria, but such first-hand information has become increasingly scarce. Additionally, videos and photographs showing cluster munition remnants often do not provide information on the date or circumstances of use.

During the reporting period, most cluster munition attacks were recorded in the governorates or provinces of Damascus and Idlib, while there was also new use of cluster munitions in Aleppo, As-Suwayda, Deir ez-Zor, and Rif Dimashq governorates. All of the country's 14 governorates except Tartus have experienced the use of cluster munitions since 2012; As-Suwayda governorate was added to this list after a 22 May 2018 attack using OTR-21 *Tochka* ballistic missile and 9N24 submunitions.<sup>41</sup>

Various groups have reported new use of cluster munitions in Syria over the past year:

- Siege Watch issued a report on Eastern Ghouta that lists eight cluster munition attacks by Syrian government forces supported by Russia between 2 February and 11 March 2018.<sup>42</sup>
- Human Rights Watch investigated a 21 September 2017 cluster munition attack using ShOAB-0.5 submunitions on Qalaat Al-Madiq in Idlib that killed at least two civilians and injured at least one.<sup>43</sup> It identified at least 12 cluster bomb attacks in Jisr Al-Shughur, Al-Tamaneh, and other parts of Idlib governorate between 19 September and 30 September.



An unexploded submunition left from a suspected Syrian government air strike near the villages of Abdeen and al Naqir in Idlib governorate.

© Syrian Network for Human Rights, March 2018

<sup>41</sup> See, @QalaatAlMudiq, "NE. #Suweida: a missile (apparently a #Russia|n Tochka) fell SE. of #Khalkhalah Airbase, far from any front. <http://wikimapia.org/#lang=en&lat=32.896309&lon=36.720085&z=10&m...>" 5:31pm, 22 May 2018, Tweet, [twitter.com/QalaatAlMudiq/status/998949519604805634](https://twitter.com/QalaatAlMudiq/status/998949519604805634); @QalaatAlMudiq, "A closer view," 7:24pm, 22 May 2018, Tweet, [twitter.com/qalaatalmudiq/status/998977973503123457?s=21](https://twitter.com/qalaatalmudiq/status/998977973503123457?s=21); and @MGhorab3, "An unknown missile fell between the villages of #Sheqa and #Geneina in northern #Suweida," 10:54am, 22 May 2018, Tweet, [twitter.com/MGhorab3/status/998849504521719808](https://twitter.com/MGhorab3/status/998849504521719808).

<sup>42</sup> "Siege Watch, Tenth Quarterly Report Part 1 – Eastern Ghouta, February–April 2018," PAX, [bit.ly/SiegeWatchFebApr18](http://bit.ly/SiegeWatchFebApr18); and "Repeated Attacks with Incendiary Weapons, Cluster Munitions and Chemicals on Eastern Ghouta," Syrians for Truth and Justice, 26 March 2018, [www.stj-sy.com/en/view/476](http://www.stj-sy.com/en/view/476). These reports documented cluster munition attacks in Misraba, Douma, Hamouriya, Beit Sawa, Arbin, and Madyara on 2 February 2018, in Hamoriya on 7 March 2018, and in Arbin on 11 March 2018.

<sup>43</sup> Human Rights Watch (HRW), "Russia/Syria: Deadly Airstrikes on Trapped Civilians," 31 October 2017, <https://www.hrw.org/news/2017/10/31/russia/syria-deadly-airstrikes-trapped-civilians>.

There is strong evidence that Russia stockpiles cluster munitions in Syria at its airbase at Hmeymim, southeast of Latakia city, and that it is using cluster munitions in Syria or, at a minimum, directly participating together with Syrian government forces in attacks using cluster munitions on opposition-held areas.<sup>44</sup> There was a significant increase in the use of cluster munitions in Syria after Russia initiated a joint operation with Syrian government forces on 30 September 2015, but the overall number of reported attacks has decreased in the year to July 2018.<sup>45</sup>

### Types of cluster munitions used in Syria since 2012<sup>46</sup>

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	<i>Uragan</i> (9M27K-series)	30	Russia
	<i>Smerch</i> (9M55K)	72	Russia
	SAKR	56 or 72	Egypt
Missile	9M79 <i>Tochka</i> with 9N123K warhead	50	Russia/USSR
Projectile	3-O-8	14	Russia/USSR
Dispenser	BKF AO-2.5RT	96	USSR
	BKF PTAB-2.5KO	12	USSR

In a December 2016 statement, Russian Foreign Minister Sergey Lavrov did not explicitly deny Russia's involvement in using cluster munitions in Syria,

<sup>44</sup> Russian and Syrian government forces use many of the same aircraft and weapons and frequently carry out attacks jointly. However, Russia is the only force in Syria to operate Sukhoi SU-25 and SU-34 fighter-ground attack jets that deliver RBK-series cluster bombs. HRW, Amnesty International, and others have compiled credible evidence, including videos and photographs, documenting SU-25 and SU-34 near or involved in attacks near sites when cluster munitions were used. Amnesty International, "Syria: Russia's shameful failure to acknowledge civilian killings," 23 December 2015, [bit.ly/AmnestySyria23Dec2015](http://bit.ly/AmnestySyria23Dec2015); and HRW, "Russia/Syria: Daily Cluster Munition Attacks," 8 February 2016, [bit.ly/HRWSyria8Feb2016](http://bit.ly/HRWSyria8Feb2016).

<sup>45</sup> From the outset of the Russian-Syrian joint operation, there were at least 76 cluster munition attacks on opposition-controlled territory between 30 September 2015 and 20 July 2016.

<sup>46</sup> At the outset of the conflict in 2012, markings on cluster munitions remnants indicated they were produced in the 1970s and 1980s; while since September 2015, most of the cluster munitions used in Syria bear production dates from 1989 into the early 1990s. Most RBK-500 SPBE cluster bombs were manufactured in 1990 and 1991.

but stated that Russia views cluster munitions as “a legal means of warfare” and claimed the “Russian military unflinchingly adhere[s] to the norms of international humanitarian law.”<sup>47</sup>

There has been no evidence that the US or its partners have used cluster munitions in the Operation Inherent Resolve coalition operation against the non-state armed group Islamic State (IS) in Syria and Iraq that began in August 2014.<sup>48</sup> In July 2016, a spokesperson for the US Air Force’s Central Command said, “We have not employed cluster munitions in Operation Inherent Resolve. This includes both U.S. and coalition aircraft.”<sup>49</sup>

Israel has undertaken air strikes and artillery and missile attacks in Syria, particularly over the past year, but there is no evidence to indicate this has involved the use of cluster munitions.

IS used cluster munition rockets in Syria in 2014 and may have continued to use them since then.<sup>50</sup> As the Syria conflict continues, it is not possible to determine with confidence if other armed groups have used cluster munitions. There is evidence that opposition forces have repurposed unexploded submunitions for use in air-delivered and ground-emplaced improvised explosive devices (IEDs). When activated by their victim, such devices are considered antipersonnel landmines prohibited by the Mine Ban Treaty.<sup>51</sup>

At least 13 types of air-dropped and ground-launched cluster munitions have been used in Syria as well as an unknown type of rocket-delivered submunition. When and how the Syrian government obtained these cluster munitions, and in what quantities, remains unknown, but they were all manufactured in the Soviet Union or Russia, with one exception.<sup>52</sup>

47 “Russia’s Position on the Use of Cluster Munitions in Syria,” Position Paper annexed to letter to HRW from Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation, 9 December 2016, [bit.ly/RussiaOnCMInSyria](http://bit.ly/RussiaOnCMInSyria).

48 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-signatory Jordan 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, and the UAE, as well as States Parties Australia, Canada, and France. Department of Defense, “Airstrikes Hit ISIL Terrorists in Syria, Iraq,” 30 September 2015, [bit.ly/AirstrikesHitISIL](http://bit.ly/AirstrikesHitISIL).

49 Email from Thomas Gibbons-Neff, Writer, *Washington Post*, 27 July 2016. See also, Thomas Gibbons-Neff, “Despite denial, ‘growing evidence’ Russia is using cluster bombs in Syria, report says,” *Washington Post*, 28 July 2016, [bit.ly/WPRussiaClusterBombs](http://bit.ly/WPRussiaClusterBombs).

50 In 2014, IS forces used an unknown type of rocket-fired cluster munition that dispersed DPICM-like submunition with a distinctive red nylon ribbon called “ZP-39.” HRW, “Syria: Evidence of Islamic State Cluster Munition Use,” 1 September 2014, [bit.ly/HRWSyria1Sept2014](http://bit.ly/HRWSyria1Sept2014). 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, [twitter.com/EliotHiggins/status/452120358271725568](https://twitter.com/EliotHiggins/status/452120358271725568).

51 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, [bit.ly/IEDVideo26March2014](http://bit.ly/IEDVideo26March2014).

52 Syrian government forces have used Egyptian-made 122mm SAKR cluster munition rockets containing DPICM submunitions, but it is unclear if the 122mm rockets were SAKR-18 or SAKR-36 variants, which contain 72 and 98 submunitions respectively. HRW press release, “Syria: Army Using New Type of Cluster Munition,” 14 January 2013, [bit.ly/HRWSyria14Jan2013](http://bit.ly/HRWSyria14Jan2013).

## New use in Yemen

On 26 March 2015, a Saudi Arabia-led coalition began a military operation in Yemen against Ansar Allah, whose military wing is also known as the Houthi armed group (Houthi), that was continuing as of 1 July 2018.<sup>53</sup> None of the states participating in Saudi Arabia's coalition—Bahrain, Egypt, Jordan, Kuwait, Morocco, Pakistan, Sudan, UAE, and Yemen—are party to the Convention on Cluster Munitions. The coalition however receives support from States Parties such as France and the UK.

The Saudi-led coalition has used cluster munitions in Yemen since April 2015. Most of the recorded cluster munition attacks were documented in 2015, 2016, and up to February 2017, as shown in the following table.<sup>54</sup>

### Cluster munitions used in Yemen since April 2015<sup>55</sup>

Type of cluster munition	Country of origin	Stocks possessed by
<b>Air-delivered</b>		
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
CBU-87 bomb, each containing 202 BLU-97 submunitions	US	Saudi Arabia
CBU-58 bomb, each containing 650 BLU-63 submunitions	US	Saudi Arabia, Morocco
BL-755 cluster bomb, each containing 147 No 2 Mk 1 submunitions	UK	Saudi Arabia
<b>Ground-launched</b>		
ASTROS II rocket, each containing up to 65 submunitions	Brazil	Bahrain, Saudi Arabia
M26 rocket, each containing 644 M77 Dual Purpose Improved Conventional Munition (DPICM) submunitions	US	Bahrain, Egypt, UAE
"ZP 39" DPICM submunition (unknown delivery system)	Unknown	Unknown

<sup>53</sup> UN-brokered ceasefires went into effect on 10 April 2016, 19 October 2016, and 19 November 2016.

<sup>54</sup> In February 2017, the Saudi-led coalition fired Brazilian-made ASTROS II cluster munition rockets in Saada governorate on at least three locations, according to investigations by Amnesty International and HRW. HRW, "Yemen: Brazil-Made Cluster Munitions Harm Civilians," 23 December 2016, [bit.ly/HRWYemenBrazil23Dec2016](http://bit.ly/HRWYemenBrazil23Dec2016); Amnesty International, "Yemen: Saudi Arabia-led coalition uses banned Brazilian cluster munitions on residential areas," 9 March 2017, [bit.ly/AmnestyYemen9March2017](http://bit.ly/AmnestyYemen9March2017); and HRW, "Yemen: Cluster Munitions Wound Children," 17 March 2017, [bit.ly/HRWYemen17Dec2017](http://bit.ly/HRWYemen17Dec2017).

<sup>55</sup> 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.

One review of official Houthi news reports by a group of independent researchers found evidence of four possible cluster munition attacks in Saada and Taizz governorates in 2017—after February—that the media articles attributed to the Saudi-led coalition.<sup>56</sup> International organizations and media have been unable to access the north of Yemen, where these cluster munition attacks were reported.

Cluster Munition Monitor did not find evidence of new cluster munition use in Yemen in the first half of 2018. A representative from a commercial company assisting the Saudi-led coalition to clear landmines and explosive remnants of war in Yemen told the Monitor in June 2018 that the company is not aware of any new cluster munition use in the first half of 2018.<sup>57</sup>

Cluster munition attacks are likely going unrecorded in Yemen in the reporting period as first-hand evidence has become increasingly challenging to collect. Since 2015, seven types of air- and ground-delivered cluster munitions supplied by three countries have been used in Yemen.

### Alleged use in Egypt

In February 2018, Amnesty International condemned new use of cluster munitions in the Sinai by the Egyptian Air Force, citing evidence contained in two videos posted by Egyptian military social media accounts, including one released on 9 February that showed US-made CBU-87 Combined Effects Munitions, each containing 202 BLU-97 bomblets, being loaded on to Egyptian aircraft.<sup>58</sup> A 20 February 2018 video posted on Twitter by the Egyptian Army's official spokesperson shows a US made Mk-118 submunition used in Rockeye cluster bombs lying on the ground that Egyptian armed forces alleged they found and destroyed in northern Sinai.<sup>59</sup>

As of 1 July 2018, Egyptian officials have not responded to requests from *The New York Times*, the CMC, Amnesty International, and others to confirm or deny that the country's armed forces has used cluster munitions in northern Sinai. Cluster Munition Monitor has not been able to conclusively confirm new use by Egyptian forces on the basis of available evidence. It will continue to monitor and evaluate the situation in the Sinai regarding possible cluster munition use.

### Alleged use in Libya

Cluster Munition Monitor has not been able to independently verify and confirm recent evidence of possible cluster munition use in Libya due in large part to a lack of independent media and local reporting from inside the country.

<sup>56</sup> It listed reported cluster munition strikes in 2017 in Taizz on 25 and 26 March 2017 and in Saada on 14 April, 18 July, 20 July, and 22 July. Cluster Munition Monitor casualties and victim assistance team review of the Armed Conflict Location and Event Data project (ACLED), "Middle East 2016–2018" (update July 10) data for calendar year 2017. Clionadh Raleigh, Andrew Linke, Håvard Hegre, and Joakim Karlsen, "Introducing ACLED-Armed Conflict Location and Event Data," *Journal of Peace Research*, 47(5) 651–660, 2010.

<sup>57</sup> Monitor interview with Chris Clark, Global Director of Operations, Dynasafe Group, Geneva, 7 June 2018.

<sup>58</sup> Amnesty International, "Egypt: Cluster bomb video highlights human rights concerns in North Sinai," 14 February 2018, [bit.ly/ClusterBombsInNorthSinai](https://www.amnesty.org/en/documents/eur01/14/2018/0001/).

<sup>59</sup> Egyptian Army spokesman, video, "Eleventh statement of the General Command of the Armed Forces," 20 February 2018, [twitter.com/EgyArmySpox/status/966189898926559234](https://twitter.com/EgyArmySpox/status/966189898926559234).

Evidence collected by an aviation-focused blogger indicates that Libyan National Army (LNA) forces are continuing to mount cluster munitions on their aircraft that they use to conduct air attacks on opposition forces. A photograph published by the blogger in June 2018 shows a Soviet/Russian RBK-250–270 PTAB-2.5M cluster bomb mounted on a MiG-23 aircraft that reportedly flew sorties to southern Sebha.<sup>60</sup> This was the only evidence of possible use in the first half of 2018.

During 2017, there were three sightings of cluster munitions affixed to Libyan aircraft, all in the first half of the year:

- A photograph reportedly taken on 4 February 2017 at Benina airbase shows at least seven RBK-series PTAB-2.5M and AO-1SCh cluster bombs lying on the tarmac. The “bombing location” is listed as “Benghazi-al-Sabri.”<sup>61</sup>
- Video and photographs reportedly taken on 3 March 2017 show an RBK-250 PTAB-2.5M being mounted on a MiG-23 aircraft of the LNA/Air Force.<sup>62</sup> Reportedly this aircraft then flew sorties to south of Nofaliya and in the Jufrah area.<sup>63</sup>
- Two videos reportedly taken at Benina airbase on 3 March 2017 show LNA technicians mounting two RBK-250 cluster bombs on two LNA aircraft that then allegedly flew sorties to Brega, Ras Lanuf, and Sidra.<sup>64</sup>

The forces of Khalifa Hiftar receive air support from Egypt and the UAE, which both possess cluster munitions and have not acceded to the ban convention. In November 2017, the Egyptian Army released a video of a possible cluster munition attack by the Egyptian Air Force on a convoy of trucks in Libya.<sup>65</sup>

## UNILATERAL RESTRICTIONS ON USE

Several states outside the Convention on Cluster Munitions have imposed certain restrictions on using cluster munitions in the future.

The US maintains that cluster munitions have military utility, but it has not used them since 2003 in Iraq, with the exception of a single strike in Yemen in 2009. However, in 2017, the US revoked a decade-old Department of Defense directive requiring it no longer use cluster munitions that result in more than 1% UXO after 2018.

<sup>60</sup> Arnaud Delalande, “#Libya - #LNA MiG-23UB ‘8008’ loaded with RBK-250–270 cluster bomb seen at Brak al-Shati before taking off to strike Chadian militias southern #Sebha,” 6 June 2018, Tweet, [twitter.com/Arn\\_Del/status/1004285052459601923](https://twitter.com/Arn_Del/status/1004285052459601923).

<sup>61</sup> Arnaud Delalande, “Libyan CBU monitoring,” AeroHistory blog, 9 July 2017, [aerohisto.blogspot.com/p/libyan-cbu.html](http://aerohisto.blogspot.com/p/libyan-cbu.html).

<sup>62</sup> Arnaud Delalande, “Video – LNA tech. loading bombs (including RBK-250 cluster bombs) on MiG-23UB ‘8008’ before striking #Benghazi Defense Brigade this morning,” 12:24pm, 3 March 2017, Tweet, [twitter.com/Arn\\_Del/status/837624672221024256](https://twitter.com/Arn_Del/status/837624672221024256); and Arnaud Delalande, “Video – LNA still used cluster bombs against SDB : MiG-23BN ‘4136’ loaded with 2 RBK-250 at Benina AB this afternoon #Libya,” 5:52pm, 3 March 2017, Tweet, [twitter.com/Arn\\_Del/status/837707166282878977](https://twitter.com/Arn_Del/status/837707166282878977).

<sup>63</sup> Arnaud Delalande, “All Bets Are Off as a Surprise Offensive Roils the Libyan War,” *War is Boring*, 6 March 2017, [bit.ly/WarIsBoring6March2017](http://bit.ly/WarIsBoring6March2017).

<sup>64</sup> Arnaud Delalande, “Libyan CBU monitoring,” AeroHistory blog, 3 March 2016, [bit.ly/LibyanCBUMonitoring03March2016](http://bit.ly/LibyanCBUMonitoring03March2016).

<sup>65</sup> The Egyptian Army Facebook posted the video which claims to show the destruction by the Egyptian Air Force of a 10-vehicle convoy en route from Libya to Egypt. Egyptian Army Facebook page, November 2017, [www.facebook.com/EgyArmySpox/videos/1174832842647696](https://www.facebook.com/EgyArmySpox/videos/1174832842647696). The post alleges that the vehicles contained arms, ammunition, contraband, and insurgents, all of which it claims were totally destroyed in the attack.

Estonia, Finland, Poland, and Romania have committed not to use cluster munitions outside of their own territory. Thailand claims to have removed its cluster munitions from its operational stocks.

## NON-STATE ARMED GROUPS

Due to the relative complexity 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 Croat and Serb militias), Croatia (by a Serb militia), Israel (by Hezbollah), Syria (by IS), and Ukraine (by opposition forces).<sup>66</sup>

## PRODUCTION OF CLUSTER MUNITIONS

A total of 34 states have developed or produced more than 200 types of cluster munitions, of which 18 ceased manufacturing cluster munitions prior to or upon joining the Convention on Cluster Munitions.<sup>67</sup>

## PRODUCERS

There were no changes during the reporting period to the list of 16 countries that produce cluster munitions or reserve the right to do so, as listed in the following table. None of these states are party to the Convention on Cluster Munitions and most are located in Asia and Europe.

It is unclear if all of these countries produced cluster munitions in 2017 and/or the first half of 2018 because of a lack of transparency and available data. Greece, Poland, Romania, Singapore, Turkey, and the US have indicated no active production, but the Monitor will continue to list them as producers until they commit to never produce cluster munitions in the future.<sup>68</sup>

During the reporting period, Russia began testing the “Drel” PBK-500U gliding cluster bomb, a new cluster munition developed by Bazalt State Research and Production Enterprise according to the company.<sup>69</sup>

### Cluster munition producers

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

<sup>66</sup> 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.

<sup>67</sup> 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.

<sup>68</sup> For example, Greece has not formally committed to never produce cluster munitions, but, in 2011, a Ministry of Foreign Affairs official claimed “the last production of cluster munitions in Greece was in 2001.” Email from Yannis Mallikourtis, Permanent Mission of Greece to the UN in Geneva, 14 June 2011.

<sup>69</sup> Piotr Butowsky, “Russia set to finalise PBK-500U glide bomb evaluation,” *Jane’s 360*, 9 January 2018, [bit.ly/RussiaGlideBombEvaluation](http://bit.ly/RussiaGlideBombEvaluation); and Michael Peck, “Cluster Bombs Are Back—and America and Russia Can’t Get Enough,” *The National Interest*, 21 April 2018, [bit.ly/NationalInterest21Apr2018](http://bit.ly/NationalInterest21Apr2018).

Israel reportedly rejected an upgrade of artillery systems for the Israel Defense Forces that would have included a system made in Germany because of the German government's insistence that Israel not use it to deliver cluster munitions. *Haaretz* published a piece entitled the "Cluster Bomb Nation" that criticized the decision to instead purchase an artillery system made by local company Elbit.<sup>70</sup>

Brazilian company Avibrás Aeroespacial SA in March 2017 did not deny it still produces ASTROS surface-to-surface rockets with submunition warheads, but claimed that since 2001 the rockets are equipped with a "reliable self-destruct device" that it incorrectly said "complies with humanitarian principles and legislation" of the ban convention.<sup>71</sup>

US company Textron Systems Corporation announced in August 2016 it will no longer produce cluster munitions (CBU-105 Sensor Fuzed Weapons), which it manufactured for each sales order.<sup>72</sup> Textron was the last US manufacturer of cluster munitions.<sup>73</sup> The US Army awarded a \$71 million contract in April 2018 to acquire 1,250 155mm BONUS artillery projectiles from a company in Sweden.<sup>74</sup> These projectiles deliver two sensor-fuzed submunitions and are not prohibited by the Convention on Cluster Munitions.

Singapore Technologies Engineering announced in November 2015 that it no longer produces cluster munitions, stating: "As a responsible military technology manufacturer we do not design, produce and sell anti-personnel mines and cluster munitions and any related key components."<sup>75</sup>

## 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 since the convention took effect in August 2010.

<sup>70</sup> Gill Cohen, "Israeli Army Buying Local Cannons to Sidestep International Ban on Cluster Bombs," *Haaretz*, 8 August 2017, [bit.ly/IsraelLocalCannons8Aug2017](http://bit.ly/IsraelLocalCannons8Aug2017); and Gideon Levy, "The Cluster Bomb Nation," *Haaretz*, 10 August 2017, [bit.ly/ClusterBombNation10Aug2017](http://bit.ly/ClusterBombNation10Aug2017).

<sup>71</sup> Luiza Souto, "Brazilian company denies NGO denunciation on cluster bombs in Yemen," *Globo*, 3 March 2017, [bit.ly/BrazilOnClusterBombsinYemen](http://bit.ly/BrazilOnClusterBombsinYemen).

<sup>72</sup> "Last US cluster-bomb maker to cease production," *AFP*, 1 September 2016, [bit.ly/AFPLastUSCluster](http://bit.ly/AFPLastUSCluster). In a filing with the US Securities and Exchange Commission, Textron announced it has discontinued production of the CBU-105 because of reduced orders, stating that "the current political environment has made it difficult" to obtain sales approvals from the executive branch and Congress. Majorie Censer, "Textron to discontinue production of sensor-fuzed weapon," *Inside Defense*, 30 August 2016, [bit.ly/TexttronDiscontinue](http://bit.ly/TexttronDiscontinue).

<sup>73</sup> Orbital ATK (formerly Alliant Techsystems) of Hopkins, Minnesota manufactured a solid rocket motor for the BLU-108 canisters contained in the CBU-105, but produced it only for use in that weapon.

<sup>74</sup> Department of the Army, "Justification Book of Procurement of Ammunition, Army FY19 Procurement of Ammunition, Army," pp. 329–330, <https://www.asafm.army.mil/documents/BudgetMaterial/FY2019/ammo.pdf>.

<sup>75</sup> See the Singapore Technologies Engineering website, [www.stengg.com/en](http://www.stengg.com/en). See also, PAX, "Singapore Technologies Engineering stops production of cluster munitions," 19 November 2015. Investors received similar letters; and Local Authority Pension Fund Forum, "ST Engineering Quits Cluster Munitions," 18 November 2015, [bit.ly/STEngineeringQuitsCM](http://bit.ly/STEngineeringQuitsCM). In a letter to PAX, which leads the explosive investments disinvestment campaign for the CMC, the company President Tan Pheng Hock explained that the decision came about in part because "we often get asked by the investment community [about] our stand on cluster munitions." Letter to PAX from Tan Pheng Hock, President and Chief Executive Officer, Singapore Technologies Engineering Ltd, 11 November 2015.

Eighteen states have ceased the production of cluster munitions, as shown in the following table. There were no changes to this list during the reporting period. All former producers are now States Parties to the Convention on Cluster Munitions except non-signatory Argentina, which has committed not to produce cluster munitions in future.

Several States Parties have provided information on the conversion or decommissioning of production facilities in their Article 7 transparency reports, including Croatia, France, Japan, Slovakia, Sweden, and Switzerland.<sup>76</sup>

During the reporting period, South Africa submitted its initial transparency report for the convention.<sup>77</sup>

Under the section on the decommissioning of cluster munition production facilities, it stated: “None. Production ceased in 2012 at Rheinmetall, denel.” Cluster Munition Monitor has asked Rheinmetall Denel Munition to clarify if the company produced cluster munitions in 2008–2012, when South Africa was a signatory to the convention, as well as asked South Africa for clarification on the report.<sup>78</sup> Under the Vienna Convention on the Law of Treaties, signatories to any treaty are required not to engage in acts that would defeat the treaty’s “object and purpose.”

## Former producers of cluster munitions

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

## 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.<sup>79</sup>

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 to retain them for research and training purposes.<sup>80</sup> 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.

<sup>76</sup> Belgium, 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 some of 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](http://bit.ly/BihCCMArt7-20Aug2011).

<sup>77</sup> The report was originally due by 29 April 2016. It covers calendar year 2015. See, South Africa, Convention on Cluster Munitions Article 7 Report, 8 September 2017, [bit.ly/CCMArt7SouthAfrica17](http://bit.ly/CCMArt7SouthAfrica17).

<sup>78</sup> Letter from Cluster Munition Monitor to Rheinmetall Denel Munition (Pty) Ltd. of South Africa, 6 July 2018.

<sup>79</sup> 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.

<sup>80</sup> States Parties Chile, France, Germany, Moldova, Slovakia, Spain, and the UK exported cluster munitions before they adopted the Convention on Cluster Munitions. At least 11 States Parties have transferred cluster munition stocks to other countries for the purposes of destruction, including Austria, Belgium, Canada, Denmark, Germany, Japan, Netherlands, Slovenia, Sweden, Switzerland, and the UK.

While the historical record is incomplete and there are large variations in publicly available information, the US was probably the world's leading exporter because it transferred hundreds of thousands of cluster munitions containing tens of millions of submunitions to at least 30 countries and other areas.<sup>81</sup>

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.<sup>82</sup> The full extent of China's exports of cluster munitions is not known, but unexploded submunitions of Chinese origin have been found in Iraq, Israel, Lebanon, and Sudan.

Non-signatories Brazil, Israel, South Korea, Turkey, and the US are known to have exported cluster munitions since 2000. Non-signatories Georgia, India, Oman, Pakistan, Saudi Arabia, Singapore, South Korea, Taiwan, Turkey, and the UAE have imported cluster munitions since 2005.

An Indian defense company displayed components for cluster munitions at its booth at the Eurosatory defense trade event in Paris in June 2018.<sup>83</sup> Cluster munition projectiles made by Egyptian company Heliopolis were displayed by Egypt's Ministry of Military Production for sale at the international arms fair IDEX in Abu Dhabi in February 2017.<sup>84</sup>

## 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, 93 countries stockpiled millions of cluster munitions containing more than one billion submunitions, as shown in the following table.<sup>85</sup> At least 36 of those countries have now destroyed their stockpiled cluster munitions, while eight States Parties to the convention still have stocks to destroy.

<sup>81</sup> 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, the UAE, and the UK, as well as Taiwan.

<sup>82</sup> 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, Macedonia FYR, 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.

<sup>83</sup> Event organizers requested that they alter their display, but the caption "Cargo Ammunition for 130&155mm Gun - bomblet assembly" remained visible at the event. See, Omega Research, also Hyderabad Precision Mfg. Co. Pvt. Ltd. brochure / information, obtained from Eurosatory, June 2018, on file in Omega Research Foundation archive, [twitter.com/Omega\\_RF/status/1007587179386851328](https://twitter.com/Omega_RF/status/1007587179386851328).

<sup>84</sup> Brochure, Heliopolis Co. for Chemical Industries, National Organization for Military Production, Ministry of Military Production, Arab Republic of Egypt, pp. 8, 10, & 12. Shared by Omega Research via Twitter, 3 March 2017.

<sup>85</sup> 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](http://www.hrw.org/node/66890).

Countries that have stockpiled cluster munitions<sup>86</sup>

States Parties	Signatories	Non-signatories	
<b>Afghanistan</b>	<b>Angola</b>	Algeria	Ukraine
<b>Austria</b>	<b>Cent. African Rep.</b>	<b>Argentina</b>	UAE
<b>Belgium</b>	Cyprus	Azerbaijan	United States
<b>BiH</b>	Indonesia	Bahrain	Uzbekistan
Botswana	Nigeria	Belarus	Venezuela
Bulgaria		Brazil	Yemen
<b>Cameroon</b>		Cambodia	Zimbabwe
<b>Canada</b>		China	
<b>Chile</b>		Egypt	
<b>Colombia</b>		Eritrea	
<b>Congo, Rep. of</b>		Estonia	
<b>Côte d'Ivoire</b>		Ethiopia	
<b>Croatia</b>		Finland	
<b>Cuba</b>		Georgia	
<b>Czech Republic</b>		Greece	
<b>Denmark</b>		India	
<b>Ecuador</b>		Iran	
<b>France</b>		Israel	
<b>Germany</b>		Jordan	
Guinea		Kazakhstan	
Guinea-Bissau		Korea, North	
<b>Honduras</b>		Korea, South	
<b>Hungary</b>		Kuwait	
<b>Iraq</b>		Libya	
<b>Italy</b>		Mongolia	
<b>Japan</b>		Morocco	
<b>Macedonia FYR</b>		Oman	
<b>Moldova</b>		Pakistan	
<b>Montenegro</b>		Poland	
<b>Mozambique</b>		Qatar	
<b>Netherlands</b>		Romania	
<b>Norway</b>		Russia	
Peru		Saudi Arabia	
<b>Portugal</b>		Serbia	
Slovakia		Singapore	
<b>Slovenia</b>		Sudan	
South Africa		Syria	
<b>Spain</b>		Thailand	
<b>Sweden</b>		Turkey	
Switzerland		Turkmenistan	
<b>United Kingdom</b>			
<b>41 (8 current)</b>	<b>5 (3 current)</b>	<b>47 (46 current)</b>	

Note: Countries in **bold** no longer possess stockpiles.

<sup>86</sup> This information is drawn from Cluster Munition Monitor Ban policy country profiles, which in turn use information provided by states in the transparency reports, statements, and other outlets.

## Stockpiles possessed by States Parties

A total of 41 States Parties have stockpiled cluster munitions at some point in time, of which 33 have now completed destruction of those stocks.

According to available information, at one point 35 States Parties stockpiled nearly 1.5 million cluster munitions containing more than 179 million submunitions, as shown in the following table.

Six States Parties that have stockpiled cluster munitions are not listed in the table below due to insufficient information. Republic of the Congo, Guinea, and Guinea-Bissau still have not provided initial Article 7 transparency reports to formally report the status of stockpiled cluster munitions, but Republic of the Congo states that it has completed stockpile destruction. Honduras submitted its transparency report in March 2017, but did not declare any cluster munitions because the stocks were destroyed long before the convention's entry into force.<sup>87</sup> Afghanistan and Iraq have reported the completion of stockpile destruction, but neither provided a specific date of completion or information on types and quantities destroyed. Both countries have reported the discovery and destruction of cluster munitions that the Monitor understands were found in abandoned arms caches.

State Party Cameroon is no longer listed as stockpiling after reporting in 2017 that all six of its cluster munitions have been retained for research and training purposes.

## States Parties that never stockpiled

More than 53 States Parties have formally confirmed never stockpiling cluster munitions, most through a direct statement in their transparency report for the convention.<sup>88</sup> Since September 2017, Belize, Cook Islands, Dominican Republic, Fiji, Nauru, and Palestine have submitted initial transparency reports confirming they have never possessed cluster munitions.

## Stockpiles possessed by signatories

At least three signatories to the Convention on Cluster Munitions stockpile cluster munitions:

- Cyprus transferred 3,760 GRM-20 mortar projectiles and 2,559 M20G submunitions to Bulgaria in 2014 for the purposes of stockpile destruction and, in July 2018, Bulgaria reported the stocks will be destroyed once “the necessary procedure for obtaining license for destruction” is completed.<sup>89</sup>

<sup>87</sup> According to officials, the stockpile of air-dropped Rockeye cluster bombs and an unidentified type of artillery-delivered cluster munitions were destroyed before 2007. HRW meetings with Honduran officials, in San José, 5 September 2007; and in Vienna, 3–5 December 2007.

<sup>88</sup> Albania, Andorra, Australia, Burkina Faso, Burundi, Colombia, El Salvador, Grenada, Guatemala, Ireland, Holy See, Honduras, Lao PDR, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mauritius, Mexico, Monaco, New Zealand, Nicaragua, Niger, 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 do not indicate if they possess stockpiles, but simply state “not applicable” or “none” in the form or leave the form blank. The CMC urges states to clearly indicate in there are no cluster munitions stockpiled under their jurisdiction and control by providing a clearer, more unequivocal response such as “zero.”

<sup>89</sup> Bulgaria, Convention on Cluster Munitions Article 7 Report, Form B, 27 June 2018, [bit.ly/CCMArt7Bulgaria18](http://bit.ly/CCMArt7Bulgaria18).

Cluster munitions declared by States Parties<sup>90</sup>

State Party (year of completion or deadline)	Quantity of cluster munitions	Quantity of submunitions
Austria (2010)	12,672	798,336
Belgium (2010)	115,210	10,138,480
BiH (2011)	445	148,059
<b>Botswana (Dec. 2019 deadline)</b>	510	14,400
<b>Bulgaria (Oct. 2019 deadline)</b>	6,901	190,566
Cameroon (2017)	6	906
Canada (2014)	13,623	1,361,958
Chile (2013)	249	25,896
Colombia (2009)	72	10,832
Côte d'Ivoire (2013)	68	10,200
Croatia (2018)	7,235	178,318
Cuba (2017)	1,856	0
Czech Republic (2010)	480	16,400
Denmark (2014)	42,176	2,440,940
Ecuador (2004)	117	17,199
France (2016)	34,856	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
<b>Peru (Mar. 2021 deadline)</b>	2,005	152,982
Portugal (2011)	11	1,617
<b>Slovakia (Jan. 2024 deadline)</b>	1,235	299,187
Slovenia (2017)	1,080	52,920
<b>South Africa (Nov. 2023 deadline)</b>	1,495	99,465
Spain (2018)	6,837	293,652
Sweden (2015)	370	20,595
<b>Switzerland (Jan. 2021 deadline)</b>	205,894	12,203,135
United Kingdom (2013)	190,828	38,758,898
<b>Total</b>	<b>1,489,482</b>	<b>179,044,742</b>

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

<sup>90</sup> 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.

- Indonesia has acknowledged that it possesses cluster munitions, but has not disclosed information on the types and quantities stockpiled or its plan to destroy them.
- Nigeria has not disclosed the quantity of its stockpiled cluster munitions, but said in 2012 that its armed forces possess UK-made BL755 cluster bombs.<sup>91</sup> Nigeria has made several appeals for “cooperation and assistance” to destroy the stockpile.<sup>92</sup>

Two signatories possessed cluster munitions in the past:

- Angola stated in September 2017 that the process of compiling its draft transparency report allowed it to confirm that stockpiled cluster munitions were all destroyed in or by 2012.
- 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.<sup>93</sup>

### Stockpiles possessed by non-signatories

It is not possible to provide a global estimate of the quantity of cluster munitions held by non-signatories to the Convention on Cluster Munitions as few of these states have publicly shared information on the types and quantities possessed.

The US said in 2011 that its stockpile was comprised of “more than 6 million cluster munitions.”<sup>94</sup> However, the US appears to have made significant progress since 2008 in removing cluster munitions from its active inventory and placing them in the demilitarization inventory for destruction. According to US budget materials released in February 2018, “there are approximately 122,083 tons of cluster munitions in the demil stockpile,” plus 188,787 tons in the continental US and another 127,972 tons outside the continental US.<sup>95</sup>

Georgia destroyed 844 RBK-series cluster bombs containing 320,375 submunitions in 2013.<sup>96</sup> Venezuela destroyed an unspecified quantity of cluster munitions belonging to the air force in August 2011, including Israeli-made AS

<sup>91</sup> Statement of Nigeria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012, [bit.ly/CCMNigeria18April2012](http://bit.ly/CCMNigeria18April2012). Jane’s Information Group has reported that the Nigeria Air Force possesses British-made BL755 cluster bombs. Robert Hewson, ed., *Jane’s Air-Launched Weapons, Issue 44* (Surrey, UK: Jane’s Information Group Limited, 2004), p. 843.

<sup>92</sup> See, for example, “Croatia Progress Report,” CCM/CONF/2015/6, Convention on Cluster Munitions First Review Conference, Dubrovnik, Croatia, 6 October 2015, [bit.ly/CroatiaProgressReport2015](http://bit.ly/CroatiaProgressReport2015).

<sup>93</sup> Statement of the Central African Republic, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011, [bit.ly/CCMCAR14Sep2011](http://bit.ly/CCMCAR14Sep2011).

<sup>94</sup> Statement of the US, CCW Fourth Review Conference, Geneva, 14 November 2011, [bit.ly/CCWUS14Nov2011](http://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.

<sup>95</sup> Department of the Army, “Justification Book of Procurement of Ammunition, Army FY19 Procurement of Ammunition, Army,” p. 614, <https://www.asafm.army.mil/documents/BudgetMaterial/FY2019/ammo.pdf>.

<sup>96</sup> “Time schedule for cluster bomb disposal: Attachment 1.4,” undated but provided by the Press Office of the OSCE Secretariat, 7 May 2014.

TAL-1 cluster bombs.<sup>97</sup> Greece and Ukraine have disclosed partial figures on their stockpiled cluster munitions.<sup>98</sup>

Some non-signatories admit to not stockpiling cluster munitions. In July 2017, Latvia's Minister of Foreign Affairs told the CMC that Latvia "neither produces nor possesses cluster munitions, nor does it store or use them" and claimed the government "currently has no plans to acquire or use them."<sup>99</sup>

## 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.

The convention's States Parties have collectively destroyed 1.4 million cluster munitions containing more than 177 million submunitions, as shown in the following table. This represents the destruction of 99% of the total reported global stocks of cluster munitions and 99% of the total number of submunitions declared by States Parties.

### Destruction completed

All States Parties that have completed destruction of their cluster munitions stocks did so in advance of the convention's eight-year deadline. All States Parties facing the first stockpile destruction deadline—1 August 2018—successfully destroyed their stocks in time, including Croatia, Slovenia, and Spain in the past year.

Four States Parties completed destroying their cluster munition stocks during the reporting period:

- Cuba reported in April 2018 that it no longer possesses cluster munitions after destroying its stockpile in 2017 by open detonation, but it has not provided information on the quantity destroyed or detailed the process involved.<sup>100</sup>
- Croatia informed the Monitor on 31 July 2018 that it has completed destruction of its stockpiled cluster munitions.<sup>101</sup> The convention's president welcomed this development in a statement.<sup>102</sup>
- Slovenia reported in June 2018 that 41,825 PAT-794 submunitions transferred years ago for the purpose of destruction were destroyed during 2017.<sup>103</sup>

<sup>97</sup> "The Ministry of Defense of Venezuela destroys cluster bombs" ("El Ministerio de la Defensa de Venezuela destruye bombas de racimo"), *Infodefensa.com*, 26 August 2011, [bit.ly/VenezuelaDestroysClusterBombs](http://bit.ly/VenezuelaDestroysClusterBombs).

<sup>98</sup> 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.

<sup>99</sup> Letter to CMC from Edgars Rinkēvičs, Minister of Foreign Affairs of Latvia, 20 July 2018.

<sup>100</sup> The report states that "The cluster munitions and existing explosive submunitions were destroyed" ("Las municiones en racimo y submuniciones explosivas existentes fueron destruidas"). Cuba, Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2018, [bit.ly/CCMArt7Cuba18](http://bit.ly/CCMArt7Cuba18).

<sup>101</sup> Email from Hrvoje Debač, Deputy Director, Croatia Office for Mine Action, 31 July 2018.

<sup>102</sup> Convention on Cluster Munitions Implementation Support Unit, "Croatia completes the destruction of its cluster munition stocks," 31 July 2018. [bit.ly/CCMCroatiaStockpiles31Aug2018](http://bit.ly/CCMCroatiaStockpiles31Aug2018).

<sup>103</sup> Slovenia, Convention on Cluster Munitions Article 7 Report, Form B, 6 June 2018; and email from Jelka Travnik, Deputy Permanent Representative, Permanent Mission of the Republic of Slovenia to the UN in Geneva, to Mary Wareham, HRW, 11 June 2018. See also, Bulgaria, Convention on Cluster Munitions Article 7 Report, Form B, 27 June 2018, [bit.ly/CCMArt7Bulgaria18](http://bit.ly/CCMArt7Bulgaria18).

## Cluster munitions destroyed by States Parties (as of 31 December 2017)<sup>104</sup>

State Party	Cluster munitions	Submunitions
Austria	12,672	798,336
Belgium	115,210	10,138,480
BiH	441	147,967
Canada	13,623	1,361,958
Chile	249	25,896
Colombia	72	10,832
Côte d'Ivoire	68	10,200
Croatia	7,235	38,030
Cuba	1,856	unknown
Czech Republic	480	16,400
Denmark	42,176	2,440,940
Ecuador	117	17,199
France	34,876	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
<b>Peru</b>	40	1,838
Portugal	11	1,617
<b>Slovakia</b>	417	20,710
Slovenia	1,080	52,920
<b>South Africa</b>	139	78,994
Spain	6,837	293,652
Sweden	370	20,595
<b>Switzerland</b>	201,839	11,611,490
UK	190,828	38,758,898
<b>Total</b>	<b>1,473,887</b>	<b>177,656,753</b>

Note: **Bold** indicates states that still possess stockpiles to destroy.

<sup>104</sup> This table includes information submitted by States Parties on a voluntary basis for cluster munitions and submunitions destroyed before entry into force. In addition, 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 countries prior to entry into force are included in this table. See the relevant Monitor country profiles for more information.

- Spain informed Cluster Munition Monitor on 9 July 2018 that the destruction has been completed.<sup>105</sup> It reportedly completed “months ahead” of the deadline.<sup>106</sup>

### Stockpile destruction by year since entry into force

Year	Number of States Parties	Cluster munitions destroyed	Submunitions (millions) destroyed
2011	10	107,000	17.6
2012	9	174,112	27
2013	10	130,380	24
2014	8	121,585	16.4
2015	9	79,184	8.7
2016	3	56,171	2.8
2017	7	33,551	1.8

### Destruction underway

During 2017, seven States Parties destroyed 33,551 cluster munitions and nearly 1.8 million submunitions, as shown in the following table.

### Cluster munitions destroyed by States Parties in 2017

State Party	Cluster munitions destroyed	Submunitions destroyed
Croatia	6,596	0
Cuba	1,856	0
Peru	9	888
Slovakia	162	4,494
Slovenia	0	41,825
Spain	241	5,070
Switzerland	24,687	1,732,143
<b>Total</b>	<b>33,551</b>	<b>1,784,420</b>

<sup>105</sup> Email from Ambassador Julio Herráiz, Permanent Representative of Spain to the Conference on Disarmament, 9 July 2018.

<sup>106</sup> Email from Sheila Mweemba, Director, Convention on Cluster Munitions Implementation Support Unit; and Implementation Support Unit, “Spain gets rid of all its cluster munitions,” 25 July 2018. [bit.ly/CCMSpainStockpiles25July2018](http://bit.ly/CCMSpainStockpiles25July2018).

During the reporting period, six other States Parties with stockpiled cluster munitions made progress to destroy them:

- Botswana is working to destroy its stockpiled cluster munitions by the end of 2018 with technical assistance from Norwegian People's Aid (NPA).<sup>107</sup>
- Bulgaria has yet to start physical destruction of the stockpile, but reported in June 2018 that “a national plan” to destroy the cluster munitions is in the “final stage of preparation” and said Bulgarian authorities are “negotiating options” with the NATO Support Agency to ensure destruction of the cluster munitions.<sup>108</sup>
- Peru destroyed a small quantity of cluster munitions during 2017 during research on how to safely destroy its stockpile.<sup>109</sup> It is receiving technical support for its stockpile destruction, including on potential disassembly and destruction techniques, from NPA, which conducted trainings in May and June 2018.<sup>110</sup>
- Slovakia had destroyed one-third of its total declared stocks of cluster munitions and 6% of the submunitions by the end of 2017. The stocks are being destroyed by open detonation.
- South Africa provided an initial transparency report in September 2017 stating that 139 cluster munitions and 78,994 submunitions or components were destroyed in or by September 2012.<sup>111</sup>
- Switzerland had just 60 cluster munitions and 3,920 submunitions left to destroy by the beginning of 2018. It is expected to announce completion of the stockpile destruction during the convention's Eighth Meeting of States Parties in September 2018.

Two States Parties appear to be struggling to destroy their stocks. Guinea is believed to stockpile cluster munitions, but has not provided its Article 7 transparency report for the convention, originally due in September 2015. Guinea-Bissau has requested financial and technical assistance to destroy its stockpiled cluster munitions, but has not submitted a transparency report for the convention.

## 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.

<sup>107</sup> Botswana, Convention on Cluster Munitions Article 7 Report, Form B, 7 May 2018; and email from Hans Risser, Head of Operations, Department for Humanitarian Disarmament, NPA, 30 July 2018.

<sup>108</sup> Convention on Cluster Munitions Article 7 Report, Form B, 27 June 2018.

<sup>109</sup> Peru stated the nine cluster bombs and 888 submunition were destroyed in 2017. See, Convention on Cluster Munitions Article 7 Report, Form B, April 2018, [bit.ly/CCMArt7Peru18](http://bit.ly/CCMArt7Peru18). However, information provided by NPA in July 2018 indicates that the cumulative totals presented in transparency reports contain some accounting errors and the information is being re-evaluated in conjunction with Peruvian stakeholders. Email from Hans Risser, NPA, 27 July 2018.

<sup>110</sup> Email from Hans Risser, NPA, 27 July 2018.

<sup>111</sup> Those destroyed cluster munitions have been added to the total number destroyed during 2012.

The CMC questioned the need to allow for the retention of cluster munitions during the convention's negotiations as it sees no compelling reason to retain live cluster munitions. Most States Parties agree there is no need to use live cluster munitions for training in detection, clearance, and destruction techniques, or for the development of counter-measures. This includes at least 21 States Parties that once stockpiled cluster munitions.<sup>112</sup>

Nonetheless, 13 States Parties are retaining cluster munitions for training and research purposes, as listed in the following table.

### Cluster munitions retained for training (as of 31 December 2017)<sup>113</sup>

State Party	Quantity of cluster munitions (submunitions)			Date first reported
	Retained in 2017	Consumed in 2017	Initially retained	
Germany	372 (29,184)	37 (2,912)	685 (62,580)	2011
Netherlands	274 (23,752)	0	272 (23,545)	2011
Belgium	216 (19,008)	10 (880)	276 (24,288)	2011
Switzerland	53 (2,867)	0	138 (7,346)	2013
Bulgaria	8 (400)	0	8 (400)	2017
Cameroon	6 (906)	0	6 (906)	2014
Slovakia	5 (3,220)	0	5 (3,220)	2015
Spain	5 (578)	110 (2,310)	711 (16,652)	2011
France	3 (190)	0	55 (10,284)	2011
Denmark	0 (3,346)	0	170 (-)	2011
Sweden	0 (125)	0	0 (125)	2013
BiH	0 (30)	0	0 (30)	2013
Czech Rep.	0 (15)	0 (10)	0 (796)	2011

Germany still retains the largest number of cluster munitions, but it again reduced the total number after consuming retained cluster munitions during explosive ordnance disposal training in 2017. Belgium, Czech Republic, Denmark, and Spain each reduced the number of cluster munitions and/or submunitions retained for training in 2017.

Switzerland reported a slight increase in the number of retained cluster munitions in April 2018.<sup>114</sup>

Italy destroyed all three cluster munitions and 641 submunitions that it initially retained for research and training during 2017.<sup>115</sup> Slovakia said in 2015

<sup>112</sup> Afghanistan, Austria, BiH, Botswana, Bulgaria, Cameroon, Canada, Colombia, Côte d'Ivoire, Cuba, Ecuador, Hungary, Iraq, Japan, Macedonia FYR, Montenegro, Mozambique, Norway, Peru, Portugal, and Slovenia.

<sup>113</sup> Please see the Ban policy country profiles and/or relevant Article 7 transparency reports for more information on retention, including the specific types of cluster munitions retained. The quantity totals may include individual submunitions retained, which are not contained in a delivery container.

<sup>114</sup> Switzerland, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2017, [bit.ly/CCMArt7Switzerland17](http://bit.ly/CCMArt7Switzerland17); and Switzerland, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2018, [bit.ly/CCMArt7Switzerland18](http://bit.ly/CCMArt7Switzerland18).

<sup>115</sup> Italy, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2018, [bit.ly/CCMArt7database](http://bit.ly/CCMArt7database).

that it had decided not to retain cluster munitions, but in September 2017 said that “technical difficulties” meant it has not yet destroyed cluster munition rockets initially retaining for research and training.<sup>116</sup>

BiH, Cameroon, the Netherlands, Slovakia, and Sweden have yet to consume any of their retained cluster munitions.<sup>117</sup> France consumed retained cluster munitions in previous years, but not in 2017.

Cameroon is the first and, to date, only State Party from Africa retaining cluster munitions after reporting its decision to retain all six of its stockpiled cluster munitions for research and training purposes.<sup>118</sup>

After previously indicating it would not retain any stocks for research and training, Bulgaria reported in June 2018 that is retaining eight 9N123K cluster munitions containing 400 9N24 submunitions that were previously listed as stockpiled.<sup>119</sup>

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

Most States Parties retaining cluster munitions for training have significantly reduced the number retained since making their initial declarations, which would indicate that the initial amounts retained were likely too high. It is still unclear if current holdings by States Parties constitute the “minimum number absolutely necessary” as required by the convention for the permitted purposes.

States Parties Australia, Italy, and the UK initially retained cluster munitions that they subsequently decided to destroy and not replace. States Parties such as Chile, Croatia, and Moldova declared retaining inert items rendered free from explosives that no longer qualify as cluster munitions under the convention.

## 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 calendar year. The CMC encourages states to submit their transparency reports by the deadline and provide complete information, including definitive statements.<sup>120</sup>

<sup>116</sup> Statement of Slovakia, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4 September 2017, [bit.ly/CCM7MSPSlovakia](http://bit.ly/CCM7MSPSlovakia).

<sup>117</sup> The Netherlands declared an additional four cluster munitions and about 800 submunitions retained for training when they were discovered after the completion of stockpile destruction in 2012.

<sup>118</sup> Cameroon, Convention on Cluster Munitions Article 7 Report, Form C, August 2014, [bit.ly/CCMArt7Cameroon14](http://bit.ly/CCMArt7Cameroon14). See also, statement of Cameroon, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4 September 2017. Official audio recording, UN Digital Recordings Portal, [bit.ly/CCM7MSPCameroonRecording](http://bit.ly/CCM7MSPCameroonRecording)

<sup>119</sup> Bulgaria, Convention on Cluster Munitions Article 7 Report, Forms B and C, 27 June 2018, [bit.ly/CCMArt7BulgariaJune2018](http://bit.ly/CCMArt7BulgariaJune2018).

<sup>120</sup> Often states do not provide 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.

According to the UN Office of Disarmament Affairs website, a total of 89 States Parties have submitted an initial transparency report for the convention as of 4 July 2018.<sup>121</sup> This represents 87%, which is a slight increase in compliance rate of States Parties for which the obligation applied at the time compared to previous years.<sup>122</sup> Belize, Cook Islands, Dominican Republic, Fiji, Nauru, Palestine, and South Africa have submitted initial transparency reports since September 2017.

However, 13 States Parties are late in providing their initial transparency reports, as listed in the following table. New State Party Sri Lanka's initial transparency report is due by 28 February 2019.

After submitting the initial transparency report, the convention requires that States Parties provide an annual updated report by 30 April. A total of 56 States Parties have submitted their annual updated transparency report that was due by 30 April 2018, covering activities in 2017.<sup>123</sup>

Canada and Palau provided voluntary transparency reports prior to ratifying the convention. The DRC shared voluntary reports in 2011, 2012, and 2014, but still has not ratified.

Only a few 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.<sup>124</sup>

### Overdue initial Article 7 reports (as of 4 July 2018)

Benin	30 June 2018
Cape Verde	28 September 2011
Comoros	30 June 2011
Republic of Congo	28 August 2015
Guinea	19 April 2015
Guinea-Bissau	28 October 2011
Guyana	27 September 2015
Iceland	31 July 2016
Madagascar	30 April 2018
Rwanda	31 July 2016
Somalia	31 August 2016
Togo	29 May 2013
Tunisia	28 August 2011

<sup>121</sup> These States Parties have submitted initial Article 7 transparency reports for the Convention on Cluster Munitions: Afghanistan, Albania, Andorra, Antigua and Barbuda, Australia, Austria, Belgium, Belize, BiH, Bolivia, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chad, Chile, Colombia, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Fiji, France, Germany, Ghana, Grenada, Guatemala, Holy See, Honduras, Hungary, Iraq, Ireland, Italy, Japan, Lao PDR, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Macedonia FYR, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Montenegro, Mozambique, Nauru, Netherlands, New Zealand, Niger, Nicaragua, Niger, Norway, Palestine, Panama, Paraguay, Peru, Portugal, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Trinidad and Tobago, the UK, Uruguay, and Zambia. See, the UN's Article 7 website, [bit.ly/CCMArt7database](http://bit.ly/CCMArt7database).

<sup>122</sup> *Cluster Munition Monitor 2017* and *Cluster Munition Monitor 2016* reported an 82% compliance rate for the submission of initial transparency reports, while *Cluster Munition Monitor 2015* reported 80% compliance with the reporting requirement. *Cluster Munition Monitor 2014* reported a 77% compliance rate, while it was "three-quarters" of states in *Cluster Munition Monitor 2012* and *Cluster Munition Monitor 2013*.

<sup>123</sup> Afghanistan, Albania, Andorra, Australia, Austria, Belgium, Belize, Bolivia, BiH, Botswana, Bulgaria, Canada, Chad, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, France, Germany, Guatemala, Hungary, Iraq, Italy, Japan, Lao PDR, Lebanon, Liechtenstein, Lithuania, Luxembourg, Macedonia FYR, Malta, Mauritania, Mexico, Montenegro, Mozambique, Netherlands, New Zealand, Norway, Palestine, Peru, Portugal, Saint Kitts and Nevis, Samoa, San Marino, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Trinidad and Tobago, the UK, Uruguay, and Zambia.

<sup>124</sup> For example, Austria, Belgium, Colombia, DRC, France, Guatemala, Ireland, Japan, Lao PDR, Lebanon, New Zealand, Norway, Slovakia, Spain, and Zambia 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.”<sup>125</sup> 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 30 States Parties have enacted specific legislative measures to implement the convention’s provisions, as listed in the table below.<sup>126</sup> Since

## States with implementing legislation for the Convention on Cluster Munitions

State (year enacted)	
Australia, 2012	Italy, 2011
Austria, 2008	Japan, 2009
Belgium, 2006	Liechtenstein, 2013
Bulgaria, 2015	Luxembourg, 2009
Cameroon, 2016	Mauritius, 2016
Canada, 2014	New Zealand, 2009
Colombia, 2012	Norway, 2008
Cook Islands, 2011	Saint Kitts and Nevis, 2014
Czech Republic, 2011	Samoa, 2012
Ecuador, 2010	Spain, 2015
France, 2010	Sweden, 2012
Germany, 2009	Switzerland, 2012
Guatemala, 2012	Togo, 2015
Hungary, 2012	UK, 2010
Iceland, 2015	
Ireland, 2008	

*Cluster Munition Monitor 2017*, States Parties Cameroon, Colombia, and Saint Kitts and Nevis have been added to this list.

The last country to enact implementing legislation for the convention was Cameroon in December 2016. No States Parties are known to have adopted implementing legislation for the convention in 2017 or first half of 2018.

At total of 43 States Parties have indicated their existing laws and regulations will suffice to enforce their adherence to the convention.<sup>127</sup> Another 20 States Parties indicate they are planning or in the process of drafting, reviewing, or adopting specific legislative measures to implement the convention.<sup>128</sup> The status of national implementation measures is unknown or unclear in another dozen States Parties, including several that have yet to provide an initial transparency report.<sup>129</sup>

<sup>125</sup> 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, [bit.ly/StayingStrong2014](http://bit.ly/StayingStrong2014); 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, [bit.ly/CCMModelLeg](http://bit.ly/CCMModelLeg).

<sup>126</sup> A total of 11 states enacted implementing legislation prior to the convention’s August 2010 entry into force and 19 states have done so since then.

<sup>127</sup> Albania, Andorra, BiH, Bolivia, Chad, Chile, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Denmark, El Salvador, Fiji, Guinea-Bissau, Holy See, Honduras, Iraq, Lithuania, Macedonia FYR, Malta, Mauritania, Mexico, Moldova, Monaco, Montenegro, Mozambique, Nauru, Netherlands, Nicaragua, Palau, Palestine, Panama, Paraguay, Peru, Portugal, San Marino, Senegal, Slovakia, Slovenia, South Africa, Trinidad and Tobago, Tunisia, and Uruguay.

<sup>128</sup> Afghanistan, Antigua and Barbuda, Belize, Botswana, Burkina Faso, Burundi, Republic of the Congo, Ghana, Grenada, Lao PDR, Lebanon, Lesotho, Malawi, Mali, Niger, Palestine, Seychelles, Sierra Leone, Swaziland, and Zambia.

<sup>129</sup> Benin, Cape Verde, Comoros, Dominican Republic, Guinea, Guyana, Madagascar, Nauru, Rwanda, Saint Vincent and the Grenadines, Somalia, and Sri Lanka.

Developments during the reporting period included:

- Afghanistan reported in April 2018 that implementation legislation “has recently been processed by the Ministry of Justice and has been sent to the Legislation Committee of the Cabinet of Ministers for their review and approval.”<sup>130</sup>
- Belize reported in November 2017 that national implementation measures for the convention are “pending.”<sup>131</sup>
- Botswana reported in May 2018 that it “is in the process of making a draft law in order to start the domestication process of the convention.”<sup>132</sup>
- Cameroon announced in September 2017 that its National Assembly adopted legislation on 14 December 2016 that prohibits the use, development, manufacturing, acquisition, transfer, and stockpiling of cluster munitions.<sup>133</sup>
- Côte d’Ivoire listed three laws under national implementation measures in its transparency report, indicating it may view existing legislation as sufficient.<sup>134</sup>
- Lao PDR reported in April 2018 that initial draft implementation legislation for the convention has been prepared.<sup>135</sup>
- Malawi reported in June 2018 that it has established an inter-ministerial taskforce to finalize draft legislation, which will then be submitted to Cabinet for consideration.<sup>136</sup>
- Palestine listed a 1998 law on arms and explosives under national implementation measures in March 2018 and said a consultative committee is considering if specific implementing legislation is needed for the convention.<sup>137</sup>
- Saint Kitts and Nevis shared information in September 2017 on its implementing legislation—the Cluster Munitions (Prohibition) Act—that was enacted on 27 August 2014.<sup>138</sup>

<sup>130</sup> Afghanistan, Convention on Cluster Munitions Article 7 Report, Form A, 30 April 2018, [bit.ly/CCMArt7database](http://bit.ly/CCMArt7database).

<sup>131</sup> Belize, Convention on Cluster Munitions Article 7 Report, 8 November 2017, [bit.ly/CCMArt7Belize17](http://bit.ly/CCMArt7Belize17).

<sup>132</sup> On 14 December 2016, the National Assembly adopted legislation that prohibits the use, development, manufacturing, acquisition, transfer and stockpiling of cluster munitions. Botswana, Convention on Cluster Munitions Article 7 Report, Form A, 7 May 2018, [bit.ly/CCMArt7database](http://bit.ly/CCMArt7database).

<sup>133</sup> Statement of Cameroon, Convention on Cluster Munitions Seventh Meeting of State Parties, Geneva, 5 September 2017. Official audio recording, UN Digital Recordings Portal, [bit.ly/CCM7MSPCameroonRecording](http://bit.ly/CCM7MSPCameroonRecording). The law contains fines for violations, ranging from \$1 to \$170 (1,000 to 100,000 CFA) as well as penal sanction of various terms, e.g. 15–25 years for production, storage, importation, and transportation, 10–30 years for sales. “Loi portant régime général des armes et munitions au Cameroun” (“Law regulating arms and ammunitions”), Chapter IV, Law No.2016/015, Republic of Cameroon, 14 December 2016, [bit.ly/CameroonLaw2016-015](http://bit.ly/CameroonLaw2016-015).

<sup>134</sup> Côte d’Ivoire, Convention on Cluster Munitions Article 7 Report, Form A, 1 February 2016, [bit.ly/CCMArt7CotedIvoire16](http://bit.ly/CCMArt7CotedIvoire16). Côte d’Ivoire has reported the same three laws in its transparency reports from 2013 to 2016.

<sup>135</sup> Lao PDR, Convention on Cluster Munitions Article 7 Report, Form A, 26 April 2018, [bit.ly/CCMArt7Lao18](http://bit.ly/CCMArt7Lao18).

<sup>136</sup> Malawi, Convention on Cluster Munitions Article 7 Report, Form A, 28 June 2018, [bit.ly/CCMArt7Malawi18](http://bit.ly/CCMArt7Malawi18).

<sup>137</sup> Law 2/1998 prohibits and punishes anyone, except for the state, from producing, stockpiling, transferring, and receiving arms or explosives in the Palestinian territories. Convention on Cluster Munitions Article 7 Report, Form A, 1 March 2018, [bit.ly/CCMArt7Palestine18](http://bit.ly/CCMArt7Palestine18). See also, statement of Palestine, Convention on Cluster Munitions Sixth Meeting of States Parties, Geneva, 6 September 2016, [bit.ly/CCM6MSPPallmpLeg](http://bit.ly/CCM6MSPPallmpLeg).

<sup>138</sup> Statement of Saint Kitts and Nevis, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 5 September 2017. Official audio recording, UN Digital Recordings Portal, [bit.ly/CCM7MSPStKittsAndNevisRecording](http://bit.ly/CCM7MSPStKittsAndNevisRecording). See also, “Cluster Munitions (Prohibition) Act, 2014,” Law No. 12 of 2014, Federation of Saint Kitts and Nevis, 27 August 2014, [bit.ly/CMProhibitionStKittsAndNevis](http://bit.ly/CMProhibitionStKittsAndNevis). Saint Kitts annexed the law to its second Article 7 transparency report.

- South Africa reported in September 2017 that it does not plan to enact specific implementing legislation for the convention, as it regards the Anti-Personnel Mines Prohibition Act as sufficient to enforce both treaties.<sup>139</sup>
- Swaziland reported in March 2018 that its implementing legislation is “in process.”<sup>140</sup>
- Zambia is working to incorporate the convention into domestic law, but in January 2018 reported a backlog of bills to be drafted by the Ministry of Justice.<sup>141</sup>

## 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 certain important issues relating to states’ interpretation and implementation of the convention. The CMC encourages States Parties and signatories that have not yet done so to express their views on three key issues of concern:

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

Several States Parties and signatories to the convention have elaborated their views on these issues, including through Article 7 transparency reports, statements at meetings, parliamentary debates, and direct communications with the CMC and the Monitor. Several strong implementation laws provide useful models for how to implement certain provisions of the convention. Yet, as of 1 July 2018, more than three-dozen States Parties had not articulated their views on even one of these interpretive issues, and there were few new statements during the reporting period.<sup>142</sup>

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, particularly with respect to interoperability, and US stocks and foreign stockpiling.<sup>143</sup>

<sup>139</sup> South Africa, Convention on Cluster Munitions Article 7 Report, Form A, 8 September 2017, [bit.ly/CCMArt7SAfrica8Sep2017](http://bit.ly/CCMArt7SAfrica8Sep2017).

<sup>140</sup> Swaziland, Convention on Cluster Munitions Article 7 Report, Form A, 1 March 2018, [bit.ly/CCMArt7Swaziland18](http://bit.ly/CCMArt7Swaziland18).

<sup>141</sup> Zambia, Convention on Cluster Munitions Article 7 Report, Form A, 31 January 2018, [bit.ly/CCMArt7Zambia18](http://bit.ly/CCMArt7Zambia18); and statement of Zambia, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 5 September 2017, [bit.ly/CCM7MSPZambia](http://bit.ly/CCM7MSPZambia).

<sup>142</sup> 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, Benin, 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, Saint Vincent and the Grenadines, San Marino, Seychelles, Sierra Leone, Slovakia, Sri Lanka, Swaziland, Trinidad and Tobago, Tunisia, and Uruguay.

<sup>143</sup> 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.

## 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 38 States Parties and signatories have agreed that the convention’s Article 21 provision on interoperability should not be read as allowing states to avoid their specific obligation under Article 1 to prohibit assistance with prohibited acts.<sup>144</sup>

Implementing legislation adopted by the Saint Kitts and Nevis does not permit assistance in prohibited conduct, but allows members of the Defence Force of Saint Kitts and Nevis to participate in military activities with armed forces of states that are not party to the convention.<sup>145</sup>

<sup>144</sup> At least 38 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, Saint Kitts and Nevis, 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,” 2014, pp. 19–23, [bit.ly/StayingStrong2014](http://bit.ly/StayingStrong2014).

<sup>145</sup> Section 6(3) states: “A member of the Defence Force does not commit an offence against section 4 merely by engaging, in the course of his or her duties, in operation, exercises, or other military activities with the armed forces of a State that is not a party to the Convention.” “Cluster Munitions (Prohibition) Act, 2014,” Section 6(3), Law No. 12 of 2014, Federation of Saint Kitts and Nevis, 27 August 2014, [bit.ly/CMProhibitionStKittsAndNevis](http://bit.ly/CMProhibitionStKittsAndNevis).

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."<sup>146</sup> 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.<sup>147</sup>
- 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 military operations.<sup>148</sup> 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."<sup>149</sup>
- Japan has been reluctant to publicly discuss its interpretation of Article 21.<sup>150</sup> 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.<sup>151</sup>
- 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.<sup>152</sup> 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)

<sup>146</sup> Bills digest 72 2010–11 on the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010, 1 March 2011, [bit.ly/Digest72\\_2010-11](http://bit.ly/Digest72_2010-11).

<sup>147</sup> Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012, No. 114, 2012, [www.comlaw.gov.au/Details/C2012A00114/Download](http://www.comlaw.gov.au/Details/C2012A00114/Download).

<sup>148</sup> "Prohibiting Cluster Munitions Act (S.C. 2014, c. 27)," sec. 11(1)(a-b).

<sup>149</sup> Canada, Convention on Cluster Munitions voluntary Article 7 Report, Form A, 29 April 2015, [bit.ly/CCMArt7Canada15](http://bit.ly/CCMArt7Canada15).

<sup>150</sup> 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/HRW.

<sup>151</sup> "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](https://wikileaks.org/plusd/cables/08TOKYO1748_a.html).

<sup>152</sup> Cluster Munitions (Prohibitions) Act, ch. 11, 2010, sec. 9 and schedule 2, [www.legislation.gov.uk/ukpga/2010/11/pdfs/ukpga\\_20100011\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/11/pdfs/ukpga_20100011_en.pdf).

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.”<sup>153</sup>

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.<sup>154</sup> 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.

## 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 also be seen as banning the stockpiling of cluster munitions by a state not party on the territory of a State Party.

At least 35 States Parties and signatories have declared that transit and foreign stockpiling are prohibited by the convention.<sup>155</sup>

During the Seventh Meeting of States Parties in September 2017:

- The Philippines told States Parties that as a signatory, it “continues to defend its position to prohibit the use, local and foreign stockpiling, investment, production and transit of cluster munitions in the country.”<sup>156</sup>
- Saint Kitts and Nevis stated its commitment to ensuring its territory is never used as a transit or shipment point for cluster munitions.<sup>157</sup>

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

<sup>153</sup> Statement of the UK, Convention on Cluster Munitions Intersessional Meetings, Geneva, 30 June 2011, [bit.ly/UK2011OtherIssues](http://bit.ly/UK2011OtherIssues).

<sup>154</sup> Article 2, Section 3 of the Amendment to Spain’s Law 33/1998.

<sup>155</sup> 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, Macedonia FYR, Madagascar, Malawi, Malta, Mexico, New Zealand, Norway, Philippines, Saint Kitts and Nevis, 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.

<sup>156</sup> Statement of the Philippines, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4 September 2017, [bit.ly/CCM7MSPPhilippines](http://bit.ly/CCM7MSPPhilippines).

<sup>157</sup> Statement of Saint Kitts and Nevis, Convention on Cluster Munitions Seventh Meeting of State Parties, Geneva, 5 September 2017. Official audio recording, UN Digital Recordings Portal, [bit.ly/CCM7MSPStKittsAndNevisRecording](http://bit.ly/CCM7MSPStKittsAndNevisRecording).

## US stockpiling and transit

States Parties Norway and the UK have confirmed that the US removed its stockpiled cluster munitions from their respective territories after 2008. The UK announced in 2010 that there were “no foreign stockpiles of cluster munitions in the UK or on any UK territory.”<sup>158</sup> According to a Norwegian Ministry of Foreign Affairs official, the US removed its stockpiled cluster munitions from Norway in 2010.<sup>159</sup>

The US Department of State cables released by Wikileaks show that the US has stockpiled and therefore 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.”<sup>160</sup>
- 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.<sup>161</sup>
- 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.”<sup>162</sup> In its initial report for the convention Spain reported

<sup>158</sup> 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](http://bit.ly/Browne1Nov2011).

<sup>159</sup> 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](https://wikileaks.org/plusd/cables/08OSLO676_a.html).

<sup>160</sup> “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](https://wikileaks.org/plusd/cables/08STATE134777_a.html).

<sup>161</sup> A US cable dated 2 December 2008 citing a discussion between US officials and Gregor Köbel, then-Director of the Conventional Arms Control Division of the German Federal Foreign Office, states “Köbel stressed that the US will continue to be able to store and transport CM in Germany, noting that this should be of no concern whatsoever to our American colleagues.” “MFA gives reassurances on stockpiling of US cluster munitions in Germany,” US Department of State cable 08BERLIN1609 dated 2 December 2008, released by Wikileaks on 1 September 2011, [https://wikileaks.org/plusd/cables/08BERLIN1609\\_a.html](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](https://wikileaks.org/plusd/cables/08STATE125631_a.html).

<sup>162</sup> 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](https://wikileaks.org/plusd/cables/08STATE125632_a.html).

that it was informing non-signatories which it cooperates with in joint military operations of its international obligations prohibiting stockpiling of prohibited weapons on territory under its jurisdiction or control.<sup>163</sup>

- Japan apparently does not view cluster munitions on US military bases in Japan as falling under Japan's jurisdiction and control or violate the national law or the convention. A December 2008 cable found 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."<sup>164</sup>
- 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."<sup>165</sup>
- According to a May 2007 cable, the US may store cluster munitions in Kuwait.<sup>166</sup>

## DISINVESTMENT

Several 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. The Dubrovnik Action Plan adopted by States Parties at the convention's First Review Conference in 2015 encourages the adoption of national legislation prohibiting investments in producers of cluster munitions.<sup>167</sup>

Since 2007, 11 States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, as shown in the table below.<sup>168</sup>

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

No country enacted legislation relating to cluster munitions disinvestment in 2017 or the first half of 2018. The Monitor has added Saint Kitts and Nevis to the list of states with disinvestment laws after reviewing its 2014 implementing

<sup>163</sup> Spain, Convention on Cluster Munitions Article 7 Report, Forms A and J, 27 January 2011, [bit.ly/CCMArt7Spain11](http://bit.ly/CCMArt7Spain11).

<sup>164</sup> "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](https://wikileaks.org/plusd/cables/08TOKYO3532_a.html).

<sup>165</sup> "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/08TELAIV1012\\_a.html](https://wikileaks.org/plusd/cables/08TELAIV1012_a.html).

<sup>166</sup> 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](https://search.wikileaks.org/plusd/cables/07ABUDHABI876_a.html).

<sup>167</sup> Dubrovnik Action Plan, First Review Conference of the Convention on Cluster Munitions, Dubrovnik, Croatia, 10 September 2015, [bit.ly/DubrovnikActionPlan](http://bit.ly/DubrovnikActionPlan).

<sup>168</sup> 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.

## Disinvestment laws on cluster munitions

State Party	Year enacted
Belgium	2007
Ireland	2008
Italy	2011
Liechtenstein	2013
Luxembourg	2009
Netherlands	2013
New Zealand	2009
Saint Kitts and Nevis	2014
Samoa	2012
Spain	2015
Switzerland	2013

law for the convention, which prohibits investments of funds in the development and production of cluster munitions.<sup>169</sup>

At least 31 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, Denmark, DRC, France, Ghana, Guatemala, the Holy See, Hungary, Lao PDR, Lebanon, Madagascar, Malawi, Malta, Mexico, Niger, Norway, Peru, Rwanda, Senegal, Slovenia, Trinidad & Tobago, the UK, and Zambia.<sup>170</sup>

In September 2017, Peru stated that it interprets Article 1 as prohibiting investments in the production of cluster munitions, that is to say, it bans the provision of financial assistance to producers of cluster munitions.<sup>171</sup>

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, and Sweden have either fully or partially withdrawn investments, or banned investments, in cluster munition producers.

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

At least three companies in non-signatories have ceased production of cluster munitions, in part due to inquiries from numerous investors: US company Textron Systems announced in 2016 it is stopping cluster munition production, while US company Orbital ATK issued a similar statement in August 2017. Singapore Technologies Engineering announced in 2015 that it no longer manufactures cluster munitions.

Former US cluster munition producer Orbital ATK commissioned a March 2018 report that criticized the US policy adopted November 2017 for backing away from long-standing plans to end the use of nearly all cluster munitions after 2018. According to the report, “continuing to rely on cluster weapons exposes the

<sup>169</sup> “A person shall not provide or invest funds with the intention that those funds are to be used, or knowing that they are to be used, in the development or production of cluster munitions.” “Cluster Munitions (Prohibition) Act, 2014,” Section 6(3), Law No. 12 of 2014, Federation of Saint Kitts and Nevis, 27 August 2014, [bit.ly/CMProhibitionStKittsAndNevis](http://bit.ly/CMProhibitionStKittsAndNevis).

<sup>170</sup> Statement of Trinidad and Tobago, UNGA First Committee on Disarmament and International Security, 20 October 2017. See the UN web recording from 1:10:42 onwards.

<sup>171</sup> Intervention of Peru, Convention on Cluster Munition Seventh Meeting of States Parties, Geneva, 5 September 2017, [bit.ly/CCM7MSPPeru](http://bit.ly/CCM7MSPPeru).

US military to international backlash and hampers America's ability to remain on the cutting edge of defense technology."<sup>172</sup>

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.<sup>173</sup>

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<sup>172</sup> Igor Geyn, "Modernizing the U.S. Munitions Arsenal," *Government Business Council*, 23 March 2018, [www.govexec.com/media/orbital\\_ib\\_modernizingmunitions\\_v5\\_032318.pdf](http://www.govexec.com/media/orbital_ib_modernizingmunitions_v5_032318.pdf).

<sup>173</sup> PAX, *Worldwide Investments in Cluster Munitions: a shared responsibility* (Utrecht, May 2017), [www.stopexplosiveinvestments.org/report](http://www.stopexplosiveinvestments.org/report).

Timeline of cluster munition use<sup>174</sup>

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 Islamic State (IS) forces have used at least one type of cluster munition. Cluster munition attacks increased after Russia began its joint military operation with Syrian government forces in September 2015.
2015–present	Yemen	A Saudi Arabia-led coalition of states that began a military operation against Ansar Allah forces (the Houthi) in Yemen on 25 March 2015 has used CBU-105 Sensor Fuzed Weapons, CBU-58, CBU-87, and BL755 cluster bombs, and M26 and ASTROS II rockets. Cluster munitions containing “ZP-39” submunitions have also been used, but the user is not known.
2016	<i>Nagorno-Karabakh</i> , Azerbaijan	There is credible evidence that two types of cluster munition rockets were used in April 2016, but the Monitor could not conduct an independent investigation to make a conclusive determination about responsibility. Armenia and Azerbaijan have denied using cluster munitions and accused each other of using them.
2016	Somalia	Kenya has denied an allegation that it used BL755 cluster munitions in Somalia in a January 2016 attack against al-Shabaab. The Monitor could not confirm this use of cluster munitions or identify the responsible party.
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.

<sup>174</sup> For more detailed information, please see the relevant Cluster Munition Monitor country profile online at: [www.the-monitor.org](http://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	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 July 2014 until a February 2015 ceasefire, both Ukrainian government forces and Russian-backed insurgent groups used two types of cluster munition rockets in eastern Ukraine: 300mm 9M55K-series <i>Smerch</i> rockets delivering 72 9N235 submunitions and 220mm 9M27K-series <i>Uragan</i> rockets containing 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.
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.

Date	Location	Known details of use
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.
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, and Serbia, and in Albania. FRY also used cluster munitions.
1999	Chechnya	Russian forces used cluster munitions against NSAGs.

Date	Location	Known details of use
1998–2003	Democratic Republic of the Congo (DRC)	Deminers have found BL755 bombs, BLU-63 cluster munitions, and PM-1 submunitions.
1998–1999	Albania	Yugoslav forces used rocket-delivered cluster munitions in disputed border areas, and NATO forces conducted six aerial cluster munition strikes.
1998	Colombia	The Colombian air force used a World War II-era cluster munition in an attack on Santo Domingo in the municipality of Tame on 13 December.
1998	Ethiopia, Eritrea	Ethiopia attacked Asmara airport and dropped BL755 bombs in Gash-Barka province in Eritrea. Eritrea used cluster munitions in two separate strikes in Mekele, including at a school.
1998	Afghanistan/ Sudan	In August, US ships and submarines fired 66 TLAM-D Block 3 cruise missiles, each containing 166 BLU-97 submunitions, at a factory in Khartoum, Sudan, and at 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 BL755 bombs in Sisak, Kutina, and along the Kupa River.
1994–1996	<i>Chechnya</i>	Russian forces used cluster munitions against NSAGs.

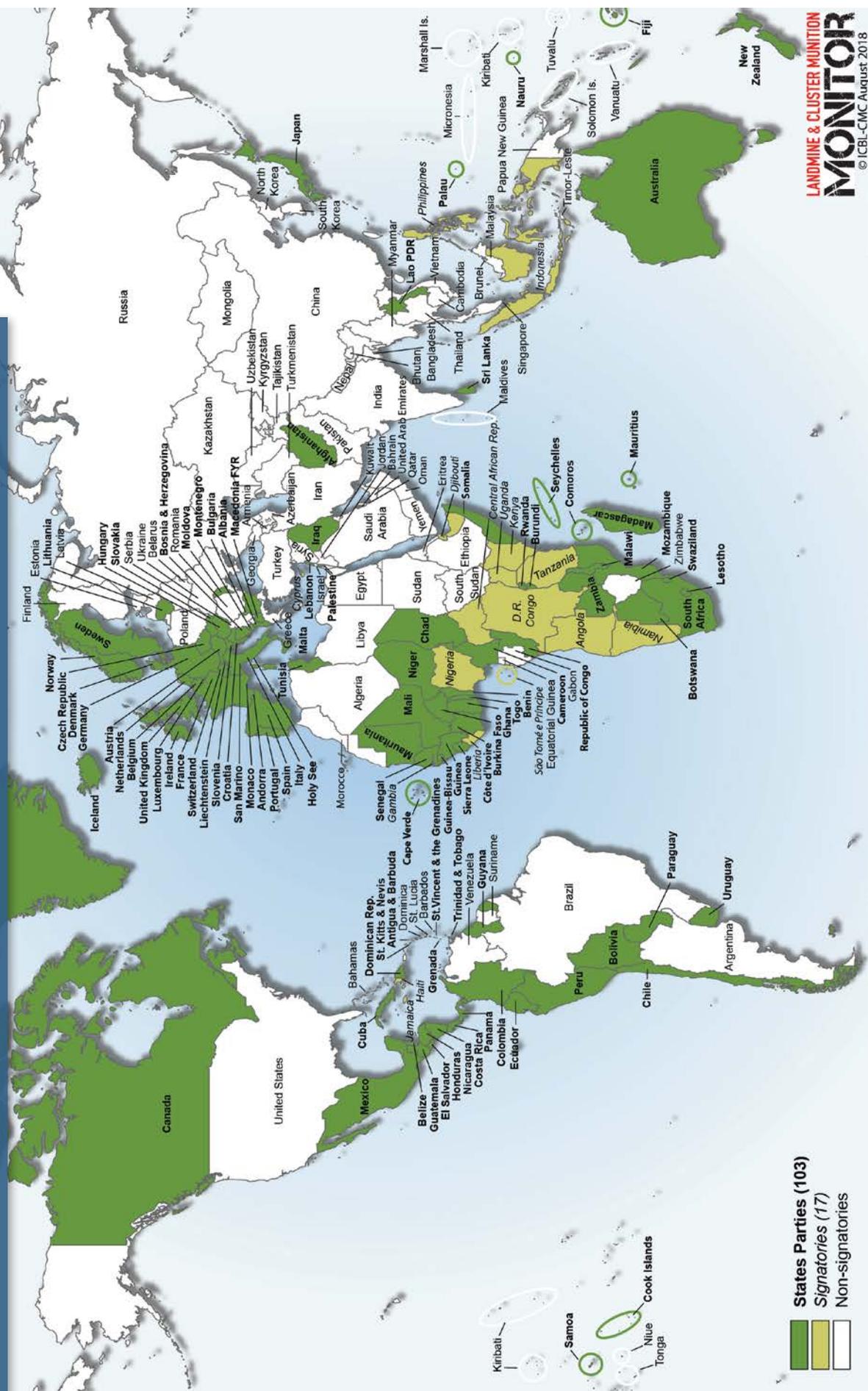
Date	Location	Known details of use
1992–1997	Tajikistan	ShOAB-0.5 and AO-2.5RT submunitions have been found in the town of Gharm in the Rasht Valley, used by unknown forces in civil war.
1992–1995	Bosnia and Herzegovina (BiH)	Yugoslav forces and NSAGs used cluster munitions during the war. NATO aircraft dropped two CBU-87 bombs.
1992–1994	<i>Nagorno-Karabakh</i> , 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 RT. There are also reports of contamination in other parts of occupied Azerbaijan, adjacent to Nagorno-Karabakh.
1992–1994	Angola	Deminers have found dud Soviet-made PTAB and AO-2.5 RT submunitions in various locations.
1991	Iraq, Kuwait	The US, France, and the UK dropped 61,000 cluster bombs containing some 20 million submunitions. The number of cluster munitions delivered by surface-launched artillery and rocket systems is not known, but an estimated 30 million or more DPICM submunitions were used in the conflict.
1991	Saudi Arabia	Saudi Arabian and US forces used artillery-delivered and air-dropped cluster munitions against Iraqi forces during the Battle of Khafji.
1988	Iran	US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship using Mk-20 Rockeye bombs during Operation Praying Mantis.
1986–1987	Chad	French aircraft dropped cluster munitions on a Libyan airfield at Wadi Doum. Libyan forces also used AO-1SCh and PTAB-2.5 submunitions at various locations.
1986	Libya	US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra on 25 March. On 14–15 April, US Navy aircraft dropped 60 Rockeye bombs on Benina Airfield.

Date	Location	Known details of use
1984–1988	Iran, Iraq	It has been reported that Iraq first used air-dropped bombs in 1984. Iraq reportedly used Ababil-50 surface-to-surface cluster munition rockets during the later stages of the war.
1983	Lebanon	US Navy aircraft dropped 12 CBU-59 and 28 Mk-20 Rockeye bombs against Syrian air defense units near Beirut.
1983	Grenada	US Navy aircraft dropped 21 Mk-20 Rockeye bombs during close air support operations.
1982	<i>Falkland Islands/ Malvinas</i>	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	<i>Western Sahara, Mauritania</i>	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.
1970s	Zambia	Remnants of cluster munitions, including unexploded submunitions from air-dropped bombs, have been found at Chikumbi and Shang'ombo.

Date	Location	Known details of use
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.

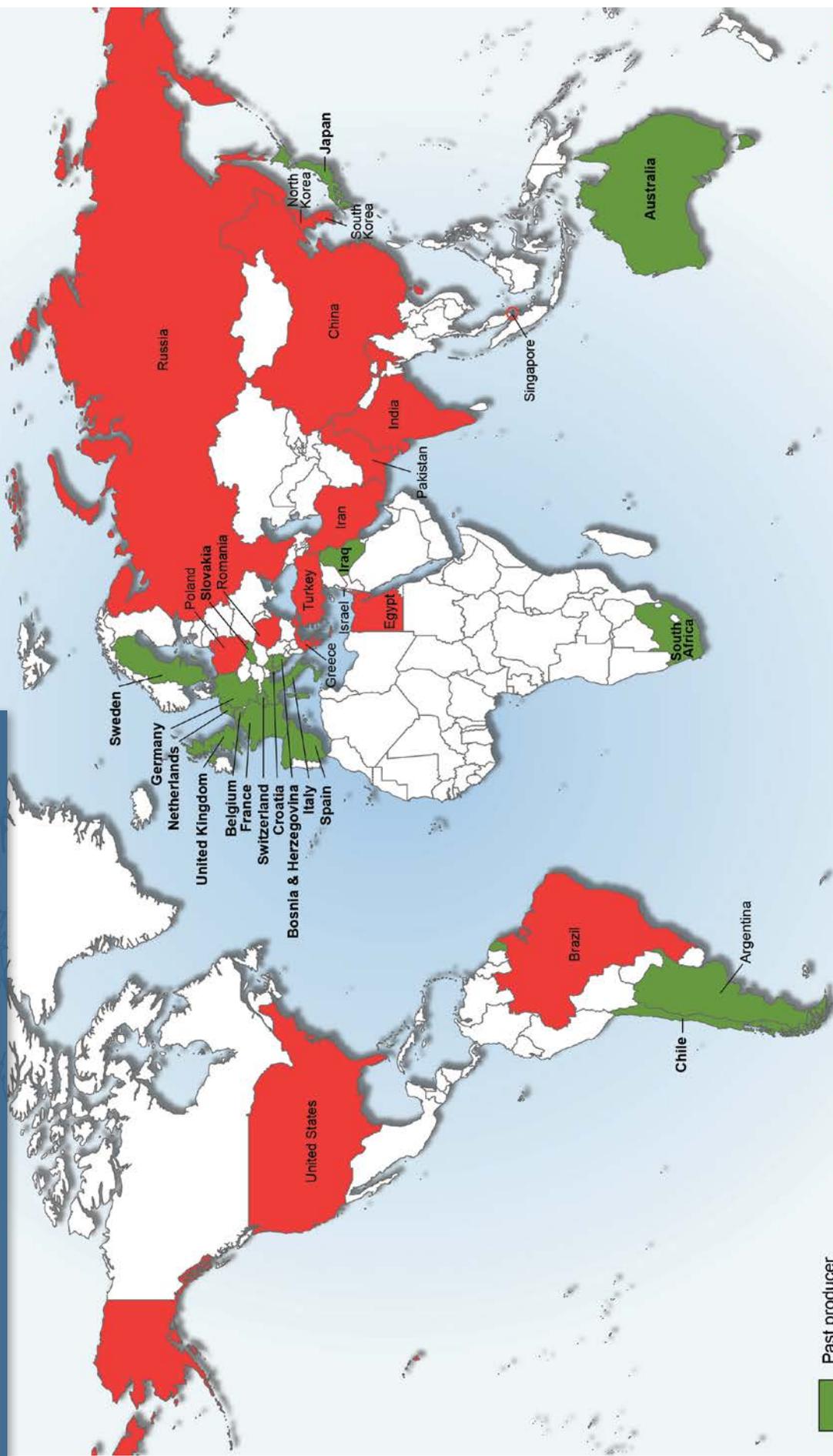
Note: Other areas are indicated in *italics*.

# STATUS OF THE 2008 CONVENTION ON CLUSTER MUNITIONS



States Parties (103)  
 Signatories (17)  
 Non-signatories

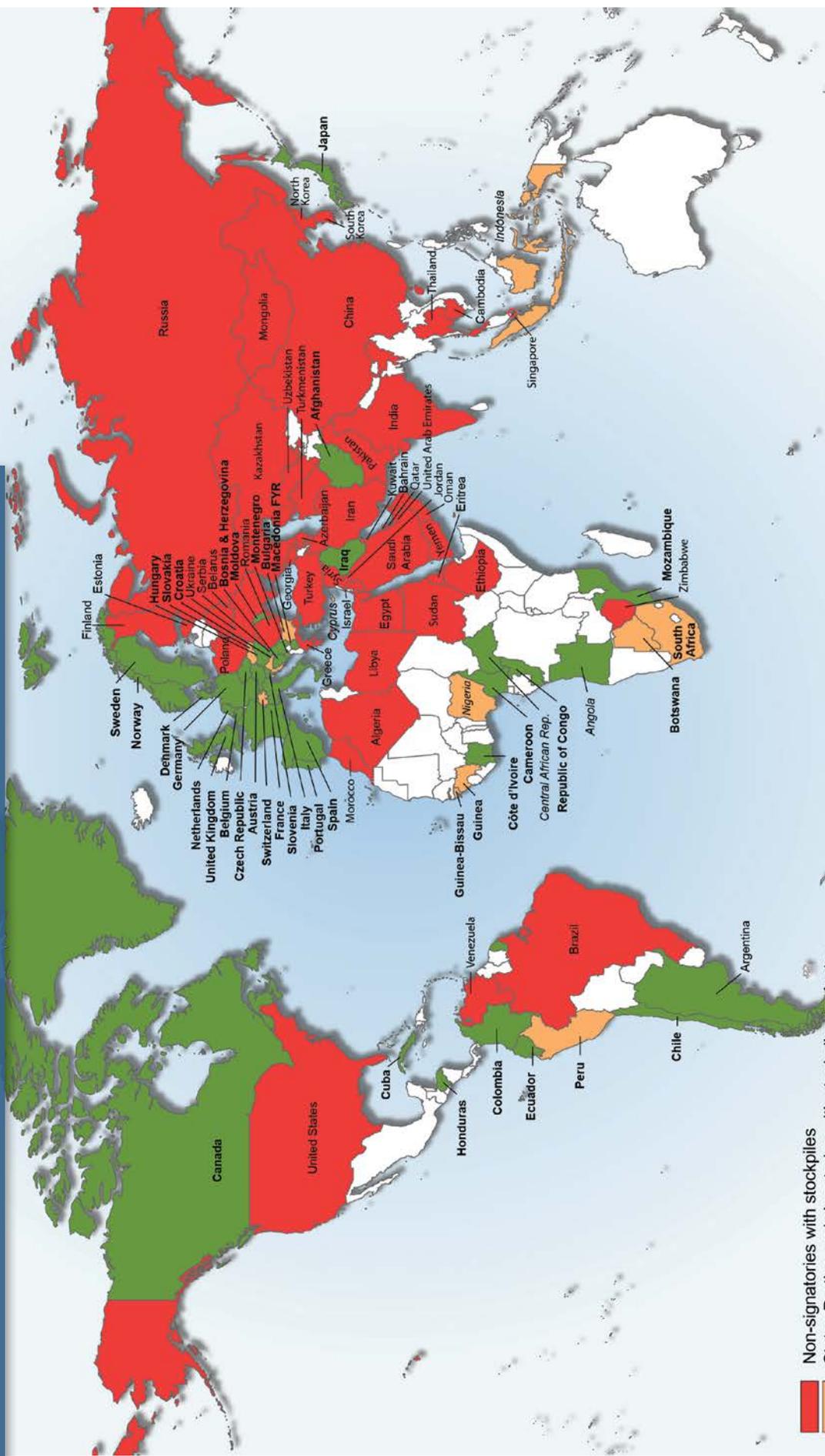
# PRODUCTION OF CLUSTER MUNITIONS



- Past producer
- Current producer
- N/A

Note: States Parties to the Convention on Cluster Munitions are bold, non-signatories are plain text.

# CLUSTER MUNITION STOCKPILES AND DESTRUCTION



- Non-signatories with stockpiles
- States Parties with stockpiles to destroy
- Destruction completed
- Never stockpiled cluster munitions

Note: **States Parties** to the Convention on Cluster Munitions are **bold**, *signatories* are *italics*, *non-signatories* are plain text.





A female technical survey operator searches for cluster munitions and other explosive remnants of war where rice has been harvested in Vietnam.

©Hien Ngo/Norwegian People's Aid – Project RENEW, September 2017

# CONTAMINATION AND CLEARANCE

States and other areas with cluster munition contamination as of August 2018

<p><b>Afghanistan</b>  <u>Angola</u>            Azerbaijan*  <b>Bosnia and Herzegovina (BiH)</b>            Cambodia  <b>Chad</b>  <b>Chile</b>  <b>Croatia</b>  <u>Democratic Republic of the Congo (DRC)</u>  <b>Germany</b>            Iran  <b>Iraq</b>  <b>Lao PDR</b>  <b>Lebanon</b>            Libya</p>	<p><b>Montenegro</b>            Serbia  <b>Somalia</b>            South Sudan            Sudan            Syria            Tajikistan            Ukraine  <b>United Kingdom (UK)**</b>            Vietnam            Yemen  <i>Kosovo</i>  <i>Nagorno-Karabakh</i>  <i>Western Sahara</i></p>
Unclear whether contaminated:	
<b>Colombia</b>	Georgia

\* Contamination exists in areas outside of government control. There may be minimal contamination in areas under government control.

\*\* Non-signatory Argentina and State Party UK both claim sovereignty over the Falkland Islands/Malvinas, where any cluster munition contamination is likely within mined areas.

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

## Summary<sup>1</sup>

As of 1 August 2018, a total of 26 states and three other areas are contaminated by cluster munition remnants.<sup>2</sup> This includes 12 States Parties to the Convention on Cluster Munitions, two signatories, and 12 non-signatories. It is unclear whether one State Party and one non-signatory are contaminated.<sup>3</sup>

No country completed clearance in 2017.

In 2017, little progress was made in improving the understanding of the extent of the problem globally. For more than half of the countries, the full scale of contamination is not known. Survey efforts in a number of states and other areas, including the four most heavily contaminated, are slowly increasing the knowledge about locations of contaminated areas. However, many states do not know the extent of contamination on their territory. In 2017, even in states and other areas with a good understanding of the problem, clearance operators continued to identify previously unknown contaminated areas.

New use increased contamination in Syria and Yemen in 2017. There were allegations of new use in Libya and Egypt in 2017.

In 2017, at least 93km<sup>2</sup> of contaminated land was cleared, with a total of at least 153,000 submunitions destroyed during land release (survey and clearance) operations.<sup>4</sup> However, this estimate is based on incomplete data. It represents an 6% increase on the land cleared and 9% increase on the number of submunitions destroyed in 2016. Between 2010 and 2017, a total of more than 688,000 submunitions were destroyed and at least 518km<sup>2</sup> of land was cleared worldwide. In 2017, more than three-quarters (78%) of reported global clearance took place in Cambodia, Lao PDR, and Vietnam—three of the world's most contaminated states. A decrease in recorded cluster munition-contaminated areas, however, was reported in only a handful of countries, in part because the full extent of contamination is still not known in many countries.

Only one State Party, Croatia, appears on track to meet its Article 4 clearance deadline. Four States Parties are not on track, and it is unclear whether the remaining States Parties will meet their deadlines.

Germany commenced clearance of cluster munitions for the first time in 2017, having started preparing the land for clearance in 2016.

<sup>1</sup> The Monitor acknowledges the contributions of the Mine Action Review ([www.mineactionreview.org](http://www.mineactionreview.org)), which has conducted the primary mine action research in 2018 and shared all its country-level landmine reports (from “Clearing the Mines 2018”) and country-level cluster munition reports (from “Clearing Cluster Munition Remnants 2018”) with the Monitor. The Monitor is responsible for the findings presented online and in its print publications.

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

<sup>3</sup> It is unclear whether there is cluster munition contamination in State Party Colombia and non-signatory Georgia.

<sup>4</sup> In some countries, some clearance results were not reported. In addition, in some countries—particularly those experiencing conflict—informal clearance took place and was not recorded.

Conflict and insecurity in 2017 and 2018 impeded land release efforts in three States Parties (Afghanistan, Iraq, and Somalia), six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen), and signatory Democratic Republic of the Congo (DRC).

## CONTAMINATION AND LAND RELEASE

### CONTAMINATION STATISTICS

The full extent of contamination remains unknown in the most heavily contaminated countries in the world: Cambodia, Iraq, Lao PDR, and Vietnam. Survey efforts continued to improve the understanding of the problem in these countries. Nonetheless, in these and many other countries, the reported size of contamination did not decrease because either the extent of contamination is unknown, no clearance took place, or previously unknown contaminated areas were identified.

In only four countries and one other area did the total reported size of cluster munition-contaminated areas decrease during 2017 as a result of land release (survey and clearance) efforts: Bosnia and Herzegovina (BiH), Croatia, Serbia, and South Sudan, along with Western Sahara. However, in South Sudan and Western Sahara it is thought that undiscovered areas of contamination exist.

Previously unknown or unreported contaminated areas were recorded in 2017 in Afghanistan, Cambodia, Croatia, DRC, Iraq, Lao PDR, Lebanon, Libya, South Sudan, Ukraine, and Vietnam, along with other areas Nagorno-Karabakh and Western Sahara. In Syria and Yemen, although unexploded submunitions were found and destroyed, no specific locations were recorded as hazardous areas in data management systems.

New use was reported in 2017 in Syria and Yemen.<sup>5</sup> The extent of existing and new contamination in these countries is not known as insecurity prevents or hampers survey and clearance.

The data contained in the following table is drawn from various sources. Those that appear to be most accurate and complete have been used.<sup>6</sup>

<sup>5</sup> See chapter on Cluster Munition Ban Policy in this report. New use was also alleged to have occurred in Egypt and Libya.

<sup>6</sup> See mine action country profiles online for detailed information and sources available on the Monitor website, [the-monitor.org/cp](http://the-monitor.org/cp).

## Estimated cluster munition contamination at the end of 2017

Country/ Other Area	Contamination (km <sup>2</sup> )	
	End 2017	Comments
<b>More than 1,000 km<sup>2</sup> (massive)</b>		
<b>Lao PDR</b>	Not known	Survey efforts are underway to define the problem. Around 500km <sup>2</sup> has been identified
Vietnam	Not known	Survey efforts are underway to define the problem
<b>100–1000km<sup>2</sup> (heavy)</b>		
Cambodia	Not known	Survey efforts are underway to define the problem. Recorded contamination is at least 624km <sup>2</sup> . However, some operators question the accuracy of this data
<b>Iraq</b>	Not known, at least 165	131.07km <sup>2</sup> confirmed hazardous area (CHA) and 33.47km <sup>2</sup> suspected hazardous area (SHA) identified. Survey continues to identify areas of contamination
<b>5–99km<sup>2</sup> (medium)</b>		
<b>Afghanistan</b>	6.52	There may be more contamination, as operators continue to encounter scattered submunitions
<b>Bosnia and Herzegovina</b>	6.47	The difference in total contamination between the end of 2016 and 2017 cannot be reconciled by the land release data
<b>Chile</b>	97	No survey has been conducted to date. This is the size of the four military training areas reported to be contaminated. Actual contaminated area may be smaller
<b>Germany</b>	11	Size of a former military area that contains cluster munition contamination
<b>Lebanon</b>	24	17.2km <sup>2</sup> CHA and 6.8km <sup>2</sup> SHA. Previously unknown contamination continued to be identified resulting in an increase in known contamination despite clearance efforts
South Sudan	Not known, at least 4.5	2.76km <sup>2</sup> CHA and 1.78km <sup>2</sup> SHA. The true scale of contamination is not known as some areas cannot be accessed
Syria	Not known	Extensive use of cluster munitions since 2012, but the extent of contamination is not known as no survey has been conducted
Ukraine	Not known	Not contaminated by cluster munition remnants prior to the conflict that started mid-2014. No comprehensive survey has been conducted

Country/ Other Area	Contamination (km <sup>2</sup> )	
	End 2017	Comments
<b>5–99km<sup>2</sup> (medium)</b>		
Yemen	Not known, at least 18.6	Contamination has been identified in at least seven governorates, primarily from new use since April 2015, but the only recorded contamination is in the northern Saada governorate, predating the current conflict
<i>Kosovo</i>	15.4	Slight increase from the 15km <sup>2</sup> reported at the end of 2016
<i>Nagorno-Karabakh</i>	71.62*	A small increase from 2016, despite clearance in 2017, following confirmation of SHAs
<b>Less than 5km<sup>2</sup> (light)</b>		
<b>Croatia</b>	1.05	A decrease on the 1.74km <sup>2</sup> at the end of 2016 due to clearance. However, areas of previously unknown contamination were discovered in four counties.
<b>Montenegro</b>	1.72	The same size of contamination was reported at the end of 2013, as a result of survey. No clearance was conducted in 2016 or 2017
Serbia	2.54	0.64km <sup>2</sup> CHA and 1.9km <sup>2</sup> SHA. This represents a decrease from 2016
<i>Western Sahara</i>	2.6	Although more contamination was identified in 2017, overall reported contamination decreased as a result of clearance
<b>Extent of contamination not known (light or medium)</b>		
<u>Angola</u>	Not known	There may remain abandoned cluster munitions or unexploded submunitions. The last recorded finding was in 2016. As of May 2018, plans to conduct limited battle area clearance in the area had not been implemented
Azerbaijan	Not known	There are significant quantities of cluster munition remnants in and around Nagorno-Karabakh, in areas not under government control ( <i>see Nagorno-Karabakh</i> ). There may also be some minimal contamination in the territory under Azerbaijan government control
<b>Chad</b>	Not known	No comprehensive survey has been conducted. The most recent discovery of cluster munition remnants was in 2015

\* The amount of cluster munition contamination at the end of 2016 was revised to 71.5km<sup>2</sup> as the figure reported in the 2017 profile did not include clearance of suspended areas.

Country/ Other Area	Contamination (km <sup>2</sup> )	
	End 2017	Comments
<b>Extent of contamination not known (light or medium)</b>		
<u>Democratic Republic of the Congo</u>	Not known	Clearance of all known contamination was completed in 2017. However, subsequently more submunitions were discovered in South Kivu
Iran	Not known	Some contamination is believed to remain from the Iran-Iraq war, but no survey has been conducted
Libya	Not known	50,400m <sup>2</sup> was confirmed as contaminated in 2017
<b>Somalia</b>	Not known	No comprehensive survey has been conducted. The most recent discovery of cluster munition remnants was in 2016
Sudan	Not known	2km <sup>2</sup> approx. is recorded, but insecurity prevents survey of other areas that might be contaminated. In 2018, Sudan provided details for the first time of the land release of seven contamination areas that were reported in 2011–2013
Tajikistan	At least 0.14km <sup>2</sup>	0.14km <sup>2</sup> discovered through survey in 2018. An additional 0.87km <sup>2</sup> of battle area may contain cluster munition remnants
<b>United Kingdom</b>	Not known	Any cluster munition contamination on the Falkland Islands/Malvinas is most likely within the mined areas, all of which are recorded
<b>Unclear whether contaminated</b>		
<b>Colombia</b>	Unclear	If contaminated, then minimal
Georgia	Unclear	Not contaminated, with the possible exception of South Ossetia

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

## LAND RELEASE STATISTICS

In 2017, the overwhelming majority of reported clearance took place in three of the most contaminated states, Cambodia, Lao PDR, and Vietnam where 78% of the global cluster munition-contaminated land clearance and 86% of unexploded submunition destruction took place.

Germany reported clearance of cluster munition remnants for the first time. Clearance was also reported in Afghanistan, BiH, Croatia, DRC, Iraq, Lebanon, Serbia, South Sudan, Syria, Tajikistan, and Yemen, and other areas Kosovo, Nagorno-Karabakh, and Western Sahara.<sup>7</sup>

However, no cluster munition survey or clearance was reported in Angola, Chad, Chile, Colombia, Iran, Montenegro, Somalia, Sudan, or the UK. In Azerbaijan, there were no reports of cluster munition survey or clearance in areas under government control. Although cluster munition-contaminated areas were recorded in Libya and Ukraine in 2017, no clearance was reported.

The information provided in the table below draws on data provided in Article 7 transparency reports, by national programs, and by 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 *Cluster Munition Monitor 2015*.



In Quang Tri province, Vietnam, a 30-year-old Bru-Van Kieu mother, Ho Thi Mo, said she is relieved to know that demining teams are working to rid her mountainous village of cluster munitions.

© Hien Ngo/Norwegian People's Aid-Project RENEW, April 2018

<sup>7</sup> In Armenia, in September–October 2017 during technical survey and battle area clearance in Kornidzor, two submunitions were found and destroyed during release of an area of 64,191m<sup>2</sup>. Email from Reuben Arakelyan, Director, Center for Humanitarian Demining and Expertise, 14 June 2018.

## Cluster munition land release in States Parties, 2010 – 2017

Country/ Other Area	Land release through clearance				Survey in 2017	Notes, including on change since 2016
	2010 – 2017 total		2017			
	km <sup>2</sup>	No. submunitions destroyed	km <sup>2</sup>	No. submunitions destroyed		
<b>States Parties</b>						
Afghanistan	6.1	6,704 est.	2.83	383	One CHA 1.86km <sup>2</sup> added to database	Clearance of recorded contaminated area resumed in 2017. Discrepancies between data sources
Bosnia and Herzegovina	1.35	3,499	0.27	1,246	0.6km <sup>2</sup> reduced through technical survey	Land release results do not account for the change in the reported extent of contamination during 2017
Chad	N/R	N/R	0	0	None	No change
Chile	0	0	0	0	None	No change
Colombia	0	0	0	0	0	No efforts yet made to confirm that there is no remaining contamination
Croatia	5.85 est.	1,779	1.0	123	0.16km <sup>2</sup> confirmed	A slight decrease from 2016 clearance results
Germany	0.5	527	0.5	513		Clearance commenced in 2017
Iraq	Unclear	Unclear	At least 4.7	At least 1,188		Major discrepancies between data sources and absence of data from some operators
Lao PDR	368.14 est.	535,481	33	117,974	22.45km <sup>2</sup> CHAs confirmed	Increase from 2016 clearance results. Discrepancies between data sources
Lebanon	18.22 est.	28,710 est.	1.4	5,525	0.52km <sup>2</sup> identified through NTS and rapid response callouts	Discrepancies between data sources
Montenegro	0.0065	7 est.	0	0	None	Funding secured to commence clearance in 2018
Somalia	0	1	0	0	None	No change
United Kingdom	0	20	0	0	None	In June 2017, an empty BL755 cluster munition container was discovered

Signatories						
Angola	0	14	0	0	0	No change
Democratic Republic of the Congo	0.19	521 est.	3,900m <sup>2</sup> cleared	242	One area of unrecorded size cancelled	By May 2017, the last known contamination was cleared, but additional contamination was since discovered, which was undergoing TS as of June 2018
Non-signatories						
Azerbaijan	0	0	0	0	None	See Nagorno-Karabakh
Cambodia	Unclear	29,575 at least	23.5	8,367	2.7 km <sup>2</sup> released through survey. 4.89km <sup>2</sup> reported as confirmed. The reported estimate of contamination in eastern provinces increased by 93km <sup>2</sup> between May 2017 and May 2018	Major discrepancies between data sources
Georgia	1.3 at least	72 at least	0	3	0.8km <sup>2</sup> reduced	
Iran	N/R	N/R	N/R	N/R	N/R	No reports of survey or clearance operations
Libya	N/R	460 at least	N/R	N/R	50,400m <sup>2</sup> confirmed as contaminated	No change
Serbia	6.77	1,497	0.18	76	None	Decrease from 2016 clearance results
South Sudan	10.2 at least	5,163	1	629	0.71km <sup>2</sup> confirmed 0.06km <sup>2</sup> cancelled through NTS	Major decrease from 2016 clearance results

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

## Cluster munition land release in non-signatories, 2010–2017

Country/ Other Area	Land release through clearance				Survey in 2017	Notes, including on change since 2016
	2010–2017 total		2017			
	km <sup>2</sup>	No. submunitions destroyed	km <sup>2</sup>	No. submunitions destroyed		
<b>Non-signatories</b>						
Sudan	0.02	13	0	0	None	In 2018, for the first time Sudan reported on clearance that occurred between 2011–2013
Syria	N/R	N/R	N/R	6,633	None	Clearance is taking place but results are not systematically recorded
Tajikistan	0.45 at least	250 at least	0.25	164	0.02km <sup>2</sup> reduced through TS and 0.11km <sup>2</sup> cancelled through NTS	0.14km <sup>2</sup> of additional contamination identified through survey in 2018
Ukraine	Unclear	Unclear	N/R	N/R	0.43km <sup>2</sup> confirmed	Mine action activities are not systematically recorded, and it is not known how much land was cleared
Vietnam	Unclear	42,129 at least	16.75	6,157 at least	54.71km <sup>2</sup> confirmed	Only international operators' data is available. Most clearance is conducted by Army Engineering Corps, for which no data is available
Yemen	N/R	6321 est.	N/R	3,245	N/R	
<b>Other Areas</b>						
Kosovo	Up to 5.02	1,118 est.	0.9	76	0.5km <sup>2</sup> reduced, 2,290m <sup>2</sup> cancelled	Double the clearance conducted in 2016
Nagorno-Karabakh	41.04 at least	2,449	1.1	52	1.5km <sup>2</sup> confirmed, 0.26km <sup>2</sup> reduced	Decrease from 2016 clearance results
Western Sahara	15.79	14,140	6.1	688	1.45km <sup>2</sup> confirmed	Major increase from 2016 clearance results

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

## 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 deadline extensions for periods of up to five years. No such requests have yet been made as the first clearance deadlines are 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.<sup>8</sup>

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 COMPLETED

Eight States Parties have completed the clearance of their cluster munition-contaminated areas under the Convention on Cluster Munitions. None completed in 2017.

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

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<sup>8</sup> Convention on Cluster Munitions, Article 4.

## Clearance progress under the Convention on Cluster Munitions

Country	Article 4 clearance deadline	On track to meet deadline
Afghanistan	1 March 2022	Unclear
BiH	1 March 2021	Unclear
Chad	1 September 2023	Unclear
Chile	1 June 2021	Not on track
Colombia	1 March 2026	Unclear
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
Somalia	1 March 2026	Too soon to determine likelihood of meeting deadline
UK	1 November 2020	Unclear

## PROGRESS BY STATES PARTIES UNDER THE DUBROVNIK ACTION PLAN

The Dubrovnik Action Plan was adopted by States Parties at the Convention on Cluster Munitions First Review Conference in Dubrovnik, Croatia, in September 2015. 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 against their Dubrovnik Action Plan commitments on the clearance and destruction of cluster munition remnants.<sup>9</sup>

### 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 each State

<sup>9</sup> 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,” see the Support for Mine Action profiles and annual Landmine Monitor reports.

Party (refer to the table “Estimated cluster munition contamination” above for existing knowledge of extent of the problem). By the end of 2017:

- Two states had a very good understanding of the extent of the problem.
- Six states had a fairly good understanding of the extent of the problem.
- Four states—including the two most heavily contaminated—had a poor understanding of the problem.
- One state may be able to declare it has no contaminated areas, once assessment and survey have been conducted.

The two States Parties that have a very good understanding of the problem are Croatia and Germany. In Croatia, all known contamination is contained within confirmed hazardous areas, except for a small amount of previously unknown contamination that was identified in four areas in 2017.<sup>10</sup> In Germany, all contamination is contained in 11km<sup>2</sup> of a former military training area.<sup>11</sup>

The six States Parties that have a fairly good understanding of the extent of the problem are Afghanistan, BiH, Chile, Lebanon, Montenegro, and the UK. In two states, Afghanistan and Lebanon, many of the cluster munition-contaminated areas are known, but in 2017 previously unknown contamination continued to be discovered.<sup>12</sup> BiH is able to report a contamination figure, but this figure does not appear to be consistent with the amount of land released in 2017, and does not distinguish suspected hazardous areas from confirmed hazardous areas. Montenegro knows the locations of its contamination, but has two suspected areas that have yet to be surveyed.<sup>13</sup> Two states, Chile and the UK, know the locations of all contaminated areas, but the extent of contamination within those areas is not known. The UK has affirmed that, on the Falkland Islands/Malvinas, no areas known to be contaminated with cluster munition remnants exist outside areas already suspected of being contaminated with landmines or ERW.<sup>14</sup> Chile has not reported conducting any survey of the four military training areas that it suspects are contaminated.

The four States Parties that have a poor understanding of the extent or location of the cluster munition problem are Chad, Iraq, Lao PDR, 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 its understanding, as 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.<sup>15</sup> As of May 2018, Lao PDR had confirmed around 500km<sup>2</sup>

<sup>10</sup> Emails from Nataša Mateković, Assistant Director and Head of Planning and Analysis Department, Croatian Mine Action Center (CROMAC), 22 March 2017; and from Davor Laura, CROMAC, 6 April 2018.

<sup>11</sup> Convention on Cluster Munitions Article 7 Report (for 2017), Form F; and email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

<sup>12</sup> Emails from Brig.-Gen. Ziad Nasr, Lebanon Mine Action Center (LMAC), 27 April 2018; from LMAC Operations Department, 27 June 2018; and from Alauddin Mateen, Plans Officer, Directorate of Mine Action Coordination (DMAC), 15 July 2018.

<sup>13</sup> Norwegian People’s Aid (NPA), “Cluster Munition Remnants in Montenegro,” July 2013, p. 26; interview with Milovan Joksimović, Directorate for Emergency Situations, Podgorica, 15 May 2017; and email, 28 March 2018.

<sup>14</sup> Chile, Convention on Cluster Munitions Article 7 Report, Form F, July 2017, [bit.ly/CCMArt7Chile17](http://bit.ly/CCMArt7Chile17); and email from an official in the Arms Export Policy Department of the Foreign and Commonwealth Office (FCO), 1 July 2015.

<sup>15</sup> The National Regulatory Authority (NRA), “From Survey to Safety, Quantifying and Clearing UXO Contamination in Lao PDR,” March 2016.

of cluster munition contamination.<sup>16</sup> Iraq reported a significantly lower amount of CHA in 2017 than in 2016.<sup>17</sup> However, this did not match land release results, suggesting that the data does not provide a clear picture. Moreover, the priority of addressing mine-contaminated areas has slowed the survey efforts needed to determine the full extent of cluster munition contamination.<sup>18</sup> Although Chad and Somalia are probably contaminated by cluster munitions, survey is needed to identify suspected or confirmed hazardous areas.

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

In accordance with their Article 4 obligations, through their Article 7 transparency reports, seven States Parties reported on measures to provide risk education and/or to prevent civilian access to areas contaminated by cluster munition remnants through marking and fencing in 2017: Afghanistan, BiH, Croatia, Germany, Iraq, Lao PDR, and Lebanon.<sup>19</sup>

In Germany and the UK, in particular, all known cluster munition contamination is completely fenced and marked. In Germany, the areas are completely perimeter-marked with warning signs and an official directive constrains access to the area.<sup>20</sup> The UK has conducted comprehensive perimeter-marking of mined areas potentially containing cluster munition remnants.<sup>21</sup>

In most affected States Parties, a humanitarian and/or socio-economic impact of contamination is reported to varying degrees, indicating the need for greater efforts to fulfill this action. In several states, cluster munition remnants continue to cause casualties (*see the Casualties chapter for further details*).



Demining team collaborates with the Arab Puppet Theatre Foundation in south and east Lebanon to educate children on the dangers of UXO.

© Sean Sutton/MAG, March 2017

<sup>16</sup> Interviews with Phoukhieo Chanthasomboune, NRA, and Thipasone Soukhathammavong, UXO Lao, Vientiane, 2 May 2018.

<sup>17</sup> Email from Ahmed Al-Jasim, Head of Information Management Department, Directorate of Mine Action (DMA), 10 April 2018.

<sup>18</sup> Ibid.

<sup>19</sup> “Convention on Cluster Munitions 8MSP Progress Report – monitoring progress in implementing the Dubrovnik Action Plan,” submitted by the President of the Eighth Meeting of States Parties, 9 July 2018, covers the period 1 July 2017 to 30 June 2018, [bit.ly/8MSPprogressReport](http://bit.ly/8MSPprogressReport). The Cluster Munition Monitor does not report on mine risk education.

<sup>20</sup> Germany, Convention on Cluster Munitions Article 7 Report, Form G, 4 April 2012; and Convention on Cluster Munitions Article 7 Report (for calendar year 2014), Form F, 20 April 2015, [bit.ly/CCMArt7Germany15](http://bit.ly/CCMArt7Germany15).

<sup>21</sup> Statement of the UK, Mine Ban Treaty Intersessional Meetings, Standing Committee on Mine Action, Geneva, 27 May 2009, [bit.ly/UKstatement09](http://bit.ly/UKstatement09).

## ACTION 3.3—DEVELOP A RESOURCED PLAN

States Parties are required to have a plan in place within one year of the First Review Conference or by entry into force of the convention for each State Party. Although only one State Party is on track to meet its deadline, a number of States Parties have improved their plans or obtained further resources in 2017.

**Croatia** states in its national mine action plan for 2018 that it aims to eliminate all known cluster munition-contaminated areas by the end of 2018, well ahead of its Article 5 deadline.<sup>22</sup>

**Afghanistan** has a funded project for clearance of cluster munitions, which is included in its Mine Ban Treaty workplan. However, contaminated areas identified after the plan was developed are not included in the project.<sup>23</sup>

In mid-2018, **Montenegro** secured funding to conduct survey and clearance in order to complete its Article 4 obligations.<sup>24</sup>

**BiH** developed a draft National Mine Action Strategy for 2018–2025, which is said to contain a plan and timeframe for completion of cluster munition clearance. It is awaiting parliamentary approval.<sup>25</sup>

**Lao PDR** plans to complete a survey by the end of 2021, which should provide the basis upon which a clearance plan can be developed.<sup>26</sup> However, this will not be achieved within the Article 4 clearance deadline, and an extension request will need to be submitted.

**Lebanon's** 2011–2020 mine action strategic plan originally aimed to complete clearance of cluster munition remnants by 2016, but that was not achieved. Its second mid-term review revised the objective to 2020.<sup>27</sup>

**Germany** has not yet set specific milestones for the release of areas confirmed or suspected to contain cluster munition remnants.<sup>28</sup> Germany reported that it intends to meet its Article 4 deadline, but that some factors could lead to delays.<sup>29</sup>

Four States Parties do not have a cluster munition clearance strategy in place. They have not indicated an intention to develop such a plan, nor whether they expect to meet their Article 4 deadlines: Chad, Chile, Iraq, and the UK. **Chad's** mine action plan notes that it adhered to the Convention on Cluster Munitions

<sup>22</sup> Email from Davor Laura, CROMAC, 6 April 2018.

<sup>23</sup> Convention on Cluster Munitions Article 7 Report (for 2017), Form F; and email from Alauddin Mateen, Plans Officer, DMAC, 15 July 2018.

<sup>24</sup> Montenegro, Convention on Cluster Munitions Article 7 Report (for 2017), Form F.

<sup>25</sup> Email from Goran Zdrle, Bosnia and Herzegovina Mine Action Center (BHMIC), 17 May 2017; interview with Saša Obradovic, BHMIC, Sarajevo, 10 May 2017; and statement of GICHD, Mine Ban Treaty Intersessional Meetings, Geneva, 7 June 2018.

<sup>26</sup> NRA, "From Survey to Safety, Quantifying and Clearing UXO Contamination in Lao PDR," March 2016.

<sup>27</sup> LMAC, "Lebanon Mine Action Strategy. Second Milestone Review 2014–2016," March 2018; and email from Brig.-Gen. Nasr, LMAC, 27 April 2018.

<sup>28</sup> Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

<sup>29</sup> Ibid.

but does not detail plans to survey and clear cluster munition contamination.<sup>30</sup> **Chile** has not presented a plan for how it will achieve its Article 4 clearance deadline, and as of mid-2018, survey and clearance had not commenced. **Iraq** does not have a strategic plan for the clearance of cluster munition remnants, and the national priority has been given to tackling densely mine-contaminated areas liberated from the non-state armed group Islamic State (IS) to permit the return of displaced populations.<sup>31</sup> As any cluster munition contamination in the Falkland Islands/Malvinas is contained within existing minefields, the **UK**'s plan to clear all except 0.16km<sup>2</sup> of the minefields by the end of March 2020 gives some indication of progress.<sup>32</sup> However, the UK has not stated whether it suspects there may be cluster munition remnants in the remaining areas.

**Colombia** reported in 2017 that it is in the process of establishing the location and extent of any contamination, but it did not provide details of any plan or activities in 2017 or 2018.<sup>33</sup> Once the necessary assessment and survey have been conducted, Colombia may be able to declare full completion of its Article 4 obligations. As of mid-2018, **Somalia**'s draft National Mine Action Strategic Plan for 2017–2020 was under review.<sup>34</sup> However, the draft did not contain specific provisions on addressing contamination from cluster munition remnants or compliance with Article 4 obligations.<sup>35</sup>

## 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.” (*For details of the extent to which states have a knowledge of the contaminated areas under their jurisdiction, see Action 3.1 above.*)

The quality of reporting on survey and clearance is variable, and has not improved significantly overall in 2017. As in 2016, of those States Parties that conducted survey and clearance of cluster munition-contaminated areas in 2017, only Croatia, Germany, 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 Afghanistan, BiH, Iraq, Lao PDR, and Lebanon. This made it difficult to track progress toward completion of land release. These are the same states that had discrepancies within their data in 2016, indicating little improvement in information management.

<sup>30</sup> The National High Commission for Demining (Haut Commissariat National de Déminage, HCND), “Mine Action Plan 2014–2019,” May 2014, p. 4, [bit.ly/HCNDplan1419](http://bit.ly/HCNDplan1419).

<sup>31</sup> Email from Ahmed Al-Jasim, DMA, 10 April 2018.

<sup>32</sup> Second Mine Ban Treaty Article 5 Extension Request, 29 March 2018.

<sup>33</sup> Colombia, Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form J; and Colombia, Convention on Cluster Munitions Article 7 Report (for calendar year 2017), Form F, [bit.ly/CCMArt7Colombia18](http://bit.ly/CCMArt7Colombia18).

<sup>34</sup> Email from Claus Nielsen, NPA, 18 June 2018.

<sup>35</sup> “Somalia National Mine Action Strategic Plan,” Draft Version, February 2018.

In 2017, Chile submitted its first Article 7 report since 2013. However, as of 1 August 2018, it had not submitted its Article 7 report for 2017. As of 1 August 2018, Somalia had still not submitted its initial Article 7 report, which was due on 31 August 2016.

### ACTION 3.7—APPLY PRACTICE DEVELOPMENT<sup>36</sup>

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 Cluster Munition Monitor 2015.*)

All the states that conducted land release of cluster munition-contaminated areas reported the use of technical and/or non-technical survey to confirm, reduce, or cancel hazardous areas: Afghanistan, BiH, Croatia, Germany, Iraq, Lao PDR, and Lebanon.<sup>37</sup>

### ACTION 3.8—PROMOTE AND EXPAND COOPERATION

International cooperation and assistance to support national capacity-building in program management is provided to almost all States Parties. It covers strategic planning and standards development, as well as the implementation of land release operations.

The UN Mine Action Service (UNMAS) provides support to mine action programs in States Parties Afghanistan, Colombia, Iraq, and Somalia.<sup>38</sup> In Lebanon, it supports the UN Interim Force in Lebanon (UNIFIL). In 2017, the UN Development Programme (UNDP) supported capacity development in Lao PDR<sup>39</sup> and Lebanon; and in collaboration with the Geneva International Centre for Humanitarian Demining (GICHD), it provided support to strategic planning in BiH.<sup>40</sup> In Colombia, the Organization of American States (OAS) serves as the monitoring body for humanitarian demining in Colombia.<sup>41</sup>

International NGOs provided support to mine action programs by providing capacity-building support on standards (particularly on land release) and information management, as well as directly conducting clearance operations and mine risk education in 2017. International NGOs were active in States Parties Afghanistan, BiH, Chad, Colombia, Iraq, Lao PDR, Lebanon, and Somalia.

<sup>36</sup> This action requires that, “States parties will promote and continue to explore methods and technologies which will allow clearance operators to work more efficiently with the right technology to achieve better results as we all strive to attain as quickly as possible the strategic goal of a world free of cluster munitions and its remnants, while also making full use of existing methods and technologies that have proven to be effective.” Dubrovnik Action Plan, Implementation Support Unit of the Convention on Cluster Munitions, undated, p. 13.

<sup>37</sup> See table above, “Cluster Munition Land Release in States Parties.”

<sup>38</sup> See UNMAS Program list at [www.mineaction.org/programmes](http://www.mineaction.org/programmes).

<sup>39</sup> Interview with Olivier Bauduin, UNDP, Vientiane, 2 May 2018.

<sup>40</sup> Statement of GICHD, Mine Ban Treaty Intersessional Meetings, Geneva, 7 June 2018.

<sup>41</sup> Email from Camilo Serna, Vice Director, Colombian Campaign to Ban Landmines, 18 July 2018.

Croatia, which is on track to meet its Article 4 clearance obligations, did not receive international capacity-building or operational support in 2017, nor did Germany and the UK. In Chile, where no cluster munition survey or clearance has yet taken place, there was no international support in 2017.

Since 2015, Lebanon has been collaborating with the GICHD to manage and coordinate the Arab Regional Cooperation Programme for Mine Action.<sup>42</sup>

*(For information about funding for cluster munition survey and clearance, see the Support for Mine Action sections of the online country profiles.)<sup>43</sup>*

## 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 on Cluster Munitions in order to improve global efforts to address the threat posed by cluster munition remnants.

Of the 13 non-signatories that are or may be affected, only Serbia has an understanding of the extent of contamination. This compares to eight of 13 States Parties that have an understanding of the extent of contamination. Nine non-signatories and one signatory do not know the extent of contamination.<sup>44</sup> In one non-signatory and one signatory it is not clear whether there is contamination.<sup>45</sup> In 2017, no data on survey or clearance was available for non-signatory Iran. Land release results were not comprehensive in five non-signatories (Cambodia, Libya, Syria, Ukraine, and Vietnam).

All States Parties and signatories have a mine action program, authority, center, or other institution responsible for mine action. Non-signatory Syria does not have a national mine action program, authority, or center. Ukraine, also a non-signatory, has several bodies responsible for mine action, but as of mid-2018 still had to adopt a law that would create a national mine action institutional structure.

All three other areas (Kosovo, Nagorno-Karabakh, and Western Sahara) have a good understanding of the extent of contamination, available land release results, and established mine action programs or authorities.

## CLEARANCE IN CONFLICT

In 2017 and 2018, conflict continued to hinder land release activities in three States Parties (Afghanistan, Iraq, and Somalia), and six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen), as well as signatory DRC.

<sup>42</sup> Email from Anna-Lena Schluchter, containing data from Rana Elias, Focal Point for Lebanon, GICHD, 21 June 2017.

<sup>43</sup> Available on the Monitor website, [www.the-monitor.org/cp](http://www.the-monitor.org/cp).

<sup>44</sup> The extent of contamination is not known in non-signatories: Azerbaijan, Cambodia, Iran, Libya, South Sudan, Sudan, Syria, Ukraine, Vietnam, and Yemen; and signatory DRC.

<sup>45</sup> In non-signatory Georgia there may be some contamination in South Ossetia, which is outside government control. In signatory Angola there is no confirmed contamination, but minimal contamination may remain.

**Afghanistan** continued to report that some cluster munition-contaminated areas cannot be accessed due to insecurity.<sup>46</sup> In 2017, two conflict-related attacks were recorded against humanitarian deminers, which killed three and injured one, both in Nangarhar province.<sup>47</sup> **Iraq's** response to cluster munition contamination has been eclipsed at a national level by the priority given to tackling densely mine-contaminated areas liberated from IS to permit the return of displaced populations.<sup>48</sup> In **Somalia**, survey of mines/ERW was being conducted in 2017 for the first time in all states, although movements were hampered at times by the high levels of insecurity.<sup>49</sup> In 2017, three mine action staff were abducted, with one shot and injured. They were later all released.<sup>50</sup>

In **Libya**, the Libyan Mine Action Centre (LibMAC) described the following challenges: the high level of contamination; ongoing conflict and the continued presence of IS; the difficulty in convincing internally displaced persons to delay their return until the ERW threat is addressed; security and access to priority areas continues to be problematic; limited ERW and improvised explosive device (IED) disposal capacity in Libya; the vast geographical area; and the shortfall in governmental and international support.<sup>51</sup> In 2017, most international organizations continued to provide capacity-building to national partners remotely from Tunisia. Only one international NGO returned to Libya in 2017. As of June 2018, NGOs were frequently forced to suspend operations in the south-west due to poor security.<sup>52</sup>

In **South Sudan**, cluster munition clearance decreased significantly due to a shift from area clearance to reactive EOD spot tasks because of security constraints.<sup>53</sup> This is in contrast to 2016 when a decision was made to deploy the bulk of capacity on cluster munition tasks, due to the need to clear areas for humanitarian access and for UN mission-related activities.<sup>54</sup> In 2017, internally displaced populations remained particularly vulnerable to cluster munition remnants and other explosive hazards as they moved across unfamiliar territory. Cluster munition contamination continued to limit access to agricultural land and increased food insecurity.<sup>55</sup> Mine action operators continued to face serious threats to the security of their operations and personnel due to the ongoing conflict. In 2017, there was an ambush on a demining contractor in which four personnel were seriously injured. There were also several instances of criminality in which teams were robbed by armed groups during the year.<sup>56</sup>

<sup>46</sup> Email from Alauddin Mateen, Plans Officer, DMAC, 15 July 2018.

<sup>47</sup> ANAMA, "Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2017," p. 18.

<sup>48</sup> Email from Ahmed Al-Jasim, DMA, 10 April 2018.

<sup>49</sup> Email from Claus Nielsen, Programme Manager, NPA, 22 March 2018.

<sup>50</sup> Emails from Ghirmay Kiros, UNMAS, 20 and 24 June 2018.

<sup>51</sup> PowerPoint presentation by Mohammad Turjoman, LibMAC, at the National Programme Director's Meeting, Geneva, 8 February 2017.

<sup>52</sup> Telephone interview with Darren Devlin, DDG, 20 June 2018.

<sup>53</sup> Emails from Tim Lardner, UNMAS, 27 February and 1 March 2018.

<sup>54</sup> Email from Robert Thompson, UNMAS, 7 June 2017.

<sup>55</sup> UNMAS, "2018 Portfolio of Mine Action Projects: South Sudan," undated.

<sup>56</sup> Emails from Richard Boulter, UNMAS, 6 June 2018; and from Tim Lardner, UNMAS, 27 February and 1 March 2018.

In **Sudan**, the extent of mine and ERW (including cluster munitions) contamination in areas of Abyei and the border area between Sudan and South Sudan remained unknown due to persistent conflict and ongoing restrictions on access.<sup>57</sup>

In **Syria**, continuing conflict prevented a coordinated national program of mine action in 2017 though mine action interventions gathered significant momentum, albeit at levels that varied in different regions according to the level of security.

In **Ukraine**, the heaviest mine and ERW (including cluster munitions) contamination is believed to be inside the 15km buffer zone between the warring parties, but access to this area for survey and clearance operations is severely limited.<sup>58</sup>

In **Yemen**, communication and coordination between Yemen Mine Action Center (YEMAC) headquarters and its Aden branch have been hampered by Yemen's *de facto* division between the Saudi-led coalition that controls Aden and operates in much of the south in support of the internationally recognised but exiled government, and Houthi rebels who control the capital Sana'a and operate in much of the north.<sup>59</sup> However, despite this, in 2017, UNDP reported that YEMAC administrative and operational capacity and productivity improved in 2017, as a result of training courses.<sup>60</sup>

In **DRC**, survey of possible cluster munition contamination in the Aru and Dungu territories is not possible due to security concerns.<sup>61</sup>

In **Azerbaijan** and **Georgia**, there may be cluster munition contamination in areas that are not under government control.<sup>62</sup> In **Western Sahara**, cluster munition strike areas located inside the buffer strip east of the Berm are inaccessible for clearance.<sup>63</sup>

## COUNTRY SUMMARIES

Where discrepancies between data sources exist, only one source has been utilized—usually the mine action center. (*For complete information on all states, including details of data variations, see the online mine action country profiles at [www.the-monitor.org/cp](http://www.the-monitor.org/cp).)*

<sup>57</sup> UNMAS, "2018 Portfolio of Mine Action Projects, Sudan," undated.

<sup>58</sup> Emails from Yuri Shahramanyan, Programme Manager, HALO Trust Ukraine, 24 May 2017; and from Henry Leach, Head of Programme, DDG Ukraine, 29 May 2017.

<sup>59</sup> Interview with Ahmed Alawi, YEMAC, and Stephen Bryant, Chief Technical Adviser, UNDP, in Geneva, 17 February 2016.

<sup>60</sup> UNDP, "Emergency Mine Action Project, Annual Report 2017," January 2018, pp. 10–12.

<sup>61</sup> "Stratégie Nationale de Lutte Antimines en République Démocratique du Congo 2018–2019," CCLAM, November 2017, pp. 18–19.

<sup>62</sup> In Azerbaijan, around one-fifth of the territory is occupied by Armenia. In Georgia, South Ossetia is occupied by Russia and inaccessible to both the Georgian authorities and international NGO clearance operators.

<sup>63</sup> The buffer strip is an area 5km wide, east of the Berm. MINURSO, "Ceasefire Monitoring Overview," undated, [minurso.unmissions.org/ceasefire-monitoring](http://minurso.unmissions.org/ceasefire-monitoring).

## 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.<sup>64</sup> 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.<sup>65</sup> As of December 2017, Afghanistan recorded 6.52km<sup>2</sup> of cluster munition-contaminated areas. Previously unidentified cluster munition-contaminated areas were added to the database in 2017, and it is possible that there are other as yet unknown areas.<sup>66</sup> In 2017, clearance was conducted by two national NGOs, Demining Agency for Afghanistan (DAFA) and AREA, and one international NGO, the HALO Trust.

**Bosnia and Herzegovina's** cluster munition contamination results from Yugoslav use in the 1992–1995 conflict after the break-up of the Socialist Federal Republic of Yugoslavia. Cluster munitions were also used by NATO forces in Republika Srpska.<sup>67</sup> The total amount of contaminated land reduced to 6.47km<sup>2</sup> at the end of 2017 from 7.3km<sup>2</sup> at the end of 2016.<sup>68</sup> During 2017, three organizations conducted cluster munition technical survey and/or clearance: the BiH Armed Forces, the Federal Administration of Civil Protection, and NGO Norwegian People's Aid (NPA).<sup>69</sup>

**Chad** is believed to be contaminated by cluster munitions used by France and Libya in the 1980s, but there are no identified suspected or confirmed hazardous areas. Large portions of the northern regions of Chad, which are heavily contaminated by mines and ERW, are still to be surveyed, and it is possible that they contain cluster munition-contaminated areas. No cluster munition survey or clearance was reported in 2017. The National Demining Center (Centre National de Déminage, CND) operates demining and EOD teams. In September 2017, the EU agreed to support a new four-year mine action project (PRODECO), which is comprised of survey and clearance, as well as capacity-building to the CND.<sup>70</sup>

**Chile** has reported military training areas totaling 97km<sup>2</sup> that are suspected to be contaminated by cluster munition remnants. As of mid-2018, Chile had not reported conducting any survey or clearance of the cluster munition-contaminated areas, nor had it reported on any steps taken to elaborate a work plan.

<sup>64</sup> Statement of Afghanistan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 15 April 2013, [bit.ly/CMCintersessional13Afghanistan](http://bit.ly/CMCintersessional13Afghanistan).

<sup>65</sup> 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.

<sup>66</sup> Email from Alauddin Mateen, DMAC, 15 July 2018.

<sup>67</sup> 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.

<sup>68</sup> Convention on Cluster Munitions Article 7 Report (for 2017), Form F; and email from Ljiljana Ilić, BHMIC, 22 June 2018. The total contamination reported for the end of 2016 has been revised to 7.3km<sup>2</sup>. In Cluster Munition Monitor 2017 it was reported incorrectly as 8.42km<sup>2</sup>.

<sup>69</sup> Email from Ljiljana Ilić, BHMIC, 22 June 2018.

<sup>70</sup> Email from Romain Coupez, MAG, 3 May 2017; and HI "Country Profile Chad," September 2017, [www.handicapinternational.be/sites/default/files/paginas/bijlagen/201710\\_fp\\_tchad\\_fr.pdf](http://www.handicapinternational.be/sites/default/files/paginas/bijlagen/201710_fp_tchad_fr.pdf).

**Colombia** has acknowledged that cluster munitions were used in the past.<sup>71</sup> The impact of any cluster munition contamination is believed to be minimal. In August 2016 and in May 2017, Colombia reported that it was in the process of establishing the location and extent of any contamination.<sup>72</sup> 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.<sup>73</sup> In 2017, the total contaminated area reduced by 0.7km<sup>2</sup> through clearance to 1.74km<sup>2</sup>, despite the identification of four previously unknown contaminated areas totaling 1.0km<sup>2</sup>.<sup>74</sup> Croatia aims to complete clearance of all cluster munition contamination by the end of 2018.<sup>75</sup> Cluster munition clearance is conducted by commercial demining companies.<sup>76</sup>

**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<sup>2</sup>.<sup>77</sup> The area is completely perimeter-marked with warning signs and an official directive constrains access to it.<sup>78</sup> Survey was completed in 2015, and results formed the basis for subsequent preparatory work in 2016, including a fire protection system.<sup>79</sup> Clearance operations commenced in March 2017.<sup>80</sup> Although Germany intends to meet its August 2020 clearance deadline, it stated that several factors may lead to delays.<sup>81</sup>

In **Iraq**, 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 cover 165km<sup>2</sup> of confirmed and suspected hazardous areas across eight central and southern governorates: 98% is in just

71 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.

72 Colombia, Convention on Cluster Munitions Article 7 Report (initial report submitted in August 2016), Form F; and Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form J, [bit.ly/CCMArt7Colombia16](http://bit.ly/CCMArt7Colombia16).

73 CROMAC, "Mine Action in Croatia and Mine Situation," undated, [www.hcr.hr/en/minSituac.asp](http://www.hcr.hr/en/minSituac.asp).

74 Email from Dejan Rendulić, CROMAC, 14 June 2018; and Convention on Cluster Munitions Article 7 Report (for 2017), Form F.

75 Email from Davor Laura, CROMAC, 6 April 2018.

76 CROMAC website, "CROMAC's Mine Information System," undated, [www.hcr.hr/pdf/MISWebENG.pdf](http://www.hcr.hr/pdf/MISWebENG.pdf); and email from Davor Laura, CROMAC, 6 April 2018.

77 Germany, Convention on Cluster Munitions Article 7 Report (for calendar year 2014), Form F, 20 April 2015, [bit.ly/CCMArt7Germany15](http://bit.ly/CCMArt7Germany15).

78 *Ibid.*; and Germany, Convention on Cluster Munitions Article 7 Report, Form G, 4 April 2012, [bit.ly/CCMArt7Germany12](http://bit.ly/CCMArt7Germany12).

79 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April 2017; and Germany, Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form F, [bit.ly/CCMArt7Germany17](http://bit.ly/CCMArt7Germany17).

80 Emails from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April and 13 June 2017; and Germany, Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form F, [bit.ly/CCMArt7Germany17](http://bit.ly/CCMArt7Germany17).

81 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 7 May 2018.

the three governorates of Basra, Muthanna, and Thi-Qar.<sup>82</sup> There are other areas that require survey to determine the extent of contamination.<sup>83</sup> In 2017, survey and clearance were conducted by the army, the civil defense, and the Regional Mine Action Center (RMAC) South, along with humanitarian operators Iraq Mine Clearance Organization (IMCO), Danish Demining Group (DDG), Humanity and Inclusion (HI, formerly Handicap International), NPA, Mines Advisory Group (MAG), and commercial operators.<sup>84</sup> Mine action operations continued to be overshadowed by conflict, and as in previous years, data deficiencies hindered 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.<sup>85</sup> The scale of contamination is not known. In 2016, Lao PDR committed to a nationwide survey with a view to producing Lao PDR's first baseline estimate of cluster munition contamination by the end of 2021.<sup>86</sup> By May 2018, Lao PDR had confirmed approximately 500km<sup>2</sup> of cluster munition contamination.<sup>87</sup> In 2017, survey and clearance operators included the Lao armed forces and five humanitarian operators—one national, UXO Lao, and four international (HALO Trust, HI, MAG, and NPA)—as well as several international and national commercial operators.

**Lebanon's** four southern regions are affected by contamination resulting from cluster munitions use by Israel during the July–August 2006 conflict, while some parts of the country are also contaminated by cluster munitions used in the 1980s.<sup>88</sup> Previously unknown contaminated areas continued to be discovered in 2017, predominantly in southern Lebanon.<sup>89</sup> At the end of 2017, Lebanon's known cluster munition contamination had increased to 24km<sup>2</sup> of confirmed and suspected hazardous areas.<sup>90</sup> Cluster munition remnants continue to affect agriculture. Contamination is also reported to pose a risk for refugees from Syria.<sup>91</sup> Cluster munition clearance in 2017 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.

<sup>82</sup> Email from Ahmed Al-Jasim, DMA, 10 April 2018.

<sup>83</sup> Emails from Khatab Omer Ahmed, Planning Manager, Directorate General of Technical Affairs, Iraqi Kurdistan Mine Action Agency (IKMAA), 8 May 2018; and from Steven Warner, Desk Officer, MAG, 10 April 2018.

<sup>84</sup> Email from Ahmed Al-Jasim, DMA, 10 April 2018.

<sup>85</sup> "US bombing records in Laos, 1964–73, Congressional Record," 14 May 1975; NRA, *UXO Sector Annual Report 2009* (Vientiane, 2010), p. 13, [bit.ly/NRAUXOrep09](http://bit.ly/NRAUXOrep09); and Lao PDR, Convention on Cluster Munitions Article 7 Report (for calendar year 2013), Form F, [bit.ly/CCMArt7LaoPDR14](http://bit.ly/CCMArt7LaoPDR14).

<sup>86</sup> NRA, "From Survey to Safety, Quantifying and Clearing UXO Contamination in Lao PDR," March 2016.

<sup>87</sup> Interview with Phoukhieo Chanthasomboune, NRA, and Thipasone Soukhathammavong, UXO Lao, Vientiane, 2 May 2018.

<sup>88</sup> LMAC, "Lebanon Mine Action Strategy 2011–2020," September 2011, [bit.ly/LMACStrategySept2011](http://bit.ly/LMACStrategySept2011); and responses to NPA questionnaire by Brig.-Gen. Elie Nassif, LMAC, 12 May and 17 June 2015.

<sup>89</sup> Emails from Brig.-Gen. Nasr, LMAC, 27 April 2018; and from LMAC operations department, 27 June 2018.

<sup>90</sup> Email from Brig.-Gen. Nasr, LMAC, 24 April 2017.

<sup>91</sup> *Ibid.*, 27 April 2018; Convention on Cluster Munitions Article 7 Report (for 2017), Form I; statement of Lebanon, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4–6 September 2017; and LMAC, "Lebanon Mine Action Strategy. Second Milestone Review 2014–2016," March 2018.

**Montenegro's** cluster munition contamination is the result of NATO airstrikes in 1999.<sup>92</sup> A non-technical survey conducted in 2012–2013 identified approximately 1.7km<sup>2</sup> of suspected and confirmed hazardous areas in two municipalities and one urban municipality.<sup>93</sup> The contamination mainly affects infrastructure and utilities, accounting for 63% of the affected land, with agriculture accounting for another 30%. Two suspected areas remain to be surveyed.<sup>94</sup> In May 2018, funding was secured for survey and clearance of the remaining cluster munition contamination, to be conducted by NPA.<sup>95</sup>

In **Somalia**, Ethiopian National Defense Forces reportedly used cluster munitions in clashes with Somali Armed Forces along the Somali-Ethiopian border during the 1977–1978 Ogaden War.<sup>96</sup> In 2016, BL-755 submunitions were discovered, the result of alleged use by Kenya that year.<sup>97</sup> Cluster munition contamination is suspected in southcentral Somalia and Puntland, but the extent is not known. No survey or clearance of cluster munition remnants was conducted in 2017. However, in 2017 for the first time, mine/ERW teams were to be deployed in all states, although the number of teams was limited and movements hindered by insecurity.<sup>98</sup> Somalia had not submitted its initial Article 7 transparency report as of 1 August 2018.

**United Kingdom (UK).** There may be an unknown number of cluster munition remnants on the Falkland Islands/Malvinas as a result of the use of cluster munitions by the UK against Argentine positions in 1982. Most cluster munition contamination was cleared in the first year after the conflict.<sup>99</sup> The UK affirmed in 2015 that no areas known to be contaminated with cluster munition remnants exist outside areas already suspected of being contaminated with landmines or ERW, which are all marked and fenced.<sup>100</sup> In its second Mine Ban Treaty Article 5 extension request, the UK reported that by the end of March 2020, it is expected that an estimated 0.16km<sup>2</sup> of mine contamination will remain. The UK has not said whether this remaining area is suspected to contain cluster munition remnants. In 2017, land release was conducted by BACTEC. No submunitions were found during clearance operations in 2017, although one empty BL755 cluster munition container was found.<sup>101</sup>

<sup>92</sup> NPA, "Cluster Munition Remnants in Montenegro," July 2013, p. 21, [bit.ly/NPARemnantsMontenegro](http://bit.ly/NPARemnantsMontenegro).

<sup>93</sup> Montenegro, Convention on Cluster Munitions Article 7 Report (for calendar year 2014), Form F, [bit.ly/CCMAAct7Montenegro15](http://bit.ly/CCMAAct7Montenegro15); Convention on Cluster Munitions Article 7 Report (for calendar year 2013), Form F; and NPA, "Cluster Munition Remnants in Montenegro," July 2013, p. 26, [bit.ly/NPARemnantsMontenegro](http://bit.ly/NPARemnantsMontenegro). There is a discrepancy in the locations reported as contaminated between the Article 7 reports and NPA.

<sup>94</sup> NPA, "Cluster Munition Remnants in Montenegro," July 2013, p. 26; interview with Milovan Joksimović, Directorate for Emergency Situations, Podgorica, 15 May 2017; and email, 28 March 2018.

<sup>95</sup> Email from Jonas Zachrisson, NPA BiH, 21 June 2018.

<sup>96</sup> 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.

<sup>97</sup> UN Security Council, "Letter dated 7 October 2016 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council," S/2016/919, 31 October 2016, pp. 171–173.

<sup>98</sup> Email from Claus Nielsen, NPA, 22 March 2018.

<sup>99</sup> Letter to Landmine Action from Lt. Col. Scott Malina-Derben, Ministry of Defense, 6 February 2009.

<sup>100</sup> Email from an official in the Arms Export Policy Department of the FCO, 1 July 2015.

<sup>101</sup> Interview with an official in the Arms Export Policy Department of the FCO, London, 16 March 2017; and email, 2 June 2017.

## NON-SIGNATORIES WITH MORE THAN 5KM<sup>2</sup> OF CONTAMINATED LAND

The full extent of **Cambodia's** contamination is not known. 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.<sup>102</sup> In 2011, Thailand fired cluster munitions into Cambodia's northern Preah Vihear province, which resulted in additional contamination of approximately 1.5 km<sup>2</sup>.<sup>103</sup> Cambodia estimates 624km<sup>2</sup> of cluster munition contamination in 18 provinces.<sup>104</sup> Cambodia is conducting a national mine/ERW baseline survey, which it expects to complete by 2020. The Cambodian Mine Action and Victim Assistance Authority (CMAA) plans to modify its survey procedures to use the Cluster Munition Remnants Survey (CMRS) methodology, which in 2017 was only used by NPA.<sup>105</sup> Survey and clearance of cluster munition remnants in eastern Cambodia are undertaken mainly by the Cambodian Mine Action Center (CMAC), NPA, and MAG.



Interfaith ceremony at a former cluster bomb site.

© So Not/CCBL-Jesuit Refugee Service, July 2017

**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.<sup>106</sup> New use of cluster munitions by an unidentified party resulted in additional contamination in 2014 of Jonglei state.<sup>107</sup> At the end of 2017, contamination was suspected across seven of 10 states.<sup>108</sup> It is thought that the actual size of contamination is greater than the recorded estimates of 4.54km<sup>2</sup> of suspected and confirmed contamination.<sup>109</sup> However, ongoing

- <sup>102</sup> South East Asia Air Sortie Database, cited in D. McCracken, "National Explosive Remnants of War Study, Cambodia," NPA in collaboration with the Cambodian Mine Action and Victim Assistance Authority (CMAA), Phnom Penh, March 2006, p. 15; HRW, "Cluster Munitions in the Asia-Pacific Region," April 2008, [bit.ly/HRWCMinAsiaPacific](http://bit.ly/HRWCMinAsiaPacific); and HI, *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI, Brussels, November 2006), p. 11, [bit.ly/HIFatalFootprint2006](http://bit.ly/HIFatalFootprint2006).
- <sup>103</sup> Aina Ostreng, "Norwegian People's Aid clears cluster bombs after clash in Cambodia," NPA, 19 May 2011, [bit.ly/NPACambodia2011](http://bit.ly/NPACambodia2011).
- <sup>104</sup> Mine Ban Treaty Article 7 Report (for 2017), Annex B; and email from the CMAA, 22 May 2018. However, its National Mine Action Strategy says known cluster munition contamination covers 645km<sup>2</sup> and believes the figure will rise as a result of future survey. See, CMAA, "National Mine Action Strategy 2018–2025," p. 9.
- <sup>105</sup> Interview with Prum Sophakmonkol, CMAA, 24 April 2018.
- <sup>106</sup> Cluster Munition Monitor, "Country Profile: South Sudan: Cluster Munition Ban Policy," updated 23 August 2014, [bit.ly/CMMSSudanBanPolicy14](http://bit.ly/CMMSSudanBanPolicy14). 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, [bit.ly/UNMISSReport14](http://bit.ly/UNMISSReport14).
- <sup>107</sup> 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, [bit.ly/UNMISSReport14](http://bit.ly/UNMISSReport14).
- <sup>108</sup> Emails from Tim Lardner, UNMAS, 27 February and 1 March 2018.
- <sup>109</sup> Emails from Tim Lardner, UNMAS, 27 February and 1 March 2018. According to UNMAS, the number of cluster munition strikes recorded is thought to be accurate, however the size of the strike area is likely greater than currently recorded estimates.

insecurity, particularly in Greater Upper Nile region (Jonglei, Unity, and Upper Nile states), continued to prevent access to confirm or address cluster munition contamination.<sup>110</sup> UNMAS oversees mine action and supports the capacity development of the National Mine Action Authority (NMAA).<sup>111</sup> Three international NGOs (DCA, DDG, and MAG) and three commercial companies (G4S Ordnance Management, Mechem, and the Development Initiative) operated in 2017. The amount of cluster munition-contaminated land cleared decreased in 2017 due to a shift from area clearance to reactive EOD tasks because of security constraints.<sup>112</sup>

**Syria.** Cluster munitions have been used extensively since 2012, but the full extent of contamination is not known. Cluster munition use, casualties, and contamination have been reported in Aleppo, Idlib, Hama, Homs, Dara'a, Deir az Zour, and Quneitra governorates, as well as the Damascus suburb of Eastern Ghouta. Prior to the current conflict that began in 2012, the Golan Heights was contaminated by UXO, including unexploded submunitions. Syria does not have a national mine action authority or a national program for survey and clearance. Mine action has been conducted by a wide range of organizations, including military engineers of parties to the conflict, civil defense organizations, humanitarian demining organizations, and commercial companies. In 2015, UNMAS opened an office in Gaziantep and established a mine action sub-cluster to integrate mine action into the broader Syria humanitarian response. In September 2017, UNMAS opened an office in Beirut to coordinate support provided through offices in Gaziantep and Amman for 27 mine action organizations undertaking activities that included community-level contamination impact surveys, marking of some hazardous areas, risk education, and clearance.<sup>113</sup> International humanitarian and commercial operators were active mainly in northeastern Syria, and some international actors have partnered with Syrian organizations to provide training, funding, and support. Land release results are not systematically recorded. No cluster munition-contaminated hazardous areas have been recorded. However, the Syrian Civil Defence and its partner Mayday Rescue said that submunitions constituted the “vast majority” of items cleared in the course of conducting roving tasks in response to community requests.<sup>114</sup>

**Ukraine.** The full extent of contamination from cluster munitions 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. Mine action operators consist of Ukrainian government authorities, three international NGOs (DDG, Fondation Suisse de Deminage, and HALO Trust), and a national NGO, Demining Team of Ukraine. Only HALO reported survey of

<sup>110</sup> UNMAS, “2017 Portfolio of Mine Action Projects: South Sudan,” January 2017.

<sup>111</sup> South Sudan, “South Sudan National Mine Action Strategic Plan 2012–2016,” Juba, 2012, p. iv, [bit.ly/SSudanMineActionPlan1216](http://bit.ly/SSudanMineActionPlan1216).

<sup>112</sup> Emails from Tim Lardner, UNMAS, 27 February and 1 March 2018.

<sup>113</sup> Interview with Gilles Delecourt, UNMAS, Geneva, 16 February 2018; and email, 22 May 2018; UNMAS, “Programmes in Syria,” updated March 2018, at [www.mineaction.org/programmes/syria](http://www.mineaction.org/programmes/syria).

<sup>114</sup> Telephone interview with Luke Irving, Mayday Rescue, 28 March 2018; and Mayday Rescue, “Syria Civil Defence, Explosive Hazard Mitigation Project Overview, Nov 2015–Mar 2018,” 1 March 2018.

cluster munition contamination in 2017.<sup>115</sup> No clearance of cluster munition remnants was reported. The Organization for Security and Co-operation in Europe (OSCE) and the GICHD are providing support to establish mine action legislation, policies, coordination, and information management.<sup>116</sup>

**Vietnam** is one of the most cluster munition-contaminated countries in the world as a result of the US use of cluster munitions in 1965–1973 in 55 provinces and cities.<sup>117</sup> The US military also abandoned substantial quantities of cluster munitions.<sup>118</sup> There is no national assessment of contamination, although an ERW impact survey completed in 2014, but not published until 2018, reported that cluster munition remnants affected 32 of Vietnam’s 63 provinces and cities.<sup>119</sup> In Quang Tri, reportedly Vietnam’s most contaminated province, the extent of contamination has become better known, as a result of survey. By the start of 2018, operators estimated total ERW contamination at more than 130km<sup>2</sup>, and with survey still to be conducted in three districts, it was expected the total would rise to between 150km<sup>2</sup> and 200km<sup>2</sup>.<sup>120</sup> The military has conducted most clearance in the country over the past few years, but as in past years they did not provide data for 2017. Four NGOs (DDG, MAG, NPA, and PeaceTrees Vietnam) conducted land release in 2017.

**Yemen.** Since the start of the current conflict in March 2015, air strikes by the Saudi-led coalition have resulted in significant contamination that poses a threat to the civilian population.<sup>121</sup> YEMAC has identified heavy cluster munition contamination in Saada governorate as well as contamination in Amran, Hodaida, Mawit, and Sanaa governorates, including in Sanaa city.<sup>122</sup> Cluster munition contamination has also been reported in Hajjah governorate.<sup>123</sup> Contamination also results from use in 2009 and perhaps earlier. There are some 18km<sup>2</sup> of suspected contamination with submunitions in the northern Saada governorate predating the current conflict.<sup>124</sup> The UNDP and YEMAC embarked on a plan for the next phase of cooperation covering 2017–2020. The plan’s “overarching principles” included aiding restoration of basic services, enabling access to infrastructure, and reducing casualties.<sup>125</sup> In 2017, YEMAC—the only operator—

<sup>115</sup> Email from Yuri Shahramanyan, HALO Trust Ukraine, 15 June 2018.

<sup>116</sup> “Mine Action Activities,” Side-event presentation by Amb. Vaidotas Verba, Head of Mission, OSCE Project Coordinator in Ukraine, at the 19th International Meeting, 17 February 2016; and email from Miljenko Vahtaric, OSCE Project Coordinator, 26 June 2017.

<sup>117</sup> “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.

<sup>118</sup> Interview with Sr. Col. Phan Duc Tuan, PAVN, in Geneva, 30 June 2011.

<sup>119</sup> Vietnam National Mine Action Center (VNMAC), “Report on Explosive Remnants of War Contamination in Vietnam Based on the ‘Vietnam Explosive Remnants of War Contamination Survey and Mapping – Phase 1 Project,’” Hanoi, 2018, p. 38.

<sup>120</sup> Interviews with Resad Junuzagic, Country Director, Jan Eric Stoa, Operations Manager, and Magnus Johansson, Operations Manager, NPA, Hanoi, 17 April 2018; and with Simon Rea, Country Director, and Michael Raine, Technical Operations Manager, MAG Quang Tri, 19 April 2018.

<sup>121</sup> See Cluster Munition Ban Policy profile for Yemen, at [www.the-monitor.org/cp](http://www.the-monitor.org/cp).

<sup>122</sup> Interviews with Ahmed Alawi, YEMAC, 17 February 2016; and with Stephen Bryant, Chief Technical Adviser, UNDP, Geneva, 6 February 2017.

<sup>123</sup> Amnesty International, “Yemen: children among civilians killed and maimed in cluster bomb ‘minefields,’” 23 May 2016, [bit.ly/AmnestyYemen23May2016](http://bit.ly/AmnestyYemen23May2016).

<sup>124</sup> Email from Ali al-Kadri, General Director, YEMAC, 20 March 2014.

<sup>125</sup> UNDP, “Emergency Mine Action Project, Annual Report 2017,” January 2018, p. 12.

conducted survey and clearance on an emergency basis. It reported destroying 3,245 cluster munition remnants in 2017, although the amount of land cleared of cluster munition remnants was not disaggregated from land cleared from other ERW. Operations included response to requests for emergency clearance of Hodeida port, the main entry point for international humanitarian assistance to Yemen, and Amran cement factory, an important contributor to economic activity.<sup>126</sup>

## OTHER AREAS WITH MORE THAN 5KM<sup>2</sup> 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.<sup>127</sup> After demining operations finished in 2001, the UN reported the problem as virtually eliminated.<sup>128</sup> However, subsequent surveys since 2008 have identified contaminated areas.<sup>129</sup> Land release in 2017 was conducted by the Kosovo Security Forces, HALO Trust, and NPA. Clearance results increased in 2017.

Most of **Nagorno-Karabakh's** cluster munition contamination dates from use in 1992–1994 during armed conflict between Armenia and Azerbaijan. Just more than 72km<sup>2</sup> of cluster munition contamination affects all regions with over two-thirds of the contamination located in three regions: Askeran, Martuni, and Martakert.<sup>130</sup> All survey and clearance is conducted by HALO Trust. Clearance of cluster munition-contaminated land decreased significantly in 2017, as the clearance of mined areas was prioritized.<sup>131</sup> In 2016, 2km<sup>2</sup> of new contamination was estimated to have resulted from use of cluster munitions in the hostilities between Armenia and Azerbaijan in April.<sup>132</sup> Clearance of this new contamination was completed in February 2017.<sup>133</sup>

<sup>126</sup> UNDP, “Emergency Mine Action Project, Annual Progress Report 2017,” January 2018, pp. 12, 20.

<sup>127</sup> 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, [bit.ly/ICRCERWinKosovo01](http://bit.ly/ICRCERWinKosovo01).

<sup>128</sup> “UNMIK Mine Action Programme Annual Report – 2001,” Mine Action Coordination Cell, Pristina, undated but 2002, p. 1.

<sup>129</sup> HALO Trust, “Failing the Kosovars: The Hidden Impact and Threat from ERW,” 15 December 2006, p. 1.

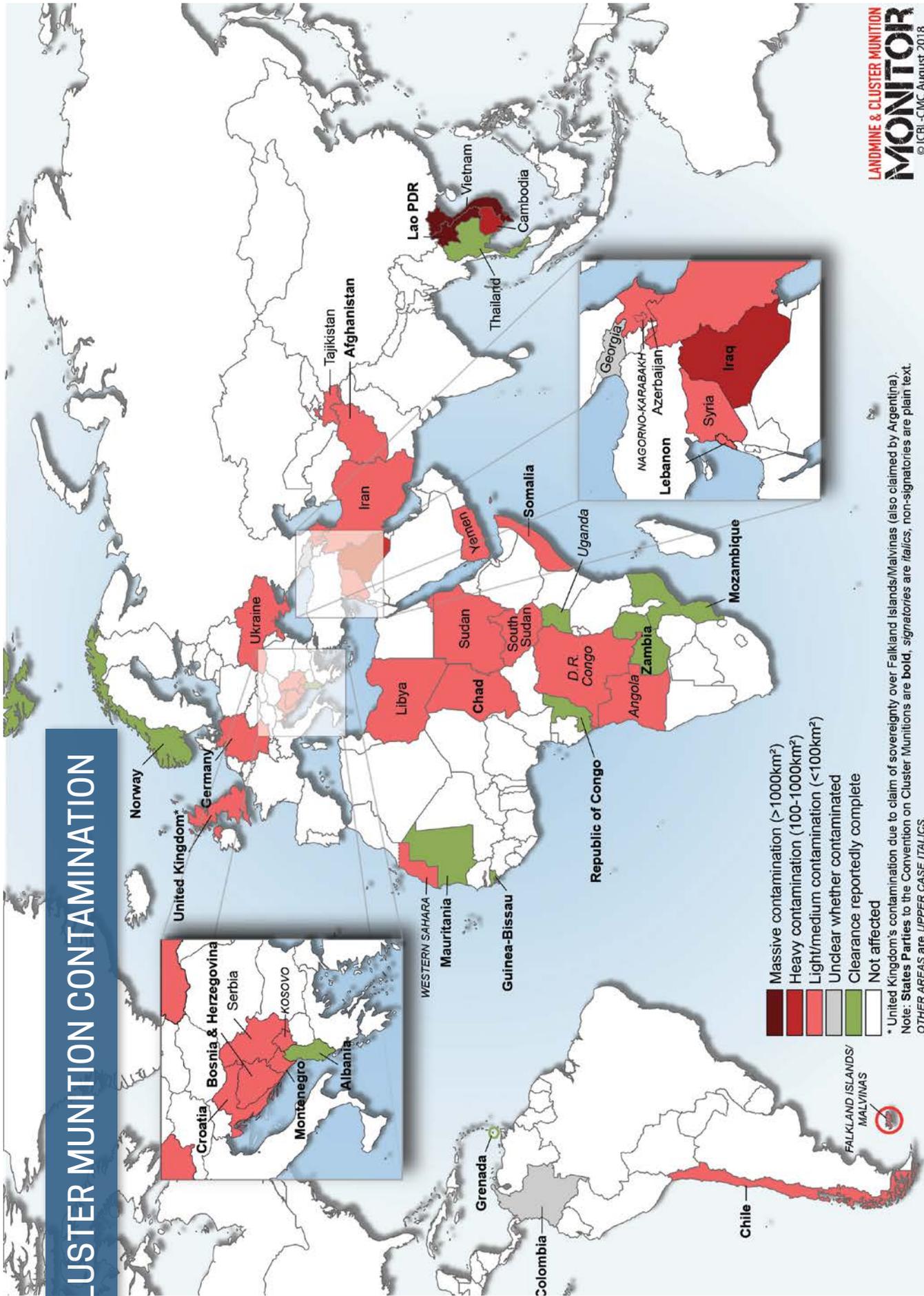
<sup>130</sup> Email from Amasia Zargarian, HALO Trust, 4 May 2018.

<sup>131</sup> Ibid.

<sup>132</sup> HALO Trust, “HALO Trust begins emergency clearance in Karabakh,” 19 April 2016, [bit.ly/HALOClearsKarabakh16](http://bit.ly/HALOClearsKarabakh16).

<sup>133</sup> Email from Ash Boddy, HALO Trust, 13 April 2017.

# CLUSTER MUNITION CONTAMINATION



- Massive contamination (>1000km<sup>2</sup>)
- Heavy contamination (100-1000km<sup>2</sup>)
- Light/medium contamination (<100km<sup>2</sup>)
- Unclear whether contaminated
- Clearance reportedly completed
- Not affected

\* United Kingdom's contamination due to claim of sovereignty over Falkland Islands/Malvinas (also claimed by Argentina).  
 Note: States Parties to the Convention on Cluster Munitions are **bold**, signatories are *italics*, non-signatories are plain text.  
 OTHER AREAS are UPPER CASE ITALICS.



At the Al Asimah Rehabilitation Centre in Sanaa, Yemen, amputees who have just received a prosthesis are learning to improve their mobility and motor skills.

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# CLUSTER MUNITION CASUALTIES

The Monitor provides the most comprehensive statistics available on cluster munition casualties recorded annually over time, in individual countries, and aggregated globally. It covers casualties from cluster munition remnants and from attacks in 33 countries and three other areas (*see table below*).

Various country estimates place the total number of cluster munition casualties globally over time as roughly between 56,000 and 86,000. The present total of 21,614 cluster munition casualties actually recorded is far greater than the 13,306 recorded casualties identified before the Convention on Cluster Munitions opened for signature in 2008.<sup>1</sup> This is due in part to additional casualties from the past that have been identified through data collection efforts in the period since the adoption of the convention.

Deplorably, some 3,979 new casualties were recorded from 2009 through 2017, the majority, 77%, from new use in Syria (3,076). During that nine-year period, new cluster munition casualties were also recorded in another 16 countries and three other areas.

The Monitor identified 289 new cluster munition casualties in eight countries and two other areas that occurred during calendar year 2017.<sup>2</sup> These casualties occurred both at the time of attack and later from explosive remnants, principally

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<sup>1</sup> Global cluster munition casualty data used by the Monitor includes the global casualty data collected by Handicap International (HI) in 2006 and 2007. In 2007, HI reported an all-time total of 13,306 cluster munition casualties. See, HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), [bit.ly/MonitorHICircleofImpact2007](http://bit.ly/MonitorHICircleofImpact2007). Handicap International is now Humanity & Inclusion.

<sup>2</sup> The Monitor systematically collects data from a wide array of sources, including national reports, mine action centers, mine clearance operators, and victim assistance service providers, as well as national and international media reporting.

unexploded submunitions and bomblets. Of the casualties recorded, 71 people were killed, and 218 were injured. However, as in previous years, it is certain that this number does not capture all actual casualties. The real number of new casualties is likely much higher.

Overall, in 2017, 196 people were recorded killed and injured directly due to cluster munition attacks in two countries, Syria and Yemen. Cluster munition remnants caused 93 casualties in eight countries and two other areas.

In a terrible account of the horrific legacy of cluster munitions recorded during the reporting period, a 10-year-old girl picked up a submunition, known in Lao PDR as a “bombie,” while walking to school in the northern province of Xieng Khoang. Thinking it was a toy, she took it to her home where it exploded, killing her and injuring another 11 people, including eight children—the youngest being three years old.<sup>3</sup>

The number of cluster munition casualties in 2017 is a significant drop from the 951 casualties recorded in 2016 (837 from cluster munition strikes and 114 from unexploded submunitions), but it is not possible to determine if this represents a significant downward trend. It is the lowest annual count since 2012, when the Monitor started recording cluster munition casualties from new use in Syria (*see chart below*).

Beginning in 2012, there have been high casualty numbers due to conflicts in Syria, as well as Yemen and Ukraine, where attacks have occurred. This is a reminder of both the sound reasoning behind, and success of, the Convention on Cluster Munitions. During the negotiations, the ICRC seemingly foretold the current situation: “it is not necessarily clear that the number of victims is so few...One can easily foresee a situation where a government which is not one of the first to ratify a treaty on cluster munitions uses such weapons in a future conflict in their own or even in the territory of a third country. Clearly some of the work on cluster munitions is preventative but it does not mean that victims will disappear.”<sup>4</sup>

## ALL CLUSTER MUNITION CASUALTIES OVER TIME

The total number of cluster munition casualties for all time recorded by the Monitor reached 21,614 as of the end of 2017. This includes both casualties directly resulting from cluster munition attacks, and casualties from remnants.<sup>5</sup>

<sup>3</sup> Casualty data for 2017 received by email from Bountao Chanthavongsa, UXO Victim Assistance Officer, National Regulatory Authority (NRA), 21 February 2018; and Legacies of War, “Four-Decade-Old Bomb Mistaken for Toy, Kills and Injures 13 in Laos,” 23 March 2017, [bit.ly/LegaciesOfWar23Mar2017](http://bit.ly/LegaciesOfWar23Mar2017).

<sup>4</sup> ICRC, “ICRC Assistance for the victims of cluster munitions: The perspective of the International Committee of the Red Cross,” Presented by Louis Maresca, Legal Adviser, ICRC, November 2007.

<sup>5</sup> 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).

Data begins from the mid-1960s, due to extensive cluster munitions use by the United States (US) in Southeast Asia, through to the end of 2017.

As many casualties still go unrecorded, a better indicator of the total number of casualties globally over time is roughly 56,000, calculated from various country estimates, with a high-end total of estimates at some 86,000. Global estimates of cluster munition casualties could be as high as 100,000 casualties or more, but are based on extrapolations from limited data samples, which may not be representative of national averages or the actual number of casualties.<sup>6</sup>

Before the Convention on Cluster Munitions opened for signature in 2008, 13,306 recorded cluster munition casualties were identified.<sup>7</sup> Since then, the number of casualties has increased due to updated casualty surveys identifying pre-convention casualties, new casualties from pre-convention remnants, as well as new use of cluster munitions during attacks and the remnants they have left behind. The countries with the highest recorded numbers of cluster munition casualties are Lao PDR (7,697), Syria (3,081), and Iraq (3,039). However, for Iraq, it was estimated that there have been between 5,500 and 8,000 casualties from cluster munitions since 1991.<sup>8</sup> No such estimates are available for casualties in Syria.

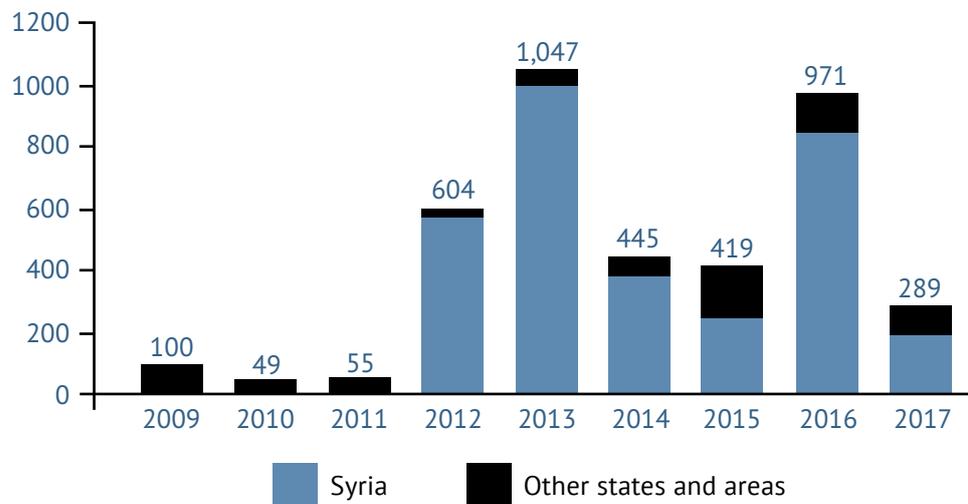
In all, 3,979 new casualties were recorded from 2009 through 2017. The vast majority of new casualties recorded in this period were in Syria; new cluster munition casualties were also recorded in another 16 countries and three other areas: States Parties Afghanistan, Bosnia and Herzegovina (BiH), Chad, Croatia, Iraq, Lao PDR, and Lebanon; signatory Democratic Republic of the Congo (DRC); states not party Cambodia, Libya, Serbia, South Sudan, Sudan, Ukraine, Vietnam, and Yemen; and three other areas: Kosovo, Nagorno-Karabakh, and Western Sahara.

<sup>6</sup> Calculated by the Monitor based on known data and various countries estimates recorded in HI data. See HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), [bit.ly/MonitorHICircleofImpact2007](http://bit.ly/MonitorHICircleofImpact2007).

<sup>7</sup> Global cluster munition casualty data used by the Monitor includes the global casualty data collected by HI in 2006 and 2007. In 2007, HI reported an all-time total of 13,306 cluster munition casualties. See, HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), [bit.ly/MonitorHICircleofImpact2007](http://bit.ly/MonitorHICircleofImpact2007).

<sup>8</sup> HI, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), p. 104; and United Nations Development Programme (UNDP), "Cluster Munitions Maim and Kill Iraqis—Every Day," 10 November 2010.

## Cluster munition casualties in Syria and other states and areas 2009–2017



Most recorded casualties to date (17,387) were the result of cluster munition remnants—typically unexploded submunitions. Another 4,226 casualties occurred during cluster munition attacks.<sup>9</sup> Casualties directly caused by attacks have been grossly under-recorded, including among military personnel and other direct participants in conflict, such as combatants in non-state armed groups and militias.<sup>10</sup>

The Convention on Cluster Munitions has successfully increased awareness of the suffering caused by these indiscriminate weapons and set the objective of preventing new casualties. Ultimately, that has resulted in more detailed and swifter reporting of casualties during cluster munition use. Since 2012, casualties recorded from cluster munition attacks have outnumbered those from cluster munition remnants. At the same time, risk education and clearance programs have become more systematic and often more common since the adoption of the Convention on Cluster Munitions, which has contributed to the decrease in casualties from cluster munition remnants in some of the most affected states.

<sup>9</sup> Use includes casualties due to both ground-launched and air-dropped cluster munitions. Use occurs primarily during attacks or “strikes,” but also during the dumping of cluster munitions prior to aircraft landing. As a shorthand, the Monitor at times labels all casualties from cluster munitions while launched, dropped or dumped, as occurring during strikes or attacks. Monitor revision of past data has resulted in casualties that were thought to be, but not specifically labelled as, cluster munition remnant casualties being recorded as cluster munition remnant casualties in global data. In this data, it is not possible to specify whether one recorded casualty was due to use or remnants.

<sup>10</sup> Direct participation in armed conflict, also called direct participation in hostilities, distinguishes persons who are not civilians in accordance with international humanitarian law, whereby “those involved in the fighting must make a basic distinction between combatants, who may be lawfully attacked, and civilians, who are protected against attack unless and for such time as they directly participate in hostilities.” ICRC, “Direct participation in hostilities: questions & answers,” 2 June 2009, [bit.ly/ICRCDirectParticipationFAQ](http://bit.ly/ICRCDirectParticipationFAQ).

## States and other areas where cluster munition casualties have occurred (all time as of 31 December 2017)<sup>11</sup>

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
<b>Signatories</b>	Vietnam
Angola	Yemen
Democratic Republic of the Congo	<i>Kosovo</i>
Uganda	<i>Nagorno-Karabakh</i>
	<i>Western Sahara</i>

Note: other areas are indicated in *italics*.

Because, as noted earlier, thousands of cluster munition casualties from past conflicts have gone unrecorded, particularly casualties that occurred during extensive use in Asia (including Southeast Asia and Afghanistan) and the Middle East (particularly Iraq), there are likely more states with cluster munition victims than the 14 States Parties, 19 signatories, and three other areas listed in the table above.<sup>12</sup>

<sup>11</sup> No precise number or estimate of casualties is known for Guinea-Bissau, Mozambique, or Somalia. In addition, there are known to be states, including States Parties to the Convention on Cluster Munitions, with cluster munition victims, including persons who were injured, on the territory of other states.

<sup>12</sup> 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 if they have cluster munition victims on their territories. There is also a firsthand historical account of civilian casualties from an incident with a 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 cluster munition remnant incident causing casualties. In Angola, a national victim survey identified at least 354 cluster munition survivors in one province. 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. Pending further clarification, they remain in the Cluster Munition Monitor global casualty total.

## CASUALTIES IN 2017

A total of 289 cluster munition casualties were recorded by the Monitor in eight countries and two other areas in 2017. However, the actual total is certainly higher as available data does not capture all the casualties that occurred.

### States and other areas with cluster munition casualties recorded in 2017

State/other area	Casualties from cluster munition attacks
Syria	170
Yemen	26
<b>Subtotal casualties from cluster munition attacks</b>	<b>196</b>
State/other area	Cluster munition remnant casualties
<b>Lao PDR</b>	32
Yemen	28
Syria	17
<b>Iraq</b>	5
<b>Lebanon</b>	5
<i>Western Sahara</i>	2
Cambodia	1
Serbia	1
<i>Nagorno-Karabakh</i>	1
Vietnam	1
<b>Subtotal cluster munition remnant casualties</b>	<b>93</b>
<b>Total cluster munition casualties</b>	<b>289</b>

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

The 289 casualties recorded in 2017 represent a significant decrease from the 971 casualties recorded in 2016. As has been the case beginning in 2012, the vast majority of annual casualties in 2017 (65%) occurred in Syria.

## CASUALTY RECORDING

Due to the lack of consistency in the availability and disaggregation of data on cluster munition casualties annually, especially during active conflicts, comparisons with previous annual reporting are not believed to be necessarily indicative of definitive trends and specific fluctuations. The totals may be adjusted over time as new information becomes available—as newly available data for all mine/explosive remnants of war (ERW) casualties in Syria for past years of the conflict has demonstrated. However, as yet, little retrospective data

that is disaggregated by the type of device used has been presented.

It is certain that the actual number of casualties occurring annually continues to be significantly under-reported. Several countries where casualties were reported do not have national casualty surveillance systems and experienced ongoing or intensified conflict throughout 2017, which severely hampered data collection in Iraq, Syria, and Yemen. Two other countries where conflict prevented adequate data collection, Libya and South Sudan, reported cluster munition casualties in 2016 but not in 2017.

In most countries, the majority of cluster munition casualties for 2017 were reported by mine action centers and clearance operators. However, in the countries with the greatest number of annual casualties recorded, Syria and Yemen, mine action operations were severely curtailed by ongoing conflict. In those two states, cluster munition casualties were mainly identified in information recorded by national and international civil society organizations and NGOs, as well as in media reporting. In 2017, fewer sources were reporting data for both countries than in 2016.

## CASUALTY DEMOGRAPHICS

In 2017, civilians made up 99% (282) of all cluster munition casualties for which the status was known. The status was unknown for three casualties. The high percentage of civilian casualties is consistent with findings based on analysis of historical data. Four casualties were clearance personnel (humanitarian deminers), making up 1% of the 2017 total.

Children accounted for 36% of all cluster munition casualties in 2017, where the age group was reported.<sup>13</sup> This included 91 children among 252 casualties of known age group. Among casualties of cluster munition remnants, children made up the greater proportion, 62% of casualties of known age group (48 children among 78 of known age groups).

The majority of casualties, 75%, were men and boys, where sex was recorded (145 of 193 casualties where the sex was known).

## COUNTRY AND OTHER AREA DETAILS

As in 2016, casualties from cluster munition attacks were recorded in two countries in 2017: Syria and Yemen. Casualties from cluster munition remnants were also reported in both states.

In Syria, 170 casualties of cluster munition attacks and 17 casualties of cluster munition remnants were reported. As has been the case beginning in 2012, Syria had the highest annual total of reported cluster munition casualties.<sup>14</sup> Not included in the 2017 cluster munition casualty total were an additional 73

<sup>13</sup> “Children” means persons under 18 years old, or those casualties listed as “child” in existing data or reporting.

<sup>14</sup> For Syria, 860 cluster munition casualties were reported in 2016; 248 in 2015; 383 in 2014; 1,001 in 2013; and at least 583 in 2012. The extreme difficulties faced in collecting data continued, which likely resulted in an underreporting of cluster munition casualties in all years.

casualties that occurred in situations where both cluster munitions and other explosive weapons were used. In many other reports of cluster munition attacks, no fatalities were recorded, but in some cases, casualties may have occurred.<sup>15</sup> Furthermore, many casualties are not recorded or not disaggregated in the available data. For example, it is unclear if submunitions were among the ERW and “unknown devices” that caused 275 of the 1,478 new landmine and ERW casualties in Syria in 2017.<sup>16</sup>

In Yemen, 54 cluster munition casualties were reported in 2017, which represented an increase from the 38 cluster munition casualties reported in 2016, although fewer than the 104 casualties in 2015. The number of casualties from cluster munition attacks increased to 26 in 2017, from 20 in 2016, but was less than the 94 reported in 2015. The number of remnant casualties increased to 28 in 2017, from 18 in 2016, and 10 in 2015.

Cluster munition remnant casualties were reported in eight countries and two other areas in 2017. These include countries that remain affected long after the attacks took place, as well as Syria and Yemen that were recently contaminated again. Regardless of the time period since attacks, cluster munition remnants disproportionately harm civilians, including children.

In Iraq, five cluster munition remnant casualties were recorded. However, the numbers of casualties of all types of mines/ERW is certainly under-recorded.

In Lao PDR, the world’s most cluster munition-affected state, the number of submunition casualties decreased from the 10-year peak of 51 recorded in 2016 to 32 in 2017, but was higher than the 18 recorded in 2015. One cluster munition incident caused 12 of the casualties, as was described above. Almost half (15) of cluster munition casualties in Lao PDR in 2017 were women and girls.

In Vietnam, one casualty was recorded in 2017. Vietnam is also massively contaminated, but a casualty database is only maintained in one province, Quang Tri.

Lebanon reported five cluster munition casualties in 2017, of which three were deminers. This was an increase on the one casualty reported in 2016, but fewer than the 13 reported in 2015.

In Serbia, one deminer was injured.

In Cambodia, one casualty was reported in 2017. It had reported no cluster munition casualties for the first time in 2016.

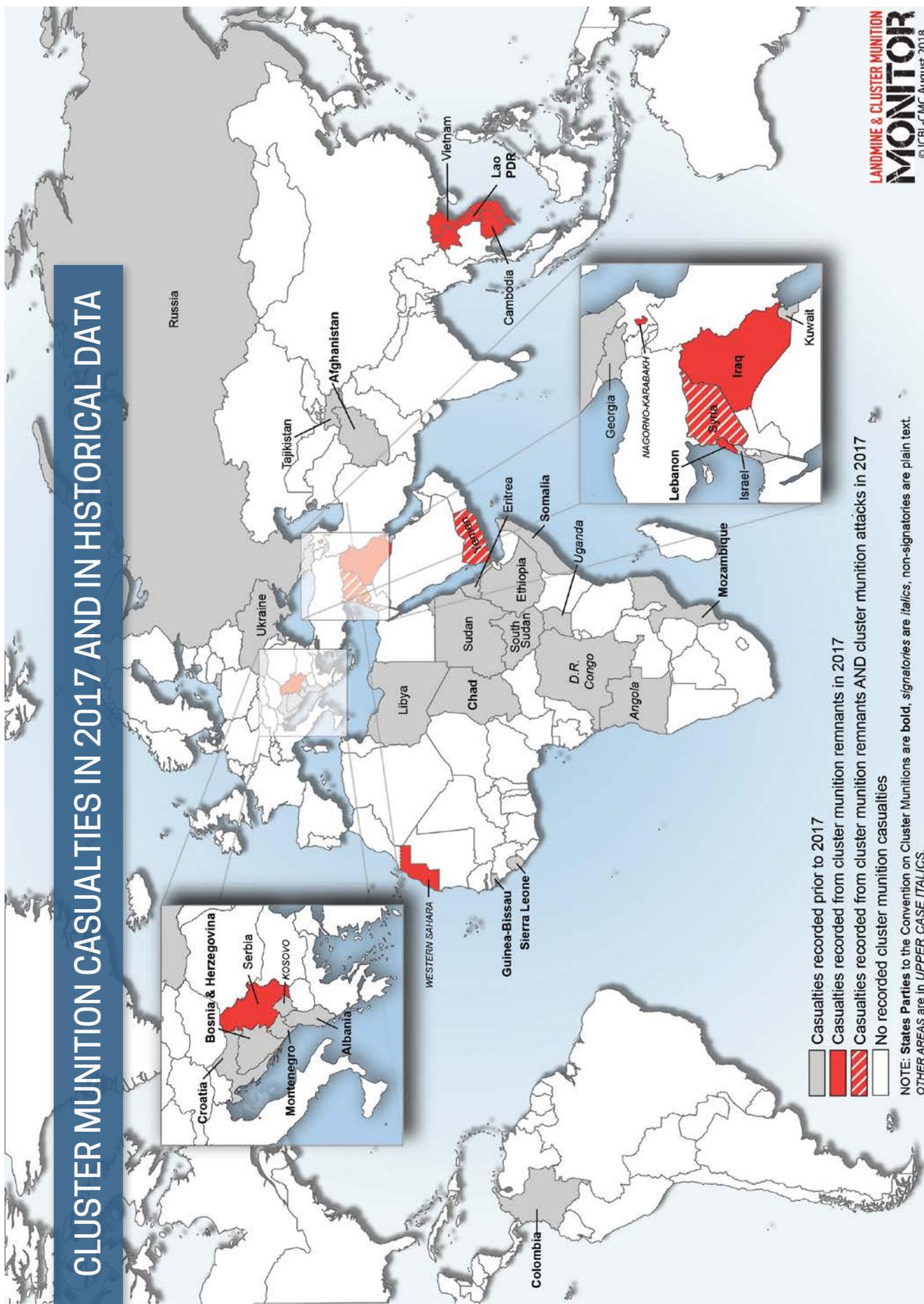
In other area Nagorno Karabakh, a shepherd was injured.

In other area Western Sahara, two cluster munition casualties were reported in separate incidents.

<sup>15</sup> These 73 casualties of weapons (including cluster munitions) and the cluster munition attacks without casualties reported were identified in analysis of data recorded by the Armed Conflict Location & Event Data Project (ACLED) for calendar year 2017.

<sup>16</sup> The Monitor updates casualty data as new information becomes available; therefore these totals may be revised in subsequent reports and country profiles.

# CLUSTER MUNITION CASUALTIES IN 2017 AND IN HISTORICAL DATA



■ Casualties recorded prior to 2017  
 ■ Casualties recorded from cluster munition remnants in 2017  
 ■ Casualties recorded from cluster munition remnants AND cluster munition attacks in 2017  
 ■ No recorded cluster munition casualties

NOTE: States Parties to the Convention on Cluster Munitions are **bold**, signatories are *italics*, non-signatories are plain text.  
 OTHER AREAS are in *UPPER CASE ITALICS*.

## ADVANTAGES OF THE INVOLVEMENT OF SURVIVORS' ORGANIZATIONS

- The actual needs of survivors are taken into account
- The supply of services matches the demand
- Repetition of mistakes is avoided
- No duplication in the supply of services
- Projects are monitored – before, during and after the implementation of the projects
- Development of a partnership between international NGOs and survivors' organizations



presentation : Mamady Gassama

Mamady Gassama

Mamady Gassama, Initiative Solidaire des Actions de Développement (ISAD), discusses how survivor groups provide assistance in Senegal to weapons victims and others at a side event at the Seventh Meeting of States Parties to the Convention on Cluster Munitions.

© Loren Persi/CMC, September 2017

# VICTIM ASSISTANCE

## INTRODUCTION

The adoption of the 2008 Convention on Cluster Munitions saw the first multilateral treaty to make the provision of assistance to victims of a specific weapon a formal obligation for all States Parties with victims.<sup>1</sup>

A decade later, the convention continues to set the highest standards for victim assistance. It requires States Parties with cluster munition victims to implement specific activities to ensure that adequate assistance is provided.<sup>2</sup>

As noted in the lead-up to the adoption of the text of the Convention on Cluster Munitions, the proposed convention aimed to reaffirm and build on existing international instruments. The ICRC observed that “past efforts of the international community and the work and research of organizations on mines and ERW have helped illuminate the needs of those who survive injuries caused by these weapons.”<sup>3</sup>

The Convention on Cluster Munitions extended the scope and understanding of victim assistance that had developed under the 1997 Mine Ban Treaty by codifying the international understanding of victim assistance and its components and provisions in Article 5.<sup>4</sup>

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<sup>1</sup> See, Convention on Cluster Munitions, Article 5 and Article 7(k).

<sup>2</sup> These activities, to be implemented in accordance with applicable international humanitarian and human rights law, include medical care, rehabilitation, and psychological support, as well as provision for social and economic inclusion.

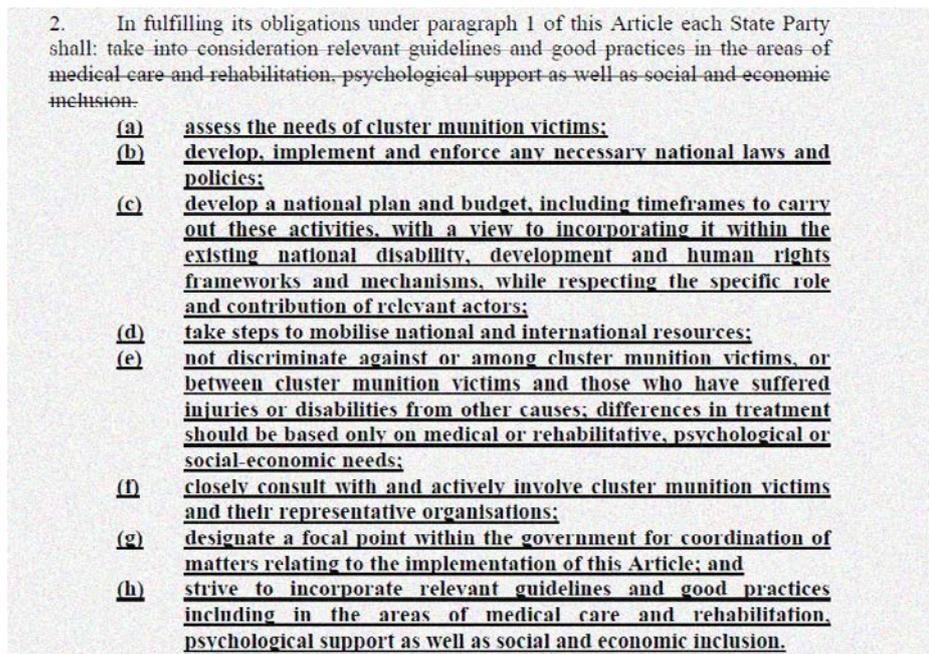
<sup>3</sup> ICRC, “ICRC Assistance for the victims of cluster munitions: The perspective of the International Committee of the Red Cross,” presented by Louis Maresca, Legal Adviser, ICRC, November 2007.

<sup>4</sup> Mine Ban Treaty, Article 6.3.

As can be seen in the final text adopted in 2008, the legal provision on victim assistance in the Convention on Cluster Munitions moved beyond the notion of requiring only the consideration of guidelines and good practices, as found in some earlier proposals, to a concrete list of obligations to act upon. This can be seen in the following image of a document from the 2008 Dublin Conference, where implementation points in the victim assistance article are shown with changes.

## ARTICLE 5<sup>5</sup>

### Victim Assistance



Note: Old text removed with strike through and additions are in **bold and underlined**.

## NORMS AND RELEVANT INSTRUMENTS

The provisions of the Convention on Cluster Munitions further strengthened the growing norm of victim assistance, including by influencing the victim assistance commitments in Protocol V of the Convention on Conventional Weapons (CCW) through its Plan of Action on Victim Assistance (2008). The victim assistance standard was again adapted, although in a less comprehensive form, in the text of the Treaty on the Prohibition of Nuclear Weapons (2017).<sup>6</sup> Additionally, the Safe Schools Declaration (2015)—a non-binding political commitment that endorses

<sup>5</sup> Diplomatic Conference for the Adoption of a Convention on Cluster Munitions, Dublin, 19–30 May 2008, Presidency Text transmitted to the Plenary on Victim Assistance (CCM/PT/12), 23 May 2008, [bit.ly/CCM23May2008](http://bit.ly/CCM23May2008).

<sup>6</sup> The Treaty on the Prohibition of Nuclear Weapons contains only the obligation of assistance, without the implementation provisions found in the Convention on Cluster Munitions. “Each State Party shall, with respect to individuals under its jurisdiction who are affected by the use or testing of nuclear weapons, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.” Treaty on the Prohibition of Nuclear Weapons, Article 6.1 (not yet entered into force), <http://undocs.org/A/CONF.229/2017/8>.

## CLUSTER MUNITION VICTIMS

“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.” (Convention on Cluster Munitions, Article 2.1)

Cluster munition victims include those persons directly impacted by cluster munitions (survivors and persons killed) as well as affected families and communities.

Cluster munition survivors are persons who were injured by cluster munitions or their explosive remnants and lived. Most cluster munition survivors are also persons with disabilities.

Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

the associated guidelines for protecting schools and universities from military use during armed conflict—includes states’ commitment to “make every effort at a national level...to provide assistance to victims, in a non-discriminatory manner.”<sup>7</sup> The declaration has particular relevance to cluster munition victims. As noted in previous Cluster Munition Monitor reports, many casualties from cluster munition attacks in Syria and Yemen were recorded in and near schools and other protected objects, including hospitals. The Monitor also reported many instances of civilian casualties caused by cluster munition attacks hitting schools, hospitals, and markets prior to entry into force of the Convention on Cluster Munitions in 2010.<sup>8</sup>

States Parties to the Convention on Cluster Munitions with victims under their jurisdiction are legally bound to implement adequate victim assistance in accordance with applicable international humanitarian and human rights law. All except two States Parties to the Convention on Cluster Munitions with cluster munition victims (Lao PDR and Lebanon) are also party to the Mine Ban Treaty and, as such, have also made victim assistance commitments through the Mine Ban Treaty’s action plans. In total, 63 States Parties to the Convention on Cluster Munitions are also High Contracting Parties to CCW Protocol V.<sup>9</sup>

<sup>7</sup> Global Coalition to Protect Education from Attack, “Safe Schools Declaration and Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict,” [www.protectingeducation.org/safeschoolsdeclaration](http://www.protectingeducation.org/safeschoolsdeclaration).

<sup>8</sup> CMC, *Cluster Munition Monitor 2016* (Geneva: ICBL-CMC, August 2016), “Casualties and Victim Assistance” chapter, [bit.ly/CMM16Casualties-VA](http://bit.ly/CMM16Casualties-VA).

<sup>9</sup> Convention on Cluster Munitions, Article 5.1. Applicable international human rights law and humanitarian law includes the Convention on the Rights of Persons with Disabilities (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, Protocol V on Explosive Remnants of War, and the Geneva Conventions.

The requirement to apply human rights law has been understood foremost in terms of enhancing implementation through the Convention on the Rights of Persons with Disabilities (CRPD), by including victim assistance in national disability rights-related coordination structures. Most States Parties to the Convention on Cluster Munitions with cluster munition victims are also States Parties to the CRPD; Lebanon and Chad are signatories and Somalia is a non-signatory. Overall, among the 103 States Parties to the Convention on Cluster Munitions, 92% are also party to the CRPD,<sup>10</sup> while another three are signatories.<sup>11</sup>



Tun Channareth, ICBL ambassador, landmine survivor, and member of the Cambodia Campaign to Ban Landmines and Cluster Munitions (CCBL), asks his country's deputy chief of armed forces to join the Convention on Cluster Munitions.

© So Not/CCBL-Jesuit Refugee Service, May 2018

## NON-DISCRIMINATION

States Parties to the Convention on Cluster Munitions should ensure that efforts to fulfill the obligations of the convention do not discriminate against or among cluster munition victims and those who have suffered injuries or impairments by other causes.<sup>12</sup> The Monitor has not identified discrimination specifically in favor of cluster munition victims by States Parties with Article 5 obligations since entry into force of the convention. In most countries—not only States Parties to the Convention on Cluster Munitions—war veterans with disabilities are assigned financial allowances and other state benefits that are higher than those of civilian war survivors and other persons with disabilities. In taking a rights-based approach to victim assistance, States Parties need to be mindful of the requirement not to remove existing rights, as set out in Article 4.4 of the CRPD: “Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State.”<sup>13</sup>

<sup>10</sup> The 95 states are: Afghanistan, Albania, Andorra, Antigua and Barbuda, Australia, Austria, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina (BiH), Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, Colombia, Comoros, Republic of the Congo, Cook Islands, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Fiji, France, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Iraq, Ireland, Italy, Japan, Lao PDR, Lesotho, Lithuania, Luxembourg, Macedonia FYR, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Montenegro, Mozambique, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Norway, Palau, Palestine, Panama, Paraguay, Peru, Portugal, Rwanda, Saint Vincent and Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Togo, Trinidad and Tobago, Tunisia, United Kingdom, Uruguay, and Zambia.

<sup>11</sup> Including Cameroon, in addition to Chad and Lebanon noted above.

<sup>12</sup> Dubrovnik Action Plan, Action 4.1(d).

<sup>13</sup> Examples of existing groups or individuals whose benefits might be removed include, for example: veterans; civilian war victims who have specific coverage; deminers; those covered by other workers' rights in the case of an accident. Also, in many countries specific groups of persons with disabilities receive distinct benefits in part due to their advocacy efforts, including the blind and visually impaired, amputees, paralyzed persons, and others.

With regard to discrimination, the preamble of the Convention on Cluster Munitions also highlights the close relationship between the convention and the CRPD obligation to prevent another type of discrimination, not concerning differences in the cause of impairments and disability, but “discrimination of any kind on the basis of disability.”<sup>14</sup> The CRPD’s Committee on the Rights of Persons with Disabilities released General Comment 6 on CRPD Article 5 (CRPD GC.6), regarding equality and non-discrimination in 2018.<sup>15</sup> Concerning non-discrimination in situations of risk and humanitarian emergencies (CRPD Article 11), the committee made a specific reference with relevance to victim assistance, stating that: “Non-discrimination must be ensured in situations of risk and humanitarian emergencies, based also on obligations in international humanitarian law, including humanitarian disarmament law, to address the increased risk inherent in such situations, of discrimination against persons with disabilities.”<sup>16</sup>

Guidance on good practices for taking a non-discriminatory integrated approach to victim assistance has been available since 2016.<sup>17</sup> The elements of the dual approach are to:

1. Ensure that as long as specific victim assistance efforts are implemented, they improve the inclusion and wellbeing of survivors, other persons with disabilities, indirect victims, and other vulnerable groups; and
2. Ensure that broader efforts actually do reach the survivors and indirect victims among the beneficiaries.<sup>18</sup>

This approach is recommended to be implemented until “mainstream efforts” are demonstrated to be inclusive of survivors and indirect victims, and fulfill the obligations that states have toward these groups.<sup>19</sup>

## THE DUBROVNIK ACTION PLAN

This summary highlights developments and challenges in States Parties half-way through the five-year Dubrovnik Action Plan period. The Dubrovnik Action Plan adopted by States Parties at the Convention on Cluster Munitions’ First Review Conference in September 2015 elaborates on the convention’s victim assistance obligations, and in doing so, lays out broad objectives to be achieved

<sup>14</sup> 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.”

<sup>15</sup> The Monitor provided information to the CRPD committee’s Call for input into General Comment 6 in 2017.

<sup>16</sup> Committee on the Rights of Persons with Disabilities, “General Comment No 6. Article 5: Equality and non-discrimination,” CRPD/C/GC/6, 9 March 2018, para. 43, [bit.ly/CRPDCommGenComments](http://bit.ly/CRPDCommGenComments).

<sup>17</sup> “Guidance on an Integrated Approach to Victim Assistance: By States for States,” 2016, [bit.ly/VAIntegratedApproach](http://bit.ly/VAIntegratedApproach). See also, Convention on Cluster Munitions Implementation Support Unit (ISU), “New Guidance on an Integrated Approach to Victim Assistance,” 30 November 2016, [bit.ly/CCMISUNewApproach16](http://bit.ly/CCMISUNewApproach16).

<sup>18</sup> Convention on Cluster Munitions Coordinators of the Working Group on Victim Assistance and the Coordinators of the Working Group on Cooperation and Assistance, “Guidance on an integrated approach to victim assistance,” CCM/MSP/2016/WP.2, 11 July 2016, p. 2, [bit.ly/IntegratedApproachGuidance2016](http://bit.ly/IntegratedApproachGuidance2016).

<sup>19</sup> Ibid.

by the time of the Second Review Conference in 2020. The present chapter reports primarily on the efforts, endeavors, and challenges in implementing victim assistance in 14 States Parties with responsibility for cluster munition victims to which Convention on Cluster Munitions Article 5 and the action plan commitments are applicable, as listed in the table.

In summary, several States Parties reported greater efforts to improve the quality and quantity of health and physical rehabilitation programs for survivors. However, few new initiatives to fill existing gaps in services were reported and in most countries survivor organizations and service providers noted that more services, better coordination, and greater integration into national systems were still crucial areas of need.

Although the majority of existing coordination mechanisms had some survivor participation, it was rarely evident that there was close consultation with victims nor was it clear how their views were taken into account in decision-making.

States Parties and service providers alike highlighted the lack of financial resources, which particularly impacted on the ability of survivor networks and others to provide income-generating activities and psychological assistance to cluster munition victims.

States Parties reporting on victim assistance—which may also be used by donors to identify priority areas—was made by most relevant states. However, States Parties were yet to link reporting on victim assistance with reporting on the CRPD as they had committed to doing in the Dubrovnik Action Plan following significant discussion on the issues of synergies in reporting and subsequent guidance on good practices to that effect.

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 Monitor country profiles and in the Landmine Monitor report. A collection of thematic overviews, briefing papers, factsheets, and infographics related to victim assistance produced since 1999, as well as the latest key country profiles, is available through the victim assistance portal on the Monitor website.<sup>20</sup>

### States Parties with cluster munitions victims

Afghanistan  
 Albania  
 Bosnia and Herzegovina (BiH)  
 Chad  
 Colombia  
 Croatia  
 Guinea-Bissau  
 Iraq  
 Lao PDR  
 Lebanon  
 Montenegro  
 Mozambique  
 Sierra Leone  
 Somalia

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<sup>20</sup> See, Monitor website, “Victim Assistance Resources,” [bit.ly/MonitorVictimAssistance](https://bit.ly/MonitorVictimAssistance).

## IMPROVEMENT IN THE QUALITY AND QUANTITY OF ASSISTANCE

### ONGOING DATA COLLECTION

The Dubrovnik Action Plan calls for ongoing assessment of the needs of cluster munition victims.<sup>21</sup>

In the following countries, assessment and data disaggregated by sex and age was generally available to all relevant stakeholders, and its use in program planning continued to be reported: Albania, Afghanistan, BiH, Croatia, Iraq, Lao PDR, and Lebanon. BiH, Croatia, and Lebanon needed to update, revise, or combine victim databases. Further survey was needed in order to identify cluster munition victims and/or needs in Chad, Sierra Leone, Guinea-Bissau, Iraq, Montenegro, and Mozambique, as well as to confirm if there are victims in Mauritania and Zambia. In Afghanistan, where the last national disability survey was carried out in 2005, a plan for nationwide disability survey developed in 2016 remained unfunded into 2018. BiH continued to report that more survey was needed to establish detailed information on cluster munition victims, specifically those who had already been identified through initial survey.

### PLANS AND COORDINATION

Among States Parties with cluster munition victims, only Sierra Leone did not have a victim assistance focal point. However, to date, States Parties that have reported designated focal points have not been reporting on the ways in which those focal points for victim assistance have the necessary “authority, expertise and adequate resources” for the role, as called for in the Dubrovnik Action Plan.<sup>22</sup>

Coordination of victim assistance activities by States Parties with Article 5 obligations can be situated within existing coordination systems, including those created for the CRPD, or states can establish a specific coordination mechanism.<sup>23</sup> Through the Dubrovnik Action Plan, States Parties without a national disability action plan committed to draft a disability or victim assistance plan before the end of 2018.<sup>24</sup> At least seven of the States Parties with cluster munition victims were yet to develop, adopt, or approve, a plan as of the end of 2017.

<sup>21</sup> Article 5 of the convention requires that States Parties with victims make “every effort to collect reliable relevant data” and assess the needs of cluster munition victims.

<sup>22</sup> Dubrovnik Action Plan, Action 4.1, [bit.ly/DubrovnikActionPlan4-1](http://bit.ly/DubrovnikActionPlan4-1).

<sup>23</sup> 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, and psychosocial services, and education, employment, gender, and disability rights experts.

<sup>24</sup> Dubrovnik Action Plan, Action 4.1(c).

## Victim assistance planning in 2017–2018

State Party	Plan for victim assistance
Afghanistan	No
Albania	Yes
BiH	Yes
Chad	(Revised for 2016–2020, but not yet adopted)
Colombia	Yes
Croatia	(Plan expired in 2014)
Guinea-Bissau	(Inactive)
Iraq	Yes (Annual planning)
Lao PDR	Yes
Lebanon	Yes
Montenegro	No
Mozambique	Yes
Sierra Leone	No
Somalia	No

## INVOLVEMENT OF VICTIMS

States Parties to the Convention on Cluster Munitions 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.<sup>25</sup>

The Committee on the Rights of Persons with Disabilities reported that it continues “to observe an important gap between the goals and the spirit of both articles and the scope of their implementation due to, among others, the absence of consultation with and involvement of persons with disabilities through their representative organizations in the development and implementation of policies and programmes.”<sup>26</sup> In 2018, the committee emphasized the important role that organizations of persons with disabilities must have in the implementation and monitoring of that convention. The committee also noted that “States parties must ensure that they consult closely and actively involve such organizations, which represent the vast diversity in society, including...victims of armed conflicts. Only then can it be expected that all discrimination, including multiple and intersectional discrimination, will be tackled.”<sup>27</sup>

<sup>25</sup> Dubrovnik Action Plan 4.2, “Increase the involvement of victims,” items (a) and (b). States Parties have obligations to “closely consult with and actively involve cluster munition victims and their representative organizations.” Convention on Cluster Munitions, Article 5.2(f).

<sup>26</sup> Committee on the Rights of Persons with Disabilities, “General comment on article 4.3 and 33.3 of the convention on the participation with persons with disabilities in the implementation and monitoring of the Convention” (\* Distr.: DRAFT Restricted), 16 March 2018, [bit.ly/CRPDCommGenComments](https://bit.ly/CRPDCommGenComments).

<sup>27</sup> Committee on the Rights of Persons with Disabilities, “General Comment No 6. Article 5: Equality and non-discrimination,” CRPD/C/GC/6, 9 March 2018, para. 33, [bit.ly/CRPDCommGenComments](https://bit.ly/CRPDCommGenComments).

In most States Parties to the Convention on Cluster Munitions, survivors were engaged in relevant activities, but as is the case for persons with disabilities more generally, there was rarely any indication that survivor input was acted upon, and survivors' representative organizations and other service providers reported in some states that the views of survivors were not actually considered.

In BiH, a victim assistance coordination body was officially established on 23 May 2018. Survivors' representatives were involved in the two unofficial coordination meetings held in 2017 and advocated for official coordination. In 2017, Croatia did not hold any victim assistance coordination meetings, but survivors occasionally participated in the work of governmental and non-governmental bodies. A planned review by consultants of victim assistance in Somalia has the potential for increasing opportunities for survivor representation, since the only coordination meeting on victim assistance was held in 2014. Guinea-Bissau, Montenegro, and Sierra Leone remained the only states where the Monitor has not identified any survivor involvement in victim assistance activities since entry into force of the Convention on Cluster Munitions. However, disabled peoples' organizations (DPOs) in all three countries advocated for the rights of all persons with disabilities.

## SURVIVOR NETWORKS AND SUSTAINABILITY

To strengthen sustainability and the effective delivery of services, States Parties have committed to enhance the capacity of organizations representing survivors and persons with disabilities, as well as national institutions.<sup>28</sup> The Monitor identified the following states and areas with cluster munition casualties where survivor networks reported developments in 2017 and into 2018, as seen in the table below.

### Survivor networks active in 2017–2018

States Parties	Non-signatories and other areas
Afghanistan Albania BiH Colombia Croatia Iraq Mozambique Somalia	Cambodia Eritrea Ethiopia Serbia Tajikistan Vietnam Yemen <i>Western Sahara</i>
Signatories	
Angola Democratic Republic of the Congo Uganda	

<sup>28</sup> Dubrovnik Action Plan, Action 4.1(a).

Disappointingly, in most countries, survivor networks struggled to maintain their operations with decreasing resources available. Networks in States Parties Croatia, Mozambique, and Somalia were largely unable to implement essential activities in much of 2017 and 2018. Activities of the national survivor network in Afghanistan were primarily advocacy and awareness-raising.

## AVAILABILITY AND ACCESSIBILITY OF ASSISTANCE

States Parties responsible for cluster munition victims have the obligation to adequately provide assistance.<sup>29</sup> Such assistance should be age- and gender-sensitive.<sup>30</sup> The Dubrovnik Action Plan also calls for the review of the availability, accessibility, and quality of existing services, and identification of the barriers that prevent access.<sup>31</sup>

## RESOURCES

The Convention on Cluster Munitions, and victim assistance in humanitarian disarmament more broadly, has contributed to making more resources available to survivors as well as people with similar needs—mostly persons with disabilities.<sup>32</sup> However, there has been little indication that other major resource frameworks have begun to substantially fill gaps where earmarked funding for victim assistance is lacking.

At the time of drafting of the convention, the NGO Landmine Survivors Network stated: “Victim Assistance does not require creation of new systems or mechanisms. It is merely necessary that the existing public services and systems operate in a manner that will ensure that victims of cluster munitions as part of the larger group of people with disabilities can enjoy their human rights. Highlighting this view will facilitate more efficient implementation of State Party’s treaty obligations, provide greater opportunities for resource mobilization and ensure consistency in measures taken.”<sup>33</sup>

Yet, despite similarly optimistic statements by donors and affected states over the years, a decade after the convention was adopted many States Parties with cluster munition victims are facing inadequate funding of state services (where they do exist) and declining resources for the work of international organizations, national and international NGOs, and DPOs that deliver most direct assistance to cluster munition victims.

In 2017–2018, significant funding shortages severely hindered victim assistance implementation in States Parties including: Afghanistan, Chad,

<sup>29</sup> 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.

<sup>30</sup> 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.

<sup>31</sup> Relevant services include medical care, rehabilitation, psychological support, education, and economic and social inclusion. See also, Dubrovnik Action Plan, Action 4.1(b).

<sup>32</sup> Article 6.7. “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.”

<sup>33</sup> Landmine Survivors Network, “Commentary on the Draft Cluster Munitions Convention,” 12 February 2008.

Croatia, Iraq, Lao PDR, Mozambique, and Somalia. In States Parties that have fewer recorded cluster munition victims and are also party to the CRPD, such as Montenegro and Sierra Leone, it could be assumed that national disability rights mechanisms would cover the needs of cluster munition survivors. However, in both cases, implementation of CRPD-based legislation has stalled or is not adequately covering the rehabilitation services that would address the needs of survivors.

In some instances in 2017 and 2018, special measures were employed to meet immediate needs. For example, in Afghanistan, an emergency victim assistance fund was organized through Afghanistan's Common Humanitarian Fund and implemented by the United Nations Mine Action Service (UNMAS), targeting the basic needs of beneficiaries left without assistance following the operational conclusion of a multi-year program for conflict victims. Also, in Chad, Humanity & Inclusion (formerly Handicap International, HI) created a social fund for mine/ERW victims, persons with disabilities, and vulnerable persons.

Many states not party to the Convention on Cluster Munitions, including signatories, also have seen funding to victim assistance decline in recent years.

The Dubrovnik Action Plan commits to promote further cooperation and assistance for projects relevant to cluster munition victims through existing mechanisms in accordance with Article 6 of the Convention on Cluster Munitions.

The CRPD's Article 32 on international cooperation recognizes the importance of support for national efforts between and among states and in partnership with other organizations, in particular DPOs. The Global Action on Disability (GLAD) Network is a coordination body of bilateral and multilateral donors and agencies, the private sector, and foundations working to enhance the inclusion of persons with disabilities in international development and humanitarian action.

Regarding potential resourcing opportunities, five years ago when intersessional meetings were part of the Convention on Cluster Munitions machinery, the Office of the UN High Commissioner for Human Rights informed the 2013 meeting about the possibilities for accessing the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) Disability Fund.<sup>34</sup> Subsequently, UNPRPD funding to State Party Mozambique contributed to victim assistance efforts through 2014.<sup>35</sup> Currently, non-signatory Tajikistan is benefiting from the grant in a way that could increase accessibility for cluster munition victims.<sup>36</sup>

These mechanisms have the potential to assist states in fulfilling their obligations to cluster munition victims.

<sup>34</sup> Krista Orama, Associate Human Rights Officer-Human Rights and Disability, OHCHR, "Integrating disability into international cooperation: the UNPRPD," Technical Workshop Victim Assistance, Convention on Cluster Munitions Intersessional Meetings, Geneva, 15 April 2013, [bit.ly/Intersessional2013-TWCooperationAssistance](http://bit.ly/Intersessional2013-TWCooperationAssistance).

<sup>35</sup> UNPRPD Disability Fund, "UNPRPD Mozambique UN Partnership, Mozambique End of Project Report Phase I," 13 April 2018, <http://mptf.undp.org/document/download/19386>.

<sup>36</sup> UNPRPD Disability Fund, "UNPRPD Tajikistan UN Partnership, ID 00092306," 8 December 2017, [mptf.undp.org/factsheet/project/00092306](http://mptf.undp.org/factsheet/project/00092306).

## IMPACT OF CONFLICT ON SERVICE PROVISION

Continued conflict has significantly negatively impacted possibilities for providing effective assistance, including in States Parties Afghanistan, Iraq, and Somalia. For example, in Afghanistan, access to some ICRC rehabilitation centers was briefly suspended due to severe security incidents and security constraints made the organization stop its outreach services. Specific challenges to victim assistance in Iraq included the instability of the security situation in the areas freed from the non-state armed group Islamic State (IS). In Somalia, a massive devastating vehicle-borne explosive caused hundreds of casualties, further stretching the resources of overwhelmed health services in Mogadishu.

In some States Parties facing conflict and insecurity—including those noted above as well as states not party Syria and Yemen, both with recent cluster munition casualties—the national or subnational humanitarian response Health Cluster coordinates priorities and response strategies.<sup>37</sup> This is conducted with the guidance of lead agencies, and is sometimes integrated into or operates parallel to victim assistance coordination.<sup>38</sup>

Humanitarian action concerns protecting life and health, and alleviating suffering caused by conflict, or natural and human-induced disasters. According to the principles of humanitarian action, human suffering must be addressed wherever it is found and carried out on the basis of need alone. Thus, humanitarian action must be independent from the political, economic, military, or other such strategic objectives.<sup>39</sup> An Inter-Agency Standing Committee Task Team on Inclusion of Persons with Disabilities in Humanitarian Action is developing guidelines for the inclusion of persons with disabilities into humanitarian action, that encompasses issues related to protection of survivors and the implementation of victim assistance, which it planned to launch in 2018.<sup>40</sup> The guidelines respond to the charter on inclusion of persons with disabilities adopted at the World Humanitarian Summit in 2016.<sup>41</sup>

## HEALTHCARE AND REHABILITATION, INCLUDING PROSTHETICS

The right to the highest attainable standard of healthcare, first articulated in the World Health Organization (WHO) Constitution (1946), is found in a number

<sup>37</sup> In a humanitarian response, clusters are groups of humanitarian organizations, both UN and non-UN, in each of the main sectors of humanitarian action. They are designated by the Inter-Agency Standing Committee and have clear responsibilities for coordination. The WHO is the Cluster Lead Agency of the Global Health Cluster.

<sup>38</sup> Active Health Cluster/Sectors exist in 27 countries: Afghanistan, Bangladesh, Burundi, Cameroon, Central African Republic, Chad, Colombia, Democratic Republic of Congo (DRC), Ethiopia, Iraq, Libya, Mali, Mauritania, Myanmar, Niger, Nigeria, Palestine, Pakistan, Somalia, South Sudan, Sudan, Syria, Turkey, Ukraine, and Yemen. See, WHO, “Health Cluster: Health Clusters in Countries,” undated, [www.who.int/health-cluster/countries/en](http://www.who.int/health-cluster/countries/en).

<sup>39</sup> Office for the Coordination of Humanitarian Affairs (OCHA), “Introduction to Humanitarian Action a Brief Guide for Resident Coordinators,” October 2015, p. 9.

<sup>40</sup> Inter-Agency Standing Committee (IASC), “IASC Task Team on Inclusion of Persons with Disabilities in Humanitarian Action,” undated, [bit.ly/IASC-IncludingPersonsWithDisabilities](http://bit.ly/IASC-IncludingPersonsWithDisabilities).

<sup>41</sup> “Charter on Inclusion of Persons with Disabilities in Humanitarian Action,” undated but 2016, [humanitarianandisabilitycharter.org](http://humanitarianandisabilitycharter.org).

of human rights instruments including Article 25 of the CRPD. The UN Special Rapporteur on the Rights of Persons with Disabilities, with the support of the government of Finland, hosted an expert group meeting on the rights of persons with disabilities to the highest attainable standard of physical and mental health in Geneva, Switzerland, in May 2018. The UN Special Rapporteur was also preparing a study on the issue to be presented at the UN General Assembly in October 2018.

In January 2018, the WHO held a general consultation outlining its activities for the next three years. This includes: integrating rehabilitation into universal health coverage (UHC) budgeting and planning; developing a package of priority rehabilitation interventions; and establishing tools and resources to strengthen the health workforce for rehabilitation.<sup>42</sup> The WHO released recommendations on health-related rehabilitation linked to the Sustainable Development Goals in 2017.<sup>43</sup>

All the States Parties with cluster mention victims had some forms of ongoing healthcare and rehabilitation available. Some have yet to systematically integrate rehabilitation into health system funding and planning. Many need to simplify the process of applying for new or replacement prosthetic devices. It was reported that intensified efforts to improve access to rehabilitation services in remote and rural areas (including allocating resources to take beneficiaries to rehabilitation centers and ensuring that transport is available) are needed in Iraq and Chad. In Afghanistan, there has been a notable increase in the number and geographic availability of physical rehabilitation centers over the past five years, but more centers are still needed. A survivors' organization in BiH provided legal support referrals to rehabilitation service providers to assist survivors in overcoming bureaucratic barriers. In Guinea-Bissau, there continued to be only one physical rehabilitation center for the entire country. The ICRC has entered into a multi-year agreement with the health ministry in Lao PDR for the development of sector-wide standards for prosthetic devices to improve service delivery. Lebanon reported that national standards for prosthetic devices had been established. In Mozambique, prosthetics were only available in the capital, and the supply was limited. In Sierra Leone, it was reported that prosthetic centers were not equally available to all persons in need.

## PSYCHOSOCIAL SUPPORT

Psychosocial support remained inadequate in most States Parties. Peer support contributes to fulfilling Dubrovnik Action Plan commitments by providing referrals to existing services, and by enhancing the capacity of national survivors' organizations and DPOs to deliver relevant services.<sup>44</sup>

In BiH, a project being implemented in 11 municipalities together with the Institute for Physical Medicine and Rehabilitation "Dr Miroslav Zotović"

<sup>42</sup> WHO, "Rehabilitation 2030 Initiative and Call for Action: Priority Activities of the WHO Secretariat 2018–2020," Stakeholder Consultation Meeting Report, Geneva, Switzerland 11–12 January 2018, received by email from Jody-Anne Mills, Technical Officer Disability and Rehabilitation, WHO, 28 March 2018.

<sup>43</sup> WHO, "Rehabilitation 2030: A Call for Action," 6–7 February 2017, [www.who.int/disabilities/care/rehab-2030/en](http://www.who.int/disabilities/care/rehab-2030/en).

<sup>44</sup> Dubrovnik Action Plan, Action 4.1(b) and 4.2(c).

in Banja Luka was familiarizing staff of centers for mental health and for physical rehabilitation with the process of integrating peer support during the rehabilitation of mine survivors. The provision of continuing psychosocial support remained weak in Croatia throughout 2017, where there were 21 psychosocial interdisciplinary centers. In Lao PDR, cluster munition victims received psychological support and funeral support for the families of those killed through a survivor-led NGO.

## ECONOMIC INCLUSION

The Dubrovnik Action Plan places specific emphasis on increasing the economic inclusion of cluster munition victims through training and employment, as well as social protection measures. While some progress was made in this field, decent work and livelihoods remain the least developed of all victim assistance pillars overall.

Although resources for livelihood and employment remained limited, international organizations, NGOs, and survivors' organizations increased economic inclusion activities in Albania, Afghanistan, BiH, Lao PDR, and Lebanon in the reporting period. In BiH, the number of such projects doubled, compared to 2016 when the number of beneficiaries had decreased drastically from previous years. In Iraq, the Ministry of Labor did not provide flexible low-interest "soft" loans for conflict survivors as it had in recent years, however, it did provide job opportunities for victims, almost all of whom were women.

## DEMONSTRATION OF RESULTS IN ARTICLE 7 TRANSPARENCY REPORTS

Article 7 of the Convention on Cluster Munitions requires States Parties to report on the status and progress of implementation of victim assistance obligations.

In 2018, Afghanistan, Albania, BiH, Chad, Croatia, Iraq, Lao PDR, Lebanon, Montenegro, and Mozambique reported on victim assistance efforts, including activities implemented during the previous calendar year. Guinea-Bissau has never submitted an Article 7 report for the Convention on Cluster Munitions, while Sierra Leone did not include the form on victim assistance in its initial Article 7 report, which was the last report submitted. As of 1 August 2018, Somalia had not submitted an initial transparency report, which was due on 31 August 2016.

The Dubrovnik Action Plan recommends that States Parties provide Article 7 reporting updates on victim assistance "drawing on reports submitted under the CRPD as appropriate." However, the CRPD's Article 35 reporting has not been used by states thus far to enhance annual Convention on Cluster Munitions reporting. Alternative CRPD reports prepared by civil society are a recognized source of information under the CRPD, and thus could also be an important source for states reporting to the Convention on Cluster Munitions. The Monitor draws information and action points from such so-called "shadow" reporting. A CMC-member DPO, headed by a survivor, completed an alternative CRPD report for Iraq in 2018.





**SRI LANKA**

At the Seventh Meeting of States Parties, Amb. Ravinatha Aryasinha of Sri Lanka announced that his country would accede to the convention, which occurred 1 March 2018.

© Convention on Cluster Munitions Implementation Support Unit, September 2017

# 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 14 August 2018 there were 103 States Parties and 17 signatories.

### STATES PARTIES

Afghanistan 3 Dec 08; 8 Sep 11	Burkina Faso 3 Dec 08; 16 Feb 10
Albania 3 Dec 08; 16 Jun 09	Burundi 3 Dec 08; 25 Dec 09
Andorra 9 Apr 13 (a)	Cameroon 15 Dec 09; 12 Jul 12
Antigua and Barbuda 16 Jul 10; 23 Aug 10	Canada 3 Dec 08; 16 Mar 15
Australia 3 Dec 08; 8 Oct 12	Cape Verde 3 Dec 08; 19 Oct 10
Austria 3 Dec 08; 2 Apr 09	Chad 3 Dec 08; 26 Mar 13
Belgium 3 Dec 08; 22 Dec 09	Chile 3 Dec 08; 16 Dec 10
Belize 2 Sep 14 (a)	Colombia 3 Dec 08; 10 Sep 15
Benin 3 Dec 08; 10 Jul 17	Comoros 3 Dec 08; 28 Jul 10
Bolivia 3 Dec 08; 30 Apr 13	Congo, Rep. 3 Dec 08; 2 Sep 14
Bosnia and Herzegovina 3 Dec 08; 7 Sep 10	Cook Islands 3 Dec 08; 23 Aug 11
Botswana 3 Dec 08; 27 Jun 11	Costa Rica 3 Dec 08; 28 Apr 11
Bulgaria 3 Dec 08; 6 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  
 Madagascar 3 Dec 08; 20 May 2017  
 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  
 Sri Lanka 1 Mar 2018 (a)  
 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  
 Central African Republic 3 Dec 08  
 Cyprus 23 Sep 09  
 Democratic Republic of the Congo  
 18 Mar 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  
 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  
 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, Federated States of  
 Mongolia  
 Morocco  
 Myanmar/Burma  
 Nepal  
 Niue  
 Oman  
 Pakistan  
 Papua New Guinea  
 Poland  
 Qatar  
 Romania  
 Russian Federation  
 Saint Lucia  
 Saudi Arabia  
 Serbia  
 Singapore  
 Solomon Islands  
 South Sudan  
 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 Depository.

## 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 2018



*Cluster Munition Monitor 2018* 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 2017 and information included into August 2018 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:** Omar, a Syrian refugee in Lebanon, shepherds on high ground at Al Qaraoun in Bekka, an area contaminated by M42 DPICM submunitions fired by Israeli forces in 1982. He said, "We have no choice but to use this land and I know it is dangerous." The area has since been cleared. © Sean Sutton/MAG, March 2017

**Top left:** Sahar, a deminer on high ground at Al Quaroon in Bekka says, "This has to be the best job in

the world as we are saving our people. It is hard work, the conditions are difficult in rain and in the hot sun, but it is very rewarding." © Sean Sutton/MAG, March 2017

**Top right:** Individuals returning to Mosul, Iraq, receive education about the dangers of cluster munitions and explosive remnants of war. © Blaise Kormann/HI, July 2017

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