

CLUSTER MUNITION MONITOR 2019



CLUSTER MUNITION MONITOR 2019

10TH ANNUAL EDITION

Monitoring and Research Committee, ICBL-CMC Governance Board
DanChurchAid • Danish Demining Group • Human Rights Watch
Humanity & Inclusion (HI) • Mines Action Canada
Research team leaders • ICBL-CMC staff experts

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

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.

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CLUSTER MUNITION COALITION

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

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

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

- No more use, production, transfer, and stockpiling of cluster munitions by any actor under any circumstances;
- Rapid destruction of all remaining stockpiles of cluster munitions;
- Efficient clearance and destruction of all cluster munition remnants in cluster munition-contaminated areas; 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 that is now employed in many similar contexts. 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 a 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.

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 tenth 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 2018, with information included into August 2019 where possible.

ACKNOWLEDGMENTS

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

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

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

Responsibility for the coordination of the Monitor lies with the Monitoring and Research Committee, a standing committee of the ICBL-CMC Governance Board comprised of four NGOs as well as Monitor research team leaders and ICBL-CMC staff. The committee's members include: DanChurchAid (Dennis Solberg Kjeldsen), 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), Jeff Abramson (Monitor program manager), and *ex officio* member Hector Guerra (ICBL-CMC director).

From January to August 2019, the Monitor's Editorial Team undertook research, updated country profiles, and produced thematic overviews for *Cluster Munition Monitor 2019*. The Editorial Team included:

- Ban policy: Mary Wareham, Stephen Goose, Mark Hiznay, Jacquelyn Kantack, and Yeshua Moser-Puangsuwan, with assistance from Keenan Danehey;
- Contamination, clearance, and support for mine action: Marion Loddo; and
- Casualties and victim assistance: Loren Persi Vicentic, Éléa Boureux, Rim Chehibi, Jennifer Reeves, Farzana Mursal Alizada, Clémentine Tavernier, Michael Moore, and Marianne Schulze.

Jeff Abramson of ICBL-CMC provided final editing in August 2019 with assistance from Morgan McKenna (publications consultant) and Ethan Kessler (intern).

Report and cover design was created by Lixar I.T. Inc. Pole Communication printed the report in Switzerland. The front cover and one back cover photograph was provided by Sean Sutton/MAG and one back cover photograph by HI. Additional photographs found within *Cluster Munition Monitor 2019* were provided by multiple photographers, cited with each photograph.

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

ABBREVIATIONS AND ACRONYMS

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
DCA	DanChurchAid
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 (NTS) – 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 (TS) – 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 2019

Signatories: Signed, but not yet ratified as of 14 August 2019

Non-signatories: Not yet acceded as of 14 August 2019

The Americas

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

East & South Asia & the Pacific

Afghanistan	Nauru
Australia	New Zealand
Cook Islands	Palau
Fiji	Philippines
Japan	Samoa
Lao PDR	Sri Lanka
Indonesia	
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.	Vanuatu
States of	Vietnam

Europe, the Caucasus & Central Asia

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

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

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ຫ້າມເຂົ້າ



DANGER - DO NOT ENTER
UXO CLEARANCE ACTIVITY IN PROGRESS



Sign at the entrance of demining area in Lao PDR.

© HI, February 2019

MAJOR FINDINGS

AS OF 31 JULY 2019, UNLESS OTHERWISE INDICATED

STATUS OF THE 2008 CONVENTION ON CLUSTER MUNITIONS

- The convention entered into force on 1 August 2010 and remains the sole international instrument dedicated to ending the human suffering caused by cluster munitions.
- A total of 106 countries have acceded to or ratified the Convention on Cluster Munitions and are now States Parties. Another 14 signatories to the convention must complete ratification to be fully bound by the convention's provisions.
- The Gambia and Namibia ratified the convention in the second half of 2018, while the Philippines ratified in the first half of 2019. The last state to accede to the convention was Sri Lanka, in March 2018.
- A total of 144 states, including 33 non-signatories voted in favor of an annual United Nations General Assembly resolution promoting the Convention on Cluster Munitions in December 2018. Non-signatory Zimbabwe was the only state to vote against the resolution as Russia abstained for the first time, after voting no in 2015–2017.

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.
- Cluster munitions continued to be used in Syria during the reporting period (July 2018–July 2019) by Syrian government forces with support from Russia. Neither is a State Party to the Convention on Cluster Munitions. Since mid-2012, the Monitor has recorded at least 674 cluster munition attacks in Syria. While the number of reported cluster munition attacks has decreased since mid-2017 as Syrian government forces have regained areas previously held by non-state armed groups, the actual number is likely far higher and new use often goes unrecorded.
- Cluster Munition Monitor could not independently confirm allegations of new cluster munition use in Libya, which is not a party to the Convention on Cluster Munitions.

CASUALTIES

- In total, the Monitor recorded 149 new cluster munition casualties in 2018, a continuation of the significant decrease compared to the annual total of 971 in 2016.
- In 2018, the highest number of casualties were recorded in Syria (80) where casualties occurred both due to cluster munition remnants and during cluster munition *attacks*. Far fewer casualties during *attacks* were recorded (65 in 2018, less than a third of the 196 in 2017, which had marked a sharp decline from 857 in 2016).
- The 2018 casualty total marked the lowest annual figure since increased cluster munition casualties from new use in Syria were reported in 2012.
- Civilians accounted for 99% of all casualties whose status was recorded in 2018 and 2017, consistent with statistics on cluster munition casualties for all time, and due to the indiscriminate and inhumane nature of the weapon.
- In 2018, casualties from cluster munition *remnants* were recorded in eight countries and one other area: Afghanistan, Iraq, Lao PDR, Lebanon, South Sudan, Syria, Ukraine, Yemen, and Nagorno Karabakh.
- Many casualties 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 34 countries and three other areas is 56,000 or more.

STOCKPILE DESTRUCTION

- A collective total of nearly 1.5 million cluster munitions and more than 178 million submunitions has been destroyed by 35 States Parties to the Convention on Cluster Munitions. This represents the destruction of 99% of the total global cluster munition stocks declared by States Parties.
- Two States Parties completed stockpile destruction in the reporting period: Botswana on 18 September 2018 and Switzerland on 19 March 2019.
- During 2018, five States Parties destroyed a total of 1,079 cluster munitions and more than 46,000 submunitions.
- Guinea-Bissau did not meet its stockpile destruction deadline of 1 May 2019 and has been in violation of the convention since then.
- Bulgaria has submitted a request to extend its stockpile destruction deadline by another 18 months, until 1 April 2021, and it is the first State Party to make such a request.
- Four States Parties with cluster munitions to destroy have begun the process, destroying a collective total to date of more than 1,000 cluster munitions and nearly 125,000 submunitions.

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, but at least eight needed to improve or undertake initial efforts to collect data on victims and their needs. In many States Parties, more services, better coordination, and greater integration into national systems remained necessary.
- All the States Parties with cluster munition victims had some forms of ongoing healthcare and rehabilitation available, but access to rehabilitation services for survivors in remote and rural areas needed significant improvement in at least three States Parties.

- 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.

CONTAMINATION AND CLEARANCE

- 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.
- Eight States Parties, one signatory, and one non-signatory completed clearance of areas contaminated by cluster munition remnants in previous years. No country completed clearance in 2018.

PRODUCTION AND TRANSFER

- Eighteen States Parties and one non-signatory no longer produce cluster munitions, which marks no change from previous years.
- Sixteen countries outside the convention produce cluster munitions or have not committed to cease production in the future.

RETENTION

- A majority of States Parties that once stockpiled cluster munitions have not retained any for training or research in detection, clearance, and destruction techniques, as permitted by the convention.
- Thirteen States Parties are retaining live cluster munitions or submunitions for training and research; all are from Europe with the exception of Cameroon.
- Germany retains the most cluster munitions for research and training, but significantly lowered the number retained again in 2018, as did Belgium, Czech Republic, Denmark, France, Spain, and Switzerland.

NATIONAL LEGISLATION AND TRANSPARENCY

- Thirty-one States Parties have enacted national legislation to implement the convention, most recently Afghanistan in September 2018. Another 18 States Parties are in the process of drafting, considering, or adopting national legislation for the convention, while 42 States Parties view their existing laws as sufficient to enforce their implementation of the convention.
- A total of 92 States Parties have submitted an initial transparency report as required by the convention, representing 89% of all States Parties for which the obligation currently applies. Eleven States Parties have not delivered their initial transparency reports.



Croatia presents certificate indicating completion of the destruction of its cluster munition stockpile at the Eighth Meeting of States Parties to the Convention on Cluster Munitions in 2018.

© Convention on Cluster Munitions Implementation Support Unit, September 2018

CLUSTER MUNITION BAN POLICY

INTRODUCTION

The Convention on Cluster Munitions is widely acknowledged as the principal framework for eradicating cluster munitions. Adopted in Dublin, Ireland on 30 May 2008, the convention opened for signature six months later in Oslo, Norway and entered into force on 1 August 2010.

This report shows how the convention is making a significant impact, as a majority of states adhere to its core provisions. However, dedicated efforts are needed to ensure that all States Parties meet their legal obligations under the convention, from providing transparency reports to destroying stockpiled cluster munitions.

There are 106 States Parties to the convention as of 31 July 2019. The last accession was Sri Lanka in March 2018, making it the first country from South Asia to join the convention.

Sri Lanka's Permanent Representative to the United Nations (UN) in Geneva, Ambassador Aliyar Lebbe Abdul Azeez, has prioritized universalization since taking over the presidency of the convention in September 2018. Three signatories have ratified the convention since then, most recently the Philippines on 3 January 2019. However, progress towards ratification has been slow among the 14 signatories that still need to ratify before they are fully bound by the convention.

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. None of the 17 States Parties that produced cluster munitions in the past have violated this core obligation.

Under the Convention on Cluster Munitions, States Parties must declare and destroy their stockpiled cluster munitions within eight years. A total of 35 States Parties have completed destruction of their stocks, collectively destroying nearly 1.5 million cluster munitions and more than 178 million submunitions under the convention. This represents 99% of all cluster munitions that States Parties have reported stockpiling.

Botswana and Switzerland completed destruction of their stockpiled cluster munitions in September 2018 and March 2019, respectively. They and three other States Parties destroyed a total of 1,079 cluster munitions and more than 46,000 submunitions in 2018.

Yet, that clean record of compliance has now been tarnished as Guinea-Bissau did not meet its 1 May 2019 deadline to destroy its stockpiled cluster munitions and has been in violation of the convention since then. Moreover, Bulgaria submitted a request in April 2019 to States Parties to extend its stockpile destruction deadline by another 18 months, until 1 April 2021. Bulgaria is the first State Party to make such a request under the convention.

More than half of the 75 non-signatories to the convention stockpile cluster munitions, but almost all of them are complying with the convention's prohibitions on use, production, and transfer. The glaring exception is still Syria, where Syrian government forces are using ground-fired and air-delivered cluster munitions with Russia's active support. This is contributing to an already deadly legacy of explosive remnants of war, including unexploded submunitions from cluster munition attacks that began in mid-2012.

There were allegations of new cluster munition use in Libya in the reporting period. Neither Syria nor Libya are party to the Convention on Cluster Munitions.

At the UN General Assembly (UNGA) in December 2018, 144 states—including nearly two-dozen non-signatories—voted in favor of a resolution promoting implementation and universalization of the Convention on Cluster Munitions. This is the highest support recorded for the resolution since it was first introduced in 2015. The 38 states that abstained were all non-signatories to the convention, except for signatories Cyprus and Uganda. Russia changed from voting against the annual resolution in 2015–2017 to abstain in 2018, which has left Zimbabwe as the only state to vote no to the resolution.

The convention's small implementation unit continues its close cooperation with States Parties, the Cluster Munition Coalition (CMC) of non-governmental organizations (NGOs) and the International Committee of the Red Cross (ICRC) to encourage implementation and universalization of the Convention on Cluster Munitions. The lack of a specific action in the 2018 "Agenda for Disarmament" issued by UN Secretary-General António Guterres means this innovative platform is not promoting, let alone tracking, efforts to eradicate cluster munitions.¹

Some 89% 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. At least 30 States Parties have enacted specific legislation to enforce their implementation of the convention's provisions, but there were no notable legislative developments in the reporting period.

This ban overview covers activities during the second half of 2018 and the first half of 2019, with some updates through to the end of July where possible. The findings are drawn from detailed country profiles available on the Monitor website.²

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.³

1 UN Office for Disarmament Affairs, *Securing Our Common Future – An Agenda for Disarmament* (New York, June 2018), bit.ly/SGDisarmamentAgenda2018.

2 See, www.the-monitor.org/cp.

3 Both accession and ratification usually involve some form of parliamentary approval, typically in the form of legislation. Of the 107 governments that participated in the negotiations and adopted the Convention on Cluster Munitions in Dublin on 30 May 2008, 16 never signed or acceded to the convention: Argentina, Bahrain, Brunei Darussalam, Cambodia, Estonia, Finland, Kyrgyzstan, Malaysia, Morocco, Papua New Guinea, Qatar, Serbia, Sudan, Timor-Leste, Vanuatu, and Venezuela. Adoption does not carry any legal obligations.

ACCESSIONS

A dozen countries have acceded to the Convention on Cluster Munitions since August 2010.⁴ The last state to accede was Sri Lanka on 1 March 2018.

Accessions to the Convention on Cluster Munitions

Andorra (2013)	Mauritius (2015)
Belize (2014)	Palestine (2015)
Cuba (2016)	Saint Kitts and Nevis (2013)
Eswatini (2011)	Slovakia (2015)
Grenada (2011)	Sri Lanka (2018)
Guyana (2014)	Trinidad and Tobago (2011)

There were a couple of positive developments regarding possible accessions to the convention in the reporting period. South Sudan reported in September 2018 that its parliament is considering draft legislation approving accession to the convention and the process was expected to be completed soon.⁵ Vanuatu said in July 2019 that it is starting a consultative process to prepare a Cabinet paper on the question of Vanuatu's accession to the convention.⁶

During the reporting period, several non-signatories provided their largely negative views:

- Argentina reiterated in September 2018 that the convention is “not sufficiently ambitious” and the articles on definitions and interoperability are “contrary to the objective of the total prohibition and the principle of non-discrimination.”⁷
- Brazil again criticized the way the convention was negotiated outside UN auspices in a November 2018 statement at the UNGA.⁸
- China told States Parties in September 2018 that it “cannot join the convention at the moment...due to our national defence needs,” but expressed appreciation for its “humanitarian spirit.”⁹
- The United States (US) said during the UNGA in November 2018 that it does not accept that the convention represents an emerging norm and views cluster munitions as an effective military capability.¹⁰

⁴ Since the convention entered into force, states can join via a process known as accession, which is essentially a process that combines signature and ratification into a single step. Prior to entry-into-force on 1 August 2010, states could sign the convention. The convention takes effect 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 occurs. When the convention became binding international law, 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.

⁵ Statement of South Sudan, Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, 3 September 2018, www.clusterconvention.org/wp-content/uploads/2018/08/South-Sudan.pdf.

⁶ After attending a regional disarmament meeting in New Zealand in February 2018, Vanuatu's Department of Foreign Affairs and its International Humanitarian Law Committee decided to combine the work needed to accede to the Convention on Cluster Munitions with another arms control measure already in process. Consultations that are planned to start in September 2019 should inform a Cabinet paper on the Convention on Cluster Munitions. Email from Majorie Wells, Desk Officer, Treaties and Conventions Division, Ministry of Foreign Affairs, International Cooperation and External Trade, 24 July 2019.

⁷ Statement of Argentina, Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, 3 September 2018, www.clusterconvention.org/wp-content/uploads/2018/08/Argentina.pdf.

⁸ Statement of Brazil, UNGA First Committee on Disarmament and International Security, New York, 6 November 2018, bit.ly/UNGA2018clusters.

⁹ Statement of China, Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, 4 September 2018, bit.ly/audioCCM8MSP.

¹⁰ Statement of the US, UNGA First Committee on Disarmament and International Security, New York, 6 November 2018, bit.ly/UNGA2018clusters.

RATIFICATIONS

A total of 55 signatories have ratified the convention since August 2010, of which three did so during the reporting period: Namibia on 31 August 2018, Gambia on 11 December 2018, and the Philippines on 3 January 2019.

Signatories to the Convention on Cluster Munitions¹¹

Angola	Jamaica
Central African Republic	Kenya
Cyprus	Liberia
Democratic Republic of the Congo (DRC)	Nigeria
Djibouti	São Tomé and Príncipe
Haiti	Tanzania
Indonesia	Uganda

In Haiti and Liberia, parliamentary processes are underway to complete ratification of the convention, while the DRC has made no progress to ratify since 2013, when its Senate adopted a legislative measure approving ratification.¹²

The 12 other signatories took few steps toward ratifying during the reporting period. Angola, Central African Republic, Indonesia, Kenya, Nigeria, São Tomé e Príncipe, Tanzania, and Uganda still have not referred the convention to their respective parliaments for consideration and approval, while the status of ratification by Djibouti and Jamaica is unclear.

Cyprus is the last European Union (EU) state to have signed but not ratified the convention. In November 2018, it again told the UNGA that “the abnormal security situation on the island” prevents it from completing ratification.¹³

MEETINGS AND ACTIONS ON CLUSTER MUNITIONS

The Deputy Permanent Representative of the Republic of Nicaragua to the Conference on Disarmament, Carlos Morales Dávila, served as president of the convention’s Eighth Meeting of States Parties in Geneva on 3–5 September 2018. A total of 79 countries attended the meeting—60 States Parties, six signatories, and 13 non-signatories—as well as UN agencies, the ICRC, and the CMC coalition of NGOs. States Parties reaffirmed their commitment to the convention and condemned “any use of cluster munitions by any actor.”¹⁴

¹¹ 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.

¹² Haiti said in September 2017 that a “draft decree of ratification of the convention has been submitted for assessment by the legislature,” but it has not provided an update since. Statement of Haiti, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4 September 2017, bit.ly/CCM7MSPHaiti. Official audio recording, UN Digital Recordings Portal, bit.ly/CCM7MSPHaitiRecording.

¹³ Statement of Cyprus, UNGA First Committee on Disarmament and International Security, New York, 6 November 2018, bit.ly/UNGA2018clusters.

¹⁴ See, Final Report of the Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, September 2018, www.clusterconvention.org/wp-content/uploads/2018/08/Final-Report.pdf. States present included States Parties Albania, Andorra, Australia, Austria, Belgium, BiH, Botswana, Bulgaria, Burundi, Canada, Chad, Chile, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Dominican Republic, Ecuador, El Salvador, France, Germany, Guatemala, Holy See, Honduras, Hungary, Iraq, Ireland, Italy, Japan, Lao PDR, Lebanon, Liechtenstein, Lithuania, Mauritania, Mexico, Montenegro, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Saint Kitts and Nevis, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sweden, Switzerland, Trinidad and Tobago, Tunisia, United Kingdom (UK), Zambia; Namibia, which had acceded to the Convention but for which it was not yet in force; signatories Angola, Cyprus, Gambia, Philippines, São Tomé and Príncipe, Uganda; and observer states Argentina, Bahrain, China, Finland, Morocco, Oman, Serbia, Singapore, South Sudan, Sudan, Turkey, United Arab Emirates (UAE), and Vanuatu.

This was the only international meeting of the convention during the reporting period, but States Parties convened regional workshops and other meetings. Chile convened a hearing on the Convention on Cluster Munitions at the Organization of American States (OAS) in Washington, DC on 6 December 2018. Together with Panama, Chile hosted a meeting on universalization of the convention in Geneva on 6 February 2019.¹⁵ Representatives from 12 states in the Asia-Pacific region attended a workshop on the convention hosted by the Philippines in Manila on 18–19 June 2019.¹⁶

At the Convention on Conventional Weapons (CCW) Meeting of High Contracting Parties in Geneva in November 2018, no state made a formal proposal to add cluster munitions back on to the CCW's program of work.¹⁷ The failure of the CCW's 2011 Review Conference to adopt a draft protocol on cluster munitions has left the Convention on Cluster Munitions as the sole international instrument dedicated to ending the suffering caused by the weapons.

Sri Lanka is serving as president of the convention's Ninth Meeting of States Parties to be held at the UN in Geneva on 2–4 September 2019.¹⁸ The UN has received sufficient funds to convene the meeting, but states owe the convention \$91,846, as of 31 May 2019.¹⁹ As a result, the meeting has been scaled back to two days—2 and 4 September—while states will meet informally without translation on 3 September.

The CMC continues its advocacy in support of the convention's universalization and implementation.

UN GENERAL ASSEMBLY RESOLUTION 73/54

Since it was first introduced in 2015, the UNGA resolution promoting the Convention on Cluster Munitions has become an annual barometer for gauging support of non-signatories for the convention's goals. The four UNGA resolutions have promoted implementation of the convention and urged states outside it to join as soon as possible:

- In 2018, 144 states voted in favor of Resolution 73/54, one voted against, and 38 abstained;²⁰
- In 2017, 142 states voted in favor of Resolution 72/54, two voted against, and 36 abstained;²¹

¹⁵ See, the Quarterly Newsletter of the Convention on Cluster Munitions, April 2019, www.clusterconvention.org/wp-content/uploads/2018/04/2019-Q1-CCM-Newsletter.pdf.

¹⁶ Participating states included Bangladesh, Bhutan, Lao PDR, Mongolia, Myanmar, New Zealand, Papua New Guinea, Philippines, Sri Lanka, Tuvalu, Vanuatu, and Vietnam. "PH hosts workshop on Convention on Cluster Munitions," Department of Foreign Affairs, Republic of the Philippines, 26 June 2019, bit.ly/AsiaPacworkshop2019.

¹⁷ Final Report of the CCW Fifth Review Conference, Geneva, 23 December 2016, bit.ly/CCW5ReviewFinalReport; and Final Report of the CCW Meeting of High Contracting Parties, 28 December 2018, bit.ly/CCWfinal2018.

¹⁸ See, Final Report of the Eighth Meeting of States Parties, 2018, bit.ly/CCM8MSPfinal. The first meetings of the Convention on Cluster Munitions were held in States Parties that are contaminated by cluster munition remnants (Lao PDR in 2010, Lebanon in 2011, and Croatia in 2015) and/or leaders of the convention (Norway in 2012, Zambia in 2013, and Costa Rica in 2014).

¹⁹ A total of 57 countries owed funds to the Convention on Cluster Munitions as of 31 May 2018, of which non-signatory China owed the most (US\$36,401.61). See, UN Finance Office, Status of Contributions of BWC, CCW, CCM, OTW as of 31 May 2019, bit.ly/FundstatusMay2019.

²⁰ "Implementation of the Convention on Cluster Munitions," UNGA Resolution 73/54, 5 December 2018, www.un.org/en/ga/search/view_doc.asp?symbol=A/73/PV.45. The 38 states that abstained from the vote are: Argentina, Armenia, Bahrain, Belarus, Brazil, China, Cyprus, Egypt, Estonia, Finland, Georgia, Greece, India, Iran, Israel, Kuwait, Latvia, Morocco, Myanmar, Nepal, Oman, Pakistan, Poland, Qatar, Republic of Korea, Romania, Russia, Saudi Arabia, Serbia, Syrian Arab Republic, Tajikistan, Turkey, Uganda, Ukraine, UAE, the US, Uzbekistan, and Vietnam.

²¹ "Implementation of the Convention on Cluster Munitions," UNGA Resolution 72/54, 4 December 2017, www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/54.

- In 2016, 141 states voted in favor of Resolution 71/45, two voted against, and 39 abstained.²²
- In 2015, 139 states voted in favor of Resolution 70/54, two voted against, and 40 abstained.²³

A total of 33 non-signatories to the convention voted in favor of the 2018 resolution.²⁴

Russia changed its vote to abstain from the resolution after voting against the previous resolution in 2015–2017. This left non-signatory Zimbabwe as the only state to vote against the 2018 UNGA resolution. All 38 states that abstained from the vote were non-signatories to the convention with the exceptions of signatories Cyprus and Uganda.

Various states and groups of states explained their vote on the 2018 resolution and their positions on joining the Convention on Cluster Munitions.²⁵

USE OF CLUSTER MUNITIONS

GLOBAL OVERVIEW

Since the end of World War II, at least 21 governments have used cluster munitions in 40 countries and four other areas. Almost every region of the world has experienced cluster munition use at some point over the past 70 years, including Southeast Asia, Southeast Europe, the Caucasus, the Middle East and North Africa, Sub-Saharan Africa, and Latin America and the Caribbean.

States that have used cluster munitions and locations of use²⁶

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, Syria, Lebanon
Libya	Chad, Libya

²² “Implementation of the Convention on Cluster Munitions,” UNGA Resolution 71/45, 5 December 2016, bit.ly/UNGAResolution71-45.

²³ “Implementation of the Convention on Cluster Munitions,” UNGA Resolution 70/54, 7 December 2015, bit.ly/UNGAResolution70-54.

²⁴ Thirty-three non-signatories voted in favor of the resolution: Algeria, Azerbaijan, Bahamas, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Dominica, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Jordan, Kazakhstan, Kyrgyzstan, Libya, Malaysia, Maldives, Marshall Islands, FS Micronesia, Mongolia, Papua New Guinea, Saint Lucia, Singapore, Solomon Islands, Sudan, Suriname, Thailand, Timor-Leste, Tuvalu, Vanuatu, Venezuela, and Yemen.

²⁵ These non-signatories abstained from voting on the 2018 UNGA resolution and elaborated their views on the Convention on Cluster Munitions: Argentina, Brazil, Iran, Pakistan, Poland (on behalf of Greece, Estonia, Finland, and Romania), Singapore, South Korea, and the US. Signatory Cyprus also spoke. See, UN, “Record of First Committee 26th meeting,” 6 November 2018, bit.ly/UNGA2018clusters.

²⁶ 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, Sri Lanka, Tajikistan, Uganda, and Zambia, as well as in areas such as Nagorno-Karabakh. The Monitor is reviewing an old allegation of use in Liberia in the 1990s.

User state	Locations used
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)
US	Afghanistan, Albania, Bosnia and Herzegovina (BiH), Cambodia, Grenada, Iran, Iraq, Kuwait, Lao PDR, Lebanon, Libya, Saudi Arabia, Sudan, Vietnam, former Yugoslavia (<i>Kosovo</i> , Montenegro, Serbia), Yemen
Yugoslavia (former Socialist Republic of)	Albania, BiH, Croatia, <i>Kosovo</i>

Note: Other areas are indicated in *italics*.

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.²⁷

Article 1 of the Convention on Cluster Munitions contains the convention's core preventive measures designed to eliminate future humanitarian problems, most crucially the absolute ban on the use of cluster munitions. Several past users of cluster munitions, such as France, the Netherlands, South Africa, and the UK, are now States Parties to the convention and have relinquished any use of these weapons under any circumstances.

There have been no confirmed reports or allegations of new use of cluster munitions by any State Party since the convention was adopted in 2008.

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 (2015–2017).²⁸

²⁷ 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.

²⁸ 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.

NEW USE

Cluster munitions continued to be used in Syria during the reporting period covered by this report (July 2018–July 2019), and there were allegations of new use in Libya. Neither is a State Party to the Convention on Cluster Munitions.

In Yemen, a Saudi Arabia-led coalition conducting a military operation against Ansar Allah forces known as the Houthi armed group used air- and ground-delivered cluster munitions in 2015–2017.²⁹ However, Cluster Munition Monitor could not find any evidence or credible allegations of new cluster munition use in Yemen in 2018 or during the first half of 2019.³⁰ Additional cluster munition attacks may have gone unrecorded, as first-hand evidence is challenging to collect.

Use in Syria

The Monitor documented at least 38 cluster munition attacks in Syria between July 2018 and June 2019. It found evidence of at least a dozen more cluster munition attacks, but could not conclusively verify this use. Evidence shows that Syrian government forces are still primarily responsible for using cluster munitions in attacks on opposition-held areas.

The number of reported cluster munition attacks and identified new casualties have decreased since mid-2017 as Syrian government forces have regained areas previously held by non-state armed groups. Previously, *Cluster Munition Monitor 2018* reported at least 636 cluster munition attacks in Syria between July 2012 and July 2018, including 36 attacks between July 2017 and July 2018.

The number of cluster munition attacks in Syria is certainly higher than this, 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 governorate of Idlib, while there was also alleged use of cluster munitions in Hama, al-Hasakah, and Deir ez-Zor governorates. All 14 governorates of the country except Tartus have experienced the use of cluster munitions at some point since 2012.

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.³¹

²⁹ The last recorded cluster munition use was in February 2017, when 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 Human Rights Watch (HRW). HRW, “Yemen: Brazil-Made Cluster Munitions Harm Civilians,” 23 December 2016, www.hrw.org/news/2016/12/23/yemen-brazil-made-cluster-munitions-harm-civilians; Amnesty International, “Yemen: Saudi Arabia-led coalition uses banned Brazilian cluster munitions on residential areas,” 9 March 2017, bit.ly/AmnestyYemen9Mar2017; and HRW, “Yemen: Cluster Munitions Wound Children,” 17 March 2017, www.hrw.org/news/2017/03/17/yemen-cluster-munitions-wound-children.

³⁰ Neither HRW nor Yemeni research NGO Mwatana were aware of any use of cluster munitions in the period. Email from Kristine Beckerle, Research Director, Mwatana, 3 July 2019.

³¹ 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, “Syria: Army Using New Type of Cluster Munition,” 14 January 2013, bit.ly/HRWSyria14Jan2013.

Types of cluster munitions used in Syria since 2012³²

Type	Cluster munition name	Number of submunitions	Country produced
Bomb	RBK-250 PTAB-2.5M	42 or 30	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

There is strong evidence that Russia stockpiles cluster munitions in Syria at the Hmeymim airbase southeast of Latakia city and that it has used cluster munitions in Syria or, at a minimum, in joint operations with Syrian government forces since 30 September 2015.³³ In a December 2016 statement, Russian Foreign Minister Sergey Lavrov did not explicitly deny Russia's involvement in using cluster munitions in Syria, 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."³⁴

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 in Syria and Iraq that began in August 2014.³⁵ In July 2016, a spokesperson for the US

³² At the outset of the conflict in 2012, markings on cluster munitions remnants indicated they were produced in the 1970s and 1980s; 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.

³³ 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 to 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; and HRW, "Russia/Syria: Daily Cluster Munition Attacks," 8 February 2016, bit.ly/HRWSyria8Feb2016.

³⁴ "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/RussiaOnCMIInSyria.

³⁵ In September 2015, the US Department of Defense listed seven Operation Inherent Resolve coalition members (in addition to itself) 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 eight coalition states (in addition to itself) 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.

Air Force's Central Command said, "We have not employed cluster munitions in Operation Inherent Resolve. This includes both U.S. and coalition aircraft."³⁶

Israel has undertaken air strikes as well as artillery and missile attacks in Syria, but there is no evidence that it has used cluster munitions.

The now largely defunct Islamic State used cluster munition rockets in Syria in 2014 and may have used them since then.³⁷ It is not possible to determine with confidence if other armed groups have used cluster munitions, but 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 victims, such devices are considered antipersonnel landmines prohibited by the Mine Ban Treaty.³⁸

In September 2018, 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."³⁹ Approximately 11 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.⁴⁰

Alleged use in Libya

There have been allegations and some indications that cluster munitions have been used in Libya during the reporting period. In May 2019, Libya National Army (LNA) forces led by General Khalifa Hifter in the east of Libya were accused of using cluster bombs in airstrikes in and around Tripoli.⁴¹ The Government of National Accord (GNA) media group "Volcano of Wrath" released more than 30 undated photographs—that were not geolocated—showing the remnants of Soviet/Russian RBK-250 cluster bombs and various submunitions reportedly "discovered in greater Tripoli and other areas (Ras al-Lufa, al-Sawani, al-Aziziyah, al-Tugar Mosque, and Bir al-Ghanem)."⁴²

Cluster Munition Monitor was not able to independently confirm these allegations or identify who may be responsible. Continued conflict limits access to strike sites and there is a lack of independent media and local reporting from inside the country.

36 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.

37 In 2014, Islamic State forces used an unknown type of rocket-fired cluster munition that dispersed DPICM-like submunitions with a distinctive red nylon ribbon called "ZP-39." HRW, "Syria: Evidence of Islamic State Cluster Munition Use," 1 September 2014, 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.

38 A video uploaded to YouTube on 26 March 2014, but no longer available, reportedly of arms captured by government forces from rebel groups shows submunitions prepared for use as IEDs, bit.ly/IEDVideo26March2014.

39 See, "Final report of the Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, 3–5 September 2018," CCM/MSP/2018/9, 19 September 2018, para. 29, bit.ly/CCM8MSPfinal.

40 Austria, Belgium, Canada, Chile, Croatia, Cuba, France, Germany, Mexico, the Netherlands, and Switzerland.

41 According to a 19 June 2019 press briefing by the Faiez Serraj-aligned Volcano of Rage operations room (Burkan Alghadab), which coordinates the fight against the Hifter forces. Sami Zaptia, "Tripoli forces claim successes and accuse Hifter of using cluster bombs and internationally banned phosphorus bombs," *Libya Herald*, 20 June 2019, bit.ly/CMM19LibyaHerald.

42 Oded Berkowitz (@Oded121351), "#Libya- #GNA Volcano of Wrath release a reassurance trove of 34 photos showing various cluster bombs & submunition discovered in greater #Tripoli and other areas (Ras al-Lufa, al-Sawani, al-Aziziyah, al-Tugar Mosque and Bir al-Ghanem). Some posted before but will re-post all," 19 June 2019, Tweet, twitter.com/oded121351/status/1141269363238035456?s=21.

However, investigations by international human rights organizations found evidence of LNA cluster bomb use in late 2014 and early 2015.⁴³ An aviation-focused blogger has documented cluster munitions loaded on to LNA aircraft that were subsequently used to conduct air attacks on opposition forces in 2016–2017 and through June 2018.⁴⁴

Egypt and the United Arab Emirates (UAE) provide air support to the forces of Khalifa Hiftar. Both states possess cluster munitions and neither has acceded to the Convention on Cluster Munitions.

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 attack in Yemen in 2009. However, in 2017, the US revoked a decade-old Department of Defense directive requiring it to no longer use cluster munitions that result in more than 1% unexploded ordnance (UXO) after 2018.

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 have used them. In the past, non-state armed groups 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 Islamic State), and Ukraine (by Russian-backed separatists).⁴⁵

⁴³ LNA forces used cluster bombs in Bin Jawad on or about 9 January 2015, again on 18 December 2014, and in Sirte in December 2014 or the first quarter of 2015. Amnesty International, “Libya: Mounting evidence of war crimes in the wake of Egypt’s airstrikes,” 23 February 2015, www.amnesty.org/en/articles/news/2015/02/libya-mounting-evidence-war-crimes-after-egypt-airstrikes/. HRW found that the good condition of the paint on the bomb casings and lack of extensive weathering indicated that the remnants had not been exposed to the environment for long and were from a recent attack. See, HRW, “Libya: Evidence of New Cluster Bomb Use,” 14 March 2015, www.hrw.org/news/2015/03/14/libya-evidence-new-cluster-bomb-use.

⁴⁴ A photograph showed a RBK-250–270 PTAB 2.5M cluster bomb mounted on a MiG-23 aircraft that reportedly flew sorties to southern Sebha. Arnaud Delalande (@Arn_Del), “#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. There were three sightings of RBK-series PTAB-2.5M and AO-1SCh cluster munitions affixed to Libyan aircraft in 2017. Arnaud Delalande, “Libyan CBU monitoring,” AeroHistory blog, 9 July 2017, aerohisto.blogspot.ca/p/libyan-cbu.html; Arnaud Delalande, “Video – LNA tech. loading bombs (including RBK-250 cluster bombs) on MiG-23UB ‘8008’ before striking #Benghazi Defense Brigade this morning,” 3 March 2017, Tweet, 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,” 3 March 2017, Tweet, twitter.com/Arn_Del/status/837707166282878977; Arnaud Delalande, “All Bets Are Off as a Surprise Offensive Roils the Libyan War,” War is Boring, 6 March 2017, warisboring.com/all-bets-are-off-as-a-surprise-offensive-roils-the-libyan-war/.

⁴⁵ In 2006, Hezbollah fired more than 100 cluster munition rockets from southern Lebanon into northern Israel. See, HRW, “Civilians Under Assault: Hezbollah’s Rocket Attacks on Israel in the 2006 War,” August 2007, pp. 44–48, www.hrw.org/reports/2007/iopt0807/.

PRODUCTION OF CLUSTER MUNITIONS

Historically, at least 34 states developed or produced more than 200 types of cluster munitions, of which 18 countries ceased manufacturing cluster munitions prior to or upon joining the Convention on Cluster Munitions.⁴⁶

PRODUCERS

There were no changes during the reporting period to the list of 16 countries that produce cluster munitions and have yet to commit to never produce them in future, as listed in the following table. None of these states are party to the Convention on Cluster Munitions.

Cluster munition producers

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

It is unclear if all of these countries produced cluster munitions in 2018 and/or the first half of 2019 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.⁴⁷

Production of cluster munitions appears to be ongoing in India. Purchase order records retrieved from a publicly accessible online government

transaction database list at least one company providing components for 130mm “Cargo Shells.” Components were produced under contract and supplied to the Ordnance Factory Chandrapur in Maharashtra state.⁴⁸ Orders indicated that production may continue until June 2021.

In addition, several states are undertaking research and development of new types of cluster munitions. Russia tested the “Drel” RBK-500U gliding cluster bomb, a new cluster munition developed by Bazalt State Research and Production Enterprise according to the company.⁴⁹ The US spent \$2.5 million in 2018 to test the 155mm M999 “Advanced Anti-Personnel Munition” containing M99 explosive submunitions produced by Israel Military Industries (IMI). However more information is needed to determine if this weapon would comply with the ban convention.⁵⁰

Singapore’s only cluster munition manufacturer Singapore Technologies Engineering announced in 2015 that it no longer produces cluster munitions, stating: “As a responsible

⁴⁶ 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.

⁴⁷ 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.

⁴⁸ Sandeep Metalkraft Pvt Ltd. of Maharashtra was listed as having concluded contract for production of components for 130mm cargo projectiles on the Indian Ordnance Factories Purchase Orders on 12 April 2019, ofbindia.gov.in/rti/vendorList/Ordnance%20Factory%20Chanda.html.

⁴⁹ Mark Episkopos, “Meet Russia’s Cluster Glide Bomb: Is the “Drel” a Game Changer?” *The National Interest*, 29 November 2018, nationalinterest.org/blog/buzz/meet-russia%E2%80%99s-cluster-glide-bomb-drel-game-changer-37397.

⁵⁰ Department of the Army, “Weapons and Munitions Engineering Development: System Development & Demonstration,” Program Element Number: 0604802A, pp. 77–82, apps.dtic.mil/descriptivesum/Y2019/Army/stamped/U_0604802A_5_PB_2019.pdf. In October 2018, an IMI official told *The New York Times* that each M999 shell contains nine submunitions with self-destruct features. John Ismay, “With North Korean Threats Looming, the U.S. Army Pursues Controversial Weapons,” *The New York Times Magazine*, 30 October 2018, www.nytimes.com/2018/10/30/magazine/cluster-munitions-army.html.

military technology manufacturer we do not design, produce and sell anti-personnel mines and cluster munitions and any related key components.”⁵¹

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.

Former producers of cluster munitions

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

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 the 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.⁵²

In South Africa, Rheinmetall Denel Muniton has not responded to Cluster Munition Monitor’s 2018 request to clarify if it produced cluster munitions in 2008–2012.⁵³ The Monitor sought comment after South Africa’s initial transparency report stated in regard to decommissioning of production facilities: “None. Production ceased in 2012 at Rheinmetall, denel.”⁵⁴

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.⁵⁵

⁵¹ See the Singapore Technologies Engineering website, www.stengg.com/en. See also, PAX, “Singapore Technologies Engineering stops production of cluster munitions,” 19 November 2015, bit.ly/StopExplosiveSTE2015. Investors received similar letters; and Local Authority Pension Fund Forum, “ST Engineering Quits Cluster Munitions,” 18 November 2015. The company’s president said 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.

⁵² 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.

⁵³ Letter from Cluster Munition Monitor to Rheinmetall Denel Muniton (Pty) Ltd., 6 July 2018. German company Rheinmetall Defence acquired four Denel divisions in 2008 and is the majority owner of Rheinmetall Denel Muniton (Pty) Ltd. in South Africa.

⁵⁴ Convention on Cluster Munitions Article 7 Report, Form E, 8 September 2017, bit.ly/CCMArt7database.

⁵⁵ 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 then-Yugoslavia.

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 the purposes of research and training in the detection and clearance of cluster munition remnants, as permitted by the convention.⁵⁶ At least two non-signatories have enacted a partial or complete export moratorium: Singapore and the US.

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.⁵⁷

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.⁵⁸ 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 2018.⁵⁹

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.⁶⁰

Stockpiles possessed by States Parties

In the past, the convention's States Parties stockpiled nearly 1.5 million cluster munitions containing more than 179 million submunitions. At least 38 countries—35 States Parties, two signatories, and one non-signatory—that once possessed cluster munitions stocks have now destroyed them, as detailed in the following section on stockpile destruction.

⁵⁶ 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.

⁵⁷ Recipients of US exports 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.

⁵⁸ 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, Moldova, Mongolia, Mozambique, North Macedonia, 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.

⁵⁹ 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 obtained from Eurosatory, June 2018 and on file in Omega Research Foundation archive, twitter.com/Omega_RF/status/1007587179386851328.

⁶⁰ 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.

Countries that have stockpiled cluster munitions⁶¹

States Parties	Signatories	Non-signatories	
Afghanistan Austria Belgium BiH Botswana Bulgaria Cameroon Canada Chile Colombia Congo, Rep. of Côte d'Ivoire Croatia Cuba Czech Republic Denmark Ecuador France Germany Guinea Guinea-Bissau Honduras Hungary Iraq Italy Japan Moldova Montenegro Mozambique Netherlands North Macedonia Norway Peru Portugal Slovakia Slovenia South Africa Spain Sweden Switzerland UK	Angola Central African Republic Cyprus Indonesia Nigeria	Algeria Argentina Azerbaijan Bahrain Belarus Brazil Cambodia China Egypt Eritrea Estonia Ethiopia Finland Georgia Greece India Iran Israel Jordan Kazakhstan Korea, North Korea, South Kuwait Libya Mongolia Morocco Oman Pakistan Poland Qatar Romania Russia Saudi Arabia Serbia Singapore Sudan Syria Thailand Turkey Turkmenistan	Ukraine UAE US Uzbekistan Venezuela Yemen Zimbabwe
41 (6 current)	5 (3 current)	47 (46 current)	

Note: Countries in **bold** still possess stockpiles.

Six States Parties to the convention still have a collective total of 11,626 stockpiled cluster munitions and 742,200 submunitions to destroy: Bulgaria, Guinea, Guinea-Bissau, Peru, Slovakia, and South Africa.

⁶¹ This information is drawn from Cluster Munition Monitor ban policy country profiles, which in turn use information provided by states in their Article 7 transparency reports as well as statements and other sources.

Cluster munitions to be destroyed by States Parties⁶²

State Party (deadline)	Quantity of cluster munitions	Quantity of submunitions
Bulgaria (October 2019)	6,901	190,566
Peru (March 2021)	2,005	152,982
Slovakia (January 2024)	1,235	299,187
South Africa (November 2023)	1,485	99,465
Total	11,626	742,200

There is a serious lack of information from the two other States Parties with stockpiles to destroy:

- Guinea imported cluster munitions in the past and may currently possess a stockpile.⁶³ It must clarify the status of the stockpile in its transparency report, which was due in September 2015.
- Guinea-Bissau never provided its initial transparency report, due October 2011, or provided details on the quantities and types of its stockpiled cluster munitions or plans to destroy them.

States Parties that never stockpiled

More than 55 States Parties have formally confirmed never stockpiling cluster munitions, most through a direct statement in their transparency report for the convention.⁶⁴ Since September 2018, Benin, Sri Lanka, and Tunisia have submitted initial transparency reports confirming they do not possess cluster munitions.

Stockpiles possessed by signatories

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

- Cyprus transferred 3,760 4.2-inch OF projectiles containing 2,559 M20G submunitions for the GRM 20 mortar system to Bulgaria in 2014 for the purposes of destruction.⁶⁵ Cyprus has never shared information on its stockpiled cluster munitions or provided a voluntary Article 7 transparency report detailing such information. Instead, the information on Cypriot cluster munitions comes from Bulgaria's transparency reports.
- Indonesia has acknowledged that it possesses cluster munitions, but has not disclosed information on the types and quantities stockpiled nor if it has a plan to destroy them.

⁶² This table reflects the total amounts declared by these States Parties, while a subsequent table details what they have destroyed to date.

⁶³ Moldova has reported that it transferred 860 9M27K cluster munition rockets, each containing 30 fragmentation submunitions, to Guinea in the year 2000 for use in its 220mm *Uragan* multi-barrel rocket launchers. Submission of the Republic of Moldova, UN Register of Conventional Arms, Report for Calendar Year 2000, 30 May 2001.

⁶⁴ Albania, Andorra, Australia, Burkina Faso, Burundi, Colombia, El Salvador, Eswatini, 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, 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."

⁶⁵ Bulgaria, Convention on Cluster Munitions Article 7 Report, Form B, 29 June 2017, bit.ly/CCMArt7database.

- 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.⁶⁶ Nigeria has made several appeals for “cooperation and assistance” to destroy the stockpile.⁶⁷

Two signatories possessed cluster munitions in the past:

- Angola stated in 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.⁶⁸

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.”⁶⁹ 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 March 2019, “there are approximately 93,766 tons of cluster munitions in the demil stockpile,” plus 203,024 tons in the continental US and another 91,362 tons outside the continental US.⁷⁰

Georgia destroyed 844 RBK-series cluster bombs containing 320,375 submunitions in 2013.⁷¹ Venezuela destroyed an unspecified quantity of cluster munitions belonging to its air force in 2011, including Israeli-made AS TAL-1 cluster bombs.⁷² Greece and Ukraine have disclosed partial figures on their stockpiled cluster munitions.⁷³

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.

⁶⁶ Statement of Nigeria, Convention on Cluster Munitions Intersessional Meetings, Geneva, 18 April 2012, bit.ly/CCMNigeria18April2012. Jane’s Information Group has reported that the Nigeria Air Force possesses British-made BL755 cluster bombs. Robert Hewson, ed., *Jane’s Air-Launched Weapons, Issue 44* (Surrey, UK: Jane’s Information Group Limited, 2004), p. 843.

⁶⁷ See, for example, “Croatia Progress Report,” CCM/CONF/2015/6, Convention on Cluster Munitions First Review Conference, Dubrovnik, Croatia, 6 October 2015, daccess-ods.un.org/access.nsf/Get?Open&JN=G1522916.

⁶⁸ Statement of the Central African Republic, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 14 September 2011, bit.ly/CCMCAR14Sep2011.

⁶⁹ Statement of the US, CCW Fourth Review Conference, Geneva, 14 November 2011, bit.ly/CCWUS14Nov2011. The types of cluster munitions included in this figure were listed on a slide projected during an informal briefing to CCW delegates by a member of the US delegation. Several of the types (such as CBU-58, CBU-55B, and M509A1) were not listed in the “active” or “total” inventory by the Department of Defense in a report to Congress in late 2004.

⁷⁰ Department of the Army, “Justification Book of Procurement of Ammunition, Army FY2020 Procurement of Ammunition, Army,” March 2019, p. 676, bit.ly/FY2020ArmyAmmunition.

⁷¹ “Time schedule for cluster bomb disposal: Attachment 1.4,” undated, but provided by the Press Office of the OSCE Secretariat, 7 May 2014.

⁷² “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.

⁷³ Email from Yannis Mallikourtis, Permanent Mission of Greece in Geneva, 14 June 2011; and presentation of Ukraine, “Impact of the CCW Draft Protocol VI (current version) on Ukraine’s Defense Capability,” Geneva, 1 April 2011, slide 2.

No State Party with the first stockpile destruction deadline of 1 August 2018 failed to destroy their stocks in time. However, Guinea-Bissau missed its stockpile destruction deadline of 1 May 2019 and has been in violation of the convention since then.

In April 2019, Bulgaria submitted a request to States Parties to extend its stockpile destruction deadline of 1 October 2019 by another 18 months, until 1 April 2021. Bulgaria is the first State Party to make such a request under the convention, which the Ninth Meeting of States Parties will consider and decide upon in September 2019.⁷⁴

States Parties that have completed stockpile destruction

Of the 41 States Parties that have stockpiled cluster munitions, 35 have now completed destruction of those stocks, collectively destroying nearly 1.5 million cluster munitions containing 178 million submunitions. This represents 99% of all cluster munitions that States Parties have reported stockpiling.

Two States Parties completed the destruction of their cluster munition stocks in the reporting period:

- Botswana destroyed its entire stockpile of cluster munitions on 18 September 2018, more than one year in advance of the deadline.
- Switzerland announced the completion of its cluster munition stockpile destruction on 19 March 2019, more than 21 months in advance of the deadline.⁷⁵

Four States Parties that once stockpiled cluster munitions are not listed in the table below due to insufficient information on the quantities destroyed:

- 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.
- The Republic of the Congo has stated that it has no stockpiles of cluster munitions on its territory, but it must provide a transparency report to formally confirm it does not possess stocks.⁷⁶
- Honduras provided its transparency report in 2017, but did not declare any cluster munitions because it destroyed the stockpile long before the convention's entry into force.⁷⁷

⁷⁴ Previously, Bulgaria committed to destroy the cluster munitions stockpile "well in advance" of the convention's deadline. Statement of Bulgaria, Convention on Cluster Munitions First Review Conference, Dubrovnik, 7 September 2015, www.clusterconvention.org/files/2015/09/Bulgaria-Statement_high-level-segment1.pdf.

⁷⁵ Le Conseil fédéral, "L'élimination des armes à sous-munitions de l'armée suisse est terminée," 19 March 2019, www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-74375.html.

⁷⁶ In September 2011, Congo stated that it had no stockpiles of cluster munitions on its territory. In May 2013, Congo reported that it had destroyed its remaining 372 antipersonnel mines held for training and research purposes following the massive explosions in a weapons depot in Brazzaville in March 2012 and was now a country fully free of landmines and cluster munitions. Statement of Congo, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 15 September 2011, www.clusterconvention.org/files/2011/09/cl_congo.pdf; statement by Col. Nkoua, National Focal Point of the Struggle Against Mines, Seminar to mark the 20th Anniversary of the ICBL hosted by the Congolese Campaign to Ban Landmines and Cluster Bombs, Kinshasa, 19 December 2012; and statement of Congo, Lomé Regional Seminar on the Universalization of the Convention on Cluster Munitions, Lomé, Togo, 22 May 2013. Notes by Action on Armed Violence (AOAV).

⁷⁷ 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.

States Parties that have completed stockpile destruction⁷⁸

State Party (year of completion)	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
Botswana (2018)	510	14,400
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)	34,876	14,916,881
Germany (2015)	573,700	62,923,935
Hungary (2011)	287	3,954
Italy (2015)	4,963	2,849,979
Japan (2015)	14,011	2,027,907
Moldova (2010)	1,385	27,050
Montenegro (2010)	353	51,891
Mozambique (2015)	293	12,804
Netherlands (2012)	193,643	25,867,510
North Macedonia (2013)	2,426	39,980
Norway (2010)	52,190	3,087,910
Portugal (2011)	11	1,617
Slovenia (2017)	1,080	52,920
Spain (2018)	6,837	293,652
Sweden (2015)	370	20,595
Switzerland (2019)	206,061	12,211,950
United Kingdom (2013)	190,828	38,758,898
Total	1,478,033	178,311,357

⁷⁸ See the relevant Monitor country profiles for more information. Some quantities of cluster munitions and/or submunitions have changed since previous reports due to revisions based on adjusted information provided in Article 7 transparency reports for the convention. 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. Note that Cameroon did not destroy its stockpiled cluster munitions, but instead retained them all for research and training. Cuba reported the total number of cluster munitions destroyed, but not the quantity of submunitions destroyed.

Destruction underway

During 2018, five States Parties destroyed a total of 1,079 cluster munitions and more than 46,000 submunitions, as shown in the following table.

Cluster munitions destroyed by States Parties in 2018

State Party	Cluster munitions destroyed	Submunitions destroyed
Botswana	510	14,400
Bulgaria	35	4,127
Peru	141	6,584
Slovakia	226	12,688
Switzerland	167	8,815
Total	1,079	46,614

Note: States listed in **bold** have stockpiled cluster munitions to destroy

Four of the States Parties that still possess cluster munitions to destroy have collectively destroyed more than 1,000 cluster munitions and nearly 125,000 submunitions.

Cluster munitions destroyed by States Parties with stocks left to destroy (as of 31 December 2018)

State Party	Cluster munitions	Submunitions
Bulgaria	39	4,127
Peru	181	8,030
Slovakia	643	33,398
South Africa	139	78,994
Total	1,002	124,549

Three States Parties that still possess cluster munitions reported progress towards destroying them during 2018:

- Bulgaria reported in May 2019 that 25 RBK-250-275 AO-1SCh cluster bombs and ten RBK-250 PTAB-2.5M cluster bombs were destroyed at a facility in Italy in 2018.
- Peru began physical destruction of its stockpiled cluster munitions in 2018, after conducting extensive research into how to safely destroy the stockpile. It has pledged to destroy the stockpile before its 1 March 2021 deadline.⁷⁹
- Slovakia had destroyed approximately half of its total declared stocks of cluster munitions and 11% of the submunitions by the end of 2018. Slovakia has committed to destroy the remainder of its stockpile by the 1 January 2024 deadline “using its own capacities.”⁸⁰

⁷⁹ Statement of Peru, Convention on Cluster Munitions First Review Conference, Dubrovnik, 11 September 2015, www.clusterconvention.org/files/2015/09/Peru_high-level-segment.pdf; and Statement of Peru, Convention on Cluster Munitions Intersessional Meetings, Geneva, 7 April 2014, www.clusterconvention.org/files/2014/04/Peru.pdf.

⁸⁰ Letter No. 590.7564/2015-OKOZ, from Karol Mistrik, Ministry of Foreign and European Affairs of the Slovak Republic, to Mary Wareham, Arms Division, Human Rights Watch, 16 April 2015.

Three other States Parties with cluster munitions did not report any stockpile destruction of during the reporting period:

- Guinea must clarify in its transparency report if it stockpiles cluster munitions and, if it does, must destroy them by 1 April 2023.
- Guinea-Bissau missed its stockpile destruction deadline of 1 May 2019 and has been in violation of the convention since then. In the past, Guinea-Bissau told the States Parties that it required financial and technical assistance to destroy its stockpiled cluster munitions, but it never provided the initial transparency report that was due by 1 October 2011.
- South Africa told States Parties in September 2018 that it will destroy its cluster munition stockpile by its 1 November 2023 deadline.⁸¹ South Africa last destroyed a portion of its cluster munition stocks in September 2012.

The total number of cluster munitions destroyed by States Parties each year has been falling steadily since 2012, as those with this obligation complete stockpile destruction.

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
2018	5	1,079	0.05

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.

Most States Parties see no need or reason to use live cluster munitions for training in detection, clearance, and destruction techniques, or for the development of counter-measures. That includes more than 25 States Parties that once stockpiled cluster munitions.⁸²

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

⁸¹ Statement of South Africa, Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, 3 September 2018, www.clusterconvention.org/wp-content/uploads/2018/08/South-Africa.pdf.

⁸² Afghanistan, Australia, Austria, BiH, Botswana, Canada, Chile, Colombia, Côte d'Ivoire, Croatia, Cuba, Ecuador, Honduras, Hungary, Iraq, Italy, Japan, Moldova, Montenegro, Mozambique, North Macedonia, Norway, Peru, Portugal, Slovenia, South Africa, and the UK.

Cluster munitions retained for training (as of 31 December 2018)⁸³

State Party	Quantity of cluster munitions (submunitions)			Date first reported
	Retained in 2018	Consumed in 2018	Initially retained	
Germany	372 (29,184)	37 (2,912)	685 (62,580)	2011
Netherlands	274 (23,752)	0	272 (23,545)	2011
Belgium	203 (17,864)	97 (7,920)	276 (24,288)	2011
Switzerland	52 (2,615)	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	4 (550)	1 (28)	711 (16,652)	2011
France	3 (189)	0 (1)	55 (10,284)	2011
Denmark	0 (2,716)	(630)	170 (-)	2011
Sweden	0 (125)	0	0 (125)	2013
BiH	0 (30)	0	0 (30)	2013
Czech Rep.	0 (12)	0 (3)	0 (796)	2011

Germany still retains the largest number of cluster munitions, followed by the Netherlands and Belgium. During 2018, Germany and Belgium both significantly reduced the number of cluster munitions retained for research and training purposes during 2018. The Netherlands has reported that it will destroy 200 cluster munitions in 2019 that were originally retained for research and training.⁸⁴

The Czech Republic, Denmark, France, and Spain also reduced the number of cluster munitions and/or submunitions retained in 2018.

BiH, Bulgaria, Cameroon, Slovakia, and Sweden have not destroyed any cluster munitions and/or submunitions since reporting they would retain them for research and training purposes.

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 destroyed and did not replace. States Parties such as Chile, Croatia, and Moldova have declared retaining inert items or those rendered free from explosives, which no longer qualify as cluster munitions or submunitions under the convention and are therefore not listed in the table above.

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.

⁸³ 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.

⁸⁴ The cluster munitions were shipped to Norway on 29 April 2019 for the purposes of stockpile destruction. See Article 7 Report, Form C, 10 May 2019, bit.ly/CCMArt7database.

Of the 106 States Parties to the convention, 92 States Parties have submitted an initial transparency report for the convention as of 31 July 2019.⁸⁵ That includes the three States Parties that submitted their initial transparency report during the reporting period: Benin, Tunisia, and Sri Lanka.

This represents 89% of the States Parties for which the obligation applied at the time, which is a similar compliance rate compared to last year.⁸⁶

States Parties with overdue initial Article 7 reports

State Party	Date due
Cape Verde	28 September 2011
Comoros	30 June 2011
Republic of the 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

Another 11 States Parties still have not provided an initial transparency report for the convention, of which three were originally due in 2011. Timely submission of the report is a legal obligation, but none have explained why they have not submitted a transparency report as required by the convention.

Three new States Parties have deadlines pending for the submission of their initial transparency report: Namibia (by 31 July 2019), the Gambia (by 29 November 2019), and the Philippines (by 28 December 2019).

After submitting the initial transparency report, the convention requires that States Parties provide an annual updated report by 30 April. More than 55 States Parties have submitted the annual updated transparency report that was due by 30 April 2019, covering activities in 2018.⁸⁷ This poor reporting rate is similar to previous years and could be significantly improved upon.

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, to provide details on cooperation and assistance support, or to report on other important matters such as their position on interpretive issues.⁸⁸

⁸⁵ Afghanistan, Albania, Andorra, Antigua and Barbuda, Australia, Austria, Belgium, Belize, Benin, 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, Eswatini (formerly Swaziland), Fiji, France, Germany, Ghana, Grenada, Guatemala, Holy See, Honduras, Hungary, Iraq, Ireland, Italy, Japan, Lao PDR, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Montenegro, Mozambique, Nauru, Netherlands, New Zealand, Nicaragua, Niger, North Macedonia, Norway, Palau, 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, Sri Lanka, Sweden, Switzerland, Trinidad and Tobago, Tunisia, the UK, Uruguay, and Zambia. See, the UN's Article 7 website, bit.ly/CCMArt7database.

⁸⁶ Previously, *Cluster Munition Monitor 2018* reported an 87% compliance rate for the submission of initial transparency reports. *Cluster Munition Monitor 2017* and *Cluster Munition Monitor 2016* reported an 82% compliance rate, *Cluster Munition Monitor 2015* reported an 80% compliance rate, *Cluster Munition Monitor 2014* reported a 77% compliance rate and it was "three-quarters" of states in *Cluster Munition Monitor 2012* and *Cluster Munition Monitor 2013*.

⁸⁷ Afghanistan, Albania, Andorra, Australia, Austria, Belgium, Bolivia, Botswana, Bulgaria, Canada, Chad, Chile, Colombia, Cook Islands, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Guatemala, Holy See, Iraq, Ireland, Italy, Japan, Lao PDR, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mauritania, Mauritius, Mexico, Montenegro, Mozambique, Netherlands, New Zealand, Nicaragua, North Macedonia, Norway, Palestine, Panama, Peru, Portugal, Saint Kitts and Nevis, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, the UK, and Zambia.

⁸⁸ 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.

The CMC continues to encourage states to submit their transparency reports by the deadline and provide complete information, including definitive statements.⁸⁹

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.”⁹⁰ 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 31 States Parties have enacted specific legislative measures to implement the convention’s provisions, as listed in the table to the right.⁹¹

State Party Afghanistan has been added to this list after it enacted a new implementing law for both the Convention on Cluster Munitions and Mine Ban Treaty in September 2018.⁹² No State Party adopted implementing legislation for the convention during the first half of 2019.

States Parties including Bulgaria and Spain reported amendments to their respective implementation laws during the reporting period.⁹³

Another 18 States Parties indicate they are planning or in the process of drafting, reviewing, or adopting specific legislative measures to implement the convention.⁹⁴ Zambia reported in April 2019 that draft legislation to domesticate the convention has been cleared by the Ministry of Justice and will soon be introduced into parliament for consideration and approval.⁹⁵

Five recent States Parties are considering if specific implementation legislation is needed for the convention. Palestine and Sri Lanka reported in 2019 that they are conducting review of their respective laws and regulations to determine if additional specific implementing

States with implementing legislation for the Convention on Cluster Munitions

State (year enacted)	
Afghanistan (2018)	Ireland (2008)
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)	

⁸⁹ 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.

⁹⁰ 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; 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.

⁹¹ A total of 11 states enacted implementing legislation prior to the convention’s August 2010 entry into force and 20 states have done so since then.

⁹² The law is available only in Dari. Operational since 5 September 2018, it was published by Ministry of Justice on 21 October 2018.

⁹³ Bulgaria, Convention on Cluster Munitions Article 7 Report, Form A, 30 April 2019, bit.ly/CCMArt7database; and Spain, Convention on Cluster Munitions Article 7 Report, Form A, 24 April 2019, bit.ly/CCMArt7database.

⁹⁴ Antigua and Barbuda, Belize, Botswana, Burkina Faso, Burundi, Republic of the Congo, Eswatini, Ghana, Grenada, Lao PDR, Lebanon, Lesotho, Malawi, Mali, Niger, Seychelles, Sierra Leone, and Zambia.

⁹⁵ Zambia, Convention on Cluster Munitions Article 7 Report, Form A, 3 April 2019.

legislation is needed to enforce their adherence to the convention.⁹⁶ States Parties the Gambia, Namibia, and the Philippines have not indicated if they intend to enact specific legislation to enforce their implementation of the convention.

At total of 42 States Parties have indicated their existing laws and regulations will suffice to enforce their adherence to the convention.⁹⁷ In 2019, Panama reported the relevant sections of its criminal code that enforce its implementation of the convention's provisions.⁹⁸

The status of national implementation measures is unknown or unclear in 10 States Parties, in part because several have not provided an initial transparency report.⁹⁹

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 31 July 2019, more than three-dozen States Parties had not articulated their views on even one of these interpretive issues, and there were no new statements during the reporting period.¹⁰⁰ Please refer to previous Cluster Munition Monitor reports as well as country profiles for detailed positions on key interpretive issues.

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.¹⁰¹

⁹⁶ Sri Lanka, Convention on Cluster Munitions Article 7 Report, Form A, 26 February 2019, bit.ly/CCMArt7database; and State of Palestine, Convention on Cluster Munitions Article 7 Report, Form A, 29 April 2019, bit.ly/CCMArt7database.

⁹⁷ Albania, Andorra, BiH, Bolivia, Chad, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Denmark, El Salvador, Fiji, Guinea-Bissau, Holy See, Honduras, Iraq, Lithuania, Malta, Mauritania, Mexico, Moldova, Monaco, Montenegro, Mozambique, Nauru, Netherlands, Nicaragua, North Macedonia, Palau, Panama, Paraguay, Peru, Portugal, San Marino, Senegal, Slovakia, Slovenia, South Africa, Trinidad and Tobago, Tunisia, and Uruguay.

⁹⁸ Panama, Convention on Cluster Munitions Article 7 Report, Form A, 26 April 2019, bit.ly/CCMArt7database. Previously, in 2017, Slovenia elaborated the amendments to article 307 of its Criminal Code pertaining to "Illegal Manufacture of and Trade in Weapons or Explosive Materials."

⁹⁹ Benin, Cape Verde, Comoros, Dominican Republic, Guinea, Guyana, Madagascar, Rwanda, Saint Vincent and the Grenadines, and Somalia.

¹⁰⁰ 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, Eswatini, 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, Trinidad and Tobago, Tunisia, and Uruguay.

¹⁰¹ 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.¹⁰²

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.

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.

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.

¹⁰² 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.

At least 35 States Parties and signatories have declared that transit and foreign stockpiling are prohibited by the convention.¹⁰³

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.

US stockpiling and transit

States Parties Norway and the UK have confirmed that the US removed its stockpiled cluster munitions from their respective territories during 2010.

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.

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.¹⁰⁴

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

Since 2007, 11 States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, as shown in the table to the left.¹⁰⁵

No country enacted legislation relating to cluster munitions disinvestment in 2018 or the first half of 2019.

At least 36 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.¹⁰⁶ Five States Parties have been added to this list since publication of *Cluster Munition Monitor 2018*, including four that provided statements at the convention's

¹⁰³ 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, Madagascar, Malawi, Malta, Mexico, New Zealand, North Macedonia, 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.

¹⁰⁴ Dubrovnik Action Plan, First Review Conference of the Convention on Cluster Munitions, Dubrovnik, Croatia, 10 September 2015, bit.ly/DubrovnikActionPlan.

¹⁰⁵ 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.

¹⁰⁶ Australia, BiH, Cameroon, Canada, Chad, Colombia, Republic of the Congo, Costa Rica, Croatia, Czech Republic, Denmark, DRC, France, the Gambia, Ghana, Guatemala, the Holy See, Hungary, Lao PDR, Lebanon, Madagascar, Malawi, Malta, Mauritania, Mexico, Montenegro, Niger, Norway, Peru, Philippines, Rwanda, Senegal, Slovenia, Trinidad & Tobago, the UK, and Zambia.

Eighth Meeting of States Parties:¹⁰⁷

- Chad stated that “investing in or financing of the production of prohibited weapons undermines the international legal framework that governs their prohibition. We therefore consider investments in the production of cluster munitions are in violation with Article 1 of the CCM [Convention on Cluster Munitions].”¹⁰⁸
- The Gambia stated that “production, sale and use of cluster munitions should stop and states could do more by stopping the investment in companies either state or non-state, that produce cluster munitions.”¹⁰⁹
- Mauritania said it joins states “against the financing of or assistance to companies for cluster bombs (companies that produce these bombs). These bombs, that kill hundreds of innocent people every day, are an obstacle to development, peace and security.”¹¹⁰
- Montenegro emphasized that “investing in or financing prohibited weapons production undermines the international legal framework that governs their ban. Therefore Montenegro understands that any investment in producers of cluster munitions is a contravention of Article 1 (1) c of the CCM [Convention on Cluster Munitions].”¹¹¹

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 States Parties 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: Singapore Technologies Engineering and US companies Textron Systems and Orbital ATK.

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.¹¹²

¹⁰⁷ The Philippines told States Parties in 2017 that it “continues to defend its position to prohibit the use, local and foreign stockpiling, investment, production, and transit of cluster munitions in the country.” Statement of the Philippines, Convention on Cluster Munitions Seventh Meeting of States Parties, Geneva, 4 September 2017, www.clusterconvention.org/wp-content/uploads/2017/02/The-Philippines.pdf.

¹⁰⁸ Statement of Chad, Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, 3–5 September 2018, www.clusterconvention.org/wp-content/uploads/2018/08/Chad.pdf. Translation by PAX.

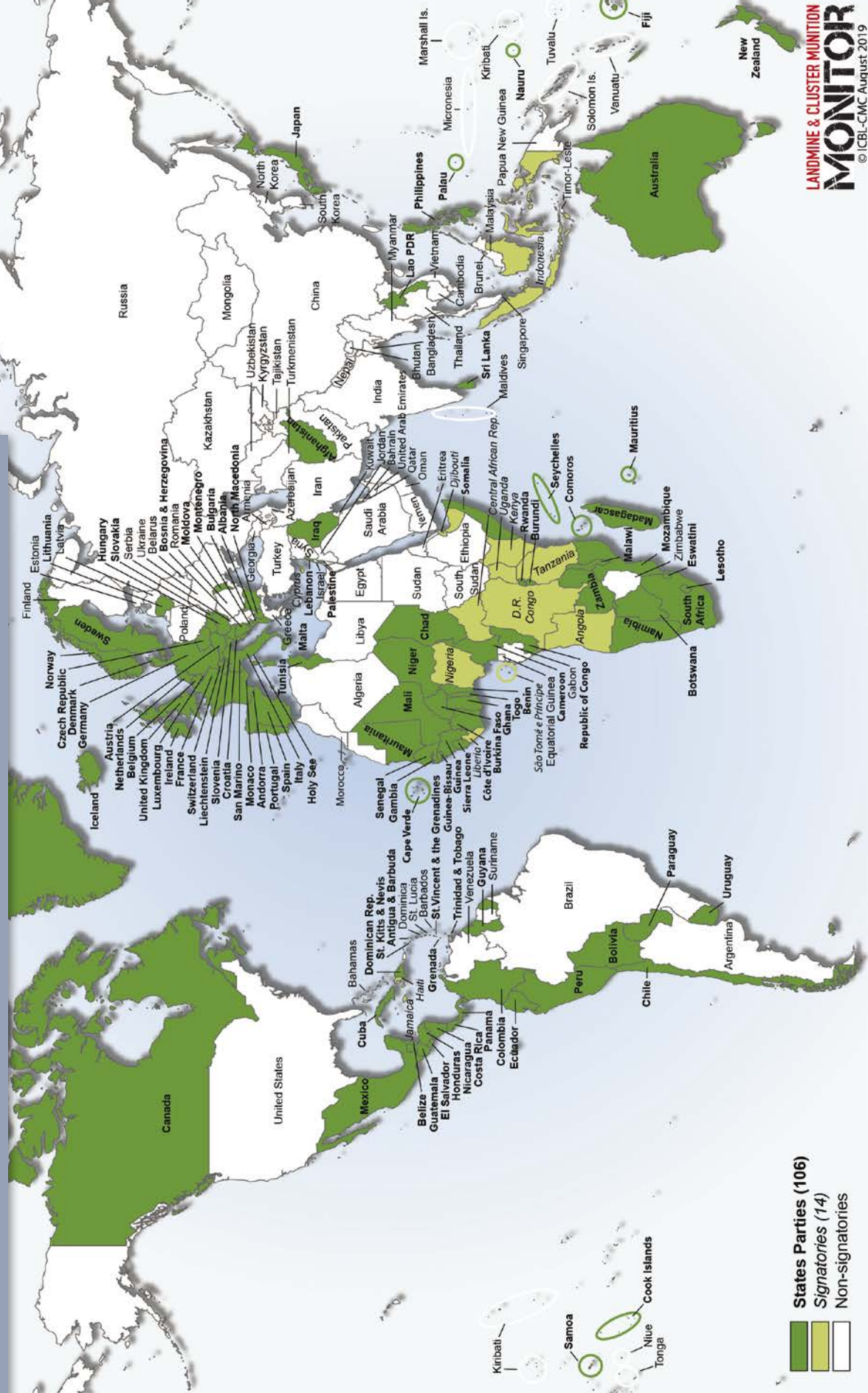
¹⁰⁹ Statement of the Gambia, Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, 3–5 September 2018, www.clusterconvention.org/wp-content/uploads/2018/08/Gambia.pdf.

¹¹⁰ Statement of Mauritania Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, 3–5 September 2018, stopexplosiveinvestments.org/wp-content/uploads/Mauritania-8MSP-int-statement.pdf. Original text in Arabic, translation Halla Al Mansouri, PAX.

¹¹¹ Statement of Montenegro, Convention on Cluster Munitions Eighth Meeting of States Parties, Geneva, 3–5 September 2018, www.clusterconvention.org/wp-content/uploads/2018/08/Montenegro.pdf.

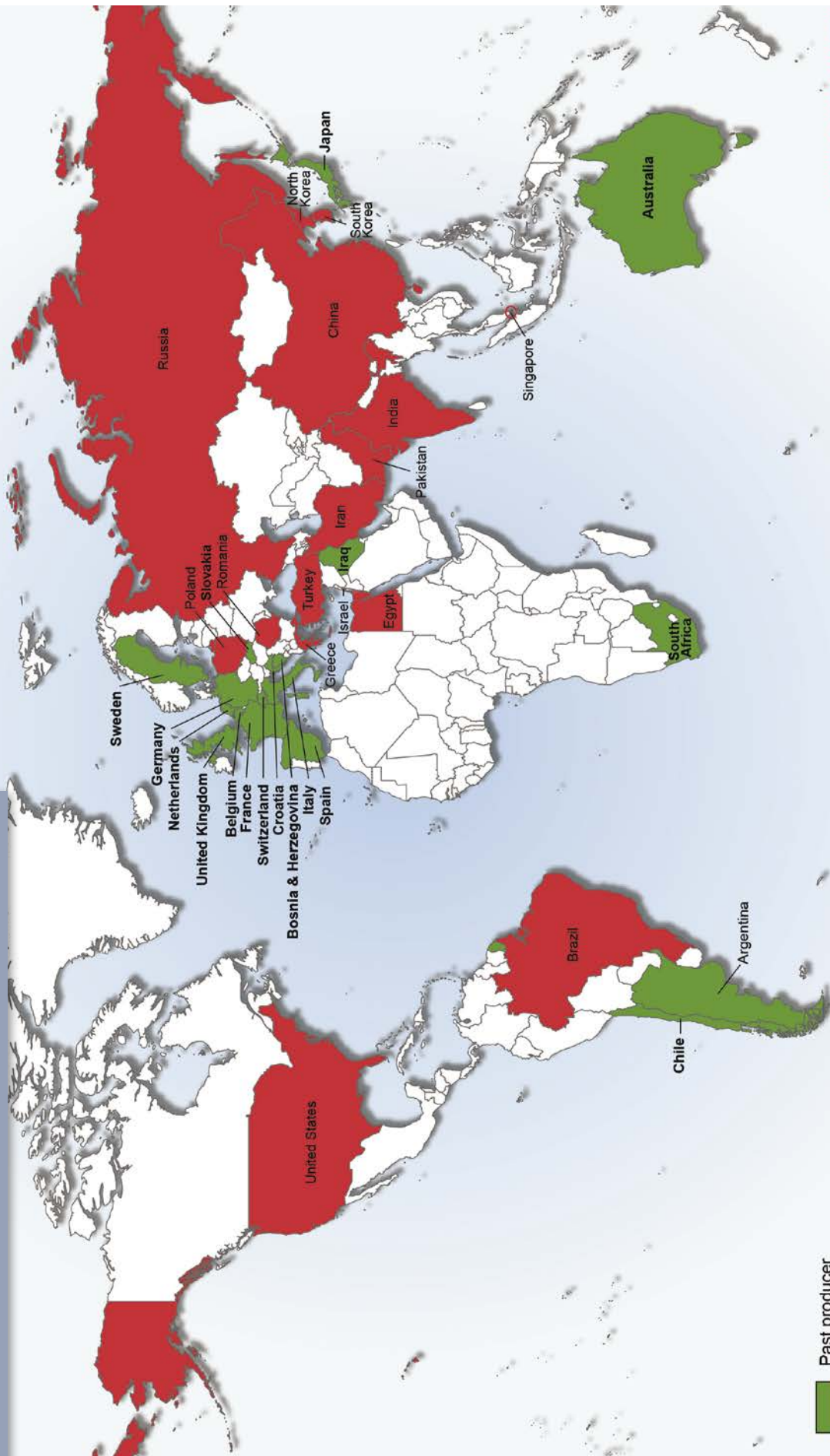
¹¹² PAX, *Worldwide Investments in Cluster Munitions: a shared responsibility* (Utrecht, December 2018), www.paxforpeace.nl/publications/all-publications/worldwide-investment-in-cluster-munitions-2018.

STATUS OF THE 2008 CONVENTION ON CLUSTER MUNITIONS



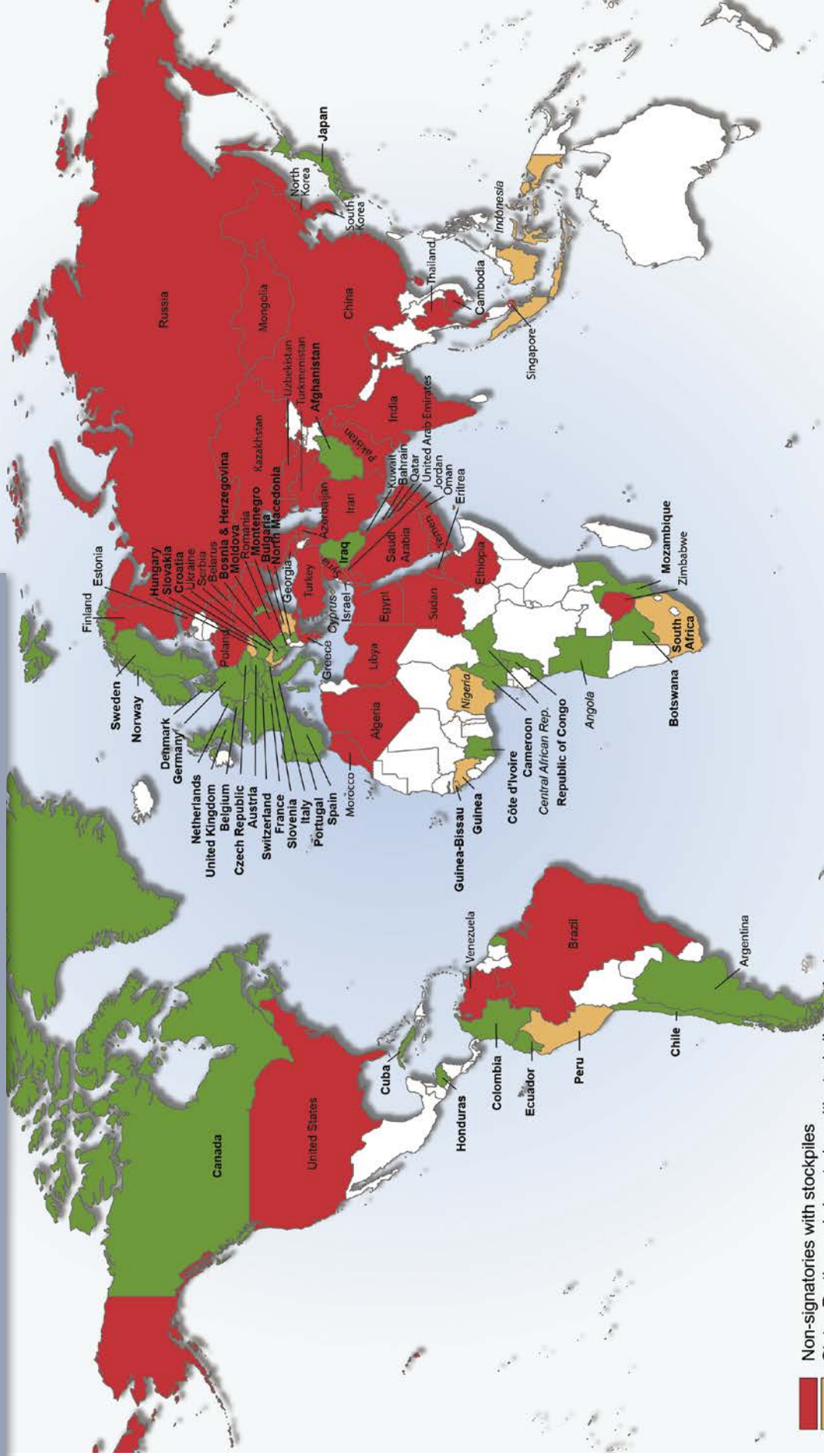
States Parties (106)
 Signatories (14)
 Non-signatories

PRODUCTION OF CLUSTER MUNITIONS



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 and signatories 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.



Team conducting sub-surface clearance in Beit Lief village using large loop detector in South Lebanon.

© Hassan Mwanes/DCA, March 2018

CONTAMINATION AND CLEARANCE

States and other areas with cluster munition contamination as of August 2019

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

As of 1 August 2019, a total of 26 states and three other areas are contaminated by cluster munition remnants.¹ 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.² Most of these countries continue to work toward clearing all cluster munition-contaminated areas, however this list is unchanged from that published in the previous Cluster Munition Monitor edition, as no country completed clearance in 2018 or 2019.³

Previously, eight States Parties completed the clearance of their cluster munition-contaminated areas under the Convention on Cluster Munitions: 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.

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.

Two States Parties have submitted extension requests to be considered for the upcoming Ninth Meeting of States Parties in Geneva 2–4 September 2019. This is the first time such requests have been made, as the first clearance deadlines are 1 August 2020.

Germany has requested a five-year extension until August 2025 to clear a former military training area at Wittstock.⁴ In its request, it indicated it should be able to conclude this work by 2024.

Lao PDR also requested a five-year extension until August 2025.⁵ One of two countries in the world with massive contamination (more than 1,000km²), it has indicated that survey will be one of the priorities of work during the extension period, with the expectation that additional international support will be needed.

Article 4 deadlines under the Convention on Cluster Munitions

Country	Article 4 clearance deadline
Afghanistan	1 March 2022
BiH	1 March 2021
Chad	1 September 2023
Chile	1 June 2021
Croatia	1 August 2020
Germany	1 August 2020
Lao PDR	1 August 2020
Iraq	1 November 2023
Lebanon	1 May 2021
Montenegro	1 August 2020
Somalia	1 March 2026
UK	1 November 2020

1 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, Tajikistan, Ukraine, Vietnam, and Yemen; and other areas: Kosovo, Nagorno-Karabakh, and Western Sahara.

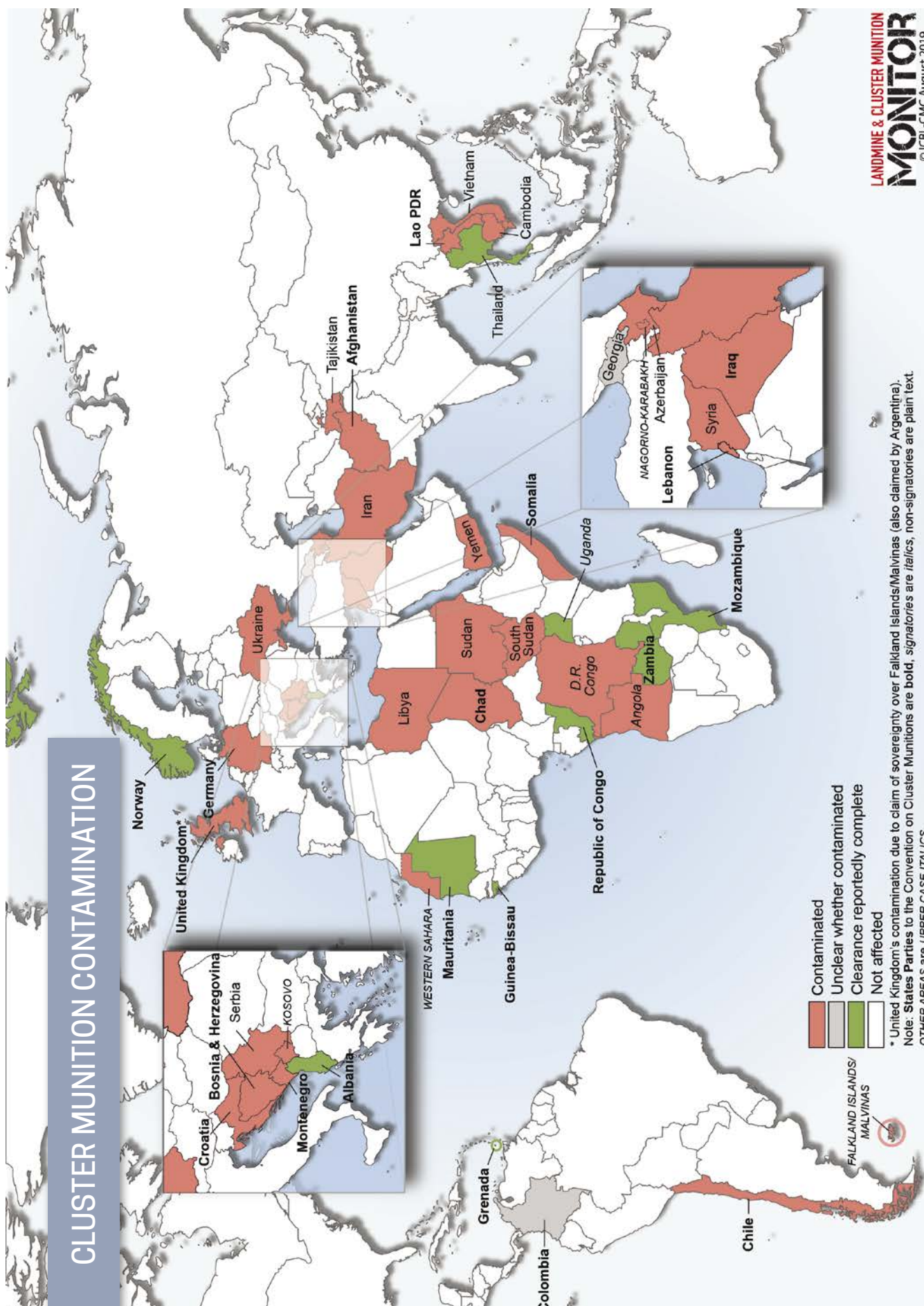
2 It is unclear whether there is cluster munition contamination in State Party Colombia and non-signatory Georgia.

3 At the time of finalizing this publication, some original research on contamination and clearance was not yet available to the Monitor. As that information becomes available, updates will be made to country profiles and other resources.

4 Germany, Convention on Cluster Munition Article 4 Extension Request 15 January 2019, bit.ly/GermanyArt4Request2019CCM and www.clusterconvention.org/er9msp/.

5 Lao PDR, Convention on Cluster Munition Article 4 Extension Request, Executive Summary, 26 February 2019, bit.ly/LaoPDRArt4ExtensionRequest2019CCM and www.clusterconvention.org/er9msp/.

CLUSTER MUNITION CONTAMINATION



- Contaminated
- Unclear whether contaminated
- Clearance reportedly complete
- 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*.



Work being done in a prosthetic manufacturing workshop in Sanaa, Yemen.
© ISNA Agency/HI, February 2019

CLUSTER MUNITION CASUALTIES

During the 10-year period of Cluster Munition Monitor reporting 2009–2018, 4,128 new cluster munition casualties were recorded in 17 countries and three other areas.¹ The vast majority of new casualties, 3,343, recorded through that time occurred in Syria as the result of new use—including attacks and contamination by cluster munition remnants.²

Various estimates for casualties in cluster munition-affected countries globally since the 1960s are roughly between 56,000 and 86,000. The present total of *recorded* cluster munition casualties is 21,764 from cluster munition remnants and from attacks in 34 countries and three other areas.

There are likely more states with cluster munition casualties than those listed in the table on the following page.³

¹ Casualties mean people killed and injured, including those for whom the survival outcome is not known.

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

³ 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).

States and other areas where cluster munition casualties have occurred (all time as of 31 December 2018)⁴

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

Note: other areas are indicated in *italics*.

CASUALTIES IN 2018

In 2018, the disproportionate humanitarian harm due to the indiscriminate nature of cluster munitions that led to the ban through the Convention on Cluster Munitions continued: 99% of cluster munition casualties were civilians and the majority (52%) of all casualties in 2018 were children, where details were known.

The Monitor recorded a total of 149 cluster munition casualties during calendar year 2018. These casualties occurred in eight countries and one other area.⁵ This was the lowest annual casualty count since 2012, when the Monitor started recording cluster munition casualties from new use in Syria. The total of 149 casualties recorded in 2018 represents a continuing decrease from 289 casualties in 2017 and moreover, marked a significant drop from the 971 cluster munition casualties recorded in 2016.

The Monitor provides the most comprehensive statistics available on cluster munition casualties recorded annually over time, in individual countries, and aggregated globally. However, as in previous years, it is certain that this number does not capture all annual casualties caused by cluster munitions, and thus the actual totals are certainly higher.

⁴ 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. In *Cluster Munition Monitor 2019*, Liberia has been added as a country with cluster munition casualties due to newly identified incidents that occurred during cluster munition attacks in the 1990s.

⁵ 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.

Several countries where casualties are reported do not have complete, accurate, or nationwide casualty surveillance systems and/or have experienced intensified or fluctuating conflict conditions that obstructed efforts to precisely record casualties.

Cluster munition casualties in 2018

Cluster munition attacks	
Syria	65
Cluster munition remnants	
Yemen	31
Lao PDR	21
Syria	15
Iraq	6
Lebanon	5
South Sudan	3
Afghanistan	1
Ukraine	1
<i>Nagorno Karabakh</i>	1

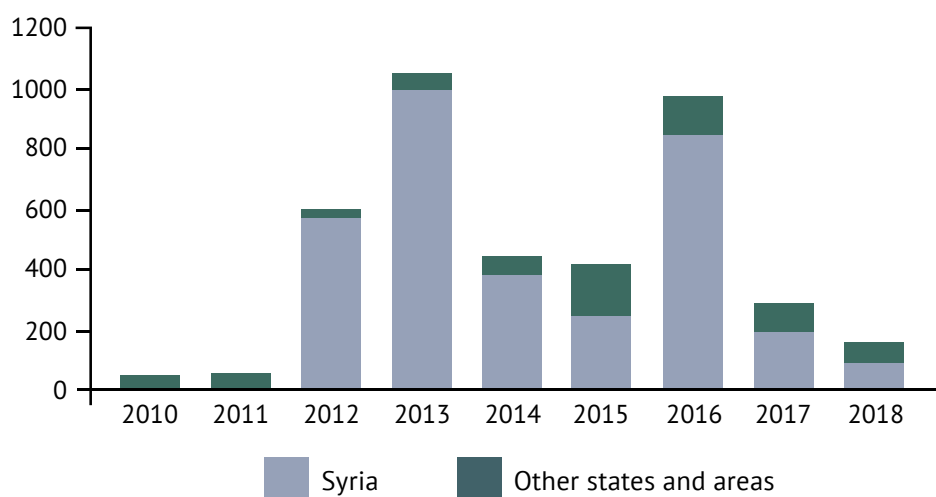
Note: States Parties are indicated in **bold**, other areas in *italics*.

The total of annual casualties in 2018 occurred both at the time of attack (65) and from explosive remnants (84). Of the casualties recorded, 40 people were killed, and 109 were injured. The real number of new casualties is likely much higher and fluctuations in some years may be due to variation in the availability of information and data at country level.

The majority of annual casualties in 2018 (53%) were recorded in Syria, as has been the case since 2012. In Syria, 65 casualties of cluster munition attacks and 15 casualties of cluster munition remnants were reported in 2018.

In 2016 and 2017, the only casualties from *cluster munition attacks* were recorded in Syria and Yemen. In 2018, casualties from such attacks were reported only in Syria, marking a significant decrease in casualties from the previous two years. Overall, in 2018, 65 people were recorded killed and injured directly due to cluster munition attacks in Syria. This was some two-thirds fewer than the 196 casualties recorded total due to attacks in the two countries in 2017. In both states, casualties from cluster munition remnants were also reported in 2018.

Cluster munition casualties in Syria and other states and areas 2010–2018



The number of reported cluster munition attacks in Syria have decreased since mid-2017 as Syrian government forces have regained areas previously held by non-state armed groups. The decrease in casualties is also likely to be influenced in part by the nature of attacks in Syria, with multiple types of armaments, and consequently unclear attribution in data to whether cluster munitions were directly responsible. Thus, in addition to these 65 casualties from cluster munition attacks, another 256 casualties were reported in Syria in 2018 during bombing or shelling that involved cluster munitions as well as other munitions, including unitary air-dropped ordnance or rockets. In such data, the weapon types causing

individual casualties could not be differentiated in the information available and therefore those people killed and injured in these attacks were not included in the annual total of cluster munition casualties.

Cluster munition remnants caused 84 casualties in eight countries and one other area, 10 casualties less than were reported in 2017. This includes countries that remain affected long after the attacks took place, as well as Syria, Ukraine, and Yemen that have continued to be contaminated due to more recent attacks.

In 2018, Yemen had the most recorded casualties due to cluster munition remnants (31), surpassing the annual remnants casualties reported for Syria or Lao PDR for the first time. However, the decrease in reported casualties for Syria was likely influenced by continued reduction in the areas where most data collectors had access in the country. It can also be difficult for data collectors to distinguish between explosions of cluster munition remnants and those of other explosive ordnance types, including mines. In one such case in Yemen in 2018, while reports from varying sources attributed explosions causing multiple casualties “to Houthi-planted landmines, others reported that they were caused by Saudi-led coalition cluster bomb remnants. It proved impossible to positively attribute responsibility.”⁶

In State Party Lao PDR, the world’s most cluster munition-affected state, the number of submunition casualties continued to decrease from the 10-year high of 51 recorded in 2016 to 21 in 2018.

In State Party Iraq, six cluster munition remnant casualties were reported. However, the number of casualties of all types of mines/explosive remnants of war (ERW) is certainly under-recorded. Two-thirds (four of six) of cluster munition casualties were women or girls.

State Party Lebanon reported five cluster munition casualties in 2018, two of whom were Syrian citizens.

South Sudan recorded three casualties from one explosion of a cluster munition remnant.

Afghanistan, Ukraine, and one other area, Nagorno Karabakh, each had one casualty reported in 2018.

A number of countries with recorded casualties in 2017 did not have any reported in 2018. Serbia, where a deminer was injured by a cluster munition remnant in 2017, had no casualties in 2018; however, in June 2019 an explosion on an urban construction site injured three Turkish laborers.⁷ In Vietnam, no cluster munition casualties were identified in 2018; one casualty was recorded in 2017. Vietnam is massively contaminated, but casualty data is limited and mostly only maintained in a database for one province, Quang Tri. In Cambodia, which had reported a year without cluster munition casualties for the first time in 2016, again reported no casualties in 2018, although one casualty was reported in 2017. For one other area, Western Sahara, 2018 was the first year since 2013 that no cluster munition casualties were recorded.

DEMOGRAPHICS

In 2018, civilians (133) made up 99% of all cluster munition casualties for which the status was known. Two casualties were recorded as military and the status of 14 casualties was unknown. The high percentage of civilian casualties is identical to 2017 data and consistent with findings based on analysis of historical data.

Regardless of the time period since attacks, cluster munition remnants disproportionately harm civilians, including children. Children (52%) accounted for the majority of all cluster munition casualties in 2018, where the age group was reported (63 of 122) compared to 36%

⁶ Monitor analysis of Armed Conflict Location and Event Data project (ACLED) data for calendar year 2018. Approved citation: Clionadh Raleigh, Andrew Linke, Håvard Hegre, and Joakim Karlsen, “Introducing ACLED-Armed Conflict Location and Event Data,” *Journal of Peace Research*, Issue 47(5), 2010, pp. 651–660. These casualties were not included in the total of cluster munition casualties for 2018.

⁷ These casualties were not included in the total of cluster munition casualties for 2018.

(91 children among 252 casualties of known age group) in 2017.⁸

The majority of casualties, 71%, were men and boys, where sex was recorded (60 of 85 casualties), representing an increase in the ratio of casualties compared to those among women and girls from 2017.

ALL CLUSTER MUNITION CASUALTIES OVER TIME

The total number of cluster munition casualties for all time recorded by the Monitor reached 21,764 as of the end of 2018. This includes both casualties directly resulting from cluster munition attacks and casualties from remnants. 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 2018.

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. Some global estimates of cluster munition casualties are as high as 100,000, but are based on extrapolations from limited data samples, which may not be representative of national averages or the actual number of casualties.⁹

Before 2008, when the Convention on Cluster Munitions opened for signature, 13,306 recorded cluster munition casualties were identified.¹⁰ 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 (7,750), Syria (3,348), and Iraq (3,050). However, for Iraq, it was estimated that there have been between 5,500 and 8,000 casualties from cluster munitions since 1991.¹¹ No such estimates are available for cluster munition casualties in Syria.

The vast majority of new casualties recorded since 2010 were in Syria; new cluster munition casualties were also recorded in another 16 countries and three other areas: States Parties Afghanistan, Bosnia and Herzegovina, Chad, Croatia, Iraq, Lao PDR, and Lebanon; signatory Democratic Republic of the Congo; states not party Cambodia, Libya, Serbia, South Sudan, Sudan, Ukraine, Vietnam, and Yemen; and three other areas: Kosovo, Nagorno-Karabakh, and Western Sahara.

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

⁸ Children made up the greater proportion of casualties of *cluster munition remnants*, 66% of casualties of known age group (39 children among 60 of known age groups). “Children” means persons under 18 years old, or those casualties listed as “child” in existing data or reporting.

⁹ Calculated by the Monitor based on known data and various countries estimates recorded in Humanity & Inclusion (formerly Handicap International, HI) data. See *HI, Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities* (Brussels: HI, May 2007), bit.ly/MonitorHICircleofImpact2007.

¹⁰ 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.

¹¹ 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.

armed groups and militias.¹² Thus, cluster munition remnants have caused most recorded casualties to date (17,471). Another 4,292 recorded casualties occurred during cluster munition attacks, with just under half (1,883) of those reported in Syria since 2012.¹³ Since 2012, however, casualties recorded from cluster munition attacks have outnumbered those from cluster munition remnants.

12 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.” International Committee of the Red Cross (ICRC), “Direct participation in hostilities: questions & answers,” 2 June 2009, bit.ly/ICRCDirectParticipationFAQ.

13 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.



Bombing victim from Syria receives physical therapy in Jordan.

© Benoît Almeras/HI, August 2018

VICTIM ASSISTANCE

INTRODUCTION

The 2008 Convention on Cluster Munitions was 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.¹ The convention continues to set the highest legal standards for victim assistance. It requires States Parties with cluster munition victims to implement specific activities to ensure that adequate assistance is provided, including the following:²

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

The five-year Dubrovnik Action Plan, agreed in 2015, lays out six very broad objectives for victim assistance that States Parties should work to have achieved by the time of the Second Review Conference of the Convention on Cluster Munitions in 2020:

- Improvement in the quality and quantity of assistance for persons with disabilities;
- Strengthened respect for human rights;
- Increased exchange of information on good and cost-effective practices;

¹ See, Convention on Cluster Munitions, Article 5 and Article 7(k). In contrast, the text relevant to victim assistance in the Mine Ban Treaty (1997) refers specifically to States Parties in a position to provide assistance, as does the text of Article 8.2 of the Convention on Conventional Weapons (CCW) Protocol V on Explosive Remnants of War (2003). The Treaty on the Prohibition of Nuclear Weapons Article 6.1 (not yet entered into force), contains only the obligation of assistance, without the implementation provisions found in the Convention on Cluster Munitions.

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

- Increased involvement of victims in processes that concern them;
- Increased support for victim assistance programs;³ and
- Increased demonstration of results in Article 7 transparency reports.

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; those injured (survivors) or 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.

PROGRESS ON PLANNED ACTIONS

This summary highlights developments and challenges in States Parties in the penultimate reporting period prior to the Second Review Conference of the convention in 2020, which will require a review of progress on commitments made in the five-year Dubrovnik Action Plan. Aside from the final section, it focuses primarily on the 14 States Parties with responsibility for cluster munition victims to which Convention on Cluster Munitions Article 5 and the action plan commitments are applicable.

In addition to this overview, 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, are available through the victim assistance portal on the Monitor website.⁴

States Parties with cluster munition victims

Afghanistan

Albania

Bosnia and Herzegovina (BiH)

Chad

Colombia

Croatia

Guinea-Bissau

Iraq

Lao PDR

Lebanon

Montenegro

Mozambique

Sierra Leone

Somalia

³ Including through “traditional mechanisms, and south-south, regional and triangular cooperation and in linking national focal points and centres.” Dubrovnik Action Plan, Results: Victim Assistance.

⁴ See, Landmine and Cluster Munition Monitor website, “Victim Assistance Resources,” bit.ly/MonitorVictimAssistance.

THE PROCESS OF VICTIM ASSISTANCE

DATA COLLECTION

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. The Dubrovnik Action Plan commits States Parties to the ongoing assessment of those needs.

In Afghanistan, where the last national disability survey was carried out in 2005, a plan for nationwide disability survey developed in 2016 was finally to be implemented in 2019. Afghanistan also finalized disability indicators developed for the national health information system. BiH continued to report that further survey was needed to establish detailed information on cluster munition victims, specifically those who had already been identified through initial survey. Both Croatia and Lebanon needed to revise or combine their national victim databases. However, despite initial efforts and recent opportunities, no progress was reported. Further survey was needed in order to identify cluster munition victims and/or needs in Chad, Sierra Leone, Guinea-Bissau, Iraq, Montenegro, and Mozambique. Mauritania and Zambia had yet to conduct initial surveys to identify or confirm if they have cluster munition victims.

PLANS AND COORDINATION

Among States Parties with cluster munition victims, only Sierra Leone did not have a designated victim assistance focal point, which was an action with the deadline of the end of 2016.

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 2018.⁵

Six States Parties had current planning in place for victim assistance: Albania, BiH, Colombia, Lao PDR, Lebanon, and Mozambique. Mozambique has not reported on implementation of its specific victim assistance planning and remained focused on the earlier broad national disability plan, which also includes references to victim assistance.

Montenegro, Sierra Leone, and Somalia did not have an active plan in place. Chad had not yet adopted a revised plan. Iraq was using annually updated plans, but in 2018 began the process of developing a national victim assistance and disability strategy with the Antipersonnel Mine Ban Convention Implementation Support Unit and European Union (EU) funding. Croatia has not replaced its plan that expired in 2014.

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- and decision-making, so that their participation is made sustainable and meaningful.⁶

In most States Parties to the Convention on Cluster Munitions, survivors were engaged in relevant activities, but generally there was no indication that survivor’s views were actively considered or acted upon.

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

⁵ Dubrovnik Action Plan, Action 4.1(c).

⁶ 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).

governmental and non-governmental bodies. Somalia held a survivor assistance meeting in early 2019, some five years after the initial, and only, previous coordination meeting on victim assistance, held in 2014. Montenegro and Sierra Leone were 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 both countries advocated for the rights of all persons with disabilities. The Sierra Leone Union on Disability Issues requested the official state appointment of persons with disabilities to high-level governance positions where they can influence decisions that affect them and counter the existing marginalization and discrimination at all levels.

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.⁷ The Monitor identified the following states and areas with cluster munition casualties where survivor networks reported developments (see right).

Rarely did survivors and their representative organizations benefit from financial and technical resources, and training to improve services and sustainability. Most struggled to maintain their operations with decreasing resources available. Networks in States Parties Albania, Croatia, and Mozambique were largely unable to implement essential activities. The situation was acute for Albania, going more than a year without resources despite a recent national survey identifying survivors' needs throughout the country. The indifference of the international community to supporting survivors in Albania, a State Party that has completed clearance, is particularly alarming.

Survivor organizations and networks active in countries and areas with cluster munition victims

States Parties	Non-signatories and other areas
Afghanistan	Cambodia
Albania	Eritrea
BiH	Ethiopia
Colombia	Serbia
Iraq	Vietnam
Mozambique	Yemen
Somalia	<i>Western Sahara</i>
Signatories	
DRC	
Uganda	

Note: other area indicated in *italics*.

AVAILABILITY AND ACCESSIBILITY OF ASSISTANCE

States Parties responsible for cluster munition victims have the obligation to provide adequate assistance.⁸ Such assistance should be age- and gender-sensitive.⁹ 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.¹⁰

HEALTHCARE AND REHABILITATION, INCLUDING PROSTHETICS

All States Parties with cluster munition 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

⁷ Dubrovnik Action Plan, Action 4.1(a).

⁸ 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.

⁹ 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.

¹⁰ Relevant services include medical care, rehabilitation, psychological support, education, and economic and social inclusion. See also, Dubrovnik Action Plan, Action 4.1(b).

or replacement prosthetic devices. Even where support exists for eligible mine/explosive remnants of war (ERW) survivors to replace prosthetic devices at regular intervals (such as every three or five years), this was not sufficient for survivors who were very active, or lived and worked in harsher physical environments, particularly in remote and rural areas, to acquire adequate or timely prosthetic limbs.

Access to rehabilitation services for survivors in remote and rural areas needed significant improvement in Chad, Guinea-Bissau, and Iraq. In Iraq, a new physical rehabilitation center for Mosul, built by the International Committee of the Red Cross (ICRC), was opened in October 2018 and transferred to the local directorate of the health ministry to increase the availability of services in northern Iraq, including for refugees. In Chad, where health services in contaminated areas remain limited, free healthcare is effective, but is partially implemented. The only operational physical rehabilitation center in the capital was facing funding difficulties.

In 2019, a five-year Okard project to improve equal access to health and social services for persons with disabilities began in Lao PDR, funded by the United States Agency for International Development (USAID). This project builds on the previous 2014–2017 Training, Economic Empowerment, Assistive Technologies and Medical Rehabilitation (TEAM) project, which had similar objectives.

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, a survey of lower limb amputees found that they need improved access to medical care and better access to food and clean water for adequate health.

Continued conflict or other emergencies and disasters significantly negatively impact possibilities for providing effective assistance. In some States Parties facing conflict and insecurity—including those noted below, 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.¹¹ This is conducted with the guidance of lead agencies and is sometimes integrated into or operates parallel to victim assistance coordination.

Health Clusters in States Parties with cluster munition victims¹²

State Party	Health Cluster Leads
Afghanistan	World Health Organisation (WHO); national health ministry
Chad	WHO; national health ministry; international NGO
Colombia	WHO; national health ministry
Iraq	WHO; international NGO
Mozambique	WHO; national health ministry
Somalia	WHO; international NGO

Due to the devastating impact of cyclone Idai, the IASC system-wide response also declared Mozambique a scale-up level three emergency, which was activated for three months from March 2019 through June 2019. Such an activation occurs when a humanitarian situation

¹¹ Afghanistan, Colombia, Iraq, and Somalia were experiencing armed conflicts, and Lebanon, part of which is under military occupation (Sheba Farms), is also impacted by the conflict in Syria. 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 (IASC) and have clear responsibilities for coordination. The Global Health Cluster was created in 2005, as part of the United Nations (UN) Inter-Agency Standing Committee (IASC) Cluster System. The World Health Organization (WHO) is the Cluster Lead Agency of the Global Health Cluster.

¹² The international NGO cluster co-lead in Chad and Iraq is International Medical Corps (IMC), and Save the Children is the co-lead in Somalia. See, WHO, “Health Cluster: Health Clusters in Countries,” undated, www.who.int/health-cluster/countries/en.

suddenly and significantly changes and it is clear that the existing capacity to coordinate and deliver humanitarian assistance and protection does not match the scale, complexity, and urgency of the crisis.¹³

Other countries with cluster munition victims that have Health Clusters operating include signatory DRC, and non-signatories Ethiopia, Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen.

An IASC 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. It was planned to launch in 2018, but was extended into 2019, while being reviewed. The guidelines should respond to the charter on inclusion of persons with disabilities adopted at the World Humanitarian Summit in 2016.

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.¹⁴ Far from enough peer support was available in Afghanistan in recent years, although the need is constantly increasing due to ongoing conflict. Support in Albania was *ad hoc*, because the national survivor network lacked resources.

Psychological support remained the least improved area of assistance. So much so, that states often did not report on the challenges for improving limited availability or non-existent services, especially where peer support was no longer available due to decreased resources to survivors' organizations. For example, the availability of peer support in Croatia declined due to a lack of funding to the national and local survivor networks. Guinea-Bissau had no psychological support services for survivors at all. Lebanon has not yet realized a recommendation from a 2012 survey to establish peer support groups for survivors.

In BiH, a three-year EU-funded project launched in November 2018 aimed at building the capacity of survivors and women with disabilities, raising awareness of disability issues among civil society organizations and local authorities, and promoting the inclusion of persons with disabilities more broadly.

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. Several limited scale projects to provide economic and education opportunities were undertaken in Albania, BiH, Lao PDR, and Lebanon.

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.

As of 1 August 2019, Afghanistan, Albania, Chad, Croatia, Iraq, Lao PDR, Lebanon, Montenegro, and Mozambique had reported on annual victim assistance efforts. BiH had not yet submitted its report, but had done so for past years. Guinea-Bissau has never submitted an Article 7

¹³ Based on an analysis of five criteria: scale, complexity, urgency, capacity, and reputational risk. IASC, "L3 IASC System-wide response activations and deactivations," 22 March 2019, bit.ly/ISACactivations_CMM19.

¹⁴ Dubrovnik Action Plan, Action 4.1(b) and 4.2(c).

report for the Convention on Cluster Munitions, while Sierra Leone did not include the form on victim assistance in its initial, and only, Article 7 report. As of 1 August 2019, Somalia had not submitted an initial transparency report, which was due on 31 August 2016.

INTERNATIONAL LAW

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.¹⁵ 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 Convention on Conventional Weapons (CCW) Protocol V, which includes provisions on assisting ERW victims.

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. Among States Parties to the Convention on Cluster Munitions with cluster munition victims, Chad, Lebanon, and Somalia are signatories. Somalia signed the CRPD in October 2018. The remainder are States Parties to the CRPD.

In September 2015, UN Member States adopted the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs). They are designed to address the economic, social, and environmental dimensions of sustainable development, with emphasis on poverty reduction, equality, rule of law, and inclusion. Therefore, the SDGs are generally complementary to the aims of the CRPD and the Convention on Cluster Munitions, and offer exceptional opportunities for bridging the relevant frameworks.

More specifically, persons with disabilities are referred to directly in several of the SDGs that are highly relevant to the implementation of the CRPD and the humanitarian disarmament conventions' action plans: education (SDG 4), employment (SDG 8), reducing inequality (SDG 10), and accessibility of human settlements (Goal 11), in addition to including persons with disabilities in data collection and monitoring (SDG 17).

SPECIFIC ACTIONS TO ADDRESS CHALLENGES

Specific actions to address victim assistance challenges in States Parties, signatories, and non-signatories of the Convention on Cluster Munitions have been identified in Cluster Munition Monitor country-level reporting for victim assistance. Some of these priority actions and activities are noted in the following pages.

¹⁵ 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.

States Parties

State	Action points and recommendations
Afghanistan	Expand access to physical rehabilitation, particularly in provinces lacking services. Provide psychosocial and psychological support, including peer support in particular to new survivors as well as those who have been traumatized and live in isolation.
Albania	Provide follow-up to address the needs identified during the survivor assessment survey completed in 2016. Maintain capacities of services and healthcare for amputees in remote areas.
BiH	Improve the economic inclusion of survivors and their families. Increase the quality and sustainability of services for survivors and other persons with disabilities, including by upgrading community-based rehabilitation centers.
Chad	Enhance victim assistance coordination and align with disability-rights coordination. Increase investment in physical rehabilitation services.
Colombia	Ensure survivors, their families, and communities in rural areas can access assistance, services and reparations; streamline administrative requirements and facilitate access across long distances to service providers. Include peer support services under the health system (EPS) and through the psychological services coordinated for, and offered to, conflict victims.
Croatia	Complete the national survivor survey. Maintain regular national coordination of victim assistance and complete the unified victim database in order to improve implementation of services according to needs. Ensure that survivors' representative organizations have adequate resources.
Guinea-Bissau	Train survivors and other persons with disabilities to advocate for equal opportunities and increased access to assistance. Ensure that broader programs, such as international cooperation for post-conflict reconstruction and poverty reduction, reach the most vulnerable members of society.
Iraq	Establish a system of data collection and analysis for persons with disabilities. Implement the recommendations of the United Nations Assistance Mission in Iraq (UNAMI)/Office of the High Commissioner for Human Rights (OHCHR) Report on the Rights of Persons with Disabilities in Iraq through victim assistance and disability planning. Incorporate the recommendations of the 2018 National Parallel Report on the Convention on the Rights of Persons with Disabilities (CRPD) for Iraq into policy and planning.
Lao PDR	Improve access to rehabilitation services from remote and rural areas, including allocating resources to bring beneficiaries for rehabilitation and ensuring that transport is available. Increase state support for psychological and social assistance, including peer-to-peer counseling and survivor-driven economic activities.
Lebanon	Secure sufficient survivor assistance funding. Create a sustainable funding strategy for the physical rehabilitation sector that relies on international funding and national donations.
Montenegro	Improve the participation and economic inclusion of persons with disabilities.

State	Action points and recommendations
Mozambique	Rebuild prosthetic and orthopedic capacity in the country. Respond to the specific needs of women victims who are the largest demographic group of victims as the members of affected families and communities. Prioritize rehabilitation and economic inclusion assistance for the most vulnerable among the survivor population, based on physical, psychological, and socioeconomic needs.
Sierra Leone	Improve basic healthcare and economic opportunities for survivors.
Somalia	Establish a coordination mechanism. Integrate victim assistance within disability frameworks. Support needs assessment surveys to target assistance that has limited resources.

Signatories

State	Action points and recommendations
Angola	Fully support the prosthetic and orthopedic centers, including provision of materials, so survivors and persons with disabilities can obtain prosthetic and orthotic devices.
DRC	Improve the availability of physical rehabilitation and psychosocial services significantly throughout the country, especially outside the capital; increase resources to establish these services. Ensure that effective mechanisms are in place for victim assistance coordination, including outside of the capital city.
Uganda	Improve the sustainability, quality, and availability of prosthesis and rehabilitation services, including by enhancing coordination and dedicating the necessary national resources. Eliminate barriers to access, including to health and livelihoods, for survivors and other persons with disabilities.

Non-signatories

State	Action points and recommendations
Cambodia	Standardize management systems and improve sustainability and accessibility of the physical rehabilitation sector. Increase economic opportunities for survivors and persons with disabilities and develop education and training opportunities that are appropriate for survivors and other persons with disabilities.
Eritrea	Develop a mechanism to document, record, and share casualty and victim data. Mobilize resources to expand the community-based rehabilitation program to support disadvantaged victims.
Ethiopia	Establish a national supply chain for importing and distributing materials and equipment in order to sustain physical rehabilitation services.
Georgia	Continue to improve psychosocial support and social and economic inclusion.
Israel	Ensure adequate assistance for non-citizen landmine survivors.

State	Action points and recommendations
Kuwait	Improve access to services for non-nationals (often poor guest workers) who are survivors.
Liberia	Identify survivors and assess needs for assistance.
Russia	Improve access to services for all persons with disabilities. Provide suitable rehabilitation and economic reintegration services for civilian war victims in Chechnya and veterans with disabilities throughout Russia.
Serbia	Pass and implement adequate legislation on the protection of civilian war victims and veterans with disabilities. Simplify the bureaucratic procedures that prevent mine/ERW survivors from accessing benefits to which they are entitled.
South Sudan	Improve economic inclusion opportunities for survivors and other persons with disabilities. Adopt and implement the proposed national disability policy. Expand programs in line with significant unmet needs.
Sudan	Dedicate resources to the inclusion of persons with disabilities across a range of government programs. Improve casualty-tracking mechanisms to ensure an accurate picture of the victim assistance needs.
Syria	Focus on providing medical care and physical rehabilitation; psychological support; economic inclusion activities, which remain extremely limited.
Tajikistan	Improve the quality of physical rehabilitation services through funding, training, restructuring, and decentralization. Expand legislation and coordination for the rights of persons with disabilities.
Vietnam	Increase support to the rehabilitation sector and access rehabilitation programs. More opportunities are needed for survivors and other persons with disabilities to participate in the development, implementation, and monitoring of coordination and planning.
Yemen	Revise and implement the National Victim Assistance Strategic Plan to address the existing situation and needs. Resume victim assistance coordination. Increase the availability of all services including psychosocial support.

Other areas

Area	Action points and recommendations
Kosovo	Improve the quality and accessibility of healthcare and rehabilitation services.
Nagorno-Karabakh	Continue support for economic inclusion.
Western Sahara	Increase healthcare and the availability of medicines. Enhance support to survivor network activities including the provision of vital food and sanitary items, and economic inclusion.



Kasia Derlicka-Rosenbauer helps campaigners prepare during the Eighth Meeting of States Parties to the Convention on Cluster Munitions.

© Cluster Muniton Coalition, September 2018

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 2019 there were 106 States Parties and 14 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
 Eswatini 13 Sep 11 (a)
 Fiji 3 Dec 08; 28 May 10
 France 3 Dec 08; 25 Sep 09
 Gambia 3 Dec 08; 11 Dec 18
 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
 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
 Namibia 3 Dec 08; 31 Aug 18
 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
 North Macedonia 3 Dec 08; 8 Oct 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
 Philippines 3 Dec 08; 3 Jan 19
 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)
 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

Haiti 28 Oct 09
 Indonesia 3 Dec 08
 Jamaica 12 Jun 09
 Kenya 3 Dec 08
 Liberia 3 Dec 08

Nigeria 12 Jun 09
 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 2019



Cluster Munition Monitor 2019, the 10th annual Cluster Munition Monitor edition, examines how states are working to implement and adhere to the ban on cluster munitions 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 2018 and includes information into August 2019 where possible. It covers global trends in ban policy, 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: Mohammad Said Abdulkarim sits next to cluster bomb containers collected during clearance operations of the area in the background in Iraq, where his 17-year-old son Vageer was killed by a cluster munition earlier in 2018. © Sean Sutton/MAG, October 2018

Top left: Submunition found in a demining operation in Lao PDR. © HI, March 2019

Top right: Children run and play past a wooden picket that marks the spot where an unexploded cluster submunition was destroyed in Amika Village, South Sudan. © Sean Sutton/MAG, December 2018

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