
Major Findings: Ten-Year Review

As of 23 September 2020

Status of the 2008 Convention on Cluster Munitions

- The Convention on Cluster Munitions has a total of 110 States Parties. Since its entry into force on 1 August 2010, 15 countries have acceded to it, most recently Saint Lucia in September 2020, Niue in August 2020, and the Maldives in September 2019.
- Most recently, São Tomé and Príncipe ratified the convention in January 2020, which means that 88% of the convention's signatories have now ratified it. However, 13 have yet to do so.
- In December 2019, 30 non-signatories to the convention were among the 144 states to vote in favor of an annual United Nations General Assembly resolution promoting the convention. Thirty-eight states abstained on the resolution and Russia was the only country to vote against it, after abstaining in 2018.

Use of Cluster Munitions

- 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.
- Between August 2010 and July 2020, cluster munitions were used in seven non-signatories: Cambodia, Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen.
- There have been at least 686 cluster munition attacks in Syria since July 2012, the only country to have experienced continuous use of the weapons since then.
- Between July 2019 and July 2020, cluster munitions were used in Libya and Syria, both non-signatories to the convention. The Monitor reviewed allegations of new cluster munition use in Yemen and in the contested region of Kashmir on the India-Pakistan border, but could not make a conclusive determination.

Stockpile Destruction

- Under the convention, 36 States Parties and two signatories have destroyed a collective total of 1.5 million cluster munitions containing more than 178 million submunitions. This represents the destruction of 99% of the total global cluster munitions stocks declared by States Parties.
- During 2019, States Parties Bulgaria, Peru, and Slovakia destroyed 212 cluster munitions and more than 14,000 submunitions. Switzerland was the last State Party to complete stockpile destruction under the convention, in March 2019.
- No State Party with the first stockpile destruction deadline of 1 August 2018 failed to destroy its stocks in time. However, Bulgaria and Peru have requested extensions to their destruction deadlines, South Africa has not destroyed any cluster munitions since 2012, while Guinea-Bissau must clarify if it missed its May 2019 stockpile destruction deadline.

Contamination

- A total of 26 countries and other areas are contaminated by cluster munition remnants: 10 States Parties, 13 non-signatories and three other areas. Contamination is unclear or has varying interpretations for three States Parties: Colombia, Palau, and the United Kingdom. Two signatories, Angola and the Democratic Republic of the Congo, may have residual contamination.
- New use since the entry into force of the convention has resulted in further contamination in six non-signatories: Cambodia, Libya, South Sudan, Sudan, Syria, and Yemen. In addition, non-signatory Ukraine became contaminated for the first time after the convention entered into force.
- State Party Mauritania, which had reported fulfilment of its clearance obligations in September 2013, has reported in 2020 finding new cluster munition contamination covering an estimated 36km² of land.

Casualties

- In 2010–2019, at least 4,315 new cluster munition casualties were reported in 20 countries and other areas. More than 80% of the global casualties were recorded in Syria, while children accounted for 40% of all casualties.
- With the adoption of the convention, the number of recorded casualties has increased due to updated casualty surveys identifying pre-convention casualties, more detailed and swifter reporting, as well as new use of cluster munitions during attacks and the remnants they have left behind. The estimated number of global all-time casualties for 34 countries and three other areas is 56,000 or more.
- In 2019, a total of 286 new cluster munition casualties were recorded. This represents a significant increase (92%) compared to the annual total of 149 in 2018, and is relational to the human impact of cluster munition attacks in Syria during the year. However, it remains far below the annual total of 971 casualties recorded in 2016.
- Civilians accounted for 99% of all casualties whose status was recorded in 2019, as was the case in 2018 and 2017, and consistent with statistics on cluster munition casualties for all time due to the indiscriminate nature of the weapon.
- The highest number of the 2019 casualties was recorded in Syria with 232 casualties. Nearly all of these casualties were directly due to *cluster munition attacks*, with 219 people injured or killed. This was more than three times higher than the 65 casualties recorded in 2018.
- In 2019, casualties from *cluster munition attacks* were also reported in Libya, while casualties due to *cluster munition remnants* were recorded in 10 countries and other areas: Afghanistan, Iraq, Lao PDR, Lebanon, Serbia, South Sudan, Syria, and Yemen, as well as Nagorno-Karabakh and Western Sahara.

Clearance

- Since the convention's entry into force, six State Parties have completed clearance of areas contaminated by cluster munition remnants, most recently Croatia and Montenegro in July 2020.

- In 2019, approximately 82km² of cluster munition contaminated land was cleared by States Parties and some 96,533 submunitions were destroyed. This represents 15% of the 560km² of land cleared in States Parties between 2010–2019, and more than 20% of the total number of submunitions destroyed during that period (452,938).
- For most of the States Parties with Article 4 obligations, it is uncertain or unlikely that they will meet their clearance deadlines, despite the small areas of contamination remaining in some of them. Five States Parties requested to extend their clearance deadline by another five years: Germany and Lao PDR in 2019 (granted) and Bosnia and Herzegovina, Chile, and Lebanon in 2020 (to be considered at the Second Review Conference in November 2020).

Risk Education

- The majority of cluster munition contaminated States Parties have some form of provision of risk education, although only State Party Lao PDR has risk education directed predominantly to addressing the risk behaviors associated with cluster munition remnants.
- Given the relatively little attention and resources directed towards risk education internationally since the convention entered into force, the existing level of the risk education response at the national level can be viewed as an achievement.
- In 2019, 10 States Parties had institutions in place for coordinating risk education. Only Iraq and Lao PDR provided beneficiary numbers disaggregated by age and sex in their Article 7 transparency reports for the year 2019.

Victim Assistance

- The Convention on Cluster Munitions was the first humanitarian disarmament treaty to make the provision of assistance to the victims of a specific weapon a formal obligation for all States Parties with victims and continues to set the highest standards for victim assistance.
- Some assistance to victims existed in all the relevant States Parties, and work to improve the quality and quantity of rehabilitation programs for survivors was reported in several countries. However, it was also documented that funding shortages affected the improvement and implementation of victim assistance, and that services were significantly lacking in the area of ensuring access to work, employment and decent livelihoods.
- As of the end of 2019, only six of the 14 States Parties with cluster munition casualties recorded had current planning in place for victim assistance, while all but one had reported a designated victim assistance focal point.
- The promise of greater integration into national systems often remained tenuous. Existing national services and mechanisms mostly lacked the capacity to take on the needs of victims, while many existing assistance providers receiving earmarked funding saw already unpredictable resources diminishing in recent years.
- Most coordination of activities included some survivor representation, but this was generally not meeting the obligation of ensuring close consultation with cluster munition victims, including survivors, as required both in the convention itself and in associated rights of persons with disabilities.

Production and Transfer

- Under the convention, 17 States Parties have ceased manufacturing cluster munitions.
- None of the 16 countries that still produce cluster munitions or reserve the right to do so are party to the convention. Evidence shows that China and Russia are actively researching and developing new types of cluster munitions in 2020.
- In the past, at least 15 countries have transferred more than 50 types of cluster munitions to at least 60 other countries. Seven former exporters are now States Parties.

Retention

- Only 13 of the convention's 110 States Parties are retaining live cluster munitions for training or research purposes as permitted by the convention. All are from Europe with the exception of Cameroon.
- Australia, Italy, and the United Kingdom initially retained cluster munitions, but have since destroyed them.
- Germany has reduced its number of cluster munitions retained by almost 70% since 2011, but still has the highest number of retained cluster munitions. In 2019, Germany destroyed 164 cluster munitions and 11,284 submunitions retained for training.
- In 2019, the Netherlands significantly reduced the number of cluster munitions retained, destroying 200 cluster munitions and more than 17,600 submunitions. Bulgaria, Czech Republic, Sweden, and Switzerland also reduced the number of their retained cluster munitions.

Transparency

- A total of 100 States Parties have submitted an initial transparency report as required by the convention, including eight States Parties in the reporting period. This represents more than 90% of all States Parties for which the obligation currently applies. Of the 10 States Parties still to deliver their initial transparency reports, Cape Verde and Comoros are nearly a decade late.
- In April 2020, non-signatories Brunei and South Sudan each provided a voluntary transparency report for the convention.
- Compliance with the annual reporting requirement is less impressive. Only 63 States Parties have provided their annual updated reports due by 30 April 2020, representing a 60% reporting rate, which is similar to previous years.

National Legislation

- A total of 32 States Parties have enacted specific national legislation to implement the convention. Eleven did so prior to the convention's entry into force, while 21 States Parties have enacted legislation in the period since.
- No State Party has adopted implementing legislation for the convention in 2020. However, 20 States Parties are in the process of drafting, reviewing, or adopting national legislation

for the convention, and seven States Parties are considering if specific implementation legislation is needed.

- A total of 43 States Parties have reported that they regard existing legislation as sufficient to enforce their implementation of the convention.

Interpretation of the Convention on Cluster Munitions

- At least 38 States Parties and signatories to the convention view any intentional or deliberate assistance with activities banned by the convention as prohibited, even during joint military operations with states not party. However, States Parties Australia, Canada, Japan, and the United Kingdom assert that the Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21.
- At least 35 States Parties and signatories have declared that transit and foreign stockpiling are prohibited by the convention. States Parties Australia, Canada, Japan, the Netherlands, Portugal, Sweden, and the United Kingdom have asserted that transit and foreign stockpiling are not prohibited by the convention.
- Eleven States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, while at least 38 States Parties and signatories have stated that they regard investment in cluster munition production as a form of assistance prohibited by the convention.