CLUSTER MUNITION MONITOR 2017

CLUSTER MUNITION COALITION
CMC

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Monitoring and Research Committee, ICBL-CMC Governance Board

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Human Rights Watch • Mines Action Canada

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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 adoption in May 2008 of the Convention on Cluster Munitions.

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

CLUSTER MUNITION COALITION

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

LANDMINE AND CLUSTER MUNITION MONITOR

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

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

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

A Monitoring and Research Committee coordinates the Monitor system and has overall decision-making responsibility for the Monitor's research products, acting as a standing committee of the ICBL-CMC Governance Board. To prepare this report, an Editorial Team gathered information with the aid of a global reporting network comprised of more than two 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 eighth 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 2016, with information included into July 2017 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: Danish Demining Group (Richard MacCormac), Handicap International (Alma Taslidžan Al-Osta), Human Rights Watch (Stephen Goose), Mines Action Canada (Paul Hannon), Loren Persi Vicentic (casualty and victim assistance team coordinator), Amelie Chayer (ICBL-CMC acting director), and Jeff Abramson (Monitor program manager).

From January to August 2017, the Monitor's Editorial Team undertook research, updated country profiles, and produced thematic overviews for *Cluster Munition Monitor 2017*. The Editorial Team included:

- Ban policy: Mary Wareham, Stephen Goose, Mark Hiznay, Marta Kosmyna, and Yeshua Moser-Puangsuwan, with assistance from Jacqulyn Kantack and Catherine Pilishvili;
- Contamination, clearance, and support for mine action: Jennifer Reeves, Amelie Chayer, and Marion Loddo; and
- Casualties and victim assistance: Loren Persi Vicentic, Éléa Boureux, Clémence Caraux-Pelletan, Michael Moore, Jennifer Reeves, and Marianne Schulze, with appreciation to Erin Hunt for research in 2016 that contributed to this report.

The Monitor acknowledges the contributions of the Mine Action Review (www.mineactionreview.org), which has conducted the mine action research in 2017, including on survey and clearance, and shared all its resulting landmine and cluster munition reports with the Monitor. The Monitor is responsible for the findings presented online and in its print publications.

Jeff Abramson of ICBL-CMC provided final editing in August 2017 with assistance from Morgan McKenna (publications consultant) and Sara Schmitt (intern).

Report and cover design was created by Lixar I.T. Inc with layout and formatting done by The Tenth Planet in this edition. Imprimerie Minute printed the report in Switzerland. The front cover photograph was provided by Syria Civil Defence and back cover photographs by Syria Civil Defence and Laura Boushnak. Additional photographs found within *Cluster Munition Monitor 2017* were provided by multiple photographers, cited with each photograph.

IN MEMORIAM DR. ROBERT MTONGA

Dr. Robert "Bob" Mtonga, member of the Governance Board of the ICBL-CMC passed away in March 2017. A long-time researcher for the Landmine and Cluster Munition Monitor, Dr Mtonga tirelessly championed the ban on landmines and cluster munitions throughout Africa and beyond. The Landmine and Cluster Munition Monitor team wishes to pay tribute to him and acknowledge the important contributions he has made to a world free of cluster munitions and landmines.

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

- Government of Australia
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- UNICEF
- UN Mine Action Service (UNMAS)

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

ABBREVIATIONS AND ACRONYMS

BAC	battle area clearance
CBU	cluster bomb unit
CHA	confirmed hazardous area
CCW	1980 Convention on Conventional Weapons
CMC	Cluster Munition Coalition
DPICM	dual-purpose improved conventional munition
ERW	explosive remnants of war
HI	Handicap International
HRW	Human Rights Watch
ICBL	International Campaign to Ban Landmines
ICRC	International Committee of the Red Cross
NGO	non-governmental organization
NPA	Norwegian People's Aid
NSAG	non-state armed group
NTS	non-technical survey
SHA	suspected hazardous area
TS	technical survey
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 (or bomblets, from fixed dispensers) 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 landmines, mine, unexploded submunition or bomblet, and other ERW (mines/ERW) contamination has been confirmed on the basis of direct evidence of the presence of mines/ERW.

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

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

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

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

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

Non-technical survey – The collection and analysis of data, without the use of technical interventions, about the presence, type, distribution, and surrounding environment of mine/ERW contamination, in order to define better where mine/ERW contamination is present, and where it is not, and to support land release prioritization and decision-making processes through the provision of evidence. Non-technical survey activities typically include, but are not limited to, desk studies seeking information from central institutions and other relevant sources, as well as field studies of the suspected area.

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

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

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

Submunition – Any munition that, to perform its task, separates from a parent munition (cluster munition). All air-dropped submunitions are commonly referred to as "bomblets," although the term bomblet has a specific meaning in the Convention on Cluster Munitions. When ground-launched, they are sometimes called "grenades."

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

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

Unexploded submunitions or unexploded bomblets – Submunitions or bomblets that have failed to explode as intended at the time of use, becoming unexploded ordnance.

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

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

2008 CONVENTION ON CLUSTER MUNITIONS

Table Key
States Parties: Ratified or acceded as of 15 August 2017
Signatories: Signed, but not yet ratified as of 15 August 2017
Non-signatories: Not yet acceded as of 15 August 2017

The Americas

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

East & South Asia & the Pacific

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

Europe, the Caucasus & Central Asia

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

Middle East & North Africa

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

Sub-Saharan Africa

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

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Submunitions from a UK-manufactured BL-755 aircraft bomb in Hajjah, in northern Yemen.

MAJOR FINDINGS

STATUS OF THE 2008 CONVENTION ON CLUSTER MUNITIONS

- A total of 119 countries have signed or acceded to the Convention on Cluster Munitions as of 1 August 2017, of which 102 are States Parties legally bound by all of the convention's provisions. The convention, which entered into force on 1 August 2010, is the sole international instrument dedicated to ending the human suffering caused by cluster munitions.
- Since September 2016, Madagascar and Benin have ratified the convention.
- On 5 December 2016, 141 states voted to adopt the second United Nations General Assembly resolution supporting the Convention on Cluster Munitions, including 32 non-signatories to the convention. Russia and Zimbabwe were again the only states to vote against the resolution.
- At their Sixth Meeting of States Parties to the Convention on Cluster Munitions in Geneva in September 2016, States Parties adopted a political declaration reaffirming their commitment to the convention and condemning "any use of cluster munitions by any actor, in conformity with Article 21."

NEW USE

- There have been no reports or allegations of new use of cluster munitions by any State Party since the Convention on Cluster Munitions was adopted in May 2008.
- Since 1 July 2016, cluster munitions have been used in Syria by Syrian government forces with Russia's support and in Yemen by a Saudi Arabia-led coalition of states. There were reports that cluster munitions may have been used in Iraq and Libya, but the Monitor could not independently verify the evidence of possible use.

CASUALTIES

- 2016 marked the second highest annual figure of reported cluster munition casualties since the beginning of Cluster Munition Monitor reporting in 2009, and was more than double the number of new cluster munition casualties recorded for 2015.
- In total, the Monitor recorded 971 new cluster munition casualties in 2016, with the highest number in Syria (860), Lao PDR (51), and Yemen (38).
- Civilians accounted for the vast majority of casualties, making up 98% of all casualties whose status was recorded in 2016.
- In both Syria and Yemen, the majority of casualties occurred during cluster munition attacks that killed or injured at least 857 people (837 in Syria and 20 in Yemen).
- In 2016, casualties from cluster munition remnants were recorded in 10 countries: Bosnia and Herzegovina, Iraq, Lao PDR, Lebanon, Libya, Serbia, South Sudan, Syria, Vietnam, and Yemen.
- More than 21,200 cluster munition casualties have been documented globally from the 1960s, when the United States conducted cluster munition attacks in Lao PDR and Southeast Asia, to the end of 2016. Many casualties, however, go unrecorded or lack sufficient documentation. The estimated number of global all-time casualties for 33 countries and three other areas is roughly 56,000.

CONTAMINATION

- As of August 2017, a total of 26 states (12 States Parties, one signatory, and 13 non-signatories) and three other areas are contaminated by cluster munition remnants. It is unclear whether two States Parties are contaminated.
- New use increased contamination in Syria and Yemen in both 2016 and 2017, and in the area of Nagorno-Karabakh in early 2016.

CLEARANCE

- In 2016, at least 88km^2 of contaminated land was cleared, with a total of at least 140,000 submunitions destroyed during land release (survey and clearance) operations, an increase on 2015. However, this estimate is based on incomplete data, as survey and clearance results have been poorly recorded and reported in many countries.
- State Party Mozambique reported completion of clearance in December 2016.
- Conflict and insecurity in 2015 and 2016 impeded land release efforts in three States Parties (Afghanistan, Iraq, and Somalia), and six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen).

VICTIM ASSISTANCE

- States Parties have committed to improving assistance for cluster munition victims by 2020 as part of the Dubrovnik Action Plan, but during the reporting period renewed attention was needed to increase the availability and quality of rehabilitation and economic activities in the face of recent declines in international funding.
- Despite some rehabilitation programs existing in all affected States Parties, improvement in the quality and quantity of assistance for survivors was needed.
- Most coordination programs included survivor representation, but meaningful consideration of contributions by victims was often deficient.
- In many States Parties, inadequate resources for organizations that deliver most direct assistance to cluster munition victims impeded the availability of services.

PRODUCTION AND TRANSFER

- Eighteen States Parties and Argentina, a non-signatory, have ceased production of cluster munitions.
- In August 2016, US manufacturer Textron Systems announced it is stopping cluster munition production, effectively ending US production of cluster munitions as it was the country's last producer.

STOCKPILE DESTRUCTION

- A total of 41 States Parties have stockpiled cluster munitions at some point in time, of which 28 have completed destruction of their stocks, destroying a collective total of nearly 1.4 million cluster munitions and more than 175 million submunitions. To date, this represents the destruction of 97% of the total stockpiles of cluster munitions and 98% of the total number of submunitions declared by States Parties.
- During 2016, three States Parties—Slovakia, Spain, and Switzerland—collectively destroyed 56,171 cluster munitions and nearly 2.8 million submunitions. Another 10 States Parties did not destroy any of their cluster munition stocks in the past year, and several have indicated they will require financial and technical assistance.
- No State Party completed the destruction of its cluster munition stocks in the second half of 2016 or first half of 2017. France completed its stockpile destruction in June 2016.

RETENTION

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

NATIONAL LEGISLATION AND TRANSPARENCY

- 27 States Parties have enacted national legislation to implement the convention, most recently Mauritius in June 2016. Another 24 States Parties are in the process of drafting, considering, or adopting national legislation for the convention. A total of 32 States Parties indicate that their existing legislation is sufficient to enforce implementation of the convention's provisions.
- A total of 82 States Parties have submitted an initial transparency report as required by the convention, representing 82% of all States Parties for which the obligation applied as of July 2017. A total of 18 States Parties have not delivered their initial transparency reports, including five that were originally due in 2011.

INTERPRETATION OF THE CONVENTION ON CLUSTER MUNITIONS

- At least 37 States Parties and signatories to the convention view any intentional or deliberate assistance with activities banned by the convention as prohibited, even during joint military operations with states not party. States Parties Australia, Canada, Japan, and the United Kingdom (UK), however, support the contrary view that the convention's Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21.
- At least 33 states agree that both the transit of cluster munitions by a state not party across the territory of a State Party and foreign stockpiling are prohibited by the convention. States Parties Australia, Canada, Japan, the Netherlands, Portugal, Sweden, and the UK have asserted that transit and foreign stockpiling are not prohibited by the convention.
- The United States has removed its stockpiled cluster munitions from States Parties Norway and the UK and may continue to store cluster munitions in States Parties Afghanistan, Germany, Italy, Japan, and Spain, as well as in non-signatories Israel, Qatar, and perhaps Kuwait.
- Ten States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, while at least 28 States Parties and signatories to the convention have elaborated their view that investment in cluster munition production is a form of assistance prohibited by the convention.

Mafusa Lafir of the Permanent Mission of Sri Lanka to the United Nations in Geneva and Vidya Abhayagunawardena of the Sri Lanka Campaign to Ban Landmines during the Sixth Meeting of States Parties to the Convention on Cluster Munitions. Cluster Munition Coalition campaigners regularly meet representatives from non-signatory states to encourage them to join the Convention.

CLUSTER MUNITION BAN POLICY

INTRODUCTION

2017 marks 10 years since the launch of the Oslo Process to address the unacceptable harm caused by cluster munitions. That fast-track diplomatic initiative delivered the Convention on Cluster Munitions the following year, adopted by 107 countries.[1] Fittingly, the body of international humanitarian disarmament law that the convention belongs to further expanded this year with the adoption on 7 July of the Treaty on the Prohibition of Nuclear Weapons.

These instruments and the 1997 Mine Ban Treaty are all the products of strong partnerships forged by like-minded states working in cooperation with key United Nations (UN) agencies, the International Committee of the Red Cross (ICRC), and non-governmental organizations united under the banner of coordinated global coalitions.[2] These treaties are having a positive impact, even without the participation of major powers such as China, Russia, and the United States (US).

As of 1 August 2017, there are 102 States Parties to the Convention on Cluster Munitions while another 17 signatories still must ratify to become fully bound by its provisions. Since the publication of *Cluster Munition Monitor 2016* in September 2016, Madagascar and Benin have ratified the Convention on Cluster Munitions, both in 2017. The last country to join or "accede" was Cuba in April 2016.

Non-signatories continue to demonstrate strong interest in and support for the convention

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

2 There are 162 States Parties to the Mine Ban Treaty and one signatory (Marshall Islands). All States Parties to the Convention on Cluster Munitions have joined the Mine Ban Treaty except Cuba, Lao PDR, Lebanon, and Palestine, while 47 Mine Ban Treaty States Parties have yet to accede to the Convention on Cluster Munitions (Algeria, Argentina, Bahamas, Bangladesh, Barbados, Belarus, Bhutan, Brazil, Brunei Darussalam, Cambodia, Dominica, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, Gabon, Greece, Jordan, Kiribati, Kuwait, Latvia, Malaysia, Maldives, Niue, Oman, Papua New Guinea, Poland, Qatar, Romania, Saint Lucia, Serbia, Solomon Islands, South Sudan, Sudan, Suriname, Tajikistan, Thailand, Timor-Leste, Turkey, Turkmenistan, Tuvalu, Ukraine, Vanuatu, Venezuela, Yemen, and Zimbabwe).

as seen by their December 2016 votes for the second UN General Assembly (UNGA) resolution promoting implementation of the convention. A total of 141 countries, including 32 non-signatories, voted in favor of this resolution, which calls on all states outside the convention to join "as soon as possible." Russia and Zimbabwe were the only states to vote against it as they did previously on the first UNGA resolution on the convention in 2015. The 39 countries that abstained on the 2016 resolution were all non-signatories with the exceptions, again, of signatories Cyprus and Uganda.

There have been no reports or allegations of any States Parties engaging in new use or other activities prohibited by the Convention on Cluster Munitions since 2008.

New use of cluster munitions caused civilian harm in non-signatories Syria and Yemen during the reporting period. Cluster munition attacks by Syrian government forces on opposition-held areas continued unabated throughout 2016 and the first half of 2017 in cooperation with Russia, which has participated in a joint military operation with the government since September 2015. Russian Foreign Minister Sergey Lavrov provided a position paper on cluster munitions in Syria in December 2016 that did not explicitly deny or admit to Russia's involvement in the cluster munition attacks, but made a general claim that cluster munitions have been used in accordance with international humanitarian law and not indiscriminately.

In Yemen, there were fewer cluster munition attacks in the reporting period by a Saudi Arabia-led coalition of states that has conducted a military operation since March 2015. The decrease comes after strong public outcry, global media coverage, and widespread condemnation.

There is also evidence that cluster munitions may have been used in Iraq and Libya since July 2016, but it has not been possible to verify the alleged use.

To date, 28 States Parties have destroyed their stocks of cluster munitions, all well in advance of the convention's eight-year deadline. Collectively, States Parties have destroyed 1.4 million cluster munitions containing more than 175 million submunitions. This represents the destruction of 97% of the total reported global stocks of cluster munitions and 98% of the total number of submunitions declared by States Parties.

In 2016 alone, three States Parties destroyed 56,171 cluster munitions and 2.8 million submunitions. Spain and Switzerland are working to complete the destruction of their remaining stocks during 2018, while Slovakia has already destroyed more than 20% of its cluster munition stocks since starting in 2015 and is on track to complete destruction well in advance of its deadline.

However, no State Party has completed destruction of its cluster munition stocks since the publication of *Cluster Munition Monitor 2016*. Worryingly, 10 States Parties with stocks have not started destruction any of their cluster munition stocks in the past year, and several have indicated they will require financial and technical assistance to do so. Moreover, signatories with stocks, such as Cyprus, Indonesia, and Nigeria, have taken few, if any, steps to ratify the convention or declare and destroy their cluster munitions.

Specific implementation legislation to enforce the convention's provisions has been enacted in 27 States Parties, while two-dozen more are in the process of adopting new legislation and another 32 have indicated that existing laws are sufficient to ensure their adherence. More than 80% of States Parties have provided initial transparency reports detailing the actions they are taking to implement and promote the convention.

This ban overview covers activities during the second half of 2016 and the first half of 2017, and sometimes to the end of July 2017 when data was available. The findings are drawn from detailed country profiles available from the Monitor website.[3]

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

UNIVERSALIZATION

When the Convention on Cluster Munitions entered into force on 1 August 2010, becoming binding international law, 108 states had signed, of which 38 were States Parties legally bound by its provisions. Another 53 signatories have ratified since then and 11 countries have acceded. Both accession and ratification usually involve some form of parliamentary approval, typically in the form of legislation.

ACCESSIONS

Since the Convention on Cluster Munitions became binding international law in 2010, states can no longer sign, but instead must join through a process known as accession, which is essentially a process that combines signature and ratification into a single step.[4]

Since August 2010, the number of countries that are party to the convention has risen from 108 to 119, following accessions by 11 countries.[5] There have been no accessions since the publication of *Cluster Munition Monitor 2016*. The last country to accede to the convention was Cuba in April 2016.[6]

RATIFICATIONS

A total of 53 signatories have ratified the convention since August 2010 to become States Parties. This includes two states that have ratified since the publication of *Cluster Munition Monitor 2016*, both in 2017: Madagascar on 20 May and Benin on 10 July.[7]

Most of the 17 remaining signatories to the convention have committed to complete their ratification and many have conducted stakeholder consultations on the convention, but only a few appear to have parliamentary approval processes underway.[8]

MEETINGS AND ACTIONS ON CLUSTER MUNITIONS

The Permanent Representative of the Netherlands to the Conference on Disarmament, Ambassador Henk Cor van der Kwast, presided over the Sixth Meeting of States Parties to the Convention on Cluster Munitions in Geneva, Switzerland, on 5–7 September 2016. A total of 86 countries attended this meeting (60 States Parties, eight signatories, and 18 non-signatories) in addition to UN agencies, the ICRC, and the Cluster Munition Coalition (CMC).[9] States Parties adopted a political declaration reaffirming their commitment to the convention and condemning "any use of cluster munitions by any actor, in conformity with

4 The convention enters into force for each individual state on the first day of the sixth month after their deposit of the instrument of accession or ratification with the UN in New York. The Monitor lists a country as a State Party as soon as the deposit has occurred.

5 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.

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

7 Prior to entry into force, four signatories ratified upon signing the convention in 2008, 22 in 2009, and 12 in 2010 before 1 August. After entry into force, 11 ratified in the last five months of 2010, 15 in 2011, 10 in 2012, five in 2013, two in 2014, seven in 2015, one in 2016, and two in 2017 as of 1 August.

8 Of the 17 signatories left to ratify the convention, 12 are from Sub-Saharan Africa, two are from the Americas, two from Asia-Pacific, and one from Europe. Signatories are bound by the Vienna Convention on the Law of Treaties not to engage in acts that "would defeat the object and purpose" of any treaty they have signed. Thus, signatories to the Convention on Cluster Munitions have committed to never 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.

9 Eighteen non-signatories attended the meeting: Argentina, China, Finland, Greece, Kazakhstan, Libya, Oman, Pakistan, Qatar, South Korea, Serbia, Singapore, Sri Lanka, Sudan, Thailand, Turkey, Vietnam, and Yemen. See, List of Participants, Convention on Cluster Munitions Sixth Meeting of States Parties, 20 September 2016, bit.ly/CCM6MSPparticipants.

Article 21."[10] The declaration commits States Parties to "continue to call upon those who continue to use cluster munitions, as well as those who develop, produce, otherwise acquire, assist, encourage, and induce the production, stockpiling, retention, and transfer of these weapons, to cease immediately and to join as States Parties to the Convention."[11]

This was the only international meeting of the convention in the reporting period.[12] However, the convention's coordinating committee meets regularly and the implementation support unit has worked with the president of the Seventh Meeting of States Parties, Ambassador Michael Biontino of Germany, to convene four regional workshops aimed at encouraging universalization and implementation of the convention.

A total of 17 states from Sub-Saharan Africa attended the African Regional Workshop on the Universalization of the Convention on Cluster Munitions in Addis Ababa, Ethiopia, on 4–5 August 2016: six States Parties, eight signatories, and three non-signatories.[13] Participants agreed to an "Addis Ababa Commitment" that expresses their support for universalization of the convention and "to prioritize the enactment of new legislation" aimed at enforcing the convention's provisions.[14]

From Southeast Asia, seven states participated in a regional seminar on "Cooperating to implement the Convention on Cluster Munitions" in Bangkok, Thailand, on 16–17 March 2017: one State Party, two signatories, and four non-signatories.[15] The seminar did not specifically address universalization of the convention but discussed country-specific issues, with presentations by Cambodia, Lao PDR, Malaysia, Philippines, Sri Lanka, and Thailand.[16]

Uganda co-hosted a seminar on the convention in Kampala on 29–30 May 2017, which nine African signatories attended as well as new State Party Madagascar.[17] States provided updates on their ratification efforts and discussed national implementation requirements, including transparency reporting, legislative measures, and implementation of the convention's clearance obligations.[18]

A regional workshop on enhancing implementation of the Convention on Cluster Munitions in southeast Europe took place in Rakitje, Croatia, on 12–13 June 2017, with the participation of Croatia and two other States Parties from southeast Europe.[19] Participating states gave presentations on their work to implement the Convention on Cluster Munitions

10 Australia, Cuba, Iraq, Lao PDR, Nicaragua, New Zealand, and the UK made comments and/or suggested amendments to the declaration prior to its adoption. See the website for the Sixth Meeting of States Parties, bit.ly/CCM6MSPuniversalization.

11 See the political declaration annexed to the "Final report of the Convention on Cluster Munitions Sixth Meeting of States Parties, Geneva, 5–7 September 2016," CCM/MSP/2016/9, 30 September 2016, bit.ly/CCMFinalReport2016.

12 At their First Review Conference in September 2015, States Parties agreed to no longer hold intersessional meetings of the Convention on Cluster Munitions, ending a process that started in 2011.

13 Participants included States Parties Botswana, Cameroon, Ghana, Mauritania, Swaziland, and Zambia; signatories Angola, Djibouti, Gambia, Madagascar, Namibia, Nigeria, Tanzania, and Uganda; and non-signatories Ethiopia, Gabon, and Zimbabwe. See, Final Workshop Report, African Regional Workshop on the Universalization of the Convention on Cluster Munitions, 4–5 August 2016, bit.ly/CCMAfricanWorkshop.

14 The Addis Ababa Commitment on Universalization and Implementation of the Convention on Cluster Munitions, Addis Ababa, 4–5 August 2016, bit.ly/AddisAbabaCommitment.

15 Participants included State Party Lao PDR, signatories Indonesia and Philippines, and non-signatories Cambodia, Malaysia, Sri Lanka, and Thailand. See, South East Asia regional seminar on the Country Coalition Concept, bit.ly/CCMSEAsiaSeminar.

16 Final Report of the South East Asian regional Seminar on the Country Coalition Concept, Bangkok, 17 March 2017, bit.ly/CCMSEAsiaSeminarReport.

17 Participants included signatories Democratic Republic of the Congo (DRC), Gambia, Kenya, Liberia, Namibia, Nigeria, São Tomé and Príncipe, Tanzania, Uganda, and new State Party Madagascar.

18 See, Kampala CCM ratification seminar, bit.ly/CCMKampalaSeminar.

19 Regional participants included States Parties Albania, Bosnia and Herzegovina (BiH), and Croatia. States Parties Cuba and Peru also participated. See, South East Europe regional seminar on the Country Coalition Concept, bit.ly/CCMSEAsiaCountryCoalition.

and discussed measures to enhance cooperation.[20]

In addition, in September 2016, New Zealand chaired a session on the Convention on Cluster Munitions at a regional meeting in Apia, Samoa, organized by the UN Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD) and attended by 10 Pacific island states.

At the Fifth Review Conference of the Convention on Conventional Weapons (CCW) in Geneva, held 12–16 December 2016, states endorsed a final declaration expressing "their strong determination to protect civilians from the deleterious humanitarian impact of cluster munitions."[21] There have been no deliberations on cluster munitions at the CCW since November 2011, when the Fourth Review Conference failed to adopt a draft protocol on cluster munitions. This has left the Convention on Cluster Munitions as the sole international instrument dedicated to ending the suffering caused by cluster munitions. Only three states mentioned cluster munitions in their statements to the 2016 CCW Review Conference and there were no proposals to add cluster munitions back on the CCW's program of work.[22]

The CMC continues its advocacy in support of the convention's universalization and implementation. It provided small grants to 16 campaign members in 15 countries during 2016 as part of a program to support national campaigns.[23] The CMC issued an action alert in March 2017 to pressure Saudi Arabia to stop using cluster munitions in Yemen and accede to the Convention on Cluster Munitions. On 23 May 2017, CMC members participated in a Global Day of Action to Stop Explosive Investments, which included the launch in Tokyo of an updated PAX report on investments in producers of cluster munitions.[24]

The Permanent Representative of Germany to the Conference on Disarmament, Ambassador Michael Biontino, will serve as president of the convention's Seventh Meeting of States Parties in Geneva on 4–6 September 2017.[25] Germany, as president, has held bilateral meetings with more than a dozen non-signatories that have produced and/or stockpiled cluster munitions, including Brazil, Saudi Arabia, Syria, and Ukraine.[26] The UN has received sufficient funds to allow the Seventh Meeting of States Parties to be held, but $44,620 was still owed to the Convention on Cluster Munitions, according to a UN summary of contributions issued 30 June 2017.[27]

20 Presentations of Albania, bit.ly/CCMEEuropeAlbania; of BiH, bit.ly/CCMEEuropeBiH; of Croatia, bit.ly/CCMEEuropeCroatia; of Cuba, bit.ly/CCMEEuropeCuba; and of Peru, bit.ly/CCMEEuropePeru.

21 Final Report of the CCW Fifth Review Conference, Geneva, 23 December 2016, bit.ly/CCW5ReviewFinalReport.

22 India expressed disappointment that the CCW Fourth Review Conference did not adopt a protocol on cluster munitions, while Colombia and Spain briefly discussed national legislative initiatives on cluster munitions. See, statements of India, bit.ly/CCW4ReviewIndia; of Colombia, bit.ly/CCW4ReviewColombia; and of Spain, bit.ly/CCW4ReviewSpain.

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

24 See, PAX, *Worldwide investments in Cluster Munitions: a shared responsibility* (Utrecht, May 2017), bit.ly/PAXWorldInvestment.

25 See the website of the Convention on Cluster Munitions Seventh Meeting of States Parties, bit.ly/CCM7MSP. The first five annual meetings of the Convention on Cluster Munitions and the First Review Conference were held in States Parties that are contaminated by cluster munition remnants and/or leaders of the convention: Lao PDR in 2010, Lebanon in 2011, Norway in 2012, Zambia in 2013, Costa Rica in 2014, and Croatia in 2015.

26 Minutes of the Convention on Cluster Munitions Coordination Committee Meeting, Geneva, 23 March 2017, bit.ly/CCMcoordination17.

27 A total of 51 countries owe funds to the Convention on Cluster Munitions. Non-signatory South Korea owes the most (US$6,126), followed by State Party Mexico ($5,134), and non-signatory Brazil ($4,320). See, UN Finance Office, Status of Contributions of BWC, CCW, CCM, OTW as at 30 June 2017, bit.ly/UNcontributions17.

UN GENERAL ASSEMBLY RESOLUTION 71/45

Since 2015, a UNGA resolution on the Convention on Cluster Munitions has become a key barometer of support for its provisions.

On 5 December 2016, 141 states voted in favor of adopting UNGA Resolution 71/45 that calls on states outside the Convention on Cluster Munitions to "join as soon as possible."[28] Non-signatories Russia and Zimbabwe were the only states to vote no, while 39 states abstained. No State Party abstained or voted no on the resolution, while Cyprus and Uganda were the only signatories to abstain.

A total of 32 non-signatories voted in favor of Resolution 71/45 and 37 non-signatories abstained from the vote.[29] Several of these states made detailed statements explaining their vote on the resolution and position on joining the Convention on Cluster Munitions.[30]

The 2016 resolution voting record was almost identical to that on the first UNGA resolution promoting implementation of the convention adopted on 7 December 2015. A total of 139 states voted in favor of UNGA Resolution 70/54, while two opposed (Russia and Zimbabwe) and 39 abstained, including signatories Cyprus and Uganda.[31] Non-signatories Algeria and Kyrgyzstan voted in favor of the 2016 UNGA resolution after abstaining from the 2015 vote.

REGIONAL UNIVERSALIZATION DEVELOPMENTS

Support for the Convention on Cluster Munitions is strongest in Sub-Saharan Africa, where 31 of its 49 countries are States Parties and 12 are signatories.[32] As of 1 August 2017, Madagascar and Benin were the only signatories in the world to ratify the convention this year. The Democratic Republic of the Congo's parliament approved ratification of the convention in 2013, while national assemblies in Liberia and Uganda are considering draft ratification legislation.[33] Other signatories from Sub-Saharan Africa have expressed their desire to ratify and several have undertaken stakeholder consultations on the matter.[34] None of the seven non-signatories from Sub-Saharan Africa took any major steps to join the convention in the reporting period. In April 2017, Gabon told the Monitor that it does not intend to accede to

28 The Netherlands introduced UNGA Resolution 71/45 on Implementation of the Convention on Cluster Munitions, with 28 co-sponsors: Angola, Australia, Austria, Belgium, Chile, Costa Rica, Croatia, Czech Republic, France, Germany, Hungary, Iceland, Ireland, Italy, Laos, Lebanon, Liechtenstein, Luxembourg, Malta, Montenegro, New Zealand, Norway, Palau, Papua New Guinea, Portugal, Slovakia, Sweden, and Switzerland. "Implementation of the Convention on Cluster Munitions," UNGA Resolution 71/45, 5 December 2016, bit.ly/UNGAResolution71-45.

29 These non-signatories voted in favor: Algeria, Azerbaijan, Bahamas, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Dominica, Eritrea, Ethiopia, Jordan, Kazakhstan, Kiribati, Kyrgyzstan, Libya, Malaysia, Maldives, Marshall Islands, Micronesia, Mongolia, Papua New Guinea, Saint Lucia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Thailand, Timor-Leste, Tuvalu, Vanuatu, and Venezuela. These non-signatories abstained: Argentina, Armenia, Bahrain, Belarus, Brazil, China, Egypt, Estonia, Finland, Georgia, Greece, India, Iran, Israel, Kuwait, Latvia, Morocco, Myanmar, Nepal, Oman, Pakistan, Poland, Qatar, South Korea, Romania, Saudi Arabia, Serbia, South Sudan, Syria, Tajikistan, Turkey, Ukraine, United Arab Emirates (UAE), United States (US), Uzbekistan, Vietnam, and Yemen.

30 The following abstainers elaborated their views on the draft resolution on the Convention on Cluster Munitions: Brazil, Pakistan, Poland (on behalf of Greece, Estonia, Finland, and Romania), South Korea, and the US. State Party Cuba also spoke. See, UN, "Record of First Committee 24th meeting," A/C.1/71/PV.24, 31 October 2016. Signatory Cyprus also elaborated its views. See, undocs.org/A/C.1/71/PV.24.

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

32 Mauritius and Swaziland acceded to the convention, while the rest signed and ratified.

33 Email from Teresa Dybeck, Programme Manager, Parliamentary Forum on Small Arms and Light Weapons, 27 July 2015; and ICBL-CMC meeting with Lt. Col. David Okello, Director of Foreign Liaison, Ministry of Defense, Uganda, Addis Ababa, 5 August 2016.

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

the convention "in the immediate future."[35]

There is also strong support for the convention throughout the Americas, where 24 of the 35 countries are States Parties and Haiti and Jamaica have signed but not ratified.[36] The region's nine non-signatories include Brazil and the US, which are vocally opposed to the convention. The affirmative votes on the UNGA resolution by Caribbean non-signatories the Bahamas, Barbados, Dominica, Saint Lucia, and Suriname indicates they will likely join the convention at some point in the future.

Nepal's Minister of Foreign Affairs Krishna Bahadur Mahara (second left) met with representatives of the Nepal Campaign to Ban Landmines (NCBL) on 13 July 2017, who called on the government to accede to the Convention on Cluster Munitions and Mine Ban Treaty as well as prioritize support to victims of landmines and explosive weapons.

In Europe, the Caucasus, and Central Asia, support for the convention is strongest in the European Union (EU), which accounts for 21 States Parties to the convention.[37] The six EU member states that have not signed the convention—Estonia, Finland, Greece, Latvia, Poland, and Romania—have abstained rather than vote yes or no on the UNGA resolution.[38] EU member state and signatory Cyprus also abstained on the resolution and its parliament made no effort to approve ratification during the reporting period. Of the 54 countries in the region, 34 are States Parties to the convention, but not Belarus, Russia, Serbia, Turkey, Ukraine, or any countries from the Caucasus or Central Asia.[39]

Only 10 of the 40 states in the Asia-Pacific region are States Parties to the Convention on Cluster Munitions.[40] Signatories Indonesia and the Philippines still have not concluded their years-long stakeholder consultations on the convention or introduced ratification legislation into their respective parliaments for consideration and approval.

The convention has received the least support in the Middle East and North Africa region,

35 This is an unofficial translation from the original, which was in French: "Les autorities gabonaises avaient deja ete saisies a ce sujet et qu'elles n'avaient pas juge opportun pour le Gabon, du moins dans l'immediat, d'adherer a cette Convention, pour des raisons internes." Letter 536MPGG/Ed.K.M./2017 from Amb. Marianne Odette Bibalou Bounda, Permanent Representative of Gabon to the UN in Geneva, 20 April 2017. Received by mail on 14 June 2017.

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

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

38 Poland provided an explanation on behalf of itself, Greece, Estonia, Finland, and Romania that expressed "support [for] the humanitarian goal of the Convention on Cluster Munitions" but said "at the same time, we believe that humanitarian concerns must be balanced with States' legitimate security concerns and military and defence needs." Explanation of Vote by Greece, Estonia, Finland, and Poland, delivered by Poland, UNGA First Committee on Disarmament and International Security, New York, 31 October 2016, bit.ly/UNGAPoland31Oct2016 .

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

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

which has four States Parties: Iraq, Lebanon, Palestine, and Tunisia.[41] Non-signatories Algeria, Jordan, and Libya voted in favor of the 2016 UNGA resolution on the convention while the other non-signatories either abstained or were absent.[42]

USE OF CLUSTER MUNITIONS

Summary of states that have used cluster munitions and locations used[43]

User state	Locations used
Colombia	Colombia
Eritrea	Ethiopia
Ethiopia	Eritrea
France	Chad, Iraq, Kuwait
Georgia	Georgia, possibly *Abkhazia*
Iraq	Iran, Iraq
Israel	Egypt, Lebanon, Syria
Libya	Chad, Libya
Morocco	*Western Sahara,* Mauritania
Netherlands	Former Yugoslavia (*Kosovo*, Montenegro, Serbia)
Nigeria	Sierra Leone
Russia	*Chechnya,* Afghanistan (as USSR), Georgia, 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)	Falklands/Malvinas, Iraq, Kuwait, former Yugoslavia (*Kosovo*, Montenegro, Serbia)
United States (US)	Afghanistan, Albania, Bosnia and Herzegovina (BiH), Cambodia, Grenada, Iran, Iraq, Kuwait, Lao PDR, Lebanon, Libya, Saudi Arabia, Sudan, Vietnam, Yemen, former Yugoslavia (*Kosovo*, Montenegro, Serbia)
Yugoslavia (former Socialist Republic of)	Albania, BiH, Croatia, *Kosovo*

Note: Other areas are indicated in *italics*.

41 The 15 non-signatories from the Middle East and North Africa are: Algeria, Bahrain, Egypt, Iran, Israel, Jordan, Kuwait, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, UAE, and Yemen. Bahrain, Morocco, and Qatar joined in the consensus adoption of the convention at the conclusion of the negotiations in May 2008.

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

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

GLOBAL OVERVIEW

Cluster munitions have been used by at least 21 governments in 40 countries and four disputed territories since the end of World War II, as detailed in the following table and the timeline of cluster munition use at the end of this chapter. Almost every region of the world has experienced cluster munition use at some point over the past 70 years, including Southeast Asia, Southeast Europe, the Caucasus, the Middle East and North Africa, Sub-Saharan Africa, and Latin America.

Most states outside the convention have never used cluster munitions.[44] Despite rhetoric to the contrary, only Israel, Russia, and the US can be considered major or prolific users and producers of cluster munitions.[45]

Article 1 of the Convention on Cluster Munitions contains the convention's core preventive measures designed to eliminate future humanitarian problems from cluster munitions, most crucially the absolute ban on the use of cluster munitions. Several past users of cluster munitions are now States Parties to the convention and have relinquished any use of these weapons under any circumstances.[46]

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

Cluster munitions have been used in seven non-signatories to the convention since its August 2010 entry into force, including Cambodia (2011), Libya (2011 and 2015), South Sudan (2014), Sudan (2012 and 2015), Syria (2012–present), Ukraine (2014–2015), and Yemen (2015–present).[47]

In this reporting period (July 2016–July 2017), cluster munitions were used in Syria and Yemen, as summarized below. There is also evidence that cluster munitions may have been used in Iraq and Libya, but it was not possible to verify the alleged use.

In September 2016, States Parties to the Convention on Cluster Munitions issued a joint declaration stating that they "condemn any use by any actor" and expressing deep concern at "any and all allegations, reports or documented evidence of the use of cluster munitions, most notably in Syria and Yemen in the past year."[48]

NEW USE IN SYRIA

The government of Syria has denied possessing or using cluster munitions, but its armed forces are responsible for the bulk of the more than 600 cluster munition attacks recorded in 12 of Syria's 14 governorates in the five-year period to mid-July 2017. At least 13 types of air-dropped and ground-launched cluster munitions have been used in Syria, as shown in the following table.

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

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

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

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

48 See the political declaration annexed to the "Final report of the Convention on Cluster Munitions Sixth Meeting of States Parties, Geneva, 5–7 September 2016," CCM/MSP/2016/9, 30 September 2016, bit.ly/CCMFinalReport2016.

Types of cluster munitions used in Syria since 2012

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

Evidence recorded by local activists, journalists, first responders, medical personnel, and others points to at least 238 separate attacks using cluster munitions in Syria between August 2016 and July 2017.[49] Previously, *Cluster Munition Monitor 2016* reported at least 360 cluster munition attacks between July 2012 and July 2016 in multiple locations across all except two of the country's 14 governorates.[50] Russia began its joint operation with Syrian government forces on 30 September 2015 and the past year has seen a more than 200% increase in the use of cluster munitions in Syria.[51]

All cluster munitions used in Syria since 2012 were manufactured by the Soviet Union or its successor Russia with two exceptions.[52] When and how the Syrian government obtained

49 Since 2012, Human Rights Watch (HRW) has researched and reported cluster munition use in Syria as part of its responsibility as chair of the CMC and ban policy editor for the campaign's Cluster Munition Monitor reporting initiative. The information described here and contained in the Monitor's Syria country profile summarizes and updates information published in HRW reports and monitored by HRW, drawing on reporting by local media and activists—including videos—and witness accounts. HRW generally only records cluster munition attacks if the attack and/or remnants were filmed to ensure visual confirmation and for which at least one other source has confirmed the use of cluster munitions. The actual number of attacks is probably much higher, as local activists reported many more incidents of what appear to be cluster munition use.

50 As of July 2017, the Monitor has yet to see any evidence of cluster munition use in the governorates of Tartus or As-Suwayda.

51 Previously, there were at least 76 cluster munition attacks by the Russian-Syrian joint operation on opposition-controlled territory between 30 September 2015 and 20 July 2016.

52 Cluster munition rockets manufactured in Egypt have also been used in Syria, while the so-called Islamic State (IS) has used cluster munitions rockets of unknown origin containing a DPICM-type submunition called "ZP-39" in Syria.

these cluster munitions and in what quantities remains unknown.[53] Of the cluster munition remnants that could be identified from 238 attacks in the reporting period, 115 involved the use of AO-2.5RT submunitions and 65 used ShOAB-0.5 submunitions.

In a three-page position paper attached to a December 2016 letter sent to Human Rights Watch by the Russian foreign minister, Russia did not explicitly deny or admit to its involvement in the use of cluster munitions in Syria.[54] Rather, it made the general claim that cluster munitions have been used in accordance with international humanitarian law and not indiscriminately in Syria. Previously, in December 2015, the Russian Defence Ministry stated that "Russian aviation does not use [cluster munitions]" and that "there are no such munitions at the Russian air base in Syria."[55]

Russia's position paper states, "no cases of indiscriminate use of air weapons have been registered so far in the course of the counter-terrorist operation in Syria" and concludes that "given all these elements we consider the question of the involvement of the Russian military personnel in the cases of indiscriminate CMs [cluster munitions] use in Syria mentioned in your letter totally inappropriate."[56] In the paper, Russia criticizes the research findings on the use of cluster munitions in Syria as based on "unverified, unsubstantiated, and at time [*sic*] even misleading information."

There is abundant evidence that Syrian government forces have used RBK-series air-dropped cluster bombs since mid-2012, when the government began its air campaign on opposition-held areas.[57] In 2012, markings on cluster munitions indicated they were produced in the 1970s and 1980s, while since September 2015, most bear production dates from 1989 into the early 1990s.[58] More advanced RBK-500 SPBE bombs containing SPBE sensor-fuzed submunitions and a ground-fired 240mm 3-O-8 mortar projectile have been used since Russia entered into its joint operation with Syrian government forces at the end of September 2015.[59]

Ground-launched cluster munitions have been used since government forces first used multi-barrel rocket launchers to deliver 122mm SAKR cluster munition rockets containing DPICM submunitions at the end of 2012.[60] In early 2014, Syrian government forces began to use 9M55K and 9M27K-series surface-to-surface rockets containing 9N235 submunitions equipped with self-destruct mechanisms.[61]

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

54 "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/HRWRussiaOnCM.

55 Ministry of Defense of the Russian Federation, "Russian Defence Ministry commented on briefing of Amnesty International," 23 December 2015, bit.ly/RussianCommentOnAmnesty15.

56 "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/HRWRussiaOnCM.

57 The 250-kilogram class RBK-series cluster bombs can be delivered by jet aircraft as well as rotary wing aircraft, such as Mi-24 and Mi-8 series helicopters. Brown Moses Blog, "Evidence of cluster bombs being deployed in Syria," 10 July 2012, bit.ly/CMinSyria12; and HRW Press Release, "Syria: Evidence of Cluster Munitions Use by Syrian Forces," 12 July 2012, bit.ly/HRW-CMuseInSyria12.

58 Most RBK-500 SPBE cluster bombs used in Syria were manufactured in 1990 and 1991.

59 HRW, "Russia/Syria: Extensive Recent Use of Cluster Munitions," 20 December 2015, bit.ly/HRWRussiaSyriaCM15.

60 It is not known if the 122mm rockets are SAKR-18 or SAKR-36 variants, which contain 72 and 98 submunitions respectively. The design of the fuze system in this type of submunition makes it very sensitive and submunitions that fail to explode on initial impact are liable to detonate if disturbed. HRW Press Release, "Syria: Army Using New Type of Cluster Munition," 14 January 2013, bit.ly/HRWnewCMinSyria13.

61 Armament Research Services, "9M27K Series Cargo Rockets in Syria," 22 February 2014, bit.ly/ARSCargoRockets14; and HRW Press Release, "Syria: New Deadly Cluster Munition Attacks," 19 February 2014, bit.ly/HRWSyriaDeadlyAttacks14.

In July 2014, the first Islamic State (IS) cluster munition use was documented during its advance on Ayn al-`Arab/Kobani, involving a DPICM-like submunition with a distinctive red nylon ribbon called "ZP-39."[62] There have also been multiple examples of use of 9M79-series Tochka ballistic missiles.

As the Syria conflict deepens, it is not possible to determine with confidence if armed groups other than IS have used cluster munitions. However, there is evidence that opposition forces have repurposed unexploded submunitions for use in air-delivered and ground-emplaced improvised explosive devices (IEDs). When activated by their victim, such devices are considered antipersonnel landmines prohibited by the Mine Ban Treaty.[63]

The US and its coalition partners have not used cluster munitions in the "Operation Inherent Resolve" military action against IS forces that started in 2014 in Syria and Iraq.[64]

The civilian harm caused by the use of cluster munitions in Syria has attracted widespread media coverage, public outcry, and condemnations from more than 140 states.[65] More than 40 of these countries have made national statements condemning the use in Syria, including by the foreign ministers of States Parties Austria, Belgium, Costa Rica, Croatia, Denmark, France, Germany, Mexico, Netherlands, Norway, Sweden, and the UK.[66] US Secretary of State Rex Tillerson condemned the Syrian government's use of "cluster bombs and other types of weapons that are intended to maim and kill in the most horrific ways" during an April 2017 press briefing in Moscow with the Russian foreign minister.[67]

NEW USE IN YEMEN

On 26 March 2015, a Saudi Arabia-led coalition began a military operation in Yemen against Ansar Allah (Houthi) and their allied forces that continued as of 1 August 2017, despite multiple ceasefire agreements in 2016 and repeated calls for ceasefire agreements in the

62 HRW, "Syria: Evidence of Islamic State Cluster Munition Use," 1 September 2014, bit.ly/HRW-ISuseCMinSyra. 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/Brown_Moses/status/452120358271725568.

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

64 The CMC has warned the US against using any cluster munitions in the operation. Letter from CMC US to President Barack Obama, 30 March 2015, bit.ly/CMCLettertoUS15.

65 A total of 143 countries have condemned the use of cluster munitions in Syria via national statements and/or by endorsing resolutions or joint statements. They include 93 States Parties and signatories (Afghanistan, Albania, Andorra, Australia, Austria, Belgium, Belize, Benin, BiH, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, DRC, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, France, Gambia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Lao PDR, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia FYR, Madagascar, Malawi, Malta, Mauritania, Mexico, Moldova, Monaco, Montenegro, Mozambique, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Portugal, Samoa, San Marino, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Slovenia, Somalia, South Africa, Spain, Swaziland, Sweden, Switzerland, Togo, Trinidad and Tobago, Tunisia, the UK, and Uruguay) and 50 non-signatories (Argentina, Azerbaijan, Bahamas, Bahrain, Barbados, Brazil, Brunei Darussalam, Cambodia, Dominica, Egypt, Estonia, Finland, Gabon, Georgia, Greece, Israel, Jordan, Kiribati, South Korea, Kuwait, Latvia, Libya, Malaysia, Maldives, Marshall Islands, Mauritius, Micronesia, Mongolia, Morocco, Myanmar, Oman, Pakistan, Papua New Guinea, Poland, Qatar, Romania, Saudi Arabia, Serbia, Slovakia, Solomon Islands, Thailand, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, UAE, the US, Vanuatu, and Yemen).

66 These countries have made national statements condemning the use of cluster munitions in Syria: Australia, Cambodia, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Czech Rep., Ecuador, Ghana, Ireland, Italy, Japan, Lao PDR, Lebanon, Lithuania, Luxembourg, Madagascar, Mauritania, Netherlands, New Zealand, Peru, Portugal, Qatar, Slovenia, Somalia, South Africa, Swaziland, Sweden, Switzerland, Togo, Turkey, and the US.

67 US Secretary of State Rex Tillerson, "Remarks With Russian Foreign Minister Sergey Lavrov at a Press Availability," Moscow, 12 April 2017, bit.ly/Tillersonremarks17.

first half of 2017.[68] None of the states participating in the Saudi-led coalition—Bahrain, Egypt, Jordan, Kuwait, Morocco, Pakistan, Sudan, and the United Arab Emirates (UAE)—are party to the Convention on Cluster Munitions.

Human Rights Watch, Amnesty International, and others have documented evidence of at least 23 cluster munition attacks in the conflict involving the use of seven types of air-delivered and ground-launched cluster munitions made in three countries, as the following table shows.

In the second half of 2016 and the first half of 2017, fewer instances of cluster munition use were recorded in Yemen compared to the previous period. The Saudi-led coalition used Brazilian-made ASTROS II cluster munition rockets in Saada governorate on at least three locations, most recently in February 2017, according to investigations by Amnesty International and Human Rights Watch.[69] CBU-105 Sensor Fuzed Weapons were used in a 5 October 2016 attack on the coastal village of al-Hayma.[70]

There were allegations of more cluster munition use in Yemen during the second half of 2016 and first half of 2017, but it was not possible to verify the evidence or conclusively determine responsibility for the attacks.[71] While other cluster munition use likely went unrecorded, overall there were fewer cluster munition attacks in Yemen compared to the widely condemned attacks of 2015 and the first half of 2016 using various types of cluster munitions.

On 15 June 2017, the European Parliament adopted a resolution condemning the Saudi-led coalition airstrikes in Yemen, including its use of cluster munitions. It adopted similar resolutions on 25 February 2016 and 9 July 2015 condemning the coalition's use of cluster munitions in Yemen.[72]

Between April 2015 and October 2016, the Saudi Arabia-led coalition used CBU-105 Sensor Fuzed Weapons in seven attacks.[73] The CBU-105 is the only cluster munition still exported by the US, but only on the condition that they are not used in civilian areas. The weapon must also have a failure rate that results in less than 1% unexploded ordnance.[74]

68 UN-brokered ceasefires went into effect on 10 April 2016, 19 October 2016, and 19 November 2016.

69 HRW, "Yemen: Brazil-Made Cluster Munitions Harm Civilians," 23 December 2016, bit.ly/HRW-BrazilCMinYemen16; Amnesty International, "Yemen: Saudi Arabia-led coalition uses banned Brazilian cluster munitions on residential areas," 9 March 2017, bit.ly/AI-SaudiCoalitionCM; and HRW, "Yemen: Cluster Munitions Wound Children," 17 March 2017, bit.ly/HRW-CMandChildren17.

70 Alex Emmons and Mohammed Ali Kalfood, "Banned by 119 countries, US cluster bombs continue to orphan Yemeni children," *The Intercept,* 14 December 2016, bit.ly/USCMandChildren16.

71 There was an allegation of cluster munition use on Kitaf in Saada on 2 January 2017. See, داش روبا (@92911Y42qRjwiIO) , "(2-Jan-2017) cluster munitions by US-Saudi coalition on Kitaf #Saada residential areas," 16 January 2017, twitter.com/9291lY42qRjwiIO/status/821069526800433158. Remnants of an ASTROS cluster munition rocket were photographed after an attack on Kitaf in Saada on 21 May 2017. See, Ahmad Algohbary (@AhmadAlgohbary), "Photo of cluster bombs dropped by #Saudi jets today on Ketaf area #Saada #Yemen #UK & #US r involved n this crimes Can anyone identify it?," 21 May 2017, twitter.com/AhmadAlgohbary/status/866356122487226368.

72 European Parliament (EP), "Resolution on the humanitarian situation in Yemen," 15 June 2017, bit.ly/EUResJune17; EP, "Resolution on the humanitarian situation in Yemen," 25 February 2016, bit.ly/EUResFeb16; and EP, "Joint Motion for a Resolution on the situation in Yemen," 8 July 2015, bit.ly/EUResMotionJuly15. The earliest resolution was adopted without a vote.

73 European Parliament (EP), "Resolution on the humanitarian situation in Yemen," 15 June 2017, bit.ly/EUResJune17; EP, "Resolution on the humanitarian situation in Yemen," 25 February 2016, bit.ly/EUResFeb16; and EP, "Joint Motion for a Resolution on the situation in Yemen," 8 July 2015, bit.ly/EUResMotionJuly15. The earliest resolution was adopted without a vote.

74 European Parliament (EP), "Resolution on the humanitarian situation in Yemen," 15 June 2017, bit.ly/EUResJune17; EP, "Resolution on the humanitarian situation in Yemen," 25 February 2016, bit.ly/EUResFeb16; and EP, "Joint Motion for a Resolution on the situation in Yemen," 8 July 2015, bit.ly/EUResMotionJuly15. The earliest resolution was adopted without a vote.

The UAE has denied using CBU-105 Sensor Fuzed Weapons in Yemen.[75] Saudi Arabia's coalition spokesperson Brig. Gen. Ahmed Asiri said the coalition used CBU-105 Sensor Fuzed Weapons once, in April 2015, but not in a populated area and claimed they are not prohibited weapons.[76]

In May 2016, the Obama administration suspended US cluster munition transfers to Saudi Arabia following reports of civilian harm in Yemen.[77] Cluster munitions are not part of major 2017 arms deals by the US with Saudi Arabia. On 30 August 2016, CBU-105 manufacturer Textron Systems announced that it is stopping its production of the weapon, effectively ending US production of cluster munitions as it was the last producer.[78]

Cluster munitions used in Yemen since April 2015[79]

Type of cluster munition	Country of origin	Stocks possessed by	Governorate and date of attack
Air-delivered			
CBU-105 Sensor Fuzed Weapon, each deploying 10 BLU-108 canisters that disperse four submunitions called "skeet" by the manufacturer Textron	US	Saudi Arabia, UAE	Al-Shaaf in Saada, 17 April 2015 Al-Amar in Saada, 27 April 2015 Harf Sofian in Amran, 29 June 2015 Sanhan in Sanaa, 1 November 2015 Al-Hayma in Hodaida, 12 December 2015 Amran in Sanaa, 15 February 2016 Al-Hayma in Hodaida, 5 October 2016

75 European Parliament (EP), "Resolution on the humanitarian situation in Yemen," 15 June 2017, bit.ly/EUResJune17; EP, "Resolution on the humanitarian situation in Yemen," 25 February 2016, bit.ly/EUResFeb16; and EP, "Joint Motion for a Resolution on the situation in Yemen," 8 July 2015, bit.ly/EUResMotionJuly15. The earliest resolution was adopted without a vote.

76 European Parliament (EP), "Resolution on the humanitarian situation in Yemen," 15 June 2017, bit.ly/EUResJune17; EP, "Resolution on the humanitarian situation in Yemen," 25 February 2016, bit.ly/EUResFeb16; and EP, "Joint Motion for a Resolution on the situation in Yemen," 8 July 2015, bit.ly/EUResMotionJuly15. The earliest resolution was adopted without a vote.

77 According to *Foreign Policy*, a senior US official said the administration acknowledges reports that the weapons had been used "in areas in which civilians are alleged to have been present or in the vicinity" and added, "We take such concerns seriously and are seeking additional information." John Hudson, "White House blocks transfer of cluster bombs to Saudi Arabia," *Foreign Policy*, 27 May 2016, bit.ly/UStransferblock27May2016; and HRW, "US: Stop Providing Cluster Munitions," 2 June 2016, bit.ly/USStopGivingCM. HRW collected evidence showing CBU-105s were used in or near civilian areas in apparent violation of US export law. A woman and two children were injured in their homes by CBU-105 attack on 12 December 2015 on the port town of Hodaida, while at least two civilians were wounded in an attack near al-Amar village in Saada governorate on 27 April 2015. HRW also found at least three instances where CBU-105s malfunctioned as their "skeet" or submunitions did not separate from the BLU-108 canister and did not explode. HRW, "Yemen: Cluster Munitions Harm Civilians," 31 May 2015,bit.ly/CMHarmtoCivilians; and HRW, "Yemen: Saudis Using US Cluster Munitions," 6 May 2016, bit.ly/HRW-SaudisUseUSCM.

78 "Last US cluster-bomb maker to cease production," *AFP*, 1 September 2016, bit.ly/AFP-LastCMProduction.

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

CBU-87 bomb, each containing 202 BLU-97 submunitions	US	Saudi Arabia	Al-Nushoor in Saada, 23 May 2015 Al-Maqash in Saada, 23 May 2015
CBU-58 bomb, each containing 650 BLU-63 submunitions	US	Saudi Arabia, Morocco	Sanaa City in Sanaa, 6 Jan. 2016
BL755 cluster bomb, each containing 147 No 2 Mk 1 submunitions	UK	Saudi Arabia	Al-Khadhra in Hajja, 6 Jan. 2016
Ground-launched			
ASTROS II rocket, each containing up to 65 submunitions	Brazil	Bahrain, Qatar, Saudi Arabia	Ahma in Saada, 25 October 2015 Sadaa City, 6 December 2016 Sadaa City, 15 February 2017 Qahza in Saada, 22 February 2017
M26 rocket, each containing 644 M77 Dual Purpose Improved Conventional Munition (DPICM) submunitions	US	Bahrain, Egypt, UAE	Bani Kaladah in Hajja, April/May 2015 Al-Hazan in Hajja, May/June 2015 Malus in Hajja, 7 June 2015 Dughayj in Hajja, June/July 2015 Al-Qufl in Hajja, 14/15 July 2015 Haradh in Hajja, 25 July 2015 Al-Fajj in Hajja, 25 July 2015
"ZP-39" DPICM submunitions (delivery system unknown)	Unknown	Unknown	Baqim in Saada, 29 April 2015

Investigations by Amnesty International showed coalition use of UK-made BL755 cluster munitions remnants in 2015 and the first half of 2016.[80] In December 2016, Saudi Arabia finally admitted to using UK-produced cluster munitions in Yemen and said the coalition would no longer use them.[81] This marked the first time that UK-made cluster munitions have been used since the Convention on Cluster Munitions, to which the UK is party, took effect in 2010.[82] The UK rejected evidence of Saudi-led coalition use of cluster munitions in Yemen until December 2016, when British Defence Minister Michael Fallon admitted in parliament

80 Amnesty International, "Children among civilians killed and maimed in cluster bomb minefields in Yemen," 22 May 2016, bit.ly/AmnestyYemen22May2016; and Amnesty International, "Yemen: Evidence counters UK claims about the use of British-made cluster munitions in Yemen," 6 June 2016, bit.ly/AmnestyYemen06June2016.

81 "Saudi Arabia admits it used UK-made cluster bombs in Yemen," *The Guardian*, 19 December 2016, bit.ly/YemenAdmitsUKCluster.

82 Kenya has denied an allegation that it used BL755 cluster munitions in Somalia in January 2016 in an attack against al-Shabaab. The Monitor could not confirm this use of cluster munitions or identify the responsible party.

that the coalition had used "a limited number" of UK-supplied cluster munitions in the conflict.[83] The UK has publicly disclosed that it last transferred BL755 cluster munitions to Saudi Arabia in 1989, prior to the UK's adoption of the convention.[84]

ALLEGED USE IN LIBYA

Evidence continues to emerge indicating that Libyan National Army (LNA) forces used cluster munitions in 2016 and the first half of 2017. An aviation-focused blog reported the following incidents:

- Photographs published online in March 2016 and credited to the LNA indicate LNA forces may have used cluster munitions at least twice that month.[85]
- A photograph reportedly taken 15 August 2016 at Benina airbase in Benghazi shows an RBK-250–270 PTAB 2.5M cluster bomb mounted on a MiG-21 fighter aircraft.[86]
- Photographs reportedly taken on three different days in September 2016 show RBK-250 cluster bombs being mounted on a Mi-8t helicopters and a MiG-21 aircraft of the LNA Air Force. Reportedly these aircraft then flew sorties to the Benghazi enclave of Ganfouda.[87]
- A photograph reportedly taken on 4 February 2017 at the Benina airbase shows at least seven RBK 250 PTAB-2.5M and RBK-250-275 AO-1SCh lying on the tarmac. The "bombing location" is listed as "Benghazi - al-Sabri."[88]
- Two videos reportedly taken at Benina airbase on 3 March 2017 show LNA technicians mounting two RBK-250 cluster bombs on two LNA aircraft that then allegedly flew sorties to Brega, Ras Lanuf, and Sidra.[89]

Further evidence of cluster munition use in Libya may have gone unrecorded due to a lack of media and independent reporting from the ground.

The Monitor was not able to independently verify this evidence and therefore cannot confirm cluster munition use.

ALLEGED USE IN IRAQ

In the reporting period, there was one report of IS forces using cluster munition rockets

83 "Yemen: Arab coalition to stop using UK cluster bombs," *Reuters*, 19 December 2016, bit.ly/AgreeToStopInYemen. In May 2016, the UK's then-Foreign Secretary Philip Hammond told parliament that "there is no evidence yet that Saudi Arabia has used cluster munitions" in Yemen. Jeremy Binney, "UK rejects claim BL 755 cluster munition used in Yemen," IHS Jane's Defence Weekly, 26 May 2016.

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

85 Photographs reportedly taken late on the evening of 28 March 2016 show RBK-250 cluster bombs being mounted on Mi-8T and Mi-35 helicopters at Labraq airbase in the eastern city of Beida. Arnaud Delalande, "'Libyan airstrikes' situation update 26–28 March 2016," AeroHistory blog, 29 March 2016, bit.ly/LibyaStrikes26Mar2016. A photograph reportedly taken late in the evening of 8 March 2016 at Benina airbase in Benghazi shows an RBK-250-275 AO-1SCh cluster bomb mounted on a Mi-8T helicopter. Arnaud Delalande, "Libyan National Army used night vision systems and RBK-250 cluster bombs on its helicopters for night combat missions," AeroHistory blog, 10 March 2016, bit.ly/LibyaRBK250Mar2016.

86 "The Libyan National Army's Planes and Helicopters Are Scattering Cluster Munitions Across Libya," War is Boring, 27 August 2016, bit.ly/WarBoringLibyaEscalates.

87 Arnaud Delalande, "Libyan National Army still loads its Mi-8s with cluster bombs," AeroHistory blog, 12 September 2016, bit.ly/LibyaLoad12Sept2016; and Arnaud Delalande, "Libyan MiG-23ML has dropped two RBK-250s cluster bombs in Oil Crescend area today," AeroHistory blog, 14 September 2016, bit.ly/LibyaRBK14Sep2016; and Arnaud Delalande, "Libyan CBU monitoring," AeroHistory blog, 15 September 2016, https://aerohisto.blogspot.ca/p/libyan-cbu.html.

88 Arnaud Delalande, "Libyan CBU monitoring," AeroHistory blog, 4 February 2017, http://aerohisto.blogspot.fr/p/libyan-cbu.html.

89 Arnaud Delalande, "Libyan CBU monitoring" AeroHistory blog, 3 March 2016, https://aerohisto.blogspot.ca/p/libyan-cbu.html.

containing DPICM-like submunitions against Iraqi government forces near Mosul in February 2017, killing one soldier.[90] The Monitor could not independently verify this evidence and cannot confirm the use. Previously, IS used cluster munition rockets in 2014 during its advance on the Syrian town of Kobane.[91]

UNILATERAL RESTRICTIONS ON USE

Several states outside the Convention on Cluster Munitions have imposed restrictions on the possible future use of cluster munitions.

The US maintains that cluster munitions have military utility, but it has not used them since 2003 in Iraq, with the exception of a single strike in Yemen in 2009. A June 2008 US Department of Defense directive requires that any US use of cluster munitions before 2018 that results in a 1% or higher unexploded ordnance (UXO) rate must be approved by a "Combatant Commander," a high-ranking US military official. After 2018, the US will no longer use cluster munitions that result in more than 1% UXO.

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

NON-STATE ARMED GROUPS

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

Government forces used cluster munitions against NSAGs in Syria and Yemen in the second half of 2016 and into 2017. There were allegations of use by NSAGs in Iraq by IS and Libya by the armed forces of General Hiftar. In the past, NSAG use of cluster munitions has been recorded in Afghanistan (by the Northern Alliance), BiH (by Croat and Serb militias), Croatia (by a Serb militia), Israel (by Hezbollah), Syria (by IS), and Ukraine (by opposition forces).[92]

PRODUCTION OF CLUSTER MUNITIONS

A total of 34 states have developed or produced more than 200 types of cluster munitions, of which 18 ceased manufacturing cluster munitions prior to or upon joining the Convention on Cluster Munitions.[93]

PRODUCERS

Sixteen countries are believed to produce cluster munitions or reserve the right to do so, as listed in the following table. None of these states have joined the Convention on Cluster Munitions. Asia and Europe account for most of producer states, with six and five producers, respectively.

Due to a lack of transparency and available data, it is not clear if cluster munitions were produced in all these countries in 2016 or the first half of 2017. Greece, Romania, Singapore,

90 Nabih Bulos, "Islamic State fires cluster bombs at Iraqi government forces," *Los Angeles Times*, 21 February 2017, bit.ly/IS_Iraq_LATimes.

91 HRW, "Syria: Evidence of Islamic State Cluster Munition Use," 1 September 2014, bit.ly/HRW-ISuseCMinSyra; and 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/Brown_Moses/status/452120358271725568.

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

93 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.

and Turkey have indicated no active production, but the Monitor continues to list them as producers as it is unclear if they have adopted a new policy forswearing any future production of cluster munitions.

On 30 August 2016, CBU-105 manufacturer Textron Systems Corporation announced that it is stopping its production of the weapon, which are manufactured for each sales order in accordance with the delivery schedule.[94] In a filing with the US Securities and Exchange Commission, Textron announced it has discontinued production of the CBU-105 because of reduced orders, stating that "the current political environment has made it difficult" to obtain sales approvals from the executive branch and Congress.[95] While the US government has yet to prohibit US production of cluster munitions, Textron's announcement marks the effective end of US cluster munition production as it was the last manufacturer of these weapons.[96]

Cluster munition producers

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

Previously, in November 2015, the private company Singapore Technologies Engineering (STE) announced that it has ceased production of cluster munitions.

The Monitor will continue to list Singapore and the US as producers until they formally commit to not acquire cluster munitions from their domestic industry.

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

- South Korea in 2008 issued a directive requiring that in the future it would only acquire cluster munitions with self-destruct mechanisms and a 1% or lower failure rate.[97]
- According to US policy, cluster munitions produced after 2005 must have a UXO rate of less than 1%.[98]

FORMER PRODUCERS

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

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

Several States Parties have provided information on the conversion or decommissioning of production facilities in their Article 7 transparency reports, including France, Japan, Slovakia,

Former producers of cluster munitions

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

94 "Last US cluster-bomb maker to cease production," *AFP*, 1 September 2016, bit.ly/AFPLastUSCluster.

95 Majorie Censer, "Textron to discontinue production of sensor-fuzed weapon," *Inside Defense*, 30 August 2016, bit.ly/TextronDiscontinue.

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

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

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

Sweden, and Switzerland.[99]

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.[100]

Since joining the Convention on Cluster Munitions, no State Party is known to have transferred cluster munitions other than for the purposes of stockpile destruction or for research and training purposes.[101] States Parties Chile, France, Germany, Moldova, Slovakia, Spain, and the UK exported cluster munitions before they adopted the Convention on Cluster Munitions.

While the historical record is incomplete and there are large variations in publicly available information, the US has probably been the world leader in exports, having transferred hundreds of thousands of cluster munitions containing tens of millions of submunitions to at least 30 countries and other areas.[102] 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.[103] The full extent of China's exports of cluster munitions is not known, but unexploded submunitions of Chinese origin have been found in Iraq, Israel, Lebanon, and Sudan.

Non-signatories Brazil, Israel, South Korea, Turkey, Ukraine, and the US are known to have exported cluster munitions since 2000. In May 2016, the Obama administration suspended transfers of US cluster munitions to Saudi Arabia after reports of their use in civilian areas of Yemen.[104]

Non-signatories Georgia, India, Oman, Pakistan, Saudi Arabia, Singapore, South Korea, Taiwan, Turkey, and the UAE are among the recipients of cluster munitions exports since 2005.

At least two states that have not joined the Convention on Cluster Munitions have enacted a partial or complete export moratorium: Singapore and the US.

99 Belgium, Croatia, Germany, Italy, the Netherlands, Spain, and the UK did not report on the conversion or decommissioning of production facilities, most likely because production of cluster munitions ceased before they became States Parties to the convention. BiH, which inherited the production capacity of former Yugoslavia, has declared, "There are no production facilities for [cluster munitions] in Bosnia and Herzegovina." BiH, Convention on Cluster Munitions Article 7 Report, Form E, 20 August 2011, bit.ly/BihCCMArt7-20Aug2011.

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

101 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.

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

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

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

STOCKPILES OF CLUSTER MUNITIONS AND THEIR DESTRUCTION

Countries that have stockpiled cluster munitions[105]

States Parties	Signatories	Non-signatories	
Afghanistan	*Angola*	*Algeria*	*UAE*
Austria	Cent. African Rep.	Argentina	*United States*
Belgium	*Cyprus*	*Azerbaijan*	*Uzbekistan*
BiH	*Indonesia*	*Bahrain*	*Venezuela*
Botswana	*Nigeria*	*Belarus*	*Yemen*
Bulgaria		*Brazil*	*Zimbabwe*
Cameroon		*Cambodia*	
Canada		*China*	
Chile		*Egypt*	
Colombia		*Eritrea*	
Congo, Rep. of		*Estonia*	
Côte d'Ivoire		*Ethiopia*	
Croatia		*Finland*	
Cuba		*Georgia*	
Czech Republic		*Greece*	
Denmark		*India*	
Ecuador		*Iran*	
France		*Israel*	
Germany		*Jordan*	
Guinea		*Kazakhstan*	
Guinea-Bissau		*Korea, North*	
Honduras		*Korea, South*	
Hungary		*Kuwait*	
Iraq		*Libya*	
Italy		*Mongolia*	
Japan		*Morocco*	
Macedonia FYR		*Oman*	
Moldova		*Pakistan*	
Montenegro		*Poland*	
Mozambique		*Qatar*	
Netherlands		*Romania*	
Norway		*Russia*	
Peru		*Saudi Arabia*	
Portugal		*Serbia*	
Slovakia		*Singapore*	
Slovenia		*Sudan*	
South Africa		*Syria*	
Spain		*Thailand*	
Sweden		*Turkey*	
Switzerland		*Turkmenistan*	
United Kingdom		*Ukraine*	
41 (13 current)	**5 (4 current)**	**47 (46 current)**	

Note: Countries in *italics* still possess stockpiles.

105 This information is drawn from Cluster Munition Monitor Ban policy country profiles, which in turn use information provided by states in the transparency reports, statements, and other outlets. This year Cluster Munition Monitor has added Cameroon and Cyprus to the list of countries that stockpile cluster munitions while Slovenia's status has been changed back to current possession, as detailed in the Stockpile destruction section of this overview.

Cluster munitions declared by States Parties[106]

State Party	Quantity of cluster munitions	Quantity of submunitions
Austria	12,672	798,336
Belgium	115,210	10,138,480
BiH	445	148,059
Botswana	510	12,900
Bulgaria	6,909	173,161
Cameroon	6	906
Canada	13,623	1,361,958
Chile	249	25,896
Colombia	72	10,832
Côte d'Ivoire	68	10,200
Croatia	7,235	178,318
Cuba	1,856	0
Czech Rep.	480	16,400
Denmark	42,176	2,440,940
Ecuador	117	17,199
France	34,856	14,916,881
Germany	573,700	62,923,935
Hungary	287	3,954
Italy	4,963	2,849,979
Japan	14,011	2,027,907
Macedonia FYR	2,426	39,980
Moldova	1,385	27,050
Montenegro	353	51,891
Mozambique	293	12,804
Netherlands	193,643	25,867,510
Norway	52,190	3,087,910
Peru	2,005	152,982
Portugal	11	1,617
Slovakia	1,235	299,187
Slovenia	1,080	52,920
Spain	6,837	293,652
Sweden	370	20,595
Switzerland	205,894	12,203,035
United Kingdom	190,828	38,758,898
Total	**1,487,995**	**178,926,272**

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

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

GLOBAL STOCKPILES

The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 91 countries stockpiled millions of cluster munitions containing more than one billion submunitions, as shown in the table on page 26.[107] At least 30 of these countries have now destroyed their stockpiled cluster munitions, while 13 States Parties to the convention still have stocks to destroy.

Stockpiles possessed by States Parties

A total of 41 States Parties have stockpiled cluster munitions at some point in time, of which 28 have now completed destruction of those stocks.

According to available information, at one point 32 States Parties stockpiled nearly 1.5 million cluster munitions containing more than 178 million submunitions, as shown in the table on page 27.

Two more States Parties have been added to this table since *Cluster Munition Monitor 2016*, after they declared cluster munition stocks in their Article 7 reports:

- Cuba reported a stockpile in March 2017 of 1,856 air-dropped cluster munitions of Soviet origin and an unspecified quantity of submunitions.[108]
- Cameroon reported a stockpile of six BLG-66 Belouga cluster bombs made in France containing 906 submunitions.[109]

Five States Parties that have or are believed to stockpile cluster munitions are not listed in the table above due to insufficient information. Republic of the Congo, Guinea, Guinea-Bissau, and South Africa have yet to formally report the status of stockpiled cluster munitions by providing initial Article 7 transparency reports. Honduras submitted its report on 8 March 2017, but did not report the stockpile it has destroyed, probably because it destroyed the cluster munitions prior to entry into force.[110]

Afghanistan and Iraq have reported the completion of stockpile destruction, but did not provide a specific date of completion or information on types and quantities destroyed. Both countries continue to report the discovery and destruction of stocks of cluster munitions believed to have been abandoned in arms caches.

States Parties that never stockpiled

A total of 47 States Parties have confirmed never stockpiling cluster munitions, most through a direct statement in their transparency report for the convention.[111] Since September 2016, Bolivia, Mauritius, and Niger have submitted initial transparency reports confirming they have never possessed any stockpiled cluster munitions.

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107 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.

108 Cuba, Convention on Cluster Munitions Article 7 Report, Form B, 30 March 2017, bit.ly/CCMArt7database. From the information provided by Cuba, it is not possible at this point to determine the quantity of explosive submunitions contained in the types stockpiled.

109 Cameroon, Convention on Cluster Munitions Article 7 Report, Form B, August 2014, bit.ly/CCMArt7database. Cameroon's 2014 and 2015 transparency reports containing this information do not appear to have been uploaded to the UN website until 2016. An internet archiving service shows that the UN database of Convention on Cluster Munitions transparency reports did not have any reports for Cameroon until August 2016. See, bit.ly/WayBackCCMArt7.

110 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.

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

Stockpiles possessed by signatories

At least five signatories to the Convention on Cluster Munitions have stockpiled cluster munitions:

- Angola stated in 2010 that its entire stockpile had been destroyed and its armed forces no longer possessed cluster munitions, but it has yet to make an official declaration that all stocks of cluster munitions were destroyed.[112]
- 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.[113]
- Cyprus transferred 3,760 GRM 20 mortar projectiles and 2,559 M20G submunitions to State Party Bulgaria in 2014 for stockpile destruction, which has not yet commenced according to Bulgaria.[114]
- Indonesia has acknowledged stockpiling cluster munitions, but has not disclosed information on the types and quantities possessed.
- A Nigerian official said in 2012 that its armed forces stockpile BL755 cluster bombs.[115] In October 2015, Nigeria alleged that Boko Haram has been using BLG-66 cluster munitions recovered from arms caches.[116]

Stockpiles possessed by non-signatories

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

In 2011, the US said its stockpile was comprised of "more than 6 million cluster munitions."[117] 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.[118]

Georgia completed the destruction of 844 RBK-series cluster bombs containing 320,375 submunitions in 2013; it used Israeli-made cluster munition rockets during the 2008

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

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

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

115 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.

116 "Boko Haram has cluster bombs: Nigeria's DHQ," *The News Nigeria*, 8 October 2015, bit.ly/BokoHarmClusters2015.

117 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.

118 A June 2008 US Department of Defense directive guides US policy on cluster munitions. Secretary of Defense Robert M. Gates, "Memorandum for the Secretaries of the Military Departments, Subject: DOD Policy on Cluster Munitions and Unintended Harm to Civilians," 19 June 2008, bit.ly/USMemo19Jun2008. There is a lack of detailed information on the demilitarization process, including the number and types destroyed, but according to a December 2015 US Army presentation there are currently 136,000 tons of cluster munitions in the demilitarization account. It did not indicate the type, but described the munitions as "rounds" which indicates artillery-delivered DPICM. According to the presentation, an additional 272,000 tons "remain in service accounts which would require disposal." Rickey Peer, US Army, "Joint Munitions Command (JMC) Overview, Conventional Ammunition Demil Program," Global Demil Symposium, 8 December 2015, slide 5, www.dtic.mil/ndia/2015demil/Peer.pdf.

conflict with Russia.[119] Greece and Ukraine have disclosed partial figures on their respective stockpiles of cluster munitions.[120]

STOCKPILE DESTRUCTION

Cluster munitions destroyed by States Parties (as of 31 December 2016)[121]

State Party (year completed)	Cluster munitions	Submunitions
Austria (2010)	12,672	798,336
Belgium (2010)	115,210	10,138,480
BiH (2011)	441	147,967
Canada (2014)	13,623	1,361,958
Chile (2013)	249	25,896
Colombia (2009)	72	10,832
Côte d'Ivoire (2013)	68	10,200
Croatia	798	38,030
Czech Republic (2010)	400	16,400
Denmark (2014)	42,176	2,440,940
Ecuador (2004)	117	17,199
France (2016)	34,876	14,916,881
Germany (2015)	573,700	62,923,935
Hungary (2011)	287	3,954
Italy (2015)	4,963	2,849,979
Japan (2015)	14,011	2,027,907
Macedonia FYR (2013)	2,426	39,980
Moldova (2010)	1,385	27,050
Montenegro (2010)	353	51,891
Mozambique (2015)	293	12,804
Netherlands (2012)	193,643	25,867,510
Norway (2010)	52,190	3,087,910
Portugal (2011)	11	1,617
Slovakia	255	16,216
Slovenia	1,080	0

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

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

121 Before the convention took effect, Belgium, Colombia, Germany, Netherlands, Switzerland, and the UK destroyed a total of 713,049 cluster munitions containing more than 78 million submunitions. The numbers of munitions reported destroyed by these countries prior to entry into force are included in this table. See the relevant Monitor country profiles for more information.

Spain	5,431	246,687
Sweden (2015)	370	20,595
Switzerland	177,152	9,879,347
UK (2013)	190,828	38,758,898
Total	**1,439,080**	**175,739,399**

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

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

The convention's States Parties have collectively destroyed 1.4 million cluster munitions containing more than 175 million submunitions, as shown in the above table.[122] This represents the destruction of 97% of the total reported global stocks of cluster munitions and 98% of the total number of submunitions declared by States Parties.

Destruction completed

All States Parties that have completed destruction of their cluster munitions stocks did so well in advance of the convention's eight-year deadline. With more than half a million cluster munitions, Germany reported the highest number of stocks of any State Party, but destroyed them all more than two years in advance of its 1 August 2018 deadline.[123]

Of the 28 States Parties that have completed destruction of their stockpiled cluster munitions, four destroyed their stocks before the convention's August 2010 entry into force: Ecuador in 2004, Colombia in 2009, and Moldova and Norway in July 2010.

In the period since then, 20 States Parties have completed their stockpile destruction obligation under the convention:

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

No States Parties completed the destruction of their cluster munition stocks in the second half of 2016 or first half of 2017.

States Parties Afghanistan, Republic of the Congo, Honduras, and Iraq report or state that they have completed stockpile destruction, but did not specify the date of completion or the total quantity destroyed.[124]

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

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

124 The Republic of the Congo informed States Parties in 2011 that it had no stocks of cluster munitions, but has not provided its transparency report, originally due in August 2015. Statement of Republic of the Congo, Convention on Cluster Munitions Second Meeting of States Parties, Beirut, 15 September 2011, www.clusterconvention.org/files/2011/09/cl_congo.pdf. In 2011, clearance personnel destroyed cluster munitions remnants and PTAB-2.5M and AO-1SCh submunitions from an arms depot that was bombed during the 1997–1998 conflict. Cluster munitions were also apparently part of weapons stockpiles destroyed in 2008–2010 with the assistance of UK-based humanitarian demining organization Mines Advisory Group (MAG).

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	173,973	27
2013	10	130,380	24
2014	8	121,585	16.4
2015	9	79,184	8.7
2016	3	56,171	2.8

Destruction underway

During 2016, three States Parties destroyed 56,171 cluster munitions and nearly 2.8 million submunitions, as shown in the following table.

Cluster munitions destroyed by States Parties in 2016

State Party	Cluster munitions destroyed	Submunitions destroyed
Slovakia	92	4,550
Spain	669	14,040
Switzerland	55,410	2,752,193
Total	**56,171**	**2,770,783**

Three States Parties are in the process of stockpile destruction:

- Slovakia destroyed 163 cluster munitions and 11,666 submunitions prior to the convention's 1 January 2016 entry into force for the country and destroyed a futher 92 cluster munitions and 4,550 submunitions in 2016.[125] This represents nearly 21% of its total declared stocks of cluster munitions and 5% of the submunitions. Slovakia is on track to complete destruction well in advance of its 1 January 2024 deadline.
- Spain reported in April 2017 a revised stockpile total of 2,095 MAT-120 cluster munitions and 61,005 submunitions.[126] It destroyed 669 cluster munitions and 14,040 submunitions in 2016 and has committed to destroy the remaining stocks by its 1 August 2018 deadline.
- Switzerland is on track to complete destruction in 2018, in advance of its 1 January 2021 deadline. By the end of 2016, Switzerland had destroyed a total of 177,152 cluster munitions and 9,879,347 submunitions, which represents 86% of its original stockpile of cluster munitions and nearly 81% of its original stockpile of submunitions.

125 Slovakia, Convention on Cluster Munitions Article 7 Report, Form B, 28 April 2017, bit.ly/CCMArt7database.

126 It explained that a review of the stocks found that only 21 projectiles were "functional" and that the rest were comprised of components that, if assembled, would total 2,095 cluster munitions. Spain, Convention on Cluster Munitions Article 7 Report, Form B, 30 April 2017, bit.ly/CCMArt7database.

Ten States Parties with cluster munition stockpiles did not destroy any in the reporting period:

- In April 2017, Botswana reported that it has requested assistance from Norwegian People's Aid to destroy its stockpiled cluster munitions
- Bulgaria reported in June 2017 that a stockpile destruction program by the Bulgarian Armed Forces, managed by the NATO Support and Procurement Agency, was suspended in January 2017 because Expal Bulgaria, the contractor selected, "could not meet the criteria for authorization under the Bulgarian legislation."[127] Bulgarian authorities are now exploring "new options for the destruction of the cluster munitions" by the country's 1 October 2019 deadline.
- Cameroon has not indicated if it has a plan in place to destroy its stockpile of cluster munitions by its 1 January 2021 deadline.[128]
- Croatia's stockpile destruction deadline is 1 August 2018. It did not destroy any cluster munition stocks in 2016 after making progress on its stockpile destruction in 2015.[129]
- Cuba reported a stockpile in its initial transparency report, provided in March 2017.[130] It has committed to destroy the stocks by its 1 October 2026 deadline in accordance with relevant environmental and safety measures and applicable national and international standards and procedures.
- Guinea is believed to stockpile cluster munitions, but has not provided its Article 7 transparency report for the convention, originally due in September 2015.
- Guinea-Bissau has requested financial and technical assistance to destroy its stockpiled cluster munitions by the 1 May 2019 deadline. It still has not submitted a transparency report for the convention—due in 2011—listing the types and quantities.[131]
- Peru completed a "preparation and testing" phase for stockpile destruction in May 2016.[132] It stated in June 2017 that Norwegian People's Aid is scheduled to visit the country in August 2017 to provide a training on how to safely destroy the stocks and then the destruction process will begin so that it can be completed by the 1 March 2021 deadline.[133]
- Slovenia reported the completion of its stockpile destruction in 2011, but the Monitor has listed it as a stockpiler again after Bulgaria reported that 41,825 PAT794 submunitions transferred from Slovenia for stockpile destruction are still

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

128 Cameroon, Convention on Cluster Munitions Article 7 Report, Form B, August 2014, bit.ly/CCMArt7database.

129 Croatia, Convention on Cluster Munitions Article 7 Reports, Form B, 9 May 2016, and 19 May 2017, bit.ly/CCMArt7database.

130 Cuba, Convention on Cluster Munitions Article 7 Report, Form B, 30 March 2014, bit.ly/CCMArt7database.

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

132 Statement of Peru, Convention on Cluster Munitions Sixth Meeting of States Parties, Geneva, 6 September 2016, www.clusterconvention.org/wp-content/uploads/2016/04/Peru-1.pdf; and Convention on Cluster Munitions Article 7 Report, Form B, 2017, bit.ly/CCMArt7database.

133 Presentation of Peru, South East Europe regional seminar on the Country Coalition Concept, Rakitje, Croatia, 12–13 June 2017, www.clusterconvention.org/wp-content/uploads/2017/06/08.-Peru.pdf.

on Bulgarian territory and held by the company EXPAL Bulgaria.[134]

- South Africa has not submitted its initial Article 7 transparency report for the convention, originally due by 29 April 2016. In September 2016, South Africa told States Parties that it has a "small stockpile of aircraft-delivered cluster bombs and artillery-delivered cluster shells."[135] It said that these stocks have been taken out of commission and "ring-fenced for planned disposal," which it said it hoped to commence in the coming months.

RETENTION

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

The CMC questioned the need for this provision when the convention was negotiated, as it saw no compelling reason to retain live cluster munitions and explosive submunitions for research and training purposes. In their transparency reports, statements and letters, and implementation legislation, most States Parties have expressed the view that there is no need to retain any live cluster munitions or explosive submunitions for training in detection, clearance, and destruction techniques, or for the development of counter-measures. This includes 21 States Parties that have stockpiled cluster munitions.[136]

Despite this, 11 States Parties—all from Europe—are retaining cluster munitions for training and research purposes, as shown in the following table. The quantity retained at the end of calendar year 2016 and quantity and types used or "consumed" for permitted purposes in this period are listed in the following table, which also notes the initial quantity of cluster munitions retained.

134 Bulgaria, Convention on Cluster Munitions Article 7 Report, Form B, 18 May 2016. In the 2017 report, Bulgaria stated that: "As it was previously declared, due to wrong interpretation of the CCM provisions by the private company 'EXPAL BULGARIA' JSC some 41825 submunitions, owned by the Armed Forces of the Republic of Slovenia, are stockpiled in the company's warehouses. In January 2017, a Slovenian delegation inspected the warehouses of 'EXPAL BULGARIA' JSC and the remaining submunitions. 'EXPAL BULGARIA' JSC has undertaken the necessary procedure to obtain a permission to destroy these cluster submunitions." Bulgaria, Convention on Cluster Munitions Article 7 Report, Form B, 29 June 2017, bit.ly/CCMArt7database.

135 Statement of South Africa, Convention on Cluster Munitions Sixth Meeting of States Parties, Geneva, September 2016, www.clusterconvention.org/wp-content/uploads/2016/04/South-Africa.pdf.

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

Cluster munitions retained for training (as of 31 December 2016)[137]

State Party	Quantity of cluster munitions (submunitions)			Date of initial report
	Retained in 2016	Consumed in 2016	Initially retiained	
Germany	409 (32,096)	28 (2,465)	685 (62,580)	2011
Netherlands	274 (23,901)	0	272 (23,545)	2011
Belgium	226 (19,888)	0	276 (24,288)	2011
Spain	115 (2,888)	177 (3,717)	711 (16,652)	2011
Switzerland	52 (2,640)	54 (2,674)	138 (7,346)	2013
Slovakia	5 (3,220)	0	5 (3,220)	2015
France	3 (190)	6 (3,898)	55 (10,284)	2011
Italy	3 (641)	0	3 (641)	2012
Denmark	0 (3,634)	0	170 (-)	2011
Czech Rep.	0 (37)	0 (12)	0 (796)	2011
Sweden	0 (125)	0	0 (125)	2013

Germany remains the State Party with the highest number of retained cluster munitions, but it again reduced the total number after consuming the retained cluster munitions during explosive ordnance disposal (EOD) training in 2016. Czech Republic, France, Spain, and Switzerland also reduced the number of cluster munitions retained for training in 2016.

Switzerland reported a significantly reduced number of retained cluster munitions in April 2017, but it did not report if the cluster munitions were consumed in the course of training or destroyed as part of its ongoing stockpile destruction process.[138]

Italy, the Netherlands, Slovakia, and Sweden have yet to consume any of their retained cluster munitions.[139]

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

Most States Parties retaining cluster munitions for training have significantly reduced the number retained since making their initial declarations. This would indicate that the initial amounts retained were likely too high, but it is still not clear if current holdings constitute the "minimum number absolutely necessary" as required by the convention for the permitted purposes.

States Parties Australia and the UK initially retained cluster munitions, but have since destroyed and not replaced them. Some States Parties that have stockpiled cluster munitions—Chile, Croatia, and Moldova—have declared the retention of inert items that have been rendered free from explosives and no longer qualify as cluster munitions or submunitions under the convention.

137 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.

138 Switzerland, Convention on Cluster Munitions Article 7 Report, Form C, 30 April 2017, bit.ly/CCMArt7database.

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

TRANSPARENCY REPORTING

Under Article 7 of the Convention on Cluster Munitions, States Parties are obliged to submit an initial transparency report within 180 days of the convention taking effect for that country. An updated report is due by 30 April each year thereafter, covering activities in the previous calendar year. The CMC encourages states to submit their transparency reports by the deadline and provide complete information, including definitive statements.[140]

According to the UN Office of Disarmament Affairs website, a total of 82 States Parties have submitted an initial transparency report for the convention as of 30 July 2017.[141] This represents 82% of States Parties for which the obligation applied at that time. This is almost the same rate of compliance as the previous year.[142]

Colombia, Cuba, Honduras, Mauritius, and Niger have provided initial transparency reports since the convention's Sixth Meeting of States Parties in September 2016. Two States Parties have transparency reporting deadlines pending in 2018: Madagascar is due by 30 April, while Benin is due by 30 June.

A total of 18 States Parties have missed the deadline to submit their initial transparency reports, as listed in the table (right).

As of 30 June 2017, a total of 50 States Parties have submitted their annual updated transparency report covering activities in 2016.[143] Twenty-seven States Parties have yet to submit their annual updated reports, which

Overdue initial Article 7 reports (as of 30 June 2017)

State Party	Orignal Deadline
Belize	28 August 2015
Cape Verde	28 September 2011
Comoros	30 June 2011
Republic of Congo	28 August 2015
Cook Islands	30 July 2012
Dominican Republic	28 November 2012
Fiji	30 April 2011
Guinea	19 April 2015
Guinea-Bissau	28 October 2011
Guyana	27 September 2015
Iceland	31 July 2016
Nauru	28 January 2014
Palestine	27 December 2015
Rwanda	31 July 2016
Somalia	31 August 2016
South Africa	29 April 2016
Togo	29 May 2013
Tunisia	28 August 2011

140 A small number of states are not providing definitive statements throughout their reports. Notably, some simply submit "not applicable" in response to particular information requests. States should, for example, include a short narrative statement on Form E on conversion of production facilities, i.e., "Country X never produced cluster munitions," instead of simply putting "N/A" on the form. In addition, only a small number of states used voluntary Form J.

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

142 *Cluster Munition Monitor 2016* reported an 82% compliance rate for initial transparency reporting, while *Cluster Munition Monitor 2015* reported 80% compliance. The 2015–2017 compliance rate is an improvement on the 77% compliance rate reported by *Cluster Munition Monitor 2014*, and the "three-quarters" compliance rate recorded by *Cluster Munition Monitor 2012* and *Cluster Munition Monitor 2013*.

143 Afghanistan, Albania, Australia, Austria, Belgium, BiH, Botswana, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Holy See, Hungary, Iraq, Italy, Japan, Lao PDR, Lebanon, Liechtenstein, Lithuania, Luxembourg, Macedonia FYR, Mauritania, Mauritius, Mexico, Moldova, Montenegro, Netherlands, New Zealand, Norway, Peru, Portugal, San Marino, Senegal, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the UK, and Zambia.

were due by 30 April 2017.[144]

Prior to ratifying, Canada provided voluntary transparency reports for the convention in 2011–2014, while Palau provided reports in 2011 and 2016. DRC submitted voluntary reports in 2011, 2012, and 2014.

A small number of states have used voluntary Form J to report on actions to promote universalization and discourage use of cluster munitions, list cooperation and assistance support, or report on other important matters such as their position on interpretive issues.[145]

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

A total of 27 States Parties have enacted specific legislative measures to implement the convention's provisions, as listed in the table below. Some enacted legislation prior to ratifying or acceding to the convention, often by combining the legislative approval process for both implementation and ratification/accession. A total of 11 states enacted implementing legislation prior to the convention's August 2010 entry into force and 16 states have done so since then.

No States Parties adopted implementing legislation for the convention in the second half of 2016 or first half of 2017. The last country to enact implementing legislation for the convention was Mauritius in June 2016.

States with implementation laws for the Convention on Cluster Munitions

Before entry into force in August 2010 (year enacted)	Since entry into force (year enacted)
Austria (2008)	Australia (2012)
Belgium (2006)	Bulgaria (2015)
Ecuador (2010)	Canada (2014)
France (2010)	Cook Islands (2011)
Germany (2009)	Czech Republic (2011)
Ireland (2008)	Guatemala (2012)
Japan (2009)	Hungary (2012)
Luxembourg (2009)	Iceland (2015)
New Zealand (2009)	Italy (2011)
Norway (2008)	Liechtenstein (2013)
UK (2010)	Mauritius (2016)
	Samoa (2012)
	Spain (2015)
	Sweden (2012)
	Switzerland (2012)
	Togo (2015)

144 Andorra, Antigua and Barbuda, Burkina Faso, Burundi, Cameroon, Chad, Chile, Côte d'Ivoire, Ghana, Grenada, Ireland, Lesotho, Malawi, Mali, Malta, Monaco, Mozambique, Nicaragua, Panama, Paraguay, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Trinidad and Tobago, and Uruguay.

145 Austria, Belgium, Colombia, DRC, France, Guatemala, Ireland, Japan, Lao PDR, Lebanon, New Zealand, Norway, Slovakia, Spain, and Zambia have utilized Form J in their initial Article 7 transparency reports.

146 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. See, bit.ly/CCMModelLeg.

LEGISLATION UNDER CONSIDERATION

At least 24 States Parties have stated that they are planning or are in the process of drafting, reviewing, or adopting specific legislative measures to implement the convention: Afghanistan, Antigua and Barbuda, Belize, Botswana, Burkina Faso, Burundi, Cameroon, Chad, Colombia, Republic of the Congo, Côte d'Ivoire, Ghana, Grenada, Lao PDR, Lebanon, Lesotho, Malawi, Mali, Niger, Seychelles, Sierra Leone, South Africa, Swaziland, and Zambia.

EXISTING LAW DEEMED SUFFICIENT

At least 32 States Parties have indicated that their existing laws will suffice to enforce their adherence to the convention: Albania, Andorra, BiH, Chile, Costa Rica, Cuba, Croatia, Denmark, El Salvador, Guinea-Bissau, Holy See, Iraq, Lithuania, Macedonia FYR, Malta, Mauritania, Mexico, Moldova, Montenegro, Netherlands, Nicaragua, Palau, Paraguay, Peru, Portugal, San Marino, Senegal, Slovakia, Slovenia, Tunisia, Trinidad and Tobago, and Uruguay.

In the reporting period:

- Cuba reported sufficient existing legislation to ensure adherence to the convention in its initial Article 7 transparency report in March 2017.
- New Zealand reported new policy that requires investors to disclose lists of individual assets to help ensure that the funds are not used for production of cluster munitions.
- Switzerland adapted the Swiss Criminal Code and Military Criminal Code to criminalize the use of prohibited weapons as a war crime.

STATUS UNKNOWN

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

INTERPRETIVE ISSUES

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

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

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 21 July 2016, more than three-dozen States Parties had not

articulated their views on even one of these interpretive issues.[147]

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.[148]

INTEROPERABILITY AND THE PROHIBITION ON ASSISTANCE

Article 1 of the convention obliges States Parties "never under any circumstances to…assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention." Yet during the Oslo Process, some states expressed concern about the application of the prohibition on assistance during joint military operations with countries that have not joined the convention. In response to these "interoperability" concerns, Article 21 on "Relations with States not Party to this Convention" was included in the convention. The CMC has strongly criticized Article 21 for being politically motivated and for leaving a degree of ambiguity about how the prohibition on assistance would be applied in joint military operations.

Article 21 states that States Parties "may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party." It does not, however, negate a State Party's obligations under Article 1 to "never under any circumstances" assist with prohibited acts. The article also requires States Parties to discourage use of cluster munitions by those not party and to encourage them to join the convention. Together, Article 1 and Article 21 should have a unified and coherent purpose, as the convention cannot both require States Parties to discourage the use of cluster munitions and, by implication, allow them to encourage it. Furthermore, to interpret Article 21 as qualifying Article 1 would run counter to the object and purpose of the convention, which is to eliminate cluster munitions and the harm they cause to civilians.

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

At least 37 States Parties and signatories have agreed that the convention's Article 21 provision on interoperability should not be read as allowing states to avoid their specific obligation under Article 1 to prohibit assistance with prohibited acts.[149]

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

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

148 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.

149 At least 37 States Parties and signatories have previously stated their agreement with this view: Austria, Belgium, BiH, Bulgaria, Burundi, Cameroon, Chile, Colombia, Costa Rica, Croatia, Czech Republic, DRC, Ecuador, Germany, Ghana, Guatemala, Holy See, Hungary, Iceland, Ireland, Lao PDR, Lebanon, Madagascar, Malawi, Mali, Mauritius, Mexico, Montenegro, New Zealand, Nicaragua, Norway, Portugal, Senegal, Slovenia, Sweden, Switzerland, and Togo. See, CMC, *Cluster Munition Monitor 2012* (Geneva: ICBL-CMC, August 2012), pp. 34–35; CMC, *Cluster Munition Monitor 2011* (Ottawa: Mines Action Canada, October 2011), pp. 25–27; ICBL, *Cluster Munition Monitor 2010* (Ottawa: Mines Action Canada, October 2010), pp. 20–21; and HRW and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice* (Ottawa: Mines Action Canada, May 2009), pp. 25–26. See also, HRW and Harvard Law School's International Human Rights Clinic, "Staying Strong," pp. 19–23, bit.ly/StayingStrong2014.

may be overridden by the interoperability provisions contained in Article 21:

- Australia's Criminal Code Amendment (Cluster Munitions Prohibition) Act 2012 has been heavily criticized for allowing Australian military personnel to assist with cluster munition use by states not party. Section 72.41 of Australia's implementing legislation "provides a defence to the offence provisions where prohibited conduct takes place in the course of military cooperation or operations with a foreign country that is not a party to the Convention."[150] During joint or coalition military operations, Australian Defence Force personnel could help plan operations or provide intelligence for, and/or contribute logistical support to coalition members during which a state not party uses cluster munitions.[151]
- Canada's Prohibiting Cluster Munitions Act 2014 has elicited similar criticism for its provisions allowing Canadian Armed Forces and public officials to "direct or authorize" an act that "may involve" a state not party performing activities prohibited under the convention during joint military operations.[152] In March 2015, the Chief of Defence Staff issued a directive to "provide direction on prohibited and permitted activities to [Canadian Armed Forces] personnel who might become involved in cluster munition related activities."[153]
- Japan has been reluctant to publicly discuss its interpretation of Article 21.[154] However, in a June 2008 State Department cable, a senior Japanese official apparently told the US that Japan interprets the convention as enabling the US and Japan to continue to engage in military cooperation and conduct operations that involve US-owned cluster munitions.[155]
- The UK's 2010 implementation law permits assistance with a number of acts prohibited under the convention if the assistance occurs during joint military operations.[156] In addition, the UK stated in 2011 that its interpretation of Article 21 is that "notwithstanding the provisions of Article 1 [prohibition on assistance], Article 21(3) allows States Parties to participate in military operations and cooperation with non-States Parties who may use cluster munitions. UK law and operational practice reflect this."[157]

States Parties France, the Netherlands, and Spain have provided the view that Article 21 allows for military cooperation in joint operations, but have not indicated the forms of assistance allowed. Spain's 2015 implementation law establishes that military cooperation and participation in military operations by Spain, its military personnel, or its nationals with states that are not party to the Convention on Cluster Munitions and that use cluster munitions is not prohibited.[158] After Spain's opposition parties called for the draft legislation

150 Bills digest 72 2010–11 on the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010, 1 March 2011, bit.ly/Digest72_2010–11.

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

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

153 Canada, Convention on Cluster Munitions voluntary Article 7 Report, Form A, 29 April 2015, bit.ly/CCMArt7database.

154 At the convention's 2011 intersessional meetings, Japan stated that the use of cluster munitions in joint military operations is "totally under control" and warned the meeting that "we should not discuss Article 21 here while the appropriate military officials are absent." Statement of Japan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 30 June 2011. Notes by the CMC/HRW.

155 "Oslo convention on cluster munitions will not prevent U.S.-Japan military operations," US Department of State cable 08TOKYO1748 dated 25 June 2008, released by Wikileaks on 16 June 2011, https://wikileaks.org/plusd/cables/08TOKYO1748_a.html.

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

157 Statement of the UK, Convention on Cluster Munitions Intersessional Meetings, Geneva, 30 June 2011, bit.ly/UK2011OtherIssues.

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

to prohibit Spain's involvement at all times in military operations with other states that use cluster munitions, the draft legislation was adjusted to incorporate the positive obligations of Article 21(2) of the convention, requiring Spain to work for universalization and to discourage the use of cluster munitions.

TRANSIT AND FOREIGN STOCKPILING

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

At least 33 States Parties and signatories have declared that transit and foreign stockpiling are prohibited by the convention.[159]

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

US stockpiling and transit

States Parties Norway and the UK have confirmed that the US has removed its stockpiled cluster munitions from their respective territories. The UK announced in 2010 that there were "no foreign stockpiles of cluster munitions in the UK or on any UK territory."[160] According to a Norwegian Ministry of Foreign Affairs official, the US removed its stockpiled cluster munitions from Norway in 2010.[161]

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

- A US cable dated December 2008 states, "The United States currently has a very small stockpile of cluster munitions in Afghanistan."[162]

159 Austria, Belgium, BiH, Bulgaria, Burkina Faso, Burundi, Cameroon, Colombia, Comoros, Costa Rica, Croatia, Czech Republic, DRC, Ecuador, France, Germany, Ghana, Guatemala, Holy See, Ireland, Lao PDR, Luxembourg, Macedonia FYR, Madagascar, Malawi, Malta, Mexico, New Zealand, Norway, 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.

160 Section 8 of the UK's legislation states that its foreign secretary may grant authorization for visiting forces of states not party to the Convention on Cluster Munitions to "possess cluster munitions on, or transfer them through, UK territory." In 2011, UK officials stated that the only such authorization given to date was provided by former Foreign Secretary David Miliband to the US Department of State to permit the US to transfer its cluster munitions out of UK territory. Statement by Jeremy Browne, Minister of State, Foreign and Commonwealth Office, House of Commons Debate, Hansard (London: HMSO, 1 November 2011), Column 589W, bit.ly/Browne1Nov2011.

161 According to a Norwegian Ministry of Foreign Affairs official, "After the adoption of the Convention on Cluster Munitions, Norway discussed with the USA the issue of their stockpile of cluster munitions on Norwegian territory. Norway offered to destroy these cluster munitions together with our own stockpiles. However, the USA decided to remove their stocks, something which happened during the spring of 2010." Email from Ingunn Vatne, Senior Advisor, Department for Human Rights, Democracy and Humanitarian Assistance, Royal Norwegian Ministry of Foreign Affairs, 1 August 2012. According to a 2008 US cable, the US stockpile in Norway apparently consisted of "2,544 rounds" of "D563 Dual Purpose Improved Conventional Munitions (DPICM)" and "2,528 rounds" of "D864 Extended Range Dual Purpose ICM." See, "Norway raises question concerning U.S. cluster munitions," US Department of State cable 08OSLO676 dated 17 December 2008, released by Wikileaks on 1 September 2011, https://wikileaks.org/plusd/cables/08OSLO676_a.html.

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

- Germany has not expressed clear views on the convention's prohibition on foreign stockpiling of cluster munitions, but according to a December 2008 cable, it has engaged with the US on the matter of cluster munitions that may be stockpiled by the US in Germany.[163]
- Italy, Spain, and Qatar were identified by the US in a November 2008 cable as "states in which the US stores cluster munitions," even though apparently Qatar "may be unaware of US cluster munitions stockpiles in the country."[164] In its initial report for the convention Spain reported that it was informing non-signatories which it cooperates with in joint military operations of its international obligations prohibiting stockpiling of prohibited weapons on territory under its jurisdiction or control.[165]
- Japan maintains that US military bases in Japan are under US jurisdiction and control, so the possession of cluster munitions by US forces does not violate the national law or the convention. A December 2008 cable states that Japan "recognizes U.S. forces in Japan are not under Japan's control and hence the GOJ [government of Japan] cannot compel them to take action or to penalize them."[166]
- According to a cable detailing the inaugural meeting on 1 May 2008 of the "U.S.-Israeli Cluster Munitions Working Group (CMWG)," until US cluster munitions are transferred from the War Reserve Stockpiles for use by Israel in wartime, "they are considered to be under U.S. title, and U.S. legislation now prevents such a transfer of any cluster munitions with less than a one percent failure rate."[167]
- According to a May 2007 cable, the US may store cluster munitions in Kuwait.[168]

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

163 A US cable dated 2 December 2008 citing a discussion between US officials and Gregor Köbel, then-Director of the Conventional Arms Control Division of the German Federal Foreign Office, states "Koebel stressed that the US will continue to be able to store and transport CM in Germany, noting that this should be of 'no concern whatsoever to our American colleagues.'" "MFA gives reassurances on stockpiling of US cluster munitions in Germany," US Department of State cable 08BERLIN1609 dated 2 December 2008, released by Wikileaks on 1 September 2011, https://wikileaks.org/plusd/cables/08BERLIN1609_a.html. See also, "Demarche to Germany Regarding Convention on Cluster Munitions," US Department of State cable 08STATE125631 dated 26 November 2008, released by Wikileaks on 1 September 2011, https://wikileaks.org/plusd/cables/08STATE125631_a.html.

164 The cable states, "Rome should note that cluster munitions are stored at Aviano and Camp Darby." "Demarche to Italy, Spain and Qatar Regarding Convention on Cluster Munitions," US Department of State cable 08STATE125632 dated 26 November 2008, released by Wikileaks on 30 August 2011, https://wikileaks.org/plusd/cables/08STATE125632_a.html.

165 Spain, Convention on Cluster Munitions Article 7 Report, Forms A and J, 27 January 2011, bit.ly/CCMArt7database.

166 "Consultations with Japan on implementing the Oslo convention on cluster munitions," US Department of State cable 08TOKYO3532 dated 30 December 2008, released by Wikileaks on 1 September 2011, https://wikileaks.org/plusd/cables/08TOKYO3532_a.html.

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

168 The cable contains the text of a message sent from a US military advisor to UAE authorities concerning a transfer of "ammunition immediately via US Air Force aircraft from Kuwait stockpile to Lebanon." With respect to the items to be transferred, the cable states: "The United States will not approve any cluster munitions or white phosphorus." See, "Follow-up on UAE response to Lebanese request for emergency aid," US Department of State cable 07ABUDHABI876 dated 24 May 2007, released by Wikileaks on 1 September 2011, https://search.wikileaks.org/plusd/cables/07ABUDHABI876_a.html.

investments in producers of cluster munitions.[169]

Since 2007, 10 States Parties have enacted legislation that explicitly prohibits investment in cluster munitions, as shown in the table below.[170]

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

No country enacted legislation relating to cluster munitions disinvestment in 2016 or the first half of 2017, but a bill presented in the Canadian Senate in December 2016 proposes an amendment to the country's implementing legislation for the convention to explicitly prohibit investments.[171]

At least 28 States Parties and signatories to the convention have elaborated their view that investment in cluster munition production is a form of assistance that is prohibited by the convention: Australia, BiH, Cameroon, Canada, Colombia, Republic of the Congo, Costa Rica, Croatia, Czech Republic, DRC, France, Ghana, Guatemala, the Holy See, Hungary, Lao PDR, Lebanon, Madagascar, Malawi, Malta, Mexico, Niger, Norway, Rwanda, Senegal, Slovenia, the UK, and Zambia.

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

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

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

Disinvestment laws on cluster munitions

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

At least two companies in states not party to the convention have ceased production of cluster munitions, in part due to divestment and inquiries from numerous investors: US company Textron Systems announced in August 2016 it is stopping cluster munition production, while Singapore Technologies Engineering announced in November 2015 that it no longer manufactures cluster munitions and landmines.

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. PAX issued an updated report on global investment in cluster munition producers at a press conference in Tokyo in May 2017.[172]

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

170 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.

171 Parliament of Canada, "Bill S-235 An Act to amend the Prohibiting Cluster Munitions Act (investments)," 15 December 2016, bit.ly/BillS235.

172 PAX, *Worldwide investments in Cluster Munitions: a shared responsibility* (Utrecht, May 2017), www.stopexplosiveinvestments.org/report.

Timeline of cluster munition use[173]

Date	Location	Known details of use
2012–present	Syria	Syrian government forces have used 13 types of cluster munitions, including air-dropped bombs, dispensers fixed to aircraft, and ground-launched rockets, while Islamic State (IS) forces have used at least one type of cluster munition. Cluster munition attacks increased after Russia began its joint military operation with Syrian government forces in September 2015, including the use of two types not used before in Syria.
2015–present	Yemen	A Saudi Arabia-led coalition of states that began a military operation against Ansar Allah forces (the Houthi) in Yemen on 25 March 2015 has used CBU-105 Sensor Fuzed Weapons, CBU-58 and CBU-87 bombs, BL755 cluster munitions, and M26 and ASTROS rockets. Cluster munitions containing "ZP-39" submunitions have been used, but the user is not known.
2016	Nagorno-Karabakh, Azerbaijan	There is credible evidence that two types of cluster munition rockets were used in Nagorno-Karabakh in April 2016. Armenia and Azerbaijan denied using cluster munitions while accusing each other of use. The Monitor has not been able to conduct an independent investigation to make a conclusive determination about responsibility.
2016	Somalia	Kenya has denied an allegation that it used BL-755 cluster munitions in Somalia in January 2016 in an attack against al-Shabaab. The Monitor could not confirm this use of cluster munitions or identify the responsible party.
2015	Sudan	The Sudanese Air Force was responsible for cluster munition attacks in Southern Kordofan in February, March, and May 2015 using RBK-500 AO-2.5 RT cluster bombs.
2015	Libya	In February and March 2015, remnants of air-dropped cluster bombs were recorded at Bin Jawad and Sirte respectively. The Libyan Air Force bombed both locations in early 2015, but it was not possible to conclusively determine responsibility.

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

2014–2015	Ukraine	From mid-July until a February 2015 ceasefire, both Ukrainian government forces and opposition groups backed by Russia used two types of cluster munition rockets in eastern Ukraine: 300mm 9M55K-series Smerch rockets delivering 72 9N235 submunitions and 220mm 9M27K-series Uragan ("Hurricane") rockets delivering 30 9N235 submunitions or 30 9N210 submunitions.
2014	South Sudan	In Jonglei State, the UN found the remnants of at least eight RBK-250-275 cluster bombs and AO-1SCh submunitions by the road 16 kilometers south of Bor in the week of 7 February, in an area not known to be contaminated by remnants before that time.
2012	Sudan	There were two compelling allegations of cluster munition use by the armed forces of Sudan in Southern Kordofan state, involving a Chinese Type-81 DPICM in Troji on 29 February and a RBK-500 AO-2.5RT cluster bomb in Ongolo on 15 April.
2011	Libya	Libyan government forces used MAT-120 mortar-fired cluster munitions, RBK-250 PTAB-2.5M cluster bombs, and 122mm cargo rockets containing an unidentified type of DPICM.
2011	Cambodia	Thai forces fired artillery-delivered cluster munitions with M42/M46 and M85 type DPICM submunitions into Cambodia during border clashes near Preah Vihear temple.
2009	Yemen	The US used at least five TLAM-D cruise missiles, each containing 166 BLU-97 submunitions, to attack a "training camp" in Abyan governorate on 17 December. Northern Saada governorate is contaminated by cluster munitions used in late 2009 during fighting by the government of Yemen, Houthi rebels, and Saudi Arabia. The user responsible is not clear, but remnants include US-made CBU-52 cluster bombs and BLU-97, BLU-61, and M42/M46 submunitions as well as Soviet-made RBK-250-275 AO-1SCh cluster bombs.
2008	Georgia	Russian and Georgian forces used cluster munitions during the August 2008 conflict. Submunitions cleared by deminers include air-dropped AO-2.5RTM and rocket-delivered 9N210 and M095.
2006	Lebanon	Israeli forces used ground-launched and air-dropped cluster munitions against Hezbollah. The UN estimates that Israel used up to 4 million submunitions.

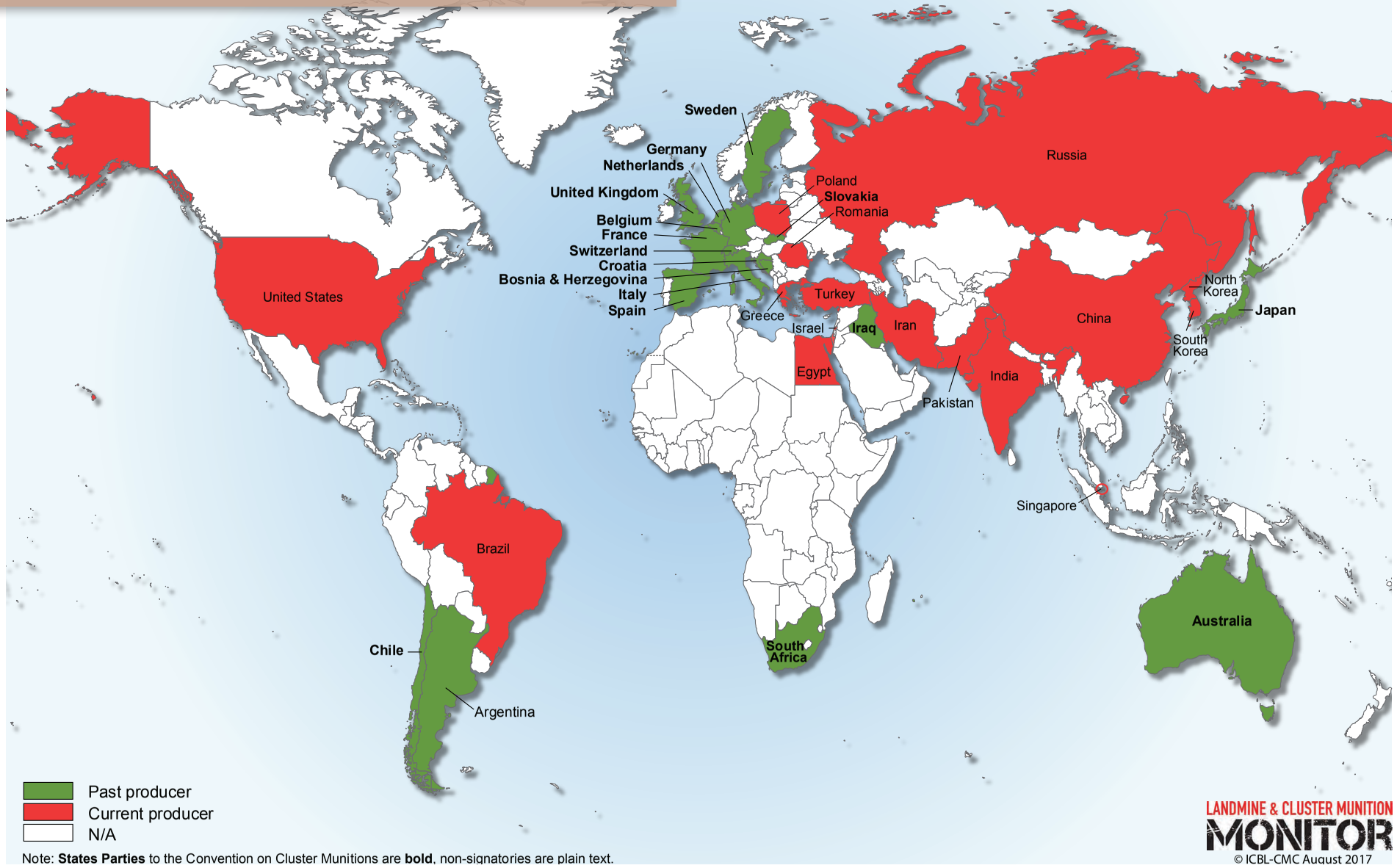
2006	Israel	Hezbollah fired more than 100 Chinese-produced Type-81 122mm cluster munition rockets into northern Israel.
2003	Iraq	The US and the UK used nearly 13,000 cluster munitions, containing an estimated 1.8 to 2 million submunitions in the three weeks of major combat.
Unknown	Uganda	RBK-250-275 bombs and AO-1SCh submunitions have been found in the northern district of Gulu.
2001–2002	Afghanistan	The US dropped 1,228 cluster bombs containing 248,056 submunitions.
1999	Yugoslavia, Federal Republic of (FRY)	The US, the UK, and the Netherlands dropped 1,765 cluster bombs containing 295,000 submunitions in what is now Kosovo, Montenegro, Serbia, and Albania. FRY also used cluster munitions.
1999	Chechnya	Russian forces used cluster munitions against NSAGs.
1998–2003	Democratic Republic of the Congo (DRC)	Deminers have found BL-755 bombs, BLU-63 cluster munitions, and PM-1 submunitions.
1998–1999	Albania	Yugoslav forces used rocket-delivered cluster munitions in disputed border areas, and NATO forces conducted six aerial cluster munition strikes.
1998	Colombia	The Colombian air force used a World War II-era cluster munition in an attack on Santo Domingo in the municipality of Tame on 13 December.
1998	Ethiopia, Eritrea	Ethiopia attacked Asmara airport and dropped BL-755 bombs in Gash-Barka province in Eritrea. Eritrea used cluster munitions in two separate strikes in Mekele, including at a school.
1998	Afghanistan/Sudan	In August, US ships and submarines fired 66 TLAM-D Block 3 cruise missiles, each containing 166 BLU-97 submunitions, at a factory in Khartoum, Sudan, and at reported NSAG training camps in Afghanistan.
1997	Sierra Leone	Sierra Leone has said that Nigerian peacekeepers in the Economic Community of West African States Monitoring Group (ECOMOG) used BLG-66 Beluga bombs on the eastern town of Kenema. ECOMOG Force Commander General Victor Malu denied these reports.
1996–1999	Sudan	Sudanese government forces used air-dropped cluster munitions in southern Sudan, including Chilean-made PM-1 submunitions.

1995	Croatia	An NSAG used Orkan M-87 multiple rocket launchers in an attack on the city of Zagreb on 2–3 May. Additionally, the Croatian government claimed that Serb forces used BL-755 bombs in Sisak, Kutina, and along the Kupa River.
1994–1996	Chechnya	Russian forces used cluster munitions against NSAGs.
1992–1997	Tajikistan	ShOAB and AO-2.5RT submunitions have been found in the town of Gharm in the Rasht Valley, used by unknown forces in civil war.
1992–1995	Bosnia and Herzegovina (BiH)	Yugoslav forces and NSAGs used cluster munitions during the war. NATO aircraft dropped two CBU-87 bombs.
1992–1994	Nagorno-Karabakh, Azerbaijan	Submunition contamination has been identified in at least 162 locations in Nagorno-Karabakh. Submunition types cleared by deminers include PTAB-1, ShOAB-0.5, and AO-2.5. There are also reports of contamination in other parts of occupied Azerbaijan, adjacent to Nagorno-Karabakh.
1992–1994	Angola	Deminers have found dud Soviet-made PTAB and AO-2.5 RT submunitions in various locations.
1991	Iraq, Kuwait	The US, France, and the UK dropped 61,000 cluster bombs containing some 20 million submunitions. The number of cluster munitions delivered by surface-launched artillery and rocket systems is not known, but an estimated 30 million or more DPICM submunitions were used in the conflict.
1991	Saudi Arabia	Saudi Arabian and US forces used artillery-delivered and air-dropped cluster munitions against Iraqi forces during the Battle of Khafji.
1988	Iran	US Navy aircraft attacked Iranian Revolutionary Guard speedboats and an Iranian Navy ship using Mk-20 Rockeye bombs during Operation Praying Mantis.
1986–1987	Chad	French aircraft dropped cluster munitions on a Libyan airfield at Wadi Doum. Libyan forces also used AO-1SCh and PTAB-2.5 submunitions at various locations.
1986	Libya	US Navy aircraft attacked Libyan ships using Mk-20 Rockeye cluster bombs in the Gulf of Sidra on 25 March. On 14–15 April, US Navy aircraft dropped 60 Rockeye bombs on Benina Airfield.

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

STATUS OF THE 2008 CONVENTION ON CLUSTER MmunitIONS

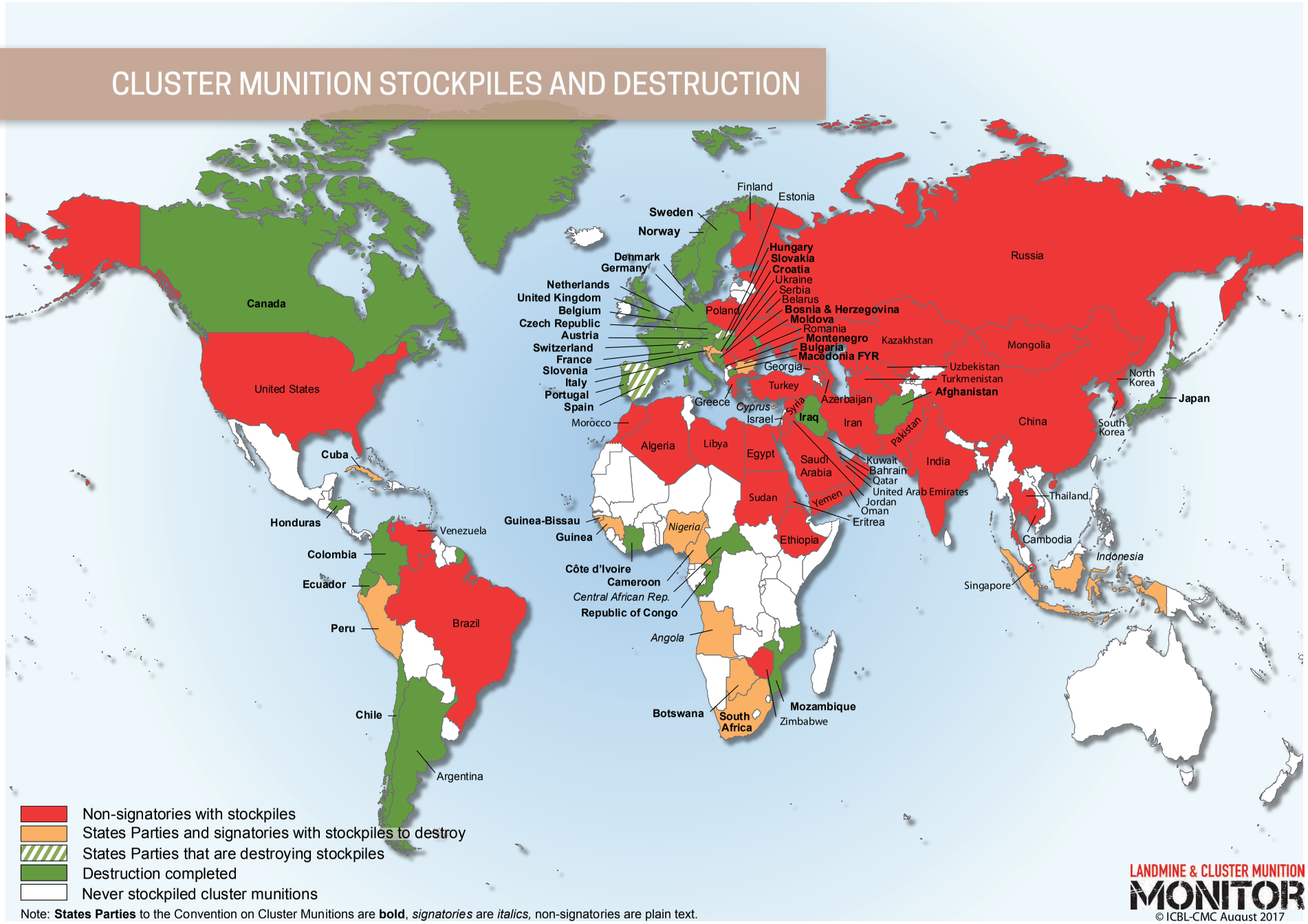
PRODUCTION OF CLUSTER MUNITIONS



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

LANDMINE & CLUSTER MUNITION MONITOR

CLUSTER MUNITION STOCKPILES AND DESTRUCTION



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

LANDMINE & CLUSTER MUNITION MONITOR

A technical operator of NPA-Project RENEW teams sweeps his detector in a Cluster Munitions Remnants Survey site in Nai Hiep Village of Trieu Ai Commune.

CONTAMINATION AND CLEARANCE

States and other areas with cluster munition contamination as of August 2017

Afghanistan	**Montenegro**
Angola	Serbia
Azerbaijan*	**Somalia**
Bosnia and Herzegovina (BiH)	South Sudan
Cambodia	Sudan
Chad	Syria
Chile	Tajikistan
Croatia	Ukraine
Georgia	**United Kingdom (UK)****
Germany	Vietnam
Iran	Yemen
Iraq	*Kosovo*
Lao PDR	*Nagorno-Karabakh*
Lebanon	*Western Sahara*
Libya	

Unclear whether contaminated:

Colombia	Democratic Republic of the Congo (DRC)

* Contamination exists or is suspected to exist in areas outside of government control.

** Argentina and the UK both claim sovereignty over the Falkand 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**; convention signatories are underlined; other areas are in *italics*.

SUMMARY[1]

As of 1 August 2017, a total of 26 states and three other areas are contaminated by cluster munition remnants.[2] This includes 12 States Parties to the Convention on Cluster Munitions, one signatory, and 13 non-signatories. It is unclear whether one State Party and one signatory are contaminated.[3]

State Party Mozambique reported completion of clearance in December 2016.[4]

In 2016, unexploded submunitions were found in signatory Angola, and in non-signatories Georgia and Tajikistan. All three countries were suspected to have a residual threat but, prior to these new discoveries, had no specific locations of suspected or confirmed contamination.

Little changed in the global understanding of the extent of the problem during 2016. The size of contaminated areas is not known in approximately half of the cluster munition-affected states. In 2016, clearance operators in several states and other areas continued to identify previously unknown areas of contamination.

New use increased contamination in Syria and Yemen in both 2016 and 2017, and in the area of Nagorno-Karabakh in 2016. Alleged new use in Iraq (2017), Libya (2016–2017) and Somalia (early 2016) may have also resulted in increased contamination.

In 2016, at least 88km^2 of contaminated land was cleared, with a total of at least 140,000 submunitions destroyed during land release (survey and clearance) operations.[5] However, this estimate is based on incomplete data. It represents a more than 25% increase in the land cleared and 16% increase on the number of submunitions destroyed in 2015. Between 2010 and 2016, a total of more than 535,000 submunitions were destroyed and at least 425km^2 of land was cleared worldwide. In 2016, a decrease in recorded cluster munition-contaminated areas was reported in only one State Party, Croatia, and in two non-signatories, Serbia and South Sudan, as well as two other areas, Kosovo and Western Sahara.[6]

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

Conflict and insecurity in 2016 and 2017 impeded land release efforts in three States Parties (Afghanistan, Iraq, and Somalia) and six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen).

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1 The Monitor acknowledges the contributions of the Mine Action Review (www.mineactionreview.org), which has conducted the mine action research in 2017, including on survey and clearance, and shared all its resulting landmine and cluster munition reports with the Monitor. The Monitor is responsible for the findings presented online and in its print publications.

2 States Parties with cluster munition remnants: Afghanistan, Bosnia and Herzegovina (BiH), Chad, Chile, Croatia, Germany, Iraq, Lao PDR, Lebanon, Montenegro, Somalia, and the United Kingdom (UK); signatory: Angola; non-signatories: Azerbaijan, Cambodia, Georgia, Iran, Libya, Serbia, South Sudan, Sudan, Syria, Tajikistan, Ukraine, Vietnam, and Yemen; and other areas: Kosovo, Nagorno-Karabakh, and Western Sahara.

3 It is unclear whether there is cluster munition contamination in State Party Colombia. The last known contaminated area in signatory Democratic Republic of the Congo (DRC) was cleared in May 2017. Verification is required before a formal declaration of completion is made.

4 Response to questionnaire by Mozambique's National Demining Institute (Instituto Nacional de Desminagem, IND), received by email via Afedra Robert Iga, Norwegian People's Aid (NPA), 25 April 2017; and email from Afedra Robert Iga, NPA, 23 March 2017.

5 In some countries, some clearance results were not reported. In addition, in some countries—particularly those experiencing conflict—informal clearance took place and was not recorded.

6 In South Sudan and Western Sahara, there may be other undiscovered areas of contamination, so the actual extent of contamination may have not decreased. In addition, Sudan reported in 2016 that seven of its nine contaminated areas had been cleared in 2011–2013, leaving approximately 2km^2 of remaining contamination. However, it gave no details of the size of areas cleared. Emails from Hatim Khamis Rahama, Technical Advisor, National Mine Action Center (NMAC), 14 June 2017; and from Ali Abd Allatif Ibrahim, NMAC, 18 May 2017.

The convention entered into force for Colombia and Somalia in 2016. Colombia has reported that it is in the process of establishing the location and extent of any cluster munition contamination.[7] The extent of contamination in Somalia is not known. As of 1 August 2017, Somalia had not submitted its initial transparency report, which was due in August 2016.

CONTAMINATION AND LAND RELEASE

CONTAMINATION STATISTICS

The extent of contamination remains unknown in the most heavily contaminated countries in the world: Cambodia, Iraq, Lao PDR, and Vietnam. Survey efforts are being made to improve understanding of the problem. In Syria, the extent of cluster munition use and the high number of casualties mean that contamination has significantly increased. However, the ongoing conflict prevents survey. (*See the cluster munition ban and casualties sections of the Syria country profile for further details.*)

In only three countries and two other areas did the total reported size of cluster munition-contaminated areas decrease during 2016 as a result of land release (survey and clearance) efforts: Croatia, Serbia, and South Sudan, along with other areas Kosovo and Western Sahara. However, in South Sudan and Western Sahara is it thought that undiscovered areas of contamination exist, so the reported size of contamination may increase in the future. The reported size of contamination in the remaining countries did not decrease because either the extent of contamination is unknown, no clearance took place, or previously unknown areas were identified.

Previously unknown or unreported contaminated areas were identified in 2016 in Afghanistan, Angola, Georgia, Lebanon, Tajikistan, Nagorno-Karabakh, and Western Sahara. Prior to this, there were no suspected or confirmed contaminated areas in Angola, Georgia, or Tajikistan.

New contamination was reported in 2016 and 2017 in Syria and Yemen. New use was also alleged in Iraq in 2017, Libya in both years and in Somalia in early 2016.[8] In 2016, the use of cluster munitions in Nagorno-Karabakh resulted in additional contamination of approximately 2km^2.[9] In Iraq, Libya, Syria, and Yemen, the extent of any new contamination is not known as insecurity prevents or hampers survey and clearance.

The data contained in the following table is drawn from various sources. Those that appear to be most accurate and complete have been used.[10]

7 Colombia, Convention on Cluster Munitions Article 7 Report (initial report submitted in August 2016), Form F; and Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form J, bit.ly/CCMArt7database.

8 See chapter on Cluster Munition Ban Policy in this report. For Nagorno-Karabakh, see *Cluster Munition Monitor 2016*.

9 HALO Trust, "HALO Trust begins emergency clearance in Karabakh," 19 April 2016, bit.ly/HALOclearsKarabakh16.

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

Estimated cluster munition contamination at the end of 2016

Country/ Other Area	Contamination (km^2)	
	End 2016	Comments
More than 1,000 km^2 (massive)		
Lao PDR	Not known	Survey efforts are underway to define the problem. As of April 2017, 352km^2 of contaminated area had been confirmed
Vietnam	Not known	Survey efforts to define the problem are underway in Quang Nam, Quang Tri, and Quang Binh provinces
100–1000km^2 (heavy)		
Cambodia	Not known, at least 365*	334km^2 suspected contaminated areas, results of baseline survey of eight provinces completed in 2015, and continuing survey by operators in 2016
Iraq	Not known, at least 209.43	207.67 km^2 confirmed and 1.76 km^2 suspected hazardous area. Data is almost certainly incomplete
5–99km^2 (medium)		
Afghanistan	6.86	By May 2017, area had reduced to 5.57km^2 due to clearance in the first half of the year. There may be more contamination, as operators continue to encounter scattered submunitions
Bosnia and Herzegovina	8.42	Mostly suspected hazardous area. The amount of confirmed hazardous area increased in 2016 to 1.12km^2. The difference in total contamination between the end of 2015 and 2016 cannot be reconciled by the land release data
Chile	97	No survey has been conducted to date. This is the size of the four military training areas reported to be contaminated. Actual contaminated area may be smaller
Germany	11	Suspected contamination of a former military area was declared in 2011. Technical survey to precisely identify the contaminated area was completed in 2015, but no details of a revised size of contaminated area were provided
Lebanon	20.03	Previously unknown areas were identified in 2016, resulting in an increase in reported contamination. At the end of March 2017, the reported contaminated land had been reduced to 18.2km^2. There is also an additional 5.6km^2 of "dangerous areas" suspected to contain cluster munition remnants
South Sudan	Not known, at least 4.6	All are suspected hazardous areas. The amount decreased in 2016, however, the true scale of contamination is not known as some areas cannot be accessed
Syria	Not known	Due to extensive use of cluster munitions since 2012, the extent of contamination is not known
Ukraine	Not known	Not contaminated by cluster munition remnants prior to mid-2014. In 2016, 0.57km^2 was confirmed to be contaminated through survey, but the true extent of contamination is much larger, but not known

Yemen	Not known, at least 18.3	Contamination has been identified in at least seven governorates, primarily from new use since April 2015, but the only recorded contamination is in the northern Saada governorate, predating the current conflict
Kosovo	15	Slight decrease since the end of 2015 due to survey and clearance
Nagorno-Karabakh	72	An estimated 2km^2 of new cluster munition contamination resulted from hostilities between Armenia and Azerbaijan in April 2016. Following survey, the area of known contamination increased in 2016
Western Sahara	At least 4.5	More contamination was identified in 2016, but overall reported contamination decreased as a result of clearance
Less than 5km^2 (light)		
Croatia	1.74	The total area continued to decrease in 2016 as a result of clearance
Democratic Republic of the Congo	Not known	Two areas of unknown size remained to be addressed at the end of 2016. By April 2017 these areas had been canceled by survey and cleared
Montenegro	1.7	The same size of contamination was reported at end of 2013, as a result of survey. No clearance was conducted in 2016
Serbia	2.83	0.83km^2 confirmed hazardous area, and 2km^2 suspected hazardous area. This represents a decrease from 2015
United Kingdom	Within 11.63 of mined areas	Any cluster munition contamination on the Falkland Islands/ Malvinas is most likely within the mined areas. No submunitions were found during mine clearance operations in 2016
Extent of contamination not known (light or medium)		
Angola	Not known	Minimal contamination. Two submunitions were found in 2016
Azerbaijan	Not known	There are significant quantities of cluster munition remnants in and around Nagorno-Karabakh, in areas not under government control (see Nagorno-Karabakh). There may also be some minimal contamination in the territory under Azerbaijan government control
Chad	Not known	No comprehensive survey has been conducted. Cluster munition casualties were reported in 2015
Georgia	Not known	Submunitions were found in 2016 and there were reports of suspected contamination. It was previously thought that Georgia was not contaminated, with the possible exception of South Ossetia
Iran	Not known	Some contamination is believed to remain from the Iran-Iraq war, but no survey has been conducted
Libya	Not known	New contamination reported in 2011 and 2015, but scale not known. Prior to the 2011 conflict, World War II-era submunitions had been found
Somalia	Not known	There are no confirmed or suspected cluster munition-contaminated areas, but submunitions were found in several locations in 2016

Sudan	2 approx.	In 2016, it was reported that seven of nine contaminated areas were cleared in 2011–2013, but no details of area size were provided
Tajikistan	0.17	Area identified during survey in 2016. No other suspected areas, although a residual threat may remain
Unclear whether contaminated**		
Colombia	Unclear	If contaminated, then minimal

Notes: * Mid-2016 data; ** See Democratic Republic of the Congo above; States Parties to the Convention on Cluster Munitions are indicated in **bold**; convention signatories are underlined; other areas are in *italics*.

LAND RELEASE STATISTICS

The information provided in the table below draws on data provided in Article 7 transparency reports, by national programs, and by mine action operators. There are sometimes discrepancies between these sources. Where this is the case, the data that appears to be most reliable is used and a note has been made. For an explanation of land release terminology, see "Improving clearance efficiency: land release," in *Cluster Munition Monitor 2015*.

Almost one-third of global cluster munition clearance in 2016 took place in Lao PDR, where 30.17km^2 of contaminated land was cleared and 106,636 submunitions destroyed.

Cluster munition land release in States Parties, 2010–2016

Country	Land release through clearance				Survey in 2016	Notes, including on change since 2015
	2010–2016 total		2016			
	km^2	Number submunitions destroyed	km^2	Number submunitions destroyed		
Afghanistan	3.27 est.	6,321 est.	1.88	359	None	This was clearance of previously unreported contaminated land
Bosnia and Herzegovina	1.08	2,253 est.	0.1	632	0.76km^2 reduced by TS. 0.47km^2 confirmed as CHA	2016 saw the clearance of less than half the area cleared in 2015, but nearly 78% more submunitions were destroyed. Discrepancies between data sources
Chad	N/R	N/R	0	0	None	No change since 2014
Chile	0	0	0	0	None	No change since 2014

Colombia	0	0	0	0	None	No efforts yet made to confirm that there is no remaining contamination
Croatia	4.85 est.	1,656 est.	1.20	214	0.1km^2 confirmed as CHA	Increase in clearance results compared with 2015
Germany	0	9	0	5	Preparatory work for clearance was conducted in 2016	Clearance commenced in 2017
Iraq	Unclear	Unclear	3.09 at least	1,682 at least	At least 9.53km^2 confirmed as CHA	Decrease in reported clearance from 2015. However, major discrepancies between data sources. Decrease in reported clearance from 2015, but amount of land cleared may have in fact increased
Lao PDR	329.32 at the most	417,507 est.	30.17 at least	106,636 at least	180.2km^2 confirmed as CHA	Significant decrease in area cleared from 2015, but highest ever recorded number of submunitions destroyed. Discrepancies between data sources. Any clearance by the armed forces is not reported
Lebanon	16.82 est.	23,185 est.	1.9	4,049	0.5km^2 canceled through NTS. 0.26km^2 confirmed as CHA	Discrepancies between data sources

Montenegro	0.0065	7 est.	0	0		No clearance conducted after the 2012–2013 survey
Mozambique	1.59	333	1.23 in 2015–2016	145 in 2015–2016	None	Clearance was completed by the end of 2016
Somalia	0	1	0	0	0.16km^2 canceled and 1.2km^2 confirmed in 2015–2016	No survey or clearance of cluster munitions in 2016 and no submunitions encountered in other clearance operations
United Kingdom	0	20	0	0	None	No submunitions found during mine clearance operations

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

Cluster munition land release in signatories, 2010–2016

Country	Land release through clearance				Survey in 2016	Notes including on changes since 2015
	2010–2016 total		2016			
	km^2	Number submunitions destroyed	km^2	Number submunitions destroyed		
Angola	0	14	0	2	None	No specific cluster munition survey conducted. After two submunitions were found in 2016, limited BAC around the area planned
Democratic Republic of the Congo	0.19	279 est.	0.04	49	2,871m2 reduced through TS, and 2,629m2 confirmed as CHA	By May 2017, the last known contamination was cleared

Note: TS = technical survey; CHA = confirmed hazardous area; BAC = battle area clearance.

Cluster munition land release in non-signatories, 2010–2016

Country	Land release through clearance				Survey in 2016	Notes, including on changes since 2015
	2010–2016 total		2016			
	km²	Number submunitions destroyed	km²	Number submunitions destroyed		
Azerbaijan	0	0	0	0	None	See Nagorno-Karabakh
Cambodia	Unclear	21,208 at least	22.38 at least	8,852 at least	6.04km² was reduced through TS. 86.57km² was confirmed as CHA	Armed Forces and National Centre for Peacekeeping Forces also conducted clearance but their results are not available
Georgia	1.3 at least	70 at least	0	2	None	NTS being conducted in 2017 following discovery of two submunitions in 2016 during EOD callouts
Iran	N/R	N/R	N/R	N/R	N/R	No reports of survey or clearance operations
Libya	N/R	460 at least	N/R	N/R	N/R	Survey and clearance operations are not systematically reported
Serbia	6.52	1,421	0.25	9	0.092km² reduced by TS	Although a slight increase in area cleared from 2015, only 9 submunitions destroyed—a large decrease from the 233 destroyed in 2015
South Sudan	6.70 at least	4,534 at least	3.5	3,045	0.9km² confirmed as CHA	More than double the area cleared from 2015

Sudan	N/R	N/R	0	0	None	No specific cluster munition survey or clearance conducted. Submunitions are not disaggregated from other types of ERW
Syria	N/R	N/R	N/R	N/R	N/R	National actors are conducting clearance, but results are not known
Tajikistan	0.45 at least	86 at least	0	0	0.17km^2 confirmed as CHA	Clearance of the remaining area is scheduled for 2017
Ukraine	Unclear	N/R	0.20 at least	50 at least	0.57km^2 confirmed as CHA	Mine action activities are not systematically recorded, and it is not known how much land was cleared by the various Ukrainian authorities
Vietnam	Unclear	35,972 at least	17.4 at least	11,872 at least	0.16km^2 SHA identified and 51.99km^2 confirmed as CHA	Only international operators' data available. Most clearance is conducted by Army Engineering Corps, for which no data is available
Yemen	N/R	3,076 est.	N/R	2,196	No survey reported	No systematic clearance in 2016. A total 3.07km^2 of hazardous areas was cleared by the mine action center, primarily emergency spot tasks. Cluster munition clearance was not disaggregated

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

Cluster munition land release in other areas, 2010–2016

Area	Land release through clearance				Survey in 2016	Notes, including on changes since 2015
	2010–2016 total		2016			
	km²	Number submunitions destroyed	km²	Number submunitions destroyed		
Kosovo	Up to 4.12	1,049 est.	0.47	34	0.12km² reduced by TS	A slight increase in area cleared from 2015
Nagorno-Karabakh	39.94 at least	2,397	3.28	355	7.6km² confirmed as CHA	Increase in area cleared from 2015
Western Sahara	9.69	13,452	1.21	335	0.26km² confirmed as CHA	A slight decrease in area cleared from 2015, but an increase in the number of submunitions destroyed

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

CLEARANCE OBLIGATIONS UNDER ARTICLE 4

Under the Convention on Cluster Munitions, each State Party is obliged to clear and destroy all cluster munition remnants in areas under its jurisdiction or control as soon as possible but not later than 10 years after becoming party to the convention. If unable to complete clearance in time, the State Party may request deadline extensions for periods of up to five years. No such requests have yet been made as the first clearance deadlines are 1 August 2020.

In seeking to fulfill their clearance and destruction obligations, affected States Parties are required to:

- Survey, assess, and record the threat, making every effort to identify all contaminated areas under their jurisdiction or control;
- Assess and prioritize needs for marking, protection of civilians, clearance, and destruction;
- Take "all feasible steps" to perimeter-mark, monitor, and fence affected areas;
- Conduct risk education to ensure awareness among civilians living in or around areas contaminated by cluster munitions;
- Take steps to mobilize the necessary resources at national and international levels; and
- Develop a national plan, building upon existing structures, experiences, and methodologies.[11]

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

11 Convention on Cluster Munitions, Article 4.

Clearance progress under the Convention on Cluster Munitions

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

CLEARANCE COMPLETED

Eight States Parties have completed the clearance of their cluster munition-contaminated areas under the Convention on Cluster Munitions.

State Party Mozambique reported the completion of clearance of cluster munition-contaminated areas in December 2016.[12] Seven States Parties have in previous years completed the clearance of areas contaminated by cluster munition remnants: Albania, the Republic of the Congo, Grenada, Guinea-Bissau, Mauritania, Norway, and Zambia. One signatory, Uganda, and one non-signatory, Thailand, also completed clearance of areas contaminated by cluster munition remnants in previous years.

In signatory DRC, verifications are required before a formal declaration of completion is made.

PROGRESS BY STATES PARTIES UNDER THE DUBROVNIK ACTION PLAN

The Dubrovnik Action Plan was adopted by States Parties at the Convention on Cluster Munitions First Review Conference in Dubrovnik, Croatia, in September 2015. It seeks to ensure the effective implementation of the provisions of the convention until the Second Review Conference in 2020. Section III (Actions 3.1–3.8) is related to clearance and risk reduction education.

12 Response to questionnaire by Mozambique's IND, received by email via Afedra Robert Iga, NPA, 25 April 2017; and email from Afedra Robert Iga, NPA, 23 March 2017.

This section examines the progress of States Parties against their Dubrovnik Action Plan commitments on the clearance and destruction of cluster munition remnants.[13]

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

States Parties are required to provide an assessment of the extent of the problem of cluster munition contamination within two years of the First Review Conference or two years after entry into force of the convention for each State Party (*refer to the table "Estimated cluster munition contamination" above for existing knowledge of extent of the problem*). By the end of 2016:

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

The two States Parties that have a very good understanding of the problem are Croatia and Germany. In Croatia, all known contamination is contained within confirmed hazardous areas.[14] In Germany, survey of the military training area was completed in 2015,[15] although the results were not made available to the public.

The six States Parties that have a fairly good understanding of the extent of the problem are Afghanistan, BiH, Chile, Lebanon, Montenegro, and the UK. In two states, Afghanistan and Lebanon, many of the cluster munition-contaminated areas are known, but there may be other contamination that is as yet undiscovered.[16] Most of BiH's cluster munition-contaminated areas are suspected hazardous areas that require survey to either confirm or release.[17] Montenegro has two suspected areas that have yet to be surveyed.[18] Two states, Chile and the UK, know the locations of all contaminated areas, but the extent of contamination within those areas is not known. The UK has affirmed that, on the Falkland Islands/Malvinas, no areas known to be contaminated with cluster munition remnants exist outside areas already suspected of being contaminated with landmines or ERW.[19] However, it does not know the extent of cluster munition contamination within these areas. Chile has not reported conducting any survey of the four military training areas that it suspects are contaminated.

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

14 Email from Nataša Mateković, Assistant Director and Head of Planning and Analysis Department, Croatian Mine Action Center (CROMAC), 22 March 2017.

15 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April 2017; and Germany, Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form F, bit.ly/CCMArt7database.

16 Interviews with the Mine Action Coordination Centre of Afghanistan (MACCA) implementing partners, Kabul, May 2013; emails from Brig. Gen. Elie Nassif, Lebanon Mine Action Center (LMAC), 12 May, 17 June, and 2 July 2015.

17 Email from Tarik Serak, Head, Department for Mine Action Management, BiH Mine Action Center (BHMAC), 26 May 2016.

18 NPA, "Cluster Munition Remnants in Montenegro," July 2013, p. 26, bit.ly/NPARemnantsMontenegro; interview with Milovan Joksimović, Directorate for Emergency Situations, Podgorica, 15 May 2017; and email, 15 June 2017.

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

The four States Parties that have a poor understanding of the extent or location of the cluster munition problem are Chad, Iraq, Lao PDR, and Somalia. Lao PDR is the world's most contaminated country, and the extent of affected areas is not known. It has now taken steps to improve its understanding, as in 2016 it committed to a nationwide non-technical and technical survey with a view to producing Lao PDR's first baseline estimate of cluster munition contamination by the end of 2021.[20] Although Iraq has confirmed more than 207km^2 of cluster munition contamination, the true extent is not known, and conflict and insecurity continued to prevent efforts to better define the problem in 2016.[21] Although Chad and Somalia are contaminated by cluster munitions, they have not recorded any suspected or confirmed hazardous areas.

Colombia may be able to declare it has no contaminated areas, once assessment and survey have been conducted.

Action 3.2—Protect people from harm

In accordance with their Article 4 obligations, through their Article 7 transparency reports, six States Parties reported on measures to provide risk education and/or to prevent civilian access to areas contaminated by cluster munition remnants through marking and fencing in 2016: BiH, Croatia, Germany, Iraq, Lao PDR, and Lebanon.[22]

In Germany and the UK, all cluster munition contamination is fenced and marked. In Germany, the areas are completely perimeter-marked with warning signs and an official directive constrains access to the area.[23] The UK has conducted comprehensive perimeter-marking of mined areas potentially containing cluster munition remnants.[24]

In most affected States Parties, a humanitarian and/or socio-economic impact of contamination is reported to varying degrees, indicating the need for greater efforts to fulfill this action.[25] In several states, cluster munition remnants continue to cause casualties (*see the casualties chapter for further details*).

Action 3.3—Develop a resourced plan

Despite the requirement to have a plan in place within one year of the First Review Conference or by entry into force of the convention for that State Party, no State Party has presented a strategic plan that is resourced and on track.

The only State Party that appears to be on track towards its Article 4 clearance deadline is **Croatia**, although its mine action plan does not specifically address cluster munition remnants.

Three States Parties have specific plans for survey and clearance of cluster munition remnants, but it is not clear that they are on track to complete clearance by their Article 4 deadlines: Afghanistan, Lebanon, and Montenegro. **Afghanistan** has prepared a number of plans for clearing cluster munition remnants, but implementation has been taken over by other priorities and hampered by insecurity.[26] At the end of 2016, Afghanistan circulated a

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

21 Emails from Ahmed Al-Jasim, Iraqi Department of Mine Action (DMA), 6 April and 23 May 2017.

22 "Convention on Cluster Munitions Draft 7MSP Progress Report – monitoring progress in implementing the Dubrovnik Action Plan," submitted by the President of the Seventh Meeting of States Parties, undated, covers the period 1 July 2016 until 30 June 2017, bit.ly/7MSPprogressReport. The Cluster Munition Monitor does not report on mine risk education.

23 Germany, Convention on Cluster Munitions Article 7 Report, Form G, 4 April 2012; and Convention on Cluster Munitions Article 7 Report (for calendar year 2014), Form F, 20 April 2015, bit.ly/CCMArt7database.

24 Statement of the UK, Mine Ban Treaty Intersessional Meetings, Standing Committee on Mine Action, Geneva, 27 May 2009, bit.ly/UKstatement09.

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

26 Email from Mohammed Wakil, MACCA, 1 May 2016; and Afghanistan, Convention on Cluster Munitions Article 7 Report (for calendar year 2015), Form F, bit.ly/CCMArt7database.

proposal to donors to complete clearance of all known cluster munition contamination.[27] **Lebanon**'s 2011–2020 mine action strategic plan originally aimed to complete clearance of cluster munition remnants by 2016, but its first mid-term review concluded that it would not be possible to complete clearance before 2020.[28] Lebanon is in the process of conducting a second mid-term review to reflect more accurately its expected cluster munition clearance completion date. This review is due to be completed in 2017.[29] **Montenegro**'s plan to complete clearance of cluster munition remnants is not funded.[30]

Two States Parties are working toward developing specific cluster munition clearance plans: BiH and Lao PDR. **BiH** is in the process of developing a new strategy for 2018–2025 that should contain a plan and timeframe for the completion of cluster munition clearance. The process is due for completion by the end of 2017.[31] **Lao PDR** plans to complete a survey by the end of 2021, which should provide the basis upon which a clearance plan can be developed.[32] However, this will not be achieved within the Article 4 clearance deadline, and an extension request will need to be submitted.

Germany reports that it plans to complete clearance operations in early 2020, ahead of its Article 4 deadline. However, it has not presented a detailed plan, and meteorological conditions and environmental protection laws limiting burning periods could lead to delays.[33]

Four States Parties do not have a cluster munition clearance strategy in place. They have not indicated an intention to develop such a plan, nor whether they expect to meet their Article 4 deadlines: Chad, Chile, Iraq, and the UK. **Chad**'s mine action plan notes that it adhered to the Convention on Cluster Munitions but does not detail plans to survey and clear cluster munition contamination.[34] **Chile** has not presented a plan for how it will achieve its Article 4 clearance deadline, and as of mid-2017, survey and clearance had not commenced. **Iraq** does not have a strategic plan for the clearance of cluster munition remnants, and in the context of ongoing conflict and other security and humanitarian imperatives, cluster munition clearance does not rank as a priority. As any cluster munition contamination in the Falkland Islands/Malvinas is contained within existing minefields, the **UK** needs to present detailed plans and timelines for completing demining operations in order to demonstrate how it intends to meet its Article 4 deadline.

The convention entered into force on 1 March 2016 for Colombia and Somalia. As of mid-2017, they had not developed a clearance plan. **Colombia** reported in May 2017 that it is in the process of establishing the location and extent of any contamination, but it did not provide details of any plan or activities.[35] Once the necessary assessment and survey have been conducted, Colombia may be able to declare full completion of its Article 4 obligations. In 2015, **Somalia** developed a national strategy document, the "Badbaado Plan for Multi-Year Explosive Hazard Management," which aims to support the government in fulfilling its Mine Ban Treaty and Convention on Cluster Munition obligations. However, a specific strategy to

27 "Proposal for Complete Removal of the Known Cluster Sub-munitions Contamination in Afghanistan," December 2016.

28 LMAC, "Mid-term Review to Strategy 2011–2020, Milestone 2013," August 2014, bit.ly/LMACreview13.

29 Lebanon, Convention on Cluster Munitions Article 7 Report (for calendar year 2015), Form F, bit.ly/CCMArt7database.

30 Interview with Milovan Joksimović, Directorate for Emergency Situations, Podgorica, 15 May 2017.

31 Email from Goran Zdrale, BHMAC, 17 May 2017; and interview with Saša Obradovic, BHMAC, Sarajevo, 10 May 2017.

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

33 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April 2017.

34 The National High Commission for Demining (Haut Commissariat National de Déminage, HCND), "Mine Action Plan 2014–2019," May 2014, p. 4, bit.ly/HCNDplan1419.

35 Colombia, Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form J, bit.ly/CCMArt7database.

address cluster munition remnants has not been presented.[36]

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

Each State Party is required to "record and provide information to the extent possible on the scope, extent and nature of all cluster munition contaminated areas under its jurisdiction or control." (*For details of the extent to which states have a knowledge of the contaminated areas under their jurisdiction, see Action 3.1 above.*)

The quality of reporting on survey and clearance is variable, and has not improved significantly overall in 2016. Of those States Parties that conducted survey and clearance of cluster munition-contaminated areas in 2016, only Croatia, Mozambique, and the UK had clear, consistent land-release data across the different sources.

Discrepancies between survey and clearance data provided by mine action centers, operators, and Article 7 reports were found in Afghanistan, BiH, Iraq, Lao PDR, and Lebanon. In BiH's reporting, land release by technical survey was not disaggregated from land released through clearance.

Germany's efforts to tackle its cluster munition problem are unclear, because it has not published the results of its survey.

As of 1 August 2017, Chad, Chile, Mozambique, and Somalia had not provided Article 7 transparency reports covering calendar year 2016. Chile has not reported since 2013.

Action 3.7—Apply practice development[37]

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

In 2016, the following States Parties reported using technical and/or non-technical survey to confirm, reduce, or cancel hazardous areas: BiH, Croatia, Germany, Iraq, Lao PDR, Lebanon, and Mozambique. These are the same States Parties as in 2015. In Iraq, however, although survey was used to confirm contamination, there were no reports of land being canceled or reduced through survey. In Lao PDR, the introduction of cluster munition-specific survey continued to greatly improve the efficiency of clearance. While the total area cleared in Lao PDR decreased significantly in 2016 compared with 2015, the number of submunitions destroyed increased significantly.[38]

Action 3.8—Promote and expand cooperation

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

The UN Mine Action Service (UNMAS) provides support to mine action programs in States Parties Afghanistan, Colombia, Iraq, and Somalia.[39] In Lebanon, it supports the UN Interim Force in Lebanon (UNIFIL). In 2016, the UN Development Programme (UNDP) provided an

36 "Badbaado Plan: Multi-Year Explosive Hazard Management proposal outlined by the Federal Government of Somalia – Ministry of Internal Security and Somalia Explosive Management Authority," HMSWQ/31/8/15/025, 31 August 2015; and email from Mohamed Abdulkadir Ahmed, Somalia Explosive Management Authority (SEMA), 14 June 2016.

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

38 See table above, "Cluster Munition Land Release in States Parties."

39 See UNMAS Program list at www.mineaction.org/programmes.

advisor in Lao PDR; provided personnel to the mine action center in Lebanon to support capacity-building; and in collaboration with the Geneva International Centre for Humanitarian Demining (GICHD) provided support to strategic planning in BiH. In Mozambique, UNDP's budget ended in mid-2016, causing concern for the country's ability to maintain a capacity to address residual contamination.[40] In Colombia, the Organization of American States (OAS) serves as the monitoring body for humanitarian demining in Colombia. The OAS planned to transfer its responsibilities to the mine action center by the end of 2017.[41]

International NGOs provided support to mine action programs, by providing capacity-building support on standards (particularly on land release) and information management, as well as directly conducting clearance operations and mine risk education in 2016. International NGOs were active in States Parties Afghanistan, BiH, Chad, Colombia, Iraq, Lao PDR, Lebanon, Mozambique, and Somalia.

Croatia, which is on track toward its Article 4 clearance obligations, did not receive international capacity-building or operational support in 2016, nor did Germany and the UK. In Chile, where no cluster munition survey or clearance has yet taken place, there was no international support in 2016.

Since 2015, Lebanon has been collaborating with the GICHD to manage and coordinate the Arab Regional Cooperation Programme for Mine Action.[42]

(*For information about funding for cluster munition survey and clearance, please see the Support for Mine Action sections of the online country profiles.*)[43]

PROGRESS IN SIGNATORIES, NON-SIGNATORIES, AND OTHER AREAS

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

In general, non-signatories have a poor understanding of the extent of their contamination. In 11 of 13 non-signatories (84%), as well as in one signatory, the extent of contamination is not known.[44] This compares to five of the 12 States Parties (42%).[45]

In 2016, no data on survey or clearance was available for two non-signatories (Iran and Syria) and land release results were not comprehensive in four non-signatories (Cambodia, Libya, Ukraine, and Vietnam).

All States Parties and signatories have a mine action program, authority, center, or other institution responsible for mine action. Non-signatory Syria does not have a national mine action program, authority, or center. Ukraine, also a non-signatory, has several bodies responsible for mine action, but as of mid-2017 was still in the process of establishing an appropriate national mine action institutional structure.[46]

40 Skype interview with Afedra Robert Iga, NPA, 7 June 2016.

41 Email from Zlatko Vezilic, NPA, 5 November 2015.

42 Email from Anna-Lena Schluchter, containing data from Rana Elias, Focal point for Lebanon, GICHD, 21 June 2017.

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

44 Whether there is contamination or the extent of it is not known in non-signatories Azerbaijan, Cambodia, Georgia, Iran, Libya, South Sudan, Sudan, Syria, Ukraine, Vietnam, and Yemen, and in signatory Angola.

45 Whether there is contamination or the extent of it is not known in States Parties Chad, Colombia, Iraq, Lao PDR, and Somalia, and in signatory Angola.

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

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

CLEARANCE IN CONFLICT

In 2016 and 2017, conflict has hindered land release activities in three States Parties (Afghanistan, Iraq, and Somalia), and six non-signatories (Libya, South Sudan, Sudan, Syria, Ukraine, and Yemen). These are the same countries that were affected by conflict in 2015, and little has changed in the overall picture since then.

Afghanistan continued to report that some cluster munition-contaminated areas cannot be accessed due to insecurity.[47] In Iraq, cluster munition clearance was not a priority. Dense contamination by improvised mines inflicting casualties and delaying the return of civilian populations was the top imperative, resulting in slower progress on cluster munition survey and clearance.[48] There are unconfirmed reports that Somalia experienced new cluster munition contamination in 2016, in addition to older suspected contamination, which has been reported to pose an ongoing threat to the lives of nomadic people and their animals.[49] However, no overview of areas suspected to contain cluster munition remnants exists in Somalia, and, as of May 2017, no national survey had been conducted, mainly due to the security situation.[50] In September 2016, two mine action staff were killed and one injured in a shooting incident.[51]

In Libya, the Libyan Mine Action Centre (LibMAC) describes the following challenges to implementation: the high level of contamination; ongoing conflict and the continued presence of the non-state armed group Islamic State; the difficulty in convincing internally displaced persons to delay their return until the ERW threat is addressed; security and access to priority areas continues to be problematic; limited ERW and improvised explosive device (IED) disposal capacity in Libya; the vast geographical area; and the shortfall in governmental and international support.[52] International mine action operations inside Libya are severely constrained by insecurity. In 2016, international mine action clearance operators continued to focus their efforts on capacity-building and training of national actors, much of it taking place outside the country.[53]

In South Sudan, a resurgence in violence forced mine action operations to close in the second half of 2016.[54] Cluster munition contamination continued to limit access to agricultural land and increased food insecurity, at a time when nearly four million South Sudanese were facing famine. During 2016, UNMAS documented numerous examples of cluster munition and explosive items preventing the delivery of food and other humanitarian aid.[55] A fear of ERW reportedly prevented internally displaced persons from returning home.[56] The amount of cluster munition-contaminated land that was cleared in 2016 doubled, despite insecurity.

47 Email from Mohammed Wakil, Chief of Staff, MACCA, 1 May 2016.

48 Email from Ahmed Al-Jasim, DMA, 23 May 2017.

49 Statement of Somalia, Convention on Cluster Munitions Fifth Meeting of States Parties, San José, 2–5 September 2014, bit.ly/7MSPSomalia.

50 UNMAS, "2017 Portfolio of Mine Action Projects, Somalia," undated.

51 Email from Tom Griffiths, HALO Trust, 31 May 2017.

52 PowerPoint presentation by Mohammad Turjoman, LibMAC, at the National Programme Director's Meeting, Geneva, 8 February 2017.

53 Email from Lyuba Guerassimova, Programme Officer, UNMAS, 28 February 2017; Implementing Partners Coordination Meeting, Tunis, 19 January 2017; and emails from Lutz Kosewsky, Danish Deming Group (DDG), 22 February 2017; and from Catherine Smith, Handicap International (HI), 22 February 2017.

54 Emails from Robert Thompson, UNMAS, 19 April 2017; from Bill Marsden, MAG, 10 May 2017; and from William Maina, DDG, 2 May 2017.

55 Email from Robert Thompson, UNMAS, 19 April 2017; and UNMAS, "2017 Portfolio of Mine Action Projects: South Sudan," undated.

56 Ibid.

This was the result of a decision to deploy the bulk of capacity on cluster munition tasks, due to the need to clear areas for humanitarian access and for UN mission-related activities.[57] In 2016, three mine action staff were killed and three injured by gunshot wounds when their vehicles were ambushed.[58]

Sudan continued to report that some cluster munition-contaminated areas cannot be accessed due insecurity and conflict.[59]

In Ukraine, the heaviest mine and ERW contamination is believed to be inside the 15km buffer zone between the warring parties, but access to this area for survey and clearance operations is severely limited.[60] The State Emergency Services of Ukraine (SESU), which is responsible for humanitarian demining, suffered severe losses to buildings and vehicles during the conflict.[61] The OSCE Project Coordinator and Danish Deming Group (DDG) therefore provided the SESU with equipment and training in 2016 to support their operational capacity.[62]

Systematic land release is not possible in the two countries—Syria and Yemen—that experienced heavy new cluster munition contamination in 2016 and into 2017. The humanitarian impact in both countries is high (*see their respective mine action and casualty country profiles for further details*). In Syria, there is no national mine action program and international operators were unable to operate in 2016. Non-state armed groups and volunteers have conducted clearance immediately after fighting has occurred, despite a lack of adequate training, equipment, and resources.[63] In Yemen, a priority was given to reducing the emergency threat of explosive weapons and providing relief to heavily affected communities.[64] However, clearance, which is conducted by the Yemen Mine Action Center (YEMAC), is hampered by a lack of equipment or training specific to cluster munition remnants.[65]

In Azerbaijan and Georgia, there may be cluster munition contamination in areas that are not under government control, where mine action cannot take place.[66]

In 2016, conflict in Nagorno-Karabakh in April resulted in a need for emergency clearance of approximately 2km^2 of contaminated areas.[67] In Western Sahara, the expulsion of civilian staff members of the UN Mission for the Referendum in Western Sahara (MINURSO) by Morocco resulted in the suspension of UNMAS-contracted demining activities east of the

57 Email from Robert Thompson, UNMAS, 7 June 2017.

58 Email from William Maina, DDG, 2 May 2017; and Danish Refugee Council, "Two national employees have lost their lives in South Sudan," 12 April 2016, bit.ly/DRCSouthSudan16; and emails from Bill Marsden, MAG, 10 May 2017, and 21 October 2016.

59 NMAC, "Updated Work Plan to Meet Anti-Personnel Mine Ban Convention Article Five Extended Deadline by April 2019," 29 April 2016, bit.ly/NMACplanSudan16.

60 Emails from Yuri Shahramanyan, Programme Manager, HALO Trust Ukraine, 24 May 2017; and from Henry Leach, Head of Programme, DDG Ukraine, 29 May 2017.

61 Statement of Ukraine, Mine Ban Treaty Fourteenth Meeting of States Parties, Geneva, 2 December 2015, bit.ly/14MSPUkraine.

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

63 See for instance, UNMAS, "Programmes: Syria," updated March 2016; and presentation by Raed Al Saleh, Director, Syria Civil Defence, Convention on Cluster Munitions Sixth Meeting of States Parties, 6 September 2016.

64 UNDP, *Support to Eliminate Mines and Explosive Remnants of War, Annual Progress Report 2016* (Yemen, 2017), p. 6.

65 Interviews with Stephen Bryant, UNDP, Geneva, 6 February 2017; and with Ahmed Alawi, YEMAC, in Geneva, 9 June 2017.

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

67 HALO Trust, "HALO Trust begins emergency clearance in Karabakh," 19 April 2016 bit.ly/HALOclearsKarabakh16; and email from Ash Boddy, HALO Trust, 13 April 2017.

Berm from 20 March to 15 September 2016.[68] Cluster munition strike areas located inside the buffer strip east of the Berm are inaccessible for clearance.[69]

COUNTRY SUMMARIES

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

STATES PARTIES

Afghanistan's cluster munition contamination dates from use by Soviet and United States (US) forces and blocks access to agricultural and grazing land.[70] Most cluster munitions used by the US in late 2001 and early 2002 were removed during clearance operations in 2002–2003, guided by US airstrike data.[71] As of May 2017, Afghanistan recorded 5.57km^2 of cluster munition-contaminated areas, and contamination is probably more widespread than reported.[72] During 2016, the level of recorded contamination remained unchanged at 6.86km^2.[73] The land cleared in 2016 was previously unrecorded.[74] Land release was hampered by insecurity in affected areas and a downturn in funding.[75]

Bosnia and Herzegovina's (BiH) cluster munition contamination results from Yugoslav use in the 1992–1995 conflict after the break-up of the Socialist Federal Republic of Yugoslavia. Cluster munitions were also used by NATO forces in Republika Srpska.[76] Sixty communities across seven cantons are affected by 1.12km^2 of confirmed hazardous area and 7.3km^2 of suspected hazardous area.[77] The total amount of confirmed hazardous areas increased slightly in 2016. During 2016, four organizations conducted cluster munition technical survey and/or clearance: the BiH Armed Forces and the Federal Administration of Civil Protection, and NGOs Norwegian People's Aid (NPA) and Pro Vita.[78]

Chad is believed to be contaminated by cluster munitions used by France and Libya in the 1980s, but the full extent of contamination is not known. No cluster munition survey or clearance was undertaken in 2016. There was evidence of cluster munition contamination in 2015, as three cluster munition remnants were discovered and destroyed, and civilian casualties were reported as a result of an accident with a submunition.[79] The National

68 "Report of the Secretary-General on the situation concerning Western Sahara," UN doc. S/2017/307, 10 April 2017, p. 8; R. Gladstone, "Morocco Orders U.N. to Cut Staff in Disputed Western Sahara Territory," *The New York Times*, 17 March 2016, bit.ly/NYTMorocco16; and What's in Blue: Insights on the work of the UN Security Council, "Western Sahara: Arria-formula Meeting, Consultations, and MINURSO Adoption," 26 April 2016, bit.ly/WSaharaMeeting.

69 The buffer strip is an area 5km wide, east of the Berm. MINURSO, "Ceasefire Monitoring Overview," undated, bit.ly/WSaharaCeaseFire

70 Statement of Afghanistan, Convention on Cluster Munitions Intersessional Meetings, Geneva, 15 April 2013, bit.ly/CMCintersessional13Afghanistan.

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

72 Emails from Abdul Qudos Ziaee, Operations R&D Manager, UNMAS/DMAC, 10 and 15 May 2017; and interviews with MACCA Implementing Partners, Kabul, May 2013.

73 "Proposal for Complete Removal of the Known Cluster Sub-munitions Contamination in Afghanistan," undated but 2016, p. 18, document received from DMAC by email, 19 February 2017.

74 Email from Abdul Qudos Ziaee, UNMAS/DMAC, 10 May 2017.

75 Email from Mohammed Wakil, Chief of Staff, MACCA, 1 May 2016.

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

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

78 Email from Goran Zdrale, BHMAC, 17 May 2017.

79 Chad, Convention on Cluster Munitions Article 7 Report (for calendar year 2015), Forms F and H bit.ly/CCMArt7database; and email from Llewelyn Jones, Director of Programmes, MAG, 31 May 2016.

Demining Center (Centre National de Déminage, CND) operates demining and explosive ordnance disposal (EOD) teams. Mines Advisory Group (MAG) and Handicap International operated in Chad in 2016.[80]

Chile has reported military training areas totaling 97km^2 that are suspected to be contaminated by cluster munition remnants. As of mid-2017, Chile had not reported conducting any survey or clearance of the cluster munition-contaminated areas, nor had it reported on any steps taken to elaborate a work plan. Chile has not submitted any Article 7 transparency report since 2013.

The convention entered into force for **Colombia** on 1 March 2016. In 2009 and 2010, the Ministry of Defense acknowledged that cluster munitions had been used in the past.[81] The impact of any cluster munition contamination is believed to be minimal. In August 2016, and again in May 2017, Colombia reported that it was in the process of establishing the location and extent of any contamination.[82] Colombia may be able to declare full completion of its Article 4 obligations once the requisite assessment and survey has been taken.

Croatia is contaminated by cluster munitions used in the 1990s conflict that followed the dissolution of the former Yugoslavia.[83] By the end of 2016, 1.74km^2 of land across three counties was confirmed to be contaminated by cluster munition remnants, a reduction of 0.19km^2 from 2015. Clearance was completed in Split-Dalmatia county in 2016.[84] In Croatia, clearance is conducted by the state-owned operator MUNGOS and commercial demining companies.[85]

Germany reported in June 2011 that it had identified areas suspected of containing cluster munition remnants at a former Soviet military training range at Wittstock in Brandenburg. Non-technical survey resulted in a suspected area of approximately 11km^2.[86] The area is completely perimeter-marked with warning signs and an official directive constrains access to it.[87] Survey was completed in 2015, and results formed the basis for subsequent preparatory work in 2016, including the preparation of a fire protection system.[88] Clearance operations commenced in March 2017.[89]

The extent of **Iraq**'s cluster munition contamination is not known. Cluster munition remnants contaminate significant areas of central and southern Iraq, a legacy of the 1991 Gulf War and the 2003 invasion of Iraq. Iraq reports that cluster munition remnants in confirmed hazardous areas cover a total of 207km^2 across nine central and southern governorates: 95%

80 Email from Julien Kempeneers, HI, 2 May 2016; and HI, "Landmine Clearance Efforts Begin in Chad," undated, bit.ly/HIclearsChad.

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

82 Colombia, Convention on Cluster Munitions Article 7 Report (initial report submitted in August 2016), Form F; and Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form J, bit.ly/CCMArt7database.

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

84 Email from Nataša Mateković, Assistant Director and Head of Planning and Analysis Department, CROMAC, 22 March 2017.

85 Email from Nataša Mateković, CROMAC, 20 June 2017; and Germany, Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form F, bit.ly/CCMArt7database.

86 Germany, Convention on Cluster Munitions Article 7 Report (for calendar year 2014), Form F, 20 April 2015, bit.ly/CCMArt7database.

87 Ibid.; and Germany, Convention on Cluster Munitions Article 7 Report, Form G, 4 April 2012, bit.ly/CCMArt7database.

88 Email from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April 2017; and Germany, Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form F, bit.ly/CCMArt7database.

89 Emails from official from the Desk for Conventional Arms Control, German Federal Foreign Office, 19 April and 13 June 2017; and Germany, Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form F, bit.ly/CCMArt7database.

is in just the three governorates of Basra, Muthanna, and Thi-Qar.[90] The northern Kurdish region is reported to only have residual, scattered cluster munition contamination.[91] In 2016, survey and clearance were conducted by the civil defense and the Regional Mine Action Centre (RMAC) South, along with humanitarian operators Iraq Mine Clearance Organization (IMCO), NPA, and MAG.[92] Mine action operations were overshadowed by conflict, and data deficiencies hindered an accurate determination of progress.

Lao PDR is the world's most heavily contaminated state as a result of cluster bombs used by the US between 1964 and 1973, including more than 270 million submunitions.[93] The scale of contamination is not known. As of April 2017, there was 352km^2 of confirmed contamination,[94] but actual contamination is much higher. In 2016, Lao PDR committed to a nationwide survey with a view to producing Lao PDR's first baseline estimate of cluster munition contamination by the end of 2021.[95] In 2016, the total cluster munition-contaminated land cleared represented a significant reduction compared to the previous four years, in part as a result of the increased focus on survey.[96] However, the number of submunitions destroyed was the highest recorded in any year, which might indicate that clearance activities were better targeted to avoid clearance of uncontaminated land.[97] In 2016, operators included five humanitarian operators—one national, UXO Lao, and four international (HALO Trust, Handicap International, MAG, and NPA)—as well as several international and national commercial operators.

Norwegian People's Aid team prepares for battle area clearance in the south of Lao PDR.

© Kimberly McCosker / NPA, March 2017

Lebanon's four southern regions are affected by contamination resulting from cluster munitions use by Israel during the July-August 2006 conflict, while some parts of the country are also contaminated by cluster munitions used in the 1980s.[98] Previously unknown contaminated areas continued to be discovered in 2016, predominantly in southern Lebanon.[99] At the end of March 2017, Lebanon had almost 18.2km^2 of confirmed cluster munition contamination.[100] Cluster munition remnants continue to affect agriculture.[101] Cluster munition clearance in 2016 was conducted by international operators DanChurchAid (DCA), MAG, and NPA; national operator Peace Generation Organization for Demining (POD); and the Engineering Regiment of the Lebanese Armed Forces.

90 Email from Ahmed Al-Jasim, DMA, 6 April 2017.

91 Emails from Khatab Omer Ahmad, Planning Manager, Directorate General of Technical Affairs, Iraqi Kurdistan Mine Action Agency (IKMAA), 8 April 2017.

92 Email from Ahmed Al-Jasim, DMA, 4 May 2017.

93 "US bombing records in Laos, 1964–73, Congressional Record," 14 May 1975; NRA, UXO Sector Annual Report 2009 (Vientiane, 2010), p. 13, bit.ly/NRAUXOrep09; and Lao PDR, Convention on Cluster Munitions Article 7 Report (for calendar year 2013), Form F, bit.ly/CCMArt7database.

94 Information provided by Phoukhieo Chanthasomboune, NRA, 27 April 2017.

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

96 "Sector Achievements 2016," received from NRA, 19 May 2017.

97 Ibid.

98 LMAC, "Lebanon Mine Action Strategy 2011–2020," September 2011, bit.ly/LMACstrategy11; and responses to NPA questionnaire by Brig.-Gen. Elie Nassif, LMAC, 12 May and 17 June 2015.

99 Lebanon, Convention on Cluster Munitions Article 7 Report (for calendar year 2016), Form F, bit.ly/CCMArt7database; and emails from Brig.-Gen. Ziad Nasr, LMAC, 24 April and 9 June 2017.

100 Email from Brig.-Gen. Nasr, LMAC, 24 April 2017.

101 MAG, "Cluster Munition Contamination in Lebanon using survey data," September 2014, p. 4, bit.ly/MAGLebanoncontamination.

Montenegro's cluster munition contamination is the result of NATO airstrikes in 1999.[102] A non-technical survey conducted in 2012–2013 identified approximately 1.7km^2 of suspected and confirmed hazardous areas in two municipalities and one urban municipality.[103] The contamination mainly affects infrastructure and utilities, accounting for 63% of the affected land, with agriculture accounting for another 30%. One area remains unsurveyed.[104] No land release operations had taken place as of May 2017.[105]

Mozambique's remaining 1.2km^2 of cluster munition contamination was identified and cleared in 2015 and 2016. Mozambique informed the Convention on Cluster Munitions Implementation Support Unit of completion of cluster munition clearance in December 2016. Mozambique stated in 2014 that there was limited use of cluster munitions during its 1977–1992 civil war.[106] During surveys conducted in 2015 with the intention of confirming the absence of cluster munition remnants, six areas with a total size of nearly 0.74km^2 of confirmed cluster munition contamination were identified.[107] Clearance of these areas began in January 2016. In 2016, additional areas were identified and cleared.[108] NPA was the only operator conducting cluster munition survey and clearance in 2015–2016.[109]

The convention entered into force for **Somalia** on 1 March 2016. The Ethiopian National Defense Forces reportedly used cluster munitions in clashes with Somali Armed Forces along the Somali-Ethiopian border during the 1977–1978 Ogaden War.[110] In 2016, BL-755 submunitions were discovered, the result of alleged use by Kenya that year.[111] Cluster munition contamination is suspected in southcentral Somalia and Puntland, but the extent is not known. As of May 2017, no national survey had been conducted, mainly due to the security situation.[112] No survey or clearance of cluster munition remnants was conducted in 2016. Somalia had not submitted its initial Article 7 transparency report as of 1 August 2017.

United Kingdom (UK). There may be an unknown number of cluster munition remnants on the Falkland Islands/Malvinas as a result of use of cluster munitions by the UK against Argentine positions in 1982. Most cluster munition contamination was cleared in the first year after the conflict.[113] The UK affirmed in 2015 that no areas known to be contaminated with cluster munition remnants exist outside areas already suspected of being contaminated with landmines or ERW, which are all marked and fenced.[114] In 2015 and 2016, land release was conducted by BACTEC. No submunitions were found during clearance operations in 2016.[115]

102 NPA, "Cluster Munition Remnants in Montenegro," July 2013, p. 21, bit.ly/NPARemnantsMontenegro.

103 Montenegro, Convention on Cluster Munitions Article 7 Report (for calendar year 2014), Form F; Convention on Cluster Munitions Article 7 Report (for calendar year 2013), Form F, bit.ly/CCMArt7database; and NPA, "Cluster Munition Remnants in Montenegro," July 2013, p. 26, bit.ly/NPARemnantsMontenegro. There is a discrepancy in the locations reported as contaminated between the Article 7 reports and NPA.

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

105 Interview with Milovan Joksimović, Directorate for Emergency Situations, Podgorica, 15 May 2017.

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

107 Skype interview with Afedra Robert Iga, NPA, 7 June 2016.

108 Emails from Afedra Robert Iga, NPA, 7 June 2016, and 23 March 2017.

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

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

111 UN Security Council, "Letter dated 7 October 2016 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council," S2016/919, 31 October 2016, pp. 171–173.

112 UNMAS, "2017 Portfolio of Mine Action Projects, Somalia," undated.

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

114 Email from an official in the Arms Export Policy Department of the FCO, 1 July 2015.

115 Interview with an official in the Arms Export Policy Department of the FCO, London, 16 March 2017; and email, 2 June 2017.

NON-SIGNATORIES WITH MORE THAN 5KM^2 OF CONTAMINATED LAND

The full extent of the **Cambodia**'s contamination is not known. Cluster munition contamination is the result of the intensive US air campaign during the Vietnam War that concentrated on the country's northeastern provinces along its border with Lao PDR and Vietnam.[116] In 2011, Thailand fired cluster munitions into Cambodia's northern Preah Vihear province, which resulted in additional contamination of approximately 1.5 km^2.[117] On the basis of a baseline survey of eight eastern provinces, the estimated area affected by cluster munition remnants was 365km^2 as of May 2017—almost 78% of total ERW contamination amounting to more than 469km^2. The survey showed that 56% of the cluster munition problem is located in the provinces of Kratie and Stung Treng.[118] Survey and clearance of cluster munition remnants in eastern Cambodia are undertaken mainly by the Cambodian Mine Action Center (CMAC), NPA, and MAG. The armed forces have conducted clearance in cluster munition-affected areas but they have not reported the extent and results of their operations. In 2016, Cambodia greatly increased the release of cluster munition-contaminated land, compared to the previous year.

South Sudan. From 1996 to 1999, prior to South Sudan's independence, Sudanese government forces are believed to have air-dropped cluster munitions sporadically in southern Sudan.[119] New use of cluster munitions by an unidentified party resulted in additional contamination in 2014 of Jonglei state.[120] At the end of 2016, contamination was suspected across eight of 10 states.[121] However, ongoing insecurity, particularly in Greater Upper Nile region (Jonglei, Unity, and Upper Nile states), prevents access to confirm or address cluster munition contamination.[122] UNMAS oversees mine action and supports the capacity development of the National Mine Action Authority (NMAA).[123] Four international NGOs (DCA, DDG, MAG, and NPA) and four commercial companies (G4S Ordnance Management, Mechem, Dynasafe MineTech Limited, and the Development Initiative) operated in 2016. The amount of cluster munition-contaminated land cleared doubled in 2016 compared with 2015, despite a resurgence in violence that forced the closure of mine action operations in the second half of 2016.[124] A decision was made to deploy the bulk of capacity on cluster munition tasks, in order to clear areas for humanitarian access and for UN mission-related activities.[125]

Syria. Cluster munitions have been used extensively since 2012, but the full extent of contamination is not known. During an UNMAS rapid assessment in 2016, communities in Hama, Homs, Idlib, and Rural Damascus governorates reported the presence of cluster

116 South East Asia Air Sortie Database, cited in D. McCracken, "National Explosive Remnants of War Study, Cambodia," NPA in collaboration with CMAA, Phnom Penh, March 2006, p. 15; HRW, "Cluster Munitions in the Asia-Pacific Region," April 2008, bit.ly/HRWCMinAsiaPacific; and HI, *Fatal Footprint: The Global Human Impact of Cluster Munitions* (HI, Brussels, November 2006), p. 11, bit.ly/MonitorHICircleofImpact2007.

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

118 Email from Prom Serey Audom, Assistant to the Secretary General, CMAA, 2 May 2017.

119 Cluster Munition Monitor, "Country Profile: South Sudan: Cluster Munition Ban Policy," updated 23 August 2014, bit.ly/CMMSSudanBanPolicy14. See also, UNMAS, "Reported use of Cluster Munitions South Sudan February 2014," 12 February 2014; and UN Mission in South Sudan (UNMISS), "Conflict in South Sudan: A Human Rights Report," 8 May 2014, p. 26, bit.ly/UNMISSReport14.

120 UNMAS, "Reported use of Cluster Munitions South Sudan February 2014," 12 February 2014. See also, UNMISS, "Conflict in South Sudan: A Human Rights Report," 8 May 2014, p. 26, bit.ly/UNMISSReport14.

121 Email from Robert Thompson, UNMAS, 19 April 2017.

122 UNMAS, "2017 Portfolio of Mine Action Projects: South Sudan," January 2017.

123 South Sudan, "South Sudan National Mine Action Strategic Plan 2012–2016," Juba, 2012, p. iv, bit.ly/SSudanMineActionPlan1216.

124 Emails from Robert Thompson, UNMAS, 19 April 2017; from Bill Marsden, MAG, 10 May 2017; and from William Maina, DDG, 2 May 2017.

125 Email from Robert Thompson, UNMAS, 7 June 2017.

munition remnants.[126] Prior to the current conflict, the Golan Heights was contaminated by UXO, including unexploded submunitions. There is no national mine action program in Syria. UNMAS deployed a team to southern Turkey in August 2015, and as of March 2017 its focus was on coordination, impact survey, and risk education.[127] Conflict in many governorates has prevented access by mine action organizations. Non-state armed groups and volunteers have conducted clearance immediately after fighting has occurred, despite a lack of adequate training, equipment, and resources.[128]

Ukraine. The full extent of contamination from cluster munitions used by both government and pro-Russian armed opposition forces in Ukraine's eastern provinces of Donetsk and Luhansk from mid-2014 until a February 2015 ceasefire is not known. Prior to 2014, cluster munitions had never been used in Ukraine. Mine action operators consist of Ukrainian government authorities, three international NGOs (DDG, Fondation Suisse de Deminage, and HALO Trust) and a national NGO, Demining Team of Ukraine. Only HALO reported survey and clearance of cluster munition contamination in 2016.[129] The clearance results of the government operators were not provided. The UN-led humanitarian coordination system has a mine action sub-cluster, which sits under the Global Protection Cluster.[130] The Organization for Security and Co-operation in Europe (OSCE) and the GICHD are providing support to establish mine action legislation, policies, coordination, and information management.[131] NATO experts are also supporting the development of the armed forces' demining capacity.[132]

Vietnam is one of the most cluster munition-contaminated countries in the world as a result of the US use of cluster munitions in 1965–1973 in 55 provinces and cities.[133] The US military also abandoned substantial quantities of cluster munitions.[134] There is no accurate assessment of contamination and no clear data on land release. The Army Engineering Corps has conducted most clearance in the country over the past few years, but as in past years they did not provide data for 2016. Three international NGOs (DDG, MAG, and NPA) conducted survey and clearance in 2016, with increased results.

Yemen. Since the start of the latest conflict in March 2015, intensive air strikes by the Saudi-led coalition have resulted in significant contamination that poses a threat to the civilian population.[135] The Yemen Mine Action Center (YEMAC) has identified heavy cluster munition contamination in Saada governorate as well as contamination in Amran, Hodaida, Mawit, and Sanaa governorates, including in Sanaa city.[136] Cluster munition contamination has also been reported in Hajjah governorate.[137] Most is in areas of ongoing conflict and the full extent is not known. Contamination also results from use in 2009 and perhaps earlier.

126 UNMAS/NPM, "Rapid Assessment on Mine Action," November 2016, pp. 6–7.

127 UNMAS Programme, "Syria," updated March 2017, www.mineaction.org/programmes/syria.

128 See for instance, UNMAS, "Programmes: Syria," updated March 2016; and presentation by Raed Al Saleh, Director, Syria Civil Defence, Convention on Cluster Munitions Sixth Meeting of States Parties, 6 September 2016.

129 Email from Yuri Shahramanyan, HALO Trust, 24 May 2017.

130 UN Ukraine, "Joint UN Mission to Assess Mine Action Needs in Ukraine," 25 January 2016, bit.ly/UNMissionMineActionUkraine.

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

132 National Security and Defence Council and the SESU, "Humanitarian demining in Ukraine: current issues and challenges," Ukraine Side-event, Mine Ban Treaty 14th Meeting of States Parties, Geneva, 2 December 2015; and National Defense and the Canadian Armed Forces, "Operations UNIFIER," undated.

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

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

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

136 Interview with Ahmed Alawi, YEMAC, 17 February 2016; and with Stephen Bryant, Chief Technical Adviser, UNDP, Geneva, 6 February 2017.

137 Amnesty International, "Yemen: children among civilians killed and maimed in cluster bomb 'minefields,'" 23 May 2016, bit.ly/AmnestyYemen23May2016.

There are some 18km^2 of suspected contamination with submunitions in the northern Saada governorate predating the current conflict.[138] All survey and clearance is conducted by YEMAC. In 2016, YEMAC conducted clearance in nine governorates tackling high-threat, high-impact spot tasks, but it did not conduct systematic clearance.[139]

OTHER AREAS WITH MORE THAN 5KM^2 OF CONTAMINATED LAND

Kosovo is affected by cluster munitions used by Federal Republic of Yugoslavia Armed Forces in 1998–1999 and by a NATO air campaign in 1999.[140] After demining operations finished in 2001, the UN reported the problem as virtually eliminated.[141] However, subsequent surveys since 2008 have identified contaminated areas.[142] At the end of 2015, areas of contamination from cluster munition remnants in Kosovo doubled from the size reported at the end of 2014, due to the identification of previously unrecorded contamination. By the end of 2016, the total size reported had decreased slightly.[143] Land release was conducted by the Kosovo Security Forces, HALO Trust, and NPA. The capacity of the two international NGOs increased in 2016.[144]

Most of **Nagorno-Karabakh**'s cluster munition contamination dates from use in 1992–1994 during armed conflict between Armenia and Azerbaijan. Almost 72km^2 affects all regions with more than 75% of the contamination located in three regions: Askeran, Martuni, and Martakert.[145] Survey and clearance was conducted by HALO Trust. In 2016, 2km^2 of new contamination was estimated to have resulted from use of cluster munitions in the hostilities between Armenia and Azerbaijan in April.[146] HALO Trust's survey teams and the de facto authority conducted rapid survey and clearance close to populated areas.[147] Surface contamination clearance of this new contamination was completed in 2016, and subsurface clearance of agricultural land was completed in February 2017.[148]

Western Sahara. Morocco used cluster munitions against Polisario Front forces during their conflict from 1975 to 1991. Previously undiscovered cluster munition contamination continued to be found in 2016.[149] New strike areas are expected to be found in the future as mine action activities continue and additional information is received from local populations.[150] Some cluster munition contamination is located inside the buffer strip and is inaccessible to clearance operators.[151] A UN Mine Action Coordination Centre is responsible

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

139 UNDP, *Support to Eliminate Mines and Explosive Remnants of War, Annual Progress Report 2016* (Yemen, 2017), p. 8; and "YEMAC productivity February – December 2016," received from the UNDP by email, 5 April 2017.

140 See, UN Mission in Kosovo (UNMIK), "UNMIK OKPCC EOD Management Section Annual Report 2005," Pristina, 18 January 2006, p. 2; and ICRC *Explosive Remnants of War, Cluster Bombs and Landmines in Kosovo* (Geneva, revised June 2001), pp. 6 and 15, bit.ly/ICRCERWinKosovo01.

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

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

143 Emails from Ahmet Sallova, Head, KMAC, 12 April 2016, and 20 February 2017.

144 Email from Ahmet Sallova, KMAC, 20 February 2017.

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

146 HALO Trust, "HALO Trust begins emergency clearance in Karabakh," 19 April 2016, bit.ly/HALOclearsKarabakh16.

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

148 Email from Ash Boddy, HALO Trust, 13 April 2017.

149 Email from Virginie Auger, UNMAS, 15 March 2017.

150 Emails from Sarah Holland, UNMAS, 23 May 2016; and from Gordan Novak, AOAV Western Sahara, 25 July 2014.

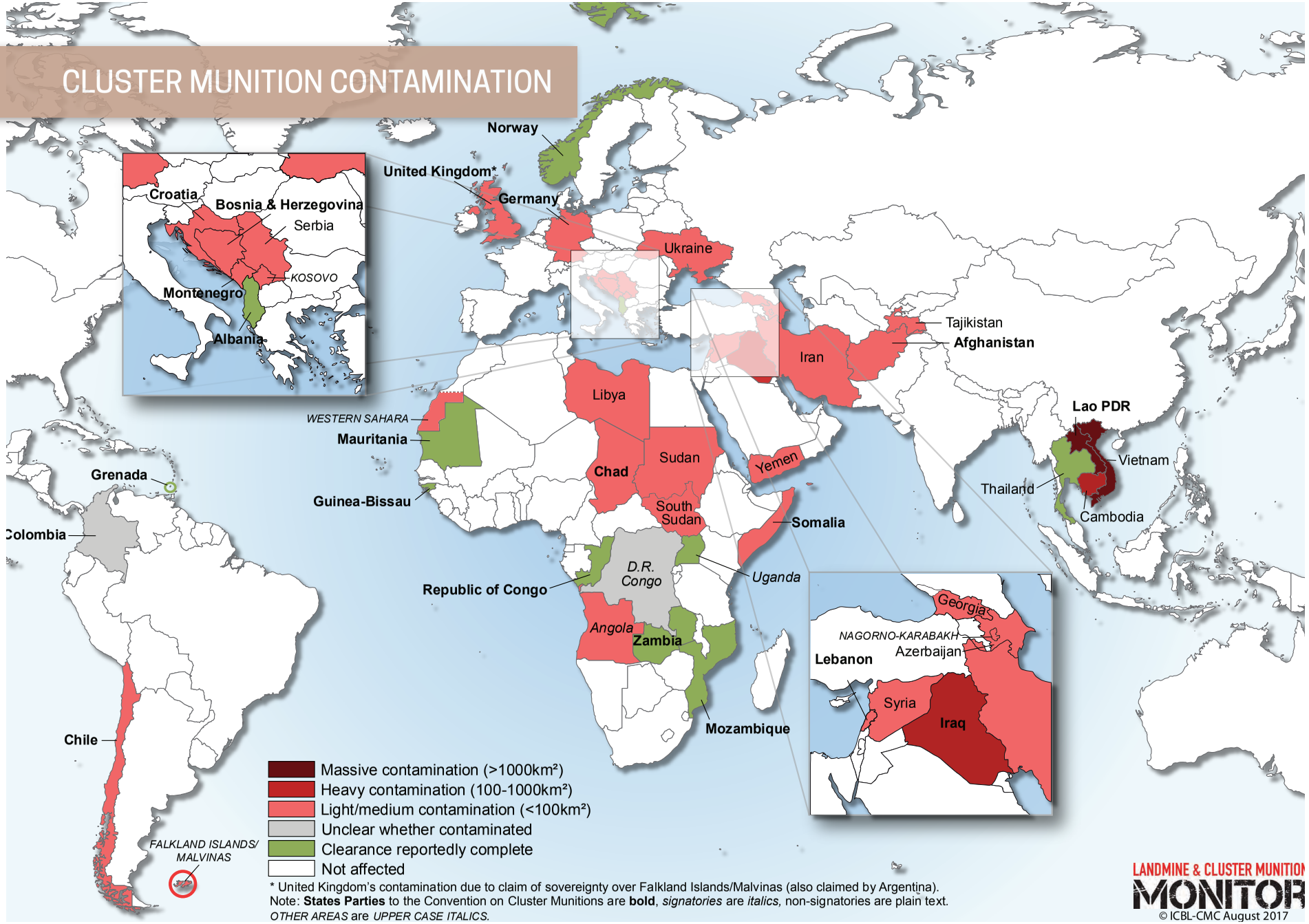
151 The buffer strip is an area 5km wide east of the Berm. MINURSO, "Ceasefire Monitoring Overview," undated, bit.ly/WSaharaCeaseFire.

for managing mine action in Western Sahara. The Polisario Front has a local center (the Saharawi Mine Action Coordination Office, SMACO), which is supported by the UN and is responsible for coordinating mine action activities east of the Berm and for land release activities.[152] Dynasafe MineTech Limited was the only operator tasked with conducting cluster munition survey and clearance during 2016. UNMAS-contracted demining activities were suspended from 20 March to 15 September 2016, following the expulsion of civilian staff members of MINURSO by Morocco.[153]

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

153 "Report of the Secretary-General on the situation concerning Western Sahara," UN doc. S/2017/307, 10 April 2017, p. 8, http://www.undocs.org/S/2017/307; R. Gladstone, "Morocco Orders U.N. to Cut Staff in Disputed Western Sahara Territory," *The New York Times*, 17 March 2016, bit.ly/NYTMorocco16; and What's in Blue: Insights on the work of the UN Security Council, "Western Sahara: Arria-formula Meeting, Consultations, and MINURSO Adoption," 26 April 2016, bit.ly/MINURSOWSahara16.

CLUSTER MUNITION CONTAMINATION



* 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*.

LANDMINE & CLUSTER MUNITION MONITOR

Hindi Ibrahim, a 25-year-old father of two from Dugheij Village, Hayran, Hajjah governorate in Yemen was injured by a cluster submunition.

CLUSTER MUNITION CASUALTIES

A total of 971 new cluster munition casualties were identified by the Monitor in 2016, but it is certain that this number does not capture all actual casualties and therefore the real number is most likely higher. Casualties recorded occurred due to both attacks and unexploded cluster submunitions.

This is the second-highest annual figure since Cluster Munition Monitor began consolidated analysis of reported cluster munitions casualties in 2009. It is a significant increase being more than double the 419 new cluster munition casualties in 2015.

Overall, in 2016, 857 people were killed and injured directly due to cluster munition use in two countries (Syria and Yemen), while unexploded submunitions caused 114 casualties in 10 countries.

Cluster munition attacks in Syria caused 837 casualties in 2016, and were the primary reason behind the sharp overall annual global increase. A 10-year peak in unexploded submunition casualties recorded in Lao PDR, the most affected country in the world, also added to the 2016 increase. This is a stern reminder that unexploded submunitions continue to kill and injure civilians, particularly children, for years and decades after they were used.

ALL CLUSTER MUNITION CASUALTIES OVER TIME

The total number of cluster munition casualties for all time recorded by the Monitor reached 21,275 as of the end of 2016. This total includes both casualties directly resulting from cluster munition use in attacks, and casualties from cluster munition remnants.[1] Casualties directly caused by use have been grossly under-recorded, including among military personnel and direct participants in armed conflict. As many casualties still go unrecorded, a better indicator of the total number of casualties globally over time is roughly

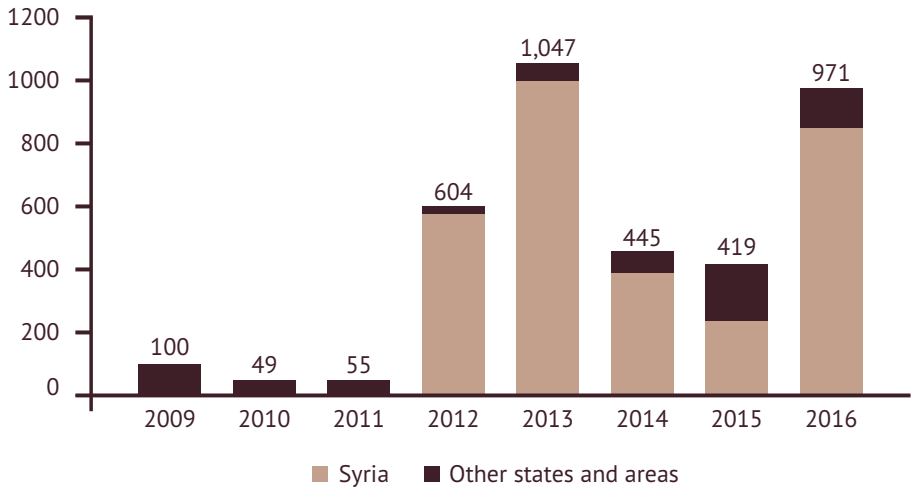
1 Cluster munition remnants include abandoned cluster munitions, unexploded submunitions, and unexploded bomblets, as well as failed cluster munitions. Unexploded submunitions are "explosive submunitions" that have been dispersed or released from a cluster munition but failed to explode as intended. 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).

56,000, calculated from various country estimates. Global estimates of cluster munition casualties range as high as 86,000 casualties or more, but some of those totals are based on extrapolations from limited data samples, which may not be representative of national averages or the actual number of casualties.[2]

The Monitor provides the most comprehensive statistics available on cluster munition casualties recorded annually over time, in individual countries, and aggregated globally. Data is drawn from the mid-1960s, when the United States (US) extensively used cluster munitions in Southeast Asia, through to the end of 2016. It covers casualties from unexploded submunitions and use as recorded in 33 countries and three other areas (*see table below*).

The present total of 21,275 cluster munition casualties is far greater than the 13,306 recorded cluster munition casualties identified before the signing of the Convention on Cluster Munitions in 2008.[3] In that same period, cluster munition casualties were recorded in 17 countries and three other areas: States Parties Afghanistan, Bosnia and Herzegovina (BiH), Chad, Croatia, Iraq, Lao PDR, and Lebanon; signatory state Democratic Republic of Congo (DRC); and states not party Cambodia, Libya, Serbia, South Sudan, Sudan, Syria, Ukraine, Vietnam, and Yemen; and three other areas Kosovo, Nagorno-Karabakh, and Western Sahara. Most of the casualties since 2009 occurred in Syria.

Casualties in Syria and other countries and areas 2009–2016



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

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

The vast majority (17,291) of all reported casualties to date were from cluster munition remnants—typically explosive submunitions or bomblets that failed to detonate during strikes. Another 3,983 casualties occurred during the use of cluster munitions.[4]

States and other areas where cluster munition casualties have occurred[5] (as of 31 December 2016)

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

Note: other areas are indicated in *italics*.

A success of the Convention on Cluster Munitions has been increased awareness of and focus on the promise of ending the casualties and suffering caused by this indiscriminate weapon. Ultimately, that greater awareness has resulted in more and faster reporting of casualties during cluster munition use. Since 2014, casualties recorded from cluster munition strikes have outnumbered those from unexploded cluster submunitions.

4 Use includes casualties due to both ground-launched and air-deployed cluster munitions. Use occurs primarily during attacks or "strikes," but also during the dumping of cluster munitions prior to aircraft landing. In addition, for one casualty it was not specified whether the casualty was due to use or unexploded submunitions. Monitor revision of past data has resulted in casualties that were thought to be, but not specifically labelled as unexploded submunition casualties, being recorded as cluster munition remnant casualties in global data.

5 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.

Thousands of cluster munition casualties from past conflicts, particularly casualties that occurred during extensive use in Asia (including Southeast Asia and Afghanistan) and the Middle East (particularly Iraq), have gone unrecorded. The number of states with cluster munition victims is also likely to be greater than the 14 States Parties, 19 signatories, and three other areas currently identified.[6]

CASUALTIES IN 2016

A total of 971 cluster munition casualties were recorded by the Monitor in 2016, although this number does not capture all actual casualties and the real number is most likely higher. Cluster munition casualties were recorded in 10 countries.

States with cluster munition casualties recorded in 2016

Country	Casualties from cluster munition attacks	Casualties from unexploded submissions	Total
Syria	837	23	860
Lao PDR	N/A	51	51
Yemen	20	18	38
Vietnam	N/A	9	9
Iraq	N/A	4	4
Libya	N/A	3	3
South Sudan	N/A	3	3
BiH	N/A	1	1
Lebanon	N/A	1	1
Serbia	N/A	1	1
Total	857	114	971

Note: States Parties to the Convention on Cluster Munitions are indicated in **bold**; N/A = Not applicable.

The 971 cluster munition casualties recorded in 2016 is more than twice the 419 casualties recorded for 2015, and the second-highest total since the beginning of Cluster Munition Monitor reporting for casualties in 2009. The total of cluster munition casualties in 2016 comes close to the highest annual casualty total reported during that period—1,047 casualties in 2013. The vast majority of recorded casualties in 2016 (89%) occurred in Syria.

6 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 an unexploded submunition at a weapons testing range in Zimbabwe, a non-signatory (in the time of the former Rhodesia). For the first time in 2015, Chad—a State Party reported to have cluster munition casualties earlier, but lacking disaggregated casualty data—recorded a specific unexploded submunition incident causing casualties. In Angola, a national victim survey identified at least 354 cluster munition survivors in one province. However, since *Cluster Munition Monitor 2015* was published, newly available information has indicated uncertainty around this finding, both whether the casualties were caused by unexploded submunitions and the means by which they were identified. Pending further clarification, they remain in the Cluster Munition Monitor global casualty total.

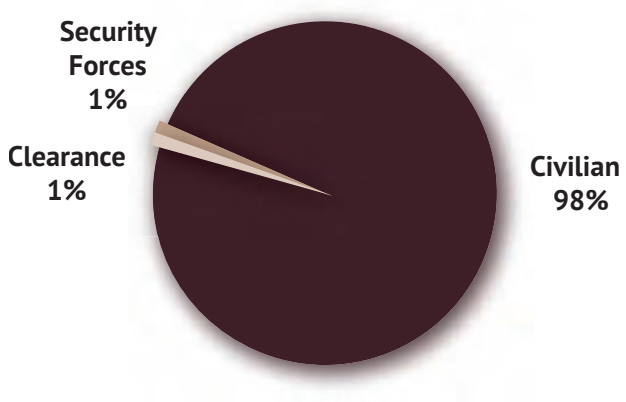
Due to the lack of consistency in the availability and disaggregation of data on cluster munition casualties annually, comparisons with previous annual reporting are not believed to be necessarily indicative of definitive trends and specific fluctuations may be adjusted over time as new information becomes available.

Despite the increase in the global casualty total from 2015 to 2016, it is certain that the actual number of casualties occurring annually continues to be significantly under-reported. Several countries where casualties were reported do not have national casualty surveillance systems and also experienced ongoing or intensified conflict throughout 2016, which severely hampered data collection: Iraq, Libya, South Sudan, Syria, and Yemen.

Casualty demographics

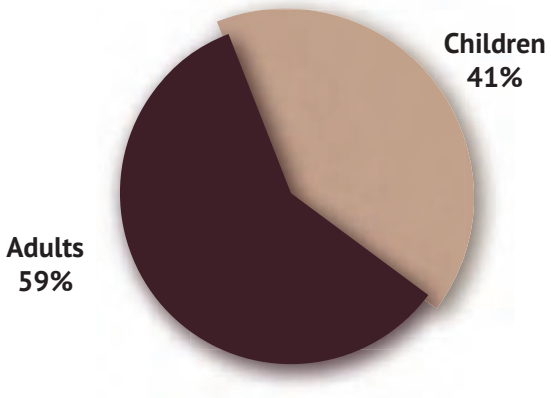
In 2016, civilians made up 98% (694) of all cluster munition casualties for which the status was known (707). The status was unknown for 264 casualties. The high percentage of civilian casualties is consistent with findings based on analysis of historical data. Six casualties were recorded as military/combatants, and seven were clearance personnel (humanitarian deminers, explosive ordinance disposal technicians, or similar), making up some 1% of the 2016 total each.

2016 casualties by civilian status



Children[7] accounted for 41% of all cluster munition casualties, where the age group was reported in 2016. This included 175 children among 425 casualties of known age group.

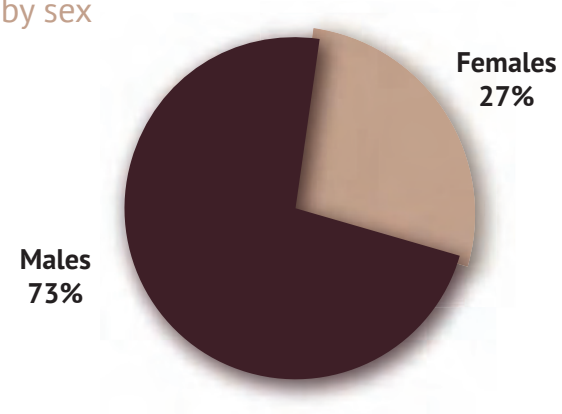
2016 casualties by age group



7 "Children" means persons under 18 years old, or those casualties listed as "child" in existing data or reporting.

Women and girls made up 27% of casualties, where sex was recorded (301).

2016 casualties by sex



Country details

Casualties from cluster munition use were recorded in two countries in 2016: Syria and Yemen. Casualties from unexploded submunitions were also reported in both states. In Syria, 837 casualties of cluster munition use and 23 casualties of unexploded submunitions were reported. An additional 83 casualties occurred when cluster munitions were used in conjunction with other weapons, and it is not possible to determine how many casualties were due to cluster munitions and how many to the other weapons.[8] Therefore, the Monitor has not included these casualties in the total figure. As has been the case each year since 2012, Syria had the highest annual total of reported cluster munition casualties.[9]

In Yemen, 38 cluster munition casualties were reported in 2016, which represented a decrease from the 104 casualties reported in 2015. The number of casualties reported as a result of cluster munition use decreased from 94 in 2015 to 20 in 2016, but the number of unexploded submunition casualties increased from 10 in 2015 to 18 in 2016.

In 2016, unexploded submunitions continued to result in casualties, both in countries that remain affected long after the munitions were used, and from the remnants of recent use in Syria and Yemen. Regardless of the time period since use, unexploded submunitions disproportionately harm civilians, including children. Unexploded submunition casualties were reported in 10 countries in 2016.

In Lao PDR, the number of submunition casualties increased from 18 recorded in 2015 to 51 recorded in 2016, marking a 10-year peak in unexploded cluster submunition casualties in the world's most affected state. Of these, 67% (34) were children. In contrast, however, Lebanon experienced a significant drop in cluster munition casualties; only one submunition casualty was reported in 2016, many fewer than the 13 reported in 2015.

For the first time since 2009, Cambodia, a state not party to the Convention on Cluster

8 On 11 July 2016, three aircraft carried out multiple bombings near Termanin, a village in Idlib province, killing at least 10 people and injuring more than 30, all civilians. The bombings involved the use of cluster munitions and other weapons. See, Human Rights Watch (HRW), "Russia/Syria: Widespread New Cluster Munition Use," 28 July 2016, bit.ly/HRWRussiaSyriaNewCMUse. The Syria Civil Defence reported four incidents in 2016 where cluster munitions use occurred along with other weapons used, resulting in 43 casualties. MayDay Rescue, "White Helmets [Syria Civil Defence] Daily Responses Report," for the period October 2016 through December 2016.

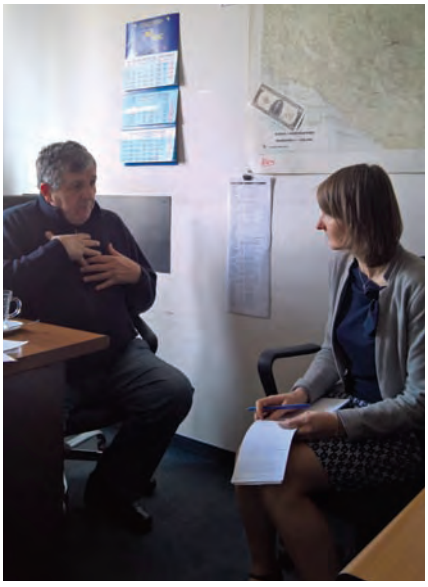
9 For Syria, 248 cluster munition casualties were reported in 2015; 383 in 2014; 1,001 in 2013; and at least 583 in 2012. The extreme difficulties faced in collecting data continued, which likely resulted in, an underreporting of cluster munition casualties in all years.

Munitions, did not report any cluster munition casualties in 2016. No cluster munition casualties were identified in Ukraine in 2016, however data indicated that some records of unexploded submunition casualties contained insufficient detail to confirm the date of the incident.

Casualty recording

In most countries, the majority of cluster munition casualties were reported by mine action centers and clearance operators.

However, in Syria and Yemen, cluster munition casualties were mainly identified in information recorded by national and international civil society and NGOs, as well as through media reports. For Syria, these organizations were Human Rights Watch, the MayDay Rescue/Syria Civil Defence, the Syrian Network for Human Rights, and the Violations Documentation Center (VDC).[10] For Yemen, they were Amnesty International and Human Rights Watch. These organizations conducted field research to collect and verify reports of cluster munitions attacks and casualties. In the absence of national casualty surveillance systems, this important work by civil society organizations has captured data on the casualties and impact of cluster munitions that would have otherwise not been available. Several organizations focused their research specifically on cluster munitions in order to inform work undertaken in the context of the Convention on Cluster Munitions.

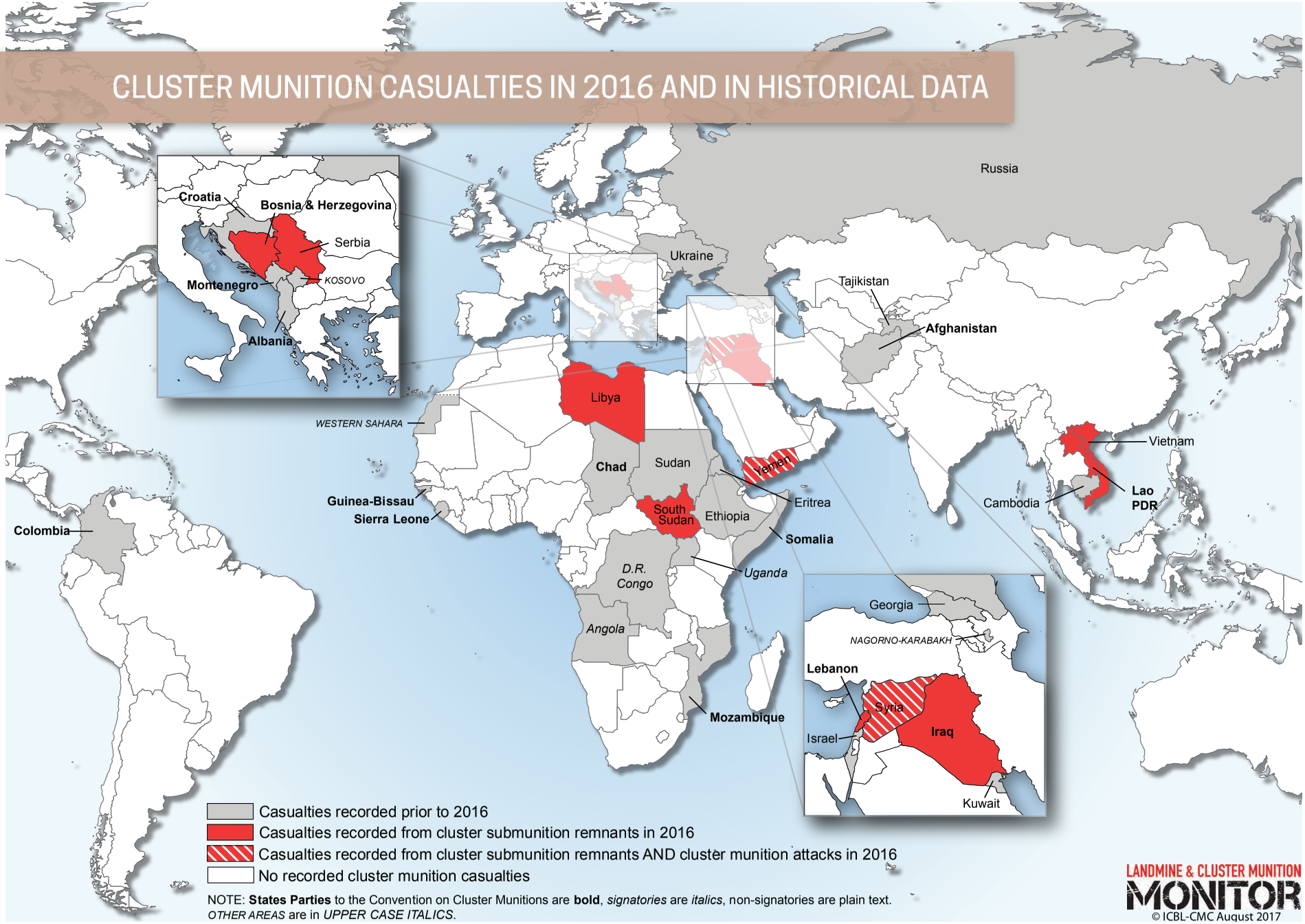


Esher Sadagić, Senior Officer for Victim Assistance at the Bosnia and Herzegovina Mine Action Center (BHMAC) discusses casualty data management challenges with Cluster Munition Monitor research specialist Eléa Boureux in Sarajevo.

© Loren Persi Vicentic / ICBL-CMC, March 2017

10 SNHR, "Russian Forces are worse than the Syrian Regime in terms of cluster munition use," 23 March 2017, sn4hr.org/blog/2017/03/24/36449/; HRW, "Russia/Syria: Widespread New Cluster Munition Use," 28 July 2016; HRW, "Syria: Improvised Mines Kill, Injure Hundreds in Manbij," 26 October 2016, bit.ly/SyriaImprovMinesManbij; VDC website, vdc-sy.net/en/; and MayDay Rescue, "White Helmets [Syrian Civil Defence] Daily Responses Report," for the period October 2016 through December 2016.

CLUSTER MUNITION CASUALTIES IN 2016 AND IN HISTORICAL DATA



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

LANDMINE & CLUSTER MUNITION MONITOR

In December 2016, 17-year-old Kuzong hit a previously unexploded cluster submunition with his hoe. Depicted here with his prosthetic leg that allowed him the ability to go back to school.

VICTIM ASSISTANCE

INTRODUCTION

The year 2017 marks a decade since the beginning of the historic Oslo Process that led to adoption of the 2008 Convention on Cluster Munitions, the first multilateral treaty to make the provision of assistance to victims of a given weapon a formal obligation for all States Parties with victims.[1] The convention continues to set the highest standards for victim assistance.[2] It requires States Parties with cluster munition victims to implement specific activities to ensure that adequate assistance is provided. Article 5 of the Convention on Cluster Munitions requires that States Parties with cluster munition victims implement the following victim assistance activities:[3]

- Collect relevant data and assess the needs of cluster munition victims;
- Coordinate victim assistance programs;
- Develop a national plan, budget, and time frame for implementation;
- Report on progress;
- Actively involve cluster munition victims;
- Provide adequate assistance;
- Implement national legislation according to the principles of international law; and
- Provide assistance that is gender- and age-sensitive as well as non-discriminatory.

By codifying the international understanding of victim assistance and its components and provisions in Article 5, the Convention on Cluster Munitions extended the scope and

1 See, Convention on Cluster Munitions, Article 5 and Article 7(k).

2 Cluster munition victims include survivors (persons who were injured by cluster munitions or their explosive remnants and lived) and other persons directly impacted by cluster munitions, as well as their affected families and communities. Most cluster munition survivors are also persons with disabilities. The term "cluster munition casualties" is used to refer both to persons killed and persons injured as a result of cluster munition use or by cluster munition remnants.

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

understanding of the growing norm on victim assistance that had developed under the 1997 Mine Ban Treaty.[4] That standard was again adapted, although in a less comprehensive form, in the text of the Treaty on the Prohibition of Nuclear Weapons in July 2017.[5]

Victim assistance is not only written into the Convention on Cluster Munitions as an obligation in Article 5—it rests at its core. As one delegate said in 2007, during the Oslo Process:

> "It is impossible to separate the question of victims, their rights and needs, from the overall question of how best to tackle the cluster munitions problem. That is the reality check factor. By that I mean the integration into the policy process of the perspectives from the affected communities, the victims themselves and their families…The reality check factor helps us stay focused on the objectives rather than on the process."[6]

The Dubrovnik Action Plan adopted by States Parties at the Convention on Cluster Munitions First Review Conference in September 2015 elaborates on the convention's victim assistance obligations and in doing so lays out six broad objectives to be achieved by the time of the Second Review Conference in 2020:

- Improvement in the quality and quantity of assistance for persons with disabilities;
- Strengthened respect for human rights;
- Increased exchange of information on good and cost-effective practices;
- Increased involvement of victims in processes that concern them;
- Increased support for victim assistance programs;[7] and
- Increased demonstration of results in Article 7 transparency reports.

This summary highlights developments and challenges in States Parties with respect to their implemention of the six objectives of the Dubrovnik Action Plan and its other specific actions and recommendations. It reports on 14 States Parties with responsibility for cluster munition victims to which Article 5 and the action plan commitments are applicable: Afghanistan, Albania, Bosnia and Herzegovina (BiH), Chad, Colombia, Croatia, Guinea-Bissau, Iraq, Lao PDR, Lebanon, Montenegro, Mozambique, Sierra Leone, and Somalia.

Not included in this overview are countries that are states not party to (and other areas that cannot join) the Convention on Cluster Muntions, including signatories, which are not bound by its obligations nor in a position to receive funding or resouces through international cooperation assistance in fulfilment of obligations of donor States Parties under Article 6.7.[8]

Data on the provision of victim assistance in States Parties, signatory states, and non-signatories, to the Convention on Cluster Munitions is available online in relevant Monitor country profiles. More details on the implementation of services are also available through

4 Mine Ban Treaty, Article 6.3.

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

6 "Victim Assistance and the Oslo Process on Cluster Munitions," Introduction by Amb. Steffen Kongstad, Deputy Director General, Department for UN, Peace and Humanitarian Affairs, Norwegian Ministry of Foreign Affairs, Oslo, at The European Regional Conference on Cluster Munitions, Brussels, 30 October 2007.

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

8 Article 6.7. "Each State Party in a position to do so shall provide assistance for the implementation of the obligations referred to in Article 5 of this Convention."

the Landmine Monitor and other summary Monitor reporting on victim assistance. A collection of thematic overviews, briefing papers, factsheets, and infographics related to victim assistance produced since 1999, as well as the latest key country profiles, is available through the victim assistance portal on the Monitor website.[9]

IMPROVEMENT IN THE QUALITY AND QUANTITY OF ASSISTANCE

ONGOING DATA COLLECTION

The Dubrovnik Action Plan calls for ongoing assessment of the needs of cluster munition victims.[10]

In the following countries, at least some data disaggregated by sex and age was generally available to all relevant stakeholders, and its use in program planning was reported: Albania, Afghanistan, BiH, Croatia, Iraq, Lao PDR, and Lebanon. Albania completed an assessment of socio-economic and medical needs of marginalized victims of explosive remnants of war (ERW). BiH, Croatia, and Lebanon needed to update, revise, or combine victim databases. Further survey was needed in order to identify cluster munition victims and/or needs in Sierra Leone, Guinea-Bissau, Iraq, Montenegro, and Mozambique.

In Afghanistan, the preliminary work plan for a nationwide disability survey was completed in 2016.[11] However, in March 2017 the survey was removed from program planning.[12] The last national disability survey was carried out in 2005.

In 2016, Colombia first reported, "To date, the Colombian State has not reported or recorded victims of cluster munitions."[13] In November 2012, the Inter-American Court of Human Rights found that there were 44 civilian casualties as a result of cluster munition use during an attack in 1998.[14] It is not clear if these casualties are recorded in the data of Colombia's Unit for Comprehensive Victim Support and Reparation (Victims Unit).

GOVERNMENT FOCAL POINTS

According to the Dubrovnik Action Plan, all States Parties with responsibility for cluster munition victims should have designated a focal point within the government to coordinate victim assistance by the end of 2016.[15]

In 2016, only Guinea-Bissau and Sierra Leone did not have a victim assistance focal point.

All the other States Parties have focal points for victim assistance. Seven States Parties

9 See, the Monitor, "Victim Assistance Resources," bit.ly/MonitorVictimAssistance.

10 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.

11 UNMAS and USAID, "Monthly Status Update – July 2016 Afghan Civilian Assistance Program (ACAP III)," August 2016.

12 UNMAS and USAID, "Monthly Status Update – April 2017 Afghan Civilian Assistance Program (ACAP III)," May 2017; and UNMAS and USAID, "Monthly Status Update – March 2017 Afghan Civilian Assistance Program (ACAP III)," April 2017.

13 Colombia, initial Convention on Cluster Munitions Article 7 Report 2016, Form H. This was confirmed as not changed in its Article 7 report (for calendar year 2016) cover letter.

14 The use of a cluster munition and resulting casualties were listed as undisputed facts in the case. See paragraphs 69 and 70. The court ordered Colombia to provide comprehensive reparations to the victims, including health and rehabilitative care. Inter-American Court of Human Rights, "Case: Massacre of Santo Domingo vs. Colombia Sentence of 30 November 2012," bit.ly/SantoDomingoCaseSentence.

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

have focal points in national mine action programs (or centers) Albania, Chad, Croatia, Iraq, Lao PDR, and Lebanon. In addition, Colombia has a focal point based in its mine action program, but to date it has not been reporting on victim assistance activities under the Convention on Cluster Munitions. BiH had a *de facto* focal point in the mine action center that remained without an official mandate after more than a decade and thus was not reported as the designated focal point for the Convention on Cluster Muntions, but none-the-less coordinated meetings and reported on assistance.

Another three States Parties have focal points in relevant ministries: Afghanistan, Montenegro, and Mozambique.

So far, States Parties have not been reporting if their designated focal points for victim assistance have the necessary "authority, expertise and adequate resources" as called for in the Dubrovnik Action Plan.[16]

COORDINATION AND PLANS

According to the Dubrovnik Action Plan, coordination of victim assistance activities by States Parties with Article 5 obligations can be situated within existing coordination systems, including those created for the Convention on the Rights of Persons with Disabilities (CRPD), or states can establish a specific coordination mechanism.[17] Existing national policies, plans, and legal frameworks should be utilized. States Parties without a national disability action plan committed, through the Dubrovnik Action Plan, to draft a disability or victim assistance plan before the end of 2018.[18]

Victim assistance planning in 2016

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

16 Dubrovnik Action Plan, Action 4.1, bit.ly/DubrovnikActionPlan4-1.

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

18 Dubrovnik Action Plan, Action 4.1(c).

States Parties should ensure that coordination frameworks do not discriminate against or among cluster munition victims and those who have suffered injuries or impairments by other causes.[19] The Monitor identified no discrimination specifically in favor of cluster munition victims by States Parties with Article 5 obligations reported since the entry into force of the convention.

SURVIVOR NETWORKS AND SUSTAINABILITY

To strengthen sustainability and the effective delivery of services, States Parties have committed, through the Dubrovnik Action Plan, to enhance the capacity of organizations representing survivors and persons with disabilities, as well as national institutions.[20] The Monitor identified the following developments in 2016 and into 2017:

- Albania: The survivor network continued to support survivors and increased coverage to address needs identified through survey.
- Afghanistan: There were further reductions in activities of the survivor network.
- BiH: Entity and cantonal (local) organizations of survivors and persons with disabilities continued the work of the national survivor network that closed in early 2016.
- Croatia: A long-running local survivor NGO closed in 2016 and the national representative NGO continued to operate with limited funding.
- Lao PDR: A survivor-led NGO continued to implement assistance activities locally in one province.
- Lebanon: No survivor network had yet been established, although this was recommended by an NGO assessment in 2012.
- Mozambique: There was reduced capacity of the existing survivor network due to decreased funding.
- Sierra Leone: Conflict and mine/ERW survivors participate together in amputee sports teams, but there were no reports of an organized network of survivors.
- Somalia: Efforts to establish a much-needed survivor network were put on hold due to a persistent scarcity of resources for victim assistance.

AVAILABILITY AND ACCESSIBILITY OF ASSISTANCE

States Parties responsible for cluster munition victims have the obligation to adequately provide assistance.[21] Such assistance should be age- and gender-sensitive.[22] States Parties have committed to increase the availability and accessibility of services in remote and rural areas and to guarantee the implementation of quality services. The Dubrovnik Action Plan also calls for review of the availability, accessibility, and quality of existing services, and identification of the barriers that prevent access.[23]

19 Dubrovnik Action Plan, Action 4.1(d).

20 Dubrovnik Action Plan, Action 4.1(a).

21 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.

22 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.

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

Resources

In many states, there is inadequate funding and resources for international organizations, national and international NGOs, and disabled persons' organizations (DPOs) that deliver most direct assistance to cluster munition victims, and this is often an impediment to the availability of services. States Parties where funding shortages hindered victim assistance implementation in 2016 included, Afghanistan, BiH, Chad, Croatia, Iraq, Lao PDR, Mozambique, and Somalia. Afghanistan specifically stated that the victim assistance sector faced a "critical funding shortfall" in 2016. [24]

Almost all States Parties still need to create a sustainable funding strategy for the physical rehabilitation sector that incorporates realistic national and international funding. According to Albania's new 2016–2020 National Action Plan for Persons with Disabilities, it should identify a budget for covering the cost of prosthetic and orthotic devices in 2017 and implement coverage in 2018.[25] In Albania and Chad, there was a need to improve facilities and professional capacity in the rehabilitation sector, and to coordinate government investment in rehabilitation to ensure sustainability.

Impact of conflict on service provision

Continued conflict has significantly and negatively impacted possibilities for providing effective assistance in States Parties Afghanistan, Iraq, and Somalia. Lebanon saw victim assistance resources stretched by the needs of victims of the Syria conflict. In Guinea-Bissau, an implementing organization reported that the political situation hindered efforts to improve state services.

A charter on the Inclusion of Persons with Disabilities into Humanitarian Action was adopted at the World Humanitarian Summit in Turkey in May 2016.[26] An Inter-Agency Standing Committee (IASC) Task Team on Inclusion of Persons with Disabilities in Humanitarian Action was established in 2016 to develop and adopt implementation guidelines by the end of 2018. The Co-Chairs are from UNICEF, International Disability Alliance, and Handicap International. The Task Team is large, consisting of 48 individuals from 35 various organizations.[27]

Rehabilitation, including prosthetics

Many States Parties have yet to simplify the process of applying for new prosthetic devices, which was particularly notable in BiH, where survivors recommended a system of electronic applications to overcome bureaucratic barriers. In Iraq, people often only obtained prostheses "after going through a long routine and losing money on transportation."[28]

It was reported that intensifed efforts to improve access to rehabilitation services from remote and rural areas (including allocating resources to take beneficiaries to rehabilitation centers and ensuring that transport is available) are needed in Afghanistan, Iraq, and Lao PDR. In Mozambique, most prosthetic centers have closed and rehabilitation capacity needs to be restored. Sector-wide standards for prosthetic devices are required to improve sevice delivery in Lao PDR and Lebanon. In Sierra Leone, it was reported that staff training would improve the quality of prosthetics and service delivery.

24 Statement of Afghanistan, Mine Ban Treaty Fifteenth Meeting of States Parties, Santiago, 29 November 2016, bit.ly/MineBan15MSPAfghanistan.

25 Ministry of Social Welfare and Youth, "National Action Plan for Persons with Disabilities 2016–2020," p. 124.

26 "Charter on Inclusion of Persons with Disabilities in Humanitarian Action," undated but 2016, humanitariandisabilitycharter.org.

27 IASC, "2017 Progress Report–IASC Task Team on Inclusion of Persons with Disabilities in Humanitarian Action," 10 March 2017, bit.ly/IASCProgress17.

28 UNAMI/OHCHR, "Report on the Rights of Persons with Disabilities in Iraq," December 2016, p. 12, bit.ly/DisabilitiesInIraq16.

Psychosocial support

Psychosocial support remained inadequate and availability was lacking in most States Parties. Exceptionally, one survivors' organization in BiH and one NGO victim assitance program in Lao PDR integrated peer support from survivors into government-run services. Other States Parties had yet to follow similar good practices. 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.[29] Afghanistan, in particular, requires planning to make available psychosocial support, including peer support. In Mozambique, psychological support requires structures and resources, but these are nearly always lacking. In Colombia, peer support will have to be recognized formally in the universal health coverage system in order for survivors' organizations to access resources for implementation.

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. Employment opportunities for persons with disabilities that are available to survivors tend to be limited to simple projects without advancement potential. On the other hand, some NGO projects provided techniques for integrating practical sustainability into small business or rural farming, for example in Croatia and Lao PDR.

Local NGOs and survivors' organizations increased economic inclusion activities in Albania, Croatia, and Lao PDR in the reporting period. However, resources remained limited. In BiH, the number of beneficiaries decreased drastically in 2016. International NGOs and organizations conducted economic inclusion programs—often linked to other rehabilitation activities—in Afghanistan, Iraq, Lao PDR, Lebanon, and Mozambique. In Iraq, the Ministry of Labor provided some flexible low-interest "soft" loans for conflict survivors, but the national Commission on Persons with Disabilities noted that there is a lack of statistics on access by persons with disabilities to work opportunities. In contrast, in Croatia, the state employment service records the number of registered persons with disabilities, and how many of them are mine and ERW survivors. However, such a close understanding of the situation of survivors was rare among States Parties.

A lack of resources has inhibited capacities to provide employment for persons with disabilities, including survivors, in Afghanistan, Chad, and Guinea-Bissau. In Somalia, famine and near-famine conditions reduced efforts aimed at enhancing economic inclusion.

RELEVANT INTERNATIONAL LAW

States Parties to the Convention on Cluster Munitions with victims are legally bound to implement adequate victim assistance in accordance with applicable international humanitarian and human rights law.[30] This requirement has been understood in terms of implementation of the CRPD, and including victim assistance in national CRPD coordination structures. One State Party to the Convention on Cluster Munitions with cluster munition victims is not a signatory to the CRPD (Somalia). Two are signatories to the CRPD (Lebanon and Chad) and all others are States Parties to the CRPD.

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

30 Convention on Cluster Munitions, Article 5.1. Applicable international human rights law includes the CRPD, the Convention on the Rights of the Child (CRC), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights.

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

All 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.

EXCHANGE OF INFORMATION ON GOOD AND COST-EFFECTIVE PRACTICES

The Convention on Cluster Munitions coordinators on victim assistance and on cooperation and assistance, with technical support from Handicap International, prepared a guidance document with examples of good practices on an integrated approach to victim assistance for the Sixth Meeting of States Parties in September 2016.[31] The document was subsequently released as a publication later that year.[32] The two elements of the guide's approach are to:

(1) Ensure that as long as specific victim assistance efforts are implemented, they act as a catalyst to improve the inclusion and wellbeing of survivors, other persons with disabilities, indirect victims and other vulnerable groups; and

(2) Ensure that broader efforts actually do reach the survivors and indirect victims amongst the beneficiaries.[33]

This dual approach is recommended to be implemented until "mainstream efforts" are demonstrated to be inclusive of, and fulfil the obligations that states have to, survivors and indirect victims.[34]

The guidance was developed with the cooperation of several States Parties to the Mine Ban Treaty, the ICBL-CMC, and civil society, and welcomed by the Mine Ban Treaty's victim assistance coordinator Thailand.[35] However, at the Mine Ban Treaty's 15th Meeting of States Parties (MSP) in December 2016, there was debate and behind-the-scenes negotiation on whether the Convention on Cluster Munitions coordinators' guidance should be mentioned in

Victim assistance coordinators of the Mine Ban Treaty and Convention on Cluster Munitions, Thailand and Australia, discuss adjustments to a text proposal on victim assistance by Italy, at the 15th Meeting of States Parties to the Mine Ban Treaty.

© Loren Persi Vicentic/ICBL-CMC, December 2016

31 Convention on Cluster Munitions Implementation Support Unit (ISU), "Workshop on an Integrated Approach to Victim Assistance," 27 May 2016, bit.ly/CCMISUWorkshop16.

32 "Guidance on an Integrated Approach to Victim Assistance: By States for States," bit.ly/VAIntegratedApproach. See also Convention on Cluster Munitions Implementation Support Unit (ISU), "New Guidance on an Integrated Approach to Victim Assistance," 30 November 2016, bit.ly/CCMISUNewApproach16

33 "Guidance on an Integrated Approach to Victim Assistance: By States for States," p. 2., bit.ly/VAIntegratedApproach

34 Convention on Cluster Munitions Coordinators of the Working Group on Victim Assistance and the Coordinators of the Working Group on Cooperation and Assistance, "Guidance on an integrated approach to victim assistance," (CCM/MSP/2016/WP.2), bit.ly/IntegratedApproachGuidance2016.

35 See also, statement of Thailand, Convention on Cluster Munitions Sixth Meeting of States Parties, Geneva, 6 September 2016, bit.ly/CCM6MSPVictimAssistThailand; and Convention on Cluster Munitions ISU, "Workshop on an Integrated Approach to Victim Assistance," 27 May 2016, bit.ly/CCMISUWorkshop16.

the final report of the meeting.[36] The outcome was not reported. The final report of the 15th MSP has still not been made public by the UN Office of Disarmament Affairs, nor by the Mine Ban Treaty's Implimentaion Support Unit (ISU) on its website.[37]

INVOLVEMENT OF VICTIMS

States Parties to the Convention on Cluster Munitions have committed to actively include cluster munition victims and their representative organizations in policy-making and decision-making, so that their participation is made sustainable and meaningful.[38] In most States Parties, survivors were engaged in, or invited to attend, relevant activities, but there was rarely any indication of the extent to which survivor input was actually taken into account. Furthermore, it was sometimes reported that survivor views were not adequately considered. Survivor participation was sometimes organized through workshops or public events that were not typical coordination meetings, but offered space for inclusion.

Guinea-Bissau, Montenegro, Sierra Leone, and Somalia remain the exceptions to the general situation for participation, as the Monitor did not identify any survivor involvement in victim assistance activities in these countries in 2016. However, DPOs in all four countries advocated for the rights of all persons with disabilities.

DEMONSTRATION OF RESULTS IN ARTICLE 7 TRANSPARENCY REPORTS

Under Article 7 of the Convention on Cluster Munitions, States Parties are required to report on the status and progress of implementation of all victim assistance obligations. Under the Dubrovnik Action Plan, States Parties with responsibility for cluster munition victims have committed to do this through their Article 7 reports.

In 2017, Afghanistan, Albania, BiH, Croatia, Iraq, Lao PDR, and Lebanon reported in detail on victim assistance efforts, including activities implemented during the previous calendar year. They reported on general efforts to collect and manage casualty data, but none reported specifically on needs assessment surveys undertaken in 2016. There were few or no explicit references to plans or adaptations made to other frameworks for the implementation of victim assistance.

The involvement of cluster munition survivors in the planning and implementation of victim assistance is also rarely detailed in transparency reports. Afghanistan, Lebanon, and Iraq reported on specific national policies pertaining to the implementation of Article 5.[39] Guinea-Bissau has never submitted an Article 7 report for the Convention on Cluster Munitions, while Sierra Leone did not include the form on victim assistance in its initial Article 7 report. As of 30 July 2017, States Parties Chad, Guinea-Bissau, Montenegro, Mozambique,

36 Turkey and Brazil took the floor against a proposal by Italy to have the Convention on Cluster Munitions coordinators' guidance mentioned in the final report. Greece also spoke against it, reminding the meeting of their statement during the victim assistance session in which it expressed the belief that cluster munition issues, including victim assistance, should be addressed in the Convention on Conventional Weapons. Australia, the Netherlands, and Belgium supported the inclusion of the text, while Chile welcomed the guidance and encouraged further work between the coordinators with the objective to support one of the most important aims of both conventions.

37 See also, Mine Ban Treaty ISU, "What Happened at the 15 MSP?" 27–30 November 2016, bit.ly/MineBan15MSPSummary.

38 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).

39 Colombia reported that they have no cluster muntion victims but noted that due to the use of antipersonnel mines by non state actors, they have adopted a victim assistance policy that does not discriminate.

Sierra Leone, and Somalia had not submitted transparency reports for calendar year 2016, which were due by the end of April 2017.

New State Party Cuba reported on healthcare disability rights in the context of victim assistance in its initial Article 7 report, while noting that it does not have cluster munition victims. Zambia, which also has not recorded cluster munition victims, reported on the Mine Ban Treaty victim assistance focal point in its Article 7 report for the Convention on Cluster Munitions. Previously, several other states without cluster munition victims similarly reported on their Mine Ban Treaty victim assistance or disability rights implementation in their initial reports, thus strengthening the understanding of this obligation.

The Dubrovnik Action Plan recommends that States Parties provide Article 7 reporting updates on victim assistance "drawing on reports submitted under the CRPD as appropriate." However, the CRPD has not been used by states thus far to enhance annual Convention on Cluster Munitions reporting. This is likely due to challenges in CRPD reporting, namely its level of complexity, a backlog in reviewing, and its relative infrequency.[40] Most initial CRPD reports submitted by States Parties with cluster munition victims are now several years old.

In Afghanistan, DPOs including survivors' representative organizations launched an alternative CRPD report (or shadow report) in September 2016. In Iraq, a CMC-member DPO headed by a survivor worked to draft a shadow report during 2016 and into 2017. BiH survivor networks and DPOs prepared an alternative CRPD report in 2014 that was still used by those organizations in 2017. Alternative CRPD reports prepared by civil society are a recognized source of information under the CRPD, and thus could also be an important source of participatory information for states reporting to the Convention on Cluster Munitions.

40 On the backlog and measures to expedite the review process see, UNGA, "Report of the Secretary-General, Status of the human rights treaty body system," A/71/118, 18 July 2016, para. 35, bit.ly/UNGAHumanRights16.

Soksai Sengvongkham, operations manager at the Cooperative Orthotic Prosthetic Enterprise (COPE) visitor center, speaks with then-US President Barack Obama during a visit in which Obama announced an increase in funding for clearance of cluster munition remnants in Lao PDR.

STATUS OF THE CONVENTION

2008 CONVENTION ON CLUSTER MUNITIONS

Under Article 15, the convention was open for signature from 3 December 2008 until its entry into force, which was 1 August 2010. On the following list, the first date is signature; the second date is ratification. Now that the convention has entered into force, states may no longer sign—rather they may become bound through a one-step procedure known as accession. According to Article 16(2), the treaty is open for accession by any state that has not signed. Accession is indicated below with (a).

As of 15 August 2017 there were 102 States Parties and 17 signatories.

STATES PARTIES

Afghanistan 3 Dec 08; 8 Sep 11
Albania 3 Dec 08; 16 Jun 09
Andorra 9 Apr 13 (a)
Antigua and Barbuda 16 Jul 10; 23 Aug 10
Australia 3 Dec 08; 8 Oct 12
Austria 3 Dec 08; 2 Apr 09
Belgium 3 Dec 08; 22 Dec 09
Belize 2 Sep 14 (a)
Benin 3 Dec 08; 10 Jul 17
Bolivia 3 Dec 08; 30 Apr 13
Bosnia and Herzegovina 3 Dec 08; 7 Sep 10
Botswana 3 Dec 08; 27 Jun 11
Bulgaria 3 Dec 08; 6 Apr 11
Burkina Faso 3 Dec 08; 16 Feb 10
Burundi 3 Dec 08; 25 Dec 09
Cameroon 15 Dec 09; 12 Jul 12
Canada 3 Dec 08; 16 Mar 15
Cape Verde 3 Dec 08; 19 Oct 10
Chad 3 Dec 08; 26 Mar 13
Chile 3 Dec 08; 16 Dec 10
Colombia 3 Dec 08; 10 Sep 15
Comoros 3 Dec 08; 28 Jul 10
Congo, Rep. 3 Dec 08; 2 Sep 14
Cook Islands 3 Dec 08; 23 Aug 11
Costa Rica 3 Dec 08; 28 Apr 11
Côte d'Ivoire 4 Dec 08; 12 Mar 12
Croatia 3 Dec 08; 17 Aug 09
Cuba 6 Apr 16 (a)
Czech Republic 3 Dec 08; 22 Sep 11
Denmark 3 Dec 08; 12 Feb 10
Dominican Republic 10 Nov 09; 20 Dec 11
Ecuador 3 Dec 08; 11 May 10
El Salvador 3 Dec 08; 10 Jan 11
Fiji 3 Dec 08; 28 May 10

France 3 Dec 08; 25 Sep 09
Germany 3 Dec 08; 8 Jul 09
Ghana 3 Dec 08; 3 Feb 11
Grenada 29 Jun 11 (a)
Guatemala 3 Dec 08; 3 Nov 10
Guinea 3 Dec 08; 21 Oct 14
Guinea-Bissau 3 Dec 08; 29 Nov 10
Guyana 31 Oct 14 (a)
Holy See 3 Dec 08; 3 Dec 08
Honduras 3 Dec 08; 21 Mar 12
Hungary 3 Dec 08; 3 Jul 12
Iceland 3 Dec 08; 31 Aug 15
Iraq 12 Nov 09; 14 May 13
Ireland 3 Dec 08; 3 Dec 08
Italy 3 Dec 08; 21 Sep 11
Japan 3 Dec 08; 14 Jul 09
Lao PDR 3 Dec 08; 18 Mar 09
Lebanon 3 Dec 08; 5 Nov 10
Lesotho 3 Dec 08; 28 May 10
Liechtenstein 3 Dec 08; 4 Mar 13
Lithuania 3 Dec 08; 24 Mar 11
Luxembourg 3 Dec 08; 10 Jul 09
Macedonia FYR 3 Dec 08; 8 Oct 09
Madagascar 3 Dec 08; 20 May 2017
Malawi 3 Dec 08; 7 Oct 09
Mali 3 Dec 08; 30 Jun 10
Malta 3 Dec 08; 24 Sep 09
Mauritania 19 Apr 12; 1 Feb 12
Mauritius 1 Oct 15 (a)
Mexico 3 Dec 08; 6 May 09
Moldova 3 Dec 08; 16 Feb 10
Monaco 3 Dec 08; 21 Sep 10
Montenegro 3 Dec 08; 25 Jan 10
Mozambique 3 Dec 08; 14 Mar 11
Nauru 3 Dec 08; 4 Feb 13
Netherlands 3 Dec 08; 23 Feb 11
New Zealand 3 Dec 08; 22 Dec 09
Nicaragua 3 Dec 08; 2 Nov 09
Niger 3 Dec 08; 2 Jun 09
Norway 3 Dec 08; 3 Dec 08
Palau 3 Dec 08; 19 Apr 16
Palestine 2 Jan 15 (a)
Panama 3 Dec 08; 29 Nov 10
Paraguay 3 Dec 08; 12 March 15
Peru 3 Dec 08; 26 Sep 12
Portugal 3 Dec 08; 9 Mar 11
Rwanda 3 Dec 08; 25 Aug 15
Saint Kitts and Nevis 13 Sep 13 (a)
Saint Vincent and the Grenadines 23 Sep 09; 29 Oct 10
Samoa 3 Dec 08; 28 Apr 10
San Marino 3 Dec 08; 10 Jul 09
Senegal 3 Dec 08; 3 Aug 11
Seychelles 13 Apr 10; 20 May 10
Sierra Leone 3 Dec 08; 3 Dec 08
Slovak Republic 24 Jul 15 (a)
Slovenia 3 Dec 08; 19 Aug 09
Somalia 3 Dec 08; 30 Sep 15
South Africa 3 Dec 08; 28 May 15
Spain 3 Dec 08; 19 Jun 09
Swaziland 13 Sep 11 (a)
Sweden 3 Dec 08; 23 Apr 12
Switzerland 3 Dec 08; 17 Jul 12
Togo 3 Dec 08; 22 Jun 12
Trinidad and Tobago 21 Sep 11 (a)
Tunisia 12 Jan 09; 28 Sep 10
United Kingdom 3 Dec 08; 4 May 10
Uruguay 3 Dec 08; 24 Sep 09
Zambia 3 Dec 08; 12 Aug 09

SIGNATORIES

Angola 3 Dec 08
Central African Republic 3 Dec 08
Cyprus 23 Sep 09
Democratic Republic of Congo 18 Mar 09
Djibouti 30 Jul 10
Gambia 3 Dec 08
Haiti 28 Oct 09
Indonesia 3 Dec 08
Jamaica 12 Jun 09
Kenya 3 Dec 08
Liberia 3 Dec 08
Namibia 3 Dec 08
Nigeria 12 Jun 09
Philippines 3 Dec 08
São Tomé & Príncipe 3 Dec 08
Tanzania 3 Dec 08
Uganda 3 Dec 08

NON-SIGNATORIES

Algeria
Argentina
Armenia
Azerbaijan
Bahamas

Bahrain
Bangladesh
Barbados
Belarus
Bhutan
Brazil
Brunei Darussalam
Burma/Myanmar
Cambodia
China
Dominica
Egypt
Equatorial Guinea
Eritrea
Estonia
Ethiopia
Finland
Gabon
Georgia
Greece
India
Iran
Israel
Jordan
Kazakhstan
Kiribati
Korea, North
Korea, South
Kuwait
Kyrgyzstan
Latvia
Libya
Malaysia
Maldives
Marshall Islands
Micronesia
Mongolia
Morocco
Nepal
Niue
Oman
Pakistan
Papua New Guinea
Poland
Qatar
Romania
Russian Federation
Saint Lucia
Saudi Arabia
Serbia
Singapore
Solomon Islands
South Sudan
Sri Lanka
Sudan
Suriname
Syria
Tajikistan
Thailand
Timor Leste
Tonga
Turkey
Turkmenistan
Tuvalu
Ukraine
United Arab Emirates
United States
Uzbekistan
Vanuatu
Venezuela
Vietnam
Yemen
Zimbabwe

CONVENTION ON CLUSTER MUNITIONS

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

DUBLIN 19-30 MAY 2008 CCM/77

CONVENTION ON CLUSTER MUNITIONS

The States Parties to this Convention,

Deeply concerned that civilian populations and individual civilians continue to bear the brunt of armed conflict,

Determined to put an end for all time to the suffering and casualties caused by cluster munitions at the time of their use, when they fail to function as intended or when they are abandoned,

Concerned that cluster munition remnants kill or maim civilians, including women and children, obstruct economic and social development, including through the loss of livelihood, impede post-conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons, can negatively impact on national and international peace-building and humanitarian assistance efforts, and have other severe consequences that can persist for many years after use,

Deeply concerned also at the dangers presented by the large national stockpiles of cluster munitions retained for operational use and *determined* to ensure their rapid destruction,

Believing it necessary to contribute effectively in an efficient, coordinated manner to resolving the challenge of removing cluster munition remnants located throughout the world, and to ensure their destruction,

Determined also to ensure the full realisation of the rights of all cluster munition victims and *recognising* their inherent dignity,

Resolved to do their utmost in providing assistance to cluster munition victims, including medical care, rehabilitation and psychological support, as well as providing for their social and economic inclusion,

Recognising the need to provide age- and gender-sensitive assistance to cluster munition victims and to address the special needs of vulnerable groups,

Bearing in mind the Convention on the Rights of Persons with Disabilities which, *inter alia*, requires that States Parties to that Convention undertake to ensure and promote the full realisation of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind on the basis of disability,

Mindful of the need to coordinate adequately efforts undertaken in various fora to address the rights and needs of victims of various types of weapons, and *resolved* to avoid discrimination among victims of various types of weapons,

Reaffirming that in cases not covered by this Convention or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law, derived from established custom, from the principles of humanity and from the dictates of public conscience,

Resolved also that armed groups distinct from the armed forces of a State shall not, under any circumstances, be permitted to engage in any activity prohibited to a State Party to this Convention,

Welcoming the very broad international support for the international norm prohibiting anti-personnel mines, enshrined in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,

Welcoming also the adoption of the Protocol on Explosive Remnants of War, annexed to

the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and its entry into force on 12 November 2006, and *wishing* to enhance the protection of civilians from the effects of cluster munition remnants in post-conflict environments,

Bearing in mind also United Nations Security Council Resolution 1325 on women, peace and security and United Nations Security Council Resolution 1612 on children in armed conflict,

Welcoming further the steps taken nationally, regionally and globally in recent years aimed at prohibiting, restricting or suspending the use, stockpiling, production and transfer of cluster munitions,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the global call for an end to civilian suffering caused by cluster munitions and *recognising* the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and numerous other non-governmental organisations around the world,

Reaffirming the Declaration of the Oslo Conference on Cluster Munitions, by which, *inter alia*, States recognised the grave consequences caused by the use of cluster munitions and committed themselves to conclude by 2008 a legally binding instrument that would prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and would establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation for victims, clearance of contaminated areas, risk reduction education and destruction of stockpiles,

Emphasising the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalisation and its full implementation,

Basing themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, and the rules that the parties to a conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly direct their operations against military objectives only, that in the conduct of military operations constant care shall be taken to spare the civilian population, civilians and civilian objects and that the civilian population and individual civilians enjoy general protection against dangers arising from military operations,

HAVE AGREED as follows:

ARTICLE 1

General obligations and scope of application

1. Each State Party undertakes never under any circumstances to:
   a. Use cluster munitions;
   b. Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;
   c. Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.
2. Paragraph 1 of this Article applies, mutatis mutandis, to explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft.
3. This Convention does not apply to mines.

ARTICLE 2

Definitions

For the purposes of this Convention:

1. "**Cluster munition victims**" means all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment

of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities;

2. "**Cluster munition**" means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions. It does not mean the following:
   a. A munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
   b. A munition or submunition designed to produce electrical or electronic effects;
   c. A munition that, in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:
      i. Each munition contains fewer than ten explosive submunitions;
      ii. Each explosive submunition weighs more than four kilograms;
      iii. Each explosive submunition is designed to detect and engage a single target object;
      iv. Each explosive submunition is equipped with an electronic self-destruction mechanism;
      v. Each explosive submunition is equipped with an electronic self-deactivating feature.
3. "**Explosive submunition**" means a conventional munition that in order to perform its task is dispersed or released by a cluster munition and is designed to function by detonating an explosive charge prior to, on or after impact;
4. "**Failed cluster munition**" means a cluster munition that has been fired, dropped, launched, projected or otherwise delivered and which should have dispersed or released its explosive submunitions but failed to do so;
5. "**Unexploded submunition**" means an explosive submunition that has been dispersed or released by, or otherwise separated from, a cluster munition and has failed to explode as intended;
6. "**Abandoned cluster munitions**" means cluster munitions or explosive submunitions that have not been used and that have been left behind or dumped, and that are no longer under the control of the party that left them behind or dumped them. They may or may not have been prepared for use;
7. "**Cluster munition remnants**" means failed cluster munitions, abandoned cluster munitions, unexploded submunitions and unexploded bomblets;
8. "**Transfer**" involves, in addition to the physical movement of cluster munitions into or from national territory, the transfer of title to and control over cluster munitions, but does not involve the transfer of territory containing cluster munition remnants;
9. "**Self-destruction mechanism**" means an incorporated automatically-functioning mechanism which is in addition to the primary initiating mechanism of the munition and which secures the destruction of the munition into which it is incorporated;
10. "**Self-deactivating**" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example a battery, that is essential to the operation of the munition;
11. "**Cluster munition contaminated area**" means an area known or suspected to contain cluster munition remnants;
12. "**Mine**" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle;
13. "**Explosive bomblet**" means a conventional munition, weighing less than 20 kilograms, which is not self-propelled and which, in order to perform its task, is dispersed or released by a dispenser, and is designed to function by detonating an explosive charge prior to, on or after impact;
14. "**Dispenser**" means a container that is designed to disperse or release explosive bomblets and which is affixed to an aircraft at the time of dispersal or release;
15. **"Unexploded bomblet"** means an explosive bomblet that has been dispersed, released or otherwise separated from a dispenser and has failed to explode as intended.

ARTICLE 3

Storage and stockpile destruction

1. Each State Party shall, in accordance with national regulations, separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction.
2. Each State Party undertakes to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article as soon as possible but not later than eight years after the entry into force of this Convention for that State Party. Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.
3. If a State Party believes that it will be unable to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article within eight years of entry into force of this Convention for that State Party it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the destruction of such cluster munitions by a period of up to four years. A State Party may, in exceptional circumstances, request additional extensions of up to four years. The requested extensions shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 2 of this Article.
4. Each request for an extension shall set out:
   a. The duration of the proposed extension;
   b. A detailed explanation of the proposed extension, including the financial and technical means available to or required by the State Party for the destruction of all cluster munitions referred to in paragraph 1 of this Article and, where applicable, the exceptional circumstances justifying it;
   c. A plan for how and when stockpile destruction will be completed;
   d. The quantity and type of cluster munitions and explosive submunitions held at the entry into force of this Convention for that State Party and any additional cluster munitions or explosive submunitions discovered after such entry into force;
   e. The quantity and type of cluster munitions and explosive submunitions destroyed during the period referred to in paragraph 2 of this Article; and
   f. The quantity and type of cluster munitions and explosive submunitions remaining to be destroyed during the proposed extension and the annual destruction rate expected to be achieved.
5. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 4 of this Article, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate. A request for an extension shall be submitted a minimum of nine months prior to the Meeting of States Parties or the Review Conference at which it is to be considered.
6. Notwithstanding the provisions of Article 1 of this Convention, the retention or acquisition of a limited number of cluster munitions and explosive submunitions for the development of and training in cluster munition and explosive submunition detection, clearance or destruction techniques, or for the development of cluster munition counter-measures, is permitted. The amount of explosive submunitions retained or acquired shall not exceed the minimum number absolutely necessary for these purposes.
7. Notwithstanding the provisions of Article 1 of this Convention, the transfer of cluster munitions to another State Party for the purpose of destruction, as well as for the purposes described in paragraph 6 of this Article, is permitted.
8. States Parties retaining, acquiring or transferring cluster munitions or explosive submunitions for the purposes described in paragraphs 6 and 7 of this Article shall submit a detailed report on the planned and actual use of these cluster munitions and explosive submunitions and their type, quantity and lot numbers. If cluster munitions or explosive submunitions are transferred to another State Party for these purposes, the report shall include reference to the receiving party. Such a report shall be prepared for each year during which a State Party retained, acquired or transferred cluster munitions or explosive submunitions and shall be submitted to the Secretary-General of the United Nations no later than 30 April of the following year.

ARTICLE 4

Clearance and destruction of cluster munition remnants and risk reduction education

1. Each State Party undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control, as follows:
    a. Where cluster munition remnants are located in areas under its jurisdiction or control at the date of entry into force of this Convention for that State Party, such clearance and destruction shall be completed as soon as possible but not later than ten years from that date;
    b. Where, after entry into force of this Convention for that State Party, cluster munitions have become cluster munition remnants located in areas under its jurisdiction or control, such clearance and destruction must be completed as soon as possible but not later than ten years after the end of the active hostilities during which such cluster munitions became cluster munition remnants; and
    c. Upon fulfilling either of its obligations set out in sub-paragraphs (a) and (b) of this paragraph, that State Party shall make a declaration of compliance to the next Meeting of States Parties.
2. In fulfilling its obligations under paragraph 1 of this Article, each State Party shall take the following measures as soon as possible, taking into consideration the provisions of Article 6 of this Convention regarding international cooperation and assistance:
    a. Survey, assess and record the threat posed by cluster munition remnants, making every effort to identify all cluster munition contaminated areas under its jurisdiction or control;
    b. Assess and prioritise needs in terms of marking, protection of civilians, clearance and destruction, and take steps to mobilise resources and develop a national plan to carry out these activities, building, where appropriate, upon existing structures, experiences and methodologies;
    c. Take all feasible steps to ensure that all cluster munition contaminated areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians. Warning signs based on methods of marking readily recognisable by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should, as far as possible, be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the cluster munition contaminated areas and which side is considered to be safe;
    d. Clear and destroy all cluster munition remnants located in areas under its jurisdiction or control; and
    e. Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.
3. In conducting the activities referred to in paragraph 2 of this Article, each State Party shall take into account international standards, including the International Mine Action Standards (IMAS).
4. This paragraph shall apply in cases in which cluster munitions have been used or abandoned by one State Party prior to entry into force of this Convention for that State Party and have become cluster munition remnants that are located in areas under the jurisdiction or control of another State Party at the time of entry into force of this Convention for the latter.
    a. In such cases, upon entry into force of this Convention for both States Parties, the former State Party is strongly encouraged to provide, inter alia, technical, financial, material or human resources assistance to the latter State Party, either bilaterally or through a mutually agreed third party, including through the United Nations system or other relevant organisations, to facilitate the marking, clearance and destruction of such cluster munition remnants.

b. Such assistance shall include, where available, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located.

5. If a State Party believes that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants referred to in paragraph 1 of this Article within ten years of the entry into force of this Convention for that State Party, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the clearance and destruction of such cluster munition remnants by a period of up to five years. The requested extension shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 1 of this Article.
6. A request for an extension shall be submitted to a Meeting of States Parties or a Review Conference prior to the expiry of the time period referred to in paragraph 1 of this Article for that State Party. Each request shall be submitted a minimum of nine months prior to the Meeting of States Parties or Review Conference at which it is to be considered. Each request shall set out:
   a. The duration of the proposed extension;
   b. A detailed explanation of the reasons for the proposed extension, including the financial and technical means available to and required by the State Party for the clearance and destruction of all cluster munition remnants during the proposed extension;
   c. The preparation of future work and the status of work already conducted under national clearance and demining programmes during the initial ten year period referred to in paragraph 1 of this Article and any subsequent extensions;
   d. The total area containing cluster munition remnants at the time of entry into force of this Convention for that State Party and any additional areas containing cluster munition remnants discovered after such entry into force;
   e. The total area containing cluster munition remnants cleared since entry into force of this Convention;
   f. The total area containing cluster munition remnants remaining to be cleared during the proposed extension;
   g. The circumstances that have impeded the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control during the initial ten year period referred to in paragraph 1 of this Article, and those that may impede this ability during the proposed extension;
   h. The humanitarian, social, economic and environmental implications of the proposed extension; and
   i. Any other information relevant to the request for the proposed extension.
7. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 6 of this Article, including, inter alia, the quantities of cluster munition remnants reported, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate.

Such an extension may be renewed by a period of up to five years upon the submission of a new request, in accordance with paragraphs 5, 6 and 7 of this Article. In requesting a further extension a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted pursuant to this Article.

ARTICLE 5

Victim assistance

1. Each State Party with respect to cluster munition victims in areas under its jurisdiction or control shall, in accordance with applicable international humanitarian and human rights law, adequately provide age and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. Each State Party shall make every effort to collect reliable relevant data with respect to cluster munition victims.
2. In fulfilling its obligations under paragraph 1 of this Article each State Party shall:

a. Assess the needs of cluster munition victims;
b. Develop, implement and enforce any necessary national laws and policies;
c. Develop a national plan and budget, including timeframes to carry out these activities, with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms, while respecting the specific role and contribution of relevant actors;
d. Take steps to mobilise national and international resources;
e. Not discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs;
f. Closely consult with and actively involve cluster munition victims and their representative organisations;
g. Designate a focal point within the government for coordination of matters relating to the implementation of this Article; and
h. Strive to incorporate relevant guidelines and good practices including in the areas of medical care, rehabilitation and psychological support, as well as social and economic inclusion.

ARTICLE 6

International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.
2. Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of this Convention. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organisations or institutions, non-governmental organisations or institutions, or on a bilateral basis.
3. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision and receipt of clearance and other such equipment and related technological information for humanitarian purposes.
4. In addition to any obligations it may have pursuant to paragraph 4 of Article 4 of this Convention, each State Party in a position to do so shall provide assistance for clearance and destruction of cluster munition remnants and information concerning various means and technologies related to clearance of cluster munitions, as well as lists of experts, expert agencies or national points of contact on clearance and destruction of cluster munition remnants and related activities.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled cluster munitions, and shall also provide assistance to identify, assess and prioritise needs and practical measures in terms of marking, risk reduction education, protection of civilians and clearance and destruction as provided in Article 4 of this Convention.
6. Where, after entry into force of this Convention, cluster munitions have become cluster munition remnants located in areas under the jurisdiction or control of a State Party, each State Party in a position to do so shall urgently provide emergency assistance to the affected State Party.
7. Each State Party in a position to do so shall provide assistance for the implementation of the obligations referred to in Article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation, non-governmental organisations or on a bilateral basis.
8. Each State Party in a position to do so shall provide assistance to contribute to the economic and social recovery needed as a result of cluster munition use in affected States Parties.

9. Each State Party in a position to do so may contribute to relevant trust funds in order to facilitate the provision of assistance under this Article.
10. Each State Party that seeks and receives assistance shall take all appropriate measures in order to facilitate the timely and effective implementation of this Convention, including facilitation of the entry and exit of personnel, materiel and equipment, in a manner consistent with national laws and regulations, taking into consideration international best practices.
11. Each State Party may, with the purpose of developing a national action plan, request the United Nations system, regional organisations, other States Parties or other competent intergovernmental or non-governmental institutions to assist its authorities to determine, inter alia:
    a. The nature and extent of cluster munition remnants located in areas under its jurisdiction or control;
    b. The financial, technological and human resources required for the implementation of the plan;
    c. The time estimated as necessary to clear and destroy all cluster munition remnants located in areas under its jurisdiction or control;
    d. Risk reduction education programmes and awareness activities to reduce the incidence of injuries or deaths caused by cluster munition remnants;
    e. Assistance to cluster munition victims; and
    f. The coordination relationship between the government of the State Party concerned and the relevant governmental, intergovernmental or non-governmental entities that will work in the implementation of the plan.
12. States Parties giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programmes.

ARTICLE 7

Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party, on:
    a. The national implementation measures referred to in Article 9 of this Convention;
    b. The total of all cluster munitions, including explosive submunitions, referred to in paragraph 1 of Article 3 of this Convention, to include a breakdown of their type, quantity and, if possible, lot numbers of each type;
    c. The technical characteristics of each type of cluster munition produced by that State Party prior to entry into force of this Convention for it, to the extent known, and those currently owned or possessed by it, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of cluster munitions; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information that may facilitate the clearance of cluster munition remnants;
    d. The status and progress of programmes for the conversion or decommissioning of production facilities for cluster munitions;
    e. The status and progress of programmes for the destruction, in accordance with Article 3 of this Convention, of cluster munitions, including explosive submunitions, with details of the methods that will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
    f. The types and quantities of cluster munitions, including explosive submunitions, destroyed in accordance with Article 3 of this Convention, including details of the methods of destruction used, the location of the destruction sites and the applicable safety and environmental standards observed;
    g. Stockpiles of cluster munitions, including explosive submunitions, discovered after reported completion of the programme referred to in sub-paragraph (e) of this paragraph, and plans for their destruction in accordance with Article 3 of this Convention;

h. To the extent possible, the size and location of all cluster munition contaminated areas under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of cluster munition remnant in each such area and when they were used;
i. The status and progress of programmes for the clearance and destruction of all types and quantities of cluster munition remnants cleared and destroyed in accordance with Article 4 of this Convention, to include the size and location of the cluster munition contaminated area cleared and a breakdown of the quantity of each type of cluster munition remnant cleared and destroyed;
j. The measures taken to provide risk reduction education and, in particular, an immediate and effective warning to civilians living in cluster munition contaminated areas under its jurisdiction or control;
k. The status and progress of implementation of its obligations under Article 5 of this Convention to adequately provide age- and gender- sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims and to collect reliable relevant data with respect to cluster munition victims;
l. The name and contact details of the institutions mandated to provide information and to carry out the measures described in this paragraph;
m. The amount of national resources, including financial, material or in kind, allocated to the implementation of Articles 3, 4 and 5 of this Convention; and
n. The amounts, types and destinations of international cooperation and assistance provided under Article 6 of this Convention.

2. The information provided in accordance with paragraph 1 of this Article shall be updated by the States Parties annually, covering the previous calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.
3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

ARTICLE 8

Facilitation and clarification of compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to a matter of compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information that would assist in clarifying the matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.
4. Pending the convening of any Meeting of States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.
5. Where a matter has been submitted to it pursuant to paragraph 3 of this Article, the Meeting of States Parties shall first determine whether to consider that matter further, taking into account all information submitted by the States Parties concerned. If it does so determine, the Meeting of States Parties may suggest to the States Parties concerned ways and means

further to clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6 of this Convention.

6. In addition to the procedures provided for in paragraphs 2 to 5 of this Article, the Meeting of States Parties may decide to adopt such other general procedures or specific mechanisms for clarification of compliance, including facts, and resolution of instances of non-compliance with the provisions of this Convention as it deems appropriate.

ARTICLE 9

National implementation measures

Each State Party shall take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

ARTICLE 10

Settlement of disputes

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the States Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of their choice, including recourse to the Meeting of States Parties and referral to the International Court of Justice in conformity with the Statute of the Court.
2. The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

ARTICLE 11

Meetings of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention, including:
   a. The operation and status of this Convention;
   b. Matters arising from the reports submitted under the provisions of this Convention;
   c. International cooperation and assistance in accordance with Article 6 of this Convention;
   d. The development of technologies to clear cluster munition remnants;
   e. Submissions of States Parties under Articles 8 and 10 of this Convention; and
   f. Submissions of States Parties as provided for in Articles 3 and 4 of this Convention.
2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed rules of procedure.

ARTICLE 12

Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
   a. To review the operation and status of this Convention;
   b. To consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention; and
   c. To take decisions on submissions of States Parties as provided for in Articles 3 and 4 of this Convention.
3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed rules of procedure.

ARTICLE 13

Amendments

1. At any time after its entry into force any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Secretary-General of the United Nations, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than 90 days after its circulation that they support further consideration of the proposal, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Amendment Conference as observers in accordance with the agreed rules of procedure.
3. The Amendment Conference shall be held immediately following a Meeting of States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.
4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to all States.
5. An amendment to this Convention shall enter into force for States Parties that have accepted the amendment on the date of deposit of acceptances by a majority of the States which were Parties at the date of adoption of the amendment. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

ARTICLE 14

Costs and administrative tasks

1. The costs of the Meetings of States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not party to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 of this Convention shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.
3. The performance by the Secretary-General of the United Nations of administrative tasks assigned to him or her under this Convention is subject to an appropriate United Nations mandate.

ARTICLE 15

Signature

This Convention, done at Dublin on 30 May 2008, shall be open for signature at Oslo by all States on 3 December 2008 and thereafter at United Nations Headquarters in New York until its entry into force.

ARTICLE 16

Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval by the Signatories.
2. It shall be open for accession by any State that has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

ARTICLE 17

Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

ARTICLE 18

Provisional application

Any State may, at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally Article 1 of this Convention pending its entry into force for that State.

ARTICLE 19

Reservations

The Articles of this Convention shall not be subject to reservations.

ARTICLE 20

Duration and withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating withdrawal.

3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

ARTICLE 21

Relations with States not Party to this Convention

1. Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.
2. Each State Party shall notify the governments of all States not party to this Convention, referred to in paragraph 3 of this Article, of its obligations under this Convention, shall promote the norms it establishes and shall make its best efforts to discourage States not party to this Convention from using cluster munitions.
3. Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.
4. Nothing in paragraph 3 of this Article shall authorise a State Party:
   a. To develop, produce or otherwise acquire cluster munitions;
   b. To itself stockpile or transfer cluster munitions;
   c. To itself use cluster munitions; or
   d. To expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control.

ARTICLE 22

Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

ARTICLE 23

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention shall be equally authentic.

CLUSTER MUNITION MONITOR 2017

Cluster Munition Monitor 2017 examines how states are working to implement and adhere to the ban on cluster munitions, ensure clearance of cluster munition remnants, and assist victims of these indiscriminate weapons. Using the 2008 Convention on Cluster Munitions as its principal frame of reference, the report focuses on calendar year 2016 and includes information into August 2017 where possible. It covers global trends in ban policy and practice, survey and clearance of cluster munition remnants, cluster munition casualties, and efforts to guarantee the rights and meet the needs of cluster munition victims. Profiles published online provide additional country-specific findings on these topics.

This report was prepared by Landmine and Cluster Munition Monitor, the unprecedented civil society initiative providing research and monitoring for Cluster Munition Coalition (CMC) and the International Campaign to Ban Landmines (ICBL).

Cover: Trained technicians from Syria Civil Defence ("White Helmets") conduct a visual surface search in Idlib governorate to identify and mark unexploded submunitions and other explosive remnants of war for subsequent clearance. An unexploded ShOAB-0.5 submunition from an air-dropped RBK-500 cluster bomb is visible in the foreground. © Syria Civil Defence, June 2017

Top left: Unexploded ShOAB-0.5 submunition found by Syria Civil Defence during spot clearance task in Idlib, Syria. © Syria Civil Defence, June 2017

Top right: Mohammed, injured by a cluster submunition in Lebanon in 2006 at the age of 11, is the subject of the *Survivor* documentary. Early in his treatment, he was diagnosed with signs of post-traumatic stress disorder. © Laura Boushnak, February 2016

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DANISH DEMINING GROUP

HANDICAP INTERNATIONAL

MINES ACTION CANADA

HUMAN RIGHTS WATCH

LANDMINE & CLUSTER MUNITION MONITOR

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