

## Major Findings Cluster Munition Monitor 2011

- A total of 109 countries have joined the Convention on Cluster Munitions. This includes 61 States Parties (60 that signed then ratified and one that acceded); and 48 countries that have signed, but not yet ratified.
- Thirty-eight countries that have used, produced, exported, or stockpiled cluster munitions have joined, thereby committing to never engage in those activities again.
- Since the convention entered into force on 1 August 2010, becoming binding international law, states can no longer sign, but must instead accede. Only one country has acceded since entry into force: Grenada on 29 June 2011.
- A total of 60 signatories have ratified the convention, becoming States Parties legally bound by all the convention's provisions. A total of 22 signatories have ratified since 1 August 2010, including countries affected by cluster munitions (Bosnia and Herzegovina [BiH], Lebanon, and Mozambique) and former cluster munition producers and stockpilers (BiH, Chile, and the Netherlands).

### Use

- Cluster munitions have been used during armed conflict in 36 countries and four disputed territories since the end of World War II. At least 19 government armed forces have used cluster munitions.
- There have been two instances of new use of cluster munitions since the convention entered into force on 1 August 2010, both by states that have not joined the convention.
- In February 2011, Thailand fired cluster munitions into Cambodia during border clashes.
- In April 2011, government forces loyal to Muammar Gaddafi fired MAT-120 mortar projectiles each containing 21 dual-purpose submunitions into the Libyan city of Misrata.

### Production

- A total of 34 states have developed or produced more than 200 types of cluster munitions.
- Sixteen former producers of cluster munitions have joined the Convention on Cluster Munitions, thereby forswearing any future production. Non-signatory Argentina has also stopped production.
- Seventeen countries continue to produce cluster munitions or reserve the right to produce in the future.

### Transfer

- The Monitor has identified at least 15 countries that have transferred more than 50 types of cluster munitions to at least 60 other countries.
- In June 2011, Spain confirmed the transfer of 1,055 cluster munitions to Libya in 2006 and 2008, prior to Spain joining the convention.
- There were no reported transfers (deliveries) of cluster munitions in 2010.
- Two states not party to the convention, Singapore and the United States (US), have instituted a moratorium on exports of cluster munitions.

### Stockpiling

- The Monitor estimates that prior to the start of the global effort to ban cluster munitions, 86 countries stockpiled millions of cluster munitions containing more than 1 billion submunitions.
- Currently, 69 nations have cluster munition stockpiles, of which 22 have signed and/or ratified the Convention on Cluster Munitions.
- Collectively, prior to any destruction activities, 20 States Parties possessed 1.2 million cluster munitions and at least 166 million submunitions.
- Seventeen States Parties have formally reported that they do not possess stockpiles of cluster munitions.

### Stockpile Destruction

- A total of 12 States Parties have reported the destruction of 589,737 cluster munitions containing over 64.5 million submunitions.

- Eight States Parties have completed destruction of their stockpiled cluster munitions: Portugal in April 2011; Austria, Belgium, Moldova, Montenegro, and Norway in 2010; Spain in 2009; and Ecuador in 2004.
- All 12 States Parties with stockpiles to destroy have indicated they will complete this task within the convention's eight-year deadline, if not sooner: BiH, Bulgaria, Chile, Croatia, Denmark, France, Germany, Guinea-Bissau, Japan, the Netherlands, Slovenia, and the United Kingdom (UK).
- Two of the biggest stockpilers, Germany (67 million submunitions) and the UK (39 million submunitions) had destroyed more than half of their respective stockpiles by mid-2011.
- Six signatories have reported the completion of destruction of their stockpiles, including Colombia and the Czech Republic in 2010 and Hungary in May 2011. Afghanistan and Angola reported in 2010 that their cluster munition stocks had been destroyed in recent years as part of broader weapons disposal programs. Signatory Honduras has said it destroyed its stocks prior to the Oslo Process.

## Retention

- Most States Parties that have made a formal statement have said that they will not retain any cluster munitions or submunitions for training and development purposes as permitted by the convention, including former stockpilers Austria, Ecuador, Japan, Montenegro, Norway, Portugal, and Slovenia, as well as Croatia and Moldova, which have stated they are retaining only inert items.
- Belgium, France, and Spain have indicated they each intend to keep hundreds of cluster munitions and more than 10,000 submunitions.

## Casualties

- As of 1 August 2011, cluster munition casualties were reported in at least 29 states and three other areas, including Libya where the first casualties were recorded following new use of cluster munitions this year. Fifteen of these states have signed the Convention on Cluster Munitions, of which nine have ratified: Albania, BiH, Croatia, Guinea-Bissau, Lao PDR, Lebanon, Montenegro, Mozambique, and Sierra Leone. As States Parties, these nations have a responsibility to assist cluster munition victims.
- At least 16,921 cluster munition casualties have been confirmed globally, through the end of 2010. Many casualties, however, go unrecorded and the global total of cluster munition casualties is estimated at between 20,000 and 54,000.
- There were 60 confirmed cluster munition casualties in seven countries and two other areas in 2010. Due to a lack of reporting on cluster munition casualties in Lao PDR and many other affected countries, the actual number is likely to be considerably higher.

## Contamination

- At least 28 states and three other areas, of which 16 are States Parties or signatories to the Convention on Cluster Munitions, are believed to be contaminated by cluster munition remnants and unexploded submunitions.
- Eight contaminated states have ratified the convention, committing to clear their land within 10 years, including heavily affected Lao PDR and Lebanon. Germany and Norway both identified suspected contamination in 2011 from unexploded submunitions on military training ranges. Guinea-Bissau is believed to be contaminated from explosions at ammunition storage areas and not from the use of cluster munition during armed conflict. BiH and Croatia are contaminated from the conflicts in the early 1990s that resulted from the breakup of the former Yugoslavia. Montenegro is believed to have contamination remaining from the 1999 conflict over Kosovo.
- Non-signatories Cambodia, Serbia, and Vietnam are heavily affected by cluster munition remnants, as are the disputed areas of Nagorno-Karabakh and Western Sahara. Libya became a contaminated state in 2011, following the use of cluster munitions by government forces in Misrata.
- Another 14 states may also have a small amount of contamination from past use of the weapon.
- States Parties Albania and Zambia announced completion of their clearance programs in November 2009 and May 2010, respectively.

## Clearance

- In 2010, there was clearance of cluster munition remnants and unexploded submunitions in 18 states and three other areas, including in all contaminated States Parties except Germany, although often the clearance was limited. Unexploded submunitions were also cleared and destroyed by contaminated signatories, including Afghanistan, Angola, the Democratic Republic of the Congo (DRC), and Iraq.
- At least 59,978 unexploded submunitions were destroyed during clearance operations in 2010 and more than 18.5km<sup>2</sup> of cluster munition contaminated land was cleared.
- Significant clearance of cluster munition remnants was recorded in non-signatories Cambodia, Serbia, and Vietnam.

## Victim Assistance

- In 2010, States Parties with the largest number of recorded cluster munition casualties made progress in developing the means to assess the needs of cluster munition victims, including in BiH, Croatia, Lao PDR, and Lebanon.
- Nearly every country with cluster munition victims continued to face significant challenges in providing holistic and accessible care to affected individuals, families, and communities. Several States Parties had to cut back victim assistance services due to a decline in international funding.
- Countries with cluster munition victims still have not taken adequate steps to increase the availability of, or access to, services for victims in rural and remote areas, which is a key goal of the convention.
- Most State Parties and signatories included cluster munition survivors in victim assistance coordination mechanisms.
- Except for Lao PDR and Lebanon, all States Parties and signatories with cluster munition victims are also party to the Mine Ban Treaty and have developed victim assistance programs in that context.

## International Cooperation and Assistance

- Most governments do not differentiate funding for activities related to cluster munitions from activities related to other explosive remnants of war and mines, so it is not possible to determine an accurate figure for implementation of the Convention on Cluster Munitions.
- A total of 11 states and the European Commission (EC) made cluster munition-specific contributions in 2010 totaling US\$20.5 million. Eight of the donors are States Parties to the Convention on Cluster Munitions and the three others have signed, but not ratified the convention. Norway and the EC made up more than half (56%) of the total funding contributions.
- Recorded contributions went to activities in six contaminated countries. Two affected States Parties, Lebanon and Lao PDR, received 73% of all reported cluster munition-specific donor contributions. Support was also received by State Party Moldova and by non-signatories Georgia, Serbia, and Vietnam.
- Just over three-quarters (77%) of the total recorded contributions in 2010 went towards clearance activities. The remaining funds went to victim assistance, advocacy, and stockpile destruction.

## National Legislation and Transparency

- Fourteen countries have enacted national legislation to implement the convention, including the Cook Islands, Czech Republic, and Italy in 2011.
- At least nine countries are in the process of drafting, considering, or adopting national legislation, including Australia, Canada, Sweden, and Switzerland.
- A total of 34 States Parties have submitted an initial transparency report as required by Article 7 of the convention, which represents three-quarters of States Parties.
- Two signatories, Canada and the DRC, submitted voluntary initial transparency reports.

## Assistance with Prohibited Acts

- There are some divergent views on the scope of the prohibition on assistance with prohibited acts, especially regarding its application during joint military operations with states not party that may still use cluster munitions. More than 20 States Parties and signatories to the convention have

expressed a view that, even during joint operations, any intentional or deliberate assistance is prohibited, including BiH, France, Hungary, Lao PDR, Nicaragua, Sweden, and Switzerland.

- US Department of State cables made public by Wikileaks in late 2010 and the first half of 2011 have shown the extent to which the US worked to influence the outcome of the Oslo Process that created the Convention on Cluster Munitions, particularly on cluster munition use during joint military operations (“interoperability”).

### **Foreign Stockpiling and Transit**

- At least 28 states have unambiguously stated that 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, including Belgium, BiH, Comoros, Croatia, Ireland, Lao PDR, the Former Yugoslav Republic of Macedonia, New Zealand, Senegal, and Spain in 2011.
- States that have expressed the opposite view, that transit and foreign stockpiling is not prohibited by the convention, include Australia, Japan, the Netherlands, Portugal, and the UK.

### **Disinvestment**

- Five states have enacted legislation that explicitly prohibits investment in cluster munitions: Belgium, Ireland, Luxembourg, and New Zealand and, in July 2011, Italy.
- At least 19 States Parties and signatories to the convention, including Australia, BiH, Cameroon, Croatia, Lao PDR, the Netherlands, and Senegal in 2011, have stated their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention.
- Financial institutions in Belgium, Canada, Denmark, France, Germany, Japan, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the UK, and elsewhere have taken action to stop investment in cluster munition production and promote socially responsible investment.