

Major Findings

Status of the 2008 Convention on Cluster Munitions

- A total of 112 states have signed or acceded to the Convention on Cluster Munitions as of 31 July 2013, of which 83 are States Parties legally bound by all of the convention's provisions.
- Forty-two countries that have used, produced, exported, and/or stockpiled cluster munitions have joined the convention, thereby committing to never engage in those banned 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. Four countries have acceded: Andorra on 9 April 2013, and Grenada, Swaziland, and Trinidad and Tobago in 2011.
- Since August 2012, seven signatories have ratified the convention including two countries where cluster munitions have been used (Chad and Iraq) and one stockpiler (Peru).
- The Convention on Cluster Munitions remains the sole international instrument on cluster munitions, after the Convention on Conventional Weapons (CCW) failed in 2011 to create a new protocol regulating cluster munitions. The CCW did no work on cluster munitions in 2012 or the first half of 2013.

Use

- There have been no confirmed reports or allegations of new use of cluster munitions by any State Party or signatory since the Convention on Cluster Munitions was adopted in May 2008.
- Non-signatory Syria used cluster munitions extensively in the second half of 2012 and the first half of 2013, causing numerous civilian casualties. More than 110 states have condemned Syria's cluster munition use, including dozens of states outside the convention.
- Myanmar government forces may have used a weapon prohibited by the Convention on Cluster Munitions in late 2012 and early 2013, while there were unconfirmed reports of cluster munition use by Sudan in 2012 and 2013. Libya and Thailand used cluster munitions in 2011. None of these states have joined the Convention on Cluster Munitions.
- At least 20 government armed forces have used cluster munitions during conflicts in 36 countries and four disputed territories since the end of World War II.

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, mostly in Asia and Europe, continue to produce cluster munitions or reserve the right to produce them in the future. None of these

producers are known to have used cluster munitions, except Israel, Russia, and the United States (US).

Transfer

- 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. Six of these states are now States Parties to the Convention on Cluster Munitions.
- At least three states that have not joined the Convention on Cluster Munitions have enacted an export moratorium: Singapore, Slovakia, and the US.
- It is likely that Egyptian and Russian cluster munitions used by Syria were transferred in the past, and not during the current conflict.

Stockpiling

- 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 1 billion submunitions.
- Currently, 72 nations have cluster munition stockpiles, including 24 States Parties and signatories to the convention.
- Collectively, prior to any destruction activities, 28 States Parties stockpiled more than 1.44 million cluster munitions containing 177.1 million submunitions.

Stockpile Destruction

- Under the Convention on Cluster Munitions, 22 States Parties have destroyed 1.03 million cluster munitions and 122.0 million submunitions. This represents the destruction of 71% of cluster munitions and 69% of submunitions declared as stockpiled by States Parties.
- During 2012, nine States Parties including Denmark, France, Germany, Italy, and the United Kingdom (UK) destroyed a total of 173,973 cluster munitions and 27 million submunitions. In 2011, 10 States Parties destroyed more than 107,000 cluster munitions and 17.6 million submunitions.
- In 2012, the Netherlands completed the destruction of its stockpile of 191,543 cluster munitions and 25.8 million submunitions. As of 31 March 2013, the UK had destroyed 95% of all its stockpiled cluster munitions and 83% of its submunitions.
- All 18 States Parties with cluster munitions stockpiles have committed to complete destruction within the eight-year deadline required by the convention. Major stockpilers have indicated they will complete destruction years in advance of the deadline, including Denmark and the UK (by the end of 2013), Italy and Sweden (in 2014), and Germany and Japan (in 2015).

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 research purposes as permitted by the convention.
- Thirteen States Parties are retaining or have stated their intention to retain cluster munitions and/or submunitions for training and research: Australia,

Belgium, Czech Republic, Denmark, France, Germany, Italy, the Netherlands, Peru, Spain, Sweden, Switzerland, and the UK.

- In 2012, the UK destroyed its holding of individual submunitions retained for testing and stated it has “no immediate plans to acquire and retain submunitions for permitted purposes, but reserves the right to do so.”
- Among States Parties that declared retention in their transparency reports, only the Netherlands did not consume any cluster munitions or submunitions for training and research purposes in 2012.

Contamination

- At least 26 states and three other areas are contaminated by cluster munition remnants, including unexploded submunitions. Twelve contaminated states have ratified the Convention on Cluster Munitions, committing to clear their land within 10 years, including Lao PDR and Lebanon, the two most affected states.
- Grenada declared in September 2012 that it is free of cluster munition contamination resulting from the US invasion in 1983.
- Somalia has been added to the list of states contaminated by cluster munition remnants after submunitions were found on the border with Ethiopia that are believed to date from the 1977–1978 Ogaden War. Yemen has also been added after the presence of cluster munitions remnants was confirmed in four districts in Sa’ada governorate on the border with Saudi Arabia.
- Non-signatories Cambodia and Vietnam are heavily affected by cluster munition remnants, as is the disputed area of Nagorno-Karabakh.
- Another 13 states may also have a small amount of residual contamination from past use of cluster munitions.

Clearance

- In 2012, more than 59,171 unexploded submunitions were destroyed during clearance of almost 78km² across 11 states and two other areas.
- Seven contaminated States Parties and signatories conducted clearance of unexploded submunitions in 2012: Bosnia and Herzegovina, Croatia, the Democratic Republic of the Congo, Iraq, Lao PDR, Lebanon, and Mauritania. The bulk of clearance was conducted in Lao PDR and Lebanon.
- Non-signatories Cambodia, Serbia, Vietnam, and Yemen also conducted clearance as well as Nagorno-Karabakh and Western Sahara.
- Efforts to improve land release efficiency and productivity are underway through the adoption of amended International Mine Action Standards and the development of new clearance methodologies. These focus increasingly on evidence-based battle area clearance and are better tailored to the particular challenges of cluster munitions contamination.

Casualties

- As of 31 July 2013, cluster munition casualties had been reported in 31 states, including 12 States Parties and four signatories to the Convention on Cluster Munitions, as well as in three other areas.
- Through the end of 2012, 17,959 cluster munition casualties have been confirmed globally, but a better indicator of the number of cluster munition casualties is the estimated total of 54,000.

- Where the status was recorded, civilians accounted for the majority of casualties (94%). Most civilian casualties were male (82%) and a significant proportion were children (40%).
- In 2012, 190 cluster munition casualties were identified; this is the highest one-year casualty total since the convention entered into force.
- Syria suffered the highest number of casualties in 2012 with at least 165 new casualties reported from cluster munition attacks.
- Based on data available—appallingly incomplete for most countries—only 25 new casualties of cluster munition remnants were confirmed in 2012; these occurred in two States Parties (Lao PDR and Lebanon), five non-signatories (Cambodia, Serbia, Sudan, Syria, and Vietnam), as well as Nagorno-Karabakh.

Victim Assistance

- The Convention on Cluster Munitions has set the highest standards for victim assistance in international humanitarian law; by 2012, even the two non-signatory states with the most cluster munitions victims (Cambodia and Vietnam) had reported their efforts according to its emerging norm.
- With Iraq’s ratification in May 2013, the majority of cluster munition victims now live in States Parties to the convention, which are legally obliged to ensure that these victims are provided with adequate assistance.
- All States Parties with cluster munition victims provided some victim assistance services and nearly all States Parties have acted in accordance with the first time-bound actions of the convention’s victim assistance plan.
- There were measurable improvements in the accessibility of services in many States Parties and most strived to make services sustainable while facing the challenges of reliance on international funding and the poor global economic climate.

International Cooperation and Assistance

- Donor states designate very few of their funded projects as activities related only to cluster munitions. In 2012, the Monitor identified a total of 18 states, as well as the European Commission and UNDP, that contributed US\$70.2 million in support of activities pertaining to cluster munition clearance, victim assistance, and advocacy in 12 countries and two other areas contaminated with cluster munition remnants.
- All 12 countries and the two other areas receiving funds are also affected by landmines and received funding for mine clearance.
- Lao PDR and Lebanon received a total of \$54 million (77%) of the funding identified as relating to cluster munitions in 2012.

National Legislation and Transparency

- A total of 22 States Parties have enacted national legislation to implement the convention, including Australia, Guatemala, Hungary, Samoa, Sweden, and Switzerland in 2012, and Liechtenstein in the first half of 2013.
- At least 33 States Parties and signatories are in the process of drafting, considering, or adopting national legislation. At least 19 States Parties have indicated that they view their existing laws as sufficient to implement the convention.

- Australia's implementing legislation has been strongly criticized by the Cluster Munition Coalition (CMC) and others for its weak provisions permitting transit and foreign stockpiling of cluster munitions, as well as allowing Australian forces to assist non-signatories in the use of cluster munitions.
- Signatory Canada is in the process of passing its implementation legislation. The draft legislation has been strongly criticized by the CMC and others for its problematic language on interoperability and use.
- A total of 58 States Parties have submitted an initial transparency measures report as required by Article 7 of the convention, which represents 70% of States Parties.

Assistance with Prohibited Acts

- There are some divergent views on the ban on assisting with prohibited acts, especially during joint military operations with states not party that may still use cluster munitions ("interoperability"). At least 39 States Parties and signatories to the convention have expressed a view that, even during joint operations, any intentional or deliberate assistance with banned acts is prohibited.
- States Parties Australia, Japan, the Netherlands, and the UK have indicated support for the contrary view that the Article 1 prohibition on assistance with prohibited acts may be overridden by the interoperability provisions contained in Article 21.
- Signatory Canada is considering draft implementation legislation containing extensive provisions on interoperability that the CMC believes run counter to the letter and spirit of the convention.

Foreign Stockpiling and Transit

- At least 34 States Parties and signatories have said that the convention prohibits both the transit of cluster munitions by a state not party across the territory of a State Party and the stockpiling of cluster munitions by a state not party on the territory of a State Party.
- States Parties Australia, Japan, the Netherlands, Portugal, and the UK have asserted that transit and foreign stockpiling are not prohibited by the convention.
- States Parties Norway and the UK have both confirmed that the US has removed its stockpiled cluster munitions from their respective territories.
- US Department of State cables released by Wikileaks show that the US has stockpiled and may continue to be storing cluster munitions in a number of countries including in States Parties Afghanistan, Germany, Italy, Japan, and Spain, as well as in non-signatories Israel, and Qatar, and perhaps Kuwait

Disinvestment

- Nine States Parties have enacted legislation that explicitly prohibits investment in cluster munitions: including Samoa in 2012, and Liechtenstein, the Netherlands, and Switzerland in 2013.
- Denmark announced in May 2013 that it will ban investment in cluster munition production.

- At least 24 States Parties and signatories to the convention have stated their view that investment in cluster munitions production is a form of assistance that is prohibited by the convention.
- States Parties Germany, Japan, and Sweden have expressed the contrary view that the convention does not prohibit investment in cluster munition production.
- Financial institutions in at least 17 States Parties and signatories have taken action to stop investment in cluster munition production and promote socially responsible investment.