



# THE CONVENTION ON CLUSTER MUNITIONS

THE FIRST TEN YEARS



**The Convention on Cluster Munitions was adopted to address a serious humanitarian problem: the unbearable degree of suffering, injury and death caused by cluster munitions. These weapons, which are designed to disperse large quantities of explosive submunitions over wide areas, severely and disproportionately affect civilians and have long-term consequences for communities affected by war.**

Ten years after its adoption, the Convention on Cluster Munitions has been remarkably successful in addressing the humanitarian impact of cluster munitions, and advancing the goal of a world free of cluster munitions.

But more must be done. To attain key Convention benchmarks by 2020, States Parties must faithfully implement the 2015 Dubrovnik Action Plan and ensure that the necessary resources continue to be made available.

#### **Achievements of the Convention to date**

- 103 States are party to the Convention and a further 17 States have agreed to its object and purpose by signing it.
- Nearly 1.5 million cluster munitions and over 175 million submunitions in States' arsenals have been destroyed.
- 18 States have ceased manufacturing cluster munitions.
- More than 400 km<sup>2</sup> of contaminated land has been cleared of cluster munition remnants.

## **UNIVERSALIZING THE CONVENTION AND ITS NORMS**

### **ACHIEVEMENTS**

Today, more than half of all States have joined the Convention. With the accession of Sri Lanka on 1 March 2018, there are now 103 States party to the Convention.<sup>1</sup> A further 17 States have signed but not yet ratified the treaty. By signing, these States have also committed themselves to the Convention's goals. Another 34 States that are neither signatories nor party to the Convention voted in favour of a 2017 United Nations General Assembly resolution urging all States to join as soon as possible.<sup>2</sup>

Since the Convention's entry into force in 2010, there has been no reported or alleged use of cluster munitions by any State party to the Convention.<sup>3</sup> Nor have there been any confirmed instances of States Parties producing cluster munitions.<sup>4</sup> Seventeen States Parties (and one State not party) that once produced cluster munitions have now ceased production, and seven States Parties that once exported these weapons have ended this practice.<sup>5</sup>

<sup>1</sup> A list of States party to the Convention is available at [http://disarmament.un.org/treaties/t/cluster\\_munitions](http://disarmament.un.org/treaties/t/cluster_munitions).

<sup>2</sup> United Nations General Assembly, Resolution 72/54 of 4 December 2017, A/RES/72/54; [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/72/54](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/54); United Nations General Assembly, 72nd session, official record of the 62nd plenary meeting on 4 December 2017, A/72/PV.62: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/72/PV.62](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/72/PV.62).

<sup>3</sup> International Campaign to Ban Landmines – Cluster Munition Coalition, *Cluster Munition Monitor 2017 (CMM 2017)*, August 2017, p. 1: <http://www.the-monitor.org/en-gb/reports/2017/cluster-munition-monitor-2017.aspx>.

<sup>4</sup> *CMM 2017*, p. 24.

<sup>5</sup> *CMM 2017*, pp. 24–25.

## REMAINING CHALLENGES

Seventy-seven States are neither signatories nor party to the Convention. Sixteen of these States are either believed to produce cluster munitions or reserve the right to do so.<sup>6</sup>

Unfortunately, the use of cluster munitions has continued in some areas. Since 2010, use of these weapons has been reported in nine countries.<sup>7</sup> And in too many countries, civilians remain exposed to the risks of cluster munitions and their remnants. Over 90% of the casualties recorded since 2010 were civilians, of which more than 40% were children.<sup>8</sup> The increase in the rate of casualties from 2012 onwards is a matter of grave concern.<sup>9</sup>

To achieve the objective of a world free from cluster munitions, all States must stop using these weapons, become party to the Convention and faithfully implement its terms. The Dubrovnik Action Plan aspires to have 130 States Parties by the Second Review Conference (2020),<sup>10</sup> which is only two years away.

## WHAT NEEDS TO BE DONE?

Under the Dubrovnik Action Plan, States Parties commit to a range of activities to promote the universalization of the Convention, including:

- enhancing cooperation among States and with international and non-governmental organizations
- supporting signatories in their ratification process
- promoting model legislation and providing assistance to States to develop the legislation necessary to enable ratification of, or accession to, the Convention
- encouraging States not party to join the Convention as soon as possible and helping them to find solutions to the obstacles and challenges they may face in doing so
- urging States not party to participate in formal and informal meetings.<sup>11</sup>

In addition, States Parties commit to promoting compliance with the Convention and reinforcing the norms established by the Convention, including by raising concerns about any alleged use and condemning any instances of documented use of cluster munitions by anyone.<sup>12</sup> Such efforts will further stigmatize cluster munitions and help discourage their use.

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<sup>6</sup> CMM 2017, p. 23.

<sup>7</sup> CMM 2017, p. 15.

<sup>8</sup> CMM 2017, p. 87; International Campaign to Ban Landmines – Cluster Munition Coalition, *Cluster Munition Monitor 2016*, August 2016, p. 101: <http://www.the-monitor.org/en-gb/reports/2016/cluster-munition-monitor-2016.aspx>.

<sup>9</sup> CMM 2017, p. 84.

<sup>10</sup> Convention on Cluster Munitions, Dubrovnik Action Plan, adopted on 11 September 2015, Action 1.1: <http://www.clusterconvention.org/wp-content/uploads/2016/04/The-Dubrovnik-Action-Plan.pdf>.

<sup>11</sup> Dubrovnik Action Plan, Action 1.2.

<sup>12</sup> Dubrovnik Action Plan, Action 1.3.



J. Holmes/OPIC

Xieng Khouang Province, Laos.  
A member of a clearance team  
locates an unexploded submunition  
and carefully excavates it so it  
can be destroyed.

## STOCKPILE DESTRUCTION

### WHAT ARE THE CONVENTION'S STOCKPILE DESTRUCTION REQUIREMENTS?

The Convention requires each State Party to destroy any stockpiles of cluster munitions under its jurisdiction and control within eight years of becoming a party to the treaty (Article 3.2). States Parties unable to do so may request an extension at a Meeting of States Parties or a Review Conference (Article 3.3).

### ACHIEVEMENTS

The destruction of stockpiled cluster munitions has been a major achievement of the Convention. To date, States Parties have destroyed 98% of their declared stockpiles of cluster munitions and submunitions.<sup>13</sup> Thirteen States Parties fulfilled their Article 3 requirements before the Convention entered into force for them and 20 States Parties destroyed their stockpiles before their initial eight-year deadline expired.<sup>14</sup>

### REMAINING CHALLENGES

Seven States Parties have stockpile destruction deadlines between 2019 and 2024. Efforts must be undertaken to ensure that these deadlines are met.

### WHAT NEEDS TO BE DONE?

The Dubrovnik Action Plan commits States Parties to a range of actions to make progress on and complete stockpile destruction and to increase reporting and exchange of relevant information. Specifically:

- States Parties with remaining stockpiles commit to putting in place a plan for their destruction and fulfilling their obligations under the Convention<sup>15</sup>
- States that have experience in the destruction of cluster munition stockpiles are encouraged to contribute to the exchange of information on good practices<sup>16</sup>
- States Parties that fulfil their obligations under Article 3 are encouraged to declare this to Meetings of States Parties or Review Conferences and in their annual Article 7 reports<sup>17</sup>
- States Parties commit to reporting any findings of previously unknown stockpiles and developing plans for their destruction.<sup>18</sup>

<sup>13</sup> Convention on Cluster Munitions Implementation Support Unit, "10th Anniversary of the Adoption of the Convention on Cluster Munitions", special edition newsletter, 30 May 2018: <http://www.clusterconvention.org/2018/05/30/10th-anniversary-special-edition-of-ccm-newsletter/>;

*CMM 2017*, p. 31; see also States Parties' reports pursuant to Article 7 of the Convention: [www.unog.ch](http://www.unog.ch).

<sup>14</sup> Convention on Cluster Munitions Implementation Support Unit, "10th Anniversary of the Adoption of the Convention on Cluster Munitions", special edition newsletter, 30 May 2018.

<sup>15</sup> Dubrovnik Action Plan, Action 2.1.

<sup>16</sup> Dubrovnik Action Plan, Action 2.2.

<sup>17</sup> Dubrovnik Action Plan, Action 2.4.

<sup>18</sup> Dubrovnik Action Plan, Action 2.5.



J. Powell/CRC

Georgia/South Ossetia. A specialist from the HALO Trust clears explosive remnants of war, including cluster munitions, from a field near the administrative boundary line.

## CLEARANCE OF CLUSTER MUNITION REMNANTS

### WHAT ARE STATES PARTIES' OBLIGATIONS FOR THE CLEARANCE OF CLUSTER MUNITION REMNANTS?

Under the Convention, each State Party is required to ensure the clearance and destruction of cluster munition remnants from areas under its jurisdiction or control (Article 4.1). It must do so as soon as possible but no later than ten years from when the treaty enters into force for that State – or from the end of active hostilities if the area becomes contaminated after the Convention takes effect for that State (Article 4.1). Extensions totalling up to ten additional years are permitted if strictly necessary. Requests for such extensions must be submitted to a Meeting of States Parties or a Review Conference, which can grant and set the terms of the extension (Articles 4.5–4.8).

Until clearance is completed, the Convention requires States Parties to take all feasible steps to ensure that the perimeters of cluster-munition-contaminated areas are marked, and that these areas are monitored and protected by fencing or other means to ensure civilians are excluded (Article 4.2(c)). They must also conduct risk reduction education for civilians living in or around contaminated areas (Article 4.2(e)).

### ACHIEVEMENTS

Since the entry into force of the Convention, more than 400 km<sup>2</sup> of contaminated land has been cleared of cluster munition remnants.<sup>19</sup> Eight States Parties and one signatory State have cleared all the areas under their jurisdiction that were known or suspected to contain cluster munition remnants.<sup>20</sup> The first clearance deadline for States Parties will be on 1 August 2020.

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<sup>19</sup> CMM 2017, p. 54.

<sup>20</sup> CMM 2017, p. 64.



South Lebanon.  
A man injured by  
an explosive submunition.

The methods and means of identifying, clearing, and releasing areas known or suspected to be contaminated by explosive remnants of war, including cluster munition remnants, have evolved over the past 20 years.<sup>21</sup> Today there are standards to follow and tools available to help affected States ensure that these activities are conducted in an efficient and effective manner. Among them are the International Mine Action Standards (IMAS) for Land Release and for Mine / Explosive Remnants of War Risk Education.<sup>22</sup>

### REMAINING CHALLENGES

Observers indicate that at least 25 States are contaminated by cluster munition remnants.<sup>23</sup> In roughly half these countries, the size of the contaminated area is not known.<sup>24</sup> This means that it is difficult to reliably estimate the global scale of remaining cluster munition contamination.<sup>25</sup>

Two States Parties and two States not party to the Convention are massively or heavily contaminated by cluster munition remnants. The Lao People's Democratic Republic and Viet Nam each have more than 1,000 km<sup>2</sup> of territory contaminated with such remnants. Cambodia and Iraq each have contaminated areas totalling between 100 km<sup>2</sup> and 1,000 km<sup>2</sup>.<sup>26</sup> It has also been reported that the use of cluster munitions from 2016 to 2018 has increased contamination in some areas.<sup>27</sup>

Ten States Parties report having areas contaminated by cluster munitions remnants.<sup>28</sup> Of the four States Parties with a deadline to complete clearance by 1 August 2020, only one is believed to be on track to meet that deadline.<sup>29</sup>

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21 International Campaign to Ban Landmines – Cluster Munition Coalition, *Cluster Munition Monitor 2015*, September 2015, p. 38: <http://www.the-monitor.org/en-gb/reports/2015/cluster-munition-monitor-2015.aspx>.

22 International Mine Action Standards, Land Release, IMAS No. 07.11, 2009: <https://www.mineactionstandards.org/fileadmin/MAS/documents/imas-international-standards/english/series-07/IMAS-07-11-Ed1-Am3.pdf>;

International Mine Action Standards, Mine/ERW Risk Education, IMAS No. 12.10, 2010:

<https://www.mineactionstandards.org/fileadmin/MAS/documents/imas-international-standards/english/series-12/IMAS-12-10-Ed2-Am2.pdf>.

23 *CMM 2017*, p. 54; Mine Action Review, *Clearing Cluster Munition Remnants 2017*, September 2017, p. 2:

<http://www.mineactionreview.org/documents-and-reports/clearing-cluster-munition-remnants-2017>.

24 *CMM 2017*, p. 54.

25 *Clearing Cluster Munition Remnants 2017*, p. 2: <http://www.mineactionreview.org/documents-and-reports/clearing-cluster-munition-remnants-2017>.

26 *Clearing Cluster Munition Remnants 2017*, p. 3.

27 *CMM 2017*, p. 54.

28 *Convention on Cluster Munitions 7MSP Progress Report – monitoring progress in implementing the Dubrovnik Action Plan*, Seventh Meeting of States Parties, CCM/MSP/2017/9, 10 July 2017, § 28:

<http://www.clusterconvention.org/wp-content/uploads/2017/02/Progress-Report.pdf>.

29 *CMM 2017*, pp. 54 and 64.



B. Heeger/CAC

Kosovo.\* A team of British mine clearance experts defuse cluster munitions.

\*UN Security Council Resolution 1244

### WHAT NEEDS TO BE DONE?

The Dubrovnik Action Plan commits cluster-munition-affected States Parties to taking a range of actions for the clearance of cluster munition remnants, such as steps to:

- assess the extent of their cluster munition contamination
- protect people from harm
- develop a clearance plan and identify resources for its implementation
- include affected communities when developing and implementing plans and programmes.<sup>30</sup>

All States Parties must promote methods and technologies that improve the efficiency of clearance operations.<sup>31</sup> Those States Parties that used cluster munitions before the Convention's entry into force must endeavour to provide assistance and relevant information to facilitate the clearance of these cluster munitions from areas under the control or jurisdiction of another State Party.<sup>32</sup>

Each State Party in a position to do so must assist other States Parties in their clearance and destruction of cluster munition remnants (Article 6.4). States Parties must also provide information about means and technologies related to clearance and lists of experts. Assistance for clearance can be provided on a bilateral basis or through the United Nations, through international, regional or national organizations or institutions, or through non-governmental organizations (Article 6.2).

These measures are expected to result in more efficient use of clearance resources and more land being released and, ultimately, in a decrease in the number of new victims of cluster munitions.<sup>33</sup>

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<sup>30</sup> Dubrovnik Action Plan, Actions 3.1–3.5.

<sup>31</sup> Dubrovnik Action Plan, Action 3.7.

<sup>32</sup> Dubrovnik Action Plan, Action 3.6.

<sup>33</sup> Dubrovnik Action Plan, p. 14.



J. Holmes/ICRC

Xieng Khouang Province, Laos. A father sits with his daughter, who was injured by submunitions that had lain unexploded near their home for more than 30 years.

## VICTIM ASSISTANCE

### WHAT DOES THE CONVENTION REQUIRE FOR THE CARE AND REHABILITATION OF CLUSTER MUNITION VICTIMS?

The Convention requires each State Party to provide assistance to cluster munition victims in areas under its jurisdiction or control (Article 5.1). Such assistance must include medical care, rehabilitation and psychological support. States Parties must also provide for the social and economic inclusion of cluster munition victims. The assistance must be age- and gender-sensitive and must not discriminate against or among cluster munition victims (Article 5.1 and 5.2(e)).<sup>34</sup> States Parties must make every effort to collect reliable data relative to cluster munition victims (Article 5.1).

All States Parties that have the means to do so must support other States Parties in the implementation of their obligations to assist victims of cluster munitions (Article 6.7). This assistance can be provided directly to the affected State or indirectly through the United Nations, through international, regional or national organizations and institutions, through non-governmental organizations or through the International Red Cross and Red Crescent Movement.

### ACHIEVEMENTS

The Convention provides clear guidance on States' responsibility to assist victims of cluster munitions. All States Parties that have cluster munition survivors under their jurisdiction or control are providing some form of victim assistance, and many of them have taken steps to improve their casualty data-collection activities and/or needs assessments.<sup>35</sup> The majority have national disability or victim-assistance action plans for increasing the availability and accessibility of services.<sup>36</sup>

<sup>34</sup> See, for example, Gender and Mine Action Programme, *Operational Guidance for Victim Assistance Responsive to Gender and Other Diversity Aspects*, 2018: <http://www.gmap.ch/gmap-publications/>.

<sup>35</sup> ICRC, *Special Appeal 2016: Disability and Mine Action*, 2015, p. 23: [https://www.icrc.org/sites/default/files/topic/file\\_plus\\_list/disability\\_mine2016\\_rex2015\\_651\\_final.pdf](https://www.icrc.org/sites/default/files/topic/file_plus_list/disability_mine2016_rex2015_651_final.pdf).

<sup>36</sup> *CMM 2017*, p. 96.





South Lebanon.  
A 17-year-old girl  
who lost her leg  
when a submunition  
exploded near her home.

## REMAINING CHALLENGES

Many victims continue to struggle to get access to services, especially in remote or rural areas. Recent and ongoing armed conflicts also hamper assistance efforts in some countries.<sup>37</sup> For these countries and for other States Parties, the funding and resources are insufficient to meet the needs of cluster munition victims.<sup>38</sup> Several States need to step up their data collection in order to identify cluster munition victims and/or assess their needs.<sup>39</sup>

## WHAT NEEDS TO BE DONE?

Under the Dubrovnik Action Plan, States Parties must take a series of actions to help improve the quality and quantity of victim assistance, strengthen respect for human rights and increase victims' involvement in policy- and decision-making processes on issues that concern them.

The Dubrovnik Action Plan commits each State Party that has Article 5 obligations to strengthening their national capacity to assist victims of cluster munitions and increasing the involvement of victims in their work under Article 5.<sup>40</sup> Specific actions include:

- designating a focal point within the government to coordinate victim assistance (as required by Article 5.2(g))
- reviewing the availability, accessibility and quality of existing services and identifying the barriers that prevent access
- promoting the economic inclusion of victims of cluster munitions
- including relevant experts, such as victims and representatives of disabled people's organizations, in the State's delegation on Convention-related activities.

In addition, all States Parties commit to supporting the implementation of Article 5 and must seek to provide support to projects for cluster munition victims. They must also facilitate the sharing of information among victim-assistance focal points and other key actors, with a view to exchanging experiences and good practices.<sup>41</sup>

<sup>37</sup> CMM 2017, p. 98.

<sup>38</sup> CMM 2017, p. 98.

<sup>39</sup> CMM 2017, p. 95.

<sup>40</sup> Dubrovnik Action Plan, Actions 4.1 and 4.2.

<sup>41</sup> There is a guide to help States implement the various aspects of Article 5: *Guidance on an Integrated Approach to Victim Assistance: By States for States*, November 2016: <http://www.clusterconvention.org/publications/>.

# INTERNATIONAL COOPERATION AND ASSISTANCE

## HOW DOES THE CONVENTION HELP AFFECTED STATES?

Article 6 of the Convention recognizes the right of each State Party to seek and receive assistance from other States Parties in order to help them implement the Convention's obligations. In parallel, each State Party in a position to do so must provide assistance for the implementation of the Convention's requirements for victim assistance, clearance and stockpile destruction, and contribute to the economic and social recovery needed as a result of cluster munition use. Such assistance can be financial but it can also include providing equipment, expertise, experience and personnel.

## ACHIEVEMENTS

Significant resources have been devoted to helping States party to the Convention implement their clearance, stockpile destruction and victim-assistance requirements. International financial support for mine action (including cluster munitions) totalled approximately 500 million US dollars in 2016.<sup>42</sup>

## REMAINING CHALLENGES

Overall, the financial contributions of the international community towards mine action and the clearance of explosive remnants of war have decreased in recent years. In addition, the vast majority of international funding comes from just a small group of donor countries.

Lack of access to funding, technical expertise and resources are major factors affecting the ability of States Parties to meet their objectives and deadlines under the Convention.<sup>43</sup> One way to foster increased cooperation and assistance would be for affected States Parties to provide detailed information about their progress on fulfilling their Convention obligations, the nature of any obstacles to fulfilment, and what specific assistance they need.

## WHAT NEEDS TO BE DONE?

The Dubrovnik Action Plan aims to significantly improve cooperation between States seeking assistance and those in a position to provide it, through a range of actions:

- States Parties seeking assistance will communicate their challenges and needs, basing their requests for assistance on appropriate surveys, needs assessments and analysis and embedding their requests in their broader national policy and legal frameworks.
- States Parties and expert organizations in a position to do so, including the private sector where feasible, will use all possible channels to support States Parties seeking assistance.
- States Parties will strive for synergies with other relevant instruments of international humanitarian law and international human rights law.
- States Parties will make the most of existing tools, such as Article 7 transparency reports, to present requests or offers for cooperation and assistance.<sup>44</sup>

It is expected that the full implementation of the Dubrovnik Action Plan's commitments in this area will result in fewer new victims, create a better quality of life for those already affected by cluster munitions and ensure that States Parties meet their stockpile destruction and clearance requirements.

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<sup>42</sup> International Campaign to Ban Landmines – Cluster Munition Coalition, *Landmine Monitor 2017*, December 2017, p. 3: <http://www.the-monitor.org/en-gb/reports/2017/landmine-monitor-2017.aspx>; PAX, "10 years, 10 achievements against cluster bombs", 29 May 2018: <https://www.paxforpeace.nl/stay-informed/news/10-years-10-achievements-against-cluster-bombs>.

<sup>43</sup> *Convention on Cluster Munitions 7MSP Progress Report – monitoring progress in implementing the Dubrovnik Action Plan*, Seventh Meeting of States Parties, CCM/MSP/2017/9, 10 July 2017, § 80: <http://www.clusterconvention.org/wp-content/uploads/2017/02/Progress-Report.pdf>.

<sup>44</sup> Dubrovnik Action Plan, Action 5.

## CONCLUDING OBSERVATIONS

The 2008 Cluster Munition Convention has made great strides towards eradicating cluster munitions and their remnants. With most States being party to it, the Convention has greatly reduced the risk of these weapons creating more victims.

Importantly, the Convention has established a humanitarian action plan that is bringing about the elimination of cluster munition stockpiles, the clearance of contaminated land, the provision of assistance to victims and the mobilization of resources through cooperative partnerships between governments, international organizations and civil society.

Together with the Anti-Personnel Mine Ban Convention and Protocol V of the Convention on Certain Conventional Weapons, the Convention on Cluster Munitions is a key part of the international community's response to the issue of unexploded and abandoned ordnance.

But efforts must continue until the goal of a world free of cluster munitions is achieved.

The States party to the Convention on Cluster Munitions must continue to condemn any use of cluster munitions and must redouble their efforts to rid the world of these weapons once and for all.

The Dubrovnik Action Plan is the roadmap for achieving this. States Parties must also maintain and increase their concerted efforts and partnerships with international organizations and civil society. These were the key factors that led to the adoption of the Convention ten years ago and have been instrumental to the Convention's success so far.






D. Revell/ICRC

Falkland/Malvinas Islands. On a freezing cold morning, a mine clearance team made up of mostly Zimbabwean experts blow up remnants of a war that had ended 35 years before.



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