

Appendix I: The Path to an Absolute Ban on Cluster Munitions

Note: Selected use of cluster munitions indicated in italics

Date	Event
<i>1939-1945</i>	<i>Munitions similar in function to modern cluster munitions used by Germany, the Soviet Union, and possible others during World War II.</i>
<i>1965-1975</i>	<i>US uses cluster munitions in Cambodia, Laos, and Vietnam.</i>
February 1974	Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (CDDH) establishes ad hoc Committee on Conventional Weapons to discuss conventional weapons that have "indiscriminate" or "excessive" effects.
September-October 1974	International Committee of the Red Cross (ICRC) convenes Conference of Government Experts on the Use of Certain Conventional Weapons in Lucerne. Seven states submit a proposal to ban cluster munitions and other types of weapons.
January-February 1976	ICRC convenes second conventional weapons conference in Lugano. Seven states resubmit their 1974 proposal to ban cluster munitions and are joined by six new state supporters.
June 8, 1977	Adoption of Additional Protocol I to the Geneva Conventions. Protocol enters into force December 12, 1978.
June 9, 1977	At final CDDH conference, states commit to working toward a legal mechanism addressing the "indiscriminate" and "excessively injurious" effects of conventional weapons.
October 10, 1980	Adoption of the Convention on Conventional Weapons and its first three protocols (Protocol I on non-detectable fragments; Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices; Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons). These instruments enter into force December 12, 1983.
<i>January-February 1991</i>	<i>US, France, and UK use cluster munitions in Iraq and Kuwait.</i>
1995-1996	First Review Conference of the CCW: Cluster munitions are addressed only briefly.
May 3, 1996	Adoption of Amended CCW Protocol II Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices. Protocol enters force on December 3, 1998.
<i>March-June 1999</i>	<i>NATO drops cluster munitions on Yugoslavia.</i>
December 1999	Human Rights Watch is first group to call for a global moratorium on use of cluster munitions.



Date	Event
September 2000	ICRC meeting on explosive remnants of war (ERW) in Nyon, Switzerland.
January 2001	US Secretary of Defense Cohen issues policy that US submunitions reaching a production decision in fiscal year 2005 and beyond must have a failure rate of less than 1 percent.
<i>October 2001-early 2002</i>	<i>US drops cluster munitions on Afghanistan.</i>
December 11-21, 2001	Second Review Conference of the CCW: The Group of Governmental Experts (GGE) is charged with considering several aspects of ERW, including possible technical fixes for cluster munitions.
December 2-13, 2002	Meeting of States Parties to the CCW assigns GGE the mandate to negotiate an ERW protocol and to discuss international humanitarian law (IHL) and preventive technical fixes, including for cluster munitions.
<i>March-May 2003</i>	<i>US and UK use cluster munitions during major hostilities in Iraq.</i>
November 13, 2003	Launch of the Cluster Munition Coalition (CMC) in the Hague.
November 27-28, 2003	Meeting of States Parties to the CCW renews discussion mandate on IHL and possible preventive measures.
November 28, 2003	Adoption of CCW Protocol V on Explosive Remnants of War. Protocol enters into force November 12, 2006.
November 18-19, 2004	Meeting of States Parties to the CCW renews discussion mandate on IHL and possible preventive measures.
November 24-25, 2005	Meeting of States Parties to the CCW renews discussion mandate on IHL and possible preventive measures.
May 2006	Norwegian Ministry of Defense institutes national moratorium on use of cluster munitions until it undertakes further testing of its cluster munitions' failure rates. In November 2006, Norway extends the moratorium until adoption of a cluster munition convention.
June 2006	Belgium becomes first state to adopt a statutory prohibition of cluster munitions, banning use, production, stockpiling, and trade and setting a three-year deadline for stockpile destruction.
<i>July-August 2006</i>	<i>Israel blankets south Lebanon with cluster munitions during conflict with Hezbollah. Hezbollah launches small number of cluster munitions into Israel.</i>
October 24, 2006	Norway pledges to take lead in creation of international prohibition on cluster munitions.
October 25, 2006	30 states submit proposal for CCW mandate to negotiate a cluster munition protocol.




Date	Event
November 7-17, 2006	Third Review Conference of the CCW: 25 states express formal support for a mandate to negotiate a ban on cluster munitions, but conference rejects proposal.
November 17, 2006	Norway announces it will initiate an independent treaty process to develop a ban on cluster munitions, giving birth to Oslo Process.
February 22-23, 2007	Oslo Conference on Cluster Munitions: 46 states adopt Oslo Declaration, committing themselves to producing a ban convention by the end of 2008.
March 15, 2007	Southeast Asia Regional Conference on Cluster Munitions in Phnom Penh, Cambodia.
May 2007	Hungary announces a moratorium prohibiting use of cluster munitions until the adoption of a legally binding instrument.
May 23-25, 2007	Lima Conference on Cluster Munitions: States reach broad agreement on the framework and essential elements of the future convention.
September 3-4, 2007	San José Regional Conference on Cluster Munitions.
October 3-4, 2007	Belgrade Conference for States Affected by Cluster Munitions.
October 30, 2007	European Regional Conference on Cluster Munitions in Brussels, Belgium.
November 7-13, 2007	Meeting of States Parties to the CCW agrees to “negotiate a proposal to address urgently the humanitarian impact of cluster munitions, while striking a balance between military and humanitarian considerations.”
December 5-7, 2007	Vienna Conference on Cluster Munitions: General agreement emerges on important provisions in the future convention, while battle lines are drawn on controversial issues.
December 2007	Croatia institutes a moratorium on the use, production, and transfer of cluster munitions.
December 2007	US passes first ban on transfer of cluster munitions with less than 1 percent failure rate. Ban will be renewed in 2008 and 2009.
January 2008	Austria becomes the second country to enact comprehensive national legislation on cluster munitions, prohibiting use, production, transfer, and stockpiling and requiring stockpile destruction within three years.
February 18-22, 2008	Wellington Conference on Cluster Munitions: States adopt the Wellington Declaration, which reiterates the Oslo Declaration's main goals and commits them to negotiating a new convention in May 2008.
February 2008	Bosnia and Herzegovina pledges to prohibit cluster munition use until an international agreement is concluded.
February 2008	Bulgaria adopts a moratorium on use until entry into force of a new treaty.




Date	Event
March 31-April 1, 2008	Livingston Regional Conference on Cluster Munitions.
April 16-17, 2008	Regional Conference for Latin American and the Caribbean in Mexico City, Mexico.
April 24-25, 2008	ICRC hosts regional meeting on cluster munitions in Bangkok, Thailand.
May 19-30, 2008	Dublin Diplomatic Conference for the Adoption of a Convention on Cluster Munitions: On May 30, 2008, all 107 participating states formally adopt the Convention on Cluster Munitions by acclamation.
<i>August 2008</i>	<i>Russia and Georgia use cluster munitions in Georgia during conflict over South Ossetia.</i>
September 18-19, 2008	Sofia Regional Conference on the Convention on Cluster Munitions.
September 29-30, 2008	Kampala Regional Conference on the Convention on Cluster Munitions.
October 20-22, 2008	Southeast Asia Regional Conference on the Convention on Cluster Munitions in Xiengkhouang, Laos.
November 6-7, 2008	Quito Regional Conference on the Convention on Cluster Munitions.
November 11-12, 2008	Beirut Regional Conference on Cluster Munitions.
November 13-14, 2008	Meeting of States Parties to the CCW revises mandate to make "every effort to conclude [their] negotiations [on a cluster munition protocol] as rapidly as possible."
December 3-4, 2008	Convention on Cluster Munitions Signing Conference in Oslo: Ministers and senior officials from 94 governments sign the convention at Oslo City Hall.
June 25-26, 2009	Berlin Conference on the Destruction of Cluster Munitions.
September 14-15, 2009	Regional Conference on the Convention on Cluster Munitions in Santiago, Chile.
November 12-13, 2009	Meeting of States Parties to the CCW renews mandate of previous year.
November 16-17, 2009	Regional Conference on the Promotion and Universalization of the Convention on Cluster Munitions in Bali, Indonesia.
March 25-26, 2010	Regional conference on the Convention on Cluster Munitions in Pretoria, South Africa.
June 7-9, 2010	Global Conference on the Convention on Cluster Munitions in Santiago, Chile.
August 1, 2010	Convention on Cluster Munitions enters into force.
November 9-12, 2010	First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Laos.





Appendix II: Quick Reference Guide to the Major Cluster Munitions and Submunitions Used since 1999



Cluster Munitions




Cluster Munition Type	Cluster Munition Photo (illustrative example)	Number and Type of Submunition	Locations used (year and by whom)
Artillery Projectiles			
L20A1	Note: The L20A1 is similar in appearance to the M396 (pictured below).	49 M85 submunitions	Iraq (2003, UK)
M395 and M396 155mm	 <p>© 2006 Lucy Mair /Human Rights Watch</p>	63 (M395) or 49 (M396) M85 submunitions	Lebanon (2006, Israel)
M483A1 155mm	 <p>ORDATA Online: http://maic.jmu.edu/ordata/FullImage.asp?Image=images\D\D0988UF1.JPG</p>	64 M42 and 24 M46 submunitions	Lebanon (2006, Israel) Iraq (2003, US)

Cluster Munition Type	Cluster Munition Photo (illustrative example)	Number and Type of Submunition	Locations used (year and by whom)
Bombs			
CBU-58B	 <p>(CBU-58B reassembled by local civilians) © 2006 Bonnie Docherty/Human Rights Watch</p>	650 BLU-63 submunitions	Lebanon (2006, Israel)
CBU-87	 <p>FAS.org: http://www.fas.org/man/dod-101/sys/dumb/cbu-87.htm </p>	202 BLU-97 submunitions	Iraq (2003, US) Afghanistan (2001-2002, US) Yugoslavia (1999, Netherlands, US)
CBU-99, CBU-100, and Mk.-20 (Rockeye)	 <p>ORDATA Online: http://maic.jmu.edu/ordata/FullImage.asp?Image=images\B\B4908UP001.JPG </p>	247 Mk.-118 submunitions	Iraq (2003, US) Afghanistan (2001-2002, US) Yugoslavia (1999, US)
CBU-103 (includes Wind Corrected Munitions Dispenser, or WCMD)	<p>Note: The CBU-103 is similar in appearance to the CBU-105 (pictured below).</p>	202 BLU-97 submunitions	Iraq (2003, US) Afghanistan (2001-2002, US)



Cluster Munition Type	Cluster Munition Photo (Illustrative example)	Number and Type of Submunition	Locations used (year and by whom)
CBU-105 (Sensor Fuzed Weapon) (includes WCMD)	 <p>FAS.org: http://www.fas.org/man/dod-101/sys/dumb/cbu-97.htm</p>	10 BLU-108 submunitions, containing four "skeet" warheads each	Iraq (2003, US)
RBK-250 and 500 series	 <p>(Remnant of RBK-500) © 2008 Bonnie Docherty/Human Rights Watch</p>	60 (RBK-250) or 108 (RBK-500) AO-2.5 RTM submunitions (alternative submunitions available for these models)	Georgia (2008, Russia)
BL-755	 <p>© 2009 Mark Hiznay/Human Rights Watch</p>	147 submunitions, either of the No 1 bomblet (General Purpose, or GP) type, or No 2 (Advanced Anti-Armour, or AAA) type	Iraq (2003, UK) Yugoslavia (1999, UK)

Cluster Munition Type	Cluster Munition Photo (Illustrative example)		Number and Type of Submunition	Locations used (year and by whom)
Missiles				
Army Tactical Missile System (ATACMS) missile		(Remnant of ATACMS) © 2003 Bonnie Docherty/Human Rights Watch	950 (Block I warhead) or 300 (Block IA warhead) M74 submunitions	Iraq (2003, US)
AGM-154A Joint Standoff Weapon (JSOW-A)		FAS.org: http://www.fas.org/man/dod-101/sys/smart/agm-154-vin-jsow.jpg	145 BLU-97 submunitions	Iraq (2003, US) Afghanistan (2001-2002, US)
BGM-109D Tomahawk Land Attack Missile (TLAM-D)		FAS.org: http://www.fas.org/man/dod-101/sys/smart/slcм-dvic469.jpg	166 BLU-97 submunitions	Yemen (2009, US) (not confirmed) Iraq (2003, US)
SS-26 (Iskander)		FAS.org: http://www.fas.org/nuke/guide/russia/theater/ss-26.jpg	Unknown	Georgia (2008, Russia)


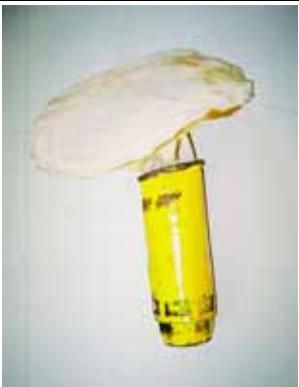
Cluster Munition Type	Cluster Munition Photo (Illustrative example)	Number and Type of Submunition	Locations used (year and by whom)
Rockets			
M261 (Hydra) 70mm	 <p>FAS.org:http://www.fas.org/man/dod-101/sys/missile/hydra-70.htm</p>	9 M73 submunitions	Iraq (2003, US)
Mk.-4 160mm	 <p>(Remnant of Mk.-4 160mm) © 2008 Bonnie Docherty/Human Rights Watch</p>	104 M85 submunitions	Georgia (2008, Georgia)

Cluster Munition Type	Cluster Munition Photo (Illustrative example)	Number and Type of Submunition	Locations used (year and by whom)
M26 227mm	 <p>(Remnant of M26 227mm) © 2006 Bonnie Docherty/Human Rights Watch</p>	644 M77 submunitions	<p>Lebanon (2006, Israel)</p> <p>Iraq (2003, US)</p>
Type-81 122mm	 <p>(left) FAS.org: http://www.fas.org/man/dod-101/sys/land/row/type-81-F5111P01.JPG (right) (Remnant of Type-81 122mm) © 2006 Bonnie Docherty/Human Rights Watch</p>	39 Type-90 (also called MZD-2) submunitions	Israel (2006, Hezbollah)
Uragan 220mm	 <p>(Remnant of Uragan 220mm) © 2008 Bonnie Docherty/Human Rights Watch</p>	30 9N210 submunitions	Georgia (2008, Russia)



Submunitions

Submunition Type	Submunition Photo (illustrative example)	Delivery Platform (Number of Submunitions)	Submunition Purpose	Estimated Failure Rate (fail-safe mechanism if applicable) ⁸³⁹	Locations used (year used and by whom)
9N210	 <p>© 2008 Bonnie Docherty/ Human Rights Watch</p>	Uragan 220mm rocket (30 9N210 submunitions)	Anti-materiel, antipersonnel	Not known	Georgia (2008, Russia)
AO-2.5 RTM	 <p>© 2008 Ole Solvang/Human Rights Watch</p>	RBK-250 bomb (60 AO-2.5 RTM submunitions) RBK-500 (108 AO-2.5 RTM submunitions)	Anti-materiel, antipersonnel	Not known	Georgia (2008, Russia)

⁸³⁹ Some of the failure rates listed below come from testing and may be much higher under operational conditions.



Submunition Type	Submunition Photo (illustrative example)	Delivery Platform (Number of Submunitions)	Submunition Purpose	Estimated Failure Rate (fail-safe mechanism if applicable) ⁸³⁹	Locations used (year used and by whom)
BLU-63	 <p>© Frank Masche</p>	CBU-58B bomb (650 BLU-63 submunitions)	Antipersonnel	Not known	Lebanon (2006, Israel)
BLU-97	 <p>© 2003 Bonnie Docherty/Human Rights Watch</p>	CBU-87 bomb (202 BLU-97 submunitions) CBU-103 bomb (202 BLU-97 submunitions) JSOW-A missile (145 BLU-97 submunitions) TLAM-D missile (166 BLU-97 submunitions)	Anti-armor, antipersonnel, and incendiary	5-7% ⁸⁴⁰	Iraq (2003, US) Afghanistan (2001-2002, US) Yugoslavia (1999, Netherlands and US)

⁸⁴⁰ Human Rights Watch, *Cluster Munitions a Foreseeable Hazard in Iraq*, March 2003, p. 4. The UN Mine Action Coordination Center found BLU-97 submunitions used in the former Yugoslavia had a failure rate of about 7 percent. Human Rights Watch, *Fatally Flawed*, p. 25.

Submunition Type	Submunition Photo (illustrative example)		Delivery Platform (Number of Submunitions)	Submunition Purpose	Estimated Failure Rate (fail-safe mechanism if applicable) ⁸³⁹	Locations used (year used and by whom)
BLU-108		© 2003 Bonnie Docherty/ Human Rights Watch	CBU-105 bomb (10 BLU-108 submunitions with four guided "skeet" warheads each)	Anti-armor	Less than 1% (trio of fail-safe mechanisms) ⁸⁴¹	Iraq (2003, US)
M42, M46 Dual-Purpose Improved Conventional Munition (DPICM)		(M42) © Andrew Duguid	M483A1 155mm artillery projectile (64 M42 and 24 M46 submunitions)	Anti-armor, antipersonnel	14% ⁸⁴²	Lebanon (2006, Israel) Iraq (2003, US)



⁸⁴¹ US Department of Defense, "2004 Report to Congress," p. 5.

⁸⁴² U.S. Army Defense Ammunition Center, Technical Center for Explosives Safety, "Study of Ammunition Dud and Low Order Detonation Rates," p. 9 (cited in Human Rights Watch, *Flooding South Lebanon*, p.29).

Submunition Type	Submunition Photo (illustrative example)	Delivery Platform (Number of Submunitions)	Submunition Purpose	Estimated Failure Rate (fail-safe mechanism if applicable) ⁸³⁹	Locations used (year used and by whom)
M73	 <p>© Andrew Duguid</p>	M261 Hydra helicopter rocket (9 M73 submunitions)	Anti-armor	4% ⁸⁴³	Iraq (2003, US)
M74	 <p>ORDATA Online: http://maic.jmu.edu/ordata/FullImage.asp?Image=images\T\T3225UP002.JPG </p>	ATACMS missile (950 M74 (Block I) or 300 M74 (Block IA) submunitions)	Antipersonnel, anti-materiel	2% ⁸⁴⁴	Iraq (2003, US)




⁸⁴³ US Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, "Unexploded Ordnance Report," table 2-3, p. 5 (cited in Human Rights Watch, *Flooding South Lebanon*, p. 29).

⁸⁴⁴ Ibid.

Submunition Type	Submunition Photo (illustrative example)	Delivery Platform (Number of Submunitions)	Submunition Purpose	Estimated Failure Rate (fail-safe mechanism if applicable) ⁸³⁹	Locations used (year used and by whom)
M77 DPICM	 <p>© 2003 Colin King</p>	MLRS rocket (644 M77 submunitions)	Anti-armor, antipersonnel	5 to 23% ⁸⁴⁵	Lebanon (2006, Israel) Iraq (2003, US)
M85	 <p>© 2006 Colin King</p>	L20A1 artillery projectile (49 M85 submunitions) M395 155mm artillery projectile (63 M85 submunitions) M396 155mm artillery projectiles (49 M85 submunitions) Mk.-4 rocket (104 M85 submunitions)	Anti-armor, antipersonnel	10% ⁸⁴⁶ (self-destruct mechanism)	Georgia (2008, Georgia) Lebanon (2006, Israel) Iraq (2003, UK)

⁸⁴⁵ A 5 percent failure rate for MLRS submunitions was reported in US Department of Defense, "2004 Report to Congress," pp. 2-6. A 16 percent failure rate was reported in US Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, "Unexploded Ordnance Report," table 2-3, p. 5. A 23 percent failure rate for some newly produced lots was reported in US General Accounting Office, "Operation Desert Storm," pp. 5-6.

⁸⁴⁶ C King Associates, Norwegian Defence Research Establishment, and Norwegian People's Aid, *M85: An Analysis of Reliability*, p.6.

Submunition Type	Submunition Photo (illustrative example)	Delivery Platform (Number of Submunitions)	Submunition Purpose	Estimated Failure Rate (fail-safe mechanism if applicable) ⁸³⁹	Locations used (year used and by whom)
Mk.-118	 <p>ORDATA Online: http://maic.jmu.edu/ordata/FullImage.asp?Image=images\TVT0962P01.JPG</p>	CBU-99, CBU-100, or Mk.-20 bomb (247 Mk.-118 submunitions)	Anti-tank	2% based on testing; ⁸⁴⁷ example of submunition with higher operational failure rate	Iraq (2003, US) Yugoslavia (1999, US)
BL-755 submunition	 <p>© John Rodsted/Landmine Action</p>	BL-755 (147 submunitions either of No 1 (GP) type or No 2 (AAA) type)	Anti-tank	6.4% ⁸⁴⁸	Iraq (2003, US) Yugoslavia (1999, UK)
Type-90 (also called MZD-2)	 <p>© Frank Masche</p>	Type-81 122mm rocket (39 Type-90 submunitions)	Antipersonnel	Not known	Israel (2006, Hezbollah)

⁸⁴⁷ Human Rights Watch, *A Dirty Dozen Cluster Munitions*, June 2007, http://www.mineaction.org/downloads/1/HRW_Dirty%20dozen%20CM.pdf; US Office of the Under Secretary of Defense for Acquisition, Technology and Logistics, "Unexploded Ordnance Report," table 2-3, p. 5.

⁸⁴⁸ UK Defence Logistics Organisation (DLO) Secretariat, DLO Andover, "Response to Landmine Action question," Reference 06-02-2006-145827-009, March 27, 2006.

Appendix III: State Practice Regarding Cluster Munitions

Signatory States to the 2008 Convention on Cluster Munitions⁸⁴⁹

States that are shaded and bolded have ratified the convention as of November 5, 2010

	Has stockpiled	Has produced	Has used	Used in
Afghanistan	✓			✓
Albania				✓
Angola	✓			✓
Antigua & Barbuda				
Australia	✓	✓		
Austria	✓			
Belgium	✓	✓		
Benin				
Bolivia				
Bosnia & Herz.	✓	✓		✓
Botswana				
Bulgaria	✓			
Burkina Faso				
Burundi				
Cameroon				
Canada	✓			
Cape Verde				
Central African Rep.				
Chad				✓
Chile	✓	✓		
Colombia	✓			
Comoros				
Congo, DR				✓
Congo, Rep. of	✓			
Cook Islands				
Costa Rica				
Côte d'Ivoire				
Croatia	✓			✓
Cyprus				
Czech Rep.	✓			
Denmark	✓			
Dominican Rep.				
Djibouti				
Ecuador				
El Salvador				
Fiji				
France	✓	✓	✓	
Gambia				
Germany	✓	✓		
Ghana				
Guatemala				
Guinea	✓			
Guinea-Bissau	✓			
Haiti				
Holy See				
Honduras	✓			
Hungary	✓			
Iceland				
Indonesia	✓			
Iraq	✓	✓		✓
Ireland				
Italy	✓	✓		
Jamaica				
Japan	✓	✓		
Kenya				
Lao PDR				✓
Lebanon				✓
Lesotho				
Liberia				
Liechtenstein				
Lithuania				
Luxembourg				
Macedonia FYR				
Madagascar				
Malawi				
Mali				
Malta				
Mauritania				✓
Mexico				
Moldova	✓			
Monaco				
Montenegro	✓			✓
Mozambique				
Namibia				
Nauru				
Netherlands	✓	✓	✓	
New Zealand				
Nicaragua				
Niger				
Nigeria	✓		✓	
Norway	✓			
Palau				
Panama				
Paraguay				
Peru	✓			
Philippines				
Portugal	✓			
Rwanda				
Samoa				
San Marino				
São Tomé & Príncipe				
Senegal				
Seychelles				
Sierra Leone				✓
Slovenia	✓			
Somalia				
South Africa	✓	✓	✓	
Spain	✓	✓		
St. Vin. & Gren.				
Sweden	✓	✓		
Switzerland	✓	✓		
Tanzania				
Togo				
Tunisia				
Uganda	✓			✓
United Kingdom	✓	✓	✓	✓
Uruguay				
Zambia				✓
108	38	15	5	16

⁸⁴⁹ See Human Rights Watch, *Cluster Munition Information Chart*, November 3, 2010, <http://www.hrw.org/en/news/2010/11/03/cluster-munition-information-chart-updated-october-2010>. Both of the charts in Appendix III were compiled from information in that chart.

Non-Signatory States to the 2008 Convention on Cluster Munitions

	Has stockpiled	Has produced	Has used	Used in
Algeria	✓			
Andorra				
Argentina	✓	✓		
Armenia				
Azerbaijan	✓			✓
Bahamas				
Bahrain	✓			
Bangladesh				
Barbados				
Belarus	✓			
Belize				
Bhutan				
Brazil	✓	✓		
Brunei				
Burma				
Cambodia	✓			✓
China	✓	✓		
Cuba	✓			
Dominica				
Egypt	✓	✓		
Equatorial Guinea				
Eritrea	✓		✓	✓
Estonia	✓			
Ethiopia	✓		✓	✓
Finland	✓			
Gabon				
Georgia	✓		✓	✓
Greece	✓	✓		
Grenada				✓
Guyana				
India	✓	✓		
Iran	✓	✓		
Israel	✓	✓	✓	✓
Jordan	✓			
Kazakhstan	✓			
Kiribati				
North Korea	✓	✓		
South Korea	✓	✓		
Kuwait	✓			✓
Kyrgyzstan				
Latvia				
Libya	✓		✓	✓
Malaysia				
Maldives				

	Has stockpiled	Has produced	Has used	Used in
Marshall Islands				
Mauritius				
Micronesia				
Mongolia	✓			
Morocco	✓		✓	
Nepal				
Niue				
Oman	✓			
Pakistan	✓	✓		
Papua New Guinea				
Poland	✓	✓		
Qatar	✓			
Romania	✓	✓		
Russia	✓	✓	✓	✓
Saudi Arabia	✓		✓	✓
Serbia	✓	✓	✓	✓
Singapore	✓	✓		
Slovakia	✓	✓		
Solomon Is.				
Sri Lanka				
St. Kitts & Nevis				
St. Lucia				
Sudan	✓		✓	✓
Suriname				
Swaziland				
Syria	✓			✓
Tajikistan				✓
Thailand	✓			
Timor-Leste				
Tonga				
Trinidad & Tobago				
Turkey	✓	✓		
Turkmenistan	✓			
Tuvalu				
Ukraine	✓			
UAE	✓			
USA	✓	✓	✓	
Uzbekistan	✓			
Vanuatu				
Venezuela				
Vietnam				✓
Yemen	✓			
Zimbabwe	✓			
87	48	19	11	16

Appendix IV: The Convention on Cluster Munitions⁸⁵⁰

DUBLIN 19 – 30 MAY 2008

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,

⁸⁵⁰ Reproduced from: Convention on Cluster Munitions, adopted May 30, 2008, Diplomatic Conference for the Adoption of a Convention on Cluster Munitions, CCM/77, entered into force August 1, 2010, <http://www.clustermunitionsdublin.ie/pdf/ENGLISHfinaltext.pdf> (accessed November 6, 2010).

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.

8. 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.

Appendix V: Key Elements of Effective National Legislation to Implement the Convention on Cluster Munitions

Article 9 of the convention requires states parties to take national implementation measures, and adopting new, convention-specific legislation is the strongest means of fulfilling this obligation. States can supplement legislation with regulations and policies that provide more details, but national legislation is crucial to the effectiveness of the convention because it provides binding, enduring, and unequivocal rules that leave less room for interpretation.

Legislation should cover all of the convention's core obligations, both negative and positive. Legislation that includes the elements below would be comprehensive and clear, uphold a state party's international legal obligations, and help ensure that the goals of the convention are met.⁸⁵¹

National implementation legislation should:

I. Prohibit Use, Production, Transfer, and Stockpiling

- Prohibit the **use** of cluster munitions under all circumstances. [Art. 1(1)(a)]
- Prohibit the direct and indirect **development, production, and acquisition in other forms** of cluster munitions, including by requiring the conversion or decommissioning of production facilities for cluster munitions. [Art. 1(1)(b) and Art. 7(1)(2)]
- Prohibit the direct and indirect **transfer** of cluster munitions to anyone, and specify that transfer encompasses **transit**. [Art. 1(1)(b)]
- Prohibit the direct and indirect **stockpiling** of cluster munitions. [Art. 1(1)(b)]

II. Prohibit Assistance

- Prohibit in any way **assisting, encouraging, or inducing** anyone to engage in any activity prohibited by the convention. In particular, this element should include a prohibition on assistance in the form of **transit** of cluster munitions, **stockpiling by a state not party on its territory**, and **investment** of public or private funds in

⁸⁵¹ For a detailed discussion of each of these elements, see Human Rights Watch and Harvard Law School International Human Rights Clinic, *Fulfilling the Ban: Guidelines for Effective National Legislation to Implement the Convention on Cluster Munitions*, June 2010, <http://www.hrw.org/node/90721>.

companies that manufacture cluster munitions or components intended for use in cluster munitions. [Art. 1(1)(c)]

- Specify that the prohibitions enumerated in the convention, notably those regarding assistance, apply under all circumstances, including during **joint military operations** with a state that is not party to the convention. [Art. 1(1)(c) and Art. 21(3)]
 - Require that the government give **notice of its obligations** under the convention through both political and military channels before and during joint operations with a state not party. [Art. 21(2)]
 - Require that the government **discourage use** of cluster munitions through both political and military channels in all circumstances, including before and during joint operations with a state not party. [Art. 21(2)]

III. Clarify Definitions

- State that **definitions have the same meaning** used in the Convention on Cluster Munitions. [Art. 2]
- **Define a person** as both a natural person (human being) and a legal person (corporation).
- Clarify that the definition of **transfer incorporates transit**. [Art. 2(8)]
- Apply all obligations equally to cluster munitions and **explosive bomblets**. [Art. 2(13-14) and Art. 1(2)]

IV. Fulfill Disarmament Obligations

- Require the **separation and destruction of all stockpiles** of cluster munitions within the state party's territory or under its control, with a deadline for the completion of stockpile destruction as soon as possible, but no more than eight years after entry into force of the Convention on Cluster Munitions for that state party. [Art. 3(1-2)]
- Not include provisions for the extension of the destruction deadline or retention of cluster munitions for training or the development of counter-measures unless deemed absolutely necessary. [Art. 3(3-5)]

V. Fulfill Humanitarian Obligations

- Establish a process for the identification and destruction of all cluster munitions in contaminated areas under the state party's jurisdiction or control, with a deadline for the completion of **clearance** that is as soon as possible, but no later than 10 years after entry into force of the Convention on Cluster Munitions for that state party. [Art. 4(1-2)]

- Mandate the creation of **risk reduction education** programs to inform civilians of the dangers presented by cluster munitions remnants. [Art. 4(2)(e)]
- For **user states**, require the provision of assistance to those states it contaminated with cluster munition remnants. [Art. 4(4)]
- Designate a government focal point to develop, coordinate, and implement a national **victim assistance** plan and budget in consultation with victims. [Art. 5(2)]
 - Provide victims with medical, rehabilitation, and psychological support that is age and gender sensitive, and with assurance that the victim assistance plan is non-discriminatory. [Art. 5(1) and Art. 5(2)(e)]

VI. Promote Implementation of the Convention

- Establish, where necessary or advantageous, an administrative framework to facilitate the provision of at least some form of **technical, material, and financial assistance** to other states parties for stockpile destruction, clearance, victim assistance, emergency situations, and economic and social recovery. [Art. 6(4-8)]
 - Require the facilitation of the fullest exchange of equipment and scientific and technological information. [Art. 6(3)]
 - Require the facilitation of the entry and exit of personnel, material, and equipment from donor states. [Art. 6(10)]
- Require **transparency reporting** on the status and progress of the implementation of the government's obligations. Reports should address, but not be limited to, the 14 subjects identified in Article 7 of the convention and the retention of cluster munitions under Article 3. [Art. 3 and Art. 7]
- Establish a mechanism for responding expeditiously to another state party's request for clarification on matters relating to treaty **compliance**. [Art. 8]
- Require the government to encourage states that have not joined the convention to become states parties in order to achieve **universal adherence**. [Art. 21(1)]
 - Require that the government promote the convention's norms to all states, and designate a government agency responsible for coordinating these activities. [Art. 21(2)]

VII. Fulfill Procedural Obligations

- Impose **penal sanctions** on all natural and legal persons who violate the legislation. Penalties should be at least as strong as those imposed for violations of the Mine Ban Treaty. [Art. 9]
- Specify that the state party's jurisdiction extends **extra-territorially** to all its citizens and to all legal persons incorporated in the state.

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