

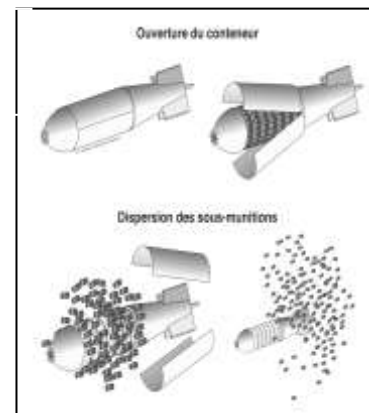
## **CLUSTER BOMBS**

### **An immediate and ongoing threat to civilians**

### **Cluster bombs violate the rules of international humanitarian law**

Cluster munitions (CM) are weapons composed of a container that holds up to several hundreds bomblets called submunitions

- Designed to be dispersed over large areas, submunitions inevitably affect civilian areas.
- In addition, 5-30% (even 40%) of the bomblets do not explode on impact. Like landmines, they can be triggered at the slightest contact, killing and maiming people during and after conflicts.



**By making no distinction between military targets and civilian areas, CM violate the rules of international humanitarian law**

#### **THE FINDINGS**

##### **A frequent use of cluster munitions in populated areas**

**Civilians are the main victims of cluster munitions: 17,959 have been identified so far; however, the real number of victims of unexploded submunitions is estimated to at least 54 000.**

*According to 2012-2013 information, 94% of registered casualties are civilians. 83% are men. 40% are children.*

**It is estimated that there are several hundreds of thousands survivors of accidents caused by landmines, cluster munitions and other explosive remnants of war worldwide. In addition, millions of people live under the threat of those weapons, sometimes decades after the conflicts.**

##### **Huge arsenals of cluster munitions in the world**

More than 70 states stockpile over a billion submunitions in 2013. The United States stockpile at least 730 million submunitions.

##### **At least 440 million submunitions have been dropped since 1965:**

1965-1975 / Vietnam-Laos-Cambodia: 383 million

1991-2006 / Iraq: 50 million

1999 / Kosovo: 290,000

2001-2002 / Afghanistan: 250,000

2006 / South Lebanon: 4 million

##### **Between 22 and 132 million submunitions failed to explode on impact**

#### **THE FACTS**

- **42 countries and territories** affected by the presence of unexploded munitions as of 2013.

- **20 states** have used CM since WWII (U.S., France, Israel, United Kingdom, Russia...). Since entry into force of the Oslo Convention in 2010, CM have been used in Cambodia (by Thailand) and Libya (by Libya) in 2011, and in Syria (by Syria) in 2012-2013. In 2012 and 2013, there has been report of use in Sudan (by Sudan) and Myanmar (by Myanmar).

- **34 states** have produced CM since the 1950s, 17 of which are suspected of still producing in 2013.

- At least **15 states** have exported or transferred CM to at least 60 states since the 1950s

## Countries and territories affected by unexploded submunitions in 2013

**39 countries and 3 territories:** Afghanistan, Angola\*, Argentina\*, Azerbaijan, Bosnia-Herzegovina, Cambodia, Chad, Chile, Colombia\*, Croatia, Eritrea\*, Ethiopia\*, Georgia, Germany, Iraq, Iran\*, Israel\*, Jordan\*, Kosovo, Kuwait\*, Laos, Lebanon, Libya, Mauritania, Montenegro, Mozambique\*, Nagorno-Karabakh, Norway, Palau\*, Democratic Republic of Congo, Russia, Saudi Arabia\*, Serbia, Somalia, South Sudan, Sudan, Syria, Tajikistan, United Kingdom\*, Vietnam, *Western Sahara*, Yemen.

\*: country with small residual threat from unexploded submunitions / Territories in *italics*. Signatory States are underlined.

N.B.: Argentina and United Kingdom both claim sovereignty over the Falkland Islands, affected by unexploded submunitions

## States that have used cluster bombs since 1965

**20 States:** Colombia, Eritrea, Ethiopia, France, Georgia, Iraq, Israel, Libya, Morocco, Nigeria, Netherlands, Russia (including former USSR), South Africa, Saudi Arabia, Sudan, Syria, Thailand, United Kingdom, United States, Yugoslavia (former Socialist Republic of). Signatory States are underlined. Non-state actors have also used cluster bombs.

## States that have produced cluster bombs since 1950s

**34 States:** Argentina, Australia, Belgium, Bosnia-Herzegovina, Brazil\*, Chile, China\*, Croatia, Egypt\*, France, Germany, Greece\*, India\*, Iran\*, Iraq, Israel\*, Italy, Japan, North Korea\*, Netherlands, Pakistan\*, Poland\*, Romania\*, Russia\*, Singapore\*, Slovakia\*, South Africa, South Korea\*, Spain, Sweden, Switzerland, Turkey\*, United Kingdom, United States\*.

\* 17 states are suspected of continuing to produce cluster munitions in 2011. / Signatory States are underlined.

## Transfer of cluster bombs since 1950s

**At least 15 states have exported or transferred more than 50 types of CM to at least 60 States:** Brazil, Chile, China, France, Germany, Israel, Moldova, Russia (including the former USSR), Slovakia, South Korea, Spain, Turkey, Ukraine, United Kingdom, United States\*. Signatory States are underlined.

\* In March 2009, the United States enacted a law prohibiting the export of cluster munitions with a failure rate higher than 1%.

## States that stockpiled cluster bombs in 2012

**72 States stockpile over a billion submunitions:**

Algeria, Azerbaijan, Bahrain, Belarus, Bosnia-Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Côte d'Ivoire, Croatia, Cuba, Denmark, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guinea, Guinea-Bissau, India, Indonesia, Iran, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Libya, Macedonia, Morocco, Mongolia, Mozambique, Nigeria, North Korea, Oman, Pakistan, Peru, Poland, Qatar, Republic of Congo, Romania, Russia, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Korea, South Africa, Sudan, Sweden, Switzerland, Syria, Thailand, Turkey, Turkmenistan, Ukraine, Uzbekistan, United Arab Emirates, United Kingdom, United States (at least 730 million), Venezuela, Yemen, Zimbabwe. Signatory States are underlined.

States Parties that stockpile cluster munitions must destroy them no later than eight years after their date of entry into force. As of September 2012, more than 60 % of their stockpiles have already been destroyed.

States that have completed the destruction of their stockpile: Afghanistan, Austria, Belgium, Czech Republic, Ecuador, Honduras, Hungary, Mauritania, Moldova, Montenegro, Netherlands, Norway, Portugal, Slovenia, Spain. Colombia, Central African Republic (Signatory States) and Argentina (non signatory) also have destroyed their stockpile.

## Funding of cluster munition-related activities in 2012

18 States, the European Commission and UNPD provided \$70.2 million USD: Australia, Belgium, Denmark, Finland, Germany, Ireland, Iran, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Saudi Arabia, South Korea, Spain, Sweden, Switzerland, United Kingdom, United States. (Signatory States are underlined.)

However, donor States designate only part of their funding as being linked to CM– most of their funding is identified under “mine action” funding.

**Sources:** Cluster Munition Monitor 2012/Cluster Munition Coalition

**February 2007 – Oslo:** After Handicap International and the other NGOs of the Cluster Munition Coalition (CMC) spent three years of mobilizing civil society and States, Norway launched the Oslo Process, with the objective of reaching a ban on cluster munitions by the end of 2008.

**End May 2008 - Dublin:** 107 States, including France, agree on the text of the future treaty to ban cluster bombs.

**December 3-4, 2008 - Oslo:** 94 States, including France, sign the treaty. Four States sign and ratify at the same time.

**August 1, 2010:** Entry into force of the Convention on Cluster Munitions, six months after the ratification of the 30th State in February 2010. *The first 30 States to ratify the treaty became States Parties on this date. States that have ratified the treaty thereafter will become States Parties six months after the date of their ratification. Up until the entry into force of the treaty, States Parties had to go through two stages: Signing then ratifying the treaty. After the entry into force, States must accede directly (sign and ratify simultaneously); they cannot sign with the intention to ratify later.*

**November 2010:** 1<sup>st</sup> Meeting of States Parties to the Oslo Treaty in Laos, the most affected country in the world. The States parties adopted a politic declaration and a 66-points action plan for clearance, destruction of stockpiles and victim assistance.

**September 2011:** 2<sup>nd</sup> Meeting of States Parties to the Oslo Treaty in Lebanon. It was an opportunity for States to show their commitment to the Convention, especially in reporting on the Vientiane action plan and the next steps to efficiently implement the Treaty, particularly on victim assistance and clearance.

**November 2011:** During the Review Conference of the Convention on Conventional Weapons in Geneva, over 50 States reject the adoption of a new international law that would have undermined the Oslo Treaty and legitimized again the use of cluster munitions.

### **112 Signatories as of 5 September 2013:**

Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Australia, Austria, Belgium, Benin, Bolivia, Bosnia-Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Congo-Brazzaville, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Democratic Republic of Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Fiji, France, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Islands Cook, Italy, Jamaica, Japan, Kenya, Laos, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Mali, Malta, Mauritania, Mexico, Moldova, Monaco, Montenegro, Mozambique, Namibia, Nauru, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Saint Vincent and the Grenadines, Salvador, Samoa, San Marino, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Slovenia, Somalia, South Africa, Swaziland, Sweden, Switzerland, Tanzania, Togo, Trinidad and Tobago, Tunisia, Uganda, United Kingdom, Uruguay, Zambia. *Underlined countries are contaminated by submunitions.*

Including:

### **83 States Parties (have ratified or acceded to the Oslo Treaty):**

Afghanistan, Albania, Andorra, Antigua and Barbuda, Australia, Austria, Belgium, Bolivia, Bosnia-Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Cap Verde, Chad, Chile, Comoros, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Fiji, France, Germany, Ghana, Grenada, Guatemala, Guinea-Bissau, Holy See, Honduras, Hungary, Iraq, Ireland, Italy, Japan, Laos, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malawi, Mali, Malta, Mauritania, Mexico, Moldova, Monaco, Montenegro, Mozambique, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Peru, Portugal, Saint Vincent, Salvador, Samoa, San Marin, Senegal, Seychelles, Sierra Leone, Slovenia, Spain, Swaziland, Sweden, Switzerland, Trinidad and Tobago, Togo, Tunisia, United Kingdom, Uruguay, Zambia.

### **29 signatory States (still need to ratify):**

Angola, Benin, Canada, Central African Republic, Colombia, Congo-Brazzaville, Cyprus, Democratic Republic of Congo, Djibouti, Gambia, Guinea, Haiti, Iceland, Indonesia, Jamaica, Kenya, Liberia, Madagascar, Namibia, Nigeria, Palau, Paraguay, Philippines, Rwanda, Sao Tome and Principe, Somalia, South Africa, Tanzania, Uganda.

### **84 non-signatory States as of 5 September 2013:**

Algeria, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Brazil, Brunei, Cambodia, China, Cuba, Dominica, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, Gabon, Georgia, Greece, Guyana, India, Iran, Israel, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Latvia, Libya, Malaysia, Maldives, Marshall Islands, Mauritius, Micronesia, Mongolia, Morocco, Myanmar (Burma), Nepal, Niue, North Korea, Oman, Pakistan, Papua New Guinea, Poland, Qatar, Romania, Russia, Saudi Arabia, St. Lucia, St. Kitts and Nevis, Serbia, Singapore, Slovakia, Solomon Islands, South Korea, South Sudan, Sri Lanka, Sudan, Suriname, Syria, Tajikistan, Thailand, Timor Leste, Tonga, Turkey, Turkmenistan, Tuvalu, Ukraine, United Arab Emirates, United States, Vanuatu, Venezuela, Vietnam, Yemen, Zimbabwe.

*Underlined countries are contaminated by submunitions.*

**112 States have signed the Oslo treaty, 83 have ratified it.** The Treaty has entered into force on 1<sup>st</sup> August 2010, six months after the 30th ratification.

**Signatory States including :**

- A majority of countries from Europe, Africa, Latin America and the Pacific.
- Half of the cluster munition affected countries. They can have a priority assistance for clearance and victim assistance.
- 20 out of the 27 European Union members. They can be a catalyst for the seven non-signatory States (Estonia, Finland, Greece, Latvia, Poland, Romania, and Slovakia)
- 20 out of 28 NATO members. The use of cluster bombs in NATO joint military actions, allowed by article 21 of the Treaty, will be made harder.
- A third of States that used cluster munitions, 40% of countries that produced some, half of the countries that exported some.
- A third of stockpilers. In the coming years, all of them will have to destroy several million submunitions.

**Non-signatory states including:**

- The majority of States from Asia, Middle East/North Africa and the Caribbean.
- Almost two third of the States that used cluster munitions [including three that used the weapon massively and/or at several times: the United States, Israel, and Russia] and two-thirds of stockpilers [including the most important ones: the United States, China and Russia].

*However, the pressure made by the international community should dissuade most of these States to use the weapon in the future, as it was the case for antipersonnel mines with the Ottawa Treaty.*

- 17 countries likely to produce in 2011.

*The decrease in the number of States likely to purchase cluster munitions (with more than the half of States worldwide having banned the weapon) and the stigmatisation of the weapon should considerably decrease the international demand.*

- Half of the exporting States (including the most important ones: Russia and the United States).

*However, the United States promulgated a law to ban the export of most of their cluster munitions.*

**Several non-signatory countries could accede the Treaty in the very near future**

- More than 20 non-signatory States have adopted the text of the Treaty in May 2008.

*Then, they are all likely to sign the Oslo Treaty, because they have agreed with its principles.*

- Almost 30 non-signatory States participated to the Signing ceremony of the Treaty as observers in December 2008, in Oslo.

*In this way, they showed their interest to the Treaty and, for some of them, their will to join it very soon.*

- Two third of non-signatory States have adhered to the Antipersonnel Mine Ban Treaty.

*They have no reason no to join the Oslo Treaty.*

**Thus, the universalization efforts by NGOs including Handicap International, as well as by signatory States, should not get weaker.**

**A STRONG TREATY DUE TO THE OBLIGATIONS OF STATES PARTIES****Article 1 General obligations**

- ❖ **Prohibition of use, production, trade, transfer and stockpiling of cluster bombs**
- ❖ **Prohibition of assisting, encouraging or inducing anyone** to engage in any activity prohibited to a State Party

**Article 2: Cluster bombs are a weapon designed to disperse or release explosive submunitions each weighing less than 20 kg**

**Article 3 Stockpile destruction**

**Destruction of cluster bombs** stockpiled under the jurisdiction or control of the State Party, as soon as possible and at the latest, eight years after the entry into force of the Convention for this State

**Article 4 Clearance**

**Clearance of areas affected by unexploded submunitions** under the jurisdiction or control of the State Party, as soon as possible and at the latest, 10 years after the entry into force of the Convention for this State.

States that have used cluster bombs in the past have a special responsibility to provide technical and/or financial assistance for the clearance of affected areas, even if those areas are not under their jurisdiction or control. In particular, they need to give technical data on the location and nature of the strikes.

**Article 5 Assistance to cluster bombs victims**

**All components of victim assistance are taken into consideration:**  
Data collection, medical care, physical rehabilitation, psychological support, social and economic inclusion, laws and policies on disability.

**Article 2: Victims are defined as persons directly affected by the incident, their families and the affected communities**

Affected States must develop an action plan on victim assistance following precise criteria, and include in this process victims and associations.

**This article, which is a major victory for the international humanitarian law, is the direct result of recommendations expressed by NGOs, in particular Handicap International, and collaboration with the States during the negotiation process.**

**Article 6 Cooperation and international assistance**

Each State Party in a position to do so assists other States Parties on all the measures linked to the Convention.

**Article 7 Transparency measures**

States Parties must provide an annual report on their implementation status of the Convention.

## VIGILANCE REMAINS NECESSARY ON SOME POINTS OF THE CONVENTION

The treaty, which represents an historic step forward for international humanitarian law and which will prevent further casualties in the future, includes some items that may appear subject to interpretation; however, it is mandatory that all States Parties fully implement them.

### Prohibition on financing and investments

Section 1 (c) of the Convention states that “each State Party undertakes not to assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention”. Investing in a company manufacturing or trading in cluster munitions is therefore to encourage, assist or induce anyone to engage in an activity prohibited by the Convention. This interpretation has already been adopted by several European countries like Belgium and Luxembourg, which have banned such activities in their national laws. New Zealand also voted to ban investments, and bills including this measure have been proposed in Switzerland, Germany and the Netherlands.

### Definition of cluster bombs

#### Weapons that are not covered under the definition:

- ❖ Munitions that contain submunitions weighing more than 20 kg each.
- ❖ Munitions that, in order to avoid indiscriminate area effects and risks created by unexploded submunitions, meet several combined technical criteria (less than 10 submunitions per container, each of them weighing more than 4 kg, designed to detect and engage a single target object, and equipped with an electronic self-destruction and self-deactivating feature).

These types of cluster bombs represent a minimal part of worldwide stockpiles. It is the responsibility of States to demonstrate that these types of cluster munitions do not have the same effects on civilian populations as the banned munitions.

### Article 3 Retention of cluster bombs

**States Parties have the right to keep and/or acquire banned cluster bombs** for clearance training or to test their defense capacities, in the limit of “the minimum number absolutely necessary for these purposes”.

Nothing justifies that States keep high numbers: Such a decision could encourage global trade of cluster munitions and it could enable some States to keep “stockpiles” under this measure.

### Article 21 Interoperability

**States Parties can still participate in joint military actions with non-states parties that can use cluster bombs.**

This article must not undermine the primary objective of the treaty, which is to end permanently the suffering caused by the use of cluster bombs. In addition, it specifies that States Parties shall encourage States not party to join the treaty, to promote its standards and discourage non-states parties to use cluster bombs.



- **Continuing advocacy** so that a maximum number of States join the Convention and immediately contribute to victim assistance, clearance and risk education.
- **Remaining vigilant** to ensure that each State respects the Convention.
- **Maintaining the mobilization of civil society.** As a humanitarian organization, Handicap International supports its advocacy based on its two main strengths: 1) its field experience, which provides the organization with credibility and expertise as a witness and an actor on behalf of cluster bomb victims, and 2) the mobilization of citizens to support its work and reinforce its legitimacy.