



The Convention on Cluster Munitions – Explained

The Convention on Cluster Munitions was negotiated and adopted in May 2008, and was signed by 94 countries at the signing conference in Oslo in December 2008. It is now open for signature and ratification at the United Nations in New York. The Convention is a legally binding international treaty that forbids the use, production, stockpiling and transfer of cluster bombs. No changes can be made to the wording of the treaty.

The Convention bans cluster bombs, with no exceptions or period of time in which countries can continue to use them after the ban. Stockpiles must be destroyed within 8 years and contaminated land cleared within 10. The Convention sets a new standard for assisting victims and protecting their human rights. States must provide medical, financial and psychological support to survivors and all people affected by cluster bombs.

Although the treaty has not yet entered into force, it has deepened the stigma against the weapon. It is expected that no state or non-state armed group will ever use cluster bombs again because of this.

What does the Convention on Cluster Munitions say?

General: The production, stockpiling, use, and transfer of cluster bombs are forbidden in all circumstances. States must not assist, encourage or persuade anyone to engage in any activity banned by the Convention. This includes not investing in companies that make cluster bombs.

Definitions: A cluster munition is defined in the Convention as: *‘a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions.’* It bans all weapons that scatter smaller bomblets over an area, killing and maiming civilians when they explode on impact and for years afterwards, when they fail to go off.

Stockpile destruction: States must destroy all cluster bomb stockpiles within eight years of the Convention entering into force. Until they are destroyed they can not be used or transferred.

Clearance: States must clear cluster bomb contaminated land within 10 years of the Convention entering into force. States must report yearly on their clearance programmes. States must educate local people to the risks of cluster bombs. States that have used cluster bombs are ‘strongly encouraged’ to help clear and destroy them, including providing detailed information on when and where they were used.

Victim assistance: States must respect the human rights of all cluster bomb victims by including those directly injured, their families and communities, by providing medical care, rehabilitation, psychological and financial support.

International cooperation and assistance: All States able to do so must assist states affected by cluster bombs with clearance, risk education, stockpile destruction and victim assistance.

Transparency: States must report in detail to the United Nations every year on their work under the treaty.

Ensuring Compliance: States have the right to hold to account other states that have signed the convention.

National implementation: Once states make the convention national law, it must be a serious crime to use, produce, stockpile or transfer cluster bombs.

Meetings of States: States must meet every year to monitor progress on the Convention and every five years for a thorough review.

Signature, Ratification, Entry into force and Reservations: All countries that have not yet done so can sign the Convention at the United Nations in New York. Those signing must then make it binding in national law, complete relevant ratification procedures and deposit an instrument of ratification with the Secretary General of the United Nations. States must sign up to the whole treaty; they cannot ‘opt-out’ of certain parts.

Relationships with States who have not signed the Convention: It is not prohibited to engage in joint military operations with states that have not signed the Convention. However states must tell their partners of their treaty obligations and discourage them from using cluster bombs. This makes it difficult for cluster bombs to be used in joint military operations as it remains illegal for any state who has signed the Convention to help with the use of cluster bombs.