

Annex 3 - Convention on Cluster Munitions

What does the Convention ban or prohibit?

The Convention bans the use, production, development, acquisition, stockpile and transfer of cluster munitions. A “cluster munition” is defined within the Convention as a weapon that is designed to disperse or release explosive submunitions.

Are there any exceptions?

The Convention does not ban a cluster munition that **contains no High Explosives** or has **fewer than 10 submunitions**, of which the submunitions must weigh less than 4 kilograms, are able to detect and engage a single target, and are equipped with electronic self-destruction and self-deactivating mechanisms.

The Convention does not apply to anti-personnel landmines.

The Convention prohibits States Parties from assisting, encouraging or inducing anyone to engage in any activity prohibited by the Convention. However, the Convention outlines this does not exclude States Parties from engaging in military cooperation and operations with States not party to the Convention that might engage in activities prohibited to a State Party.

What is required with respect to stockpiled cluster munitions?

The Convention requires each State Party to destroy stockpiled cluster munitions within **eight years** of the entry into force of the Convention for that State. States Parties may retain a minimum amount of cluster munitions that “absolutely necessary” for training purposes.

How many years does the Convention allow for clearance?

The Convention requires each States Party to clear all affected areas under its jurisdiction or control “as soon as possible and not later than **ten years** after entry into force of the Convention” for that State Party. For severely affected states that are unable to clear and destroy all cluster munitions within the timeframe, they can request extensions of up to **5 years** at a time. Extensions can be granted as many times as required for a severely affected State Party.

Does the Convention provide for assistance in implementation, monitoring and ensuring compliance?

The Convention provides each States Party with the right to seek and receive assistance in fulfilling its obligations under the Convention. The Convention also requires each State Party “in a position to do so” to provide assistance for mine clearance, mine awareness, stockpile destruction and the care, rehabilitation and reintegration of cluster munitions victims.

The Convention requires each State Party to provide an annual transparency report on numbers and types of stockpiled cluster munitions, the status of stockpile destruction, areas contaminated, and the status of clearance programs.

What does the Convention require of State Parties with regards to assisting victims?

The Convention requires States Party to make every effort to collect reliable data on cluster munition incidences, assess the needs of victims, develop and implement a national plan to assist victims, and mobilise national and international resources to enable implementation of victim assistance programs.

When will that Convention enter into force?

The Convention stipulates it will become binding international law for State Parties six months after the 30th state ratifies or accedes. It will then come into force for states that join after this date six months after they accede.

Does the Convention propose a schedule of meetings?

What about the costs for these meetings?

The Convention states that there shall be annual meetings of the States Parties until the first Review Conference and that this Review Conference shall take place five years after entry into force of the Convention. The first Meeting of States Party will be convened by the Secretary-General of the United Nations within one year of entry into force of this Convention.

Costs related to these meetings are borne by States that participate in these them in accordance with the UN scale of assessment adjusted accordingly. That is, only States participating in the meetings of the Convention pay for them and the costs assumed by participating States are consistent with their ability to pay.

How do States formally accept the obligations of the Convention?

The Convention opened for signature on **3rd December 2008** and will enter into force six months after the **30th state** has ratified the Convention. As of April 2009 96 countries had signed and 5 had ratified.