Background

Sixty percent of the world’s states have now formally committed to the goals of the 2008 Convention on Cluster Munitions through their signature, ratification, or accession, while more than 70% have demonstrated their support for its humanitarian goals through a 2015 UN General Assembly resolution.

The stigma against these weapons is strong, given the wide recognition that cluster munitions are indiscriminate both at the time of use due to their vast area effect and long after use due to the explosive duds they leave behind. The vast majority of states that are still outside the Convention abide de facto by the ban on use and production of the weapon. Since 2010, almost all instances of use were met by vehement denials from the user.

At the First Review Conference of the Convention, states parties set the objective of 130 member states by 2020. They pledged to ensure that cluster munitions “remain a stigmatized weapon.”

Current context

States parties to the Convention include former major producers, users, and possessors of the weapon, as well as affected states, and states that have never owned or been affected by the weapon. Collectively, states parties have already destroyed 93% of their cluster munitions, ensuring those weapons can never claim a life or limb.

States are also taking steps to assess the needs of survivors of explosions, and to increase the participation of survivors in governmental decision-making that affects their lives. Some 24 states are contaminated by cluster munition remnants—by making good use of adequate land release methodologies, the majority of them should be in a position to become cluster munition-free within five years of the start of clearance operations.

Cluster munitions have been used extensively over the past years in Syria and in Yemen, in addition to other more sporadic use in a handful of conflicts. Over 150 states have condemned the use of cluster munitions in the context of the
conflict in Syria. In light of the impact of cluster munitions on civilians in Yemen, the United States made a policy decision in 2016 to suspend any transfers of the weapon to Saudi Arabia. Following this, the last remaining US producer of cluster munitions, Textron Systems, decided to stop manufacturing the weapons.

In 2015 the first-ever UNGA resolution on the implementation of the Convention was passed with 139 votes in favour, two against, and 40 abstentions. Thirty-two non-signatories voted in favour, demonstrating their support for the humanitarian aims of the Convention.

All states should join the Convention to strengthen the international rejection of this weapon—even those that do not possess cluster munitions. By joining, each state adds one more voice in favour of the ban, thus strengthening the body of International Humanitarian Law and demonstrating solidarity with affected countries and victims. Cluster munitions do not meet the criteria a responsible government should have for the weapons in its arsenal. States that own stockpiles, and past users, should prevent further civilian suffering by renouncing cluster munitions forever.

The 6th Meeting of States Parties (6MSP) to the Convention took place from 5 to 7 September 2016 in Geneva, Switzerland. Under the Presidency of the Netherlands. The meeting condemned any use of cluster munitions by any actor. It selected Germany as President of the 7th Meeting of States Parties, to be held in 2017.

Recommendations

During First Committee, delegations should:
• Report on measures taken to implement the Dubrovnik Action Plan, including “discouraging, in every way possible” the use of cluster munitions;
• Condemn recent instances of use of cluster munitions;
• Vote in favour of the resolution on cluster munitions and encourage others, such as regional group members, to do so as well;
• Report on steps taken to join the Convention; and
• Engage bilaterally in discussions on the universalization or implementation of the Convention.

Beyond First Committee, states should:
• Follow-up with capital on steps taken to ratify or accede to the Convention;
• Request support on ratification or accession from the Implementation Support Unit, the Cluster Munition Coalition, UN agencies, the International Committee of the Red Cross, or the coordinators of the working group on universalization;
• Be persistent in speaking out against the use of cluster munitions; and
• Reach out to neighboring and partner states, encouraging them to join the Convention.