

CMC Statement on Retention of Cluster Munitions
Second Meeting of States Parties, Convention on Cluster Munitions
Beirut, Lebanon
14 September 2011



Mr. President,

The Cluster Munition Coalition has repeatedly called into question the need for States Parties to retain cluster munitions. Since our common goal is the complete elimination of cluster munitions, we see this provision as an unfortunate loophole and do not see any compelling reason for states to take advantage of it. While the convention allows for the retention of the “minimum number absolutely necessary” for training or research purposes, we firmly believe that most, if not all, states should determine that the minimum number of cluster munitions necessary is zero.

Many states have also expressed this view and have said that they will not retain any cluster munitions or explosive submunitions for training and development purposes, including former stockpilers Austria, Ecuador, Japan, Montenegro, Norway, Portugal, and Slovenia. In addition, Croatia and Moldova have stated they are retaining only inert items that have been rendered free from explosives and no longer qualify as cluster munitions or submunitions under the convention.

On the other hand, seven States Parties - Belgium, Denmark, France, Germany, the Netherlands, Spain, and the United Kingdom - have indicated that they will retain cluster submunitions, while Bosnia and Herzegovina, Bulgaria, and Chile, all stockpiling States Parties, have not yet indicated if they will do so.

As long as some states continue to retain cluster munitions and submunitions, we call on states to take the following actions to ensure that this provision does not lead to the creation of de facto stockpiles or other actions which are not in line with the convention’s objectives.

First, there should be early discussions to determine the appropriate range of cluster munitions and explosive submunitions that are absolutely necessary for the purposes permitted by the convention. At present there is a wide range of practice and views expressed about what quantity states should keep. Of the four States Parties that have reported the number of submunitions they are retaining, Belgium, France and Spain have each decided to retain more than 10,000 submunitions, while the United Kingdom stated that it will keep a much smaller 956 submunitions. Other States Parties, including Malawi and Ghana, have said that they believe any states retaining cluster munitions should keep only a small number. And again, several states have decided the most appropriate number to retain is zero.

In terms of signatories' practices and views, Italy's national implementation law permits the retention of a "limited quantity" of cluster munitions not exceeding "1,000 units," apparently referring to individual submunitions. In June 2011, Australia confirmed its intent to retain a combination of submunitions and dispensers of which only two bombs are "live" and noted these are not part of operational stocks and not suitable for use. Other signatories that had stockpiles of cluster munitions have indicated that they intend to retain no cluster munitions or submunitions for research and training, including Afghanistan, Angola, Colombia, and Honduras.

We would like to hear from more states about whether they believe it is necessary to retain cluster munitions and submunitions, and if so, what range they would accept as the "minimum number absolutely necessary." We would also like to encourage those states keeping large numbers of submunitions to provide a detailed explanation about why they believe such numbers are needed and in line with Article 3. As we asked at the June intersessional meetings, do such states have the large training and counter measures programs in place to consume such high quantities?

Second, the transparency provisions in Article 3.8 must be fully respected, as well as the corresponding commitments in the Vientiane Action Plan. The convention requires detailed annual reporting on past and planned use of retained cluster munitions to ensure they are being kept only for permitted purposes. We were pleased to see that Belgium, Germany and the United Kingdom have already provided information on how they have consumed or destroyed cluster munitions and explosive submunitions during the period covered by their initial transparency reports. But Denmark, Germany and The Netherlands need to clarify how many cluster munitions they intend to retain and for what purposes. Bosnia and Herzegovina, Bulgaria, and Chile should indicate if they intend to retain cluster munitions and if so, for what purposes.

Third, those states that are retaining cluster munitions should keep the number under constant review and destroy any found to be in excess of the minimum number strictly required. Cluster munitions not being used over time for permitted purposes should be destroyed. In addition, the number of cluster munitions retained should be decreasing every year as they are used for permitted purposes. And again, all such information should be the subject of detailed reporting.

Thank you.