

6. CONVENTION ON CLUSTER MUNITIONS

Dublin, 30 May 2008

ENTRY INTO FORCE: 1 August 2010, in accordance with article 17(1).
REGISTRATION: 1 August 2010, No. 47713.
STATUS: Signatories: 108. Parties: 106.
TEXT: United Nations, *Treaty Series*, vol. 2688, p. 39; depositary notification C.N.776.2008.TREATIES-2 of 10 Nov 2008

Note: The Convention was concluded by the Dublin Diplomatic Conference on Cluster Munitions at Dublin on 30 May 2008. In accordance with its article 15, the Convention was opened for signature at Oslo, Norway, by all States on 3 December 2008 and will remain open thereafter at the United Nations Headquarters in New York until its entry into force.

<i>Participant</i>	<i>Signature</i>	<i>Provisional application(n)</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>
Afghanistan.....	3 Dec 2008		8 Sep 2011
Albania.....	3 Dec 2008		16 Jun 2009
Andorra.....			9 Apr 2013 a
Angola	3 Dec 2008		
Antigua and Barbuda	16 Jul 2010		23 Aug 2010
Australia.....	3 Dec 2008		8 Oct 2012
Austria	3 Dec 2008		2 Apr 2009
Belgium	3 Dec 2008		22 Dec 2009
Belize ¹		2 Sep 2014 n	2 Sep 2014 a
Benin.....	3 Dec 2008		10 Jul 2017
Bolivia (Plurinational State of).....	3 Dec 2008		30 Apr 2013
Bosnia and Herzegovina	3 Dec 2008		7 Sep 2010
Botswana	3 Dec 2008		27 Jun 2011
Bulgaria	3 Dec 2008		6 Apr 2011
Burkina Faso.....	3 Dec 2008		16 Feb 2010
Burundi	3 Dec 2008		25 Sep 2009
Cabo Verde.....	3 Dec 2008		19 Oct 2010
Cameroon.....	15 Dec 2009		12 Jul 2012
Canada	3 Dec 2008		16 Mar 2015
Central African Republic.....	3 Dec 2008		
Chad.....	3 Dec 2008		26 Mar 2013
Chile.....	3 Dec 2008		16 Dec 2010
Colombia	3 Dec 2008		10 Sep 2015
Comoros.....	3 Dec 2008		28 Jul 2010
Congo.....	3 Dec 2008		2 Sep 2014
Cook Islands	3 Dec 2008		23 Aug 2011
Costa Rica.....	3 Dec 2008		28 Apr 2011
Côte d'Ivoire	4 Dec 2008		12 Mar 2012
Croatia	3 Dec 2008		17 Aug 2009

<i>Participant</i>	<i>Signature</i>	<i>Provisional application(n)</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>
Cuba.....			6 Apr 2016 a
Cyprus.....	23 Sep 2009		
Czech Republic.....	3 Dec 2008		22 Sep 2011
Democratic Republic of the Congo	18 Mar 2009		
Denmark ²	3 Dec 2008		12 Feb 2010
Djibouti.....	30 Jul 2010		
Dominican Republic	10 Nov 2009		20 Dec 2011
Ecuador.....	3 Dec 2008		11 May 2010
El Salvador	3 Dec 2008		10 Jan 2011
Eswatini			13 Sep 2011 a
Fiji	3 Dec 2008		28 May 2010
France	3 Dec 2008		25 Sep 2009
Gambia.....	3 Dec 2008		11 Dec 2018
Germany	3 Dec 2008		8 Jul 2009
Ghana.....	3 Dec 2008		3 Feb 2011
Grenada.....			29 Jun 2011 a
Guatemala.....	3 Dec 2008		3 Nov 2010
Guinea.....	3 Dec 2008		21 Oct 2014
Guinea-Bissau.....	4 Dec 2008		29 Nov 2010
Guyana.....			31 Oct 2014 a
Haiti	28 Oct 2009		
Holy See	3 Dec 2008		3 Dec 2008
Honduras.....	3 Dec 2008		21 Mar 2012
Hungary	3 Dec 2008		3 Jul 2012
Iceland	3 Dec 2008		31 Aug 2015
Indonesia.....	3 Dec 2008		
Iraq.....	12 Nov 2009		14 May 2013
Ireland.....	3 Dec 2008		3 Dec 2008
Italy.....	3 Dec 2008		21 Sep 2011
Jamaica	12 Jun 2009		
Japan	3 Dec 2008		14 Jul 2009 A
Kenya.....	3 Dec 2008		
Lao People's Democratic Republic.....	3 Dec 2008		18 Mar 2009
Lebanon	3 Dec 2008		5 Nov 2010
Lesotho	3 Dec 2008		28 May 2010
Liberia.....	3 Dec 2008		
Liechtenstein.....	3 Dec 2008		4 Mar 2013
Lithuania ³	3 Dec 2008	24 Mar 2011 n	24 Mar 2011
Luxembourg.....	3 Dec 2008		10 Jul 2009
Madagascar.....	3 Dec 2008		20 May 2017
Malawi.....	3 Dec 2008		7 Oct 2009
Mali.....	3 Dec 2008		30 Jun 2010
Malta.....	3 Dec 2008		24 Sep 2009

<i>Participant</i>	<i>Signature</i>	<i>Provisional application(n)</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>
Mauritania.....	19 Apr 2010		1 Feb 2012
Mauritius.....			1 Oct 2015 a
Mexico.....	3 Dec 2008		6 May 2009
Monaco.....	3 Dec 2008		21 Sep 2010
Montenegro.....	3 Dec 2008		25 Jan 2010
Mozambique.....	3 Dec 2008		14 Mar 2011
Namibia.....	3 Dec 2008		31 Aug 2018
Nauru.....	3 Dec 2008		4 Feb 2013
Netherlands ⁴	3 Dec 2008		23 Feb 2011 A
New Zealand ⁵	3 Dec 2008		22 Dec 2009
Nicaragua.....	3 Dec 2008		2 Nov 2009
Niger.....	3 Dec 2008		2 Jun 2009
Nigeria.....	12 Jun 2009		
North Macedonia.....	3 Dec 2008		8 Oct 2009
Norway ⁶	3 Dec 2008	3 Dec 2008 n	3 Dec 2008
Palau.....	3 Dec 2008		19 Apr 2016
Panama.....	3 Dec 2008		29 Nov 2010
Paraguay.....	3 Dec 2008		12 Mar 2015
Peru.....	3 Dec 2008		26 Sep 2012
Philippines.....	3 Dec 2008		3 Jan 2019
Portugal.....	3 Dec 2008		9 Mar 2011
Republic of Moldova.....	3 Dec 2008		16 Feb 2010
Rwanda.....	3 Dec 2008		25 Aug 2015
Samoa.....	3 Dec 2008		28 Apr 2010
San Marino.....	3 Dec 2008		10 Jul 2009
Sao Tome and Principe.....	3 Dec 2008		
Senegal.....	3 Dec 2008		3 Aug 2011
Seychelles.....	13 Apr 2010		20 May 2010
Sierra Leone.....	3 Dec 2008		3 Dec 2008
Slovakia.....			24 Jul 2015 a
Slovenia.....	3 Dec 2008		19 Aug 2009
Somalia.....	3 Dec 2008		30 Sep 2015
South Africa.....	3 Dec 2008		28 May 2015
Spain.....	3 Dec 2008		17 Jun 2009
Sri Lanka.....			1 Mar 2018 a
St. Kitts and Nevis.....			13 Sep 2013 a
St. Vincent and the Grenadines.....	23 Sep 2009		29 Oct 2010
State of Palestine.....			2 Jan 2015 a
Sweden.....	3 Dec 2008		23 Apr 2012
Switzerland ⁷	3 Dec 2008	17 Jul 2012 n	17 Jul 2012
Togo.....	3 Dec 2008		22 Jun 2012
Trinidad and Tobago.....			21 Sep 2011 a
Tunisia.....	12 Jan 2009		28 Sep 2010

<i>Participant</i>	<i>Signature</i>	<i>Provisional application(n)</i>	<i>Approval(AA), Acceptance(A), Accession(a), Ratification</i>
Uganda.....	3 Dec 2008		
United Kingdom of Great Britain and Northern Ireland ⁸	3 Dec 2008		4 May 2010
United Republic of Tanzania.....	3 Dec 2008		
Uruguay.....	3 Dec 2008		24 Sep 2009
Zambia.....	3 Dec 2008		12 Aug 2009

Declarations and Reservations

(Unless otherwise indicated, the declarations were made upon ratification, acceptance, approval, accession or succession.)

BELGIUM

This signature is equally binding the region of Walloon, the Flemish region and the region of the capital of Brussels.

COLOMBIA

In 2009, the Government of the Republic of Colombia destroyed all its stockpiles of cluster munitions. Given the existence of an internal armed conflict, it is possible that there remain, in national territory, cluster munitions or cluster munition remnants of whose location the State has no knowledge or suspicion.

In the light of the above, the Republic of Colombia makes the following declarations regarding articles 4 and 10 of the Convention:

Regarding article 4, and in connection with the particular circumstances of its internal armed conflict, the Republic of Colombia understands 'cluster munition remnants' to mean those whose location is known or suspected by the State.

Regarding article 10 of the Convention, the Republic of Colombia declares that the contents of paragraph 1 thereof do not imply any recognition of or mandatory or automatic subjection of any dispute to the jurisdiction of the International Court of Justice, but instead refer to the discretionary power of each State party to submit matters related to the interpretation or application of the Convention on Cluster Munitions to such jurisdiction, provided that each State has expressly so agreed in each case.

EL SALVADOR

Regarding Article 10 of this Convention, the Government of the Republic of El Salvador considers that the contents of paragraph 1 of this Article do not imply any recognition of or mandatory subjection of any dispute to the jurisdiction of the International Court of Justice, but instead the purely discretionary power of each State party to submit to such a jurisdiction if it should so agree, given that the Republic of El Salvador does not recognize the jurisdiction of the International Court of Justice.

HOLY SEE

Declarations:

"In ratifying the Convention on Cluster Munitions the Holy See desires to encourage the entire International Community to be resolute in promoting effective disarmament and arms control negotiations and in strengthening international humanitarian law by reaffirming the preeminent and inherent value of human dignity, the centrality of the human person, and the "elementary considerations of humanity", all of which are

elements that constitute the basis of international humanitarian law.

The Holy See considers the Convention on Cluster Munitions an important step in the protection of civilians during and after conflicts from the indiscriminate effects of this inhumane type of weapons. The new Convention is a remarkable achievement for multilateralism in disarmament, based on constructive cooperation between governmental and non governmental actors, and on the link between humanitarian law and human rights.

The Holy See would like to underline the following points:

1. The Convention adopts a broad definition of cluster munitions victims, including persons directly impacted, their families and communities, and requests States Parties to provide them with assistance. The Holy See is mindful that this broader assistance must be respectful of the right to life from the moment of conception to natural death, in order to conform to the fundamental principles of

respect for human life, and ensure the recognition of human dignity. Preserving life and creating the conditions of an existence worthy of the human person should be at the core of humanitarian assistance.

2. States Parties, in designating a focal point within government (art.5.2(g)), will have to guarantee that the coordination of national disability, development and human rights frameworks and mechanisms ensures effective assistance to all victims. In this regard, the Holy See also wishes to restate its understanding and interpretation of article 5.2 (c), where the Convention recognizes "the specific role and contribution of relevant actors": when a State Party develops a national plan and budget to carry out assistance activities according to the Convention "with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms", it shall guarantee the pluralism that is inherent in any democratic society and the diversity of relevant non governmental actors. This respectful form of coordination of the various activities of governmental and non governmental actors is in line with the Preamble (PP 10) (see also Dublin Diplomatic Conference for the adoption of a Convention on Cluster Munitions, Summary Record, CCM/SR/4, 18 June 2008).

3. The Holy See, by ratifying the Convention on Cluster Munitions, understands the term "gender", used in the Preamble (PP 8) and in articles 5.1, 6.7 and 7.1 (k) of the Convention, in accordance with its Interpretative Statement to the Beijing Declaration and Platform for Action, made in Beijing at the Fourth World Conference on Women.

4. Article 4.4 highlights moral responsibility in cases where cluster munitions have been used or abandoned and have become cluster munitions remnants prior to the entry into force of the Convention. State responsibility should be given effective expression in the area of cooperation and assistance.

5. In relation to Article 21, joint military operations do not imply, in any way, a suspension of the obligations under the Convention. "States Parties, their military personnel or nationals" shall never engage in activities prohibited by the Convention. On the contrary, joint military operations should be opportunities for States Parties to promote the standards introduced by the new instrument with the objective to protect civilians during and after armed conflicts.

The Holy See recognizes the spirit of partnership between States, United Nations bodies, International Organizations, the international Committee of the Red Cross and civil society which, through collective action,

has sustained the process which has led to the adoption of the Convention. The Holy See considers the implementation of the Convention as a legal and humanitarian challenge for

the near future. An effective implementation should be based on constructive cooperation of all governmental and non governmental actors and should reinforce the link between disarmament and development. This can be done by directing human and material resources towards development, justice and peace, which are the most effective means to promote international security and a peaceful international order.

In conformity with its proper nature, with its particular mission, and with the particular condition of Vatican City State, and according to its international practice, the Holy See, by means of the solemn act of ratification, expresses its pledge to work towards a peaceful international order in which human dignity and fundamental rights are fully respected."

Notes:

¹ In its notification of provisional application, Belize notified the Secretary-General as follows: "The Government of Belize will provisionally apply article 1 of the Convention on Cluster Munitions, pending its entry into force."

² Upon its ratification to the Convention, the Government of Denmark notified the Secretary-General of the following:

"Until further notice, the Convention shall not apply to the Faroe Islands."

³ In its notification of provisional application, Lithuania notified the Secretary-General "... that the Republic of Lithuania will apply provisionally Article 1 of this Convention pending its entry into force for the Republic of Lithuania."

⁴ For the European part and the Caribbean part (the Islands of Bonaire, Sint Eustatius and Saba)

⁵ Upon its ratification to the Convention, the Government of New Zealand notified the Secretary-General of the following:

"... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory ..."

⁶ In its notification of provisional application, Norway notified the Secretary-General that:

"Pursuant to Article 18 of the Convention, the Government of the Kingdom of Norway declares that it will apply provisionally Article I of this Convention pending its entry into force for Norway."

⁷ In its notification of provisional application, Switzerland notified the Secretary-General that:

Switzerland will apply provisionally Article 1 (1) a) of the Convention pending its entry into force for Switzerland.

⁸ On 21 February 2014, the Government the United Kingdom of Great Britain and Northern Ireland informed the Secretary-General of the following:

"... the Government of the United Kingdom of Great Britain and Northern Ireland wishes the United Kingdom's Ratification of the Convention be extended to the territory of the Isle of Man for whose international relations the United Kingdom is responsible.

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the aforesaid Optional Protocol to the Isle of Man to take effect on the date that this notification is received for deposit ..."

