

States banning investments in cluster munitions

States with legislation that prohibits (forms) of investments in cluster munitions

States that made an interpretive statement that investments in cluster munitions are or can be seen as prohibited by the Convention on Cluster Munitions

State	CCM signature	CCM ratification	Guidance	Prohibition/Interpretation	Source
Belgium	3-Dec-08	22-Dec-09	Legislation	"[...] The financing of a company under Belgian law or under the law of another country, which is involved in the manufacture, use, marketing, sale, distribution, import, export, stockpiling or transportation of anti-personnel mines or sub-munitions [...]" "Financing [...]" includes all forms of financial support, namely credits, bank guarantees and the acquisition for own account of financial instruments issued by the company."	2006, Supplement to article 8 of the Act regulating economic activities and individual activities involving arms: Belgian Act Prohibiting the Financing of the Production, Use and Possession of Anti-personnel Mines and Submunitions, 8 June 2006.
Ireland	3-Dec-08	3-Dec-08	Legislation	"[...] The investment of public moneys." "[...] Any investment, direct or indirect, in a munitions company "munitions company" means a company involved in the manufacture of prohibited munitions or components; "prohibited munition" means a cluster munitions, explosive bomblet or anti-personnel mine."	2008, Cluster Munitions and Anti-Personnel Mines Act, 22 October 2008.
Italy	3-Dec-08	21-Sep-11	Legislation	"[...] Whoever uses, subject to the provisions of Article 3, paragraph 3, develops, produces, acquires in any way, stores, retains, or transfers, directly or indirectly, cluster munitions or parts thereof, or financially assists, encourages or induces others to engage in such activity, is punished with imprisonment from three to twelve years and a fine of 258.228 euros to 516.456 euros."	2011, Law on the Ratification and Implementation of the Oslo Convention on the ban on cluster munitions (Law No. 95), 4 July 2011.*
Liechtenstein	3-Dec-08	04-Mar-13	Legislation	"[...] The direct financing of the development, manufacture or acquisition of prohibited war material is prohibited. [...] The indirect financing of the development, manufacture or acquisition of prohibited war material is prohibited where the prohibition of direct financing is circumvented thereby."	2013, Law amending the War Material Act, 2013.
Luxembourg	3-Dec-08	10-Jul-09	Legislation	"All persons, businesses and corporate entities are prohibited from knowingly financing cluster munitions or explosive submunitions."	2009, Bill approving the Convention on Cluster Munitions, article 3, approved 7 May 2009.
The Netherlands	3-Dec-08	23-Feb-11	Legislation	"[...] an obligation that prevents an enterprise directly supporting any [...] enterprise which produces, sells or distributes cluster munitions." "An enterprise [...] will take adequate measures in order to ensure that it does not: a. carry out transactions or has transactions carried out with a view to acquiring or offering a financial instrument that has been issued by an enterprise that produces, sells or distributes cluster munitions [...] or essential parts thereof; b. provide loans to an enterprise as referred to in [...] (a) above; or c. acquire non-marketable holdings in the capital of any enterprise described under (a) above."	2012, Article 21a of the Market Abuse (Financial Supervision Act) decree, 21 December 2012.
New Zealand	3-Dec-08	22-Dec-09	Legislation	"A person commits an offence who provides or invests funds with the intention that the funds be used, or knowing that they are to be used, in the development or production of cluster munitions."	2009, Cluster Munitions Prohibition Act, 17 December 2009.
Samoa	3-Dec-08	28-Apr-10	Legislation	"[...] a person who directly or indirectly does one or more of the following commits an offence: invest funds with the intention that the funds be used, or knowing that they are to be used, in the development or production of cluster munitions."	2012, Cluster Munitions Prohibition Act, 27 April 2012.
Switzerland	3-Dec-08	17-Jul-12	Legislation	"[...]The direct financing of the development, manufacture or acquisition of prohibited war material is itself prohibited. [...] The indirect financing of the development, manufacture or acquisition of prohibited war material is itself prohibited where the prohibition of direct financing is circumvented thereby."	2012, Federal Law on War Material, art 8b and art 8c, approved 16 March 2012.
Australia	3-Dec-08	08-Oct-2012	Interpretive statement	"[...] The intentional provision of financial assistance to an entity so that the entity can develop or produce cluster munitions will amount to an offence."	2011, Attorney General's Department on the Bill. The Senate, Foreign Affairs, Defence and Trade Legislation Committee. "Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 [Provisions]", March 2011.
Bosnia and Herzegovina	3-Dec-08	7-Sep-10	Interpretive statement	"[...] We consider investment in the production of cluster munitions to be prohibited."	2011, Letter from the Ministry of Foreign Affairs of Bosnia and Herzegovina to Human Rights Watch, 14 July 2011.
Cameroon	15-Dec-09	12-Jul-12	Interpretive statement	"Cameroon [...] approves therefore [...] the prohibition on investments in cluster munitions."	2011, Letter from the Ministry of External Relations of Cameroon to Handicap International France, 12 May 2011.
Canada	3-Dec-08		Interpretive statement	"[...] under the bill it is prohibited to assist, encourage or induce anyone to engage in any prohibited activity including knowingly and directly investing in the production of cluster munitions." "[...] an investment that is executed with the knowledge and intention that it will encourage or assist cluster munitions production would be captured by the legislation's prohibition on aiding and abetting any primary offence."	2012, Statement by The Hon. Suzanne Fortin-Duplessis, the Senate, 1st Session, 41st Parliament, 1 May 2012. 2012, Email from Foreign Affairs and International Trade Canada to Human Rights Watch, 9 July 2012.**
Colombia	3-Dec-08		Interpretive statement	"[...] Colombia views investment by any government in the production of cluster munitions as prohibited under article 1(1)c of the CCM."	2010, Letter from the Ministry of Foreign Affairs of Colombia to Human Rights Watch, 26 March 2010.
Congo, DR	18-mar-09		Interpretive statement	"[...] the provisions of the convention forbid the [...] investment in the production of cluster munitions [...]."	2012, Statement by the National Focal Point of the Struggle Against Mines (PFNLAM), Brussels, 15 April 2012.

* Art. 7 (1) of the Italian implementation law criminalizes financial assistance to acts that are prohibited by the No. 95 legislation. A draft bill was submitted to the Senate on 26 May 2010 to create separate legislation with a specific prohibition on the "financing of the production, use, repair, promotion, sale, distribution, import, export, storage, possession, or transport of antipersonnel mines and cluster bombs and submunitions thereof."

**Contrary to these interpretive statements, the draft ratification bill in Canada does not include any provisions that would prohibit investments in cluster munitions.

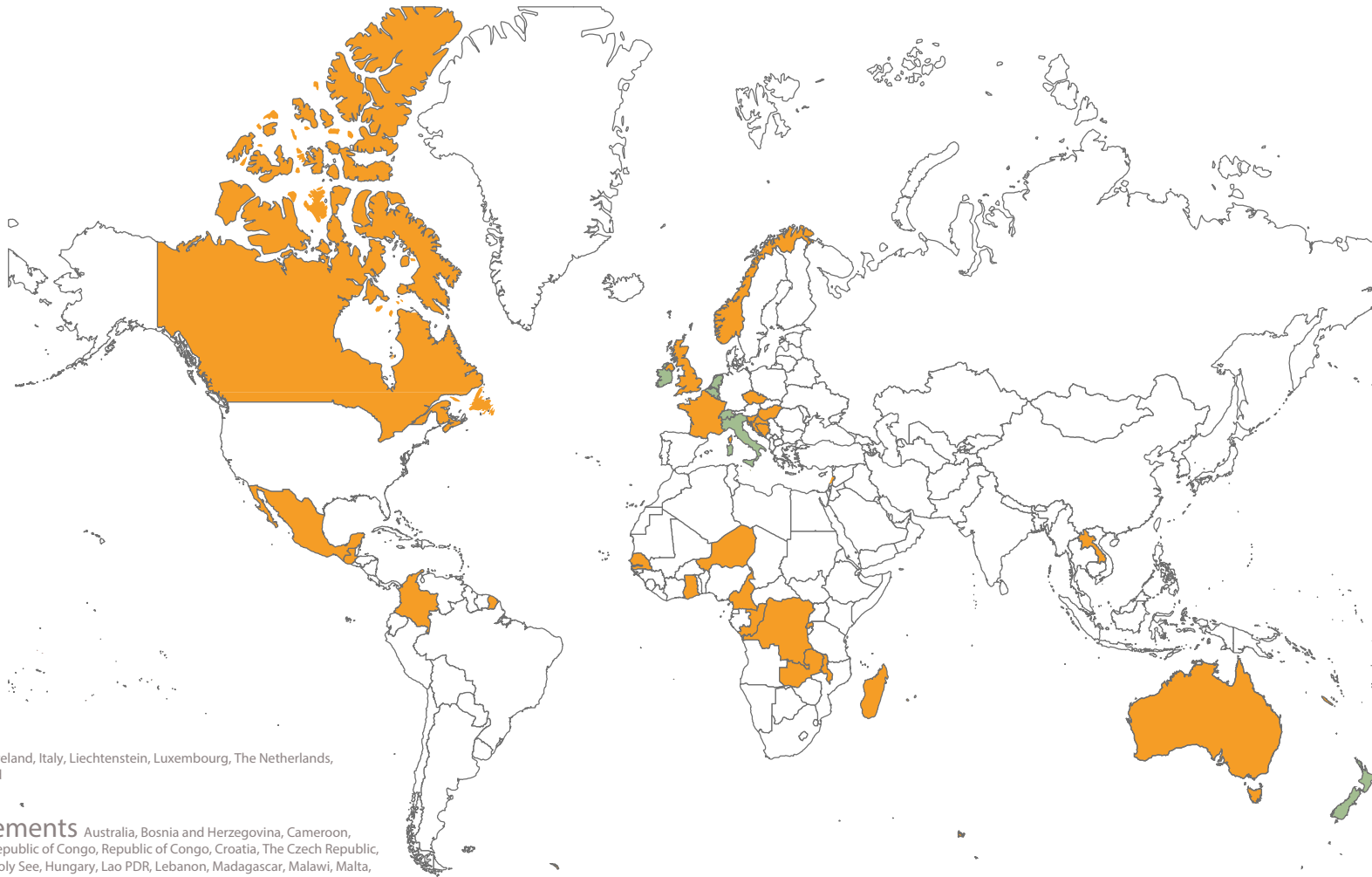
For more information on the Canadian ratification process see <http://www.stopclustermunitions.org/news/?id=3661>

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State	CCM signature	CCM ratification	Guidance	Prohibition/Interpretation	Source
Congo, Republic of	3-Dec-08		Interpretive statement	"[...] the Republic of Congo agrees with the views of a number of States Parties to the convention and the Cluster Munition Coalition that investment in the production of cluster munitions is also prohibited by the convention."	2013, Statement during a telephone interview by Col. Lucien Nkoua, National Focal Point of the Struggle Against Mines, 8 June 2013.
Croatia	3-Dec-08	17-Aug-09	Interpretive statement	"Investment in the production of cluster munitions is prohibited."	2011, Letter from the Ministry of Foreign Affairs and European Integration of Croatia to Human Rights Watch, 23 March 2011.
The Czech Republic	3-Dec-08	22-Sep-11	Interpretive statement	"[...] We agree that investment in the production of cluster munitions is prohibited."	2012, Letter from the Ministry of Foreign Affairs of the Czech Republic to Human Rights Watch, 30 April 2012.
France	3-Dec-08	25-Sep-09	Interpretive statement	"[...] Any knowingly financial assistance, directly or indirectly, in the production or trading of cluster munitions would be considered as assistance, encouragement or inducement falling within the scope of the law under criminal complicity or commission of offenses under this bill."	2010, Statement by the Deputy Minister of Defense, National Assembly, XIIIe legislation, extraordinary session, 6 July 2010.
Ghana	3-Dec-08	3-Feb-11	Interpretive statement	"[...] Ghana considers investments in the production of cluster munitions a form of assistance that is banned by the Convention."	2013, Statement during the Fourth Meeting of State Parties to the Convention on Cluster Munitions in Lusaka, Zambia, 12 September 2013.
Guatemala	3-Dec-08	3-Nov-10	Interpretive statement	"[...] According to the interpretation of the government of Guatemala, the Convention also includes a prohibition on investments in companies that manufacture cluster munitions."	2010, Letter from the Permanent Mission of Guatemala to the United Nations and other International Organizations in Geneva to Human Rights Watch, 14 May 2010.
The Holy See	3-Dec-08	3-Dec-08	Interpretive statement	"[...] It is important for the integrity of the Convention and its implementation to include those investments in the list of prohibitions."	2010, Statement at the First Meeting of States Parties in Vientiane, Lao PDR on 9 November 2010.
Hungary	3-Dec-08	3-Jul-12	Interpretive statement	"[...] Hungary believes that investment into the production of cluster munitions is prohibited by the Convention."	2011, Letter from the Ministry of Foreign Affairs of Hungary to Human Rights Watch, 27 April 2011.
Lao PDR	3-Dec-08	18-Mar-09	Interpretive statement	"We strongly support the full prohibition of cluster munitions, including those activities during the joint military operations, transiting, foreign stockpiling and investment in the production of cluster munitions."	2011, Letter from the Ministry of Foreign Affairs of Lao PDR to Human Rights Watch, 1 June 2011.
Lebanon	3-Dec-08	5-Nov-10	Interpretive statement	"[...] It is the understanding of the government of Lebanon that Article /1/ Paragraph (c) of the Convention prohibits the investment in entities engaged in the production or transfer of cluster munitions or investment in any company that provides financing to such entities. In the view of Lebanon, "assistance" as stipulated in Article /1/ paragraph (c) includes investment in entities engaged in the production or transfer of cluster munitions and is thus prohibited under the Convention."	2009, Letter from the Permanent Mission of Lebanon to the United Nations in Geneva, to Human Rights Watch, 10 February 2009.
Madagascar	3-Dec-08		Interpretive statement	"[...] The Convention, in the opinion of Madagascar, also precludes investments in companies that produce cluster munitions"; and "[...] any investment in cluster munitions should indeed be prohibited."	2010, Letter from the Permanent Mission of Madagascar to the United Nations and other International Organizations in Geneva to Human Rights Watch, 2 April 2010; and Statement during the First Meeting of State Parties in Lao PDR in November 2010.
Malawi	3-Dec-08	07-Oct-09	Interpretive statement	"Malawi is of the opinion that the Convention constitutes a prohibition on the investment in producers of cluster munitions."	2010, Statement during the Africa Regional Conference on the Universalisation and Implementation of Convention on Cluster Munitions in Pretoria, 25 March 2010.
Malta	3-Dec-08	24-Sep-09	Interpretive statement	"Malta believes that the assistance prohibition under Article 1 (c) of the Convention precludes financing and investment in corporations linked with the production of cluster munitions."	2010, E-mail from the Ministry of Foreign Affairs of Malta to Handicap International France, 25 April 2010.
Mexico	3-Dec-08	06-May-09	Interpretive statement	"[...] Also, it is Mexico's opinion that investment for the production of cluster munitions is also prohibited by the Convention."	2009, Letter from Amb. Juan Manuel Gómez Robledo, Ministry of Foreign Affairs of Mexico to Human Rights Watch, 4 March 2009.
Niger	3-Dec-08	2-Jun-09	Interpretive statement	"Niger considers [...] investment in the production of cluster munitions to be banned by the convention."	2013, Statement by Allassan Fousseini, Expert Mines Action and Small Arms and Light Weapons, National Commission for the Collection and Control of Illicit Weapons (Commission Nationale pour la Collecte et le Contrôle des Armes Illicites, CNCCAI) during a meeting with the Cluster Munition Monitor in Geneva.
Norway	3-Dec-08	3-Dec-08	Interpretive statement	"The Ministry agrees that investment, for example, in companies that develop or produce cluster munitions may fall within the scope of the Convention's prohibition of aiding and abetting. [...] [...] it cannot be excluded that private investment [...] in companies that develop or produce cluster munitions, may be incompatible with the Convention."***	2008, Proposition No. 7 (2008-200[9]) to the Odelsting on a Bill Relating to the Implementation of the Convention on Cluster Munitions in Norwegian Law.
Rwanda	3-Dec-08		Interpretive statement	"[...] Any investment in the production of cluster munitions is prohibited."	2009, Letter from the Ministry of Foreign Affairs of Rwanda to Human Rights Watch, 6 April 2009.
Senegal	3-Dec-08	3-Aug-11	Interpretive statement	"Senegal considers the transfer and foreign stockpiling of cluster munitions, and investment in cluster munitions to constitute a violation of the CCM."	2011, Letter from the Ministry of Armed Forces of Senegal to Human Rights Watch, 3 February 2011.
Slovenia	3-Dec-08	19-Aug-09	Interpretive statement	"Slovenia has no intention to allow for investments in cluster munitions." "[...] Slovenia understands that the Convention does not permit investment in production of cluster munitions, and therefore will not allow investments in Slovenia in the production of cluster munitions abroad."	2012, Letter from the Ministry of Foreign Affairs of Slovenia to Human Rights Watch, 14 March 2012; 2013, Email from the Deputy Permanent Representative of the Permanent Mission of Slovenia to the United Nations to IKV Pax Christi, 13 November 2013.
The United Kingdom	3-Dec-08	04-May-10	Interpretive statement	"[...] Under the current provisions of the Bill, which have been modeled upon the definitions and requirements of the convention, the direct financing of cluster munitions would be prohibited."	2009, Ministerial Statement by the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs on 7 December 2009.
Zambia	3-Dec-08	12-Aug-09	Interpretive statement	"[...] The Convention on Cluster Munitions includes a prohibition on investments in companies that manufacture cluster munitions."	2009, Statement during the National Committee on Anti-personnel Landmines (NCAL) Meeting, Lusaka, 11 September 2009.

*** The preparatory work (proposition no. 7) of the law says that certain forms of investment in cluster munitions production may be prohibited under the aiding and abetting prohibition, however "[...], the question whether such private financing or investment exceeds the threshold for criminal aiding and abetting in Norwegian law must also be assessed in the light of the general requirement of individual guilt." The requirements would constitute that the offender would have to know that he/she were investing in cluster munition production, or it would amount to gross negligence if he/she did not know but ought to have known.

STOP EXPLOSIVE INVESTMENTS



Legislation Belgium, Ireland, Italy, Liechtenstein, Luxembourg, The Netherlands, New Zealand, Samoa, Switzerland

Interpretive statements Australia, Bosnia and Herzegovina, Cameroon, Canada, Colombia, Democratic Republic of Congo, Republic of Congo, Croatia, The Czech Republic, France, Ghana, Guatemala, The Holy See, Hungary, Lao PDR, Lebanon, Madagascar, Malawi, Malta, Mexico, Niger, Norway, Rwanda, Senegal, Slovenia, The United Kingdom, Zambia