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## **Ban Cluster Bombs : A Call From UN**

**Rene Wadlow\***

*[\*Rene Wadlow is the editor of the online Journal Of World Politics [www-transnational perspectives.org](http://www-transnational-perspectives.org) and the representative of the Association of World Citizens to the United Nations, Geneva.]*

UN Secretary-General Kofi Annan called for urgent actions to address the disastrous impact of cluster munitions — warheads that scatter scores of smaller bombs, especially when used in populated areas as happened in this summer's conflict in Lebanon.

Mr Annan was addressing the start of the Review Conference on the Convention on Prohibitions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects — the “Inhumane Weapons’ Convention” to its friends — on 7 November, 2006 in Geneva. He stressed that “Recent events show that the atrocious, inhumane effects of these weapons — both at their time of use and after the conflict ends — must be addressed immediately so that civilian populations can start rebuilding their lives.”

The UN Mine Action Coordination Centre (UNMACC) working in southern Lebanon reported that their density there is higher than in Kosovo and Iraq, especially in built up areas, posing a constant threat to hundreds of thousands of people, humanitarian and reconstruction workers as well as to UN peacekeepers. It is estimated that one million cluster bombs were fired on south Lebanon during the 34 days of war, many during the last two days of war when a ceasefire was a real possibility. The Hezbollah militia also shot off rockets with cluster bombs into northern Israel.

There is as yet no commonly accepted definition of cluster munitions but basically cluster munitions can be described as a container that holds a number of sub-munitions such as ‘bomblets’ or ‘grenades’ ranging from a few to hundreds. Cluster bombs can be air-delivered or ground-launched.

It is believed that the Israeli cluster bombs were “made in the USA” while those of Hezbollah came from Iran. Therefore one of the first necessary steps is a ban on the transfer of cluster munitions. Annan highlighted the transfer issue in these words : “I also urge you to freeze the transfer of these cluster munitions that are known to be inaccurate and unreliable and to dispose off them.”

Thirty-four countries are known to produce cluster weapons and at least 73 states stockpile them — an estimated four billion. With that many around, there is a real threat that non-state armed groups will also be able to buy them in the 'grey market'.

The failure rate of cluster munitions is high, ranging from 30 to 80 percent. But 'failure' may be the wrong word. They may, in fact, be designed to kill later. The large number of unexploded cluster bombs means that farm lands and forests cannot be used or are used with great danger. Most people killed and wounded by cluster bombs in the 21 conflicts where they have been used are civilians, often young. Such persons often suffer severe injuries such as loss of limbs and loss of sight. It is difficult for them to resume working or schooling.

Thus, there has been a growing momentum on the part of Non-Governmental Organizations (NGOs) to study the impact of cluster bombs and to call for their ban. Handicap International which deals directly with victims and which had played a role in the efforts to ban the use of landmines has highlighted the impact of cluster weapons. Human Rights Watch has played equally a leading role, and the Mennonite Central Committee among the religious groups. The International Committee of the Red Cross called for a stop on the use of cluster bombs and urged countries possessing them to destroy their stockpiles. The Red Cross has suggested calling a conference of experts in 2007 on the possibility of banning cluster weapons. Such a Red Cross expert meeting would follow the pattern that had led to the drafting of the 'Inhumane Weapons Convention.'

In 1973, in light of the war in Vietnam, the International Committee of the Red Cross had called together a Working Group on Conventional Weapons. The wide use by US forces of napalm in Vietnam had been brought to public attention through photos and television reporting. Thus a ban on incendiary weapons was at the center of the discussions. Less well known except to experts was the increasingly wide use by US troops of an ancestor of cluster bombs — 'flechettes' made of hard plastic which are intended to injure but are not detectable in the body by x-rays.

The Working Group report came out in 1975 just as the war ended in Vietnam. There was a wide-spread concern among certain diplomats that not only had the United Nations not been able to prevent the wars in IndoChina but had also been largely absent from the negotiations on ending the wars. The least that could be done was to try to reduce as much as possible the suffering that such conflicts cause.

Thus, largely led by Sweden, a country active in proposing disarmament measures, a conference was started in Geneva on a treaty that would ban or limit the use of certain conventional weapons such as incendiaries which had been widely used or laser weapons specifically designed to cause permanent blindness which were still at a trial stage.

The basic principle of the treaty was to again make central a principle set out at the Hague Conferences at the start of the 20th century that the combatants' choice of means of combat utilized is not unlimited and thus combatants must refrain from employing weapons that might cause unnecessary suffering or have indiscriminate effects. The resulting Convention is an umbrella treaty containing general principles to which can be attached protocols, each dealing with a single category of weapon. There are currently five protocols.

While the nature of war has not changed radically inflicting unnecessary sufferings, the Convention is part of that slow process of building the walls of law against the practice of war. Napalm and landmines are increasingly seen as beyond the limits of what is permissible. Public reaction to the use of napalm linked to a general reaction against the war in Vietnam was the starting point of the effort carried first by NGOs and a small number of governments.

Perhaps in the same way, the indiscriminate use of cluster bombs against Lebanon and a growing realization of the dangers in the Middle East will lead to sustained efforts first, a freeze on the use, then a ban on transfers, and a ban on production, followed by a destruction of stockpiles. NGO efforts for such a ban need to be in as many countries as possible, and there needs to be highly visible public support before the International Committee of the Red Cross Working Group meets in 2007 to look at the technicalities of such a ban. The UN call is clear. It is now up to us to build the momentum.