

# Speedy Ratification of the Treaty Banning Cluster Weapons

by Rene Wadlow\*

In a remarkable combination of civil society pressure and leadership from a small number of progressive States, a strong ban on the use, manufacture, and stocking of cluster bombs was signed in Oslo, Norway on 3 December 2008. However, all bright sunlight casts a dark shadow, and in this case the shadow is the fact that the major makers and users of cluster munitions were deliberately not there: Brazil, China, India, Israel, Pakistan, Russia, USA.

Yet as arms negotiations go, the cluster bomb ban has been swift. They began in Oslo, Norway in February 2007 and were thus often called the “Oslo Process.” The negotiations were a justified reaction to their wide use by Israel in Lebanon during the July-August 2006 conflict. 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, as well as to UN peacemakers. 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.

Cluster munitions are warheads that scatter scores of smaller bombs. Many of these sub-munitions fail to detonate on impact, leaving them scattered on the ground, ready to kill and maim when disturbed or handled. Reports from humanitarian organizations and mine-clearing groups have shown that civilians make up the vast majority of the victims of cluster bombs, especially children attracted by their small size and often bright colors.

The failure rate of cluster munitions is high, ranging from 30 to 80 per cent. 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 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 to resume work or schooling.

Discussions of a ban on cluster weapons had begun in 1979 during the negotiations in Geneva leading to the Convention on Prohibition on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects — the “1980 Inhumane Weapons Convention” to its friends.

The indiscriminate impact of cluster bombs was raised with the support of the Swedish government by the representative of the Quaker United Nations Office in Geneva and myself. My NGO text of August 1979 for the citizens of the world on “Anti-Personnel Fragmentation Weapons” called for a ban based on the 1868 St Petersburg Declaration and recommended that “permanent verification and dispute-settlement procedures be established which may investigate all charges of the use of prohibited weapons whether in inter-State or internal conflicts, and that such a permanent body include a consultative committee of experts who could begin their work without a prior resolution of the UN Security Council.”

I was thanked for my efforts but left to understand that world citizens are not in the field of real politics and that I would do better to stick to pushing for a ban on napalm — photos of its use in Vietnam being still in the memory of many delegates. Governments always have difficulty focusing on more than one weapon at a time. Likewise for public pressure to build, there needs to be some stark visual reminders to draw attention and to evoke compassion.

Although cluster munitions were widely used in the Vietnam-Indochina war, they never received the media and thus the public attention of napalm. (1) The United Nations Institute for Disarmament Research recently published a study on the continued destructive impact of cluster bombs in Laos noting that “The Lao People’s Democratic Republic has the dubious distinction of being the most heavily bombed country in the world” (2). Cluster-bomb land clearance is still going on while the 1963-1973 war in Laos has largely faded from broader public memory.

The wide use by NATO forces in the Kosovo conflict again drew attention to the use of cluster bombs and unexploded ordnance. The ironic gap between the humanitarian aims given for the war and the continued killing by cluster bombs after the war was too wide not to be noticed. However, the difficulties of UN administration of Kosovo and of negotiating a “final status” soon overshadowed all other concerns. Likewise the use of cluster bombs in Iraq is overshadowed by the continuing conflict, sectarian violence, the role of the USA and Iran, and what shape Iraq will take after the withdrawal of US troops.

Thus, it was the indiscriminate use of cluster bombs against Lebanon in a particularly senseless and inconclusive war that has finally led to sustained efforts for a ban. Cluster weapons were again used by both Georgia and Russia in the 5 days of the August 2008 conflict— a use which was totally unnecessary from a strategic point of view. This use in the Georgia-Russia-South Ossetia conflict proves that as long as such weapons are available to the military, they will be used with little thought of their consequence.

The ban on cluster bombs follows closely the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction which came into force in March 1999 and has been now ratified by 152 States. Many of the same NGOs active on anti-personnel mines were also the motors of the efforts on cluster bombs — a combination of disarmament, humanitarian, and human rights groups.

States signed the treaty on 3 December in Oslo where the negotiations began. If the momentum can be kept up, parliaments should ratify the treaty quickly, and it could come into force by mid-2009. It is important for supporters to contact members of parliament indicating approval of the ban and asking for swift ratification. A more difficult task will be to convince those States addicted to cluster bombs— the Outlaw Seven: Brazil, China, India, Israel, Pakistan, Russia, USA. The ban may discourage their use by these States and the USA has a recent export ban on the sale of most cluster weapons, but a signature by them would be an important sign of respect for international agreements and world law. Pressure must be kept up for speedy ratification and for signature on those States outside the law.

(1) See Eric Prokosch, who called attention to the range of weapons used in the Vietnam war in

his *Technology of Killing: A Military and Political History of Anti-personnel Weapons* (London: Zed Books, 1995)

(2) R. Cave, A. Lawson and A. Sherriff. *Cluster Munitions in Albania and Lao PDR* (Geneva: UN Institute for Disarmament Research, 2006)

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