



CLUSTER MUNITIONS

A NEW TREATY TO END DECADES
OF CIVILIAN SUFFERING



ICRC



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Cluster munitions can litter the landscape with vast quantities of unexploded submunitions which pose a grave danger for civilians and have long-term consequences for war-affected communities.

Cluster munitions have been a persistent problem for decades. Although used in only a few dozen armed conflicts over the last 40 years, these weapons have killed or maimed tens of thousands of civilians in war-affected countries. Cluster munitions have unique characteristics that too often present grave dangers for civilian men, women and children at the time they are used and long after the fighting has ended.

In May 2008, the international community took decisive action to stop the human suffering caused by these weapons. A diplomatic conference in Dublin, Ireland, attended by 132 States, adopted the Convention on Cluster Munitions. This new international treaty prohibits the use, development, production, stockpiling and transfer of cluster munitions. It also requires countries which possess these weapons to destroy their stockpiles. The treaty obliges countries with unexploded submunitions on their territory to clear them, and other countries to help them to do so. It also contains new and dynamic provisions for assistance to individual victims, their families and the affected communities. The adoption of the Convention on Cluster Munitions is a monumental step towards ending the suffering caused by these weapons. Nevertheless, its promise will only be realized once the treaty has been widely ratified, cluster munitions have been eliminated and the necessary assistance provided to victims.

What are cluster munitions?

Cluster munitions are launched by aircraft, artillery or missiles. They scatter explosive submunitions over a wide area. Depending on the model, the number of submunitions can vary from several dozen to over 600, and the target area over which they are released can exceed 30,000 square metres. Most submunitions fall unguided and are meant to explode upon impact when they hit the ground. Many militaries consider these weapons important for use against multiple targets dispersed over a wide area (e.g. tanks, armoured vehicles, military personnel, etc.).



Countries with confirmed cluster-munition casualties*

Afghanistan, Albania, Azerbaijan (Nagorny-Karabakh), Bosnia-Herzegovina, Cambodia, Chad, Croatia, Eritrea, Ethiopia, Iraq, Israel, Kosovo**, Kuwait, Laos, Lebanon, Montenegro, Morocco (Western Sahara), Russia (Chechnya), Sierra Leone, Sudan, Syria, Tajikistan, Viet Nam.

* Source: Handicap International, *Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities*, May 2007.

** Kosovo unilaterally declared its independence from Serbia on 17 February 2008. Its status remains disputed.

From Laos to Lebanon

Laos has been struggling to deal with cluster munitions for decades. An estimated 270 million submunitions from cluster munitions were dropped on the country in the 1960s and 1970s. Tens of millions failed to explode and go on killing people today. Since data recording began in 1996 only about 387,645 submunitions have been cleared.

Source: UXO Laos, through April 2008

In 2006 a short 34-day conflict left southern Lebanon littered with unexploded submunitions. Experts estimated that up to one million devices failed to explode as intended. By the end of June 2008, 1,026 areas amounting to over 40.6 million square metres of land had been identified as contaminated. More than 250 civilians had been killed or injured by these weapons.

Source: UN Mine Action Coordination Centre – South Lebanon



A TRAGIC LEGACY

The severe effects of cluster munitions have been seen time and time again. From the first recorded dropping of these weapons in the English port of Grimsby (1943) to their most recent use in Lebanon (2006), cluster munitions have taken a heavy toll among civilians both during the fighting and after.

During hostilities – Cluster munitions are designed to have a devastating impact in battle by scattering huge numbers of explosive submunitions over very large areas to destroy multiple military targets. Some models discharge hundreds of submunitions over more than thirty thousand square metres of territory. In populated areas, civilian casualties are often high. Since the submunitions are generally free-falling, incorrect use, wind, and other factors can cause them to strike well outside the target area.

Once fighting has ended – A high proportion of submunitions dropped or fired fail to deto-

nate, contaminating large areas with deadly explosive ordnance. Many thousands of civilians have been killed or injured by encounters with these devices. Their presence makes farming and other essential activities dangerous. It also hinders the reconstruction and development of infrastructure such as roads, railways and power plants. The intriguing shape and colour of these bomblets often attract children who, naturally, pick them up. Death or disfigurement is frequently the result.

Areas in 20 countries are currently contaminated by cluster munitions. And the suffering they cause can be expected to increase dramatically if nothing is done to stop their use. Today, billions of these devices lie in military arsenals. Most are old and becoming increasingly unreliable and therefore increasingly dangerous to civilians. Not only that, there are reports that non-State armed groups have begun to obtain and use these weapons. If these weapons were ever used, the human toll could become far higher than that exacted by anti-personnel



Marko Kokic/ICRC

Children are often casualties of submunitions. Ahmed was playing football near his home in Lebanon. The ball hit a submunition which exploded.

landmines, which are now banned by three-quarters of the world's States.

DEFICIENT TECHNOLOGY

A large proportion of the cluster munitions currently stockpiled were designed in the context of the Cold War. Many are old and unreliable. In some newer models, producers have integrated self-destruct features to ensure that the submunitions destroy themselves if they fail to explode as intended. However, these efforts have fallen short of expectations. Such features have decreased the number of unexploded submunitions in controlled tests, but the actual failure rates in battle remain much higher, resulting in significant levels of contamination. A disturbing proportion of the submunitions found on the ground in Lebanon after the 2006 war had been designed to self-destruct. But, like the primary fuse, the self-destruct mechanism on these submunitions also failed to function under combat conditions.



John Rodstee

THE CONVENTION ON CLUSTER MUNITIONS

The adoption of the Convention on Cluster Munitions is a recognition that cluster munitions have terrible and unacceptable consequences for civilian populations. It is a landmark in the decades of efforts to address the suffering that these weapons cause. The Convention bans the use, development, production, stockpiling and transfer of cluster munitions. It also sets deadlines for States Parties to destroy their stockpiles of these weapons (8 years) and to clear their territory of unexploded submunitions (10 years).

Under the terms of the Convention, weapons containing fewer than 10 explosive submunitions are not considered to be cluster munitions if each submunition weighs more than four kilograms, each can detect and engage a specific target object, and each is equipped with an electronic self-destruction mechanism and an electronic self-deactivating feature. Weapons meeting these criteria are therefore not pro-

hibited by the Convention. Their use is nonetheless governed by the general rules of international humanitarian law.

Also included in the Convention, in addition to the prohibitions it lays down and its provisions on stockpile destruction and clearance deadlines, are important commitments to victim assistance. States Parties with cluster munition victims on their territory are required to provide them with medical care, rehabilitation and psychological support, and to provide for their social and economic inclusion on a non-discriminatory basis. States Parties must develop and implement any necessary plans and policies to provide such assistance, and take steps to mobilize the needed resources. These provisions, and the understanding that "victims" include individuals, their families and their communities, have resulted in the most far-reaching obligations in terms of victim assistance ever included in a treaty of international humanitarian law.

A clearance worker searches for unexploded submunitions and other explosive remnants of war several decades after the munitions were dropped in Laos.

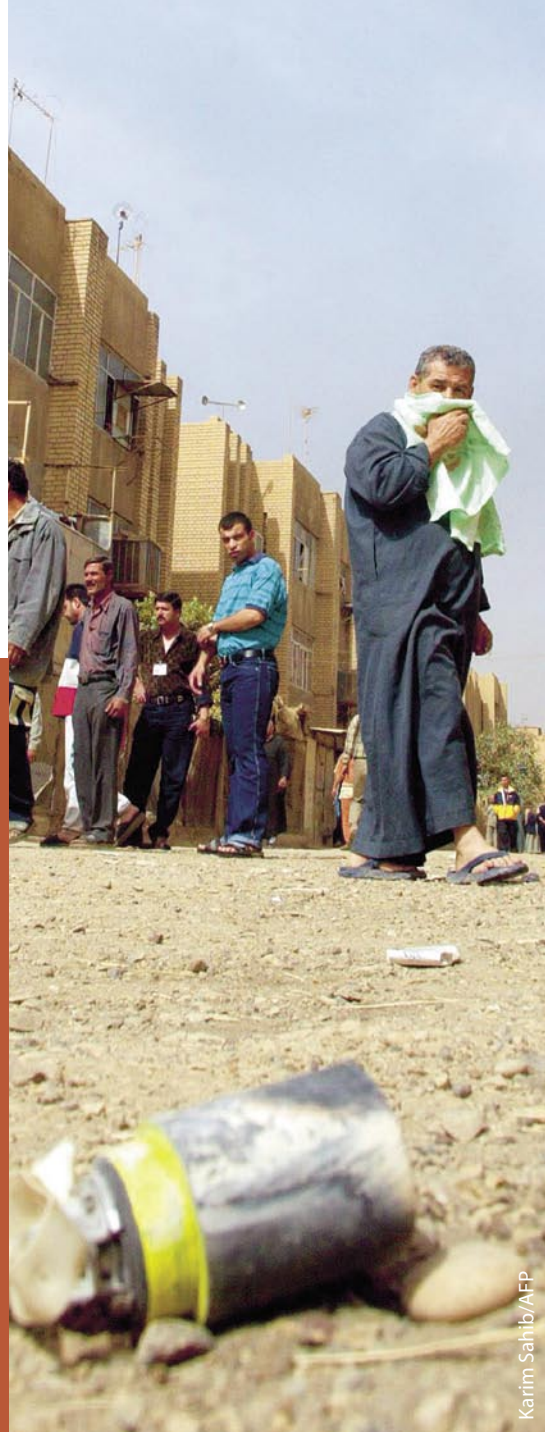
The Convention's robust obligations in the fields of cluster munition clearance and victim assistance make its provisions on international cooperation especially important: international aid and other resources will clearly be necessary if the Convention is to achieve its goals. The Convention requires States Parties in a position to do so to provide technical, material and financial assistance for cluster munition clearance, stockpile destruction and victim assistance. Such assistance may be provided through the United Nations system, components of the International Red Cross and Red Crescent Movement, international, regional or national organizations, non-governmental organizations or on a bilateral basis.

The Convention on Cluster Munitions can play a major role in ending the death, injury and suffering caused by cluster munitions. When widely adhered to and implemented, it will provide direct benefits for communities affected by these weapons through increased efforts

to clear areas contaminated by unexploded submunitions, thus saving lives and returning land to agriculture and other productive use. It will also benefit victims of cluster munitions through increased commitment to medical care, physical and socio-economic rehabilitation and other support. In addition, the Convention will prevent future harm by ensuring that tens of millions of cluster submunitions currently in stockpiles are never used and are destroyed.

In Iraq unexploded submunitions were found scattered in many populated areas following the 2003 conflict in the country.

The International Committee of the Red Cross (ICRC) views the Convention on Cluster Munitions as a historic agreement that was urgently needed. The ICRC calls on all States to adhere to the Convention as quickly as possible. By adopting the Convention the international community has recognized that cluster munitions are unacceptable weapons with unacceptable consequences. Governments, international organizations and non-governmental organizations must now work to ensure that the Convention's promises become realities for the victims and their families and communities, who have waited far too long for relief. The time to act is now.



STOPPING WEAPONS THAT KEEP ON KILLING

The Convention on Cluster Munitions is only one step towards a comprehensive solution to the problems caused by weapons that "keep on killing" when an armed conflict ends. Civilians in far too many countries remain threatened by anti-personnel landmines and a range of unexploded and abandoned ordnance. Much is being done to minimize the impact of these mines and explosive remnants of war. National Red Cross and Red Crescent Societies, the ICRC, the United Nations, State agencies and many other organizations are working in affected countries to clear contaminated areas, provide risk education, assist victims and promote international humanitarian law, in particular adherence to the 2008 Convention on Cluster Munitions, the 2003 Protocol on Explosive Remnants of War and the 1997 Convention on the Prohibition of Anti-personnel Mines. However, these efforts remain modest compared to continuing needs. A steady increase in political

commitment and in available resources is needed to effectively address the growing burden worldwide of explosive remnants of war and the lethal legacy of cluster munition and landmine use.

When the ICRC called again for urgent international action on cluster munitions in October 2007, I reminded States that ‘opportunities to prevent untold human suffering do not occur often.’

The Convention on Cluster Munitions represents just such an opportunity. The ICRC urges all States to seize it.

Jakob Kellenberger
President, International Committee of the Red Cross

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance.

The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.

Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



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