



CLUSTER MUNITIONS

DECADES OF FAILURE
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.

Only now are governments beginning to take concerted action to address the human costs of these weapons. Many States are supporting proposals to prohibit some or all cluster munitions. Efforts are under way to develop a new international treaty to ban the worst types. The time has come for decisive action on this issue at the international and national levels to eliminate cluster munitions which have caused severe humanitarian problems and to provide relief for individual victims and affected communities.

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. The target area over which they are released can exceed thirty thousand 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.).



Associated Press

Countries with cluster-munition casualties

Afghanistan, Albania, Azerbaijan (Nagorno-Karabakh), Bosnia-Herzegovina, Cambodia, Chad, Croatia, Eritrea, Ethiopia, Iraq, Israel, Kuwait, Laos, Lebanon, Montenegro, Morocco (Western Sahara), Russia (Chechnya), Serbia (incl. Kosovo), 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

From Laos to Lebanon

Laos has been struggling to deal with the 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 364,000 submunitions have been cleared.

Source: UXO Laos Website 2007

In 2006 a short 34-day conflict left southern Lebanon littered with unexploded submunitions. Experts estimate that up to one million devices failed to explode as intended. By the end of May 2007, 904 areas amounting to over 36.5 million square metres of land had been identified as contaminated. More than 200 civilians had been killed or injured by them.

Source: U.N. Mine Action Coordination Centre – South Lebanon



Mohammed Zaatar/AP

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 detonate, 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



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

weapons. Without concerted action, the human toll could become far higher than that exacted by anti-personnel 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 they 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 rate in battle remains 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.

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



John Rodsted

RULES EXIST BUT...

As with other weapons not specifically regulated by a treaty, the use of cluster munitions is governed by the general rules of international humanitarian law.

These rules:

- require the warring parties to distinguish between civilians and civilian objects on the one hand, and combatants and military objectives on the other;
- seek to minimize the effects of the hostilities on civilians.

Yet despite these rules, cluster munitions have had a severe impact on civilians for decades as a result of differing ways of interpreting these rules and of applying them to the particular characteristics of cluster munitions.

The Protocol on Explosive Remnants of War (2003) annexed to the Convention on Certain Conventional Weapons provides a framework for rapid clearance of all explosive remnants of war,

including submunitions. Although the Protocol lays down important rules to minimize the impact of such deadly objects, it only partially deals with the cluster munitions problem. The Protocol facilitates their rapid removal once conflict ends. However, it does not contain a requirement to prevent them from posing a danger in the first place and offers no additional protection for civilians at the time when cluster munitions are used.

TOWARDS AN INTERNATIONAL SOLUTION

A growing number of governments are concluding that cluster munitions' legacy of civilian death, injury and suffering requires unilateral national action. Belgium became the first to enact a national law banning cluster munitions. Others have adopted moratoriums on the use, production and transfer of these weapons or are removing from service certain models owing to high failure rates and inaccuracy .

Action to regulate cluster munitions at the international level has increased rapidly since 2006 when 25 States proposed negotiations on a new treaty in the framework of the Convention on Certain Conventional Weapons (CCW). Although agreement was not possible in that framework, an international process launched in Norway in February 2007 has engaged more than 70 States which are committed to developing a binding international instrument to prohibit "cluster munitions that cause unacceptable harm to civilians" by the end of 2008. Efforts to address the problem in the CCW framework, involving all major military powers, are also continuing.

The International Committee of the Red Cross (ICRC) believes that the time has come to end this scourge. It has called on governments to negotiate a new treaty which will:

- **prohibit the use, development, production, stockpiling and transfer of inaccurate and unreliable cluster munitions;**
- **require the elimination of existing stocks of inaccurate and unreliable cluster munitions;**
- **provide for victim assistance, clearance of cluster munitions and activities to minimize their impact on the civilian population.**

Even before such a treaty is adopted, governments should immediately end the use of these weapons, stop transferring them to others, and destroy existing stocks.

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



STOPPING WEAPONS THAT KEEP ON KILLING

Urgent action is needed to prevent an endless stream of civilian casualties resulting from cluster munition use. Civilians should not be killed or maimed by weapons that may strike blindly – either during or after armed conflicts. Governments must be urged to take action at national and international levels to end the use of inaccurate and unreliable cluster munitions and to eliminate stockpiles. Focused action can save lives and prevent future tragedies.

A new treaty is important, but it is only one step towards a comprehensive response. Action need not wait for the adoption of an international agreement. Much can and is being done now to minimize the impact of these weapons. National Red Cross and Red Crescent Societies, the ICRC, the United Nations, State agencies and many other organizations are already working in countries affected by cluster munitions and other explosive remnants of war. Their efforts

include clearance of contaminated areas, risk education, assistance to victims and promotion of international humanitarian law, including the new Protocol on Explosive Remnants of War. But these efforts remain modest compared to existing needs. A steady increase in political commitment and resources is needed to address the growing global burden of explosive remnants of war and the lethal legacy of landmine use.

“Today, the ICRC is more certain than ever that a new international treaty is essential to prohibit those cluster munitions which have such high costs for civilian populations and to prevent their continued proliferation.

The growing awareness of the urgency of this issue and the many new commitments made by States in this field provide hope that an increasingly severe humanitarian problem in the coming years and decades can be prevented. Such opportunities to prevent untold human suffering do not occur often.”

ICRC President Jakob Kellenberger, 25 October 2007

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 war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It 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 International Red Cross and Red Crescent Movement.



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