

The Cluster Munition Coalition is led by a Governance Board of:

Action On Armed Violence, Asociación para Políticas Públicas-APP, Cambodia Campaign to Ban Landmines, Campaña Colombiana Contra Minas, DanChurchAid, Handicap International, Human Rights Watch, ICBL Georgian Committee, IPPNW, Mines Action Canada, Ban Landmines Campaign Nepal (NCBL), Norwegian People's Aid, Protection.



Cluster Munition Coalition Memo

Use of cluster munitions in South Sudan

September 2014

1. Use of cluster munitions in South Sudan

On 7 February 2014, UN weapon experts from the UN Mine Action Service (UNMAS) found cluster munition remnants, including unexploded submunitions, on the road to South Sudan's capital Juba, near the town of Bor in Jonglei state. Although South Sudan already suffers contamination from past use of cluster munitions, the area was not known to be contaminated with cluster munitions before mid-December 2013¹. Heavy fighting between government forces and rebels erupted in Juba on 15 December.

The munitions that were found are RBK-250-275 cluster bombs of Russian origin², each containing around 150 submunitions. There is no information available on whether the munitions have caused casualties.

The United Nations Mission in the Republic of South Sudan (UNMISS) report '[Conflict in South Sudan: A Human Rights Report](#)' dated 8 May 2014 references the cluster munition remnants found by UNMAS, but does not indicate who is responsible for the use.³

UN Secretary General Ban Ki-Moon [condemned](#) the use of cluster munitions on 12 February, but did not indicate who the UN believes is responsible.⁴ The Cluster Munition Coalition [also expressed deep concern](#) about this new use of cluster munitions and called on all actors involved in the conflict to investigate and ensure there is no future use.

2. Who has used the cluster munitions?

To date it is unknown who employed the cluster munitions. In addition to the fighting between South Sudan and rebel forces, Ugandan forces (known as the Uganda People's Defence Force – UPDF) have provided military support to the South Sudanese government. South Sudanese and Ugandan air forces are thought to be capable of delivering the type of cluster munitions that were found, whereas it is believed that opposition forces do not have the means to employ these bombs. The SPLM (Sudan People's Liberation Movement) is the ruling party of South Sudan. The SPLA (Sudan People's Liberation Army) is the regular army of South Sudan. This should not be confused with the opposition, Sudan People's Liberation Movement/Army – in opposition (SPLM/A - opposition). So far, all have denied responsibility:

- **South Sudan government:** Kuol Manyang Juuk, South Sudan's Minister of Defense reportedly told Eye Radio, "I'm not aware of the presence of cluster shells or bombs with the SPLM, whether they have been used, I am not aware. "You'd better ask the SPLA."⁵ Juuk had earlier strongly denied use of cluster munitions during the conflict, telling the *Citizen* newspaper, "These are total lies, no cluster bombs or cluster bullets have been used in south Sudan, it is not true, cluster bombs have never been used in the recent fighting."⁶
- **South Sudan rebels:** Spokesman for Sudan People's Liberation Movement/Army (SPLM/A) – in opposition Brig. Gen. Lul Ruai Koang has denied responsibility, stating that his forces do not have cluster bombs. He has accused the Sudan People's Liberation Army (SPLA) and Uganda Peoples Defense Forces (UPDF) of using the cluster munitions against his forces.⁷
- **Uganda government:** Ugandan media have reported that the Minister of Foreign Affairs, Hon. Sam Kutesa, categorically denied using cluster munitions in South Sudan, insisting that as a signatory state to the Convention on Cluster Munitions, Uganda would not use the weapon.⁸ In addition, Brig. Muhanga Kayanja, commander of the Ugandan forces, also denied having used cluster munitions.⁹

¹<http://www.hrw.org/news/2014/02/14/south-sudan-investigate-new-cluster-bomb-use>; 15 February 2014

² UNMAS report, 12 February 2014

³ <http://www.unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>; 8 May 2014

⁴ <http://www.un.org/sg/statements/index.asp?nid=7455>, 12 February 2014

⁵ <http://talkofsudan.com/dr-rieks-forces-govt-deny-using-cluster-bombs-in-the-conflict>, 14 February 2014

⁶ <http://www.citizen-news.net/defense-minister-denies-use-of-cluster-bombs>, 14 February 2014,

⁷ <http://www.sudantribune.com/spip.php?article49952> 14 February 2014; <http://talkofsudan.com/dr-rieks-forces-govt-deny-using-cluster-bombs-in-the-conflict>, 14 February 2014

⁸ The denial was also tweeted by the Government of Uganda's Official Centre for Public Communications (@UgandaMediaCent): "#Kutesa: We do not use cluster bombs. #Uganda would not because we are signatories to that convention #SouthSudan."

⁹ HRW (2014) *South Sudan: Investigate new cluster bomb use*. <http://www.hrw.org/news/2014/02/14/south-sudan-investigate-new-cluster-bomb-use>

The munitions found in Bor are the same type that was previously found in the northern district of Gulu in Uganda, which were apparently used in the fighting between the Lord's Resistance Army (LRA) and the UPDF¹⁰ at an unknown date¹¹. It is unknown which of the two parties used them¹². Uganda in the past stated that it had a cluster munitions stockpile¹³, but in 2012 stated that it has never had a stockpile¹⁴.

3. The legal obligation to speak out

The 2008 Convention on Cluster Munitions bans the use, production, stockpiling and transfer of all cluster munitions and places obligations on member states to clear contaminated areas, destroy stockpiles, and assist victims. A total of 113 states have joined the Convention, which is establishing a global norm against these deadly weapons.

The Cluster Munition Coalition calls on all states to speak out against the use of cluster munitions in South Sudan. States Parties to the Convention on Cluster Munitions have a legal obligation under **Article 21.2** to “discourage States not party to this Convention from using cluster munitions.” Signatories, having committed to respect the object and purpose of the Convention when signing, should also actively discourage use. Non-signatory states should also speak out against use of this weapon as a sign of their support for the emerging norm against use.

At least 21 states have made national statements expressing concern, including Australia, Austria, Cambodia, Chile, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Ecuador, Germany, Ireland, Italy, Mauritania, Netherlands, New Zealand, Norway, Peru, Portugal, Slovenia, Somalia and Zambia

The following 58 states have condemned use of cluster munitions, naming South Sudan directly, in their national statements and/or via [UN Security Council Resolution 2155 \(2014\)](#) and/or [EU 5MSP statement](#), which requires the endorsement of all EU states and other states aligning themselves with the statement: Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, [Cambodia](#), Chad, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Jordan, Korea Rep of, Latvia, Lithuania, Luxembourg, Macedonia, Malta, Mauritania, Moldova, Montenegro, Netherlands, New Zealand, Nigeria, [Norway](#), Peru, Poland, Portugal, Romania, Russian Federation, Rwanda, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Turkey, UK, United States, and [Zambia](#).

4. Take action

The Cluster Munition Coalition calls on all parties involved to take immediate action.

The government of South Sudan must:

- Initiate an independent investigation into the allegations of use of cluster munitions in South Sudan, and make public the findings of the investigation.
- Ensure no further use of cluster munitions takes place within its territory.
- Accede to the Convention on Cluster Munitions.

The government of Uganda must:

- Initiate an independent investigation into the allegations that Ugandan armed forces may have used cluster munitions in South Sudan, and make public the findings of the investigation.
- Definitively state whether it has cluster munitions stockpiles.
- Ratify the Convention on Cluster Munitions.

Other governments:

- Must condemn use of cluster munitions in South Sudan and call for an independent investigation by South Sudanese and Ugandan authorities to determine who was responsible.
- All countries that have not yet done so should join the Convention on Cluster Munitions without delay to prevent further use of cluster munitions and strengthen the emerging norm against the weapon.

For more information visit: http://www.stopclustermunitions.org/south_sudan

¹⁰http://www.the-monitor.org/index.php/cp/display/region_profiles/theme/3121

¹¹Cluster Munition Monitor (2013), p19: <http://www.the-monitor.org/cmm/2013/pdf/2013%20Cluster%20Munition%20Monitor.pdf>

¹²Ibid

¹³Cluster Munition Monitor (2011), p.243: http://www.the-monitor.org/cmm/2011/pdf/Cluster_Munition_Monitor_2011.pdf

¹⁴www.clusterconvention.org/files/2012/04/Uganda_StockpileDestruction.pdf