

CLUSTER BAN NEWS

Wednesday, 21 May 2008

Dublin, Ireland

Edition 2

Editorial: A Strong Start

Two days into the Dublin Conference on Cluster Munitions, there is a widespread commitment to conclude a strong treaty on 30 May, echoing the call made by Irish Foreign Minister Micheál Martin at the opening ceremony on Monday.

The brisk pace of work, the general positive and upbeat tenor in all conference rooms and the high quality, constructive, and serious discussions taking place on key issues make us confident that we will achieve this goal. We feel that we can and should be bold and ambitious and aim for a comprehensive ban, which will come into force immediately to prevent any further humanitarian damage and will include strong provisions to

assist individuals and communities already affected. The insistence on victim assistance as one of the key elements of the Convention, as well as growing support for a ban on all cluster munitions as defined in the draft text are encouraging signs.

However, there are still reasons for concern, which will require civil society to remain vigilant to counter attempts to undermine the treaty. Some countries are continuing to seek exceptions allowing them to maintain the cluster munitions they have in their stockpiles. Others are trying to weaken Article 1 in the name of interoperability, or are proposing transition periods which, however short, would fundamentally undercut the ban.

Despite the physical distance between the NGO “central” on one side of Croke Park, and the conference rooms on the other, the dynamic among government delegates, civil society activists, UN agencies, the ICRC, and other partners is proving extremely positive and constructive, and points to the fact that, together, we can definitely “make the cluster bomb ban happen.”



Inside this issue:

Campaigner Perspectives	2
The Threat that Won't Go Away...cont	2
The Only Good Cluster Munition...	3
Announcements	4
Quick Facts	4
The World is Watching	4

The Threat that Won't Go Away: Cluster Bomb Contamination in Lao PDR

“The goal for Lao PDR is to be removed from the list of the least developed countries by 2020. But with the world's heaviest contamination by cluster munitions and other explosive remnants of war, will we ever be able to reach this goal?” Dr. Saignavongs Maligna's question is deeply rooted in reality. As the director of the National Regulatory Authority for UXO/ Mine Action in Laos, he knows only too well how explosive remnants of war contamination and poverty are closely linked. Contamination means agricultural land denied along with food and livelihood vulnerability. All statistics point to a clear

correlation between contamination, poverty, and disability.

The facts

Between 1963 and 1974, over 260 million submunitions were dropped on Lao PDR by the United States, up to 30% of which failed to explode, reports Dr. Maligna. Decades after the end of the conflict, Lao people still live under this daily threat.

A threat too familiar

“The most common bomblet found in Lao

(Continued on page 2)



Campaigner Perspectives: Cluster Munitions and Asia



How long will it take to clear cluster submunitions from Laos? Up to 200 years according to some estimates. This situation is absurd. As the international community works on a new treaty and moves toward preventative measures, I can only insist on the need for measures to address the lingering problem. **Clearance and risk education must remain a priority**—with the funding to back the discourse. —*Channapha Khamvongsa, Legacies of War (Laos)*



With countries such as Laos, Vietnam, and Cambodia, South-East Asia is the world's most heavily-affected region. The answer to the humanitarian crisis can only be a collective one, and **solidarity from neighboring countries is key**. So, the active participation of Indonesia, Malaysia, and the Philippines in the Dublin Conference is encouraging. States from my region have the opportunity to show they are taking decisions for the good of their own people and neighbors. I know they will seize it. —*Alfredo Lubang, Nonviolence International South-East Asia*

I am upset that the US has not provided assistance commensurate with the damage it left behind in Laos. **Help should not be provided on the basis of charity**, it should be a responsibility. —*Titus Peachey, Mennonite Central Committee (USA)*



Thai people are close to Lao people, we speak a very similar language. **To us, every survivor story is like something that would happen to a friend.** Thailand made a good statement about victim assistance on Monday. Now I hope my country will show its commitment by supporting the upcoming Convention. —*Shushira Chonhenchob, Handicap International, Thailand Campaign to Ban Landmines (Thailand)*



I lost my right arm to a cluster submunition explosion in 1977 when I was working a field in the Quang Tri province, in Vietnam. **I still work this land and it still hasn't been cleared.** I hope that when the treaty enters into force, my country will get assistance for clearance, so children can play freely and farmers can work without fear. —*Thi Quy Pham, Ban Advocate (Vietnam)*

The Threat that Won't Go Away: Cluster Bomb Contamination in Lao PDR

(Continued from page 1)

PDR is the BLU-26. An estimated 41 million are scattered over my country, and that's only one of the many types of submunitions you find in Lao PDR. In the last ten years of clearance activities, operators cleared 381,013 bomblets. The scale of the remaining contamination is beyond imagination," says Dr. Maligna.

In the midst of such heavy contamination, people from affected communities try not only to live with the problem, but to put it to work for them. The free metal available from submunitions becomes a source of income and is sold in market towns and to traders. The collection of scrap metal for a

living becomes a powerful economic force. It is also a major source of risk.

Rural people bear the burden

In addition to the risk of digging to find the metal, danger also comes from dismantling ordnance and removing dirt from them. At the bottom of the trading chain are rural people and youth—they are the ones taking the risks. As Richard Moyes from Landmine Action puts it: "This clearly shows the need to act preventatively because post-conflict remedial measures like clearance and risk education cannot solve the problem, they can only try to limit it, and it's a very long process."—*Amélie Chayer, Staff Writer*



Illustration drawn in 1971 by a survivor of the U.S. bombings. Part of the Legacies of War exhibition, Ash Suite, 19-24 May



The Only Good Cluster Munition is a Banned Cluster Munition

A critical foundation of the draft Cluster Munitions Convention text is its “categorical” approach to the prohibition of cluster munitions. This draft text, which is the basis for the negotiations in Dublin, applies prohibitions to the use, production, stockpiling, and transfer of cluster munitions as a whole category. It doesn’t say “there are some cluster munitions that are good and there are some cluster munitions that are bad.” So long as this structure is maintained then all cluster munitions, as defined within the treaty, will be prohibited.

This approach will ensure a strong “stigmatizing” effect from a future treaty. If countries that are not part of the treaty use cluster munitions, they will be subjected to strong condemnation from a large number of other countries that consider these to be unacceptable and illegitimate weapons. The treaty should not be weakened to bring on board states that want to continue using cluster munitions. Rather, it should be kept strong and clear so as to ensure that future use of cluster munitions is internationally condemned.

The categorical approach means that the definition of a “cluster munition” is crucial. As it stands, the draft Convention contains a very broad definition which excludes only certain things such as flares and chaff that might technically be considered submunitions but which do not have the well-established negative humanitarian effects. However, space is made for possible further exclusions.

The current draft Convention text is structured so as to place the burden of proof on those governments that seek further exclusions or exceptions for specific weapons to justify why these are necessary and reasonable from a humanitarian perspective. So far, many of the calls for exceptions have simply been unsubstantiated demands that certain states should be allowed to keep their own weapons. Little, if any, evidence has been provided to suggest that these weapons do not cause, in combat, the same problems as

have been associated with cluster munitions for the last 40 years.

The key question is: would any further exclusions or exceptions to the definition of “cluster munition” allow the use, now or in the future, of weapons that have the same unacceptable humanitarian effects that have characterised cluster munitions?

With this question in mind, it is worth examining some of the technical characteristics put forward to assert that certain weapons might be “good” cluster munitions rather than “bad” cluster munitions, or perhaps that they are not cluster munitions at all.

Percentage failure rates and self destruct mechanisms

For a long time states hoped that solving the problem of cluster munitions was simply a matter of making submunitions more reliable. Approaches based on “percentage failure rates” for submunitions or the presence of “self-destruct mechanisms” dominated discussion of these issues for many years. However, these proposals have collapsed when looked at in detail and when challenged with evidence from actual combat. Here in Dublin, support for this has dwindled and is almost non-existent.

Low number of submunitions

A number of countries have proposed that weapons with ten or fewer submunitions should not be considered cluster munitions at all. These proposals all stem from a desire to protect certain weapon systems that countries already have in stock. None of the countries calling for such an exclusion have presented any evidence as to why this is justified on humanitarian grounds. These weapon systems can still scatter a large number of submunitions with a high failure rate over a wide area. Taking the example of CRV7 or Hydra rockets, while a single rocket may contain only nine submunitions, these are carried with up to 19 rockets in a rocket pod and four such rocket pods are mounted on a helicopter—

for a total load of 684 submunitions.

Perhaps most importantly, a blanket exclusion for systems with nine or ten submunitions would create a major loophole that could be exploited in the future.

Sensor fuzing

Of all the proposed exclusions, those related to sensor-fuzing are likely to be discussed in the most detail in Dublin. Again, much of the motivation behind the argument is that certain states want to keep or to acquire specific weapon systems. Although some states have made presentations on these weapons, there has been little detailed evidence provided about the real risk these systems could pose to civilians in combat. Very few here in Dublin consider this a viable approach.

It is important to recognise that the term “sensor-fuzing” tells us little if anything about the actual issues that must be addressed. It does not tell us what sensors would be required, or how these or other features would limit the effects on civilians either during or after attacks. On this basis alone it can be seen that an exclusion for “sensor-fuzing” would not make sense.

The key point remains: the final wording of the definition must not allow a continuation of the harm that has been experienced in the past. —Richard Moyes, *Landmine Action UK*





Ms. Simona Beltrami
 Ms. Rachel Good
 Ms. Amélie Chayer
 Ms. Roos Boer
 Ms. Sarah Njeri

Editor in Chief
 Managing Editor
 Writer
 Writer
 Coordinator

Cluster Ban News is a product of the Cluster Munition Coalition. **We welcome comments or feedback, including letters to the editor or commentaries.** These can be provided to us at the Cusack Suite or by emailing clusterbannews@gmail.com.

Quick Facts

- China, India, Japan, North Korea, South Korea, Pakistan, and Singapore have produced cluster munitions.
- At least 26 million submunitions were delivered in Cambodia by some 80,000 cluster munitions between 1969 and 1973.

Announcements

TODAY

Lunchtime Talk: Sensor-Fuzed Submissions and Clean Battlefields: Examining The Facts, 1-2pm, Ash Suite, Croke Park

Lunchtime Talk: Towards an Arms Trade Treaty, 2-3pm, Ash Suite, Croke Park

Evening Reception: What Remains (Photo Exhibit), 7:30-8:30pm, Unacceptable Harm (Film Screening), 8:30-9:30pm, Dublin Gallery of Photography, Meeting House Square, Temple Bar

TOMORROW

Lunchtime Debate: Why History Should Not Repeat Itself: Lessons From The 1970s Effort To Ban Cluster Bombs, 1-2pm, Ash Suite, Croke Park

Lunch Time Talk: Working with Youth to Promote the Clusters Treaty, 2-3pm, Ash Suite, Croke Park

Public Film Screening: Yellow Killers, 7:30-9:00pm, Irish Aid Volunteering and Information Centre, O’Connell Street

The World is Watching: “We Want a Ban!”

On Monday, 19 May, around a hundred Cluster Munition Coalition (CMC) campaigners from all over the world gathered in front of Croke Park in Dublin to deliver a petition urging governments to negotiate a strong, comprehensive ban on cluster munitions. This was the culmination of national signature and petition drives conducted by CMC groups in 83 countries in past months.

As the Irish Minister of Foreign Affairs, Mr. Micheál Martin, arrived, the crowd—

where traditional outfits mixed with suits and CMC T-shirts—waved coloured hands, representing the thousands of people that have joined the call for a cluster munition ban. After a welcome by Colm O’Gorman, executive director of Amnesty International Ireland, Soraj Ghulam Habib, a 16-year-old survivor of cluster munitions from Afghanistan, and Marion Libertucci of Handicap International handed over to the Minister a giant black hand indicating the global number of petitioners—**704,715 citizens across the world**—demanding an

end to the use of cluster munitions.

Before the start of the Dublin Conference, hundreds of thousands of people around the world raised their voices and called for governments to agree to a strong ban on cluster munitions.

One particularly strong appeal for a ban came from Pope Benedict XVI who, on Sunday, 18 May, called for “a strong and credible” treaty outlawing these “deadly weapons.” The Pope commented that “it is necessary to correct the errors of the past and avoid that they are repeated in the future.” Also on Sunday, building on the Pope’s message, a multi-faith blessing that was held in Dublin’s St. Mary’s Pro Cathedral was dedicated to the success of the conference negotiations. The service emphasized once more that this treaty is not about technical criteria—it is about listening to the voices of the people and saving lives and limbs.

Setting the positive tone of the conference, Mr. Martin assured in his opening address that “We will conclude a convention on the 30 of May.” The Dublin Conference is the opportunity for governments to heed the call of thousands of people and reach a strong ban on cluster munitions. —*Roos Boer, Staff Writer*

