

CLUSTER BOMBS

SOME KEY FACTS ABOUT CLUSTER MUNITIONS

Cluster bombs are large weapon systems containing multiple - often hundreds - of smaller bomblets. They can be dropped from the air or fired from the ground. Like landmines, cluster bombs are not target weapons and kill indiscriminately.

- Tens of thousands of civilians worldwide have been killed or injured by cluster bombs since they were first used in World War II.
- Up to a quarter (5-25%) of cluster bomb submunitions fail to explode on impact. They remain active and can explode, kill and maim decades after they were dropped.
- The vast majority (98%) of recorded casualties are civilians and around a quarter of recorded casualties are children (HI)
- Over half (60%) of cluster bomb casualties are injured while carrying out normal daily, livelihood activities like farming or playing
- Several million bomblets are estimated to have been dropped in Southern Lebanon in the July 2006 conflict, people were not able to harvest their crops and clearance is ongoing
- Laos is the most cluster bomb affected country in the world and around a quarter of all villages have been affected (ICBL)

On 1 August, the Convention on Cluster Munitions (CCM) will enter into force and become legally binding under international law. The Convention bans the use, production, stockpiling and transfer of all cluster bombs.

- 34 states have produced cluster bombs and 70 countries have stockpiles leading to tens of millions of submunitions worldwide (HRW)
- 16 states have used cluster bombs in 35 countries and territories (HRW)
- To date, 106 countries have signed the convention, 36 have ratified. (May 2010)

DRAFT KEY MESSAGES

UNIVERSALISATION OF THE CONVENTION ON CLUSTER MUNITIONS

- ***Strength in numbers and states must get on board and spread the word*** –The more countries that join the CCM, the greater the protection for civilians will be. States Parties have an obligation to reach out to states not party to urge them to join, and civil society will be watching their efforts.

A COMPREHENSIVE BAN

- ***A comprehensive ban on the production, use, transfer and stockpile*** of all cluster bombs that helps to protect civilians.
- ***No transit, No investment, No foreign stockpiling*** – no transfer of cluster bombs by air, road or sea, no hosting of foreign stockpiles, and no investment of public or private funds into companies that manufacture cluster bombs or components intended for use in cluster bombs.
- ***No excuse to retain any cluster bombs*** – the convention allows the retention of a minimum number of cluster bombs for non-operational purposes like training people how to dispose of them, but few if any are needed to do this. The best practice is to destroy all stockpiles of cluster bombs, and not to keep any for any purpose.

STOCKPILE DESTRUCTION

- ***Start now*** – The obligation is “as soon as possible,” not simply within eight years, so make plans now! After adopting the CCM, Spain destroyed its stockpile in less than a year.
- ***This can be done*** – Countries are already showing the way, and cooperation and assistance will help states that need it. As happened with landmines, using this stigmatized weapon will attract international condemnation.
- ***Be transparent*** – Not enough is known about stockpiles, information is needed to make plans.

CLEARING CLUSTER MUNITION CONTAMINATED AREAS

- ***Clear land as soon as possible, not simply within the ten years allowed in the treaty.*** Most affected countries should be able to meet clearance obligations within the first five years of joining the treaty. Very few States Parties should need to ask for a deadline extension. They should also create risk reduction education programmes to let people know about the risks
- ***Do not reinvent the wheel*** – Clearance has been taking place for many years alongside clearance of landmines and other explosive remnants of war. States beginning clearance activities should learn from other affected states and from the experience of the Mine Ban Treaty.

- **Clear reporting is key** – Affected States Parties must give precise reports on areas containing cluster munition remnants and how much land is cleared every year. This is essential to monitor if states are on track to meet national plans and treaty deadlines. Those providing assistance should be transparent on funding for clearance so that it is conducted in a cost-efficient and cost-effective manner.

INTERNATIONAL COOPERATION AND ASSISTANCE

- **All States Parties are “in a position to do so”** – Assistance is not only a question of financial resources from traditional donors; affected countries have a leadership role to play in sharing good practices, skills, expertise and experience, with south-south cooperation key to successful results.
- **New funding commitments are also needed** to provide technical assistance, for victim assistance and help the poorest and most affected communities.
- **This can be done** – Globally, the existing cluster munition problem is relatively limited in scope and can be addressed in a short period of time. However, for a small number of heavily affected countries like Lao PDR where it will take longer, a substantial increase in funds would bring impressive results on the ground within a decade.

VICTIM ASSISTANCE

- **Victim assistance is a legal obligation** under the CCM for both affected countries with victims and donor countries to provide victim assistance. This means providing victims with medical, rehabilitation and psychological support that takes into consideration their age and gender.
- **The Victim Assistance provision in the CCM builds on existing human rights and humanitarian law** and is stronger than in the Mine Ban Treaty. It complements the Convention on Rights of Persons with Disabilities and urges countries to not discriminate on the basis of gender, age or disability.
- **“Nothing about us without us”** – Cluster bomb victims played a key role in the development of the CCM and must continue to be consulted and actively involved throughout its implementation. Countries should consult with victims at all stages of national planning. Countries should also collect data, such as number of victims, types of injuries, gender and age breakdown.

BANNING INVESTMENT IN COMPANIES INVOLVED WITH CLUSTER MUNITIONS

The Cluster Munition Coalition (CMC) believes that the Convention on Cluster Munitions' (CCM) prohibition on assistance in the development and production of cluster munitions includes a prohibition on investments in cluster munitions

- **Assistance is banned and public and private investments in the production of cluster bombs is a form of assistance** – States Parties to the CCM should make clear that Article 1(1)(c) of the convention's prohibition on assistance includes a prohibition on the investment in cluster munition producers.
- **Countries should prohibit investment in national law** – All States Parties' national legislation to implement the convention should include a prohibition on investments in cluster munitions producers.

- ***Act now with interim steps*** – Until states develop such legislation, they should give interpretative statements and/or provide clear guidelines for financial institutions.