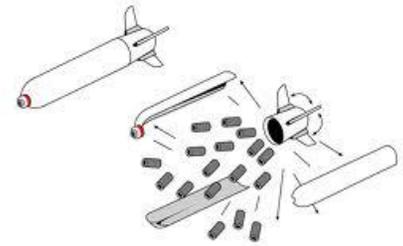




Cluster Munitions: A Banned Weapon

September 2013

A cluster munition, also known as a cluster bomb, is a weapon containing multiple explosive submunitions. Cluster munitions are dropped from aircraft or fired from the ground or sea, opening up in mid-air to release tens or hundreds of submunitions, which can saturate an area up to the size of several football fields. Anybody within the strike area of the cluster munition, be they military or civilian, is very likely to be killed or seriously injured.



Cluster Bombs in an Olive Grove - ©Simon Conway

The fuze of each submunition is generally activated as it falls so that it will explode above or on the ground. But often large numbers of the submunitions fail to work as designed, and instead land on the ground where they remain as very dangerous duds (see photo at left). Like landmines, these submunitions can remain a fatal threat to anyone in the area long after a conflict ends.

There are a wide variety of types of cluster munitions. According to Cluster Munition Monitor, a total of 34 states have at one time developed or produced over 200 types of cluster munitions.¹

Under the Convention on Cluster Munitions, cluster munitions are defined and prohibited as a category of weapons. What exactly falls within this definition, and what similar weapons are excluded, are described below. A list of resources for further information is at the end of the paper.

The Definition of Cluster Munitions under the Convention on Cluster Munitions

The **definition of a cluster munition** under Article 2 is “a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions.”² Therefore the ban on cluster munitions, and all relevant Convention obligations such as stockpile destruction, applies both to the container and all the submunitions it contains.

Sometimes explosive submunitions are not held within a container, but are released or dispersed by dispensers fixed to aircraft. The Convention explicitly mentions that these weapons, known as “**explosive bomblets,**” are included under the ban.

¹ Half of these producers ceased manufacturing cluster munitions prior to or as a result of joining the Convention on Cluster Munitions, while 17 are believed to still produce cluster munitions. *Cluster Munition Monitor 2013*, p. 20.

² The complete definition of cluster munitions under Article 2(2) of the Convention is as follows:

“Cluster munition” means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions. It does not mean the following:

- (a) A munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
- (b) A munition or submunition designed to produce electrical or electronic effects;
- (c) A munition that, in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:
 - (i) Each munition contains fewer than ten explosive submunitions;
 - (ii) Each explosive submunition weighs more than four kilograms;
 - (iii) Each explosive submunition is designed to detect and engage a single target object;
 - (iv) Each explosive submunition is equipped with an electronic self- destruction mechanism;
 - (v) Each explosive submunition is equipped with an electronic self- deactivating feature;

Article 2's definition includes not just the description of what is banned, but also **what is not considered a cluster munition**. Article 2(2)(a) and 2(2)(b) exclude: A munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff, or designed to produce electrical or electronic effects. The definition also excludes "a munition designed exclusively for an air defence role," meaning a munition that can **only be used against targets in the air**. Weapons that are designed to have utility against both aerial and ground-based targets are, however, banned. In addition, Article 1(3) states that the Convention **does "not apply to mines,"** meaning it does not ban munitions that disperse one or more mines.³

Article 2(2)(c) lists the characteristics of a set of munitions with submunitions, the use of which is not believed to cause "indiscriminate area effects and the risks posed by unexploded submunitions." Any munition **meeting all five of the criteria listed in Article 2(2)(c)(i-v) are not considered cluster munitions** under the Convention (see the full definition under footnote 2). Munitions meeting only four or less of the criteria *are considered cluster munitions*. For example, a munition that has less than 10 submunitions, but is not designed to detect and engage a single target object, *is* a cluster munition.

Delivery Systems

Most delivery systems, be they warships, aircraft, artillery, or rocket launchers, can launch different types of munitions, including both banned cluster munitions and unitary munitions that are not banned. For this reason, the Convention **does not ban any delivery system**, and States Parties therefore have no obligation to remove them from service or destroy them.

For More Information

While the Convention's definition is straightforward, given the wide variety of munitions and submunitions that have been or may be developed, there still may be questions over whether individual weapon systems are banned. In this case, there are several places to find more information. States Parties and some signatories have already identified a wide variety of cluster munitions in their Article 7 reports, which are Office of Disarmament Affairs website:

<http://www.unog.ch/80256EE600585943/%28httpPages%29/84610CE6A9FDDACDC1257823003BBC39?OpenDocument> and also presented in the Cluster Munition Monitor country profiles (http://www.themonitor.org/index.php/cp/display/region_profiles/). A list of the types of cluster munitions and submunitions already reported by States Parties as of April 2013 is available at: <http://www.themonitor.org/index.php/LM/Our-Research-Products/Factsheets>.

The Geneva International Center for Humanitarian Demining (GICHD) has created a web-based cluster munitions identification tool that not only helps identify unknown weapons, but also clarifies whether they fall under the Convention. The tool is online at www.gichd.org/operations/cluster-munitions-identification-tool-email-alerts/. If the name of the weapon system is available, it may be possible to find out more about it from online weapons databases, such as those at the Federation of American Scientists (www.fas.org/programs/ssp/man/index.html), James Madison University's ORDATA online: <http://ordatamines.maic.jmu.edu/Default.aspx>, or Global Security.org (www.globalsecurity.org/military/systems/index.html).

The Cluster Munition Coalition can also be contacted at info@icblcmc.org with questions related to any aspect of the Convention.

³ Antipersonnel mines, including those dispersed by cluster munitions, are already banned under the 1997 Mine Ban Treaty.