



THE CONVENTION ON CLUSTER MUNITIONS

A TREATY TO END DECADES OF CIVILIAN SUFFERING



ICRC

IN BRIEF



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Following the 2003 conflict in Iraq, unexploded submunitions were found scattered throughout many populated areas.

The Convention on Cluster Munitions was adopted to address a serious humanitarian problem: the unacceptable levels of death, injury and suffering caused by cluster munitions. These weapons, which are designed to disperse large quantities of explosive submunitions over wide areas, pose a grave danger to civilians and have long-term consequences for war-affected communities.

Cluster munitions have long been a problem in humanitarian terms. 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, either by exploding on impact in the course of an armed conflict, or after the fighting, when unexploded submunitions left behind were disturbed and detonated. In many instances, casualties due to unexploded submunitions occurred years, and often decades, after the conflict ended.

In May 2008, the international community took decisive action to stop the suffering caused by these weapons. A diplomatic conference in Dublin, Ireland, attended by 132 States, adopted the Convention on Cluster Munitions. This international treaty prohibits the use, development, production, stockpiling and transfer of cluster munitions. It also requires countries which possess these weapons to destroy their stockpiles. In addition, the treaty obliges countries with unexploded submunitions on their territory to clear them, and it contains dynamic provisions for assistance to individual victims, their families and the affected communities. States party to the Convention are also required to help other States Parties meet these obligations. The adoption of the Convention was a monumental step towards ending the suffering caused by these weapons and, since its adoption, States Parties have made significant progress towards that goal.



WHAT ARE CLUSTER MUNITIONS?

Cluster munitions are launched by aircraft, artillery, mortars, rockets or missiles. They release and scatter explosive submunitions over a wide area. Depending on the model, the number of submunitions can vary from several dozen to more than 600, and the target area over which they are released can exceed 30,000 square metres. Most submunitions fall unguided and are meant to explode on impact when they hit the ground but often fail to do so. Many militaries

used to consider these weapons effective against multiple targets spread over a large area (e.g. tanks, armoured vehicles, military personnel, etc.). But in the conflicts in which they were used, and particularly when they were used in populated or urban settings, cluster munitions caused large numbers of civilian casualties during the hostilities and long after the fighting ended. There are millions of these devices in the military arsenals of some States.



CLUSTER-MUNITION CASUALTIES HAVE BEEN CONFIRMED IN:*

Afghanistan, Albania, Angola, Bosnia-Herzegovina, Cambodia, Chad, Colombia, Croatia, Democratic Republic of the Congo, Eritrea, Ethiopia, Georgia/South Ossetia, Guinea-Bissau, Iraq, Israel, Kosovo**, Kuwait, Laos, Lebanon, Libya, Montenegro, Morocco (Western Sahara), Mozambique, Russia (Chechnya), Serbia, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Tajikistan, Uganda, Ukraine, Viet Nam, Yemen.

** Source: Cluster Munition Coalition, Cluster Munition Monitor 2016, September 2016.*

*** Kosovo unilaterally declared its independence from Serbia on 17 February 2008. Its status remains disputed.*

FROM LAOS TO YEMEN

Laos has been struggling to deal with cluster munitions for decades. An estimated 270 million explosive submunitions were dropped on the country in the 1960s and 1970s. Tens of millions failed to explode as intended and so continue to threaten the lives and limbs of people today. The National Regulatory Authority, the main governmental body overseeing the clearance of explosive remnants of war in Laos, has estimated that 14 of the country's 17 provinces and a quarter of all villages are contaminated by explosive remnants of



"This 17-year-old girl from southern Lebanon lost her leg when an unexploded submunition that her father had brought home detonated."

war, the largest category of which is unexploded submunitions. In 2014, some 67 square kilometres of contaminated land were cleared and nearly 60,000 unexploded submunitions destroyed.

Source: Landmine and Cluster Munition Monitor, Country reports: Laos – <http://www.the-monitor.org/en-gb/reports/2016/lao-pdr/mine-action.aspx>

In 2006, a 34-day conflict left southern Lebanon littered with unexploded submunitions. By the end of 2014, and despite ongoing clearance efforts, 799 areas – amounting to more than 17.85 square kilometres of land – had been identified as contaminated with these weapons. More than 700 people were killed or injured by cluster munitions during and following the conflict.

Source: Landmine and Cluster Munition Monitor, Country reports: Lebanon – <http://www.the-monitor.org/en-gb/reports/2016/lebanon.aspx>

In recent years, there have been reports of cluster munitions being used in Libya, South Sudan, Sudan, Syria, Ukraine and Yemen.* Although the full extent and consequences of their use in these countries are not yet known, the reports indicate that, in some of these contexts, significant amounts of unexploded submunitions have been dispersed and high numbers of civilian casualties incurred.

* Source: Cluster Munition Coalition, Cluster Munition Monitor 2016, September 2016.



Anadolu Agency/Getty Images

Cluster-bomb remnants, including explosive submunitions, lying on the ground.

A TRAGIC LEGACY

The severe effects of cluster munitions have been witnessed time and time again. From the first recorded dropping of these weapons on the English port of Grimsby (1943) to their use in more recent conflicts, cluster munitions have taken a heavy toll on 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 30,000 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, owing to the failure of the primary fuse. As a result, large areas are contaminated with deadly explosive ordnance. Many thousands of civilians have been killed or injured in encounters with these devices. Their presence makes farming and other essential activities highly 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, disfigurement and disability are frequently the result. Land in 25 countries is currently contaminated by cluster munitions.



A Colombian army bomb-disposal expert opens the container of a CB-250-K cluster bomb to remove the explosive submunitions in order to dispose of them safely.

DEFICIENT TECHNOLOGY

A large proportion of the cluster munitions currently in military stockpiles were designed for use in the context of the Cold War. Consequently, many are old and unreliable. In some newer models, producers have integrated self-destruct features to ensure that the submunitions 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 rates in battle remain much higher, resulting in significant levels of contamination. A disturbing proportion of the submunitions found on the ground in Lebanon after the 2006 war, and more recently in Yemen, had been designed to self-destruct.* But, like the primary fuse, the self-destruct mechanism on these submunitions failed to function under combat conditions.

* Source: Cluster Munition Coalition, *Cluster Munition Monitor* 2016, September 2016.

THE CONVENTION ON CLUSTER MUNITIONS

The adoption of the Convention on Cluster Munitions is a recognition of cluster munitions' terrible and unacceptable consequences for civilian populations. It is a landmark in the efforts to address the suffering that these weapons cause. The Convention bans the use, development, production, stockpiling and transfer of cluster munitions. It also sets deadlines for States Parties, following ratification or accession, to destroy their stockpiles of these weapons (eight years) and to clear their territory of unexploded submunitions (ten years).

In addition to the prohibitions it lays down and its provisions on stockpile destruction and clearance deadlines, the Convention includes important commitments to victim assistance. States Parties with cluster-munition victims on their territory are required to provide them with medical care, rehabilitation and



A teenager, who was badly injured at the age of 12 by a cluster bomblet, is treated at a limb-fitting and rehabilitation centre.

F. Pagetti/CRC

psychological support, and to ensure their social and economic inclusion on a non-discriminatory basis. States Parties must develop and implement the necessary plans and policies to provide such assistance, and take steps to mobilize the necessary resources. These provisions, and the understanding that “victims” include individuals, their families and their communities, constitute the most far-reaching obligations in terms of victim assistance ever included in a treaty of international humanitarian law.

The Convention’s robust obligations in the fields of cluster-munition clearance and victim assistance make its provisions on international cooperation especially important: international aid and other resources will clearly be necessary if the Convention’s goals are to be achieved. The Convention requires States Parties in a position to do so to provide technical, material and financial assistance for cluster-munition clearance, stockpile destruction and victim

assistance. Such assistance may be provided through the United Nations system, components of the International Red Cross and Red Crescent Movement, international, regional or national organizations, non-governmental organizations, or on a bilateral basis.

With the Convention on Cluster Munitions the international community is well on the way to ending the death, injury and suffering caused by cluster munitions. As of August 2016, more than 100 countries – including many with significant stockpiles of cluster munitions – have formally ratified or acceded to this treaty, and substantial progress is being made in key areas. Since this treaty entered into force in 2010, 1.4 million cluster munitions, containing more than 172 million submunitions, have been destroyed and thus forever prevented from destroying civilian lives and limbs. This number will only increase as more States Parties fulfil their stockpile-destruction obligations. In addition, by the end of 2015, more than 325 sq km of land



A Halo Trust clearance operation in Angola.

had been cleared of cluster-munition remnants and more than 415,000 unexploded submunitions destroyed in the process. States Parties with cluster-munition victims on their territory are also implementing the Convention's victim-assistance requirements. Today, many States and organizations publicly condemn the ongoing use of cluster munitions, thus contributing to the further stigmatization of this weapon.

Yet challenges remain, particularly in ensuring that all States sign the Convention and end the use of cluster munitions once and for all. It is also essential to ensure that those who live in remote areas can access assistance services and that there are continuing aid and resources to help States contaminated by these weapons fulfil their obligations. At the Convention's First Review Conference, held in Dubrovnik, Croatia in September 2015, States Parties adopted the Dubrovnik Action Plan, which establishes a framework for meeting these challenges and advancing the Convention's goals more broadly.

The International Committee of the Red Cross (ICRC) views the Convention on Cluster Munitions as a crucial treaty of international humanitarian law to which all States must adhere. The ICRC calls on those States that have not yet ratified or acceded to the Convention to do so as quickly as possible. With this Convention the international community has recognized that cluster munitions are unacceptable weapons.



M. Koric/ICRC

An operation near an Afghan village to clear the land of landmines, cluster munitions and other explosive remnants of war.

STOPPING WEAPONS THAT KEEP ON KILLING

The Convention on Cluster Munitions is one step towards a comprehensive solution to the problems caused by weapons that “keep on killing” when an armed conflict ends. Civilians in far too many countries remain threatened by anti-personnel landmines and a range of unexploded and abandoned ordnance, including cluster munitions. Much is being done 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 working in affected countries to clear contaminated areas, provide risk education, assist victims and promote international humanitarian law, in particular adherence to the 2008 Convention on

Cluster Munitions, the 2003 Protocol on Explosive Remnants of War and the 1997 Anti-Personnel Mine Ban Convention. Concrete progress is being made. Yet political commitment and resources must be sustained if the burden of explosive remnants of war and the lethal legacy of cluster-munition and landmine use are to be addressed effectively.

“We have reason to be pleased with the achievements that have occurred since the Convention on Cluster Munitions came into force. Yet much remains to be done if we are to reach our common goal. That goal is, in the words of the Convention, to put an end for all time to the suffering and casualties caused by cluster munitions.”

Christine Beerli

Vice-President, International Committee of the Red Cross

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 armed conflict and other situations of violence and to provide them with assistance. The ICRC 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 Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



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