



PARLIAMENTARY FORUM
ON SMALL ARMS AND LIGHT WEAPONS

Policy Statement on Cluster Munitions

Board of the Parliamentary Forum on Small Arms and Light Weapons,
meeting in Kenya, May 3-4, 2007

Cluster munitions are weapons that include cargo containers and sub-munitions. They are designed to open in mid-air and scatter widely in smaller sub-munitions, which usually number in the dozens or hundreds. They are either dropped from aircraft or launched by land-based artillery. The containers open over a target area which can cover one square kilometre, and disperse large numbers of the sub-munitions that are designed to explode when they make contact.

Countries have not yet reached an agreement on a clear definition of what constitutes cluster munitions, making it difficult to regulate the use or even implement a ban on this type of weapon. The definition used in the UN1 discussion sees cluster munitions as “containers designed to disperse or release multiple sub-munitions”.

Cluster weapons are used in warfare as they are considered to be useful when it comes to targeting larger areas. The production of sub-munitions is also fairly cost-effective. They are said to be vital for force protection and force multiplication. It is also claimed that there are no viable alternatives to cluster munitions. Technical solutions such as self-destruction devices are often presented as a solution to the problem.

The growing international critique against cluster munitions is related to the great risks involved for civilians. 98 % of all victims of cluster munitions are civilians according to Handicap International’s report ‘Fatal Footprint’. Research shows that most of the victims are children and young men. The report compiled evidence for at least 11,044 documented cluster munition casualties but this is nowhere near the actual figure, which the researchers estimate to be up to 100,000 casualties. Most modern conflicts occur near urban settings, and so called ‘area weapons’ threaten wide vicinities with explosions that are likely to have particular damage on civilians.

A particular concern problem is that the sub-munitions have a significant failure rate and do not explode as expected. Figures of this vary, but 10% - 15% is the most common estimate. In some cases it can be up to 80%, according to the Fatal Footprint report. As a result they remain hazardous and may explode when contact is made with them. Bombs produced in interesting

¹ Group of Governmental Experts of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to be Excessively Injurious or to have Indiscriminate Effects.

colours and shapes make them especially attractive to children who pick them up to play with. In fact, in the worst affected countries, the majority of victims are children.

The threat to civilians from cluster munitions is thus two-fold; an immediate threat combined with a post-conflict threat. The bombs are more dangerous than landmines since they are more likely to cause death than injury. They are also more difficult to clear and destroy.

Many countries claim that technical solutions such as self-destruct devices are the key to the cluster munition problem. They claim not an outright ban but rather more reliable weapons. Claims of reliability have however consistently failed when tested. From the manufacturers' point of view it is normally not profitable to develop safer weapons. And if high technology cluster munitions are made available there is a high likelihood that their use will increase, which may in turn lead to an increase in both immediate and post-conflict damage.

Apart from the physical damage, injury and death caused by cluster munitions, there are severe consequences for the social, environmental and economic development in the areas affected. After an attack, farmlands can no longer be cultivated. Schools, hospitals or houses cannot be rebuilt until an area has been cleared.

The majority of countries affected by cluster munitions are in Africa, the Middle East, South East Asia and the Balkans, whereof the worst affected are: Vietnam, Cambodia, Iraq, Laos, Kosovo and Afghanistan. Equally telling, is that 33 countries produce cluster munitions while the following countries have used them: Eritrea, Ethiopia, France, Israel, Netherlands, Nigeria, Russia, Serbia and Montenegro, Sudan, United Kingdom, United States. The countries that both produce and have used cluster munitions are: France, Netherlands, Russia, United Kingdom and the United States.

The following countries are the first to ban cluster munitions: Belgium, Norway and Austria.

The European Parliament demands a moratorium on cluster munitions. A resolution on cluster munitions and explosive remnants of war (ERW) has been adopted which calls for an immediate moratorium on the use, stockpiling, production, transfer or export of cluster munitions until an international agreement has been negotiated on the regulation, restriction or banning of these weapons.

Unlike for landmines and firebombs, there is no treaty or specific rules that cover cluster munitions. Many countries also believe that the rules we have today are sufficient. However, there is a growing concern raised by international civil society on this issue and calling for specific rules on cluster munitions. The impact that these weapons have on civilians is immense and international humanitarian law is not sufficient to handle the problem without more specific rules.

The International Committee of the Red Cross started in 2000 a process with the aim to better regulate cluster munitions. The negotiations were held in Geneva within the frame of the 1980 Weapons Convention, but last summer, the resistance coming from primarily USA, Russia and China led to the discussions being discontinued. In November of 2003 a number of NGOs started to doubt that negotiations based around the 1980 Weapons Convention would have any effect on measures against cluster munitions. They then decided to form a coalition that would work

towards a total ban. CMC (Cluster Munitions Coalition) has over 150 members including national and international NGOs.

An international congress on cluster munitions organised by the Norwegian government was held in Oslo on the 22nd-23rd February 2007. The conference produced a final document which called for an international ban on cluster munitions, to be implemented by 2008. The ambition is that at least 150 countries will sign the treaty. Some countries who participated in the meeting opposed a total ban on all cluster munitions, claiming that newer, high-technology weapons should still be allowed since they have self-destruct mechanisms and therefore are considered safer. Sweden suggested a restriction regime, with prohibitions on the use in populated areas and on certain types of cluster munitions. USA, Russia and China did not participate in the Oslo congress. The outcome was thus that 46 out of 49 states attending the conference agreed a declaration committing them to a treaty which would “prohibit cluster munitions that cause unacceptable harm.”

However, the goal should be prohibition rather than restriction and a refusal to accept high technology weapons with self-destruct mechanisms. High technology cluster munitions still have a significant failure rate and the risk of increased usage is high. A prohibition is also a more just approach when it comes to including the poorer nations of the world who cannot afford to develop high-technology cluster munitions. In this way it is more likely a global agreement will be reached.

Objectives

The Board of the Parliamentary Forum of Small Arms and Light Weapons, meeting in Kenya, on May 3-4 2007;

Conveys its solidarity with all civilian victims of cluster munitions;

Expresses its deep concern to the fact that cluster munitions are causing great suffering amongst civilians living near armed conflict areas: thousands are being killed or injured and the risk of further civilian casualties remains for a long time after the conflict has ceased, whilst cluster munitions also poses an immediate threat to the social, environmental and economic development in the areas where they are used;

Takes note of the fact that there is yet no international convention regulating cluster munitions, notwithstanding that many countries still produce, market and use this type of weapon in warfare;

Manifests that, in view of their indiscriminate and longstanding effects, when an international instrument is now considered for cluster munitions, the Forum favours a treaty which prohibits all forms of cluster munitions, rather than just restricting the use and type of weapon, whilst clarifying that a prohibition would thus comprise the use, stockpiling, production and trade of both land and air-based cluster munitions;

Welcomes, therefore, the decisions made by Austria, Belgium and Norway turning them the first countries to ban cluster munitions;

Urges, in that spirit, producing countries to adopt an immediate moratorium on the use, trade and production of cluster munitions, whilst clarifying that a moratorium should include both land and air-based artillery and so called high-technology weapons with self-destruct devices;

Takes note of the efforts made by several countries, following inter alia the Oslo Declaration, to restrict the trade and use of cluster munitions, but recalls the Forum's belief that such efforts should be understood as first steps towards a ban;

Recommends, for the purposes of advancing on a global regulation, the international community to urgently agree on a definition on cluster munitions as "containers designed to disperse or release multiple sub-munitions";

Encourages the Cluster Munition Coalition as a key interlocutor, expression of civil society positions and source of technical expertise;

Urges the members of the Forum and other parliamentarians to work in their respective context towards national or regional prohibitions of cluster munitions and, through that, promote an international norm on cluster weapons with a view to an international ban; and,

Mandates the Secretariat of the Forum to include principally awareness-raising measures on cluster munitions in the program work of the Forum.

For the Board

Daisy Tourné, President, Uruguay
Joseph Nkaisserry, Vice-President, Kenya
Manuel de Araujo, Member, Mozambique
Karin Enström, Member, Sweden
Ana Yancy Espinoza, Member, Costa Rica
Celestino Suárez, Member, Spain

Update of the Cluster Munitions Process

The Cluster Munitions Process (also known as the Oslo process) was launched in February 2007 when a group of 46 states agreed on the Oslo Declaration. This committed them to "conclude by 2008 a legally binding international instrument that prohibits the use and stockpiling of cluster munitions that cause unacceptable harm to civilians and secures adequate provision of care and rehabilitation to survivors and clearance of contaminated areas".

Before the final negotiations in Dublin there were conferences in Oslo (February 2007), Lima (May 2007), Belgrade (October 2007), Vienna (December 2007), Wellington (February 2008), Livingstone, Zambia (March-April 2008), Dublin (May 2008), Sofia Regional Conference (September 2008), Kampala African Conference (September 2008), the Safe Path – South East Asia Regional Conference (October 2008), Sarajevo, Bosnia Herzegovina (October 2008), Ecuador Regional Conference (November 2008) and Beirut Regional Conference (November 2008). Despite international debates on the nature of the cluster-munitions ban, each conference has brought the Oslo Process closer to reaching its goal.

A Diplomatic Conference was held in Dublin in May 2008, attended by over 100 States, which adopted the Convention on Cluster Munitions.

The aim of the Convention is an immediate and unconditional ban on all cluster munitions which cause unacceptable harm to civilians. Each State Party undertakes never, under any circumstances, to use, develop, produce, acquire, stockpile, retain or transfer cluster munitions, or to assist another party in doing so.

The Convention does not allow for any exceptions and a further significant achievement is that there is no provision for a transition period during which the outlawed weapons can still be used. The Convention sets new standards for assistance to victims and for clearing affected areas.

The signing conference took place in Oslo, Norway on the 3rd of December 2008 where 93 states signed the Convention on Cluster Munitions (CCM). The Convention prohibits the use, production, stockpiling and transfer of cluster munitions. Once 30 countries ratify the convention, it will enter into force for the signatories.

Please visit the website of the Cluster Munition Coalition to get the latest updates on signatories and ratifications: <http://www.stopclustermunitions.org/>

The Parliamentary Forum congratulates all involved in the process for their work, and reaffirms its commitment to support the Convention on Cluster Munitions that will lead to effective assistance for victims, the clearing of affected areas and regulate the use and stockpiling of cluster munitions.