

Time to Step Up on Banning Cluster Munitions

It should come as no surprise that participants in the Convention on Certain Conventional Weapons (CCW) failed to agree on a draft protocol on cluster munitions during a recent meeting in Geneva (“Cluster Bomb Protocol’s Status Uncertain,” October 2011).

Since 2001, the parties to the CCW have been negotiating limits on the use of these deadly weapons, but they have consistently failed to come to any meaningful agreement. This failure is due in no small part to a lack of leadership from the United States, which continues to regard cluster munitions as “legitimate weapons with clear military utility in combat,” in the words of the June 2008 policy memorandum issued by Secretary of Defense Robert Gates.

The U.S. position has given cover to other producers of cluster munitions, such as China and Russia, to block tougher international standards.

Cluster munitions—large bombs, rockets, or artillery shells that contain many smaller submunitions, or “bomblets”—are often used to attack enemy troop formations and armor covering a wide radius. Unfortunately, civilians are often the victims of their use.

Cluster bombs threaten civilians because they leave hundreds of unexploded bomblets, which often experience high failure rates, spread over wide areas. They are also notoriously inaccurate.

The human toll has been devastating:

- In Laos, approximately 11,000 people, 30 percent of them children, have been killed or injured by U.S. cluster munitions since the Vietnam War ended.
- In Afghanistan, between October 2001 and November 2002, 127 civilians lost their lives due to cluster munitions, 70 percent of them under the age of 18.

- An estimated 1,220 Kuwaitis and 400 Iraqi civilians have been killed by cluster munitions since 1991.
- In the 2006 war in Lebanon, Israeli cluster munitions, many manufactured in the United States, injured and killed 343 civilians.

The devastating effect of these weapons on civilians has compelled the international community and Congress to take action beyond the scope of the CCW.

In 2007, Congress passed and President George W. Bush signed into law a provision prohibiting the sale and transfer of cluster bombs with a failure rate higher than 1 percent. The ban has been extended several times and remains in force.

In December 2008, 94 countries came together to sign the Oslo Convention on Cluster Munitions. Today, 111 nations have signed the treaty, and 66 have ratified it. The convention prohibits the production, use, and export of cluster bombs and requires signatories to eliminate their arsenals.

With an arsenal of more than 700 million bomblets, the United States did not participate in the Oslo process and refused to sign the treaty. It has preferred to work through the never-ending discussions at the CCW and take unilateral actions.

Gates’ 2008 memo stated that, after 2018, the use, sale, and transfer of cluster munitions with a failure rate higher than 1 percent would be prohibited. That policy moves us in the right direction, but it means the Pentagon still has authority to use cluster bombs with high failure rates for years to come.

Sen. Patrick Leahy (D-Vt.) and I have introduced the Cluster Munitions Civilian Protection Act, which would impose an immediate ban on the use of cluster bombs with failure rates higher than 1 percent and restrict their use in civilian areas. Rep. Jim McGovern (D-Mass.) has introduced the same legislation in the House.

It is time for the United States to join the international effort and take a leadership role in protecting innocent civilians and countless others from these deadly weapons.

Sen. Dianne Feinstein (D-Calif.) is chairman of the Senate Select Committee on Intelligence.



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