

Obama moves to legalize cluster munitions

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The Obama Administration is pushing to allow the use of a weapon prohibited by an international treaty because of its indiscriminate killing and maiming of civilians, particularly children. The US is seeking clearance for all cluster munitions made after 1980 even though the weapons are currently banned by 111 states that have agreed to the Convention on Cluster Munitions (CCM).

The anti-personnel weapon is designed to inflict mass casualties. Cluster bombs and artillery shells are filled with hundreds of even thousands of “bomblets,” which disperse at random, and on impact, explode into thousands of projectiles that rip through bodies and structures. Perhaps most maliciously, they have a very high failure rate, which leaves countless duds scattered across a landscape, liable to explode at the slightest touch.

The *2011 Cluster Munition Monitor* estimates the global total of cluster munition casualties in the last half-century is between 20,000 and 54,000. The vast majority of victims were affected after a conflict had ended. The munitions are sometimes brightly colored and can be mistaken for toys, leading to horrific deaths and injuries among children.

The broader treaty on arms control, the UN Convention on Certain Conventional Weapons (CCW), bans such weapons as mines and incendiary devices, but as of yet has not prohibited cluster munitions. Negotiations are underway in Geneva on this subject, after years of obstruction from the major users and producers of cluster munitions—Russia, China, and above all the United States.

The failure of the CCW treaty to address cluster munitions prompted the creation of the CCM as a separate treaty. It went into force in August, 2010,

obligating over 60 countries that have ratified the treaty to destroy their stockpiles and prevent usage or sale of the weapons.

The United States is by far the largest historical user and stockpiler of cluster weapons, followed by Israel. The US and Israel both refused to join the Convention on Cluster Munitions. The same is the case for other large producers and stockpilers, such as Russia, China, India, Pakistan and Brazil.

Although the US is not a member, the Obama Administration is now leading an effort to invalidate what modest effect the CCM treaty has had. It has proposed a treaty, as part of the CCW, which would allow the use of all cluster munitions made after 1980 for twelve years after the treaty comes into force. This covers practically all the stockpiles of cluster munitions, as weapons older than 1980 are past their service life anyway. Moreover, all recent usage of the weapons has been with models made after 1980.

The treaty would exempt cluster munitions with a failure rate of less than 1 percent, an easy target when manufacturers self-report failure rates. Israeli-made M85 rounds supposedly had such a rate, but when the weapons were used in 2006 in Lebanon, experts found the failure rate to be over 10 percent.

Finally, the treaty would place no restrictions on the use of weapons with one self-destruct mechanism, which, contrary to the claims of multi-billion dollar defense companies, still leave large numbers of unexploded submunitions on the ground.

Non-profit organizations that have pushed the CCM ban on cluster munitions have universally condemned the US proposal. Human Rights Watch states, “It is unprecedented in international humanitarian law to adopt an instrument with weaker standards after one with stronger standards has already been embraced by most of the world’s nations.”

Steve Goose, chair of the Cluster Munition Coalition, said, “this is clearly an attempt by the United States and other countries that have not banned cluster munitions to provide political and legal cover for any future use of the weapons.”

Four major powers that have banned the weapons—Germany, France, the UK, and Australia—have announced they support the US treaty. As current members of the CCM, Germany, with 67 million submunitions, and the UK, with 39 million submunitions, have destroyed half of their stockpiles.

In a climate of increased national tensions in Europe, with the potential for the breakup of the Eurozone, the adoption of the US treaty by European powers would amount to one further step towards re-armament.

As for the United States, the impact of its use of cluster munitions continues to have devastating effects.

On September 29th, 13-year old Koeun Vutha and his 22-year-old friend, Sdeung Makara, played with cluster bombs found in a field while tending cattle in the Dangkor district of Phnom Penh, Cambodia. Koeun was killed, while Sdeung was seriously injured in his chest and hands from the explosion of five bombs.

Sixteen more bombs were found in the field by police, dating back to the extensive US bombing of southeast Asia during the Vietnam War. Over a ten-year period US planes dropped cluster bombs an average of every 8 minutes, making the area the most heavily bombed in the world.

An estimated 80 million unexploded bomblets remain in Laos. Three children between the ages 9 and 11 died this May in the Savannakhet Province when they came across a bomb while foraging for bamboo.

In addition to children, farmers are also at enormous risk. Millions of bomblets sunk into the perennially moist soil of the largely agricultural region in Laos. iWatch News tells the story of Ladoune, who knew as a child to avoid the bombs, and successfully moved safely around one near his village when young. Last fall, as he stoked a backyard fire, a bomblet—hidden just feet from his family’s home—exploded in his face, costing him an eye and a finger.

“Ladoune is in his early 20s. His vision is mostly destroyed and his future is uncertain. He wonders how he will care for his wife and two young children. There were assurances of help from the government and aid agencies but none materialized, he said. He’s still

waiting for a promised glass eye. ‘Who do I blame? What’s the use?’ he asked.”

Ladoune is one of 300 Laotians injured or killed each year from US bombs. In Vietnam and Cambodia, the picture is similar.

The US also dropped cluster weapons on a large scale in Iraq in 1991, in Yugoslavia in 1999, Afghanistan in 2001-2002, and Iraq again in 2003-2006. Untold thousands were killed and injured in these strikes, and civilians continue to face dangers on a daily basis in targeted regions.

The Iraq War was the last known usage of cluster weapons by the United States prior to the development and passage of Convention on Cluster Munitions. Though the US did not join, the treaty organizers claimed the adoption by other nations would pressure the United States and other major users to follow suit.

Instead, on December 17, 2009, the Obama administration carried out one of the most lethal uses of cluster munitions possible—a cruise missile attack in Yemen that killed 44 innocent civilians, including 14 women, 21 children, and 14 people alleged to be “militants.” This was perhaps the first use of a cruise missile as a delivery system, rather than a bomb or artillery shell, expanding the weapon into the realm of targeted assassination.

The so-called treaty on cluster munitions pushed by the US in Geneva provides a legal foundation for the use of such weapons. As such, it seems that the 2009 attack in Yemen is only a prelude of what is to come.



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