

Cluster munitions treaty is 'best available compromise'

For many of the 109 nations that formally adopted it in Dublin on 30 May, the official view of the Convention on Cluster Munitions was summed up by the lead delegate for Austria, Alexander Marschik. It is, he said, like the attitude of parents towards their child: although it may not be perfect, it is something that "we are proud of".

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John Duncan, delegate for the UK, said: "This represents the best available compromise and it's important we seize this historical opportunity."

It is anticipated that the treaty will be signed by all participating nations on 2 and 3 December in Oslo and come into force six months after the 30th nation ratifies it. Implementation of the treaty, however, will come into effect immediately.

Despite public expressions of grudging acceptance, most countries were content with the outcome. They had, after all, joined the Oslo Process to ban weapons they considered caused "unacceptable harm" and the treaty ensures this.

The origins of the process go back many years, with the International Committee of the Red Cross (ICRC) and others trying to highlight the humanitarian impact of cluster munitions. However, the Oslo Process began formally in February 2007 when a group of nations concerned by the civilian cost of Israel dropping its M85 cluster munitions on Lebanon in 2006 met in Norway with the aim of eradicating this type of weapon.

Of the estimated four million submunitions dropped in Lebanon, up to 40 per cent failed to detonate. Even the modern and well-designed Israeli M85, which incorporates a self-destruct feature, remained unexploded in large numbers despite an advertised failure rate of less than 1 per cent. Between the end of the war and March 2008 the UN says 179 civilians were injured and 20 killed by submunitions left behind.

The problem was that, until mid-May, there was no agreed definition of a cluster munition. The treaty text as it now stands bans all cluster munitions except those containing fewer than 10 submunitions, each of which must weigh more than 4 kg. Each of these submunitions must also be able to detect and engage a single target object, be equipped with an electronic self-destruction mechanism and have an electronic self-deactivation feature for the weapon to be exempt.

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