Cluster Munitions Treaty to Take Effect Sunday

The Convention on Cluster Munitions goes into force Sunday, August 1, with 107 signatories agreeing to ban the use of cluster munitions.

(17.08.2010)

The convention that goes into force Sunday bans the use, production, stockpiling, and transfer of cluster munitions. It also requires countries to clean up contaminated land and assist victims, and it gives a deadline for the destruction of stockpiles.

Thomas Nash is the coordinator of the Cluster Munitions Coalition, an umbrella body that has campaigned for the ban since 2003. He compares the Convention on Cluster Munitions to the 1997 treaty that banned landmines, saying the cluster bomb treaty is a comprehensive convention.

"...to provide a forum for providing for clearance and for victim assistance and for stockpile destruction and to make sure that donors are interacting with affected states in a positive way so that resources can flow to those areas," he said.

Cluster bombs are damaging because they contain hundreds of smaller explosives, or submunitions, that detonate across a wide area. The submunitions that fail to explode on impact can then act as landmines, posing a threat to civilian populations long after a conflict is over.

The Convention on Cluster Munitions was adopted in Dublin in May 2008 and opened for signature in Oslo at the end of that year. Norway was the first to sign, and Lebanon and Laos-two countries that have experienced the lingering effects of cluster munitions - quickly followed.

U.S. President Barack Obama has signed a law banning the export of cluster munitions that do not meet a certain standard. But the United States has not signed the cluster bomb ban. China, Israel, India and Pakistan are among other countries that have not agreed to the treaty. Neither Georgia nor Russia has signed the treaty. Human Rights Watch says both of those countries used cluster munitions during the 2008 conflict over the breakaway region of South Ossetia.

Yet, Nash says there has been a change in the international community's attitude toward cluster bombs, and that even has an affect on nations that have not signed the agreement.

"What we hope and expect is that the strong international stigma against cluster munitions will begin to curtail the actions of these countries," he said. "Even though they have formally not signed, they will feel a kind of pressure to not use or produce or transfer these weapons anymore, and that's exactly what we've seen in the 10 years of the mine-ban treaty where there are far fewer producers now. Virtually nobody uses landmines anymore, and we've seen the weapon pretty much eradicated from a weapon of war."

Nash says 37 countries have ratified the cluster munitions treaty, and many countries have already started taking action. His organization, the Cluster Munitions Coalition, says Moldova and Norway recently destroyed the last of their cluster munition stockpiles, and Spain demolished its stockpile last year. Also in 2009, Albania became the first signatory to finish clearing contaminated land. The coalition adds that nearly a dozen nations, including Britain, have started to destroy the weapons.

However, the U.S. State Department's Office of Weapons Removal and Abatement said in 2008 that cluster bombs are a necessary tool in a nation's military arsenal, but they could be made safer for civilians.

That same year, the U.S. Department of Defense implemented its current cluster munitions policy. The crux is that after 2018, the military will only use cluster munitions containing submunitions that do not result in more than one-percent unexploded ordnance. That reduces the number of bomblets that can act as de facto landmines.

The U.S. military says it used cluster munitions during the war in Iraq.

After years of pressing for the drafting and passage of this convention, cluster bomb campaigner Nash says celebrations are planned for the August 1 entry into force, with the theme "beat the drum to ban cluster bombs." He says drumming events are set at monuments in many cities.

And he says campaigners are looking forward to the first meeting of parties to the convention, which is set for November in Laos.

It is not clear if the United States will send observers to that conference, despite the fact it is not a party to the convention.

The Convention on Cluster Munitions is not the only high-profile international treaty that the U.S. has not signed.

Steven Groves is a fellow at the Heritage Foundation, a conservative public policy research institute in Washington. He explains that the U.S. also is not a party to the landmines treaty, and it still stockpiles landmines that would violate the convention.

"For treaties like the cluster munitions treaty or the landmines treaty or some other treaties that the U.S. is not a party to, generally that's because we haven't reached a consensus that U.S. interests are served," said Groves.

The U.S. has also refused to sign treaties such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. Groves points out that although the United States has not signed certain treaties, it does not mean the United States is out of compliance with them.

"No one is going to say that because the United States is not party to the Convention on the Rights of the Child that there are American children who don't have any protection in this country. We have robust child-protection laws on the books of all 50 states," he added.

Groves says there are different ideas about the nature of international rights treaties. He says such treaties exist for governments to pledge action within their own countries, not to promote human rights around the world.

"That's something that the international human rights community has imposed upon the treaty system. That's not how an international human rights treaty works. International human rights treaties are designed to make an international promise about how your government will treat your own people," he said.

Groves says another concern, but not necessarily a central one, is whether the sovereignty a nation surrenders by being a party to an international treaty outweighs the nation's potential gains.


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