

# campaign

## Cluster munitions: The time for action is now

The Convention on Certain Conventional Weapons (CCW) has consistently failed to reach agreement on a discussion mandate on cluster munitions, let alone the negotiating mandate the issue requires. With membership of the Cluster Munition Coalition (CMC) growing steadily, increasing media and public awareness, and the issue on the policy agendas of several governments, time is running out for the CCW.

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Photo: Alison Locke/Landmine Action

# A certain obligation

**Dr Astrid Honeyman**  
The Diana, Princess of Wales  
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**In March 2006, The Diana, Princess of Wales Memorial Fund hosted a two day, private meeting of states and NGOs on the issue of cluster munitions in London. The Fund's Chief Executive, Dr Astrid Honeyman opened the discussions.**

The Diana, Princess of Wales Memorial Fund is very proud to be a member of the cluster munition coalition. We view our membership as an important step in developing the legacy of the Princess. Just as she showed great courage in her support for the most marginalised and the most vulnerable, so the Fund commits itself to the protection of vulnerable people throughout the world. Who could be more vulnerable than families in time of conflict? Who could be more marginalised than families living with the legacy of conflict?

The decision to use armed force carries with it a grave responsibility. The right of armies to choose their means and method of warfare is not unlimited. It is therefore up to Governments acting responsibly to put limits on the weapons that are used – our choice of weapons should reflect our values and the goal of our actions. If they kill those we wish to protect then these weapons do us no service. Writing from Moscow in 1946 the American diplomat George Kennan said “we must have the courage and self-confidence to cling to our own methods and conceptions of human society.”

Here in the UK the British Government reserves the right to use cluster munitions, despite having acknowledged that they have unacceptably high failure rates and despite increasing disquiet in Parliament

and amongst senior military figures.

The disquiet is well founded. On 23 March 2003, a cluster strike hit the engineers' district of Basra while a 13 year old boy, Abbas Kadhim, was throwing out the garbage. He suffered acute injuries to his bowel and liver, and a fragment lodged near his heart. A 26-year-old carpenter who was sleeping in the front room of a nearby house died several hours later on the operating table. Ten relatives who were sleeping elsewhere in the house suffered shrapnel injuries. Across the street, the cluster strike injured three children. Ahmad Hoshon, 12, and his sister Fatima, 4, both suffered serious abdominal injuries; their cousin Muhammad, 13, sustained injuries to his feet.

A week later on March 31 2003 a cluster munition strike documented by our partner Human Rights Watch in the neighbourhood of Nadir in the City of al-Hilla in Iraq killed 38 civilians and injured 156. What do these deaths say about us? Cluster munitions were designed for use against Soviet forces advancing across the central European plain as part of a final attempt to defend democracy. Using the same weapons to level city blocks and kill sleeping people whilst trying at the same time to nourish democracy is folly, how do we expect to win hearts and minds when we indiscriminately kill those we claim to save?

The British Prime Minister Tony Blair has said that “the best defence of our security lies in the spread of our values”, he is undoubtedly right but how can we claim that we have spread our values to the parents of the 11 girls and 19 boys who died in the al Hilla attack? Is this a fair representation of the society that we live in?

In 2000 our partner Landmine Action documented a cluster munitions strike on a refugee camp in Eritrea. The hundreds of sub munitions that rained down on the camp and littered the ground and killed and injured vulnerable people were manufactured here in the

United Kingdom. Is it right that a small boy in a distant refugee camp should die as a result of a British manufactured weapon system that was sold with no regard for its future use? These weapons were not used as intended and did not act as intended. Is it not right to act now to prevent the further proliferation of these weapons?

The Diana, Princess of Wales Memorial Fund supports the development of national and international law on cluster munitions; we do so because we believe that cluster munitions disproportionately threaten the lives of ordinary people during and after conflict, and because we agree with the Finnish academic Martti Koskenniemi who described law as a “gentler civiliser of nations”.

It is also important that we remember that international codification does not require the consensus of all. In 1868 at a meeting in St Petersburg the representatives of just sixteen states came together to declare that “the progress of civilisation should have the effect of alleviating as much as possible the calamities of war”. They specifically renounced small explosive projectiles in time of war. Having made their declaration they then invited other states to join them.

The Geneva Conventions that followed were not negotiated on the basis of consensus. The lesson to learn from this is that the actions of a few, working in close cooperation can influence the actions of many. It is my belief that it is time for a conversation on cluster munitions. Law is a social conversation it reflects our values and our belief systems. The time has come for a bold conversation.

“The evil that men do lives after them”. In 1997 Diana used these words, drawn from Shakespeare, to describe the suffering caused by landmines. She then went on to say, “And so, it seems to me, there rests a certain obligation upon the rest of us...”

# Finding new uses for old weapons is not the answer

*“As they descended, the outer casings were released allowing a number of small anti-personnel bombs to be scattered over a large area. [...] Some exploded on impact with the ground, some landed in the trees and were suspended by their “wings” on the branches of trees, others caught on guttering, telephone wires, chimney stacks. It was dangerous to touch them.*

*The police and the army were put in charge of trying to make them safe. The public was asked to report any sighting but under no circumstance attempt to move them. [...] There was complete terror among the population of the town for many months as these bombs turned up in the most unexpected places.”*

**My Life in the Royal Navy during the Second World War**, by Jack Dixon

**Simon Conway**  
Landmine Action

This eyewitness account is of the first recorded use of cluster munitions by the Luftwaffe in the British town of Grimsby in June 1943 but it could just as easily have originated in the al-Kubra or al-Tannuma neighbourhoods of Basra which were struck by British artillery delivered cluster munitions on 23 March 2003.

We are now seeing an emerging use of cluster munitions, most recently by US and UK forces in Iraq, against targets in residential districts that raise the question whether it is possible to discriminate between military and civilian targets. In addition, the foreseeable high dud rate, the small size of the submunitions, their tendency to burrow into soft soil and sand, the extreme sensitivity of their fuzes, their attractiveness to children and their powerful destructive effects despite their size, all put the dud submunition in another category as compared to most other unexploded ordnance and means that they function as de facto landmines.

The basis of international humanitarian law is a commitment that the conduct of military operations should be tempered by some obligation to wider social values. The use of cluster munitions raises serious questions about whether military actions are being conducted in a way that reflects the values of our society.

We are not the only ones showing disquiet. Reed Exhibitions which organises the Defence Systems & Equipment International (DSEI) trade fair which styles itself as “the world’s most prestigious

defence exhibition” has chosen to ban cluster munitions, stating:

“[We] have taken the decision to ban from display, publication, offer or marketing in any form, all weapons and references to them, that can loosely be described as Cluster Bombs. Although no international treaty bans this family of weapon systems, their use is increasingly coming under scrutiny as the Laws of Armed Conflict continue to be interpreted by Courts with reference to Proportionality and Humanity.”

Landmine Action believes that there is increasing disquiet within the UK MOD itself over the use of these weapons.

In its Defence Vision on its web site the UK MOD describes itself as a “Force for Good in the World”. Most of us have some notion of what good is, but what about force?

Force is the basis of any military activity but it is employed to serve a political purpose. Force has two components – the physical means of destruction – bullet, hand grenade, cluster bomb – and the body that applies it. The immediate effects of force are to kill people and destroy things. Whether or not this death and destruction achieves the political purpose depends on the choice of targets and the physical means used. To quote General Sir Rupert Smith in his book *The Utility of Force*: “If the military success is achieved by bombing civilian targets and causing the loss of many civilian lives, which results in a strong national and international public reaction, the chances are it will not be easily converted in political capital.”

In 1975, Harry G Summers, an army colonel who later wrote a history of the Vietnam War, told a North Vietnamese colonel, ‘You never defeated us on the battlefield,’ and the colonel replied, ‘That may be so, but it is also irrelevant.’

The fact is that our opponents have learned to drop below the threshold of the utility of our weapons. Their method is to force our military to react in an excessive manner against a guerilla force that is fighting amongst the people. The result is that we end up killing the very people that we are supposed to be delivering democracy to.

The cluster munitions in our arsenal were designed for use on the central European plain against massed Warsaw Pact formations. They were designed for a last ditch defence of democracy at any cost to achieve the aim. It didn’t matter that their wide area effect made it difficult to distinguish between civilian and military targets and it didn’t matter that they left huge numbers of unexploded duds that act like mines.

What we should now recognise is that war has changed. War is no longer a single massive industrial event that delivers a conclusive result. The wars that we fight now be it in Kosovo, Iraq or Afghanistan are wars to impose order. Our aim in fighting them is to achieve and maintain order in which political and economic measures can take hold. Once again to quote General Rupert Smith, “there is a good principle of English Common Law that when you are faced with violent disorder and it is your duty to quell it then you are to take the course of action with the least likelihood of causing loss of life and property.”

It is Landmine Action’s belief that finding new uses for old weapons is therefore not the answer. It is a belief that was expressed by UK House of Commons, Select Committee on Defence as far back as October 2000

“At the very least, their reputation as an indiscriminate weapon risks international condemnation, undermining popular support for an action. The UK needs a more discriminatory anti-armour system in order to move to an early end to reliance upon recourse to these weapons in inappropriate circumstances.”

The fact is that cluster munitions are a weapon of ill repute – if we hope to win hearts and minds in war, then we must immediately stop using them.

# Failure rates and the protection

**Richard Moyes**

Landmine Action

**The death and injury to civilians resulting from unexploded submunitions have been an important element of humanitarian concern over these weapons. In response to this concern, numerous Governments have proposed that reducing the “failure rate” of these submunitions might be a way of resolving these problems. However, this article raises serious questions about the viability of using failure rates as a basis for civilian protection.**

Our examples focus on information and assertions from the UK Government – one of the leading users of cluster munitions.

## The L20 cluster shell (M85 submunitions)

In a Working Paper to the Convention on Conventional Weapons (CCW) the UK stated that the submunitions of its artillery launched cluster munitions:

“... self destruct within 15 seconds if the impact fuze does not detonate the bomblet, thus leaving fewer than 1% unexploded”

However, this assertion is out of step with actual testing results. A letter from the UK MOD on 27 March 2006 noted:

“In Sep 05 the first in-service safety and performance test was carried out ... giving a bomblet failure rate of 2.3%”

In statements to parliament Government Ministers have asserted that the failure rate of these munitions is less than 2%. To support this assertion, MOD officials add together two sets of unlike trial data, gathered under different conditions, to produce an overall failure rate of 1.9%.

Thus the UK Government has submitted misleading information to the CCW and has been forced to rely on spurious statistical practices to justify claims made by Government Ministers to parliament.

## The Multiple Launch Rocket System (M26 rockets with M77 submunitions)

According to the UK MOD:

“The failure rate, derived from actual flight tests is between 5% and 10%.”

However, further questioning reveals that no detailed information is available

on tests that produced these stated failure rates, and that these failure rates are not subject to ongoing assessment. It is therefore not possible to determine what if any evidence underpins the assertion of 5-10%.

With 644 submunitions contained within each rocket, and the capacity of the system to deliver multiple rockets in a single attack, an attack with 12 rockets could be expected to leave some 386 – 773 unexploded submunitions within the target area.

## BL755

According to the UK MOD:

“On average, over [a] 15 year period, the most recent statistics indicate that the overall failure rate is 6.4%”

In a Working Paper to the CCW, the UK Government “accepts that its air-dropped cluster bombs [BL755] have a failure rate that is unacceptably high.” Despite these acknowledgements the UK is keeping these munitions available for use. Belgium, Germany, Netherlands and Switzerland by contrast have all withdrawn these weapons from service. There is an inconsistency here between stated concern about the “unacceptable” civilian risk from these weapons and their continued deployment.

Based on an analysis of UK bombing data for Kosovo, an average of 3.4 BL755 containers were used for each attack on a specific target area. With 144 submunitions in a container, this results in an average of 490 submunitions per attack. At the UK MOD stated failure rate of 6.4% this produces an expectation of some 31 unexploded munitions in the target area.

Whilst being considered “unacceptable” this predictable threat is significantly less than the 386 – 773 unexploded munitions that could be expected from an MLRS attack.

## Conclusions regarding these UK Government assertions

These points serve to illustrate some of the difficulties inherent in using failure rate percentages as a basis for making determinations about the acceptability of different systems.

Failure rates cannot be separated from the numbers of munitions projected into a

target area. An approach that focuses on failure rates without recognising this is misguided.

Also, it is difficult to determine what the reality of these failure rate statistics is – or what relation they might bear to real conflict circumstances:

- The UK MOD has declined to make public the details of how the BL755 failure rate of 6.4% was calculated and they state the information is no longer available as to what underpinned the MLRS failure rate range of 5-10%.
- Where trials are conducted there is no external scrutiny. Such trials can easily be manipulated to produce more favourable figures and past practice has done little to inspire confidence in State assertions on this issue.
- The UK MOD is happy to combine data from different trials under perhaps very different conditions in order to achieve “overall figures”
- Little if any data from actual combat use seems to have been incorporated into these analyses. Recent data from Kosovo (based on a forthcoming Landmine Action study of clearance records) suggests 20% may represent a more realistic failure rate for the BL755 in that environment. The variation between specific locations is dramatic however with some sites exhibiting failure rates up to 60%. Despite their assertions that “field data” is incorporated into the official estimation of the BL755 failure rate, the lack of available UK MOD information on clearance conducted by UK forces in Kosovo is a key impediment to a more definitive failure rate estimate in combat circumstances. According to the MOD the reason the data cannot be made available is because it has never been collated.

## Probability of some contamination: an alternative view of failure rates

The model illustrated here incorporates the number of munitions as a key factor in the assessment of different options. The curves show how the probability of creating at least one item of unexploded ordnance increases

# of civilians

with the number of munitions used for types with different failure rates (represented by the different curves.) A particularly interesting feature of this approach is that it serves to illustrate how even small differences between lower failure rates can make a substantial difference to the probability of a UXO threat being created.

Probability curves for different failure rate percentages show the likelihood of a specific rate and a specific number of munitions producing at least one item of unexploded ordnance. The curves here are related to failure rates cited by the UK Government: 1% being their stated target for all UK submunitions by 2015; 2.3% being the L20 failure rate in live tests; 6.4% being the stated failure rate for the BL755; 10% being the high end of the stated failure rate range for the MLRS.

UK Government Ministers have tried in the past to characterise the failure rate of the BL755 (and other cluster munitions) as meaning a “small percentage of the munitions may fail”. This model allows us to see very clearly however that it is almost a certainty that one or more unexploded munitions will be left as a result of a single BL755 container being dropped.

## Failure rates in other CCW Protocols

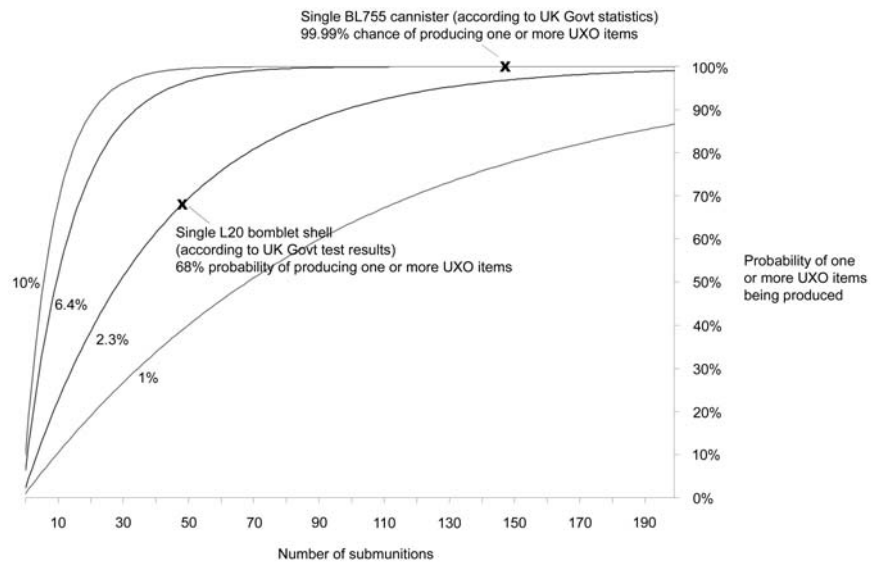
Failure rates for specific munition systems have been incorporated into CCW Amended Protocol II and have been considered in CCW Governmental and Military Expert discussions regarding anti-vehicle mines.

### CCW Amended Protocol II

Amended Protocol II, contains binding obligations regarding the failure rate of self-destruction and self-deactivation systems within anti-personnel mines. The failure rate of these self-destruction and self-deactivation systems conditions the likely residual threat of these munitions to the civilian population (in much the same way as failure rates for submunitions condition the likely threat).

The Technical Annex requires that:

“... no more than one in one thousand activated mines will function as a mine 120 days after emplacement.”



CCW Amended Protocol II does not explain how this specific formulation is considered to derive from the foreseeable risk to civilians and no provision is made to ensure that the number of munitions deployed is considered along with the percentage failure rate.

Although the failure rate requirements are legal obligations in Amended Protocol II, there are no mechanisms within the Protocol relating to how systems are to be evaluated to ensure their accordance with these legal obligations.

### Amended Protocol II as a precedent regarding residual risk

Although it does not make explicit how the specific technical requirements are derived from the obligation of humanitarian protection, Amended Protocol II does provide a yardstick for evaluating what an acceptable level of risk has been considered to be under the CCW framework. Although scaled over time, Amended Protocol II establishes an effective failure rate of 0.1% of items remaining a threat after their purpose has expired. This is significantly more demanding than the failure rates currently being proposed for cluster munitions.

Although the stated design purpose of the weapons may be different, the purpose of any self-destruct or self-neutralisation mechanism are the same – to reduce the foreseeable risk presented to the civilian population to an acceptable level. Given that in a number of environments the post-conflict casualties from cluster munitions can be seen to be on a par with those from landmines, the precedent set by Amended Protocol II may be significant. It should certainly be demanded that States make a robust, evidence based case in order to

justify why a weaker failure rate regime would be justified for cluster munitions.

## Conclusions

This article has raised serious concerns about the viability of “failure rates” as a basis for legally binding controls to enhance the protection afforded to civilians.

- The post-conflict threat is always bound up with the number of munitions deployed, not just the failure rate.
- State practice to date has not been sufficient to create confidence in their assertions about failure rates.
- The legal precedents regarding failure rates within the CCW are demanding and it is unclear how States can make a convincing case for breaking from these established precedents.

Numerous other problems are also likely to plague any effort to create a legally binding framework on this issue, including:

- The precedent it would set for all other types of munition.
- The complexity of how different environmental conditions affect failure rates.
- The fact that lower failure rates probably means increased costs – placing the burden of compliance on poorer states.
- The fact that no international body will be able to effectively scrutinise practices.

States themselves recognise that it will be hard if not impossible to create legally binding controls regarding failure rates. So the outcome is likely to be Governments asserting that they will do better next time – on a voluntary basis. 40 years of civilian casualties from cluster munitions during and after attacks, and the death toll still rising in almost every conflict where they were used, suggests that such an approach is insufficient.

# Anti-Vehicle Mines: Humanitarian costs and mine action innovation in Angola

**Paul Davies**  
Landmine Action

**On 10 November 2005 a lorry convoy returning 24 Angolan returnees to Mungo commune in the north of Huambo province hit an Anti-Vehicle Mine (AVM) on a road that was off limits to UN agencies and their contractors. The front wheel detonation destroyed the cab of the first lorry. An official from the local social services ministry died later in hospital. The driver and his assistant survived with minor injuries.**

This incident tells us a lot about the problems facing humanitarian agencies operating in mine affected Angola, as well as the challenges and tensions that the mine action community has to respond to. In this instance, the UN Department of Safety & Security (UNDSS) 'open' route from Bailundo to Mungo was impassable due to wet season conditions and a broken bridge. Four years after the final conclusion of the Angolan war, UNDSS security decisions on route access status is usually based on the landmine threat associated with trafficking a route. Typically such decisions by DSS are based on detailed survey and assessment processes undertaken by mine action operators.

The impassable state of the Mungo road had led the convoy back to Bailundo. Here the Secretariat Chief for the local administration informed the convoy leader and driver of an alternative 'by pass' route that was classified as a 'red' (no go) route. Realising that this would breach the UN security rules under which sub-contractors work, the driver phoned his boss in Huambo. An International Organization for Migration (IOM) incident report states that both the truck owner and IOM officials in Huambo told the driver to wait in Bailundo. The report also states that a local social services ministry representative told the driver that the by-pass route proposed, was known to be mined. Ultimately though, the advice of the Secretariat Chief won

out: he argued that the road was well-trafficked by local vehicles. Subsequent investigation of the route by the HALO Trust revealed that the convoy passed several substantial new anti-vehicle mine incident sites, with tell-tale blast craters.

The incident effectively crushed debate in the UN senior management team meetings in Luanda, where frustrations at the limitations imposed by strict adherence to the UNDSS route access rules, had started to be aired. For organisations like WFP and UNHCR, the access rules substantially restricted access to the remoter areas of provinces like Huambo and Bie on the Planalto.

The tragedy is that humanitarian actors have for several years understood that humanitarian situation is most acute in these areas, but these needs remain unmet because these communities can not be officially accessed. International NGOs operating in Angola also follow UN security rules on access, built around the route mine risk assessments. Thus, as Matthew Olins, Acting Head of Office for OCHA noted last month in Luanda, "AVMs have more or less directed humanitarian operations on the Planalto region of Angola".

The director of operations of one major international relief and development agency reported that he does drive what he called 'grey routes', routes that have not been formally assessed by mine action agencies. Relying on local staff assessments of road conditions and local traffic flows, he says these 'off radar' communities still have substantial needs, with malnutrition and disease rife, especially amongst the children.

Four years after the peace settlement, international humanitarian operations are winding down in 'oil rich' Angola, and donors are moving on, demanding that the national authorities suddenly take on responsibility for national recovery. Olins will be the last head of OCHA in Angola. Yet on a recent assessment to heavily mined and isolated Kuando Kubango province in

the extreme south east of the country, he observed extreme need. A December 2005 OCHA 'Humanitarian Situation' report states, 'In Kuando Kubango, WFP and NGOs reported significant cereal crop failure due to combination of drought and precarious cultivating conditions. Other contributing factors are the presence of up to 65,000 IDPs/refugee returnees (Mavinga and Rivungo), the lack of appropriate seeds and tools, and the presence of minefields which limits increases in land area that can be safely cultivated. It was observed earlier this year that vulnerable populations resorted to gathering wild fruits and water roots and moved to the municipal centers Mavinga and Rivungo in search of food.'

When peace finally came in 2002, international NGOs suddenly discovered the 'humanitarian space' in which to operate in the provincial peripheries, and their donor contracts – often in support of the peace process and demobilisation – and needs assessments drove them to work in these outlying areas. Some were scathing of the security related access restrictions imposed by the UN.

When it started to rain in October of that year, a string of AVM accidents involving both humanitarian and civilian vehicles caused a dramatic re-appraisal of the situation. On 25 October, an ICRC Landcruiser 15 kms from Cuito Cuanval on the road to Mavinga in Kuando Kubango, entering a 'by pass route' hit an AVM. No one was killed. The following month, MSF travelling from Mavinga to Cuito Cuanval were not so fortunate when they too hit an AVM: four staff died and seven were injured. Other accidents and near miss incidents severely restricted NGO operations: communities in extreme need were denied assistance.

In Huambo, the HALO Trust had gone some way to anticipating the need for greater road access from a wide variety of 'end users'. Its solution was to develop a systematic approach to surveying and assessing routes. This resulted in three classifications of road:



Anti-vehicle mine accident, Angola  
 Photographer: Paul Davies/Landmine Action

- (i) 'Low risk' – either no evidence of mines or evidence of clearance to humanitarian standards, combined with high levels of local traffic without reported incidents.
- (ii) 'Suspect' – routes where there was some evidence of mine laying and or anti-vehicle mine incidents, but yet the route was heavily trafficked
- (iii) 'Mined' – concrete evidence of mines and incidents, low or little road usage, confirmed by visual inspection of initial road stages.

The key to answering the access question on the Planalto was then to turn 'suspect' roads into low risk, trafficable roads. To do this HALO introduced the 'Chubby system' in November 2002. What this approach offered was not 'road clearance', but road threat reduction. In Angola in 2002/03, as in Sudan today, the demand was for rapid road opening. Pulled by a South African mine protected 'Husky' vehicle, the heavy detonation trailer system is designed to deal with any remaining minimum metal AVMs not detected by the large loop detector mounted on the Husky. When AVMs are detected by the large loop, manual support teams deal with them. Three years later HALO's RTR teams have opened over 2,500 kms of suspect roads on the Planalto region.

The aim of road threat reduction is to reduce to a tolerable level, the risks of driving a route. Roads that have been RTRd are not cleared of mines. The verges in many places remain heavily mined, and in some instances there is a risk that AVMs remain on the main carriageways of roads

Mines Advisory Group (MAG) has developed a similar integrated, survey-assessment-threat reduction system for road opening in neighbouring Moxico, Lunda Sul and Lunda Norte provinces. (Interestingly, 16 of 20 AVMs discovered on routes threat reduced by Mines Advisory Group were found to be non-functional: either because of incorrect initial deployment, deterioration of the item over time, or the mine had been crushed and not functioned, either by weight of previous traffic, or due to the pressure element of the threat reduction process itself.) This process represents a tool box approach: a large loop, mounted on MAG's first ever mine protected Casspir vehicle, detects metallic mines and is supported by a new roller system pulled behind the vehicle. If items are discovered then a 200 metre box around these locations are cleared manually. If further items are discovered the box is pushed out still further. Bridges and other obvious high-risk areas, identified during initial survey and assessment, are also accorded full manual clearance within reasonable limits.

This is classic risk management mine action in practice. The level of technical process applied is related to known risk levels indicated by evidence gained through the assessment process. It is targeted application of different processes in a way designed to minimise overall risk, but does not attempt to eliminate all the threat on a route (which would require full clearance). For example, by appreciating that some verge sections are high risk (places where vehicles

are likely to drive on them because of poor road surface, or narrow carriageways, around bridges etc) the response can be tailored accordingly; at these potential accident black spots, verges are designated for clearance to a greater width of 10 metres.

For both HALO and MAG risk reduction for route end-users is not only derived through assessment, classification and physical threat reduction on the routes, but also through other initiatives. Both HALO and MAG have run targeted mine awareness campaigns for INGO drivers and local commercial drivers, stressing basic AVM risk information relating to route usage. MAG has developed a set of generic road usage guidelines, Standard Operating Procedures, for minimising risk on routes that are deemed trafficable, but not cleared. Furthermore, MAG's route assessment reports provide detailed information on high risk sections of the road, and areas of particular concern i.e. areas where minefields or areas of UXO contamination run adjacent to the road carriageway.

Such innovative risk management employs mine action skills and expertise, but only as part of an integrated process whose end state is not mine action or clearance for its own sake, but enhanced road access under conditions of minimum risk, with limited resources and almost unbounded need. There is much in this model that in principle could be shared as best practice with other mine-affected nations.

Sadly, no matter how impressive the road opening responses of HALO, MAG and other mine action operators in Angola is, the ultimate reality is that sheer lack of resources means that significant numbers of roads, and therefore communities, remain unsurveyed. The roads that lead to them have not been threat reduced and therefore remain classified as untrafficable by the international community. And yet it is in these smaller, remoter locations that the humanitarian needs are greatest.

There no easy answers, but road threat reduction developments in Angola are to be welcomed as a glowing example of practical mine action at its best.

# Progress towards a ban on cluster munitions

**Thomas Nash**  
Cluster Munition Coalition (CMC)

As advocacy work stepped up in 2005 and 2006, the longstanding humanitarian problems posed by cluster munitions began to receive the increased attention they deserve. In November 2005 the UN Secretary General made his first statement calling for action on cluster munitions. This added to the calls already made by UNICEF, UNDP, UNMAS and numerous other agencies of the world body. The ICRC also reiterated its position that these weapons pose serious concerns under international humanitarian law and that new international rules are needed.

## Increasing engagement at the CCW

Over the past year, several governments have made statements at the Convention on Certain Conventional Weapons (CCW) recognising the need for action on cluster munitions. Ireland noted that "... sub-munition based weapon systems might be intrinsically indiscriminate when functioning as designed..." adding that "The tendency of sub-munitions to have indiscriminate effects should therefore be addressed..." Germany has proposed a definition on cluster munitions, giving its clearest acknowledgement yet of the need to address the humanitarian concerns associated with this weapon. The Holy See called for an immediate moratorium and Denmark called for immediate negotiations on cluster munitions. Mexico noted that the Third Review Conference offered an opportunity to start discussion on cluster munitions while Canada stated that it would welcome more structured discussions on cluster munitions within the CCW and announced the destruction of its stockpile of Vietnam-era Rockeye cluster munitions.

## The Belgian ban and national parliamentary initiatives

Statements at the CCW are important, but concrete measures and national actions are more urgently required. In February 2006 the Belgian Parliament took the strongest possible national action when it voted in favour of a ban on cluster munitions, despite

strong pressure from the Ministry of Defence and the domestic arms lobby. The law entered into force on June 9 2006 and Belgium's stockpiles of cluster munitions will be destroyed within three years of this date. Belgium was the first country to ban antipersonnel landmines in 1995 and has yet again set the standard for government action to respond to the problems of cluster munitions.

The Austrian parliament will have a hearing on cluster munitions on 11 July 2006 at which the opposition parties intend to table a resolution calling for an immediate moratorium on their use. In the coming months, the issue is likely to be added to the agenda of New Zealand's parliament, where a former Minister plans to table a motion calling for a moratorium on the use and acquisition of cluster munitions. The public advisory committee on disarmament and arms control is currently formulating recommendations to the government on this matter.

In Sweden, four of the seven parliamentary parties have declared themselves in favour of a ban on cluster munitions. Precisely what action is to be taken in the Swedish parliament will become clearer after the forthcoming election. In Norway, a de facto moratorium is in place on cluster munitions while the government reviews its existing stockpiles. Having already committed itself to pursuing an international ban on cluster munitions, the government is expected to set out a clear strategy in the autumn of 2006. France's Senate has established an information-gathering mission on cluster munitions in order to make recommendations to the Government as to the appropriate response to this humanitarian concern.

## Cutting funding to cluster munition producers

While pressure groups campaign for governments to change their policies on cluster munitions, financial institutions have opened a new front in the struggle to end the use of this weapon. Norway's massive US\$230bn Petroleum Fund has sold its holdings in Alliant Techsystems Inc.,

EADS Co, General Dynamics Corporation, L3 Communications Holdings Inc., Lockheed Martin Corp., Raytheon Co. and Thales SA under rules that stipulated it must not invest in companies producing cluster munitions. Taking the same stand, Belgian bank KBC has thrown out 19 companies including BAE Systems, Northrop Grumman, Rheinmetall and Poongsan, Textron, Lockheed Martin and EADS. Other banks and investment funds will undoubtedly follow in excluding cluster munition producers from their portfolios.

## Civil society action against cluster munitions

Meanwhile, the CMC and its members continue their advocacy activities at international fora such as the CCW and within national parliaments. So far in 2006 public meetings involving parliamentarians have taken place in Sweden, Norway and the United Kingdom, with others planned elsewhere in the months ahead. Ongoing communication and lobbying efforts between CMC members and parliamentarians promise further parliamentary initiatives, particularly across Europe, where the European Parliament called for a moratorium on cluster munitions in 2004 and called for their eradication in a subsequent resolution on 19 January 2006.

An international conference on cluster munitions, set to take place in Geneva prior to the Third Review Conference of the CCW in November, will act as a springboard for a range of civil society activities on cluster munitions to take place in and around the Review Conference.

The increased attention being afforded to cluster munitions is well deserved and long overdue. There is no doubt that this attention and stigmatisation from civil society, financial institutions, the media and governments will make future use, transfer and production of cluster munitions a much more problematic option. If there is one lesson that can be learned from the progress made on cluster munitions over the past year, it is that more action against this weapon is inevitable.

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