

Bombs Away?

Ellen Massey | July 24, 2007

At the end of June, a few members of Congress made a discreet move to limit U.S. exports of cluster bombs, which have been used around the world since World War II to devastating humanitarian consequences.

Sen. Patrick Leahy, a Democrat from Vermont, included a provision in the Foreign Operations Appropriations bill that would significantly limit U.S. export of such bombs. Buried among funding provisions for the State Department, military aid programs, and economic development initiatives, the cluster bomb provision would effectively ban U.S. exports of the weapon.

The United States has a stockpile of nearly one billion cluster bomblets, the small exploding submunitions that rain down from a cluster bomb. Some of these bomblets, many dating back to the Vietnam era, have a failure rate of up to 23%, according to published reports.

Leahy's provision prohibits the sale or transfer of cluster bombs with a failure rate of more than 1%, effectively banning the sale of most of the U.S. arsenal. The provision also bars the sale or transfer of cluster bombs to countries that do not agree to use them exclusively against clearly defined military targets and not where civilians live or are known to be present.

But cluster bombs are specifically designed to affect "soft targets"—people. They have limited uses against bridges, railroads, or military installations but can wreak havoc on entire battalions and nearby civilians.

About the size of a can of soda or a size D battery, brightly colored, and intricately shaped, cluster bomblets can also turn a farmer's field into a terror zone and a neighborhood street into a booby trap. These weapons carve a swath of devastation when they fall, killing plants, animals, and people.

But devastation also comes weeks and months later when soldiers and combatants have moved on or the conflict has come to an end and people begin the careful, often painful process of returning to a normal existence. The small submunitions are designed to explode on

impact, scattering shrapnel that can slice through four inches of steel and fly up to eight yards from the point of impact. When the duds don't explode, they lay hidden in a rice paddy, buried among the litter on a village street, or dangling from a tree, de facto landmines where civilians will return to work, play, and live. It is too easy to imagine what such explosive power can do to a child-sized limb or a farmer's hand.

While the provision in the funding bill avoids the issue of U.S. use of the weapon, it could have a dramatic impact on global stockpiles of cluster munitions. The United States has sold or transferred cluster munitions to 25 countries around the world including Pakistan, Saudi Arabia, Indonesia, and Israel.

The nearly unanimous approval by the Senate Appropriations Committee could signal a shift in the sentiment toward stronger cluster bomb regulations in Washington. "You have to think that there's a very good chance of it passing if the Republicans on the committee approved it," Scott Stedjan, legislative secretary for the peace lobby Friends Committee on National Legislation, told the Inter Press Service. Stedjan worked with both Senator Leahy's office and Democratic Senator Dianne Feinstein of California's office on this issue.

Last summer, Leahy and Feinstein introduced legislation as an amendment to the 2007 Defense Appropriations bill that severely limited both the use and the sale or transfer of cluster bombs.

But the amendment's timing—coming in the immediate aftermath of the summer war between Israel and Lebanon, when the use of cluster munitions by both sides became a highly contentious issue—hijacked the agenda. The legislation was rejected by a vote of 30–70 in the Senate. The same legislation reintroduced this year

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so far has 11 senators cosponsoring the bill, none of whom opposed the 2006 legislation.

While the movement in the Senate may seem incremental, another sign of the changing climate in Washington came just weeks before the cluster bomb export provision made it out of the Senate committee. Administration officials stated for the first time that they are willing to enter into negotiations on a treaty to regulate the use of cluster bombs through the cumbersome UN Convention on Certain Conventional Weapons.

This is a shift for an administration that just five months ago declined to take part in an international conference on cluster munitions held in Oslo, during which 46 countries agreed to work toward an international treaty banning the use of cluster bombs. That same month, a Bush administration spokesperson told reporters that the United States “takes the position that cluster munitions do have a place and a use in military inventories.”

With a history stretching back to World War II, cluster bombs in their current form were first used as a part of the anti-guerrilla campaign during the Vietnam War. The United States first used them during the Vietnam War, dropping more than 82 million bomblets on Vietnam between 1961 and 1973 in cities including the capital, Hanoi.

The cluster bomb duds dropped more than 30 years ago continue to be found in 43 of the 65 provinces in Vietnam. The United States also dropped cluster bombs on Laos and Cambodia, to similarly devastating effect.

Since the Vietnam War, the United States has used cluster bombs against Iraqi forces in Kuwait in 1991, in the former Yugoslavia during NATO operations in 1999, and in Afghanistan in 2001. During the 2003 invasion of Iraq, the United States fired rockets, missiles, and bombs that scattered more than 2 million cluster submunitions around the country, including major population centers like Baghdad. The original deluge of bomblets killed hundreds of Iraqis and maimed thousands more.

The intersection of military utility of cluster bombs and humanitarian conduct continues to be widely debated even as the United States and other countries that have used the weapon claim that they remain within the constraints of international law.

“If humanitarian law was really enforced, then these weapons would be illegal,” Stedjan said.

But for now, campaigners say the first step in shifting the U.S. policy on cluster bombs is to limit their export around the world. The Foreign Operations Appropriations bill will likely come to the floor for a vote by the full Senate at the end of July or in September.

If the bill passes, the United States will incrementally join a growing international movement that recognizes the human, economic, and moral toll of these indiscriminate weapons.

Ellen Massey writes for the Inter Press Service.

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Writer: Ellen Massey

Editor: Right Web

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