Tied Campaigns: Cluster Munitions, Explosive Remnants of War and Anti-personnel Landmines

Robin Collins
World Federalist Movement-Canada

Follow this and additional works at: https://commons.lib.jmu.edu/cisr-journal

Part of the Defense and Security Studies Commons, Emergency and Disaster Management Commons, Other Public Affairs, Public Policy and Public Administration Commons, and the Peace and Conflict Studies Commons

Recommended Citation

This Article is brought to you for free and open access by the Center for International Stabilization and Recovery at JMU Scholarly Commons. It has been accepted for inclusion in Journal of Conventional Weapons Destruction by an authorized editor of JMU Scholarly Commons. For more information, please contact dc_admin@jmu.edu.
Abatement, which utilizes country assessments. As an enhancement to the standard assessment process, the WRA program seeks to develop concurrent plans, in coordination with the various country hosts, to assist using a fast-track approach so that serious threats can be addressed much more expeditiously than with other methods. Under this methodology, country assessments reveal threats, the information is shared with the host country and discussions include possible solutions to the threats. As the assessments continue, the solution sets are fine-tuned, and it quickly becomes obvious which option is best to mitigate the specific threats. Once the solution is mutually agreed upon by the Department of State and the host country, the same teams that are conducting the assessments can be expanded to handle the implementation.

The benefits of this improved approach are numerous but include faster response to identified threats, a more cost-effective mitigation of threats, a fast-tracked timeline (the same teams expand to handle the solution; there is a minimal learning curve for personnel) for response, and ongoing host-country buy-in to the solution. The Department of State has done an admirable job in constructing a highly efficient, responsive, accurate and timely program for weapons removal and abatement.

In conclusion, there is an irrefutable relationship between landmines and other remnants of war. Their origins are completely independent; their technology and cost components are quite different; their general manufacturing and deployment sources are different; but both excel as weapons since the effectiveness of any weapon depends upon two factors:

1. Its ability to damage or destroy men and material
2. The morbid effect of its use, or threat thereof, upon the enemy

Both of these threats have many names, and I am certain someone somewhere is thinking up a new name for landmines and other explosive remnants of war. Regardless of the new tortured phrases we will be forced to endure, let us not forget that “A rose by any other name would smell as sweet,” but these threats are the thorns of the rose. ❑

See Endnotes, page 110

The Cluster Munition Coalition, formed in late 2003, has approximately 150 members. Many of the CMC’s members and leadership, however, are seasoned campaigners. Familiar to ICBL-watchers are Handicap International, Human Rights Watch, Landmine Action (UK), Mines Action Canada and Pax Christi, who are among those sitting on CMC’s 10-member steering committee.

The ICBL and its dynamic partnership with like-minded APM ban states (the Ottawa Process) was an innovative and collaborative way of quickly moving the ban agenda forward. Disappointment with the existing Convention on Certain Conventional Weapons’ consensus rule (where a single recalcitrant state can dilute or block Convention provisions supported by the majority) led to the new parallel process.

The parties to the Ottawa Process focused on the idea that humanitarian impact can trump military utility. This was not new because international humanitarian law and an array of treaties from the mid-1800s onwards already referred to obligations towards civilians during conflict, containing such ideas as proportionality, discrimination, military necessity and humane treatment.

The CMC effort has followed the precedent of the ICBL, struggling through the slow CCW process and challenging the stragglers. If cluster-munition campaigners were unprepared for the inadequacy of the prevention measures of the Convention’s Protocol (that were agreed to by governments), they have sober expectations about their

The Cluster Munition Coalition, formed in late 2003, has approximately 150 members. Many of the CMC’s members and leadership, however, are seasoned campaigners. Familiar to ICBL-watchers are Handicap International, Human Rights Watch, Landmine Action (UK), Mines Action Canada and Pax Christi, who are among those sitting on CMC’s 10-member steering committee.

The ICBL and its dynamic partnership with like-minded APM ban states (the Ottawa Process) was an innovative and collaborative way of quickly moving the ban agenda forward. Disappointment with the existing Convention on Certain Conventional Weapons’ consensus rule (where a single recalcitrant state can dilute or block Convention provisions supported by the majority) led to the new parallel process.

The parties to the Ottawa Process focused on the idea that humanitarian impact can trump military utility. This was not new because international humanitarian law and an array of treaties from the mid-1800s onwards already referred to obligations towards civilians during conflict, containing such ideas as proportionality, discrimination, military necessity and humane treatment.

The CMC effort has followed the precedent of the ICBL, struggling through the slow CCW process and challenging the stragglers. If cluster-munition campaigners were unprepared for the inadequacy of the prevention measures of the Convention’s Protocol (that were agreed to by governments), they have sober expectations about their
prompts now at the CCW. At a minimum, preventing UXO meant establishing ac- ceptable rates, humane and fair fram- ing configurations and destroying aging UXO. Until the Ottawa Convention, UXO (including cluster munitions) appeared in the final text. Instead, it stated, “Each High Contracting Party is encour- aged to take generic preventive measures aimed at minimising the occurrence of ex- plosive remnants of war.” Despite High Contracting Party may, on a voluntary ba- sis, exchange information related to efforts to promote and establish best practices (emphasis added).6

The Ottawa Convention was a landmark, but campaigns continue to press governments to sign on as a first step to recognizing a problem. Some nongovernmental organiza- tions now stand out for the idea of an “Ottawa Process” to deal with cluster munitions. While not discussed in any form outside the CCW, Human Rights Watch has called for a new protocol focused on cluster munitions: “The mandate and the protocol should be broad, and should deal with both the technical reliability issues and the targeting and use issues. . . . [A] new proto- col should probably prohibit the use of unreliable and inaccurate systems used by their destruction. The billions of unreli- able and inaccurate submunitions already in the arsenals of more than 70 nations are the primary humanitarian concern. They must never be used to avoid a humanitarian and socioeconomic disaster exceeding that created by millions of land- mines globally.”

Human Rights Watch, one of a handful of early advoers, was willing to call for a moratorium on UXO in 1999, and in 2003 it named a specific list of prob- lematic cluster weapons that should not be used in Iraq because of their known hazard- ous failure rates.7

Explosive Remnants of War

Even before the Ottawa Convention was signed, domestic and international issues were raised. At some point, the CCW was seen as a campaigner’s rulebook for dealing with the issue. Similarly, the framers of the treaty were content to have included a reference to the “appropriate means” of dealing with the consequences of the use of explosive remnants of war outside of a disarmament or non-use obligation: “The High Contracting Parties shall take appropriate measures to prevent, address and mitigate the effects of the military use of cluster munitions for all forms of explosive and incendiary weapons and related residual effects.”

This resulted in a situation where the law was silent on the issue, and where there was a clear need to address the risks of the continued presence of UXO. This was a significant gap in the laws that was later filled by the Ottawa Convention.

The Ottawa Convention impacts.

Thirty million submunitions were dropped in the 1991 Gulf War, resulting in many that failed to explode. (They were not always properly screened and tested, and yet there was no sustained public outcry.) Cluster munitions casualties in Kosovo (1999) and Afghanistan (2001) showed that the problem did receive attention, as did munition failure rates (normally an cosmetic area subject to claims of not being a problem) were quick to highlight the similarity in appearance of cluster munitions and yellow food packag- ers dropped into Afghanistan (a confusion that actually had rare, if any, consequen- ces).8

In Canada, where five members of Parliament had to respond to inquiries about cluster bombs in question period.9

Government negotiators were forced to make contradictory statements. The European Parliament, for its part, took a stand in favour of a moratorium. So what had changed since the Gulf War? The link between renewed interest in cluster munitions and the international suc- cess of the APMs may not be entirely sur- prising. The ICBL and Ottawa Convention had highlighted the unacceptability of weapons detonated by innocent victims either direct- ly (death and injury) or indirectly (socioeco- nomically). All weapon use after the Ottawa Convention became a new level of scrutiny.10 For many campaigners, this was the best possible result.

Emergence of a Cluster Munitions Campaign

At the Lugano, Switzerland, conference of experts organised by the International Committee of the Red Cross in 1976, 13 states11 joined together to form the CCW. The Lugano conference did not establish a cluster bomb campaign. The Lugano conference did lead, ultimately, to the creation of the CCW and to the formation of the Montenotte Committee (with clearance work by Mines Advisory Group-Lugano) and Human Rights Watch, the possibility of cluster munitions might have fallen entirely out of sight. The campaign sparked some serious debate.

Ottawa Convention Impacts

Thirty million submunitions were dropped in the 1991 Gulf War, resulting in many that failed to explode. (They were not always properly screened and tested, and yet there was no sustained public outcry.) Cluster munitions casualties in Kosovo (1999) and Afghanistan (2001) showed that the problem did receive attention, as did munition failure rates (normally an cosmetic area subject to claims of not being a problem) were quick to highlight the similarity in appearance of cluster munitions and yellow food packag- ers dropped into Afghanistan (a confusion that actually had rare, if any, consequen- ces).8

In Canada, where five members of Parliament had to respond to inquiries about cluster bombs in question period.9

Government negotiators were forced to make contradictory statements. The European Parliament, for its part, took a stand in favour of a moratorium. So what had changed since the Gulf War? The link between renewed interest in cluster munitions and the international suc- cess of the APMs may not be entirely sur- prising. The ICBL and Ottawa Convention had highlighted the unacceptability of weapons detonated by innocent victims either direct- ly (death and injury) or indirectly (socioeco- nomically). All weapon use after the Ottawa Convention became a new level of scrutiny.10 For many campaigners, this was the best possible result.

Emergence of a Cluster Munitions Campaign

At the Lugano, Switzerland, conference of experts organised by the International Committee of the Red Cross in 1976, 13 states11 joined together to form the CCW. The Lugano conference did not establish a cluster bomb campaign. The Lugano conference did lead, ultimately, to the creation of the CCW and to the formation of the Montenotte Committee (with clearance work by Mines Advisory Group-Lugano) and Human Rights Watch, the possibility of cluster munitions might have fallen entirely out of sight. The campaign sparked some serious debate.

Ottawa Convention Impacts

Thirty million submunitions were dropped in the 1991 Gulf War, resulting in many that failed to explode. (They were not always properly screened and tested, and yet there was no sustained public outcry.) Cluster munitions casualties in Kosovo (1999) and Afghanistan (2001) showed that the problem did receive attention, as did munition failure rates (normally an cosmetic area subject to claims of not being a problem) were quick to highlight the similarity in appearance of cluster munitions and yellow food packag- ers dropped into Afghanistan (a confusion that actually had rare, if any, consequen- ces).8

In Canada, where five members of Parliament had to respond to inquiries about cluster bombs in question period.9

Government negotiators were forced to make contradictory statements. The European Parliament, for its part, took a stand in favour of a moratorium. So what had changed since the Gulf War? The link between renewed interest in cluster munitions and the international suc- cess of the APMs may not be entirely sur- prising. The ICBL and Ottawa Convention had highlighted the unacceptability of weapons detonated by innocent victims either direct- ly (death and injury) or indirectly (socioeco- nomically). All weapon use after the Ottawa Convention became a new level of scrutiny.10 For many campaigners, this was the best possible result.

Emergence of a Cluster Munitions Campaign

At the Lugano, Switzerland, conference of experts organised by the International Committee of the Red Cross in 1976, 13 states11 joined together to form the CCW. The Lugano conference did not establish a cluster bomb campaign. The Lugano conference did lead, ultimately, to the creation of the CCW and to the formation of the Montenotte Committee (with clearance work by Mines Advisory Group-Lugano) and Human Rights Watch, the possibility of cluster munitions might have fallen entirely out of sight. The campaign sparked some serious debate.

Ottawa Convention Impacts

Thirty million submunitions were dropped in the 1991 Gulf War, resulting in many that failed to explode. (They were not always properly screened and tested, and yet there was no sustained public outcry.) Cluster munitions casualties in Kosovo (1999) and Afghanistan (2001) showed that the problem did receive attention, as did munition failure rates (normally an cosmetic area subject to claims of not being a problem) were quick to highlight the similarity in appearance of cluster munitions and yellow food packag- ers dropped into Afghanistan (a confusion that actually had rare, if any, consequen- ces).8

In Canada, where five members of Parliament had to respond to inquiries about cluster bombs in question period.9

Government negotiators were forced to make contradictory statements. The European Parliament, for its part, took a stand in favour of a moratorium. So what had changed since the Gulf War? The link between renewed interest in cluster munitions and the international suc- cess of the APMs may not be entirely sur- prising. The ICBL and Ottawa Convention had highlighted the unacceptability of weapons detonated by innocent victims either direct- ly (death and injury) or indirectly (socioeco- nomically). All weapon use after the Ottawa Convention became a new level of scrutiny.10 For many campaigners, this was the best possible result.

Emergence of a Cluster Munitions Campaign

At the Lugano, Switzerland, conference of experts organised by the International Committee of the Red Cross in 1976, 13 states11 joined together to form the CCW. The Lugano conference did not establish a cluster bomb campaign. The Lugano conference did lead, ultimately, to the creation of the CCW and to the formation of the Montenotte Committee (with clearance work by Mines Advisory Group-Lugano) and Human Rights Watch, the possibility of cluster munitions might have fallen entirely out of sight. The campaign sparked some serious debate.
Collins Tied Campaigns Cluster Munitions, Explosive-Remnants of War and Anti-personnel Landmines

Mines and ERW

Due to the history and nature of conflicts in the Ethiopia/Eritrea area, cleanup presents specific considerations and hazards. The lessons learned by the United Nations Mission in Ethiopia and Eritrea Mine Action Coordination Centre in mine/explosive rem-nants of war cleanup are presented, as well as recommendations on clearance operations for situations with mixed mine/ERW like that in Ethiopia and Eritrea.

by Bob Kudrty [UINMEE MACC]

...one of the most successful examples of a liberation war. Eritreans are justifiably proud of the establishment of their country, as it was won at great cost to the population and without "outside" help or support from other nations.

After the state of Eritrea was established in 1993, following a U.N.-monitored referendum in which the population voted overwhelmingly for independence, the relationship between Eritrea and Ethiopia was cordial. This relationship continued until several issues soured it, including the introduction of a new currency, the nakfa, which replaced the Ethiopian birr. The situation eventually deteriorated into a war lasting from 1998 to 2000 over non-demarcated border. Then, in 2000, Algeria brokered a peace accord. This border war was an intense conflict, with both sides employing conventional war strategies that developed into a carefully planned and executed military operation reminiscent of World War I. The war was fought at terrible cost with an estimated 70,000 people killed and thousands more displaced. As a result of this conflict, the entire border area between the two countries is a blasted wasteland in the west to the Djiboutian border in the east remains contaminated with mines and ERW today.

Interrelationship between Mines and ERW

For the purposes of this report, most of Eritrea and the northern areas of Ethiopia remain contaminated with mines and conventional ERW. In a recent incident, a truck driver collecting stones for a building site was killed when his vehicle drove over a landmine on a vacant site just off a main road near the capital, Asmara. This mine was a remnant of the independence war years, quite possibly overlooked when the area was vacated.

In examining the history of the conflicts that have engulfed the region, mines and ERW are interwoven narratives rather than separate entities. It is not safe to just walk out to unexploded ordnance or an abandoned tank and attempt to remove or destroy items without

New EODs here. The MACC has removed at least one mine and all those BLU-82 submunitions hit the ground without any fright. Their escape rates remain from the very small to very large. Some

operational combat failure rates of U.S. munitions.27 This is a remarkable admission because it has broader implications than just concerning cluster munitions. But consistent with nongovernmental organisation and field-based evidence, it also confirms actual CBU failure rates might have little relationship with official "test" claims.28 In March 2006, Timothy McCormack, a professor of international humanitarian law at the University of Melbourne Law School, led a review of the responses to a survey by CCW States Parties regarding their views of the relevance of IHL principles to explosive remnants of war. McCormack concluded that the CCW’s Protocol V should be sufficient to address the problem of ERW—but if not, and the problem “only increases in severity,” the call for a ban on cluster bombs should not be unexpected. Significantly, the report also argued that whatever the outcome, “the onus is on user states to demonstrate that such weapons can be used consistently with the binding obligations of IHL” [emphasis added].29

The announcement that the Belgian parliament in March 2006, seems to be willing to consider major changes in its arsenal.30

The United States is not Belgium, but even the U.S. military, having distributed its own task-force report in advance of the CCW, seems to be willing to consider major changes in its arsenal. For the first time in a long time, a significant international restriction on certain cluster munitions appears to be within reach.

Continuing Debates

From the start, many ICBL campaign-ers had difficulty coordinating technical measures to address high cluster-munition failure rates. They campaigned against self-destruction, self-destruction and self-destruction solutions for AIFMD and warhead technology that supporting technical fixes now may compromise an absolute principle defended earlier. However, what if major players refuse to join an all-out ban on cluster munitions, even if they support a comprehensive ban on anti-personnel mines?

Controversy also surrounds the debate over what an “acceptable” failure rate should look like. Less than 1-percent failure in a typical cut-off point, but is also arbitrary. A very small percentage of a very large number can still be a humanitarian disaster, albeit a much-reduced danger compared with that produced by a 10- to 30-percent failure rate. Yet, there may be a harm-reduction im-