

ESSENTIAL ELEMENTS FOR REDUCING THE CIVILIAN HARM OF CLUSTER MUNITIONS: EXAMPLES OF POSITIVE POLICY AND PRACTICE

Element	Example	Positive Policy and Practice
Steps should be taken at the national and international levels to mitigate the negative humanitarian impact of cluster munitions.	A legally binding international agreement is a desirable, and necessary, future objective. But in the short term, development of model policies, practices, and regulations at the national level is essential. Such "best practices" should be encouraged and promoted until an international agreement addressing cluster munitions is negotiated.	<ul style="list-style-type: none"> • The Parliament of Belgium adopted legislation banning cluster munitions on February 16, 2006. Previously, the Senate unanimously passed ban legislation on July 7, 2005. Similar initiatives have been introduced in Austria, Germany, France, Italy, Luxembourg, Sweden, and Switzerland. • Denmark, Mexico, and Norway have called for work toward a legally binding international regulation of cluster munitions within CCW. • Australia said in April 2003 that it does not use cluster munitions and the Australian Senate passed a motion calling for a moratorium on use. • Holy See supported an immediate moratorium on the use of cluster munitions in August 2005 and called for their elimination, noting that it would be insufficient and inadequate to limit reflection to the question of improving the quality. • The European Parliament adopted a resolution in October 2004 calling for an immediate moratorium on the use, stockpiling, production, and transfer or export of cluster munitions until an international agreement has been negotiated on their regulation, restriction, or prohibition. • Algeria, Austria, Egypt, Lebanon, Mali, Mauritania, Mexico, Norway, Sudan, Sweden, Switzerland, Venezuela, and Yugoslavia proposed a ban on cluster munitions at the 1976 conference that preceded the CCW.
Use of cluster munitions in or near populated areas should be prohibited.	Because cluster munitions have a wide footprint their use in populated areas virtually guarantees civilian casualties.	<ul style="list-style-type: none"> • Norway has called upon CCW States Parties to consider a more general prohibition on the use of cluster munitions against military targets located in civilian areas. • Sweden argued in August 2005 that a cluster munition with a large footprint might be considered to be indiscriminate if used in a populated area. • Switzerland noted in August 2004 that attacks with cluster munitions in densely populated areas such as inhabited cities or villages generally as highly problematic, even more so where cluster munitions with high dud rates are concerned. • Germany stated in August 2005 that the use of cluster munitions in attacks on military objectives located within concentrations of civilians is prohibited unless they are clearly separated and all feasible precautions are taken to minimize the effects to only the military objective.
Use of cluster munitions in exacerbating circumstances should be prohibited.	Use of cluster munitions in forested areas, soft ground, or from high/low altitude foreseeably increases the dud rate and/or inaccuracy of the weapon and should be prohibited.	<ul style="list-style-type: none"> • Brazil suggested in September 2005 that cluster munition use should be limited depending on "weather conditions and terrain characteristics" and that "cluster bombs or submunition dispensers should not be released or launched from high altitudes" because the wide dispersal pattern is likely to "generat[e] greater risk of unnecessary harm to civilians." • Poland stated in July 2005 that military commanders should take "precautionary measures" to minimize civilian casualties from submunitions, "bear[ing] in mind...the manufacturer's user guidelines, such as topographic conditions affecting the correct performance of the submunitions (it could be failure-prone in marshland and woodlands)."
Use of cluster munitions with high dud rates should be prohibited.	The dud rate of cluster munitions should be limited to less than one percent in order to reduce the post-conflict threat from these weapons.	<ul style="list-style-type: none"> • Sweden argued in August 2005 that a cluster munition with submunitions that have a high dud rate and is used in populated areas might create a disproportionate suffering for the civilian population compared with the military advantage from the use of such a weapon. • Poland, South Africa, and the United States have announced national policies for the future procurement of cluster munitions that establish a minimum submunition reliability rate. • Argentina, Denmark, Germany, Norway, and Switzerland have stated that they will not procure, and in some cases use, cluster munitions that have a hazardous dud rate of greater than one percent and will not use those without the capacity to self-destruct or self-neutralize. The United Kingdom announced that it would implement a similar policy by 2015.
Stockpiles of unreliable and inaccurate submunitions should be destroyed or retrofitted.	Existing stocks of "legacy" submunitions with high dud rates and/or accuracy problems should be destroyed or modified in a timely fashion, and not be eligible for use as a nation seeks to procure submunitions with higher standards.	<ul style="list-style-type: none"> • Belgium, Germany, Netherlands, and Switzerland have withdrawn from service BL-755 bombs. The United Kingdom acknowledged in March 2005 that the BL-755 has an unacceptably high submunition failure rate and will go out-of-service by 2010. Portugal reports destroying some BL-755 in 2005. • Australia, Canada, Denmark, and Norway have removed from service Rockeye bombs. • France announced in March 2005 that it destroyed its entire stock of BL-66 Belouga bombs between 1996 and 2002. • Poland reported that its residual stockpile of unspecified types of cluster bombs is no longer in service. • The United Kingdom has announced the retirement of its stockpile of aging M483A1 155mm DPICM projectiles; it will replace them with the L20A1 projectile with self-destruct submunitions. The Netherlands announced in October 2005 that it will destroy 70-percent of its holding of 174,000 M483A1 projectiles. A number of other NATO countries (Denmark, Germany, Greece, Italy, and Norway) have told Human Rights Watch that they have procured similar replacement cluster munition projectiles. • The United States is choosing to retrofit 5,000 existing M864 155mm DPICM projectiles with self-destruct submunitions at a cost of \$10.1 million. • Germany and France stated in March 2005 their intent not to use M26 MLRS rockets with DPICM submunitions until they are modernized. The Netherlands has withdrawn from service its MLRS launchers and M26 rockets citing concerns about the potential to create disproportionate collateral damage. Denmark and Norway decided not to purchase M26 rockets for their MLRS systems.
Transfers of unreliable and inaccurate submunitions should be prohibited.	Nations procuring newer submunitions should not sell or otherwise provide older versions to less advanced militaries.	--
Producers and stockpilers of cluster munitions should be transparent.	There should be detailed reporting on existing types of cluster munitions including number of submunitions, fuze types, estimated footprint, and known failure rates.	--
Post-conflict remedial measures should be reiterated and strengthened.	The users of cluster munitions should accept special responsibility for clearance, warnings, risk education, provision of information, and victim assistance.	<ul style="list-style-type: none"> • CCW Protocol V on Explosive Remnants of War (ERW) has been ratified by 16 states as of 1 March 2006.



GLOBAL OVERVIEW OF CLUSTER MUNITION USE, PRODUCTION, STOCKPILING, AND TRANSFER

Locations Where Cluster Munitions Have Been Used	Countries that Produce Cluster Munitions	Known Transfers of Cluster Munitions																																																								
<p>Cluster munitions have been used in at least 21 countries. While the number of conflicts in which cluster munitions have been used is still relatively limited, the harm to the civilian population is striking in nearly every case.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Afghanistan Albania Bosnia & Herzegovina Cambodia Chad Croatia Eritrea Ethiopia Iraq Kuwait</td> <td style="width: 50%; border: none;">Laos Lebanon Morocco (Western Sahara) Russia (Chechnya) Saudi Arabia Serbia & Montenegro (including Kosovo) Sierra Leone Sudan Syria Tajikistan Vietnam</td> </tr> </table>	Afghanistan Albania Bosnia & Herzegovina Cambodia Chad Croatia Eritrea Ethiopia Iraq Kuwait	Laos Lebanon Morocco (Western Sahara) Russia (Chechnya) Saudi Arabia Serbia & Montenegro (including Kosovo) Sierra Leone Sudan Syria Tajikistan Vietnam	<p>Globally, 34 countries are known to have produced over 210 different types of cluster munitions. These include artillery projectiles, aerially delivered bombs, and rockets or missiles that can be delivered by surface or aerial means. The countries listed below are known to have produced cluster munitions. A few have stopped production (the Netherlands and, presumably, Iraq), and in other cases, it is uncertain if production is still underway.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%; border: none;">Argentina Belgium Brazil Bulgaria Canada Chile China Egypt</td> <td style="width: 25%; border: none;">France Germany Greece India Iran Iraq Israel Italy Japan</td> <td style="width: 25%; border: none;">N. Korea S. Korea Netherlands Pakistan Romania Russia Serbia & Montenegro</td> <td style="width: 25%; border: none;">Singapore Slovakia South Africa Spain Sweden Switzerland Turkey United Kingdom United States</td> </tr> </table>	Argentina Belgium Brazil Bulgaria Canada Chile China Egypt	France Germany Greece India Iran Iraq Israel Italy Japan	N. Korea S. Korea Netherlands Pakistan Romania Russia Serbia & Montenegro	Singapore Slovakia South Africa Spain Sweden Switzerland Turkey United Kingdom United States	<p>According to available information, at least 12 countries have transferred over 50 different types of cluster munitions to at least 58 other countries. However, the true scope of the global trade in cluster munitions is difficult to ascertain. International arms exhibitions and marketing publications regularly include projectiles, bombs, and rockets that are cluster munitions.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Producer</th> <th style="width: 25%;">Munition Type</th> <th style="width: 50%;">Recipient(s)</th> </tr> </thead> <tbody> <tr> <td>Brazil</td> <td>ASTROS Rocket</td> <td>Iran, Iraq, Saudi Arabia</td> </tr> <tr> <td>Chile</td> <td>CB-500 Bomb</td> <td>Ethiopia, Eritrea, Iraq, Sudan</td> </tr> <tr> <td>Egypt</td> <td>SAKR-36 Rocket</td> <td>Iraq</td> </tr> <tr> <td>France*</td> <td>Belouga Bomb</td> <td>Argentina, Greece, India</td> </tr> <tr> <td rowspan="2">Germany</td> <td>DPICM Projectile</td> <td>Austria, Denmark, Finland, Greece, Italy, Norway</td> </tr> <tr> <td>SMArt-155 Projectile</td> <td>Greece, Switzerland, United States</td> </tr> <tr> <td>Israel</td> <td>DPICM Projectile</td> <td>Argentina, Germany, India, Romania, Switzerland, UK, US</td> </tr> <tr> <td rowspan="3">Russia (including ex-USSR)</td> <td>Smerch/Urgan Rocket</td> <td>Algeria, Egypt, India, Kazakhstan, N. 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<p style="text-align: center;">Numbers of Cluster Munitions Used in Recent Conflicts</p> <p><u>Gulf War 1991</u>: The US and its allies (France, Saudi Arabia, UK) dropped 61,000 cluster bombs, containing some 20 million submunitions between January 17 and February 28, 1991.</p> <p><u>Yugoslavia/Kosovo 1999</u>: The US, UK, and the Netherlands dropped 1,765 cluster bombs, containing about 295,000 bomblets from March to June 1999.</p> <p><u>Afghanistan 2001-2002</u>: The US dropped about 1,228 cluster bombs containing 248,056 bomblets between October 2001 and March 2002.</p> <p><u>Iraq 2003</u>: The US and UK used nearly 13,000 cluster munitions, containing an estimated 1.8 to 2 million submunitions in the three weeks of major combat in March and April 2003.</p>	<p style="text-align: center;">Countries that Stockpile Cluster Munitions</p> <p>Globally, 73 countries are known to stockpile cluster munitions, which are often common ammunition items in the force structure of military establishments. Cluster munitions are available for use by the basic components like artillery batteries and mortar platoons within a military's table of organization and equipment.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%; border: none;">Algeria Angola Argentina Austria Azerbaijan Bahrain Belarus Belgium Bosnia & Herzegovina Brazil Bulgaria Canada Chile China Croatia Cuba Czech Republic Denmark</td> <td style="width: 25%; border: none;">Egypt Eritrea Ethiopia Finland France Georgia Germany Greece Honduras Hungary India Indonesia Iran Iraq Israel Italy Japan Jordan Kazakhstan</td> <td style="width: 25%; border: none;">N. Korea S. Korea Kuwait Libya Moldova Mongolia Morocco Netherlands Nigeria Norway Oman Pakistan Poland Portugal Romania Russia Saudi Arabia Serbia & Montenegro</td> <td style="width: 25%; border: none;">Singapore Slovakia South Africa Spain Sudan Sweden Switzerland Syria Thailand Turkey Turkmenistan Ukraine United Arab Emirates United Kingdom United States Uzbekistan Yemen Zimbabwe</td> </tr> </table>	Algeria Angola Argentina Austria Azerbaijan Bahrain Belarus Belgium Bosnia & Herzegovina Brazil Bulgaria Canada Chile China Croatia Cuba Czech Republic Denmark	Egypt Eritrea Ethiopia Finland France Georgia Germany Greece Honduras Hungary India Indonesia Iran Iraq Israel Italy Japan Jordan Kazakhstan	N. Korea S. Korea Kuwait Libya Moldova Mongolia Morocco Netherlands Nigeria Norway Oman Pakistan Poland Portugal Romania Russia Saudi Arabia Serbia & Montenegro	Singapore Slovakia South Africa Spain Sudan Sweden Switzerland Syria Thailand Turkey Turkmenistan Ukraine United Arab Emirates United Kingdom United States Uzbekistan Yemen Zimbabwe																																																					
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