



100 countries are set to sign a treaty to outlaw cluster bombs

BY CHRIS COBB, CANWEST NEWS SERVICE NOVEMBER 29, 2008

Diplomats and politicians from around the world are about to deliver the kiss of death to one of the deadliest, indiscriminate non-nuclear weapons on the planet.

On Wednesday, leaders from more than 100 countries will gather in Oslo, Norway, to sign a treaty to outlaw cluster munitions.

The agreement will not stop the death and maiming of innocent victims overnight, but ultimately will prove one of the most significant weapons treaties in modern history.

Wednesday also marks the anniversary of the 1997 signing of the international treaty to ban landmines — a Canadian-led initiative considered one of this country's finest diplomatic achievements.

The cluster treaty, a model of its landmines predecessor, was crafted at an often emotional conference in Dublin earlier this year attended by diplomats, arms experts and leaders of the Cluster Munition Coalition, a network of more than 300 non-governmental organizations from 80 countries.

"There were tricky moments in the negotiations, but there were some pleasant surprises, too," said Paul Hannon, executive director of the NGO Mines Action Canada. "What we have is a new treaty that effectively outlaws all existing cluster munitions."

Cluster bombs were developed during the Cold War and dumped on Cambodia, Laos and Vietnam in the 1960s with an affect so devastating they continue to maim people in the region. The bombs are large casings that release and scatter dozens of smaller, lethal submunitions, known as bomblets.

The colourful, toylike bomblets often fail to explode on impact. Like landmines, they can remain live and deadly for years, sitting above-ground or hanging from trees like Christmas decorations. Like landmines, they will detonate if stepped on, but they can also be set off by nearby motion — like a motion-sensitive security light.

Russians and Georgians employed them during their border spat last summer. Israel used them copiously in southern Lebanon two summers ago. U.S. and British forces have used them in Iraq. NATO forces in Afghanistan are using them still.

Major nations have stockpiled billions of cluster bombs.

Those who ratify the treaty — the final step after this week's signing — will have to destroy them within eight years. By outlawing this generation of indiscriminate, unreliable clusters, pro-ban nations hope production of the weapon will dry up.

The United States, which has more than one billion bomblets in its arsenal, opposes the treaty and has encouraged countries within its influence not to sign. Russia and China, which also oppose the treaty, are thought to have a similar number. All three countries are major producers.

Pro-ban campaigners suspect the U.S. has quietly influenced most — if not all — of the significant absentees in Oslo: India, Pakistan, Afghanistan, Romania, Poland and Israel.

Iraq and Lebanon are expected to sign. Afghanistan, where an estimated one-third of territory is polluted by landmines, was initially enthusiastic but has retreated into indifference.

“Americans tried to discredit the treaty from the outset, but they were never part of the negotiations,” said Hannon. “They still don’t feel the momentum is irreversible, but it is.”

The prospect of a treaty has pressured Washington to develop a new generation of “smart” clusters. The Pentagon promises that by 2018 these weapons will be able to accurately hit specific targets and that “99 per cent” will explode as intended or else self-destruct with a self-deactivating mechanism. Under the new treaty, such weapons would not be classified as cluster bombs.

Canada, which is destroying its cluster stockpile, is neither a user nor producer of cluster munitions.

After a postelection scramble to get legal paperwork through cabinet, newly appointed Foreign Affairs Minister Lawrence Cannon is scheduled to be in Oslo to sign.

Canadian negotiators — along with those from several other countries, such as Norway, Ireland, Mexico, New Zealand, Austria and the Holy See — wanted the treaty to contain financial compensation and material help for cluster victims.

As a result, it carries the strongest provisions for victim assistance in international law.

Still, the final round of treaty talks nearly collapsed in Dublin over Article 21 — a controversial clause that would have banned signatory nations from co-operating on military missions with non-signatory nations.

Canada, for example, would not have been allowed to engage in joint operations in Afghanistan with the U.S. if American forces were using or carrying clusters.

The prohibition, which would likely have caused Canada to withdraw from the treaty, would also — in theory — have made it illegal for a Canadian on an exchange program with the U.S. military to work on a ship carrying cluster munitions.

The Cluster Munition Coalition called the clause “a stain” on the treaty. After angry debate, the agreement passed with an exemption for joint military operations.

Of considerable concern was how the cluster law might prejudice the Afghan mission. Exposing Canadian officers to prosecution at the International Criminal Court in The Hague was a remote risk, but Canada and other countries engaged in joint military operations with non-signing countries wanted protection.

Hence Article 21.

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