

## Chapter 2

### The use and legacy of cluster munitions worldwide

2.1 This chapter provides background information on the use and legacy of cluster munitions worldwide.

#### Use of cluster munitions in warfare

2.2 Cluster munitions are large weapons which are deployed from the air or the ground and release small submunitions or 'bomblets'. These bomblets have a wide dispersal pattern that results in a wide area of impact. Since World War II, at least 15 countries have used cluster munitions in more than 24 countries.<sup>1</sup> According to the United Nations (UN), some 85 countries have stockpiles of cluster munitions containing billions of explosive devices.<sup>2</sup> The Convention on Cluster Munitions (the Convention) requires that states parties destroy them.

2.3 In terms of their contemporary use, cluster munitions were most recently used by Russia and Georgia in their 2008 conflict.<sup>3</sup> The United States (US) and the United Kingdom (UK) are believed to have used nearly 13,000 cluster munitions containing an estimated 1.8 to 2 million submunitions in three weeks of major combat in Iraq between 2003 and 2006.<sup>4</sup> In Afghanistan between 2001 and 2002, the US dropped 1,228 cluster bombs containing 248,056 bomblets. Cluster munitions were also reportedly used by the US, UK and Netherlands in the context of the 1999 Yugoslavia conflict.<sup>5</sup>

2.4 Since the Convention was opened for signature in December 2008, reports suggest that there has only been one serious allegation of cluster munitions use.

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- 1 UN Backs Vientiane Declaration on Cluster Munitions, UN Electronic Mine Information Network, Press Release, 12 November 2010, <http://www.mineaction.org/doc.asp?d=1532> (accessed 29 November 2010). However, according to the Cluster Munition Coalition, cluster munitions have been used during armed conflict in 39 countries and disputed territories since the end of WWII and at least 18 government armed forces have used cluster munitions. (Cluster Munition Coalition, *Cluster Munition Monitor 2010*, Major Findings, [http://www.the-monitor.org/index.php/publications/display?url=cmm/2010/CMM\\_Major\\_Findings\\_2010.html](http://www.the-monitor.org/index.php/publications/display?url=cmm/2010/CMM_Major_Findings_2010.html), (accessed 15 December 2010).
  - 2 UN Backs Vientiane Declaration on Cluster Munitions, UN Electronic Mine Information Network, Press Release, 12 November 2010, <http://www.mineaction.org/doc.asp?d=1532> (accessed 29 November 2010).
  - 3 Cluster Munition Coalition, *A History of Harm*, undated, <http://www.stopclustermunitions.org/the-problem/history-harm/> (accessed 15 December 2010).
  - 4 Cluster Munition Coalition, *A timeline of cluster bomb use*, undated, <http://www.stopclustermunitions.org/the-problem/history-harm/> (accessed 29 November 2010).
  - 5 Cluster Munition Coalition, *A timeline of cluster bomb use*, undated, <http://www.stopclustermunitions.org/the-problem/history-harm/> (accessed 29 November 2010).

Amnesty International reported that the US 'appeared to have used at least one cruise missile with submunitions' to attack an alleged al-Qaeda training camp in Yemen in December 2009.<sup>6</sup>

## **Legacy of cluster munitions**

2.5 In 2006, Handicap International (HI) published the first comprehensive publicly available study on the impact of cluster munitions on civilian populations through casualty data. In its review across 23 contaminated countries and areas, HI compiled evidence of at least 11,044 recorded and confirmed casualties. The organisation found that 98 per cent of recorded cluster submunitions casualties are civilians.

2.6 In terms of the impact and legacy of cluster munitions, the HI report found that:

- In the post-strike and post-conflict period, unexploded submunitions cause a lasting threat as failed submunitions dominate amongst new incidents in post-conflict situations.<sup>7</sup>
- Not only are civilians most at risk but the vast majority of civilian casualties occur whilst people carry out daily activities in their usual and accustomed places.
- Males represent 84 per cent of casualties with 40 per cent of them under the age of 18 years. In all contexts, boys constitute the vast majority of child casualties averaging between 85 and 90 per cent.
- The majority of child casualties occur whilst carrying out livelihood activities, mostly tending animals.
- The number of casualties that occur while carrying out livelihood activities demonstrates the direct economic impact on cluster munitions-contaminated communities. In many countries, men are the traditional breadwinners and given that adult males and boys represent the majority of casualties, the

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6 Amnesty International cited in Cluster Munition Coalition and International Campaign to Ban Landmines, *Cluster Munition Monitor 2010*, Major Findings, p. 1, [http://www.the-monitor.org/index.php/publications/display?url=cmm/2010/CMM\\_Major\\_Findings\\_2010.html](http://www.the-monitor.org/index.php/publications/display?url=cmm/2010/CMM_Major_Findings_2010.html) (accessed 29 November 2010).

7 In parts of Southeast Asia, cluster munitions continue to cause nearly half of the recorded casualties more than three decades after their use. Handicap International, *Fatal Footprint: The Global Human Impact of Cluster Munitions*, Preliminary Report, November 2006, p. 42, [http://www.mineaction.org/downloads/1/Fatal\\_Footprint\\_HI\\_report\\_on\\_CM\\_casualties.1.pdf](http://www.mineaction.org/downloads/1/Fatal_Footprint_HI_report_on_CM_casualties.1.pdf) (accessed 22 December 2010).

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'socio-economic loss for both the immediate term and distant future cannot be underestimated'.<sup>8</sup>

2.7 According to the Cluster Munition Monitor 2010, there were 16,816 cluster munition casualties confirmed globally at the end of 2009. It noted, however, that many casualties have gone unrecorded and estimated that the actual number may be between 58,000 and 85,000 casualties. As previously noted, whilst most cluster munitions are intended to explode on impact, many do not and these explosive remnants continue to maim civilians and impede agricultural development often years after conflicts end. In terms of contamination, at least 23 states and three other areas are believed to be contaminated with cluster munition remnants whilst at least thirteen additional states still may have a small level of contamination from past use of the weapon. The most heavily affected countries include Lao PDR, Vietnam, Iraq and Cambodia. Southeast Asia has the greatest amount of cluster munition contamination of all regions.<sup>9</sup>

### **Cluster munition stockpiles worldwide**

2.8 According to the Cluster Munition Monitor, in 2010, there were 74 countries with cluster munition stockpiles of which, 27 had signed or ratified the Convention. Of the 27, 17 states have provided information on the size of their stockpile. Collectively, this stockpile amounts to at least 1.1 million cluster munitions with at least 146 million submunitions.<sup>10</sup>

2.9 According to Human Rights Watch, of the known quantities of submunitions stockpiled by signatory states, Germany has 50 million submunitions in its stockpiles whilst the United Kingdom has 39 million, the Netherlands 26 million, France 15 million and Belgium 10 million.<sup>11</sup> However, the Cluster Munition Monitor reported that two of the biggest stockpilers, Germany and the UK, have destroyed significant portions of stocks whilst at least eight other countries are in the process of destroying stocks. Four state parties (Belgium, Moldova, Norway and Spain) and two signatories (Colombia and Portugal) are reported to have destroyed all of their stockpiles,

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8 Handicap International, *Fatal Footprint: The Global Human Impact of Cluster Munitions*, Preliminary Report, November 2006, p. 43, [http://www.mineaction.org/downloads/1/Fatal\\_Footprint\\_HI\\_report\\_on\\_CM\\_casualties.1.pdf](http://www.mineaction.org/downloads/1/Fatal_Footprint_HI_report_on_CM_casualties.1.pdf) (accessed 22 December 2010).

9 Cluster Munition Coalition and International Campaign to Ban Landmines, *Cluster Munition Monitor 2010*, Major Findings, p. 1, [http://www.the-monitor.org/index.php/publications/display?url=cmmm/2010/CMM\\_Major\\_Findings\\_2010.html](http://www.the-monitor.org/index.php/publications/display?url=cmmm/2010/CMM_Major_Findings_2010.html) (accessed 29 November 2010).

10 Cluster Munition Coalition and International Campaign to Ban Landmines *Cluster Munition Monitor 2010*, Major Findings, p. 1, [http://www.the-monitor.org/index.php/publications/display?url=cmmm/2010/CMM\\_Major\\_Findings\\_2010.html](http://www.the-monitor.org/index.php/publications/display?url=cmmm/2010/CMM_Major_Findings_2010.html) (accessed 29 November 2010).

11 Human Rights Watch, *Cluster Munition Stockpiles of Signatories to the Convention on Cluster Munitions*, Fact Sheet, February 2010, p. 1.

accounting for an estimated 176,000 cluster munitions with more than 13.8 million submunitions. Austria and Montenegro expect to finish stockpile destruction in 2010.<sup>12</sup>

### **Australia and cluster munitions**

2.10 From the 1970s to the 1990s, Australia manufactured and maintained limited quantities of cluster munitions for testing purposes.<sup>13</sup>

2.11 Whilst Australia had stockpiles in the past,<sup>14</sup> the explanatory memorandum noted that there are no operational stockpiles of cluster munitions now.<sup>15</sup>

2.12 In evidence to the committee, the Department of Defence (Defence) confirmed that it does not have operational stocks of cluster munitions and that live sub-munitions are not part Defence's operational weapons inventory.<sup>16</sup> DFAT has also noted in the past that such munitions 'are not part of Defence's operational weapons inventory, and are not – in either numbers or configuration – suitable for operational use by the ADF'.<sup>17</sup>

2.13 In terms of conformity with the treaty, DFAT has argued that Australia already fulfils many of its obligations under the Convention as it does not possess any cluster munitions other than those stocks permitted for training and counter-measure purposes. It further noted that Australia provides a range of assistance to victims through Australian Agency for International Development Mine Action program.<sup>18</sup>

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12 Cluster Munition Coalition and International Campaign to Ban Landmines *Cluster Munition Monitor 2010*, Major Findings, p. 1, [http://www.the-monitor.org/index.php/publications/display?url=cmm/2010/CMM\\_Major\\_Findings\\_2010.html](http://www.the-monitor.org/index.php/publications/display?url=cmm/2010/CMM_Major_Findings_2010.html) (accessed 29 November 2010).

13 Senate Foreign Affairs, Defence and Trade Committee, *Cluster Munitions (Prohibition) Bill 2006*, p. 4.

14 Human Rights Watch, *Cluster Munition Stockpiles of Signatories to the Convention on Cluster Munitions*, Fact Sheet, February 2010, p. 1.

15 *Explanatory Memorandum*, Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010, p. 2.

16 Department of Defence, *Additional information*, received 2 March 2011, p. 3.

17 Letter from Peter Hooten, Department of Foreign Affairs and Trade, 27 April 2010 cited in Cluster Munition Monitor, Country Profiles – Australia, 20 October 2010, p. 3. [http://www.the-monitor.org/custom/index.php/region\\_profiles/print\\_profile/10](http://www.the-monitor.org/custom/index.php/region_profiles/print_profile/10) (accessed 3 December 2010).

18 Joint Standing Committee on Treaties, *Report No 103*, Treaties tabled on 12 March and 13 May 2009, 18 August 2009, p. 16.