



## Deadly Legacy – Cluster Bomblets and Unexploded Ordnance in Iraq

February 2003

*“I went with my cousins to see the place where NATO bombed. As we walked I saw something yellow – someone told us it was a cluster bomb. One of us took it and put it into a well. Nothing happened. Later I went back to the bomb and put it in this position [vertical]. We began talking about taking the bomb to play with and then I just put it somewhere and it exploded. The boy near me died and I was thrown a metre in the air. The boy who died was 14 – he had his head cut off. I was near him and another boy tried to help me....”*

An interview with a 13-year-old boy in Pristina Hospital who had recently undergone a double leg amputation, 26 August 1999. From Rae McGrath, “Cluster Bombs”, Landmine Action, 2000.

Those countries that are actively seeking to mount a war against Iraq claim one of the reasons they wish to do so is their concern for the human rights of the Iraqi people. There is no doubt that Saddam Hussein’s regime has carried out systematic human rights abuses, with the periods of the largest levels of murders and “disappearances” being carried out in the 1980s and early 1990s. However, the Governments seeking a war on Iraq have a highly inconsistent approach to human rights and a number of their actions demonstrate that any war on Iraq will not be out of genuine concern for the human rights and well-being of the Iraqi people. One of these areas relates to the types of conventional weapons that will be used on Iraq and the deadly legacy they will leave.

### Cluster Bombs

The US stockpiles over one billion submunitions, including cluster bomblets. While US forces continue to use cluster bombs, international human rights group Human Rights Watch (HRW) has concluded “airdropped cluster bombs appear to be of diminishing importance to the US military, given the prevalence of less expensive precision guided munitions and the existing and emerging alternatives to cluster bombs.” HRW has concluded that cluster bomblets have “fundamental flaws”.

Cluster bomblets pose a particular danger to civilians compared to other weapon systems because of the broad area of effect they have, lack of accuracy and the number of explosive duds left behind, often over 10%. The quality of cluster bomblet fuses is usually inferior to that used for other bombs, as the high number of cluster bomblets encourages manufacturers to keep costs down. The volatility of armed cluster bomblet duds makes them more dangerous than many other types of unexploded ordnance.

### The 1991 Gulf War

In the 1991 Gulf War US forces dropped over 13 million cluster bomblets on Iraq and Kuwait from the air and over 11 million from ground based rocket launchers. Dud rates were at least 10%, leaving at least 2.4 million dud bomblets. Each ‘dud’ bomblet is a potentially lethal danger to civilians at the slightest touch, killing and maiming for years after a conflict ends.

Human Rights Watch reports that by February 1993 unexploded bomblets had killed 1,600 Kuwaiti and Iraqi civilians and injured 2,500 and that 60% of victims were children under the age of 15. While the international community moved swiftly to clean up unexploded ordnance that threatened Kuwaiti civilians, little was done by the international community to clean up bomblets that continue to threaten Iraqi civilians. If the US Administration and UK Governments were concerned about the well-being and human rights of the Iraqi people they might have taken some responsibility to clean up this deadly legacy.

### Failure to act to minimise the humanitarian impact of cluster bomblets

Rather than learning the lessons of the deadly legacy that commonly used cluster bomblets leave behind for civilians, US and UK forces used cluster bomblets again in conflicts in Bosnia Herzegovina, Kosovo, Serbia and more recently in Afghanistan.

One of the key types of bomblet used by US forces on Iraq and Kuwait and in subsequent conflicts was the BLU 97/B CEM. It can be lethal out to a radius of 150 m. It is the size and shape of softdrink can and is bright yellow. Its bright colour and shape has been demonstrated to attract the interest of children, often with fatal consequences. Each cluster bomb dropped contains 202 of these BLU 97/B CEM bomblets.

Human Rights Watch reports that in the war against Serbia, between 90 and 150 civilians were killed by cluster bombs, representing an estimated 18-30% of all civilian casualties even though cluster bombs were just 6% of the ordnance used during the war. The International Committee of the Red Cross (ICRC) reported that from June 1999 to May 2000 at least 50 civilians were killed and 101 injured by unexploded bomblets in Kosovo and Serbia. ICRC data from the post-conflict period in Kosovo found that cluster bombs were responsible for five times as many victims under the age of 14 than anti-personnel landmines. Unexploded cluster bomblets were six times more deadly than other unexploded ordnance.

Between October 2001 and March 2002 the US dropped approximately 248,000 cluster bomblets on Afghanistan. In the same period, at least 127 civilians had been killed or injured by cluster bomblets. Of the civilian casualties, 87 (or 69%) were children under the age of 18.

In the US Department of Defence Report to Congress on the Kosovo Operation Allied Force on 31 January 2000 it was admitted that “if the submunitions are disturbed or disassembled they may explode, thus, the need for early and aggressive unexploded-ordnance clearing efforts.” However, at a meeting of governments that are parties to the *UN Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects* in December 2002, the US and UK were amongst the countries that rejected calls:

- To get rid of existing stocks of cluster bomblets with high failure rates;
- To take responsibility for the clean up any dud cluster bomblets that they have dropped; and
- To allow for further restrictions on targeting so that cluster bomblets are not used near civilian homes and buildings.

**These are not the actions of Governments that care about the civilian populations in countries they wage wars in.**

#### What you can do:

Write polite and respectful letters to:

The Hon Alexander Downer MP  
Minister of Foreign Affairs  
Parliament House  
Canberra, ACT, 2600  
Salutation: Dear Minister

The Hon. Senator Robert Hill  
Minister for Defence  
Parliament House  
Canberra, ACT, 2600  
Salutation: Dear Minister



Points to make in your letter:

- Point out that the almost certain use of cluster bombs in any coming war on Iraq serves as evidence that those countries seeking to wage the war are not genuinely concerned about the human rights of the Iraqi people.
- Point out that by February 1993 unexploded bomblets dropped on Kuwait and Iraq in the 1991 Gulf War had killed 1,600 Kuwaiti and Iraqi civilians and injured 2,500 and that 60% of victims were children under the age of 15.
- Ask that the Australian Government demonstrate its support for basic human rights by seeking to minimise the impact of unexploded ordnance by giving its support to the development of a Protocol to the *Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects* containing the following elements:
  - (i) That the parties to any conflict promptly clean up, or arrange for clearance of, all unexploded ordnance, bearing full responsibility for the munitions that they have generated where that can be determined;
  - (ii) Parties to the conflict are to inform demining and/or unexploded ordnance clearance agencies of where specific sites of munitions strikes have been made and technical data on all munitions used to enable the unexploded munitions to be rendered safe or destroyed;
  - (iii) Parties to the conflict are to provide appropriate information, including pictures, and warnings to civilians, both during and after the conflict about the dangers of unexploded ordnance;
  - (iv) A prohibition on the use of weapons with large amounts of submunitions in or near concentrations of civilians;
  - (v) That all munitions have high quality fuses and detonation systems that ensure explosion on impact, self-destruct within seconds of impact or that render munitions safe if they fail to detonate; and
  - (vi) A moratorium on the manufacture, transfer and use of munitions with submunitions until such munitions can be demonstrated to have failure rates no worse than other munitions that do not cause large amounts of unexploded ordnance (an indicative figure would seem to be 1%). The moratorium should particularly apply to submunitions that have already been demonstrated to generate large humanitarian problems in places where they have been used.