Cluster Bomb

Why in news?

United States has decided to send cluster munitions to Ukraine, as a part of a new military aid package to bolster Ukraine's war efforts against Russia.

What is a cluster bomb?

- **Cluster bomb** - These are weapons that *release multiple explosive sub munitions*, also called *bomblets*, into the air.
- These sub munitions explode as soon as they hit the ground, killing and maiming people in the area.
- **Dud rate**- Many bomblets do not blow up instantly and remain *dormant for years* which is also known as the dud rate.
- These inactive bomblets act as precarious landmines, posing a grave threat to the civilian population.

What are the instances of cluster bomb?

According to the Cluster Munition Monitor, anywhere between 56,000 to 86,000 people have died in cluster munition-affected countries, since the 1960s.

- They were used in the Second World War, since then, cluster bombs have been used on multiple occasions including by the U.S. in the wars in Vietnam, Afghanistan, and Iraq.
- According to the Cluster Munition Monitor, a total of 34 states have at one time developed or produced over 200 types of cluster munitions.

About	Countries
Countries affected by cluster munition remnants	Afghanistan, Azerbaijan, Libya, Somalia, Sudan, Chad, Chile etc.,
Most affected countries	Lao PDR, Vietnam, Cambodia, Iraq, Syria and Yemen
Unclear data	Colombia and Georgia

What efforts were taken against cluster bombs?

- **Human Rights Watch-** It is a civil society organisation which launched international campaign against cluster bombs.
- **Convention on Cluster Munition-** Launched in 2008, it is the only international framework which provides for eradication of cluster bombs.

- **Cluster Munition Coalition-** It is a global civil society campaign working to
  - Eradicate cluster munitions,
  - Prevent further casualties and
  - Put an end to the suffering caused by these weapons.

Convention on Cluster Munition (CCM)

- It was enacted in 2008 as a major step to eradicate cluster bombs.
- **Membership-** About 112 countries including many North Atlantic Treaty Organization (NATO) members such as Canada, Germany, France, and the United Kingdom.
- **Non-signatory countries-** Countries such as U.S., Russia, Ukraine, China, Israel, and India have not signed the CCM.
- **Feature-** It bans the use, production, stockpiling, and transfer of cluster bombs.
- The convention further obligates countries to destroy existing stockpile of cluster munitions in their possession.
- The countries are legally bound to provide support and rehabilitation to the cluster bomb victims in their jurisdiction.

What is customary international law?

Both Russia and Ukraine are not members to the CCM, but use of cluster bombs is the violation of International law.

- **International law on armed conflict-** It has always drawn a distinction between combatants and civilian populations and between civilian objects and military objectives.
- Given the nature of cluster bombs, their usage is a classic example of indiscriminate use of force that fails to differentiate between combatants and civilians which is illegal.
- **Essential canon**- The use of force must be discriminate, that is, the force should target specific military objectives and not civilians.
- **Geneva Conventions, 1949-** The customary international law is codified in this convention to which both Russia and Ukraine are members.
- The use of cluster bombs is inherently indiscriminate, harming civilians, and will amount to disproportionate use of force.

Proportionality that is mentioned in Geneva Convention prohibits excessive use of force that causes incidental damage to the civilian population or civilian objects, when compared to military benefits.

What lies ahead?

- The usage and the possession and transfer or supply of cluster bombs should be banned universally, as envisaged in the CCM.
- All United Nations member-countries should accede to the CCM and eradicate cluster bombs from the face of the earth.

References

1. The Hindu- Stop the fence sitting in cluster bomb use
2. Convention on Cluster Munition- History
3. Cluster Munition coalition-About Cluster Bomb

