

RELEASE IN PART
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From: Jake Sullivan [REDACTED]
Sent: Saturday, April 16, 2011 11:12 PM
To: H
Subject: cluster munitions

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You were right -- convention entered into force without us signing.

Background:

Delegates from 107 nations agreed to the final draft of the treaty at the end of a ten-day meeting held in May 2008 in Dublin, Ireland.[18] Its text was formally adopted on 30 May 2008 by 107 nations,[19] including 7 of the 14 countries that have used cluster bombs and 17 of the 34 countries that have produced them.[20]

The treaty was opposed by a number of countries that produce or stockpile significant quantities of cluster munitions, including China, Russia, the United States, India, Israel, Pakistan and Brazil.[12] The U.S. has acknowledged humanitarian concerns about the use of cluster munitions, but insisted that the proper venue for a discussion of cluster munitions was the forum attached to the Convention on Certain Conventional Weapons, which includes all major military powers.[21] The U.S. has further stated that the development and introduction of "smart" cluster munitions, where each submunition contains its own targeting and guidance system as well as an auto-self-destruct mechanism, means that the problematic munitions are being moved away from in any case.[12] In 2006, Barack Obama voted to support a legislative measure to limit use of the bombs, while his general election opponent John McCain and his primary opponent Hillary Clinton (now U.S. Secretary of State) both voted against it.[22]

The treaty allows certain types of weapons with submunitions that do not have the indiscriminate area effects or pose the same unexploded ordnance risks as the prohibited weapons. These must contain no more than nine submunitions, and no submunition may weigh more than 4 kilograms (8.8 lb). Each submunition must have the capability to detect and engage a single target object and contain electronic self-destruct and self-deactivation devices.[8] Weapons containing submunitions which each weigh at least 20 kg (44 lb) are also excluded.[9] Australia, which supports the treaty, stated that the convention does not prohibit the SMArt 155 artillery shell that it has bought, which releases two self-guided self-destructing submunitions.[8]

In response to U.S. lobbying, and also concerns raised by diplomats from Australia, Canada, Japan, the United Kingdom and others, the treaty includes a provision allowing signatory nations to cooperate militarily with non-signatory nations. This provision is designed to provide legal protections to the military personnel of signatory nations engaged in military operations with the U.S. or other non-signatory nations that might use cluster munitions.[23]

Prior to the Dublin meeting, the United Kingdom was thought to be one of a group of nations in a pivotal role whereby their cooperation could make or break the treaty. In a dramatic[peacock term] turn of events shortly before the end of the conference, Prime Minister Gordon Brown declared that the U.K. would withdraw all of its cluster bombs from service.[24] This was done despite intense behind-the-scenes lobbying by the U.S. and objections by British government personnel who saw utility in the weapons.

The CCM was opened for signature at a ceremony at Oslo City Hall on 3–4 December 2008. By the end of the ceremony, 94 states had signed the treaty, including four (Ireland, the Holy See, Sierra Leone and Norway) which had also submitted their instruments of ratification. Signatories included 21 of the 27 member-states of the European Union and 18 of the 26 countries in NATO. Among the signatories were several states affected by cluster munitions, including Laos and Lebanon.

In November 2008, ahead of the signing Conference in Oslo, the European Parliament passed a resolution calling on all European Union governments to sign and ratify the Convention, as several EU countries had not yet declared their intention to do so.[25] Finland had declared it would not sign.[26] [edit] Entry into force

According to article 17 of the treaty, the convention entered into force "on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited"[3]. Since the thirtieth ratification was deposited during February 2010, the convention entered into force on 1 August 2010; by that point, 38 nations had ratified the treaty.

As the convention entered into force, UN Secretary-General Ban Ki-moon spoke of "not only the world's collective revulsion at these abhorrent weapons, but also the power of collaboration among governments, civil society and the United Nations to change attitudes and policies on a threat faced by all humankind".[27] A spokesman for the International Committee of the Red Cross said "These weapons are a relic of the Cold War. They are a legacy that has to be eliminated because they increasingly won't work".[28] Nobel peace prize winner Jody Williams called the convention "the most important disarmament and humanitarian convention in over a decade".[28]

Anti-cluster munitions campaigners praised the rapid progress made in the adoption of the convention, and expressed hope that even non-signatories – such as the US, China and Russia – would be discouraged from using the weapons by the entry into force of the convention.[29] As one of the countries that did not ratify the treaty, the United States said that cluster bombs are a legal form of weapon, and that they had a "clear military utility in combat." It also said that compared to other types of weapons, cluster bombs are less harmful to civilians