



## CHURCH of IRELAND GENERAL SYNOD CHURCH in SOCIETY COMMITTEE

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### STATEMENT FROM THE CHAIRMAN OF THE CHURCH IN SOCIETY COMMITTEE ON THE CONVENTION TO BAN CLUSTER MUNITIONS

From 19<sup>th</sup>-30<sup>th</sup> May 2008, representatives from 109 countries as well as the United Nations, the International Committee of the Red Cross and the Cluster Munitions Coalition are gathered in Dublin to finalise an anti-cluster munitions treaty.

Those labouring to ban the production, storage, transfer and use of cluster munitions are to be commended and prayerfully supported. One might ask why, in the context of the arms industry where products are designed with the specific intent to kill, maim and destroy, are cluster munitions particularly sinister and deserving of special attention? The answer is this: they fail to observe the principle of distinction and so run contrary to the entire spirit of humanitarian law, that code which reaches for a moral centre based upon the sanctity of human life and the dignity of the person and through which nations are supposed to strive for a fair and just peace. In failing to distinguish between the civilian and the military, cluster munitions prevent us from containing the violence of war. Their use brings warfare to the civilian man, woman and child and drags warfare beyond the formal ending of hostilities, embedding it in the soil that communities must reclaim after war, slowing reconstruction efforts and distorting the rebuilding of normal life, making it a life-threatening affair.

Efforts to reduce or dilute the force of the convention being finalised must be resisted. Several countries participating in the negotiations have come to the table with proposed amendments that, if included in the final convention, would perpetuate the suffering caused by cluster munitions. Participation in the conference is to be welcomed, by contrast countries such as China, India, Israel, Pakistan, Russia and the United States of America are not attending. However, any attempt to dilute the terms of the Treaty by those attending cannot be condoned. Such action, if successful, would serve to define the unacceptable and wrong as formally acceptable and legal. Humanitarian law must be fused with justice and fairness. No document that acknowledges certain cluster munitions as legitimate utensils for the exercise of force, either by mention or omission, can be regarded as a proper contribution to that fusion. To excuse the use of cluster munitions within the body of humanitarian law directs that body away from the principles it is supposed to make normative.

Much has been made of the technological improvements in, and the modern safeguards of, certain cluster munitions by those countries that wish to limit the scope of the convention. It is worth noting that 142,000 unexploded sub-munitions have been removed by the United Nations' Mine Action Coordination Centre in southern Lebanon since 14<sup>th</sup> August 2006 after the region was cluster-bombed by the Israeli Defence Forces

in the summer of that year. In the same period, 179 civilians have been injured and 20 civilians killed by such cluster munitions. It is unknown how many sub-munitions remain, but thus far only 15 per cent of the 40 million square meters affected has been returned to communities for their use.<sup>1</sup>

The cluster munitions used in that conflict and which left unexploded ordnance in their wake included the most up-to-date models for which some countries are seeking exemptions.<sup>2</sup> In a letter to the editor of *The Times*, nine generals and former generals wrote that “to choose a course that seeks to exempt the UK’s remaining stocks from a ban risks creating loopholes that others will inevitably exploit. Most importantly it will not achieve the stigmatisation of cluster munitions, which must be our objective if we are to prevent the proliferation of these weapons. An important lesson of the anti-personnel mine ban treaty is that, even if some main stockpilers will not sign, clear, unequivocal statements of intent will strongly shape their practice.”<sup>3</sup> The momentum for an authoritative and definite convention is there and it must be seized, while those seeking to insert chinks and loopholes must be resisted.

To seek praise for destroying one’s own stockpiles of cluster munitions while simultaneously negotiating for permission to use the cluster munitions of non-signatories in joint military operations is hypocrisy. The definitions of this convention must be as comprehensive as possible, the transition period from ratification to operation as short as possible, and the moral objectionability of being associated with these weapons as clear as possible. If the convention fails to ban the use of cluster munitions in joint operations, we would still call on the governments of the United Kingdom and the Republic of Ireland to unilaterally refuse the participation of the Armed Forces of the Crown and the Irish Defence Forces in any operation where another participant is using cluster munitions, and to legislate accordingly as Belgium has done. Anything less is to condone these weapons.

Hopefully at the conclusion of the conference in Dublin a convention to ban the use of all cluster munitions and association with them will be in place with the maximum number of signatories to provide the convention with the moral gravity and voice that it deserves. Once again, prayerful support is due to all those working to agree and strengthen this convention, particularly to the Norwegian government that has been a leader on this issue from early on with the Oslo process, to the Irish government that convened the current conference, and to Pax Christi who, through their *Make Cluster Bombs History* campaign, have been agitating upon the issue for several years.

The Rt Revd Michael Jackson, Bishop of Clogher  
Chairperson, The Church in society Committee  
28<sup>th</sup> May 2008

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<sup>1</sup> Mine Action Coordination Centre, *South Lebanon: Quarterly Report January-March 2008*, available at: [http://www.maccsl.org/quarterly\\_08.htm](http://www.maccsl.org/quarterly_08.htm).

<sup>2</sup> Stephen Fidler, ‘UK to phase out cluster bombs’ in *The Financial Times*, 21<sup>st</sup> March 2007.

<sup>3</sup> General Sir Hugh Beach, Field Marshal Lord Bramall, Major-General Patrick Cordingley, Lieutenant-General Sir Roderick Cordy-Simpson, Lieutenant-General Sir Jack Deverell, Major-General the Rev Morgan Llewellyn, General Lord Ramsbotham, General Sir Michael Rose, General Sir Rupert Smith, ‘Cluster bombs don’t work and must be banned’ in *The Times*, 19<sup>th</sup> May 2008.