

RELEASE IN FULL

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**From:** Abedin, Huma <AbedinH@state.gov>  
**Sent:** Friday, November 25, 2011 3:02 PM  
**To:** H  
**Subject:** Fw: US defeated in bid on cluster bomb accord (Reuters)

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**From:** OpsNewsTicker  
**Sent:** Friday, November 25, 2011 02:59 PM  
**To:** NEWS-IO; NEWS-ISN; NEWS-Mahogany; NEWS-PM  
**Cc:** SES-O  
**Subject:** US defeated in bid on cluster bomb accord (Reuters)

GENEVA (Reuters) - A U.S.-led push to regulate, rather than ban, cluster munitions failed on Friday after 50 countries objected, following humanitarian campaigners' claims that anything less than a outright ban would be an unprecedented reversal of human rights law.

While the United States, China and Russia want rules about the manufacture and use of cluster bombs, activists say such regulations would legitimise the munitions, backtracking from the Oslo Convention, an international treaty that seeks a worldwide ban.

"Against all odds it looks like we're going to have success this evening," Steve Goose, head of the arms division at Human Rights Watch, told a press conference in Geneva.

"How often do you see the U.S., Russia, China, India, Israel and Belarus push for something, and they don't get it? That has happened largely because of one powerful alliance driving the Oslo partnership."

Cluster bombs, dropped by air or fired by artillery, scatter hundreds of bomblets across a wide area and can kill and maim civilians long after conflicts end.

U.S. officials say it makes sense to bring in rules because 85-90 percent of cluster munition stockpiles are held by countries that are not parties to the Oslo Convention and have no intention of joining.

A senior U.S. official said cluster munitions were a military necessity and were needed to hit targets spread over wide areas, while using alternative armaments would cause more collateral damage and prolong conflicts.

Opponents want them banned because they are indiscriminate weapons, raining bomblets that may fail to explode on impact and lie dormant, ready to kill or injure anyone who picks them up or touches them by mistake.

Those lining up against the U.S. plan included the International Committee of the Red Cross and the top U.N. officials for human rights, emergency relief and development.

The U.N. agency chiefs said cluster bombs were a particular threat to children, who were attracted by their unusual, toy-like shapes and colours. They said they were extremely concerned at plans to do anything less than ban them.

"The adoption of (the U.S.-led plan) that contains such provisions would set a disturbing precedent in international humanitarian law. It would, for the first time, create a new international treaty that is actually weaker than existing international humanitarian law," they said in a statement.

The U.S. measure, which would have regulated cluster bombs under the Convention on Certain Conventional Weapons (CCW), proposed to ban those manufactured before 1980 and to ensure a failure rate of no more than one percent by 2018.

Opponents say the old weapons are likely to be phased out anyway and failure rates are unverified.

"The actual failure rates of cluster munitions used in actual wars are much higher than in tests," said Grethe Ostern of Norwegian People's Aid. "There are many differences between testing conditions and real conditions."

She cited a "top notch" cluster bomb used by Israel in Lebanon which was supposed to have a one percent failure rate but in fact failed more than 10 percent of the time.

Human Rights Watch's Goose contrasted the U.S. approach on cluster bombs to its approach to torture, and said nobody would accept a proposal to regulate and allow torture.

"Wouldn't it be better to have something out there for people who still practice torture? No."

Activists said the opposition to the U.S. proposal was led by Norway, Mexico and Austria, while 12 signatories to the 2008 Oslo Convention, including Japan, France and Germany, said they were in favour of regulation of cluster bombs under the CCW.

China and Russia, which like the United States are major producers of cluster munitions, were strongly supportive of the U.S. measure.

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