Cluster Bombs: A US Policy Failure

The U.S. government may know more about the dreadful human toll caused by cluster munitions than any other user nation, yet still insists that these indiscriminate weapons are "legitimate weapons with clear military utility." For the sake of humanity this must change.

In September of 1994, I was in Phonsavan, Laos, preparing for the opening ceremony of the humanitarian demining project initiated by Mennonite Central Committee (MCC), with technical support from the Mines Advisory Group in collaboration with the Government of Laos.

Phonsavan, the province capital, is a small town situated on a high, rolling plateau which had become a major battleground during the U.S. air war from 1964-1973. According to a United Nations Development Program report, the U.S. had dropped some 270 million cluster bomblets on the country. Experts estimate that up to one third failed to detonate when they hit the ground, littering the villages of Laos with lethal ordnance.

During the preparations for the ceremony, I met Mr. Tu Va Chao and heard his heart-rending story. In November of 1993 his four children were taking the family's water buffalo out to pasture when they found a small round object in the ditch. Sia Ya, age 6, picked it up and threw it to her brother Kou Ya, age 4. The ball, a U.S. cluster bomblet, exploded, killing Kou Ya immediately, while his sister died two days later.[1]

Sadly, this was not an unusual occurrence in the area around Phonsavan. As early as 1981, I saw these small round bomblets along village paths, lodged in paddy dikes, at the bottom of bomb craters, or scattered across grazing land. To this day, cluster bombs are part of the physical landscape throughout many provinces, and pose a daily threat to the life and well-being of all who live there. The indiscriminate nature of these deadly weapons, a violation of the most basic principle of international humanitarian law, has thus been known from their very early use. This is why more than 120 nations have categorically rejected them.

The mid 1990's were still the very early days of humanitarian demining, and Laos would become the very first country where the primary focus of demining was cluster munitions rather than landmines. Remarkably, diplomatic ties between the U.S. and Laos were never cut. This means that U.S. diplomats were continually present in the country which the U.S. had inundated with cluster bombs. This gave the U.S. early insight into the impact of the widespread use of these weapons in warfare. In addition, two U.S. based NGOs, Mennonite Central Committee and the American Friends Service Committee began working in Laos in 1974 and 1975. These workers frequently traveled throughout the bombed areas and shared stories about the risks and hardships posed by cluster bombs with the U.S. embassy staff and congressional offices in Washington D.C. This should have been the end of U.S. cluster munition production and use.

Despite this first-hand knowledge, the U.S. has repeatedly doubled down on its use of these indiscriminate weapons, believing in the promise of technical fixes, which has proved elusive.

[1] Laos: War Legacy, Mennonite Central Committee, p. 17, 1995.

The U.S. used cluster munitions during the Gulf War, in the former Yugoslavia, in Afghanistan and in Iraq. The results have always been the same; civilian casualties both during and after these wars due to unacceptably high dud rates and large, unmarked lethal footprints.

Indeed, the current strong U.S. support for humanitarian demining, including the $36 million for Laos, gives it continued access to new research, data and stories about the multi-generational trauma that these weapons cause.

Yet on October 16, 2024 the U.S. announced its 7th shipment of cluster munitions to Ukraine since July of 2023. U.S. cluster munitions now pose a direct threat to civilians in Ukraine alongside the cluster munitions fired by Russia and Ukraine. The U.S. has withheld information on numbers, so we can only guess at the scale of the problem that is being created. However, based on the experience of past wars, it is highly likely that U.S. cluster munitions in Ukraine will continue to harm civilians long after the war is over.

These U.S. exports also weaken the strong international consensus that cluster munitions are indiscriminate and unacceptable weapons. This consensus, forged by the rigorous Convention on Cluster Munitions (CCM) treaty process, prohibits the production, use, transfer and stockpiling of cluster munitions. The U.S. is not a party to the treaty and neither are Russia or Ukraine. In July of this year, Lithuania, a member of the Convention announced that it intends to withdraw from the treaty. Surely the multiple U.S. shipments of cluster munitions to Ukraine have influenced Lithuania's decision.

Failure to join the CCM does not exempt the U.S. from the moral questions that come with littering the soil with small, difficult-to-find, lethal weapons that are known to maim and kill civilians for decades after hostilities cease. Indeed, the failure to remove cluster munitions from U.S. stocks in the face of 50 years of clear evidence of their horrific impact is appalling. Why have we continually chosen more harm to civilians when there is a clear path to reducing harm? Why is this not a high priority?

Mr. Tu Va Chao lamented that the humanitarian demining program had begun too late to save his children. In his lament, we find a compelling imperative: prevention. The Convention on Cluster Munitions, agreed to by the majority of our NATO allies, provides a clear path to preventing the endless cycles of trauma and harm caused by cluster munitions

We urge the U.S. to destroy its stockpiles of cluster munitions, immediately end its transfer of cluster munitions and accede to the treaty. We must learn from our tragic and prolonged use of cluster munitions and create policies that respect civilian life and international humanitarian law.

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