

The Legality of Cluster Bombs in Armed Conflicts

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I. INTRODUCTION

The branch of human rights law pertaining to the rules of armed conflicts is known as International Humanitarian Law, or IHL.¹ Under IHL, some weapons, such as chemical weapons, have been outlawed as overly injurious, but the legality of other methods of warfare is still uncertain. One of these debated weapons is an explosive known as the cluster bomb. Like many types of landmines, some cluster bombs will remain unexploded after a typical conflict, resulting in the injury or death of civilians and rescue workers after combat has ended. Cluster bombs are not banned by IHL; however, there are strong reasons to forbid their use, as well as good arguments for their continued use. This note will analyze the debate on the continuing legality of the use of cluster bombs in armed conflicts.

II. IHL

International Humanitarian Law originated in the second half of the nineteenth century, following the 1859 Battle of Solferino in Italy during the Italian War of National Unification.² This one-day conflict resulted in the death and

wounding of thousands; as there were no measures in place to take care of injured soldiers after battles, the wounded were left to die alongside those already deceased.³

A Swiss man, Henri Dunant (1828-1910), witnessed the needless deaths at the Battle of Solferino, and in 1862 published a book inspired by the event entitled *A Memory of Solferino*.⁴ The book advocated a plan that would recruit volunteers from all over the world to care for those wounded in battle.⁵ In 1863 Dunant organized the world's first conference to codify international laws of armed conflicts in order to formulate better protections for injured soldiers.⁶ This conference signaled the birth of the Red Cross, and resulted in the signing of the original Geneva Convention.⁷ Today, these general laws of IHL protect all non-combatants (including combatants who have been wounded or captured) during armed conflicts; the only people not protected by IHL are active combatants.⁸

IHL is divided into two areas: *jus in bello*, which lays out the laws of armed conflict, and *jus ad bellum*, which determines when a state may go to war (a power that is greatly restricted now).⁹ *Jus in bello* governs the weapon choices and methods of attack allowed by the parties in an armed conflict.¹⁰ For example, IHL prohibits the use of chemical weapons under all circumstances.¹¹ IHL also requires that a state's goal be to

conquer or achieve its military objective rather than to kill indiscriminately.¹² Although cluster bombs do not fall under the category of restricted weapons, some parties claim that because these bombs cover an unusually wide surface area when dropped and cannot be more precisely guided, the weapon is an indiscriminate killer and should be prohibited under IHL.

III. WEAPONS ALLOWED UNDER THE GENEVA CONVENTIONS

The Geneva Conventions, adopted in their current form in 1949, govern the basic rules of IHL.¹³ More than one hundred ninety states (nearly every existing country in the world) have ratified these four conventions.¹⁴ The conventions protect civilians, prisoners of war, and the sick and wounded.¹⁵ Two additional Protocols to the Geneva Conventions were adopted in 1949: Protocol I regulates international armed conflicts, and Protocol II regulates non-international armed conflicts.¹⁶

Under these provisions, parties in a conflict are required to observe these general rules: distinguish between non-combatants, including the civilian population, and combatants; attack only military objectives; and refrain from using weapons that cause unnecessary loss of life or excessive suffering.¹⁷ Several such rules are found in Protocol I, Part III, which

governs the "Methods and Means of Warfare."¹⁸ Part III, Article 35 states:

1. In any armed conflict, the right of the Parties to the conflict to choose methods and means of warfare is not unlimited.
2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.
3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.¹⁹

Protections for non-combatants are found in Protocol I Part III. Article 51 forbids states from attacking civilians.²⁰ Article 57 specifies, "Constant care shall be taken to spare the civilian population."²¹ Article 58 requires parties to "avoid locating objectives within or near densely populated areas."²² In addition, Geneva Convention 4 condemns the use of "human shields" by prohibiting the military from using the presence of non-combatants to protect themselves from the enemy.²³

The main challenge in deciding the legality of cluster bombs is differentiating between combatant and non-combatant targets.²⁴ If cluster bombs could be used so that only combatants would be affected, their use would be justified; however, because there is danger to non-combatants, the legality of this type of weapon is in question. It is unreasonable to expect that the use of cluster bombs, as volatile and dangerous weapons, would result in zero deaths of non-combatants—but this is not what the Geneva Conventions and Protocols demand. IHL

instead requires that countries reduce the number of non-combatant injuries to the smallest number of casualties possible to fulfill their military objectives.²⁵

The principle of proportionality is useful when determining if cluster bombs may be used in accord with these IHL provisions.²⁶ The principle of proportionality is essentially a balancing test; it states that if the military advantage is of greater importance than the risk of loss of civilian life, the attack is considered legitimate.²⁷ The attack must also be immediate and necessary, not target civilians or nonmilitary targets, and utilize just enough force to achieve its objective.²⁸

The problem with the principle of proportionality is that the test is very subjective: there is no clear line between an attack that is proportional and one that is not. There is also no clear rule to decide how many civilian lives an attack is worth. Separating military and civilian targets can also be difficult, especially during conflicts when civilian areas have been used as military shields.²⁹ The principle of proportionality is intended to ensure that an attack is not used purely as punishment; a state must carefully think through what it hopes to gain from the attack before deciding it is the best available means to gain an objective.³⁰ However, even if States incorporate the principle of proportionality when at war,

weapons such as chemical weapons are never allowed in combat because the cruelty and dangers of the weapon to non-combatants is considered to far outweigh any benefit to the military objective.³¹ Therefore, the question remains: should cluster bombs, like chemical weapons, be banned?

IV. CLUSTER BOMBS

Cluster bombs are small metal canisters about the size of a flashlight battery.³² When dropped from the air, these bombs release smaller "bomblets" in order to cover a large area of ground effectively.³³ This makes it easier to hit a large military base or camp with many bombs simultaneously, rather than aiming individual bombs at each target one by one. Cluster bombs are intended for targets large enough to justify their use; if the target were smaller and more difficult to hit accurately their use would seem indiscriminate.³⁴ These bombs cannot be accurately aimed and therefore typically impact an area (known as a "footprint") as wide as 200 by 400 meters (the size of about eight football fields), thus making it difficult to ensure that all harm caused will be purely military in nature.³⁵

Another controversial aspect of cluster bombs is their high failure rate: between eight (8%) and twenty-two (22%) percent of

cluster bombs fail to explode upon impact.³⁶ Cluster bombs have been in use since World War II, and unexploded ordnance from that war are still making their presence known.³⁷ For example, on October 24, 2006, a highway worker in Germany was killed and several others injured when his machine hit an aerial bomb buried under a busy road.³⁸ It is estimated that Germany will not be entirely cleared of buried unexploded ordnance for 100 to 120 years.³⁹ While there are many types of bombs, shells, and grenades that pose a continued risk when unexploded, the frequent use of cluster bombs raises the probability of accidental explosions and increased danger to the civilian population.⁴⁰

V. COUNTRIES INVOLVED IN CLUSTER BOMB PRODUCTION AND USAGE

Many countries have used cluster bombs in conflicts, including Afghanistan, Albania, Bosnia and Herzegovina, Cambodia, Chad, Eritrea, Ethiopia, Iraq, Kuwait, Laos, Lebanon, Russia (Chechnya), Saudi Arabia, Serbia and Montenegro (including Kosovo), Sudan, and Vietnam.⁴¹ In 2002, fifty-six countries stocked explosive sub-munitions (a weapons category that includes cluster bombs), and at least nine countries, including Russia, Israel, Britain, and the United States, had used them in military conflicts.⁴² Thirty-three countries, including the

United States, have manufactured cluster bombs.⁴³ A total of 208 types of cluster bombs have been manufactured.⁴⁴ The United States alone has over one billion total cluster bombs stockpiled.⁴⁵ Many stockpiled cluster bombs were built using older technology when there were fewer concerns about failure rates and accuracy, which means these old bombs are both less accurate and more prone to failure than newer ones.⁴⁶

VI. LEGISLATIVE TREATMENT

There has been concern for years about the use of cluster bombs in armed conflicts. For example, Amnesty International ("Amnesty") expressed concern at the American use of cluster bombs in 2003 in the war against Iraq.⁴⁷ Amnesty claims that cluster bombs attack indiscriminately and are "a grave violation of international humanitarian law."⁴⁸ Amnesty equates cluster bombs, which are dropped on military targets from the air, with antipersonnel mines, which are hidden on ground level and intended to injure or kill anyone who comes into contact with them.⁴⁹ The type of cluster bomb used in America's attack on Iraq resulted in at least five percent (5%) of the 202 bomblets contained in each bomb not exploding on impact.⁵⁰ Other types of cluster bombs made in the US may have a "dud rate" of up to twenty-two percent (22%).⁵¹

When cluster bombs are used, a number of civilian injuries inevitably result. After the war ended in Kosovo in 1999, more civilians were killed from cluster bombs than from landmines.⁵² The International Committee of the Red Cross ("ICRC") is a strong advocate for a prohibition against the use of cluster bombs, but only when the target is near populated areas. According to the ICRC, the danger to civilians and aid workers of unexploded bombs after a conflict has ended and people have returned to their homes is too great to justify cluster bomb use in populated areas.⁵³

Despite some international support for banning or limiting the use of cluster bombs, these weapons are governed only by general rules of IHL under the Geneva Conventions, and are not specifically banned by any international treaty.⁵⁴ Although other countries are currently reviewing the cluster bomb legality issue, Belgium is the only country to have officially banned their use.⁵⁵

VII. USE OF CLUSTER BOMBS IN THE ISRAEL/LEBANON CONFLICT

One recent situation involving cluster bombs was the 2006 conflict between Israel and Lebanon. International law is consent-based, so countries may choose whether or not to participate; however, once a country decides to ratify an

international treaty, that country is then bound by the rules of the treaty.⁵⁶ Although Israel and Lebanon differ somewhat in their involvement in international treaties, both countries are bound by certain international laws.

Israel has ratified the Geneva Conventions and both Protocols to the Geneva Conventions.⁵⁷ Israel has also ratified the "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects" and both Protocols to the Convention: the Protocol on Non-Detectable Fragments (Protocol I) and the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and other Devices (Protocol II).⁵⁸ The Convention on Conventional Weapons forbids the use of certain weapons that "'may be deemed' to be excessively injurious or to have indiscriminate effects."⁵⁹ Lebanon has also ratified the Geneva Conventions and Protocols I and II to the Geneva Conventions; however, Lebanon has *not* ratified any convention or protocols relating specifically to excessively injurious weapons.⁶⁰

Despite Lebanon's lack of consent to stop using excessively injurious weapons, some international laws apply to all countries as basic principles of international law that cannot be violated by any state, regardless of consent. A law that is enforceable despite a lack of consent is known as a *jus cogens*

or peremptory norm, which is defined under Article 53 of the Vienna Convention on the Law of Treaties:

A peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.⁶¹

These norms are essentially considered the "bare minimum of acceptable behavior."⁶²

One exception to the consent-based system is Article 3, common to the four Geneva Conventions, which requires that non-combatants be treated humanely. To this end, common Article 3 prohibits:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture.
- (b) Taking of hostages.
- (c) Outrages upon personal dignity, in particular humiliating and degrading treatment.
- (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.⁶³

Since the concepts in Article 3 originate in ideas of basic human decency, they may be classified as peremptory norms; therefore, regardless of what treaties have or have not been ratified, Lebanon is held to the laws protecting civilians out of basic moral obligation, rather than treaty-based obligation.⁶⁴

After UN Security Council Resolution 1701 ended the conflict between Israel and Lebanon on August 14, 2006,

unexploded cluster bombs remained in both Israel and Lebanon.⁶⁵ Human rights organizations such as Human Rights Watch and Amnesty International have condemned Israel for using cluster bombs in areas of Lebanon known to house both civilians and members of the military group Hezbollah.⁶⁶ Typically, bombing civilian territory is considered a violation of the basic principles of IHL. However, in this situation, Hezbollah deliberately placed military targets in the midst of civilian populations to protect its members from Israeli bombs while continuing to fire rockets into Israel.⁶⁷ By using non-combatants as shields for their military operations, Hezbollah violated the fourth Geneva Convention, which protects civilian persons in time of war.

It is generally recognized that respect for the rules of IHL depends on reciprocity.⁶⁸ When one state begins to violate international law, that state potentially forces another state to violate the law as well in order to defend their country. Lebanon's illegal and inhumane use of human shields makes it difficult to justify denying Israel the right to defend itself against attacks coming from civilian areas.⁶⁹ However, when IHL is not followed, and Israel decides to return fire despite risk to civilians, it is civilians, rather than military personnel, who suffer, and suffer unjustly.⁷⁰

Israel has said that during the conflict with Lebanon it used cluster bombs "within the confines of international humanitarian law."⁷¹ However, if all military targets are hidden in civilian areas, any attack on the enemy will seem indiscriminate.⁷² Israel knew the risks involved in utilizing cluster bombs in these areas, and tried to avoid excess injuries by dropping leaflets in Lebanon warning civilians about plans for widespread bombing.⁷³ By providing such warning, Israel lost the valuable element of surprise to Hezbollah, but prevented many Lebanese civilian injuries when non-combatants fled the area ahead of the bombs.⁷⁴

Although Israel technically violated the rules of IHL when it bombed civilian areas, Israel acted in response to an enemy that, without regard to international treaties, used its own citizens as shields and attacked Israel without provocation. Israel made a good-faith attempt to protect as many civilians as possible before defending its own state and civilians. While the use of a different type of weapon may have resulted in fewer casualties, Israel needed cluster bombs for their unique widespread coverage due to the covert actions of Hezbollah. Under the principle of proportionality, Israel's use of cluster bombs appears justified.

VIII. Cluster Bomb Clearance

The UN estimates that the recent conflict in Israel and Lebanon has left up to one million unexploded cluster bombs, which may take more than a year to clear.⁷⁵ Cluster bombs are very difficult to clear safely and completely in order for civilians to return to their normal lives.⁷⁶ Non-governmental organizations ("NGOs") such as the Mines Advisory Group assist in mine clearance in many countries.⁷⁷ Unexploded cluster bombs pose an even greater threat to civilians than other unexploded ordnance such as landmines, due to their instability and the large area of ground that must be covered during bomb clearance.⁷⁸

Despite the complications involved in clearing unexploded cluster bombs, they typically cause less physical damage to an area than a "regular" (250-1,000 kilogram) bomb.⁷⁹ Cluster bombs remain popular because there is no other available weapon currently in use that has the same widespread coverage.⁸⁰ Groups such as Human Rights Watch agree that Israel had the right to retaliate when attacked by Lebanon; however, they want to see alternative weapons developed that do not pose such a risk to civilians.⁸¹

IX. CONCLUSION

Although there are no current plans to declare cluster bombs illegal under International Humanitarian Law, many people are working to reduce the danger involved in their use. For example, in 2003, eighty-five NGOs endorsed formation of the Cluster Munition Coalition ("CMC") in The Hague.⁸² The Coalition calls for countries to resolve humanitarian issues before further use or production of cluster bombs, to provide greater assistance to people affected by unexploded cluster bombs, and to accept responsibility for providing warnings and information about cluster bombs to civilians.⁸³ Other steps that may make the use of cluster bombs less controversial include:

- Improvements to cluster bomb technology to increase the frequency of explosion on impact.
- Education regarding the risks of unexploded cluster bombs.
- Better and faster clearance of unexploded weapons after the conclusion of conflicts.⁸⁴

Improvements in technology already have resulted in the production of "smart" bombs, a safer alternative to the traditional cluster bomb. These smart bombs may be guided to specific targets or programmed to explode upon hitting the ground if they miss their target; however, there are still problems involved in the use of these weapons, such as their high cost and the difficulty in identifying such specific targets.⁸⁵ Until smart bombs become cheaper and easier to use,

states that decide to use cluster bombs can help reduce non-combatant casualties by providing maps to clean-up teams of areas that have been bombed so they can do their jobs more safely and efficiently, ensuring fewer civilian injuries from unexploded weapons.⁸⁶

Another possible answer to the question of cluster bomb legality may be to police the use of human shields rather than the use of cluster bombs. If parties in a conflict use cluster bombs in as safe a manner as possible, and neither party purposefully endangers civilians during the fighting, loss of civilian life from cluster bombs could drop to virtually zero. Civilians should not be the ones to suffer when parties to an armed conflict violate IHL. The United Kingdom has declared that by 2015, it will no longer use cluster bombs and will instead employ weapons with a self-destruct mechanism that should reduce the rate of failure to less than one percent.⁸⁷ Perhaps the rest of the world should consider following their example.

¹ CHRISTIAN TOMUSCHAT, HUMAN RIGHTS: BETWEEN IDEALISM AND REALISM, 242 (2003).

² *Id.* at 14.

³ *Id.*

⁴ NOBEL FOUNDATION, NOBEL LECTURES IN PEACE 1901-1925 (1972).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ TOMUSCHAT, *supra* note 1, at 255.

⁹ *Id.* at 241.

¹⁰ *Id.* at 247.

¹¹ *Id.*

¹² *Id.* at 256.

¹³ *Id.* at 247.

¹⁴ International Committee of the Red Cross, *The Geneva Conventions: The Core of International Humanitarian Law* (Jan. 9, 2006), <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/genevaconventions>.

¹⁵ TOMUSCHAT, *supra* note 1, at 247.

¹⁶ *Id.*

¹⁷ International Committee of the Red Cross, *International Humanitarian Law: The Essential Rules* (Apr. 6, 2004), <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/5ZMEEM>.

¹⁸ Protocol Additional to the Geneva Conventions of 12 Aug. 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8, 1977, 1125 U.N.T.S. 3.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

²⁴ Moshe Yaalon, *The Rules of War*, WASH. POST, Aug. 3, 2006, at A27.

²⁵ See TOMUSCHAT, *supra* note 1, at 256-57.

²⁶ Israel Ministry of Foreign Affairs, *Behind the Headlines: Legal and Operational Aspects of the Use of Cluster Bombs*, Sep. 5, 2006, <http://www.mfa.gov.il/MFA/About+the+Ministry/Behind+the+headlines/legal+and+operational+aspects+of+the+use+of+cluster+bombs+5-Sep-2006.htm>.

²⁷ *Id.*

²⁸ Lionel Beehner, *Israel and the Doctrine of Proportionality*, COUNCIL ON FOREIGN REL., July 13, 2006, <http://www.cfr.org/publication/11115/>.

²⁹ *Id.*

³⁰ *Id.*

³¹ TOMUSCHAT, *supra* note 1, at 247.

³² IRIN News, *Lebanon: UN Condemns Israel's "Immoral" Use of Cluster Bombs*, Aug. 31, 2006, http://www.irinnews.org/report.asp?ReportID=55360&SelectRegion=Middle_East&SelectCountry=LEBANON.

³³ *Id.*

³⁴ United Kingdom Working Group on Explosive Remnants of War, *Military Utility of Cluster Munitions*, CCW/GGE/X/WG.1/WP.1, Feb. 21, 2005, *available at* <http://www.mineaction.org/doc.asp?d=373>.

³⁵ Mennonite Central Committee, *Cluster Bombs*, <http://mcc.org/clusterbombs/faq/#6> (last visited Feb. 2, 2008).

³⁶ Marc W. Herold, *Steel Rain*, CURSOR, June 16, 2003, <http://www.cursor.org/stories/steelrain.html>.

³⁷ Mark Landler, *Decades After War, Germany Still Dotted with Bombs*, INT'L HERALD TRIB., Oct. 24, 2006, at 3.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ See Al Malkiyye, *Lebanon: Agencies and Others Tackle Cluster Bomb Threat*, IRIN NEWS, Sept. 7, 2006, http://www.irinnews.org/report.asp?ReportID=55445&SelectRegion=Middle_East&SelectCountry=LEBANON.

⁴¹ Steve Goose, *Cluster Munitions: Toward a Global Solution*, HUM. RTS. WATCH, Jan. 2004, <http://hrw.org/wr2k4/12.htm>.

⁴² Israel Ministry of Foreign Affairs, *supra* note 26.

⁴³ *Id.*

⁴⁴ Goose, *supra* note 41.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Amnesty Int'l, *Iraq: Use of Cluster Bombs—Civilians Pay the Price*, AI Index MDE 14/065/2003, Apr. 2, 2003.

⁴⁸ *Id.*

⁴⁹ Amnesty Int'l, *Lebanon/Israel: Israel Must Disclose Details of Cluster Bomb Attacks and Accept a Full Investigation*, AI Index MDE 02/021/2006, Aug. 31, 2006.

⁵⁰ Amnesty Int'l, *supra* note 47.

⁵¹ Herold, *supra* note 36.

⁵² Nicholas Wood, *Kosovo Mine Expert Criticises NATO*, BBC NEWS, May 23, 2000, <http://news.bbc.co.uk/1/hi/world/europe/761092.stm>.

⁵³ International Committee of the Red Cross, *What is ICRC's position on Cluster Bombs and Other Munitions Which Are a Menace to Civilians After a War?*, <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/5fmjga?opendocument> (last visited Jan. 28, 2006).

⁵⁴ Lauren Frayer, *UN: Hundreds of Cluster Bombs Still Litter Civilian Areas in South Lebanon*, Global Research, Aug. 26, 2006, <http://www.globalresearch.ca/index.php?context=viewArticle&code=FRA20060826&articleId=3073>.

⁵⁵ Human Rights Watch, *Israeli Cluster Munitions Hit Civilians in Lebanon*, July 24, 2006, <http://www.hrw.org/english/docs/2006/07/24/isrlpa13798.htm>.

⁵⁶ TOMUSCHAT, *supra* note 1, at 249.

⁵⁷ International Committee of the Red Cross, *International Humanitarian Law—Treaties & Documents, Israel Signatures*, <http://www.icrc.org/ihl.nsf/Pays?ReadForm&c=IL> (last visited Jan. 28, 2006).

⁵⁸ *Id.*

⁵⁹ TOMUSCHAT, *supra* note 1, at 247.

⁶⁰ *See* International Committee of the Red Cross, *supra* note 57.

⁶¹ Vienna Convention on the Law of Treaties art. 3, May 22, 1969, 1155 U.N.T.S. 331.

⁶² The International Justice Project, *Summary of Customary International Law and Jus Cogens as Pertains to Juvenile Offenders*, <http://www.internationaljusticeproject.org/juvJusCogens.cfm>.

⁶³ Article 3 common to the Geneva Conventions, 12 Aug. 1949.

⁶⁴ TOMUSCHAT, *supra* note 1, at 250.

⁶⁵ Israel Ministry of Foreign Affairs, *supra* note 26.

⁶⁶ Amnesty Int'l, *supra* note 47, 49; Human Rights Watch, *supra* note 41, 55.

⁶⁷ See Editorial, *Hezbollah's Human Shields*, WASH. TIMES, July 31, 2006, at A18.

⁶⁸ TOMUSCHAT, *supra* note 1, at 243.

⁶⁹ Yaalon, *supra* note 24.

⁷⁰ *Id.*

⁷¹ IRIN News, *supra* note 32.

⁷² *Hezbollah's Human Shields*, *supra* note 67.

⁷³ *Id.*

⁷⁴ Yaalon, *supra* note 24.

⁷⁵ Michael Slackman, *Israeli Bomblets Plague Lebanon*, N. Y. TIMES, Oct. 6, 2006, at A1.

⁷⁶ IRIN News, *supra* note 32.

⁷⁷ Mines Advisory Group, *What is MAG?*, <http://www.mag.org.uk/page.php?p=606&s=4> (last visited Jan. 22, 2008).

⁷⁸ *Afghanistan: UN to Clear Coalition Cluster Bombs*, IRIN NEWS, Jan. 2, 2002, http://www.irinnews.org/report.asp?ReportID=18295&SelectRegion=Central_Asia.

⁷⁹ Israel Ministry of Foreign Affairs, *supra* note 26.

⁸⁰ United Kingdom Working Group on Explosive Remnants of War, *supra* note 34.

⁸¹ Human Rights Watch, *Lebanon: Israeli Cluster Munitions Threaten Civilians*, Aug. 17, 2006, <http://www.hrw.org/english/docs/2006/08/17/lebano14026.htm>.

⁸² Goose, *supra* note 41.

⁸³ *Id.*

⁸⁴ International Committee of the Red Cross, *2nd Review Conference of the 1980 Convention on Certain Conventional Weapons Ends—Convention Framework Amended*, Dec. 21, 2001, <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57jrjd?opendocument>.

⁸⁵ Brian Handwerk, “Smart Bombs” Change Face of Modern War, NAT’L GEOGRAPHIC, Feb. 18, 2005, available at http://news.nationalgeographic.com/news/2005/02/0218_050218_tv_bombs.html.

⁸⁶ Human Rights Watch, *supra* note 81.

⁸⁷United Kingdom Working Group on Explosive Remnants of War, *supra* note 34.