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Statement

Of

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To The U.N. Office And

International Organisations

In Geneva

**Occasion: Oslo Conference on Cluster Munitions,
23 – 24 February 2007.**

I wish, at the outset, to thank wholeheartedly the Norwegian Government for convening this Conference. Indeed, it underlines the commitment of Norway and like-minded countries to save innocent lives and spare civilians the indelible and unbearable harm of cluster munitions and their serious humanitarian and socio-economic consequences.

I hail the motivated initiative for holding this meeting. It is our hope that, through diligent work and partnership, the conference will reach constructive results and succeed in laying the ground for a new international and legally binding Instrument which bans, in a most comprehensive way, cluster munitions. We will support every effort and campaign aimed at prohibiting the use, production, transfer and stockpiling of cluster bombs.

Mr. Chairman,

Lebanon participates in this conference for two reasons mainly:

- 1- Our shared belief, as people of the United Nations, in humanity and the indivisible dignity of mankind.
- 2- The plight of Lebanese with cluster bombs.

My intent is not to make a political statement on the Israeli military campaign which set Lebanon ablaze during 33 days in July – August 2006, but to demonstrate that the problem with Cluster Munitions lies in their design, their technical aspects, their deficiency in terms of reliability and accuracy, the risks they pose to people, their horrendous, humanitarian and socio-economic impact, as well as their misuse or indiscriminate use against civilians.

Yet unavoidably, I have to mention that cluster munitions were used extensively, excessively, indiscriminately and deliberately by Israel against civilians throughout Lebanon. It is on record almost everywhere; The giant Israeli ostrich cannot hide its head in the sand and claim innocence. Today, the Israeli legacy consists of approximately : 1 million 200 000 submunitions which need to be disposed of or destroyed. The latter exceed the number of Lebanese in South Lebanon and add further misery to the hardships caused by 420 000 landmines and booby-traps spread out in South Lebanon before the conflict.

1- Technical aspects and deficiencies of

cluster munition: I share the points developed in the concept paper submitted to this Conference with regard to the technical aspect of the problem, mainly the lack of

the reliability and precision, I would add the design and dispersal nature of cluster munitions which convert them into victim-activated weapons if used on or in proximity to civilian population.

Some examples from the Lebanese case concur this fact:

- a) The Commission of Inquiry on Lebanon states in its report submitted to the President of the Human Rights Council contained in document A/HRC/3/2 dated 23 November 2006 the following:

Paragraph 251:

“This wide use of cluster bombs has been admitted by Israeli forces. On 12 September, the Haaretz newspaper quoted an IDF unit commander stating that in order to compensate for rockets imprecision (I

emphasize the word imprecision), the order was to “flood” the area with them”.

b) In fact the reliability or precision per se depends on many factors, exposed in the background paper, such as age, storage, terrain but also the device used to deliver the cluster munitions.

In Lebanon’s case, the cluster munitions were air-dropped (CBU – 58 munitions) and ground-based. The Lebanese National Demining Office of the army and UNMACC – Lebanon have identified cluster bombs produced in the USA (Grenade, DP HE, M42/46, M77, BLU 63), in Israel (Grenade, DP HE SD M85) and in China (Grenade MZD – 2), some of them like CBU – 58B canister stamped with a loading date of September 1973. The reported dud rate ranges between 15 to 40%.

c) As regards the effect of the dispersal nature of cluster munitions, the comment made by David Shearer, The UN humanitarian coordinator for Lebanon is most revealing as he noted:
“The dispersion of the bombs is so wide that even if the original target were outside a populated area, many bombs fell amid houses”.

In fact far beyond a few houses, Lebanon’s National Demining Office identified so far 847 CBU strike locations combined into 384 areas of 34523903 sqm.

d) As this wide contamination cannot be accidental or collateral, it poses the question of the intent to target heavily populated areas (east and southeast of Tyre for example), rich agricultural lands, civil

infrastructure, and hospitals (for example: The heavy bombardments in and around the Tbnin hospital grounds especially on 13 August when 2000 civilians were seeking shelter there).

Therefore, the pertinent issue to be addressed is also the deliberate use of the cluster munitions against civilians, bearing in mind the deficiencies of the bombs, and their harmful effects.

2. The deliberate use of cluster munitions against civilians.

The Lebanese case illustrated the deliberate, and indiscriminate use of cluster munitions by Israel against the Lebanese population. “In the absence of any reasonable explanation from IDF, the Commission of Inquiry on Lebanon (established by

the HRC resolution S – 2/1 of August 11, 2006) finds that their use was excessive and not justified by any reason of military necessity”. Furthermore, the Commission concluded that “These weapons were used deliberately to turn large areas of fertile agricultural land into “no go” areas for the civilian population (and that) their use amounted to a de facto scattering of anti-personel mines across wide tracts of Lebanese land”.

3) The urgent need for a legally binding International Instrument to ban cluster munitions.

Mr, Chairman,

I agree with Steve Goose, who said in a paper to the 15th session of the CCW weapons Group of Governmental Experts last year, that “the density of

cluster munitions contamination in South Lebanon in the immediate post-conflict period appears to exceed that of Iraq, Afghanistan or Kosovo at the same stage. In fact the situation in Lebanon is more serious in comparison as we identified so far 847 CBU strike locations while in Mr. Goose's paper they were 390.

Also in a presentation last summer at the UN Office Geneva, Chris Clark, UNMAS program manager in South Lebanon concluded that the cluster bomb threat in the South is "extensive, un-precedented and is/will actively hinder all efforts at reconstruction and rehabilitation as well as death and injury".

At present, Lebanon is confronting the Israeli legacy which caused 217 c.b. casualties (187 injured and 30 killed), 1,200 000 unexploded sub munitions besides 420 000 mines planted in Lebanese territories and many uncertainties about the future of the victims.

The outlook is gloomy but not hopeless. Should the funding of 14 millions dollars be secured, the cluster bomb threat in Lebanon may be removed by December 2007.

However, many questions remain unanswered under International law, particularly the misuse of cluster munitions and mainly their use against civilians with the intent to harm them, a compensation and reparation mechanism for the victims to examine individual claims, the violations to the agreements which regulate the sale and transfer of cluster munitions, the wisdom of producing cluster munitions if the latter are manipulated to be victim-activated weapons, the harm and serious humanitarian and socio-economic problems caused by cluster munitions.

It is most regretful that current international legal instruments, including protocol V concerning Explosive Remnants of War do not provide complete and

satisfactory answers to the problems of cluster munitions and the plight of their victims.

The Government of Lebanon calls upon the International Community, States, UN system, ICRC, GOs and NGOs to address the serious lacunae in International Law with a view to prohibiting the use, production, transfer and stockpiling of cluster bomb in a comprehensive manner. We welcome every minor or major step and concerted efforts which serve this purpose.

We believe that improving the accuracy and reliability of cluster munitions does solve the problems they generate. Rather, it leads to a more artful way to kill or maim innocent people.

Until a new binding international treaty comes into effect, confidence building measures would be convenient, useful and conducive to understanding particularly if adopted with transparency.

Therefore, given the plight and trauma of Lebanese aggressed by Israel's cluster munition-attacks, we strongly urge the United States to strictly prohibit the export of cluster bombs to Israel, as they were repeatedly used by Israel in 1978, 1982, 1996, 2005 and 2006 against innocent Lebanese civilians in violation of the legal requirements of the US-arms foreign sale act and the Mutual Defense Assistance Agreement. Such blatant case of recidivism should not go without impunity.

In concluding, we value the holding of this conference to explore elements and issues involved in the elaboration of a legally binding International Instrument on cluster munitions. We see eye to eye with the Norwegian Government and like-minded countries on the urgent need for immediate actions which States must undertake to conclude as soon as

possible such an Instrument to ban cluster munitions and address effectively the variety of humanitarian and socio-economic problems caused by their use against civilians.

We support every step and initiative to accomplish the end-result.

In doing so, we reaffirm our faith in the dignity and worth of the human person and his inalienable right to a decent life.

Thank you.