



CLUSTER MUNITIONS AND GENDER

– it takes more than a ban

A PUBLICATION ON GENDER AND THE
CONVENTION ON CLUSTER MUNITIONS





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PREFACE

The lack of equality between the sexes takes on different shapes and expressions. It is tangible when it comes to how cluster munitions victims have access to emergency medical care, long term rehabilitation and how society treats them after the accident, depending on if they are women or men, girls or boys. Differences between the sexes are noticeable in allocation of resources, working opportunities and access to information about cluster munitions. Did you know that a woman who has been injured by cluster munitions can be denied medical care because of restrictions in her mobility, lack of financial means or because there are no female medical staff that can tend to her injuries? Did you know that women's knowledge and experiences are often not taken into consideration in the planning, implementation and evaluation of projects concerning cluster munitions? Due to that, valuable information is lost. It is also a fact that very few women are actively involved in decision making processes – on both national and international levels - where the future of cluster munitions and appropriate responses to the threat that cluster munitions pose are deliberated. All actors working on these issues, including governments, non-governmental organizations, UN-bodies and others, need to take their share of the responsibility and work against these gender inequalities. The systematic exclusion of gender sensitivity hinders effective work on cluster munitions, and consequently the development of societies as a whole.

Marie Nilsson
Programme Officer
Swiss Campaign to Ban Landmines' Gender Programme
Geneva 14 November, 2008



INTRODUCTION

Most of the victims of cluster munitions are civilians. Consequently, cluster munitions are regarded as a serious humanitarian problem. In fact, estimates show that more than 90 percent of the victims are civilians and 40 percent of them are children. The consequences for victims will differ depending on who they are - this applies not least to women and men. Due to their different roles in society, women and men have different experiences of the effects of armed conflict. Therefore, the consequences of cluster munitions are dependent on customs and conventions that create and reaffirm norms that in turn determine peoples' roles and status in a society. This is important to keep in mind when discussing an extensive ban on cluster munitions.

The international community was made aware of the problems and the disproportionate civilian suffering linked to the use of cluster munitions when the weapon type had been used in Afghanistan, Iraq, Kosovo, Kurdistan and especially in Lebanon. The International Committee of the Red Cross (ICRC) initiated the work on including a protocol regulating the use of cluster munitions in the UN Convention on Conventional Weapons (CCW) in 2001. However, after very little progress, Norway among others, initiated a process outside of the UN. The so called Osloprocess was now in progress. The process has led up to a convention that prohibits state parties to use, develop, produce and stockpile cluster munitions.

ARTICLE I GENERAL OBLIGATIONS AND SCOPE OF APPLICATION

1. Each State Party undertakes never under any circumstances to:

- (a) Use cluster munitions;
- (b) Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;
- (c) Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.

ARTICLE 2.2 "CLUSTER MUNITION"

means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions.

WHAT ARE CLUSTER MUNITIONS?

A cluster bomb or grenade consists of a capsule containing a large amount, sometimes as many as hundreds, of submunitions. These submunitions are scattered over large areas as the capsule opens. Some submunitions do not explode as intended resulting in unexploded munitions left lying on the ground. They are still highly explosive and very little is required for them to detonate. In practice, this means that large areas are covered by de facto personnel mines.

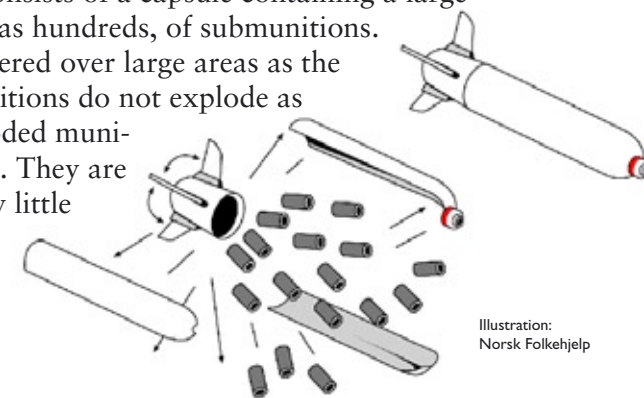


Illustration:
Norsk Folkehjelp



CONSEQUENCES AND EFFECTS

Some cluster weapons are claimed to have a smaller margin of error (sum of non exploding munitions - duds) than 2 percent. However, practical experiences of the use of cluster bombs indicate that the margin of error is much larger in real life use in armed conflicts. Some weapons may have a margin of error as large as 30 percent. These numbers may sound technical but have real consequences for the people that are injured, wounded or affected by them. Many of the victims are children. Children tend to play with sub munitions because their shape and colour remind them of toys; a misjudgement that may cause the children to lose a leg or an arm or in worst cases, their lives.

Raed Mokaed:

On the day of the accident, my wife, our two sons and I all went to a public park to celebrate Ahmad's fifth birthday. Once we got to the park, we prepared food and a birthday cake with five candles for Ahmad. He went to play and we heard an explosion. My wife screamed 'That's my son!' as she sensed something had happened to him and not to another child. I ran over and saw him bleeding because of the many injuries to his body. I had been a volunteer in the Lebanese Red Cross but my mind went blank. I forgot all my training. We rushed him to hospital in my car and he was moved by ambulance because he was critical. He suffered for four hours before finally dying. My other son, Adam, said he saw him pick up something like a brightly coloured bottle and it exploded. Of course this is very attractive for a child to pick up.

Dublin,
20 maj 2008
Handicap International

WHAT IS GENDER?

Gender determines what is expected and socially acceptable for a woman or a man. This is what is commonly called the construction of gender – we create and uphold an expected behaviour. These kinds of structures are visible in e.g. families where the man is traditionally seen as the provider, whereas the woman tends to the household. But these structures are not constant; instead they are transformable and may be changed or altered.

Gender structures affect all levels of a society and our world today. The sexes, woman and man, are separated and are also given different merits. For instance, men as a group acquire more power than women generally do. To use a gender perspective implies to analyse a phenomena starting from the viewpoint that women and men may be differently affected or have different experiences because of their gender. It is about acknowledging these factors and taking them into consideration in all aspects.

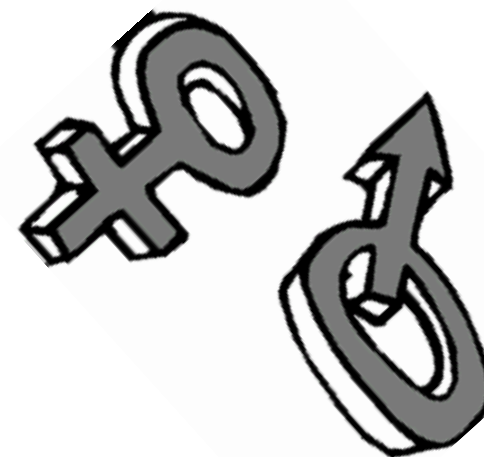
Applying a gender perspective can mean several things. One is to study norms, commonly to study the male as the norm. This refers to how the male norm is often considered neutral or “normal”, what is not disputed. Women and the female on the other hand are what deviate from this norm. To give an example: even though the

PREAMBLE CONVENTION ON CLUSTER MUNITIONS

Recognising the need to provide age- and gender-sensitive assistance to cluster munition victims and to address the special needs of vulnerable groups.

gender neutral “police officer” is now more often used than “police man” it is still common to add “a female police officer”. This accentuates the norm of police officers being male. In this example the invisible is made visible, the norm is exposed. Because of the different social roles of women and men they also gain different experience, but also acquire different needs. In some situations women are more vulnerable than men. In other situations women and men will meet different kinds of violations as well as expectations.

It is important to stress that questions of gender are not – which is a common misunderstanding – questions that specifically concern “women’s issues” – this perspective concerns women as well as men!





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RESOLUTION 1325

The often precarious situation of women in armed conflict and the need for women’s participation on all decision-making levels concerning international peace and security was recognized by the United Nation’s Security Council in its resolution 1325. The resolution on “Women, peace and security” was adopted on the 31st October 2001. It calls for both gender balancing (quantitative measures) as well as gender mainstreaming (the inclusion of a gender perspective in all work). 1325 is mentioned in the preamble of the convention on cluster munitions. All work on cluster munitions should therefore be performed in compliance with the Security Council’s resolution.

PREAMBLE CONVENTION ON CLUSTER MUNITIONS

Bearing in mind also United Nations Security Council Resolution 1325 on women, peace and security.

HUMAN SUFFERING

The convention points out who is to be considered a victim. It includes not only the individuals who have suffered physically but also their affected families and communities. This is important from a gender perspective. In a society where the man or husband is the provider women are also indirectly affected if the provider of their family is physically wounded. The man may be affected both physically as well as not being able to live up to the norm of manhood. But the woman or mother of the family may now have to carry double burdens. The woman may, due to structures in the society be prohibited or hindered to work herself and support her family. Therefore, if the man in the family is hurt the whole family may be affected. A woman who herself is injured may become an outcast, both from her family and the society as a whole. A physical damage is a larger violation of the female norm of beauty than that of a male norm. These are examples of how the consequences of the use of cluster weapons may be very different for women and men due to social expectations.

ARTICLE 2.1 “CLUSTER MUNITION VICTIMS”

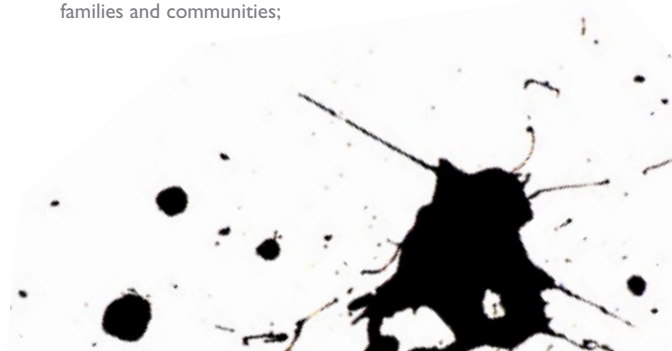
means all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities;



© Cluster Munitions Coalition

My name is Dusica Vuckovic. My husband was injured in 1999 during the NATO campaign in Serbia. He lost both hands, his hearing, and his lower leg was seriously injured. My children, at that time 13 and 5 years of age, were faced with a new and different father, suffering not only physical pain, but pain from being limited in his normal activities and dependent even on them, so young. They had to overcome so many obstacles and difficulties which were not appropriate for their age and their course of development. They had to accept an unacceptable situation, become responsible and involved in helping him in daily activities.

*Dusica Vuckovic
27 November 2007
Handicap International*



DUDS

According to Handicap International cluster weapons containing as many as 440 million submunitions have been used since 1965. This means that there are as many as 22-132 million unexploded duds still lying on the ground in several places in the world. In cities, and densely populated areas many of the munitions are lying in streets, on roofs, and in people's backyards. In the rural areas many of the duds end up in the farm land and in the fields. This exposes the farmers to dangers and obstructs the farming and the animal keeping. The fields that are contaminated by submunitions also make it difficult for refugees to return to their homes and in the long term leads to weakened economic recovery and reduced possibilities of investments from abroad.



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Pham Quy Thi:

To make a living, I have to continue to work in an area that has not been cleared of cluster bombs yet, so I still take risks every day while working. I recently found another cluster munition in my field. I was really afraid it might explode, but I had to take it away and bury it so no children could play with it.

I hope that the Treaty will make a real difference in the way that contaminated areas will be de-polluted, so that I will be able to go to work without any fear, and that children will no longer risk finding cluster munitions more than 30 years after the end of the strikes.

*Pham Quy Thi, Dublin,
20 May 2008
Handicap International*



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CLEARANCE AND RISK EDUCATION

ARTICLE 4.1 CLEARANCE AND DESTRUCTION OF CLUSTER MUNITION REMNANTS AND RISK REDUCTION EDUCATION

Each State Party undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control

Unexploded bomblets are sensitive and may very easily detonate. This complicates the clearing process and cluster submunitions are often considered to be more difficult to clear than personnel mines. When clearing unexploded ammunition and personnel mines, it is important to prioritize areas that people use frequently. To only clear cities means overlooking the rural population. To only clear places men uses means not taking into account that there might be a difference in which areas women and men use. Based on the different lifestyles of women and men they have different experiences and different knowledge. It is therefore vital not only to have a dialogue with men on which areas are affected and in need of clearance, but also to talk to women.



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**ARTICLE 4.2 (E)
CLEARANCE AND DESTRUCTION OF CLUSTER MUNITION
REMNANTS AND RISK REDUCTION EDUCATION**

Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.

Article 4.2 includes regulations for risk education and the clearance and destruction of cluster munitions. The instructions are clear about the best way to highlight and separate the affected areas. By signing the convention a state is obligated to clean up areas that have become vulnerable to cluster munitions within its own borders. The following quotation illustrates why it is important to work to remove cluster munitions left after a bomb attack, but also why it is important to educate- and inform people who live in the affected countries.

Ahmed Yassin Najem:

I am Ahmed Yassin Najem from Iraq. I am a cluster munitions survivor. I was hurt in 1991 in Bassra. I was walking around one of the villages in the area when I came across a strange object on the road, it looked like a can. I picked it up to see what it was and it exploded in my hand; I fell to the ground.

*Ahmed Najem,
Gars am Kamp, Austria,
1 December 2007
Handicap International*

In order to achieve these goals, namely to reach out to people on how to handle cluster munitions and where they are, you have to have a detailed action plan in which both men's and women's knowledge is included. Previous studies have shown that men and women who live in regions vulnerable to cluster munitions are inclined to give different information on where the cluster munitions are. Women and men have access to diverse information which depends on their daily tasks and the areas they move in. It is therefore, in accordance with UN resolution 1325, important to include both men and women.

When talking about education, it is also important to make education accessible to everyone. In many areas, a large proportion of the population is illiterate, and this applies particularly to women. Furthermore, in many areas girls are denied schooling. One must therefore find strategies that make it possible to reach out to the entire population with information on cluster munitions, which operates in the context that is concerned.



© Jamice Gárdino

Mrs Chanhthava:

I lost my leg and damaged my sight after I accidentally struck a cluster bomb in the rice fields. My family are farmers and I was working the fields as I always did. When I lost my leg there was nobody to help me. Through all my problems, nobody helped me, until a clearance organization saw what I was going through and gave my daughter a job working with them.

Now my daughter supports me. She buys me clothes and food and helps her sisters to go to school. We are all dependent on her. I decided to stay with her and look after my grandchildren because there was nobody else. I'm always worried about her, about what could happen in her job. I'm happy that she makes money but it's not much when she puts her life in such danger. You never know if those things are going to explode. But there's no choice, because there's no other work.

*Mrs Chanhthava, 48,
Sepone District, Laos
Handicap International*



© Rick Forsling - Försvarets Bildbyrå

WOMEN AND CLUSTER MUNITIONS

ARTICLE 5.1 VICTIM ASSISTANCE

Each State Party with respect to cluster munition victims in areas under its jurisdiction or control shall, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance

Article 5 requires that the states signing the convention should offer appropriate help to affected individuals. However, people suffer differently from the effects of cluster munitions. At present, this is not always taken into account. In many of the countries that are struggling with the impact of cluster munitions, there is a clear distinction between what is male or female. In addition, there is a power hierarchy where the woman is subordinate to the man. This means that a woman, whose husband has been physically injured by cluster munitions, will bear a double burden. She will have to supply the whole family, and she must take care of the home and the children. When the woman herself is physically harmed by cluster munitions there is a significant risk that she may not even be able to visit a doctor because many of the affected countries have restrictions that prevent male doctors from examining women. Additionally, women tend to be associated with the home which also can affect their access to medical care. A woman's injuries could be seen as a problem linked to the private sector, namely the family and the home. A man's injury, however, are often perceived as a problem that extends beyond the private, since men in comparison to women are working and staying outside of the home, in the public. This justifies the importance of having a gender sensitive perspective when studying the effects of cluster munitions.

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www.svenskafreds.se/klustervapen

Samarra was bombed by the American bomb flights in Iraq in year 2003. The bombs spread around our house. Many of the bombs exploded, but not all. One of my brothers, who's name is Jakob, 11 years old, found an undetonated part of a cluster munition and took it in to the house, in the kitchen where my mother was working. In the next room my brothers, 15 year-old Ishak and 3 year-old Jassin were sleeping. Jakob thought that he had found a great toy, but it exploded. Four of my brothers and sisters/siblings and a cousin died and I got severe burn damages. Together with the dieing Jakob I took the ambulance to an American (field hospital)? I was unconscious periodically. Jakob's body was lost in the American hospital.

Ayat Suliman, Hässleholm, 11 February, 2008.

