



# Cluster Bombs Again

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## Introduction

by Titus M. Peachey

Their stories always troubled me. In October and November of 2007 I accompanied four brave and gifted people from Laos and Lebanon whose lives had been shaped by the presence of cluster bombs. In churches, schools and other public venues in the United States they spoke passionately about their experiences. It was a chance for them to share their stories with Americans, but also with each other. From the pain of their own lives, they had crafted a determination to create a world that didn't visit the same kind of suffering on others. I was inspired by their spirit, yet humbled to know that my own country was the source of their suffering.

Phounsy Phasavaeng described how she and her nephew Pha found a cluster bomb in the forest near her childhood home in Sekong Province, Laos. This story, like most stories involving children and cluster bombs, ends tragically. Pha threw the cluster bomb against a tree. It exploded, killing him instantly.

The particulars of how little Pha died are unique, but unfortunately the death of a child from a cluster bomb is commonplace in countries torn by war. Raed Mokaled described the death of his five-year old son Ahmad who innocently picked up a cluster bomb in the park during his 5th birthday celebration in Nabatieh, southern Lebanon. Lasee Phetsavong told the story of Bounchoi who was severely injured by a cluster bomb explosion while he was digging for worms to go fishing.

According to Handicap International, more than 3,500 children have been injured or killed by cluster bombs, comprising just over 25 percent of all documented cluster bomb victims. And of all known cluster bomb

casualties, more than 90 percent are civilians. How does this happen? Why do children like Pha go out to play and die from technology produced half a world away?

In essence, Pha was a victim of *the powers*, that combination of systems and institutions that often visits violation and death on the innocent to protect the interests and security of a nation state. For more than 40 years political, military, economic and technological forces have produced, sold, and used cluster bombs in support of missions blessed by nation states with little regard for the inevitable harm inflicted on children like Pha.

No political or military leaders plotted Pha's death. He was not in the minds of U.S. officials who planned and ordered the bombing of the Ho chi Minh trail in southern Laos. His death would typically be described as *collateral damage*. Yet the use of millions of cluster bombs with high failure rates (because they do not explode when initially dropped they become and remain a menace to the civilian population of the area) would suggest that Pha's death was highly predictable. And after forty years of use and the extraordinarily high civilian casualties that have resulted, we are forced to wonder if *collateral damage* itself has become a tool of war.

Increasingly, governments and civil society organizations are coming to the conclusion that this is unacceptable. On the heels of the Campaign to Ban Landmines, there is now a widespread belief that cluster bombs are so indiscriminate in their effect that their unrestrained use constitutes a violation of International Humanitarian Law (IHL). As its basic premise, IHL posits that the capacity

## Timeline of MCC work related to cluster bombs

**1972:** Max Ediger, MCC worker in Vietnam, encounters cluster bombs in a bombed-out school.

**1977:** First visit of MCC workers Linda and Murray Hiebert to cluster bomb affected areas of Laos (see: [mcc.org/clusterbombs/news/laos/firstreport.html](http://mcc.org/clusterbombs/news/laos/firstreport.html)).

**1979:** MCC sends heavily shielded bombie-beating tractor to Laos. Testing in 1980 and 1981 proves that the tractor is ineffective.

**1981–1994:** MCC and Quaker Service Laos import thousands of shovels for Lao farmers to use in cluster bomb affected areas, and raise concern about the cluster-bomb problem with US government officials, the US public, and MCC constituents.

MCC continues to experiment with various approaches for clearing cluster bombs, but without success.

**1994:** In collaboration with the Lao government Ministry of Social Welfare, and the Mines Advisory Group, MCC initiates the Bomb Clearance Project (see: [mcc.org/clusterbombs/news/laos/cleared.html](http://mcc.org/clusterbombs/news/laos/cleared.html)). While MCC is no longer engaged in the clearance work, the project now has support from governments and UN agencies. More than 1,000 employees are now working in nine different provinces to clear land and to do community education work that will help villagers live more safely until their land can be cleared.

**1995–2007:** Virgil Wiebe and Titus Peachey, along with other NGO representatives participate in numerous international conferences to urge restrictions or a ban on cluster munitions.

(continued on page 3)

of nation states to wage war shall not be without limits, and that certain humanitarian interests must be protected even in the midst of war. From this premise was born the Oslo Process, dedicated to negotiating an international treaty that would ban cluster bombs by the end of 2008.

In this issue of the *Peace Office Newsletter* we will explore the Mennonite Central Committee (MCC) involvement in this issue. MCC has a unique vantage point, being among the first international observers of the impact of cluster bombs on the people of Vietnam and Laos some 30 years ago. In 1994 MCC partnered with the Mines Advisory Group and Lao government agencies to launch a bomb clearance project. That project continues today with around 1,000 employees working in nine different Lao provinces. In the aftermath of the 2006 war between Israel and Hezbollah in southern Lebanon, MCC has supported public awareness efforts and helped to provide equipment for the production of artificial limbs by partnering with the Philanthropic Association for Disabled Care.

Alongside these important efforts MCC has engaged in advocacy, urging governments to end the production, use, and sale of cluster bombs, so that people can build secure lives without the fear of finding death in their soil.

The Anabaptist community in the US and Canada does not normally engage governments in discussion about the specific laws of war. Believing that we are called to the way of love and nonviolence in faithfulness to the reign of Christ, we have instead called on governments not to wage war at all. Believing that nonviolence is a power that can transform situations of oppression, we have tried to support individuals and communities who work for justice through peaceful means. But it is the strength of our relationships with communities traumatized by US-made cluster bombs that has led us inevitably into the meeting rooms of government leaders.

This has led to some awkward moments. During a gathering of the Convention on Conventional Weapons participants that meets in Geneva under UN auspices, I presented a briefing on the humanitarian impact of cluster munitions in recent wars with international law consultant Virgil Wiebe. The group of 50–60 government and military leaders from around the world listened intently and politely. During the discussion period, a US Pentagon official asked, “If we aren’t supposed to use cluster munitions because of their bad humanitarian impact,

what kind of weapons would you suggest we use? If we don’t use cluster bombs, we may have to use even more general purpose bombs, and that could have an even worse effect on the civilian population. So what kind of bombs do you want us to use?”

Such exchanges sometimes left us asking if we had wandered into the wrong room, or if we should have stayed outside with placards calling for an end to war rather than a ban on a specific weapon. We had no intention of merely tinkering with the machinery of death, but the worldview in the room presumed the legitimacy of military power, national defense and war. In that context, to withdraw one weapon meant substituting another.

Theologian Walter Wink, in his book, *The Powers that Be*, states that the powers discussed by the Apostle Paul in Ephesians are not disembodied spirits, but structures, institutions or policies that impact our lives. These powers are good, these powers are fallen, and these powers are being redeemed. Wink notes that all of these dynamics are in play at the same time. These structures were created for our good, but these same structures are large and powerful, far beyond the capacity of individuals to control them, and inevitably they seek their own interests.

The prophet Samuel’s address to the children of Israel (I Samuel 8) may have happened several millennia ago, but remains a sober and relevant warning about the capacity of the powers to take and to violate. After a long litany of warnings about losing sons, daughters, cattle, crops and land to the demands of the King, Samuel announces that the people of Israel will assume the status of slaves.

If we are white and middle class in the United States or Canada, we have likely grown up with a much more benign view of the powers that surround us. Socialized in the benefits of participatory democracy, we may be tempted to cast aside Samuel’s warning as irrelevant for our more enlightened time. But for those living on the underside of empire (either at home or abroad), I suspect Samuel’s warnings ring painfully true.

Yet the question that still hangs uneasily in our minds is how it is that the powers are redeemed. Is International Humanitarian Law a tool for redeeming the powers, or does it serve to legitimate the powers in their effort to dominate? Will calling on governments to end the production, sale and use of cluster bombs make the world a safer place for children like Pha, or will it simply lead to the development of other weapons that will create new dangers?

We have no ability to predict the future, except to know that more cluster bombs will surely create more death, more suffering, more fear, more sorrow, more loss of land and crops, more poverty, and more anger and resentment toward any powers that use them. And so we will continue to raise our voices to call for a total ban on cluster bombs. We do this to keep faith with Raed, Phounsy, Bassam, Lasee and the many others around the world whose lives have been

shattered by cluster bombs. We do this in the context of our deeper commitment to just relationships in our world so that God's reign of peace will take root and grow.

After you read this *Newsletter*, your thoughts are welcome (tmp@mcc.org or lar@mcc.org)

*Titus Peachey is Director of Peace Education for MCC US.*

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## Speaking of Cluster Bombs—I

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### Background

Between October 15 and November 8, 2007, MCC/MCC US sponsored a cluster bomb speaker's tour, featuring two participants from Laos and two from Lebanon. Laos represents the first wide-scale use of cluster bombs in warfare, in the 1960s. The most recent use was in Lebanon in 2006. The participants traveled to Boston, Massachusetts, Washington D.C., Harrisonburg, Virginia, State College, Pennsylvania, Minneapolis/St. Paul, Minnesota, Newton, Kansas, and Lancaster, Pennsylvania, and spoke in schools, churches, and other public venues.

The participants from Laos and Lebanon spoke about their personal experiences with cluster bombs in support of efforts to ban their production, sale, and use. Phounsy is a development worker among the many ethnic groups living in the mountainous regions of Sekong Province. She has done data management work for UXO Lao, the ordnance clearance agency, and has participated in de-mining work. Lasee coordinates medical care and rehabilitation for survivors of cluster bomb explosions, which puts her in constant contact with the sorrow of this war that never stops. Raed is a volunteer with the Philanthropic Association for Disabled Care in Nabatieh, Lebanon, and has worked tirelessly to raise awareness about the dangers of cluster bombs in that region.

The following are some excerpts from their presentations.

### Phounsy Phasavaeng, Laos

I am from Sekong Province, Laos, which is a very heavily bombed area of Laos. Almost all of my life I have seen many people who suffered from cluster bombs and other types of unexploded ordnance. When my family

moved to a new village, we wanted to plant a garden. We found more than 100 cluster bombs in the place for our garden. This was very common in Sekong Province at that time.

In 1986 I was 8 years old. I had a 6-year-old nephew named Pha who lived in my house. We grew up together and were daily playmates. One day we went out to the forest. We were very excited to find a cluster bomb. We were very innocent children. The cluster bomb was more attractive to us than an ordinary stone. It was yellow and round. We played with it, and while I was behind a big log, Pha threw it against a tree. I heard a big explosion and ran out from behind the log to see what had happened. What I saw was something that I never expected to see. Pha was lying on the ground. He was missing a leg and already dead.

This is a very painful memory for me and my family. Every time I tell the story I can see what happened in my mind. But I want to tell the story so that we can work together to save other children. The war has been over for more than 30 years, but we still have no peace.

### Lasee Phetsavong, Laos

I am from Houa Phan Province, Laos. My family's house was destroyed by bombing during the war. Now I work for an organization that cares for the victims of war.

Many times when I meet with someone who has lost a family member because of a cluster bomb accident, they tell me to tell my boss that my organization must accept responsibility. They say this because they know that I work for an American organization. Because I am a Lao person, I can understand their pain. But I know that there are also many

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### Timeline of MCC work related to cluster bombs (continued)

**2004:** Karin Kaufman Wall and Titus Peachey join Peter Dula, Menno Wiebe and Edward Miller in Iraq to explore potential MCC responses to the use of cluster bombs there. Shortly after this trip security in Iraq deteriorated considerably, and follow up was not possible.

**2006–2007:** The MCC Lebanon program responds to Israel's use of cluster bombs in southern Lebanon by participating in a public awareness campaign in collaboration with the Philanthropic Association for Disabled Care. Specific responses included a board game for children, public banners, and trainings for community educators. In addition, MCC purchased a kiln that will be used to make artificial limbs for victims of cluster bomb accidents.

**June 2007:** Titus Peachey visited southern Lebanon along with Ken and Kass Seitz and Bassam Chamoun to collect stories and information for future advocacy efforts.

**2007:** MCC sponsors a cluster bomb speakers' tour which features participants from Lebanon (Raed Mokaed and Bassam Chamoun) and Laos (Phounsy Phasavaeng and Lasee Phetsavong) speaking in the United States.

Virgil Wiebe and Titus Peachey attend the Vienna Conference on Cluster Munitions which included the participation of 138 governments, as well as non-governmental organizations from nearly 50 countries. (see "The Movement to Ban Cluster Munitions: Current Developments" article elsewhere in this Newsletter).

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**I want to tell the story so that we can work together to save other children.**

Like every other child in the world, my 5-year-old son Ahmad lived to play and enjoy life

Americans who are working very hard to relieve their suffering. I just wonder when we will ever find an end to this terrible suffering. I am very proud to be working for World Education, an organization that helps families that are suffering from the war.

### **Raed Mokaied, Lebanon**

On my son Ahmad's fifth birthday, we took him to the park to hold a small celebration. When we got to the park Ahmad and his brother Adam went off to play. My wife and I were getting things ready. We had prepared a cake with five candles. About five minutes later we heard a big explosion. I heard my wife screaming, "This is my son!" I went to see what had happened and I saw my son Ahmad lying on the ground. He was bleeding from wounds all over his body.

A strange thing happened. I am a volunteer with the Lebanese Red Cross. I am trained to save lives, and have done so many times. But when I saw my son, I forgot all of my training. The only thing I could think about was that this is my son and I must take him to the hospital. After four hours, Ahmad died.

Ahmad was killed by a cluster bomb dropped by Israel. His brother Adam said that Ahmad had picked up something like a colored bottle.

This is the end of the story of my son Ahmad. . . . I am sure Ahmad was not a terrorist. I am sure he was not a criminal. Like every other child in the world, Ahmad lived to play and enjoy life. After Ahmad died, I was very angry about everything. My oldest son Adam struggled with epilepsy for five years. And my wife became paranoid. She is still afraid of everything. But would I go to fight? No, this is not my idea. I decided to do something positive to help other children. I volunteer with a local organization to do education and awareness training. I organize a soccer game every year under the theme, "Don't forget how Ahmad died." I hope we can prevent other families from experiencing this tragedy. We have to build bridges for peace and justice.

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## **Speaking of Cluster Bombs—II**

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by Bassam Chamoun

The casualties from unexploded cluster bombs started affecting people only two hours after they started moving back into their homes.

If the people of the US want to stop the hatred and mistrust toward them, they must advocate to stop the manufacturing and selling of cluster bombs.

**A**t the end of June 2006 our children were finishing their school year. We were all very happy because our two daughters Zeina and Zalpha had succeeded in their official exams. We were planning and dreaming with our oldest daughter Zalpha regarding university decisions. Which university will she attend? What major will she choose? We pondered the usual concerns families normally consider at such times of their lives. Ah, summer vacation would soon begin, and our children, like any other children who live in normal places, were anticipating their summer break after a heavy school year.

Suddenly our perspective was changed when on July 12, 2006, Israel began 33 days of heavy artillery attacks in the South of Lebanon. Later they attacked over almost all the country. Having lived all my life in Lebanon, mostly in the South, I've observed throughout my lifetime a lot of aggression. But this one was the worst, I believe.

One week after the start of this my family and I, along with one million other people,

needed to leave our homes in the South to take shelter in safer areas. For nearly a month we lived and waited in the Mennonite Central Committee (MCC) apartment in Beirut for the international community to call a halt to this tragedy.

After thousands of civilians were killed, 17,000 homes totally destroyed, and about 100 bridges and different infrastructures bombed, the United Nations (UN) finally declared a ceasefire to start in three days. Regretfully, during those three days, Israel bombed the South with four million cluster bombs. According to UN estimates about one million of those bombs remained unexploded and have continued to affect people's lives.

When the ceasefire began we and other people from the South were afraid to return home. We knew the deadly potential devastation to human lives and property of the unexploded cluster bombs. When we returned home from Beirut, before letting my family leave the car, I looked around our damaged house and property to see if there

were any cluster bombs. We were lucky. None were there. Many other people in the South were not so fortunate. The casualties from cluster bombs started affecting people only two hours after they started moving back into their homes.

August 14, 2006, was supposed to be the day to end the hostilities in the South. But until today we still live under the threats of cluster bombs and with hundreds of incidents of cluster bomb deaths.

One of the first MCC responses to the cluster bomb threat was to help educate people, mainly children in the South, on how to protect their lives from this cluster bomb enemy by awareness-raising posters and games.

When MCC started the discussion and planning of a cluster bombs speaker's tour, I sensed its importance mainly because most of these bombs were made in the United States and donated to Israel. I also felt the urgency since the US government was actively encouraging Israel to continue the bombing before the cease-fire in this last war.

For me it was very important to be able to tell the people of the United States about our tragedies, hoping to work together to prevent this from happening in the future. I wanted our brothers and sisters in North America to hear the voices of suffering people from South Lebanon. I knew our brothers and sisters wouldn't want these crimes to be committed in their names.

As a peace builder, this tour gave me the opportunity to advocate for peace and justice. A very important aspect of it was to change the stereotypes which people in our countries wrongly have about each other. To be able to give the messages of the victims and to inform people of the cluster bombs' and war's harsh realities was very rewarding for me. The MCC-sponsored tour set a context for people to talk together apart from media biases or political agendas.

Because the tour included Washington, D.C., and meetings arranged with US government officials, I was very nervous since I was also guilty of stereotyping and thought all politicians in the US would take the Israeli side! When we met with them I wasn't expecting a change in their attitudes, but I was expecting resistance to our statements. As it turned out, they heard our stories without commenting one way or the other.

The compassion and sympathy we received from our audiences in churches, schools, and other places in the US reassured us of

the importance of this tour. The solidarity with the people we met was very significant. In many places we saw tears as people felt with us in our stories. That depth of caring for us, despite the heavy schedule and the many places we went, kept us energized till the last moment of the tour.

I don't know who should be thanking whom. In many places people were thanking us for sharing our stories, while we've been very thankful that they listened to our tough stories.

In many places people asked about the support given by the US government to help in the clearing process of cluster bombs. Personally, I wanted them to know that people in South Lebanon or Laos or in other places prefer to not receive the bombs at all. In that case we won't need the US money or personnel to clear them away.

All the numerous meetings and presentations impressed us. But the meeting we had with the group of War Tax Resisters was particularly so. To see people very committed to peace and to not pay their taxes to avoid paying for war is heart-warming to suffering people impacted by US weapons around the world.

I would like to stress one particular thing: even after the war stopped and the media was silent about these cluster bomb areas, the ongoing danger remains to threaten the lives of the people, mainly civilians.

I hope that people who care about others will learn to know how ugly this weapon is. Life in South Lebanon after the 2006 war has never been like it was before. Farmers cannot go back anywhere in their fields without risking their lives. For them work is very essential: their dignity does not accept living off relief items. Children cannot play safely as they once did in their neighborhoods for fear of cluster bombs. Many cluster bombs look like toys and children are tempted to play with them even when warned about them. This is all against the Children's Rights International Convention, "their right to play."

I think people in the US need to learn more about the tragedies that cluster bombs are causing to civilians around the world. Usually the victims of cluster bombs are children and farmers. In addition to the economic impact, fear becomes a dominating presence in peoples' lives. Traditionally it was unusual for farmers to close the doors of their homes, but now they do so to keep their children safe inside.

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## Additional Resources

### BOOKS

*Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities*, Handicap International, May, 2007.

*M85: An analysis of reliability*, C. King Associates Ltd., Norwegian Defence Research Establishment, Norwegian People's Aid, 2007.

*The Technology of Killing: A Military and Political History of Antipersonnel Weapons*, Eric Prokosch, Zed Books, London, New Jersey, 1995.

*Yellow Killers: The impact of cluster munitions in Serbia and Montenegro*, Norwegian People's Aid, 2007.

*Voices from the Plain of Jars: Life under an air war*, Fred Branfman, Harper Colophon Books, 1972 (out of print)

### FILM/DVD

*Bombies*, a documentary on the use of cluster bombs in Laos that features an interview with former MCC country representative Betty Kasdorf. Now available on DVD from MCC. Write to mailbox@mcc.org

### WEB SITES

[mcc.org/clusterbombs](http://mcc.org/clusterbombs)

[www.stopclusterbombs.org/](http://www.stopclusterbombs.org/)

[www.handicap-international.us/](http://www.handicap-international.us/)

[www.fcni.org/weapons/](http://www.fcni.org/weapons/)

[http://hrw.org/doc/?t=arms\\_clusterbombs](http://hrw.org/doc/?t=arms_clusterbombs)

[www.minesactioncanada.org/](http://www.minesactioncanada.org/)

[www.landmineaction.org/](http://www.landmineaction.org/)

[www.uscbl.org/](http://www.uscbl.org/)

[www.landminesurvivors.org/](http://www.landminesurvivors.org/)

<http://clusterprocess.org/>

[www.banminesusa.org/](http://www.banminesusa.org/)

[www.thomas.gov/](http://www.thomas.gov/) for the status and summary of legislation

### DISPLAY

A new 16-panel display on the impact of cluster bombs is now available from MCC. The display features quotes from survivors of cluster bomb accidents and striking images from Afghanistan, Iraq, Laos, Serbia, and Lebanon. Write to mailbox@mcc.org

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## Conversations with the United States Congress

Silence filled the room as the images of an innocent child, killed by a cluster bomb, flashed before the eyes of some 40 Congressional staffers and Non-Governmental Organization (NGO) representatives at a House of Representatives briefing. The end of the life of 5-year-old Ahmad marked the beginning to his father, Raed Mokaied's, "witness to the ugliness of humanity," as he describes it. Mokaied, was one of four speakers of the MCC Cluster Bomb Speakers Tour who shared personal accounts as witnesses and victims of the impact of cluster bombs on their families, communities and countries.

Apart from the House briefing sponsored by Rep. Jim McGovern, the speakers met and spoke with staffers of the Senate Committee on Foreign Relations, as well as staff from Senator Bob Casey (D) and Rep. Joe Pitts (R) of Pennsylvania. The visits were organized to encourage efforts for the passage of the Cluster Munitions Civilian Protection Act.

Both pieces of legislation (H.R. 1755 and S. 594) introduced in the House and Senate earlier in 2007 would place a restriction on cluster bomb exports indefinitely, and place restrictions on US military use of cluster bombs (by requiring that any cluster bombs exported must explode no fewer than 99 percent of their bomblets).

As of early 2008, H.R. 1755 has been referred to the Committee on Foreign Affairs, the Committee on Armed Services, the House Foreign Affairs Committee and the Subcommittee on Readiness while S. 594 has been referred to the Committee on Foreign Affairs. Unfortunately, no major action has been taken.

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## Wars are poor chisels for carving out peaceful tomorrows

If the people of the US want to stop the hatred and mistrust toward them, they must advocate to their government to stop the manufacturing and selling of cluster bombs and other armaments. The impact of cluster bombs has lasted long enough to keep hatred building up. People in Laos are still suffering since the 1970s.

The campaign for lobbying and signing the declaration to ban the manufacture and sale of cluster bombs, which MCC is part of, is a good chance for people in the US to make a difference. I believe that more such action needs to be taken to make this world better.

When we compare the amount of tax money being spent on military purposes with money spent on social development and justice and peace issues, we discover the imbalance of governmental priorities.

That's why I believe it's our role—all of us peace builders—to continue advocating for peace and justice. When we all join efforts toward a peaceful world, we can make changes. Our role is to maintain our hope and commitment for a positive change for a just world.

MCC has been working in Lebanon, mainly in the South, for about 30 years. Its programs changed from relief to development in the 1990s, and major work was later done on peace programs. Suddenly, with what happened in the summer of 2006, we moved again to relief. It's not what MCC nor people in South Lebanon had been planning or hoping for, but the war with its cluster bombs changed a lot of things for MCC and everyone.

All weapons are bad, but what is so bad about cluster bombs is that they cause enduring danger and instability where they are dropped. Life can never return to normal again in such places.

*Bassam Chamoun, Program Coordinator of MCC's program in Lebanon, has worked in that position for more than 20 years, many of which were years of conflict in the region.*

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## Carving Peaceful Tomorrows

by Willmar T. Harder

*"If history were taught in the form of stories, it would never be forgotten."*  
(Rudyard Kipling)

Peace Sunday, November 4, 2007, was shaping up to be a typical Peace Emphasis Sunday at Hoffnungsau Mennonite Church in rural Inman, Kansas. I was going to tackle Romans 13 and once-and-for-all provide the definitive Anabaptist interpretation of this often tragically misconstrued text. My sermon countered the notion that Romans 13 mandates that whatever government does is serving God and therefore what it is doing is a ministry the Christian may rightly share.

And then Story intersected our comfortable clichéd critique and self-righteous smugness directed towards the powers that be. Suddenly, we were called to remember. We were indicted. We were called to repentance and conversion. We were called to action. All in one Sunday—and I hadn't even preached the sermon yet!

Phounsy Phasavaeng, Lasee Phetsavong, and Titus Peachey, representing Mennonite Central Committee (MCC), came and spoke to our congregation during Sunday School. They called us to remember that in the 1990s, Hoffnungsau had supported the MCC "bombies-removal" project quite substantially. Many of us had forgotten. We were called to remember that in the 1970s, the United States had dropped millions of cluster bombs on the land and people of Laos. Many of us had forgotten, chosen to not remember, or we had not heard the story. We were called to remember that it was our money that had financed the destruction. Again, many of us had forgotten or had chosen not to remember.

But for many of us this was "just history," until Phounsy and Lasee shared their personal accounts of family members maimed, killed and living in fear. Personal stories of painstaking and seemingly-futile reclamation of the land from the death grip of thirty-year-old unexploded, yet still volatile, ordnance.

Dr. Martin Luther King once proclaimed, "Wars are poor chisels for carving out peaceful tomorrows." I had already chosen to quote Dr. King in my sermon. Serendipitously, the quotation was illustrated by the personal stories of our guests. As Phounsy said, she was not yet born when the cluster bombs were dropped. Neither was I. The "great cause" which justified the destruction was neither her cause nor mine, and yet the "chisel" chosen more than 30 years ago is still wreaking destruction. The United States has long since "made peace" with Laos, and yet our tax money is nevertheless paying "negative dividends" every time a Laotian farmer goes to the garden to till the soil. How can there be peace? What is peace? History now stood in our sanctuary and gave first-hand testimony to what we had forgotten or chosen not to remember.

Now that Phounsy and Lasee have taught us history in the form of story, what will we do to make sure we never forget it and, in turn, never again repeat it? First, we call ourselves to repentance—confessing our sins of association. And then, in acts of grace and redemption, we will practice faithful patriotism. We will practice a patriotism that responds

to what is wise and good in our nation's life and speaks up for America's best even when she betrays her own ideals. We as patriots will strive to speak truth to power because we care about saving lives, reconciling relationships, and wisely choosing tools to carve peaceful tomorrows. Our tools will be our voices speaking prophetically to our government. Our tools will be spending, donating, and investing our money in faith-based socially responsible ways. Our tools will be to refuse to allow the State to name our enemies. Our tools will refuse to let the sword of Romans 13 trump all other Biblical passages which teach suffering love and overcoming evil with good. Our tools will be worship, fellowship and service centered on the loving, nonviolent and redeeming Way of Jesus Christ.

Thank you, Phounsy, Lasee and Titus for connecting your story to our story. You called us to learn so that we can strive to remember, thereby committing ourselves to carve peaceful tomorrows.

*Willmar T. Harder is Lead Pastor at Hoffnungsau Mennonite Church in Inman, Kansas.*

## Conversations with the United States Congress (continued)

The personal stories and recommendations were well received. Staffers were greatly interested in the suggestion of Titus Peachey to destroy old cluster bomb stockpiles.

In late December 2007, the language in the Omnibus Appropriations Act passed by Congress prohibits the United States (US) government from issuing any arms export licenses or providing any military aid for cluster munitions during the 2008 fiscal year with some exceptions. The law requires *importers* to sign a statement before export from the US can take place, agreeing that they will not use cluster munitions in civilian areas. In spite of this, the law does not prevent *United States forces* from using high-failure-rate cluster bombs in civilian populated areas, does not include prohibition on use by the United States, and is also temporary, set to expire in October 2008. While the temporary moratorium is a step in the right direction, the voices from Laos and Lebanon call for deeper, long-lasting changes. Continued effort is required for the passage of the current legislations.

The willingness of the speakers from Laos and Lebanon to share such painful experiences earned respect and gratitude as expressed by all whom I encountered on the Hill. The speakers and many others continue to face an ongoing war against humanity. As first-hand witnesses to the ugliness of inhumanity, they have decided that their testimony may help put an end to this war so that their children and all future generations may live to tell a different tale.

Please contact your Senator and/or Representative and ask them to co-sponsor the Cluster Munitions Civilian Protection Act. If they are co-sponsors, please thank them. Also ask them to urge participation by the United States government in the Oslo Process to ban cluster bombs.

—Valerie Ong

*Valerie Ong is a Legislative Fellow for the MCC Washington Office.*

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## Ain't Goin' Study War No More?—NOT.

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by Virgil Wiebe

*Seek the peace and prosperity of the city to which I have carried you into exile.*  
—Jeremiah 29:7

*If we really 'seek the peace of the city,' why should we fear that by saying our message in Babylonian we would have to destroy its meaning? Why should we not be able to translate? . . . Between any two linguistic cultures a moderately bilingual person can produce a functionally adequate equivalent in one language of what you said in the other.* —John Howard Yoder<sup>1</sup>

How do a couple of Mennonites translate the principles of God's peace into human laws of war? For over a decade, Titus Peachey and I have been attending international conferences populated by diplomats and soldiers, along with activists from mostly secular non-governmental organizations, doing our best to call for a ban on cluster munitions. The good news is that we've gone from voices crying in the wilderness to being part of a growing chorus of

outrage over these weapons. The more challenging news is that we're helping to negotiate treaties that take the necessity of war as their starting point.

Along this journey, we have had to learn a new language: international humanitarian law (IHL), or the laws of war. And along the way we've encountered people of good will and developed relationships across some odd divides.

This article looks at some key concepts of IHL, how we have argued they apply to cluster munitions, and the struggle of engaging the language of justifiable violence while maintaining our integrity as Anabaptists

### Key Concepts of International Humanitarian Law (IHL)<sup>2</sup>

The sources of IHL are customary international law, as well as treaties. The Geneva Conventions of 1949 are the most famous of treaty law. But the roots of modern IHL

As Anabaptists, the “direct damage” of war is unacceptable, let alone “collateral damage” to innocent bystanders.

arose in the middle of the 19th century, inspired in part by the work of two men. Henri Dunant, a Swiss businessman and one-time employee of the YMCA, very nearly stumbled into a battle of the Franco-Austrian War in 1859. His 1862 book, *Memories of Solferino*, recounted the deaths of 40,000 soldiers and the efforts of a village to aid the survivors. He led efforts to create the International Committee of the Red Cross (ICRC) in 1863. Whereas in the US, we think of the Red Cross primarily as a first responder to natural disasters, the ICRC is intimately involved in the development of international humanitarian law and the treatment of prisoners during times of armed conflict.

Dunant’s book also led to efforts to codify pre-existing customs concerning warfare, starting with the Geneva Convention of 1864 “for the amelioration of the conditions of the wounded in armies in the field.”

In the United States, a former German refugee was called upon by President Lincoln to draft a code of conduct for the US army during the Civil War. Professor Francis Lieber, by then at Columbia University, served as the primary author of General Orders No.100 which came to be known as the Lieber Code of 1863. Many of the basic principles found in today’s treaties are echoes of these earlier efforts. The following is an excerpt from the Lieber code:

Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war; . . . the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit. . . Private citizens are no longer murdered, enslaved, or carried off to distant parts, and the inoffensive individual is as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling demands of a vigorous war.<sup>3</sup>

Additional efforts to codify the laws and customs of war into treaty took place over the ensuing decades. Sometimes called “Hague Law,” multiple treaties and declarations negotiated between 1899 and 1973 at the Hague have created rules on the conduct of war. In Geneva, beginning with the 1864 treaty mentioned above and thereafter into the 1970s, other conventions were negotiated to protect civilians, prisoners, and combatants during times of conflict.<sup>4</sup>

In 1977, additions were made to the Geneva Conventions. While the US did not ratify those additional protocols, many of their provisions are recognized even by the US as stating norms of warfare.

• **Distinction.** According to the 1977 Geneva Conventions, “Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”

• **Discrimination.** This principle requires that care must be taken in choosing targets (including the means and methods of attack) to limit the damage to civilians even when legitimately targeting military objectives. The 1977 Additional Protocol to the Geneva Conventions states that “indiscriminate attacks are prohibited” and defines indiscriminate attacks as including “those which employ a method or means of combat which cannot be directed at a specific military objective.”

In seeking to apply this principle in recent discussions about cluster munitions, we have made the argument that cluster munitions are wide area in effect, and that it is very difficult to direct them against purely military targets, especially in populated areas. In 2007, the International Criminal Tribunal for the Former Yugoslavia found a civilian leader who ordered a cluster bomb attack on Zagreb to be guilty of killing and injuring civilians. The presence of legitimate military targets in the city did not excuse such an attack and its consequences.

• **Proportionality.** Another principle, enshrined again in the 1997 Geneva protocols says that “an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated” is indiscriminate.”

Proportionality covers “collateral damage.” As Anabaptists, the “direct damage” of war (for example, the deaths and injuries caused to friendly as well as fiendish soldiers) is unacceptable, let alone damage caused to innocent bystanders and their surroundings. So how are we to say what is “excessive” damages to civilians or civilian objects? Few criminal prosecutions for violating the proportionality principle have been brought, and only when the actions have been, the words of one legal expert “blatant and conspicuous.”<sup>5</sup>

Here we have argued that the high dud (failure to detonate) rate of cluster munitions, combined with the very large numbers of bomblets dropped in the first place, results in the creation of *de facto* minefields. This applies, we say, not just in more heavily

populated areas, but in rural areas as well. Civilians are killed, but also access to land is denied and economic recovery hindered.

The title of a piece Titus and I wrote for MCC several years ago sums up an argument we thought any third grader could understand: “Drop Today, Kill Tomorrow.”<sup>6</sup> But militaries have argued that medium and long term injury and death to civilians is too indeterminate. Requiring that to be included in the equation is too much to ask, they say.

But we’ve kept on asking. And sadly, the data from war after war over the past three decades has backed up the argument. Civilians in the immediate aftermath to a conflict are at greatest risk of injury and death from unexploded cluster munitions. These accidents taper off somewhat as well-reported tragedies provide cruel lessons to survivors and others.

• **Feasible Precautions.** According to those same Protocols of the Geneva Conventions, “those who plan or decide upon an attack shall do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects . . . [and] take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects”

So, what is “feasible?” In the film *Pirates of the Caribbean*, the unscrupulous Captain Hector Barbossa responds to the protestations of a double-crossed damsel in distress about his violations of the pirate code: “you must be a pirate for the pirate’s code to apply and you’re not. And [finally], the code is more what you’d call ‘guidelines’ than actual rules.” When it comes to “feasibility,” it often boils down in retrospect to whatever the military in question did at the time. The guidelines become quite flexible, indeed.

On December 24, 2007, the Israeli government cleared its armed forces of any wrongdoing in its use of an estimated 4 million cluster bomblets against South Lebanon in the summer of 2006: “IDF forces used the resources in their possession in an effort to curtail the relentless rocket fire at Israeli civilians. These resources included cluster munitions—the most effective weapon with which the IDF could fight Hizbullah—while taking all feasible measures to minimize civilian casualties.” This despite the fact that several Israeli officers and military experts had reported that cluster munitions were not the “most effective weapon” against rocket attacks and that Israeli units had

been ordered in the last few days of the war to simply unload all the munitions they had in blanketing areas of South Lebanon.

“Feasibility” came into play in one case involving cluster munitions in 2004 when the Eritrean government was found liable for the deaths of scores of Ethiopian civilians (including dozens of school children) in an attack involving cluster munitions in 1998. The tribunal hearing the case did not blame Eritrea for its utter incompetence in failing to train its Air Force pilots and computer programmer nor fault its failure to account for using a wide-area munition with a high dud rate near a populated area. The failure to take feasible precautions stemmed primarily from its failure to take steps to prevent a recurrence of the event.

In 1980, another Geneva-based treaty, the Convention on Conventional Weapons (CCW), sought to outlaw or limit certain types of weapons (such as landmines or napalm). It was at the CCW in 1996 that efforts to ban landmines failed. A new landmines ban treaty negotiated in Ottawa sprang out of those ashes in 1997. Over the past decade, governments and non-governmental organizations have tried to ban or regulate cluster munitions at the CCW, with very limited progress. An additional CCW protocol in 2005 addresses unexploded remnants of war, but does little to address fundamental problems with cluster bombs. The new Oslo cluster bomb treaty process may be a repeat of sorts of the Ottawa mine ban treaty.

### Swimming in Sin?

The laws of war take sin as their starting point. These “laws” assume that war will occur. They do not even necessarily suggest that war is wrong, but that it will happen and that when it does, we should try to throw up some boundaries around its conduct.

While Titus and I make no bones about the fact that we are with the Mennonite Central Committee, no one has yet confronted us with the direct question of “How can pacifists possibly have any legitimacy in lecturing governments on the regulation of death, regulation that allows for the killing of innocent civilians?” But it is one we ask ourselves. And our answer is because we have met the people affected by unexploded ordnance and because we have heard their stories. We know in our heart of hearts that in one year and two years and ten years we will meet others at these conferences in their wheel chairs, without arms or legs, the unsuspecting of God’s children who

## Canada and the Oslo Process

Canada attended the Oslo Conference on Cluster Munitions in February 2007 and signed the Oslo Declaration committing to create a new treaty by the end of 2008. Unfortunately, even though Canada has never used clusters, does not produce them, and has announced its intention to destroy all of its stockpiles, the Canadian Government has indicated that a moratorium on the use, production and transfer of cluster munitions until a new treaty has been negotiated, is not possible at this time. One of the arguments put forward for not declaring an official moratorium on cluster bombs is that it could cause problems in joint operations, such as within NATO, if some member forces could not use a specific weapon. However, five members of NATO already have a national ban or “no-use” policy on the use of cluster bombs, which means that the issue of not using them in joint operations is already being accommodated on the ground.

Canadians can:

- Collect signatures on the petition posted on the Mines Action Canada website ([www.minesactioncanada.org](http://www.minesactioncanada.org)) to urge the Canadian Government to take more action and leadership on this issue.
- Let Prime Minister Harper and Minister of Foreign Affairs Maxime Bernier know that you care about this issue and that you expect Canada to declare its own moratorium. Tell your Member of Parliament you care about this issue and that you expect to see more national action and leadership on this issue from Canada.

—Monica Scheifele

*Monica Scheifele is Administrative Assistant in the MCC Canada Ottawa Office.*

We ask our local congregations to support us in prayer while we study the language of war in order to rewrite it in what small ways we can.

today as you read this are going about their lives having never even heard of cluster bombs, whose lives will be shattered.

We swim around in the sinful muck of diplomatic doublespeak, and do our best to debunk the claims of “technical fixes” that will result in dud-less cluster bombs because we know that much nonsense has been similarly spoken in the past.

We risk unintended consequences of forcing the development of more “humane” alternatives (like phenomenally expensive and destructive precision-guided munitions) because we know that every time dumb cluster munitions are used, we can write the stories in advance: “Curious kid killed, cousin maimed for life. Farmer injured in field. Explosive expert blown up while clearing unexploded bombs.”

But when we do swim in the sin of “fixing” the law of war by calling for a ban on cluster bombs (and working towards regulation if a ban is not currently in reach in the US), we do so being sent by communities of faith. We call upon our local congregations to support us in prayer while we engage the process, to help us discern what is best as we study the language of war in order to rewrite it in what small ways we can.

We jump into the debates knowing that silence in the face of the continuing carnage caused by cluster bombs would amount to

swimming in another pool of sin, a sin that has us turning a blind eye to the suffering of God’s children. Either way, silence or speech, we face dilemmas that are uncomfortable.

## Notes

1. Thomas Shaffer, in conversation with John Howard Yoder, “Anabaptist Law Schools,” in Robert Cochran, Jr., *Faith and Law: How Religious Traditions from Calvinism to Islam View American Law*, NYU Press, 2008.

2. The following section draws heavily on the accessible and brief introduction to IHL found at Lawrence Weschler, *International Humanitarian Law: An Overview*, [www.crimesofwar.org/thebook/ihl-overview.html](http://www.crimesofwar.org/thebook/ihl-overview.html).

3. From Articles 15, 22 & 23. The full Lieber Code can be found at [www.yale.edu/lawweb/avalon/lieber.htm](http://www.yale.edu/lawweb/avalon/lieber.htm). More on Francis Lieber can be found at [www.famousamericans.net/francislieber/](http://www.famousamericans.net/francislieber/).

4. Françoise Bouchet-Saulnier, *Introduction to International Humanitarian Law*, [www.crimesofwar.org/thebook/intro-ihl.html](http://www.crimesofwar.org/thebook/intro-ihl.html).

5. William Fenrick, “The Prosecution of Unlawful Attack Cases before the ICTY, 7” *Journal of International Humanitarian Law*, 153, 177 (2004).

6. Available on the MCC web site: [mcc.org/clusterbombs/resources/research/tomorrow/killtomorrow.pdf](http://mcc.org/clusterbombs/resources/research/tomorrow/killtomorrow.pdf).

*Victor Wiebe is Director of Clinical Legal Education and Associate Professor of Law at the University of St. Thomas School of Law, Minneapolis, Minnesota.*

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## Current Developments in the Movement to Ban Cluster Bombs

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by Titus Peachey

Since the signing of the Ottawa Treaty (1997) banning the production, transfer, stockpiling and use of anti-personnel landmines, the world has slowly been turning its attention toward the similar problems posed by cluster munitions. While cluster munitions have a different design from landmines, their wide area effect, inaccurate targeting, large numbers, small size, and high failure rates have created a 40-year record of indiscriminate killing both during and after wars.

Concerns about cluster munitions began to surface in international fora during the original negotiations for the Convention on Conventional Weapons (CCW) in Geneva, Switzerland in the mid-nineteen seventies. Thirteen countries tried unsuccessfully to ban cluster munitions.

In the mid to late 1990s, Mennonite Central Committee (MCC), Human Rights Watch, various country landmine ban campaigns<sup>1</sup> and organizations such as the International Committee for the Red Cross began raising questions about the legality of cluster munitions under International Humanitarian Law.

Wars in Yugoslavia and Kosovo, Afghanistan, and Iraq in which the use of cluster munitions was widely reported increased the intensity of the discussions. Israel's use of cluster bombs in the last days of its war against Lebanon in the summer of 2006 sparked an international outcry. When the CCW failed to seriously consider restrictions or a ban on cluster munitions in the wake of their use in Lebanon, a core group of countries led by Norway, along with strong support from non-governmental organizations (NGOs), launched the Oslo Process.

This process officially began in Oslo, Norway, in February of 2007 when 48 countries gathered to begin official discussions. The declaration from this meeting created a mandate to negotiate a treaty banning cluster munitions that cause unacceptable harm to civilians by the end of 2008.

A follow-up meeting in Lima, Peru, was attended by 68 countries where a draft text for a treaty was first presented. Negotiators from nearly 140 countries attended a follow-up meeting in Vienna in December of 2007 to consider a revised draft text. In neither case did the discussions consider specific language changes, focusing instead on points of agreement and disagreement on the broader concepts in the treaty, such as victim assistance, stockpiling, definitions, and international assistance.

The most recent meeting of the Oslo Process took place in Wellington, New Zealand, in February of 2008. This will be followed by a meeting in Dublin, Ireland, in May of 2008 to negotiate the final wording of the treaty text. A ceremony for signing the treaty will be held later in the year back in Norway where the process began.

## The Vienna Meeting

At the Vienna meeting, many of the producer states from Europe, while acknowledging the clear need to ban many of the current generation of cluster bombs with high failure rates, argued for exceptions. The typical argument promoted by these governments focused on allowing the use of cluster munitions with a lower than 1 percent failure rate and/or with self-destruct mechanisms that would destroy the munition if it failed to explode on impact.

Not surprisingly many of the affected states from the South called for a clear and sweeping ban on cluster munitions with no exceptions. Laos, for example noted that 19 different types of cluster munitions had been

identified on its territory, and that all of them were problematic. Mexico called into question the oft-repeated phrase that formed a part of the original Oslo mandate in early 2007, "*cluster bombs that cause unacceptable harm to civilians,*" by noting that all harm to civilians is unacceptable. It also appeared that the African states are moving toward a common position of calling for a ban of all cluster munitions with no exceptions.

The interests of governments are strong and self-perpetuating. Many forces—economic, political and military—intersect to create strong resistance to sweeping treaty language that would ban a whole category of weapons that military strategists believe to be essential and effective. So it was disheartening to hear several long, complicated presentations about the necessity to maintain some cluster bomb capability.

Still, after thirty years of education and advocacy work, it was hard to fathom that 138 governments had gathered to negotiate an end to the production, use, transfer, and stockpiling of cluster munitions. While the primary focus of this process is on ending the use of a specific weapon, this process is also an experiment in new ways of developing disarmament and international humanitarian law. Like the landmine ban treaty, the process involves civil society (Non-Governmental Organizations, activists, survivors, clearance agencies, academicians and others) in partnership with government representatives to create new international norms.

The Cluster Munition Coalition, an NGO that MCC helped to found in 2003, has created a strategy centered on developing a treaty that most clearly reflects reality as seen from the perspective of individuals and communities that are directly harmed by cluster bombs. This would result in strong treaty language, with perhaps fewer governments signing. The strategy would then be to use world opinion and the negative stigma of cluster bombs to push the more reluctant to accept the requirements of the treaty.

Some of the European governments, however, seem to be angling for a treaty with weaker language that most governments would be willing to sign which would then phase in more stringent requirements over a period of time, giving governments the opportunity to develop alternatives to cluster munitions.

MCC's involvement in this advocacy/treaty process helps to complete a process that was begun over 30 years ago when MCC workers first learned first-hand about the prob-

## The United States and the Oslo Process

The United States (US) is not a participant in the Oslo process to ban cluster munitions.

The US continues to believe that cluster munitions are an important part of its military arsenal and strategy. Thus rather than working toward a ban on cluster munitions, the US has focused on limiting their harmful impact through technical improvements in fuzing and targeting, more rapid clearance procedures, controlling the return of people to their homes in post-conflict environments, risk education, and the sharing of strike data information.<sup>1</sup>

The US is pursuing these efforts in the context of the Convention on Conventional Weapons (CCW). In a statement at the CCW in Geneva on Nov. 13, 2007, Ronald Bettauer noted that "the CCW is the only framework that brings together the users and producers of munitions and those concerned with their humanitarian impact, and that can achieve results that are meaningful . . ."<sup>2</sup> The Vienna meeting of the Oslo process which included 138 countries clearly demonstrated that the CCW can no longer claim this unique status, since many producer and user countries participated, along with activists from nearly 50 countries.

US citizens can urge their senators and representatives to call for US participation in the Oslo process. For more detail on the Oslo process, see: [www.osloprocess.org](http://www.osloprocess.org)

For more detail on U.S. participation in the CCW process, see [www.ccwtreaty.org](http://www.ccwtreaty.org)

—Titus Peachey

### NOTES

1. Richard Kidd, Deputy Director, U.S. Office of Weapons Removal and Abatement, Geneva, June 20, 2007.
2. Ronald J. Bettauer, Head of the U.S. Delegation to the Convention on Conventional Weapons, Geneva, November 13, 2007.



**Mennonite  
Central  
Committee**

21 South 12th Street  
PO Box 500  
Akron, PA 17501-0500

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lems of unexploded ordnance and cluster bombs in Vietnam and Laos. Given the resources and effort that MCC has expended on this issue over the years, and given our relationships of mutual trust and respect among people who have suffered greatly from US cluster bombs, it is a matter of integrity that we put energy into advocacy work in national and international fora. It is the authentic relationships on the ground in places like Laos and Lebanon that give us the integrity to do the work of advocacy. By the same token, it is the work of advocacy that gives greater integrity to our work on the ground. This is a mutually reinforcing cycle that should become a routine part of MCC's work.

Nonetheless all the work we do on restricting or banning the use of specific weapons is within the context of a much greater commitment to build relationships among people that are just and peaceful. We do not want our efforts to ban specific weapons to help legitimize the use of other weapons. Working on cluster bomb advocacy provides a forum in which to raise our deeper concerns about war while at the same time taking important practical steps toward building safer communities in the aftermath of war.

**Notes**

1. Especially Mines Action Canada and Landmine Action UK.

*Titus Peachey is Director of Peace Education for MCC US.*