

Timeline of Mennonite and Quaker work on Cluster munitions¹

By Virgil Wiebe and Titus Peachey
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In addition to Mennonite work, other timeline signposts are given for context. Bruce Shoemaker's "Legacy of the Secret War" provides a detailed account of MCC work up until 1994.²

1960s

August 13, 1966. Phu Xa, a suburb of Hanoi was bombed by cluster bombs.³

November 1966 American pacifist, David Dellinger visited North Vietnam and gave an account of the damage he saw by cluster bombs.⁴

April-May 1967 An ad hoc "International War Crimes Tribunal" is held in Stockholm, Sweden.⁵

1960s: AFSC opens a rehabilitation center in Quang Ngai, Vietnam where 90% of patients suffered injury from weapons, including landmines and cluster bombs.

1968: Quaker doctor Marjorie Nelson is captured by the Viet Cong in Hue and held for 2 months. During her captivity, Dr. Nelson found an exploded U.S. cluster bomblet.

1968-1990 Honeywell Project in Minnesota targets Honeywell Corporation for protests, shareholder proposals, and similar actions for its production of cluster munitions and other munitions. There is no formal Mennonite institutional involvement, but some participants are Mennonite.

1970s

April 1971 – Senator Kennedy holds hearings on the U.S. air war: War Related Civilian Problems in Indochina, Part II Laos and Cambodia, Hearings before the

¹ By Virgil Wiebe (vowiebe@stthomas.edu), edited by Titus Peachey (tmp@mcc.org). This timeline focuses perhaps a bit more on Mennonite efforts than Quaker, but mentions Quaker work as the two groups have worked together so closely over the decades on the issue. Many sources are cited in the text below. Additional timelines relied on include Cluster Munitions Again, MCC Peace Office Publication, April–June 2008, http://www.mcc.org/peace/pon/mcc_pon_08_02.pdf; Irene A. Tzinis, Development and Timeline, MCC website, <http://www.mcc.org/clusterbombs/timeline/> (visited Oct. 9, 2008); E-mail attachment "Advocacy list2.doc" from Titus Peachey to Virgil Wiebe, October 9, 2008, 8:00am ET.

² Bruce Shoemaker, Legacy of the Secret War, March 1994, MCC website, <http://www.mcc.org/clusterbombs/resources/research/legacy/>.

³ Eric Prokosch, *The Technology of Killing*, 87 (Zed Press 1995).

⁴ Prokosch, at 89.

⁵ Prokosch at 93.

subcommittee to Investigate Problems Connected with Refugees and Escapees of the Committee on the Judiciary, United States Senate, April 21, 22, 1971.

1972 – National Action/Research on the Military-Industrial Complex (NARMIC), a project of the American Friends Service Committee (AFSC), produced a slide show on the *Automated Air War* to inform the American people about the Indochina War. The slide show, shown widely in the U.S. added to the growing outcry to halt U.S. bombing.

1972 – *Voices from the Plain of Jars*, by Fred Branfman, Harper & Row is published and features testimony and drawings of the Lao villagers who survived the U.S. bombing of their villages in northern Laos during the secret air war.

1971-73 - In 1971, The International Committee for the Red Cross (ICRC) hosts Conference of Government Experts. The Swedes raised the issue of new weapons used in Vietnam. In 1973, the Swedish government gathers military and medical experts "to study the effects of recently developed weapons from the point of view of international law". The Swedish report "offered language for a series of possible antipersonnel weapons bans". The ICRC then convenes a "working group" of official experts to explore these possible Swedish recommendations.⁶

1972 – Mennonite Central Committee (MCC) worker Max Ediger reports seeing unexploded cluster bomblets in a bombed out school in the coastal town of Mo Duc in Central Vietnam.

July 8, 1973 - Earl Martin of MCC writes in the Washington Post and other papers about the UXO problem associated with cluster munitions.⁷

1974-75 - Pat and Earl Martin of MCC are involved in explosive ordnance clearance in Quang Ngai province, Vietnam. They determine most injuries are caused by bomblets rather than large Unexploded Ordnance (UXO). Plowing ordnance littered fields is safer with armored tractor than tilling with broad-blade hoes.⁸

April, 1974- Weapons Potentially Inhumane: The Case of Cluster Bombs, *Foreign Affairs Magazine*, by Michael Krepon. Krepon details successful Pentagon efforts to suppress information and debate on cluster munitions development. The Pentagon feared a lengthy and contentious debate such as occurred with the development of napalm.

September 24-October 18, 1974 - The ICRC hosts a Conference of Governmental Experts on Weapons that May Cause Unnecessary Suffering or Have Indiscriminate Effects – Lucerne, Switzerland. Eric Prokosch attends as an NGO observer for the Friends World Committee for Consultation (FWCC).⁹ In 1975, in an article in the *International Review of the Red Cross*, Prokosch notes that "a cluster bomb with a large area coverage is arguably indiscriminate by nature if used (as has occurred in recent conflict) over an area within which there are civilians; and if some of the

⁶ PROKOSCH, at 148.

⁷ See, e.g., Earl Martin, Defusing the Rice Paddies, Op-Ed, Wash. Post, July 8, 1973, p. D6.

⁸ Shoemaker.

⁹ PROKOSCH, at 149-55.

bomblets are duds, or if they have delay fuzes, the area will be unsafe for some time after the attack.”¹⁰

1974 - American Friends Service Committee (AFSC) opens small office in Vientiane, Laos. Following reports of UXO, AFSC imports five metal detectors to help refugees returning to the Plain of Jars. Due to lack of training, lack of replacement batteries, a tendency to detect all metal fragments, the detector project is abandoned.¹¹

1975 - MCC opens an office in Vientiane, Laos. Workers assist refugee resettlement with material support. After change in government, MCC, AFSC and Save the Children U.K. are the only western NGOs to maintain offices in Laos.

January 28-February 26, 1976 - In Lugano, Italy, the ICRC hosts a Conference of Governmental Experts on Weapons that May Cause Unnecessary Suffering or Have Indiscriminate Effects. A Proposal by 13 countries to ban anti-personnel cluster munitions is strenuously opposed by major military powers. Eric Prokosch again attends for FWCC.

1976-77 - AFSC and MCC representatives receive reports of UXO deaths and injuries in Xieng Khouang, Laos.

November 1977 - Linda and Murray Hiebert (MCC) and Earl & Louis Kubicka (AFSC) travel to Xieng Khouang province and meet with Mr. Yong Yia, provincial vice chairman. They learn about deaths, injuries, and ongoing risks from ordnance, particularly bombs.¹² The Hieberts and the Kubickas publish articles in LA Times and the Far Eastern Economic Review following the trip. They brief other journalists – the issue receives coverage on ABC TV’s 20/20, the NY Times, Washington Post, BBC-TV, and Far Eastern Economic Review.¹³

1977-91 - MCC/AFSC shovels project Xieng Khouang – 30,000 distributed over that period. Shovels are found to be safer than hoes. Donations from other agencies are received in 1982-83. Donations also come from the Honeywell project law suit against FBI & Honeywell for infiltration of the protest movement (1985). 1987-88 MCC supports production of Lao shovels – but runs into problems with quality control. Additional foreign shovels are distributed in 1990-91.¹⁴

1977 - Protocols I & II Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts – Discrimination, Proportionality, Superfluous Injury, Distinction, Precautionary Measures.

September 1978 - MCC and AFSC brief US congressional delegation on Missing in Action (MIAs) in Laos about UXO problem.

1980s

¹⁰ Eric Prokosch, Trends in Fragmentation Weapons, Int’l Rev. Red Cross, Dec. 1975, 607-610.

¹¹ Shoemaker.

¹² Shoemaker.

¹³ Shomaker.

¹⁴ Shoemaker.

1979-80 - 18 month clearance project at Lat Saen State Farm with 12 Soviet experts in Xieng Khouang. The project is not sustained after departure of Soviets.

1980 - Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons That May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. Convention on Certain Conventional Weapons (CCW). Cluster munitions ban not included.

1979-81 - MCC attempts mechanical clearance with armored tractor and flail in Laos. Tractor arrives in April 1980 and is tested by MCC co-representative Fred Swartzendruber. Tractor is largely unsuccessful as it detonates only about 1/3 of bombies encountered, despite modifications. It is later used to safely plow fallow land more safely than breaking soil by hoe.¹⁵

1980-85 - Titus and Linda Peachey work in Laos for MCC. In April of 1981, Linda observes experimentation with the MCC tractor. After the tractor fails to cause a bomblet on top of the ground to explode, a Lao colleague picks up the bomblet and throws it. The bomblet exploded when it hit the ground. Linda also visits a family where the wife/mother was killed by a cluster bomblet while hoeing in her garden the day before.

The Lao Committee for Social and Veterans Affairs in Xieng Khouang persists in trying to find a way to safely destroy unexploded bomblets. MCC funds several modest efforts, none of which prove successful. Mr. Bouavan Maneevong, from the Xieng Khouang Province Social Affairs Committee frequently raises concern about the UXO problem to both Mennonite and Quaker workers. On a number of occasions, Peachey's saw him remove bomblets from village paths or pastureland by hand to "safer" locations.

The Peachey's propose that MCC constituents be invited to withhold \$10. from their federal income taxes to purchase shovels for Laos. The MCC Board does not approve the proposal.

1980-81 - Additional US congressional visits and briefings in Laos by MCC and AFSC. In 1980, AFSC writes to US Congressional representative requesting clearance aid for Laos. US offer to fund clearance rejected by Lao government in 1981. Throughout the early 80's U.S. interests in Laos are largely connected to the POW/MIA (Prisoner of War/Missing in Action) issue.

November, 1981 – The National Committee for Social and Veterans Affairs, led by Meun Somvichit, a party Central Committee member, leads an international delegation to Houa Phan Province to explore the needs of villagers. The delegation visits an artificial limbs workshop, which includes prostheses made from bomb casings. MCC (Titus and Linda Peachey) and Quaker (Bob Eaton and Wendy Batson) workers participate in the trip. At this early post-war stage it is provincial officials and the National Committee for Social and Veterans Affairs that are most concerned about unexploded ordnance. Other government ministries at the national level don't give the issue high priority.

1982 - Nine month, 45-city speaking tour by AFSC Laos country representatives (1978-81) Roger Rumpf & Jacqui Chagnon – raises money for shovels project. The

¹⁵ Shoemaker.

effort is supported by Christopher Reynolds Foundation and Asia Resource Center. Results in over 100 press interviews. Video and slideshow produced.¹⁶

1982 – Falklands/Malvinas War. Nearly 10% of cluster bombs dropped by Britain fail to detonate as designed.

1980-86 - AFSC assists rehabilitation centers in Laos, gets Operation Handicap International (France) involved in Laos.

October, 1985: MCC sponsors a peace delegation to Laos. Six MCC constituents visit Laos and travel to Xieng Khouang Province to learn about the problems of unexploded ordnance. Delegate members each do public speaking and education in their communities upon their return.

1986 - Roger Rumpf & Jacqui Chagnon return to Laos in January with a team and produce "Journey to Laos" a 45 minute video that addresses, among other issues, the ongoing damage and death caused by unexploded cluster munitions over 20 years after they were dropped.¹⁷

1985-93 - MCC supports the Xieng Khouang provincial government UXO clearance team. Modest successes are made, but more progress is hampered by lack of technical advisors, tensions between national and provincial government, and inadequate metal detectors. January 1993 clearance efforts "demonstrate potential for doing more systematic clearance."¹⁸

1985-88 – Titus and Linda return to United States in 1985. Titus writes a play about a family who gave a broken hoe to Linda – a hoe held by their mother who was killed by a struck bombie. The play, *Innocents on Earth*, makes a direct link between cluster bombs and taxes for war. Titus and Linda speak to churches and other groups in Canada and US and create a slide show, titled "Making War in Peace." They speak with officials in DC. They also work with Peacework Alternatives, a two-year research and public education project (1986-88) on defense industries in Lancaster County where they discovered two manufacturers of cluster bomb and/or cluster bomb components. They publish a directory of military contractors in Lancaster County, called *World Peace Begins in Lancaster*. In the immediate aftermath of their Laos experience, and as part of Peacework Alternatives, Titus and Linda do 75-80 presentations, primarily in the Lancaster, PA area.¹⁹

1990s

1990 - Visit to Laos by New Yorker staff writer Stan Sesser – meets with Lois Foehringer and David Merchant of MCC. Sesser also meets with Jacqui Chagnon of AFSC, .

¹⁶ Shoemaker, 7, 11.

¹⁷ AFSC Lending Library: Film Related to Unexploded Munitions, <http://tools.afsc.org/bigcat/tpc.php?TID=242>, site visited Mar. 31, 2009.

¹⁸ Shoemaker.

¹⁹ First Person: Titus Peachey, ACP, Sept/Oct 2005, p. 15; e-mail from Titus Peachey, Oct. 9, 2008; Shoemaker, 11.

"When you set off a bomble, an explosive device blows the pellets out and they can scatter six or eight feet around. . . . So if children are playing by the side of their parents they are often killed or injured as well. On the Plain of Jars last year, we were clearing land about the size of two football fields with a metal detector, to build a teacher-training school. We found eighteen bombies, two medium sized unexploded bombs, and one large bomb buried nose down so that we couldn't defuse it. In Xieng Khouang Province, on the Plain of Jars, anywhere from five to ten people are killed or injured by bombies every month."²⁰

Sesser went on to write that

"American government officials who reject the idea [of compensation for the bombieng] argue that the bombs were directed against North Vietnamese supply routes, not against Laotians, and that any additional damage was unintentional and unavoidable. But their argument loses its force when the Plain of Jars is considered. . . . [I]t was nowhere near the North Vietnamese supply routes, but on it were the roads that the Pathet Lao and the North Vietnamese would have had to take if they had attempted to march on Vientiane and Luang Prabang. In addition, there were reports that the Plain of Jars was used as a dumping ground for the bombs of American planes that were turned back from bombieng runs over North Vietnam because of bad weather. . . . [B]y 1969 most of the hundred and thirty thousand residents of Xieng Khouang had fled. The Laotians say eight thousand and thirty-eight civilians in the province were killed by the bombieng, eleven thousand three hundred and forty-five children were orphaned, and three hundred and fifty-three villages were razed."²¹

1991 - Operation Desert Storm - Gulf War. Massive use of air and ground launched cluster munitions in Iraq and Kuwait.

Early 1990s - US embassy relations in Laos with MCC and AFSC thaw.

May 1991 - US Army sends team to train Lao deminers. Great breakthrough but little followup. MCC scoops up two of the trainees for its clearance efforts.

1992 - One year ban on export of US made anti-personnel mines; extended to three years in 1993.

1993

Early 1993 - Jim Kurtz, new MCC country representative, and others in MCC, ask MCC to make a significant new effort, or consider throwing in the towel on UXO clearance. MCC tries another direction in clearance efforts by contacting the Mines Advisory Group (MAG).²²

June 1993 - MCC arranges for 12 day tour by MAG specialist to Xieng Khouang.²³

²⁰ Stan Sesser, Reporter at Large: Forgotten Country, New Yorker, August 20, 1990, 39, 41-42.

²¹ Id, at 66-67.

²² Shoemaker, 12.

²³ Shoemaker, 13.

August 1993 - A link is made between war tax resistance and unexploded ordnance by Earl & Pat Hostetter Martin, and Titus and Linda Peachey.²⁴

1994

1994 - During 1994, MCC launches its largest fundraising effort to date to support the UXO clearance efforts with Mines Advisory Group (MAG) in Laos. MCC creates a number of advocacy and fundraising tools, including "The Past is Present," a seven minute video. A companion booklet "Laos: War Legacy" introduced the project and told the personal stories of victims of bombs. Virtually all of the stories relate injuries and deaths suffered from UXO in second half of 1993. Spoons made from cluster bomb casings provide a tactile connection to the effort. Another film produced that year, "The Innocents," dramatized the issues of personal responsibility in an age of automated warfare. A "judge" works to determine responsibility for the death of a Laotian woman killed when her hoe struck a "bombie."

1994 - The Australian government prepares study on cluster munitions.

April-October 1994 - From April to October 1994, Titus Peachey assists MCC, the Lao Committee for Social and Veterans Affairs, and the Mines Advisory Group in beginning a bomb removal project in Laos. The official agreement for the project is signed in April, 1994.

"In 1994, I [Titus] asked one villager why he continued to grow vegetables in a location with bomblets, or 'bombies' as they are often called. He responded, 'I can't move my garden. There wouldn't be any point to it anyway. If I moved it to a new location, I'd just find more bombies there. So I might as well keep it where it is.'" ²⁵

MAG sends Jenni Rauch to help administer the Laos project. MAG ordnance experts Donald MacDonald and Steve Povah arrive in Laos in June, 1994 and begin to set up operations.

May 13, 1994 - Titus Peachey provides written testimony for the US Senate Appropriations Committee's Subcommittee on Foreign Operations, calling for any ban on landmines to include a ban on submunitions. There he described Xieng Khouang as "one of the most heavily bombed areas of land on earth" and shared that on average over Laos there was "one bombing run every eight minutes around the clock for nine years." Titus expressed support for the three year export moratorium on landmines, but called it "too narrow in focus." He argued that adequate definitions of landmines could only be formulated if done from the perspective of victims. Titus drew several parallels between landmines and unexploded submunitions: both were random in their ability to injure; neither were time specific; both were small, numerous and often hidden; and both effectively denied the use of land for agricultural or community purposes. During the testimony he states:

Sub-munitions and landmines both belong to a category of weapons whose indiscriminate and random characteristics have wreaked havoc in the lives of

²⁴ Titus Peachey. Silence And Courage: Income Taxes, War And Mennonites, 1940–1993, 25-27, 41-42, MCC Occasional Paper, No. 18 (August 1993), <http://mcc.org/papers/MCC-OP18.pdf>.

²⁵ See http://maic.jmu.edu/journal/5.1/Focus/Titus_Peachey/pechey.html

thousands of people around our world who are simply trying to feed their families. **The production, sale, and export of these weapons should be permanently banned.** Finally, we believe legislative provision should be made to release USAID money for use in ordnance clearance operations in Laos, via agencies acceptable to both the Lao and U.S governments.²⁶

September 1994 - "At the end of September 1994, two teams supervised by the U.S.-based Mennonite Central Committee and the U.K.-based Mines Advisory Group began the task of clearing hundreds of thousands of unexploded cluster bomblets from Xieng Khouang Province in northern Laos, more than two decades after the United States secretly bombed the province."²⁷

1994-96 – Russian forces battle Chechen rebels, using large amounts of cluster munitions.

1995

Eric Prokosch writes [The Technology of Killing: A Military and Political History of Antipersonnel Weapons](#), published by Zed Books, London.

January 1995 - Duane Ruth-Heffelbower and Byron Peachey travel to Laos "to learn about the process of explosive ordnance disposal being used in Laos so that [he] could help develop the resources to keep the project going. Mennonite Central Committee had begun the project, but knew it could not hope to make enough land safe without the participation of governments or other large donors. The project is now a program of the Lao People's Democratic Republic funded through a United Nations Development Program trust fund."²⁸ By 2000, a great deal of UXO has been cleared and other agencies and funders have been brought in to support the effort.²⁹

February 9, 1995 - Titus Peachey calls for inclusion of cluster bombs in landmine treaty in the NY Times in a letter to the editor dated February 9. "Cluster bombs were also used during the Persian Gulf war, and there have been reports of civilian casualties from cluster bombs since the war in both Kuwait and Iraq. I am grateful for your support for a total ban on land mines. Let's include cluster bombs and end peacetime killing."³⁰

²⁶ Titus Peachey, Mennonite Central Committee, Statement before the Senate Appropriations Committee Subcommittee on Foreign Operations, May 13, 1994 (emphasis added).

²⁷ Human Rights Watch, U.S. Cluster Bombs For Turkey?, December 1994, fn. 51 <http://www.hrw.org/reports/1994/turkey2/>.

²⁸ Explosive Ordnance Disposal in Laos 1995, <http://peacemaking.com/laos/> last updated April 21, 2002. (?).

²⁹ "[I]n 1994 the MCC, the Mines Advisory Group (MAG) and the Lao government initiated a UXO clearance project. The project quickly drew the attention of U.N. agencies and other governments. As funding became available, the project grew. From 1996-1998, over 122,000 pieces of UXO were cleared; approximately 50-75 percent of UXO cleared were cluster bombs. By the year 2000, eight international partners, in cooperation with the Lao government and local partners, were clearing UXO in nine of the country's 18 provinces and educating local people to the dangers of UXO." Titus Peachey, Munitions and Mines: Peace Education for Laos, Journal of Mine Action, April 2001. <http://maic.jmu.edu/journal/5.1/>

³⁰ Clinton Land Mine Policy Falls Short; Include Cluster Bombs, New York Times, Letter to the Editor, Feb. 15, 1995.

March 1995 - The UN Development Program (UNDP), MAG, and MCC organized a tour to the Laotian province of Xiengkhouang for diplomats from the US (including Ambassador Victor Tomseth), Australia (including Ambassador Roland Rich), Switzerland, France, Sweden, Thailand, and Canada.³¹ Ken and Mabel Snyder, MCC representatives in Laos, accompany the delegation to observe the bomb removal project in Xieng Khouang Province and learn more about the impact of unexploded ordnance on the rural population. MAG releases data on the first systematic collection of statistics on Xiengkhouang, showing that over 40% of injuries and deaths involved children under 15.³² The U.S. ambassador is visibly moved by a visit with a young cluster munition victim. The U.S. embassy begins providing assistance for ordnance removal shortly after the visit.

May 1995 - A joint Lao-UN proposal formally creates the Trust Fund for Clearance of Unexploded Ordnance.³³

May 1995 - The US increases contributions to prosthetic work from \$500,000 to \$750,000. MCC believes this is due, at least in part, to Ambassador Tomseth having "spent time in March at the bedside of the young bombie victim who later lost his arm to infection."³⁴

Summer 1995 - Frederick Lim and Joshua Peirez, summer associates at the law firm of Rogers & Wells, draft model protocols banning or restricting cluster munitions as part of a pro bono project for John Rempel of the MCC UN Office in New York. The proposal had two options: a complete ban on use, development, manufacture, stockpile or transfer; or a much more permissive protocol (seeking, e.g., to limit wide area effects and to ban those with a 3% dud rate).³⁵

July 1995 - From July 5-7, Roger Rumpf (now with MCC Laos) attends the UN Department of Humanitarian Affairs (DHA) Mines Clearance Conference in Geneva that had been called to raise money for clearance. Over 40 NGOs attend in addition to governments. Several governments call for a ban on anti-personnel landmines. Some also made the link, along with the UN, between landmines and clearance as not only disarmament but development related. He predicts that "Seeking a ban on cluster bombs may take as long as to clear Laos, so we need short-term attainable goals."³⁶ Also present is David Atwood of the Quaker UN Office (QUNO), who along with Roger circulated a few copies of the protocols to some NGOs and delegations.

³¹ Hopes Rise for Bomb Clearance, Vientiane Times, March 24-30, 1995, p. 1. (hereinafter Hopes Rise);

³² Sithnakhone, In Xiengkhouang the bombs still kill, Vientiane Times, Mar 24-30, 1995, at 8.

³³ Henry Kamm, Decades-Old U.S. Bombs Still Killing Laotians, N.Y. Times, Aug. 10, 1995, at A12..

³⁴ Ann Martin (c/o MCC Cambodia), Memo to Pearl Sensenig, Byron's Article on UXO, Nov. 3, 1995.

³⁵ Frederick Lim & Joshua Peirez (Rogers & Wells, New York), The State of International Law Relating to Cluster Munitions: A Report on the Issues and a Proposal for a Protocol Regulating the Use of Cluster Bombs, under the Direction of John Rempel (UN Office of MCC, New York). Undated.

³⁶ Roger Rumpf, Geneva Landmine Conference Report 3-7 July 1995, July 1995. Rumpf noted that US civilian government agencies (AID and the Department of State) seemed disorganized and unprepared at the conference, in contrast to the military. He also noted that "[o]nly a few NGOs (Operation Handicap) emphasized that the UXO programs are primarily a development issue." Id.

According to Atwood, the “feeling was clear that there was no way such an idea could be taken up at the September meeting [CCW meeting considering landmines], but it is important to begin to soften up the ground for the next set of weapons to be taken up, either under the Convention on Conventional Weapons or the CD or other multi-lateral mechanisms.”³⁷

July 1995-MCC initiates the Safe Villages Campaign to raise funds for bomb clearance in Lao villages.

August 1995 - MCC, QUNO, and the UN Methodist Office convene a brainstorming session in New York to discuss further advocacy plans. David Jackman participates for QUNO, noting difference between cluster munitions and landmines. MCC’s Ann Martin details the unique history of MCC efforts in Laos. Virgil Wiebe, an attorney in New York and advisor to the MCC UN office, presents the history of efforts to ban cluster munitions in the 1970s. The group agrees to send representative to the Vienna CCW review conference, to approach government delegations in NY about supporting a campaign, and to present the protocols to embassies in Vientiane.³⁸

September 1995 - *A Common Place* magazine (an MCC publication) runs issue on cluster bombs.

September 25-October 13, 1995 - States Parties convene first review conference of the CCW in Vienna, Austria. Blinding Laser weapons are banned. The issue of anti-personnel landmines proves too controversial for resolution during regularly scheduled conference. Cluster bombs are not on the agenda. Virgil Wiebe attends conference for MCC to raise issue of cluster munitions, staying with members of the Vienna Mennonite Church. Wiebe meets David Atwood, who has recently arrived at the Quaker United Nations Office in Geneva.

Wiebe continues to shop the draft protocols on cluster munitions to NGOs. On the closing day of the conference, Wiebe writes an article entitled “Cluster Weapons are Mines, Too,” in the International Campaign to Ban Landmines (ICBL) newsletter for delegates:

“The technological fix for anti-personnel mines swallowed by many delegates to this conference is also touted as the solution for submunitions. Claims of manufacturers, however, are different from reality. High failure rates in the Gulf War presented clearance personnel in Kuwait with particularly unstable munitions to clear. Civilians and soldiers alike fell victim after hostilities came to an end. Even with the reduced dud rates and self-destruct mechanisms, the knowledge that even a low percent of the munitions are potentially explosive can effectively deny access to large areas of tillable soil.”³⁹

³⁷ David Atwood, Memo: A Quaker presence at Vienna Review Conference on Convention on Conventional Weapons, 25 September to 13 October 1995, Quaker United Nations Office – Geneva, 27 July 1995. Atwood noted that “there is no chance that any additional Protocols can be added at this stage. [Swedish Ambassador Johann] Molander’s assessment at the Mines Clearance meeting was that the meeting in Vienna will be lucky to deal with the limited agenda it currently has, given all the divisions there are.” Id.

³⁸ Minutes, MCC-Sponsored Meeting to Discuss Public Policy Work on UXO, UN Church Center, New York, New York, August 1, 1995.

³⁹ Virgil Wiebe, Cluster Weapons are Mines, Too, CCW News, Oct. 13, 2005.

The Quakers cover the entire conference, between Joe Volk of FCNL, David Atwood, and Mamsa Elchler of the Vienna Friends Meetings. Eric Prokosch attends on behalf of Amnesty International but provides counsel to the Quakers. Elchler, speaking on behalf of Friends World Committee for Consultation, urges the government delegates in an open meeting to reconsider the 1970s proposal to ban cluster munitions (as well as consider restrictions on other weapons such as incendiaries and fuel air explosives).⁴⁰

At a meeting of the ICBL to plan future advocacy, Wiebe raises the issue of cluster munitions. One comment is that it will be impossible to ban cluster munitions, but perhaps restrictions might be possible. Carl von Essen of Swedish Save the Children (Radda Barnen) likes the idea of a cluster munition protocol but suggests tightening it up considerably before sharing it with governments. The general ICBL consensus is to keep the main focus on landmines, and address cluster munitions separately.

Only one government delegation addresses cluster munitions in open session. Mr. de Icaza of Mexico states:

It was regrettable that, except in the case of laser weapons, no proposal had been submitted concerning prohibitions on the use of small-calibre weapons, cluster bombs, fléchettes or fuel-air explosives. With other delegations, his delegation would consider the desirability of submitting proposals in that regard, in the belief that public opinion must be alerted to the effects of those weapons.⁴¹

After the conference, Atwood concludes that "Cluster weapons are a much more difficult issue than land mines, because they are seen as being so central to the defensive (and offensive) arsenals of armed forces."⁴²

October 18, 1995 – MCC workers in Laos meet with Alan Barr on October 18, Deputy Chief of Mission of the US embassy. They leave with the impression that the US is "firmly committed to setting up training schools in Laos to focus both on UXO clearance and community awareness;" the US ambassador and embassy staff had made addressing the ordnance problem a top priority, and the US had increased funds for improving trauma care to victims. The US DOS Lao desk officer, Debbie Malac called Laos "the darling of the [US] demining community." MCC's Ann Martin concludes, "I'm sure MCC and MAG are a large part of the reason." According to Barr, Ambassador Tomseth has ironed out disputes within the US government about whether or not mine clearance funding could go to Laos – reportedly enlisting

⁴⁰ Summary Record of the 6th Meeting, 28 September 1995, Review Conference Of The States Parties To The Convention On Prohibitions Or Restrictions On The Use Of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious Or To Have Indiscriminate Effects, UN Doc CCW/CONF.I/SR.6, 5 October 1995, ¶ 70. See also Statement from the Friends World Committee for Consultation to the Review Conference of the Convention on Certain Conventional Weapons, "Anti-personnel Weapons: the Unfinished Agenda," Sept. 28, 1995.

⁴¹ Summary Record of the 2nd Meeting, 26 September 1995, at 10 a.m., Review Conference Of The States Parties To The Convention On Prohibitions Or Restrictions On The Use Of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious Or To Have Indiscriminate Effects, UN Doc CCW/CONF.I/SR.2, Sept. 29, 1995, ¶ 69, at 14.

⁴² David Atwood, Confidential Report, FWCC Participation in the 1995 Review Conference of the 1980 Convention on Certain Conventional Weapons (CCW) 27 September-13 October 1995, Vienna, Nov. 17, 1995, Geneva.

Senator Leahy's staff to send a letter to the Pentagon to confirm that clearance dollars were not intended to be limited strictly to landmine clearance.⁴³

November 1995 – MCC reconvenes staff to brainstorm future work. The meeting "assumed that if MCC is to remain connected to some form of international advocacy, and sustain a multi-year focus, it will need to be based on strong interest and activity from field programs and work." In the wake of that meeting, Bob Herr of the Peace Section floats several possibilities for future work:

- Develop other UXO programs in Laos by replicating the MAG program with another partner, based on MCC's practical experience; develop a program focused on survey and documentation; or focus on developing educational materials for use in an international campaign;
- Create a regional East Asia assignment to address UXO issues;
- Develop a Southern Africa assignment to address landmine and UXO issues either operationally or to pull together NGO and IGO campaigning work.⁴⁴

1996

1996 - Internal discussions within MCC on cluster bomb advocacy center on whether MCC can continue doing advocacy, given MCC's withdrawal from bomb clearance work in Laos near the end of that year, and lack of direct program work elsewhere. MCC's withdrawal from clearance work came as a result of its incapacity to sustain such a large scale project over a long period of time, and from the recognition that governments with expertise and financing were taking up the task.

February 20, 1996 - Memo from Ann Martin (MCC Asia Director) notes that: "Titus and I did not receive an overwhelmingly enthusiastic response to the question we posed directly to the Board at the Annual Meeting: 'Does MCC have an obligation to play a leading role in national and international campaigns which aim to ban the production, trade, export and use of landmines, and particularly to establish the connection between cluster bomblets and landmines?'"

March 4, 1996 - At a brainstorming session among MCC staff, it is noted that:

- some constituent groups find MCC's advocacy efforts inherently "chilling."
- advocacy needs to be "warmed up", by building community and involving the grass roots, not just the activists
- is our concern both landmines and cluster bombs or just cluster bombs?
- should we bring cluster bomb survivors from Laos to the U.S.?⁴⁵

April 22-May 3, 1996 – The parties to the CCW reconvene in Geneva. Virgil Wiebe attends conference on behalf of MCC. Amended Protocol II of the CCW is signed, placing additional regulations on the use of anti-personnel mines but stopping short of an outright ban. David Atwood of QUNO hosts small group of government and NGOs at beginning of first week at Quaker House to contemplate separate treaty process. An independent treaty process to address landmines is launched, led by mid-power states and the International Campaign to Ban Landmines (ICBL).

⁴³ Ann Martin (c/o MCC Cambodia), Memo to Pearl Sensenig, Byron's Article on UXO, Nov. 3, 1995.

⁴⁴ Bob Herr (MCC Peace Section) to Ann Martin (East Asia) Jim Shenk/Eric Olfert (Africa), Landmines/UXO Advocacy, November 20, 1995.

⁴⁵ Notes by Ann Martin, MCC Asia Director.

When it becomes clear that the ICBL will not pick up the cluster munition issue and push for its inclusion in the newly emerging Mine Ban Treaty, MCC decides not to invest limited resources in participating as plenty of other groups have knowledge and experience on the larger mine issue and MCC unique contribution is in the area of cluster munitions in Laos.

December 11, 1996 - Pentagon briefing on Laos. Daryl Byler (MCC Washington Office) and Titus Peachey (MCC US) attend the briefing on behalf of MCC. The briefing on Laos is presented by Captain Johnson from the US Army Special Forces Group that constituted the first US government demining training mission in Laos. To Titus' astonishment, Capt. Johnson informs the attendees that the bombing of Laos equaled one bombing mission every 8 minutes around the clock for 9 years. This statistic was first publicized during the slide show, *Making War in Peace*, which the Peachey's created on behalf of MCC, and has since been picked up by researchers and media outlets around the world.

December 19, 1996 – Titus Peachey, in a memo to Bob Herr (MCC Peace Office), asks: “What happens to our integrity as an institution if, after 15-years of exposure to unexploded ordnance and its impact on people's lives, we do not work with our constituents to do advocacy work?”

December 30, 1996 – A report to the MCC Annual Meeting written by Judy Zimmerman Herr and Bob Herr notes that:

- the capacity MCC maintains for advocacy relating to public policy and education is slim and needs to connect in the long term to MCC program work.
- if MCC no longer has a practical connection to demining activities, will this issue continue to generate interest and support from our constituency?
- advocacy efforts directed toward public policy and international law are time consuming and frequently technical in nature, often working for feasible rather than ideal solutions. Will MCC constituency understand this and be supportive?

1997

March 1997: Daryl Byler, Director of MCC's Washington Office and Titus Peachey meet with Eric Prokosch (author: *The Technology of Killing*) and Human Rights Watch staff Joost Hiltermann and E. J. Hogendoorn. The meeting is decidedly pessimistic about the prospects for a ban on cluster munitions.

December 2-4, 1997. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction Ottawa Treaty. Titus Peachey attends the signing ceremony for MCC and distributes scores of copies of a new report on cluster munitions entitled “Drop Today, Kill Tomorrow: Cluster Munitions as Inhumane and Indiscriminate Weapons.”⁴⁶

Ten years ago, a ban on anti-personnel landmines would have been unthinkable. The public awareness and political will needed to enact a ban

⁴⁶ Virgil Wiebe & Titus Peachey, *Drop Today, Kill Tomorrow: Cluster Munitions as Inhumane & Indiscriminate Weapons*, Mennonite Central Committee, December 1997 (Updated June 1999), <http://www.mcc.org/clusterbombs/resources/research/tomorrow/killtomorrow.pdf>.

were simply not strong enough. Thankfully, through the tireless efforts and vision of landmine survivors, NGO staff and government officials, the unthinkable has become the possible.

The many people around our world who have suffered injury from cluster munitions will not understand the careful legal and technical distinctions between landmines and cluster munitions. They await our action to once again turn the unthinkable into the possible. We hope this brief study will contribute to that effort. . . .

Cluster weapons, whose effects on individuals and communities are very similar to landmines, must be evaluated from the same perspective. There is a growing and consistent body of evidence which demonstrates the need for strong, clear action to remove these weapons from military arsenals.⁴⁷

1999

March-June 1999 – NATO forces intervene in Kosovo. US, British, and Dutch Air Forces drop cluster bombs in large numbers. The US temporarily halts use of cluster munitions after widely publicized incidents involving deaths of civilians; resumes use after internal study. Dutch Air Force also stops use of cluster bombs, lifting suspension on use only after conflict ends. Serbian forces also utilize artillery launched cluster munitions against Kosovar rebels fleeing into Albania.

June 1999. Peachey and Wiebe call for a ban in the Christian Science Monitor.⁴⁸ Wiebe web-publishes Cluster Bomb Use in the Yugoslavia/Kosovo War, Mennonite Central Committee.⁴⁹

September 1999 – Hostilities resume in Chechnya. Russian forces utilize nearly every cluster munition in their arsenal.

Dec. 8-22, 1999 - Research trip to Kosovo by Titus Peachey.

December 15-17, 1999 – First CCW Review Conference of Amended Landmine Protocol II is held in Geneva. Human Rights Watch issues call for moratorium on use, production, and transfer of cluster munitions. Switzerland calls for consideration of cluster bombs under the CCW. Virgil Wiebe attends conference on behalf of MCC.⁵⁰

2000

⁴⁷ Id., at 2, 8.

⁴⁸ Virgil Wiebe & Titus Peachey, Cluster Bombs: War's Insidious Litter, CHRISTIAN SCIENCE MONITOR, June 9, 1999, at 11. <http://www.csmonitor.com/durable/1999/06/09/p11s2.htm> . "Now is the time for the US to sign the treaty banning land mines. The war in Yugoslavia illustrates why we must also end the production and use of cluster bombs."

⁴⁹ Virgil Wiebe, Cluster Bomb Use in the Yugoslavia/Kosovo War, Mennonite Central Committee, June 1999, <http://www.mcc.org/clusterbomb/CBinYugo/index.html>.

⁵⁰ Wiebe is an advocacy fellow at the Center for Applied Legal Studies at Georgetown University Law Center from 1999-2001, but continues in role as a consultant to MCC Peace Office on cluster munitions.

May – June 2000. War breaks out between Ethiopia and Eritrea. Cluster munitions reportedly used in large numbers.

May 2000. Titus Peachey accompanies Jack Silberman to Laos to help with production of public television documentary "Bombies."⁵¹ Filming in Houa Phan Province is facilitated by Laos MCC staff and includes an interview with Betty Kasdorf, MCC Country Director in Laos.

July 2000 - Titus Peachey and Virgil Wiebe publish "Clusters of Death: The Mennonite Central Committee Cluster Bomb Report."⁵²

August 2000 - MCC and the UK Working Group on Landmines jointly publish Rae McGrath's "Cluster Bombs: The military effectiveness and impact on civilians of cluster munitions."⁵³

August 2000 – Mennonite Central Committee and UK Working Group on Landmines (now Landmine Action UK) renew call for a moratorium on cluster bombs. Dozens of NGOs subsequently join the call.⁵⁴

September 2000 - Second Meeting of States Parties to the 1997 Mine Ban Treaty, Geneva.

September 14, 2000. Lunchtime Cluster Bombs briefing – Virgil Wiebe (MCC), Richard Lloyd, Peter Herby (ICRC), and Steve Goose (HRW) at the Geneva meeting. The call for a moratorium on cluster munitions is renewed.⁵⁵

⁵¹ "In May 2000, I [Titus] accompanied a film crew to Laos to help produce a documentary that will be shown on public television. I watched as a bomb clearance team prepared to blow up nine bomblets that had been found on a hillside used for grazing cattle. As the team worked, my colleagues and I spotted four more bomblets on the hillside. The metal shells of the bomblets had just begun to appear above the soil. This area had been cleared before and will certainly have to be cleared again." http://maic.jmu.edu/journal/5.1/Focus/Titus_Peachey/pechey.html.

⁵² Titus Peachey & Virgil Wiebe, Clusters of Death: The Mennonite Central Committee Cluster Bomb Report, July 2000, <http://www.mcc.org/clusterbomb/report/index.htm>.

⁵³ http://www.landmineaction.org/resources/Cluster_Bombs.pdf.

⁵⁴ Text of the Call for a Moratorium:

We the undersigned call on all states and non-state actors to agree to:

1. An immediate moratorium on the use, manufacture, sale, and transfer of cluster bombs, including air-dropped cluster munitions, missile launched cluster munitions, and cluster munitions launched by Multiple Launch Rocket Systems and artillery projectiles (Dual Purpose Improved Conventional Munitions).
2. Further regulation or restriction on cluster bomb use, manufacture, sale, and transfer under the Certain Conventional Weapons Treaty or other appropriate international fora.
3. Strong accountability measures for cluster bomb users, related to ordnance clearance and compensation to victims. <http://www.peace.ca/moratoriumonclusterbomb.htm> (sited visited Oct. 9, 2008)

⁵⁵ "All presenters called for a moratorium on use while discussions about future use are undertaken. The vehicle for any solution seems to be an additional protocol to the Convention on Certain Conventional Weapons (CCW). Landmine Action UK proposed responsibility for clearance by the user, the handing over by users to the UN of full information on cluster bomb deployment, and compensation for victims. The International Committee of the Red Cross (ICRC) proposed a ban on the use of clusters in populated areas, and proposed developing self-destruction mechanisms, responsibility for clearance by the user, warnings to civilian populations, and providing technical information to the United Nations and mine clearance agencies

September 18-19, 2000 – ICRC hosts meeting on Explosive Remnants of War in Nyon, Switzerland, inviting government and NGO experts. Virgil Wiebe attends on behalf of MCC.

December 2000 – First preparatory meeting of the Second CCW Review Conference of Amended Landmine Protocol II is held in Geneva. Twenty-seven countries call for discussing the humanitarian impact of various unexploded remnants of war. ICRC issues proposal calling for comprehensive approach to Explosive Remnants of War. Virgil Wiebe and Titus Peachey attend for MCC. Wiebe makes a lunchtime presentation sponsored by MCC and the Australian campaign to governmental delegates on Cluster Munitions and International Humanitarian Law. MCC renews call for a ban; Wiebe calls on countries to institute an immediate moratorium on use, manufacture, sale, and transfer of cluster bombs and to enact strong Accountability measures for cluster bomb users, related to ordnance disposal and compensation to victims.

2000 Wiebe & Peachey publish "Cluster Munitions: The Bombs that Keep on Killing," in the Landmine Monitor Report 2000 (pp. 1090-91) stating that "Cluster bomb use must be stopped while the nations of the world consider restrictions and ban on the use of these indiscriminate and inhumane weapons."

2001

February 2001 - Dutch government hosts experts meeting on ERW at the Hague. Only government representatives are invited to attend.

March 7-8, 2001 - MCC hosts a meeting at Georgetown University Law Center to discuss future of advocacy efforts on cluster munition regulation/ban to take advantage of the presence of international campaigners attending a conference on the landmine ban process. Wiebe and Peachey chair the meeting, which addresses the CCW process, whether various organizations in attendance have called for a moratorium and dedicated staff time to the issue. The last question on the agenda whether or not to formalize a "Cluster Bomb Coalition."⁵⁶ When one looks at the list of attendees, one sees the genesis of what would later become the Cluster Munitions Coalition.⁵⁷

immediately after conflicts cease. MCC calls for a comprehensive ban on clusters." ICBL Daily Update. Events that took place on Thursday, 14 September 2000, <http://www.icbl.org/2msp/day4.php3>.

⁵⁶ E-mail from Virgil Wiebe, [clusters] Cluster Bomb Brainstorming Meetings, Feb. 27, 2001, 9:50pm.

⁵⁷ Attendees included Nicoleta Denticio (Medecins Sans Frontieres Italy), Elisabeth Reusse-Decrey (Swiss Campaign to Ban Landmines), Tim Carstairs (MAG) and standing in for Richard Lloyd from Landmine Action, Sol Santos (Philippine CBL), Giancarlo Tenaglia (Italian CBL), Neil Mander (NZ CALM – Campaign Against Landmines), Charli Wyatt (Human Rights Watch), John Scott Murphy (Australian ICBL), Yukie Osa (Association for Aid & Relief, Japan), Denise Coglean (Jesuit Refugee Service Cambodia), Damir Atikovic (Norwegian Peoples Aid), Titus Peachey, Virgil Wiebe, Ruth Clemens (Mennonite Central Committee), Judith Majlath (Austrian Aid for Mine Victims), Jane Durgom-Powers (American Bar Association), Valerie Warmington (Mines Action Canada), Thomas Gebauer (Medico International), Peter Moszynski (Landmine Monitor), Markus Haake, Michael Hands.

April 2 – 6, 2001 - 2nd Preparatory Committee for the 2nd CCW Review Conference, Geneva. Wiebe attends for MCC and presents "Cluster Munitions and Discrimination Principles under International Law," Briefing for Government Delegates to UN Conventional Weapons Treaty, Geneva, Switzerland, April 4, 2001.⁵⁸ Swiss propose technical fixes. ICRC proposes broader Explosive Remnants of War efforts.

April 2001 - Titus Peachey again calls for a ban in the Journal of Mine Action.⁵⁹

June 26, 2001 - MCC staff meet to discuss how to create a larger network among Mennonites and other protestant religious communities in the US and Canada to create legislative and treaty based solutions. Iris de Leon Hartshorn suggests bringing cluster munitions survivors from Kosovo to tour in the US to raise awareness.⁶⁰

September 11, 2001 - Attacks on World Trade Center and Pentagon.

October 16, 2001- Operation Enduring Freedom, War in Afghanistan, begins.

December 11-21, 2001 - Second Review Conference of the State Parties to the CCW, Geneva. CCW is amended to extend scope of many of its provisions to internal conflicts. Experts working group established on ERW with charge to report back to states parties in December 2002. MCC delegation consists of Titus Peachey, Virgil Wiebe, Hansuli Gerber (MCC Europe) and Jane Durgom-Powers (also with American Bar Association). NGO representatives vigorously debate the way forward on cluster munitions, both in private meetings and public side-events.

- On behalf of twelve NGOS, Titus Peachey urges governments to institute a moratorium on cluster munitions on December 12.⁶¹

⁵⁸ http://www.icbl.org/resources/reports/ccw/2001_apr.php.

⁵⁹ "As a result of our work in Laos and our exposure to the UXO problem on the civilian population in post-war Iraq and Kosovo, MCC believes it is time for the international community to ban these weapons." Titus Peachey, Munitions and Mines, supra note ____.

⁶⁰ Internal notes of meeting with Iris de Leon Hartshorn (MCC Peace & Justice Ministries), Mark Beach (Communications) and Dave Worth (Resource Generation).

⁶¹ "Titus Peachey (on behalf of MCC, Swiss Campaign, Mine Action UK, German Initiative to Ban Landmines, NZ CALM, HI, Medico International, Engineers for Social Responsibility NZ, Mines Action Southern Africa, the Swedish Peace and Arbitration Society, NGOs in Canada, and the Int'l Committee for the Peace Council) said that cluster weapons had, over the past 30 years, created a persistent and predictable pattern of indiscriminate injury and death both during and after armed conflicts. While the formation of an expert group on explosive remnants of war would be an important step towards addressing the problem, more urgent action was required to ensure the safety of children, families and communities affected by warfare. He called for an immediate moratorium on the use, production and transfer of cluster weapons, covering air-dropped munitions as well as submunitions delivered by missiles, rockets, and artillery projectiles, to remain in effect until effective agreement on explosive remnants of war was reached. That call has been seconded over the past year by over 50 non-governmental organizations in 12 countries. Any agreement regulating the use of cluster munitions must also establish that the user was responsible for the immediate and thorough clean-up of unexploded ordnance. Final Document, Second Review Conference of the State Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, Geneva, 11-21 December 2001, UN Doc. CCW/CONFII/2, para. 48-49, pp. 96-97 <http://daccessdds.un.org/doc/UNDOC/GEN/G02/602/61/IMG/G0260261.pdf>.

- ICBL endorses moratorium on December 19.⁶²

2001-present - In 2001, Wiebe accepts invitation to join the Board of Directors of Mines Advisory Group America (a non-profit affiliated with MAG UK) as an inaugural member along with Jerry White (Landmines Survivor Network, now Survivor Corps) and Lou McGrath (MAG UK). Wiebe continues to serve on the board.

2002

Bombies film is released. Titus Peachey serves as a consultant for the production of *Bombies*, a film for public television which has been aired on numerous stations during 2002 and since.

February 8-9, 2002 - Conference on Responsibility and Compensation, Sponsored by the Swiss Campaign to Ban Landmines, Geneva. Wiebe attends in his academic capacity and presents two talks "Investigating the Use of Conventional Weapons and War Crimes: Experiences from the International Tribunals on War Crimes," and "Overcoming Barriers to Government and Manufacturer Liability: Products Liability and Cluster Munitions."

May 2002 - MCC comments on the CCW ERW process, welcoming the fact that cluster munitions were implicitly on the CCW agenda and once again called for a moratorium leading to a ban. Like other NGOs, MCC emphasizes the need to look at targeting and use issues, topics which larger stockpilers and users do not want on the agenda. At a minimum, MCC calls for a ban on the use of cluster munitions near civilian concentrations. Based on MCC experience in Laos, it is also stressed that the use of cluster munitions in rural areas has short and long term negative impacts. Delegates are reminded that technical fixes don't always "fix" the problem – claims of reliability often prove false in combat usage, and even low dud rates when mixed with high volume of use results leads to death, injury, land denial, and insecurity.

Summer 2002 - The Fund for Reconciliation and Development (FRD) joined the Mennonite Central Committee in organizing a Congressional showing of the Laos-focused documentary film, "Bombies," with the sponsorship of Reps. Dennis Kucinich (D-OH) and Lane Evans (D-IL). Post-film discussion ranged from the need to ban cluster bombs in future conflicts to the humanitarian imperative to assist victims of unexploded ordnance in Laos and other countries. Speakers Titus Peachey, Narin Sihavong and Andrew Wells-Dang called on the US to increase mine clearance and development aid to Laos as well as to pass the US-Laos Bilateral Trade Agreement."⁶³

⁶² "The ICBL has decided to support these calls for a moratorium on the use, production and trade of cluster munitions. The ICBL also strongly supports efforts to create new international humanitarian law on the wider problem of explosive remnants of war, including cluster weapons. ICBL members implementing mine risk reduction education (mine awareness), mine clearance and/or victim assistance programmes cannot and will not ignore the long-term dangers and damage caused by munitions other than anti-personnel landmines." ICBL statement addressed to the final plenary of the Convention on Conventional Weapons Review Conference in Geneva (Wednesday 19 December 2001 Geneva, Switzerland), <http://www.icbl.org/news/archive/old/137> (site visited Oct. 9, 2008).

⁶³ Indochina News Summer 2002, Fund for Reconciliation and Development <http://www.frd.org/indochina/summer02news.html>

Fall 2002; *Cluster Bombs in a Lao Village: Reflections on an Iceberg of Violence*, by Titus Peachey, published in Christian Social Work Magazine.

December 2-13, 2002 – Group of Government Experts (GGE/CCW) meetings, Geneva. “Several NGO representatives attended CCW meetings in December 2002, including Human Rights Watch, Handicap International (Belgium and France), Landmine Action, Mennonite Central Committee, Mines Action Canada and the Swiss Campaign to Ban Landmines. The NGOs welcomed the emergence of a negotiating mandate on Explosive Remnants of War and called for these negotiations to be completed and result in a legally binding instrument within one year, by December 2003.”⁶⁴ Titus Peachey attends for MCC, provides funding for photo exhibit.

2003

March 2003 - Operation Iraqi Freedom - Iraq War begins.

April 2003 – Coming in the wake of the invasion of Iraq, the “Explosive Remnants of War and Development: Voices from the Field” conference is organized by Pax Christi Ireland and hosted by the Irish Ministry of Foreign Affairs, Dublin. Virgil Wiebe presents a talk entitled “The Targeting and Long-Term Impact of Cluster Bombs” on April 23.

Late April/Early May 2003 - MCC sends a delegation to Iraq to assess the humanitarian situation. Included is a May 1 visit to Alkedumya hospital where they see UXO casualties. They visit a blinded and brain damaged child: “Ali is a 4 yr. old boy who found an ordnance (they can be quite colorful and attractive to children) played with it and when it exploded he lost his eyesight and was also brain damaged. Other family members were hurt but not as seriously.”⁶⁵

June 2003 - In June 2003, NGOs decide to create the CMC, Cluster Munition Coalition, and launch a call for a moratorium on cluster bomb use. MCC is in core group.⁶⁶

September 2003 - NGO Interim Steering Committee Meeting of Cluster Munition Coalition is held in Bangkok, Virgil Wiebe attends for MCC by phone, underscoring fact that growing emerging CMC meetings often piggyback on meetings associated with the Mine Ban Treaty implementation.

November 11-13, 2003 - Cluster Munition Coalition launched. Wiebe and Peachey participate for MCC. On November 13, Pax Christi Netherlands, with the financial

⁶⁴ Landmine Update, February 2003, p. 2

<https://www.icbl.org/content/download/11338/252103/file/update9.pdf>.

⁶⁵ Attachment to Forwarded e-mail from Titus Peachy to Virgil Wiebe, May 8, 2003, 7:29am, Fwd: Re: Iraq – list of persons/org interviewed.

⁶⁶ Handicap International, Cluster Munition Systems: Situation & Inventory (August 2003), http://www.handicap-international.de/fileadmin/redaktion/pdf/cluster_gb1.pdf, p. 26. Core group: Handicap International; Human Rights Watch; Landmine Action UK; Landmine Struggle Unit; Mine Action Canada; Pax Christi Ireland; Pax Christi Netherlands; Austrian Aid For Mine Victims; Russia CBL; Mennonite Central Committee; Nepal CBL. Id.

assistance of the Dutch government, organized the launch of the Cluster Munition Coalition (CMC) in order to coordinate efforts between NGOs. One hundred and four NGOs appear on the initial list of the CMC. MCC funds a photo exhibit.

The CMC calls for:

- No use, production or trade of cluster munitions until their humanitarian problems have been resolved.
- Increased resources for assistance to communities and individuals affected by unexploded cluster munitions and all other explosive remnants of war.
- Users of cluster munitions and other munitions that become ERW to accept special responsibility for clearance, warnings, risk education, provision of information and victim assistance.

At conclusion of meeting, MCC steps back from coordinating committee in order to make space for non-western groups, as well as to acknowledge limited MCC resources

December 2003 – CCW States Parties complete negotiations of Protocol V on Explosive Remnants of War.

2004

February 1-12, 2004 - Titus Peachey and Karin Kaufman Wall go to Iraq to assess impact of cluster munitions - MAG arranges visit to parts of northern Iraq, while MCC (Menno Wiebe, Edward Miller and Peter Dula) facilitates visits with cluster bomb survivors around Baghdad. Visit results posted on website (mcc.org/clusterbombs). Follow up visit is not possible due to rapidly deteriorating security situation.

October 7, 2004 - The Legacy of War Conference: Beyond Landmines to Cluster Munitions, hosted by the Italian Campaign to Ban Landmines, Palazzo Marini, Rome, Italy. Wiebe presents "The Drops that Carve the Stone: State and Manufacturer Responsibility for the Humanitarian Impact of Cluster Munitions and Explosive Remnants of War, ("Le gocce che scava la pietra: la responsabilità di governi e industrie produttrici per l'impatto umanitario delle munizioni cluster").⁶⁷

2004-present - Legacies of War, www.legaciesofwar.org: Peachey serves on the Steering Committee for Legacies of War, a Lao-American group doing education and advocacy on the war in Laos and its long-term after effects, with a special focus on the problems cause by UXO. Peachey becomes a founding board member for Legacies of War in 2008. The group advocates for increased US funding for UXO removal in Laos and for a ban on cluster munitions. Increasingly, the group is building the capacity within the Lao-American community to find healing from the wounds of war and help shape Lao-US relations in a positive way.

2005

September/October 2005 – MCC's Common Place Magazine produces an issue on cluster bombs, http://mcc.org/acp/2005/Sep_Oct/aCP_SepOct2005.pdf. featuring a 10-year retrospective on the beginnings of the cluster bomb project. A visit to Nanou Village, the first village cleared by the project 10 years earlier, reveals that

⁶⁷ <http://www.campagnamine.org/varie/virgilwiebe.pdf>.

nearly 1,500 cluster bomblets had been found in the village in the intervening years. This averages out to 3 new cluster bomblet discoveries a week for ten years.

November 2005. UN Group of Governmental Experts of the Certain Conventional Weapons Treaty meets in Geneva. Virgil presents talk "Ongoing Humanitarian Considerations in Cluster Munitions Regulation," November 22, 2005, sponsored by the Cluster Munition Coalition. Closes talk by stating that calls for a ban on cluster munitions make legal sense. Handicap International Belgium pushes hard for a ban

2006

January-February 2006 – Belgian parliament passes a ban on cluster munitions.

July-August 2006 – 34 day war in South Lebanon between Hezbollah and Israel. Massive use of cluster munitions by Israeli forces, particularly in last three days of war. Cluster tipped warheads also used by Hezbollah in rocket attacks against northern Israel. Unexploded ordnance causes significant dangers to civilian population in South Lebanon. This war serves as significant tipping point in campaign to ban cluster munitions.

August 16, 2006 - Letter From MCC Executive Director Rolando Santiago to US Secretary of State Condoleezza Rice opposing sale of M26 rockets to Israel.⁶⁸

September 2006 - MCC funds Philanthropic Association for Disabled Care in Lebanon for risk education on cluster munitions.⁶⁹

September 5, 2006 – Senators Feinstein and Leahy call for a new policy on the use of cluster munitions by the U.S., in a proposed amendment to the Defense Appropriations Bill.⁷⁰ "The Cluster Munitions Amendment would prevent funds from being spent to purchase, use, or transfer cluster bombs until the Department of Defense has adopted rules of engagement to ensure that cluster bombs are not used in or near any concentration of civilians." While this initiative came shortly after Israel's war with Hezbollah, Feinstein's office confirms that her concern about cluster munitions was greatly influenced by viewing the film "Bombies" (see May, 2000).⁷¹

November 2006 - On November 17 at CCW conference in Geneva, Norway announces it "will organise an international conference in Oslo to start a process towards an international ban on cluster munitions that have unacceptable humanitarian consequences." Other countries equally frustrated with slow pace of progress in the CCW join the Oslo process.

2007

⁶⁸ <http://www.mcc.org/clusterbombs/news/condoleeza.pdf>

⁶⁹ Helping Lebanese children avoid cluster bombs, Canadian Mennonite September 18, 2006, p. 19 <http://canadianmennonite.org/vol10-2006/10-18/10-18small-294.pdf>

⁷⁰ Press release, September 5, 2006, Senator Diane Feinstein (D CA)

⁷¹ E-mail from Feinstein staff, Richard Harper to Lora Lumpe and Titus Peachey, June 26, 2009.

February 2007 - Peachey attends Oslo conference launching international governmental effort to ban cluster munitions deemed to cause unacceptable harm to civilians.⁷²

April 2007 - "In addition to pushing for a complete ban on the production, storing and use of cluster bombs, this Spring the US wing of the North American peace church development agency Mennonite Central Committee (MCC) will be advocating for US legislation to limit the use of cluster bombs. A bill that has been introduced into the US Senate with the backing of a huge range of church and peace groups would ban the use of cluster munitions in or near civilian-populated areas and the use, sale and transfer of cluster munitions with a failure rate of more than 1 per cent."⁷³

April 2007 - Wiebe goes with the MAG America board to visit to South Lebanon.⁷⁴

June 2007 - Peachey of MCC visits South Lebanon in preparation for cluster bomb speakers' tour. Salima Barakt, a cluster bomb survivor in Yohmour Village, tells Peachey to tell Condeleezza Rice to stop sending cluster bombs to Israel.⁷⁵ MCC workers Ken and Kass Seitz and Bassam Chamoun introduce Peachey to the Philanthropic Association for Disabled Care which provides services to villagers who have been disabled, including cluster bomb survivors. The PADC receives support from MCC for its rehabilitation work, and has strong words of encouragement for MCC's advocacy work against cluster bombs. Peachey meets Raed Mokaied, a PADC volunteer whose 5-year old son was killed by a cluster bomb in 1999.

October 15 – November 6, 2007 - MCC Cluster Bomb Speaker's Tour in U.S. The tour includes Raed Mokaied and Bassam Chamoun from Lebanon as well as Phounsy Phasavaeng and Lasee Phetsavong from Laos. The tour travels to Boston, Washington, D.C., Harrisonburg, VA, Minneapolis/St. Paul, Newton, KS, and Lancaster, PA. The Washington D.C. portion includes visits to Senator Casey's and Rep. Pitts' offices, as well as a meeting with staff from the Senate Foreign Relations Committee and a briefing on the House side sponsored by Jim McGovern (D, MA). In addition, The Friends Committee on National Legislation (Lora Lumpe) coordinated a luncheon with leaders of religious-based NGOs.⁷⁶ As a part of the speaker's tour,

⁷² Marla Pierson Lester, Aiming for a ban on cluster bombs, April 3, 2007
<http://mcc.org/news/news/article.html?id=165>.

⁷³ Mennonites join in anti-cluster bombs initiative, Ekklesia, April 10, 2007
<http://www.ekklesia.co.uk/node/5011>.

⁷⁴ Michael Kodada, Clearing Away Death: Law Professor Helps Dispose of Cluster Bombs, The Aquin (University newspaper) <http://www.stthomas.edu/aquin/0607/070427.pdf>;
Guest Appearance on Belahdan discussing April 2007 trip to South Lebanon to investigate cluster munition clearance efforts, Minnesota Public Television, May 20, 2007; Local Professor Works to Eliminate Cluster Bombs, Midmorning, Minnesota Public Radio, June 27, 2007,
<http://minnesota.publicradio.org/display/web/2007/06/27/midmorning2/>.

⁷⁵ <http://mcc.org/clusterbombs/news/lebanon/reports/salima.html>
<http://mcc.org/clusterbombs/news/lebanon/reports/raed.html>
<http://mcc.org/clusterbombs/news/lebanon/reports/nada.html>
Irene A. Tzinis & Titus Peachey. "Then and Now: Israel, Lebanon and Cluster Bombs."
[Http://mcc.org/clusterbombs/news/lebanon/thenandnow.html](http://mcc.org/clusterbombs/news/lebanon/thenandnow.html); Gladys Terichow, "Violence, unexploded bombs create turmoil in Lebanon June 26, 2007," <http://mcc.org/news/news/article.html?id=201>.

⁷⁶ Family members speak out about victims of cluster bombs, Tim Shenk, Sept. 24, 2007,
<http://mcc.org/news/news/article.html?id=250>.

MCC produced a cluster bomb photo exhibit which is available for use by constituents and others who wish to plan a cluster bomb advocacy event.

December 2007 - Peachey and Wiebe attend Vienna Conference on banning cluster munitions, one of a series of such international conferences in the Oslo Process.⁷⁷

2008

February 7, 2008 - Wiebe and Steve Goose (Human Rights Watch) conduct a Cluster Munition Briefing for the U.S. Senate Foreign Relations Committee Staff in Washington, D.C. Wiebe also presents to a briefing sponsored by Friends Committee for National Legislation, Washington, D.C. for non governmental organizations.

April-June 2008 - MCC publishes a Peace Office Newsletter on cluster munitions. www.mcc.org/respub/pon.

April, 2008- Arli Klassen (Executive Director, MCC) Rolando Santiago (Executive Director, MCC U.S.) and Jim Schrag (Executive Secretary, Mennonite Church USA) sign a faith leader's letter to governments urging a comprehensive ban on cluster munitions.

April 28, 2008 - Wiebe participates in a forum sponsored by The Connect US Fund, "An International Treaty to Ban Cluster Munitions: Is There a Strategy for Responsible U.S. Engagement" in Washington, D.C. attended by diplomats, academics, and NGOs. Sparks fly between US and Norwegian diplomats.

May 2008. MCC actively participates in Dublin Conference on Cluster Munitions. On May 22, 2008, Wiebe, Peachey, and Eric Prokosch present "Why History Should Not Repeat Itself: Lessons from the 1970s Effort to Ban Cluster Bombs and Napalm." Prokosch's visit was facilitated by MCC U.S. On May 29, 2008, Wiebe presents "Plowshares and Fields: Historical Sidenotes and Some Reflections on the International Law Implications of the Cluster Munition Ban Treaty."

"After working at this for 28 years, to actually be at a place where governments are ready to ban these things is really amazing," Peachey said. . . . "We got a strong treaty, and it's a big step," [Raed] Mokaed, who participated in the conference as one of the Ban Advocates, said at the conclusion "My son – he rests now in his grave because we got a treaty."⁷⁸

Once again the Lao delegation to the Convention on Cluster Munitions negotiations, makes strong representations in favor of a comprehensive ban. Laos represents the

⁷⁷ Jon Rutter, To Ban the (Cluster) Bomb, Lancaster Online, Dec. 23, 2007, <http://articles.lancasteronline.com/local/4/214152>, Reproduced on-line in full at <http://advancedmediagroup.wordpress.com/2008/01/06/letter-to-citizens-commission-for-human-rights/>; Virgil Wiebe, Opinion: Fatal Picnics, St. Thomas Lawyer, Winter 2008, <http://www.stthomas.edu/lawmagazine/2008/Winter/fatalpicnics.html>.

⁷⁸ Tim Shenk, Longtime MCC peace advocate hails cluster bomb ban, June 2, 2008 <http://mcc.org/news/news/article.html?id=352>; See also, Will the United States please ban cluster bombs? MCC Washington Memo blog, <http://washingtonmemo.org/2008/06/19/will-the-united-states-please-ban-cluster-bombs/>; Virgil Wiebe sees progress in cluster bomb work, <http://www.stthomas.edu/law/news/headlines/Summer2008/Virgil%20Wiebe%20sees%20pr.html>

most affected country and has repeatedly reminded delegates to the Convention of the severe long-term impact of UXO. In a remarkable speech, Mr. Bounkeut Sangsomsak, Deputy Minister of Foreign Affairs, noted that, "The Convention on banning cluster munitions is one way to protect civilians. But civilians and innocent people will continue to suffer from other kinds of the use of force, of violence and armed conflicts. To give civilians a safe and secure life, we should offer them peace...with strong hope that one day we will be able to ban war, to make war illegitimate, to make war illegal."⁷⁹

Peachey helped facilitate the participation of Legacies of War in the Dublin Conference, which set up a photo exhibit featuring the original drawings of the air war by Lao villagers, as well as cluster bomb survivors from Laos.

August 2008 - Alliant Tech protestors (successors to the Honeywell Project) arrested trying to enter shareholders meeting.⁸⁰ Alliant Action continues to bring attention to CBU87 cluster munitions.⁸¹

December 2008 - Peachey attends the Convention on Cluster Munitions treaty signing in Oslo, Norway. The treaty prohibits the production, transfer, stockpiling and use of cluster munitions. During the conference, 94 countries sign the agreement. The U.S. does not participate.

At the parallel meeting of the Cluster Munition Coalition, Peachey co-leads a workshop discussion for faith leaders in attendance with Allison Pytlak from Religions for Peace.

2009

MCC continues to support legislative efforts in the US to curtail cluster munitions. MCC launches a cluster bomb postcard campaign in support of the Cluster Munitions Civilian Protection Act (S 416/HR 981). The postcard features the image of Ta Douangchom, a Lao survivor of a U.S. cluster bomb whom Peachey met at the treaty signing in Oslo.

MCC releases: From Harm to Hope: Standing with cluster bomb survivors, a DVD and study guide for congregations to use for education and advocacy work.

⁷⁹ Statement by H.E. Mr. Bounkeut Sangsomsak, Deputy Minister of Foreign Affairs of the Lao People's Democratic Republic at the Diplomatic Conference on Cluster munitions, Dublin, 19-30 May 2008.

⁸⁰ "Press Release: Five Shareholders Denied Entry to Annual Meeting and Arrested. Are Companies Such as ATK Operating With Impunity?," August 5, 2008, Alliant Action website, <http://alliantaction.org/archives/a1go/2008/action/080508shareholders/080508.html>.

⁸¹ "Target: Cluster Munitions," Alliant Action website, <http://www.alliantaction.org/target/t1go/cluster/cluster.html>. AlliantAction has held weekly vigils at ATK since 1996. <http://www.alliantaction.org/vigil/v1go/vigil/vigil.html>. It grew out of the Honeywell Project. Wikipedia. The group has supported the CMC and called on Minnesota Senator Amy Klobachar to support the Cluster Munitions Civilian Protection Act. Action Alert (undated), <http://www.alliantaction.org/target/t1go/cluster/act/clustertreaty.html> (site visited Oct. 10, 2008)

November 5, 2009 Legacies of War, holds Washington D.C. meeting which brings together Lao and U.S. government officials, along with non-governmental organizations working on UXO in Laos to discuss progress and urge greater U.S. funding for the UXO sector in Laos. The meeting includes Lao embassy officials, Lao National Regulatory Authority staff and UNDP staff via Skype from Laos, as well as a representative from the U.S. State Department's Weapons Removal and Abatement office. Peachey represents MCC at this meeting and follow up discussion with NGOs the following day. Bob Eaton, Wendy Batson and Jacqui Chagnon all former Quaker Service Laos staff are all present at the meeting.

2010

April 22 The U.S. House of Representatives Subcommittee on Asia, the Pacific and the Global Environment, chaired by Rep. Eni F.H. Faleomavaega holds hearings on unexploded ordnance in Laos. Legacies of War Director Channapha Khamvongsa presents verbal testimony, along with Virgil Wiebe, Mines Advisory Group board member who served as a frequent consultant to Mennonite Central Committee on unexploded ordnance issues.⁸²

The U.S. government agrees to increase its aid to the UXO sector in Laos to \$5 million. U.S. State Department staff credit Legacies of War advocacy and education as a key contributor to the decision to increase the amount.

November 9-12 The 1st Meeting of States Parties to the Convention on Cluster Munitions meets in Vientiane, Lao PDR. Titus Peachey and Linda Gehman Peachey attend the event, along with MCC staff from Laos and Southeast Asia. The Peacheys also participated in a trip to southern Laos, visiting affected villages along the Ho chi Minh Trail. MCC is repeatedly credited for its early work on cluster munitions in Laos by government officials and NGO staff. Sadly, conference attendees learned of new casualties which took place just before and during the meeting. Linda visited with one of the families during her trip to the South.

⁸² <https://legaciesofwar.org/resources/congressional-hearing-uxo-laos/>