

**Sent:** Monday, 14 March 2011 11:09 AM

Dear Senator Bishop,

We are a group of ten concerned Australians asking you to consider very carefully your vote on the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010.

We are concerned that this bill in its present form does not ratify all the objectives of the treaty that Australia signed in December 2008, worse still it potentially allows our nation to be implicated in the further use of cluster munitions, and in other ways that are in conflict with the spirit of the treaty. We ask that you return this bill to the House of Representatives to be redrafted.

We have recently returned from a visit to Vientiane in Laos where we visited with MAG, (Mines Advisory Group, an NGO supporting cluster bomb disarming and removal) COPE (another NGO involved in Education, Orthotics and Prostheses for the victims of cluster bombs) and NRA/UXO which is a Lao government authority responsible for the management and removal of unexploded ordnance including Cluster bombs. Their websites are <http://www.maginternational.org/laopdrhere>, <http://www.copelaos.org/> and <http://www.nra.gov.la/>

We met at NRA/UXO, a UN Development Programme UXO advisor, Stan Brabant, who gave us a presentation on the situation in Laos. We attach this two page fact sheet (Attachment 1) and urge you to read it.

Why is Laos so relevant to this bill? Because Laos is per capita the most heavily bombed nation in the world. The majority of the remaining unexploded ordnance there are cluster bombs, and continuing casualties and restrictions on land use have a significant and continuing negative effect on poverty in that country. The Laos tragedy encapsulates the terrible and cruel civilian consequences of the use of this indiscriminate and inhumane weapon around the world.

The MAG, COPE and NRA/UXO organisations in Laos all most gratefully acknowledge the aid they receive from the Australian Government, which helps to ameliorate this appalling legacy of cluster bombing that took place in the 60's and 70's. We were most gratified to hear this view and hope our government's support will continue and grow. Their task will continue for many tens of years.

We are writing to you because we believe that the ratification process while in some respects is strong, has in our view been watered down and the bill has not been drafted consistently in the spirit with which the treaty was signed. We have a number of concerns about aspects of the bill, especially interoperability, transit and disinvestment issues. In our view these are best described by two submissions to the committee (7 and 19).

From 2003 at the commencement of the Iraq war, before the cluster munitions treaty, many thousands of civilian casualties resulted from cluster bombs, and Australian forces wittingly

supported the US forces in their use of cluster bombs. As a nation we are culpable for that tragedy which is still unfolding as Iraqi civilians, usually children, come across this unexploded ordinance almost always with fatalities or terrible injuries as an outcome.

**It is unthinkable that our ratification of the Cluster Munition treaty would still allow such joint action - and yet that seems to be exactly the case unless the present interoperability clauses in the bill are appropriately tightened.**

We respectfully urge you to consider the majority of private and NGO submissions made to the committee to reject the passage of this Bill in its current form, until the Bill can be given sufficient teeth to fully meet the objectives of the treaty.

We find it hard to equate the generosity which we and many other nations contribute to helping Laos and other countries rid themselves of this scourge, whilst at the same time we seem to be legislating to continue to support the use of cluster bombs. This will continue to happen whenever we are involved in allied actions with nations who have not signed the treaty, most notably of course the US, unless the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010 is significantly amended.

This is a morally unacceptable position and with the greatest respect we urge your further consideration of this bill before it is passed. Please can you take the time to consider these important issues. We look forward to hearing from you and will follow your part in the progress of the bill with great interest. (Respond please to Mike Sprange, who will communicate to the rest of the signatories)

Signed:

Mike Sprange  
Rosie Sprange  
Barry Shaw  
Marianne Marin  
Martin Sims  
Irene Ashburn  
Justin Doyle  
Toni Noble  
for Andrew Noble  
Bill Kopsen