

Dr. Adrian von der Borch

22<sup>nd</sup> Feb. 2011.

Senator Bishop  
Chair Senate Committee  
Reviewing Legislation on Cluster Munition Convention

Dear Senator Bishop,

As an Australian citizen proud of our international standing on human rights I congratulate the government on its moves toward ratification of the Convention on Cluster Munitions.

However, I am concerned that several clauses in the draft legislation undermine the spirit and intent of the Convention. I think Australia should take a strong lead in banning these indiscriminate weapons.

1) The proposed Australian Legislation (Section 72.42) explicitly allows non signatory countries to use Australian territory to stockpile and transit cluster munitions. The convention, however, states that State Parties undertake never under any circumstances to stockpile, retain or transfer cluster munitions.

2) The proposed Australian legislation (Section 72.39) allows Australia to retain cluster munitions for training and research. I believe that training could be effectively carried out with disarmed munitions. This would address safety issues. In addition if any live munitions are to be retained the legislation must include a finite number and must allow inspection and verification.

3) The proposed legislation must include a clause prohibiting Investment of any Australian public or private funds in the manufacture of cluster munitions or their components.

4) Our legislation must include Positive Obligations as mandated by the Convention. Article 21(1) and (2).

These include: Discouraging use of cluster munitions by States not party to the convention.

Offering assistance to other state parties to meet their obligations under the convention.

Working to universalise the convention.

To assist victims.

To assist clearance of contaminated areas.

Yours Faithfully,

Adrian von der Borch