

Recommendations

Recommendation 1

5.50 The committee recommends that the government call for countries that use cluster munitions to strictly observe international law and humanitarian obligations in their use, particularly discrimination of targeting and no-use in or near civilian populated areas, and for all parties to a conflict to take appropriate measures to distinguish and distance military deployments from civilian populations.

Recommendation 2

5.51 The committee recommends that the Australian Defence Force continues to ensure, and reinforces during training, that any military involvement with use of cluster munitions including with allied partners is consistent with international humanitarian law obligations and due care for civilian populations.

Recommendation 3

5.52 The committee recommends that the Department of Defence ensures that the acquisition or development of any cluster munitions or sub-munition based weapon systems by the Australian Defence Force comprise only weapons designed to minimise the potential impact on civilian populations as explosive remnants of war. The munitions would have low failure rates and reliable self-destruction or self-neutralisation mechanisms, or be designs with high precision individual targeting capabilities.

Recommendation 4

5.53 The committee recommends that prior to any procurement of cluster munitions the Department of Defence confirms these systems do not pose unacceptable harm to civilians. This would involve ensuring independent verification of the reliability of the failure rates and self-destruct or self-neutralisation mechanisms that would emerge under battlefield conditions.

Recommendation 5

5.54 The committee recommends that the government call for countries maintaining cluster munitions to take all feasible means to ensure that, as soon as possible, stockpiles comprise only weapons designed to minimise the potential impact on civilian populations as explosive remnants of war. The munitions would have low failure rates and reliable self-destruction or self-neutralisation mechanisms, or be designs with high precision individual targeting capabilities.

Recommendation 6

5.55 The committee recommends that the Department of Foreign Affairs and Trade actively encourages counterparts to ratify and adhere to Protocol V 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. This adherence is to ensure that upon the cessation of hostilities the users of cluster munitions and those upon whose territory such weapons have been used, provide necessary technical, financial, material or personnel assistance to facilitate the identification, clearance and removal of explosive remnants of war to minimise the impact on civilian populations.

Recommendation 7

5.56 The committee recommends that the Department of Foreign Affairs and Trade strengthens efforts within international forums, especially but not limited 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*, to build a consensus and standardise international regulation of the use, production and stockpiling of cluster munitions to facilitate minimisation of the impact on civilian populations. This engagement should be directed towards ensuring that any international treaties or instruments developed are influenced by and accommodate Australian interests.

Recommendation 8

5.57 The committee recommends that the bill not be passed.

Recommendation 9

5.58 The committee recommends that the Government consider foreign legislation that has been enacted or is currently before foreign parliaments that relates to the use of cluster munitions with a view to introducing similar legislation that would be relevant to Australia's circumstances.