

## **SUBMISSION ON BEHALF OF LANDMINE ACTION TO THE SENATE STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE TO THE CLUSTER MUNITIONS (PROHIBITION) BILL 2006**

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**February 2007**

### **Support for a Bill for an Act to prohibit the use, possession and manufacture of cluster munitions, and for related purposes, otherwise known as the *Cluster Munitions (Prohibition) Bill 2006***

Landmine Action strongly supports the proposed Cluster Munitions (Prohibition) Bill 2006.

#### **Civilian harm:**

Humanitarian harm caused by cluster munitions during and after attacks has been consistently documented over the last 30 years. Unexploded submunitions are still killing and injuring civilians every year in South East Asia three decades after the bombing stopped. Despite claims that technical improvements can be made to these weapons unexploded submunitions caused death and injury and impeded refugee return and reconstruction in Lebanon in 2006. Civilian casualties during attacks, due to the wide area effects of cluster munitions have also been documented in Afghanistan, Iraq and elsewhere. Further evidence on these problems can be found in Landmine Action's reports as well as in the reports of other organisations.

#### **Position of Australia:**

Australia is not a producer, stockpiler, or user of cluster munitions. The Australian Senate has called on the government of Australia to impose a moratorium on the production, transfer and use of cluster munitions. Australia has stated that it does not use or plan to use or acquire cluster munitions.

Through its ratification of Protocol V of the Convention on Certain Conventional Weapons, as well as through its ongoing support to the 1997 Anti-Personnel Mine-Ban Convention, the Australian Government has made strong commitments to protecting civilian populations from the effects and after-effects of conflict.

Prohibiting cluster munitions would be coherent with these established humanitarian concerns and Australia's policies and actions to date.

Prohibiting cluster munitions would reaffirm a commitment that prevention of humanitarian problems is better than simply paying to clean up afterwards.

#### **Strengthening the proposed Bill:**

The proposed Bill could be strengthened in relation to Part 2 (10:a) by affirming a prohibition on assistance:

A person must not intentionally:

(a) develop, produce, otherwise acquire, stockpile or retain cluster munitions, container units or submunitions; or assist in such acts; or

#### **Conclusion:**

Landmine Action appeals to the Australian Senate to support this Bill. Passing this Bill would:

- be an important step towards the better protection of civilians from conflict world-wide;

- be consistent with Australia's strong commitment to the 1997 Anti-Personnel Mine-Ban Convention and Australia's unequivocal support for the Geneva Conventions, and the Additional Protocols to these Conventions;
- would be consistent with Australia's stated policy position not to use cluster munitions;
- would be consistent with the growing efforts to legislate against these weapons in democracies around the world; and,
- would be consistent with the growing public outcry over these weapons and the consequently growing international action to negotiate a new legally binding instrument aimed at ending the suffering these weapons cause.