

Submission in Support of the Cluster Munitions (Prohibition) Bill 2006

7th of March, 2007.

Aside from the obvious moral imperative to avoid the use of weapons that continue will pose an ongoing risk to civilians, there is an existing basis for the prohibition of Cluster Munitions in international law.

Article 35 of Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, makes clear that "the right of the Parties to the conflict to choose methods or means of warfare is not unlimited".

Clauses 2 and 3 establish two of these limitations, that would appear to apply to the use of cluster bombs:

"2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

3. It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment."

Cluster bombs cause ongoing suffering to individuals not targeted by their initial use, long after that use.

Australia signed and ratified this additional protocol. it has long since come time to pass legislation explicitly implementing it's provisions with reference to the ADF.

I believe that in order to ensure the greater adherence to the principles of the Geneva conventions, Australia must take a strong and principled stand. We must be prepared to impose upon ourselves the restrictions we would ask others impose upon themselves.

It is for these reasons, atop the obvious moral imperative, that I express my unreserved support for this legislation in it's current form.

Kieran Bennett