

## **New Treaty Bans Worst Types of Cluster Munitions**

In Dublin between 19 May and 28 May, 110 governments negotiated a new international treaty, the *Convention on Cluster Munitions*, that will ban cluster munitions that “cause unacceptable harm to civilians”. Australia was part of the negotiations.

“While not perfect, this treaty will help on the path to getting rid of a class of weapon that has resulted in thousands of civilians being killed and maimed, often years after conflicts have ended”, said Dr Mark Zirnsak, National Coordinator for the Australian Network to Ban Landmines. “The next step will be to get as many countries to sign up to the treaty as soon as possible”.

The treaty bans all the cluster munitions that have been extensively used. Cluster munitions are exempted if the submunitions contained weigh more than 20 kg or has all the following characteristics:

- The munitions contains less than ten submunitions;
- Each submunition weighs more than 4 kg;
- Each submunition is designed to detect and engage a single target;
- Each submunition is equipped with an electronic self-destruct mechanism; and
- Each submunition is equipped with an electronic self-deactivation mechanism.

Parties to the Convention committed themselves to seeing the treaty universalised.

The treaty requires that stockpiles of banned cluster munitions be destroyed within 8 years of the country becoming party to the treaty. Countries are able to apply for extensions of 4 years if they are unable to meet the 8 year deadline for stockpile destruction.

Countries that become party to the treaty agree to clear all areas contaminated by unexploded cluster munitions within 10 years. Extensions of up to five years for clearance can be applied for. The country responsible for dropping the cluster munitions is strongly encouraged to provide assistance to the country that the munitions have been dropped on for their clearance.

The treaty requires that countries assist victims of cluster munitions under their control, which includes the families and communities of anyone injured by cluster munitions.

The Australian Department of Defence was able to get into the treaty the three loopholes it was seeking:

- Australia will be able to assist US forces in the use, transfer and stockpiling of cluster munitions, provided Australian troops themselves do not use the munitions and that Australia assesses that the use is in compliance with their understanding of the Geneva Conventions and their Additional Protocols;
- Australia will be able to keep the SMArt 155 artillery shells that have been recently purchased, each of which has two submunitions with the characteristics exempted by the treaty; and
- Australia will be able to keep an unlimited number of cluster munitions for research and training provided it believes that these are “the minimum number absolutely necessary” for the purpose.

Given that the Australian Department of Defence gained the caveats it was seeking, there appears to be little doubt that the Australian Government will sign the new treaty.

The treaty opens for signature in Oslo in December.

Many of the major manufacturers and users of cluster munitions have stayed outside of the treaty: the USA, Russian Federation, Israel, Pakistan. However, the new treaty will put pressure on these countries to stop the production, sale and use of cluster munitions banned by the new treaty.