



ALP Caucus votes to stick by US military and remain soft on cluster bomb ban

22 NOVEMBER 2011: ALP caucus today voted **not** to amend its widely criticised Cluster Munitions Prohibition bill to remove two loopholes that defy the whole intention of the Convention on Cluster Munitions. In a small concession to the grave concerns of civil society, the CMCA understands that ALP caucus voted to issue a policy statement stating the Government's intention not to allow stockpiling of cluster munitions on Australian soil. However the provision in the legislation explicitly permitting stockpiling will remain.

Lorel Thomas, National Coordinator of Australian Network to Ban Landmines and Cluster Munitions (ANBLC) and committee member of Cluster Munition Coalition (Australia), said: "Unfortunately the Gillard Government has stars and stripes in its eyes. They have voted to stick with legislation that prioritises the needs of the US military over the lives and limbs of future children, farmers, and other unsuspecting civilians. The fact is they have not ruled out stockpiles on Australian soil for all time because they have not removed the loophole from the legislation. A policy statement is not enough."

The two key loopholes the Government has written into the Bill, which the Coalition supports, enable Australian troops to **actively assist** the USA in the use of cluster bombs and also explicitly permit the USA to **stockpile its cluster bombs on Australian soil**. These allowances blatantly disregard the whole intent of the Convention which aims to eradicate these weapons for all time.

The Cluster Munition Coalition and ANBLC are not the only NGOs concerned about this bill. In its [submission to the Senate inquiry on the Bill](#), the International Red Cross said, "The ICRC is concerned about the scope of these exceptions and their implications. In our view, allowing the foreign stockpiling of cluster munitions on Australian soil, the transit of such weapons through Australian airspace and water, and other acts generally deemed contrary to the Convention would undermine the objectives of the Convention on Cluster Munitions and contribute to the continued use of these weapons."

In addition, 47 prominent Australian legal experts, senior academics, heads of major NGOs, a former Chief of the Australian Defence Force, and a former Secretary of the Department of Defence have signed [an Open Letter](#) criticising the same aspects of the Bill.

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About cluster bombs:

A cluster bomb is a weapon containing multiple - often hundreds - of small explosive submunitions. Cluster bombs are dropped from the air or fired from the ground and break open in mid-air releasing the submunitions over an area up to the size of several football fields. This means they cannot discriminate between civilians and soldiers. Many of the submunitions fail to explode on impact and remain a threat to lives and livelihoods for decades after a conflict. A 2006 study by Handicap International found that 98 per cent of the victims of unexploded cluster submunitions are civilian, a third of these are children.

About the Convention on Cluster Munitions:

The Convention on Cluster Munitions bans the use, production, stockpiling and transfer of cluster munitions as well as assistance with these things. It requires countries to clear affected areas within 10 years and destroy stockpiles of the weapon within eight. The Convention includes groundbreaking provisions requiring assistance to victims and affected communities. Signed by Australia in Oslo in December 2008, the Convention entered into force as binding international law on 1 August 2010 and is the most significant international humanitarian and disarmament treaty since the 1997 Mine Ban Treaty banning antipersonnel landmines.

About the Cluster Munition Coalition

The Cluster Munition Coalition (CMC) operates in over 90 countries and has more than 350 member organisations. In Australia the CMCA represents around 45 member organisations. The CMC played a key role in the creation of the 2008 Convention on Cluster Munitions, and is mentioned by name alongside the UN and the International Red Cross in the preamble text of the Convention on Cluster Munitions.

The CMC works for the universalisation and implementation of the Convention. We work through our member organisations to try and ensure the policy and practice of governments is aligned with the achievement of the Convention's aims, and to raise public awareness of the global cluster munitions problem.

www.stopclustermunitions.org

Next steps

The Bill has already passed the House of Representative and is in the Senate awaiting debate. In August, due to friction between the ALP factions about the wording in the Bill, the Government removed the Bill from the Senate agenda to consider and resolve the issues. The Bill is not listed for Senate debate in this final week of Parliament for 2011. Given that ALP Caucus has now approved the Bill in its current form it is expected that the Bill will return to the Senate agenda in the new year. The Coalition has indicated that it will support the Bill in its current form and has not proposed any amendments to the Bill. The Australian Greens have proposed a number of amendments to the Bill which would address these two key loopholes plus several other concerns with the Bill.

For more information about the Bill and to view documents from the Senate inquiry:

http://www.aph.gov.au/senate/committee/fadt_ctte/ccab_cmp_2010/index.htm

Additional information

Australia does not itself use, produce or stockpile cluster munitions, never has done, and does not intend to do so.

For a short film showing cluster bombs being dropped over large areas, and the way that many lie unexploded on the ground, go to this link ([submissions to the Senate inquiry into the Bill](#)) and scroll down to the Additional Information Received section, see no 6.