

# A BAN ON CLUSTER BOMBS

AUSTRALIAN DEMOCRATS ISSUES SHEET  
DEFENCE & VETERANS  
CLUSTER MUNITIONS (PROHIBITION) BILL 2006

NOVEMBER–DECEMBER 2006

## INDISCRIMINATE KILLERS

Cluster bombs are large bombs that disperse smaller bombs — known as “bomblets” or sub-munitions — over wide areas, threatening civilians as well as soldiers during attacks. They leave unexploded bombs that threaten civilians for decades after a conflict. Their effects are indiscriminate and they are proliferating rapidly around the world. This issues sheet provides information about the Australian Democrats’ role in promoting a ban on their use, possession and manufacture.

### Senator Allison’s trip to Lebanon

- Senator Lyn Allison, leader of the Australian Democrats, visited Lebanon in October 2006 to see firsthand the damage caused by the recent war and the reconstruction efforts.
- She added her voice to growing calls for an international ban on cluster bombs.
- She met with Lebanese President Emile Lahoud, Prime Minister Fouad Siniora, Speaker Nabih Berri, General Aoun and Foreign Minister Fawzi Salloukh, among others.
- They stressed the urgency of removing the unexploded “bomblets” or sub-munitions of cluster bombs from the south of the country.
- The cluster bombs used were M42s that had been supplied and manufactured by the United States.
- Bomblets are about half the size of a hand grenade and are designed to be dispersed over an area of up to 1 square kilometre.
- Some are designed to spin and

## KEY FACTS

- The United Nations estimates that, in the course of the recent war in Lebanon, **Israel dropped between 1 and 1.25 million sub-munitions**, 90 per cent of them within the last 72 hours.
- For a standard cluster bomb, **anywhere between 10 and 50 per cent of its sub-munitions will not explode upon impact.**
- There are growing calls for an international ban on cluster bombs.
- The **Australian Democrats have drafted a Bill** on Australia’s use and possession of cluster bombs.
- Roughly **98 per cent of victims of unexploded sub-munitions are civilians**, many of them children.

can be caught in vegetation by attached strings. Others are milled in a way that produces small pieces of shrapnel.

- Since the end of the recent war in Lebanon, several dozen people have been killed and several hundred severely injured by cluster bombs.
- They have made agriculture and mobility impossible in many parts of Lebanon, including in villages and towns.
- They are attractive to children because they are small enough to pick up, are usually brightly coloured, and are often in the shape of butterflies and balls.
- Many are hidden in rubble, making the cleanup process extremely hazardous.



A flyer distributed by UNICEF in Lebanon to warn people not to touch any of these bomblets.

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## Recent international developments on a cluster bomb ban

- On 17 November 2006, states parties to the Convention on Certain Conventional Weapons (CCW) ended their third review conference with significant developments on the issue of cluster munitions.
- During the course of the two-week meeting, an ever-increasing number of states parties called for a new protocol to the CCW to address the humanitarian problems associated with cluster munitions.
- In the first week, 15 states parties joined an Austrian proposal calling for the negotiation of a new international agreement.
- However, the conference was eventually able only to agree to convene a meeting of governmental experts in June 2007 “with a particular focus” on cluster bombs.
- The meeting has no mandate to develop recommendations or negotiate new rules; it will report back to the CCW states parties on its proceedings late next year.
- Twenty-five countries (Austria, Belgium, Croatia, Costa Rica, Czech Republic, Denmark, Germany, Holy See, Hungary, Ireland, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, New Zealand, Norway, Peru, Portugal, Serbia, Slovakia, Slovenia, Sweden and Switzerland) joined in a political declaration committing themselves to a new international agreement to regulate cluster munitions.
- They called for a new international instrument that would prohibit the use of cluster munitions in concentrations of civilians; prohibit the use, production, stockpiling and transfer of cluster munitions that pose serious humanitarian hazards; and assure the destruction of

stockpiles of these weapons.

- Norway announced that it would invite states committed to such an international instrument to a meeting in Oslo early in 2007, with a view to deciding how to pursue that goal.
- The International Committee of the Red Cross (ICRC) will also sponsor an informal international expert meeting in March or April 2007.
- The ICRC has reiterated its belief that both national policy changes and specific new international humanitarian law rules are urgently needed to address the specific problems of cluster munitions. The ICRC welcomes all efforts aimed at developing adequate national policies and specific new rules of international humanitarian law for cluster munitions.

*This information has been adapted from material provided by the ICRC.*

## CLUSTER MUNITIONS (PROHIBITION) BILL 2006

- **Senator Lyn Allison** has drafted a private senator’s bill to ensure that innocent civilians in conflict zones are not maimed, killed or put at risk as a result of Australians possessing, using or manufacturing cluster munitions.
- Under the Act, a “cluster munition” is defined as a bomb specifically designed to cause death or harm by deploying one or more sub-munitions.
- In particular, the Act prevents members of the Australian Defence Force, whether serving in Australia or elsewhere, and whether serving with the Australian Defence Force or any other defence force, from deploying cluster munitions.
- Under the Act, a person must not intentionally develop, produce, otherwise acquire, stockpile, retain, transfer, use or engage in military preparations to use cluster munitions, container units or sub-munitions.
- A member of the ADF must not engage in military preparations for a member of the defence force of another country to use cluster munitions, container units or sub-munitions.
- The Act extends to acts by an Australian citizen outside Australia and to acts done on board Australian ships and aircraft.
- The offences set out in the Act do not apply in relation to the clearing of unexploded sub-munitions, education in relation to cluster munitions or decommissioning.
- The Act provides that any Australian citizen or resident in Australia or an external territory may take certain legal steps to ensure that it is properly complied with.
- Under the Act, the Defence Minister must, within three months of the commencement of the Act, table in both Houses of the Federal Parliament a report on stockpiles and a decommissioning plan.
- Further, he or she must, within one year, decommission all cluster munitions in the possession of the Australian Defence Force.
- If, as a result of an offence under this Act, a cluster munition is deployed, then that munition must be cleared, removed or destroyed in accordance with Australia’s obligations under a particular treaty.