



AUSTRALIAN
LAWYERS
FOR
HUMAN RIGHTS

PO Box A147
Sydney South
NSW 1235
DX 585 Sydney
alhr@alhr.asn.au
www.alhr.asn.au

MEDIA RELEASE: 12 August 2010

MAJOR PARTIES MUST COMMIT TO RATIFICATION OF CLUSTER BOMBS TREATY

“Both major political parties, the Labor Party and the Coalition, must make ratification of the Cluster Munitions Treaty a priority for any new government”, President of the Australian Lawyers for Human Rights (ALHR), Stephen Keim said, today. “A new government must also be committed to doing everything in its power to convince other countries to become parties, especially Russia, China and the United States, to sign and ratify the Treaty”. The Treaty, which came into effect on 1 August, has been ratified by 37 states including Britain, France, Germany and Japan, all of which have significant stocks of munitions.

“The treaty is the most significant disarmament and humanitarian treaty in more than a decade, banning the production and use of some of history’s most indiscriminate and devastating weapons”, said ALHR President, Stephen Keim.

“Australia was an important player in the negotiations which resulted in the drafting of the treaty, but is in danger of losing its influence at this still early but very important stage when international pressure on non-parties is of paramount importance, and interpretation of key provisions of the treaty is still uncertain”, said Mr. Keim. “The First Meeting of the Parties in Laos in November will be a crucial milestone in this regard”, Mr. Keim added.

“Australia’s early ratification would send a strong message of our commitment to this important humanitarian treaty to the international community and our friends in the region, many of whom still suffer from these evil weapons”, said Mr. Keim. “Turning up

in Laos, which has suffered so heavily from these weapons, without having ratified the treaty would not be a good look."

"As a party, we would also have an opportunity to promote a strong interpretation of the treaty at the meeting in Laos. In particular, Australia must take a strong stand on article 21 of the treaty which concerns joint military operations with countries that have not joined. The parties engaged in the election should assure the Australian people before election day that, if elected to form a government, they will not support any reading of the provision which allows it to be an "out clause" for parties to the treaty. Such a reading would defeat the very object and purpose of the treaty", said Mr. Keim.

Background Information

Cluster bombs contain a number – sometimes hundreds - of smaller bomblets, which are designed to cover a large area. Although originally designed to be directed at deterring an advancing army, the munitions have led to hundreds of thousands of civilian deaths and casualties in the past half century. Their impact continues for decades after a conflict finishes with unexploded components having a particularly devastating impact on children, some of whom mistake the bomblets for toys.

The treaty bans the use, stockpiling, production and transfer of cluster bombs, and calls for stockpiles of the bombs to be destroyed within eight years and for land contaminated with undetonated bombs to be cleared within 10 years.

As the treaty Preamble notes, the munitions also "obstruct economic and social development, including through the loss of livelihood, impede post-conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons ... negatively impact on national and international peace-building and humanitarian assistance efforts, and have other severe consequences that can persist for many years after use." The treaty also contains innovative provisions that advance the right of cluster bomb survivors to be included in society and to lead dignified lives.

The Labor Government was committed to implementing the treaty but relevant legislation was never tabled. Neither party has clarified its position on the "joint operations" provision in article 21. The article has been the source of considerable controversy in the international negotiations.

Stephen Keim

President

Australian Lawyers for Human Rights

Mobile: 0433 846 518

Email: s.keim@higginschambers.com.au

