

International Campaign to Ban Landmines Australian Network Inc.

Tel: (03) 9251 5277 Fax:-(03) 9654 2136
Email: australia@icbl.org Website: <http://australia.icbl.org>

Memorandum 80
November 2007



Taking 'Toys' from the Boys

Call on the UK and Germany to support a comprehensive ban on cluster munitions

November 2007

"The atrocious, inhumane impact of cluster munitions requires urgent action. The characteristics of these munitions, with their inherent inaccuracy and their frequent malfunctioning, make them particularly indiscriminate both at the time of use and long after conflicts have ended."

UN Secretary-General Ban Ki-moon on cluster munitions, 7 November 2007

Cluster munitions have killed and maimed tens of thousands of civilians over the forty years they have been used. The wide area effect produced by the hundreds of submunitions dispersed by each typical cluster munition threatens civilians within an area as large as three football fields. The large number of submunitions used, combined with the proportion that fails to explode as designed, results in harm to civilians continuing long after a conflict has ended. The quality of cluster bomblet fuses is usually inferior to those used for other bombs, as the high number of cluster bomblets encourages manufacturers to keep costs down, increasing the number of duds. The UN Mine Action Coordination Centre office in Kosovo reported that the dud rate for all types of cluster bombs was 8%-11%, though deminers quote up to 30%. 'Duds' can remain live so that they explode at the slightest touch of anyone returning to the area where the cluster munitions have been used.

In all of the 23 conflicts cluster munitions have been used they have burdened the civilian populations during and long after the conflict with this deadly legacy. During the 1991 Gulf War, US forces dropped over 13 million cluster bomblets on Iraq and Kuwait from the air, and over 11 million submunitions from ground based rocket launchers. Dud rates were at least 10%, leaving more than 2.4 million dud submunitions. Human Rights Watch reports that by February 1993 unexploded bomblets had killed 1,600 Kuwaiti and Iraqi civilians and injured 2,500, and that 60% of victims were children under the age of 15.

The Oslo Process

The urgency of the humanitarian problem caused by cluster munitions was brought again to the world's attention after the July-August 2006 conflict in southern Lebanon where over 1 million unexploded 'dud' cluster submunitions littered the land and since September 2006 have killed and injured over 200 civilians, with more than 30% of victims children.

In response the Government of Norway called a meeting of like-minded countries to develop a new international treaty to ban those cluster munitions that "cause unacceptable harm to civilians". The process to develop this treaty has been nick-named the Oslo Process. To date over 80 countries, including Australia, Germany, and the UK have agreed to be a part of the Oslo Process, but some of the positions taken by these governments threaten to water down the treaty being negotiated.

UK Government position on Cluster Munitions

The UK Government passed a bill to ban the use of all 'dumb' cluster munitions, that is a cluster munition with submunitions not equipped with self-destruct mechanisms. However, such a ban allows the Government to continue stockpiling and using their M85 submunitions, which are fitted with a self-destruct device. When Israeli forces dropped M85s over southern Lebanon in August 2006 they failed to act as designed in a much higher proportion than claimed by the manufacturer and resulted in contamination of the land, injuring and killing civilians. The manufacturers, Israeli Military Industries (IMI), claim that the failure rate for its M85 submunitions is 0.06%, while in the field the failure rate has proven to be as high as 15%. The failed self-destruct mechanisms on 'dud' M85s makes them harder to remove than other cluster munitions.

Action on Cluster Munitions Continued.

On 20 March 2007 the UK announced that it was withdrawing some of its cluster bombs from service. However, the UK is keeping its M85 cluster bombs, continuing to claim that because these weapons have a built in 'self-destruct' system they do not pose a serious threat to civilians. Furthermore the UK renamed a weapon system in July 2007 in an attempt to see it excluded from any possible ban. The Hyra CRV-7 rocket system delivers 171 M73 submunitions from a helicopter-mounted rocket pad. As recently as 23 November 2006, the government listed the CRV-7 as a cluster munition. But on 16 July this year, just months after it said it would back a worldwide cluster bomb ban, the UK Government said the CRV-7 was no longer a cluster bomb. US forces used the rocket-delivered M73 'bomblets' in Iraq in 2003. Human Rights Watch reported contamination of unexploded M73 bomblets left behind after the strikes.

German Government position on Cluster Munitions

The German Government has supported a mandate within the UN Convention on Certain Conventional Weapons (CCW) for negotiations on a legally-binding international instrument to address the problems posed by cluster munitions, and signed the Oslo Declaration that commits states to negotiate a legally-binding international instrument banning cluster munitions that cause unacceptable harm to civilians by 2008.

The German Government has tabled a proposal to the CCW, which also sets out their position in the Oslo Process discussions, calling for any agreement to exclude cluster munitions that have less than a 1% failure rate of submunitions and equipped with self-destruction capabilities. There are problems with determining failure rates for cluster munitions as the claims made by manufacturers about low failure rates have almost never matched the experience when the cluster munitions are used in warfare. Further, simply including a self-destruct mechanism does not ensure that a cluster submunition will not cause "unacceptable harm to civilians".

What you can do

Please write polite letters to:

<p><u>Government of UK</u> The Rt Hon. David Miliband Secretary of State for Foreign and Commonwealth Affairs House of Commons London SW1A 0AA United Kingdom Salutation: Dear Secretary</p>	<p><u>Government of Germany</u> Frank-Walter Steinmeier Federal Minister for Foreign Affairs Federal Foreign Office 11013 Berlin Germany Salutation: Dear Minister</p>
--	--

*A letter to the UK or Germany will cost \$1.95 with a stamp marked 'International Post.'

Point to make in your letters:

- Express concern at the continuing humanitarian impact cluster munitions have on civilian communities during a conflict and after it has ended, noting that the effects are both immediate and long term.
 - Note the vast majority of victims of submunitions have been non-military personnel, including a disproportionate percentage of children, in every conflict they have been used.
 - Call for the introduction of comprehensive domestic legislation to ban use, manufacture and transfer of all cluster munitions that cause unacceptable harm to civilians.
 - Urge the German and UK governments to continue to support and participate positively in the Oslo Process negotiations, seeking a comprehensive ban on all cluster munitions with unacceptable humanitarian consequences.
- Note that self-destruct mechanisms do not provide an answer to the humanitarian problems caused by the wider area effect of these weapons, and when used in combat these mechanisms have often shown high failure rates, producing the same problems of widespread, lethal and long-term contamination, such as the use of M85 submunitions.

For more information please contact Kerryn on (03) 9251 5277 or kerryn.clarke@victas.uca.org.au.

***In Our Lifetime: The 2007 Youth Model Review Conference
18-22 November 2007, Dead Sea, Jordan***

2007 marks ten years of the Mine Ban Treaty, the international agreement that bans antipersonnel landmines. Sometimes referred to as the Ottawa Convention, its official title is: the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

Mine Action Canada (MAC), in association with the Australian Network to Ban Landmines coordinated the 2007 Youth Model Review Conference (Model RevCon) at the 8th Meeting of the State Parties (8MSP) in Jordan. The Model RevCon provided more than 50 young people (aged 18-30 years) from around the world the opportunity to get more involved in the work of the International Campaign to Ban Landmines (ICBL) and to make tangible contributions to achieving a mine-free world in their lifetime.

A Quote from the Mine Action Canada website before the conference said “The Model RevCon will build the capacity of the International Campaign to Ban Landmines (ICBL) by further engaging the next generation of mine ban advocates. Committed young people will continue their work to universalize and implement the Mine Ban Treaty when they return home. The Model RevCon will promote the goals of the ICBL, and will encourage youth from all over the world to tackle the big issues - before the diplomats even get a chance! These youth campaigners will carry the ICBL into the next generation, and make sure that a mine-free world becomes a reality in their lifetime.” (<http://www.minesactioncanada.org>)

On being accepted to attend the RevCon each delegate was assigned a country or organization that was a State Party, or a State but not Party to the treaty or an international organisation. In the five months leading up to the Model RevCon delegates completed a number of assignments from the position of their assigned country or organisation. At the conference the delegates used their knowledge and shared their innovative ideas and solutions regarding the next steps needed in fulfilling the 2004 Nairobi Action Plan, and truly achieving a mine-free world. Delegates also participated in the formal proceedings of the 8th Meeting of State Parties, as part of the official ICBL delegation. Opportunities were also available to participate in informal interactions with official government delegations present at the 8MSP.

The Australian Network invited youth from countries in our region to attend the Model RevCon. Through AusAID funding twelve delegates from Laos PDR, Vietnam, Cambodia, Australia, The Philippines, Nepal and Thailand were able to attend. For several of these delegates the Model RevCon provided them with another opportunity to share their stories and build on the relationships they established at other meetings (Nairobi 2004, Zagreb 2005, and Laos PDR Workshop 2006) The Australian Network had further presence at the Model RevCon through the planning and facilitation roles accepted by Kerryn Clarke (National Secretary) and Bernadette West (SA State Coordinator)



Photographs showing a mine clearance demonstration and group work at the Laos PDR Workshop in 2006



**8th Meeting of States Parties November 18-22
Dead Sea Jordan**

Once again members of the International Campaign to Ban Landmines (ICBL) have met to discuss the implementation of the 1997 Mine Ban Treaty, which prohibits the use, production, stockpiling and trade of antipersonnel mines. This year, the Eighth Meeting of States Parties (8 MSP) to the Mine Ban Treaty was hosted by the government of Jordan and held by the shores of the Dead Sea. During the meeting, over 1,000 delegates from more than 60 countries, including representatives from governments, international agencies and civil society were part of the Treaty implementation process.

Dr. Mark Zirnsak, the National Coordinator of the Australian Network to Ban Landmines was on the official Australian Government delegation to 8MSP.

In his official welcoming speech the President of the Conference , H.R.H. Prince Mired Raad Zeid Al-Hussein, said,” By hosting the 8MSP in Jordan we hope to raise the profile of mine action throughout the Middle East and to shed greater light and attention upon this issue internationally.

It will be a time for all States Parties to reflect upon what they have achieved in the last decade and what still remains to be completed. In general, great progress has been made in ridding the world of anti-personnel mines yet many challenges remain. As States Parties, we must maintain our stamina and not lose sight of our ultimate goal... that of a 'mine free world.'

Moreover, it is essential for the life of the Convention that States not Parties are convinced to sign on, especially those that are mine-affected. States not Parties must realize that the military utility of landmines is dwarfed when compared to the untold misery that landmines have inflicted upon innocent lives. And it is because of these innocent lives that have been so badly marred by death and injury that the world community at large has rallied together for the last ten years to make the Mine BC the success that it is.”

Aftermath Of War

The lands lay overshadowed and dark
The rivers colored red with blood
The shore a battleground, a covered with corpses
Painted red by blood, stained red forever

The blood flows free as water
Seeping out of fallen city warriors
A river of blood flows through the land
The Aftermath of war, disaster

The land is stained with blood and bones
Done by men with hearts like a stone
The nightmare has finally ended
But the land is wasted, cannot be mended

by Shreya Pandey, Grade 7 age 13 from Nepal

**NEPAL
Mine Ban Policy**

Nepal has not acceded to the Mine Ban Treaty. . However, the bilateral cease-fire of May 2006 between the interim government of Nepal and the Communist Party of Nepal (Maoist) and the accompanying Code of Conduct presently commits both sides to non-use of landmines.

In recent years Nepal has given mixed messages about the Mine Ban Treaty. On the one hand, on 8 December 2005 it voted in favor of a UN General Assembly Resolution calling for universalization and full implementation of the Mine Ban Treaty, However it has also cited a number of reasons why Nepal could not sign the Treaty immediately. It is to be hoped that the ceasefire will lead to a permanent peace and that the Government of Nepal will speedily accede to the Mine Ban Treaty