

# International Campaign to Ban Landmines Australian Network Inc.

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Memorandum 79  
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## Focus On South East Asia

### INDIA AND NEPAL

India and Nepal are neighbouring countries, neither of which has acceded to the Mine Ban Treaty. We encourage anyone who has the time to write to the Indian and Nepalese Ambassadors in Australia asking for their countries to begin serious moves towards acceding to the Treaty, and to both participate in and support international moves to ban cluster munitions.

#### **India**

The Republic of India has not acceded to the Mine Ban Treaty. In December 2005, India was one of 17 countries that abstained from voting on UN General Assembly Resolution (UNGA) 60/80, which called for universalization of the Mine Ban Treaty.

Non-state armed groups have continued to use mines and improvised explosive devices in many parts of India. There were at least 336 casualties from mines and improvised explosive devices in 2005, and 271 from January to May 2006.

India is one of a small number of countries still producing antipersonnel mines. All production is vested with government agencies. In August 2005, India stated that it “produces only detectable versions of landmines (NM-14) at present as provided for in Amended Protocol II.” This was the first time that India had reported on the status of production of these mines since October 2000, when India stated that it had designed a remotely-delivered antipersonnel mine system, with self-destructing and self-deactivating mines, for trial evaluation and prototype production.

India has often claimed that it has never exported or imported anti-personnel mines. However, it appears that transfers have happened. Four Mine Ban Treaty States Parties have reported Indian-made mines in their stockpiles, most recently Sudan. India has had a formal export moratorium of unlimited duration in place since 3 May 1996, and has stated that it favors an outright ban on transfer of mines.

India’s stockpile is estimated at between four and five million antipersonnel mines, the sixth largest stockpile in the world. The figure may no longer be accurate following the large number of landmines planted along the Pakistan border in 2001 and 2002, or in light of new production of mines.

#### **Nepal**

Nepal has not acceded to the Mine Ban Treaty. Nepal voted in favor of UN General Assembly Resolution 60/80, calling for universalization and full implementation of the Mine Ban Treaty, on 8 December 2005. Nepal has confirmed that it produces antipersonnel mines at the weapons factory at Sunchari in Makwanpur district south of Kathmandu. The government has not provided any information on the types of mines produced. Nepal is not known to have exported anti-personnel mines.

On 26 May 2006, the government of Nepal and the Communist Party of Nepal (Maoist) agreed to a bilateral cease-fire and a 25-point Code of Conduct. Point 3 of the Code states that there will be no laying of landmines. Prior to the cease-fire, both sides continued to use landmines and/or improvised explosive devices (IED's.) Casualties from all kinds of explosive devices appeared to be lower in 2005 than 2004; efforts were made by NGOs to create a nationwide casualty data collection system. The majority of casualties were children. Mine/explosives risk education gathered pace, involving many local and international organizations.

The new government which now includes representatives of the Maoist group is being encouraged to accede to the Treaty.

Advocacy efforts by the Nepal Campaign to Ban Landmines (NCBL) have focused on revealing the problems faced by local people due to the use of anti-personnel landmines and other victim-activated explosive devices, and promoting accession to the Mine Ban Treaty. The NCBL carried out educational activities on the mine ban with both government officials and imprisoned Maoists.

In 2005, UNICEF recorded 197 new casualties in 29 districts, of which 142 (72%) were civilians. Children were 56 percent of the civilian casualties. Nine of the districts had more than five reported casualties. Throughout Nepal, civilians face a hazard from landmines widely employed by security forces as defensive barriers around their barracks or positions, which may be located close to roads, government buildings and such major infrastructure as hydroelectric stations and telecommunications towers. Some airports are known to have landmines and IEDs nearby, including areas around the runways.

Full Landmine Monitor 2006 reports are online: for India at <http://www.icbl.org/lm/2006/india> and for Nepal at <http://www.icbl.org/lm/2006/nepal>. Landmine Monitor is an international annual report of the state of landmines around the world.

**Write polite letters to:**

**High Commission for India  
3-5 Moonah Place  
Yarralumla ACT 2600**

**Suite 2.02, AAPT Building  
24 Marcus Clarke Street  
Canberra City ACT 2601**

**Brisbane Book Launch**

On the 10<sup>th</sup> of May about 25 people gathered at Mary Ryan's book store in Paddington for the launch of "A Path is Made by Walking It: Reflections on the Australian Network to Ban Landmines." We were fortunate to be joined by Sr Patricia Pak Poy, the honorary president of the network, for the launch. Patricia shared stories from the early days of the campaign and some of the lighter moments of the period. She also brought to light the direct impact that these weapons have on people's lives. Patricia used the opportunity to inform those gathered about the current campaign against cluster bombs and how the lessons learnt over the years can be applied to this important justice issue. People found the launch both inspiring and informative and it has formed the basis for the continued development of the South East Queensland branch of the network. Many thanks to Mary Ryan Bookstores for hosting the event.

Kate and Brian Garrone—ANBL South Queensland Coordinators

## MEETING OF STANDING COMMITTEES OF MINE BAN TREATY GENEVA - 23-27 APRIL 2007

Members of the Australian Delegation: Ambassador Caroline Millar, Rachel Mosely, Catherine Gill, Craig McLachlan and Patricia Pak Poy

The meeting was opened by Ambassador Caroline Millar of Australia. She reported that since the last meeting in November 2006

- invitations to the meeting had been sent to States not party to the convention, including a special invitation to Pakistan
- a visit to Warsaw had been undertaken to urge Poland's accession
- there are plans for a Pacific workshop in Vanuatu in May
- 139 countries have completed stockpile destruction; some others will need assistance to complete
- there has been strong collaboration with civil society for victim assistance programmes and inclusion of survivors under the Convention on the Rights of Persons with Disabilities
- the need of some countries for help from others for resources for Stock Destruction, Clearance and Victim Assistance has been noted
- there exist concerns about compliance (eg. noted a report that Somalia had received transfer of mines from three countries)
- more help is needed for the International Support Unit in furthering the work of the Mine Ban Convention.

Five days were given to reports from States Parties and States not party to the Convention. The International Campaign to Ban Landmines made interventions as each article was addressed and in fact was, and is, an effective monitor of the implementation of the convention.

Side meetings held in the lunch periods, included among others.

- A case study of Jordan,
- Presentations on Benin's Humanitarian Demining Centre,
- Burma – by Geneva Call,
- Mine Action and Development,
- Universalisation
- The progress of, and an update on, the international process on cluster munitions.

ICBL held briefings each morning and included plans for active lobbying of country delegations by ICBL members present, who included Landmine Monitor researchers.

Comment: The progress of implementation of the Convention is generally satisfactory, though it is obvious that some of the 154 States Parties are finding it difficult to meet their obligations of stock destruction and land clearance because of lack of resources – they will need help from others. Others will not accede to the Convention because they deem themselves not able to meet the obligations; and others will not accede because they do not wish to have restrictions placed on their use of these victim-activated weapons. Much work remains to be done. The issue of cluster munitions is also being discussed widely and we hope that the move for a treaty will be successful in the near future.

Patricia Pak Poy rsm



Uniting Church in Australia  
SYNOD OF VICTORIA AND TASMANIA

**AUSTRALIA TRIES TO CREATE LOOPHOLES IN CLUSTER BOMB TREATY**  
**Result: a weaker treaty, more innocent children to die**

**LIMA, PERU 25<sup>th</sup> May, 2007**

Tragically the Australian Government has tried to limit the effectiveness of a proposed international treaty on cluster munitions. This government position could result in the death and maiming of thousands of innocent civilians, especially children, around the world.

Australia is one of 70 countries meeting at The Lima Conference on Cluster Munitions in Peru, and overnight during negotiations about the definition of the weapons covered by the treaty, the Australian delegation called for an exclusion of weapons with self-destruct mechanism.

“This is a deadly and disastrous decision by the Australian Government as the self-destruct mechanism has repeatedly been proven not to protect civilians from the indiscriminate explosions,” said Dr Mark Zirnsak, National Coordinator of the Australian Network to Ban Landmines and Director of Justice and Mission for the Uniting Church in Victoria and Tasmania.

“The Australian government has failed to stand up for the thousands of civilians who live daily with the threat of cluster bombs.

“This was an opportunity for the Australian Government to take a strong stand on a weapon that continues to kill and maim in Southern Lebanon, Southeast Asia and almost every other country where it has been used. Unfortunately they missed the opportunity,” Dr Zirnsak said.

Cluster bomblets (sub munitions) are packed, by the dozens or hundreds, into artillery shells, bombs or rockets and scattered indiscriminately over wide areas, with many failing to explode immediately. The unexploded bomblets often lie dormant for years or decades after conflicts. They are often later disturbed, sometimes by children attracted by their small size and bright colours.

Cluster munitions with self-destruct mechanisms were widely deployed in Lebanon during the conflict last year.

Recent reports from scientists and UN representatives have shown they caused extensive threat to civilians as large numbers of the self-destruct mechanisms failed to detonate.

“Field experience has proven that self-destruct mechanisms are little more than illusions. They often fail to work, leaving behind a deadly legacy of unexploded ‘duds’” said Dr Zirnsak.

The Lima Conference on Cluster Munitions is the second conference instigated within an international framework to address banning cluster bombs. The first meeting, held in Oslo, in February 2007, witnessed 46 countries commit to new international legislation banning all cluster munitions causing unacceptable harm to civilians, by 2008. In Lima, 28 new countries joined this framework. Belgium has banned the weapon and Norway, Austria and Hungary have introduced a national moratorium.

Australia does not use, produce or stockpile cluster munitions; however its allies used cluster munitions extensively in Afghanistan and Iraq. The Department of Defence has stated its intention to purchase “advanced” cluster bombs.



# DEADLY LEGACY

## Petition to Ban Cluster Bombs

### To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament

The petition of certain citizens of Australia draws to the attention of the House:

That unexploded cluster submunitions disproportionately kill and maim civilians, including a high percentage of children, delay relief efforts in post-conflict countries as well as disrupting long-term development, and continue to kill and maim long after they are deployed and the conflict has ended. We note that Australia does not possess cluster munitions and does not use them.

Your petitioners therefore ask the House to:

- Legislate a ban on the production, transfer, stockpiling and use of cluster munitions that cause unacceptable harm to civilians.
- Pass a motion supporting the Oslo Declaration committing Australia to working towards an international treaty that would ban the production, transfer, stockpiling and use of cluster munitions that cause unacceptable harm to civilians globally.

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Return to: Australian Network to Ban Landmines, 130 Little Collins St, Melbourne 3000.

# CLUSTER MUNITIONS

## A deadly legacy from Laos to Lebanon



From the first time they were used extensively in conflict to their most recent use, cluster munitions continue to kill and injure a much greater proportion of civilians than soldiers. Cluster submunitions that were showered down on Laos during the Vietnam War in the 1970s continue to injure and kill on average one person every two days. Since the end of the 34-day war between Israel and Hezbollah in 2006, over 200 people have been injured and over 30 killed by unexploded cluster submunitions deployed during the conflict. From Laos to Lebanon, the deadly legacy cluster munitions leave behind can only be prevented by countries not using them.

- Up to 30% of those injured are children (under 18yrs)
- 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%.
- Cluster munitions are considered one of the most dangerous munitions post-conflict. They are just as dangerous, insidious and lethal as anti-personnel landmines.

Cluster bomblets pose a particular danger to civilians compared to other weapon systems because

- the broad area of effect they have,
- lack of accuracy
- the number of explosive 'duds' left behind.

Many of the bomblets do not explode on impact and lie around until triggered when touched, killing and maiming for years after a conflict ends. The volatility of armed cluster bomblet 'duds' makes them more dangerous than many other types of unexploded ordnance (UXO).

The high failure rates of cluster munitions, combined with the large volume of submunitions able to be delivered over a short period of time, leads to particularly severe contamination of a wide area, with contamination both on the surface and underground. The National Demining Office in Lebanon estimated following the 2006 conflict that throughout South Lebanon over one million unexploded cluster munitions contaminate a total of 34 million m<sup>2</sup>.

### DEFINITION

Cluster munitions are munitions (bombs, artillery shells and rockets) that contain two or more submunitions, but more usually in the hundreds, that break open on deployment to rain down the submunitions over a wide area.

### MORE INFORMATION

Visit <http://australia.icbl.org> or call Kerry Clarke on (03) 9251 5277

Wife holding a picture of her son who was killed by a submunition after recent conflict had ended in Southern Lebanon, September 2006  
© John Rodsted/NPA

The ADF and cluster munitions  
Australia does not possess cluster munitions and the Australian Defence Forces do not use cluster munitions. However, Australian forces have been part of conflicts in Afghanistan and Iraq in which Australia's allies have extensively used cluster munitions with devastating humanitarian impacts.

#### Disrupting Post-conflict Reconstruction and Development

Where unexploded cluster submunitions litter the land, their presence, or suspected presence prevents the use and rehabilitation of infrastructure and resources, including housing, water and irrigation systems, paths and roads, schools, clinics, markets, and religious centres such as temples and churches. They have a severe effect on development, exacerbating poverty by restricting agricultural land, community resources, and preventing commercial activities resuming.

