

# International Campaign to Ban Landmines Australian Network Inc.

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

Memorandum 81  
March 2008



## Another Step forward towards a ban on Cluster Munitions

From 18 – 22 February, 105 governments met in Wellington, New Zealand, to continue discussions towards a treaty banning cluster munitions that “cause unacceptable harm to civilians”. At the end of the week, 82 countries signed up to the “Wellington Declaration”, agreeing to negotiate the treaty in Dublin on 19 – 30 May 2008. Australia was among the countries that signed up to the Declaration. More countries are expected to sign up to the Declaration between now and the Dublin negotiations, allowing them to be part of the negotiations.

The draft treaty text which will be used as the starting point for negotiations in Dublin bans all cluster munitions and their submunitions without exemption, provided that the cluster munition contains two or more explosive submunitions.

A group of between 12 and 19 countries, including many European countries (UK, Germany, France, Finland, Denmark, Italy, Switzerland, Sweden, Slovakia, Czech Republic) as well as Australia, Canada and Japan oppose the current text (on the basis that it is a total ban text) and want it modified in differing ways to account for each of their particular national interests. African, Latin American and Pacific countries were strong in speaking up at the Wellington Conference for a total ban on all cluster munitions.

At the end of the week the draft treaty text had a compendium added to it that includes all the suggestions made by countries. The countries seeking to weaken the treaty text are arguing that the compendium will have the same status as the draft treaty text in Dublin, but that was not agreed to at the meeting.

Australia continues to argue for changes in three key areas:

- that sensor-fused munitions with multiple sensors, point targeting, self-destruct and self-neutralisation mechanisms be excluded from the ban. This is so that Australia will be able to keep the \$14 million of SMARt 155 artillery shells they have bought. Each shell has two submunitions with the features outlined above and are designed to only destroy large vehicles;
- that the treaty place no restrictions over their ability to operate with countries that stay outside the treaty (especially the US) and who continue to use cluster munitions (including Australian troops being able to undertake actions that assist in the use of the cluster munitions, while not using the cluster munitions themselves); and
- that countries be allowed to purchase and keep as many cluster munitions as they feel are necessary for them to undertake research and training (couched in the language of the minimum necessary, but without any indication of what an upper limit to ‘the minimum necessary’ would be).

The Australian Network to Ban Landmines urges its members to continue to write to the Australian Government urging it to support the strongest possible treaty and not to create loopholes in the treaty, especially in the areas of not allowing Australian troops to assist in the use of cluster munitions by allied countries that stay out of the treaty and not allowing for countries to keep vast stocks of cluster munitions and submunitions for the purposes of ‘research and training’.

The Wellington Declaration and the draft treaty text to be used as the starting point for negotiations can be found at: <http://www.mfat.govt.nz/clustermunitionswellington/>

**Seeking the strongest possible ban on cluster munitions**

A cluster munition is a bomb, artillery shell or rocket, which when launched or dropped, opens an outside canister, releasing a number of smaller bombs, submunitions, over a wide area. The submunitions are designed to explode before, on, or just after impact with the ground, although many fail to do so. The unexploded submunitions can then lie dormant until they are disturbed, which may be years or even decades after conflicts end.

In the 23 conflicts in which cluster munitions have been used they have caused a consistent and predictable pattern of humanitarian devastation both during and long after the conflict. The use of cluster munitions by both sides in the 34-day war in 2006 between Israel and Hezbollah resulted in the emergence of the Oslo Process driven by a core group of states to develop a treaty to ban cluster munitions that cause "unacceptable harm to civilians" (in the language of the governments involved).

In order to support the Australian Network in lobbying for the strongest and most legally binding treaty, please write polite letters to the following Federal Ministers:

**1) The Hon Joel Fitzgibbon, Federal Minister for Defence**

<p><b>Parliament House Contact</b>                  PO Box 6022                  House of Representatives                  Parliament House                  Canberra ACT 2600                  Email: J.Fitzgibbon.MP@aph.gov.au</p>	<p><b>Electorate Office Contact</b>                  45 Vincent Street                  Cessnock NSW 2325  <b>Postal Address:</b>                  PO Box 526                  Cessnock NSW 2325</p>
---	--

**2) The Hon. Stephen Smith, Federal Minister for Foreign Affairs.**

<p><b>Parliament House Contact</b>                  PO Box 6022                  House of Representatives                  Parliament House                  Canberra ACT 2600                  Email: Stephen.Smith.MP@aph.gov.au</p>	<p><b>Electorate Office Contact</b>                  Unit 2 60 Russell Street                  Morley WA 6062  <b>Postal Address:</b>                  PO Box 657                  Morley WA 6943</p>
--	---

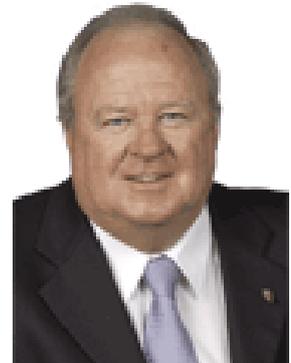
**Points to make in your letter:**

- Welcome the Australian Government's participation so far in the Oslo Process to ban cluster munitions "that cause unacceptable harm to civilians".
- Note that in every conflict cluster munitions have been used they have caused a consistent and predictable pattern of humanitarian harm, resulting in thousands of civilians killed and injured during and long after the conflicts.
- Express concern that the vast majority of victims of submunitions have been civilians, including a disproportionate percentage of children.
- Request that the Australian Government support the strongest possible treaty to ban cluster munitions. Specifically that;
- Australia oppose the inclusion in the treaty of a 'transition' period in which banned cluster munitions could be used by countries that have signed the treaty;
- Australia oppose a provision for the retention of cluster munitions prohibited by the treaty for training and research purposes; and
- Australia oppose any loopholes in the treaty that would allow troops from countries that sign the new treaty to benefit from the use of banned cluster munitions by allied troops of countries that have not signed the treaty.

### Graham Edwards to be Patron of ANBL

As a young man Graham was employed by Westrail (the Western Australian Government Railways Service) as a fireman for 5 years, later working in wool sheds and in the petroleum field before serving in the Regular Army.

While engaged on Active Service in Vietnam he lost both legs in a landmine blast. Following his discharge from the Army he spent ten years with the Commonwealth Public Service and served three years) as a Councillor representing Osborne Ward in the City of Stirling.



In 1983 he was elected to the Legislative Council of the Western Australian Parliament. During his time in parliament he was tireless in working for increased opportunities for the disadvantaged, he has strongly supported employment programs and youth projects and was responsible for initiating the highly regarded Northern Suburbs Youth Options community project. He was Chairman of a Taskforce which produced a key discussion paper on the subject A Fair Go for People with Disabilities which led to the passing of equal opportunities legislation for people with disabilities.

Graham ably fulfilled numerous responsibilities within the Western Australian parliament including various ministerial portfolios. In October 1998 he was elected as the Member of the House of Representatives for the Federal Electorate of Cowan.

Graham has received a variety of awards recognising his service to the community in general and for veterans and the disabled in particular.

Now retired from politics Graham is still working to improve the world and we are honoured to have him as our patron.

### 2007 in Review

- 2007 saw the continuation of Landmine Action Week, with activities raising money to deal with the problem of landmines.
- The South East Asia Project (SEAP II) was also a highlight, with work continuing on the Vietnam book project, the UN model youth review conference in Jordan and funding for a number of small projects in Nepal
- ANBL representatives attended the Cluster Munitions Treaty meetings and the 9th State Parties Meeting of the Landmine Treaty
- Graham Edwards confirmed that he will act as patron for our campaign.
- The number of Governments that have ratified or acceded to the Ottawa Convention continues to grow and is now at 156, with Indonesia being amongst the countries to ratify.
- The Australian Government continues with activities to encourage ratification and accession in the Asia Pacific region
- The Australian Government joined the Oslo Process to develop a treaty banning cluster munitions that “cause unacceptable harm to civilians

Australian Network to Ban Landmines    March 2008

MAE SOT, THAILAND

Brief report: VISIT TO MAE SOT, THAILAND , Thailand. 17-18 January 2008

Mae Sot is 6-hours drive west of Bangkok - one of the gateways into Burma on the Moei river. I accompanied Emilie Ketudat of the Thai Campaign to Ban Landmines and the visit was facilitated for us by Mr Sanan Santimanokul of the Jesuit Refugee Service (JRS). I visited there in 1996 to ask the factions in the refugee camps warring with the military junta to forego the use of landmines and IEDs. The town has grown in size with the influx of refugees from Burma.

The Mae Sot hospital takes only the worst of the of mine casualties- we visited three: a SPDC soldier who had lost an eye and one arm, a KNU man who was severely burnt and lost a leg, and a Karenni man who had amputations but was not able/willing to communicate with us. Mine injuries are always severe.

We also visited the prosthetics clinic attached to Dr Cynthia Maung's clinic, now expanded to cover 4 large house blocks and supplying free health services to the refugees, migrants and workers crossing the border from Myanmar/Burma - men, women and children of many ethnicities, religion and social status.

The prosthetics clinic registered one new victim per day for January 08 (indicating the high level of casualties along the border - as this is just one centre on a long border.) 10 men were in the clinic having prostheses fitted or helping to make the prostheses. The facilities were fairly basic, and the prostheses were not well fitted - some not the correct height, some without moveable joints, the use of shoulder straps on complex leg prostheses, the use of soft wood for limbs.....it seemed that there was great need for help and support for this work in this situation. With the present conflict in the border areas it seems unlikely that the situation will improve greatly in the short term.

Patricia Pak Poy President ANBL

**Thank You and Good Luck.**

Congratulations to our National Secretary, Kerryn Clarke, who is about to take up a twelve month post as a Youth Ambassador in the Lao Democratic Republic. Kerryn will be assisting the Lao government, working on landmine issues. We thank Kerryn for her committed and dynamic contribution to the Australian Network to Ban Landmines and wish her every success for a fulfilling and rewarding time in Laos.



Kerryn's post as National Secretary has now been taken over by Lorel Thomas.