



AUSTRALIAN NETWORK TO BAN LANDMINES AND CLUSTER MUNITIONS INC

AUSTRALIAN SOLDIERS MAY USE CLUSTER MUNITIONS

Draft Australian legislation to ratify the Convention on Cluster Munitions is presently with the Senate Committee for Foreign Affairs, Defence and Trade

The Australian Network to Ban Landmines and Cluster Munitions' (ANBLC) submission, along with all others can be seen at www.aph.gov.au/senate/committee/fadt_ctte/ccab_cmp_2010/submissions

The Committee will report to Parliament on March 24 but the bill may not be debated until as late as June. Whilst we congratulate the government on these moves to ratify this important convention, the ANBLC, along with other member organizations of the Cluster Munition Coalition Australia (CMCA) are concerned about some aspects of the Bill.

Principally we believe the legislation is a weak interpretation of the convention, allowing exemptions that run counter to the spirit and intent of the treaty. The convention begins by stating that each state party undertakes to never under any circumstances:

- (a) use cluster munitions;
- (b) develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;
- (c) assist, encourage or induce anyone to engage in any activity prohibited to a state party under this Convention.

The words "under any circumstances" are crucial and have unfortunately been omitted from our draft bill. Stemming from that are a number of issues that are of particular concern:

Interoperability, because the proposed legislation may allow Australian forces to assist with prohibited activities. The explanatory memorandum explicitly states that Article 21 of the convention, allowing state parties to work with allied troops of a country not party to the treaty, "qualifies" the prohibition not to use cluster munitions under any circumstances. We do not believe this to be so. We believe the prohibition still holds. Article 21 was included in the convention as a way of making sure that forces of a state party working with allies do not get caught up in a criminal suit because allies use clusters. It is not a get out of jail free card.

Jurisdiction, because the proposed legislation allows foreign forces to use Australian territory to stockpile and transit cluster bombs. Disgracefully, the draft Australian legislation is the only domestic legislation so far to specifically include an item allowing foreign transit of cluster bombs. Clearly this is both "assisting" and "encouraging" engagement in an activity prohibited to a state party.

Retention, because the proposed legislation allows Australia to retain cluster bombs without specifying any reporting obligations and setting a minimum number. Our experience with the landmine treaty has shown that retention without qualification allows other countries to justify retention and opens the door for abuse. Australia does not currently possess live cluster munitions, with training and research being carried out on inert bombs. Given this we do not believe it necessary to acquire them. In addition the bill omits the two vital issues of investment and positive obligations.

We would hope to see the bill explicitly ban both private and public investment in the manufacture of cluster munitions and their principal components. The legislation as it stands is an amendment to the criminal code. Unfortunately in this form the bill allows for no commitment to our positive obligations under the treaty. These include victim assistance, land clearance and universalisation of the convention.

I would like to encourage all our readers to write polite letters to the government, urging changes to the present draft legislation.

For contact details for Senate Committee members from your State visit

www.aph.gov.au/senate/committee/membership/index.htm#Foreign

To contact the Ministers for Foreign Affairs or Defence write to:

Parliament House Contacts

The Hon Kevin Rudd
Minister for Foreign Affairs

or

The Hon Stephen Smith MP

Minister for Defence

PO Box 6022

House of Representatives

Parliament House

Canberra ACT 2600

To contact the Ministers for Foreign Affairs or Defence write to:

Electorate Office Contact

The Hon Kevin Rudd

Minister for Foreign Affairs

PO Box 476

Morningside QLD 4170

The Hon Stephen Smith MP

Minister for Defence PO Box 901

Inglewood WA 6932

If you are able you could also seek an appointment with your local member to discuss the issue.

We hope we can count on your active support to lobby for these vital changes. We only have one chance - **NOW is the time to act.**

LOREL THOMAS
NATIONAL COORDINATOR

MEMBERSHIP DRIVE

We are hoping to widen our membership base and now invite you to formally become a member of our organisation. A member can be an individual or an organisation (who can nominate a person to represent them).

We are asking Memorandum recipients to indicate their preference to be listed as a Member (with voting rights and the commitment to pay a very small membership fee) or a supporter (without voting rights and no fee). The Memorandum will still be available free to both members and supporters and we encourage everyone to continue to take action against landmines and cluster munitions.

GET INVOLVED WITH ANBLC'S YOUTH NETWORK

At the ANBLC National Committee meeting in October 2010, it was agreed that a Youth Network Coordinator be appointed with the intention of growing our supporter base and our presence through social media. Plans are underway to commence recruitment for a range of volunteer roles assisting with social media, public relations, events, membership drives, campaigning and our website.

If you know of persons under the age of 35 who would be interested in connecting with ANBLC in a volunteer role, encourage them to contact Anna King, ANBLC Youth Network Coordinator at annaeking@yahoo.com.au

NEW ADDRESS

Our postal address has changed. Please update your records accordingly and send all future correspondence to **PO Box 445 Walkerville SA 5081**

NEW LOGO



ANBLC

As announced in our November Memorandum, our new name is the Australian Network to Ban Landmines and Cluster Munitions Incorporated (ANBLC). This new name clearly identifies our two campaign goals for a new generation and looks to the future of our organisation. Our new name prompted a new logo.

We are very grateful to the pro bono efforts of a Brisbane-based graphic designer, Julia Toich, who designed our logo and letterhead. Julia worked on this through the recent Brisbane floods in and we are grateful to her for her efforts, and for our new look. Thank you Julia!

CLUSTER MUNITIONS CAMPAIGNERS MEET PHILLIP ADAMS

On 8 February 2011, renowned broadcaster and journalist **Phillip Adams** interviewed **John Rodsted**, war photographer and anti-cluster munitions campaigner, **Mary Wareham**, senior advisor in the arms division of Human Rights Watch, and West Australian Greens Senator Scott Ludlum on Radio National's Late Night Live program regarding Australia's commitment to the Convention on Cluster Munitions. Listen to the audio podcast on the web at www.abc.net.au/rn/latenightlive/stories/2011/3133370.htm

SA STUDENT POETRY COMPETITION

The November 2010 Memorandum contained the 1st, 2nd & two joint 3rd prizewinning poems written by Year 9 students.

Below is the winning poem in the University Student category by Sarah Timmins (who wrote this while completing her Honours thesis for Psychology).

HELEN STANGER
SOUTH AUSTRALIAN COORDINATOR ANBLC

The Fatal Game

In the blaze of a violent desert sun
Small feet bound
On red hot sand
Voices like chimes ring out
In glee
As a makeshift ball
Rolls free

Small bright eyes flick
Watchful and quick
As feet pound down
And bodies dart
Then in the dry grass
A colourful form
Draws one apart

Voices are suddenly silent
Ears echo
And fear stops small feet
As shocked faces stare
At the stunted movement
Of what was their playmate
For this toy
Was no toy

SARAH TIMMINS



MEMBERSHIP APPLICATION FORM

Please complete all details on this page and return by July 1 2011 to:
Australian Network to Ban Landmines and Cluster Munitions.
PO Box 445, Walkerville SA 5081

ANBLC Membership Pledge As a Member of ANBLC:

- I believe strongly that anti-personnel landmines and cluster munitions are indiscriminate and inhumane and therefore should be totally banned worldwide.
- I believe that I have power to assist with the universalisation of Treaties to ban anti-personnel landmines and cluster munitions throughout the world.

As a Member of ANBLC I will (please tick those items below you wish to commit to):

- talk to my friends and colleagues about this campaign and where possible spread the word more widely.
- I assist ANBLC where possible with advocacy, mailing campaigns and public communication.

ANBLC Annual Membership Fee: \$20 Individual \$10 Student/Concession

Concession rate: If you feel that it applies to you, then that is sufficient.

A pro rata rate will apply for membership of less than one year.

Membership runs from 1st July to 30th June the following year. **For 2011 only there will be a bonus 5 months free membership from February to June 30, 2011.**

- Yes, please list me as a Member of ANBLC
- No, I prefer to remain a supporter of ANBLC

Name/s.....

Street Address.....State.....PC.....

Postal Address.....State.....PC.....

Email address.....

Payment for: Membership: Individual/concession \$.....

Donation: \$.....

Payment: Total of \$.....

If paying by Cheque (tick) and enclose cheque

If paying by Direct Deposit payment (tick) and provide date of transfer:

Bank: Commonwealth Bank

Account name: ANBLC

BSB: 065-005

Bank Account No.: 1026 3346

Please ensure that **your name** will appear on our bank statement and post this form to ANBLC.

Signed.....