

AUSTCARE POSITION ON CLUSTER MUNITIONS JULY 2007

For almost 50 years, the use of cluster munitions has resulted in unnecessary civilian death and suffering, and has constrained development efforts in over 20 countries, including in the Asia-Pacific region. Austcare is concerned with the humanitarian hardship that cluster munitions cause to innocent civilians, and the resulting impediment to affected communities on longer-term development.

Austcare calls for a ban on the production, stockpiling, transfer and use of cluster munitions that cause unacceptable human suffering, and urges all States to reach an agreement to prevent the humanitarian and development impacts of these weapons on civilians.

In particular Austcare:

1. *Supports* the Norwegian-led initiative, known as the Oslo Process, which aims to develop an international legal instrument by 2008 that will ban cluster munitions that cause unacceptable human suffering, and *welcomes* the Australian Government's decision to be part of that process. Austcare *supports* the Oslo Declaration, and the action plan for developing such a ban, which can be assessed at <http://www.regjeringen.no/en/ministries/ud/Press-Contacts/News/2007/Cluster-munitions-to-be-banned-by-2008.html?id=454942>.
2. *Supports* all initiatives to develop an additional protocol within the 1980 Convention on Certain Conventional Weapons (CCW) to address the humanitarian and development problems caused by cluster munitions.
3. *Considers* that any body of law prohibiting the production, stockpiling, transfer and use of cluster munitions must contain a viable enforcement mechanism.
4. *Urges* States to quickly agree on a precise definition of *cluster munitions that cause unacceptable harm to civilians*. Austcare understands the difficulties involved in formulating such a definition and urges States to fast track the drafting of a definition to enable the formulation of an international instrument on cluster munitions.
5. *Calls* on the Australian Government to place a moratorium on the use, procurement, stockpiling, production, trade or transfer of all cluster munitions, until appropriate international instruments are developed to ban and/or regulate their use.
6. *Urges* the Australian Government to develop domestic legislation to ban the production, stockpiling, transfer and use of cluster munitions that cause unacceptable harm to civilians.
7. *Encourages* all Australian citizens to request their Government to take a leading role in the banning and control of cluster munitions.