

Joint Standing Committee on Treaties

Inquiry relating to Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010

Dear Committee members,

I am pleased that Bill has been sent to you for review because as it currently stands it falls short of supporting the Convention on Cluster Munitions. The review provides an opportunity to correct the situation.

I am writing to you as a private individual who has been concerned with issues of justice and peace since I was still at school during the Vietnam War.

Cluster munitions are a particularly awful tool of war that by the very nature take war well beyond military targets. They are indiscriminate, affect a wide area, and cause loss and damage to civilian life and objects over a long period of time.

I welcomed the Convention on Cluster Munitions. It not only seeks to prohibit cluster munitions and disarm stockpiles, it also requires the prohibition of investment in offshore companies that manufacture cluster munitions. Furthermore it seeks to remedy the damage done by cluster munitions, requiring State Parties to the treaty to provide assistance to the victims of cluster munitions on a non-discriminatory basis through medical care, physical rehabilitation, psychological support, and economic inclusion. Moreover the definition of victims includes families and communities who have suffered socio- economic loss and other consequences. In addition the Treaty requires State Parties, where possible, to assist in the clearing of cluster munitions.

The CCA-CMP Bill lacks this vision. If it is to have credibility, it needs to incorporate rehabilitation and support within its provisions, as well as taking responsibility for ensuring that there is no investment (however indirect) in off shore manufacture of cluster munitions. Unless Australia is prepared to accept these obligations under the Bill, then our legislation will be nothing more than a paper tiger.

Sally McGushin