

The Cluster Munition Coalition is led by a Governance Board of:

Afghan Landmine Survivors Organisation, Action On Armed Violence, Asociación para Políticas Públicas-APP, Cambodia Campaign to Ban Landmines, Campaña Colombiana Contra Minas, DanChurchAid, Handicap International, Human Rights Watch, ICBL Georgian Committee, IKV Pax Christi, IPPNW, Japan Campaign to Ban landmines, Mines Action Canada, Nepal Campaign to Ban Landmines, Norwegian People's Aid, Protection and Religions for Peace.



2 February 2011

The Secretary
Senate Committee on Foreign Affairs, Defence and Trade
Department of the Senate
PO Box 6100
Parliament House
Canberra, ACT, 2600

To Whom It May Concern:

I am writing on behalf of the international Cluster Munition Coalition (CMC) regarding the Criminal Code Amendment (Cluster Munitions Prohibition) Bill 2010. The CMC is the civil society engine behind the 2008 Convention on Cluster Munitions, sister coalition to the International Campaign to Ban Landmines (ICBL), and our members include several Australian non-governmental organizations that have provided submissions on the Bill.

The CMC would like to record its support for the submission made by Human Rights Watch and Harvard Law School's International Human Rights Clinic. We urge the Senate Committee on Foreign Affairs, Defence and Trade to heed the call by Human Rights Watch and other submitters to revise and strengthen key sections of the Bill, particularly:

- Section 72.41, which should be amended to clarify that Australians may never assist with activities prohibited by the Convention on Cluster Munitions;
- Section 72.42, which should be deleted as it exempts the military personnel of non-States Parties from the Convention's prohibitions while they are on Australian territory and is therefore inconsistent with the Convention;
- Section 72.39, which should be deleted because, in the view of the CMC, the retention of cluster munitions for training is unnecessary.

In addition, the CMC recommends that the proposed legislation be amended to prohibit investment by Australian entities in the development or production of cluster munitions.

Following these suggested amendments, we hope that this legislation will be swiftly enacted so that Australia can ratify the Convention on Cluster Munitions. We look forward to working with Australia on universalisation and implementation of the Convention in 2011, as well as the Convention's Second Meeting of States Parties this September.

Sincerely,

Laura Cheeseman
Campaign Manager
Cluster Munition Coalition