



No New International Law Needed on Cluster Munitions *Negotiations get underway in Geneva*

(Wellington, 15 November 2011) New Zealand should defend the 2008 Convention on Cluster Munitions and not support efforts to create a new contrary international law permitting use of cluster bombs, said the Aotearoa New Zealand Cluster Munition Coalition (ANZCMC) today as two weeks of negotiations begin at the United Nations in Geneva.

“New Zealand should strongly resist pressure to create a new international law explicitly permitting cluster bombs,” said Mary Wareham, ANZCMC Coordinator. “As one of the leaders of the Oslo Process that banned this weapon three years ago, New Zealand must defend the Convention on Cluster Munitions and say no to a new protocol.”

Last month, the campaign wrote to New Zealand’s Minister of Foreign Affairs, Hon. Murray McCully, urging the government to prevent the adoption of a protocol that risks further humanitarian suffering by permitting continued use of cluster munitions.

Diplomatic representatives from approximately 100 countries are meeting in Geneva from November 14-25 for the Fourth Review Conference of the Convention on Conventional Weapons (CCW), where the main order of business is an effort to conclude negotiations on a new CCW protocol on cluster munitions that would allow continued use, production, trade, and stockpiling of the weapon.

Campaigners around the world have been urging governments to support the Convention on Cluster Munitions, signed or ratified by 111 governments including New Zealand, and not create another law through the CCW. Since its launch on Friday 11 November at 14:00 GMT, an online petition by Avaaz has collected more than 500,000 signatures from around the world, supporting the call for governments to protect the ban on cluster munitions by saying no to a new CCW protocol on the weapon.

Of the 119 countries that have joined the CCW, 76 have also joined the Convention on Cluster Munitions so are already bound by the higher standards it contains. The ANZCMC has written to the diplomatic representatives of nations that have banned the weapon, to express concern about their support for the weak CCW protocol - Australia, Canada, France, Germany, Japan, the Netherlands, Sweden, and the United Kingdom.

As an alternative to passing a protocol, the CMC urges states that have not already banned cluster munitions to agree to a political declaration incorporating the positive elements of CCW discussions and to undertake interim measures at the national level toward joining the Convention on Cluster Munitions.

The 2008 Convention on Cluster Munitions comprehensively bans the weapon, requires destruction of stockpiles within eight years, clearance of areas contaminated by cluster munitions within 10 years, and assistance to victims of the weapon.

By contrast, the proposed CCW protocol is weak and replete with exceptions so that little humanitarian impact can be achieved. Key issues of concern include:

- An exception that allows for continued use of any cluster munitions that have been made after 1 January 1980. In other words, the protocol only bans cluster munitions more than 30 years old, and therefore unlikely to be used anyway. All known incidents of cluster munition use since 2008 (by Thailand, Cambodia, the United States, Georgia and Russia) have involved weapons produced after 1 January 1980.
- An exemption that allows use of cluster munitions with a failure rate of 1 per cent or less. Actual failure rates of cluster munitions in combat situations are far higher than claimed failure rates based on testing. The Israeli-made M85 used in Lebanon in 2006, for example, is presented as having a less than 1 per cent failure rate but has an observed failure rate of more than 10 per cent on the ground.
- Another exception allows use of cluster munitions with only one so-called safeguard mechanism (i.e. a self-destruct mechanism). Cluster munitions with self-destruct mechanisms also leave large numbers of unexploded submunitions on the ground, contrary to claims made by their producers.
- A deferral period of 12 years that allows states to continue using cluster munitions that later would be banned by the protocol.

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See www.stopclusterbombs.org.nz and also:

- Letter to Hon. Murray McCully - <http://bit.ly/tChuPM>
- Letters to Australia, Canada, France, Germany, Japan, Netherlands, Sweden, UK - <http://bit.ly/vMr7WL>
- Avaaz Petition - http://www.avaaz.org/en/cluster_bombs_ii_b/?fpla
- Draft chair's text of CCW protocol on cluster munitions - <http://bit.ly/ozC7iY>
- Join CMC on Facebook - www.facebook.com/banclusterbombs
- Follow @banclusterbombs and @marywareham on Twitter

Additional Information

Cluster munitions

A cluster munition (or cluster bomb) is a weapon containing dozens or hundreds of small explosive submunitions or bomblets. Cluster munitions are dropped from the air or fired from the ground and designed to break open in mid-air, releasing the submunitions over an area that can be the size of several football fields. This means they cannot discriminate between civilians and soldiers. Many of the submunitions fail to explode on impact and remain a threat to lives and livelihoods for decades after a conflict.

Convention on Cluster Munitions

The 2008 Convention on Cluster Munitions bans the use, production, stockpiling and transfer of cluster munitions and requires countries to clear affected areas within 10 years and destroy stockpiles of the weapon within eight years. The Convention also includes groundbreaking provisions requiring assistance to victims and affected communities. Opened for signature in Oslo in December 2008, the Convention entered into force and became binding international law

on 1 August 2010. Since the Convention entered into force on 1 August 2010 countries must join through a process of accession, which is a one-step process combining signature and ratification, meaning it often requires both government and parliamentary approval. The convention is widely regarded as the most significant international disarmament treaty since the 1997 Mine Ban Treaty.

A total of 111 countries have joined the convention, of which 66 have ratified

Afghanistan, Albania, *Angola*, Antigua and Barbuda, *Australia*, Austria, Belgium, *Benin*, *Bolivia*, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, *Cameroon*, *Canada*, Cape Verde, *Central African Republic*, *Chad*, Chile, *Colombia*, Comoros, *DR Congo*, *Republic of Congo*, Cook Islands, Costa Rica, *Côte D'Ivoire*, Croatia, *Cyprus*, Czech Republic, Denmark, *Djibouti*, *Dominican Republic*, Ecuador, El Salvador, Fiji, France, *Gambia*, Germany, Ghana, Grenada, Guatemala, *Guinea*, Guinea Bissau, *Haiti*, Holy See, *Honduras*, *Hungary*, *Iceland*, *Indonesia*, *Iraq*, Ireland, Italy, *Jamaica*, Japan, *Kenya*, Lao PDR, Lebanon, Lesotho, *Liberia*, *Liechtenstein*, Lithuania, Luxembourg, Macedonia FYR, *Madagascar*, Malawi, Mali, Malta, *Mauritania*, Mexico, Republic of Moldova, Monaco, Montenegro, Mozambique, *Namibia*, *Nauru*, Netherlands, New Zealand, Nicaragua, Niger, *Nigeria*, Norway, *Palau*, Panama, *Paraguay*, *Peru*, *Philippines*, Portugal, *Rwanda*, Samoa, San Marino, *Sao Tomé and Príncipe*, St. Vincent and Grenadines, Senegal, Seychelles, Sierra Leone, Slovenia, *Somalia*, *South Africa*, Spain, *Sweden*, *Swaziland*, *Switzerland*, *Tanzania*, *Togo*, Trinidad and Tobago, Tunisia, *Uganda*, United Kingdom, Uruguay, Zambia.

(*Italics* indicates signatories that have not yet ratified)

New Zealand and cluster munitions

New Zealand is one of six governments that led the 2007-2008 diplomatic Oslo Process that created the Convention on Cluster Munitions. New Zealand hosted a crucial meeting of the Oslo Process in Wellington on 18-22 February 2008 and chaired the negotiations on the definition of cluster munitions. It signed the Convention in Oslo on 3 December 2008 and enacted strong legislation to implement the Convention on 17 December 2009. New Zealand ratified the Convention on 22 December 2009, becoming a State Party on 1 August 2010. Minister of Disarmament and Arms Control, Hon. Georgina Te Heuheu led New Zealand's delegation to the Convention's First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao PDR in November 2010. She visited a province heavily affected by cluster bomb contamination and announced a funding contribution for clearance of cluster bombs and other explosive remnants of war in Lao PDR.

About the Aotearoa New Zealand Cluster Munition Coalition (ANZCMC)

The ANZCMC is a campaign of two dozen non-governmental organisations established in 2007 to support the call to stop cluster munitions from causing unacceptable harm to civilians. It is a member of the international Cluster Munition Coalition, which is the civil society engine behind the Convention on Cluster Munitions. Mary Wareham coordinates the ANZCMC, which is comprised of the following organisations: African Pacific Voices NZ, Amnesty International Aotearoa NZ, Aotearoa Lawyers for Peace, Auckland University Students' Association, Caritas Aotearoa NZ, Christian World Service, Disarmament and Security Centre (Peace Foundation), Engineers for Social Responsibility NZ, Global Focus Aotearoa, International Physicians for the Prevention of Nuclear War NZ, National Council of Women NZ, National Consultative Committee on Disarmament, Oxfam NZ, Parliamentarians for Nuclear Nonproliferation and Disarmament NZ, Pax Christi Aotearoa-NZ, Peace Foundation NZ, Peace Movement Aotearoa, Soroptimist International NZ, Umma Trust, UN Association NZ, UN Youth Association NZ, UNICEF NZ, Women's International League for Peace and Freedom Aotearoa.