



AUSTRALIAN HIGH COMMISSION
WELLINGTON

11 November 2011

Ms Mary Wareham
Aotearoa New Zealand Cluster Munition Coalition
200 Oriental Parade
Wellington

Dear Ms Wareham

Thank you for your letter of 4 November regarding the Convention on Cluster Munitions (CCM) and the draft protocol on cluster munitions under the Convention on Conventional Weapons (CCW).

Australia is a strong supporter of the Convention on Cluster Munitions (CCM) which we signed in December 2008. Even in the short 15 months that this Convention has been in force, significant gains have been made internationally in cluster munition destruction and clearance.

Australia has made and will continue to make a substantial contribution to the CCM including as an innovative and committed donor. Australia has supported clearance of affected land, provided assistance to survivors and built national capacity in many States.

Australia acknowledges that some states, including major producers of cluster munitions, are not yet in a position to join the CCM. With a significant number of countries remaining outside of the CCM, cluster munitions continue to cause harm to civilians around the world. Australia is committed to the integrity of the CCM and to its eventual consolidation as the international norm. Universalising the CCM will continue to be a priority for Australia. We will build on our efforts to promote universal adherence to the CCM in the Asia-Pacific region.

At the same time, Australia has also had a long-standing commitment to the Convention on Certain Conventional Weapons (CCW) and its humanitarian aims. We are a party to all five protocols, as well as the amendments to the Convention and Protocol II. To advance the humanitarian objectives of the CCW, Australia has supported efforts to achieve meaningful prohibitions on the use of cluster munitions – prohibitions applicable to those countries that will for the foreseeable future remain outside the CCM.

Consistent with the aims of the CCW, any CCW protocol must provide clear humanitarian benefits. The draft protocol to be considered at the 4th Review Conference of the CCW is now stronger in this regard as a result of the negotiations which have taken place over the past few years. Australia has played a constructive role in these negotiations.

In addition, Australia supports the provisions in the draft protocol that would oblige States Parties with cluster munitions over time to improve their accuracy and minimise their unexploded ordnance rate. These provisions could be expected progressively to reduce the impact of these weapons on civilians. Without such a protocol, international law rules on States remaining outside the CCM do not provide sufficient restrictions and prohibitions. A virtually unfettered ability to use cluster munitions would remain an unfortunate reality.

Current expert estimates are that a substantial amount of stockpiled cluster munitions would be prohibited and destroyed if the draft protocol were accepted – this is a considerable humanitarian achievement that should not be discounted. With negotiations continuing at the Review Conference, Australia will do its best to further enhance the humanitarian benefits offered by any protocol.

In line with our commitment to the CCW, Australia is also supporting efforts during the 4th Review Conference to identify areas of future work under the CCW.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nathan Goldstein', written in a cursive style.

Nathan Goldstein
Second Secretary
Australia High Commission, Wellington