



Cluster bombs and Australia's national interest

By Rev Rod Benson, Director of the Centre for Christian Ethics

At a time when the Australian government is engaged in international talks aimed at securing a global treaty banning cluster bombs, the Defence Department has [claimed](#) that limitations on the Australian Defence Force's capacity to acquire the weapons would be "detrimental to our national interest."¹

Cluster bombs, or cluster munitions, are a kind of artillery shell or rocket dropped from the air or launched from the ground. Before reaching its target the shell [opens](#) and ejects multiple smaller munitions (bomblets).² Cluster bombs are used primarily to kill enemy infantry, but versions are also used to start fires, pierce the armour of tanks and other armoured vehicles, disable runways, disperse mines, deliver chemical weapons and even disrupt electrical power transmission.

Like land mines, cluster bombs pose an immediate and long-term threat to civilians. They typically affect a wide area, sometimes as much as several football fields, increasing the potential for civilian casualties. Further, multiple unexploded bomblets may lie dormant for some time. The Australian Red Cross estimates that typically between seven and 30 per cent, but up to 40 per cent in some cases, of cluster bomblets fail to detonate on impact but may explode if disturbed. According to Handicap International, 98 per cent of its registered cluster munitions casualties are civilians. Many of these are children. In addition to the tragedy of civilian casualties, unexploded ordnance of cluster bomblets can create long-term social and economic problems for countries attempting to recover from war. Countries significantly affected include Lebanon, Iraq, Afghanistan, Kosovo, Vietnam and Laos.

Australia possessed limited stocks of cluster munitions between 1970 and 1990 but these were destroyed, and Australia has until now undertaken not to use cluster bombs in armed conflict. On 8 May 2007 Robert Tickner, former federal Aboriginal Affairs minister and now chief executive of the Australian Red Cross, [urged the Australian government](#) to consider the role it might play in supporting a ban on cluster munitions, based in part on his personal experience of the devastation caused by them:

I saw the effects of unexploded cluster munitions while visiting Lebanon in February, and they are truly devastating, and alarmingly random. Sub-munitions were found in houses, backyards, in trees, in orchards and many other places. In one street near a hospital, 800 sub-munitions were found.

I met a farm worker who had been working in a field on September 9, about a month after the conflict had ended. He was leaving the field after work and did not notice the unexploded sub-munition that was hidden under some fallen leaves. The munition exploded, severely damaging his foot and leg, resulting in partial amputation. He did not believe he could return to work as a labourer again, and I can only imagine the fear he must feel knowing that almost anywhere in the fields he once worked could be another remnant of the conflict waiting to release its potentially lethal payload ...

To support a ban on the use of these inaccurate, unreliable weapons of conflict would send a clear message to the rest of the world and be a significant step towards ridding it of a weapon that goes on destroying lives long after the fighting forces have packed up and gone home.³

¹ *The Age*, 1 June 2007.

² <http://www.theage.com.au/media/2007/05/19/1179497347343.html>.

³ *The Age*, 8 May 2007.

But Australian politicians and the Australian Defence Force (ADF) are instead moving in the opposite direction.

Australian Democrats leader, Senator Lyn Allison, introduced a private members bill into federal parliament on 5 December 2006, titled the *Cluster Munitions (Prohibition) Bill 2006*, to prohibit the use, manufacture and possession of cluster munitions. The bill triggered an [inquiry](#) by the Standing Committee on Foreign Affairs, Defence and Trade, which tabled recommendations in Parliament on 31 May.⁴ According to [Senator Allison](#), the Senate Standing Committee selectively ignored 80 per cent of submissions which supported a total ban or far more stringent regulation of the use of cluster munitions, and effectively “gave the cluster bombs the green light.”⁵

Further, the ADF is [reported](#) to be acquiring high-precision and self-destructing cluster bombs for use against armoured vehicles.⁶ The preferred supplier of the bombs, Israel Military Industries, [claimed](#) that they were “safer than others” and had been used to the “utmost satisfaction of its users.”⁷ The ADF opposes legislation to ban cluster munitions on the basis that such a ban could leave Australian troops open to prosecution while serving with allies who have used the bombs in Iraq and Afghanistan.

This action by the ADF may appear to contradict the government’s support in Lima last week for a new international treaty to ban cluster munitions. But as Parliamentary Secretary for Foreign Affairs, Greg Hunt, [explained](#), “We make no apologies for wanting to maintain a capability to adequately and safely protect our defence forces.”⁸ In addition, the Defence Department [claimed](#) the Allison Bill would have “put Australia at a serious military disadvantage in future conflicts, which would be detrimental to our national interest.”⁹

The international response to this growing threat to civilian life has been somewhat disappointing. Although many individuals and agencies including the Red Cross and the United Nations oppose the use of cluster bombs, no international legal instrument specifically covers them. Belgium alone has issued a comprehensive ban on the use of cluster munitions. Several other countries, including Australia, have engaged in parliamentary discussions with a view to a moratorium or ban.

An international conference in Oslo in February 2007 led to 46 of the 68 participating nations backing a Norwegian push for a new international treaty by 2008 that would ban “cluster munitions that cause unacceptable harm to civilians.” What constitutes “unacceptable harm” is ambiguous and disputed.

Australia was not represented at the Oslo talks, but did send officials to a second round of talks involving 70 countries in Lima, Peru, from 23 to 25 May 2007, aimed at a global treaty banning cluster munitions. Australia’s contribution to the latest round of talks was to call for an exclusion of weapons with a self-destruct mechanism in an apparent attempt to protect the interests of the ADF. Dr Mark Zirnsak, National Coordinator of the Australian Network to Ban Landmines, [described](#) this as “a deadly and disastrous decision by the Australian Government as the self-destruct mechanism has repeatedly been proven not to protect civilians from the indiscriminate explosions.”¹⁰

Handicap International [asked](#) whether the Government had actually studied the humanitarian risks of the cluster bombs it wanted to acquire:

⁴ http://www.aph.gov.au/Senate/committee/fact_ctte/cluster_bill_2006/tor.htm.

⁵ http://www.democrats.org.au/news/index.htm?press_id=5900, dated 31 May 2007.

⁶ *The Age*, 20 May 2007.

⁷ *The Age*, 1 Jun 2007.

⁸ *The Age*, 27 May 2007.

⁹ *The Age*, 1 Jun 2007.

¹⁰ Media release, Australian Network to Ban Land Mines, <http://victas.uca.org.au/main.php?pg=download&id=4710>, dated 25 May 2007.

As with landmines, cluster munitions pose a serious threat to civilians during and after the conflicts. Australia should also be setting an example based on its commitment to humanitarian law that weapons that are indiscriminate should not be used.¹¹

Perhaps the mantra of “the national interest” has itself become a handicap to the advocacy of reasonable notions of justice and compassion in Australia. Indeed, it is debatable whether there is any contested area of Australian public life in which the national interest could not be invoked by political pragmatists, or economic fundamentalists, to justify what a majority of the population regards as injustice.

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¹¹ *The Age*, 1 Jun 2007.