

15 September 2009

S09.27

Submission to the Foreign Affairs, Defence and Trade Select Committee on the Cluster Munitions (Prohibition) Bill 52 - 1

Introduction

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 50 nationally organised societies and national members. It has 26 branches spread throughout the country to which some 150 societies are affiliated, as well as individual members. The Council's function is to serve women, families and the community through research, study, discussion and action.

This submission has been prepared by the Public Issues Standing Committee

General Comments in Support of the Bill

Ever since the founding of the National Council of Women of New Zealand in 1896 the records show opposition to the growth of armaments and increasing military expenditure and the need for general disarmament. For example, in 1935 a resolution was passed "that the women of New Zealand should support a world-wide campaign against the private manufacture of arms"; and in 1947 NCWNZ made a request to the United Nations "that the making of all armaments be brought under the supervision of the United Nations."

In 2007 a remit was passed that "NCWNZ supports the development of a global treaty to ban cluster munitions."

In light of these policies NCWNZ welcomes the introduction of this Bill which will enable New Zealand's ratification of the Cluster Munitions Convention. Cluster munitions and the remnants of cluster munitions have had a devastating effect on the civilian populations, particularly women and children, in the countries where they have been used. It is also pleasing to see that the Convention provides for State parties to give assistance, including medical care, rehabilitation and psychological support to the victims of these weapons.

Specific Comments

Clause 5 (1) Interpretation

The Bill's definition of transfer of cluster munitions would be stronger if it also included transit of the weapon. Both Austria and Germany explicitly prohibit transit of cluster munitions in their ratification/implementation legislation on the Convention. The Convention's prohibitions on assistance and transfer can be read to prohibit the transit of cluster munitions across, above, or through national territory and the Bill should state this more explicitly.

Clause 11 (1) Offences relating to cluster munitions

The Bill does not directly prohibit investment in the production of cluster munitions and this should be added. While the Convention does not explicitly ban investment, New Zealand should clarify that it accepts that the prohibition on assistance in Article 1(c) prohibits investments in cluster munitions production.

Clause 12 Exceptions to offences in section 11(1)

The Bill's application abroad may inadvertently criminalise humanitarian action by New Zealand citizens/residents working for clearance operators. A person who is not an officer can possess a cluster munition only for as long as it takes to call up the authorities and hand it over to a New Zealand officer. How would this apply for a New Zealander working as a clearance specialist for an international NGO or commercial clearance firm in Laos PDR or elsewhere? Deminers should be included and a definition for deminer added to the definitions in Clause 5.

Concluding Comments

NCWNZ is very supportive of this Bill as it reinforces long held policy of the organisation to take all measures to reduce armaments in the world, for the safety of all peoples. We are pleased that New Zealand has played a central role in getting the Cluster Munitions Convention agreed to and we hope that the Bill can be passed as soon as possible so that New Zealand can ratify that Convention. Although there are some countries that have not supported the Convention it will still have a powerful effect on their production and use.

Please note that the NCWNZ has endorsed the ANZ Cluster Munitions Coalition submission and is in full support of the points made therein.

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