

Cluster Munitions — Question

House of Lords debates, 13 July 2009, 2:47 pm

Baroness Howe of Idlicote (Crossbench)

To ask Her Majesty's Government what steps they are taking to ratify and implement the convention on cluster munitions.

Lord Malloch-Brown (Minister of State, Foreign & Commonwealth Office; Labour)

My Lords, before the UK can ratify the convention, its prohibitions must be implemented in UK law. A cluster munitions prohibitions Bill is included in the draft legislative programme for the fifth Session for consultation. Nevertheless, the Government have begun to implement the convention's key provisions. All UK cluster munitions have been placed in a destruction programme and cluster munitions are now subject to the most stringent trade controls.

Baroness Howe of Idlicote (Crossbench)

My Lords, I thank the Minister for his reply and declare an interest as the patron of the Port Talbot branch of Soroptomist International. International soroptomism has championed the cluster munitions campaign for many years. I warmly congratulate the Government on their decision—announced just after I had tabled my Question, although I am sure for better reasons than that—to introduce the necessary legislation to ratify the convention banning these terrible weapons, whose victims are almost all civilians, especially innocent children. Can the Minister assure the House that this essential Bill will be introduced immediately after the Queen's Speech? In view of the broad support for the convention from noble Lords of all parties and none—all of us, in other words—will he consider starting the Bill here, thereby ensuring its swift route to completion?

Lord Malloch-Brown (Minister of State, Foreign & Commonwealth Office; Labour)

My Lords, let me say to the noble Baroness that I have the best source beside me, the Leader of the House, who shares her desire to see the Bill introduced. Whether it is introduced in this House or another place first is a matter for parliamentary managers to agree, but I assure the noble Baroness that, even while we await the enactment of the Bill, we are, as I said, moving to make sure that cluster munitions are eliminated from our arsenal and that the other provisions of the Bill are essentially enacted by administrative arrangements.

Lord Wallace of Saltaire (Liberal Democrat)

My Lords, the last US Administration were one of the obstacles to negotiating a cluster munitions convention and the question of US troops operating with UK troops under such a convention was very complicated. Can the Minister assure us that the new US Administration have sufficiently changed policy on this to make life much easier for British troops on combined operations?

Lord Malloch-Brown (Minister of State, Foreign & Commonwealth Office; Labour)

My Lords, we hope so. To be fair, the new Administration have had a lot on their plate, so we have not yet been able to have detailed discussions on this issue. It is important to add that a number of key countries in this industry are not signatories. It is not just the US; China, India, Pakistan and Brazil are also not signatories. Even beyond the interoperability issues regarding the US, there is a lot of work to be done to turn this into a universal convention.

Lord Trefgarne (Conservative)

My Lords, I do not disagree with the principle of banning these dreadful weapons but, in view of the large number of nations that will not be adherents to the treaty, is the Minister satisfied that that will not place United Kingdom forces at a disadvantage? Have the Chiefs of Staff been consulted?

Lord Malloch-Brown (Minister of State, Foreign & Commonwealth Office; Labour)

My Lords, the Chiefs of Staff strongly support this. This weapon has done untold damage to civilians and, in doing so, risks being in breach of international humanitarian law. It is exactly the kind of weapon that, by killing innocent civilians, means that you lose the hearts and minds side of the war. I can say with great confidence that they support this. We have never used these weapons in Afghanistan. The last time that we used them was in Iraq. Even without this convention, these weapons have outlived their usefulness.

Lord Hannay of Chiswick (Crossbench)

My Lords, will the Minister accept my personal congratulations on the role that he played in bringing about the British decision to sign the Dublin convention, which was considerable and not entirely straightforward? How are the Government getting on persuading countries that did not sign the Dublin convention when it was open for signature last December to join it? Will he confirm that speed of our clearing the road to ratification will be a crucial element in being part of the governance of this convention when it comes into force?

Lord Malloch-Brown (Minister of State, Foreign & Commonwealth Office; Labour)

My Lords, on the latter point, I absolutely agree. The convention comes into force six months after the first 30 countries have ratified. It is enormously important that we are part of that first 30. Twelve have ratified so far, so getting this Bill through is critical. On the first point, I have to acknowledge that there is a gulf between the countries that were part of the Oslo process and those that still believe that these weapons are important. We are struggling to find a way to bridge that so that we can universalise the ban, but it is a long road ahead.

Lord Howell of Guildford (Shadow Minister, Foreign Affairs; Conservative)

My Lords, will the Minister accept that we on this side will give full support to enabling the legislation to be brought forward for the UK to ratify this convention? He said that, of the signatories to the convention, which comprise about 98 in all, only 12 have now ratified; I do not want to be smart but I think that the latest figure is 13. The rest need to ratify and, on top of that, we need to bring China and America completely on board. Without that, we will not get the safety and security for our own Armed Forces—an issue rightly raised by my noble friend Lord Trefgarne—which they all deserve and which will bring an end to this horrific weapon in our time.

Lord Malloch-Brown (Minister of State, Foreign & Commonwealth Office; Labour)

My Lords, the noble Lord is completely correct. We have to work to persuade other countries to join this. As he is aware, we have looked at other routes. A protocol was proposed to the conventional weapons treaty but unfortunately there does not seem to be a mechanism for bridging the argument between those who feel that that would dilute the convention's provisions and those who want no constraints on the use of these weapons. There is a long diplomatic road ahead.

Lord Goldsmith (Labour)

My Lords, I add my congratulations on what the Government are doing and what my noble friend has said, but could he help us on one point? When the legislation comes forward, will we have any difficulties with the definition of cluster munitions, because in the past the question has been raised by some whether certain munitions, especially so-called smart munitions, fall outside the definition and therefore outside the ban?

Lord Malloch-Brown (Minister of State, Foreign & Commonwealth Office; Labour)

My Lords, one of the conclusions—one of the last-minute features, if you like—of the deal that brought this together was indeed to draw up a definition that no longer differentiated between so-called smart and, I

suppose, non-smart weapons. The nature of the warhead and its indiscriminate number of capsules has been the key condition. Therefore, that issue is behind us.