

STATEMENT MADE BY AMBASSADOR JOHN DUNCAN ON CLUSTER MUNITIONS, GENEVA, 13 NOVEMBER 2006.

The United Kingdom joins others in welcoming the entry into force of Protocol V. We plan to ratify this Protocol in the near future.

The United Kingdom fully shares the concerns expressed by other States parties to the CCW on the humanitarian impact of unexploded ordnance known as Explosive Remnants of War, including cluster munitions. We also recognise the need for a ban on dumb cluster munitions as well as the importance of pressing other militaries to live up to their existing responsibilities under international humanitarian law.

Equally we recognise that any additional measures have to be a balanced by our own and allies military requirements. In the context of the current debate in the CCW it may therefore be helpful if I set out our view on the military requirement behind cluster munitions.

Although the British Armed Forces use dumb cluster munitions only very rarely, they remain part of our arsenal since at times of conflict our forces may need to be able to destroy or suppress dispersed enemy armour, other combat forces or military facilities in a defined area of terrain.

One of the main arguments for using cluster munitions is that a small number of such munitions delivers an effect over the required area without totally devastating the surrounding environment. The alternative approach is to use a greater number of high explosive munitions, which would destroy the enemy but inevitably cause much greater destruction to the surroundings. In essence, without cluster munitions, to deliver the equivalent military effect would be likely to cause excessive damage to buildings, land and people. Such high explosive munitions are also not immune from failure to detonate and subsequent accidental detonation could obviously have a much more devastating effect.

It is also important to recognise that cluster munitions deliver the required effect at a distance – allowing the field commander to do so in an area of his choosing, giving him tactical advantage and flexibility to select target areas to minimize collateral damage – and reducing the number of enemy that then have to be dealt with in the contact battle. Depriving field commanders of this option risks producing a more intense level of combat on the ground when troops actually make contact with the enemy. This increases the risk to our own front line forces – indeed increases the likelihood of higher casualties on both sides, including potentially higher civilian casualties – and also increased physical collateral damage over which we would have far less control, and an increase in the duration of a conflict.

The United Kingdom agrees on the need to urge nations to withdraw dumb cluster munitions from service. But first, we need common definitions. Currently there is no internationally recognized definition of either a cluster munition or a dumb variant. we propose that that dumb cluster munitions would have the following characteristics:

- have numerous submunitions;
- have an explosive content;
- would not have a target discriminatory capability; or
- would not have a self destruction, neutralization or deactivation capability in the event of failing to detonate prior to, on or immediately after impact with the target.

The United Kingdom considers that agreement on definitions and a review of existing instruments and their implementation are an integral part of any process to cover the humanitarian aspects stemming from the use of cluster munitions. This in turn may then lead to the elaboration of further legally binding international norms.