

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

CCM/75

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Proposal by the United Kingdom for the amendment of Article 2

Addressing the humanitarian concerns:

- Numbers. Need to address the issue of preventing an area from being contaminated with ERW. This can be done by either limiting the number of submunitions within a cluster munition or by ensuring that each submunition has a fail safe system, including self-destruct systems.
- Accuracy. Need to enhance compliance with distinction and proportionality to reduce civilian casualties and minimize the area of effect. This can be done by a point target capability, which locates and engages a target in a pre-defined area, or by direct fire, which ensures direct human control over the effects as the operator has sight of the target at the time of attack and can make a higher quality assessment of compliance with distinction and proportionality rules.
- Reliability. Need to increase reliability in order to minimize the incidence of ERW. This can be achieved by the inclusion of fail safe systems, including self-destruct systems.

Effects: Effects can be controlled:

- At time of attack: low numbers, point target capabilities or direct fire control minimize the effects at the time of attack. They ensure greater definition of and adherence to the distinction and proportionality IHL rules.
- Post attack: fail safe systems minimize the effects post attack.

Approach: Building on the Friend of the Chair's proposals contained in a number of criteria in Models C, F and G and proposals submitted by the UK in the Wellington Compendium would address the humanitarian concerns.

Definition:

For the purposes of this Convention:

(...)

“Cluster Munition” means a munition **which contains more than 10 conventional sub-munitions and which** ~~that~~ is designed to disperse or release **conventional explosive sub-munitions, and includes those explosive sub-munitions.** **over targets in a pre-defined area.** It does not mean the following:

- (a) a ~~munition~~ or sub-munition designed to dispense flares, smoke, pyrotechnics or chaff; **or a munition designed to be an air defence system;**
- (b) a ~~munition~~ or sub-munition designed to produce electrical or electronic effects;
- (c) **a sub-munition designed to be fired directly into a pre-defined area or to locate and engage a point target within a pre-defined area or which is equipped with a self-destruct system.**