
Group of Governmental Experts of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

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Cluster munitions

Report of Friend of the Chair on Definitions and related technical issues

1. Definitions and other related technical issues were considered in a number of forums during the week including the discussions in plenary, the reports of drafting teams, the Meeting of Military and Technical Experts, a special expert meeting on self-destruction mechanism and other small group and bilateral meetings.

This report summarises the remaining areas of disagreement and highlights areas where positive engagement occurred.

Article 2, paragraph 1: Cluster munition

2. On the definition of cluster munition the only outstanding issue would appear to be the exclusion of 'self-propelled' munitions dispersed or released from a container. Some delegations felt that if such an exclusion was necessary it should be located elsewhere in the text while others felt that its optimal location remains in article 2.1.

Article 2, paragraph 2: Exclusions from paragraph 1

3. There was considerable discussion of paragraph 2(b) on 'submunitions designed exclusively for an air-defence role'. Much of the discussion focused on the scope of the term 'air defence' and some consideration was given to possible definitions for this term. This is an issue that was not considered by this group before and different defence doctrines adhere to different definitions of air defence. There did appear to be considerable support for the view that air defence is confined to defence against targets which are airborne at the time of attack. Work is continuing with delegations on this issue. Many delegations have expressed the view that the meaning of the term air defence is clear and does not require further definition in this text.

Article 2, paragraph 2(d): The ‘CCM Exclusion’ from paragraph 1

4. A number of delegations remained concerned about the special status accorded these munitions and have established a clear link with article 1, paragraph 7 which seeks to apply many of the provisions of this document to these excluded munitions. However there does not appear to be any significant technical issue to be resolved here and the Chair is continuing consultations with interested delegations on how these issues of structure and applicability might be resolved.

Article 2, paragraph 2(e): Direct Fire Munitions

5. There was some discussion of this exclusion. Some delegations felt that the exclusion needed further detail and the criteria may need to be enriched. There were other suggestions that the issue could be moved to another part of the text e.g. article 4.

Article 2, paragraph 11: Self-destruction mechanism

6. There was considerable engagement on this issue which has divided delegations for some time. A parallel meeting on self-destruction mechanism on Wednesday was very useful in elaborating the practical differences between the various proposed texts. While agreement has not been reached there is now a greater understanding of the challenges presented by this definition and how it might be resolved.

Article 4, paragraph 2: Safe guards

7. There was also some discussion in various forums on the related technical issues in article 4.2 a in the Chair's text which presents four alternative safeguarding options for cluster munitions to avoid outright prohibition. Consultations on this issue indicate that there is a need for greater clarity on the practical effect of the proposed safe guards and that such clarity may lead to more precise language and even to a reduction in the number of the options provided.

8. In conclusion there are a small number of outstanding technical and definitional issues remaining to be resolved some of them dependent to a greater or lesser extent on the wider political issues within the process. The positive engagement by delegations and especially by technical and military experts during this session of the GGE is encouraging and continued engagement of this nature will greatly facilitate efforts to resolve the remaining issues.
