



**REPUBLIC OF POLAND
MINISTRY OF FOREIGN AFFAIRS
SECURITY POLICY DEPARTMENT**

Warsaw, 10 March 2009

**Stephen D. Goose
Executive Director
Arms Division
Human Rights Watch**

In response to your letter of 30 January 2009 addressed to Mr Radosław Sikorski, Minister of Foreign Affairs of the Republic of Poland, please find below information on Poland's policy and practice regarding cluster munitions:

1. Poland attaches the utmost importance to the humanitarian aspect of the use of cluster munitions and supports measures designed to reduce civilian losses and suffering. The attendance – as an observer – at the signing conference of the Convention on Cluster Munitions in Oslo signifies our engagement in the development of the humanitarian law in this area. However, due to legitimate security needs, we were not in the position to sign the Convention on 3 December 2008. No new decisions or actions on this subject have been taken recently.

2. In order to tackle the problem of the humanitarian impact of cluster munitions, Polish delegation is actively involved in the efforts in the framework of the Convention on Certain Conventional Weapons (CCW) in Geneva. On numerous occasions Poland raised that CCW is an inclusive forum. Not only countries that suffered from the use of cluster munitions but also all major producers, suppliers and users of this weapon are involved in the work of CCW. Therefore Poland considers CCW to be the best forum to effectively address the issues related to humanitarian, technical and military aspects of cluster munitions.

3. The Polish Armed Forces recognize that cluster munitions, which meet high reliability criteria, are legitimate weapons of significant military value, which are necessary to ensure security of Poland. There are following types of cluster munitions in the inventory of the Polish Armed Forces:

Land Forces:

- 122 mm unguided rocket projectile M-21FK “FENIKS-Z”, containing 42 GKO submunitions. These munitions are deployed by BM-21/21M or RM 70/85 Multiple Launch Rocket Systems;
- 122 mm unguided artillery shell “HESYT-1”, containing 20 GKO submunitions. These munitions are deployed by self-propelled howitzer HS 2S1 “GOŹDZIK”;
- 98 mm unguided mortar shell “RAD-2”, containing 12 GKO submunitions and deployed by M-98 mortar.

The GKO submunitions are typical DPICM (Dual Purpose Improved Conventional Munitions) that combine anti-personnel fragmentation feature with an anti-armour shaped charge. It should be stressed that the GKO – the entirely Polish design – is relatively new and modern. Both the GKO submunitions and their carriers, which the Polish Armed Forces are equipped with, have been produced in Poland since 2001.

The GKO incorporate a back-up self-destruction mechanism, which destroys the unexploded on impact submunitions after a set delay of about 20 seconds. The simple and reliable fuse sequence with two independent detonators ensures negligible failure rate of the submunitions in all environmental conditions. High reliability of the GKO has been confirmed during acceptance trials and field trials in different conditions.

Moreover, the Polish Armed Forces have applied appropriate regulations and operating procedures with respect to the storage of cluster munitions in order to ensure its long term high reliability.

Taking into account high reliability of the GKO, it should be emphasized that the use of cluster munitions which the Polish Land Forces are equipped with, does not result in high number of unexploded ordnance.

Air Forces:

The Polish Air Forces possess a small, residual stock of following types of cluster munitions:

- ZK-300 cluster bomb, containing 315 PLBOK fragmentation bomblets – both carrier and bomblets were designed and produced in Poland;
- BKF expendable unit loader with anti-tank, incendiary and fragmentation bomblets – imported from USSR.

Above-mentioned, obsolete cluster munitions entered into service in 1980s during the Warsaw Pact Era. These weapons are carried by Su-22 aircrafts. It should be stressed that the current military Air Forces doctrine does not anticipate any use of air-delivered cluster munitions in military operations. Therefore, it is almost certain that those weapons will be left untouched in their storage sites until their life span expires. The F-16 multirole fighters, which the Polish Air Forces have recently acquired, are not equipped with cluster munitions.

The Polish Armed Forces have never used cluster munitions in combat.

4. The above mentioned types of cluster munitions are produced by the Polish companies exclusively for the needs of the Polish Armed Forces. Poland has not exported any cluster munitions in recent years.

I hope that you will find the above account satisfactory. Again, please be assured of Poland's determination to seek an appropriate legal solution to address urgently the humanitarian impact of cluster munitions, while striking a balance between military and humanitarian considerations.

Adam Kobieracki
Director