



CH-3003 Bern, EDA, MCR

Human Rights Watch  
Mr. Stephen D. Goose  
Executive Director, Arms Division  
1630 Connecticut Ave NW # 500  
Washington DC 20009  
USA

Berne, 05.03.2009

### **Publication on state policy and practice regarding cluster munitions**

Dear Mr. Goose,

I thank you for your letter of 30 January 2009 in which you announce Human Rights Watch's intention to publish a report on state policy and practice regarding cluster munitions.

First, I would like to welcome the Initiative of your organisation and your partners to publish such a report. I am indeed convinced that a thorough monitoring of the situation regarding states policies in general and the future implementation of the Convention on cluster munitions by independent and highly experienced non-governmental organisations plays an important role in achieving the aim we had set ourselves in signing the Convention in Oslo last December.

For your publication, I am therefore pleased to share with you the following information:

Already on 10 September 2008, the Federal Council decided, in parallel with the signature of the Convention, to launch the ratification procedure. As of today, this process is under way involving different Federal Departments. The ratification of the Convention by Switzerland will necessitate the amendment of the Federal law on war material of 13 December 1996. According to the Federal Constitution of the Swiss Confederation, such a procedure requires a public consultation on the ratification of the Convention and the amendment of the Federal law before it can be addressed by the Parliament. The decision by the Parliament is then subject to the optional referendum. Within the next months, the Federal Council should take a decision regarding the public consultation.

Switzerland, in close cooperation with other States, is already active in the preparation of the first Meeting of States parties to the Convention. A lot can be learned from the experiences made in the implementation of the Mine Ban Treaty. Against this background, my Department is currently reflecting on different approaches related to a possible future implementation support unit for the Convention.

I confirm your information that Switzerland fully destroyed its entire stocks of the so-called "Fliegerbombe 79". Their destruction took place already between 1997 and 2000. Since then, the Swiss Armed Forces do no longer have any air-delivered cluster units on stock.

Switzerland has never used or transferred cluster munitions. As to the production, my country did never *per se* produce cluster munitions. Indeed, according to a license agreement with the manufacturer, the munitions were purchased abroad and enterprises based in Switzerland, after adding specific features to increase the reliability of the ammunitions, reassembled them (exclusively for the Swiss Armed Forces). This process ended in the last quarter of 2004. Since then, no further treatment or assembly of cluster munitions has taken place in Switzerland. This cargo ammunition for artillery is stocked exclusively in Switzerland.

After the ratification of the Convention, Switzerland will fulfil its obligations and destroy its stocks of cluster munitions.

Finally, I would like to thank you for sharing CMC's and ICBL's views on the interpretation of issues related to the Convention. Such issues will be addressed during the ratification procedure and I can ensure you that they will be studied carefully.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Micheline Calmy-Rey'.

Micheline Calmy-Rey  
Federal Councillor