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11 March 2009

Mr Stephen D Goose  
Executive Director  
Arms Division  
Human Rights Watch  
1630 Connecticut Avenue, N. W, Suite 500  
Washington DC 20009

Dear Mr Goose,

Thank you for your letter of 30 January to the Foreign Secretary requesting information for your forthcoming publication on state policy and practice regarding cluster munitions. I am replying as the Head of the Foreign and Commonwealth Office's Security Policy Group responsible for this issue. I am sorry to have slightly missed your deadline but hope the information below is still useful.

The UK was delighted to be among the ninety-four countries that signed the Convention on Cluster Munitions (CCM) on 3 December 2008. The next step is to put in place the necessary implementing legislation to enable us to proceed with ratification. In accordance with UK practice and Article 9 of the CCM, before we can deposit our instrument of ratification we need to put in place domestic legislation to implement those provisions contained within the CCM which require legislation to implement them, in particular the imposition of the necessary penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention being carried out by persons, or on territory, under UK jurisdiction or control. Given our strong support for the Convention the UK wants to ratify it as soon as feasible and officials have begun preparatory work with this objective in mind.

In the meantime the actions we take nationally will be important in promoting the CCM and its spirit. Since the adoption of the CCM on 30 May the UK has taken steps to begin implementing the Convention's provisions on transfers and stockpile destruction.

On 1 October 2008 the Department for Business Enterprise and Regulatory Reform (BERR) placed cluster munitions in category "A" of their new three tiered structure for trade controls, making them subject to the most stringent trade controls. This has put in place additional controls on trading cluster munitions between countries overseas: trading between two overseas countries where any part of that trading takes place within the UK or is carried out by UK persons anywhere in the world, will be controlled, as will any act calculated to promote the supply or delivery of cluster munitions.

You asked about UK stockpiles and their destruction. Our Armed Forces have taken the UK's remaining cluster munitions, the CRV-7/M73 and LA20A1 ERBS M85 out of service. The BL 755 and MLRS M26 had been taken out of service in March 2007 following the UK's endorsement of the Oslo Declaration in February 2007. The 541, 989 BL-755 sub-munitions and 28, 137, 648 MLRS M85 sub-munitions held when withdrawn from service are currently being disposed of; the anticipated disposal completion date is 2009 for the BL-755 sub-munitions and 2013 for the MLRS M26 sub-munitions. 2, 744, 000 L20A1 ERBS M85 sub-munitions and 41, 139 MPSM CRV-7/M73 sub-munitions were held when withdrawn from service in May 2008. There is now a competitive tendering process underway for their destruction.

We look forward to reading your report on state policy and practice with regard to cluster munitions. The UK appreciates the enormous efforts that you and other NGOs under the umbrella of the Cluster Munition Coalition made to secure a strong CCM and the valuable work that you are now doing to promote it, together with the assistance that you are providing to signatories to enable its coming into force, including promoting the ICRC's ratification toolkit.

Yours sincerely,

A handwritten signature in black ink that reads "Nick Pickard". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Nick Pickard  
Head, Security Policy Group