

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

CCM/67

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Proposal by Spain for the amendment of Article 2

For the purposes of this Convention:

...

“Cluster munition” means a carrier-container which contains and is designed to dispense explosive sub-munitions. It does not mean the following:

- (a) a munition or sub-munition designed to dispense flares, smoke, pyrotechnics or chaff;
- (b) a munition or sub-munition designed to produced electrical or electronic effects;
- (c) A munition or sub-munition equipped with a self-safe mechanism, that, combined with the normal functioning mechanism, guarantees that the number of remaining dangerous duds that can cause unacceptable harm to non-combatants is in practice equal to zero. In addition that munition or explosive sub-munition is painted and marked in order to distinguish it from the terrain and to warn about their dangerousness.

“Carrier-container” means:

- (a) a conventional munition that may be artillery shell, air bomb, guided or un-guided missile or,
- (b) a dispenser, affixed to an aircraft, which is not designed to dispense direct-fire munitions.

“Explosive sub-munition” means a conventional explosive munition, which is designed to separate from a cluster munition and to detonate on, prior to or after impact on a target.

“Self-safe mechanism” means a combined self-destruction and self-deactivation mechanism, or other type of mechanism with a similar effect, that guarantees that a cluster munition remnant will become an inert explosive remnant in any case and will not detonate accidentally.[new definition]

“Self-destruction mechanism” means an incorporated or externally attached automatically-functioning mechanism which secures the destruction of the munition into which it is incorporated or to which it is attached.¹

¹ from Amended Protocol II

“Self-deactivating” means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example a battery, that is essential to the operation of the munition.²

² from Amended Protocol II