



10 DOWNING STREET

Prime Minister 1

I should have shown you
the attached. As you will see
Argentina is a signatory of
the UN Weaponry convention.
You did in fact tell Sir John
Biggs Davis in the House today
that Argentina was not a
signatory. I could not persuade
Hansard to alter this. Do you
feel it is necessary to correct
what you said? If so,
we can suggest a way.

WR
24/6

UN WEAPONRY CONVENTION

Plastic Mines in the Falklands

1. We are distressed by reports that plastic mines have been sown indiscriminately in the Falklands. When the UN Weaponry convention comes into force it will outlaw the indiscriminate sowing of mines and any weapon which injures by plastic fragments.

UK Attitude to the Convention

2. The UK signed the Convention on the date it opened for signature, 10 April 1981. We welcome it as a major contribution to humanitarian law.

Ratification

3. The UK is studying the texts in preparation for ratification.

Argentina in Breach of the Convention?

4. The Convention does not come into force until 20 countries have ratified. To date we only have notification of 4 ratifications. In any case neither Argentina nor the UK have yet ratified.

Napalm

5. Napalm is not banned by international law. As an incendiary its use against civilians would be banned by the Convention when it comes into force.

Cluster Bombs

6. Cluster bombs are precision weapons for use against armoured military targets. They cannot with justification be criticised as inhumane or indiscriminate.

Dum-dum Bullets

7. Use of such bullets is banned by the 1899 Hague Convention.

BACKGROUND

1. The UN 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 (Weaponry Convention) is not yet in force. For legal reasons we have accordingly avoided the implication that Argentina, though a signatory, is in some way bound by its provisions.
2. The UK has no major problem with any part of the Convention, but will need to make a number of interpretative statements on ratification.
3. The Convention has 3 Protocols as follows:
 - (a) Mines and Booby Traps: this bans the use of these weapons against civilian populations, prevents the indiscriminate use of such weapons and requires the location of minefields, mines and booby traps to be recorded, so as to reduce the danger of accidents to civilians.
 - (b) Incendiary Weapons: this bans the use of incendiary weapons, including napalm, against civilians and the use of air-delivered incendiary weapons against any military target within a populated area.
 - (c) Non X-ray Detectable Fragments: this bans the use of weapons intended to injure by fragments not detectable by X-ray (eg bombs with plastic filling).

Argentina, were the Convention in force, could be criticised under (a) and (c).

4. The UK has in fact itself been accused of breaching the Convention by Panama. The suggestion seems to have been that to use cluster bombs amounts to sowing an aerial minefield. In fact all bomblets from UK cluster bombs in any case detonate on impact. The weapon is extremely accurate.

5. The press have also reported discovery of Argentine dum-dum bullets but there is no suggestion they have been used. These are bullets which expand or flatten easily in the human body.