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Mr R Moyes

Our Reference: 04-03-2011-130922-005

[xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx](mailto:xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx)

Date: 4 May 2011

Dear Mr Moyes

**REQUEST FOR INFORMATION: RELEASE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000**

Thank you for your email of 4 April requesting documentation held by the Ministry of Defence relating to the review of the legality of the Starstreak missile system (various variants) undertaken in relation to Article 36 of the Geneva Conventions Additional Protocol I (1977) and the 2008 Convention on Cluster Munitions. This has been considered to be a request for information in accordance with the Freedom of Information Act 2000.

Starstreak HVM (High Velocity Missile) is manufactured by Thales Air Defence Limited. It was designed exclusively for an air defence role to meet the UK MOD's requirement for Very Short Range Air Defence (VSHORAD). In accordance with Article 2.2(a) of the Convention on Cluster Munitions it is therefore not a cluster munition - for the purposes of either the Convention or the Cluster Munitions (Prohibitions) Act 2010. This sole air defence role is reflected in the MOD's Concept of Employment and Concept of Use of Starstreak.

The Starstreak I HVM (High Velocity Missile) entered into service before 1998 and as such does not require a legal review unless it is subject to substantial modification. MOD trials were, however, conducted on the Starstreak I missile system in 2006 to investigate a broader utility of Starstreak in a ground to ground reversionary role, purely as a weapon of last resort, and for self defence only. This concept of a wider utility was subsequently rejected and no additional secondary roles for Starstreak were adopted. No other trials of Starstreak ground to ground capability have been conducted by the MOD, including on Starstreak II.

Prior to the 2008 Convention on Cluster Munitions coming into force, Thales had marketed Starstreak as a multi-role system, but this ceased with the introduction of the Convention. Unfortunately it takes time to redact such capability from the manufacturer's marketing media and this has served to create an unfortunate misclassification. Starstreak was designed initially, and exclusively, for an air defence role. It will continue to be marketed as an air defence only system by Thales on a variety of launch platforms including the LML (Lightweight Multiple Launcher) and the MMS (Multi-Mission System).

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 6th Floor, MOD Main Building,

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Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely

*Karen Webb*