Implementation of the Convention on Cluster Munitions

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Julie Tenenbaum
ICRC Regional Legal Adviser
Overview

1. The CCM – Legal framework

2. Implementation – National Measures

3. Reporting
1. CCM – Legal Framework

Structure and Objectives:

• Regulation / Prevention of contamination

• Destruction of stocks and clearance of areas with cluster munitions

• Protection of civilians in affected areas and assistance to victims

• Assistance and cooperation
• Absolute ban: each State Party undertakes **never under any circumstances** to use, develop, produce, otherwise acquire, stockpile, retain or transfer (or assist, encourage or induce anyone else)

• Stockpile destruction (8 years)

• Clearance (10 years)

• Reporting obligations

• Robust victim assistance provisions
2. Implementation – National measures

"Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control."

(Art.9 CCM)
Core provisions - penal provisions

It is a criminal offence to:

- use cluster munitions;
- develop or produce cluster munitions;
- acquire cluster munitions;
- possess, retain or stockpile cluster munitions;
- transfer cluster munitions to anyone.

Also applies to explosive bomblets
Penal provisions (cont…)

- Ancillary offences: assist, encourage, induce

- Criminal liability of body corporate

- Exceptions: permitted conduct: by official: criminal proceedings, destruction, rendering clusters harmless, retaining or delivering for destruction
Other provisions (not in NZ model law)

• Notification of possession of clusters

• Destruction of stockpiles

• Contaminated areas: marking, clearance and destruction

• Education and victim assistance: needs assessment; national laws, policies, plan, and budget

• Permission to retain, acquire, transfer: training, counter measures

• Request for information and related offences
What type of law?

• Common law States – self standing Act (CCM alone or CCM and other weapons)

• Civil law States – either self standing Act (CCM alone or with other weapons) or amendments to the penal code
3. Reporting

• Art. 7 – transparency measures: initial report and annual updates, including:
  ▶ description of stockpiles and of affected areas
  ▶ destruction / clearance measures
  ▶ national implementation measures

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Thank you!
Questions?

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