

Statement on National Implementation Measures
9th Meeting of States Parties to the Convention on Cluster Munitions
2-4 September 2019



Thank you, Mr. President.

To maximize the effectiveness of the Convention on Cluster Munitions, States Parties must meet their obligation under Article 9 to implement the treaty at a national level. In recent years, however, progress in this area has slowed significantly.

To date, 31 States Parties have enacted specific legislation on the Convention on Cluster Munitions. But only one country—Afghanistan—has adopted such a law in the past three years. Furthermore, while an additional 42 States Parties have concluded that their existing laws and regulations are sufficient, 33 States Parties—almost one-third of the total—have yet to adopt adequate implementation measures.

According to the latest *Cluster Munition Monitor*, 18 of these countries have reported that they are still in the process of developing laws, 5 are reviewing the adequacy of their existing laws, and 10 have not made the status of their implementation measures clear.

In the Dubrovnik Action Plan, States Parties pledged to prioritize the enactment of national implementation legislation and to achieve full compliance with Article 9 by the 2020 Review Conference. It was a reasonable goal, and the Cluster Munition Coalition calls on all States Parties to achieve it.

Article 9 requires States Parties to impose penal sanctions to enforce the convention's prohibitions. To promote comprehensive implementation of the treaty, national legislation should also address the positive obligations and ensure that a State Party fulfills its stockpile destruction, clearance, victim assistance, and reporting duties.

While not the only means of implementing the convention, national legislation is an especially important measure because it creates binding, enduring, and unequivocal rules. It also promotes universalization because for some states not party, a national law is a prerequisite to joining the treaty.

States can also use national legislation as well as public statements and Article 7 transparency reports to articulate their views on the convention's interpretive issues. The Cluster Munition Coalition recommends states clarify that the convention's prohibition on assistance applies even during joint military operations and extends to the transit and foreign stockpiling of cluster munitions and investment in the production of cluster munitions.

While the majority of States Parties have taken a strong stand on these issues, more than three dozen have remained silent and there have been no new interpretive statements over the past year.

In conclusion, the Cluster Munition Coalition urges states to pick up the pace of implementation and stands ready to support those engaged in the legislative and interpretive process. We encourage states to refer to Human Rights Watch's list of essential components of strong legislation, which the Cluster Munition Coalition has endorsed. We thank the convention's coordinator for national implementation measures for referencing it as one of the key models for legislation, along with those disseminated by the ICRC and New Zealand.