



# ICRC

## **Second Review Conference of the Convention on Cluster Munitions Geneva, 25-27 November 2020**

### **International Committee of the Red Cross Statement on Preventing and Suppressing Prohibited Activities (Article 9 of the Convention)**

Mr. President,

The adoption of legal, administrative or other measures at national level to implement the key obligations of the Convention must remain a priority. This may involve the adoption by State Parties of criminal legislation, including the imposition of penal sanctions, to ensure respect for the Convention's provisions within their territory and by persons under their jurisdiction or control. It may also require issuing administrative instructions to the armed forces and introducing changes in military doctrine, policies and training. The ICRC wishes to commend the diligent work conducted by New Zealand in its capacity as coordinator of national implementation measures.

Since the entry into force of the Convention in 2010, 61 States Parties reported to have taken appropriate legal measures to implement Article 9, including 31 having enacted specific legislation and 30 having existing laws deemed sufficient to meet their obligations. And 53 States Parties reported to have undertaken administrative and other measures to implement the Convention.

Despite the progress made so far, a significant number of States Parties have not yet shared information about the status of their national implementation of the Convention. Of these, 22 States have reported that they are under consideration or in the process of adopting legislation. One particular challenge lies in the lack of resources and expertise in completing legislative reviews in many States Parties. Further attention should also be given to integrate the Convention into military doctrines and trainings.

For its part, the ICRC stands ready to continue helping States in addressing these challenges in the course of developing their national implementing legislation. We have developed various tools, including the [Model Law](#), an updated [factsheet](#) and the updated [national IHL implementation database](#). Most recently, we have published in June this year a [checklist](#) for the Convention, complementary to the ICRC Model Law. This simple and user-friendly tool outlines what steps need to be taken to ensure implementation of the Convention specifically under article 9, as well as good practices in implementation of other articles.

This year we have worked on the implementation of this treaty with some National International Humanitarian Law Committees or similar inter-ministerial advisory bodies established by

Governments. We have also addressed this Convention in regional dialogues, such as with the African Union, the ASEAN and the EU. If possible and where invited to do so, the ICRC can provide hands-on technical and drafting advice to governments, of which we have several planned for next year if regional conferences are allowed to take place face to face.

As always, the ICRC remains available to provide States with assistance and advice on implementing measures.

Thank you.