

**ICRC statement
on
national implementation measures**

The ICRC has regularly highlighted the importance for each and every State Party to take action at the national level to implement the Convention. We view such action as essential for ensuring that the Convention's requirements are understood and followed by national ministries, agencies industries and other relevant actors. We are pleased with the progress outlined in the Lusaka Progress Report and the comments given by many States on the status of implementation in their country. We look forward to continued progress in this area.

The Lusaka Progress Report asks about the factors preventing more rapid progress in national implementation. In our work with governments in this area, we have identified a few reasons as to why national legislation is sometimes slow to develop:

- Firstly, In many countries it is a challenge to include legislation on the parliamentary agenda as there is often a backlog of legislation waiting to be prepared and adopted by parliaments. Bills are prioritised according to the urgency perceived by ministries and parliamentary committees. In States where there are no cluster munitions stockpiles or remnants to clear, the preparation of legislation for broader implementation of the Convention is simply not a priority in light of other needs. Therefore, while there may be a willingness on the part of government agencies to draft and submit bills to Parliament, it is not always possible to do so.
- secondly, in some instances the role of national legislation in the Convention's implementation seems to be misunderstood. Some States are of the opinion that ratification alone is enough to comply with the Convention or are unsure as to which obligations need to be covered by national legislation. This lack of awareness can prevent the taking of the necessary steps.

In light of these remarks, what assistance might be provided to States to facilitate the adoption of national legislation? The ICRC has attempted to address these challenges in several ways. One way is through the preparation of a model law, which is available on the table outside this meeting and on the ICRC website. There is also a model law prepared by the Government of New Zealand which is a useful tool.

The ICRC also encourages the issue of cluster munitions legislation to be included on the agenda of national ihl committees, which exist in over 100 countries in the world. The ICRC provides technical support to these committees.

We also believe that it is essential to reach out directly to the relevant ministries and parliamentarians with offers to assist them in the preparation of legislation. This is normally done through the ICRC's regional legal advisers of which there are 5 working on the African continent. We also have legal advisers in Latin America, Europe and Asia. Their work includes engaging with government and parliamentary officials and providing technical assistance on national legislation. One example of our activities in this area is a workshop for Zambian Parliamentarians that we are currently planning working with the Zambia Mine Action Centre to facilitate the progression of the Zambian bill through the parliamentary process.

For States with a crowded parliamentary agenda, it might be useful for some States to consider drafting legislation for both the Convention on Cluster Munitions and the AP Mine Ban Convention if they have not already done so for both these treaties. Ireland is one State

that has taken this approach and it might be useful for others to consider if such an approach might facilitate the adoption of legislation in their country.

In closing, the ICRC would like to congratulate New Zealand and Zambia for the useful lunch event they organized yesterday on national implementation. We found it to be a informative discussion and exchange of views. We would like to reiterate the message that we made in that event yesterday, that the ICRC stands ready to assist States in the preparation of national legislation. States are welcome to approach us here at this meeting or through the relevant ICRC delegation which can put you in touch with our regional legal experts.

Thank you.