

**Cluster Munition Coalition Statement on National Implementation Measures
Fifth Meeting of States Parties to the Convention on Cluster Munitions
San José, 4 September 2014**



Thank you Mr. President.

To date 22 States Parties have adopted national legislation to implement the Convention.

Article 9 requires at a minimum measures implementing the positive obligations of the Convention, such as the time-bound obligations and the requirement to promote the Convention and its norms. Article 9 also requires the adoption of penal sanctions for prohibited activities.

The adoption of a law is the best form of implementation due to its binding nature and because a law is potentially more difficult to change than a simple administrative measure. All states should enact legislation, even those where the Convention applies automatically, those that do not hold stocks and those that are not contaminated.

Many states have also defined the forms of assistance that are prohibited, and the CMC urges all others to do the same in their national laws. The most common forms of assistance that should be banned are: the transit of weapons on the territory or airspace of a State Party, the hosting of stockpiles belonging to a foreign state, and the investment of public and private funds in the production of cluster munitions. Moreover, if the national law allows participation in military operations with states not party, it should clarify that this in no way authorizes to assist any activity prohibited by the Convention. Pursuant to Article 21, the law should also require that the state deters states not party from using cluster munitions.

The vast majority of existing national laws show the firm willingness of states to respect fully their obligations under the Convention. Unfortunately Mr. President, we must once again express our disappointment and incomprehension regarding Canada's Bill, which explicitly allows many forms of assistance related to the use of cluster munitions. After the adoption of a text very slightly modified by the House of Commons, we hope that the Senate will make additional changes to make the text not only consistent with the good intentions of the House of Commons, but also consistent with the disgust that cluster munitions inspire to the international community. Canada, or any other State Party or signatory, should not support or even envision the use of these weapons by an ally. No Canadian should ever be involved in the use of cluster munitions by anyone, anywhere, for any reason.

A side event on national legislation was held on 3 September. Those who were unable to attend will find outside the room a document containing practical advice with examples drawn from national laws.

Finally we thank the States and partners who participated in the workshop on drafting a national law on Monday and we hope that it has given an impetus to the creation of implementation laws in African countries. We encourage other states that have passed legislation to share their experience

in formal and informal meetings of the Convention. The Cluster Munition Coalition stands available to support countries that have not yet adopted a national law - do not hesitate to approach us.

Thank you.