



**Cluster Munition Coalition statement on National Implementation Measures
Convention on Cluster Munitions Intersessional Meeting
18 April 2012
Delivered by Paul Hannon**

National implementation measures are a key Convention obligation for every State Party, whether or not they have stockpiles or contamination. The best implementation measure is new, comprehensive, Convention-specific national legislation. Yet so far only 15 States Parties have such legislation in place.¹ That's only 20%, which is far too low a compliance rate.

Another 12 States Parties and signatory states² have reported that they are in the process of developing legislation. The CMC appreciates the updates and information provided by the 7 states who spoke today and note those mentions for the need on penal sanctions and the Netherlands announcement on investment in cluster munition producers. We would welcome updates from other states on their progress this week, as well as in their Article 7 reports. We would also like to hear from those other States Parties that have reported only that they are considering the adoption of a national law or have not provided any information at all.

We know of 13 states³ that believe that their existing legislation is sufficient, but new legislation is almost always needed to create penal sanctions for the specific violations of the Convention. In addition, under the Convention, States Parties must also put measures into place to ensure its positive obligations are implemented, including stockpile destruction and clearance within the Convention's proscribed time limits, assistance to victims of cluster munitions, and international cooperation and assistance. National measures should also cover annual reporting and promotion of universalization of the Convention.

We also encourage states to develop and report on other measures that will be necessary to ensure full compliance with the convention, including policies that complement national laws or instructions to military and other security forces.

¹ States with national implementation legislation: Austria, Belgium, Cook Islands, Czech Republic, Ecuador, France, Germany, Ireland, Italy, Japan, Luxembourg, New Zealand, Norway, Spain, United Kingdom.

² States developing national implementation measures: Australia, Bulgaria, Canada, Croatia, Ghana, Guatemala, Lebanon, Malawi, Mali, Slovenia, Sweden, and Switzerland.

³ Denmark, Holy See, Lithuania, FYR Macedonia, Malta, Mexico, Moldova, Montenegro, the Netherlands, Nicaragua, San Marino, Slovenia, and Tunisia.

We would like to make a few comments on what the CMC views as important to cover in such laws. In general, the ICRC model legislation and the tools developed by New Zealand are excellent frameworks for developing national laws.

But in addition, a number of matters open to different interpretations under the Convention should be addressed in States Parties' national implementation measures to ensure the state fully lives up to the spirit and letter of the Convention. The CMC would therefore like to strongly encourage states to include in their national implementation measures **explicit prohibitions in four areas**:

1. **Intentional or deliberate assistance** with any activity prohibited under this Convention when engaging in joint operations with states not party.
2. **Transit** of cluster munitions through the territory of a State Party.
3. **Investment** of both public and private funds in the development or production of cluster munitions or their key components.
4. **Stockpiling** of cluster munitions **by states not party** on territory under the jurisdiction or control of a State Party.

We believe that all of these acts are prohibited by Article 1 as they involve actions that would assist, induce, or encourage activities prohibited under this Convention, including most importantly facilitating possible use of cluster munitions. Most are also in opposition to other Convention prohibitions, such as the ban on transfers and stockpiling, or more broadly to the overall object and purpose of the Convention. A Cluster Munition Monitor factsheet outside the room provides additional information on the CMC's views on these issues, as well as states' views, policies, and laws on them. There are also copies of the Cluster Munition Monitor on the table outside and delegates should feel free to take a copy since there is a wealth of information in this report.

Several strong implementation laws have been enacted that provide useful models for how to implement certain provisions of the Convention on Cluster Munitions. For example, New Zealand and Norway allow for participation in joint military operations yet preserve the convention's prohibitions. Austria and Germany explicitly ban transit. Laws by Belgium, Ireland, Luxembourg, New Zealand, and, most recently, Italy prohibit certain forms of investment.

On the other hand, we remain concerned about draft legislation in Australia, which as currently written contains provisions that run counter to all four areas I've mentioned today. We hope to see improvements in the bill before it is passed.

We will also be closely watching developments in my own country, Canada, to ensure that it does not go down the same path as Australia, given its close military relationship with a state not party. Once again, we strongly believe that a state can easily preserve its ability to conduct joint military operations effectively without assisting the use of cluster munitions.

Thank you.