

**CONVENTION ON CLUSTER MUNITIONS:
NATIONAL IMPLEMENTATION MEASURES CONCEPT NOTE**

Enhancing implementation of Action 7 of the Dubrovnik Action Plan (National Implementation Measures) up to the Second Review Conference)

1. Background to Work Plan Context

Under Article 9 of the Convention on Cluster Munitions each State Party is required to take all legal, administrative and other measures to implement the Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

According to Article 7 transparency reports submitted to date, 31 States Parties have brought new legislation into being. Some 30 States Parties have formally reported that their existing legislation is sufficient while 21 States Parties have reported that they are in the process of developing/adopting legislation. The remaining 24 States Parties have either submitted some information relating to their domestic legislation about which additional clarification is needed, or they have not yet provided any information.

The First Review Conference of States Parties to the CCM included three actions in the Dubrovnik Action Plan relating to national implementation measures: enact national legislation to implement the CCM; highlight challenges and request assistance; and raise awareness of national implementation measures.

The First Review Conference also agreed two measures against which progress towards the fulfilment of these actions will be assessed at the Second Review Conference. These measures are: (i) that all States Parties will be in compliance with Article 9 and have reported on national implementation in formal meetings of the Convention and through Article 7 transparency reports; and (ii) that all relevant national actors, including armed forces will be informed of obligations under the Convention and of national implementation measures including as a result of their reflection, where necessary in military doctrine, policies and training.

2. Objectives

- (a) An increasing number of States Parties adopt new implementing legislation (or determine through a focused review that their existing legislation is sufficient).
- (b) Improve the CCM membership's understanding of the challenges faced by some States Parties in ensuring sufficient national implementation measures are in place.
- (c) Encourage through all possible avenues (including individual approaches as well, as appropriate, region-wide contact such as at existing regional meetings) those

States Parties that have yet to report on the status of their national implementing legislation to do so at the Second Review Conference (either in Article 7 reports or in oral presentations at the Review Conference).

- (d) An increase in the number of States Parties that have articulated a policy addressing investment in cluster munitions.
- (e) States preparing to join the Convention include implementing legislation, regulations and/or policy as a part of their ratification or accession plan to ensure full implementation as swiftly as possible.
- (f) An increase in the number of States Parties sharing information on how they disseminate their obligations under the CCM to all relevant domestic stakeholders.

3. Strategy and Timeline

- Host a workshop in New York on the Past, Present and Future of the Convention, which highlights the importance of reporting information on their national implementation measures (October 2019).
- Follow up with States Parties that have not submitted either their initial reports of annual transparency reports to ensure the submission of reports, including information on national implementation measures (by March 2020).
- Maintain on the CCM website a current table of links to the national legislation of each of the 29 States Parties that have enacted specific national legislation to implement the CCM, including identification of the 11 states that have enacted legislation prohibiting investment in cluster munitions (ongoing).
- Take advantage of an existing outreach opportunity to sponsor a workshop in Fiji on conventional weapons issues, including an opportunity for Pacific participants to discuss and address challenges to joining and implementing the CCM, with an emphasis on the need for appropriate legislation to ensure full implementation of the Convention (2020).
- Follow up with participants at the workshop to encourage ratification and implementation of the CCM.
- Follow up with states that requested assistance to implement Article 9 to facilitate such assistance (ongoing).
- Work with the coordinators for universalisation to ensure that information on national implementation measures is included in outreach to non-States Parties (particularly for those non-States Parties that require implementing legislation to be in place prior to ratification) (ongoing).

- Follow up on all opportunities to promote national implementation measures (ongoing).
- Continue promotion of existing tools including model legislation (ongoing).

4. Expected outputs

- An increase in the number of States Parties that report on the status of their national implementation legislation, in particular an increase in the number of States Parties reporting the adoption of new legislation.
- An increase in the number of States Parties that have taken tangible action to address and discourage investment in cluster munitions.
- Improved awareness of the mechanisms through which CCM obligations can be disseminated to all relevant domestic stakeholders.

5. Estimated budget

- Host side event in New York: NZ\$1,000
- New Zealand support for Fiji workshop: TBC

6. Strategy implementers

- New Zealand – Coordinator on National Implementation Measures
- President and Coordinators on Universalisation and Reporting
- CCM Implementation Support Unit
- CMC
- ICRC