



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 9th Meeting of States Parties (9MSP)

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 prior to 8MSP, 29 States Parties have brought new legislation into being. Some 26 States Parties have formally reported that their existing legislation is sufficient while approximately 18 States Parties have reported that they are in the process of developing/adopting legislation. A further 11 States Parties have submitted some information relating to their domestic legislation about which additional clarification is needed, while 16 States Parties have not 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) At least three more States Parties adopt new implementing legislation (or determine through a focused review that their existing legislation is sufficient).

- (b) By 9MSP at least half of the States Parties that have yet to report on the status of their national implementing legislation will have done so for the first time (either in Article 7 reports or in oral presentations at 9MSP).
- (c) An increase in the number of States Parties that have articulated a policy addressing investment in cluster munitions.
- (d) 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.
- (e) 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 for States Parties that have not submitted either their initial report or their annual transparency reports to highlight the importance of reporting information on their national implementation measures (October 2018).
- Follow up with attendees at the New York workshop to ensure the submission of reports, including information on national implementation measures (by March 2019).
- Publish on the CCM website a 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 (March 2019).
- Sponsor a workshop in Colombo, Sri Lanka for South Asian 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 (May 2019).
- Follow up with participants at the workshop to encourage ratification and implementation of the CCM.
- Follow up with the states that requested assistance for Article 9 implementation during 7MSP and 8MSP to facilitate such assistance (by June 2019).
- 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 actively considered the issue of investment in cluster munitions.
- Improved awareness of the mechanisms through which CCM obligations can be disseminated to all relevant domestic stakeholders.

5. Estimated budget

- New Zealand support for South Asia workshop: NZ\$30,000

6. Strategy implementers

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