

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

Enhancing implementation of Actions 47 & 48 of the Lausanne Action Plan

1. Article 9 – National Implementing Measures

Article 9 requires each State Party to take all legal, administrative and other measures to implement the Convention. This includes the imposition of penal sanctions to prevent and suppress any prohibited activity undertaken by persons or on territory under its jurisdiction or control.

2. The State of Play

Based off Article 7 reporting, we know that, of our 110 States Parties:

- 32 States Parties have specific legislation in place;
- 31 States Parties have existing legal framework that are deemed to be sufficient;
- 23 States Parties are in the process of developing, or adopting legislation to implement the Convention, of which four have formally requested assistance ; and
- The remaining 23 States Parties have either submitted incomplete information relating to their domestic legislative frameworks (9), or they have not yet provided any information (14).

3. The Lausanne Action Plan

The Lausanne Action Plan notes that not all States Parties have confirmed the adoption of measures consistent with Article 9, and reflects the intention of States to improve progress in this area in a timely manner. Bearing this in mind, it agreed:

Action 47 States to ensure they have appropriate national measures in place to fully implement the Convention, in particular by reviewing, revising and adopting national legal frameworks *before* the 11th MSP in 2023, or within two years for new States Parties.

This Action also encouraged States to consider enacting national legislation prohibiting investments in producers of cluster munitions and their crucial components.

Action 48 States to highlight factors and Challenges that may be preventing progress through Article 7 reports or at Convention meetings, and to request assistance. States would respond to those requests in a timely manner.

4. Objectives

- I. To increase, as far as practicable, the number of States Parties in compliance with Article 9 of the CCM, in keeping with Action 47 of the Lausanne Action Plan.
- II. Those States Parties that have requested assistance to implement their Article 9 obligations receive that assistance in a timely fashion.
- III. States Parties have a greater understanding of their Article 9 obligations, but also efforts are made to facilitate the Convention's membership of and appreciation for the factors faced by some States Parties in ensuring national implementation measures are in place.
- IV. Promote a regional approach, including through existing regional meetings and institutions, to encourage those 23 States about which only incomplete or no information is held with respect to national implementation, to report on this and, if required, request assistance.
- V. To consider the role of investment prohibitions in Action 47 of the Lausanne Action Plan, given the practical contribution divestment can make to achieving the Convention's goals.
- VI. To work closely with the universalisation coordinators, among other coordinators, on the sharing of information relating to national implementation.
- VII. To work closely with the ISU, the ICRC, as well as the CMC and other civil society actors to ensure we are making the most out of our efforts and focus.

5. Actions

- A. To follow-up with those delegations that have requested assistance for Article 9 implementation. *Ongoing, before 10MSP.*
- B. To develop a video on national implementation of the CCM, that points delegates to existing resources available to assist domestic implementation, and which grows States' understanding of what national implementation can entail, in a short, snappy way. *By end 2021, completed.*
- C. To ensure States are made aware of the range of resources that exist on the CCMISU's website that might support National Implementation. *By end 2022.*
- D. To engage with universalisation coordinators, including around when a State might be interested in signing/ratifying the Convention. Groundwork for implementation is best laid during the ratification process, given the culmination of political interest and legislative attention. *By end 2022.*

- E. To explore organising a regional workshop or forum. This could be a forum where States can come together to share their experience of factors that impact the national implementation process, or it could be as part of a wider universalisation effort, to ensure that national implementation is being considered as a key constituent part of ratification. *By end 2023.*
- F. To consider what awareness raising opportunities exist, in the margins of existing multilateral meetings in 2022. This includes in the margins of First Committee, or this year's MSP. *By end 2022.*
- G. Determine, with colleagues on the Coordination Committee and other partners (e.g. the ICRC, CMC), a list of States that should be targeted as a priority among those States that have not submitted sufficient information on their current legislative framework. *By 10MSP.*
- H. Explore options for creating a reference document which lists – and links to – those laws implemented by States which prohibit investment in cluster munitions, and further analysis of these laws. *By end 2022.*