



ICRC

Implementation of the Convention on Cluster Munitions

CCM Conference, Accra
28 May 2012

Julie Tenenbaum
ICRC Regional Legal Adviser

Overview

1. The CCM– Legal framework
2. Implementation – National Measures
3. Reporting

1. CCM – Legal Framework

Structure and Objectives:

- Regulation / Prevention of contamination
- Destruction of stocks and clearance of areas with cluster munitions
- Protection of civilians in affected areas
- Assistance and cooperation



ICRC

- Absolute ban: each State Party undertakes **never under any circumstances** to use, develop, produce, otherwise acquire, stockpile, retain or transfer (or assist, encourage or induce anyone else)
- Stockpile destruction (8 years)
- Clearance (10 years)
- Reporting obligations
- Robust victim assistance provisions

2. Implementation – National measures

"Each State Party shall take all appropriate **legal, administrative and other measures**, 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."
(Art.9 CCM)

Core provisions - penal provisions

- Common law States – self standing Act
- Civil law States – either self standing Act or amendments to the penal code
- It is a criminal offence to:
 - ▶ use cluster munitions;
 - ▶ develop or produce cluster munitions;
 - ▶ acquire cluster munitions;
 - ▶ possess, retain or stockpile cluster munitions;
 - ▶ transfer cluster munitions to anyone.

Penal provisions (cont...)

- Also applies to explosive bomblets
- Ancillary offences: assist, encourage, induce
- Criminal liability of body corporate
- Exceptions: permitted conduct: by official: criminal proceedings, destruction, rendering clusters harmless, retaining or delivering for destruction

Other provisions (not in NZ model law)

- Notification of possession of clusters
- Destruction of stockpiles
- Contaminated areas: marking, clearance and destruction
- Education and victim assistance: needs assessment; national laws, policies, plan, and budget
- Permission to retain, acquire, transfer: training, counter measures
- Request for information and related offences

3. Reporting

- Art. 7 – transparency measures: initial report and annual updates, including:
 - ▶ description of stockpiles and of affected areas
 - ▶ destruction / clearance measures
 - ▶ national implementation measures
- www.unog.ch

Thank you!
Questions?



www.icrc.org