



# ICRC

## **ICRC Statement on National Implementation First Review Conference of the Convention on Cluster Munitions Dubrovnik, Croatia, 7- 11 September 2015**

We are gathered here this week because we all want a cluster munitions free world. To achieve this goal and the objectives of the Convention, implementation of the Convention at the national level is essential. Without adequate national legislation in State Parties, the development, production, acquisition, transfer, stockpiling, and use of cluster munitions cannot be punished and therefore cannot be prevented effectively. The important deterring effect of strong legislation, including penal provisions and sanctions, should not be underestimated. Likewise, adopting the necessary regulations and policies on clearance and victim assistance will also ensure that these activities can be undertaken effectively and in a timely manner.

The Croatia Progress Report shows that, since the Convention entered into force, many State Parties have taken the necessary steps to comply with their national implementation obligations. 48 States, just over half of the State Parties, have either adopted specific legislation or considered their existing legislation to be sufficient. This is certainly encouraging but this is not enough. More efforts are needed so that the Convention is fully implemented in all its State Parties.

The majority of State Parties do not actually have stockpiles or are not affected by cluster munitions but it is as important for them as it is for States which possess the weapons to have strong legislation in place. Indeed, they have a responsibility not to allow cluster munitions to ever be developed, produced, acquired or transferred on their territory. When considering national implementation measures, national authorities should consider not only the current state of affairs on their territory but also risks that the future may hold.

As highlighted in the Draft Dubrovnik Action Plan, the first step, when considering national implementation measures, is to review existing national legislation. A number of States already have legislation on weapons and it is of utmost importance that the assessment of existing legislation be comprehensive so as to ensure that cluster munitions are indeed covered as well as all the activities prohibited by the Convention. For example, some legislation might cover the retention and use of some weapons but might not go as far as prohibiting their development or transfer.

Furthermore, whilst the penal repression of activities prohibited by the Convention is certainly central to any national implementing legislation, it is also important for States to consider including provisions on stockpile destruction, clearance, as well as victim assistance.

We also encourage States to consider including provisions to prohibit investments in producers of cluster munitions, as suggested in the Draft Dubrovnik Action Plan.

Given the central place of national implementation for the effectiveness of the norm set out in the Convention, it is important for State Parties, signatories and all stakeholders to cooperate in order to achieve full implementation. We commend the work done so far by all those involved, including New Zealand as the coordinator on national implementation, CMC, UNDP, and also countries such as Ghana for their past efforts.

For its part, the ICRC has developed a number of tools, including model legislation, and relies on a network of Regional Legal Advisors which work with national authorities throughout the world. The ICRC continues to stand ready to collaborate with stakeholders and assist States review or draft legislation for full and effective implementation of the Convention.

Thank you.