

CMC Statement on National Implementation Measures
CCM 10 Meeting of States Parties, Geneva, 30 August - 3 September 2022



Thank you, Mr. President,

Fulfilling the promise of the Convention on Cluster Munitions depends on strong actions at the national level. Article 9, therefore, obliges states parties to adopt national implementation measures. In addition, last year's Lausanne Action Plan established a deadline for doing so and encouraged the provision of international cooperation and assistance to help states parties meet it. Nevertheless, significant work remains to be done.

In the *Cluster Munition Monitor's* most recent reporting period, only one state, Niue, adopted implementation legislation. The Cluster Munition Coalition applauds Niue for adopting this national law, which imposes penal sanctions and fines on people and corporations who commit prohibited activities involving cluster munitions. Niue is the 33rd state party to enact specific legislation implementing the convention. Another 43 states parties consider existing legislation sufficient, and at least 20 states parties have indicated that they are either planning or are in the process of drafting, reviewing, or adopting specific legislation.

However, Niue adopted its law more than a year ago, and it was the first state since Namibia in March 2019 to do so. This slow pace shows that states parties have a long way to go to meet the Lausanne Action Plan's commitment to adopt appropriate national measures by the Eleventh Meeting of States Parties, or within two years of the convention's entry into force for a new state party.

The action plan also says states parties should consider "enacting legislation prohibiting investments in all producers of cluster munitions and their crucial components." Currently, 11 states parties have laws prohibiting investment in cluster munitions, although 38 states parties and signatories have declared that they regard investments in cluster munition production as a form of assistance that is prohibited by the convention. We welcome the final approval of the Italian law 220 of December 2021 on "*Measures to prohibit the financing of production of anti-personnel mines, cluster munitions and submunitions*" and we encourage other States Parties to follow this example.

While there are a range of administrative and other measures that can help operationalize the convention, dedicated national implementation legislation, which is both binding and more enduring, is essential. Legislation advances universalization because, for many states, it is a prerequisite to joining the treaty. It promotes the compliance of states parties obliged by Article 9 to adopt implementation measures. Furthermore, strong laws can bolster the norm against cluster munitions, discouraging future use, even by states not party. Taking a clear stand against cluster munitions is critical at a time of ongoing use.

Strong legislation penalizes violations of the convention's prohibitions. It ensures a state party fulfills stockpile destruction, clearance, victim assistance, and reporting duties. It applies to explosive bomblets, covers corporations and individuals, and establishes extraterritorial jurisdiction.

Adopting such legislation need not be burdensome. The Lausanne Action Plan urges states parties to identify challenges they face in adopting or revising relevant laws and to request assistance when they need it. Other states parties in a position to do so should respond to these requests.

There are also several models states can follow to expedite the adoption of national legislation. New Zealand has disseminated a model law for small states that neither possess nor are contaminated by cluster munitions. The ICRC has issued model legislation for common law states.

Human Rights Watch and Harvard Law School's International Human Rights Clinic have identified key elements of strong legislation, and the Cluster Munition Coalition has developed a model law based on those elements.

In conclusion, we want to thank New Zealand for its ongoing leadership in this important area of the convention. We stand ready to assist any state interested in working on national implementation legislation or other measures.