



# ICRC

## **Eleventh Meeting of States Parties of the Convention on Cluster Munitions**

**Geneva, 11 to 14 September 2023**

**International Committee of the Red Cross**

### **Statement on National Implementation Measures**

**(Article 9 of the Convention)**

Mr. President,

The ICRC wishes to commend the diligent work conducted by New Zealand in its capacity as coordinator of national implementation measures. The ICRC also wishes to warmly congratulate Nigeria and South Sudan becoming the newest States Parties to the Convention.

The adoption of legal, administrative or other measures at national level to implement the key obligations of the Convention must remain a priority. If not already the case, States Parties shall ensure that their criminal legislation includes the imposition of penal sanctions. States Parties shall ensure respect for the Convention's provisions within their territory and by persons under their jurisdiction or control. It may also require issuing administrative instructions to the armed forces and introducing changes in military doctrine, policies and training.

According to the 2023 Cluster Munition Monitor, out of 112 States Parties today, 33 States Parties have enacted specific legislation to implement the Convention and 43 States Parties consider existing laws as sufficient to meet their obligations. According to the Monitor, 22 States Parties have reported that they are either planning or are in the process of drafting, reviewing, or adopting implementation legislation.

Despite the progress made so far, a significant number of States Parties have not yet shared information about the status of their national implementation of the Convention. According to the 11MSP Progress Report: Monitoring progress in implementing the Lausanne Action Plan, roughly half of the Convention's membership are either still developing legislative frameworks or have not submitted the required information on the status of their legal frameworks. We must therefore stress that national implementation is a core obligation of the Convention and essential to ensuring its implementation by armed forces. Further attention should also be given to integrating the Convention into military doctrines and trainings.

One particular challenge to national implementation lies in the lack of resources and expertise in completing legislative reviews in many States Parties. For its part, the ICRC stands ready to continue helping States in addressing these challenges in the course of developing their national implementing legislation. For this purpose, we have developed various tools, including a [Model Law](#) and an [updated factsheet](#). Our database on [National Implementation of IHL](#) provides many examples of how States have incorporated their obligations regarding cluster

munitions in their domestic legislation. We have also published a legislative [checklist](#) for the Convention, complementary to the ICRC Model Law. This simple and user-friendly tool outlines what steps need to be taken to ensure the implementation of the Convention specifically under article 9, as well as good practices in the implementation of other articles.

This year we have worked on the implementation of this treaty with National IHL Committees or similar inter-ministerial advisory bodies. We have also addressed this Convention in regional dialogues, such as with the African Union and with South Asian states through the ICRC IHL Regional Conference in Kathmandu. The ICRC has also been working with states in providing hands-on technical and drafting advice to relevant government departments.

As always, the ICRC remains available to provide States with assistance and advice on implementing measures.

Thank you.