

CMC Statement on National Implementation Measures

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As the Convention on Cluster Munitions celebrates its 10th anniversary, states parties should remember their duty to adopt national measures to implement their international obligations. Legislation is the most powerful measure given its binding and enduring nature.

Comprehensive legislation penalizes violations of the convention's prohibitions, including on investments in cluster munition producers. 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.

Legislation can advance universalization as well as implementation because it is often a domestic prerequisite to joining the convention.

Since the First Review Conference, 20 states parties have adopted new laws or declared existing ones sufficient. The percentage of states parties complying with Article 9 has increased from 43 to 55 percent.

But the 55 percent compliance rate shows national implementation measures are woefully inadequate, and progress has slowed. Only 20 additional states parties reported having relevant laws in the past five years, compared to 41 in the first five. A significant number continue to claim their legislation is "in process."

The draft Lausanne Action Plan includes important actions for addressing these shortcomings, and we are pleased to see a number of our suggestions taken on board. Going forward, states parties should pick up the pace and have strong implementation measures in place within two years. States with national laws should proactively encourage others to comply with Article 9 and offer advice when requested.

To expedite the legislative process, 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. We stand ready to assist any state working to fully implement the treaty's provisions at the domestic level.