

CCM NATIONAL IMPLEMENTATION MEASURES CONCEPT NOTE

Enhancing implementation of Action 7 of the Dubrovnik Action Plan (National Implementation Measures) up to the 7th Meeting of States Parties (7MSP)

1. Background to Work Plan Context

Under Article 9 of the Convention on Cluster Munitions each State Party is required to take all legal, administrative and other measures to implement the Convention, 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.

According to Article 7 transparency reports submitted prior to 6MSP, 24 States Parties have brought new legislation into being, while a further three States Parties have yet to submit formal reports although they are understood to have adopted new legislation over the last year. Some 28 States Parties have formally reported that their existing legislation is sufficient while approximately 24 States Parties have reported that they are in the process of developing/adopting legislation. Given relatively low reporting rates, and the tendency for States to repeat information in successive reports, these figures may be subject to change.

The First Review Conference of States Parties to the CCM included three actions in the Dubrovnik Action Plan relating to national implementation measures: enact national legislation to implement the CCM; highlight challenges and request assistance; and raise awareness of national implementation measures.

The First Review Conference also agreed two measures against which progress towards the fulfilment of these actions will be assessed at the Second Review Conference. These measures are: (i) that all States Parties will be in compliance with Article 9 and have reported on national implementation in formal meetings of the Convention and through Article 7 transparency reports; and (ii) that all relevant national actors, including armed forces will be informed of obligations under the Convention and of national implementation measures including as a result of their reflection, where necessary in military doctrine, policies and training.

2. Objectives

- (a) An increase in the number of States Parties that have adopted new implementing legislation (or that have determined through a focused review that their existing legislation is sufficient).
- (b) By 7MSP all States Parties on the target list have provided formal information on the status of their national implementing legislation (either in Article 7 reports or in oral presentations at 7MSP).
- (c) Circulation in advance of 7MSP of a guidance document providing information for States Parties on how they can ensure all relevant national actors are informed of their obligations under the Convention and of national implementation measures (based on the best practices of some States Parties).
- (d) Development by 7MSP of a mechanism through which States Parties can report on their national dissemination of information on their obligations under the Convention and of national implementation measures.
- (e) Circulation in advance of 7MSP of a guidance document for States Parties on how they can effectively address investment in cluster munitions even where this issue is not covered in their national implementing legislation.

3. Strategy and Timeline

- Develop a target list of States Parties that have either reported being in the process of developing new legislation or that have not provided any information on their national implementing legislation. This list will be developed in consultation with the President, the ISU, the CMC and the ICRC. (By end November 2016.)
- Share the target list with all members of the Coordination Committee to ensure that opportunities are not lost to include NIM issues in any outreach undertaken to countries on the list. (In advance of the December meeting of the Coordination Committee.)
- Approach all States Parties on the target list with a view to ensuring that the necessary information on the status of national implementing legislation is provided in advance of 7MSP (by end February 2017).

- Identify States Parties that are prepared to share good practices with respect to the dissemination of information on national obligations under the CCM. (By end December 2016.)
- Work with the identified States Parties, as well as with other partners including the ISU and the ICRC, to produce a guidance document that will be useful for other States Parties. (By end July 2017.)
- Consult with the Coordination Committee, the ISU and others to develop a mechanism that will allow progress towards the achievement of action 7.3 (raise awareness of national implementation measures) to be documented. (By end January 2017.)
- Work with relevant partners including civil society (including PAX in particular) to develop a guidance document for States on how they can address the financing of cluster munitions. (By end July 2017).
- Work with the coordinators for universalisation to ensure that information on national implementation measures is included in outreach to non-States Parties (particularly for those non-States Parties that require implementing legislation to be in place prior to ratification). (ongoing)
- Follow up on all opportunities to promote national implementation measures, including through regional workshop as appropriate.
- Continue promotion of existing tools including model legislation. (ongoing)

4. Expected outputs

- An increase in the number of States Parties that report on the status of their national implementation legislation, in particular an increase in the number of States Parties reporting the adoption of new legislation.
- Increased awareness by States Parties of the ways in which they can disseminate information about their national obligations under the CCM as well as how they can address the financing of cluster munitions.
- Clarification of how progress towards the achievement of Action 7 will be measured

5. Estimated budget

- Not yet clear – will depend on whether regional activities are undertaken.

6. Strategy implementers

- New Zealand – coordinator on National Implementation Measures
- President and Coordinators on Universalisation and Reporting
- CCM Implementation Support Unit
- CMC
- ICRC