

**Statement on National Implementation Measures
First Review Conference of the Convention on Cluster Munitions
Dubrovnik, 10 September 2015**



Thank you Madam President, and thank you to the Coordinator New Zealand

According to Article 9 of the Convention on Cluster Munitions, States Parties are required to take “all appropriate legal, administrative and other measures to implement this Convention [...]” Article 9 also requires the adoption of penal sanctions for prohibited activities.

To maximize the global impact of the convention, all States Parties should adopt national laws that apply its high standards. The CMC urges all States Parties to enact comprehensive national legislation to enforce the convention’s provisions and provide binding, lasting, and unequivocal rules. All states should enact legislation, even those for whom the convention applies automatically, those that do not hold stocks and those that are not contaminated.

Legislation should ban the use, production, development and stockpiling of cluster munitions and make assisting with any of these activities an offense. The most common forms of assistance that should be banned are: the transit of weapons across the territory or through the airspace of a State Party, the hosting of stockpiles belonging to a foreign state, and investment in companies that are involved in producing cluster munitions. Many states have clarified that they understand the convention to ban these forms of assistance, and CMC urges all states do so explicitly in their national laws.

Moreover, national laws should clarify that participation in military operations alongside states not party in no way authorizes States Parties to assist with activities prohibited by the Convention. Pursuant to Article 21, the law should also require that the state actively discourages states not party from using cluster munitions.

We note that Canada and Iceland have enacted national legislation since the Fifth Meeting of States Parties. We count on Canada to ensure that -- despite the shocking loopholes in its legislation -- no Canadian will ever assist with using the weapon.

Spain also enacted amendments that took effect in July incorporating provisions of the convention into its implementing legislation for the Mine Ban Treaty. Spain’s amended legislation now contains a prohibition on ‘financing’ cluster munitions, making it the tenth State Party with a legal prohibition on investments in cluster munitions -- in addition to Belgium, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, New Zealand, Samoa and Switzerland.

However, in the period 2011-2014, global financial institutions invested 27 billion US dollars in seven cluster munition producers. This included financial institutions based in a number of States Parties. All states in this room have a responsibility to urgently stop this flow of money. We welcome Costa Rica’s announcement made just now that that it considers investments in cluster munitions to be banned under the Convention.

The CMC would like to see more progress on Article 9. The draft Dubrovnik Action Plan sets the goal of having all States Parties being in compliance with Article 9 by the Second Review Conference.

In that regard, it is encouraging that at least 20 States Parties have indicated that they are planning or are in the process of drafting, reviewing, or adopting specific legislative measures to implement the convention.

The Cluster Munition Coalition and its partner organisations stand available to offer any kind of support to countries that have not yet adopted a national law. There is a wide range of resources that can facilitate drafting a law. Two types of model legislation have been developed by the ICRC and New Zealand. There is also model implementation legislation for African states. Detailed guidance on components of a strong law is available in this report from the Harvard Law School International Human Rights Clinic and Human Rights Watch.

In closing, we encourage those states that have passed legislation to share their experience in formal and informal meetings of the convention. We look forward to hearing positive news about the passing of significantly more national legislation in the future.

Thank you.