



PRESENTATION ON

AN UPDATE OF GHANA'S DRAFT LEGISLATION ON THE CCM

AT THE
TOGO REGIONAL CONFERENCE ON THE UNIVERSALIZATION
OF THE CONVENTION ON CLUSTER MUNITIONS

MAY 22 – 23, 2013

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23.05.13





INTRODUCTION

- ✘ Article 9 of the CCM sets requirements that, States underpin their ratification of or accession to the Convention with the ability to enforce it in their domestic legal system.
- ✘ In the Vientiane Action Plan , States Parties that have not adopted national implementation measures undertook to develop and adopt comprehensive legislative, administrative or other implementing measures as a matter of urgency to implement all obligations under the Convention (Action 63)





JUSTIFICATION

- ✘ Ghana is obliged to ensure that domestic law is capable of providing penal sanctions for activity prohibited by the Convention.
- ✘ Without adequate domestic legislation, Ghana will not be in a position to prosecute offenders for violations of the Convention.
- ✘ To ensure that the norm prohibiting cluster munitions is enforceable everywhere and for generations to come.





THE PROCESS

- ✘ Attorney General's Department drafted the legislation to prohibit the use, manufacturing, production, stockpiling, and transfer of Cluster Munitions including penal sanctions for any violations based on some input received.
- ✘ The draft legislation on the CCM was shared with some key stakeholders among them were New Zealand, the ICRC and the CMC to seek their views and further comments.





THE PROCESS

- ✘ As an administrative requirement, we shall hold final wider consultation with various legal experts as well as relevant International agencies.
- ✘ The final consultation would have the active participation of some affected States to assist us have a robust legislation that can stand the test of time.





CHALLENGES

- ✘ Resource constraints
- ✘ Technical constraints
- ✘ Other competing priorities.





WAY FORWARD

- ✘ There is the need for the development of a comprehensive model legislation to reflect current issues confronting African countries to assist with Article 9 obligations.
- ✘ Call for the organization of Workshop of Legal and Technical Experts to draft model legislation for African Countries.





CONCLUSION

- ✘ I will like to urge States that have reported being in the process of adopting legislation to finalize their work and those that have not initiated a legislative process to do so as a priority.





THANK YOU