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Implementation of the Convention on Cluster Munitions

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Overview

1. The CCM– Legal framework
2. Implementation – National Measures
3. Reporting



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1. CCM – Legal Framework

Structure and Objectives:

- Regulation / Prevention of contamination
- Destruction of stocks and clearance of areas with cluster munitions
- Protection of civilians in affected areas and assistance to victims
- Assistance and cooperation



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- Absolute ban: each State Party undertakes **never under any circumstances** to use, develop, produce, otherwise acquire, stockpile, retain or transfer (or assist, encourage or induce anyone else)
- Stockpile destruction (8 years)
- Clearance (10 years)
- Reporting obligations
- Robust victim assistance provisions



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2. Implementation – National measures

"Each State Party shall take all appropriate **legal, administrative and other measures**, 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."

(Art.9 CCM)



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Core provisions - penal provisions

It is a criminal offence to:

- ▶ use cluster munitions;
- ▶ develop or produce cluster munitions;
- ▶ acquire cluster munitions;
- ▶ possess, retain or stockpile cluster munitions;
- ▶ transfer cluster munitions to anyone.

Also applies to explosive bomblets



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Penal provisions (cont...)

- Ancillary offences: assist, encourage, induce
- Criminal liability of body corporate
- Exceptions: permitted conduct: by official: criminal proceedings, destruction, rendering clusters harmless, retaining or delivering for destruction



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Other provisions (not in NZ model law)

- Notification of possession of clusters
- Destruction of stockpiles
- Contaminated areas: marking, clearance and destruction
- Education and victim assistance: needs assessment; national laws, policies, plan, and budget
- Permission to retain, acquire, transfer: training, counter measures
- Request for information and related offences



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What type of law?

- Common law States – self standing Act (CCM alone or CCM and other weapons)
- Civil law States – either self standing Act (CCM alone or with other weapons) or amendments to the penal code



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3. Reporting

- Art. 7 – transparency measures: initial report and annual updates, including:
 - ▶ description of stockpiles and of affected areas
 - ▶ destruction / clearance measures
 - ▶ national implementation measures
- www.unog.ch



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Thank you!
Questions?



www.icrc.org