



How to Ratify the Convention on Cluster Munitions

The Convention on Cluster Munitions was signed by 94 countries at the Convention on Cluster Munitions Signing Conference in Oslo, Norway on 3 – 4 December 2008. The Convention is now open for signature and ratification at the United Nations in New York. You can see the current list of signatories on the UN Treaty Section website:

<http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=22&chapter=26&lang=en>

This Cluster Munition Coalition (CMC) document provides information on how to ratify the Convention. It complements the ratification kit prepared by the International Committee of the Red Cross (ICRC). A separate CMC paper on “how to sign the Convention” is also available here:

<http://www.stopclustermunitions.org/campaign-resources/>

Thirty ratifications are necessary for the Convention to *enter into force* and become binding international law (Article 17). Only when the Convention enters into force will states be bound by all of the Convention’s terms and will the deadlines start counting down for clearance of contaminated land and destruction of remaining stockpiles. The CMC is challenging all states to ratify the Convention on Cluster Munitions without delay and to strive to be among the first 30 states responsible for triggering entry into force.

Timeline: from Adoption of the Convention to Entry Into Force



- **What is the next step after the signing conference in Oslo?**

For states that have signed the Convention on Cluster Munitions, the next step is to *ratify* it. The purpose of ratification is to ensure that the government has thoroughly examined the implications of the obligations in the treaty and has determined that it is in a position to comply with them. Ratification is the process by which a particular state becomes a State Party bound by the Convention. It is also the process necessary for the Convention to *enter into force* and become international law: 30 ratifications are necessary for that to happen.

States that have not yet signed the Convention must sign and ratify the Convention by depositing their instrument of “full powers” to sign, and their “instrument of ratification” to ratify, with the United Nations Secretary-General who is the depository of the Convention.

- **What is the significance of signing the Convention?**

By signing the Convention, a state proclaims its consent to be bound by its provisions once it ratifies the treaty. In addition, the state is obligated to not act against the “object and purpose” of the treaty until the treaty becomes law for that state. Every country that has signed the Convention on Cluster Munitions must still ratify it in order to become a State Party bound by the Convention’s provisions.

After the Convention enters into force, states that have already signed can still ratify. However, after the Convention enters into force, it is no longer open for signature. States may no longer sign then ratify, but instead can become bound through the process of “accession,” which has the same effect as ratification.

- **How does the Convention become *international law*?**

An international treaty, such as the Convention on Cluster Munitions, becomes law through the process called *entry into force*. Only when thirty states have ratified the Convention does it enter into force.

According to the Convention, it will enter into force on the first day of the sixth month after the month in which the thirtieth state has deposited its instrument of ratification. Each state that deposits its ratification instrument *after* the 30th state becomes bound by the Convention on the first day of the sixth month after the month in which it ratified.

When the Convention enters into force, the deadlines for destroying stockpiles and clearing contaminated land start to count down for the States Parties. At that time, the States Parties are also legally bound to implement the requirement to provide assistance to affected communities according to the Convention’s terms.

- **How does the Convention become *law for a particular country*?**

After signing the Convention states must first carry out the national domestic requirements necessary to ratify an international Convention. The procedure to ratify an international Convention differs from country to country and is usually set by the constitution or in national law. For some countries, ratification requires drafting new national legislation. In almost every country, ratification involves consideration by the parliament and/or executive, in addition to consultations among various government departments or ministries.

After the decision to ratify the Convention has been made at the national level, states must then deposit their ratification instrument with the United Nations, which has been tasked as depository of the Convention (Article 22). This is the step that makes that state a State Party to the Convention.

- **How is ratification carried out?**

States ratify the Convention by depositing an “instrument of ratification” with the United Nations in New York. The ICRC has drafted a model instrument of ratification available here:

<http://www.icrc.org/web/eng/siteeng0.nsf/html/cluster-munitions-ratification-kit-181208>

To deposit the instrument of ratification states should contact the UN Treaty Office at the UN Headquarters in New York at the following address:

UN Treaty Section, Office of Legal Affairs, United Nations Headquarters, New York:
Tel: +1 212 963-5047
Fax: +1 212 963-3693
E-mail: treaty@un.org

Note: States can sign and ratify the Convention at the same time by simultaneously depositing their instrument of “full powers” to sign and their “instrument of ratification” with the United Nations.

Additional resources

- **ICRC Ratification Toolkits and Model Legislation**

The ICRC has produced Ratification Toolkits in consultation with the UN Treaty Section that contains additional information on ratification as well as:

- A Model Instrument of Ratification (available in Arabic, Chinese, English, French, Spanish, Russian)
- Model Legislation for Common Law States (available in English)

<http://www.icrc.org/web/eng/siteeng0.nsf/html/cluster-munitions-ratification-kit-181208>

- **CMC Briefing Paper on the Convention**

The CMC’s Briefing Paper lays out the main obligations in the Convention on Cluster Munitions (available in Arabic, English, French and Spanish)

<http://www.stopclustermunitions.org/campaign-resources/>

- **Cluster Munition Coalition**

<http://www.stopclustermunitions.org>

- **International Committee of the Red Cross**

<http://www.icrc.org>

- **UN Treaty Section**

<http://treaties.un.org>

Template letter for campaigners

The template letter below is for campaigners and campaign supporters in countries that have signed the Convention on Cluster Munitions to adapt and send to their governments to urge it to ratify the Convention quickly. A separate letter urging states to sign is available on the CMC website.

It is important that campaigners find out and understand the process and necessary steps for their country to ratify the Convention. Campaigners are recommended to adapt the letter so that it is appropriate to their national context. Here are some suggestions:

- Welcome any announcements that the government has made to ratify the Convention quickly or soon, and any steps already taken towards ratification. You may also want to make clear what next steps are needed to complete ratification;
- Highlight why it is important that this country ratify the Convention, for example if it is an affected country then it will be able to request and receive assistance to clear contaminated land and if it stockpiles then it will obligate the country to start destruction.
- Copy the letter to all relevant people in government, parliament and civil society that can help to follow up on ensuring that the ratification procedure is carried out quickly and efficiently.

[INSERT LETTERHEAD]

[INSERT RECIPIENT'S ADDRESS]

[INSERT DATE]

Dear Minister,

Thank you for signing the Convention on Cluster Munitions. We respectfully urge you to take the crucial next step and ratify the Convention without delay.

As you are aware, this international ban on cluster munitions is the most important humanitarian and disarmament treaty of the last decade. With full implementation, it will save countless lives with its prohibition on future use, and through its clearance and victim assistance obligations it will make a real difference to the lives of those already affected by these weapons.

94 governments signed the Convention in Oslo, including stockpilers, former users and producers and affected countries from all regions of the world. We hope you will urge other nations in your region to sign this important agreement which is now open for signature at the United Nations Headquarters in New York.

[USE ONE OR TWO SENTENCES TO TAILOR THIS LETTER TO DESCRIBE WHAT THE CONVENTION MEANS FOR YOUR COUNTRY (AFFECTED / STOCKPILER / PRODUCER / NONE OF THE ABOVE)]

States must now ratify the Convention which will enter into force 6 months after the 30th ratification. The ICRC has prepared a ratification guide to assist in this process. Each new ratification brings the treaty's humanitarian promise a step closer to reality. Only once 30 countries have ratified will the clock start ticking on the time-bound obligations for states to clear contaminated land and destroy all stockpiles. The 30th ratification will also transform the treaty's groundbreaking obligations for assistance to affected communities into legally binding rules that recognise the rights of victims to receive assistance.

We urge your government to be one of the visionary group of 30 countries bringing this historic treaty into force. Attached you will find some information on how to ratify the Convention.

Yours sincerely,

[NAME]

[POSITION]

[ORGANISATION]