



## **Convention on Cluster Munitions, 7MSP**

### **Statement by New Zealand Coordinator for National Implementation Measures**

**NEW ZEALAND Delivered by Ambassador Dell Higginson**

**5 September 2017**

---

New Zealand continues to be honoured to serve as the Coordinator for National Implementation Measures under this Convention.

We acknowledge that putting national measures in place, which can include legislation, regulation as well as military rules, can be quite time-consuming and complex – but it *is* fundamental to ensuring achievement of the Convention's humanitarian and security objectives.

As Coordinator for implementation measures, we know that our efforts are inextricably linked with so many other areas of the Convention, including efforts to promote universalization, international cooperation and assistance, and, of course, transparency. We are therefore pleased that so much of our work this year has supported, and been supported by, the work of other coordinators.

As was the case in 2016, New Zealand has been guided in its activities over the current year by the objectives agreed in the Dubrovnik Action Plan. That document featured three actions relating to national implementation measures:

Action 7.1 – Enact national legislation to implement the Convention

Action 7.2 – Highlight challenges and request assistance

Action 7.3 – Raise awareness of national implementation measures

The Dubrovnik Review Conference also agreed measures against which progress towards these actions will be assessed. Our target for the 2020 Review Conference is that all States Parties will be in compliance with Article 9 and will have reported on national implementation in formal meetings of the Convention and through Article 7 transparency reports.

The Geneva Progress Report, available online, provides a snapshot of how our Convention is faring with respect to these actions as of 30 June 2017. Although the full details can be found in that Report, let me give a quick

summary: just under half of States Parties to the Convention have either passed new legislation or have deemed their existing law to be sufficient to implement the CCM. A further 16 States Parties have reported that legislation is under consideration or in the process of being adopted, while another 14 have provided some information on national implementation but still need to provide clarification on some points. This leaves almost a quarter of States Parties yet to provide any information on their national implementation.

Against this backdrop it is clear that much work remains to be done.

We would like to highlight again that Article 9 of the Convention does not specify any predetermined way in which implementation must be done – what matters is that States Parties are able to comply with all the Convention's requirements – but they do this on the basis of their own legal system and constitution.

There are a broad range of tools that have already been developed to assist States Parties in fulfilling their obligations, including model implementing legislation. The ICRC has developed a very comprehensive model applicable particularly to common law States and covering the full range of provisions of the Convention. New Zealand has also developed simplified model legislation - legislation which focuses only on the implementation requirements for those States that are non-possessors of cluster munitions and have not been contaminated by past usage of these munitions. In addition, Ghana has worked with partners including Zambia, UNDP and the CMC to develop model legislation for African States. Human Rights Watch has also provided a comprehensive overview of the full range of elements that might be included in national implementation legislation.

In all, then, there are four items in the current CMC toolbox – all are aimed at helping meet the obligations of Article 9 of the Convention. All of them are available online.

Before opening the floor for comments, I would like to touch briefly on the activities New Zealand has undertaken as national implementation coordinator over the past year.

Over the year, we have written to a number of States seeking clarification of the status of their national implementation measures. New Zealand also contributed to a letter sent by the Coordinator for Transparency Measures to a number of States Parties that had not previously provided any information on their national implementing legislation.

In the main, however, this effort to elicit information has not been successful.

Accordingly, we would like to take this opportunity again to invite any State needing further information about national implementation or with information or updates to give us about their own situation to meet with either or both of the two members of the NZ Delegation here during this meeting – or to contact us subsequently by email. Email addresses are available at the NZ Delegation desk.

In addition to the letter campaigns I've just referenced, over the past year New Zealand gave presentations on national implementation measures to two regional workshops: the first at a Pacific workshop in Apia in September 2016; and the second at the President's workshop in Bangkok in March 2017. These have led to follow-up exchanges with a number of States Parties and Signatories which New Zealand will continue to support.

Alongside the Coordinators for Universalisation, France and Zambia, New Zealand also supported and participated in an African regional seminar held in Kampala and co-hosted by Uganda in May this year. The seminar included a dedicated session on CCM Article 9 obligations and on the ratification and domestication tools available to States Parties and Signatories. The workshop was very successful and reinforced the point that the groundwork for implementation of the Treaty is best laid during the ratification process. It is at this stage – when political interest is high and when legislative attention is already being turned to the Treaty – that States are best able to determine and deliver the institutional and legal framework needed to fully implement the Treaty.

As coordinator for National Implementation Measures for the coming year, New Zealand will be taking stock of the lessons learned from our efforts to date in order to ensure we make greater progress in anchoring the obligations of our Convention in all our various domestic systems and in order to ensure the delivery of the humanitarian and security benefits it has promised us all.

For our part, New Zealand is already planning implementation-related activities in the margins of the UN General Assembly First Committee later this year, as well as in our region of the Pacific in early 2018. We look forward to hearing your ideas on what else can be done and to continuing to work with you all to achieve our common objectives.

With that, Mr President, I turn the floor over to delegations for what I hope will be an interactive exchange on challenges and opportunities with respect to national implementation measures.