



## Convention on Cluster Munitions, 8MSP

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

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Deputy Permanent Representative to the Conference on  
Disarmament**

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Thank you Mr President.

New Zealand is once again honoured to serve as the Coordinator for National Implementation Measures under this Convention. We have had another busy year as coordinator, co-hosting a workshop with Zambia and the ISU on CCM implementation and reporting in the margins of the First Committee, hosting a regional Conference for Pacific Island States on conventional weapons treaties including challenges faced in implementation of the Convention on Cluster Munitions, and conducting bilateral outreach. In our role as coordinator, New Zealand would like to place on record our deep appreciation to the Implementation Support Unit, in particular Sheila and Matthieu, for their professional dedication and unwavering support, and to the ICRC, CMC and other partners for their continued expertise and enthusiasm regarding measures to ensure full implementation of our Convention.

As we all know, implementation of the Convention is central to the achievement of its humanitarian and security objectives – it is the partner of universalization and inextricably linked with so many other areas of work that we have already discussed here, including international cooperation and assistance and transparency. There is nothing immediate about treaty implementation – legislation, regulation, military doctrine, training and education all take time and effort, from an assessment of whether they are needed to completing the necessary drafting, adoption and implementation processes. Progress is often slow and not necessarily linear – it is definitely a long-distance event, not a sprint.

Against that backdrop I want to highlight some of the good news we can share this year.

Over the reporting period five States Parties have reported that their national legislation sufficiently includes items recommended by Article 9, which is an increase in the number of States Parties that have reported to have sufficient law in place. We thank Albania, Bolivia, Mozambique, Palau and the State of Palestine for these reports and encourage them to share with us, and with the ISU, the measures they have in place to meet the requirements of the Convention.

The 2018 progress report also registers that seven States Parties provided updates to the effect that work on legislation to implement the CCM is ongoing – Afghanistan, Belize, Botswana, Lao PDR, Malawi, Swaziland and Zambia. We would note, though, that a large number of other countries that have previously reported being in the process of updating their legislation have not provided updates in recent years. While we appreciate that legislative processes are unpredictable and lengthy we would like to encourage all such States Parties to share information on their progress – either here in the Meeting of States Parties or in their next annual transparency reports.

You will see that one State Party, Nauru, has used its initial report to request assistance with its Article 9 implementation. As NIM coordinator, and a Pacific neighbor, New Zealand is reaching out to Nauru on this request. We reiterate that we are similarly available to all delegations that may request support for their implementation efforts.

I would like to highlight that, for the first time, the progress report highlights those States Parties that have reported the enactment of national legislation prohibiting investments in producers of cluster munitions. Those States Parties are Belgium, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Samoa, Spain, Switzerland and my own country, New Zealand. The current report does not reference those States Parties that have made interpretive declarations relating to investment, though we are pleased that a number have also shared these since the Treaty's adoption.

We recognize that CCM States Parties have differing views on divestment. At the same time we welcome the opportunity provided by our Convention to consider the practical contribution divestment can make to achieving the

objectives of our Convention. Acknowledging the reference to divestment in the Dubrovnik Action Plan, as well as the invitation for delegations at this Meeting to exchange views on how to address the issue of investment in cluster munitions, we hope that this community will be interested in sharing their experiences and in taking work forward over the coming year.

Before opening the floor for comments I would like to touch briefly on some of the implementation assistance that is already available to States Parties.

As we all know, Article 9 requires that each State Party shall take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention and undertaken by persons or on territory under its jurisdiction or control.

Article 9 specifies no predetermined way in which implementation must be done – what matters is that States Parties are able to comply with all the Convention's requirements, both its core prohibitions and positive obligations, and that they do so on the basis of their own legal system and constitution.

In light of this flexibility, a broad range of tools 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 model legislation which focuses only on the provisions which non-possessor, non-contaminated States need to adopt to fulfil the Convention's obligations. 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. All of these tools are available online.

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