



**Convention on Cluster Munitions 1RC, Dubrovnik, Croatia
General Statement**

New Zealand

Delivered by Ambassador Dell Higgin

7 September 2015

The New Zealand Delegation congratulates Croatia on its hosting of this most important milestone in the lifespan of our treaty – the holding of the first review of the Convention on Cluster Munitions. As a country which has been affected by the terrible impact of cluster munitions, and one that has been so active in the process to ban them, it is entirely appropriate that we meet here under Croatia's leadership in order to reflect upon the distance we have travelled over our first review cycle and to consider how we can best work together to ensure the Convention continues to grow throughout the next review period in a way that enables us to best achieve its humanitarian objectives.

May I also take the opportunity to pay tribute to our outgoing President. We are enormously grateful for Costa Rica's active and engaged Presidency and would wish to acknowledge, in particular, their tireless outreach efforts to promote universalisation of the Convention. Under Costa Rica's direction, our Convention family has continued to grow and we warmly welcome the new members who have joined us since our meeting last year in San Jose: the roll call comprises, in chronological order, Guinea, Guyana, Palestine, Canada, Paraguay, South Africa, Slovakia, Rwanda, and most recently Iceland.

Mr President, New Zealand values this opportunity to take stock, in a more considered way than we are able to do at our annual get-togethers, of the pathway which has been set for our treaty. In setting its course, here, for the forthcoming five years we will of course be keeping faithfully in mind the key objectives and outcomes which were established by the Convention.

Not all review conferences prove to be the occasion for the restatement of a shared vision. I say this, sadly, with this year's Nuclear Non-Proliferation Treaty Review Conference fresh in mind – although I am very confident that the context for our review here in Dubrovnik is altogether different. There is no different 'category of membership', so to speak, in our Cluster Munitions Convention: all States Parties have the same set of obligations. This is indeed meant to be a family with shared values and a homogeneous vision. That vision was very clearly articulated for us all in the Preamble to the Convention as adopted in 2008.

In that Preamble, we enshrined our determination to "put an end for all time to the suffering and casualties caused by cluster munitions" and to "work strenuously towards the promotion of [the Convention's] universalisation and its full implementation". This because – in the language of the very last preambular paragraph of the Convention – we have based ourselves on the principles and rules of International Humanitarian Law and, in particular, on our strong support for the obligation both to take constant care in any military operation to spare the civilian population and not to use weapons that fail to distinguish between civilians and combatants. This, then, is the essential element of the 'object and purpose' of the CCM and the basis for our rejection of cluster munitions as a weapon inconsistent with the dictates of IHL.

The New Zealand Delegation is confident, then, that from the outset the terms of the Convention have directed us above all to work for the same fundamental outcome: to "further the principles of

humanity as evidenced by the global call for an end to civilian suffering caused by cluster munitions". Clearly, this requires us all to work consistently for the creation of a strong norm against any use of cluster munitions. Something which we have deemed unacceptable for ourselves – on the basis of the requirements of IHL - can surely not be regarded as acceptable when in the hands of others (although for the present we may be forced in some circumstances to acknowledge the current reality of their existence in some others' hands).

Mr President, I have sought to remind myself of the vision which we all had in 2008, and which we enshrined in the Preamble of our Convention, because in the early life of a treaty it is perhaps easy to get caught up in what I might characterise as rather more pedestrian matters – issues of financing, institutional arrangements and so on - and to overlook what is sometimes referred to as 'the vision thing'. Yet retaining our vision, the ambitions we set in 2008, is of course essential to the task of shaping the direction of our activities for the forthcoming review cycle. It is this fact which gives additional emphasis to the importance of the documents we will adopt at this Review Conference. May I note in this regard New Zealand's very strong support for the Dubrovnik Declaration.

Vision aside, our Review Conference here in Dubrovnik must also indeed be the occasion for us to settle some of those very 'nuts and bolts' issues, along with some other important generic matters, in order that they not bedevil the proper functioning and forward momentum of the CCM.

Undoubtedly, an essential issue for resolution this week is that of the financing of our Implementation Support Unit given that it will shortly assume its full role as the very backbone to the implementation of our treaty. We congratulate Ms Sheila Mweemba on her assumption of the ISU's directorship and we look forward to working closely with her and her team. New Zealand would also like at this juncture to extend our sincere appreciation to UNDP, most notably Ms Sara Sekkenes and Ms Estelle Aebersold, for their excellent stewardship of the Convention for some years now and for having performed outstandingly in the task of interim ISU.

We do remain deeply concerned, however, at our collective failure to agree on a durable funding model for the ISU. This risks handicapping our treaty's ability to perform to our hopes and expectations for it - a number of which have indeed been enumerated in the Dubrovnik Action Plan – and we continue to hope that we will yet be able to reach agreement this week on a financing model which does not rely on voluntary funding.

We are very grateful for the hard work of the Dutch and Lebanese Delegations on this issue and for their attempt to steer us toward a safe harbour. I say safe harbour because we do not wish our ISU to be left at sea – potentially distracted from its core tasks by the necessity of fundraising for its core needs. We have a clear demonstration of the dangers of a voluntary model from the Ottawa Convention and it is difficult to understand why replicating that model can somehow avoid the same consequences. I would hope that the paper we are shortly to receive from our co-facilitators, will be able to chart for us a viable and sustainable pathway for financing.

Mr President,

Although the CCM is still some way from universalisation, the use of cluster munitions is now seriously constrained and those countries or entities that have dared to use them in the period since the Treaty's adoption have met with widespread opprobrium. New Zealand joins others here in continuing unreservedly to condemn any and all instances of the use of cluster munitions. We are deeply concerned by allegations of recent cluster munitions use in Yemen and Libya. We are similarly concerned about the evidence of the use of cluster munitions in South Sudan and the

reports of use in eastern Ukraine. We reiterate too our condemnation of the use of cluster munitions in Syria.

Mr President, pursuant to New Zealand's role as the Convention's Coordinator for National Implementation Measures, New Zealand stands ready to provide States wishing to become party to the Convention – or indeed existing States Parties – with assistance they may need to put in place the legislation or other administrative measures which may be necessary to give full effect to the Convention under their constitutional system. We know only too well that it is domestic implementation of the Convention's obligations that is key to securing the real promise of the Convention: no more cluster munitions victims.

At this point, I would wish to acknowledge those cluster munitions victims with us in Dubrovnik - as well as the significant civil society presence here. The close engagement between government and civil society, and the strong focus on victims' rights, were both hallmarks of the "Oslo process" and they have continued the length of our treaty's first cycle. Civil society's efforts to attain public profile for the stigmatisation of cluster munitions have been invaluable.

In conclusion, Mr President, may I say again how pleased New Zealand is to be here in Dubrovnik at this first Review Conference of the Convention on Cluster Munitions and at this first opportunity to renew our commitment to its vision.