



**Convention on Cluster Munitions 5MSP, San José Costa Rica**  
**Statement on National Implementation Measures**  
**New Zealand, Coordinator**  
**Delivered by Ambassador Dell Higgin**  
**4 September 2014**

New Zealand is very pleased to serve our CCM membership as Coordinator for National Implementation Measures and we were very grateful, Mr President, for Foreign Minister Gonzales Sanz's call here, at our opening session, for States Parties to adopt implementing measures as a matter of urgency.

We see effective national implementation by all States Parties as one of the keys to ensuring our Treaty lives up to its humanitarian objectives. We thank you for this opportunity to report briefly on the progress made in this regard since our fourth meeting of States Parties in Lusaka last year.

Article 9 of the Convention is of course our reference point on these matters. It is a brief provision, but has a very important impact on the successful operation of the Treaty. It sets out the requirement for States to underpin their ratification of the Convention with the ability to enforce it in their domestic legal system.

There is no predetermined way in which this should be done: what matters is that States Parties are able to comply with all the Convention's requirements.

Forty States Parties now report that they have adopted legislation specifically aimed at implementation of the Convention or that their existing frameworks have been sufficient to implement it.

We are heartened by the news that eighteen States Parties and two signatories are in the process of adopting implementation legislation and I also note from the statements they delivered here on Tuesday that both our new States Parties, Belize and Republic of Congo, are well and truly intent on adopting implementing legislation.

It is undoubtedly true that developing and adopting whatever legislation may be required for the effective implementation of the Convention does remain a challenge for a number of CCM States Parties. It is clear that resource constraints and competing priorities are a key factor in preventing further progress in putting legislation in place.

There are, however, tools available to assist States and simplify the process of drawing up national legislation. These are intended to short circuit some of the very time-demanding aspects for States in adopting national laws. The ICRC has developed comprehensive model implementation legislation – applicable, in the main, to common law countries. It covers the entire range of provisions in the CCM and which need to be implemented by States Parties who have produced, stockpiled or been

contaminated by cluster munitions. New Zealand has also developed a shorter model, two-pages in length, for non-possessor, non-contaminated States. It includes only those elements that are absolutely necessary to fulfil Convention obligations by prohibiting future possession of cluster munitions as well as outlawing their trade, transfer and transit.

In addition, there is now a third reference point for States – notably, the Human Rights Watch report released here on Wednesday which contains “Key Components and Positive Precedent for CCM Legislation” and which provides a comprehensive overview of the full range of elements that might be included in national implementation legislation.

Looking back over the course of this year, Mr President, there have been a number of useful initiatives designed to help States implement their Convention obligations. The New Zealand Mission in Geneva joined earlier this year with Ghana, Norway and Zambia in hosting two workshops on ratification of the Convention by African states. Pursuant to Zambia’s goal for universalisation of the Convention in Africa, these workshops explored the challenges the African region faces in terms of ratifying and implementing the Convention and also sought information about what sort of assistance States might require in moving forward with ratification.

I should also refer to a key new initiative underway under the leadership of Ghana, facilitated also by Zambia and with funding from Norway and New Zealand and the assistance of UNDP. At the start of this week, African States attended a workshop hosted here in San Jose aimed at creating a Pan-African CCM implementation model – one which would encompass both common and civil law approaches.

I am confident that the discussion at this workshop will serve as a useful basis for a CCM model law for Anglophone as well as Francophone African States. We would particularly like to thank the CMC, and also the ICRC, for their work in preparing the text for discussion there.

An interesting and novel point which was raised by several African States at the workshop related to a request for model legislation which could cover all relevant conventional arms treaties. This would enable the implementation - e.g. of the Landmines and Cluster Munitions Conventions as well as CCW Protocol V - in a single legislative instrument. The ICRC has undertaken to consider this request – although, as noted at the workshop, many States ratify such treaties at such differing times that it is not clear how useful an omnibus model law would, in practice be.

Of course – and as a well-known junkie of model laws - I would not want to leave this topic of model legislation – of whatever scope - without adding the Arms Trade Treaty to the potential list of treaties which could be covered in a single omnibus model law.

Whilst specifically on the ATT, I would at this point like to note that the model ATT law which New Zealand has been working on for some months has now been finalised and is about to be published . It will be available for distribution within the next few weeks.

Now, moving on to developments in other regions, we welcome Costa Rica's initiative this past Monday to chair a workshop for Spanish-speaking delegates aimed at promoting both CCM universalisation and national implementation measures. It was organised also with the help of UNDP, CMC and the ICRC, and was supported by Norway as Coordinator for Universalisation. It built, indeed, on an earlier initiative taken by Chile in hosting in December 2013 the Santiago Regional Workshop on Cluster Munitions. This Santiago workshop also featured a session on national implementation measures, and included presentations by the ICRC and New Zealand on our respective pieces of model implementation legislation. We thank the Government of Chile for hosting this valuable meeting – as well as for its dedication to the creation of a Latin American and Caribbean region free from cluster munitions.

Finally, Mr President, as we all know, next year will be a very important one. Our Convention will have its first Review Conference. This will be a key opportunity to explore ways to widen the membership of our Convention and to focus our attention on ensuring the removal of any impediment in the way of us all implementing the norms it has established. As Coordinator, we look forward to working together with as many of you as possible over the course of the coming year in order to meet this vital goal.