



Convention on Cluster Munitions, 9MSP

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

**Delivered by H.E. Dell Higginson
Ambassador for Disarmament**

4 September 2019

Thank you Mr President.

New Zealand is honoured to continue to serve as the Coordinator for National Implementation Measures under this Convention. We have had another busy year as Coordinator - co-hosting with Iraq and the ISU a workshop on treaty implementation and reporting in the margins of the First Committee; co-hosting a regional Workshop in Manila focused on universalization and implementation; as well as conducting bilateral outreach – most notably in our own region, the Pacific, where we have carried out eight dedicated outreach missions to Pacific Island countries to promote the Convention, including three in the last several months.

In our role as Coordinator, New Zealand would like to place on record our deep appreciation to the Implementation Support Unit for their professional dedication and strong support, and to the ICRC, Cluster Munitions Coalition and our other partners for their continued expertise and dedication to securing 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. But, it can take time and effort – perhaps involving legislation, regulation, military doctrine, training and education – to put in place the full spectrum of measures which may reflect the needs and capacities of a number of States.

Not all State Parties will even require new *legislation* to implement the CCM. 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.

We would encourage those States whose existing legislative frameworks are sufficient for these purposes to include this information in their national reports. We note that a large number of States have not – in recent years – reported on how they implement their treaty commitments. We encourage all States Parties to provide regular progress updates – either here in our Meeting of States Party or in their next annual transparency reports.

Today, Mr President, I wish to use my statement to highlight some of the good news stories that have originated from States' action to implement their treaty commitments over the past 12 months.

This past year, fifteen States Parties have reported updates on national implementation. Six have provided supplementary information on their national implementation of the CCM. We thank Bulgaria, Croatia, Panama, Slovenia, Spain and the State of Palestine very much for these updates.

In addition, five States Parties – Afghanistan, Iceland, Lebanon, the State of Palestine and Zambia – have provided updates on their domestic process for reviewing or adopting legislation to implement the treaty.

In February this year, we published a list of the 29 States that had specific national legislation to implement the CCM. This list is available on the CCM website, and includes links to all of the relevant legislation. This grouping has recently expanded to include two more States – Afghanistan and Iceland, which have adopted specific law to implement the CCM.

Of the now 31 States that have adopted such legislation, we note that 12 have included a specific prohibition on investments in cluster munitions. We are also pleased that a number of States Parties have made interpretive declarations relating to investment since the Treaty's adoption. We recognize that States Parties may have differing views on divestment but we welcome the opportunity provided by MSPs to consider the practical contribution divestment can make in achieving the objectives of our Convention.

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.

A broad range of tools have already been developed to assist States Parties in implementing their treaty obligations, including model implementing legislation. Firstly, the ICRC has developed a very comprehensive model law – of particular use to common law States - and which covers the full range of provisions in the Convention. Secondly, my country, New Zealand, has developed a similar model law, but which focuses only on the provisions which non-possessor, and non-contaminated States need to adopt in order to fulfil the Convention's obligations. Thirdly, Ghana has worked with partners including Zambia, UNDP and the CMC to develop model legislation specifically attuned to the circumstances of African States. And finally, Human Rights Watch has provided a comprehensive overview of the full range of elements that might be included in national implementing legislation. All of these tools are available online, and my Delegation would be happy to point you in the right direction.

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