

**CCM: Intersessional Meeting, 16-18 April 2013**  
**National Implementation Measures**  
**Remarks by the Coordinator**  
**16 April 2013**

- Thanks very much and good morning everyone. First up I would like to express New Zealand's appreciation to Norway for the energetic and committed way in which they are guiding the work of the Convention. The thematic workshops yesterday were a very useful initiative and we look forward to a fruitful intersessional meeting. We'd like also to extend our thanks to the UNPD team for all of the support they offer us as States Parties and signatories.
- New Zealand is pleased to be able to continue in our role as Coordinator for National Implementation Measures. We see effective national implementation by all States Parties as one of the keys to ensuring our treaty lives up to its humanitarian objectives.
- The Vientiane Action Plan continues to guide our efforts in the short-term on national implementation measures, as it does of course across the Convention. In the Action Plan, there are three actions that touch specifically on national implementation, namely Actions 63, 64 and 65.
- In brief, through those actions, States Parties that have not yet done so have undertaken to develop and adopt comprehensive legislative, administrative or other implementing measures as a matter of urgency to implement all obligations under the Convention. In addition, all States Parties have undertaken to share information on the content and application of implementing measures through reports made in accordance with Article 7 and at formal and informal meetings of the Convention, as well as to provide clear directives to all relevant state agencies about the prohibitions and requirements of the Convention.
- Article 9 of the Convention is of course our touchstone on these matters. Although it is a brief provision, it has a very important impact on the successful operation of the Treaty. It does so by ensuring that the Convention's prohibitions will be properly enforced – with the backing of penal sanctions – through the operation of domestic laws.
- Article 9 is not prescriptive about how States Parties should give effect to its obligations – and that is a proper recognition of the many different legal and administrative systems that exist around the world. But it is for this reason that a good exchange between States Parties around how they have chosen to implement Article 9 can enrich our discussions here and provide new States Parties, and indeed the Coordinator, with valuable insights into how implementation can be achieved. We hope that States Parties will use this session for such an exchange.

- Similarly, Article 9 does not prescribe the kinds of penal sanctions required, but it is clear that those sanctions should be strong enough to act as an effective deterrent to those who may consider acting in violation of the Convention's provisions, as expressed in each State Party's domestic laws. States Parties need also to consider such important issues as how to cover off "aiding and abetting", extra-territorial application of the prohibitions, and investment, where there is a growing trend to adopt specific measures.
- We continue to observe that the main challenge with respect to national implementation is ensuring that all States Parties swiftly develop and adopt whatever legislation may be required for their effective implementation of the Convention.
- Progress, however, continues to be made. Drawing on the Article 7 reports, we know that more than thirty States Parties, or over one third of the Convention's membership, have reported that they have adopted legislation or that they consider their existing legislation to be sufficient. In addition, thirteen more States Parties have reported that they are in the process of developing legislation. These are positive developments and represent a good increase on last year.
- There is room for much more to be done, however. A substantial number of States Parties, including those whose deadlines for initial reports have passed, have not yet reported on their efforts to meet their Article 9 obligations. We continue to urge all States Parties to make good use of Form A of their Article 7 reports to provide updates on their efforts to implement Article 9. Updates today would also be most welcome.
- Of course, we are very much aware of the challenges that a number of States face in meeting these obligations, given resource constraints and competing demands. It is for this reason that a number of tools are available to assist. The ICRC has of course produced its comprehensive model law for common law states (available on the CCM website) and New Zealand has also produced simple model legislation for States that do not possess cluster munitions and have not been contaminated by them. Copies are available from the CCM website as well as from us in hard copy.