

Thank you

It's fantastic to have the opportunity to address today's Intersessional Meeting of the Cluster Munitions Convention.

First allow me to extend my profound thanks to the United Kingdom, to Aidan and Ele, for their fantastic stewardship of our Treaty this year. We are very much looking forward to the Meeting of States Parties in September under your excellent leadership.

And thanks, too, to the hard work of our Implementation Support Unit which keeps us all on track and working towards the full implementation and universalisation of our Treaty. The work you do is invaluable to our shared mission.

New Zealand has served on the Conventions' Coordination Committee since 2011, in the role of National Implementation Measures Coordinator.

Let me begin my remarks this year with a simple question, why is national implementation important?

Once a country joins the CCM, it is obliged under Article 9 to implement its provisions domestically. But more than this, the translation of international obligations into domestic law is crucial.

It ensures our Convention remains credible, that there are no gaps between what States say they are doing on the international stage and what they actually do domestically.

But also, it is the two ingredients: (i) universalisation and (ii) implementation, that are essential to achieving the Convention's underlying purpose: a global taboo against the possession, use and proliferation of cluster munitions.

It should also be recognised that the process of drafting, coordinating and enacting national law plays an important role in focusing the attention of national authorities on new treaty obligations.

It helps to promote a review of existing national legislation and practice, including military manuals. This last part is especially important, and we are very interested in hearing from States in this regard. In our view, one of the most powerful arguments for pursuing national implementation relates to the contribution it can make to strengthening general understanding of the human security benefits of maintaining a high standard of compliance with international humanitarian law.

So, please allow me to pose a question here for delegations in the room, how have you achieved dissemination of the Treaty's obligations within your armed forces, and have you experienced

any particular challenges? This is something that we are interested in hearing from you all on, including during the MSP later this year. So your thoughts in this regard, would be very welcomed.

Increased knowledge among the military, and at the highest levels of government, are essential in achieving a strong adherence to IHL.

Turning now to how States should effectively implement the Convention into domestic law.

Article 9 of the Convention is our touchstone for this, and it requires each State Party to take all appropriate legal, administrative and other measures to implement the Convention.

The Convention is not prescriptive about how States Parties should give effect to its legal obligations, in view of the many different legal systems that exist around the world. Sometimes legal systems do not require specific implementation legislation, or perhaps your existing legal provisions are sufficient. In other instances new legislation is required.

And in this regard, I'd like to speak briefly to the experience of one country from our region. In 2020, Niue acceded to the CCM. Shortly after, in 2021, it passed the Anti-Personnel Mines and

Cluster Munitions Prohibition Act 2021 which clearly provides for the domestic implementation of Niue's obligations under the CCM. I would like to take the opportunity to congratulate Niue on this significant achievement and to commend its legislation to other states which may be looking into the need for national law.

I note that not all States Parties have confirmed the adoption of measures consistent with Article 9. In the Lausanne Action Plan we all agreed an intention to improve progress in this area. In particular:

Under Article 47 States committed to ensure they have appropriate national measures in place to fully implement the Convention before 11MSP in 2023. It also encouraged States to consider enacting national legislation prohibiting investments in producers of cluster munitions and their crucial components, and more on that in a second.

Under Article 48 States committed to highlight factors and challenges that may be preventing progress. This included via Article 7 reports, or in Convention meetings such as this, and to request assistance.

I would therefore urge States to update this meeting on the status of domestic implementation of our Convention, in particular those 23 States that are in the process of developing or adopting legislation to implement the Convention – even if it's just to say that work continues in this regard; or the 23 States

that have submitted incomplete information relating to their domestic legislative frameworks. We are committed to assisting States along with the ISU, ICRC and the CMC, but we can only do so when we have the full picture.

As part of building this picture, New Zealand has identified exploring options for creating a reference document which lists – and links to – laws implemented by States which prohibit investments in cluster munitions, as a priority action this year. And in this regard, New Zealand was pleased to see Italy recently adopted new laws to ban funding in the manufacturers of anti-personnel mines and cluster munitions. At a time when these weapons are again being used, divestment is a meaningful tool in States' arsenals to reinforce our shared norm. I would encourage all States which have these provisions in domestic law – as New Zealand does – to recognise this in your public Statements in CCM meetings, so we can understand State practice in this regard.

Finally, I want to end with a brief overview of the tools that are available to help states implement the Convention, should your State be in the midst of your implementation journey.

1. The first tool is comprehensive model legislation developed by the ICRC aimed at common law countries. The ICRC model, available on the CCM website, covers the entire range of provisions in the CCM which need to be

implemented by States Parties who have produced, stockpiled or been contaminated by cluster munitions.

2. The second tool is a much simpler model of legislation for small states not possessing cluster munitions or contaminated by them. This model was developed by New Zealand, in particular for Pacific States, but is useful for any country that doesn't have cluster munitions stockpiles, or cluster munition contamination. We prepared the model legislation specifically in response to the request of small states who felt that current legislative models and precedents tended to cater for countries in different circumstances to their own.
3. Third, an excellent legislative tool has been developed by Ghana, Zambia, UNDP and the CMC with African States in mind, and which covers both civil and common law systems, and is available in both English and French.
4. And Finally, New Zealand has recently produced a video outlining all of the tools that exist to assist States in implementing their Article 9 commitments. Which I hope to be able to play for you all now

[Play video]

I hope this presentation has provided some insights into the importance of national implementation measures, the recognition that exists around the many different challenges States Parties face in their implementation efforts, and the tools that have been developed to assist States Parties in overcoming them.

One of the key things we have learned in this role is that the groundwork for implementation of the Treaty is often best laid during the ratification process. For this reason, coordination with those States responsible for Universalisation is a critical ingredient as it allows to get domestic implementation under way at the right moment, when political interest remains high and when legislative attention is already being turned to the Treaty.

States themselves are best able to determine and deliver the institutional and legal framework needed to implement the Treaty. It is for this reason that regional workshops dealing with both ratification *and* implementation of the treaty are so useful. As I conclude I might ask some of our colleagues with recent experience of such workshops to provide any reflections on the usefulness, and how they could possibly be better optimised for the future.

And for those of you who would like to discuss assistance available for national implementation further I would be more than happy to discuss this with you in any of the breaks.

I thank you for your kind attention.