



Convention on Cluster Munitions 1RC, Dubrovnik, Croatia
Statement by Coordinator for National Implementation Measures
New Zealand
Delivered by Ambassador Dell Higgin
10 September 2015

New Zealand is honoured to continue to serve as this Convention's Coordinator for National Implementation Measures. We know that our CCM community comprises States with a very diverse range of circumstances and priorities. And we know that for all of us implementing *anything* in domestic law can seem sometimes like a slow and unrewarding task.

So we ask all our community of States just to keep in mind the humanitarian vision that led you all to join on to the Convention in the first place. And it is indeed implementation in the national legal system of all States Parties that remains one of the keys to ensuring that our Convention lives up to its humanitarian objectives.

That is why the Convention text itself – Article 9 of the Convention - sets the requirement for States Parties to underpin their ratification with the ability to enforce it in their domestic legal system. Implementation of our Convention is the only way to achieve its fundamental purpose – a fully global taboo against the possession, use or proliferation of cluster munitions.

But there is no predetermined way specified in Article 9 about how this should be done: what matters is that States Parties are able to comply with all the Convention's requirements and they do that on the basis of their own legal system and constitution.

Even so, we know from our conversations over several years now with quite a number of you that the process of adopting national implementation legislation for the Convention is not a simple one for many States. Competing priorities and resource constraints are real issues especially for developing countries. Mobilisation of political will can also prove a real hurdle in the drafting and adoption of legislation.

Faced with these realities, the only good news that we can give States Parties is that there is now quite an array of legislative tools that are available to assist States wishing to evaluate or draft CCM implementation legislation.

The ICRC has developed a very comprehensive piece of model implementation legislation. This is applicable particularly to Common Law States and it covers the full range of provisions in the Convention. New Zealand has also developed model legislation – this has the merit of being very short – only two pages long – because it focuses only on the provisions which non-possessor, non-contaminated States (States like NZ and many of our Pacific Island neighbours) need to adopt to fulfil the Convention's obligations. Both the ICRC and New Zealand models are available in all languages and can be found on the Convention's website.

I am pleased also to be able to alert you to the existence now of a further legislative tool – a model law recently finalised by African States and which covers the circumstances of any African country whether civil or common law. Work on the African model was led by Ghana and facilitated also by Zambia, UNDP and the CMC. It is available in both French and English.

States may also like to bear in mind the Human Rights Watch report, which was released at last year's MSP in San Jose and updated again this year, and which is entitled "Key Components and Positive Precedent for CCM Legislation". It provides a comprehensive overview of the full range of elements that might be included in national implementation legislation.

New Zealand, as Coordinator, stands ready to assist any country who would like assistance with implementation of the Convention obligations. Building on the Zambian Presidency's priority for universalisation in Africa, and reflecting also Ghana's leadership on model legislation, we are currently focusing on the uptake of national implementation measures in a number of African countries. Accordingly, later this year, a senior New Zealand legal and legislative drafting expert will visit several African countries who have expressed an interest in discussing implementation legislation specific to their country. We would hope that this direct, practical assistance could help some States who have not yet finalised national implementation measures to do so. It is also our hope that this assistance could remove a key barrier to ratification for some countries which are not yet States Parties to the Convention - and thereby enhancing universalisation of the Convention in Africa.

I would like now to move on more generally to take stock, overall, of how our CMC community is progressing with its Article 9 obligation. How are we faring? Well 24 States Parties – including brand new State Party, Iceland – report that they have enacted specific legislative measures to implement the Convention. A further 27 States Parties report that their existing laws are sufficient. In addition, at least 21 States Parties report that they either are planning, or are in the process of adopting measures to implement the Convention domestically.

These are positive developments, and progress indeed has been made over the past years - but obviously we do still have some way to go until we can feel confident that all States Parties are able to report that they are in compliance with Article 9.

That indeed is the ambitious goal that we have set for ourselves in the national implementation section of the Dubrovnik Action Plan – full compliance with Article 9. NZ looks forward to working with as many of you as possible to make this a reality by our next Review Conference.