



Convention on Cluster Munitions, 9MSP

Statement by New Zealand Coordinator for National Implementation Measures

27 November 2020

Thank you Mr President.

New Zealand is honoured to serve as the Coordinator for National Implementation Measures under this Convention. Over the past five years, we have held a number of regional workshops in Africa and South-East Asia to promote the Convention and, in particular, awareness of its obligations with respect to national implementation measures. We have also co-hosted with Iraq, our co-coordinator on reporting, a regular side event on the margins of the First Committee in New York. Unfortunately outreach of this nature has not proved possible this year due to the range of challenges thrown up by the covid-19 pandemic, including with respect to international travel. Accordingly, New Zealand has needed to shift the focus of our 2020 outreach to two key activities. The first has been continuing our programme of engagement with a range of Pacific States. This programme is led by a former Disarmament Ambassador of New Zealand and has continued in a virtual format this year, building on progress made during numerous face-to-face visits in recent years, and during two regional conferences co-hosted alongside Australia, the first in Auckland in February 2018 and subsequently in Brisbane in February 2019.

A common theme that continues to arise strongly across our sets of discussions in the Pacific is that in spite of the deep political will to sign up to and then meet the obligations in important disarmament treaties such as this Convention, there are very real resource-related impediments standing in the way of progress on this, especially the availability of legal drafts people as well as other significant staffing pressures on what are, after all, very small government bureaucracies. New Zealand has, where possible, sought to provide practical assistance to circumvent these pressures. Mindful of resourcing issues, including with respect to reporting requirements, we are canvassing a simplified reporting process for Pacific States without cluster munition stockpiles or contamination to effectively

process a nil return each year, for example, by way of a TPN. This would do away with the requirement on some of these states to seek Cabinet-level approval for release of their formal annual transparency reporting. We will continue to work with interested States and the ISU on this approach and on any other possible means to enhance reporting levels.

The second strand of our outreach this year has involved a series of letters being written by New Zealand's Disarmament Ambassador Dell Higgie to more than 30 States Parties, comprising three groups. First, those States Parties that have been reporting for at least five years that they have legislation under consideration or in the process of being adopted; second, States whose Article 7 reports are unclear or not specific to this Convention; and third, States that have not yet attempted to report on their national implementation measures. We encouraged all of these States to provide further information about how they implement the Convention, and offered further assistance if more work is required to this end. We reiterate our invitation to all of these States Parties and any other current or prospective States Parties, to please contact the New Zealand delegation or the ISU if you have any questions relating to Article 9 of the Convention on National Implementation Measures.

Importantly, we note that Article 9 of our Convention 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 acknowledge and thank all of the States that have provided information on their national implementation measures since the ninth meeting of States Parties. A significant 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 at Meetings of States Parties or in their annual transparency reports.

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.

Before opening the floor for comments I would like to touch briefly on some of the implementation assistance that is available to States Parties. First, 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. The ICRC also released a “domestic measures checklist” this year as a quick and easy user-reference for States Parties to assess if existing national legislation and administrative measures are sufficient to ensure full implementation of the Convention.

Second, as you may know, New Zealand has produced model legislation for small states vis-a-vis the CCM – but we are again taking a close look at this, to see whether its adoption process can be simplified even further so that, for example, in specific cases a straightforward amendment to existing legislation could be the primary focus in terms of CCM implementation.

I note, too, the new contributions from civil society this year - Human Rights Watch has updated its paper on components of strong national implementing legislation, and the Cluster Munitions Coalition also published model legislation.

Last year we also published on the CCM website a list of all the States Parties that have adopted specific legislation to enact the Convention, with links to that legislation wherever possible, and a note on whether investment is also prohibited under that legislation. We recognize that States Parties may have differing views on this issue but we welcome the opportunity provided by meetings such as this to consider the practical contribution divestment can make in achieving the objectives of our Convention.

Please do not hesitate to let us know if you would like us to point you towards any of these tools – all of which are available online. There is clearly no one-size-fits-all approach to how each State can best implement the Convention, so we hope our focus on flexibility and individual circumstances will help us make progress with national implementation.

Thank you Mr President.