

Thank you Mr President.

New Zealand has been pleased to serve on the Coordination Committee again this year, under the exceedingly capable stewardship of Ambassador Liddle and his team.

Each of us on the Coordination Committee has yet again benefited from the steady hand of the ISU, and I express my full gratitude to Sheila and her team for their wisdom and helpful guidance throughout the course of this year. The work you do is invaluable to our shared mission.

Article 9 is often regarded as a bit of an afterthought when it comes to implementation of our Convention, and while New Zealand will be the first to acknowledge implementation of the Convention's core provisions have a more *direct* impact on achieving the Convention's humanitarian and security goals, when taken holistically, Article 9 does play a key role in the Convention's full implementation.

New Zealand has served as coordinator for National Implementation Measures since 2011, and with that in mind let me share why Article 9, in New Zealand's view remains critically important to achieving the Convention's full implementation.

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. Without such a translation, our Convention will not be a credible international instrument, and gaps will open up between what States *say* they are doing and what they *actually* do.

But also, upholding a clear, global norm against the possession, use and proliferation of cluster munitions, which I hope is our shared goal, can only be achieved through both universalisation, and full implementation of our convention.

There is also a secondary benefit provided by a country completing the process of drafting, coordinating and enacting national law, as it focuses the attention of national authorities to new treaty obligations and can help increase knowledge among the general public, the military, and the highest levels of government, of the human security benefits of IHL compliance. Of particular importance is how the Convention is incorporated into military manuals. This can help ensure that armed forces can maintain a high standard of compliance with IHL.

As coordinator for National Implementation Measures, New Zealand is very interested in establishing a dialogue with countries that have experience in successfully incorporating specific provisions of the treaty in the manuals, and operational

guidance, of their armed forces. To date, 18 States Parties report having disseminated obligations under the Convention to their armed forces. I would encourage all States Parties with experience in this regard to incorporate this into your annual reports, as a helpful way of elaborating further progress towards national implementation. And for those 18 states that have completed and reported on this, please allow me to register now New Zealand's interest in hearing from you, and your experience.

For those States that are yet to complete their domestic implementation procedures, Article 9 should be your first touchstone for how this is completed. It requires each State Party to take all appropriate legal, administrative and other measures to implement the Convention.

However, the Convention is not prescriptive about how States Parties give effect to their legal obligations. This is 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 will be 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 provides for the

domestic implementation of Niue's obligations under the CCM. Many states – including my own – are already on record having congratulated Niue on this significant achievement, but on this occasion I wish to commend its example to other states that may be looking to translate the Convention's provisions into domestic law.

Several States Parties are yet to adopt measures consistent with Article 9 of the Convention, or at the very least report their progress towards implementation of domestic legislation or other administrative measures giving effect to the Convention. In the Lausanne Action Plan, we all agreed an intention to improve progress in this area. In particular:

- Under Action 47, States committed to ensure they have appropriate national measures in place to fully implement the Convention before 11MSP in 2023. This is an ambitious goal, and recent progress remains slow.
- Under Action 48, States committed to highlight factors and challenges that may be preventing progress. This includes via Article 7 reports, or in Convention meetings such as this, and to request assistance. In the Coordinator's view, the largest barrier to Article 9 compliance remains a lack of high-level political that is necessary for the legislative process, in particular in those States that have been members of our Treaty community for several years.

Separately, the Lausanne Action Plan also encouraged States to consider enacting national legislation prohibiting investments in producers of cluster munitions and their key components. I have been pleased to hear several participants this week refer to the importance of investment prohibitions in fully implementing our Convention, and encourage states to continue exchanging information in this regard.

More generally, if you have updates to provide at this meeting regarding the status of *any* domestic implementation progress in your country, in particular from those 23 States in the process of developing or adopting legislation to implement the Convention – I would encourage you to update the Conference, even if it's just to say that work continues in this regard. The same applies for those 22 States that have submitted incomplete information relating to their domestic legislative frameworks. We are committed to assisting States to implement the Treaty, but we can only do so when we have the full picture.

In this regard, my delegation thanks the Maldives for including in its Article 7 report this year that it deems its existing laws and regulations as sufficient to provide for implementation of the Convention nationally.

I redouble the call for those States currently considering implementation of any domestic measures to request assistance, if you consider that would be helpful. My delegation, working hand-in-hand with the ISU, ICRC and civil society, would be only

too happy to point you in the direction of relevant model legislation or provide more considered advice.

I join others in welcoming the promising news from Nigeria, South Sudan and Zambia that they might soon complete their ratification procedures, and we will be taking the opportunity to draw colleagues to relevant resources. As regards South Sudan, it is the coordinator's understanding that it has legislation currently before its Parliament for consideration, which is very encouraging. As I have reported previously, national implementation is most productive when considered part and parcel with a State's ratification procedures.

This is not to suggest that we – as coordinator – are not also fully committed to assisting those States Parties that are still to implement domestic provisions having already accede to the Convention, and for the benefit of those States, I want to end with a brief overview of the tools that are available to help States implement the Convention's provisions domestically.

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, with Pacific States in mind, but is useful for any country that doesn't have cluster munitions stockpiles, or cluster munition contamination.

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, late last year, New Zealand produced a video outlining all of the tools that I've just mentioned, all of which exist to assist States in implementing Article 9.

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. In this regard, New Zealand has been encouraged by the progress achieved during the universalisation workshop held in Abuja, Nigeria earlier this year, and commends all participants for their commitment to full universalisation and implementation of the Convention.

In terms of forthcoming events, New Zealand is looking forward to re-launching our annual side-event on National Implementation Measures in the margins of this First Committee, alongside our partners in the CCM ISU and the CMC, after a two-year stand-down period in view of Covid-19. And we certainly hope to see many of you there.

I hope this presentation has reiterated the importance of domestic implementation, but more than that, that it's been helpful as an elaboration of 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. For those who would like to discuss what assistance available might be available in a more detailed way, I would be more than happy to discuss this with you in the margins of our meeting this week.

Thank you.