



**Convention on Cluster Munitions
11th Meeting of States Parties**

Article 9 Coordinator report

13 September 2023

Thank you Mr President, and good afternoon colleagues.

Please allow me to provide an update on Article 9, National Implementation Measures, in my role as the coordinator responsible for this Article.

Article 9 can sometimes be regarded as an afterthought when it comes to implementation of our Convention, but it is a critical enabler of the CCM's core provisions and the achievement of its humanitarian goals.

Once a country joins the CCM, it is obliged under Article 9 to implement the Convention's provisions domestically. The translation of international obligations into domestic law is a crucial exercise to ensure our Convention is seen as a credible international instrument, and to prevent gaps opening between what States *say* they are doing and what they *actually* do.

Also, upholding a clear, global norm against the possession, use and proliferation of cluster munitions 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 public, the military, and the highest levels of government, of the importance of IHL compliance. This includes how the Convention is incorporated into military manuals, which helps ensure that armed forces can maintain a high standard of compliance with IHL.

As coordinator for National Implementation Measures, New Zealand has pursued dialogue with countries that have experience in successfully incorporating specific provisions of the treaty into the manuals, and operational guidance of their armed forces.

To date, 64 State Parties report having adopted all national measures and 22 States Parties report having disseminated obligations under the Convention to their armed forces, an increase of four since I last reported to this Meeting.

I continue to 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 22 states that have completed and reported on this, please allow me to register our congratulations and thanks. If you have any relevant experience to share in this regard, the Meeting would be very interested in hearing from you.

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.

Over the last 12 months, six States Parties have reported strengthening their national implementation measures: Afghanistan, Cuba, Chile, Croatia, Lao PDR and Slovakia.

We congratulate these six countries, not just for the action they took to strengthen national implementation, but also for including the relevant information in their annual reporting.

Turning now to our two newest members of the Convention, Nigeria and South Sudan, to whom my delegation wishes to restate its warm congratulations on completing their ratification processes.

As coordinator for Article 9, we welcome the information provided to date both by Nigeria and South Sudan on their progress to implement the Convention domestically. On Monday, Nigeria reported it was looking to facilitate domestication in a timely manner and to promote sensitisation activities, and South Sudan has reported in writing that it will be working to pass legislation to domesticate the Convention.

We welcome these moves, and the open and transparent manner with which both Nigeria and South Sudan are approaching Article 9. There are several resources available to assist each state in this process.

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, in 2021 New Zealand produced a video outlining all of the tools that I've just mentioned, 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, and these tools I've just mentioned are meant as guidance as States work through their own domestic requirements. Regional workshops can also be helpful in this regard.

Before I conclude, it remains of course to be said, that several States Parties are yet to adopt measures consistent with Article 9 of the Convention, or report on progress towards implementation of domestic legislation or other administrative measures giving effect to the Convention. Under the Lausanne Action Plan, we set 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 this MSP. 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 highest barrier to Article 9 compliance remains a lack of high-level political buy-in to the process that is necessary for the legislative process, in particular in those States that have been members of our CCM 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. And as coordinator, we have encouraged states to exchange information in this regard.

If you have updates to provide this meeting regarding the status of *any* domestic implementation progress in your country, in particular from those States in the process of developing or adopting legislation to implement the Convention, this would be highly commended. There are a variety of ways that you can report against your Article 9 commitments, for example to confirm formally that your existing laws and regulations are sufficient, or to request further assistance identifying gaps in your national framework.

In closing, New Zealand has been pleased to serve on the Coordination Committee in the role of co-ordinator for National Implementation Measures since the earliest days of the Convention. And we have been pleased to serve yet another term under the leadership of Ambassador Mostafa of Iraq.

Throughout this time we have benefited from the expert guidance of the ISU, and wonderful colleagues that have sat around the coordination committee table. I want to express, on behalf of my delegation and my New Zealand colleagues, our full gratitude to everybody who supported us in this role. The work you do is invaluable to our shared mission of ridding the world of Cluster Munitions. We wish Iraq every success as it takes on the role of Article 9 coordinator, and our door always remains open.

In closing, I hope that much can still be achieved on national implementation of the Convention, and that States Parties can be supported to implement the Convention fully, in ways that are sensitive to their national settings.

Thank you.

Thanks to all colleagues for your contributions under this segment of the agenda.

I thank you all for your support on Article 9, in particular the invaluable support of the ISU (Pamela and your whole team), the ICRC and the CMC.

And to the distinguished representatives of Lao PDR, Togo and Zambia, as well as the valuable contributions from the ICRC and civil society.

Thank you for your substantive updates. They are incredibly valuable for us, and these meetings are a rare opportunity to engage on these issues, so thank you for engaging with us so transparently. We have taken good note of the updates you provided today.