



Convention on Cluster Munitions 4MSP, Lusaka, Zambia
National Implementation Measures
Introductory Remarks by the Coordinator
12 September 2013

Madame President

New Zealand is pleased to have been able to continue over the past year to serve as Friend of the Chair for National Implementation Measures, and we look forward to continue doing so during the Zambian presidency. We would like to thank you for giving us this opportunity to report briefly on progress made in national implementation since we last met in Oslo.

As we all know, the source of States Parties' obligations in this area is Article 9 of the Convention. Article 9 is one of the shortest Articles in the Treaty. Simply put, it obliges each State Party to take all appropriate legal, administrative and other measures to implement the Convention, including through enacting penal sanctions. Article 9 does not specify how this should be done, in recognition of the different legal systems that exist around the world and of each State's sovereign ability to determine the precise measures necessary to implement the Convention's obligations.

But what is clear is that each State Party must at the least have in place sufficient legal penalties to prevent and suppress any activity prohibited under the Convention. In implementing the Convention nationally, States Parties need also to consider such important issues as "aiding and abetting", extra-territorial application of the prohibitions, and investment (where there is a growing trend to adopt specific measures).

Last year, we noted that over 30 States Parties had reported that they had either enacted specific legislation to implement the Convention, or had reported that they considered existing legislation to be sufficient. I am pleased to report that this year, according to the data we have assembled, that that number is now at 39. This is a good increase, and we warmly congratulate the five States Parties who have reported the enactment of new legislation since the Third MSP. We also take this opportunity to encourage those 18 States Parties who have reported that work is in progress towards national implementation to continue that work with a view to completing this important task as soon as possible. We would welcome further updates during this meeting.

While we are pleased with the progress that is being made, it is nonetheless clear that much is left to be done. Our CCM family now numbers 83 States, of which over one third have not reported on their national implementation of the Convention. There may be an element of under-reporting here, and we welcome the focus just now on improving rates of reporting and Belgium's excellent work on that issue. But that is not the only element. We recognise that national implementation remains a challenge for many States. Resource constraints, the mobilisation of political will and technical challenges are an ongoing issue.

The side event we hosted with Zambia on this issue yesterday provided an excellent opportunity to look at ways to surmount this challenge. It underlined not only the importance of national implementation from the standpoint of the ongoing health of this Convention, but it also looked at the avenues that exist for those that may wish to seek assistance to meet this obligation. As

Coordinator for National Implementation Measures, New Zealand stands ready to assist States with this important task and we have developed model legislation for States with no history of possession, stockpiling or contamination. Equally, the ICRC has produced its own, more comprehensive, model legislation which provides guidance for States who may need to deal with stockpile destruction or clearance in their national implementing legislation. Both models are available here today, on the table outside this hall, and have been posted on the Convention's website.

Regional efforts to support national implementation measures are also an important part of our toolkit. We very much welcome the outcome of the Lomé regional seminar, which took place in May this year, and the commitment of the 36 African states present to redouble their efforts on national implementation. We look forward to the meeting to be convened by Ghana on this important topic (I understand this is likely to be held in late November). We would like to underline to our African colleagues here that the ICRC, in addition to its model legislation, has a team of five regional legal advisers across Africa to assist in this process. Interested delegations can approach the ICRC delegation here for contact details – but I would like to emphasise in particular the willingness of the ICRC legal adviser based in Pretoria, Sarah Swart (sswart@icrc.org) to act as an initial point of contact.

We welcome the efforts on the part of civil society, particularly the CMC, which works so hard to ensure that we all live up to our commitments and then reports back on how well we have done.

At this stage, I'd like to invite delegations to provide brief updates on their efforts to give effect to both the prohibitions and the positive obligations of the Convention.

[Concluding remarks]

We can all see, I think, very clearly the importance of domestic legislation from the standpoint of making our ban on cluster munitions fully effective. But beyond the realm of cluster munitions and our Convention, I was struck by UNODA's comment at the side event which New Zealand and Zambia organised yesterday and which put this issue in a much broader context.

And that context was to remind us all that, when confronted by the horrors of armed conflict such as now in Syria, the only real grounds for hope and prospects for increased security for civilian populations lies in the increasing awareness both in civil society and among governments of the need to strengthen observance of international humanitarian law.

Jarmo Sareva went on to say that one of the most powerful arguments for pursuing CCM national implementation relates to its contribution to strengthening general understanding of the security benefits of maintaining a high standard of compliance with IHL.

With that rousing endorsement of the value of implementing the CCM in our national laws, I am confident, then, that we can all expect to hear about excellent progress with national implementation at our next Meeting of States Parties in Costa Rica next year.

Thank you Madame President.