

ANTI-PERSONNEL MINE BAN CONVENTION

SECOND PREPARATORY MEETING FOR THE THIRD REVIEW CONFERENCE

10 APRIL 2014

Agenda Item 6 – Machinery and Meeting Programme

New Zealand sees considerable merit in the proposals that you have presented to us in the paper on the Convention's future machinery and meeting programme. We consider that the proposals, while in need of some further refining, respond well to the limitations inherent in the current structures, as we have observed them through serving as the Convention's co-chair for general status and operation over the last 18 months. We would like to make the following points in relation to the proposals related to the Convention's machinery:

- The proposed Committee on Article 5 implementation is, in our view, an excellent proposal that promises to ensure improved collaborative engagement around the clearance process, and particularly the granting of extension requests. Its creation of a cadre of clearance 'experts' from among interested States Parties will provide for more effective engagement with affected States Parties through the clearance process. This will be particularly helpful in its providing for a more structured process after the granting of extension requests. We hope this will in turn mean that we will see fewer repeated extension requests in the future.
- We welcome Mozambique's vision for a Committee on Cooperative Compliance. As current co-chair of the general status and operation standing committee, we see that there is indeed a need for this community to come up with a more "consultative and cooperative" way (to quote from your paper) of dealing with compliance concerns. We would add to this list of adjectives the word "predictable". One of the chief drawbacks of the current way of dealing with compliance, under the aegis of the general status and operation standing committee, is that it is entirely ad hoc and therefore dependent on the response of individual States Parties to compliance concerns. We feel that the kind of mechanism described in your paper will be of considerable value to the community as a whole, and to the States Parties concerned, in ensuring we better implement the cooperative engagement envisaged by Article 8(1) of the Convention.

We recognise that some States Parties have concerns with this proposal and the possibility that it might somehow institutionalise the issue of compliance or reinterpret the terms of the Treaty. But it is precisely this situation that the proposal is seeking to avoid, through creating an opportunity for informal dialogue about compliance concerns that will aim to resolve them, as far as possible, away from our

more traditional, formal settings. For this reason, we would envisage the working of this Committee, including its reporting on its activities, as being as informal as possible, in keeping with the spirit of Article 8(1), and would support the further refining of the proposal to that end. Furthermore, we would not see it impinging in any way on the right of States Parties to deal with compliance concerns through the more formal mechanisms found in Article 8(2) to 8(20). But the fact is that compliance has only ever been dealt with in the context of Article 8(1), and it is only reasonable to assume that will continue to be the case. Against that background, this proposal is therefore an eminently sensible way to ensure that we as a community are prepared in the future to address this issue in a practical, low-key and predictable way.

- On Victim Assistance, we would support the Austrian and Costa Rican proposal regarding the creation of a Committee on that issue.

Turning now briefly to the future meeting programme, we would agree with your proposal that future intersessional meetings – for which we do still see a need – should be reoriented to take in both a thematic and preparatory element. We would underline, furthermore, that we would see merit in retaining the informal nature of our intersessional programme, albeit in a more streamlined form as set out in your paper. We believe this informality brings significant benefits to the conduct of our deliberations, and would help to ensure the smooth running of the machinery you have proposed.

Finally, Mr President-designate, I would like to state our support for Mozambique's leadership of this process. As the host and President of the Maputo Review Conference, Mozambique has the responsibility to put its own stamp on the Conference's outcome. We are confident that you will continue to do so as you lead us to a successful meeting in June.