

Madam President,

New Zealand welcomes this opportunity to provide some comment on today's cluster of issues - and especially on Article 6 – Assistance. In our view, Article 6, as you have drafted it, Madam President, strikes a sensible balance. On the one hand, there is a very understandable desire to include provisions that promise to deliver real benefits in terms both of victim assistance and environmental remediation. On the other hand, we must ensure that such “positive obligations” are not unduly burdensome (especially in the context of States with limited resources) given that if they *are*, they simply will not get implemented - and may indeed create a barrier to ratification. We also take the point made this morning by the Delegation of Egypt that very often it is not the State of jurisdiction or control which has been responsible for causing the damage and harm in the first place.

It seems to us that you have steered an appropriate – and balanced - course between these various competing principles. While we can understand the call to strengthen the provision relating to environmental remediation in Article 6.2, in order to place a clearer obligation on the affected State Party, we suspect you have chosen your language wisely. In terms of Article 6.1, we would wish to support the proposal made just now by the Delegation of Liechtenstein regarding the inclusion of text at the beginning of that paragraph in terms of a recognition of victims' rights.

We can see that the text you have included under Article 7 - National Implementation Measures – is fairly standard. Even so, it raises the question for us about whether there is indeed an advantage to dividing this obligation into two paragraphs. In doing so, it could be seen as suggesting that taking *penal* measures to prevent and suppress any activity prohibited to a State Party is somehow different from adopting necessary measures to implement the Convention's obligations. We could avoid this implication by merging the language into a single paragraph as follows:

“Each State Party shall, in accordance with its constitutional processes, take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.”

With respect to Article 9 – Meeting of States Parties (MSPs) – we think it might be useful to spell out in a little more detail some of the logistical arrangements for MSPs. We take it that the intention is that the UN Office of Disarmament Affairs (ODA) carry out the Secretariat functions associated with convening and assisting at MSPs – and we indeed fully support such an arrangement – but we think it might be worthwhile making it clear that this is indeed the intention. We note that MSP secretariat-related functions go considerably beyond the tasks expected to be performed by the Depository (and which has been specified in Article 20). We would be interested, too, in delegations' views on whether Article 9 could usefully include a reference to the need for the first Meeting of States Parties to adopt its

rules of procedure at its first session, and on the basis of this Conference's Rules of Procedure.

Finally with regard to Article 9, Madam President, we do not see the value of the reference in paragraph 1, and then repeated in subpara (d), to "effective measures". We do not understand exactly what is meant by it – and it seems to create an unnecessary cross-reference to the Nuclear Non-Proliferation Treaty. We note that many delegations raised concerns yesterday about the use of this language in the context of Article 5 so it is likely that its deletion from Article 9 would be consistent with changes being made to that Article.

Thank you.