

You may have seen our reporting on Lithuania's withdrawal from the Convention on Cluster Munitions. I've attached our FM and copied the Weekly Report items below for context.

In response, we recommend Minister McClay posts a tweet expressing our disappointment with the decision, and emphasising the importance of international rules and disarmament commitments.

Proposed tweet [277/280 characters]: Cluster munitions are never acceptable. It is critical to continue to uphold international rules & disarmament commitments, especially given current conflicts. It is regrettable to hear that Lithuania's Parliament has voted to withdraw from the Convention on Cluster Munitions.

Image: An accompanying image is not necessary from our perspective, but if needed you could use the attached CCM logo.

Please let me know if you require anything further.

Weekly report items

Last week: Lithuania begins process to withdraw from Convention on Cluster Munitions

Lithuania's Parliament is considering withdrawing from the Convention on Cluster Munitions (CCM), citing security concerns from Russia's war in Ukraine. The first reading of the resolution passed Parliament with a strong majority last week. A second reading will take place this week, following which the President will need to endorse the withdrawal. New Zealand is a strong supporter of the CCM, a humanitarian disarmament treaty with 112 parties. The use of cluster munitions can pose severe and long-lasting hazard to civilians.^{s6(b)(ii)}

The New Zealand Embassy in Poland (accredited to Lithuania) has conveyed to Lithuania New Zealand's concerns about the proposed withdrawal.^{s6(b)(i)}

This week: Lithuania finalises withdrawal from Convention on Cluster Munitions

The Lithuanian Parliament has now approved Lithuania's withdrawal from the Convention on Cluster Munitions (CCM), with 103 members voting for, one against, and four abstaining on the second reading of the bill. The bill will now proceed to the President for signature. The CCM contains a delay clause, meaning Lithuania's withdrawal will only be formalised six months after it informs the United Nations Secretary-General of withdrawal. The New Zealand Embassy in Poland (accredited to Lithuania) raised our concerns with Lithuanian counterparts,^{s6(b)(i)}

Kate de Boer

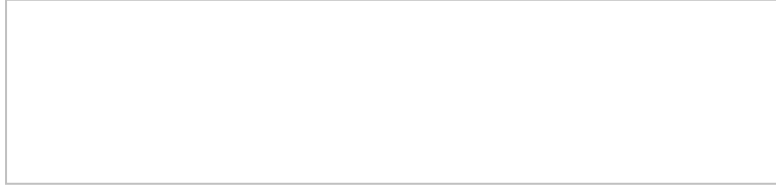
Policy Officer – Conventional Weapons

Tupe Whakamaru | International Security and Disarmament Division
Manatū Aorere | New Zealand Ministry of Foreign Affairs & Trade

s9(2)(a)

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10 August 2023

Minister of Foreign Affairs
Minister for Disarmament and Arms Control

For action by
For action by

18 August 2023
18 August 2023

Aotearoa New Zealand's approach to three upcoming meetings on conventional weapons

BRIEFING Decision Submission

PURPOSE To seek your approval of Aotearoa New Zealand's approach to upcoming meetings of the Arms Trade Treaty, Convention on Cluster Munitions and Wassenaar Arrangement.

Tukunga tūtohua – Recommended referrals

Associate Minister of Foreign Affairs

For information by

21 August 2023

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE s9(2)(a)
Cecile Hillyer	Divisional Manager	International Security and Disarmament Division	
John Borrie	Acting Unit Manager	International Security and Disarmament Division	

Pito matua – Key points

The Arms Trade Treaty Conference of States Parties, 21-25 August

Mā te Tari Minita e whakakī – Minister's Office to complete

 Approved

 Noted

 Referred

 Needs amendment

 Declined

 Withdrawn

 Overtaken by events

 See Minister's notes

Comments

Out of scope

The Convention on Cluster Munitions Meeting of States Parties, 11-14 September

- This annual meeting will take stock of the Convention's uptake, and States Parties' implementation of the Convention's comprehensive ban on cluster munitions. The situation in Ukraine, including reports of widespread use of cluster munitions as well as US transfer of these weapons to Ukraine, will likely feature. We intend to make clear our total opposition to cluster munitions, including by drawing on comments by you and the Prime Minister with respect to Ukraine, and we will support robust language in the final report opposing any cluster munitions use.

Out of scope

Ben King
for Secretary of Foreign Affairs and Trade

Aotearoa New Zealand's approach to three upcoming meetings on conventional weapons

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Note that Aotearoa New Zealand will participate in meetings of the Arms Trade Treaty (ATT) (21-25 August), the Convention on Cluster Munitions (CCM) (11-14 September), and the Wassenaar Arrangement General Working Group (17-19 October); | Yes / No |
| 2 | Out of scope | Yes / No |
| 3 | | Yes / No |
| 4 | Agree with the proposed approach for Aotearoa New Zealand's engagement at the CCM Meeting of States Parties, including reiterating our long-standing position of condemning the use of cluster munitions anywhere and by anyone, supporting robust language in the CCM's final report, and referencing the situation in Ukraine; | Yes / No |
| 5 | Out of scope | Yes / No |
| 6 | Refer a copy of this submission to the Associate Minister of Foreign Affairs. | Yes / No |

Hon Nanaia Mahuta
Minister of Foreign Affairs / Minita Take Aorere

Date: / /

Hon Nanaia Mahuta
Minister for Disarmament and Arms Control

Date: / /

Aotearoa New Zealand's approach to three upcoming meetings on conventional weapons

Pūrongo – Report

1. Between August and October 2023, Aotearoa New Zealand will participate in three conventional weapons-related international meetings. Below, we outline proposed approaches for our delegations.

Out of scope

Aotearoa New Zealand's approach to three upcoming meetings on conventional weapons

Out of scope

Cluster Munitions Convention (CCM) Meeting of States Parties (MSP)

9. Iraq will preside over the annual MSP, taking place (11-14 September) in Geneva. The CCM, which has 112 States Parties, entered into force in 2010, and prohibits the use, production, stockpiling and transfer of cluster munitions. The meeting will consider uptake and universalisation of the Convention, clearance and destruction efforts, requests by States Parties for extension to their clearance deadlines, and the Convention's financial status. The MSP will agree a final report, which usually includes robust language condemning any use of cluster munitions.
10. Over the last 15 months there have been widespread reports of cluster munitions use in Ukraine. While Ukraine and Russia are not CCM States Parties (nor is the US, which has recently transferred cluster munitions to Ukraine), the use of cluster munitions in Ukraine and their transfer will almost certainly feature in statements at the MSP. ^{s9(2)(g)(i)}
11. **Proposed Aotearoa New Zealand engagement.** Aotearoa New Zealand's interests are the full implementation and universalisation of the CCM. We propose in our national statement to again condemn the use of these weapons anywhere and by anyone. We also propose a short reference opposing the use of cluster munitions in Ukraine, consistent with public remarks by the Prime Minister and your comments to Parliament in July. We will support

Aotearoa New Zealand's approach to three upcoming meetings on conventional weapons

strong language in the MSP's final report that condemns cluster munitions. We will engage constructively and pragmatically on other aspects of the CCM's work.

12. For resourcing reasons and to give others an opportunity to serve on the Convention's coordinating committee, this meeting will mark the conclusion of our role as CCM National Implementation Measures Coordinator, a position held since 2011.

Out of scope

Out of scope

From: DE SCHOT, Jikita (ISED)
Sent: Tuesday, September 19, 2023 4:50 PM
To:MEEHAN, Nick (Inet) <nick.meehan@parliament.govt.nz>
Cc:LEWIS, Greg (Inet) <Greg.Lewis@parliament.govt.nz>
Subject: RE: Draft joint statement for Cluster Munitions Convention meeting - seeking approval to join

Kia ora Nick,

A quick post-script to let you know that after all of this, ^{s6(b)(i)} did not end up proceeding with delivery of this joint statement – the text was good and like-minded company confirmed, ^{s6(b)(i)}

Thanks for your help anyway!

Cheers
Jikita

From:MEEHAN, Nick (Inet) <nick.meehan@parliament.govt.nz>
Sent: Tuesday, 12 September 2023 3:57 pm
To: DE SCHOT, Jikita (ISED) <Jikita.DeSchot@mfat.govt.nz>
Cc: HILLYER, Cecile (ISED) <Cecile.Hillyer@mfat.govt.nz>; SHACKLETON, Peter (ISED) <peter.shackleton@mfat.govt.nz>; DONNELLY, Katy (ISED) <katy.donnelly@mfat.govt.nz>; BORRIE, John (ISED) <John.Borrie@mfat.govt.nz>; ESD <DM-ESD@mfat.govt.nz>; OCE <OCE@mfat.govt.nz>; COOK, Helena (OCE) <Helena.Cook@mfat.govt.nz>;LEWIS, Greg (Inet) <Greg.Lewis@parliament.govt.nz>
Subject: RE: Draft joint statement for Cluster Munitions Convention meeting - seeking approval to join

Hi Jikita,

Thanks very much again for your email below. We've managed to get a quicker than expected response on this one – confirm that the Minister has agreed for Aotearoa New Zealand to be able to join the joint statement – either as-drafted or in line with our policy approach and objectives for the CCM Meeting (should there be changes), and should we be in suitable like-minded company.

Any questions, please do let us know.

Thanks,

Nick



Nick Meehan

Private Secretary (Foreign Affairs) | Office of Hon Nanaia Mahuta MP
Minister of Foreign Affairs | Minister of Disarmament | Associate Minister for Māori Development

s9(2)(a)

Buildings, Wellington 6160, New Zealand

[SEEMAIL] [IN CONFIDENCE]

From: DE SCHOT, Jikita (ISED) <Jikita.DeSchot@mfat.govt.nz>

Sent: Tuesday, 12 September 2023 11:09 AM

To: Nick Meehan <Nick.Meehan@parliament.govt.nz>

Cc: HILLYER, Cecile (ISED) <Cecile.Hillyer@mfat.govt.nz>; SHACKLETON, Peter (ISED) <peter.shackleton@mfat.govt.nz>; DONNELLY, Katy (ISED) <katy.donnelly@mfat.govt.nz>; BORRIE, John (ISED) <John.Borrie@mfat.govt.nz>; ESD <DM-ESD@mfat.govt.nz>; OCE <OCE@mfat.govt.nz>; COOK, Helena (OCE) <Helena.Cook@mfat.govt.nz>; Greg Lewis <Greg.Lewis@parliament.govt.nz>

Subject: Draft joint statement for Cluster Munitions Convention meeting - seeking approval to join

[SEEMAIL] [IN CONFIDENCE]

Kia ora Nick,

Thanks for speaking yesterday.

As discussed, please see **attached a draft joint statement**, prepared by ^{s6(b)(i)} for delivery on Wednesday 13th Sept GVA time (our evening/overnight Wednesday) at the Meeting of States Parties to the Convention on Cluster Munitions (CCM). The statement is unclassified.

The draft contains our changes, and for simplicity we've attached the clean version. There may be further edits, but we expect the final product to look fairly similar. As it currently reads, it closely aligns with New Zealand's national statement delivered yesterday (which drew on MFA's comments to Parliament as well as PM's remarks, per our agreed sub).

We expect the list of countries signing onto the statement to be finalised through the course of the coming days, and we'll be using our disarmament likeminded countries as our markers.

Action: We seek approval to join the statement. If there are changes to the text, we seek discretion to be able to join, provided the statement aligns with our long-standing position on cluster munitions/CCM, and our agreed approach and objectives to the meeting (as laid out in our agreed sub). Grateful for response by **COP tomorrow/Wednesday**.

Thanks
Jikita

Released under the Official Information Act 1982

s6(a), s6(b)(i)



8 March 2024

Associate Minister of Foreign Affairs

For approval by

11 March 2024

Disarmament and arms control – key challenges and strategy

BRIEFING Decision Submission

PURPOSE To provide information on the key disarmament, arms control and non-proliferation related challenges, as a basis for your consideration of a New Zealand Disarmament and Arms Control Strategy.

Recommended referrals

Prime Minister	For information by	25 March 2024
Minister of Foreign Affairs	For information by	25 March 2024
Minister of Defence	For information by	25 March 2024
Minister for Space	For information by	25 March 2024

Contact details

NAME	ROLE	DIVISION	WORK PHONE
Paula Wilson	Divisional Manager	International Security and Disarmament Division	s9(2)(a)
John Borrie	Unit Manager	International Security and Disarmament Division	

Minister's Office to complete

- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Noted | <input type="checkbox"/> Referred |
| <input type="checkbox"/> Needs amendment | <input type="checkbox"/> Declined | <input type="checkbox"/> Withdrawn |
| <input type="checkbox"/> Overtaken by events | <input type="checkbox"/> See Minister's notes | |

Comments

Disarmament and arms control – key challenges and strategy

Key points

- s6(a)
 - New Zealand continues to have a strong stake in fighting to defend and maintain an inclusive rules-based international system, including on disarmament. The Ministry of Foreign Affairs and Trade's work in this area remains a core part of New Zealand's foreign policy, complementing our other national security efforts and capabilities as well as our broader humanitarian and development efforts.
- New Zealand's long-standing rejection of nuclear weapons and nuclear deterrence distinguishes us s6(a)
- New Zealand's approach to disarmament issues is linked to our harder national interests. That is particularly the case because disarmament-related regimes, including the organisations supporting their goals, are becoming forums in which certain states are obstructing or seeking to re-write the rules to suit their own interests. The same countries seeking to undermine other international rules and norms are increasingly doing so in the disarmament space as well.
- Building on our 13 February submission, we outline current and emergent issues and international dynamics in disarmament, arms control, and non-proliferation (as shorthand we will refer to these related issues as 'disarmament' in this paper) for you in your role as responsible Minister. We also present a strategy to guide New Zealand's engagement for discussion with officials.
- We attach, for your consideration, a public-facing *New Zealand Disarmament and Arms Control Strategy*, to be released on the Ministry's website. It has been revised and updated to reflect international progress made and current challenges, and sets out our key objectives on disarmament, taking into account our need to prioritise our resources over the next three years.
- This Strategy focuses our efforts under three key pillars:
 - nuclear disarmament;
 - strengthening international humanitarian law;
 - and addressing emerging challenges like outer space and autonomous weapon systems.
- The deteriorating international environment means that New Zealand will face challenges pursuing our interests in all three of these pillars in the years ahead.

Ben King
for Acting Secretary of Foreign Affairs and Trade

Disarmament and arms control – key challenges and strategy

Recommendations

It is recommended that you:

- | | | |
|---|--|-----------------|
| 1 | Note the contents of this submission on current and emerging challenges in the international discussions on disarmament and arms control; | Yes / No |
| 2 | Approve the Ministry of Foreign Affairs and Trade's release of the Disarmament and Arms Control Strategy annexed to this submission to cover the 2024-26 period, subject to your discussion with officials on 11 March; | Yes / No |
| 3 | Refer a copy of this submission to the Prime Minister, Minister of Foreign Affairs, Minister of Defence and Minister for Space. | Yes / No |

Hon Todd McClay
Associate Minister of Foreign Affairs

Date: / /

Disarmament and arms control – key challenges and strategy

Report

Disarmament as a national security interest and value proposition

1. Championing of disarmament, particularly nuclear disarmament, is a distinctive and long-standing aspect of New Zealand's foreign policy. In addition to its connection to maintaining New Zealand's support for a rules-based international system, there are **'hard' national interest-related reasons to be active on disarmament**. In that regard, MFAT engages closely with Defence in arriving at specific policy settings, for instance on issues related to autonomous weapon systems and use of outer space.
2. Aspects of great power strategic competition and current conflicts are impinging on our region and in the collective forums in which we operate. In this challenging strategic environment, New Zealand's **interests in defending disarmament agreements, regimes and norms have become even clearer** as the normal functioning of disarmament-related regimes, including the organisations supporting their goals, is being obstructed by certain states and, in some cases, they are seeking to re-write the rules to suit themselves.
3. MFAT's 2023 *Strategic Foreign Policy Assessment* notes that **New Zealand continues to have a strong stake in fighting to defend and maintain an inclusive rules-based international system, including on disarmament**.¹ s6(a)

Indeed,

increasingly we see the consequences of the weakening or absence of disarmament-related rules and norms, in an undermining of international stability.

4. **Even as a relatively small international player there are significant opportunities for New Zealand to support the disarmament architecture**. s6(a)

5. Alongside this, **in line with our multilateral disarmament and non-proliferation obligations and commitments, we belong to several strategic export control regimes**² and operate corresponding national controls under the Secretary of Foreign Affairs and Trade's responsibility. s6(a)

In addition, as strategic competition sharpens, our security partners are increasingly concerned to prevent the irresponsible transfer of sensitive military or dual use technologies. s6(a)

Disarmament efforts in the current international context

¹ MFAT, [2023 Strategic Foreign Policy Assessment – Navigating a Shifting World](#), paragraphs 50, 51.

² These are the Australia Group (in the biological and chemical domain), Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement on military and dual-use conventional goods.

s6(a)

Disarmament and arms control – key challenges and strategy

6. Over the last decade or more, the global strategic outlook has become increasingly uncertain. In mid-2023 the Ministry's *Strategic Foreign Policy Assessment* described broad, discernible shifts from rules to power, from economics to security and from efficiency to resilience in the international context.⁴ Heightened strategic competition among several nuclear-armed states s6(a), fits this pattern. Mistrust between these states has grown, accompanied by material power shifts amongst them and the emergence of new disruptive technologies such as cyber, missile defences, novel missile types, autonomous weapons, and advancing space capabilities.

Nuclear weapons are deeply entrenched

7. These developments have made strategic calculations more complex and have contributed to a greater risk of conflict escalation, including the potential use of nuclear weapons. At the same time, progress has slowed or stalled on *disarmament* (the process of gradually decreasing military capabilities in step with increasing mutual confidence about others' intentions) and on *arms control* (reducing certain military capabilities with the more limited aim of engendering strategic stability). As progress falters, support for *non-proliferation* (curbing the spread of weapons) is also threatened, as some states begin to wonder why they should support the international architecture and continue to deny themselves certain capabilities (such as nuclear weapons) when others retain them seemingly in perpetuity.
8. Considerable progress was made in the decades following the Cold War to both reduce stockpiles of nuclear weapons, and the roles for which their use was envisaged. As competition between nuclear-armed powers has grown this century, progress on reducing the numbers and salience of nuclear weapons slowed and has now begun to reverse.

Russia s6(a)

9. Starkly, Russia's illegal invasion of Ukraine in February 2022 and its subsequent nuclear threats and stationing of nuclear forces in Belarus in 2023 have contributed to a deeper entrenchment of nuclear deterrence and the potential escalation of a new arms race. Russia has also unveiled plans for destabilising new strategic systems including an autonomous nuclear torpedo system, a nuclear-powered and armed cruise missile, and there are recent credible reports Russia intends to develop a space-based, nuclear, anti-satellite capability.

10. s6(a)

s6(a)

. (Separately, we will submit to you our proposed approach for New Zealand's two-year term on the OPCW's Executive Council from May 2024, in which these issues will be in sharp relief.)
s6(a)

...While tensions have grown in the Indo-Pacific

11. s6(a)

⁴ MFAT, [2023 Strategic Foreign Policy Assessment – Navigating a Shifting World](#).

Disarmament and arms control – key challenges and strategy

s6(a)

12. s6(a)

13. Meanwhile, the DPRK passed a law in 2022 enshrining its intention to remain a nuclear power permanently, continues with its bellicose nuclear rhetoric, and remains poised to conduct a further nuclear weapon test. The DPRK also continues to destabilise the region through its many missile tests in violation of a plethora of UN Security Council resolutions, including tests of nuclear-capable cruise missiles and an ‘underwater nuclear weapon system’ this year.

The global nuclear architecture remains vital but is under strain

14. Russia’s rejection of the final outcome of the NPT Review Conference you attended in August 2022 means NPT States Parties have not agreed an outcome since 2010. A deepening corresponding deficit of trust and confidence in the NPT raises doubts about whether the nuclear-weapon states will ever implement their nuclear disarmament obligation. Key Geneva-based (and consensus-bound) disarmament fora including the Conference on Disarmament have not agreed substantive outcomes on significant issues for years. In November 2023, Russia de-ratified the Comprehensive Nuclear-Test-Ban Treaty - in a set-back to decades of efforts to ban nuclear testing globally - purportedly to align with the US’ status as a signatory only.

15. Central components of the Russia-US strategic arms control process – critical to prospects for global disarmament given their possession of the largest nuclear arsenals – have also collapsed or deteriorated.

16. Although an extension of the New Strategic Arms Reduction Treaty (New START) until 2026 was agreed in late 2021, the Intermediate Nuclear Forces and Open Skies Treaties each met their demise in recent years s6(a)

17. s6(a)

The IAEA continues to play a crucial role s9(2)(g)(i)

18. New Zealand is a strong supporter of nuclear non-proliferation efforts. The IAEA, based in Vienna, is crucial in this regard, and our membership has myriad benefits, including:

18.1. the Agency’s global nuclear safeguards regime,

Disarmament and arms control – key challenges and strategy

- 18.2. facilitating our access to nuclear technology for peaceful uses⁵,
- 18.3. and IAEA work on nuclear safety and security of nuclear material and facilities, including their monitoring of Japan's on-going release of treated water into the Pacific Ocean from the crippled Fukushima nuclear power complex.
19. There is strong global support for the IAEA and its technical and scientific work, including amongst New Zealand's traditional security partners, despite pressure s6(a) Russia's occupation of the Ukrainian Zaporizhzhya nuclear plant complex since 2022 poses grave ongoing safety risks, and the IAEA is playing a critical onsite monitoring role there. s6(a)
20. A major ongoing issue for the IAEA and its Board of Governors is s6(a) the Joint Comprehensive Programme of Action (JCPOA), which had been agreed in 2015 to provide greater transparency about Iran's nuclear activities and try to constrain it from developing nuclear weapons. s6(a), s9(2)(g)(i)
- A nuclear Iran would
- change the strategic equation in the region s6(a)

Violations of weapons treaties and challenges to international humanitarian law (IHL)

21. New Zealand is a party to all major conventional weapons treaties, including the Convention on Certain Conventional Weapons, Anti-Personnel Mine Ban Convention, Convention on Cluster Munitions and Arms Trade Treaty. Momentum in these treaties, including their uptake, has slowed. Moreover, in 2022, alongside our Five Country partners, we endorsed the Political Declaration to try to better protect civilians from the use of explosive weapons in populated areas.
22. Our obligations or commitments under these agreements require that we speak up when the objectives or norms in them are threatened. We apply this consistently, for example, in response to Russia's widespread misconduct in Ukraine, but also when the US announced the transfer of (widely prohibited) cluster munitions to Ukraine in 2023. The visible suffering of civilians, not only in Ukraine but also in Israel and Gaza and other situations of armed conflict, and the intersection with international humanitarian law and disarmament obligations will be a prominent feature of international discourse in 2024. As the Israel-Hamas conflict shows, concerns about the plight of civilians in conflict have the potential to be domestically divisive, even in New Zealand.

Further challenges are almost certain

23. This year is almost certain to see further challenging developments. These may include:
- **Further Russian nuclear provocation** aimed at Ukraine and NATO s9(2)(g)(i)

⁵ Such uses include radioisotopes for cancer diagnosis and treatment, and for industrial applications such as food sterilisation.

Disarmament and arms control – key challenges and strategy

s9(2)(g)(i)

- **Further nuclear tests** by the DPRK – s6(a) – could take place, as ‘deterrence signals’ to the West.
- s6(a), s9(2)(g)(i)
- s6(a)
- There could be **further chemical weapons use**, either as an assassination tool, or in the context of armed conflict, which would further challenge the international chemical weapons prohibition regime. This is not a distant prospect: Russia has already recently used riot control agents as a military weapon against Ukrainian forces (which is not permitted under the Chemical Weapons Convention) and was involved in the Syrian regime’s use of chemical weapons in Douma during the conflict in Syria.
- s6(a)

New Zealand’s proposed approach on disarmament and arms control

24. To date, New Zealand has targeted its efforts on disarmament, consistent with the priorities laid out in our 2023 Disarmament Strategy (our most significant achievements were outlined in paragraph 38 of our previous submission). We attach a revised strategy to reflect progress made to date, current challenges, and prioritising our limited resources, for your discussion with officials:

- The Strategy is an outward-facing document to inform the public about our multilateral priorities on disarmament, and provide general guidance to officials.
- Taking into account our need to prioritise further given our limited resources⁶, it streamlines the number of priority objectives from eight to seven.
- It is also framed as a Disarmament *and Arms Control* Strategy – acknowledging that arms control can contribute to greater international stability, an important current focus of the international community.

⁶ For instance, in May 2023 Ministers agreed that New Zealand withdrew from the Stockholm Initiative, a group led by Sweden and Germany, to better focus on our nuclear disarmament resources. s6(a)

Disarmament and arms control – key challenges and strategy

- The Strategy's duration is expanded from only one year to three years to provide certainty and reduce administrative costs.
25. Subject to your views, this refreshed Strategy's seven key objectives across three core work streams (nuclear disarmament, strengthening international humanitarian law, and addressing emerging challenges like outer space and autonomous weapon systems) could form the basis of our disarmament work in the coming period. It proposes a particular focus on:
- Promoting urgent implementation by the nuclear-weapon states of their disarmament obligations under the **Nuclear Non-Proliferation Treaty (NPT)**, and supporting efforts to strengthen the NPT review process;
 - Supporting and promoting uptake and implementation of the **Treaty on the Prohibition of Nuclear Weapons (TPNW)**, including in our leadership role as co-chair of the work stream on nuclear disarmament verification and through our active engagement in work on victim assistance and environmental remediation due to its relevance to nuclear legacy issues in the Pacific. s6(a), s9(2)(g)(i)
 - Supporting the **International Atomic Energy Agency (IAEA)** in the implementation of its critical mandates on nuclear safeguards, safety and security;
 - Sustaining the **Chemical Weapons Convention and the global norm against chemical weapons**, in particular through an active New Zealand role in the OPCW Executive Council for a two-year term from May 2024, and working with our partners s6(a)
 - **Defending and promoting uptake and full implementation of humanitarian disarmament treaties and related agreements**, including the **Political Declaration on Explosive Weapons in Populated Areas**, to improve protections for civilians caught in conflict, in particular;
 - Continuing our active engagement in **multilateral efforts to ensure the safe, secure, sustainable and peaceful use of outer space**, including through continued work on responsible behaviours in space; and
 - Continuing to push for multilateral progress toward binding rules and limits on **autonomous weapon systems**, building on our national policy and aligned with New Zealand interests in the broader artificial intelligence domain.
26. These priorities, and the rationale behind them, are outlined in the draft Disarmament and Arms Control Strategy attached. s9(2)(f)(iv)

From: [DE BOER, Kate \(ISED\)](#)
To: [...TALBOT, Mark \(Inet\)](#); [...HICKS, Caitlin \(Inet\)](#); [...BALLANTYNE, Paul \(Inet\)](#); [...KINGSTON, Charles \(Inet\)](#); [...VELTMAN, Lydia \(Inet\)](#); [WILKINSON, Kelsie \(AMER\)](#)
Cc: [BORRIE, John \(ISED\)](#); [MORRISEY, Thomas \(EUR\)](#); [LANGLEY, Chris \(ISED\)](#); [ACKLAND, Nic \(ISED\)](#); [MEDIA; OCE; SINCLAIR, Brody \(DCE Office\)](#); [Maynard, Dylan](#)
Subject: NATO Summit - Lithuania talking points on Cluster Munitions
Date: Wednesday, 10 July 2024 3:57:00 pm
Attachments: [image001.png](#)
[Updated Lithuania pull aside brief NATO Summit July 2024.docx](#)

Kia ora koutou,

Lithuania has begun a domestic process to withdraw from the Convention on Cluster Munitions (CCM), an international humanitarian disarmament treaty, citing domestic security concerns related to Russia's war in Ukraine. This is a significant development; no state has ever withdrawn from the CCM. Lithuania's President has approved of the withdrawal, but we understand that it still needs to be agreed by the parliament.

If the opportunity arises in a pull aside or margins meeting, we recommend the Prime Minister raise our concern with his Lithuanian counterpart. We will also pursue other avenues to engage with Lithuania on this matter.

I have added the proposed talking points and background into the attached Lithuania brief. Please let me know if any further context is required.

Talking Points for PM pull-aside

- We understand that Lithuania has begun a process to withdraw from the Convention on Cluster Munitions.
- While we understand the security threats posed by Russia's invasion of Ukraine, we urge Lithuania to reconsider withdrawing from this important treaty.
- At a time when international humanitarian law, and the rules-based system more broadly are under threat, withdrawing from the convention could weaken these norms, which are essential in protecting civilians and supporting international security.

Background

1. Cluster munitions are conventional weapons that are designed to disperse or release explosive submunitions. Due to the large area that can be covered by explosives and the often-high failure rate, the use of these weapons can have long term impacts, particularly for civilians.
2. The Convention on Cluster Munitions (CCM) was established on the basis that the humanitarian, social and economic consequences of the use of these weapons far outweigh their military utility. The CCM prohibits the use, production, stockpiling and transfer of cluster munitions. It also focuses on assistance and rehabilitation for survivors and their communities.
3. The CCM has 112 States Parties, including New Zealand, Australia, and many (24 of 32) NATO Allies. New Zealand was one of six states that initiated discussions which led to the CCM being adopted in May 2008. In February 2008, we hosted one of the negotiating meetings in Wellington.
4. We are opposed to any developments that increase the likelihood of cluster munitions

being used in conflict. We have an obligation, under article 21 of the Convention, to pursue universal adherence to the CCM and to promote the norms it embodies.

5. Consistent with this, in 2023, former Foreign Minister Mahuta raised the United States' transfer of cluster munitions to Ukraine with Secretary of State Blinken. While the US, Russia, and Ukraine are not Parties to the CCM, they must comply with international humanitarian law, which includes the protection of civilians.

If-raised Media lines

This development has been covered by some international media outlets, so it is possible this could be raised by New Zealand media. In July 2023, former Prime Minister Hipkins was questioned by New Zealand media on the US transfer of cluster munitions to Ukraine. Please refer to these lines if raised:

- New Zealand is a strong supporter of the Convention and our position on cluster munitions is clear. We are determined to put an end to the suffering they cause, and are concerned about any developments that increase the likelihood of cluster munitions being used.
- We urge Lithuania to reconsider withdrawing from this important treaty.

Kate de Boer

Policy Officer – Conventional Weapons

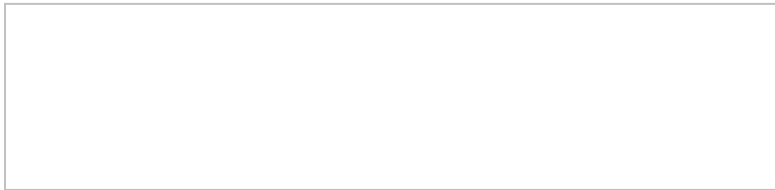
Tupe Whakamaru | International Security and Disarmament Division
Manatū Aorere | New Zealand Ministry of Foreign Affairs & Trade

s9(2)(a)

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Weekly Reports Extracts (section 16(1)(e) of the OIA refers)

13 July 2023

Weekly Report – 12 July 2023

US to supply controversial cluster munitions to Ukraine

On 8 July, the US announced it would provide Ukraine with cluster munitions as part of a military aid package worth US\$800m to support Kyiv's counter-offensive against Russian forces. Cluster munitions are containers that each disperse up to hundreds of bomblets across a wide area. Given these weapons' indiscriminate nature and harm to civilians, they are banned under the 2008 Convention on Cluster Munitions. The convention has been signed by 123 countries (and ratified by 111), including Aotearoa New Zealand, but not the US, Ukraine or Russia. New Zealand raised its concerns with the US Embassy prior to the announcement. Prime Minister Hipkins has publicly commented on our opposition to these weapons, as have the UK, Canada, Spain, Ireland and Cambodia.

29 September 2023

Weekly Report – 28 September 2023

US to provide long range missiles to Ukraine

11. According to credible media reports, President Biden has informed Ukraine's President Zelenskyy that the US will provide Ukraine with a small number of long range Army Tactical Missile Systems (ATACMS), possibly armed with cluster bomblets. Although the US and Ukraine are not parties to the Convention on Cluster Munitions, in line with our treaty obligations New Zealand condemns cluster munition use by anyone.

s6(a)

s9(2)(g)(i)

s6(a)

Russia recently warned that the supply of longer-range missiles to Kyiv would cross a "red line" and the US would be viewed as "a party to the conflict" in Ukraine as a result. The delivery date has not been made public.

29 March 2024

Weekly Report – 28 March 2024

s6(a), s6(b)(i)

s6(a), s6(b)(i)

19 July 2024

Weekly Report – 18 July 2024**Lithuania begins process to withdraw from Convention on Cluster Munitions**

11. Lithuania's Parliament is considering withdrawing from the Convention on Cluster Munitions (CCM), citing security concerns from Russia's war in Ukraine. The first reading of the resolution passed Parliament with a strong majority last week. A second reading will take place this week, following which the President will need to endorse the withdrawal. New Zealand is a strong supporter of the CCM, a humanitarian disarmament treaty with 112 parties. The use of cluster munitions can pose severe and long-lasting hazard to civilians. ^{s6(b)(ii)}

The New Zealand Embassy in Poland (accredited to Lithuania) has conveyed to Lithuania New Zealand's concerns about the proposed withdrawal. ^{s6(b)(i)}

26 July 2024

Weekly Report – 25 July 2024**Lithuania finalises withdrawal from the Convention on Cluster Munitions**

13. The Lithuanian Parliament has now approved, by an overwhelming majority, Lithuania's withdrawal from the Convention on Cluster Munitions (CCM). The bill will now proceed to the President for signature. The CCM contains a delay clause, meaning Lithuania's withdrawal will only be formalised six months after it informs the UN Secretary-General. The New Zealand Embassy in Poland (accredited to Lithuania) raised New Zealand's concerns with Lithuanian counterparts, ^{s6(b)(i)}



5 August 2024

Associate Minister of Foreign Affairs

For action by

15 August 2024

New Zealand's approach to three upcoming conventional weapons meetings

BRIEFING Decision Submission

PURPOSE To seek your approval of New Zealand's approach to upcoming meetings of the Arms Trade Treaty, Convention on Cluster Munitions, and Convention on Certain Conventional Weapons.

Recommended referrals

Minister of Foreign Affairs

For information by

16 August 2024

Contact details

NAME	ROLE	DIVISION	WORK PHONE
Paula Wilson	Divisional Manager	International Security and Disarmament Division	s9(2)(a)
Jikita de Schot	Acting Unit Manager	International Security and Disarmament Division	

Minister's Office to complete

- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Noted | <input type="checkbox"/> Referred |
| <input type="checkbox"/> Needs amendment | <input type="checkbox"/> Declined | <input type="checkbox"/> Withdrawn |
| <input type="checkbox"/> Overtaken by events | <input type="checkbox"/> See Minister's notes | |

Comments

New Zealand's approach to three upcoming conventional weapons meetings

Key points

- In the *New Zealand Disarmament and Arms Control Strategy 2024-2026* one of the objectives is to promote the uptake and implementation of humanitarian disarmament treaties and norms. Three upcoming meetings on conventional weapons will provide an opportunity to advance this objective. Officials' attendance at the meetings will not require any unplanned financial or people resources.

Out of scope

The Convention on Cluster Munitions Meeting of States Parties, 10-13 September

- The Convention on Cluster Munitions (CCM) was established on the basis that the humanitarian, social, and economic consequences of cluster munitions far outweigh their military utility. In July 2024, Lithuania withdrew from the Convention (the first country to do so), citing the security threat from Russia. At the Convention's annual meeting, we propose to defend and promote the value of the Convention, even in the face of current security threats. We propose to condemn the use of these weapons anywhere and by anyone, and call on Lithuania to return to the Convention.

Out of scope



Taha Macpherson
for Secretary of Foreign Affairs and Trade

New Zealand's approach to three upcoming conventional weapons meetings

Recommendations

It is recommended that you:

- | | | |
|---|---|----------|
| 1 | Out of scope | Yes / No |
| | | |
| 2 | Agree to the proposed approach for New Zealand's engagement at the Convention on Cluster Munitions Meeting of States Parties, including promoting a strong Convention, encouraging Lithuania's return, and condemning the use of cluster munitions anywhere, even in the face of Russia's invasion of Ukraine; | Yes / No |
| | | |
| 3 | Out of scope | Yes / No |
| | | |
| 4 | Agree that officials have discretion to engage on other issues that may arise in these meetings, in line with the <i>New Zealand Disarmament and Arms Control Strategy 2024-2026</i> and consistent with New Zealand's principled and constructive approach; and | Yes / No |
| | | |
| 5 | Refer a copy of this submission to the Minister of Foreign Affairs for information. | Yes / No |

Hon Todd McClay
Associate Minister of Foreign Affairs

Date: / /

New Zealand's approach to three upcoming conventional weapons meetings

Report

1. Between August and November 2024, New Zealand will participate in three international meetings on conventional weapons treaties. This submission outlines proposed approaches for our delegations at each of these meetings. Given the nature of the topics covered we request discretion to engage in any other matters arising during the meetings in line with the *New Zealand Disarmament and Arms Control Strategy 2024-2026*.
2. As with many multilateral meetings, geopolitics, and regional and global tensions will influence the way states engage. Each of the meetings will negotiate a consensus outcome document, which will be influenced by states' perspectives on current conflicts.
s6(a)

We propose that New Zealand continue our long-standing approach of playing a constructive role where possible, with an overall focus on upholding and strengthening these treaties.

Out of scope

New Zealand's approach to three upcoming conventional weapons meetings

Out of scope

The Convention on Cluster Munitions (CCM) Meeting of States Parties

8. Mexico will preside over the annual Meeting of States Parties (MSP), taking place 10 to 13 September in Geneva. The CCM, which has 111 States Parties, prohibits the use, production, stockpiling and transfer of cluster munitions. Cluster munitions are designed to disperse explosive submunitions. Due to the large area that can be covered and their often-high failure rate, these weapons have indiscriminate impacts on civilians and combatants, and can have long term impacts. In 2022, 95% of deaths recorded from cluster munitions were civilians, and children accounted for 71% of casualties from cluster remnants. The CCM was established on the basis that the humanitarian, social, and economic consequences of the use of these weapons far outweigh their military utility.
9. Citing security concerns from Russia's illegal invasion of Ukraine, Lithuania has formally withdrawn from the CCM, the first Party to have done so in the CCM's 16-year history.
s6(a)

We will advocate for States Parties at the MSP to present a united front in support of the Convention and against any further withdrawals. At a time when international humanitarian law, and the rules-based system more broadly are under threat, it is important to reinforce that rules in war matter, civilians must be protected, and that the use of cluster munitions is never acceptable.

10. There have been widespread reports of cluster munitions use in Ukraine, as well as new reports of use in Syria and Myanmar. While Ukraine, Russia, Syria, and Myanmar are not CCM States Parties (nor is the US, which continues to transfer these weapons to Ukraine), these current use cases will likely feature in statements at the MSP.
11. New Zealand's interests are to support the full implementation and universalisation of the CCM. In our national statement we propose to condemn the use of these weapons anywhere and by anyone, and call on Lithuania to return to the Convention. We will support strong language in the MSP's final report that condemns cluster munitions.

Out of scope - 3 page redacted

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From: [ISED](#)
To: [WARSAW](#); [STOCKHOLM](#); [GENEVA](#)
Cc: [...DIS POSTS](#); [...EUROPEAN POSTS](#); [...MULTILATERAL POSTS](#); [SAPD](#); [FM.Defence \(Seemail\)](#); [FM.Defence MOD \(Seemail\)](#); ^{s6(a)} [FM,P/S Associate MFA \(Seemail\)](#); [FM,P/S MFA \(Seemail\)](#); [FM,P/S Defence \(Seemail\)](#); [FM.DPMC \(HPA\) \(Seemail\)](#)
Subject: FORMAL MESSAGE: LITHUANIA MOVES TO WITHDRAW FROM THE CONVENTION ON CLUSTER MUNITIONS
Date: Tuesday, 16 July 2024 11:01:47 am
Attachments: ^{s6(b)(i)} [letter to CCM States Parties.pdf](#)
[List of actions proposed at 9 July 2024 Extraordinary Meeting on Lithuania"s potential withdrawal from the CCM.docx](#)

[IN CONFIDENCE]

ĀPITIHANGA – ATTACHMENTS

Letter to Convention on Cluster Munitions States Parties from ^{s6(b)(i)}

^{s6(b)(ii)}

RĀPOPOTO – SUMMARY

- Lithuania has begun a domestic process to withdraw from the Convention on Cluster Munitions, a humanitarian disarmament treaty banning the use of these weapons, which New Zealand firmly supports.
- We seek further information on Lithuania's domestic process and have prepared talking points to convey our concerns should a suitable opportunity arise.

HOHENGANGA – ACTION

WSW: We would like to understand more about Lithuania's domestic process to withdraw from the Convention on Cluster Munitions, and for you to convey New Zealand's concerns about withdrawal from the Convention if the opportunity arises.

^{s6(a)}

PŪRONGO – REPORT

1. Lithuania's Parliament will consider withdrawing from the Convention on Cluster Munitions (CCM) this week, citing security concerns related to Russia's war in Ukraine. This was rumoured, and now we understand it will be formally considered by the Parliament and President this week. From media reporting (see [here](#)) we understand that this process is well advanced.

The Convention on Cluster Munitions

2. Cluster munitions are conventional weapons that are designed to disperse or release explosive submunitions. Due to the large area that can be covered by explosives and their often-high failure rate, the use of these weapons can have long term impacts, particularly for civilians.

3. The CCM was established on the basis that the humanitarian, social and economic consequences of the use of these weapons far outweigh their military utility. The CCM prohibits the use, production, stockpiling and transfer of cluster munitions. It also focuses on assistance and rehabilitation for survivors and their communities. The CCM has 112 States Parties, including New Zealand, Australia, and many NATO Allies. New Zealand was one of six states that initiated discussions which led to the CCM being adopted in May 2008. In February 2008, we hosted one of the negotiating meetings in Wellington. New Zealand is opposed to any developments that increase the likelihood of cluster munitions being used in conflict. In addition, we have an obligation, under Article

21 of the CCM, to pursue universalisation and to promote the norms established by the Convention.

4. Mexico, as President of the Twelfth Meeting of States Parties to the CCM called a meeting of the Coordination Committee and interested States Parties on 9 July to discuss the matter. ^{s6(a), s6(b)(ii)}

New Zealand's outreach

5. ^{s6(a)}

any updates on Lithuania's domestic process to withdraw from the CCM if available would be appreciated. If the opportunity arose in your bilateral contacts ^{s6(a)}

and as appropriate, we would be grateful if you could also convey New Zealand's concerns with this development, drawing on these talking points:

- New Zealand continues to condemn unequivocally Russia's ongoing war of aggression against Ukraine more than two years on from Russia's full-scale invasion.
- While we understand the security concerns Russia's invasion of Ukraine have raised, we urge Lithuania to reconsider withdrawing from the Convention on Cluster Munitions.
- This important treaty was established on the basis that the humanitarian, social, and economic consequences of the use of these weapons far outweigh their military utility. Due to the large area that can be covered by explosives and the often-high failure rate, the use of these weapons can have long term impacts, particularly for civilians.
- At a time when international humanitarian law, and the rules-based system more broadly are under threat, withdrawing from the Convention could send the wrong message about the importance of civilian protection, and weaken the Convention.

^{s6(a)}

MUTU - ENDS

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