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12958: DECL: 10/16/2018 TAGS: PARM, PREL, MARR, N..

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EAP/ANP AND PM/WRA E.O

12958: DECL: 10/16/2018 TAGS: PARM, PREL, MARR, NZ SUBJECT: N
EW ZEALAND AND CCW CLUSTER MUNITIONS NEGOTIATIONS REF: STA
108303 Classified By: Pol/Econ Counselor Margaret McKean, Rea

son: 1.4 (b) and (d) 1

(SBU) On October 14, Pol/Econ Counselor met with Jillian Dempster, Deputy
Director of the Ministry of Foreign Affairs and Trade's office for disar
mament

PE Counselor made the points in the reftel, focusing on whether or not New
Zealand and other core Oslo Process supporters are willing to be flexible
enough to see progress in the CCW forum

She asked if achieving binding language on technical improvements would not
constitute a small measure of progress that moves major suppliers in a pos
itive direction and could be built upon in the future

If the CCW cannot make progress on areas of mutual agreement that have so
me humanitarian benefit then the success of the CCW negotiation process l
ooks doubtful, she added

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(SBU) Dempster started out by acknowledging that the positions look very f
ar apart going into the final negotiation week in November

New Zealand would feel more confident if the Chair was working behind the
scenes to try and reconcile the positions

She placed a certain amount of the blame on the Chair, saying that NZ did no
t feel that the

Chair was making much of an effort in that regard

Dempster also said that she was disappointed in the level of consultation be

tween the Chair and the various groups/states so far

She specifically pointed out that NZ has a great deal of experience on working on the issue of definitions, and that the Chair has not incorporated some NZ positions

She allowed that some GNZ views may not be acceptable to all states, but New Zealand was still not happy with how the negotiations have gone so far

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(C) New Zealand, said Dempster, believes that the CCW is still important and would like to see the CCW as complementary to the Oslo Treaty. She also allowed there is benefit in having major suppliers such as Russia and China be part of something that is legally binding -- "but not at any price." She added that NZ is not convinced Russia will see the CCW process as legally binding

Moreover, she said that there is a risk of having two different legal instruments that could increase the ambiguities in international law and its application to cluster munitions

She said that the CCW does not have to mirror the Oslo Treaty, but NZ worries about two sets of standards

She added that NZ and other Oslo core group members are not the only ones in the CCW worried about dual standards

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(SBU) The Chair's proposal as it stands will not achieve consensus, predicted Dempster

She said New Zealand will be open minded going into the final week but there will be certain areas/issues (although she refused to be drawn out on specifics) that will require New Zealand's delegation to consult with Wellington and receive concurrence from government ministers, notably Minister for Disarmament Phil Goff

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(C) Comment

New Zealand's national election will take place on November 8, the day after the conclusion of the CCW negotiation round (November 3-7)

Goff and other government ministers will be on the campaign trail during that week and the New Zealand Geneva-based delegation's ability to consult with its political leadership will be limited

Dempster did not sound optimistic at the prospect for success in Geneva nor did she signal any sense of urgency from New Zealand's standpoint

It is unclear how much influence NGOs involved in the Oslo process are wielding on the CCW negotiations; Dempster noted several times during the discussion that she is in regular contact with NGOs in the lead up to the December signing of the Oslo Treaty

End Comment