

From: [DONNELLY, Katy \(ISED\)](#)
To: [CLUTTERBUCK, Nicholas \(GVA\)](#)
Cc: [MORRISS, Erin \(ISED\)](#); [DUNCAN, Lucy \(GVA\)](#); [HILLYER, Cecile \(ISED\)](#)
Subject: RE: Potential US transfer of cluster munitions to Ukraine
Date: Tuesday, 20 December 2022 3:37:15 pm

[IN CONFIDENCE]

Thanks very much for this Nicholas. We hadn't sighted it back here so very helpful to see.

The US Embassy happened to be calling on our AMER colleagues early this afternoon so we took the opportunity to raise the media article ^{s6(b)(i)} and note our hope that the US would not transfer any cluster munitions to Ukraine. ^{s6(b)(i)}

We do not intend to make any public comment on this.

Cheers,
Katy

From: CLUTTERBUCK, Nicholas (GVA) <Nicholas.Clutterbuck@mfat.govt.nz>
Sent: Tuesday, 20 December 2022 4:41 am
To: DONNELLY, Katy (ISED) <katy.donnelly@mfat.govt.nz>
Cc: MORRISS, Erin (ISED) <Erin.Morriss@mfat.govt.nz>; DUNCAN, Lucy (GVA) <Lucy.Duncan@mfat.govt.nz>
Subject: FW: Potential US transfer of cluster munitions to Ukraine

[IN CONFIDENCE]

Hi Katy

Just wanted to make sure you had this too. I don't expect we will be making a public comment, but I might be seeing US colleagues later this week. ^{s6(a)}

Nicholas

s6(b)(ii) - 1 page redacted

File note: Meeting with US Embassy in WLN on media reports of possible US supply of cluster munitions to Ukraine

6 July 2023, 2pm

Attendees: Borrie, de Schot (ISED); Wilkinson (AMER); ^{s6(a)} (US Embassy)

Summary:

- ISED requested meeting with ^{s6(a)} at the US Embassy to discuss renewed media reporting that the US may provide cluster munitions to Ukraine in its fight against Russia.
- ISED (joined by AMER) noted our interest in the renewed media reporting. We noted we had had raised this topic with the US Embassy back in January 2023 when reports first surfaced and expressed our hope then that the US would not provide such weapons to Ukraine. With the new media coverage, we were getting back in touch. For our part, we have a clear position on cluster munitions as a party to the Convention on Cluster Munitions (CCM) prohibiting such weapons.
^{s6(a)}

- ^{s6(b)(i)}

- We committed to be in touch Monday once ^{s6(a)} hears from capital, if not before.
- ^{s9(2)(g)(i)}

File note: meeting US on media reports US will provide cluster munitions to Ukraine

Details:

- Friday 7 July 2023, 1200-1230
- Attendees: ^{s6(a)} (US); de Schot (ISED); Wilkinson (AMER)

Background: Following initial meeting requested by ISED and held on Thursday 6 July with US Embassy (file note [here](#)), MFAT met again with ^{s6(a)} as she had received information overnight from capital.

Summary

- ^{s6(a), s6(b)(i)}

-

Information subsequently covered in media

reporting.

File note: Meeting with US Embassy on further transfer of US cluster munitions to Ukraine

Details: 3:30pm, 26 March 2024, MFAT Head Office

Attendees:

International Security and Disarmament Division, MFAT: John Borrie (Unit Manager),
Kate de Boer (Policy Officer)

US Embassy: ^{s6(a)} (Political-Military Officer)

Report

1. At our request, we met with the US Embassy to register **our concern about the further US transfer of cluster munitions to Ukraine**¹. As a State Party to the Convention on Cluster Munitions we said we were doing so in line with New Zealand's obligation to promote the Convention and the norms it establishes. Borrie noted New Zealand's humanitarian concerns about the post-conflict implications for Ukraine in view of the significant failure rates of Dual Purpose Improved Conventional Munition (DPICM) submunitions combined with the very large quantity that can be fired from ground-launched systems. There was no change in our position on Russia's illegal invasion of Ukraine.

2. ^{s9(2)(g)(i)}

3. ^{s6(b)(i)}

^{s6(a)}

^{s6(b)(i)}

¹ [Department of Defense Press Release](#)

Released under the Official Information Act 1982

From: [EVANS, David \(SAPD\)](#)
To: [BORRIE, John \(ISED\)](#)
Cc: [DE SCHOT, Jikita \(ISED\)](#); [DONNELLY, Katy \(ISED\)](#); [WOODLEY, Jocelyn \(AMER\)](#); [WILKINSON, Kelsie \(AMER\)](#)
Subject: RE: Cluster Munition line for PM's media stand-up (in case needed)
Date: Friday, 7 July 2023 1:42:52 pm

[UNCLASSIFIED]

Thanks All, have passed on the DPMC. Cheers

Sent with BlackBerry Work
(www.blackberry.com)

From: BORRIE, John (ISED) <John.Borrie@mfat.govt.nz>
Date: Friday, 07 Jul 2023 at 1:36 PM
To: EVANS, David (SAPD) <David.Evans@mfat.govt.nz>
Cc: DE SCHOT, Jikita (ISED) <Jikita.DeSchot@mfat.govt.nz>, DONNELLY, Katy (ISED) <katy.donnelly@mfat.govt.nz>, WOODLEY, Jocelyn (AMER) <Jocelyn.Woodley@mfat.govt.nz>, WILKINSON, Kelsie (AMER) <Kelsie.Wilkinson@mfat.govt.nz>
Subject: Cluster Munition line for PM's media stand-up (in case needed) [SEC=UNCLASSIFIED]

[UNCLASSIFIED]

Here's a line, as discussed with DIS (Jikita):

New Zealand is a member of the Convention on Cluster Munitions, which prohibits these weapons for these states party to it. Any transfer of cluster munitions to Ukraine would obviously be a concerning development.

[Note: While New Zealand is a party to the CCM, Russia, Ukraine and the US are not CCM state parties.]

John Borrie (he/him)

Special Adviser - Disarmament

International Security and Disarmament Division

New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere
s9(2)(a) E john.borrie@mfat.govt.nz

www.mfat.govt.nz | www.safetravel.govt.nz

From: [DE SCHOT, Jikita \(ISED\)](#)
To: [...GUERMANOFF, Guergana \(Inet\)](#); [...ANDREASSEN, Pia \(Inet\)](#); [...LEWIS, Greg \(Inet\)](#)
Cc: [DONNELLY, Katy \(ISED\)](#); [VITALIS, Vangelis \(DS TEG\)](#); [...ROYSON, Tamsin \(Inet\)](#); [BORRIE, John \(ISED\)](#); [KING, Ben \(DCE\)](#); [ESD](#); [WOODLEY, Jocelyn \(AMER\)](#); [HINTON, Wendy \(EUR\)](#); [HUDSON, Alana \(WSW\)](#); [BRUSSELS](#); [WILKINSON, Kelsie \(AMER\)](#); [COLLINS, Jane \(LGL\)](#); [TAU, Shannon \(LGL\)](#); [LANGLEY, Chris \(ISED\)](#); [AMBLER, Corinne \(CMD\)](#); [CORRY, Bede \(WSH\)](#); [SUBRITZKY, John \(WSH\)](#); [EVANS, David \(SAPD\)](#); [DOWSETT, Emma \(OCE\)](#); [OCE](#)
Subject: US/UKR cluster munitions supply - Talking points if required
Date: Friday, 7 July 2023 5:25:00 pm
Importance: High

Kia ora tātou,

s6(b)(i)

With thanks to colleagues in AMER, LGL, EUR, and Media, we provide 'if asked' points and background for the PM and MFA/MDAC in case needed, ^{s6(b)(i)}

Pia/Greg – we would recommend sharing with MinDef's office in case he's asked. If you agree, please let us know if you will transact or if you'd prefer us to.

If asked points ^{s6(b)(i)}

- New Zealand has directly relayed our concerns to the US.
- New Zealand is a strong supporter of the Convention on Cluster Munitions. In recognition of the unacceptable harm to civilians these weapons cause, the Convention prohibits their use, stockpiling, production and transfer. 123 countries have signed onto the Convention (111 States Parties have ratified).
- We are deeply concerned about the use and effects of cluster munitions in Ukraine, and urge both parties to refrain from use of such weapons.
- Although Russia and Ukraine have not joined the Convention, as parties to an armed conflict they must comply with general humanitarian law rules, including the prohibition on indiscriminate attacks. Any use of weapons including cluster munitions must be in accordance with these rules.
- We call on Russia to cease its war of aggression in Ukraine.

s9(2)(g)(i)

Background

- ^{s6(b)(i)}
- MFAT officials raised with the US our concerns about the prospect of the US supplying cluster munitions in January 2023 when media reporting first surfaced, and again this past week.
- Cluster munitions can be dropped from the air, or fired from ground-based systems like artillery or rockets, as in the systems going to Ukraine. Cluster munitions consist of containers that each disperse up to hundreds of small bombs across a wide area. Many of these bomblets fail to detonate, and lie in an unpredictable and dangerous state.
- Because of the indiscriminate nature of these weapons and widespread harm caused to civilians, including once a conflict has ended, the Convention on Cluster Munitions (CCM) was adopted in 2008. It prohibits all use, stockpiling, production and transfer of these weapons. The CCM entered into force in 2010, and has 111 States Parties including New Zealand.
- While not all countries have ratified the Convention – including the US, Russia and

Ukraine – the Convention has stigmatised these weapons and their use has dropped dramatically.

- Despite this, there are reports of widespread cluster munitions use by Russia in Ukraine, and some instances of use by Ukrainian forces.

Please let us know if you'd like anything more or have any questions.

Ngā mihi nui,

Jikita (and team Dis)

Jikita de Schot (she/her)

International Security and Disarmament Division, MFAT
s9(2)(a)

From: [BORRIE, John \(ISED\)](#)
To: [MEDIA; ...HUANG, Cecily \(Inet\)](#)
Cc: [CAVANAGH, Bernadette \(DS PDG\)](#); [DONNELLY, Katy \(ISED\)](#); [HILLYER, Cecile \(ISED\)](#); [DE SCHOT, Jikita \(ISED\)](#); [ALLISON, Jordan \(ISED\)](#)
Subject: RE: URGENT - Media lines IAEA
Date: Monday, 10 July 2023 1:04:20 pm
Attachments: [image001.jpg](#)

[UNCLASSIFIED]

Here are proposed media lines and Q&A, based in large part on ISED's briefing for MFA delivered to her office on Friday, and cleared just now by Cecile ...

Out of scope

POSSIBLE QUESTIONS & ANSWERS

Out of scope

Out of scope

What's your view on US President Biden's announcement on Friday that his administration will transfer cluster munitions to Ukraine?

- As the Prime Minister said over the weekend, New Zealand is a strong supporter of the 2008 Convention on Cluster Munitions. We are opposed to these weapons' acquisition, use or transfer. We have directly relayed our concerns to the US [through MFAT to the US Embassy in Wellington].
- Like other State Parties to the Convention on Cluster Munitions, we are deeply concerned about the use and effects of cluster munitions in Ukraine, and urge both parties to refrain from use of such weapons.

Out of scope

From: MEDIA <media@mfat.govt.nz>
Sent: Monday, 10 July 2023 12:14 pm
To:HUANG, Cecily (Inet) <Cecily.Huang@mft.net.nz>; BORRIE, John (ISED) <John.Borrie@mfat.govt.nz>
Cc: CAVANAGH, Bernadette (DS PDG) <Bernadette.Cavanagh@mfat.govt.nz>; DONNELLY, Katy (ISED) <katy.donnely@mfat.govt.nz>; MEDIA <media@mfat.govt.nz>
Subject: FW: URGENT - Media lines IAEA

[UNCLASSIFIED]

Urgent media lines needed: Meeting with Grossi for MFA interview with RNZ. As per

conversation with Katy just now (popping out from meeting), good opp to include some lines that were part of a bigger pack recently?

Sandra Ford

**Senior Media Adviser
Communications Division**

New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

s9(2)(a)

E sandra.ford@mfat.govt.nz

From: MEDIA <media@mfat.govt.nz>
Sent: Monday, 10 July 2023 12:04 pm
To:ANDREASSEN, Pia (Inet) <pia.andreassen@parliament.govt.nz>; MEDIA <media@mfat.govt.nz>
Cc: DONNELLY, Katy (ISED) <katy.donnelly@mfat.govt.nz>;LEWIS, Greg (Inet) <Greg.Lewis@parliament.govt.nz>; BORRIE, John (ISED) <John.Borrie@mfat.govt.nz>
Subject: RE: URGENT - Media lines IAEA

[UNCLASSIFIED]

Thanks – on to it.

Sandra Ford

**Senior Media Adviser
Communications Division**

New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

s9(2)(a)

E sandra.ford@mfat.govt.nz

From:ANDREASSEN, Pia (Inet) <pia.andreassen@parliament.govt.nz>
Sent: Monday, 10 July 2023 12:02 pm
To: MEDIA <media@mfat.govt.nz>
Cc: DONNELLY, Katy (ISED) <katy.donnelly@mfat.govt.nz>;LEWIS, Greg (Inet) <Greg.Lewis@parliament.govt.nz>
Subject: URGENT - Media lines IAEA
Importance: High

Kia ora Media,

We have just been informed that the Minister is potentially doing an interview with RNZ at 4:20pm on the IAEA. **Please could you provide lines by 1pm today** – please give me a call if any issues.

Nga mihi,
Pia



Pia Andreassen (*she/her*)*

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

s9(2)(a)

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

*If you're wondering about the use of pronouns she/her on this signature you can find more information about how sharing pronouns can help to create a sense of belonging and respect [here](#).

From: [...ROBINSON, Julia \(Inet\)](#)
To: [DE SCHOT, Jikita \(ISED\)](#); [DONNELLY, Katy \(ISED\)](#); [WOODLEY, Jocelyn \(AMER\)](#); [WILKINSON, Kelsie \(AMER\)](#); [BORRIE, John \(ISED\)](#); [EVANS, David \(SAPD\)](#); [GRAHAM, Catherine \(AMER\)](#)
Cc: [EVANS, David \(SAPD\)](#); [...GUERMANOFF, Guergana \(Inet\)](#); [MEDIA](#); [OCE](#); [MUNRO, Cameron \(OCE\)](#); [...ANDREASSEN, Pia \(Inet\)](#); [...LEWIS, Greg \(Inet\)](#); [CHAUHAN, Rohan \(EUR\)](#); [HINTON, Wendy \(EUR\)](#); [COX, Sam \(LGL\)](#); [WILLIAMS, Andrew \(LGL\)](#); [LANGLEY, Chris \(ISED\)](#); [HILLYER, Cecile \(ISED\)](#)
Subject: RE: DUE 11am - PMO request for media lines - US cluster munitions to Ukraine
Date: Wednesday, 12 July 2023 11:07:31 am
Attachments: [image001.png](#)

Thanks Jikita, this is super helpful. Will let you know if any questions from PMO.

Julia

Julia Robinson
 Foreign Policy Analyst
 Policy Advisory Group
 Department of the Prime Minister and Cabinet

s9(2)(a)

E Julia.Robinson@dpmc.govt.nz



From: DE SCHOT, Jikita (ISED) <Jikita.DeSchot@mfat.govt.nz>
Sent: Wednesday, 12 July 2023 11:01 am
To: Julia Robinson [DPMC] <Julia.Robinson@dpmc.govt.nz>; DONNELLY, Katy (ISED) <katy.donnelly@mfat.govt.nz>; WOODLEY, Jocelyn (AMER) <Jocelyn.Woodley@mfat.govt.nz>; WILKINSON, Kelsie (AMER) <Kelsie.Wilkinson@mfat.govt.nz>; BORRIE, John (ISED) <John.Borrie@mfat.govt.nz>; EVANS, David (SAPD) <David.Evans@mfat.govt.nz>; ^MFAT: Catherine Graham <Catherine.Graham@mfat.govt.nz>
Cc: EVANS, David (SAPD) <David.Evans@mfat.govt.nz>; Guergana Guermanoff [DPMC] <Guergana.Guermanoff@dpmc.govt.nz>; MEDIA <media@mfat.govt.nz>; OCE <OCE@mfat.govt.nz>; MUNRO, Cameron (OCE) <cameron.munro@mfat.govt.nz>; ...ANDREASSEN, Pia (Inet) <pia.andreassen@parliament.govt.nz>; ...LEWIS, Greg (Inet) <Greg.Lewis@parliament.govt.nz>; CHAUHAN, Rohan (EUR) <Rohan.Chauhan@mfat.govt.nz>; HINTON, Wendy (EUR) <Wendy.Hinton@mfat.govt.nz>; COX, Sam (LGL) <Sam.Cox@mfat.govt.nz>; WILLIAMS, Andrew (LGL) <Andrew.Williams@mfat.govt.nz>; ^MFAT: Chris Langley <Chris.Langley@mfat.govt.nz>; ^MFAT: Cecile Hillyer <Cecile.Hillyer@mfat.govt.nz>
Subject: RE: DUE 11am - PMO request for media lines - US cluster munitions to Ukraine

[SEEMAIL] [IN CONFIDENCE]

Kia ora Julia,

Please see updated lines and background:

Updated lines:

- We acknowledge that the US (and Ukraine and Russia) are not parties to the Cluster Munitions Convention banning the use and transfer of these weapons. However, our position on cluster munitions is clear – New Zealand is a strong supporter of the Convention, and we oppose them. We will continue to make this clear.
- Even though Russia and Ukraine have not joined this Treaty, they must comply with general humanitarian law rules, including the prohibition on indiscriminate attacks. Any use of weapons including cluster munitions must be in accordance with these rules.

If asked about Ukraine's right to defend itself however it sees fit / whether alternative would be Ukraine not being able to conduct counter-offensive against Russia:

- We recognise Ukraine is facing an existential crisis through Russia's war of aggression, and we absolutely condemn Russia for the position Ukraine is in. But we are opposed to any use of cluster munitions in any circumstances, including any use in this conflict.
- Parties to an armed conflict – including Ukraine and Russia in Russia's war of aggression – must comply with the laws of armed conflict at all time. This includes the prohibition on indiscriminate attacks. Any use of weapons including cluster munitions must be in accordance with these rules.

Background:

- Cluster munitions can be dropped from the air, or fired from ground-based systems like artillery or rockets, as in the systems going to Ukraine. Cluster munitions consist of containers that each disperse up to hundreds of small bombs across a wide area. Many of these bomblets fail to detonate, and lie in an unpredictable and dangerous state.
- Because of the indiscriminate nature of these weapons and widespread harm caused to civilians, including once a conflict has ended, the Convention on Cluster Munitions (CCM) was adopted in 2008. It prohibits all use, stockpiling, production and transfer of these weapons. The CCM entered into force in 2010, and has been signed by 123 states (and ratified by 111 States Parties, including New Zealand).
- Under the Convention on Cluster Munition's (CCM's) Lausanne Action Plan, states parties agreed to intensify efforts to promote the norms established by the CCM, to discourage "in every way possible" the use or transfer of cluster munitions, and to reinforce the growing stigma associated with these weapons to deter any future use.
- Although Russia and Ukraine have not joined the CCM (and are not bound by its provisions), as parties to an armed conflict they must comply with general humanitarian law rules, including the prohibition on indiscriminate attacks. Any use of weapons including cluster munitions must be in accordance with these rules.
- Officials raised with the US Embassy our concerns about possible US supply of these weapons when media reports first surfaced in January 2023, and again last week when reports suggested a decision by the US was imminent.
- There are reports of widespread cluster munitions use by Russia in Ukraine, and some instances of use by Ukrainian forces.
- According to the US Congressional Research Service, under US law the supply of cluster munitions with a detonation failure rate of more than 1% is prohibited. This can be waived by the President or Congress (as we understand was done in this situation, as the US claims the weapons have a failure rate of 2.35%).
- There have been significant discrepancies among failure rate estimates. Some manufacturers claim a bomblet failure rate of 2% to 5%, whereas mine clearance specialists have frequently reported failure rates of 10% to 30%. A number of factors influence reliability, including environmental conditions.

- The UK, Spain, Germany, Ireland and Cambodia have made public comments as states parties to the Convention. The German Foreign Minister reiterated Germany's opposition to cluster munitions; the Irish Taoiseach characterised the US decision as "the wrong decision"; and the Spanish Defence Minister emphasised that the "legitimate defence of Ukraine ... should not be carried out with cluster bombs."

Previous lines provided:

- *New Zealand has directly relayed our concerns to the US.*
- *New Zealand is a strong supporter of the Convention on Cluster Munitions. In recognition of the unacceptable harm to civilians these weapons cause, the Convention prohibits their use, stockpiling, production and transfer. 123 countries have signed onto the Convention (111 States Parties have ratified).*
- *We are deeply concerned about the use and effects of cluster munitions in Ukraine, and urge both parties to refrain from use of such weapons.*
- *Although Russia and Ukraine have not joined the Convention, as parties to an armed conflict they must comply with general humanitarian law rules, including the prohibition on indiscriminate attacks. Any use of weapons including cluster munitions must be in accordance with these rules.*
- *We call on Russia to cease its war of aggression in Ukraine.*

s9(2)(g)(i)

Thanks

Jikita

From:ROBINSON, Julia (Inet) <julia.robinson@dpmc.govt.nz>
Sent: Wednesday, 12 July 2023 9:30 am
To: DONNELLY, Katy (ISED) <katy.donnelly@mfat.govt.nz>; DE SCHOT, Jikita (ISED) <Jikita.DeSchot@mfat.govt.nz>; WOODLEY, Jocelyn (AMER) <Jocelyn.Woodley@mfat.govt.nz>; WILKINSON, Kelsie (AMER) <Kelsie.Wilkinson@mfat.govt.nz>; BORRIE, John (ISED) <John.Borrie@mfat.govt.nz>; EVANS, David (SAPD) <David.Evans@mfat.govt.nz>; GRAHAM, Catherine (AMER) <Catherine.Graham@mfat.govt.nz>
Cc: EVANS, David (SAPD) <David.Evans@mfat.govt.nz>;GUERMANOFF, Guergana (Inet) <guergana.guermanoff@dpmc.govt.nz>; MEDIA <media@mfat.govt.nz>; OCE <OCE@mfat.govt.nz>; MUNRO, Cameron (OCE) <cameron.munro@mfat.govt.nz>;ANDREASSEN, Pia (Inet) <pia.andreassen@parliament.govt.nz>;LEWIS, Greg (Inet) <Greg.Lewis@parliament.govt.nz>
Subject: DUE 11am - PMO request for media lines - US cluster munitions to Ukraine
Importance: High

[IN-CONFIDENCE]

Kia ora team ISED and AMER

PMO has requested updated lines on the **US sending cluster ammunition to support Ukraine and any background info** we have on the matter. Can we have this by 11am please?

Thanks very much,

Julia

Julia Robinson
Foreign Policy Analyst
Policy Advisory Group
Department of the Prime Minister and Cabinet

s9(2)(a)

E Julia.Robinson@dpmc.govt.nz



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**INWARDS VISIT
BY
US SECRETARY OF STATE
ANTONY BLINKEN
26 – 27 JULY 2023**

Contents

Event Brief: Visit of US Secretary of State Antony Blinken Out of scope	3
Disarmament and Non-Proliferation Out of scope	7
Tuarongo - Background Out of scope	14
Disarmament and Non-Proliferation Out of scope	15

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Meeting Brief: Dinner

Time and date: 7:30PM – 9PM, 26 July 2023

Location: Hippopotamus, QT Hotel

Suggested Meeting Agenda

- Out of scope
-
-
- Disarmament and Non-Proliferation
- Out of scope

Out of scope - 1 page withheld

Out of scope

Disarmament and Non-Proliferation

- Out of scope
-
- We acknowledge that the US and Ukraine (and Russia) are not parties to the **Cluster Munitions** Convention, ^{s6(a)}
However, we must reiterate **New Zealand's clear opposition** to these weapons, and our disappointment in the US decision. We condemn any use of cluster munitions by anyone, under any circumstances, and urge all countries to adhere to the Cluster Munitions Convention.

Out of scope - 8 pages withheld

Out of scope

Released under the Official Information Act 1982

Cluster munitions

Officials raised our concerns about possible US supply of cluster munitions to Ukraine with the US Embassy in January, and again earlier this month. Cluster munitions consist of containers that each disperse up to hundreds of small bombs across a wide area. Because of the indiscriminate nature of these weapons and widespread harm caused to civilians, the Convention on Cluster Munitions (CCM) was adopted in 2008, banning all use, stockpiling, production and transfer of these weapons. It is signed by 123 states (and ratified by 111 states, including New Zealand).

Under the CCM's Lausanne Action Plan, states parties agreed to intensify efforts to promote the norms established by the CCM, to discourage "in every way possible" the use or transfer of cluster munitions, and to reinforce the growing stigma associated with these weapons to deter any future use.

Under US law, supplying cluster munitions with a detonation failure rate of more than 1% is prohibited. This can be waived by the President or Congress (as we understand was done in this case, as the US claims the weapons have a failure rate of 2.35%). There are significant discrepancies among failure rate estimates. Some manufacturers claim a bomblet failure rate of 2% to 5%, whereas mine clearance specialists report failure rates of 10% to 30%.

Out of scope

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Supplementary 16

- Did the Minister raise the US' provision of cluster munitions to Ukraine with Secretary Blinken?

Yes. As we have done before.

New Zealand supports Ukraine in its defence against Russia's illegal war of aggression.

Russia and Ukraine, as parties to an armed conflict, must comply with international humanitarian law, and any use of cluster munitions must be in accordance with these rules.

Unlike New Zealand, neither Russia, Ukraine or the US are party to the Convention on Cluster Munitions. The Convention explicitly prohibits the use of cluster munitions, and our position on these inhumane weapons is clear. We are determined to put an end for all time to the suffering and casualties they cause, and are opposed to any developments that increase the likelihood of cluster munitions being used.

In fact, we have an obligation under Art 21 of the Convention to pursue universal adherence to it and to promote the norms the Convention establishes. We are also obliged to make best efforts to discourage states not party to the Convention from using cluster munitions. Our efforts to discourage the use of cluster munitions in the context of Russia's illegal invasion of Ukraine are consistent with this obligation, and so is our effort to discourage their transfer.

Released under the Official Information Act 1982

From: [DE BOER, Kate \(ISED\)](#)
To: [...VELTMAN, Lydia \(Inet\)](#)
Cc: [...KINGSTON, Charles \(Inet\)](#); [...BALLANTYNE, Paul \(Inet\)](#); [WILSON, Paula \(ISED\)](#); [DE SCHOT, Jikita \(ISED\)](#); [MEDIA](#)
Subject: RE: Proposed Tweet for Minister McClay - Cluster Munitions
Date: Monday, 29 July 2024 11:02:00 am
Attachments: [image001.png](#)

Kia ora Lydia,

Lithuania's President has signed the law to withdraw from the Convention on Cluster Munitions, meaning the withdrawal has now entered into force. I have proposed updated language for the tweet, for testing with the Minister.

Proposed tweet: 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 has withdrawn from the Convention on Cluster Munitions.

Please get in touch if you have any questions,

[Kate](#)
s9(2)(a)

From: [...VELTMAN, Lydia \(Inet\)](#) <lydia.veltman@parliament.govt.nz>
Sent: Wednesday, 24 July 2024 3:42 pm
To: [DE BOER, Kate \(ISED\)](#) <Kate.Deboer@mfat.govt.nz>
Cc: [...KINGSTON, Charles \(Inet\)](#) <charles.kingston@parliament.govt.nz>; [...BALLANTYNE, Paul \(Inet\)](#) <paul.ballantyne@parliament.govt.nz>; [WILSON, Paula \(ISED\)](#) <Paula.Wilson@mfat.govt.nz>; [DE SCHOT, Jikita \(ISED\)](#) <Jikita.DeSchot@mfat.govt.nz>; [MEDIA](#) <media@mfat.govt.nz>
Subject: RE: Proposed Tweet for Minister McClay - Cluster Munitions

Thanks Kate, I've passed to our press sec to test this draft tweet with AMFA.

Ngā manaakitanga,

[Lydia Veltman](#)
s9(2)(a)

From: [DE BOER, Kate \(ISED\)](#) <Kate.Deboer@mfat.govt.nz>
Sent: Wednesday, July 24, 2024 11:33 AM
To: [Lydia Veltman](#) <Lydia.Veltman@parliament.govt.nz>
Cc: [Charles Kingston](#) <Charles.Kingston@parliament.govt.nz>; [Paul Ballantyne](#) <Paul.Ballantyne@parliament.govt.nz>; [WILSON, Paula \(ISED\)](#) <Paula.Wilson@mfat.govt.nz>; [DE SCHOT, Jikita \(ISED\)](#) <Jikita.DeSchot@mfat.govt.nz>; [MEDIA](#) <media@mfat.govt.nz>
Subject: Proposed Tweet for Minister McClay - Cluster Munitions

[SEEMAIL] [RESTRICTED]

Kia ora Lydia,