



Statement by His Excellency Archbishop Silvano Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at the 4<sup>th</sup> Review Conference of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects  
*Geneva, 14 November 2011*

Mr. President,

After 30 years from its adoption, today deliberations resume on the Convention on Certain Conventional Weapons (CCW) in the context of the Fourth Review Conference. The Holy See Delegation would like at the outset to express his satisfaction to see you, Mr. President, directing our work to make this meeting a success for the promotion of international humanitarian law.

Since the Third Review Conference, some positive steps have been taken in the right direction and now it is important to preserve the momentum and make them productive in the coming years. Allow me to just mention the most important of these achievements: the efforts undertaken for the universalization of the Convention; the sponsorship program to support increased participation in the work of the Convention; the creation of the support unit and its commitment to make implementation more sustained and efficient; the successful initiatives to make Protocol V and Amended Protocol II more operational.

However, this Delegation regrets that an agreement has not been reached concerning mines other than antipersonnel mines (MOTAPM) and, like all other States Parties, it notes the absence of a consensus on this issue. But the fact that this item is maintained on the agenda of the Convention encourages raising it again with the hope that an agreement will soon be possible since a majority of players continues to consider that MOTAPM remain a significant threat to civilian populations. In the context of this Review Conference, it seems important to reflect in a special way on Protocol III on incendiary weapons. Since the adoption of this protocol, important developments have taken place and it would be useful to revisit this issue in order to improve and strengthen the protection of civilians from the harmful effects of this category of weapons.

Mr. President,

Let me now raise another important point of our work program, that of cluster munitions. During the last 5 years, the CCW has devoted much effort, time and financial

resources to respond to the humanitarian risks caused by these weapons. Already during the Third Review Conference in 2006, the Holy See, with five other partners, had presented a document calling for the adoption of a negotiating mandate for a new protocol on cluster munitions. Unfortunately, this was not accepted by a number of delegations. It is only after this negative conclusion that my Delegation decided to cooperate with a large number of countries to find a satisfactory humanitarian solution outside the framework of the CCW. It was no longer acceptable to see the number of victims increase; polluted areas barred from the most basic economic activities. It was necessary to ensure prevention and remedy. This is precisely what the Convention on Cluster Munitions has adequately achieved.

Despite the adoption of the Convention on Cluster Munitions, this Delegation continued to support efforts to find a supplementary agreement in the framework of the CCW on the same issue. It was required, however, that the new instrument was compatible with the spirit and letter of the Convention on Cluster Munitions. In reality, the two instruments, the Oslo Convention and the proposed Protocol VI, have two completely different definitions and two completely different scopes. The red line for this Delegation is the international humanitarian law already in force; weakening it would be a betrayal of the aspirations of peoples to reduce the impact of armed conflicts and it would also be contrary to the objectives of the CCW. For these reasons, I would like, Mr. President, to express the disappointment of my Delegation on the text which is presented under the responsibility of the Chairman of the Group of Governmental Experts on the issue of cluster munitions. In addition to the lack of consensus on the text in question, it is clear that the eventual adoption of the draft Protocol would set an unacceptable precedent, as it would for the first time endorse an instrument that weakens the provisions of international humanitarian law already adopted in an international instrument signed or ratified by a majority of countries.

In an unstable international situation and in an uncertain world, international humanitarian law remains an essential safety measure not to be weakened. The multiple internal conflicts where cluster munitions have been used or may be used are many. The responsibility of the CCW to protect civilian populations rests on its ability to comply with the provisions of international humanitarian law and even in strengthening them. On the contrary, the weakening international humanitarian law would discredit this Convention. The call by the President of the International Committee of the Red Cross in the context of the negotiation of the CCW on cluster munitions is just, powerful, and in continuity with the tradition of the defence of humanitarian values. This Delegation has heard this call and fully agrees with it.

Mr. President,

The CCW has an important place and role in the international system that seeks to reduce the impact of indiscriminate weapons on civilian populations, on the development and implementation of the conditions that allow an exit from war situations. To accomplish its objectives, the CCW should find a strong consensus to meet current challenges. The choice of convenient or unjust and inefficient compromises is a serious risk that will deprive the CCW of credibility. This institution has many strengths and there is still time to make the CCW a tool to promote international humanitarian law in the field of conventional arms control.

Thank you, Mr. President.