



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 6<sup>th</sup> Review Conference of the States Party to Protocol V 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, 12-13 November 2012*

Mr. President,

At the outset, allow me to congratulate for your election to preside this 6<sup>th</sup> Review Conference.

Recent conflicts in various regions of the world confirm the urgent need for a renewed and strong response to the problem of explosive remnants of war. Protocol V should be one important element of the international effort to prevent real humanitarian tragedies, and to constitute a remedial answer where the prevention was not possible. The Holy See delegation is very much concerned about many situations where ERW's are not only posing a safety problem for the local population, but also a national and regional security problem. A huge number of explosive weapons are not monitored, not recorded, and not secured. Some of them fell into the wrong hands of terrorist groups and criminal gangs. Some others went to the population at large and constitute now and in the future a big risk for the stability of countries and a permanent cause for eventual criminal or political violence. The credibility of Protocol V is at stake: the diligent and complete implementation of the provisions of this protocol should be our common goal. This is the only way to protect the civilian population, and in some cases the national community as a whole, from the consequences of explosive remnants of war and in particular the huge amount of abandoned stocks.

Mr. President!

In such cases, time is of the essence. In a situation of conflict, States are required to record the use and abandonment of explosive weapons. They are also required to share this information after the conflict has ended. Any hesitation in this regard has a very negative humanitarian consequence. It means more victims and bigger economic and social costs, and long-term hampering of development. The third phase should start as soon as possible to secure the abandoned stocks and to clean the polluted areas. International cooperation, where needed, is a moral responsibility. During the negotiation of this protocol, it was not possible to have a provision about the user's responsibility. The provision on international cooperation should remain strong because it is the right thing to do, but also because it is so important for the

universalization of the protocol. Almost in all recent conflicts, States parties and non-States parties to the Protocol were involved. This fact makes implementation more difficult. But this should never be an excuse not to implement fully article 4 of the protocol. In this context, the Holy See shares the concerns of the International Committee of the Red Cross and other partners in the NGO's community concerning the lack of total or partial implementation of article 4 which is the cornerstone of this instrument. Without respecting the provision of this article, the rest of the protocol is almost impossible to achieve.

Mr. President!

The Holy See understands and supports protocol five and the CCW in general as a concrete expression of the dignity of the human person and as a necessary application of international humanitarian law. Our reading of the provisions of the disarmament instruments in general, including protocol five, is based on a humanitarian approach where the human person is the center of the attention, and the subject of protection. Civilian population must be protected in all circumstances. We have to admit that in recent and current conflicts, the civilian populations were not protected and the international humanitarian law was merely a set of non-respected rules. This is the challenge for all of us to make protocol five effective in protecting the civilian populations from the consequences of explosive weapons during conflicts and after the conflicts have ended. The civilians should not have to pay twice for the absence of a secure, free and peaceful environment.