

Mr. Chairman,

On Monday of last week, the High Commissioner for Human Rights delivered a statement to the plenary on behalf of nineteen field-based United Nations agencies and other organizations and entities involved in humanitarian action.

And I would emphasize field-based. Our organizations are all too familiar with the appalling humanitarian consequences of cluster munitions. As the Emergency Relief Coordinator, Valerie Amos, the UNDP Administrator Helen Clark, and High Commissioner Navi Pillay, the three most senior UN officials dealing with respectively humanitarian issues, development, and human rights, stated in a press release yesterday, cluster munitions rob civilians – ordinary men, women and children – of their lives, limbs and dignity. They obstruct roads and poison fields, they threaten livelihoods, productivity, basic social services and access to property and vital infrastructure.

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Their indiscriminate and wide-area effect can cause the immediate death and injury of civilians and damage to schools, houses and health facilities. Worse still, the frequent failure of bomblets to detonate on impact, or to self-destruct, leaves behind large numbers of unexploded and volatile sub-munitions. This creates a serious hazard that endangers civilians, including returning refugees and displaced persons, aid workers and peacekeepers, for years or even decades after wars have ended.

Mr. Chairman,

We recognise the efforts over the past week to bridge the gap between divergent positions and to arrive at a draft protocol that fulfills the mandate of urgently addressing the humanitarian impact of cluster munitions.

As was stated last Monday, we are convinced that a comprehensive ban is the only viable means of protecting civilians – and humanitarian and development operations – from the indiscriminate and lasting effects of cluster munitions, both at their time of use and thereafter. This latest draft of the optional protocol falls far short of that standard.

We have heard over 40 States, the ICRC and the Cluster Munition Coalition reiterate in various ways the point that the current text fails to address the humanitarian impact of these weapons. It lowers the comprehensive standard set by the Convention on Cluster Munitions (CCM); and it fails to address the well-documented humanitarian and development threats posed by these weapons.

If adopted, it will allow the indefinite use of cluster munitions produced after 1 January 1980 that meet certain technical requirements but that are prohibited by the CCM precisely because of the unacceptable harm they pose to civilians.

We would also reiterate that the adoption of the protocol in its current form would create a new international instrument that is weaker than established legal protections and set a disturbing precedent in international humanitarian law.

Only a comprehensive ban will spare civilians from the unacceptable harm posed by cluster munitions now and in the future. That ban already exists and we would again strongly encourage those Member States that have not signed or ratified the Convention on Cluster Munitions to accede without delay. Similarly, we would urge all States not to agree to a protocol that weakens the existing ban.

Thank you for your attention.