

**Statement by United Nations agencies and other organizations involved in
humanitarian action to the Fourth Review Conference of the
Convention on Certain Conventional Weapons**

14 November 2011

**Delivered by Ms. Navanethem Pillay,
United Nations High Commissioner for Human Rights**

Mr. President, distinguished delegates, ladies and gentlemen,

Thank you for this opportunity to address the Fourth Review Conference of States Parties to the Convention on Certain Conventional Weapons (CCW).

The following statement is delivered on behalf of a number of United Nations agencies and a number of organizations involved in humanitarian action, specifically the Office for the Coordination of Humanitarian Affairs, Office of the High Commissioner for Human Rights, United Nations Children's Fund, United Nations Development Programme, United Nations High Commissioner for Refugees, United Nations Population Fund, United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, World Health Organization and the United Nations Mine Action Service; as well as the ACT Alliance, All India Disaster Mitigation Institute, Danish Demining Group, Danish Refugee Council, Handicap International, InterAction, Jesuit Refugee Service, Norwegian Refugee Council, Office Africain pour le Developpement et la Coopération, and Oxfam GB.

Mr. President,

We appreciate the efforts of States Parties to the CCW to address the humanitarian concerns associated with cluster munitions.

At the same time, we note that an effective legal instrument now exists that resolves those concerns. The Convention on Cluster Munitions provides a comprehensive ban on the use, production and stockpiling of cluster munitions. We believe that a comprehensive ban is the only viable means of sparing civilians – and humanitarian and development operations – from the indiscriminate and lasting effects of cluster munitions, both at their time of use and thereafter.

The current text of the draft optional protocol does not meet that standard. If adopted in its current form, the draft protocol will facilitate the use of a number of cluster munitions that possess certain technical features with the attendant and well-documented risks this poses for civilians and humanitarian and development operations.

Indeed, evidence-based research from the field has shown that manufacturers' claims as to the reliability of their weapons – either in terms of their ability to explode as intended

or to self-destruct – are unreliable. Moreover, as repeatedly stressed by United Nations agencies over the course of the negotiations, as the technology has developed, so too has the risk posed to civilians and clearance personnel by unexploded and very sensitive sub-munitions.

We would also note 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.

Mr. President,

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 strongly encourage those Member States that have not signed or ratified the Convention on Cluster Munitions to accede without delay.

We would also encourage the CCW States Parties to refocus their energy on the issue of mines other than anti-personnel mines. Anti-vehicle mines continue to pose a very real threat to civilians and are a major impediment to the timely and safe provision of humanitarian assistance and hamper vital reconstruction and development activities.

We would strongly urge States Parties to restart negotiations on a protocol to the CCW on mines other than anti-personnel mines with a particular focus on the need to ensure that such mines have a short life span and are detectable.

Thank you for your attention.