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INTERVENTO DELLA SANTA SEDE ALLA RIUNIONE DI ESPERTI GOVERNATIVI SU: RESIDUI BELLICI INESPLOSI E IL DIRITTO UMANITARIO INTERNAZIONALE (GINEVRA, 15-26 LUGLIO 2002)

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Ogni anno migliaia di persone vengono uccise, soprattutto nei paesi che stanno uscendo dal flagello della guerra o del conflitto armato, a causa dello scoppio di ordigni bellici sparsi sul territorio e rimasti inesplosi. In questi giorni si tiene a Ginevra la seconda riunione di un Gruppo di esperti governativi, istituito nell'ambito della *Convenzione sull'interdizione o limitazione dell'uso di alcune armi convenzionali che possono produrre effetti traumatici eccessivi o indiscriminati* (CCW), per esaminare, tra l'altro, le possibili risposte del diritto umanitario internazionale a tale fenomeno.

Alla riunione partecipa una Delegazione della Santa Sede, guidata da S.E. Mons. Diarmuid Martin, Osservatore Permanente della Santa Sede presso l'Ufficio delle Nazioni Unite a Ginevra.

Pubblichiamo il testo dell'intervento pronunciato da Mons. Martin, nella mattinata di martedì, 23 luglio:

● INTERVENTO DI S.E. MONS. DIARMUID MARTIN

Mr Coordinator,

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 (CCW) is an important Treaty regime, in which military and humanitarian questions intertwine.

The Holy See welcomes the work that has been undertaken in these days by the Group of Governmental Experts. The inputs from experts and from intergovernmental and humanitarian organizations have helped us to identify more precisely certain areas of humanitarian concern that require more detailed attention. The session has seen the beginnings of an engagement among the States Parties to address these areas.

There is a growing awareness among States that, today, questions of conflict prevention, peaceful resolution of

disputes, peacekeeping and post conflict peace-building and reconstruction must be addressed within a broad understanding of international activity and responsibility. This was made explicit particularly in the *United Nations Millennium Declaration*, which placed fighting poverty at the centre of an integrated and multilateral approach to development and peace.

The Millennium Declaration resolved "to spare no effort to ensure that children and all civilian populations that suffer disproportionately the consequences of... armed conflicts are given every assistance and protection". It resolved to expand and strengthen the protection of such civilians "in conformity with international humanitarian law".

Governments, international financial institutions, humanitarian organizations and civil society recognise today that conflict is a major contributory cause to poverty. They recognise that, in many countries, post conflict reconstruction is the first prerequisite of the fight against poverty. Humanitarian law must continually update itself to respond to new human development paradigms and progress in human rights reflection.

Where the fight against poverty is understood in terms of enhancing human capacity and empowering people, then weapons related factors which hinder individuals and communities, after conflict, from rapidly returning in safety and dignity to the normal family, economic and social activity, may well approximate to excessive injury and suffering.

Normal social and economic life is hindered by the presence of explosive remnants of war. There is certainly no advantage, military or otherwise, in not rapidly clearing explosive remnants of war, whereas the humanitarian and human risks of non-clearance are indeed great. Explosive remnants of war ravage injury and risk to life among the world's poorest, just at the moment in which they see a more hopeful and profitable future open up for them

The Delegation of the Holy See recognises the complex nature of defining the precise application of international humanitarian law to explosive remnants of war. Experience has shown, however, that in situations where questions of proportionality must be weighed, there is more likelihood of an equitable and consistent application of the fundamental principles of humanitarian law when certain basic, commonly accepted minimum norms can be agreed upon.

My Delegation hopes that the Group of Governmental Experts may be able to make progress in this regard, especially in the areas of clearance and warning to civilian populations and, where possible, in preventive measures.

Mr Coordinator, I have addressed the question of humanitarian law and explosive remnants of war within the broad context of the principles of the United Nations Millennium Declaration.

I do so because the Millennium Declaration is fundamentally a reaffirmation, in the light of the needs of today, of the principles of the Charter of the United Nations, which we all recognise are the indispensable foundation for a more peaceful, prosperous and just world.

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