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ADESIONE DELLA SANTA SEDE AL PROTOCOLLO SUI RESIDUI BELLICI INESPLOSI

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- DICHIARAZIONE
- INTERVENTO DI S.E. MONS. SILVANO MARIA TOMASI

La Santa Sede ha aderito al "Protocollo sui residui bellici inesplosi", annesso alla "Convenzione sulla proibizione o restrizione dell'uso di certe armi convenzionali che possono essere considerate eccessivamente dannose o avere effetti indiscriminati" (CCW), che è stato adottato il 28 novembre 2003, al termine della Riunione degli Stati Parte alla CCW.

Si tratta del primo strumento giuridico internazionale a livello multilaterale a cui la Santa Sede aderisce durante il Pontificato di Benedetto XVI.

La CCW è stata adottata a Ginevra il 10 ottobre 1980 ed è entrata in vigore il 21 dicembre 1983; essa prevede altri quattro Protocolli, che, insieme alla stessa Convenzione, sono stati ratificati dalla Santa Sede il 16 giugno 1997.

S.E. Mons. Celestino Migliore, Osservatore Permanente presso le Nazioni Unite a New York, ha depositato il 13 dicembre 2005 lo strumento di adesione presso l'Ufficio del Segretario Generale dell'ONU, con la seguente Dichiarazione:

• DICHIARAZIONE

«In acceding to the Protocol on Explosive Remnants of War (ERW) annexed to 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), adopted on November 28, 2003, at the meeting of the States Parties to the CCW, the Holy See, as it did on June 16, 1997 when it acceded to the Convention and its first four Protocols, "in keeping with its proper nature and with the particular condition of Vatican City State, intends to renew its encouragement to the International Community to continue on the path it has taken for the reduction of human suffering caused by armed conflict."»

With the approval of the Fifth Protocol, the CCW is confirmed as a "forward-looking living instrument" of international humanitarian law, intended to address the problems arising from modern armed conflicts and to

improve its effectiveness for the protection of civilians and combatants in such situations. Although one could have wished for a greater incisiveness in the Protocol in responding to the problems originating from the ERW, the adoption of this instrument represents an important multilateral tool for the control of arms for humanitarian reasons, capable of calling States to responsibility for the ERW and for damages caused by them.

In keeping with its own commitment to encouraging the development and implementation of humanitarian law on the part of all States and in all circumstances, the Holy See is convinced that the Fifth Protocol signifies a further step along the path of the international community's journey of concretely promoting the culture of life and of peace, based upon the dignity of the human person and the primacy of the rule of law, through a responsible, honest and consistent cooperation of all the members of the community of nations».

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Il 24 novembre 2005 SE Mons. Silvano Maria Tomasi, Osservatore Permanente presso l'Ufficio delle Nazioni Unite e le Istituzioni specializzate a Ginevra, ha preso la parola durante la Riunione degli Stati Parte alla "Convenzione sulla proibizione o restrizione dell'uso di certe armi convenzionali che possono essere considerate eccessivamente dannose o avere effetti indiscriminati" (CCW), svoltasi a Ginevra il 24 e 25 novembre 2005.

Riportiamo qui di seguito l'intervento, al termine del quale è stata data lettura della suddetta Dichiarazione:

• INTERVENTO DI S.E. MONS. SILVANO MARIA TOMASI

Mr. President,

First of all I would like to express the satisfaction of the Holy See for the excellent work you have carried out to advance the objectives of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects (CCW).

The Holy See acknowledges the positive steps already taken within the framework of the CCW in order to reduce the disastrous consequences caused by certain conventional weapons. We are, however, still too far from reaching the goals that the States Parties have set for themselves.

The many victims of mines other than the antipersonnel mines (MOTAPM), of explosive remnants of war, of sub-munitions, just to give some examples, are a daily reminder of the necessity to adopt appropriate measures in response to the humanitarian challenge that no longer needs to be demonstrated. The evidence is easily found by looking at the thousands of victims, at the handicapped, at the infected regions, at the stunted development, at the lack of security and at the fear engendered. This black list is very familiar to humanitarian NGO, to development agencies and to governments.

Mr. President,

In the context of the CCW, the Holy See supports the negotiation as early as possible of a substantial instruments capable of responding effectively to the concrete humanitarian risks of MOTAPM.

At the same time, the Holy See appeals again for a moratorium on the utilization of sub-munitions and for a period of serious reflection in order to evaluate this category of arms in the light of international humanitarian law. To this effect, my Delegation finds it necessary to adopt a specific mandate to study this question.

Mr. President,

The Holy See is happy with the adoption of the Protocol V on the Explosive Remnants of War even though it would have preferred a stronger instrument. After its competent Authorities have examined this Protocol, the Holy See has now taken the decision to ratify it as it waits for its entry into effect as soon as possible.

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