



# **BOLLETTINO**

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## **DECLARATION ATTACHED TO THE INSTRUMENT OF RATIFICATION TO THE CONVENTION ON CLUSTER MUNITIONS**

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In ratifying the Convention on Cluster Munitions the Holy See desires to encourage the entire International Community to be resolute in promoting effective disarmament and arms control negotiations and in strengthening international humanitarian law by reaffirming the preeminent and inherent value of human dignity, the centrality of the human person, and the "elementary considerations of humanity", all of which are elements that constitute the basis of international humanitarian law.

The Holy See considers the Convention on Cluster Munitions an important step to in the protection of civilians during and after conflicts from the indiscriminate effects of this inhumane type of weapons. The new Convention is a remarkable achievement for multilateralism in disarmament, based on constructive cooperation between governmental and non governmental actors, and on the link between humanitarian law and human rights.

The Holy See would like to underline the following points:

1. The Convention adopts a broad definition of cluster munitions victims, including persons directly impacted, their families and communities, and requests States Parties to provide them with assistance. The Holy See is mindful that this broader assistance must be respectful of the right to life from the moment of conception to natural death, in order to conform to the fundamental principles of respect for human life, and ensure the recognition of human dignity. Preserving life and creating the conditions of an existence worthy of the human person should be at the core of humanitarian assistance.
2. States Parties, in designating a focal point within government (art. 5.2(g)), will have to guarantee that the coordination of national disability, development and human rights frameworks and mechanisms ensure effective assistance to all victims. In this regard, the Holy See also wishes to restate its understanding and interpretation of article 5.2(c), where the Convention recognizes "the specific role and contribution of relevant actors": when a State Party develops a national plan and budget to carry out assistance activities according to the Convention "with a view to incorporating them within the existing national disability, development and human rights

frameworks and mechanisms", it shall guarantee the pluralism that is inherent in any democratic society and the diversity of relevant non governmental actors. This respectful form of coordination of the various activities of governmental and non governmental actors is in line with the Preamble (PP 10) (see also Dublin Diplomatic Conference for the adoption of a Convention on Cluster Munitions, *Summary Record*, CCM/SR/4, 18 June 2008).

3. The Holy See, by ratifying the Convention on Cluster Munitions, understands the term "gender", used in the Preamble (PP 8) and in articles 5.1, 6.7, and 7.1. (k) of the Convention, in accordance with its Interpretative Statement to the Beijing Declaration and Platform for Action, made in Beijing at the Fourth World Conference on Women.

4. Article 4.4 highlights moral responsibility in cases where cluster munitions have been used or abandoned and have become cluster munition remnants prior to the entry into force of the Convention. State responsibility should be given effective expression in the area of cooperation and assistance.

5. In relation to Article 21, joint military operations do not imply, in any way, a suspension of the obligations under the Convention. "States Parties, their military personnel or nationals" shall never engage in activities prohibited by the Convention. On the contrary, joint military operations should be opportunities for States Parties to promote the standards introduced by the new instrument with the objective to protect civilians during and after armed conflicts.

The Holy See recognizes the spirit of partnership between States, United Nations bodies, International Organizations, the International Committee of the Red Cross and civil society which, through collective action, has sustained the process which has led to the adoption of the Convention. The Holy See considers the implementation of the Convention as a legal and humanitarian challenge for the near future. An effective implementation should be based on constructive cooperation of all governmental and non governmental actors and should reinforce the link between disarmament and development. This can be done by directing human and material resources towards development, justice and peace, which are the most effective means to promote international security and a peaceful international order.

In conformity with its proper nature, with its particular mission, and with the particular condition of Vatican City State, and according to its international practice, the Holy See, by means of the solemn act of ratification, expresses its pledge to work towards a peaceful international order in which human dignity and fundamental rights are fully respected.

From the Vatican, 21t November 2008

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