

Fifth Meeting of States Parties to the Convention on Cluster Munitions

Statement by the Office of the High Commissioner for Human Rights

San Jose, 2 September 2014

Mr. President, Excellencies, Distinguished Delegates,

The Office of the United Nations High Commissioner for Human Rights congratulates the Government of Costa Rica for its leadership in hosting this Fifth Meeting of State Parties to the Cluster Munitions Convention.

Cluster munitions create very serious human rights concerns and their use regularly entails violations of the right to life, the right to physical security and a host of economic and social rights. Outgoing High Commissioner for Human Rights Navi Pillay already flagged at the Fourth Review Conference of the Convention on Certain Convention Weapons, held in Geneva in 2011, that a comprehensive ban on the use production and stockpiling of cluster munitions is the only violable 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.

Only the Cluster Munitions Conventions provides such a comprehensive ban and a majority of the world's states have now ratified or at least signed it. The Office of the United Nations High Commissioner for Human Rights reiterates its call to those states that have not yet done so to join this growing majority and accede to the Cluster Munitions Convention without delay. OHCHR also encourages existing state parties to use their influence to help accelerate universal ratification of the Convention.

OHCHR operates in numerous states where cluster munitions are being or have been used. Due to the wide impact radius, cluster munitions regularly have an immediate indiscriminate impact when used in areas with a civilian presence. As a result, their use in such situations violates the right to life and physical security of civilians. In all cases, the use of cluster munitions should be subject to effective investigations in light of the likely violation of norms of international human rights law and international humanitarian law.

OHCHR field presences also continues to document the dark legacy of indiscriminate impact that cluster munitions leave behind, often years after their use. A significant percentage of the sub-munitions within a cluster bomb do not explode upon impact but remain armed and highly sensitive to detonation when touched. OHCHR field presences see cases where children played with the brightly coloured duds and end up dead or maimed for life. Farmers often can no longer till vast tracts of land, because sub-munitions burrow themselves into the ground and remain close to the surface. As a result the farmers lose their livelihoods and communities, who are already suffering from the general destruction of armed conflict, can no longer enjoy their right to food and freedom from hunger.

Unlike mines, the initial location of sub munition duds cannot be mapped, even by highly professional armies. Cluster munitions cannot easily be defused or cleared mechanically. Therefore,

considerable expertise and resources must be deployed to clear them. OHCHR therefore appreciates that states in a position to do so have assumed obligations under the convention to assist victims and clear cluster munitions also in other states. From a human rights perspective, states that used cluster munitions in particular owe such assistance to the long-term victims.

OHCHR recommends that assistance to victims of cluster munitions (and other explosive remnants of war) be systematically integrated into broader human rights and development programmes. Moreover, efforts must be made to ensure that the voices of victims of cluster munitions are heard in devising policies to deal with the legacies of this terrible weapon.

Thank you for your attention.