

EUROPEAN PARLIAMENT

2004



2009

Session document

23.10.2007

B6-0429/2007

MOTION FOR A RESOLUTION

further to Questions for Oral Answer B6-0319/2007 and B6-0320/2007

pursuant to Rule 108(5) of the Rules of Procedure

by Karl von Wogau, José Ignacio Salafranca Sánchez-Neyra and Stefano Zappalà, on behalf of the PPE-DE Group

Josep Borrell Fontelles, Ana Maria Gomes and Alain Hutchinson, on behalf of the PSE Group

Annemie Neyts-Uyttebroeck and Elizabeth Lynne, on behalf of the ALDE Group

Ryszard Czarnecki, Adam Bielan and Ģirts Valdis Kristovskis, on behalf of the UEN Group

Angelika Beer, Frithjof Schmidt and Raül Romeva i Rueda, on behalf of the Verts/ALE Group

André Brie, Tobias Pflüger, Gabriele Zimmer, Luisa Morgantini, Kyriacos Triantaphyllides, Esko Seppänen and Erik Meijer, on behalf of the GUE/NGL Group

on ‘Towards a global treaty to ban all cluster munitions’

European Parliament resolution on ‘Towards a global treaty to ban all cluster munitions’

The European Parliament,

- having regard to its previous resolutions on the harmful effects of some types of conventional ordnance (landmines and cluster munitions, depleted uranium ammunition, phosphorus shells, unexploded remnants of war (ERW)) used by States as well as by non-State actors,
- having regard in particular to its resolution of 16 November 2006¹ asking the EU to support the initiative to establish a comprehensive and effective convention to ban cluster munitions worldwide,
- having regard to Protocol V of 28 November 2003 on Explosive Remnants of War to the UN Convention on Certain Conventional Weapons (CCW), and welcoming its entry into force on 12 November 2006,
- having regard to the Oslo Declaration adopted on 22-23 February 2007 by a group of States, United Nations Organisations, the International Committee of the Red Cross, the Cluster Munitions Coalition and other humanitarian organisations, agreeing to conclude by 2008 a legally binding international instrument banning the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians,
- having regard to the draft CCW negotiation mandate on cluster munitions submitted by Germany on behalf of the European Union to the Group of Governmental Experts of the CCW,
- having regard to Council Joint Action 2007/528/CFSP of 23 July 2007 in support of 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, in the framework of the European Security Strategy,
- having regard to the new UN position on cluster munitions expressed at the meeting of UN Principals on 17 September 2007, in which the UN called on Member States ‘to address immediately the horrendous humanitarian, human rights and development effects of cluster munitions by concluding a legally binding instrument of international humanitarian law that: prohibits use, development, production, stockpiling and transfer of cluster munitions that cause unacceptable harm to civilians; requires the destruction of current stockpiles of those munitions; and provides for clearance, risk education and other risk mitigation activities, victim assistance, assistance and cooperation, and compliance and transparency measures’ and stated that ‘until such a treaty is adopted, the UN calls on States to take domestic measures to immediately freeze the use and transfer of all cluster

¹ *Texts adopted*, P6_TA(2006)0493.

munitions’,

- having regard to and welcoming the ‘Cluster Munitions Coalition’ formed by about 200 specialised non-governmental organisations,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas ‘explosive remnants of war’ (ERW) refers to unexploded ordnance that has been primed, fused, armed or otherwise prepared for use and used in armed conflict and should have exploded but failed to do so,
 - B. whereas the term ‘cluster munitions’ refers to weapons systems that are both dropped from the air and launched from the ground,
 - C. whereas cluster munitions, even the most modern types, have an irresponsibly high failure rate, often not exploding on impact and remaining a danger to communities long after a conflict has ended; whereas many types of cluster munitions are equipped with sensitive fuses which react to less physical contact than anti-personnel mines,
 - D. whereas cluster munitions are highly inaccurate, are often used in large numbers over both rural and urban areas and cover a wide area after dispersal, producing large amounts of ERW,
 - E. whereas cluster munitions are of a highly indiscriminatory nature, as their users cannot distinguish between military personnel and civilians; whereas it has been documented that 98% of their victims are civilians,
 - F. whereas cluster munitions have grave humanitarian consequences for vulnerable communities and humanitarian aid workers, and whereas the rate of fatalities and injuries, especially amongst children, who are attracted by the small size and the colours of these weapons, is high,
 - G. whereas all types of anti-handling devices target humanitarian mine clearance personnel,
 - H. whereas unexploded cluster munitions have a detrimental effect on development and reconstruction, with the threat of unexploded ordnance denying access to roads, buildings and critical infrastructure and preventing agricultural land from being used, hampering local trade and communications and affecting food security, and can obstruct the delivery of humanitarian assistance,
 - I. whereas the countries known to have been affected by cluster munitions include some of the world’s poorest countries, and whereas within these countries the poorest people are often the major victims,
 - J. whereas there is evidence that cluster munitions are stockpiled in over 15 Member States and are produced in at least 10 EU Member States,
 - K. whereas the ‘Mahoux law’ forbidding the financing, manufacture, use and holding of cluster munitions was adopted by Belgium on 26 April 2007,

1. Reaffirms the need to strengthen international humanitarian law (IHL) as it applies to cluster munitions and speedily to adopt at international level a comprehensive ban on the use, production, transfer and stockpiling of cluster munitions, and therefore strongly supports the Oslo Process launched in February 2007;
2. Calls for an immediate moratorium on using, investing in, stockpiling, producing, transferring or exporting cluster munitions, including air-dropped cluster munitions and submunitions delivered by missiles, rockets, and artillery projectiles, until a binding international treaty has been negotiated to ban the production, stockpiling, export and use of these weapons;
3. Calls on all EU Member States to adopt national measures that fully ban the use, production, export and stockpiling of cluster bombs;
4. Calls on all States which have used cluster munitions and comparable weapons that produce explosive remnants of war to accept responsibility for clearance of these munitions and, in particular, to keep accurate records of where such munitions have been used, in order to help clearance efforts following conflict; considers that such records should be used to provide clear warnings of dangerous areas to local populations and humanitarian aid workers in line with Protocol V on ERW;
5. Insists that under no circumstances or conditions should EU troops make use of any type of cluster munitions until an international agreement on the regulation, restriction or banning of these weapons has been negotiated;
6. Underlines the responsibility of a State in control of territory to provide warnings and take measures to protect the civilian population, including through education, and to provide special information on assisting victims of ERW;
7. Calls on all Member States which have used cluster munitions to provide assistance to the populations affected;
8. Calls on the Commission urgently to increase financial assistance to communities and individuals affected by unexploded cluster munitions through all available instruments;
9. Urges all States not party to Protocol V on ERW to sign and ratify it, and to abide by its spirit in the interim period;
10. Welcomes the efforts by the Council Presidency and the Member States to establish a mandate to negotiate a new protocol to the United Nations Convention on Certain Conventional Weapons that tackles all humanitarian problems associated with the use of cluster munitions, and regrets that no real progress has been made so far;
11. Asks the Council to adopt a common position committing all the EU Member States to push for a strong negotiating mandate in the CCW and actively to support the Oslo Process;
12. Points out that for any international instrument to be effective, it must as a minimum include the following provisions:

- (a) prohibition on the use, production, financing, transfer and stockpiling of cluster munitions;
 - (b) prohibition on providing anyone with assistance in using, producing, transferring or stockpiling cluster munitions;
 - (c) obligation to destroy stockpiles of cluster munitions within a specified period of time, which must be as short as possible;
 - (d) obligation to mark, fence and clear contaminated areas as soon as possible, but no later than a specified deadline, and to establish and maintain an effective capacity to undertake these actions; an obligation to provide assistance with marking, fencing and other warnings, with risk education, and with clearance; users of cluster munitions should have special obligations to provide such assistance, including provision of timely and detailed information on use;
 - (e) obligation to provide assistance for victims, such as the implementation of data collection, emergency and continuing medical care, physical rehabilitation, psychological support, social inclusion, economic inclusion and/or reintegration, legal support and disability laws and policies;
13. Recommends that the European Parliament be represented at the upcoming conferences in the framework of the Oslo Process;
14. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for CFSP, the governments and parliaments of the EU Member States, the UN Secretary-General and the 'Cluster Munitions Coalition'.