



EUROPEAN PARLIAMENT

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Plenary sitting

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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 110(2) of the Rules of Procedure

on Banning Cluster Munitions

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on behalf of the S&D Group

European Parliament resolution on Banning Cluster Munitions

The European Parliament,

- having regard to the Convention on Cluster Munitions (CCM) signed by 108 countries and ratified by 66 countries,
 - having regard to the statement of the vice-President of the International Committee of the Red Cross Mrs Christine Beerli in Beirut on 16 September 2011,
 - having regard to the resolution adopted by the General Assembly of the United Nations on the Convention on Cluster Munitions on 2 December 2008,
 - having regard to the message of the UN Secretary General to the Second Meeting of State Parties to the Convention on Cluster Munitions, delivered by Mr. Sergio Duarte, High Representative for Disarmament Affairs in Beirut on 13 September 2011,
 - having regard to the declarations by the High Representative For Foreign Affairs and Security Policy Catherine Ashton, in particular on the Convention on Cluster Munitions on 1 August 2010 and on the reported use of cluster munitions in Libya on 29 April 2011,
 - having regard to the resolutions of the European Parliament, in particular on the Entry into force on 1 August 2010 of the Convention on Cluster Munitions (CCM) and the role of the EU,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the CCM was opened for signature in Oslo on 3 December 2008 at the UN Headquarters in New York and came into force on 1 August 2010;
- B. whereas the CCM defines cluster munitions as conventional munitions designed to disperse or release explosive submunitions each weighing less than 20 kilograms;
- C. whereas the CCM prohibits the use, production, stockpiling and transfer of cluster munitions as an entire category of weapons and requires state parties to destroy stockpiles of such munitions;
- D. whereas the CCM indicated a significant and fundamental change in the position of many governments that previously regarded cluster munitions as essential to their security and military doctrines;
- E. whereas twenty two EU Member States signed, fifteen ratified and five have neither signed nor ratified the CCM;
- F. whereas the CCM established a new humanitarian standard for the assistance of victims and will require States to clear unexploded cluster munitions remnants that are left behind

after conflicts; whereas the European Commission together with some other States contribute specific funds for cluster munitions action to affected countries;

- G. whereas cluster munitions were reportedly used against the civilian population recently in Cambodia, Thailand and Libya and urgent steps must now be taken to ensure that unexploded cluster submunitions are cleared to prevent further deaths or injuries;
 - H. whereas the Vientiane Action Plan steps out concrete and measurable steps, actions and targets to ensure effective and timely implementation of the provisions of the CCM;
 - I. whereas the Fourth review Conference on the Convention on Certain Conventional Weapons (CCW) will take place in Geneva on 14-25 November;
 - J. whereas the draft text of Protocol VI which will be discussed during the Fourth review Conference on the Convention on Certain Conventional Weapons (CCW) is neither legally compatible nor complementary to the CCM; whereas while state parties to the CCM are legally bound to destroy all munitions, this draft protocol will only ban pre-1980 cluster munitions, contains a lengthy transition that would enable compliance to be deferred for at least 12 years and allows the use of cluster munitions with only self-destruction mechanism, and permit states to use cluster munitions with so called failure rate of 1% or less;
1. Welcomes the entry into force of the Convention on Cluster Munitions (CCM) on 1 August 2010;
 2. Reminds that State Parties shall promote universalisation and implementation of the CMM in accordance with Article 21; Urges, in particular, the EU Member states and candidate countries that have not signed or ratified the CMM to adopt this convention urgently;
 3. Welcomes the fact that fifteen states parties and signatories have completed stockpile destruction and a further twelve will complete by their deadline whereas clearance operations are underway in eighteen countries and three other areas;
 4. Urges EU member states to take steps to begin to implement the Convention including by destroying stockpiles, undertaking clearance and providing victim assistance, and contribute to funding or different forms of assistance to other states to undertake implementation of the Convention;
 5. Strongly reminds that under the CMM states are obliged to never under any circumstances, use, develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;
 6. Deeply regrets that draft text of Protocol VI to be discussed during the Fourth Review Conference of the CCW in November threatens the clear and strong international norm established by the CCM that comprehensively bans those weapons but also would weaken the protection of civilian;
 7. Urges states to recognise the humanitarian consequences and high political costs of supporting this proposed draft protocol which is full of exceptions and loopholes that

would allow the use of cluster munitions;

8. Calls on the High Representative of the European Union for Foreign Affairs and Security Policy to put specific emphasis on the thematic objectives of reducing the cluster munitions threat and therefore to realise the accession of the Union to the CMM which is possible following the Lisbon Treaty;
9. Considers that Protocol VI is not compatible with the CCM and EU Member States have a legal obligation to strongly oppose and turn down the introduction of Protocol VI;
10. Strongly urges the High Representative of the European Union to remind EU Member States of their legal obligation under the CCM;
11. Calls on the Council and Commission to include the ban on cluster munitions as a standard clause in agreements with third countries in addition to the standard clause on non-proliferation of weapons of mass destruction;
12. Instructs its President to forward this resolution to the High Representative of the European Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the EU Member States, the UN Secretary-General and the Cluster Munitions Coalition.