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MOTION FOR A RESOLUTION

further to Oral Question B5-0005/2003

pursuant to Rule 42(5) of the Rules of Procedure

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on behalf of the Verts/ALE Group

on the harmful effects of unexploded ordnance (landmines and cluster submunitions) and uranium weapons (depleted and undepleted)

European Parliament resolution on the harmful effects of unexploded ordnance (landmines and cluster submunitions) and uranium weapons (depleted and undepleted)

The European Parliament,

- A. having regard to and reiterating its previous resolutions on cluster submunitions and depleted uranium ammunition, and reaffirming, in particular, the need to introduce moratoriums on these types of ammunition pending a total ban,
- B. having regard to the work of the Group of Governmental Experts (GGE) on Explosive Remnants of War and anti-Vehicle Mines, which has been discussing, and which in 2003 will begin to negotiate on, weapons and weapons systems, including cluster submunitions, that produce unexploded ordnance,
- C. having regard to the excellent progress that the European Commission has made in the area of mine clearance support,
- D. having regard to the ongoing use of anti-personnel landmines and anti-vehicle landmines in many major armed conflicts, including the recent potentially catastrophic regional conflict between India and Pakistan; whereas landmines are mainly used in conflicts in which both state and non-state armed groups are involved,
- E. recognising that all the EU Member States except Finland and Greece have signed the Ottawa Treaty on a global ban on anti-personnel landmines, and hence do not use these types of weaponry any longer; recognising that NATO has in de facto terms banned the use of anti-personnel mines,
- F. whereas cluster submunitions are widely used in armed conflicts; whereas, in particular, allied forces have used them in their military interventions in the Balkans, in Iraq and in Afghanistan; having regard, also, to their use by the Russian armed forces in Chechnya,
- G. having regard to the use of depleted uranium ammunition in past military interventions, such as in Iraq and in the Balkans, inter alia by US and British forces,
- H. whereas increased radiation from depleted uranium weapons in Afghanistan was reported by the US Defense Secretary in January 2002, despite disclaimers issued in the European Parliament and in the UK Parliament to the effect that no depleted uranium weapons have been used in Afghanistan,
- I. whereas medical samples from sick civilians near US bombing targets in Afghanistan tested by the Canadian Uranium Medical Research Centre (UMRC, www.umrc.net) showed 100 times the normal level of uranium contamination, this contamination stemming from undepleted uranium,

- J. whereas public records from the United States Patent Office and the UK Ministry of Defence indicate that advanced technologies for guided weapons using uranium components, including advanced explosive penetrator designs for large guided bombs and cruise missiles and shaped charge warheads for anti-tank missiles and cluster submunitions, have been developed and tested since 1985,
- K. whereas these weapons remain in military arsenals, are being actively traded with over 20 countries, and are therefore likely to be used in future military operations,
- L. whereas the North Atlantic Treaty Organisation (NATO) has not banned these types of weapons from the arsenals of its member countries, so that they are likely to be used in operations of the NATO Rapid Reaction Force,
- M. whereas – whilst acknowledging that international law does not refer specifically to the issue of depleted uranium at present – no publicly visible, credible efforts are being made to ensure that any use of such weapons is not in violation of Additional Protocol I to the Convention on Conventional Weapons (CCW, full name: Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects; the Protocol 1 is on 'non-detectable fragments') and its relevant articles on deployment, use and effect upon civilians,
- N. whereas existing international law provides no basis for demanding compensation from users of such weapons and weapons systems for individual civilians and their families affected by conflict and, in particular, by the impact of certain weapons and weapons systems,
- O. whereas states, including EU Member States, are willing to contribute to the effort to address this shortcoming by providing assistance to those affected by such weapons, which they themselves may or may not have used, whether in the form of economic assistance, such as land clearance, or social assistance, such as medical support; whereas, however, this should not be a pretext for removing the existing legal onus on states in territorial control of the affected areas to assist the local population,
- P. whereas EU citizens, civilian and military members of peacekeeping and peace enforcement operations have been and will continue to become victims of such weapons when taking part in humanitarian civilian and military missions and potentially under future ESDP missions,
- Q. whereas the targeting of civilians in any conflict with any weapon is contrary to existing binding international humanitarian law (including the Geneva Conventions), in particular in cases in which weapons with indiscriminate effects are used in areas where a high number of civilian casualties can be expected, such as in urban areas and against public buildings; underlining that such use might come within the scope of war crimes and for that reason ultimately fall under the jurisdiction of the International Criminal Court,

- R. whereas it is vital that the EU, when developing its ESDP and deploying armed forces, should uphold international humanitarian law and arms control provisions to the highest standards,
1. Calls on the EU and the Member States to review and monitor the design and development of weapons, ensuring that they are consistent with relevant international law and meet the highest international standards designed to prevent technical misuse, misdeployment, mistargeting and malfunction; calls for the conclusions of this review and monitoring process to be made public;
 2. Calls on the EU, the Member States and NATO and its non-EU member countries to issue a public declaration and undertaking that they will not use weapons or weapons systems that have been banned or are deemed to be illegal under international law in present or future armed conflicts;
 3. Calls on them to declare publicly and guarantee that no anti-personnel landmines, cluster submunitions or depleted or undepleted uranium ammunition will be used in Iraq;
 4. Calls on the EU and the Member States and applicant countries to fully support the work of the Group of Governmental Experts in negotiating a new or amended protocol to the 1980 Convention on Conventional Weapons to tackle the issue of explosive remnants of war, in particular setting benchmarks for the speedy provision of assistance to victims;
 5. Calls on the EU to fully support the Commission's programmes in the area of mine clearance; emphasises that these programmes should be extended to the broader area of explosive remnants of war; invites the Commission to make a statement on how this could be done;
 6. Invites the Commission to issue a communication on this issue outlining in detail how it is stepping up its efforts in favour of projects to assist the victims of anti-personnel mines or unexploded ordnance (primary care or social and economic reintegration projects) and by which means it is encouraging third countries which are mine-affected to set up a national policy towards such victims;
 7. Invites the Commission, in order to support the efforts being made in Geneva with the States Parties to the 1980 Convention on Conventional Weapons, to issue a communication on its assessment of the priorities and best practice that might usefully be incorporated into any international legal efforts to address the issue of unexploded ordnance;
 8. Calls on the EU to take all the steps necessary to promote the general application of the 1997 Ottawa Treaty and the 1980 Convention on Conventional Weapons, in particular as regards EU Member States, applicant countries and third states, primarily

the ACP countries and the USA; urges these states to sign, ratify and implement these agreements;

9. Calls for a ban on the use, production, stockpiling and transfer of anti-personnel landmines by non-State armed groups; calls on the States Parties to the Ottawa Treaty to deal with this issue at their forthcoming meeting in Bangkok and to support the efforts of specialist NGOs and international humanitarian organisations to involve non-State armed groups in the process of securing a ban on landmines;
10. Calls on the EU to make every effort to support independent and thorough investigations into the harmful effects of the use of depleted and undepleted uranium ammunition in battlefield operations such as in the Balkans, in Afghanistan and in Iraq; stresses that such investigations should also cover the effects on soldiers in the region as well the effects on civilians and their land; calls for the results of these investigations to be made public and presented to the European Parliament;
11. Requests the European Commission to issue a communication setting out full details of the risks that EU humanitarian workers have faced and are facing by carrying out their missions in regions where unexploded ordnance has been produced and/or depleted and undepleted uranium ammunition has been used; calls on the Commission to outline all safety programmes and measures to reduce such risks in field operations (including their financial implications) and state how victims would be compensated;
12. Requests the EU – if it wishes to play to the full its leadership role on this issue - to immediately implement a moratorium on the further use of cluster submunitions and depleted and undepleted uranium ammunition, pending the conclusions of a comprehensive study of the requirements of international humanitarian law;
13. Instructs its President to forward this resolution to the Council, the Commission, the Member States, all the NATO member countries, the Secretary-General of the United Nations, the Organisation for Security and Cooperation in Europe (OSCE) and the governments of all the countries referred to in this resolution.