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## **MOTION FOR A RESOLUTION**

Pursuant to Rule 115 of the Rules of Procedure

by Frithjof Schmidt, Joost Lagendijk, Marie-Hélène Aubert, Bernat Joan y Mari, Raúl Roveva, and Angelika Beer on behalf of the Green/EFA Group

on Cluster munitions

*The European Parliament,*

- having regard to its resolutions on unexploded ordnance and depleted uranium ammunition of 13 February 2003, on clusterbombs of 13 December 2001, on anti-personnel landmines of 6 September 2001;

- having regard to the Cluster Munition Coalition formed by 115 NGOs from 47 countries on November 13, 2003;

A. Whereas there are currently no international constraints on the use of cluster munitions, despite their similarity in nature and inaccuracy to anti-personnel landmines which are covered by the Ottawa Convention, which has not yet been ratified by all EU Member States;

B. Whereas cluster munitions have a high failure rate, often not exploding on impact, remaining a danger to communities long after conflict has ended;

C. Whereas cluster munitions are highly inaccurate, are often used in large numbers and cover a wide area after dispersal, producing high amounts of explosive remnants of war (ERW);

D. Noting with concern the grave humanitarian consequences of unexploded submunitions to vulnerable communities and humanitarian aid workers, and the high rate of fatalities and injury especially amongst children, who are attracted by the small size and the colours of these weapons;

E. Whereas unexploded cluster munitions have a detrimental effect on development as a whole, with the threat of unexploded ordnance denying access to roads, and agricultural land from being used, hampering local trade, communications and affecting food security;

F. Whereas the diffusing of cluster munitions and other explosive remnants of war can lead to confidence-building within and between communities after conflict, and can help to speed up the development process;

G. Whereas the countries known to have been affected by cluster munitions include some of the world's poorest, such as Afghanistan, Cambodia, Chad, Eritrea, Ethiopia, Laos, Sudan, and Vietnam, with cluster munitions also having been used in the Falklands/Malvinas conflict, Albania, Bosnia and Herzegovina, Iraq, Kuwait, Lebanon, Russia (Chechnya), Saudi Arabia and Serbia and Montenegro (including Kosovo);

H. Noting that the term 'cluster munitions' refers to weapons systems that are both dropped from the air and launched from the ground;

I. Deploing the high amount of cluster munitions used by the coalition forces in the wars on Afghanistan and Iraq;

J. Extremely concerned by evidence that cluster munitions are stockpiled in over 15 EU member states and are produced in at least 10 EU member states;

K. recalling that most types of cluster munitions are equipped with sensitive fuses which react to less physical contact than anti-personnel mines

L. reaffirming the urgent need to strengthen international humanitarian law (IHL) as far as it applies to cluster munitions;

M. whereas international law does not currently provide for legally binding compensation for possible harmful effects of cluster munitions;

1. Reiterates its call for an immediate moratorium on the use, stockpiling, production and transfer of cluster munitions, including air-dropped cluster munitions and submunitions delivered by missiles, rockets, and artillery projectiles, until an international agreement has been negotiated on their ban;

2. reaffirms the need to establish a new protocol banning cluster munitions within the CCW

3. Calls on all those, which use 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; such records should be used to provide clear warnings of dangerous areas to local populations and humanitarian aid workers;

3. Insists that under no circumstances or conditions EU troops, should make use of any types of cluster-munitions;

4. Calls on those that use cluster munitions to also take responsibility for providing education as to the risk of ERW, including through the education of children, and provide special information on assisting victims of ERW;

5. Calls on all EU member states who have used cluster munition to provide assistance to the affected population; equally calls on the Commission to increase funding assistance to communities and individuals affected by unexploded cluster munitions through all available instruments;

6. Instructs its President to forward this resolution to the Council and the Commission, the High Representative for CFSP, the Government and the Parliaments of the EU Member States, the secretary-general of the UN and the President of the USA and the US Congress.

(end)