

# EUROPEAN PARLIAMENT

2004



2009

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*Session document*

13.11.2006

B6-0611/2006

## **MOTION FOR A RESOLUTION**

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Angelika Beer

on behalf of the Verts/ALE Group

on biological weapons and inhumane conventional weapons (the BTWC and CCW Review Conferences in November 2006) and the need to ban cluster munitions

**B6-0611/2006**

**European Parliament resolution on biological weapons and inhumane conventional weapons (the BTWC and CCW Review Conferences in November 2006) and the need to ban cluster munitions**

*The European Parliament,*

- having regard to the Third Review Conference on the 1980 Convention on Certain Conventional Weapons (CCW, the so-called 'inhumane weapons convention'), taking place in Geneva from 7 to 17 November 2006,
- having regard to the Sixth Review Conference on the 1972 Biological and Toxin Weapons Convention (BTWC) to be held in Geneva from 20 November to 8 December 2006,
- having regard to and reaffirming its point of view that, pending a total ban on cluster munitions, all States should accept a general moratorium on their production, stockpiling, transfer and use (as called for, inter alia, in its resolution of 13 February 2003 on the harmful effects of unexploded ordnance (landmines and cluster submunitions) and depleted uranium ammunition),
- having regard to its previous resolutions on both the BTWC and the CCW, in particular its resolution of 14 June 2001 on the Compliance Protocol for the BTWC,
- having regard to the 2003 EU Security Strategy, the EU Strategy on Weapons of Mass Destruction and their Means of Delivery, adopted in 2003, and Parliament's resolution of 17 November 2005 on Non-Proliferation of Weapons of Mass Destruction: a role for the European Parliament,
- having regard to Rule 103(2) of its Rules of Procedure,
  - A. having regard to the near-universality of the BTWC, signed by a large majority of States (155 as of 1 January 2006, including all members of the UN Security Council) but whereas nevertheless the Convention suffers from the absence of verification provisions to ensure compliance; whereas furthermore the Convention was drawn up in a period when the potential threat from non-state actors armed with biological weapons was not adequately recognised,
  - B. whereas, although the number of signatories is steadily growing (100 to the introductory framework agreement in January 2006), the CCW is far from universal and the number of signatories is substantially lower for its five protocols which contain the substance of the Convention (on non-detectable outbursts Protocol 1, effective since 1983, signed by 97 States on 1 January 2006, mines and booby-traps P2, 1983, 87, incendiary weapons P3, 1983, 93, blinding laser weapons P4, 1998, 82 and explosive remnants of war P5, 2006, 23),
  - C. whereas furthermore, although the CCW is to be considered as a step-by-step approach to disarmament via 'regulation of use', it suffers from other flaws such as: the absence of

verification mechanisms (and the political will necessary to ensure compliance); a lack of clarity regarding the types of weapons covered by the Convention; the voluntary character of provisions; and the fact that such weapons can be and are used in very controversial and indiscriminate ways (causing unnecessary and disproportionate casualties amongst non-combatants, use in urban areas) while nevertheless still not being forbidden under the Convention,

- D. whereas – as in the case of the Chemical Weapons Convention and the Nuclear Non-Proliferation Treaty – the effective functioning of both the BTWC and the CCW is extremely important in order to prohibit the use of inhumane types of weaponry not only by States in warfare but also by non-state actors, including terrorists and criminals,
- E. alarmed by the extensive use of cluster munitions by the Israel Defence Forces (IDF) in the recent war between Israel and Hezbollah in Southern Lebanon, admitted by the IDF on 22 August 2006, and by Hezbollah's extensive use of weapons against civilians in Israel, including rockets designed to inflict maximum civilian damage, reported by Amnesty International on 14 September 2006,
- F. reaffirming that cluster munitions are inhumane and indiscriminate weapons which inflict excessive damage on civilians both through their impact at the time of attack and through the post-conflict contamination of areas with unexploded ordnance; underlining that such contamination threatens the economic and social rehabilitation of the affected regions and convinced that technical solutions such as lowering the failure rate of bomblets have proven to be inadequate responses to the problem,

#### **Outcome of the BTWC Review Conference and its future**

1. Recalls that the first part of the 5th BTWC Review Conference of 2001 ended in failure largely due to the US Bush Administration's withdrawal from the (almost successfully completed) negotiations on devising a legally-binding compliance-strengthening mechanism (i.e. a protocol to verify that States Parties to the BTWC abide by the Convention) and the US Administration's demand that the mandate for the verification-negotiation process be terminated altogether;
2. Recalls that the 6th Review Conference is an opportunity to relaunch efforts to work on genuine and effective means of verifying the BTWC;
3. Welcomes the EU Joint Action agreed in respect of the BTWC on 27 February 2006 and the Common Position adopted on 20 March 2006 to promote the universality of the BTWC (inter alia by means of implementation assistance) and to promote a pragmatic follow-up programme of work to improve implementation and compliance by its States Parties as well as by non-state actors, to be completed in time for 7th Review Conference in 2011;
4. Welcomes the continuous diplomatic action by the EU (both the Council and the Commission) to keep alive international efforts to strengthen the BTWC, and recognises the EU's role in promoting the exploration of voluntary non-binding inspections as 'confidence-building measures' as well as the strengthening of national legislation in the run-up to the Review Conference;

5. Is nevertheless concerned that the apparent unwillingness of the EU and the international community at large to counter the US refusal to countenance a legally-binding verification protocol is damaging the future of the BTWC and its credibility;
6. Encourages the EU, therefore, to take up this issue in the transatlantic fora (NATO in particular) and make clear to the US Administration the unacceptability of its unilateral point of view;

#### **Outcome of the CCW Review Conference and its future, and the need for a ban on cluster munitions**

7. Regrets that at the beginning of the CCW Review Conference there was no publicly announced clear-cut common EU position on intentions and tactics for the Conference or on its substance and outcome;
8. Calls upon the EU and its Member States to clarify the scope of CCW Protocol III on Incendiary Weapons, in order to prevent the further use of white phosphorus shells against military and civilian targets as well as to stop the use of (depleted) uranium warheads in armed conflict situations;
9. Welcomes the fact that CCW Protocol V on Explosive Remnants of War entered into force on 12 November 2006 and has therefore become binding international law; underlines that this means that States must clear their territories of unexploded ordnance to reduce the number of civilian casualties following conflicts; underlines as well that this Protocol obliges those parties responsible for the remnants to assist in their clearance, even if that territory is not under their control; insists that this Protocol applies to all types of unexploded ordnance, including cluster munitions;
10. Stresses that many more States should sign and ratify this Protocol (as well as the CCW Framework Convention and the four other protocols) and that because of the weakness of the text and the 'voluntary' character of most of its provisions, its success will depend on its determined and thorough implementation; regrets that the Protocol only applies to future wars; calls upon the Council and the Commission to do everything possible to ensure that all EU Member States duly sign and ratify this protocol and that all countries receiving disarmament assistance sign and ratify the protocol as well, even if they have not so far acceded to the CCW (e.g. Lebanon);
11. Welcomes the call by UN Emergency Relief Coordinator Jan Egeland as well as by UN Secretary-General Kofi Annan on the occasion of the opening of the CCW Review Conference for all States to establish a moratorium ('freeze') on the use of cluster munitions in populated areas and the destruction of 'inaccurate and unreliable cluster munitions';
12. Supports the call by the International Red Cross (ICRC) at the CCW Review Conference to destroy the stocks of such weapons and to hold an expert meeting in early 2007 to identify the elements which would have to be included in a treaty on cluster munitions;
13. Strongly welcomes the fact that, at a CCW meeting in September 2006, six States (Austria, Holy See, Ireland, Mexico, New Zealand and Sweden) called for consideration

of a 'legally binding instrument that addresses the humanitarian concerns posed by cluster munitions' and that during the first three days of the CCW Review Conference this proposal was endorsed by Argentina, Costa Rica, the Czech Republic, Denmark, Germany, Hungary, Liechtenstein, Portugal, Slovakia, Slovenia, Spain and Switzerland and that many others signalled their attention to do so as well; calls on the EU and all its Member States to support this proposal as actively as possible;

14. Welcomes the initiatives of many States, including Belgium and Norway, to establish national legislation to ban cluster munitions from their territory and armed forces;
15. Stresses the need for the international community to start negotiations without delay to establish a comprehensive and effective Convention to ban cluster munitions worldwide, in the same way as has been done for anti-personnel mines;
16. Pending such a Convention, calls upon the EU and its Member States to demand – in the spirit of the CCW's aim of establishing protocols on relevant weapon-systems when the need arises – the creation of a specific Protocol VI to stop the production, stockpiling, transfer and use of cluster munitions;
17. Reiterates its calls on all EU and NATO Member States to adopt national legislation outlawing the production, stockpiling, transfer and use of cluster munitions (including sanctions against banks and companies which remain active in this sector), and to openly declare that these will not be used by their armed forces in any international operation under their command;

#### **Both the BTWC and the CCW**

18. Calls upon all EU Member States, the Council and the Commission to work hard to ensure that, within the foreseeable future, both the BTWC and the CCW are equipped with a permanent secretariat to oversee their successful implementation, along the lines of the Organisation for the Prohibition of Chemical Weapons, OPCW, created for this purpose by the Chemical Weapons Convention;
19. Calls upon the EU Member States, the Council and the Commission to ensure that UN Security Council Resolution 1540 of 28 April 2004 on preventing proliferation of weapons of mass destruction amongst non-state actors is universally implemented and to consider extending its scope beyond weapons of mass destruction to include inhumane conventional weapons as well;
20. Instructs its President to forward this resolution to the Council, the Commission, the appropriate specialised NGOs and the Secretary General and all Member States of the United Nations.