



16.11.2011

B7-0588/2011 }
B7-0589/2011 }
B7-0590/2011 }
B7-0592/2011 }
B7-0593/2011 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 110(4) of the Rules of Procedure

replacing the motions by the following groups:

Verts/ALE (B7-0588/2011)

ALDE (B7-0589/2011)

GUE/NGL (B7-0590/2011)

PPE (B7-0592/2011)

S&D (B7-0593/2011)

on banning cluster munitions

Elmar Brok, José Ignacio Salafranca Sánchez-Neyra, Michael Gahler, Anna Ibrisagic, Tunne Kelam, Roberta Angelilli, Eduard Kukan

on behalf of the PPE Group

Roberto Gualtieri, Kristian Vigenin, Pino Arlacchi, Richard Howitt, Ana Gomes

on behalf of the S&D Group

Marietje Schaake, Elizabeth Lynne, Johannes Cornelis van Baalen, Leonidas Donskis, Kristiina Ojuland, Sonia Alfano, Izaskun Bilbao Barandica, Ramon Tremosa i Balcells, Jelko Kacin, Robert Rochefort

on behalf of the ALDE Group

Ulrike Lunacek

on behalf of the Verts/ALE Group

Sabine Lösing, Nikolaos Chountis, Takis Hadjigeorgiou, Gabriele Zimmer, Willy Meyer, Bairbre de Brún, Cornelis de Jong, Alfreds Rubiks, Kyriacos Triantaphyllides

on behalf of the GUE/NGL Group

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European Parliament resolution on banning cluster munitions

The European Parliament,

- having regard to the Convention on Cluster Munitions, which entered into force on 1 August 2010 and which on 8 November 2011 had been endorsed by 111 states (108 signatories, including three EU Member States, 63 ratifications, including 19 EU Member States, and three accessions),
 - having regard to Draft Protocol VI on Cluster Munitions, dated 26 August 2011, to 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 (CCW),
 - having regard to the resolution adopted by the United Nations General Assembly on 2 December 2008 on the Convention on Cluster Munitions,
 - having regard to the message from the UN Secretary-General to the Second Meeting of States Parties to the Convention on Cluster Munitions, delivered by Sergio Duarte, High Representative for Disarmament Affairs, in Beirut on 13 September 2011,
 - having regard to the declarations by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, in particular that of 1 August 2010 on the Convention on Cluster Munitions and that of 29 April 2011 on the reported use of cluster munitions in Libya,
 - having regard to its resolution of 20 November 2008 on the Convention on Cluster Munitions¹,
 - having regard to its resolution of 8 July 2010 on the entry of force of the Convention on Cluster Munitions (CCM) and the role of the EU²,
 - having regard to its resolution of 7 July 2011 on progress on mine action³,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas cluster munitions pose serious risks to civilians, owing to their typically large lethal footprint, and whereas in post-conflict settings the use of these munitions has caused many tragic injuries to and deaths of civilians, as unexploded submunitions are often found by children and other unsuspecting innocents;
- B. whereas the support of most EU Member States, parliamentary initiatives and the work of civil society organisations have been decisive in the successful conclusion of the ‘Oslo Process’ resulting in the entry into force of the Convention on Cluster Munitions (CCM);

¹ OJ C 16 E, 22.1.2010, p. 61.

² Texts adopted, P7_TA-PROV(2010)0285.

³ Texts adopted, P7_TA-PROV(2011)0339.

whereas 22 EU Member States are States Parties to the CCM, and five EU Member States have neither signed nor ratified the CCM;

- C. whereas the CCM prohibits States Parties from using, developing, producing, otherwise acquiring, stockpiling, retaining or transferring cluster munitions to anyone, directly or indirectly, and from assisting, encouraging or inducing anyone to engage in any activity prohibited to a State Party under the Convention;
 - D. whereas the CCM establishes a new humanitarian standard for the assistance of victims, who include those persons directly affected by cluster munitions and their families and communities;
 - E. whereas the draft text of Protocol VI to the CCW to be discussed at the Fourth CCW Review Conference is neither legally compatible with nor complementary to the CCM; whereas, while States Parties to the CCM are legally bound to destroy all munitions, this draft protocol would only ban pre-1980 cluster munitions, provides for a lengthy transitional period that would enable compliance to be deferred for at least 12 years, would allow the use of cluster munitions with only one self-destruction mechanism, and would permit states to use cluster munitions with a so-called failure rate of 1% or less;
 - F. whereas since the signing of the CCM cluster munitions have reportedly been used recently against the civilian population in Cambodia, Thailand and Libya, and whereas urgent steps must now be taken to ensure that unexploded cluster submunitions are cleared in order to prevent further deaths or injuries;
1. Calls on the Member States not to adopt, endorse or subsequently ratify any protocol to the CCW allowing for the use of cluster munitions, which are prohibited under the CCM, and calls on the Council and the Member States to act accordingly at the Fourth CCW Review Conference to be held from 14 to 25 November 2011 in Geneva;
 2. Deeply regrets the fact that the draft text of Protocol VI to be discussed at that conference threatens to undermine the clear and robust international humanitarian law standard established by the CCM, which comprehensively bans cluster munitions, and would also weaken the protection of civilians;
 3. Urges states to acknowledge the humanitarian consequences and high political cost of supporting this proposed draft protocol, which is full of exceptions and loopholes that would allow cluster munitions to be used;
 4. Calls on the Member States and candidate countries which are not States Parties to the CCM to accede to it and on the States Signatories to the CCM to ratify it as soon as possible;
 5. Considers that Protocol VI to the CCW is not compatible with the CCM and that the Member States which have signed the CCM have a legal obligation to strongly oppose and reject its introduction;
 6. Strongly urges the VP/HR to remind the Member States of their legal obligations under the

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PE472.804v01-00 }
PE472.805v01-00 } RC1

CCM; calls on the VP/HR to place specific emphasis on the thematic objective of reducing the cluster munitions threat and to bring about the accession of the European Union to the CCM, which is now possible following the entry into force of the Lisbon Treaty;

7. Welcomes the fact that 15 States Parties and signatories have completed stockpile destruction and a further 12 will do so by their deadline and that clearance operations are underway in 18 countries and three other areas;
8. Calls on the Member States which have not yet acceded to the CCM but wish to reduce the humanitarian impact of cluster munitions to take strong and transparent national measures pending accession, including the adoption of a moratorium on the use, production and transfer of cluster munitions, and to make a start on destroying cluster munitions stockpiles as a matter of urgency;
9. Calls on the Member States which have signed the CCM to pass legislation to implement it at national level; urges Member States to be transparent about the efforts they make in response to this resolution and to report regularly, for example to their parliaments, on their activities under the CCM;
10. Calls on the Council and Commission to include a reference to the ban on cluster munitions as a standard clause in agreements with third countries, alongside the standard clause on the non-proliferation of weapons of mass destruction, particularly in the context of the EU's relations with its neighbours;
11. Calls on the Council and Commission to make the fight against cluster munitions an integral part of Community external assistance programmes in order to support third countries in destroying stockpiles and providing humanitarian assistance;
12. Calls on the Member States, the Council and the Commission to take steps to discourage states from providing cluster munitions to non-state actors;
13. Instructs its President to forward this resolution to the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States and candidate countries, the UN Secretary-General and the Cluster Munitions Coalition.