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Banning cluster munitions

Greens/EFA motion for a resolution

The European Parliament,

- having regard to the Convention on Cluster Munitions (CCM), which entered into force on 1 August 2010, endorsed by 111 states on 8 November 2011 (108 signatories including 3 EU Member States, 63 ratifications including 19 EU Member States and 3 accessions),
 - having regard 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), which entered into force on 2 December 1983, having regard to the additional amendments and protocols (I-V) and the fact that on 8 November 2011, 50 states had signed and 114 States were State Parties to the Convention,
 - having regard to the Draft Protocol (VI) on Cluster Munitions from 26 August 2011,
 - having regard to its resolution of 20 November 2008 on the Convention on cluster munitions(1),
 - 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 EU(2),
 - having regard to its resolution of 10 March 2010 on the Implementation of the European Security Strategy and the Common Security and Defence Policy(3), its resolution of 11 May 2011 on the development of the common security and defence policy following the entry into force of the Lisbon Treaty(4) and its resolution of 7 July 2011 on Progress on Mine Action(5),
 - having regard to Rule 110(2) 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 left behind are often found by children and other unsuspecting innocents;

B. whereas the support of most EU Member States, parliamentary initiatives and civil society organisations has been decisive in the successful conclusion of the 'Oslo Process' resulting in the

Convention on Cluster Munitions (CCM); whereas CMM has currently 66 State Parties among them 17 EU Member States and 5 accession countries;

C. whereas the CCM prohibits to use, develop, produce, otherwise acquire, stockpile, retain, or transfer to anyone, directly or indirectly, and assist, encourage or induce anyone to engage in any activity prohibited to a State Party under the Convention;

D. whereas the CCM defines cluster munitions' victims as all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalization or substantial impairment of the realization of their rights caused by the use of cluster munitions including those persons directly impacted by cluster munitions as well as their affected families and communities;

E. whereas the CCM defines cluster munitions as munitions designed to disperse or release explosive submunitions, each weighing less than 20 kilograms;

F. whereas the CCM requires the destruction of all cluster munitions as soon as possible but not later than eight years after the entry into force of this Convention for that State Party and a State Party may, in exceptional circumstances, request additional extensions of up to four years;

G. whereas the CCM establishes a new humanitarian standard for the assistance of victims, which include those persons directly impacted by cluster munitions as well as their affected families and communities;

H. whereas in the context of CCW the Draft Protocol (VI) on Cluster munitions only prohibits using, acquiring, stockpiling or retaining cluster munitions produced before 1 January 1980 and after a lengthy deferral period of up to 12 years, it prohibits some other cluster munitions produced on or after 1 January 1980, but with an exception for those cluster munitions possessing at least one of the following safeguards: (a) a self-destruction mechanism or a self-neutralization mechanism; (b) a self-deactivating feature; or (c) two or more initiating mechanisms, at least one of which functions as a self-destruction mechanism; whereas the Draft Protocol (VI) on Cluster munitions also provides an exception for any cluster munition that incorporates a mechanism or design which, after dispersal, results in no more than 1% unexploded ordnance across the range of intended operational environments;

I. whereas cluster munitions with only one safeguard mechanism have shown their unreliability by leaving large numbers of unexploded submunitions on the ground and caused numerous casualties in recent years;

J. whereas the Draft Protocol (VI) on Cluster Munitions does not provide an agreed transparent and verifiable technical standard on failure rates;

K. whereas almost all cluster munitions that have been used in recent conflicts and that have proven to have a severe humanitarian impact on civilian populations, are not banned under the Draft Protocol (VI) on Cluster Munitions;

L. whereas the Draft Protocol (VI) on Cluster Munitions is neither compatible nor complementary to the CCM;

M. whereas the Draft Protocol (VI) on Cluster Munitions sets obligations that are weaker than some national policies already adopted;

N. whereas the Draft Protocol (VI) on Cluster Munitions could result in increased use of cluster munitions known to cause unacceptable harm to civilians by providing a specific, international legal framework for such use;

O. whereas the Draft Protocol (VI) on Cluster Munitions will create a dangerous precedent for International Humanitarian Law (IHL), by setting up an unprecedented situation with a lower international standard adopted after a majority of the world's nations have agreed to a stronger standard, while IHL should be cumulative and offer ever greater protections for civilians;

P. whereas the Draft Protocol (VI) on Cluster Munitions may damage the credibility and reputation of the CCW, by creating an alternative piece of humanitarian law and a weaker norm;

Q. whereas serious questions arise about the consistency, and even the legality, of States Parties to the CCM engaging in these negotiations aimed at preserving continued use of cluster munitions, while the CCM requires to discourage all use of cluster munitions and to encourage accession to the CCM;

R. whereas the Draft Protocol (VI) on Cluster Munitions could hamper efforts to achieve universal adherence to the CCM;

1. Calls on all EU Member States not to adopt, endorse or subsequently ratify any Convention on Certain Conventional Weapons (CCW) protocol allowing for the use of cluster munitions which are prohibited by the CCM and calls on the Council and EU Member States to act accordingly at the Fourth Review Conference of the CCW from 14 November to 25 November 2011 in Geneva;

2. Calls on all EU Member States and candidate countries not Party to the Convention on Cluster Munitions to accede to the CCM as a matter of urgency, and the States signatories to the CCM to ratify as soon as possible;

3. Calls on all EU Member States which have not yet joined the CCM but wish to reduce the humanitarian impact of cluster munitions to take strong and transparent national measures pending accession, including adoption of a moratorium on the use, production and transfer of cluster munitions and making a start on destroying cluster munitions stockpiles as a matter of urgency;

4. Urges all EU Member States that have signed the CCM to take every opportunity to encourage States not party to the CCM to accede to the Convention as soon as possible, including through bilateral meetings, military-to-military dialogue and multilateral fora, and, in accordance with their obligations under Article 21 of the CCM, to make their best efforts to discourage States not party to the Convention from using cluster munitions;

5. Urges all States to take part in the intersessional meetings on the Convention on Cluster Munitions in Geneva from 16 to 19 April 2012 and in the Third Meeting of States Parties, that will be held in Oslo from 10 to 14 September 2012;

6. Urges EU Member States to take steps to begin to implement the Convention, including by destroying stockpiles, undertaking clearance and providing victim assistance, and to contribute to the provision of funding or various forms of assistance to other States wishing to implement the Convention;

7. Calls on the Council and Commission to include the ban on cluster munitions as a standard clause in agreements with third countries, alongside the standard clause on non-proliferation of weapons of mass destruction;

8. 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;

9. Calls on EU Member States, the Council and the Commission to take steps to prevent third countries

from providing cluster munitions to non-state actors;

10. Urges EU Member States to be transparent about the efforts they make in response to this resolution and to report publicly on their activities under the Convention;

11. 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 EU Member States and the candidate countries, the UN Secretary-General and the Cluster Munition Coalition.

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