



EUROPEAN PARLIAMENT

2004 - 2005



TEXTS ADOPTED

at the sitting of

Thursday

28 October 2004

P6_TA-PROV(2004)0048

Cluster munitions

European Parliament resolution on cluster munitions

The European Parliament,

- having regard to its resolutions of 13 February 2003 on the harmful effects of unexploded ordnance (landmines and cluster submunitions) and depleted uranium ammunition, of 13 December 2001 on cluster bombs and of 6 September 2001 on measures to promote a commitment by non-State actors to a total ban on anti-personnel landmines,
 - having regard to Protocol V of 28 November 2003 on Explosive Remnants of War to the UN Convention on Certain Conventional Weapons,
 - having regard to the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction of 1997,
 - having regard to the Cluster Munition Coalition formed by 115 NGOs from 47 countries on 13 November 2003,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas 'explosive remnants of war' (ERW) refers to unexploded ordnance (explosive ordnance that has been primed, fused, armed or otherwise prepared for use and used in an armed conflict and should have exploded but failed to do so) and abandoned explosive ordnance; whereas anti-personnel landmines (APL) are mines primarily designed to be exploded by the presence, proximity or contact of a person and are banned under the Ottawa Convention,
- B. reaffirming the need to strengthen international humanitarian law (IHL) as it applies to cluster munitions and for new protocols restricting the use of cluster munitions and antivehicle mines to be established by the Group of Governmental Experts (GGE) under the Convention on Certain Conventional Weapons (CCW),
- C. whereas the term 'cluster munitions' refers to weapons systems that are both dropped from the air and launched from the ground,
- D. whereas cluster munitions have a high failure rate, often not exploding on impact, remaining a danger to communities long after a conflict has ended, and many types of cluster munitions and anti-vehicle mines are equipped with sensitive fuses which react to less physical contact than anti-personnel mines,
- E. whereas cluster munitions are highly inaccurate, are often used in large numbers and cover a wide area after dispersal, producing large amounts of ERW,
- F. noting with concern the grave humanitarian consequences of unexploded submunitions, including anti-vehicle mines, for vulnerable communities and humanitarian aid workers, and the high rates of fatalities and injuries, especially amongst children, who are attracted

by the small size and the colours of these weapons,

- G. whereas all types of anti-handling devices target humanitarian mine clearance personnel,
- H. whereas unexploded cluster munitions have a detrimental effect on development as a whole, with the threat of unexploded ordnance denying access to roads and preventing agricultural land from being used, hampering local trade and communications and affecting food security, and can obstruct the delivery of humanitarian assistance,
- I. 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, while cluster munitions have also been used in the Falklands/Malvinas conflict, Albania, Bosnia and Herzegovina, Iraq, Kuwait, Lebanon, Russia (Chechnya), Saudi Arabia and Serbia and Montenegro (including Kosovo),
- J. whereas it is estimated that 78 countries still have some 400 million anti-personnel mines and anti-vehicle mines stockpiled, and between 15 000 and 20 000 people fall victim to mines every year, and whereas there is evidence that cluster munitions are stockpiled in over 15 Member States and are produced in at least 10 Member States,
- K. deploring the large amount of cluster munitions used by the coalition forces in the wars in Afghanistan and Iraq,
 - 1. Calls for an immediate moratorium on the use, stockpiling, production, transfer or export 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 the regulation, restriction or banning of these weapons;
 - 2. Urges all states not party to Protocol V on ERW and the Ottawa Convention on APL to sign and ratify both and to abide by their spirit in the interim period, and urges the Presidency of the Council and the Member States to support a mandate to negotiate a new protocol to the United Nations Convention on Certain Conventional Weapons that tackles all humanitarian problems associated with the use of cluster munitions;
 - 3. Calls on all those who 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; considers that such records should be used to provide clear warnings of dangerous areas to local populations and humanitarian aid workers in line with Protocol V on ERW;
 - 4. Urges all states to sign and ratify the Ottawa Convention and urges all Member States and parties to the Ottawa Convention to insist that any mine which is likely to be detonated by the presence, proximity or contact of a person is an antipersonnel mine prohibited by the Convention; notes that, specifically, this means that tripwires, breakwires, tilt-rods, lowpressure fuses, anti-handling devices and similar fuses are prohibited for States Party to the Convention;

5. Insists that under no circumstances or conditions should EU troops make use of any type of cluster munitions until such time as an international agreement on the regulation, restriction or banning of these weapons has been negotiated;
6. Underlines the responsibility of a state in control of territory to provide warnings, and take measures to protect the civilian population, including through the education of children, and provide special information on assisting victims of ERW;
7. Requests the Member States immediately to take measures to ensure that anti-vehicle mines which are likely to be detonated by the presence, proximity or contact of a person must be destroyed in accordance with the provisions of the Ottawa Convention;
8. Calls on all Member States which have used cluster munitions to provide assistance to the populations affected; calls also on the Commission to increase financial assistance to communities and individuals affected by unexploded cluster munitions through all available instruments;
9. Calls on the relevant committees closely to monitor and participate in CCW meetings, to report on Member State initiatives on cluster munitions and related weapons, and to report on other international measures concerning such weapons;
10. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for CFSP, the governments and parliaments of the Member States, the Secretary-General of the UN, the President of the USA and the US Congress.