Resolution on banning cluster munitions

2011/2913(RSP) - 17/11/2011 - Text adopted by Parliament, single reading

Following the debate which took place on 16 November 2011 on the same issue, the European Parliament adopted a resolution on banning cluster munitions.

The text adopted in plenary was tabled by as a motion for a resolution by the EPP, S&D, ALDE, Greens /EFA and GUE/NGL Groups.

Parliament recalls that cluster munitions pose serious risks to civilians, owing to their typically large lethal footprint, and that in post-conflict settings the use of these munitions has caused many tragic injuries to and deaths of civilians, as unexploded sub-munitions are often found by children and other unsuspecting innocents.

It also recalls that the Convention on Cluster Munitions (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. The resolution stresses that the draft text of Protocol VI to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) to be discussed at the Fourth CCW Review Conference is neither legally compatible with nor complementary to the CCM. The draft protocol would only ban pre-1980 cluster munitions, provide 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.

In this context, Parliament 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. Parliament 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.

Regretting the objectives of the draft text of Protocol VI, Members urge 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. They call 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. The resolution states that considering that Protocol VI to the CCW is not compatible with the CCM, Parliament calls on the signatory states to **oppose and reject its introduction**.

Parliament 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;
- which have signed the CCM to pass legislation to implement it at national level;
- 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.

Parliament calls on the Council and the Commission to:

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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;

- 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;
- take steps to discourage states from providing cluster munitions to non-state actors.