

**Intervenção da Deputada Ana Gomes, em representação do PE, na Conferência Regional Europeia sobre munições de fragmentação, organizada pelo Ministério dos Negócios Estrangeiros belga, no âmbito do Processo de Oslo**

- First of all, I would like to thank the Belgian Foreign Ministry for inviting the European Parliament to this conference;
- This gathering is Belgian's contribution to the Oslo process, which started in February 2007 and which hopefully will lead to an absolute ban on cluster munitions; I commend Belgium for their vision not just for organizing this regional conference, but also for the approval of the "Mahoux Law" last April, which prohibits the financing, manufacture, use and holding of cluster munitions; may other follow soon;
- Let me turn to what I have been asked to talk about: the latest resolution of the European Parliament on cluster bombs;
- However, a little introduction is in order;
- The European Parliament has repeatedly distinguished itself in the defence of a greater EU role in international arms control; to name just a few examples, we have been calling for the Ottawa convention to be extended to all landmines; also, the EP has defended the need for a Global Arms Trade Treaty, long before the EU Council threw its weight behind it; also, we have been pressuring the European Council for years for the EU Code of Conduct on Arms Exports to become a legally binding instrument and we will continue to do so for as long as it takes;
- In other words, this resolution on Cluster Bombs is part of a very specific discourse of the European Parliament, which emphasises the EU's particular global responsibility in the field of arms control and international humanitarian law;
- In this context, I have to say that the main message of last week's resolution is not new: already in November 2006, the EP called *"upon the EU and the Member States to demand ... the creation of a specific Protocol VI [to the CCW] to unambiguously ban the*

*production, stockpiling, transfer and use of all types of cluster munitions;"*

- The new resolution adds value, though, since it is fully dedicated to cluster munitions and since it sets itself within the context of the new Oslo process;
- To the resolution now:
- It is never a waste to repeat why a total ban on these weapons is necessary and the resolution does so: cluster munitions have an unacceptably high failure rate, they are highly inaccurate and their effects highly indiscriminate, and the resolution underlines that it has been documented that 98% of their victims are civilians;
- The main message of course is one of support to the Oslo Process and for the need to "*speedily ... adopt at international level a comprehensive ban on the use, production, transfer and stockpiling of cluster munitions*";
- Secondly, the European Parliament calls for "*an immediate moratorium on using, investing in, stockpiling, producing, transferring or exporting cluster munitions... until a binding international treaty has been negotiated*";
- Thirdly, the European Parliament underlines that there is evidence that cluster munitions are stockpiled in over 15 EU Member States and produced in at least 10 of them; the EP calls "*on all EU Member States to adopt national measures that fully ban the use, production, export and stockpiling of cluster bombs*";
- Fourthly, the EP urges all states which have actually used these weapons "*to accept responsibility for the clearance of these munitions and, in particular, to keep accurate records of where*" they have been used, "*in order to help clearance efforts following conflict*";
- Fifthly, the resolution insisted "*that under no circumstances or conditions should EU Member State troops make use of any type of cluster munitions until an international agreement on the regulation, restriction or banning of these weapons has been negotiated*;" we are keenly aware of one of the consequences of

the Kosovo War, for example, which left behind 29.000 unexploded bomblets dropped by NATO, and of the fact that only this year the Alliance is preparing to give the Serbian authorities information on where cluster bombs were used in order to facilitate their safe removal and destruction; while it is our duty to defend a ban of cluster bombs before our international partners and to criticize them harshly when they use them irresponsibly, we will not be credible - and therefore effective - if we are seen as hypocritical and tainted by past transgressions;

- Sixth point, the Parliament "*calls on the Commission urgently to increase financial assistance to communities and individuals affected by unexploded cluster munitions through all available instruments*"; we expect the new Stability Instrument to play a big role in this respect;
- Also, the European Parliament, welcomes "*the efforts made by the Council Presidency and the EU Member States to establish a mandate to negotiate a new protocol to the CCW that addresses all humanitarian problems associated with the use of cluster munitions*" and expresses its regret that no real progress has been made so far; BUT it still "*calls on the Council to adopt a common position committing all the EU Member States to push for a strong negotiating mandate within the framework of the CCW and to actively support the Oslo Process*;"
- Finally, the resolution sets out what the European Parliament expects any effective international instrument to include to be effective:
  1. A prohibition on the use, production, financing, transfer and stockpiling;
  2. A prohibition on providing anyone with assistance in these fields;
  3. An obligation to destroy stockpiles of cluster munitions within a specified period of time, which must be as short as possible;
  4. An obligation to mark, fence and clear contaminated areas as soon as possible,
  5. An obligation to provide assistance with marking, fencing and other warnings, with risk education, and with clearance;
  6. An obligation to provide assistance to victims;

- These are the resolution's most important aspects;
- The underlying message is not just that these weapons are immoral and that the illegal nature of their use should be clarified and made unambiguous;
- This is also about effectiveness and sustainable security;
- The EU's stands for a concept of security that sometimes implies the need for the use of military force; however, modern peacekeeping or military intervention is ***not*** about the bombing of an adversary from 10.000 metres; rather, it requires the deployment of peacekeeping forces and humanitarian aid for stabilisation and post-conflict reconstruction;
- In such contexts it is less rational to use cluster bombs which then pose a threat to your own peacekeeping troops and development efforts; post conflict recovery and long term stability can only be based upon socio-economic development which is also hampered by the presence of cluster munition-bomblets;
- In short, rationality, morality and soon, we hope, international law, will all soon unambiguously point in the same direction and submit cluster bombs to the same fate already encountered by anti-personnel mines.