

Draft Convention on the prohibition of development, production, stockpiling, transfer and use of uranium weapons and on their destruction: Executive Summary

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I. Introduction

There is an ongoing discussion on the DU issue; many conference, publications and other activities have been devoted to this topic. Now, it seems necessary to make a step forward by giving some more substance to those processes in introducing the text of a draft treaty on the ban of DU weaponry.

The introduction of such a draft convention is aimed at fully implementing the existing prohibition of the military use of DU ammunition under International Humanitarian Law (IHL). The draft broadens the IHL/Human rights/use perspective to that of disarmament, which may also include a shift to corresponding (other) negotiation fora.

The existence in parallel of prohibitive rules with regard to the use of certain weapons (because of their effects) and specific treaty schemes outlawing those weapons (in a selected manner) is a common feature of international legal developments (see B- and C-weapons as well as, in a draft and discussion state, nuclear weapons). Finally, a treaty regime is indispensable for getting rid of a specific weaponry through - apart from denying the right to its use - also prohibiting the developing, manufacturing and stockpiling, and obliging States parties to destroy existing arsenals.

II. Summary of the Draft Convention

1. Preamble

Being a full part of the treaty, the preamble stresses basic legal arguments for the existing prohibition of using DU weaponry, and the determination to wipe out consequences caused by its use as well as ultimately abolish these weapons from Earth.

2. General obligations

The Draft Convention contains a general and comprehensive prohibition of the development, production, transport, storage, possession, transfer and use of uranium ammunition, uranium armour-plate and of any other military use of uranium. The Convention also outlines obligations concerning the abolishment of uranium weapons and the destruction of uranium

weapons construction facilities. States Parties undertake to report on the fulfilment of their obligations.

3. Decontamination of uranium contaminated areas

The Convention obliges to decontaminate or to ensure a rapid decontamination of contaminated areas at latest five years after its entry into force, emphasising the protection of and assistance to civilians living in these areas. The fulfilment of the obligations has to be secured through international help and co-operation of States Parties as well as financial help for the State Party concerned by voluntary funds.

4. Institutional structure

Several institutions and organs are to be established in order to achieve the objectives of the Convention.

Thus, the Meeting of States Parties is a body that oversees the fulfilment of the treaty and is responsible for deciding related matters. Apart from that, Review Conferences shall be convened by the Secretary-General of the United Nations to review the functioning of the Convention. The Review Conference shall also discuss and decide on the organisational structure of the Convention.

Another organ of the treaty is the Uranium Weapons Centre. Having no competence to (binding) decisions this body performs functions of accumulating, analysing and transmitting information to enable States Parties to fulfil their obligations under the Convention.

5. Dispute settlement system

To settle disputes between the States Parties, the Draft Convention provides a framework for an efficient and pacific resolution. At the bottom of it, the Convention contains provisions on the clarification of questions relating to the compliance with treaty rules by a State Party as well as on the possible authorisation of a fact-finding mission if clarification of a matter is impossible at the Meeting of States Parties. Finally, mention is made of different possibilities to settle disputes, including mediation through the Secretary-General of the United Nations and legal decision by turning to the International Court of Justice.

7. Liability and general regulations

Each State Party that uses uranium weapons in a conflict is responsible for the consequences, including compensation of the victims.

The Convention will enter into force after the 20th ratification, acceptance, approval or accession has been deposited with the Secretary-General of the United Nations. The Convention is of unlimited duration. Each State Party has the right, in exercising its national sovereignty, to withdraw from it. Reservations to the Convention are not admissible. If necessary, an Amendment Conference can be convened, where amendments may be adopted by a majority of two-thirds of States Parties present.