



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

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Preamble

The States Parties to this Convention,

RECALLING the principles of the Hague Regulations concerning the Laws and Customs of war on land, the Geneva Conventions and its Additional Protocols and especially the general principle of International Law on the protection of the civilian population against the effects of hostilities,

EMPHASISING the principle that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and the principle that the employment in armed conflicts of weapons, projectiles, and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering is forbidden by International Law,

WITH REFERENCE to the prohibition of the use of poisonous weapons according to Art. 23 par. 1 of the Hague Regulations and the rules of the Poison Gas Protocol and the prohibition of widespread damage to the natural environment and unjustified destruction according to the Hague Regulations and the First Additional Protocol to the Geneva Conventions, as well as with reference to the principle of „humanitarian proportionality“, which is contained in the St. Petersburg Declaration,

CONFIRMING the resolutions of the Sub-Commission to the UN Commission on Human Rights (Res. 1996/16 and 1997/ 36), which state that the use of uranium ammunition is not in conformity with existing International and Human Rights Law,

BELIEVING that, based on the considerations and principles above, the use of uranium weapons is illegal,

STRIVING to put an end to casualties and alleviate suffering, caused by the use of uranium ammunition in recent wars, that indifferently leads to diseases among all people being in the operational area, thus also innocent civilians, especially children, the consequences of which on the affected and their families need long term treatment,

DETERMINED to act, so that the use of uranium ammunition in military conflicts will not happen in future and further development, extension and perfection of uranium weaponry will be stopped,

BELIEVING it necessary to support those States, in which victims of uranium ammunition use live, through an efficient and co-ordinated co-operation on the international level with material assistance and the delegation of experts for the treatment of victims and their families, as well as to enable their social and economical rehabilitation,

LED BY THE WILL to remove the late consequences of the uranium weapon use through marking and decontamination of the contaminated areas, as well as through protection and rehabilitation of victims,

CONVINCED that a convention prohibiting the development, production, stockpiling, transfer and use of uranium weapons and providing for their destruction, is required to abolish these weapons from the Earth,

have agreed as follows:

Article 1

General obligations

(1) Each State Party undertakes never under any circumstances:

a) to develop, produce, otherwise acquire, stockpile, retain or transfer, directly or indirectly, uranium ammunition, uranium armour-plate or other uranium weapons to anyone;

b) to use uranium ammunition, uranium armour-plate or other uranium weapons;

c) to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention;

d) to acquire or dispose pre-products for development and production of uranium weapons;

e) to use depleted uranium in any way for military purposes.

(2) Each State Party undertakes to destroy or ensure the destruction of uranium ammunition, uranium armour-plate, other uranium weapons or the pre- products for development and production it owns or possesses, or that are located in any place under its jurisdiction or control as soon as possible, or latest 5 years after the Convention has become effective for the concerned State Party, in accordance with the provisions of that Convention.

(3) Every State Party undertakes to destroy or ensure the destruction of any uranium ammunition, uranium armour-plate and other uranium weapon production facilities it owes or possesses, or that are located in any place under its jurisdiction or control as soon as possible,

or latest 5 years after the Convention has become effective for the concerned State Party, in accordance with the provisions of that Convention.

(4) Every State Party undertakes to transform depleted uranium, produced or left over during the destruction of uranium ammunition or of production establishments, into a stable chemical compound and to store it in a safe final storage.

(5) Every State Party provides a report on the fulfilment of the conventions' obligations and transmits it to the Secretary-General of the United Nations and the Uranium Weapons Centre.

Article 2

Definitions

(1) "Uranium ammunition" means munitions with uranium anchors which may, by reason of its high density and hardness, penetrate armour steel,

(2) "Uranium armour-plate" means an armour, which contains depleted uranium to make the armour harder and resistant to be shot through,

(3) "Uranium weapon" means a mechanism which serves to destroy or damage objects and uses depleted uranium in its mode of action,

(4) "Contaminated area" or "contaminated waters" means an area or waters which have been contaminated by reason of the use of uranium ammunition,

(5) "Decontamination" means the abolishment of the radiation effect as well as of other consequences which have been caused by the use of uranium weapons and have negative effects on the human health,

(6) "Transfer" covers the physical take of uranium ammunition or uranium armour- plate to or from a state territory as well as the transfer of that title to uranium ammunition and to the control over uranium ammunition,

(7) "Pre-Product" means the chemical reaction component which is used at any stage during any type of production of uranium ammunition or uranium weaponry, especially the radioactive waste.

(8) "Uranium ammunition production facility" means facilities in which uranium ammunition is being developed, produced or brought to perfection,

Article 3

Exceptions

The transfer of uranium ammunition or other uranium weapons for the purpose of its destruction is permitted, if a safe final storage of the uranium in a chemical stable compound is guaranteed. The civil using of depleted uranium is forbidden.

Article 4

Decontamination of uranium contaminated areas

- (1) Each State Party undertakes to decontaminate or to guarantee the decontamination of areas under its jurisdiction or control, which have been contaminated with depleted uranium by military force actions or any other reason as soon as possible, at latest five years after the entry into force of this Convention for that State Party. The decontamination of previously contaminated areas shall be regulated in an Additional Protocol to this Convention.
- (2) Each State Party endeavours to identify and mark all areas under its jurisdiction or control where uranium ammunition has been used notoriously or presumably, especially theatres of operation, military training grounds and scenes of accident.
- (3) Each State Party undertakes to warn people living in all areas under its jurisdiction or control where uranium ammunition has been used notoriously or presumably of the danger and to afford any support during times until absolute decontamination, especially to isolate the contaminated areas, to adopt precautionary measures through ABC-teams, to inform the population and to conduct health examinations. The medical care of all previously injured shall be regulated in an Additional Protocol to this Convention.
- (4) As far as considerable danger exists for the health or life of civilians living in contaminated areas, the State Party shall endeavour to transfer civilians to other, not contaminated areas until the abolishment of the danger.
- (5) The information on contaminated areas, especially theatres of operation, military training grounds, scenes of accident shall be conveyed to the Uranium Weapons Centre.
- (6) If a State Party is not in a position to decontaminate or to guarantee the decontamination of all contaminated areas designated in par. 1 within the mentioned period, it may request the Meeting of the States Parties or the Review Conference for a prolongation of the period to terminate the decontamination up to ten years.
- (7) Each State Party shall report on the conducted decontamination of uranium contaminated areas under its jurisdiction or control every two years.

Article 5

International co-operation and support

- (1) In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extend possible.
- (2) Each State Party undertakes to facilitate the exchange of scientific and technological information concerning the implementation of this Convention and has the right to participate in the interchange.
- (3) Every State Party, which is in a position to this, shall provide help concerning welfare work, medical assistance and rehabilitation as well as social and economic reintegration of the victims of uranium weapons use. It shall support programmes with regard to the explanation of dangers of uranium weapons use. The support may be provided among other things, within the system of the United Nations, international, regional and national organisations or institutions, the International Committee of the Red Cross, National Red Cross and Red Crescent Societies and their International Federation, non-governmental organisations or on bilateral basis.

(4) Every State Party, which is in a position to this, shall provide help on the decontamination of uranium contaminated areas and waters and other activities. This support may be provided, among other things, within the system of the United Nations, international, regional and national organisations or institutions, the International Committee of the Red Cross, National Red Cross and Red Crescent Societies and their International Federation, non-governmental organisations or on bilateral basis.

(5) States Parties may request the United Nations, regional organisations, other States Parties or any other inter-governmental or non-governmental committees to support their authorities and national places of contact in the preparation of a domestic decontamination programme to lay down the following among other things:

a) extension and dimension of the problems caused by the use of uranium ammunition,

b) the required financial, technological and personal means for the fulfilment of the programme,

c) the forecasted time period necessary for the decontamination of the areas under jurisdiction or control of the concerned State Party,

d) support for the victims of uranium ammunitions use, especially their treatment and transfer to not contaminated areas,

e) the relationship between the government of the concerned State Party and the relevant governmental, inter-governmental and non-governmental institutions, that will be involved in the fulfilment of the programme.

(6) Each State Party undertakes to facilitate to supply information and reports to the Uranium Weapons Centre and the Meeting of States Parties, especially about different methods and technologies of decontamination and lists of experts and expert agencies or national contact places.

(7) All States Parties, which provide and receive support on basis of this Article, shall work together with regard to the securing of the entire and immediate fulfilment of the stipulated programmes.

Article 6

Partnership

(1) The assistance for the States Parties affected by use of uranium weapons, outlined in Art.5 may take place in the form of partnerships among States Parties.

(2) The partnership model covers conception-planning, material and personal support of one State Party to another, which is especially affected by the use of uranium ammunition and not in position to fulfil the obligations of this Convention by its own efforts.

Article 7

National implementation measures

(1) Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, in order to fulfil its obligations under this Convention.

(2) In particular, each State Party especially prohibits natural and legal persons anywhere on its territory or any other place under its jurisdiction to engage in any activity prohibited for a State Party under this Convention.

(3) Each State Party shall co-operate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of obligations under par. 1.

Article 8

Assistance and protection against the use of uranium ammunition

In case of use or the threat of use of uranium ammunition each State Party has the right to seek and receive assistance, help and protection against this use or threat of use.

Article 9

Meeting of States Parties

(1) The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including

a) matters that arise from the reports, submitted on basis of this Convention,

b) the international co-operation according to Art. 5 and 6,

c) decisions concerning submissions of the States Parties according to Art. 4 par. 6,

d) revision of reports according to Art. 1 par. 5, Art. 4 par. 7 and Art. 15 par. 9,

e) fulfilling the obligations according to Art. 5 par. 8.

(2) The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of the Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.

(3) States not parties to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the Committee of the Red Cross and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

Article 10

Review conferences

(1) A Review Conference shall be convened by the Secretary-General of the United Nations four years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more

States Parties, provided that the interval between Review Conferences shall in no case be less than 3 years. All States Parties to this Convention shall be invited to each Review Conference.

(2) The purpose of the Review Conference shall be:

a) to review the operation and status of this Convention,

b) to consider the need for and the interval between further Meetings of the States Parties referred to in Art. 9,

c) discussion and decision of the organisational structure of the Convention and the establishment of new authorities,

d) to adopt, if necessary, in its final report conclusions related to the implementation of this Convention.

(3) States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

Article 11

The Uranium Weapons Centre

(1) The Uranium Weapons Centre shall be called into being at the first Meeting of States Parties. The Centre shall be established within the United Nations system.

(2) The Centre shall provide a data base with unrestrictedly accessible information, which shall be supplied by the States Parties 90 days after its establishment at the latest and shall maintain the data base for the use by each requesting State Party.

(3) In agreement with the Secretary-General of the United Nations the Centre shall provide and update a list of qualified experts, which shall offer advises for the Centre or a State Party if required. The Secretary-General of the United Nations appoints members of the fact-finding mission under Art. 14 out of the list of experts. The list which contains names, nationality and other suitable data of the experts participating in the fact-finding mission shall be conveyed to all States Parties.

(4) In the frame of disposable funds and after consultation of the fund administrator the Centre orders expertises on the request of a State Party about the allocation of funds and helps the State Party to implement its programmes.

Article 12

Funds

(1) A voluntary fund shall be established at the first Meeting of the States Parties. The Secretary-General of the United Nations shall administrate the fund.

(2) The purpose of the fund is to finance expertises about the use of uranium weapons as well as about the dimension of the damage. Programmes for decontamination of uranium contaminated areas shall be financed by means of the disposable funds.

(3) Each State Party shall announce the amount of its voluntary contribution at the first Meeting of States Parties.

Article 13

Clarification of questions

(1) If one or more States Parties wish to clarify and seek to resolve questions relating to the compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 4 weeks to the requesting State Party all information which would assist in clarifying this matter.

(2) If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request of Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

(3) Between the Meetings of States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise its good offices to facilitate the clarification requested.

Article 14

Fact-finding mission

(1) If clarification of a matter is impossible at the Meeting of States Parties, the Meeting of States Parties shall authorise a fact-finding mission and decide on its mandate by a majority of States Parties voting.

(2) The requested State Party has the obligation to provide access for the entry of the fact-finding mission to their territory or any other place under its jurisdiction or control.

(3) The mission is composed of 9 appointed and authorised experts. The Secretary-General of the United Nations shall appoint the members of the fact-finding mission and its administrator after consultation of the requested State Party. Nationals of States Parties requesting the mission or in direct cohesion with them may not be appointed for the mission.

(4) The Secretary-General of the United Nations shall designate experts from the list under Art.11 par. 3 for members of the mission. In the event of non-acceptance in writing of an expert by a State Party, the expert shall not participate in fact-finding missions on the territory of any other place under the jurisdiction or control of the objecting State Party.

(5) Upon at least 48 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity.

(6) The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention of the Privileges and Immunities of the United Nations, adopted on 13 February 1946. The requested State is responsible for the security of the members of the mission on their territory.

(7) The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control as well as inspection of documents, as far as necessary to fact-finding, object of the mission or in direct cohesion to the mission.

(8) The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, unless otherwise agreed.

(9) The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of States Parties the results of its findings. The Meeting of States Parties shall consider all relevant information, including the report submitted by the fact-finding mission. Determining a breach of the present Convention by the control, the Meeting of States Parties may request the State Party to remove the breach of this Convention or take measures to address the compliance issue. The requested State Party shall report on all measures taken in response to this request.

Article 15

Settlement of Disputes

(1) The States Parties shall consult and co-operate with each other to settle disputes that may arise concerning the application or interpretation of this Convention. Every State Party may bring any such dispute to the Meeting of States Parties.

(2) The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

(3) The States Parties ask the Secretary-General of the United Nations to mediate with the settlement of the dispute, if it can not be settled between the States Parties and the means of par. 2.

(4) Otherwise it remains reserved to the States Parties to call on the International Court of Justice and ask for a judicial decision.

Article 16

Liability

Each State Party that uses uranium weapons in a conflict is responsible for clarification, decontamination of uranium contaminated areas and medical care as well as compensation of the victims. It is responsible for all actions committed by persons belonging to its military forces.

Article 17

Amendments

(1) At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depository, who shall circulate it to all State Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depository within 4 weeks after its circulation that they support further consideration of the proposal, the Depository shall convene an Amendment Conference to which all States Parties shall be invited.

(2) The Amendment Conference shall be held immediately following a Meeting of States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

(3) Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depository shall communicate any amendment so adopted to the States Parties.

Article 18

Duration and withdrawal

(1) This Convention shall be of unlimited duration.

(2) Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties and to the Depository. Such instrument of withdrawal shall include a full explanation of the reason motivating this withdrawal.

(3) The withdrawal of a State Party from this Convention shall not affect the obligations of other States Parties.

Article 19

Signature

This Convention, done in..... shall be open for signature at.....by all States from..... until..... .

Article 20

Ratification, acceptance, approval, accession

(1) This Convention is subject to ratification, acceptance or approval of all Signatories.

(2) It shall be open for accession by any State which has not signed the Convention.

(3) The instruments of ratification, acceptance, approval or accession shall be deposited with the depository.

Article 21

Entry into force

(1) This Convention shall enter into force on the first day of the sixth month in which the 20th instrument of the ratification, approval or accession has been deposited.

(2) For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 20th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that state has deposited its instrument of ratification, acceptance, approval or accession.

Article 22

Depository

The Secretary-General of the United Nations is hereby designated as the Depository of the Convention.

Article 23

Reservations

The Articles of this Convention shall not be subject to reservations.

Article 24

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall convey certified transcripts to each State Party.