

**Draft Protocol on Uranium Weapons (intended as Protocol VI to the 1980
Convention) – proposal ICBUW, based on CCW Prot.V**

The High Contracting Parties,

Recognising the serious post-conflict humanitarian problems caused by weapons containing depleted uranium,

Conscious of the need to conclude a Protocol on banning the use of uranium weapons,

Determined to act, so that uranium ammunition will not be used in future military conflicts,

Willing to address the problems already caused by the use of uranium weapons in armed conflicts, especially with regard to areas contaminated with depleted uranium,

Striving 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,

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,

Have agreed as follows:

Article 1

General provision and scope of application

(1) In conformity with the Charter of the United Nations and of the rules of the international law of armed conflict applicable to them, High Contracting Parties agree to comply with the obligations specified in this Protocol, both individually and in co-operation with other High Contracting Parties, not to use uranium weapons in future armed conflicts and to minimise the risks and effects of depleted uranium still contaminating post-conflict areas.

(2) This Protocol shall apply to the use of uranium weapons in armed conflict.

(3) This Protocol shall apply to situations resulting from the use of uranium weapons in armed conflict prior to the acceptance of this protocol by the High Contracting Parties.

Article 2

Definitions

For the purpose of this Protocol,

- (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,

Article 3

Decontamination of areas contaminated with depleted uranium

- (1) Each High Contracting 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 Protocol for that High Contracting Party. The decontamination of previously contaminated areas shall be regulated in an Additional Protocol to this Convention.
- (2) Each High Contracting 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 High Contracting 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 Annex to this Protocol.
- (4) As far as considerable danger exists for the health or life of civilians living in contaminated areas, the High Contracting 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 High Contracting 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 make a request for a prolongation of the period to terminate the decontamination up to ten years.

(7) Each High Contracting Party shall record and retain information and report on the conducted decontamination of uranium contaminated areas under its jurisdiction or control.

Article 4

International co-operation and support

(1) In fulfilling its obligations under this Convention each High Contracting Party has the right to seek and receive assistance, where feasible, from other High Contracting Parties to the extend possible.

(2) Each High Contracting Party undertakes to facilitate the exchange of scientific and technological information concerning the implementation of this Protocol and has the right to participate in the interchange.

(3) Every High Contracting 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 High Contracting 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) High Contracting Parties may request the United Nations, regional organisations, other High Contracting 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 High Contracting 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 High Contracting Party and the relevant governmental, inter-governmental and non-governmental institutions, that will be involved in the fulfilment of the programme.
- (6) Each High Contracting Party undertakes to facilitate to supply information especially about different methods and technologies of decontamination and lists of experts and expert agencies or national contact places.
- (7) All High Contracting 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 5

Partnership

- (1) The assistance for the High Contracting Parties affected by use of uranium weapons, outlined in Article 4 may take place in the form of partnerships among High Contracting Parties.
- (2) The partnership model covers conception-planning, material and personal support of one High Contracting 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 6

National implementation measures

- (1) Each High Contracting Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, in order to fulfil its obligations under this Protocol.
- (2) In particular, each High Contracting 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 High Contracting Party under this Protocol.
- (3) Each High Contracting Party shall co-operate with other High Contracting Parties and afford the appropriate form of legal assistance to facilitate the implementation of obligations under paragraph 1.

Article 7

Assistance and protection against the use of uranium ammunition

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

Article 8

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and co-operate with each other on all issues related to the operation of this Protocol. For this purpose, a Conference of High Contracting Parties shall be held as agreed to by a majority, but no less than eighteen High Contracting Parties.

2. The work of the conferences of High Contracting Parties shall include:

- (a) review of the status and operation of this Protocol;
- (b) consideration of matters pertaining to national implementation of this Protocol, including national reporting or updating on an annual basis.
- (c) preparation for review conferences.

3. The costs of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 9

Clarification of questions

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

(2) If the requesting High Contracting Party does not receive a response through the Depositary within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Depositary to the next Conference of High Contracting Parties. The Depositary shall transmit the submission, accompanied by all appropriate information pertaining to the Request of

Clarification, to all High Contracting Parties. All such information shall be presented to the requested High Contracting Party which shall have the right to respond.

(3) Between the Conference of High Contracting Parties, any of the High Contracting Parties concerned may request the Depositary to exercise its good offices to facilitate the clarification requested.

Article 10

Fact-finding mission

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

(2) The requested High Contracting 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 Depositary shall appoint the members of the fact-finding mission and its administrator after consultation of the requested High Contracting Party. Nationals of High Contracting Parties requesting the mission or in direct cohesion with them may not be appointed for the mission.

(4) The depositary 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 High Contracting 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 High Contracting Party.

(5) Upon at least 48 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested High Contracting 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 High Contracting 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 High Contracting Party concerned for no more than 14 days, unless otherwise agreed.

(9) The fact-finding mission shall report, through the Depositary, to the Conference of High Contracting Parties the results of its findings. The Conference of High Contracting Parties shall consider all relevant information, including the report submitted by the fact-finding mission. Determining a breach of the present Protocol by the control, the Conference of High Contracting Parties may request the High Contracting Party to remove the breach of this Protocol or take measures to address the compliance issue. The requested High Contracting Party shall report on all measures taken in response to this request.

Article 11

Settlement of Disputes

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

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

(3) The High Contracting Parties ask the depositary to mediate with the settlement of the dispute, if it can not be settled between the High Contracting Parties and the means of paragraph 2.

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

Article 12

Liability

Each High Contracting 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.