

ICBUW Discussion paper: towards the 2010 First Committee – uranium weapons, precaution and transparency.

Background

UN General Assembly resolutions passed in 2007 (*A/C.1/62/L.18/Rev.1*) and 2008 (*A/C.1/63/L.26*) accepted that conventional uranium weapons have the potential to harm human health and the environment. The topic of depleted uranium weapons will return to the First Committee in October 2010. Following a review of the post-conflict impact and management of uranium weapons, which included a research visit to the Balkans, ICBUW has identified two key principles – precaution and transparency - that we believe should guide member states and international organisations as they consider their response to the issue.

Consideration of a precautionary approach:

Although there have been no long-term full-scale studies into civilian health in areas where uranium weapons have been used, the results of laboratory research, the patterns of illness in veterans and reports of cancers and birth malformations strongly suggest that there is a strong potential for harm.

History shows that when uranium weapons are used, it is enormously difficult to undertake detailed field research into their potential impact. Population movements, the weakness of post-conflict health and political administration and a lack of financial and technical assistance will always hinder complex epidemiological work in post-conflict environments.

UNEP supports a precautionary approach to the management of sites contaminated by uranium weapons, in part due to the uncertainties over the long-term behaviour of the munitions and their residue.

A wide range of factors may affect the risk from uranium weapon contamination; these include climate, soil types, land use and proximity to human habitation. However, perhaps the most significant factor is technical expertise. The swift identification, safe management and long-term monitoring of sites require a high level of expertise, and expensive specialist equipment, which for a variety of reasons is usually lacking in states affected by conflict. Financial support and political will also play a crucial role but cannot be guaranteed to be readily available.

While funding can rarely be guaranteed from domestic sources, states have also struggled to attract funding from international donors. Following the use of uranium weapons in Iraq in 2003, Iraq's Ministry of the Environment sent a formal request to UNEP for help with a comprehensive assessment of contaminated sites and a decontamination programme. UNEP was unable to secure sufficient funds to undertake this work. What little money was made available restricted assessment work to four sites and the training of a handful of ill-equipped Iraqi researchers. The increasingly volatile security situation following the conflict also restricted the use of international experts.

Unsurprisingly the presence of uranium weapon contamination also affects the social and economic health of communities where they are used. Fear of radiation may be magnified by distrust of national and international authorities and can cripple economic redevelopment. In other cases, pressure on land use may result in unsafe contaminated sites returning to use for agriculture, housing or industry.

Finally, it is significant that there are no quick fixes or technological modifications that could reduce the potential risk from uranium weapons. They will always contain uranium, which will always be chemically and radiologically toxic.

In view of these considerations, and the difficulties inherent in predicting the impact of uranium weapon contamination, logic dictates that a precautionary approach, of the type recommended by UN agencies, NGOs and regional and national parliaments, precludes the use of uranium weapons.

Transparency from users:

The conflicts in Iraq and the Balkans showed that the use of uranium weapons is not restricted to armoured targets. Because uranium rounds feature as part of the 'standard combat mix' of weapons platforms, the likelihood that they will be used in conflict is significantly increased. This has led to the use of uranium munitions against civilian infrastructure, such as buildings and broadcast equipment. The contamination of these sites markedly increases the likelihood of civilian exposure, as there will be considerable pressure to re-use key assets or re-build on geographically significant locations.

Another result of the diversification of target types has been that it has become increasingly difficult to identify, mark and fence-off potentially hazardous sites.

The number of contaminated sites may be in the 10s or 100s or may reach the 1000s during a protracted conflict, and the volume of uranium released into the environment and the risk it presents will vary widely, depending on the weapons platform and munitions involved.

This uncertainty means that the swift release of uranium weapon firing coordinates is crucial in order to avoid significant, and avoidable, civilian exposures; exposures that may come from inhalation of uranium dust, contaminated food or water or the collection of scrap, metal or souvenirs. The staff of NGOs working in the field may also be at risk of exposure.

Article 4 of CCW Protocol V set a norm for the recording, retention and transmission of data relating to Explosive Remnants of War (ERW) by parties to armed conflicts. While the Protocol's definition of ERW related to weapons that had failed to operate as intended or that had been dumped – which may exclude uranium weapon contamination - the principle of transparency remains valid.

It is imperative that users of uranium weapons, where they have not already done so, immediately reveal the firing coordinates of uranium weapon strikes to both national authorities and the United Nations. This is of particular importance in Iraq, where a lack of data is hampering meaningful research into the weapons' impact.

Is a ban feasible?

Uranium weapons trigger an entirely predictable moral response from people. Stripped of its baggage, the issue typically causes revulsion and disbelief. This is unlikely to change, as the use of chemically toxic and radioactive materials in conventional weapons will never be morally acceptable. There is little doubt then that the public will support attempts by states and civil society to restrict their use, indeed this process is already underway, and in some countries well developed. It is no longer a case of *if* they will be banned, but *when*.

As importantly as *when*, is *how*. ICBUW is keen to open a dialogue with states and relevant international organisations about the practicalities of developing a ban on the use of uranium in conventional munitions. Uranium weapons share many similarities with land mines and cluster munitions, and the experiences of dealing with both types of weapon should help inform the debate. However, there are also profound differences and this is where environmental law or other areas of arms control law, such as the Chemical Weapons Convention may be of use.

Should uranium weapons be included as ERW, or should they form the core of a new category of TRW – Toxic Remnants of War? Is the CCW capable of dealing with the weapons or will they require an independent treaty process? Should precaution, a concept familiar from IHL and environmental law form the basis of future discussions?

This is fertile ground, and we would urge states with an interest in the protection of public and environmental health to explore it.

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