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## INTRODUCTION

The decision to undertake research into the legal regulation of depleted uranium (DU) weapons was motivated by a desire to offer an objective assessment of the lawfulness of the use of these weapons. Various concerns, chiefly relating to the immediate and long-term effects of the use of DU weapons on human health and the natural environment, have been raised, at least some of which remain disputed or cannot yet be verified because insufficient time has lapsed. In the light of these uncertainties, the approach adopted in the present book is a precautionary one: the main goal is to provide a thorough overview of the actual and potential legal implications of the use of DU weapons, starting from the current level of knowledge regarding their effects, but also presuming that certain adverse long-term effects of the use of these weapons, for which there is some evidence but which remain disputed, may materialise. The various contributions adopt such a precautionary approach in applying the relevant rules and principles of international law to the use of DU weapons.

An assessment of the legality of the use of DU weapons according to the applicable international legal framework depends on some basic understanding of the nature and military applications of DU and the consequences of its use in armed conflict, which are set out in Part One. All of the contributors have proceeded based on a common factual basis, provided by Dan Fahey in Chapters 1 and 2. He contextualises the following legal discussion by presenting an assessment of the known and suspected effects of DU on human health and the environment in Chapter 2. Preceding that, in Chapter 1, Dan Fahey explains what DU weapons are and why they are used by the military.

Part Two of the book presents the legal analysis of the use of DU weapons under the most relevant rules of international law in general and the law of armed conflict in particular.

First, in Chapter 3, Guido Den Dekker analyses whether DU weapons are subject to any prohibition or restriction under the law of arms control. If this were to be the case, the question whether DU use is restricted under other bodies of law, particularly the law of armed conflict, could be moot. Den Dekker also considers the prospects of a treaty being adopted which would ban or limit DU use.

In Chapter 4, Burrus Carnahan explains why the use of DU has been considered to be a matter of military necessity and explains what this means. In Chapter 5, Marten Zwanenburg analyses whether the use of DU conflicts with the principle prohibiting superfluous injury and unnecessary suffering to combatants. In Chapter 6, Jann Kleffner and Théo Boutruche address the question whether and under what conditions the use of DU weapons violates the principle of distinction between combatants and civilians. They also subject the use of DU weapons to scrutiny in

the light of the principles of proportionality and precaution. In Chapter 7, Jann Kleffner examines whether DU falls foul of the prohibition of poison weapons. In Chapter 8, Erik Koppe explores whether the use of DU violates the rules of IHL concerning respect for the natural environment. In Chapter 9, Brigit Toebes examines whether the use of DU weapons may infringe international human rights law.

If DU use could be shown to breach any of the applicable primary rules, the questions of responsibility and remedies would arise. Part Three of the book thus deals with the secondary rules that would apply in cases where DU use could be shown to be unlawful. In Chapter 10, Tobias Gries and Manfred Mohr discuss the law of state responsibility as it might be applied in relation to violations of international law arising out of DU use. In Chapter 11, Avril McDonald examines the question of individual remedies for persons who have been exposed to DU and suffered ill effects.

Part Four is the concluding part of the book. In Chapter 12, Avril McDonald summarises the conclusions of the contributors regarding the legal regulation of the use of DU. She then offers a methodology for approaching the use of DU weapons in the absence of complete certainty regarding their effects. She addresses both issues of use and remediation, an approach that aims at minimising any risks for states and for individuals associated with the use of DU.

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The Editors