



# Petition 2005/161 of Robert Ritchie and 2,780 others

Report of the Foreign Affairs, Defence and Trade Committee

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## Petition 2005/161 of Robert Ritchie and 2,780 others

### Recommendation

The Foreign Affairs, Defence and Trade Committee recommends to the Government

- that the New Zealand Defence Force continue to monitor the health of its personnel who may have been exposed to depleted uranium ballast in its Skyhawk aircraft
  - that New Zealand present a national report on the effects of the use of armaments and ammunition containing depleted uranium to the United Nations General Assembly
  - that the New Zealand Government continue to monitor international research of depleted uranium and its effects on human health
  - that the Minister for Disarmament and Arms Control actively monitor developments with respect to the manufacture and use of munitions containing depleted uranium.
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### Introduction

The Foreign Affairs, Defence and Trade Committee has considered Petition 2005/161 of Robert Ritchie and 2,780 others, requesting that the House “emulate the Belgian Parliament’s decision of 22 March 2007 by prohibiting in New Zealand the manufacture, use, storage, sale, acquisition, supply and transit of inert munitions and armour that contain depleted uranium [DU] or any other industrially manufactured uranium.”

### Background

Depleted uranium is a by-product of the process used to enrich natural uranium ore for use in nuclear reactors and in nuclear weapons. It is a heavy metal with the same chemical and physical properties as natural uranium. Depleted uranium is used in various commercial and military applications, such as petroleum exploration drilling equipment, counterweights in aircraft, reinforcing combat vehicles, and munitions designed to penetrate armour plate. It is also used in medical radiation shields.

Depleted uranium exists in both soluble and insoluble forms and is potentially poisonous if inhaled or ingested in large amounts, which may lead to lung or kidney damage. The risks to health are determined by the physical and chemical nature of the depleted uranium and the extent of and the duration of exposure. Fragments of depleted uranium can also lodge in the body, which may increase the risk of developing a medical condition.

### Depleted uranium use in New Zealand

New Zealand does not possess stockpiles of depleted uranium munitions. Depleted uranium is used as ballast in the A4-K Skyhawks to ensure their stability in flight; materials such as steel or lead may also be used as ballast. The Royal New Zealand Air Force’s Aircraft Hazardous Items Identification manual and the A4-K Skyhawk maintenance

publications contain explicit warnings about the hazards of depleted uranium. We were told that the New Zealand Defence Force does not have a specific programme to monitor the health of defence personnel directly involved with these aircraft. We urge the New Zealand Defence Force to monitor the health of the personnel concerned.

### **Interoperability**

The New Zealand Defence Force told us that it would prefer that depleted uranium weapons were not used, as a precaution against the hazards specifically associated with exposure to the material. International conventions such as the Convention on Cluster Munitions allow a country to engage in military cooperation and operations with States that are not party to such a convention. If the New Zealand Government banned depleted uranium the defence force could still engage in military activities alongside countries that used munitions containing depleted uranium.

The New Zealand Government determines where and when defence force personnel are deployed overseas. The Chief of the Defence Force told us that he was comfortable that personnel are not exposed to unreasonable risks, and that he is required to guarantee that the support available will protect them against such risks. We were told that in circumstances where New Zealand personnel were in an environment in which munitions containing depleted uranium had been used more stringent health monitoring was undertaken. To date no adverse health effects have been identified in our personnel.

### **International concern**

While there is increasing international concern about the possible effects of depleted uranium on human health and the environment, we noted that only one country, Belgium, has banned depleted uranium. We understand that the European Parliament has repeatedly passed non-binding resolutions requesting an immediate moratorium on its use.

We were told that the United States and the United Kingdom are unwilling to allow field research on the effects of depleted uranium on human health and the environment in Iraq and Afghanistan.

### **United Nations**

In December 2007 the United Nations General Assembly adopted a draft resolution on the effects of the use of armaments and ammunition containing depleted uranium, and asked for submissions from member States and from the International Atomic Energy Agency, the United Nations Environmental Programme, and the World Health Organisation; seventeen submissions were presented. In late 2008 the General Assembly again sought submissions on this topic.

The Ministry of Foreign Affairs and Trade told us that New Zealand did not present a national report, as New Zealand takes an “added-value” approach to such requests and does not reiterate the perspectives articulated by other countries. We believe that the New Zealand should present a national report, and urge the New Zealand Government to do so.

In 2008 New Zealand supported a resolution requesting that the UN agencies update and complete by 2010 their research on the effects of the use of armaments and munitions

containing depleted uranium. New Zealand supported this resolution because it believed that the scientific evidence would enable it to make an informed decision. We note that Norway has offered to fund independent research projects to determine the risks of depleted uranium to human health and the environment.

### **International research**

Agencies such as the United Nations Environment Programme, the International Committee of the Red Cross, the World Health Organisation, and the International Atomic Energy Agency have conducted research into the effect of depleted uranium on the human population, and generally conclude that the risk of post-conflict contamination is statistically insignificant. However, the Red Cross noted a slight health risk from the inhalation of particles from depleted uranium munitions at their point of impact.

These organisations have yet to establish a clear link between depleted uranium and effects on human health and the environment. New Zealand relies upon their reports to enable it to make an informed decision.

Some non-governmental organisations have been critical of the methodologies adopted by the United Nations Environment Programme, the World Health Organisation, and the International Atomic Energy Agency, and question the validity of their results.

We understand that alternative studies undertaken by non-governmental organisations have generally concluded that the ingestion or inhalation of depleted uranium particles leads to heavy metal and radiation poisoning, which may cause genetic disorders, cancers, and congenital deformities. We were told that depleted uranium has a synergistic effect, in which chemical toxicity and radioactivity combine, which may explain the higher than expected rate of genetic and other damage to irradiated cells and those nearby even when uranium concentrations are very low. We were told that the United Nations Environmental Programme is shortly to release a report on the effect of the use of depleted uranium in Iraq during the 1990–1991 Persian Gulf War.

### **Depleted uranium and international law**

The use of depleted uranium munitions is permissible under international law, and there is no treaty or convention that specifically prohibits it. However, there is an international debate as to whether depleted uranium munitions are contrary to the customary principles of international humanitarian law. These principles, codified under Additional Protocol 1 to the 1949 Geneva Conventions, include the tenet that in any armed conflict the right of parties to the conflict to choose the methods or means of warfare is not unlimited. Article 36 of Additional Protocol 1 requires States to ensure that any new weapon, means, or method of warfare does not contravene the existing rules of international law. Some commentators believe that the use of such weapons contravenes these principles; they see them as poisoned weapons and therefore unlawful.

### **Conclusion**

We have considered the evidence before us and note there is no consensus in the international scientific community as to the effect of depleted uranium on human health and the environment. New Zealand should continue to monitor the international research on the health consequences of the use of depleted uranium munitions. However, this does

not mean that New Zealand cannot take steps to support action regarding the growing concern in some quarters about this issue. To this end we support New Zealand's adopting a precautionary approach while international efforts seek conclusive evidence on the effects of depleted uranium on human health and the environment.

We further suggest that the Minister for Disarmament and Arms Control actively monitor developments with respect to the manufacture and use of munitions containing depleted uranium.

**Labour and Green Party minority view**

The Labour and Green Parties favour the New Zealand Government going further in adopting a precautionary approach and introducing legislation to ban the manufacture, use, storage, supply, and transit of munitions and armour containing depleted uranium.

## **Appendix**

### **Committee procedure**

On 9 December 2008 the House reinstated Petition 2005/161 of Robert Ritchie and 2,780 others. The petition was considered by the previous committee.

We received submissions from the petitioner, the Ministry of Foreign Affairs and Trade, and the Ministry of Health. We heard evidence from the petitioner; Commander Robert Green; Dr Rosalie Bertell; Mr Dirk Van der Maelen, MP Belgian Parliament; the Ministry of Foreign Affairs and Trade; and the New Zealand Defence Force.

We met on 18 December 2008, 9 April, 28 May, 4 and 25 June 2009 to consider the petition.

### **Committee members**

John Hayes (Chairperson)  
Hon Chris Carter (from 6 May 2009)  
Rt Hon Helen Clark (until 18 April 2009)  
Jacqui Dean  
Hon Peter Hodgson  
Hone Harawira (non-voting member from 17 June 2009)  
Dr Paul Hutchison  
Keith Locke  
Todd McClay  
Hon Maryan Street (from 6 May 2009)  
Phil Twyford (until 6 May 2009)

Brendon Burns participated in this item of business.