

---

# Depleted uranium weapons

## International Coalition to Ban Uranium Weapons

---

### Background

Depleted uranium (DU) is a by-product of the uranium enrichment process classified by the International Atomic Energy Agency (IAEA) as low-level radioactive waste.

DU is used by a number of states in armour-piercing-incendiary ammunition fired by tanks, armoured fighting vehicles, and aircraft. DU weapons have been controversial since their first major use in the 1991 Gulf War. Radioactive and chemically toxic, DU use creates hotspots of persistent contamination (i.a. of soils and groundwater) that present a hazard to communities long after conflict ends.

The refusal by some states to acknowledge the civilian health risks from DU contrasts starkly with the protective measures provided to their military personnel, as well as their own domestic standards for radioactive waste management. It is also at odds with the shift in some DU user states towards less toxic alternatives for DU in munitions—itsself a tacit acknowledgement of their growing unacceptability.

DU weapons can already be regarded illegal, or banned, under existing international law by applying, inter alia, the following arguments, or standards:

- the principle of distinction (between civilians and combatants) and obligations regarding environmental protection under international humanitarian law (IHL);
- the (emerging) human right to a healthy environment as well as the protection against toxic substances under human rights and environmental law (EL);

- the precautionary principle under IHL and EL according to which scientific uncertainties to not relieve from taking precautionary measures against environmental risks.

### Current context

Again in 2020, the United Nations General Assembly adopted a **resolution** on “Effects of the use of armaments and ammunitions containing depleted uranium” (A/RES/75/42). The resolution—like previous ones—contains references to principles that are important for the DU issue, such as transparency, assistance and support, and the precautionary approach. There are also references to the “rules of international humanitarian law” and the “potentially harmful effects” of the use of DU munitions on human health and the environment.

Meanwhile, there is growing national jurisprudence (such as in **Italy**, and now in **France**) to acknowledge compensation claims of DU victims based on a corresponding causal link. Civilian victims of DU use in **Southern Serbia** have been reported—as recommended by ICBUW—through the complaint procedure run by the UN Office of the High Commissioner for Human Rights. Now, also, **court proceedings** (against NATO) have started at the Higher Court in Belgrade, end of January 2021.

Peer-reviewed studies into the health risks and environmental behaviour of DU have continued to be published. More recently, a study analysing the impact of nanometre and micrometre sized particles of DU in the environment, states that the toxic effect of DU is overwhelmingly due to chemical and not radiological properties. With decreasing



enrichment, the radiotoxicity reduces as well, while the chemical toxicity remains perpetual.

At least, and in the context of the so-called Gulf War and Balkan combat illnesses, it is assumed to be reasonable that DU can exert an **additive toxic effect** on the mitochondrial DNA.

In contrast, a **study** just published by Robert Haley and Randall Parrish assumes that DU from exploding munitions did not lead to Gulf War illness in veterans deployed in the 1991 Gulf War. But, as **ICBUW commentaries** indicate, the study with its narrow focus on the military in a very limited context would not give an answer to the issue of risks for the civilian population caused by the use of DU munitions, over a longer period of time. Here, research interest is still simply lacking—but more than needed.

The health and environmental legacy of DU use should be viewed in the context of growing concern over the polluting legacy of armed conflict. The International Law Commission (ILC) has adopted “**Draft principles on protection of the environment in relation to armed conflict**”, no. 16 of which is devoted to “toxic and hazardous remnants of war”, their removal, or rendering them harmless.

Under the heading of “Confronting Conflict Pollution” the Harvard Law School International Human Rights Clinic and the Conflict and Environment Observatory have issued **Principles for Assisting Victims of Toxic Remnants of War**.

And finally, ICBUW is supporting a **call for action** to governments as to meaningful military emissions cuts at COP26.

## Recommendations

### ***During First Committee, delegations should:***

- ➡ Continue to raise concerns over the (potential) use of DU in past and current conflict areas and the need for support to DU victims including their compensation claims; and

- ➡ Explain how they are implementing and possibly further developing A/RES/75/42 “Effects of the use of armaments and ammunitions containing depleted uranium”, in their national and regional statements.

### ***Beyond First Committee, states should:***

- ➡ Disclose and exchange targeting coordinates of any use of DU weapons to facilitate clearance and civilian exposure studies;
- ➡ Contribute technical and financial assistance to states affected by DU contamination, including public health and environmental monitoring for communities affected by the use of DU;
- ➡ Establish a link to ongoing discussions and decision-making processes on the issues of Environment and Conflict, and of Climate Change; and
- ➡ Help strengthen the global norm against the use of uranium weapons and dealing with its consequences.

**Author: Manfred Mohr**

