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# Depleted uranium weapons

## International Coalition to Ban Uranium Weapons

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### 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 do not relieve from taking precautionary measures against environmental risks.

### Current context

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. As in 2022 a new resolution will be adopted, several states have submitted their views on the effects of depleted uranium. The view of **Serbia**, is by far the most comprehensive opinion submitted and includes (alongside general issue description) risk management suggestions, highlighting, that secondary contamination sources



*Photo by Kilian Karger, Unsplash*

(e.g. equipment used in contaminated zones) pose a threat as well.

Meanwhile, there is growing national jurisprudence (such as in **Italy**, and 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. **Court proceedings** against the North Atlantic Treaty Organization (NATO) started in Belgrade in 2021 are still in progress with hearings scheduled for October. Recent findings suggest a causal link between cancer and DU pollution also in this case.

The ongoing Russian aggression against Ukraine once again emphasises the urgency of the problem: even though there is no evidence

of DU use in Ukraine, in view of DU-capable Russian tanks, **concerns** remain. ICBUW continues to carefully monitor the situation in cooperation with Ukrainian institutions and in the context of overall devastation of the environment in the course of the war.

A positive development can be observed in the United States, where demilitarisation and disposal of DU weapons has begun. Even though it cannot be considered a world-wide trend, as our **overview** on DU weapons around the world shows, this is a very important first step—which may (alongside other causes) have been triggered by civil society influence, condemning the use of this weaponry.

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. 26 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**. These documents are directly applicable in cases of DU use.

## 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;
- Explain how they are implementing A/RES/75/42 “Effects of the use of armaments and ammunitions containing depleted uranium”, in their national and regional statements; and
- Consider possibly further developing the resolution, inter alia, by establishing a link to the environment and war issue and/or the ILC draft principles mentioned above.

### *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;
- Support victims of DU weapons use in implementing their rights and achieve satisfactory solutions through legal and other proceedings; and
- Help strengthen the global norm against the use of uranium weapons and dealing with its consequences.

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