FACT SHEET: HUMANITARIAN APPROACHES TO DISARMAMENT

Disarmament has long been a means of advancing international humanitarian principles. Since the mid-19th Century, the international community has sought to codify and progressively develop the rules of international law applicable in armed conflict in parallel with the development of rules to prohibit or restrict specific weapons that cannot be used in conformity with those legal requirements.

Some of the earliest international disarmament agreements established universal norms against weapons that cause superfluous injury or unnecessary suffering, or whose use would be repugnant to the conscience of humankind. These early instruments include: the 1868 Declaration of Saint Petersburg, which prohibited explosive projectiles weighing less than 400 grams; the 1899 Hague Declaration, which prohibited bullets that expand or flatten in the human body; the 1907 Hague Regulations, which prohibited poison or poisoned weapons; and the 1925 Geneva Protocol, which prohibited asphyxiating, poisonous or other gases and bacteriological methods of warfare.

Agreements on humanitarian disarmament have applied to weapons as well as to methods of warfare. With respect to weapons they have included regulations, limitations, restrictions and prohibitions on use, development, production, possession, deployment and transfer. They have also provided for the elimination of some weapons.

The humanitarian approach to disarmament can be distinguished from approaches that primarily aim to: improve international stability; maintain or restore international peace; promote confidence and trust; seek security with the least diversion of resources from human needs; prevent the escalation of international tensions; maintain public safety; etc. In practice, these various approaches are mutually reinforcing and humanitarian disarmament treaties have contributed to broader international peace and security objectives.

Conventional weapons

A primary objective of more recent humanitarian disarmament initiatives has been to protect civilians from the effects of armed conflict. The 1980 Convention on Certain Conventional Weapons (CCW) is aimed at progressively prohibiting or restricting weapons that are excessively injurious or that have indiscriminate effects. To date, its High Contracting Parties have adopted five Protocols dealing with weapons that produce undetectable fragments, mines, booby-traps and other devices, incendiary weapons, blinding laser weapons and explosive remnants of war. More recently, the CCW has sought to address concerns related to emerging technologies in the area of lethal autonomous weapon systems (see fact sheet). Over the past two decades coalitions of Governments and civil society successfully campaigned for the conclusion of additional humanitarian disarmament treaties, including the 1997 Convention on Anti-Personnel Landmines and the 2008 Convention on Cluster Munitions, which, inter alia, prohibit the use, stockpiling, production and transfer of those weapons and provide for their destruction.
Weapons of mass destruction

All types of weapons of mass destruction have been subject to deep humanitarian concerns. Building upon the 1925 Geneva Protocol, the 1972 Biological and Toxin Weapons Convention and the 1993 Chemical Weapons Convention comprehensively prohibit the development, production, acquisition and stockpiling of those weapons and provide for their destruction.

Nuclear weapons have yet to be outlawed, though concerns about their use are well established. In 1961, by resolution 1653 (XVI) the General Assembly declared that the use of nuclear weapons would exceed the scope of war, cause indiscriminate suffering and destruction and would thus be contrary to the rules of international law. In 1996, the International Court of Justice found that the threat or use of nuclear weapons “would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.”

More recently, the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons expressed “deep concern of the catastrophic humanitarian consequences of any use of nuclear weapons”. That expression of concern gave rise to new efforts to build a common understanding of the humanitarian impact of nuclear weapons, including at a series of international conferences between 2013 and 2014 in Norway, Mexico and Austria. Building upon these concerns, the General Assembly convened in 2017 a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. On 7 July 2017, the Conference adopted the Treaty on the Prohibition of Nuclear Weapons.

Contemporary challenges

Civilians continue to bear the brunt of armed conflict around the globe. The urbanization of armed conflict in particular has resulted in devastating and well-documented impacts on civilians. A leading concern is the use in populated areas of explosive weapons with wide-area impacts. The use of improvised explosive devices has also escalated significantly in recent years, with particularly devastating impacts on civilians. At the same time, new and rapidly proliferating weapon technologies, such as armed uncrewed aerial vehicles, have inherent characteristics which can tempt covert armed forces and non-State actors to use them secretly and without appropriate transparency, oversight and accountability. The possible extension of future hostilities into new domains, such as cyber space and outer space, are bringing new concerns about the still-uncler humanitarian consequences that could result as well as on the security, stability and sustainability of activities in these realms.

Overview of the effects of certain weapon systems and sources of humanitarian concerns

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