

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, 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 on this growing interest, the 70th session of the General Assembly adopted a number of new resolutions that addressed these issues, including 70/47 “Humanitarian consequences of nuclear weapons”, 70/48 “Humanitarian pledge for the prohibition and elimination of nuclear weapons” and 70/50 “Ethical imperatives for a nuclear-weapons-free world”. Building upon these concerns, by resolution 71/258 the General Assembly decided to convene 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.

Emerging issues

Humanitarian concerns continue to drive international efforts to address the impact of both existing weapon systems and emerging technologies. The Security Council, individual Member States and members of civil society continue to express concern over the use in populated areas of explosive weapons with wide area effects. In this regard, the 2016 World Humanitarian Summit recognized the urgent need for concrete measures to reduce the impact on civilians, including through the collection of data and the sharing of good practices. CCW High Contracting Parties decided to add the issue to their agenda in 2017. At the 2016 Fifth CCW Review Conference, States parties decided to establish a Group of Governmental Experts on lethal autonomous weapon systems to meet in 2017, following discussions at expert level since 2014. In 2015, UNODA published a study on armed unmanned aerial vehicles with a focus on measures to increase accountability, transparency and oversight over their use, as a means of facilitating multilateral dialogue.

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

Cluster munitions	Indiscriminate effects over a wide area; Disproportionate impact on civilians caused by unexploded sub-munitions	Nuclear weapons	Indiscriminate and uncontrollable effects; Disproportionate impact on civilians; Widespread environmental damage; Destruction of essential civilian objects
Land mines	Indiscriminate effects; Superfluous and excessive injuries	Biological weapons	Indiscriminate and uncontrollable effects; Use is contrary to the public conscience
Explosive ordnance	Unexploded ordnance indiscriminately harm civilians long after hostilities cease	Chemical weapons	Indiscriminate and uncontrollable effects; Use is contrary to the public conscience
Explosive weapons in populated areas	Heavy weapons can have indiscriminate effects over a wide area; Disproportionate impact on civilians	Incendiary weapons	Indiscriminate and uncontrollable effects; Widespread environmental damage