INTRODUCTION

International humanitarian law can be defined as a set of rules and regulations which seek out, for humanitarian purposes, to curb the impacts of armed conflict. It safeguards people who are not or are no longer contributing to the hostilities and constrains the means and approaches of warfare. International humanitarian law is also widely known as the “law of war or the law of armed conflict”. This law is a part of international law, that is the body of rules or regulations administering relations between States. International law is included in agreements between different States, treaties, or conventions, and in customary rules, which comprise of State practise deemed by them as legally binding, and in general principles.

International humanitarian law applies to armed conflicts. It does not control that if a State may essentially use force, this is governed by an essential, but different, part of international law which is set out in the United Nations Charter. International humanitarian law encompasses basic principles and regulations directing the selection of weapons and prohibits the employment of specific weapons. The International Committee for Red Cross performs a prominent role in the promotion and advancement of law regulating the use of specific weapons.

Humanitarian Law Limits the Way Weapons are Used

From the start, International Humanitarian Law (IHL) has attempted to limit the distress and suffering caused by armed conflict. To accomplish this, International Humanitarian Law focuses on both the behaviour of combatants and the selection of methods of warfare, including weapons. Initial treaties barred the use of exploding projectiles which weighed less than ‘400 grams’ (in 1868) and certain bullets that flatten upon entering inside the human body (in 1899).

In 1925, governments adopted the ‘Geneva Protocol’, which prohibits the use of poisonous gas and bacteriological means of warfare. This treaty was modernised with the adoption of the ‘Biological Weapons Convention in 1972’ and the ‘Chemical Weapons Convention in 1993’, both of these conventions reinforced the 1925 Protocol by spreading prohibitions to the development, manufacture, procurement, stockpiling, retaining and transfer of biological and chemical weapons, and necessitating their destruction.

Several conventional weapons are controlled in the 1980 Convention on ‘Certain Conventional Weapons’. This Convention restricts the use of munitions that use pieces which are not visible or detectable by X-ray and blinding laser weapons. It also curbs the use of inflammatory weapons as well as mines, booby traps and “other devices”. The Convention is also the very first treaty to create a framework to focus on the post-conflict risks of undischarged and abandoned ordnance.

Anti-personnel landmines are forbidden under the “Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997”. Almost more than three quarters of the entire world’s countries have entered this Convention, which had a very positive impact in terms of destruction of stockpiles, mine clearance, reduction of casualties and assistance to victims.

On 30 May 2008, “Convention on Cluster Munitions” was adopted by 107 States. The obligations of this treaty become legally binding on 30 consenting States on 1 August 2010 and consequently for other ratifying States. By adopting and implementing this Convention, States have undertaken a big and a major step towards ending the death, injury and suffering caused by these weapons.

The unfettered widespread accessibility of arms adds to breaches of international humanitarian law and hinders the distribution of support to victims. Since 2006, States have been debating on the global “Arms Trade Treaty” (ATT). In January 2010, the United Nations General Assembly chose to assemble the 2012 United Nations Conference on the Arms Trade Treaty to intricate a legally binding tool on the highest possible international standards for the allocation and transfer of conventional arms. The International Committee for Red Cross supports the explanation of a thorough, legally binding Arms Trade Treaty that creates a common international standard for the conscientious transfer and brokering of all standard weapons and their ammunition.

The damaging power of the nuclear weapons has put them in a classification of their own, yet there is no complete or universal prohibition on their usage under international law. Nonetheless, in July 1996 the International Court of Justice which is known as ICJ determined that their use would usually be opposite to the principles and rules of International Humanitarian Law. The International Committee for Red Cross thinks that it is difficult to foresee how the use of nuclear weapons can be compatible with the regulations of International Humanitarian Law. In viewpoint of the distinctive characteristics of nuclear weapons, the International Committee for Red Cross has further called out on all States to make sure that such weapons are not used again, irrespective of their views on the validity of such use. Faced with the continuous and rapid development of weapons, the International Committee for Red Cross has circulated and published a Guide to “Legal Reviews of New Weapons, Means and Methods of Warfare” to help governments achieve their responsibility to ensure that the use of new weapons, means or methods of warfare comply with the rules of International Humanitarian Law.

Categories of Weapons

Some of the weapons are approved, except for certain uses thereof, while others are rigorously prohibited ‘(incendiary, biological, and chemical weapons)’. The overall rule that forbids attacks against citizens is appropriate to the use of all weapons.

Edged Weapons: These are any “offensive or cutting blades” or other weapons which are made of metal or steel, like knives, swords, axes, daggers, or spears. Their usage is limited by the common rules of humanitarian law, which forbid attacking non-combatants, killing, or injuring dangerously, and causing unnecessary injury or unnecessary suffering.

Firearms: This is a very comprehensive class of weapons, involving all those that shoot cartridges or dangerous explosive projectiles, such as shotguns, cannons, bombs, missiles, cluster munitions, and so on.

Incendiary Weapons: These weapons fall under the classification of firearms. Their objective is to set fire to pieces or to cause burn wounds to humans. As with all these weapons, it is forbidden to use them against people and objects safeguarded by humanitarian law (e.g., civilians and civilian goods, including forests).

Weapons of Mass Destruction: This denomination contains three types of weapons: biological, chemical, and nuclear. Since these are arbitrary, by nature, their usage is hard to resolve with the spirit of humanitarian law, which is centered on the military ability to differentiate between ‘civilian and military objectives, and between civilians and members of armed forces’,

Bacteriological (or Biological) Weapons: Bacteriological weapons which are commonly known as biological weapons are those that aim to proliferate disease that endangers the health of human beings, animals, and plants. Customary international humanitarian law forbids the use of biological weapons in international and non-international armed conflicts.

Chemical Weapons: Chemical weapons cause death, momentary incapacitation, or permanent damage to humans or animals. Mostly, they include the munitions and devices that discharge toxic chemicals. Numerous conventions prohibit their use, production, and stockpiling.

CONCLUSION

The law of armed conflict seems to be torn between two contradictory instincts– the need to wage war efficiently and the yearning to protect people and property against the consequences of such warfare. The law of armed conflict attempts to resolve these impulses, in a very profoundly pragmatic manner. International humanitarian law induces States and Non-State parties alike to try their utmost to protect and preserve the life, limb and property of non-combatants and others “hors de combat” which means ‘out of action due to injury’, while at the identical time giving parties to a battle leave to commit acts of ferocity among restricted boundaries. However, once those restrictions are contravened, once the culprits of war crimes are not brought to account for his or her indiscretions, there is a genuine desire to dismiss International humanitarian law as deficient in any real prescriptive force. This can be a noticeable response; though, it fails to comprehend the intricacies of International humanitarian law.

**Weapons**

International humanitarian law contains basic principles and rules governing the choice of weapons and prohibits or restricts the employment of certain weapons. The ICRC plays a leading role in the promotion and development of law regulating the use of certain weapons.

From the beginning, international humanitarian law (IHL) has endeavoured to limit the suffering caused by armed conflict. To achieve this, IHL addresses both the behaviour of combatants and the choice of means and methods of warfare, including weapons.

Early treaties prohibited the use of exploding projectiles weighing less than 400 grams (in 1868) and bullets that flatten upon entering the human body (in 1899). In 1925, governments adopted the Geneva Protocol, which outlaws the use of poison gas and bacteriological methods of warfare. This treaty was updated with the adoption of the Biological Weapons Convention in 1972 and the Chemical Weapons Convention in 1993, both of which strengthened the 1925 Protocol by extending prohibitions to the development, production, acquisition, stockpiling, retention and transfer of biological and chemical weapons, and requiring their destruction.

A number of conventional weapons are regulated in the 1980 Convention on Certain Conventional Weapons. This Convention prohibits the use of munitions that use fragments not detectable by X-ray and blinding laser weapons. It also limits the use of incendiary weapons as well as mines, booby traps and "other devices". The Convention is also the first treaty to establish a framework to address the post-conflict hazards of unexploded and abandoned ordnance.

Anti-personnel landmines are prohibited under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. More than three-quarters of the world's countries have joined the Convention, which has had a positive impact in terms of destruction of stockpiles, mine clearance, reduction of casualties and assistance to victims.

On 30 May 2008, 107 States adopted the Convention on Cluster Munitions. The treaty's obligations became legally binding on the 30 ratifying States on 1 August 2010 and subsequently for other ratifying States. By adopting and signing the Convention, States have taken a major step towards ending the death, injury and suffering caused by these weapons.

The unregulated widespread availability of arms contributes to violations of international humanitarian law (IHL) and hampers delivery of assistance to victims. Since 2006, States have been discussing a global "Arms Trade Treaty" (ATT). In January 2010, the UN General Assembly decided to convene the 2012 UN Conference on the Arms Trade Treaty to elaborate a legally binding instrument on the highest possible international standards for the transfer of conventional arms. The ICRC supports the elaboration of a comprehensive, legally binding ATT that establishes common international standards for the responsible transfer and brokering of all conventional weapons and their ammunition.

The destructive power of nuclear weapons puts them in a category of their own, yet there is no comprehensive or universal ban on their use under international law. Nevertheless, in July 1996 the International Court of Justice concluded that their use would generally be contrary to the principles and rules of IHL. The ICRC finds it difficult to envisage how any use of nuclear weapons could be compatible with the rules of IHL. In view of the unique characteristics of nuclear weapons, the ICRC further calls on all States to ensure that such weapons are never used again, regardless of their views on the legality of such use.

Faced with the constant and rapid evolution of weapons, the ICRC has published a Guide to Legal Reviews of New Weapons, Means and Methods of Warfare to help governments fulfil their obligation to ensure that the use of new weapons, means or methods of warfare comply with the rules of IHL.

The following is an overview of weapons that are regulated by IHL treaties.

Weapon Treaty

Explosive projectiles weighing less than 400 grams Declaration of Saint Petersburg (1868)

Bullets that expand or flatten in the human body Hague Declaration (1899)

Poison and poisoned weapons Hague Regulations (1907)

Chemical weapons

Geneva Protocol (1925)

Convention on the prohibition of chemical weapons (1993)

Biological weapons

Geneva Protocol (1925)

Convention on the prohibition of biological weapons (1972)

Weapons that injure by fragments which, in the human body, escape detection by X-rays Protocol I (1980) to the Convention on Certain Conventional Weapons

Incendiary weapons Protocol III (1980) to the Convention on Certain Conventional Weapons

Blinding laser weapons Protocol IV (1995) to the Convention on Certain Conventional Weapons

Mines, booby traps and "other devices" Protocol II, as amended (1996), to the Convention on Certain Conventional Weapons

Anti-personnel mines Convention on the Prohibition of Anti-Personnel Mines (Ottawa Treaty) (1997)

Explosive Remnants of War Protocol V (2003) to the Convention on Certain Conventional Weapons

Cluster Munitions Convention on Cluster Munitions (2008)

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