HUMANITARIAN DISARMAMENT

WHAT IS HUMANITARIAN DISARMAMENT?

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Humanitarian disarmament seeks to prevent and remediate the human and environmental harm inflicted by arms through the establishment and implementation of norms.

Credit: Gpdprince, 2015

A HUMANITARIAN FOCUS

Humanitarian disarmament prioritizes protecting the security and well-being of people rather than states. Specifically, the approach strives to reduce the human and environmental impacts of arms. Some arms are indiscriminate or inhumane by nature, while others become problematic due to their use, trade, or lingering effects. Humanitarian disarmament prevents suffering through prohibitions and restrictions and remediates harm by requiring assistance to victims and clearance of contamination.

Credit: J.M. Vargas, Handicap International, 2017

A DISTINCTIVE PROCESS

The process of humanitarian disarmament is characterized by inclusiveness, independence, and adaptability. It involves close collaboration among states, international organizations, civil society, and survivors and affected communities. While the United Nations is a possible forum, humanitarian disarmament efforts can also take place outside its bounds. Depending on the issue at hand, humanitarian disarmament can build norms through international treaties, political commitments, national legislation, and other standard-setting mechanisms. Such norm creation must be followed by strong interpretation and effective implementation.

Credit: ICAN, 2017

WHO IS INVOLVED

The success of humanitarian disarmament depends on partnerships among actors from different sectors, who should collaborate closely, communicate openly, and contribute in their own ways. The players include:

STATES

Like-minded states, including users and producers of arms as well as affected and unaffected countries, initiate diplomatic processes, negotiate texts, and commit to uphold and implement norms.

CIVIL SOCIETY

Civil society coalitions and groups document harm, provide expertise, engage in advocacy before, during, and after negotiations, and bring the voices of affected communities and other interested people to the table.

INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)

The ICRC not only spotlights humanitarian crises and presents possible solutions based on information from its field operators, but also offers legal advice on the drafting, interpretation, and implementation of texts.

UNITED NATIONS

UN bodies and representatives disseminate research on humanitarian problems, call on governments to respond, and give logistical support.

SURVIVORS

Survivors and affected communities humanize the issues by sharing personal stories and lobby for new norms and standards based on first-hand knowledge of their needs and priorities.

THE PUBLIC

Members of the broader public express outrage at arms-inflicted human suffering and environmental harm, engage in grassroots activism, and pressure their governments and others to take action.

KEY ISSUES IN HUMANITARIAN DISARMAMENT

ANTIPERSONNEL LANDMINES

Antipersonnel landmines are placed on or under the ground and designed to detonate in proximity of or on contact with a person. They cannot distinguish between civilians and combatants and cause thousands of civilian casualties each year. They also hamper economic development and contribute to forced displacement. In the Ottawa Process, which gave rise to humanitarian disarmament, like-minded states, the International Campaign to Ban Landmines, and international organizations took part in negotiations of a treaty to end the suffering caused by these weapons. The 1997 Mine Ban Treaty that resulted bans the production, stockpiling, transfer, and use of antipersonnel landmines and requires states parties to destroy stockpiles, clear mined areas, and provide international support to assist victims. Countries are now striving to achieve a landmine-free world by 2025.

خطر ألغام
DANGER MINES

Credit: Bonnie Docherty, 2012

ARMS TRADE

Poor regulation of the global arms trade fuels violence, exacerbates poverty and displacement, and threatens international development. Under pressure from the Control Arms coalition and others, the UN General Assembly adopted the Arms Trade Treaty in 2013. The treaty is a legally binding international arms control instrument with a distinctly humanitarian imperative. The Arms Trade Treaty explicitly prohibits arms transfers when there is knowledge that the arms would be used to commit genocide, crimes against humanity, or war crimes. Using existing international humanitarian and human rights law as benchmarks, it also obligates states parties to assess the humanitarian risk of every arms export before authorization and requires denial if identified risks cannot be mitigated. Proponents of the Arms Trade Treaty continue to strive for increased transparency and engagement to further effective treaty implementation.

Credit: Akram Al-Wahabi, Control Arms, 2018

CLUSTER MUNITIONS

Cluster munitions—large weapons that disperse dozens or hundreds of explosive submunitions over wide areas—pose a humanitarian threat both during and after attacks. Because the submunitions cannot distinguish between combatants and non-combatants, cluster munitions used in populated areas almost always kill and injure civilians. The many submunitions that fail to detonate on impact become de facto landmines, endangering people for months or years to come. In 2007, the Cluster Munition Coalition and a core group of countries spearheaded treaty negotiations to end this unacceptable harm. The 2008 Convention on Cluster Munitions bans the production, stockpiling, transfer, and use of cluster munitions and obligates states parties to destroy stockpiles, clear contaminated areas, and assist victims. Proponents are currently focused on universalizing the treaty and stigmatizing use by states not party.

Credit: Private, 2022

CONFLICT AND THE ENVIRONMENT

Armed conflicts and military activities produce a range of humanitarian and ecological consequences. The use and testing of certain weapons, bombing of industrial facilities, setting of oil fires, and burning of military waste all leave toxic remnants of war that contaminate the environment. A growing number of disarmament, environmental, and human rights organizations, notably the Conflict and Environment Observatory, are working to raise international awareness of the issue. They have called for stronger laws, more effective monitoring, and better responses by states and the humanitarian community. The topic has been on the agenda of the UN Environment Assembly, the Human Rights Council, and the International Law Commission (ILC). In 2020, the ICRC updated its guidelines for environmental protection in armed conflict, and in 2022, the UN General Assembly welcomed the ILC's adoption of 27 principles on the same topic.

Credit: Wim Zwijnenburg, PAX, 2017

DRONES

The use, development, and proliferation of military drones has risen significantly in the last decade. Armed forces and non-state actors have increasingly relied on these uncrewed, remote-controlled aircraft given that the systems can operate for long periods, cost relatively little, and be deployed with no risk to the pilot. Drones gained notoriety for their use in targeted killing operations outside areas of armed conflict. Such use has produced high numbers of civilian casualties and has been characterized by limited transparency and a lack of accountability for the states deploying them. The growing use of smaller and loitering drones by states and armed groups is driving new security risks. While there is limited to no international discussion of the topic, UN special rapporteurs and human rights groups, such as PAX, have called for improved export controls to prevent misuse.

Credit: US Air Force, 2008

EXPLOSIVE WEAPONS IN POPULATED AREAS

Explosive weapons encompass a range of air-dropped and surface-launched weapons that generate blast and fragmentation effects. Each year, the use of explosive weapons in populated areas causes thousands of casualties, most of whom are civilians. It also damages homes and infrastructure, leading to displacement and adversely affecting health care, education, and other services. Explosive weapons with wide area effects due to a large blast radius, an inaccurate delivery mechanism, or the delivery of multiple munitions are particularly dangerous. Spurred to action by the International Network on Explosive Weapons, the ICRC, and others, Ireland initiated, in 2019, negotiations of a political commitment to better protect civilians from the human- itarian consequences of the use of explosive weapons in populated areas. The declaration, adopted in 2022, is now being implemented at the national level.

Credit: Bonnie Docherty, 2012

INCENDIARY WEAPONS

Incendiary weapons produce heat and fire through the chemical reaction of a flammable substance. Among the cruelest weapons used in contemporary armed conflict, they cause excruciating burns and lifelong suffering. Protocol III to the Convention on Conventional Weapons (CCW) regulates incendiary weapons but has loopholes that reduce its legal and normative power. It excludes multipurpose munitions, notably ones with white phosphorus, that have the same incendiary effects as those covered by the protocol, and it contains weaker regulations for ground-launched models than air-dropped ones. Led by Human Rights Watch, civil society has urged states to close those loopholes. Although consensus requirements have slowed progress, CCW states parties have increasingly expressed support for setting aside time to assess the adequacy of Protocol III and for strengthening international law on incendiary weapons.

Credit: Private, 2022

KILLER ROBOTS

Autonomous weapons systems, also known as "killer robots," select and engage targets based on sensor processing rather than human inputs. These systems raise a host of moral, legal, accountability, technological, and security concerns. The Stop Killer Robots campaign has urged countries to negotiate a new international treaty on autonomous weapons systems. The treaty should ban systems that inherently operate without meaningful human control or that target people. It should regulate all other autonomous weapons systems to ensure they operate only with meaningful human control. CCW states parties initiated discussions of the issue in 2014. A majority of those states have expressed support for a legally binding instrument, but some military powers have slowed progress in the CCW's consensus forum. Proponents of new law should pursue options outside the CCW given its failure to produce results.

Credit: Brian Stauffer for Human Rights Watch, 2022

NUCLEAR WEAPONS

Nuclear weapons produce catastrophic humanitarian and environmental consequences. At the time of detonation, they release devastating force and heat. Radioactive fallout causes long-term health effects, environmental destruction, and forced displacement. In 2010, the ICRC, the International Campaign to Abolish Nuclear Weapons, and like-minded states began reframing nuclear weapons as primarily a humanitarian, rather than national security, issue. Following the international conferences of the Humanitarian Initiative, the UN General Assembly mandated treaty negotiations. The 2017 Treaty on the Prohibition of Nuclear Weapons bans the development, possession, transfer, testing, and use of nuclear weapons. It also requires states parties to assist victims of use and testing and remediate contaminated environments. Since the treaty entered into force in 2021, proponents have focused on universalization and implementation of its positive obligations.

Credit: US Department of Defense, 1946

RELATED ISSUES

Humanitarian disarmament has influenced responses to other civilian protection issues related to security and use of force. Advocates for new norms to govern cyber operations and tools of torture have adopted a people-centered approach and an inclusive process.

CYBER OPERATIONS

Malicious cyber operations and misuse of information and communications technology (ICT) can have human as well as national security impacts. Activities including surveillance, hacking, denial-of-service, and deployment of ransomware and malware can undermine vital infrastructure, in turn interfering with health care, jobs, and other socioeconomic needs. Through UN processes, states have agreed that international law applies to their use of ICTs and elaborated 11 voluntary norms. A new UN treaty on cybercrime is being negotiated, and states are also discussing a possible UN cyber program of action. Other cyber diplomacy is taking place in a UN Open-Ended Working Group on ICTs and the Internet Governance Forum. Many civil society groups and some governments advocate for a human-centric approach to international cyber security, which is consistent with humanitarian disarmament.

TOOLS OF TORTURE

Law enforcement equipment is routinely used to commit torture or other ill-treatment. Police use tear gas, rubber bullets, and batons to violently repress and beat peaceful protesters and detainees. Some of this equipment, such as electric shock batons and leg irons, is inherently inhumane; other equipment is frequently misused. A lack of global trade controls means that policing equipment can be freely traded to rights-violating security forces. Building on the European Union (EU) Anti-Torture Regulation, civil society and the state-led Alliance for Torture-Free Trade have persuaded the UN General Assembly to take up the issue. In 2022, a group of governmental experts issued recommendations including the development a legally binding instrument. An international network of nongovernmental organizations (NGOs) is campaigning for a torture-free trade treaty, banning inhumane police weapons and regulating the trade in standard policing equipment.

Credit: Tala Alfoqaha, Harvard Law School International Human Rights Clinic, 2023

CAMPAIGNS AND CONTACTS

Cluster Munition Coalition
http://www.stopcluster
munitions.org/
@banclusterbombs

Conflict and Environment Observatory
https://ceobs.org/
@ceobs_org

Control Arms
http://controlarms.org
@controlarms
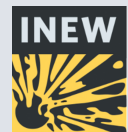
International Campaign to Abolish Nuclear Weapons
http://www.icanw.org/
@nuclearban

International Campaign to Ban Landmines
http://www.icbl.org/
@minefreeworld

International Network on Explosive Weapons
http://www.inew.org/
@explosiveweapon

Stop Killer Robots
http://www.stopkillerrobots.org/
@bankillerrobots

DRONES
PAX
https://paxforpeace.nl/
@PAXvoorvrede

INCENDIARY WEAPONS
Human Rights Watch
https://www.hrw.org/topic/arms
@hrw

TIMELINE

1992 International Campaign to Ban Landmines formed.

1996 Ottawa Process on landmines begins.

1997 Mine Ban Treaty adopted.

2003 Control Arms Coalition created.

Cluster Munition Coalition launched.

2005 EU Anti-Torture Regulation comes into force.

2007 International Campaign to Abolish Nuclear Weapons established.

Oslo Process on cluster munitions begins.

2008 Convention on Cluster Munitions adopted.

2009 UN General Assembly votes to negotiate an arms trade treaty.

2011 International Network on Explosive Weapons formed.

Incendiary weapons emerges as issue at CCW Review Conference.

2012 Civil society's first Humanitarian Disarmament Forum convened.

2013 First Humanitarian Initiative conference on nuclear weapons held.

Campaign to Stop Killer Robots launched.

Arms Trade Treaty adopted.

UN special rapporteur on human rights and counter-terrorism calls for investigations of drone strikes.

2014 CCW states parties begin informal discussions of lethal autonomous weapons systems.

2015 ICRC experts meeting on explosive weapons in populated areas held.

UN Group of Governmental Experts on ICTs establishes norms for state behavior in cyberspace.

Toxic Remnants of War Network created.

European Forum on Armed Drones launched.

2016 UN Environment Assembly passes resolution on environment and armed conflict.

CCW states parties add incendiary weapons to their agenda of work.

UN General Assembly votes to negotiate nuclear weapon ban treaty.

2017 CCW Group of Governmental Experts on Lethal Autonomous Weapons Systems begins.

Treaty on the Prohibition of Nuclear Weapons adopted.

States form global Alliance for Torture-Free Trade.

2019 First of two UN open-ended working groups on ICTs convenes.

Ireland initiates negotiations of political declaration on use of explosive weapons in populated areas.

2020 UN special rapporteur on extrajudicial killing calls for robust standards to restrict drone use and exports.

ICRC issues updated guidelines on protecting natural environment in armed conflict.

2021 Many CCW states parties support proposal for informal consultations on incendiary weapons.

2022 International network of NGOs calls for creation of torture-free trade treaty.

Negotiations begin on cybercrime treaty.

UN group of governmental experts report's recommendations include development of legally binding instrument to regulate torture goods.

Political declaration on the use of explosive weapons in populated areas adopted.

UN General Assembly welcomes adoption of ILC's Principles on the Protection of the Environment in Relation to Armed Conflicts.

2023 Latin American and Caribbean states adopt Belén Communiqué committing to work toward new treaty on autonomous weapons systems.

RESOURCES

HUMANITARIAN DISARMAMENT

- **Humanitarian Disarmament,** http://www.humanitariandisarmament.org/

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- **Matthew Breay Bolton, Sarah Njeri, and Taylor Benjamin-Britton, eds.,** *Global Activism and Humanitarian Disarmament* **(2020),** https://perma.cc/XX8X-CJ4B

- **Bonnie Docherty, "A 'Light for All Humanity': The Treaty on the Prohibition of Nuclear Weapons and the Promise of Humanitarian Disarmament,"** *Global Change, Peace & Security* **(2018),** https://www.tandfonline.com/doi/abs/10.1080/14781158.2018.1472075

- **Bonnie Docherty, "Ending Civilian Suffering: The Purpose, Provisions, and Promise of Humanitarian Disarmament,"** *Austrian Review of International and European Law* **(2013),** https://perma.cc/43Y4-5H8Y

- **Jody Williams, Stephen D. Goose, and Mary Wareham, eds.,** *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security* **(2008),** https://perma.cc/HRH5-P48U

- **UN Institute for Disarmament Research (UNIDIR),** *Alternative Approaches in Multilateral Decision Making: Disarmament as Humanitarian Action* **(2005),** https://perma.cc/3NBJ-PAFB

- **UNIDIR,** *Disarmament as Humanitarian Action: From Perspective to Practice* **(2006),** https://perma.cc/FTU2-DVU9

MONITORS

- **ATT Monitor,** https://attmonitor.org/en/

- **Explosive Violence Monitor,** https://aoav.org.uk/explosiveviolence/

- **Explosive Weapons Monitor,** https://www.explosiveweaponsmonitor.org/

- **Landmine and Cluster Munition Monitor,** http://www.the-monitor.org/en-gb/home.aspx

- **Mine Action Review,** http://www.mineactionreview.org/

- **Nuclear Weapons Ban Monitor,** http://banmonitor.org/

OTHER RESOURCES

- **Forum on the Arms Trade,** https://www.forumarmstrade.org/

- **International Committee of the Red Cross,** https://www.icrc.org/

- **International Disarmament Institute, Pace University,** https://disarmament.blogs.pace.edu/reports/

- **Ministry for Disarmament blog,** http://www.4disarmament.org/

- **Reaching Critical Will,** https://www.reachingcriticalwill.org/

- **SEHLAC, Desarme Humanitario (en español),** https://sehlac.org/biblioteca/

- **UN Office for Disarmament Affairs,** https://disarmament.unoda.org/

- **UN Secretary-General, A New Agenda for Peace,** https://dppa.un.org/en/a-new-agenda-for-peace

- **UN Secretary-General, Securing Our Common Future: An Agenda for Disarmament,** https://www.un.org/disarmament/sg-agenda/en/

- **UNIDIR,** https://www.unidir.org/

As I regained consciousness in the silence and darkness, I found myself pinned by the collapsed building … and heard a man saying: "Don't give up!... See the light coming through that opening? Crawl towards it as quickly as you can." …

To … all listening around the world, I repeat those words that I heard called to me in the ruins of Hiroshima: "Don't give up! Keep pushing! See the light? Crawl towards it."

Setsuko Thurlow, survivor of the atomic bombing of Hiroshima upon accepting 2017 Nobel Peace Prize on behalf of the International Campaign to Abolish Nuclear Weapons (ICAN).

Credit: Jo Straube, ICAN, 2017