

Small Arms and International Humanitarian Law

Small arms contribute to violations of international humanitarian law (IHL) because:

- **Targeting civilians has become more common as a war-fighting strategy**
- **Small arms are easily available to a wide range of undisciplined actors**
- **Transfers of small arms to known abusers facilitate further atrocities**

While self-defense and self-determination are well established rights under international law, such rights do not come without limitations. The use of conventional weapons, including small arms, in armed conflict is subject to an extensive legal regime of restrictions. International humanitarian law (IHL)—as enshrined in the 1907 Hague Conventions, the 1949 Geneva Conventions, the 1977 Protocols Additional to the Geneva Conventions, and the 1980 UN Convention on Conventional Weapons among others—is designed to protect civilians and prevent unnecessary suffering during times of conflict by limiting both the physical means and the methods that combatants can use to wage war. In order to limit suffering during war, governments have developed law that forbids among other things, the deliberate targeting of civilians, the use of indiscriminate force that is likely to harm civilians, and the use of certain weapons and tactics that are indiscriminate by their nature or excessively injurious to combatants.

Since most small arms are not by their nature prohibited under IHL, the violations of IHL largely occur when these weapons are misused by warring parties. Both government and irregular forces, which include government-sponsored militias as well as rebel groups, have been responsible for many IHL violations committed with small arms. To offer only a few examples, small arms have been used to

carry out summary executions in Liberia, target civilians in Nepal, rape women in Sierra Leone, forcibly recruit and arm children in Sri Lanka, commit massacres in Colombia, execute deserters in Iraq, and carry out forced disappearances in Chechnya.

In the last decade, violations of IHL are occurring more frequently because targeting of civilians has become an integral part of the war-fighting strategies of some rebel groups and states. The unregulated proliferation of weapons contributes to violations of IHL by providing abusive actors with the tools needed to commit these crimes. Due to their low cost and wide availability, small arms are used by an expanding circle of actors, including children, who have little or no training, discipline, or accountability. A culture of impunity and violence, which is so prevalent in many conflict-torn societies, encourages the misuse of these weapons, prolongs armed conflicts, and makes them more intractable. The absence of adequate measures to address the irresponsible transfer of weapons and their misuse by combatants calls into serious question whether governments are fulfilling their obligations under IHL to ‘respect and ensure respect’ for the basic protections this body of law establishes.