

Small Arms and International Humanitarian Law

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

- **Small arms are often used indiscriminately**
- **Small arms are used to target civilians**
- **The use of small arms often causes excessive casualties**
- **Some small arms, such as antipersonnel landmines, are indiscriminate by design**

The use of conventional weapons, including small arms, in armed conflict is subject to the limitations of 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 primarily to protect civilians and prevent unnecessary suffering during times of conflict by limiting both the physical means and the methods that belligerent parties can use to wage war. For example, IHL forbids the deliberate use of force against civilians, indiscriminate force that is likely to harm civilians, and the use of weapons and tactics that are excessively injurious to combatants.

Since most small arms are not indiscriminate by design and are not prohibited in general, the violations of IHL largely come from the use of these weapons by government and irregular forces. Governments and non-state

actors (government-sponsored militias as well as rebel groups) in volatile regions of the world can easily obtain small arms, which are cheap and readily available. Violations of IHL are occurring in conflicts more frequently because purposeful targeting of civilians has become an integral part of the strategy of government and irregular forces alike. The unregulated proliferation of small arms contributes to violations of IHL by providing abusive actors with the tools used to commit these crimes.

Small arms are used by an expanding circle of actors with decreasing levels of training, discipline, and accountability, including civilians and children. The resulting culture of impunity encourages abusive use of these weapons and has the potential to prolong armed conflicts and make them more intractable. Uncontrolled government sales to abusive actors also signal that their conduct is not subject to serious international scrutiny.