

While we often hear about the risk nuclear weapons or new technologies pose to the protection of civilians in war time, most of the IHL violations today are caused by the use of conventional weapons. Some of those weapons, in particular anti-personnel landmines and cluster munitions continue to inflict severe suffering on civilians long after conflicts end. Since 1999, over 165,000 people have reportedly been killed or injured by mines (Landmine Monitor 2025). In 2024 alone, 6,279 lives were reportedly shattered, with 86 per cent of casualties being civilians and 46 per cent children - the highest annual toll since 2020 (Landmine Monitor 2025). Cluster munitions, on their side, have reportedly caused over 24,000 recorded casualties worldwide, with many more unreported (Cluster Munition Monitor 2025). The impact extends far beyond immediate casualties. If we consider the use of explosive weapons in populated areas, such use results in civilians, who make up about 90 per cent of the victims, facing lifelong disabilities, shattered healthcare systems, and destroyed infrastructure like schools, water, and electricity. Families are displaced, communities fractured, and generations burdened with trauma no one should endure.

This highlight provides a brief overview of the regulation of conventional weapons under international humanitarian law (IHL), and brings together relevant teaching materials, including case studies illustrating the application of these rules in different armed conflicts.

What are Conventional Weapons?

Conventional weapons are means of warfare that cannot be considered as weapons of mass destruction. They cover a broad range of weapons employed in armed conflicts, including small arms, battle tanks, missiles, laser weapons, incendiary weapons, mines, cluster munitions, expanding (dum-dum) bullets, and non-detectable fragments, among others. The lawfulness of conventional weapons and of their usage, is assessed by the rules of IHL governing means and methods of warfare.

General Limits and Specific Prohibitions of Conventional Weapons

The use of weapons in armed conflict is never unlimited. IHL prohibits all weapons, including conventional ones, from causing indiscriminate effects, unnecessary suffering, superfluous injury, or widespread, long-term and severe damage to the environment (Additional Protocol I (AP I), Arts. 35 and 51(4); ICRC Customary IHL Rules 70, 71, 45, 11, 12). In addition, IHL submits the use of conventional weapons to the rules on the conduct of hostilities, requiring parties to make sure that such weapons comply with the rules of distinction, proportionality and precautions, among other rules. These rules, rooted in foundational

instruments such as the St. Petersburg Declaration (1868) and the Hague Declarations of 1899 and 1907, as well as the Hague Convention of 1907 and detailed out in AP I, Arts. 48-58, are further reinforced by the obligation of states to review the lawfulness of new weapons prior to their deployment (AP I, Art. 36), and the obligation to respect and ensure respect for IHL in all circumstances (Common Article 1 of the Geneva Conventions). Moreover, in situations where neither treaty nor customary law provides specific guidance, the use of weapons remains governed by principle of humanity and the dictates of public conscience.

Over time, specific prohibitions and/or restrictions have been adopted to prevent indiscriminate or unnecessary effects of certain weapons. The Convention on Certain Conventional Weapons (CCW) and its Protocols establish a legal framework for regulating, restricting, and in certain cases prohibiting the use of specific weapons, including landmines, booby traps, incendiary weapons, weapons primarily injuring by non-detectable fragments, blinding laser weapons, and explosive remnants of war, in both international and non-international armed conflicts. In 2006, the Third Review Conference of the CCW adopted a decision establishing a compliance mechanism for the Convention, which requires states parties to adopt national implementing legislation, disseminate the Convention and its Protocols among both civilian populations and armed forces, and submit annual reports on compliance, among other obligations. The CCW is further designed as an adaptable instrument, enabling states parties to respond to emerging humanitarian concerns through the negotiation and adoption of additional protocols addressing other categories of conventional weapons, as provided under Article 8(2) of the Convention.

Other specific instruments include the 1997 Anti-Personnel Mine Ban Convention (Ottawa Treaty) and the 2008 Convention on Cluster Munitions, which go beyond regulation by banning use of anti-personnel mines and cluster munitions, along with producing, transferring and stockpiling, while also requiring clearance of affected areas and assistance to victims. In addition, the 2022 Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences of Explosive Weapons in Populated Areas (EWIPA) reinforces international efforts to protect civilians by addressing the humanitarian impact of explosive weapons in populated areas.

Transfer of Conventional Weapons

The widespread availability and misuse of conventional arms and ammunition contribute significantly to human suffering in armed conflicts, and, for some weapons, even years after wars have ended. All states, regardless of whether they are parties to an armed conflict, must respect and ensure respect for IHL in all circumstances. This obligation requires states to consider the risk that the transfer of arms and ammunition may facilitate violations of IHL. In addition to this general duty, states are also bound by regional instruments regulating the transfer of conventional weapons (see here, here and here). At the universal level, the primary treaty governing such transfers is the Arms Trade Treaty (ATT) of 2013. One of the central purposes of the ATT is to reduce human suffering, particularly the harm that can result from the uncontrolled transfer of conventional weapons. To achieve this purpose, the treaty either prohibits the transfer of conventional arms, if the transferring state has knowledge, at the time of authorization, that such arms would be used to commit

war crimes or other violations of international law (Article 6) or subjects such transfers to detailed assessment criteria (Article 7). Similarly, states parties are required to regulate and report on the import and export of such weapons within their territories.

Conclusion

Conventional weapons have long been and continue to be widely used in armed conflicts. The regulation and prohibition of such weapons are not new. They are part of a longstanding tradition that seeks to balance military necessity with humanitarian concerns, an effort that is even more relevant as means of warfare continue to evolve. While international treaties like the Ottawa Treaty and the Convention on Cluster Munitions have made strides, by resulting in destroying millions of mines and cluster munitions and reducing their use, their impact is overshadowed by ongoing humanitarian suffering. With over 160 states as parties to the Ottawa Treaty and 112 to the Convention on Cluster Munitions, progress is undeniable, yet fragile. The continued use of these weapons, the withdrawal of some states from some treaties, and identified gaps in regulation, such as for lethal autonomous weapons, expose civilians to unnecessary harm. To truly protect lives and prevent unnecessary suffering, stronger global commitment, broader ratification, and stricter adherence to treaties prohibiting or regulating conventional weapons are urgently needed.

Casebook resources

The Law

In the “Law”, conventional weapons are addressed under the section on the Conduct of Hostilities, which examines the means and methods of warfare, including the prohibited or restricted use of certain weapons.

The Practice

The following are the relevant case studies from ‘the Practice’ section:

Conventional Weapons in General

- Switzerland, Voluntary Report on Implementation of IHL
- Afghanistan/US, ‘Mother of all bombs’
- Case Study, Armed Conflicts in the former Yugoslavia, para. 28
- Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia, paras. 58-63 and 71-73
- ICRC, New Weapons

Anti-personnel Landmines

- ICC, The Prosecutor v. Bosco Ntaganda, paras. 334-340, 495, 504 and 524
- Geneva Call, Puntland State of Somalia adhering to a total ban on anti-personnel mines
- UN/Colombia, Human Rights Committee Clarifications and Concluding Observations (2016), Document A, para. 12 and Document B, paras 32 – 34

Cluster Munitions

- Israel/Lebanon/Hezbollah Conflict in 2006, paras. 249-275
- Afghanistan, Operation “Enduring Freedom”
- Libya, Use of cluster bombs, paras. 1-15
- Syria, the Battle for Aleppo, paras. 15-15 and 19-20
- The armed conflict in Syria, Document A, paras, 29-34
- Cambodia/Thailand, Border Conflict around the Temple of Preah Vihear, para. 18
- United States/United Kingdom, Conduct of 2003 War in Iraq
- Georgia/Russia, Human Rights Watch’s Report on the Conflict in South Ossetia, paras. 48-51 and 65-74
- Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia, paras. 64-70

Incendiary Weapons

- Israel/Lebanon/Hezbollah Conflict in 2006, paras. 249 to 275
- Inter-American Commission on Human Rights, Tablada, paras. 186-188
- ICTY, The Prosecutor v. Blaskic, para. 416

Non-Detectable Fragments

- Israel/Lebanon/Hezbollah Conflict in 2006, paras. 249 to 275

Blinding Laser Weapons

- United States, Memorandum of Law: The Use of Lasers as Anti-Personnel Weapons

Explosive Remnants of War

- Case Study, Armed Conflicts in the former Yugoslavia, para. 28

Explosive Weapons in Populated Areas

- Libya, Use of Explosive Weapons in Populated Areas
- The armed conflict in Syria, Document A, paras, 7-15
- Georgia/Russia, Human Rights Watch’s Report on the Conflict in South Ossetia, paras. 8, 20-22 and 28

Autonomous Weapons

- United States, Use of Autonomous Weapons
- Artificial Intelligence use for Military Purpose
- Libya, The Use of Lethal Autonomous Weapon Systems
- Autonomous Weapon Systems

Arms Trade

- Switzerland, Voluntary Report on Implementation of IHL
- United Kingdom, Arms Trade with Saudi Arabia (with a discussion of the ATT [Document A] from an IHL perspective)
- Canada, Arms Transfer to Saudi Arabia

A – Z

The following definitions are relevant explore how IHL regulates the use of conventional weapons:

Additional protocols; Ammunition; Armed conflict; Booby-traps; Children; Civilians; Civilian objects; Civilian population; Cluster munitions; Conduct of hostilities; Conventional weapons; Customary International Humanitarian Law; Declaration of St Petersburg; Displacement; Distinction; Dum-dum bullets; Environment; Explosive remnants of war; Fragmentation munitions; Fundamental principles of IHL; Geneva Conventions; Humanity; Implementation; Incendiary weapons; Indiscriminate attacks; Laser weapons; Martens Clause; Means of warfare; Methods of warfare; Military necessity; Military objectives; Mines; Non-detectable fragments; Non-international armed conflict; Respect and Ensure Respect; Unnecessary suffering (or superfluous injury); Violations; Weapons.

To Go Further

Conventional Weapons in General

- ICRC, 1980 Convention on Certain Conventional Weapons (2021)
- William Boothby, “Control in Weapons Law” in Rogier Bartels, Jeroen C. van den Boogaard, Paul A. L. Ducheine, Eric Pouw and Joop Voetelink (eds), *Military Operations and the Notion of Control under International Law*, TMC Asser Press, The Hague, 2021, p. 369 Accessed here

Landmines

- Alex Frost, Mitigating the environmental impacts of explosive ordnance and land release, *Humanitarian Law & Policy Blog* (2021)
- Cordula Droege and Maya Brehm, Anti-personnel mines: the false promise of security through exceptionalism in war, *Humanitarian Law and Policy Blog* (2025)
- Erik Tollefsen and Pete Evans, Do anti-personnel mines still have military utility in modern warfare, *Humanitarian Law & Policy Blog* (2025)
- Gérald C. Cauderay, “Anti-Personnel Mines”, *International Review of the Red Cross*, No. 295, August 1993, pp. 273 – 287
- Henrique Garbino and Matthew Breay Bolton, Protecting the innocent, the land, and the body: traditional sources of restraint on landmine use, *Humanitarian Law & Policy Blog* (2023)
- Wen Zhou and Andrea Raab, IEDs and the Mine Ban Convention: a minefield of definitions? *Humanitarian Law & Policy Blog* (2019)

Blinding Laser Weapons

- Louise Doswald-Beck, “New Protocol on Blinding Laser Weapons”, *International Review of the Red Cross*, No. 312, May 1996, pp. 272 – 299

Explosive Remnants of War

- Erini Giorgou, Preventing and eradicating the deadly legacy of explosive remnants of war, *Humanitarian Law & Policy Blog* (2023)

Incendiary Weapons

- Theo Boutruche, The legality of flamethrowers: Taking unnecessary suffering seriously, Humanitarian Law & Policy Blog (2018)

Explosive Weapons in Populated Areas

- ICRC, Explosive Weapons With Wide Area Effects: A Deadly Choice in Populated Areas (2022)

Autonomous Weapons

- ICRC, Autonomous Weapon Systems and International Humanitarian Law: Selected Issues (October 2025)

New Weapons

- Brian Rappert, Anna Crowe, Richard Moyes and Thomas Nash, “The role of civil society in the development of standards around new weapons and technologies of warfare”, *International Review of the Red cross*, Vol. 94, No. 886, Summer 2012, pp. 765 - 785
- ICRC, Legal Review of New Weapons – Fact sheet (2001)
- Richard Lennane, New types of weapons need new forms of governance, Humanitarian Law & Policy Blog (2018)

Arms Trade

- Emiliano J. Buis, “The Legality of Conventional Arms Transfers during armed conflicts: Assessing State Responsibility for Facilitating Military Actions of other States”, *Texas Tech Law Review* Vol.56, 2023, pp. 61 – 80 Accessed here
- ICRC, Understanding the Arms Trade Treaty from a Humanitarian Perspective (2016)