

Protecting Lives Through Legal Framework: The Significance of Humanitarianism in the History of International Disarmament Law

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Abstract: This essay examines the significance of humanitarianism in the history of International Disarmament Law. Tracing developments from the 1868 St Petersburg Declaration to the 2017 Treaty on the Prohibition of Nuclear Weapons, it argues that humanitarian principles have progressively shifted disarmament discourse from a security-centered to a human-centered paradigm. The 1997 Anti-Personnel Landmine Convention marks a turning point, after which humanitarian concerns became central to treaty formation. Nuclear disarmament is discussed separately, highlighting how the catastrophic consequences of Hiroshima and Nagasaki drove key international efforts. Despite its transformative influence, humanitarianism in disarmament faces persistent challenges including selective application, enforcement gaps, and political instrumentalization. Maintaining humanitarianism as the ethical foundation of international disarmament law remains essential to ensuring that disarmament efforts are genuinely protective of human life.

Keywords: humanitarianism; nuclear weapons prohibition; disarmament

Introduction

Humanitarianism embodies a deep commitment to the inherent worth of every human life. This central ethics of humanitarianism have been agreed upon by the international community despite no common definition of humanitarianism.^[1] The United Nations' (the UN's) humanitarian actions are strengthened by their commitment to the four main principles: Humanity, Impartiality, Neutrality, and Independence.^[2] The main motivation behind humanitarianism is to save lives and alleviate suffering while preserving and restoring the dignity of the individual.^[3]

^[1] 'Humanitarianism', *International Association of Professionals in Humanitarian Assistance and Protection* (Web Page) < <https://phap.org/PHAP/PHAP/Themes/Humanitarianism.aspx> >.

^[2] GA Res 46/182, UN Doc A/RES/46/182 (19 December 1991); GA Res 58/114, UN Doc A/RES/58/114 (17 December 2003).

^[3] 'Humanitarian principles', *United Nations High Commissioner for Refugees* (Web Page)

Disarmament refers to the unilateral or mutual elimination or abolition of weapons, especially offensive ones. It could mean reducing the number of weapons or eliminating an entire category.^[4] International Disarmament Law comprises treaties, agreements, and customary international law aimed at reducing, controlling, and eventually eliminating various types of weapons.^[5] Its primary objective was to maintain security in the early days of the modern disarmament era. However, the end of the Cold War led to the development of humanitarian-focused disarmament law. The aim is to protect civilians from the suffering caused by armed conflict.^[6]

Thus, humanitarianism plays a key role in the history of international disarmament law. Humanitarianism prioritizes the protection of human life and dignity, influences the drafting of major disarmament treaties, and contributes to global disarmament efforts to alleviate the human suffering caused by arms.^[7]

Evaluating the significance of humanitarianism in the history of international disarmament law is essential, as it gives us a comprehensive understanding of how ethical and moral factors shape the global legal framework aimed at reducing human suffering and maintaining world peace. The evaluation will provide valuable lessons contributing to more effective and targeted disarmament strategies in the future. By highlighting and emphasizing the importance of humanitarianism in the development of international disarmament law, we can continue our efforts to accelerate the disarmament process and build a more just and peaceful world.

This research essay contends that humanitarianism has played a crucial and transformative role in shaping international disarmament law, influencing key treaties and modern disarmament efforts. This essay will explore how humanitarianism influences global disarmament initiatives, its implications for specific disarmament treaties, and current challenges and prospects for humanitarian disarmament. The *Anti-Personnel Landmine Convention of 1997*, regarded as the original of humanitarian disarmament, will be used as a dividing line.^[8] At the same time, there will be a separate and focused discussion on nuclear weapons disarmament which is seen as the “holy grail” of disarmament.^[9] In Part II, I will set forth the enduring importance of humanitarianism to disarmament conventions before 1997. In Part III, I will analyze how humanitarian disarmament has reshaped the field of international disarmament law over the past 27 years. In Part IV, I will try to figure out that the catastrophic humanitarian consequences of the atomic bomb in Hiroshima and Nagasaki had driven international efforts and treaties to ban nuclear weapons. In Part V, I will conclude that although the selective application, political influence, and enforcement challenges may undermine the goal of alleviating human suffering, humanitarianism has played a vital role in international disarmament law from the 1868 *St Petersburg Declaration* to the *Treaty on the Prohibition of Nuclear Weapons*.

<<https://emergency.unhcr.org/protection/principles/humanitarian-principles>>.

[4] ‘Arms control, disarmament and non-proliferation in NATO’, *North Atlantic Treaty Organization* (Web Page) <https://www.nato.int/cps/en/natohq/topics_48895.htm>.

[5] ‘Disarmament’, *United Nations* (Web Page) <<https://www.un.org/en/global-issues/disarmament>>.

[6] Bonnie Docherty, ‘Ending Civilian Suffering: The Purpose, Provisions, and Promise of Humanitarian Disarmament Law’ (2010) 15 *Austrian Review of International and European Law* 7, 7-44.

[7] *Humanitarian Disarmament* (Web Page) <<https://humanitariandisarmament.org/about/>>.

[8] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 112–43.

[9] Max Ashmore, ‘Book Review of Humanitarian Disarmament: An Historical Enquiry (Treasa Dunworth)’ (2020) 26 *Auckland University Law Review* 346, 351.

1. Pre-1997 – Historical Development of Humanitarianism in Disarmament Law

In the context of the European Enlightenment, the concept of humanitarianism was born and developed. It was defined as alleviating the suffering of “strangers in distant lands” in the modern perspective.^[10] Professor Treasa Dunworth holds the view that humanitarianism at that stage centered on civil society instead of the individual.^[11]

In a public event called “Development of Humanitarian Disarmament Initiatives on Nuclear Weapons”, Dr. Rebecca Johnson gave an overview of the incorporation of humanitarianism into disarmament efforts, stressing that the humanitarian principles did not emerge recently but had long been part of international disarmament laws.^[12]

The *1868 St Petersburg Declaration* is the first explicit text that takes a humanitarian approach to prohibit the use of exploding bullets.^[13] The text is based on humanitarian grounds and cites “the laws of humanity” to prohibit the use of weapons developed with technological advances.^[14] This declaration underscores the importance of humanitarianism in the development of international disarmament law. It represents a revolutionary shift in military thinking towards prioritizing human well-being and reducing unnecessary suffering in warfare.^[15]

The Two Hague Peace Conferences of 1899 and 1907 and the Hague Conventions showed similar considerations towards humanitarianism. The conferences focus on limiting the means and methods of warfare, signaling the early humanitarian efforts in the field of disarmament as well. One of the outcomes of the conference was a prohibition on the use of certain weapons deemed to cause unnecessary suffering, such as dum-dums bullets.^[16] This demonstrates a clear humanitarian concern to reduce human beings’ suffering caused by wars and provides obvious proof for the humanitarian significance embedded in the principles of international disarmament law.

Since the late 19th century, the view that humanitarian principles should impose restrictions on methods of warfare and weapons has been refined through successive codifications and campaigns. One of these is the *1925 Geneva Protocol*. In her book *Humanitarian Disarmament: An Historical Enquiry*, Professor Dunworth reviews the interwar period.^[17] She noted that World War I had given rise to a strong humanitarian

^[10] Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Cornell University Press, Ithaca, 2013) 20.

^[11] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 13–47.

^[12] ‘Development of Humanitarian Disarmament Initiatives on Nuclear Weapons’, *Vienna Center for Disarmament and Non-Proliferation* (Web Page) <<https://vcdnp.org/development-of-humanitarian-disarmament-initiatives-on-nuclear-weapons/>>.

^[13] *Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight* (entered into force 11 December 1868); Scott Keefer, ‘Explosive Missals: International Law, Technology, and Security in Nineteenth Century Disarmament Conferences’ (2014) 21 *War in History* 445, 450.

^[14] ‘A look at the Declaration of St. Petersburg of 1868’, Cambridge University Press (Web Page) <<https://www.cambridge.org/core/services/aop-cambridge-core/content/view/3CB08CEBFCAB941A9C3340A3A0FBBA1B/S0020860400082188a.pdf/a-look-at-the-declaration-of-st-petersburg-of-1868.pdf>>.

^[15] Ibid.

^[16] Geoffrey Best, ‘Peace Conferences and the Century of Total War: The 1899 Hague Conference and What Came After’ (1999) 75 *International Affairs* 619, 619–634.

^[17] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 13–

consciousness and a general fear of weapons and armaments. The League of Nations was established then. It has had some achievements, most notably the *1925 Geneva Protocol* which was driven by humanitarian concerns, prohibiting the use of chemical and biological weapons in interstate armed conflicts.^[18] The *1925 Geneva Protocol* was a direct response to the horrific human suffering witnessed during World War I. By emphasizing the humane treatment of individuals during the conflict, the protocol laid the crucial foundation for subsequent international humanitarian law, international disarmament law, and the prohibition of the use of chemical and biological weapons in warfare, demonstrating the profound impact of humanitarianism on the history of international disarmament law.

Professor Dunworth also suggests that the desire for victory during World War II went beyond considerations of humanitarian responsibility and that most people even accepted the terrible humanitarian cost of weapons. Even worse, the disarmament process has been deadlocked due to the conflict between the superpowers after World War II. It can be said that humanitarian discourse in disarmament was put aside around 1945 to 1965.

Although the humanitarian approach to disarmament has been marginalized, it has not been totally suppressed. The Vietnam War renewed the international community to pay attention to the humanitarian disarmament discourse.^[19] The Non-Aligned Movement (NAM)^[20] has also been a contributor to the development of humanitarianism in the disarmament legal framework during this stage.

From 1965 to 1968, the United States Air Force conducted a three-year aerial bombing campaign in Vietnam and huge human suffering and ecological disasters ensued. The scale of destruction and human suffering caused by the Vietnam War was unprecedented.^[21] In addition to popular opposition to specific weapons, many states have expressed growing opposition and concern about the scale of the destruction and the level of civilian casualties. At the same time, the International Committee of the Red Cross (ICRC) led a campaign for the further development of international humanitarian law and advocated for restriction or even a ban on the use of certain weapons.^[22] While neither initiative has yielded any substantive results, both are important examples of attempts to use humanitarian arguments to limit the development and use of weapons.

The impact of both campaigns was to put the issue of indiscriminate weapons high on the international agenda, laying the foundation for the new humanitarian disarmament law. In the 1960s and 1970s, the NAM persisted in the campaign against the use of indiscriminate weapons. Their efforts culminated in the 1980 Convention on Conventional Weapons (CCW). *CCW* is the first humanitarian disarmament

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^[18] *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, opened for signature 17 June 1925, [1952] ATS 3 (entered into force 8 February 1928) ('Geneva Protocol').

^[19] Robert J. Mathews, 'The 1980 Convention on Certain Conventional Weapons: A Useful Framework Despite Earlier Disappointments' (2001) 83(844) *International Review of the Red Cross* 991, 992–3; R. R. Baxter, 'Conventional Weapons under Legal Prohibitions' (1977) 1(3) *International Security* 42, 45.

^[20] An association of largely Asian and African countries aiming to act independently of the superpowers.

^[21] Robert S. McNamara (with Brian VanDeMark), *In Retrospect: The Tragedy and Lessons of Vietnam* (New York and Toronto: Random House, 1995) 174.

^[22] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 48–79.

instrument after World War II. Despite the weaknesses and potential compromises of the *CCW*, it is the first treaty restricting the use of mines and incendiary weapons for humanitarian concerns. *CCW* cuts across the disarmament law and the humanitarian regulation and remains an important manifestation of humanitarianism in the disarmament process.^[23]

2. Post-1997 – The Rise of Humanitarian Disarmament

With the end of the Cold War, humanitarian sensitivities have generally re-emerged significantly.^[24] There is growing concern about “suffering strangers”^[25] and a consensus that “[the humanitarian community] can and should engage in politics”.^[26] Humanitarian campaigns had been evolving, but there was a general reluctance on the part of the international community to recognize cooperation between humanitarianism and politics. The attitude was changed then.^[27] There has also been an increasing push to integrate humanitarian action into mine action on the issue of landmines. As the fear of nuclear weapons eased in the early 1990s, global attention turned to the actual destruction caused by anti-personnel landmines.^[28]

In 1995 and 1996, the *CCW 1980* Review Conferences were conducted as required.

Although the convention, specifically Protocol II, has been strengthened in many ways,^[29] there are still humanitarian concerns. For example, remotely delivered mines and long-lived mines have not been completely banned.^[30] The problem of anti-personnel weapons has intensified, and *CCW 1980*, specifically Protocol II, proved ineffective.

The NAM continued to develop, and at the same time, there is growing humanitarianism concern about the destruction impact of anti-personnel weapons as a result of the humanitarian campaigns launched by organizations such as ICRC.^[31] The existing treaties have been inadequate in responding to humanitarian concerns. Thus, brand new international treaties on anti-personnel landmines disarmament are required.

The international community further strengthened the control of anti-personnel landmines and finally concluded a treaty to ban them. It is the *1997 Anti-Personnel Landmines Convention (APLC 1997)*.^[32] In 1996, 50 countries met in Ottawa, Canada,

^[23] Robert J. Mathews, ‘The 1980 Convention on Certain Conventional Weapons: A Useful Framework Despite Earlier Disappointments’ (2001) 83 (844) *International Review of the Red Cross* 991, 996.

^[24] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 80–111.

^[25] *Ibid* 13–47.

^[26] Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (London: Cornell University Press, 2013) 195.

^[27] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 112–43.

^[28] Richard Price, ‘Reversing the Gun Sights: Transnational Civil Society Targets Land Mines’ (1998) 52(3) *International Organization* 619.

^[29] *Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices*, opened for signature 31 May 1995, 35 ILM 1206 (entered into force 3 December 1998).

^[30] *Ibid* Art. 2(2), Art.6(3).

^[31] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 112–43.

^[32] *Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction*, opened for signature 3 December 1997, 2056 UNTS 211 (entered into force 1 March 1999).

to discuss a complete international legal ban on anti-personnel mines.^[33] The Ottawa Process ended with a ban treaty the *APLC 1997*. The treaty has succeeded in mobilizing international support for humanitarian disarmament. It is regarded as a victory for humanitarian disarmament by global society.^[34] The main reason is that anti-personnel landmines were seen more as a “humanitarian issue” than a “security issue”.^[35] However, Professor Dunworth holds a different view. She describes how she sees humanitarianism play in the disarmament process.^[36] The treaty remains rooted in international humanitarian law. The participation of humanitarian non-governmental organizations has increased the transparency of disarmament diplomacy. Verification provisions are laid down in the treaty.^[37] The contribution of the Treaty to humanitarian disarmament lies in the leading role of civil society. For example, the International Campaign to Ban Landmines (ICBL) took the lead in verifying compliance.^[38] At the same time, during the signing process of the treaty, a number of civil society organizations have been reporting in detail on the status of the use of anti-personnel mines and their consequences, which also reflects the role of humanitarianism in the disarmament process.^[39] Last but not least, the humanitarian *APLC 1997* provides for two provisions on victim assistance.^[40] While attention to the plight of landmine victims has been the central focus of the ban on landmines, it is the first time that direct and explicit provisions for victim assistance have been embedded. This transformation is also changing with the continuous development of humanitarianism. For example, the Mozambican Campaign Against Landmines Conference which upholds humanitarian ideas, came up with a final declaration emphasized the need for victim assistance.^[41] There is also the plan of action for landmine survivor assistance developed by the First Continental Conference of African Experts on Landmines, which urges governments to establish support funds for landmine survivors.^[42] These humanitarian actions have contributed to the international community’s support for victim assistance provisions and to the history of international disarmament law. The *APLC 1997* represents significant progress in humanitarian disarmament, underscoring the critical role that humanitarianism played in the treaty’s adoption and reflecting a global commitment to protect civilians from the indiscriminate effects of these armaments. Thus, *APLC 1997* serves as a landmark in the history of international disarmament law, showcasing the profound impact of humanitarian values in shaping global disarmament policies.

Cluster munitions and anti-personnel mines were both covered by early humanitarian action against indiscriminate weapons, but the movement against cluster munitions

^[33] Stuart Maslen, *Anti-Personnel Mines Under Humanitarian Law: A View from the Vanishing Point* (Intersentia–Transnational Publishers, 2001) 78.

^[34] Bonnie Docherty, ‘Ending Civilian Suffering: The Purpose, Provisions, and Promise of Humanitarian Disarmament Law’ (2010) 15 *Austrian Review of International and European Law* 7.

^[35] Richard Price, ‘Reversing the Gun Sights: Transnational Civil Society Targets Land Mines’ (1998) 52(3) *International Organization*, 613, 627–31.

^[36] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 112–43.

^[37] *APLC* Art.7,8.

^[38] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 112–43.

^[39] International Committee of the Red Cross, *Anti-personnel Landmines: Friend or Foe? A Study of the Military Use and Effectiveness of Anti-personnel Mines* (Geneva: ICRC, 1997) 30.

^[40] *APLC* Art. 6(3).

^[41] Africa Policy Information Center, *Landmines: Africa’s Stake, Global Initiatives* (Background Paper 009, April 1997).

^[42] *Plan of Action of the First Continental Conference of African Experts on Landmines* (Kempton Park, South Africa, 19–21 May 1997) Part III <www.acronym.org.uk/old/archive/textonly/dd/dd15/15afric.htm>.

had been slow to develop.^[43] Until the Norwegian government hosted the Oslo Process to initiate an international ban on cluster munitions because of their “Unacceptable humanitarian consequences”.^[44] Cluster munitions tend to be widely dispersed and are more likely to cause civilian harm and indiscriminate effects in an attack than a single munition. They continue to pose a significant and persistent danger to civilians and combatants even after the end of a conflict.^[45] Furthermore, the humanitarian concern over cluster munitions also relates to the issue of unexploded submunition. Therefore, the humanitarian campaign against cluster munitions was also in full swing and one of the treaty outcomes was the *Convention on Cluster Munitions 2008 (CCM 2008)*.^[46]

The Oslo Process is very similar to the Ottawa Process, *CCM* also inherits and develops the content of *APLC 1997* in some aspects. Cluster munitions are viewed as a humanitarian problem rather than a security issue as well, serving as a consolidation of humanitarian disarmament.^[47] Similar to *APLC 1997*, Article V of the *CCM 2008*, which requires assistance to victims of cluster munitions, serves as a stronger reflection of the humanitarian impact on disarmament. Humanitarian disarmament has been consolidated and developed with *CCM 2008*.

Humanitarian concerns have become central to the formulation and implementation of disarmament treaties. For example, the *2013 Arms Trade Treaty (ATT 2013)*, which aims to prevent the transfer of conventional that may violate human rights, shows a clear humanitarian focus.^[48] From *APLC 1997* to *CCM 2008*, then *ATT 2013*, by integrating humanitarian principles, these treaties represent a transformative trend in disarmament efforts, emphasizing the importance of human security and the prevention of civilian suffering.^[49]

3. Nuclear Weapons Disarmament

3.1 Humanitarian Consequences of Nuclear Weapons

The atomic bomb in Hiroshima and Nagasaki in 1945 commanded the world’s attention. Before the bomb went off, some U.S. military leaders and some nuclear physicists involved in the Manhattan Project argued that the nuclear bomb was too powerful, ethically speaking, to be used on humans. However, no documents assessed the relationship between such a terrible explosion and the approximated humanitarian consequences.^[50]

^[43] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 144–79.

^[44] John Borrie, *Unacceptable Harm: A History of How the Treaty to Ban Cluster Munitions Was Won* (Geneva: United Nations Institute for Disarmament Research, 2009).

^[45] William H Boothby, *Weapons and The Law of Armed Conflict* (Oxford University Press, 2009) 253.

^[46] *Convention on Cluster Munitions*, opened for signature 3 December 2008, 2688 UNTS 39 (entered into force 1 August 2010).

^[47] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 144–79.

^[48] *Arms Trade Treaty*, opened for signature 2 April 2013, UN Doc A/CONF.217/2013/L.3 (entered into force 24 December 2014).

^[49] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 144–79.

^[50] Dwight D Eisenhower, *The White House Years; Mandate for Change: 1953–1956* (Doubleday & Company, 1963); Masao Tomonaga, ‘The Atomic Bombings of Hiroshima and Nagasaki: A Summary of the Human Consequences, 1945–2018, and Lessons for Homo Sapiens to End the Nuclear Weapon Age’ (2019)2(2) *Journal for Peace and Nuclear Disarmament* 491, 491–517.

While the Red Cross around the world was trying to help tens of thousands of dead and wounded at that time, many civilians had to suffer the catastrophic consequences of nuclear bombings.^[51] By the end of 1945, the bombing had killed about 140,000 people in Hiroshima and about 74,000 in Nagasaki. Most of the victims died without any care to alleviate the pain. Some rescue workers who came into the city after the bombing even died from the radiation. In the years to come, many survivors will face leukemia, cancer, or other horrific radiation effects.^[52]

The terrible destruction and suffering in Hiroshima and Nagasaki shocked the ICRC. Weeks after the bombings, the ICRC and other organizations began recording the impacts of nuclear explosions on human health and the environment.^[53] The ICRC, the Crescent Movement, and other humanitarian organizations have worked for the past 75 years to advocate for the prohibition and elimination of nuclear weapons.^[54]

A nuclear explosion is instantaneous, but its long-term effects can last for decades and span generations. The story of Sadako's 1000 paper cranes is only a microcosm. The survivors of the Hiroshima and Nagasaki bombings are living testimony to the immense suffering inflicted on civilians by nuclear weapons. It cannot be ignored that nuclear weapons truly bring about unacceptable humanitarian impacts on human life.

3.2 Key Humanitarian Efforts in Nuclear Disarmament

The humanitarian consequences of the two atomic bombs and other nuclear explosive devices have triggered some key humanitarian efforts in nuclear disarmament.

The treaties on nuclear disarmament consider the humanitarianism aspect. From the *Partial Test Ban Treaty of 1963 (PTBT)*, the *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)* to the *Comprehensive Nuclear-Test-Ban Treaty (CTBT)*, the treaties all recognize the humanitarian consequences of nuclear weapons as the rationale behind the norms.^[55]

Efforts to address the humanitarian and environmental impacts of nuclear testing led to the *PTBT* and the adoption of the *CTBT* more than three decades later. The successful adoption of the *CTBT* is one of the results of the World Court Project (WCP) and the other achievement of the WCP is the International Court of Justice's (ICJ's) Advisory Opinion on the legality of the threat or use of nuclear weapons.^[56] Civil Society played a leading role in the WCP, both by lobbying for resorting the case to the court and by highlighting the importance of human health, the environment, international humanitarian law, and human rights in the arguments presented to the court.^[57] Thus, the movement manifested the significance of humanitarianism in the disarmament practice.

^[51] 'Humanitarian impacts and risks of use of nuclear weapons', *International Committee of The Red Cross* (Web Page) <<https://www.icrc.org/en/document/humanitarian-impacts-and-risks-use-nuclear-weapons%E2%80%8C>>.

^[52] 'Hiroshima and Nagasaki bombings', *International Campaign to Abolish Nuclear Weapons* (Web Page) <https://www.icanw.org/hiroshima_and_nagasaki_bombings>.

^[53] 'ICRC report on the effects of the atomic bomb at Hiroshima', *International Committee of The Red Cross* (Web Page) <<https://international-review.icrc.org/articles/icrc-report-effects-atomic-bomb-hiroshima>>.

^[54] Linh Schroeder, 'The ICRC and the Red Cross and Red Crescent Movement: Working Towards a Nuclear-Free World since 1945' (2018) 1(1) *Journal for Peace and Nuclear Disarmament* 66, 66–78.

^[55] 'Development of Humanitarian Disarmament Initiatives on Nuclear Weapons', *Vienna Center for Disarmament and Non-Proliferation* (Web Page) <<https://vcdnp.org/development-of-humanitarian-disarmament-initiatives-on-nuclear-weapons/>>.

^[56] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 180-213.

^[57] Ibid.

The discussion of the humanitarian consequences defined nuclear disarmament as a humanitarian imperative.^[58] And states began to issue joint statements calling for attention to the humanitarian consequences of nuclear weapons. At the 2010 NPT Review Conference, governments officially expressed their “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons”.^[59] At the 2012 NPT Preparatory Committee and the 2012 General Assembly First Committee session, many governments delivered joint statements, highlighting the serious humanitarian consequences of nuclear weapons, and calling for outlawing these weapons.^[60] A total of 125 countries signed a joint statement on the humanitarian consequences of nuclear weapons during the 2013 UN General Assembly First Committee meeting.^[61]

Seventy-two years after the atomic bombs in Japan, the UN adopted the Treaty on the Prohibition of Nuclear Weapons (TPNW) based on humanitarian considerations.^[62] The year 2017 witnessed the history of humanitarian nuclear disarmament reaching a culminating point.

The TPNW regulates the concrete steps towards fulfilling existing nuclear disarmament obligations. The treaty explicitly and directly addresses the miserable humanitarian consequences of these weapons by assisting victims of nuclear testing and the use and remediation of contaminated environments. The TPNW shifts global discourse towards the humanitarian impact of nuclear weapons.^[63] It signals that any use of nuclear weapons is unacceptable not only from a legal perspective but also from a moral and humanitarian point. Although treaties are always legally binding only on its parties, the contents, especially the humanitarian consequences highlighted within the treaties can to some extent influence the policies of states that had not yet become parties to this treaty. The landmark treaty TPNW, which went into force on 22 January 2021, is a new achievement that humanitarianism contributes to the international disarmament legal framework.

In addition, the International Campaign to Abolish Nuclear Weapons (ICAN), as one of the humanitarian initiatives in nuclear disarmament efforts, plays crucial roles in the history of international disarmament law. ICAN is the international campaign dedicated to stigmatizing, prohibiting, and eliminating nuclear weapons. ICAN’s approach is fundamentally rooted in humanitarian principles, emphasizes the catastrophic human consequences of the use of nuclear weapons, and advocates their total elimination.^[64] ICAN is concerned about the devastating effects of nuclear explosions on human beings. It uses the testimonies of survivors in Hiroshima and Nagasaki to stress the humanitarian necessity of nuclear disarmament. It sensitizes the public and policymakers on the humanitarian impact of nuclear weapons. ICAN has also played a leading role in advocacy and negotiations for TPNW.

^[58] ‘Development of Humanitarian Disarmament Initiatives on Nuclear Weapons’, *Vienna Center for Disarmament and Non-Proliferation* (Web Page) <<https://vcdnp.org/development-of-humanitarian-disarmament-initiatives-on-nuclear-weapons/>>.

^[59] Ibid.

^[60] Ibid.

^[61] Ibid.

^[62] Masao Tomonaga, ‘The Atomic Bombings of Hiroshima and Nagasaki: A Summary of the Human Consequences, 1945-2018, and Lessons for Homo Sapiens to End the Nuclear Weapon Age’ (2019)2(2) *Journal for Peace and Nuclear Disarmament* 491, 491–517.

^[63] Treasa Dunworth, *Humanitarian Disarmament: An Historical Enquiry* (Cambridge University Press, 2020) 180-213.

^[64] *International Campaign to Abolish Nuclear Weapons* (Web Page) <<https://www.icanw.org/>>.

As one of the world's leading humanitarian organizations, the ICRC is also active in the history of international disarmament law. In 2011, it passed a resolution arguing that the use of nuclear weapons is incompatible with the rules of international humanitarian law and urged states to abolish them on humanitarian grounds.

The devastating humanitarian consequences of nuclear weapons cannot be underestimated, humanitarian principles have thus become the basis for important treaties such as the *PTBT*, the *NPT*, and *TPNW*. Humanitarian campaigns such as ICAN have also played a key role in the nuclear disarmament process. In a word, humanitarianism is significant in the history of international disarmament law.

4. Conclusion

In summary, humanitarianism plays a vital role in the history of international disarmament law, especially from the early efforts of the *1868 St Petersburg Declaration* to the landmark *Anti-Personnel Landmine Convention of 1997* and the most recent *Treaty on the Prohibition of Nuclear Weapons*. The humanitarian principles behind these efforts aim to alleviate human suffering caused by various weapons.

However, humanitarianism's role, as a discourse in the international disarmament law context, has some weaknesses. First and foremost, Humanitarianism in disarmament may be selectively applied. As Humanitarian disarmament standards are sometimes issued through political commitments,^[65] humanitarianism in disarmament can be affected by political agendas, thus undermining the genuine humanitarian goals of disarmament. Furthermore, there are implementation challenges. The inconsistency in enforcing disarmament treaties may undermine the credibility of humanitarianism in disarmament efforts. Last but not least, it is possible that some Great Powers justify their military interventions in other states under the guise of protecting human lives, leading to the instrumentalization of humanitarianism.

There are new threats and challenges in the current international disarmament law system. Political Resistance and emerging technologies such as autonomous weapons and cyber weapons pose new humanitarian concerns.^[66] Relevant humanitarian organizations still lacked effective oversight measures and needed to be strengthened in monitoring compliance, maintaining law enforcement mechanisms, and addressing the humanitarian impact of new military technologies.

Humanitarianism is significant in the history of international disarmament law. It is crucial to maintain humanitarianism as the ethical guidance for the future evolution of international disarmament law to ensure that the disarmament efforts are not only legally binding but also morally sound and genuinely beneficial to humanity. As international disarmament law continues to develop with humanitarianism principles, we can indeed reduce the use of weapons and the damage they cause, thus creating a more stable, safe, and peaceful world.

^[65] *Humanitarian Disarmament* (Web Page) <<https://humanitariananddisarmament.org/about/>>.

^[66] Mary Ellen O'Connell, '21st Century Arms Control Challenges: Drones, Cyber Weapons, Killer Robots, and WMDs' (2014) 13 *Washington University Global Studies Law Review* 515.