

## United Nations' Policy on Weapons of Warfare and the Implication on Global Peace and Security



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**ABSTRACT:** Armed conflict is a part of evolution of man and international relations. It is a transitional era which must be conducted in such a manner that would not make a return to peace impossible. The earth's environment is usually battered by the preparation, conduct and consequences of war. According to the World Charter on Nature of 1982, "nature shall be secured against degradation caused by warfare or other hostile activities, and that military activity damaging to nature shall be avoided". Armed warfare (international and non-international) are waged differently across the globe today with a resultant widespread impacts on the members of the society and the environment. Although, armed conflict is inevitable, dedicated sections of this study discussed the concept of warfare, typologies, causes of warfare, categories of weapons of warfare, its effect on the environment and the implication of United Nations' restriction policy on global peace and security. The study probed into existing literatures and consider the related Treaties, Conventions and Protocols set-forth to restrict and prohibit the exploitation of violence and diverse methods of warfare in all armed conflict whether domestic or international.

The study have observed that the activities of combating parties have had negative impact on the environment, civilian objects and animals. Their engagement has led to loss of lives, destruction of public properties, basic social amenities and superfluous injury and unnecessary suffering on non-combatant. Despite United Nation establishing 'rules of engagement' to mitigate the suffering caused by warfare, it is pitiful to note that nations around the world have continued to engage in the deployment of prohibited weapons in warfare. Hence, the study concluded and feature recommendations for all levels of weapon policy apparatus as well as solutions to ensure global peace and stability.

**KEYWORDS:** United Nations, warfare, weapons, peace, security, policy and objects

### INTRODUCTION

In armed conflicts, whether international or national, combating parties usually mirrors each other with respect to deployed military resources and weaponries. However, warfare becomes problematic when adverse party engage with notably imbalanced or excessive means of warfare. It is undoubtedly true that, in armed conflict, combating parties are permitted to choose the means (weapon) of warfare to be deployed, however, this liberty is not without restrictions or prohibitions.<sup>1</sup> The International Humanitarian Law (IHL) imposes restrictions both on the manufacturing and deployment of certain weapons particularly, those that strike civilian objects and combatant indiscriminately or cause extensive damage irreversible and disproportionate to any specific military advantage.<sup>2</sup>

With regard to deployment of warfare weapons, the world is classified broadly into nuclear States and non-nuclear States. The nuclear weapon States (NWS) are those, which have manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.<sup>3</sup> The five states are the United States, the Soviet Union (replaced by Russia), the United Kingdom, France and China. All other non-nuclear weapon States (NNWS) are disregarded and disqualified from developing or owning nuclear weapon.<sup>4</sup> While the NWS have often been able to isolate this Treaty from political issues, it has become increasingly harder

<sup>1</sup> Article 35 Additional Protocol I, 1977

<sup>2</sup> Rules 7-24 Customary International Humanitarian Law

<sup>3</sup> Article IX (3) Non-Proliferation of Nuclear Weapons Treaty, 1968

<sup>4</sup>E.B Firmage, 'The Treaty on the on-Proliferation of Nuclear Weapons' (2017) available at <<https://www.cambridge.org>> Retrieved 1th December, 2023; Center for Arms Control and Non-Proliferation, 'Fact Sheet Nuclear Non-Proliferation Treaty' (2017) available at <<https://www.armscontrolcenter.org>> Retrieved 1th December, 2023

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as international tensions have increased with other NNWS showing interest in acquiring nuclear weapons. This policy, encapsulated in the Treaty, however, connotes inequality among States and thereby poses significant risks for the global non-proliferation regime.<sup>5</sup> It is a paradox that two of the nuclear weapon State, France and China, which also hold, veto power in the Security Council refused to sign the Non-Proliferation of Nuclear Weapons Treaty (NPT). However, China, on its part, stated its willingness to work with the international community to uphold and promote nuclear disarmament. It undertakes not to be the first to use nuclear weapons at any time and under any circumstances and unconditionally commits itself not to use or threaten to use nuclear weapons against non-nuclear State.<sup>6</sup> Despite the existence of several commitments and the ratification of the NPT by member States, it has not deterred the development of nuclear weapons, since it is believed that they will always keep their nuclear capabilities at minimum level required for national security.<sup>7</sup>

Nuclear weapon is one of the weapons of mass destruction. The uncontrolled access to weapons of warfare particularly, weapons of mass destruction have continued to constitute the source of threat to global peace and security.<sup>8</sup> Also worrisome, is the proliferation of nuclear, chemical and biological weapons as well as their means of delivery. The United Nations as the gatekeeper of international peace and security in its determination not to handle with levity the issue of global peace and security has continued since its inception 1945 to take proactive steps through both legal and policy pronouncements to address the issue of insecurity in the global circle.

Although, other States apart from those listed above are signatories to the NPT as Non-Nuclear Weapon State (NNWS) and are disqualified from owning or developing nuclear weapons,<sup>9</sup> it is observed that NNWS such as, Syria have resorted to the development and use of other weapons with the potential capability of mass destruction such as chemical weapon, biological weapon, conventional weapon and environmental weapons.<sup>10</sup> The future implication of these developments is a militarized world. The United Nations, however, has not relented in its effort to achieve a world guaranteed of peace and security. It has taken series of steps among which is the step taken in 2004 vide Resolution 1540 of its 4956<sup>th</sup> meeting of 28 April 2004. The resolution inter-alia was to facilitate an effective response to global threats arising from proliferation of weapons of warfare to security and peace.<sup>11</sup> The kernel of the Resolution is that "all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery including by establishing appropriate control over related materials".<sup>12</sup> The Resolution was built on other resolutions from the period of the League of Nations to date with a view of checkmating the senseless arms race. The threat to global peace and security is aggravated daily and this is attributed to the proliferation of weapons of mass destruction.<sup>13</sup> To reduce this threat, it is essential that the disarmament regime must underline the authority and primacy of the NPT<sup>14</sup> and thus, make it applicable to all States. The nuclear weapon States should seriously cooperate with NNWS in working out this universal objective.<sup>15</sup> Hence, it will be anachronistic for the nuclear weapons States to be endowed with the power to own, develop or improve upon their nuclear weapon while other States are deprived of such equal rights.

The notable imbalance between the NWS and NNWS necessitates the need to examine the categories of weapons acceptable in armed conflict whether international or domestic under International Humanitarian Law and its effect on the environment. The

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<sup>5</sup> M.Messmer, 'Why a Stalling Non-Proliferation Treaty is a Wake-Up Call for Global Security' (2023) available at <<https://www.chathamhouse.org>> Retrieved 15<sup>th</sup> December, 2023; M.Messmer, *et.al.*, 'Reducing Nuclear Weapons Risk' (2023) available at <<https://www.chathamhouse.org>> Retrieved 15<sup>th</sup> December, 2023;

<sup>6</sup> S. Xiaobo, 'Upholding the Authority of the Treaty on the Non-Proliferation of Nuclear Weapons, Serving International Security and Development' (2023) available at <<https://www.fmprc.gov.cn>> Retrieved 15<sup>th</sup> December, 2023

<sup>7</sup> For example, China's position on Non-Proliferation Treaty

<sup>8</sup> M.Messmer, (n5) *Ibid*;

<sup>9</sup> Center for Arms Control and Non-Proliferation, (n4) *Op.cit*

<sup>10</sup> D. McElroy, 'UN Accuses Syrian Rebels of Chemical Weapons Use' *The Telegraph*, 6<sup>th</sup> May, 2013 cited in S.E Meulenbelt and M.S Nieuwenhuizen. 'Non State Actors Pursuit of CBRN Weapon: From Motivation to Potential Humanitarian Consequences' (2015) 97 (899) *International Review of the Red Cross*, Pp 831-858

<sup>11</sup> G.H Osthuizen and E Wilmshurst, 'Terrorism and Weapon of Mass Destruction: United Nations Security Council Resolution 1540 (2004) available at <<https://www.chathamhouse.org>> Retrieved 15<sup>th</sup> December, 2023

<sup>12</sup> *Ibid*;

<sup>13</sup> S.J Cimbala, 'Nuclear Proliferation in the Twenty-First Century: Realism, Rationality and Uncertainty' (2017) 1 *Strategic Studies Quarterly*, Pp. 129-146

<sup>14</sup> Statement of the G7 Non-Proliferation Directors Group, G7 Hiroshima Summit, 2023 available at <<https://www.mofa.go.jp>> Retrieved 15<sup>th</sup> December, 2023

<sup>15</sup> S. Van der Meer, 'Reducing Nuclear Weapon Risk' (2018) available at <<https://www.clingendael.org>> Retrieved 15<sup>th</sup> December, 2023

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study will also analyze the implication of the United Nations' restriction policy on weapons of warfare on global peace and security, and thereby proffer workable solution that will help to chart the course for sustainable global peace and security.

### 1.0 Research Methodology

Attacks and use of prohibited weapons on unarmed civilians and other violation of international humanitarian law, reflects a growing phenomenon in conflicts around the world. This trend has been the focal point of discussion among committee of State on the floor of the United Nations' Security Council. This issue is regarded as a global crisis, and therefore, falls within the ambit of International Humanitarian Law (IHL). IHL provides set of rules that seeks, for humanitarian reasons, prohibit certain weapons and limit the effect of arm conflict on persons who are not actively participating in hostilities.<sup>16</sup> The IHL which is also known as 'the law of war' comprises primarily of treaties, such as, Non-Proliferation of Nuclear Weapon Treaty (1968), Customary International Humanitarian Law, Hague Convention (1907), Geneva Convention (1949) and the Additional Protocol I (1977). These treaties regulate the conduct of parties in armed conflict (*jus in bello*) including the weapons to be deployed. Therefore, for in-depth contextual analysis, the study will be contingent on these treaties and existing literatures in this area, to examine the influence of UN's policy on means of warfare, and the notable beneficial effect on global peace and security. This methodological approach will assist humanitarian practitioners, policy-makers and engaging States in understanding how and when the treaties applies and what they aim to protect.

### 2.0 United Nations Global Peace and Security Objective

The United Nations Security Council is the organ of the United Nations primarily responsible for international peace and security.<sup>17</sup> The desire to live in peace, and for the nations of the world to unite their strength to maintain peace and security underlies the formation of the United Nations as a successor to the League of Nations in 1945. The United Nations charter, which came into force on 24 October 1945, provides for the purposes and principles of the United Nations.<sup>18</sup> The charter provides succinctly the principles for achieving peace and security, and of interest is that 'All member states shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered'.<sup>19</sup> It further stated, that, all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.<sup>20</sup>

The United Nations Security Council is the organ with the primary responsibility for maintaining peace and security.<sup>21</sup> The council consists of fifteen members out of which five are permanent with veto power. The permanent members are the United States, Russia, the United Kingdom, France and China.<sup>22</sup> The other ten members are elected by the general assembly as non-permanent members. The election is guided by the contribution of members to the maintenance of international peace and security and to other purposes of the organization and to equitable distribution. The non-permanent members are elected for a term of two years. The members of the United Nations are bound in advance to carry out the decisions of the Security Council in accordance with the charter.<sup>23</sup>

Each member of the Security Council is vested with one equal vote. However, there is a dichotomy in voting for the purpose of decision-making in procedural matters and other matters that are not procedural. In procedural matters, decisions of the Security Council is made by an affirmative vote of nine members<sup>24</sup> and on other matters, decisions are made by an affirmative vote of nine

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<sup>16</sup> International Committee of the Red Cross, 'What is International Humanitarian Law?' (2022) available at <<https://www.icrc.org>> Retrieved 15<sup>th</sup> December, 2023

<sup>17</sup> H. Nasu, 'The UN Security Council's Responsibility and the Responsibility to Protect' (2011) 15 *Max Planck Yearbook of United Nations Law*, Pp. 377-418; Council of Foreign Relations, 'The UN Security Council' (2023) available at <<https://www.cfr.org>> Retrieved 15<sup>th</sup> December, 2023; Article 1 United Nation Charter, 1945

<sup>18</sup> Article 1 (1) of the United Nations Charter, 1945 - To maintain international peace and security; and to that end: to take effective collective measures for the prevention and removal of threats the peace; and for the suppression of the acts or other breaches of the peace, and to bring about by peaceful means and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

<sup>19</sup> Article 2(3) United Nation Charter, 1945

<sup>20</sup> Article 2(4), *Ibid*.

<sup>21</sup> Article 1, *Ibid*; See also, Article 24, *Ibid*.

<sup>22</sup> Article 23 (1) United Nation Charter, 1945

<sup>23</sup> Article 25, *Ibid*

<sup>24</sup> Article 27, *Ibid*

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members including the concurring votes of the permanent members. In the settlement of local disputes through regional arrangements as indicated by the council, a member of the council involved in the disputes is not entitled to vote.<sup>25</sup>

Members of the United Nations are not allowed to have recourse to the use of force in the first instance. Parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security are to first seek solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or other peaceful means by their own choice.<sup>26</sup> The Security Council may also investigate any dispute or any simulation, which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or simulation is likely to endanger the maintenance of international peace and security.<sup>27</sup> The Council is endowed with the power to determine the existence of any threat to the peace, breach of the peace or act of aggression and shall make recommendations or decide what measures to be taken.<sup>28</sup>

### 3.0 Conceptual Overview

It is imperative to put relevant concepts into perspectives for the purpose of clarity and in-depth analysis. This section will discuss the definition and forms of war encountered around the world. Although, warfare and war may be said to be similar and inseparable, however, a careful distinction will be drawn between these terms and the significance of this, is to fill the gaps in some existing literatures where armed conflict (war) and the act of engaging in armed conflict (warfare) was used interchangeably. War is an armed conflict typically fought by a country or group of countries against an opposing country or group with the aim of achieving an objective through the use of force.<sup>29</sup> It is defined as a state of competition or hostility between different people or groups.<sup>30</sup> In times of war, open and armed hostility are usually declared between states or nations.<sup>31</sup> War is a conflict between political group involving hostilities of considerable duration and magnitude.<sup>32</sup> Different authors have defined war in different ways. It has been defined "as a contention between two or more states through their armed forces, for the purpose of overpowering each other and imposing such conditions of peace as the victor pleases"<sup>33</sup>. To Clausewitz, 'war is nothing but a duel on an extensive scale, an act of violence intended to compel our opponent to fulfill our will directed by political motives and morality'.<sup>34</sup> It is an act of violence characterized by destruction.<sup>35</sup> Thus, an armed conflict between one or more member states of a federal states and the federal state itself must be considered as war in international law.

War can take various forms such as civil wars, private or public wars. Thus, the war of secession within the United States of America and between the northern and southern member in 1861 to 1865 was actually a war. Civil war is an internal armed conflict between people of the same nation. It may occur to either retain power and authority and therefore the legitimacy to govern or it may occur to snatch the same from those holding on to it.<sup>36</sup> In Nigeria, for example, is the civil war in Nigeria from 1967 to 1970 between the Federal Government led by the then head of state, General Yakubu Gowon and the Biafra soldiers led by the late colonel Odumegwu Ojukwu<sup>37</sup>. Public war is a war between two nations under the authorities of their respective governments. Private war on the other hand is a war between private persons. It is a war waged without lawful authority. A solemn war is a war that has been formally declared by Congress in which all members of a nation are authorized to commit hostile acts against all members of an opposing nation<sup>38</sup>. Perfect war is a war involving the entire nation and declared by legitimate authority while imperfect war is a war limited in term of places, persons and things and it is declared by a person without authority.

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<sup>25</sup> Article 52 (3), *Ibid*

<sup>26</sup> Article 33 (1), *Ibid*

<sup>27</sup> Article 34, *Ibid*

<sup>28</sup> Article 39, *Ibid*

<sup>29</sup>P. Goodman, 'The 8 Main Reasons for War' (2021) *Maven Media Brands* available at <[www.owlcation.com](http://www.owlcation.com)> Retrieved 6<sup>th</sup> June, 2021

<sup>30</sup> *Ibid*.

<sup>31</sup>B. A Garner, *Black's Law Dictionary* (8<sup>th</sup> edn, Thompson West Publishers, 2004) P.1614

<sup>32</sup> J. Frankel, 'War' (2017) available at <<https://www.britannica.com>> Retrieved 8<sup>th</sup> June, 2021

<sup>33</sup> L. O. Oppenheim, *International Law: A treaties Disputes, War and Neutrality* in H. Lauterpatch (ed), (7<sup>th</sup> edn, Longmans, Green and Co, 1952) 202

<sup>34</sup> J. Lindell, *Clausewitz: War, Peace and Politics* (2009) available at <<https://www.ei-r.info>> Retrieved 6<sup>th</sup> June, 2021

<sup>35</sup> *Ibid*.

<sup>36</sup>E. Gyankosh, 'Unit 6 Types of War: Revolutionary War, Civil War, Guerrilla War, Insurgency and Counter Insurgency, Proxy War and Asymmetrical War and Terrorism' (2008) available at <[www.egyankosh.ac.in](http://www.egyankosh.ac.in)> Retrieved 8<sup>th</sup> June, 2021

<sup>37</sup> The word Biafra refers to the Igbo tribe in Nigeria who formed the five states in the South Eastern geo-political zone.

<sup>38</sup> DMCA, 'Solemn War' (2020) available at <[www.quimbee.com](http://www.quimbee.com)> Retrieved 8<sup>th</sup> June, 2021

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Conversely, warfare is the act of engaging in war or military conflict. Means of warfare are the weapons and the weapon systems by means of which violence is exercised against the enemy by the armed forces of the supplying state to the conflict, and whose use, within the limits justified by military necessity is legitimate in time of war<sup>39</sup>. Warfare is also conflict, especially when vicious and unrelenting between competitors or political rivals.

The concept of peace do not have a definite meaning, however, it could be defined from the perspective of may be an individual is at peace with God, peace with the universe, peace with one's self or peace with others. Peace may be opposed to or an opposite of antagonistic conflict, violence or war. It may refer to an internal state (of mind or nations) or to external relations.<sup>40</sup> Peace is a stress-free state of security and calmness that comes when there's no fighting or war, everything coexisting in perfect harmony and freedom.<sup>41</sup> Peace is also defined as a two-dimensional construct with both objective and subjective measures that must be studied within specific micro to macro contexts.<sup>42</sup> The term "peace" is often equated with harmony and lack of conflict or violence. It is regarded as a state toward which humans should strive.<sup>43</sup> Peace may be positive or negative.<sup>44</sup>

### 4.0 Weapons of Warfare

The United Nations policy on weapons of warfare is basically inequitable and it portends a world where some countries are superior and the others are inferior. The policy negates the sovereign equality of states as professed by principle of customary international humanitarian law. The inequality in the policy has been legitimized by the 1968 Non-proliferation Treaty, which entered into force on March 5 1970.<sup>45</sup> The treaty, apart from the initial five Nuclear Weapon States who has manufactured and exploded a nuclear weapon or other nuclear explosives prior to 1 January 1967, prohibits other sovereign states from manufacturing, stockpiling and using nuclear weapons and other prohibited weapons in armed conflicts. The prohibited means of warfare are examined hereunder.

- a. **Nuclear Weapons:** is an explosive device that derives its destructive force from nuclear reactions (fission bomb) or from a combinations of fission and fusion reactions (thermonuclear bomb).<sup>46</sup> Both bomb types release large quantities of energy from relatively such amount of matter<sup>47</sup>. The first nuclear weapons were bombs delivered by aircraft. Later, warheads were developed for strategic ballistic missiles, which have become by far the most important nuclear weapons.<sup>48</sup> A blast from a relatively small nuclear bomb of 100kms over a city would flatten at least half of the building within a 5-6km radius. Nuclear weapons were first used during the Second World War<sup>49</sup>. As earlier mentioned, there are five officially declared nuclear weapon states, however, recently there has been global agitation by other NNWS for the disarmament of nuclear weapons by States who still have them in their possession.
- b. **Weapons of Mass Destruction:** this is a weapon with the capacity to inflict death and destruction on such a massive scale and so indiscriminately that its very presence in the hands of a hostile power can be considered a grievous threat.<sup>50</sup> It is a radiological, chemical, biological or any other weapon that can kill and bring significant harm to a large number of humans or cause great damage to human-made structures (buildings), natural structures (mountains) or the biosphere.<sup>51</sup> The United States military refers to weapon of mass destruction as chemical, biological, radiological or nuclear weapons

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<sup>39</sup> M.T Ladan, 'Materials and Cases on Public International Law' ( Ahmadu Bello University Press, 2007) 216

<sup>40</sup> R.J Rummel, 'What is Peace 5 Understanding Conflict and War: The Just Peace' available at <[www.hawaii.edu](http://www.hawaii.edu)> Retrieved 15<sup>th</sup> June, 2021

<sup>41</sup> *Ibid.*

<sup>42</sup> A. Royce, 'A Definition of Peace' (2004) 10 (2) *Peace and Conflict: Journal of Peace Psychology* available at <[www.tandfonline.com](http://www.tandfonline.com)> Retrieved 15<sup>th</sup> June, 2021

<sup>43</sup> L.A Fast, 'Peace and Security' (2002) 2 *Human Resources and their Development*, Pp. 1-5 available at <[www.eolss.net](http://www.eolss.net)> Retrieved 15<sup>th</sup> June, 2023

<sup>44</sup> *Ibid.*

<sup>45</sup> The Treaty relates to nuclear weapons, one of the categories of weapons described as weapons of mass destruction.

<sup>46</sup>W. A. Adebayo, (2002) United Nations and Disarmament (Unpublished) Essay submitted to the Faculty of Law, Obafemi Awolowo University, Nigeria for the award of LL.M.

<sup>47</sup> T.B Cochran, Nuclear Weapon 2011 available on [www.britannica.com](http://www.britannica.com) accessed 9 June 2021

<sup>48</sup> *Ibid.*

<sup>49</sup> The 2<sup>nd</sup> World War was fought between 1939 and 1945 and it involved most of the world nations organized into two opposing military alliances- the Allied and the Axis.

<sup>50</sup> A Tikkanen, 'Weapon of Mass Destruction' 2017 *Encyclopedia Britannica* available on [www.britannica.com](http://www.britannica.com) accessed 9 June 2021

<sup>51</sup> T Red-Larsen, Weapon of Mass Destruction 2009 3 *International Peace Institute* available on [www.ipinst.org](http://www.ipinst.org) accessed 9 June 2021; See Rule 73-76, Customary International Humanitarian Law; Article 1, Biological Weapon Convention (1975)

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capable of a high order of destruction or causing mass casualties and exclude the means of transporting or propelling the weapon where such means is a separable and divisible part from the weapon.<sup>52</sup> Crimes and criminal procedure of the United States of America defines weapons of mass destruction as “any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors”.<sup>53</sup>

- c. **Conventional Weapons:** this includes weapons other than weapons of mass destruction, they are weapons used on land, water, and sea by military, and they include rifles, explosive projectiles, artillery, machine guns, landmines, expanded bullets,<sup>54</sup> rockets and bobby traps<sup>55</sup>. It also encompasses a wide range of equipment not limited to armoured combat vehicles, drones, combat helicopters, combat aircraft, warships, small arms and light weapons, landmines, cluster munitions,<sup>56</sup> ammunitions and artillery.<sup>57</sup> They are the principal tools used in all wars up to the present day. They are also the weapons used by kidnappers and armed robbers to effectively carry out their operations. Thousands of people are injured, killed, raped and forced to flee their home during armed conflict. In Nigeria, for instance, insecurity is the order of the day because you are not safe in your home for fear of armed robbers and not safe on the road for fear of kidnappers and armed bandits.
- A. **Environmental Weapons:** this is the manipulation of the constituents of the environment for use as weapon of warfare. The components used are the atmosphere, oceans, landmasses and associated water system. Environmental weapons are objects that are considered weapons, which replace a character's weapon skills with a new set of skills, depending on the nature of environmental weapon.<sup>58</sup> The atmosphere can be modified for the purpose of war through: Fog and cloud dispersion; Fog and cloud generation; Hailstone production; Release of materials which might alter the electrical properties of the atmosphere; Introduction of electromagnetic fields into the atmosphere; Generating and directing destructive storms; Control of lightning; Disruption of the ionized or ozone layers; Pellet stone production; Rain and snow making (acidic rain made by the United States of America on Argentina) and Climate modifications.

### 5.0 Environmental Impacts of Weapons of Warfare

The effect of war has far gone beyond human suffering. Armed conflict has devastating effect on the environment. It is on record that some battlefields of the World War I and II are still unfit for human habitation and cultivation.<sup>59</sup> Consequently, environmental law of war exists to provide protection to the environment during armed conflicts. The effects of warfare on the environment continued with the invention of weapons of mass destruction and nuclear weapons which imposes both direct and indirect effects on the environment. These effects include but not limited to the following:

- a) **Destruction of Habitat:** Bombing and other methods of modern warfare directly harm and wipe off wildlife and biodiversity such as, humans, animals and natural resources from the earth.<sup>60</sup> For example, the Vietnam War where large quantity of Agent Orange (herbicide) was sprayed on the forests and mangrove swamps that provided cover to guerrilla soldiers by the U.S forces. The release of this green gas emission resulted in 400,000 deaths and disabilities and also the birth of 500,000 children with disabilities.<sup>61</sup>
- b) **Internal Displacement:** War usually results in the destruction of life and properties thereby transforming national citizens to homeless refugees.<sup>62</sup> This displaced persons resort to sleeping in refugee camps for protection. Also, in times of war, many flee their homes for fear of being maimed or killed.<sup>63</sup> For example, in Nigeria, there are many refugee camps in the

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<sup>52</sup> Department of Defense, 'Dictionary of Military and Associated Terms' available at <[www.dtic.mil](http://www.dtic.mil)> Retrieved 9<sup>th</sup> June, 2021

<sup>53</sup> Section 2332a, Para c(2)(B) Title 18 Crime and Criminal Procedure Codes (US), 1948

<sup>54</sup> Rule 77, Customary International Humanitarian Law

<sup>55</sup> Rule 80, *Ibid*.

<sup>56</sup> Convention of Cluster Munitions, 2008

<sup>57</sup> G. Evans, 'Conventional weapons' (2021) *United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific*, available at <[www.unrcpd.org](http://www.unrcpd.org)> Retrieved 9<sup>th</sup> June, 2021

<sup>58</sup> W.A Adebayo, *Contemporary Issues in International Environmental Law* (Ekiti State University printing press 2017) 154

<sup>59</sup> Bonn International Center for Conversion, 'Wars and Violent Conflicts' (2010) available at <<https://www.warpp.info>> Retrieved 10<sup>th</sup> June, 2021

<sup>60</sup> M. VRai, 'The Impact of War on Our Natural Environment' (2022) available at <<https://www.fawco.org>> Retrieved 10<sup>th</sup> June, 2021

<sup>61</sup> M. Lallanilla, 'The Effects of War on the Environment' [www.thespruce.com](http://www.thespruce.com) accessed 10 June 2021

<sup>62</sup> Bonn International Center for Conversion, (n77) *Ibid*;

<sup>63</sup> S. Moore, 'The Impact of War on Global Health' (2021) available at <<https://www.news.medical.net>> Retrieved 9<sup>th</sup> June, 2021

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north eastern part of the country for people whose houses have been burnt or those who escaped the city of invasion for fear of been kidnapped or killed during Boko Haram insurgency.

- c) **Destruction of Infrastructural Facilities:** One of the main target during war is the destruction of enemy's cultural objects and facilities, roads, bridges, dams, installations<sup>64</sup> and poisonings of their drinking waters. Armed conflict leads to large scale destruction of cultural heritage and the foundation of communities' lasting peace.<sup>65</sup> In Nigeria, for example, is the destruction of Niger Bridge in Asaba during the civil war and also bombing of Sambisa Bridge by the Boko Haram to prevent the military from reaching them.
- d) **Health Hazard and Genetic Disorders:** The use of sophisticated weapons of warfare have a serious lethal effects on human health. They result in sicknesses including cancer, lungs diseases and also causes paralysis, and deafness.
- e) **Extinction of Wildlife Animals:** the search for Boko Haram by the Nigeria military for the release of Chibok girls led them to the Sambisa forest. This army will eventually result to feeding on animals in the forest when they are short of foods. This act has led to the extinction of wildlife animals in the Nigerian forest. In addition, the bombing and setting of landmines in the forest has led to the death of many bush meats and has scared them from this part of the country.
- f) **Victims of War:** Although, World War II literarily marked the end to the killing of such a scale, and no other war since then has led to so much destruction, it has been estimated that over 2 million people have still died in violent conflicts between 1989 -2022. However, it should be noted that the actual number of victims of war can only be estimated, and this is because victims are categorized as those who died as a direct result of armed violence, leaving out who died during the war as a result of exposure, wounds or illness sustained, epidemics or as a result of sexual violence and hunger.<sup>66</sup>

### 6.0 United Nations' Legal Regime on Weapons of Warfare

The United Nations was created in 1945, following the devastation of the Second World War (1939-1945), with one central mission, which is the maintenance of international peace and security. The United Nation Security Council has the primary responsibility for international peace and security. The General Assembly and the Secretary-General play major, important and complementary roles, along with other United Nation offices and bodies.<sup>67</sup> The Security Council can take enforcement measures to maintain or restore international peace and security.<sup>68</sup>

Peace enforcement does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which is normally prohibited for member states.<sup>69</sup> In general, Humanitarian Law prohibits any weapon "of a nature to cause superfluous injury or unnecessary suffering" and any that may have indiscriminate or excessively injurious effects.<sup>70</sup> Weapons must not be used in a way that would not be justified by a genuine military requirement or that would be disproportionate to the military advantage sought or to the supposed military threat.

The Hague Conventions were adopted at the Peace Conference that was held in Hague, Netherlands in 1899 and 1907. The convention is concerned with the prohibition on the use of projectiles that disperse asphyxiating gas and the prohibition on the use of bullets that expand or flatten easily in the human body.<sup>71</sup> The Nuclear Test Ban Treaty was submitted to the United Nations disarmament commission on July 29, 1954 and was concerned about humanitarian effects. The 1963 treaty banning nuclear weapon tests in the atmosphere, outer space and under water was a step towards the banning of nuclear weapon test. The Treaty otherwise known as Partial test ban Treaty was limited to testing in the atmosphere, outer space and under water. The implication is that, nuclear weapon test can continue underground. The continued show of dissatisfaction by the global community brought to limelight the Comprehensive Nuclear Test Ban Treaty. CTBT was adopted in 1996 at the United Nations conference on disarmament but has not entered into force because it has to be ratified by forty-four nuclear-capable States. However, as of June 2015, 183 States had signed it and 164 had ratified it.<sup>72</sup> The Treaty imposes upon the states;

*the obligation not to carry out any nuclear weapon test or any other nuclear explosion and to prohibit and prevent such nuclear explosion at any place under their jurisdiction or control,*

<sup>64</sup> Rule 42, Customary International Humanitarian Law (CIHL), 2005

<sup>65</sup> See Article 4 Hague Convention, 1954; Rule 38, *Ibid*.

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<sup>67</sup> United Nations, 'Maintain International Peace and Security' available on <[www.un.org](http://www.un.org)> Retrieved 10<sup>th</sup> June, 2021

<sup>68</sup> Chapter VII of the United Nations Charter

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<sup>70</sup> Rule 70 Customary International Humanitarian Law, 2005; Article 35(2) Additional Protocol I, 1977

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<sup>72</sup> *Ibid*.

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*as well as to refrain from causing, encouraging or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.*<sup>73</sup>

From 1959 to 1961, various resolutions were adopted by the General Assembly aimed at preventing the testing, acquisition, use, deployment and proliferation of nuclear weapons. Resolution 1665 (XVI) notes that the targets of nuclear weapons would not just be "enemies" but "peoples of the world not involved in...war", with devastation that would "exceed even the scope of war and cause indiscriminate suffering and destruction to mankind.... contrary to the rules of international law and to the laws of humanity".

The 1972 Convention on the prohibition of the development, production and stockpiling of Bacteriological (biological) and Toxin weapons is another legal instrument that incorporates the United Nations policy on weapons of warfare. The Biological Weapons Convention (BWC) was opened for signature on 10 April 1972 and entered into force on 26 March 1975. It supplements the 1925 Geneva protocol, which had prohibited only the use of biological weapons.<sup>74</sup> The convention effectively prohibits the development, production, acquisition, transfer, stockpiling, use of biological, and toxin weapons. It was the first multilateral disarmament Treaty banning an entire category of weapon of mass destruction. The Convention undertakes to destroy biological weapons or divert them to peaceful purposes.<sup>75</sup> It also undertakes not to transfer, or in any way assist, encourage or induce anyone to manufacture or otherwise acquire biological weapons.<sup>76</sup> The BWC is important because it represents the international community's will to prevent biological warfare and the deliberate use of disease as a weapon. It is an indispensable legal and political instrument that reinforces the widespread condemnation of biological weapons.<sup>77</sup>

The Convention was heralded as multilateral, but was largely determined by United States and soviet interests.<sup>78</sup> Biological weapons portend a great danger to humanity because of its use clandestinely. Biological weapon otherwise known as "germ warfare" include bacteria, viruses or fungi to disrupt or end human life. Biological weapon as a specific weapon of mass destruction requires a strong legal framework to prohibit its development in view of the danger it may cause to the society where non-state actors or terrorist groups have access to the technology and delivery. The Convention contains provision that justifies its development, production and acquisition. By Article 1 of the Convention, an individual, group or nation will not be liable for the production or acquisition of biological weapons where it is for protective or peaceful purpose.

The Convention on Certain Conventional Weapons was adopted on 10 October 1980, opened for signature on 10 April 1981 for 1 year, and entered into force on 2 December 1983 with 50 States as signatory to the Convention. The purpose of the convention is to ban or restrict the use of specific types of weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or to affect civilians indiscriminately. Nigeria with five other States are signatory to this Convention but are yet to ratified the Convention. The 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW) states that any use, threat of use, or possession of nuclear weapons is unacceptable in humanitarian, moral and legal terms.<sup>79</sup>

There is the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction. The convention entered into force in April 1997. The aim of the Convention is to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by State parties. Parties are required to destroy chemical weapons it owns or possesses as well as its facilities not later than two years after the entry into force of the Convention. State parties, in turn, must take the steps necessary to enforce the prohibition in respect of persons (natural or legal) within their jurisdiction.<sup>80</sup> Chemical weapons as a toxic chemical that can cause death, injury, incapacitation and sensory irritation deployed by a delivery system such as an artillery shell, rocket or ballistic missile which includes nerve agents, bluster agents, choking agents and blood agents. Chemical weapon was used during the First World War when Germany released chlorine gas from pressurized cylinders in April 1915. The use of poison as a

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<sup>73</sup> Article 1 Comprehensive Nuclear Ban Treaty, 1996

<sup>74</sup> C.K Mailu, 'Biological Weapons Convention' (2020) available at <[www.un.org](http://www.un.org)> Retrieved 10<sup>th</sup> June, 2021

<sup>75</sup> Article II Biological Weapons Convention, 1975

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<sup>80</sup> Article VII Chemical Weapons Convention, 1993 available at <[www.opcw.org](http://www.opcw.org)> Retrieved 10<sup>th</sup> June, 2021



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means of warfare, whether nerve agents, mustard gas, chlorine or any other toxic chemical is absolutely prohibited and binding on all parties to all armed conflicts by the Chemical Weapons Convention.<sup>81</sup>

### 7.0 Implications of United Nations Policy on Weapons of Warfare

The United Nations Charter of 1945 provides for equal status among the parties and members of the United Nations. The United Nations who has vested some states with permanent membership of the Security Council and veto power has continued to be the foundation of sovereign inequality among member nations. Its inequality policy of member was further complemented by the 1968 nuclear Non-proliferation treaty, which recognizes five states, that is, the permanent member of the Security Council as nuclear weapon state. The implications of this is that, those states given the status of nuclear weapon state have the right to develop, acquire, use and stockpile weapons of mass destruction while others are disqualified. The indefinite extension of the disarmament provisions of the NPT has also been considered oppressive. The convention for the prohibition of nuclear weapon, which gives equality to all the States was opposed by the nuclear weapon States.

This renegeing has no doubt exacerbated terrorist activities especially from the Middle East by non-state actors who believed their activities is an expression of disgust against inequality and discriminatory attitude of some countries who considered themselves as superior to others. Peace will continue to be elusive where there is perceived injustice. The United Nations' policy on weapons of warfare remains a potent expression of inequality in the conduct of international affairs.

### 8.0 Maintaining Global Peace and Security: United Nations' Challenges

As the United Nations Secretary General Antonio Guterres released his new peace building and sustaining peace report, Larry Attree argues that the United Nations must boldly address five big challenges constraining its peace efforts. The United Nations over the years has engaged in a series of process to strengthen its ability to perform its core function, which is to maintain peace and security across the globe and save succeeding generations from the scourge of war. The United Nations is faced with numerous challenges that will hinder the achievement of global peace and security and they are as follows;

- a) Threats from poverty, disease, and environmental breakdown
- b) Threats from conflict between states
- c) Threats from violence and massive human rights violations within states
- d) Threats from terrorism
- e) Threats from organized crime

### 10.0 Conclusion and Recommendations

The study has examined the United Nations policy on weapons of warfare and the implication for global peace and security. The paper analyses war, warfare, peace putting into consideration the policy on the use of weapons across the globe. The United Nations has an active presence in the world through peace operations, which has become central for the United Nations Security Council and its approach to maintaining peace. Peace has indeed been kept between States across the world, States such as Israel-Syria, Iraq-Kuwait etc. The United Nations has recorded huge success in preventing inter-state conflict that may lead to war. The active presence of the United Nations in the world through its different missions has resolved disputes, inhibited escalation of conflict and spurred peace in some situations. People around the world want peace and prosperity, they want leaders to champion peace building and not a figure-head leader, a leader with sense of responsibility to the plight of humanity in the face of insecurity, a leader who will work to prevent conflicts and build peaceful co-existence among citizens, a leader who will not undermine international norms and standards aimed at promoting peace and human security, and a leader that will build a just and inclusive society. With this kind of leader in all the nations of the world, peace and security will be sustainable.

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