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The legality of weapons for societal destruction / Sean McBride

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Abstract:	<p>The author surveys the evolution of customary international law and international legal instruments addressing the limits of the use weapons aimed at societal destruction. The author argues that under international law the limits governing permissible conduct in armed conflict evolve over time according to the "dictates of public conscience." These standards, he observes, have slowly become more restrictive as new weapons have developed. In addition, the 1977 Protocols Additional to the Geneva Conventions of 1949 outlaw methods that do not distinguish between civilian and military targets, that are intended to cause unnecessary injury or massive environmental damage, or which function as threats intended to spread fear amongst civilian populations. While the Additional Protocols do not specifically address nuclear weapons, the author maintains that these prohibitions apply to weapons of mass destruction. Furthermore, while subsequent UN General Assembly resolutions condemning nuclear weapons are not binding, the author notes they are nevertheless relevant as indications of the "dictates of public conscience." Lastly, the author endorses a Rand Corporation report asserting that US nuclear procurement is contrary to international law, based on its underlying acceptance of intentional societal destruction under the doctrine of assured destruction. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]</p>
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