

Educator's Guide for *Crimes of War: What the Public Should Know*

Weapons

Corresponding Chapters in *Crimes of War*:

"Chemical Weapons", by Peter Pringle (pp. 93-94)

"Indiscriminate Attack", by Roy Gutman and Daoud Kuttab (pp. 239-241)

"Mines", by John Ryle (pp. 302)

"Nuclear Weapons", by Burrus M. Carnahan (pp. 304-306)

"Poisonous Weapons", by Gwynne Roberts (pp. 324-327)

"Red Cross/ Red Crescent Emblem", by Christian Jennings (pp. 349-351)

"Weapons", by Burrus Carnahan (pp. 425 -426)

Essential Question: How can policies governing the use of weapons systems minimize the suffering of civilians and military personnel?

Learning Objectives:

Students will be able to discuss how the Geneva Conventions and their Additional Protocols and relevant treaties regulate weapons used by state actors

Students will be able to share the relevance of human rights norms to engagement in war

Students will analyze the difficulties of enforcing international humanitarian law, especially with regards to non-state actors

Students will be able to discuss how nuclear, biological, chemical weapons and other types of munitions are generally contrary to the law because they put civilian populations at risk

Methodology

This chapter will help instructors utilize the parts of *Crimes of War* that discuss weapons or methods of warfare which in most cases either kill civilians indiscriminately or cause unnecessary suffering to military personnel. This chapter is intended to support lessons concerning any one of these weapons, on the general topic of international humanitarian law, or a unit that combines these themes.

Introduction to Case

The **Geneva Conventions** and their Additional Protocols outline the laws of warfare. An impetus for developing this body of international law was to restrict the use of weapons during warfare in order to minimize civilian casualties and unnecessary suffering to military personnel.

However, at times of war, a nation will often employ any means necessary to protect its citizens, territory or resources. As a result, there is a long history of both the use of prohibited weapons and the use of permitted weapons on civilian populations.

Chemical Weapons and Biological Weapons (Poisonous Weapons)

Anthrax, mustard gas, bubonic plague, sarin nerve gas are all major **chemical** and **biological weapons** and are some of the most insidious, indiscriminate and inhuman tools of warfare. In the case of biological weapons, a very small quantity can be produced secretly in a civilian factory and can cause thousands of crippling injuries or deaths. The 1925 Geneva Protocol prohibited the offensive use of both chemical and biological weapons but allowed countries to develop and stockpile these weapons for defense. Since then, international consensus has changed and more specific conventions have entered into force to prohibit production and use of all chemical and biological weapons.

Giving teeth to the Geneva Protocols, the **Biological Weapons Convention (BWC)** entered into force in 1975, and the **Chemical Weapons Convention (CWC)** entered into force in 1997. Both conventions ban research, development, production, stockpiling, or acquisition of these weapons. Despite widespread ratification of these Conventions (CWC=181 ratifications, and BWC=171), there have been continued allegations that some countries have developed or maintained chemical or biological weapons programs.

Nuclear Weapons

A **nuclear weapon** is any arm that derives its power from nuclear reactions. Even a small nuclear weapon is more powerful than conventional explosives. A single nuclear bomb is capable of destroying an entire city and causing massive environmental damage. Nuclear weapons have been employed only twice, when the United States used the bombs in Hiroshima and Nagasaki, Japan during World War Two. Over 100,000 people were killed within two days by the bombs and massive environmental damage resulted.

The **Nuclear Non-Proliferation Treaty (NPT)**, which limits the production and transfer of the weapon, has been ratified by 189 sovereign nations since it was agreed upon in 1968. But despite this international consensus, there

has been continued debate about the utility and legality of nuclear weapons.

Non-governmental organizations (NGO) and a handful of governments have lead one side of the debate suggesting that nuclear weapons are prohibited by **international humanitarian law** because they are not designed to be used in a way that minimizes civilian casualties, environmental damage, and essential infrastructure, such as hospitals. The anti-nuclear movement argues that collateral damage will be, "disproportionate to the value of the military targets that nuclear weapons destroy."¹

Despite the evidence of the indiscriminate nature of nuclear weapons, five countries are permitted by the NPT to posses them: the United States, United Kingdom, France, Russia and China. Other countries, namely India, and Pakistan, which have not signed the NPT, use this perceived double-standard as justification for possessing their own weapons and have openly developed nuclear arms.

In 1996, bowing to the pressure of several non-governmental organizations, the **International Court of Justice (ICJ)** at The Hague offered an opinion on the legality of these weapons. Their decision has aspects that support both sides of the debate. The ICJ suggested that the use of nuclear weapons would, "generally be contrary to the rules of international law" but suggested in "an extreme circumstance of self-defense, in which the very survival of a State would be at stake" the use of nuclear weapons might be permissible.

Carpet or Area Bombing

Aerial area bombing or carpet bombing refers to a method of utilizing conventional shells to bombard a large area of land from the air. This practice, used widely during the Second World War, was banned by the 1977 Additional Protocol I to the Geneva Convention. As mentioned earlier, weapons of war must not indiscriminately affect civilian populations. According to the Additional Protocol, it would be appropriate to use aerial bombardment to destroy a single military objective, but it would not be lawful to treat a whole city as a target simply because it contained a number of separate military targets within it.

¹ Carnahan, Burrus M. "Nuclear Weapons." *Crimes of War*. Eds. Roy Gutman, David Rieff and Anthony Dworkin. W.W. Norton & Company: New York: 2007, p. 306.

New technologies have been developed more accurate in their ability to target military objectives that are close to civilians. While these have made aerial bombings much more precise in the last 50 years, there have been tragic miscalculations or malfunctions with these new technologies that have resulted in death and the destruction of crucial civilian infrastructure.

Landmines and cluster bombs

Landmines and **cluster bombs** are two types of weapons developed to be used during war to slow the progression of troops or destroy military targets. In the last decades there has been a movement to have these weapons restricted by international humanitarian law because of their tendency to remain beyond the tenure of a conflict, presenting a grave danger for civilians.

Anti-personnel mines are small bombs that soldiers place below the surface of the ground. They contain a weight-activated fuse and enough explosive to maim or kill an adult. However, many planted mines are not set-off during conflict. Instead, long after military personnel have left an area, they are tripped by the weight of a civilian's foot or tool. Fortunately, this weapon has received international attention in the last decade because of the work of a strong coalition of NGOs, including the International Committee of the Red Cross, Medecins Sans Frontiers, and governments.

In 1999, the **International Treaty to Ban Landmines** (also known as the Ottawa Convention) entered into force. The treaty bans the production or use of landmines, but is not binding on states that are not party to it (including China, Russia and the United States). As a result of this treaty, millions of landmines have been destroyed in stockpiles and there has been a marked increase in de-mining operations in post-conflict areas. However, according to the United Nations Mine Clearance and Policy Unit, millions of landmines are still produced each year and civilians in 68 countries are at risk with over 110 million mines remaining in the ground².

Like the landmine, cluster bombs remain on civilian land even after a conflict has ended. The cluster bomb is a dispenser containing a collection of smaller bombs that is dropped from air planes and breaks into bomblets before reaching the ground. The primary purpose is to destroy enemy targets distributed across a particular area (such as tank formations). However, anywhere from 2% to 30% percentage of bomblets

² Marga Dorao-Moris, "Mine Terror", *United Nations Chronicle*, March-May 2005.

don't explode upon impact, depending upon environmental conditions.³ When this happens, a bomblet will remain unexploded until someone triggers it with their foot, car or agricultural tool. According to Handicap International, 98% of casualties from cluster-bombs are civilians and a high proportion of those people are injured post-conflict.

Unlike biological, chemical, and nuclear weapons and landmines, there is no treaty that explicitly limits the use of cluster bombs. However the use of cluster bombs in civilian areas may violate general principles of international humanitarian law such as the rule of **proportionality**. Handicap International, the Red Cross, and the United Nations have all publicly denounced cluster bombs and have organized a movement to demand regulation of this weapon.

Discussion Questions

1. According to the Chemical Weapons Convention (CWC), what is the definition of a chemical weapon?
2. Why do you think that the international community was able to mobilize so many countries to ratify the International Treaty to Ban Landmines more quickly than any previous treaty?
3. What is a cluster bomb?
4. The Nuclear Non-Proliferation Treaty (NPT) permits five countries to possess nuclear weapons. What are those five countries and why were those countries specified?
5. "Indiscriminate" is an adjective that is often used when describing a weapon that is prohibited by international law. In this context, what does "indiscriminate" mean? What is an example of an indiscriminate weapon? Why is this concept important to **international humanitarian law**?
6. The term "weapons of mass destruction" was used by the United States to justify its invasion of Iraq. What does international law say about these sorts of weapons? What sort of weapon was the U.S. military specifically looking for when it entered Iraq?
7. The CWC prohibits the use of tear gas during war but permits it as a domestic riot control agent. Why do you think this distinction might have

³ Human Rights Watch, "Cluster Bombs in Afghanistan", *Human Rights Watch Backgrounder*, October 2001, <http://www.hrw.org/backgrounder/arms/cluster-bck1031.htm>.

been made? At times of civil unrest, do governments always take precautions to protect all citizens?

8. What are the similarities between cluster bombs and landmines? What are the differences?

9. The Additional Protocol I of the Geneva Convention in general prohibits carpet bombardments of cities. However, it does allow forces to use area bombing if the area contains a number of military targets that are not clearly separated from each other by a significant distance. Do you think that this definition is sufficient for protecting citizens? If not, how could you make this definition stronger?

10. What consequences do nations or non-state actors face if they employ a prohibited weapon?

11. Individuals and NGOs have played an important role in lobbying governments to take a lead on creating treaties to control weapons. Do you think that governments should wait for NGOs and citizens to speak up before they take action on humanitarian issues? Why or why not?

Extension Activities

1. In 1968, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was entered into international law. With 189 countries as parties, the NPT permits the original five nuclear powers (USA, Soviet Union/Russia, UK, France, and China) to maintain these weapons.

Choose a country that isn't one of the original five and write a persuasive essay that convinces the reader that your country should be able to develop nuclear weapons. Remember that possessing nuclear weapons doesn't mean that you will employ them!

Information on the NPT:

<http://www.un.org/Depts/dda/WMD/treaty/>

2. When signing the CWC, (former U.S.) "President Clinton pledged to Congress that the United States [would] not be restricted in the use of riot control agents (tear gas) in two circumstances: conflicts to which the United States is not a party but is playing a peacekeeping role, or locations where U.S. troops are stationed

with the approval of the host State".⁴ No other country made such a distinction and thereby, in signing the treaty, committed to never using tear gas abroad.

Choose a recent conflict outside of the boundaries of the United States where U.S. troops were sent as peacekeepers. Through newspapers, find the description of a conflict or confrontation where it might have been appropriate to use tear gas. Assume the role of a military officer and write a letter to the **Organization for the Prohibition of Chemical Weapons**, which monitors the CWC, that justifies your decision to use of tear gas despite the fact that it is banned in the Convention.

Link to the CWC monitoring body:

<http://www.opcw.org/>

Link to Convention:

http://www.cwc.gov/cwc_treaty.html

3. In 1998, former U.S. President Clinton ordered a cruise missile attack on a factory in Khartoum, Sudan believed to be producing deadly nerve gas for the Al-Qaeda. The attack severely injured 10 civilians and destroyed the capacity of the factory to produce 50% of Sudan's essential medication for humans and veterinary drugs.

Read the ten articles on the bombing at:
<http://www.mega.nu:8080/ampp/khartoumbomb.html>

Referring to these articles and what you know about international law, the CWC, Additional Protocol I of the Geneva Convention, write a briefing about the legality of the this attack.

Take Action

Prepare a presentation on civilian casualties and cluster bombs. The purpose of the presentation is to encourage fellow students to sign the Handicap International e-petition which urges the UK Government to support a treaty that will:

- ban the production, use and transfer of cluster bombs

⁴ Pringle, P. "Chemical Weapons." *Crimes of War*. Eds. Roy Gutman, David Rieff and Anthony Dworkin. W.W. Norton & Company: New York: 2007, p. 94.

- encourage the destruction of any existing stocks

Sign the web petition here:

http://www.handicap-international.org.uk/page_249.php.

Set a goal of getting 100 people from your high school or university to sign the petition.

ADDITIONAL RESOURCES

FILMS:

Landmines: Seeds of the Devil (Journeyman Picture, 2001, Angola). Landmines disable nearly 200 people a week in Angola and an equal number of deaths go unreported. Children are highly vulnerable victims, and two, Daniel and Antonia, reveal their feelings here through sensitive questioning. 40 minutes.

Against the Tide of History: Landmines in the Casamance (Witness and Raddho, 2004). This film offers testimony to the socio-economic, medical and psychological effect of landmines on the survivors of these 'blind' weapons in Senegal.

Deadly Deception: General Electric, Nuclear Weapons and Our Environment, by Deborah Chasnoff (New Day Films, 1992). This Oscar-winning film documents the GE Boycott, a successful grassroots campaign run by corporate accountability organization, Corporate Accountability International, to pressure GE out of the nuclear weapons industry.

Hiroshima, directed by Koreyoshi Kurahara and Roger Spottiswoode (Showtime, 1995). The film explores the wartime dynamics in Washington and Tokyo that led the U.S. to drop the atomic bomb and the tragic consequences for the razed cities of Hiroshima and Nagasaki.

WEB-BASED RESOURCES:

Chemical and Biological Weapons

Chemical Weapons Convention:

<http://www.un.org/Depts/dda/WMD/cwc/>

Organization for the Prohibition of Chemical Weapons:

<http://www.opcw.org/>

Office of Weapons Removal and Abatement, U.S. State Department
<http://www.state.gov/t/pm/wra/>

Biological Weapons Convention:
<http://disarmament.un.org/wmd/bwc/index.html>

Center for Nonproliferation's Chemical and Biological Weapons page:
<http://cns.miis.edu/research/cbw/>

Nuclear Weapons

Nuclear Non-Proliferation Treaty:
<http://www.un.org/Depts/dda/WMD/treaty/>
<http://www.un.org/events/npt2005/npttreaty.html>

Veterans against Nuclear Arms:
<http://www.vana.ca/>

Union of Concerned Citizens on nuclear weapons:
http://www.ucsusa.org/global_security/nuclear_weapons/

Carpet Bombing

Article about US Carpet Bombing In Afghanistan:
<http://www.rawa.org/s-kill2.htm>

Landmines

International Campaign to Ban Landmines:
<http://www.icbl.org/>

Cyberschool Bus

<http://www.un.org/cyberschoolbus/banmines/index.asp>

Amnesty International on the global trade of landmines:
http://www.amnesty.org/ailib/intcam/terror_trade_times/ttt_3.htm

Cluster bombs

Technical description of cluster bombs:
<http://www.fas.org/man/dod-101/sys/dumb/cluster.htm>

Human Rights Watch documentation of cluster bombs:
http://www.hrw.org/doc/?t=arms_clusterbombs

Handicap International Campaign to ban cluster bombs:
http://www.handicap-international.org.uk/page_347.php

General

Human Rights Watch on arms:

<http://www.hrw.org/doc/?t=arms>