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**DEFINING THE RESPONSE TO THE USE OF INDISCRIMINATE
WEAPONS**

Forum: Disarmament and International Security

INTRODUCTION

In 2018 we were celebrating 100 years from the end of World war one. This war was significant, as one of the crucial weapons used were the chemical weapons, especially the famous Yperite. As the aim of these attacks were not only the soldiers, but rather incidentally, also civilians. But this is not only the question of past. Few years ago in the Syrian conflict, the government of Syria started the usage of Sarin gas in highly urban areas, leading to high civil casualties and by extent condemnation from the international community.

However indiscriminate weapons are not only limited to biological weapons, but by the definition of international humanitarian law to “ any weapons that cannot be directed at a military objective.” This therefore includes all chemical and biological weapons as well as landmines, mines and cluster bombs. For the sake of clarity in international negotiations, nuclear weapons are separated from this category, even though they fulfil the definition as well.

The response to the utilisation of indiscriminate weapons is often extremely complicated as any international action requires the permission of the UN Security council, where even a single P5 country’s denial may lead to a failure of a legitimate plan.

DEFINITION OF KEY TERM

- **Indiscriminate weapon** - Any weapon that can be directed at a military objective or whose effects cannot be limited as required by the international humanitarian law (https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule71)
- **International humanitarian law** - Law regulating the conduct of war seeking to lament the effects of armed conflicts by protecting persons who not participating in hostilities (https://en.wikipedia.org/wiki/International_humanitarian_law)

GENERAL OVERVIEW

When someone speaks about the indiscriminate weapons most of us comes with the idea of utilisation of chemical or biological weapons in the middle east. However, in reality according to the 2016 report the majority of deaths caused by the indiscriminate weapons did not happen in this region, but rather in other parts of the world and surprisingly also those, who are not in a state of armed conflict. These included Afghanistan, Libya and also Ukraine.



The most alarming statistics, symbolised by the caricature in fig. 1, is the amount of civilian victims associated with the utilisation of these armed tools. In 2016, 82% of all indiscriminate attack casualties were civilians, which are not involved in the conflicts. This number seems to be rising a lot, due to movement of armed conflicts from rather rural areas to big cities, where the concentration of civilians is significantly higher.

Indiscriminate weaponry varies in appearance and mechanisms quite significantly. By definition, artillery and bombarding aviation is also included, but in reality the most damage toward civilian victims is done by Improvised Explosive Devices (IEDs), which are often homemade machines from stolen army parts or from components originally designed for different purpose (such as nails). These machines are then either used as mines (planting into the ground) or planted into vehicles or buildings. The indiscriminate weapons are also often used by terrorist groups. Some examples of the devices are shown in fig. 2.



But other, less frequently used, but more powerful weapons must not be overlooked either. These often include the utilisation of modern technology such as blinding or even lethal lasers as well as the use of weapons, unable to be traced in a victim's body by X-ray, which disables the medical staff to provide efficient cure to relieve pain and prevent death. It is especially alarming in less developed regions, where X-ray equipment is often seen as a luxury and other often inter-veinal blood examinations are not possible due to their price and possibility of potential infection.

From the information above it is clear that the regulation and ideally total liquidation of this type of weaponry is essential for the survival of citizens in all parts of the World, but mainly in the conflict zones, where their tactical importance is rather low. A global effort should be made in order to ban these weapons and the United Nations should be a leading organisation in proposition and implementation of plans to limit more mainly civilian casualties.

On the other hand it is important to realise that not everyone is going to be following the doctrine of the United Nations. A mechanism in order to stop and prevent further utilisation of indiscriminate weaponry must therefore be set up.

Currently, the whole practice falls under the erudition of the United Nations Security Council. This is obviously a problem, as there are five permanent member states, which possess a veto power and most of the time are not in a global consensus. Because of this, even a legitimate plan to either militarily or in other more humanitarian way intervene into the area of an indiscriminate weapon conflict to save the civilians may be blocked and as described earlier large civilian casualties may be present

MAJOR PARTIES AND THEIR VIEWS

A great majority of states are declaring their non-utilisation of indiscriminate weapons and with this is connected the position towards response to their utilisation.

NATO

This organisation did not only refrain from using the indiscriminate weapons and is actively participating in their liquidation in non-member states, but in 2004 launched a monitor programme in order to track the utilisation of this weaponry in the whole world. The programme is, however, not very effective and there are plans for quitting it during 2019.

USA

This NATO member is following the general practice of this organisation with one exception, which is the US Landmine policy from 2014, which states that “The United states will not use anti-personnel landmines outside of the Korean peninsula in order to defend the Republic of Korea against the aggressive measures of the Democratic People’s Republic of Korea.” With the Trump administration there may be development in this field. On the other hand, United States are wishing to grant great amount of their military personnel to operations, which may lead to stopping the utilisation of Indiscriminate weapons.

Syrian Arab republic

The only country of the United nations, which did not provide adequate and internationally accepted evidence of the full liquidation of their chemical weapons, leading to speculations about their utilisation in the Syrian war.

Russian Federation

The P5 member state with the majority of vetoes used against missions to limit the indiscriminate weapons mainly in their regions of interest as Syria (April 13th 2018). With the rising tensions between Russia and the global “West” there may be more problems in the future.

People's Republic of China

Another 5P member state, which seems not to be directly involved in the problematics, however, if there is to be an intervention into Chinese area of interest especially in Africa and South America, we may expect a series of vetoes.

Other countries

There are various policies in each country that requires individual research and is often very unclear and may be only estimated from the actions often commented with some degree of bias. The list of Convention on Certain Conventional Weapons may be a good starting point for further research.

It is also crucial to consider countries in civil wars, where the sides of the conflict may not be clear.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The Geneva protocol 1925

Under the leadership of the League of Nations a treaty tackling the utilisation of mainly biological and chemical weapons was ratified, however, as there was no real way to enforce this convention, it was broken by many member states (ex. Italy in Abyssinia, 1935).

Convention on Certain Conventional Weapons

This set of documents tackling the utilisation of indiscriminate weapons, was signed in 1980s and later edited and prolonged by the end of the century. This convention includes five protocols, which include the forbid of utilisation of:

- a) Non x-ray detectable materials
- b) Landmines and booby traps
- c) Incendiary weapons

- d) Blinding laser weapons
- e) Treatment of these weapons

It must be noted that not all countries signed all 5 protocols. The list of signatories may be found in appendix.

International humanitarian law abolition of Indiscriminate weapons

By the rule number 71 of the IHL “Weapons that are by nature indiscriminate are those that cannot be directed at a military objective or whose effects cannot be limited as required by international humanitarian law. The prohibition of such weapons is also supported by the general prohibition of indiscriminate attacks.”

The law in general is straightforward, however, the enforceability especially in civil conflicts is extremely difficult. Also the judges of the ICJ share an opinion of the low clarity of this specific rule and also its contrast with other treaties adopted by different bodies of the United Nations.

QUESTIONS A RESOLUTION SHOULD ANSWER

- 1) The question of international response to the use of indiscriminate weapons
 - a. Should there even be international mechanisms in place
 - b. What should they be?
 - c. Who decides on that? Who authorises them?
 - d. Are they universal, or drafted specifically for the occasion?
- 2) State which global and local measures should be implemented in order to prevent mainly civil casualties of indiscriminate weapons
 - a. Propose ways how to enforce these measures

- 3) Decide whether it is advisable to edit existing treaties or create a new document in order to resolve this problematic mainly in the field of providing quick response without permission of the UN Security council
 - a. Are there any possible parts of existing documents, which may contradict some parts of your resolution or completely change the sense of your proposition?
- 4) Propose how is it possible to persuade all members of the UN to follow the resolution
 - a. Shall there be any motivation for member states to join?
- 5) Provide solutions for indiscriminate weapons' disarmament and liquidation.
 - a. Is there a place for creation of new UN body to control the process or shall the responsibility be solely on the member states
 - b. In which ways may the newest research in this field be used to lead and quicken the processes of destruction of weapons and also how to detect these weapons “in the field.”

APPENDIX

List of signatories of CCCW:

<https://en.wikipedia.org/wiki/>

[List of parties to the Convention on Certain Conventional Weapons](#)

Database of IHL on this topic:

https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule71

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