

Analyze a website
and present a case to
the court



Question According to the UNIDIR, explosive weapons are those whose casings contain high-explosive fillings such as air-dropped bombs, car bombs, mortars and the like. When detonated on densely populated areas, these explosive weapons can take the life of many without discriminating between adults and children, women and men and military and civilians. The area effect of these weapons is in 2009 when the US ordered air strikes in Yemen villages, in Libya when Gaddafi ordered the dropping of alleged cluster bombs in a village to thwart the growing rebellion in that area and in Syria, when NATO airstrikes caused massive civilian casualties. The area effect of explosive weapons causes death and injury not only to military combatants, but also to civilians, such as children, women and old people who clearly do not pose threat. This kind of harm is unacceptable because it has no justification. Although at present, there is no specific international treaty that prohibits the use of explosive weapons in densely populated areas, except perhaps for the use of cluster bombs which are banned by the Convention on Cluster Munitions, their use nevertheless, contravene basic human rights. The Universal Declaration of Human Rights, which should be abided by all members of the United Nations, proclaims that every person has the right to " life, liberty and security of persons." Moreover, under the Geneva Convention of 1949, those who do not take direct part in a war are considered non-combatants and are therefore, must be, among others, free from violence to life and prison. Similarly, the Rome Statute of the International Criminal Court proscribes any attack against civilians. It is accepted principle under the international humanitarian law that the direct targeting of civilians violates the customary laws of war. The use of explosive weapons clearly breaches the principles enshrined in these treaties and

customary laws. Question # 2 Just about two months ago, the Human Rights Watch reported that Muammar Gaddafi's forces have exploded four cluster bombs in one of the residential areas in Misrata, Libya to thwart the growing rebellion in that area. The report earned the collective indignation of many nations who are too familiar with its lethal effects (Sherwood 2011). Cluster munitions is the term used to refer to a disperser that is either launch from the air or from the ground, which carries with it smaller bombs, or bomblets, and is devised to eject them in a predetermined target area. Typically, a cluster bomb carries about 150 bomblets, each of which contains " 100 g. of high explosives in a coil of 2, 000 pieces of shrapnel" (Bowen 20). Cluster munitions is one of the most destructive and dreaded weapons due to its blanket, but imprecise effect. In the Libyan case, the cluster munitions were believed to be MAT-120 120mm mortar projectile that when reaching mid-air open up and release 21 submunitions over a significant size of area. When a submunition hits an object, it disintegrates into high-velocity fragments that can hit anything in its way, even armored vehicles (Sherwood 2011). The recent Libyan incident illustrates the difficulty in enforcing international bans of this type of weaponry where a state is not a state party to the treaty calling for such ban. In 2008, 107 states gathered in Dublin to adopt a treaty called Convention on Cluster Munitions. This treaty outright bans cluster munitions from production to use. To date, there are 57 states, considered state parties to the Convention, meaning these states did not only sign, but had also subsequently ratified, approved, acceded or accepted the treaty. State parties include the UK, Germany, France and Japan, but the US, China, India and Russia never even signed the treaty. It came into force on August 10, 2010 or 6 months after the 30th state had deposited the instrument of <https://assignbuster.com/analyze-a-website-and-present-a-case-to-the-court/>

ratification, acceptance, accession, or approval in accordance with Article 17 of the Convention. The UN Treaty Collection website does not list Libya as a state party or even as a signatory to the Convention. Libya's recent act in using cluster munitions proves that the ban on cluster munitions will be difficult to enforce unless a country is a state party. This is especially true in countries that are known to have used, stockpiled and manufactured this type of weaponry. In the case of Libya, for example, which is not a state party and not legally bound to the terms of the Convention, direct enforcement in accordance to the terms of the Convention cannot be done. While state parties to the Convention are encouraged to promote its objectives, according to the Cluster Munition Coalition website, there is no prescribed concrete nor feasible procedure laid down for it. In the wake of the report on the Libyan use of cluster munitions, which it had denied, many state parties, and even the US, have condemned Libya. Aside from this collective condemnation, no other concrete steps were taken by the Coalition to impose sanction against Gaddafi. On the other hand, it is the NATO, short for the North Atlantic Treaty Organization, which is now waging a campaign against Libya under the UN Security Council Resolution 1973 the objective of which is "to protect civilians and civilian-populated areas under threat of attack" (NATO and Libya 2011) and not specifically to chastise Libya for allegedly using cluster munitions. What is significant in this NATO attack is that it is being led by the US, which is a non-signatory state to the Convention. The implication of the Libyan case is that unless a state is a state party, there will be difficulty in enforcing compliance of the Convention. If the US, for example uses its own cluster munitions, as it did in its earlier campaigns in the Gulf War (Cluster Munition Coalition 2011), any kind of

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sanction, especially a military one, would be very complicated. References:

Bowen, R. Engineering Ethics: Outline of an Aspirational Approach. Springer, 2008. ' Chapter XXVI: Disarmament.' UN Treaty Collection. http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-6&chapter=26

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