



Weapons of Mass Destruction (WMD): An Overview

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ABSTRACT

The international community witnessed a significant development in the field of non-conventional weapons. Nations sought to invent weapons of immense destructive power. This paved the way for an arms race among the supremacy nations. By using doctrinal legal research methodology, this article aims to examine weapons of mass destruction (hereinafter referred to as “WMDs”). For this reason, this article identifies the concepts of WMDs, the nature of WMDs, and the legal perspective of the International Court of Justice (hereinafter referred to as “ICJ”) on the threat or use of WMDs. Primary and secondary data are critically and analytically examined using content analysis method. It is discovered that regardless of the efforts made by the international community to disarm WMDs and avoid their dangers, WMDs suffer from the problem of the domination of superpowers. This article introduced several recommendations to achieve the objectives of the ICJ in providing a safe environment and avoiding the catastrophic impact of using WMDs on the environment.

Keywords: WMD, International Law, ICJ.

INTRODUCTION

Basically, the international community witnessed a great development in the field of non-conventional weapons. As nations sought to invent weapons of immense destructive power. This paved the way for an arms race among the supremacy nations. In addition to the fact that nuclear weapons (hereinafter referred to as “NW”) are among the weapons that the human world witnessed after the end of World War II (hereinafter referred to as “WWII”), the great danger and enormous destruction posed by WMDs (Ahmed, 2009). As a result of that the international community was convinced of the necessity of setting international legal rules to limit the spread of these weapons, including but not limited to the NW (Ibid).

Participially, the United Nations (hereinafter referred to as “UN”) has signed several international agreements with the aim of preventing the spread of WMDs (Ibid). However, practical experience reveals that the developed countries have tried to evade the obligations imposed by the rules of international law and conventions (Kiss, 2000). This is made possible by inventing a new generation of weapons known as “selective weapons”.

Regardless of the efforts that have been made and the important results achieved by the international community to reduce the disarmament of WMDs, the rules of disarming WMDs facing several challenges. Firstly, the problem of the hegemony of the great powers (Al Hosani & Alem, 2020). Secondly, the applicable rules and conventions are not comprehensive because they are not in line with the tremendous technological development in the armament system, and the emergence of new generations of WMDs that were not known during the drafting of international rules and conventions (Al-Zubaidy, 2017). Therefore, there is a pressing necessity to find international legal solutions to the previous issues at stake.

In fact, this article seeks to identify the legal system to protect the world from the proliferation of WMDs under the rules of international law. It examines the concept of WMDs in international law; analyses the adequacy of international agreements related to the prohibition of the use of WMDs to protect the world from the dangers of these weapons; and scrutinises the legal value of the decisions of ICJ on the legality of the threat to use WMDs.

DATA BASE AND METHODOLOGY

This article has employed a doctrinal legal research methodology. The data was collected by using a library-based approach. Moreover, primary data were sourced from conventions, treaties, agreements, and international decisions. Additionally, the secondary data were composed from relevant sources, such as textbooks, journals, articles, and reputable websites.

Finally, in this article, primary and secondary data were critically and analytically examined by using the content analysis approach.

DISCUSSION AND ANALYSIS

The Concept of the WMDs

Although there are several international treaties, conventions, and rules that limit and regulate the use of WMDs of all kinds, they have become more prevalent than before. At the beginning of the twentieth 20th century, the use of WMDs has caused widespread controversy between supporters and opponents. In addition to the impact of weapons on global and regional politics in the international arena, they were used in the devastating wars that took place at the beginning of this century (Kiss, 2000). These weapons have gone through remarkable stages of development, both level of their destructive power and the number of countries producing these weapons have increased. For the purposes of supporting and confirming the principle of the use of arms, the international conferences in The Hague and the Netherlands was held. It prohibits customary international law and indiscriminate weapons (Al-Awadi, 1985). Previously, “WMDs” were used because of their ability to exterminate a group of people in masse (Al Hosani & Alem, 2020). Recently, the danger surrounding the use of these weapons has increased due to the development of genetic engineering sciences. Specifically, the countries are able to develop these weapons and modify their effect to become more lethal in chemical warfare.

At the beginning of the twentieth 20th century, WMDs, such as chemical weapons (hereinafter referred to as “CW”) in all their forms became a subject of great controversy among their opponents and supporters, regarding their manufacture and use, (Al-Wafa, 2005). Despite the conclusion of international treaties, this did not limit the spread of CW and prevented countries from acquiring and possessing them. Indeed, CW have become politically influential in the reality of global and regional politics since their emergence at the beginning of the twentieth 20th century, and their possession and use are still continuing in contemporary and modern wars. (Eid, 2011). Further, it is worth noting that the term “WMDs” came at the international level when British newspapers described German planes that were completely destroying entire cities, (Bayoumi 2004). Moreover, the term WMDs was indicated in the draft International Declaration on the Law of War issued in Brussels in 1874 (Salim, 2004).

On the other hand, WMDs are defined as the ability to cause lethal effects on a large scale and include nuclear, biological, and chemical weapons, and are also associated with violence,

death, instability, and insecurity in all its forms (Makled, 1991). So, from the above, it could be said that there is no universal and comprehensive term that defined clearly and reflect the meaning of WMDs.

Types of WMDs

WMDs includes three main types: NW, biological weapons (hereinafter referred to as “BW”), and chemical weapons (hereinafter referred to as “CW”), as follow:

Nuclear Weapons (NWs)

The NWs are a weapon of mass destruction. It causes a nuclear tragedy either in the case of an atomic attack, or the case of a negligent nuclear leak from an atomic reactor. It seems that the threat of atomic might appear more likely in atomic leakage from reactors than in the use of the atomic weapon itself as a weapon of war (Morsi, 1995).

In addition, the NWs are kind of bombs that are categorised based on their high destructive power and speed. It is worth noting here that the NWs are more destructive than the conventional bombs. For instance, NWs generate very high pressure and the produce lethal radiation and scorching temperatures. NW bombs are divided into nuclear booms; hydrogen bombs (known also as thermal bombs); Neutron bombs (Bayoumi, 2004). The types of NW explosions are two; firstly, the nuclear fission explosion that happens as a result of the explosion of a uranium bomb; secondly, the nuclear fusion explosion that occurs due to the explosion of a hydrogen bomb (Ahmed, 2009). Therefore, to show the extent and severity of the NWs explosion, the specialists found that the energy that was released due to the explosion of the NW bomb on the city of Hiroshima had a force of fifteen (15) tons, which is equivalent to the outputs of the explosion of fifteen thousand (15,000) tons of high explosive (TNT).

Finally, it is important to note that many Western and Arab countries are on the way to possessing NW reactors for peaceful use such as the production of electrical energy. Hence, the risks of an atomic disaster that might be due to any leakage or neglect in maintaining the atomic reactor would be increased. The chornobyl disaster is one of the examples that prove and highlight the previous matter.

Biological Weapons (BWs)

BWs are definite as all kinds of germs or their toxins that can be used in wars in order to infect the enemy with epidemic diseases, lethal or debilitating toxins. These germs are organisms that might be bacteria, viruses, or fungi that transmit disease or produce toxins (Bayoumi, 2004).

An example of biological chemical weapons is those containing biologically active substances formed by organisms with a toxic effect, such as the botulin toxin formed by *Clostridium Botulinum* bacteria, which causes the botulinum food poisoning.

In addition, biological weapons are not limited to microorganisms and the toxic substances, but they also include a long list of bugs and rodents whose harm and damage are not limited to destroying the crops, as these bugs and rodents transmit many diseases to humans, such as malaria, plague, and tetanus. So, it is obvious that BWs target not only the individuals and also the environment where they stay. Moreover, among the diseases caused by BWs are anthrax which is among the most common germ, used in bacterial war. It causes severe fever, vomiting, and difficulty in breathing.

Chemical Weapons (CWs)

CWs include factory-made toxic materials that cause death or disablement, either by damaging the lungs, blisters in the skin, or impairing the functioning of the nervous system. (Al-Layl, 1993). Simply put, CWs are a collection of poisonous gases that are arranged chemically and have different effects on the physiological functions of humans, some of them are lethal and others are only disabling or disfiguring (Al-Zubaidy, 2015). Furthermore, chemical materials, (either solid, liquid, or gaseous) are used in the war for their poisonous, incendiary, or lethal effect on every living creature, either human or animal (Al-Besisi, 2006). For example, mustard gas is a liquid poisonous material with an oily texture (Ahmed, 2009). It slowly turns into a gaseous form and spreads rapidly. It causes damage and poisoning. There are also solid materials that are used and as a result of heat and explosion, they turn into toxic gases and dense clouds that carry atoms of toxins within them, such as arsenic and others.

The Legal Perspective of the International Court of Justice (ICJ) on the Threat or Use of WMDs

The United Nations General Assembly brought before the ICJ the question of the threat or use of WMDs of all kinds that is permissible under international law? This is after the countries of the world realised that the continued existence and development of these weapons could threaten the humanity and peace in the world. Accordingly, in 1996, the ICJ issued a fatwa in this regard. It stated that there is nothing in customary or conventional international law that permits the threat or use of WMDs (Al-Zubaidy, 2017). On the other hand, there is also no general and comprehensive ban on using WMDs (Ahmed, 2009). Furthermore, the threat or use of WMDs shall remain in line with international laws applicable in situations of armed conflict, and in a

manner that does not conflict with the provisions of the Charter of the United Nations, otherwise it would be illegal (Al-Besisi, 2006). Therefore, there is a need to work and negotiate with the countries possessing WMDs to disarmament such kind of weapons. Furthermore, the ICJ also recognised that the environment is threatened on a daily basis by the presence of WMDs. For this reason, ICJ confirmed that the customary environmental law stipulated clearly the need to protect and respect the environmental territory of any state (Al-Zubaidy, 2015) As a result, it seems important that the conflicting countries seeking to achieve military objectives in armed conflicts have to take into account the environmental safety.

Additionally, the ICJ considered the unique characteristics of WMDs and their ability to destroy and cause suffering to the world (Al-Zubaidy, 2017). For instance, the damage of WMDs extend to future generations as they are explosive devices that emit huge amounts of heat and long-term radiation. This might confirm that the negative impacts of WMDs are never commensurate with the military objectives that need to be achieved by the conflicting states, no matter how important they are. Hence, it seems that the conflicting states should never target civilians, and so they should not use weapons that cannot distinguish between civilian and military targets.

CONCLUSION

The article analysed critically the WMDs by highlighting several issues. It found that there is no universal and comprehensive term that defined clearly and reflect the meaning of WMDs. Furthermore, WMDs cover three (3) types of distractive weapon, namely; WNs, BWs, CWs. Each kind of the previous weapons has its specific characteristics. On the other hands, all of these types are causing huge damages to the civilians and also the environment. Regarding the legal perspective of the ICJ on the threat or use of WMDs, it discovered that there is no clear orders that permits or bans the use of WMDs. On the other hand, there is also no general and comprehensive ban on using WMDs. For this reason, there is a need to work and negotiate with the countries possessing WMDs to disarmament such kind of weapons. Finally, it is recommended that the international community has to enact more specialised laws and conventions to reduce and minimise the use and threat of WMDs. Moreover, it is also important

to enhance the security and obligate the national states to use modern technologies that are able to track the illegal trade of the materials used producing WMDs.

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