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**Paper: Identification and Control by UN
Member States of Weapons Designed to
Cause Blindness and/or Deafness**

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I. Introduction

My name is Colin Bennett and I am a 66 years old Englishman living in Hove in the county of Sussex on the south coast of England in the United Kingdom. I have Usher Syndrome Type 2, a condition well known in the db world. I have the normal characteristics of retinitis pigmentosa (RP): night blindness, tunnel vision, sensitivity to glare and a gradual deterioration of sight through life. I can no longer read but I function satisfactorily in good lighting conditions but I am as helpless as a baby at night. I have experienced a slow deterioration in my hearing from early childhood. I have a 95 dB loss in the higher frequencies. I depend on two powerful digital hearing aids.

I attended normal State schools and University and I was in full-time employment until 1990. In 1992 I became a registered blind person and in the years since most of my energies have gone into waging campaigns of one type or another, mainly on the question of facilitating the integration of disabled people into Society. I have always been interested in current affairs, the make-up societies all over the world and in political issues.

In recent years I have played an active part in Sense (the National Deafblind and Rubella Association) which is the UK's largest charity concerned with deafblindness and other disabilities. I am representing Sense at this conference but the views in this Paper are entirely my own.

A few years ago I became increasingly concerned about the effects of weapons on defenceless people not all of whom are civilians. I am referring to what are called anti-personnel weapons which are designed to inflict injuries and death on people rather than to destroy armour or buildings. Perhaps the most well-known of such weapons are landmines and it is common knowledge that these have been planted in vast numbers in various countries of the world where wars have been fought. One thinks primarily of the Indo-Chinese countries: Vietnam, Cambodia and Laos but also of several African countries such as Mozambique and Angola as well as Iraq and Afghanistan. We tend to think of landmines being planted in "third world" countries but they have also been used in developed countries such as Yugoslavia and the Lebanon. Nearly all victims of landmines are civilians, usually children and casualties are sustained long after the war is supposedly over.

There have been campaigns in recent years to ban or at least limit the use of landmines and one can think of the Ottawa Convention of 1997 (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer or Anti-Personnel Mines and on Their Destruction) as being the high tide of these campaigns.

Here is a useful article on the Convention I found on Wikipedia:

"The Ottawa Treaty or the Mine Ban Treaty, formally the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, bans completely all anti-personnel landmines (AP-mines). As of 2007, it has been signed/accessioned by 155 countries. Forty states, including the People's Republic of China, India, Russia and the United States, are not party to the Convention.

Implementation of the treaty

Besides stopping the production and development of anti-personnel mines, a party to the treaty must destroy all the anti-personnel mines in its possession within four years. Just a small number of mines is allowed to remain for training (mine-clearance, -detection, etc.). Within ten years after signing the treaty, the country should have cleared all of its mined areas. This is a difficult task for many countries, but at the annual meetings they may request an extension (and help).

Only anti-personnel mines are covered. Mixed mines, anti-tank mines, remote controlled claymore mines, anti-handling devices (booby-traps) and other "static" explosive devices against persons are not within the treaty.

Destruction of stockpiles

According to the International Campaign to Ban Landmines (ICBL, www.icbl.org) report for May 2006; several countries declared stockpiles totalling over 160 million landmines, of which more than 39.5 million have been destroyed so far by States Parties. 74 countries have completed the destruction of their stockpiles, and another 64 countries have declared that they did not possess stockpiles to destroy.

Signatories

There were originally 122 signatories in 1997; as of February 2007, it has been signed by 155 countries and ratified by 153. Forty countries have not signed the treaty.

The most important countries producing and stockpiling landmines that have not signed are the People's Republic of China, India, the United States and Russia. The United States refuses to sign the treaty because it does not offer a "Korean exception", as landmines are said to be a crucial component of the U.S. military strategy in South Korea. According to the US government, the one million mines along the Korean Demilitarized Zone (DMZ) between North and South [Korea] help maintain the delicate peace by deterring a North Korean attack, which some consider a weak excuse, considering that the United States is producing and stockpiling mines aside from this. India has not signed the treaty because it deems landmines necessary to prevent infiltration of Pakistani trained Islamic extremists into Jammu and Kashmir state.

There is a clause in the treaty, Article 3, which permits countries to retain landmines for use in training or development of countermeasures. 64 countries have taken this option. In total 289,000 mines have been declared as retained by various countries under Article 3. A further 23 countries have not declared a figure."

Although many countries have signed the Ottawa Convention not all of them have ratified it. There is still a big political battle to achieve this. I am pleased to say that UK charities and non-governmental organisations (NGOs) have made a useful contribution in this area.

I am devoting a substantial part of this Paper to landmines and cluster munitions (aerial landmines) because they have wreaked such havoc in the world and we can learn much from the campaigns that oppose them.

I draw your attention to the Abstract of my Paper (with the original typos removed!). I am departing from the format of this Abstract a little. I am going to deal first with cluster munitions. This is mainly because it is easier to get information about them and because the world wide campaign against them is well-advanced. So hang on a bit before I get to the main thrust of my Paper.

II. Background to Cluster Munitions

Most of us have a vague idea of what cluster munitions/bombs are but this explanation from Portia Stratton of Landmine Action in London will give us a clearer picture. Landmine Action has a website: www.landmineaction.org and I recommend that you visit it. It might be useful to find out if your own country has an organisation and/or website dealing with landmines.

Cluster munitions consist of a container filled with lots of explosive 'submunitions'. These containers might be dropped as bombs from aircraft or fired from artillery or rockets. The container breaks open in mid-air and the submunitions (or bomblets) are released - effectively carpet bombing an area the size of two or three soccer pitches. Anybody within that area, be they military or civilian, is likely to be killed or injured. When cluster munitions are used in or near areas of civilian population these attacks should be presumed to be in breach of the Additional Protocol I to the Geneva Conventions (relating to the Protection of Victims of International Armed Conflicts) which prohibits indiscriminate attacks.

As so many of the submunitions fail to work properly, they cause lethal contamination that can last for decades. It is because of this contamination that they are often compared with landmines. They block access to land and kill and injure people trying to rebuild their lives after conflict.

Cluster munitions are dual purpose weapons - meaning they have anti-personnel and anti-vehicle effects. The outside casing fragments into hundreds of pieces upon detonation causing the anti-personnel effects. The fragmentation will be dispersed over a radius that can be as wide as 50 metres. The effects of such shrapnel on human beings include deep wounds from the metal fragments, the loss of limbs and extremities and in most cases, death. The high explosive charge inside each bomblet or submunition can also lead to blindness, deafness and internal complications. Cluster munitions can also contain an incendiary component, that causes burns.

Below is a case study of a man from Laos who's sight has been severely damage by a submunitions exploding:

Dtar is 33 years old and lives in Laos. He has seven children.

"One day in 2003 I took my two boys down to the river to go fishing. I found a 'bombie' in the water and picked it up because I wanted to use it as an explosive, to blow up in the river so that we could catch more fish. But the

bombie went off in my hands and blew off my arms. And now we are getting poorer because I lost both my arms and cant work to support my family. I am lucky at least, because they sorted me out with one artificial arm. After the accident one son stayed with me and the other went to get help. It took four hours to get to the hospital, first by boat down the river then, then by a cart pulled by a ploughing tractor, and when we got to the village my nephew took me by car straight to the hospital. This arm was blown right off in the explosion and they had to amputate my left arm twice because it got infected after the first amputation. So they had to cut it off higher up. The explosion impacted all over my face and my eyes. I couldn't see anything. My sight was blurry until I went to hospital again in 2005, when my relatives had saved up enough money to pay for the operation. My wife and the family learn all the money to support us now. One of my sons had to leave school to help my wife. He is 15. I help as much as I can but I am not much use."

III. The International Movement Against Cluster Munitions

The fact that we have cluster munitions in this world is really depressing but it is heartening that there is a powerful international movement against these terrible weapons. I draw attention to the creation of the Cluster Munitions Coalition (CMC) and here is their website: www.stopclustermunitions.org and I recommend that we all visit it. Regrettably the UN Convention on Certain Conventional Weapons (CCW) failed at its third review conference in November 2006 to agree to urgent action to address the humanitarian impact of cluster munitions. I strongly recommend that you visit the website for the United Nations Office at Geneva where you will learn much about the international movements for disarmament under the auspices of the UN. Their website is: www.unog.ch

It is well known that Norway is not only an active member of the UN but plays a significant role in the world in trying to end conflict and move towards a more peaceful world. Not being a member of the European Union it has considerable freedom to act independently. It was in this spirit that Norway took the initiative to campaign against cluster munitions in February 2007, now called the "Oslo Process". At the end of that Conference, 46 nations, agreed to a Declaration committing to conclude a Treaty banning cluster munitions that cause unacceptable harm to civilians by 2008. The Oslo Process is being led by a group of core states which include the governments of Norway, Austria, Ireland, Mexico, New Zealand and Peru. The second meeting of states took place in Lima, Peru in May 2007 with 27 additional nations joining the Oslo Process. Following 3 days of substantive work at the Lima Conference, the shape of the new treaty emerged with some clarity and there was clear momentum towards an outcome in 2008.

Hungary announced a moratorium on the use, transfer and production of cluster munitions. Peru announced an initiative for a South American Cluster Munition Free Zone, and Costa Rica invited delegates to a regional meeting in September to work towards that goal. Seventy-five states are now participating in the Oslo Process.

Participants in the new process now cover the five world regions and include 19 producer states, 7 states that have used cluster munitions, 34 stockpilers, and representatives from 11 states affected by the weapons. There are also 20 states not party to the CCW

participating in the Oslo process making it a more open and globally representative forum for addressing this issue.

The next meeting of states in the Oslo Process will take place in Vienna, Austria in December 2007. Subsequent meetings have been scheduled for Wellington, December [typo?] from 18 - 22 February 2008 and Dublin in May/June 2008.

I am indebted to the CMC for the above information. I would urge all participants in the 14th Dbl Conference to find out what your own country is doing to promote the Oslo Process and to do everything you can to further it by for example lobbying your legislators. I also hope that organisations of and for deaf and/or blind people will do likewise.

IV. Progress in the UK: the Cluster Munitions (Prohibition) Bill 2006-07

I am pleased to report on a significant step against cluster munitions made recently in my own country: United Kingdom. I refer to the Private Members Bill introduced into the House of Lords (the upper Chamber in the bicameral Parliament in the UK) by Lord Dubs. That Bill completed its passage through the Lords in February 2007. The Commons was always unlikely to ever give it a Second Reading; this is normal for Lords' Private Members Bills. The Bill was also debated in the Lords in May 2007 and there was good publicity for its intention and news of this were taken by Lord Elton to the second Conference of the Oslo Process in Lima.

V. Progress in Australia: Cluster Munitions (Prohibition) Bill 2006

It is interesting that in our host country a similar Bill was introduced into the Senate by Senators Allison (AD), Bartlett (AD), Bishop (ALP) and B Brown (AG). Cluster Munitions (Prohibition) Bill 2006 prohibits the manufacture, possession and use of cluster munitions and provides for decommissioning of cluster munitions held by the Australian Defence Force. The Bill was introduced in December 2006. After extensive consultation and examination the Report into the Bill was presented on 31 May 2007 to the Foreign Affairs, Defence and Trade Committee and tabled on 12 June 2007.

I do not know what has happened since and I look to the Ozzies present to tell us and to tell me if I have made any mistakes in this description.

More information can be found online at www.aph.gov.au/bills/index.htm

VI. Weapons Designed to Cause Deafness and/or Blindness

Now I am getting to the main subject of this Paper. I thought it would be useful to give the outline above of weapons that do in fact often cause such disabilities although, arguably, are not specifically designed to do so. It is much easier at the moment to obtain information about landmines and cluster munitions than on weapons that are so designed. This is probably because the use of landmines and latterly cluster munitions has been accepted to a certain extent by the populations of the countries that use them - although this is beginning to change. I suspect that most people would abhor the use of the weapons that I am talking about now and therefore Governments are not anxious to

provide much information about them.

I am indebted to Neil Davison of the Peace Studies Department of Bradford University for much of the material below. You can go to the University of Bradford Non-Lethal Weapons Research Project website for more information: www.bradford.ac.uk/acad/nlw.

I would be satisfied if presenting this Paper encourages debate on this question in the movement of and for people with sight and/or hearing problems and in the wider disability movement. I hope that today we can form the nucleus of an international group that will keep in touch with each other and research this topic in their various countries.

I turn now to my Abstract for this Paper and follow the format of the "Brief statement of contents".

1. Are there weapons designed to cause blindness and/or deafness?

Yes, there are such weapons and I will briefly describe some of the best-known of them.

Firstly, with regard to weapons targeting the eyes there are really two types. The first are low energy lasers (or in some cases high power lights or LEDs) that are shone at a person's eyes with the intention of obscuring their vision temporarily in order to disorientate them or prevent them from carrying out a task. Some use green lasers, others red lasers and others under development incorporate various different laser wavelengths. The theory behind their use is that up to a certain threshold of laser energy deposited on the eye there is no permanent damage to it. However, this is dependent on the operation of the weapon. The crucial combination of factors are the power level, distance/range, and exposure time. It does not take much imagination to realise what could happen if a young, frightened soldier were in charge of such a weapon and lost track of the time his finger was on the trigger.

The second category of eye-targeting weapons under development are stroboscopic devices. These have been proposed since the 1970s and it is unclear whether there is evidence of their effectiveness. The concept is to use a strobe to induce feelings of disorientation and nausea. A small percentage of the population suffer from photosensitive epilepsy and so would be particularly vulnerable to such a weapon. Whether lesser incapacitating effects would be induced in the majority of the population is unclear.

With regards to acoustic weapons, developers have had very little success over the years. But in the past few years systems similar to very high power loudspeakers for directing sound over long distances have been developed. These are used for communication but the US military, for example, has investigated the use of particularly unpleasant or annoying noises as a way of controlling groups or denying access to an area. At close ranges and high power levels there is a danger of permanent hearing damage with sound levels reaching 130 dB. Research is ongoing on how to use these devices to incapacitate people but generally it seems that it is not possible to cause effects beyond annoyance without causing permanent hearing damage. Probably the best known device is the Long Range Acoustic Device (LRAD).

2. Where are these weapons manufactured? Where have they been used?

As far as laser weapons are concerned, the military in the US, through the Marines (where the Joint Non-Lethal Weapons Program is based), the Army, and particularly the Air Force, have been involved in developing such weapons. There are numerous companies there offering such devices, many of which are modified versions of existing technology for range finding etc. that have been used on the battlefield for many years. Other countries are also interested in these types of weapons including Russia, UK and no doubt many others. I have not yet had firm evidence that they have been made in the UK.

One of the main objects of this Paper is to encourage everyone, including myself, to ferret out such information, especially in his/her own country and to pool the results of our research.

We do know that laser weapons have been and are being used in Iraq by Coalition forces particularly at checkpoints. The most widely-reported (but not very widely!) use of acoustic weapons was in the assault on Fallujah which began in November 2004. This assault will become one of the most notorious episodes in military history as time goes by and much more will emerge about the weapons that had been used. Some years ago, it became known that US forces use very loud "music" to oust General Noriega in Panama City.

As we are in Australia, it would be very interesting to know whether Australian military forces have used or possess those weapons that are the subject of this paper.

3. What legislation have UN member states introduced to identify, regulate and license the manufacture of such weapons?

The only legislation or international treaty that I have been able to discover so far is the "Additional Protocol (no. IV) to the Convention on Certain Conventional Weapons (CCW)" which was agreed in Geneva in 1995. I must pay tribute here to the International Committee of the Red Cross (ICRC) and to Human Rights Watch who carried out significant work to build this Protocol.

However, the Protocol specifically does not prohibit other laser devices (range finders, targeting devices etc.) that are not designed to cause blindness but could if they were used for that purpose. Furthermore, it does not prohibit the types of laser weapons under development for the last 10 years or so, often called "dazzling" lasers, because they are not intended to cause permanent blindness. However, some of these new weapons are capable of causing permanent damage if used at shorter ranges or longer exposures than the guidelines for their use. The question is, as I mentioned above, whether soldiers are able to make these judgements concerning distance and exposure time during stressful operations. Of course, there may be secondary effects of their use where a person loses control of a vehicle due to obscuration of vision. Human Rights Watch recently raised concern over the newer higher power "dazzling" laser weapons that are emerging and urged further investigation.

4. What are the international controls on the export/import and use of these weapons by parties under the jurisdiction of UN member states?

I am afraid that I have not yet been successful in gleaning much information in this area. I have put out questions to people who might know such as MPs knowledgeable in this area but have not yet had much response. However, I will continue to seek such information and I strongly urge all those present to ask questions concerning their own countries. It is always a good idea to write to your MP or other Parliamentary representative. It would be good to get the religious organisations involved in this work.

5. How informed are the organisations of and for deaf, blind and deafblind people in all UN member states about this issue?

I think the answer to this question at the moment is: not very! I know that in the UK, for example, the main organisations concerned with sight loss and hearing loss - respectively, the Royal National Institute of the Blind (RNIB) and the Royal National Institute for Deaf and Hard of Hearing People (RNID) - are short of resources and so I feel that it will mainly be up to volunteers to move forward in this area. A ringing endorsement by Dbl of the need for activity in the campaign against weapons designed to cause (or have the effect of causing) blindness and/or deafness would send out a powerful message from this Conference.

We are by no means alone in calling for the abolition of such weapons. Earlier in 2007, I heard on the US radio station Democracy Now! "the War and Peace Report" (www.democracynow.org) an interview with General Wesley Clark, the retired four-star US general who was Supreme Allied Commander of NATO during the Kosovo War. He has been awarded the Presidential Medal of Freedom and in 2004, he unsuccessfully ran for the US Democratic presidential nomination. I was delighted to hear him say "I did participate in getting rid of laser blinding weapons. And I was part of the team that put together the agreement that got rid of laser blinding weapons."

6. Should Dbl and its constituent organisations take a stand on this issue?

My view is emphatically: yes! It would be interesting to have a mini-debate on this question today.

7. Should this subject be addressed in the UN Convention on Disability, now in gestation?

My view is that it would be helpful to take this route. However, I would like to get the views of those in the db movement who have been active in this area particularly Lex Grandia and his wife Ann.

VII. Conclusion

I do hope that this Paper and any discussion rising from it will be of benefit to everyone. I thank those who have helped me to draft this Paper and I have mentioned them above. I must thank my editorial assistant and researcher - Telle Vilka of Finland. I've also been dabbling in Wikipedia for information: this is often fruitful area for research.

Colin Bennett, Hove
July 2007

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