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THE INFLUENCE OF WEAPONS DEVELOPMENT THROUGHOUT HISTORY AND THE PROTECTION OF THE CIVILIAN POPULATION – ISSUES OF APPLICATION OF INTERNATIONAL CONVENTIONS

Resume

Numerous wars and armed conflicts have been waged for the last hundred years worldwide. They have resulted in the deaths and injuries of the civilian population, as well as the destruction of cities, villages, settlements, economic facilities and other infrastructure. Unfortunately, wars and armed conflicts continue in various parts of the world, and more and more people are killed which are primarily civilian population. It is necessary that the role of the international community in general, as well as the largest international organizations like OUN, should have more active roles in the terms of the application of all legal frameworks worldwide. That is related to the control of weapons in general and weapons of mass destruction and therefore the protection of all persons protected according to the Geneva Conventions from 1949. Those are primarily the civilian population, wounded, sick, prisoners of war, shipwrecked as well as property, etc. From a global perspective, the international community needs to be more active to try on diplomatic and

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political level to minimize as much as possible occurrence of war, arm conflict and any kind of armed crisis. In that way the idea of usage of weapons in general and weapon for mass destructions will not be current and civilian population will be more protected.

Keywords: development of weapons, United Nations, historical facts, international conventions, civilian population

INTRODUCTION

Wars and armed conflicts are the most extreme instruments of politics. Wars and armed conflicts appeared with the emergence of the first countries and have lasted from Ancient times to the present day. The human sacrifices, as well as the destructions due to war and arm conflicts were terrible.

War is the oldest international term for armed conflict. Armed conflict is a broader term than war. Before Second World War, the International Law of War made a distinction between armed conflict and war. After the Second World War, the prevailing opinion in international law was that in addition to war, the rules of international law of war should also be applied in armed conflict, regardless of the legal features. War and armed conflict are equal in terms of the application of international humanitarian conventions. In the IV Geneva Convention Relative to the Protection of Civilian Persons in the Time of War from 1949, the term war is increasingly being replaced by the term armed conflict. Article 2 of the mention Geneva Convention from 1949 states as follows “In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them...” (Picet 1994).

In the first community, cold weapons were used such as bow and arrow, war hammer, battle axe, crossbow, blunderbuss, broadsword trident, etc. Besides the cold weapons from Ancient Times in the Middle Ages new cold weapons were used such as axe, sword, bow and arrow. The last two centuries reflect the rapid development of the weapons such as firearms, then infantry weapons, artillery and aviation. After the inventions of submarines, explosive materials, missile weapons, gases,

poisons, chemical agents, biological agents, and atomic weapons, all these agents were used to a greater or lesser extent and civilians suffered during wars and arm conflicts.

In the past centuries, wars and armed conflicts were permitted and, unfortunately, a regular and normal occurrence. There was a prevailing and generally accepted rule that every state had the right to wage war (*ius belli et gerendi*). Also, there was a division into just wars (*bellum iustum*) and unjust wars (*bellum iniustum*). The modern doctrine has retained this division, but its interpretations are very different, depending on the country that interprets it. (Vozler 2010, 35–84)

Until the 19th century, there were no rules or restrictions on the manner and means of conducting wars and armed conflicts, both in relation to participants in wars and in relation to civilians, prisoners of war, the wounded, and the sick. There were no rules or restrictions on the protection of cities, settlements, economic facilities, and other infrastructure facilities. Also, no international multinational conventions would regulate the law of war and the obligations of all participants in those wars to protect civilian population. The fact is that there was a customary international law of war, but it was not generally adopted, nor was there an obligation to apply it. The application and interpretation most often depended on the winning side in the war (Lopičić 1999, 17–23).

From Ancient times to present civilian population suffer the most during the war and armed conflict. According to Professor Andrassy the casualties of civilians in First World War were 5 %, in the Second World War it rose to 45 %, in the Korean War was 80 % and in Vietnam to 90 % (Andrassy 1976, 595). As can be concluded from the above, the civilians are the most endangered in the war and armed conflicts. The total number of war victims which were the civilians is estimated by United Nations totals up to 90 %. Reactions to war and to wide spread multi-layered conflicts, during the course of history, have long been observed as a form of self-defining on both private and national level. Therefore, the desire to penetrate the core of restructuring, looking through the prism of history, has great significance for the period especially after the Vietnam War (Vasić 2018, 9).

HISTORICAL DEVELOPMENT OF WEAPONS

In the time period from the Ancient Times until the modern times, wars and armed conflicts were conducted with different kind of

weapons. In Ancient Time there were no weapons of the mass destruction of soldiers and civilians that exist now in the modern world. Nevertheless, the wounding and killings of civilians, soldiers, prisoners of war, wounded and sick was carried out mainly by using cold weapons such as: bow and arrow, war hammer, battle axe, crossbow, blunderbuss, broadsword trident etc.

In the above-mentioned period, wars were fought in most countries (Egypt, Greece, Persia, Mesopotamia, Ancient Rome, Ancient China, etc.) and war was considered the most effective way to protect political and national interests. During war civilians suffer the most from taking into slavery to killing them. The first ideas to limit and legally regulate war and armed conflicts appeared in some way. The ideas were based on the humanization of wars and were mainly the results of the thinking of various philosophers, writers, priests, politicians such as; Plato, Thucydides, Heraclitus of Ephesus, Aristotle, Tacitus, Sun Tzu, etc. Their interests in wars were mostly of a philosophical nature and they divided wars into just and unjust. The first written document that regulated the technique of conduct of war was the Indian code known as Laws of Manu from 500 BC (Ballis 1937, 56). Among other things, that code regulated the technique of waging war. Also in Ancient China, waging wars were described with many rules of chivalry. At that time, it was forbidden to wage war during the planting and harvest seasons. Further, the well-known Chinese writer Sun Tzu in his book “The Art of War” wrote among other thing that it was forbidden to injure and hurt enemies who were already wounded, and also it was forbidden to harass and maltreat sick and elderly people (Friedman 1972, 3).

Ancient times is the first but very important phase in the development of human society where the customary law on the humanization of war was created. That initial step was very significant although it was relatively small, when compared to the later epochs of the development of society. In the later stages of the development of human society, those processes of general humanization of warfare and regulation of the status of all participants in war including civilian population was much bigger.

In the Middle Ages, wars continued, in which, unfortunately, the civilian population suffered the most from cold weapons which were used such as axe, sword, bow and arrow. In that period, the idea of knightly warfare appeared, which had to be respected by both sides in the conflict. However, these chivalric rules were not universally recognized, and a large number of countries did not respect them. However,

some rules prescribed minimal protections of civilians such as law that was issued in 1386 by English king Richard II that forbade violence and murder of women, children, elderly and other weak persons, i.e. persons who are not armed during war. There were similar provisions in the “Article of war”, which was passed by the Austrian ruler Maximilian in 1508 (Green 1993, 22). Also at that time there were ideas about the humanization of war and the realization of certain rules of war. For example, the first attempt to establish some sort of permanent criminal court dates back to the Roman Pope before the beginning of the Hundred Years’ War (Kotzsch 1956, 30–34).

In the above-mentioned period, there were no generally accepted rules on the conduct of war and protection of civilian population during war. Winner side made rules of war and often interpreted and applied it according to their will, so that customary law was not generally adopted. It is significant that in the Middle Ages ideas about the humanization of war continued, as well as the creation of the international customary law of war, with the aim of prescribing the rules of the law of war and protecting, primarily the civilian population, as well as prisoners of war, the wounded and the sick. Of course, all those ideas were sporadic and in the beginning and did not have wider support. The fact is that even the states of that time did not support these ideas, each for their own interests and reasons. Here, we shall portray the plastic example of Japan. Social and economic development of Japan throughout the history has been dealing with the cultural and technological gap that was more emphasized in Japan than in some other more developed countries, back in the past. Metaphorically speaking, this kind of weakness, made the Japanese ruling class at the same time both offensive and defensive. Everything that was adopted from other countries was actually adapted in this sense to help the prosperity of Japan and, consequently, its defence (Vasić 2021, 197).

The topic of the work of many thinkers of that time, philosophers and jurists was methods and way of waging war. The main goal of these rules and norms was the protection of non-combatants and innocent civilians (Bassiouni 1992, 158). These ideas were developed from the Middle Ages all the way to the 19th century. However, all these mentioned authors did not manage to adopt a multinational convention that would regulate the law of war and thus contribute to its humanization and finally make it generally binding.

Wars, war destruction and suffering of the civilians continued in Modern World. New weapons and new methods of waging war which were unknown in earlier centuries are used in wars and armed conflict in Modern World. First of all, it concerns firearms, the use of artillery, aviation, warships, and other mechanical means. The use of artillery, led to a huge increase in casualties. Bombardment of cities and towns, from artillery weapons, has become a normal occurrence in almost all wars and armed conflicts. The civilian population suffers in these bombings. With the invention of aviation, cities and towns were also bombed from the air, killing a large number of people especially civilians. At the same time, wars and arm conflicts are becoming more and more brutal with far greater losses of the civilians, prisoners of war, wounded and sick.

During the American Civil War, numerous civilians were injured and killed. During that war Francis Lieber prepared the “Lieber Code,” which was proclaimed as General Order No. 100 by President Abraham Lincoln on April 24, 1863. It represented the first attempt to codify the law of war in the United States and protected persons, namely the civilian population. There is no doubt that Lieber’s instructions were based on the previous international customary law as well as on the basis of new, more modern ideas about the humanization of the law of war in general. This initial step is very significant, because it opened a completely new concept on the mentioned issues. Although Lieber’s instructions were only a codification of the national law of war, they had a strong influence outside the US mainly in Europe. This influence manifested itself first at the Brussels Conference in 1874, and then at the Hague Conferences from 1899 and 1907 (Schindler and Toman 2004, 3–23).

INTERNATIONAL CONVENTIONS AND PROTECTION OF CIVILIAN POPULATION

Completely new momentum regarding the codification of international law in general, and international law of war in particular began in the second half of the 19th century. During that period many international conferences were held, which had never been the case before. The first was the Paris Congress in 1856, then the Geneva Conference in 1864, Conference in St. Petersburg in 1868, Brussels in 1874, Paris in 1884, The Hague Declaration in 1899. We have to underline that it continued also in the beginning of 20th century, The Hague Peace Conferences 1904, and 1909, Geneva Conference in 1906, and London in 1909,

etc. In the above mentioned Conferences and Congresses over one hundred different multinational conventions were adopted, which, among other things, included international law of war.

In addition to the aforementioned international conferences and the adopted multinational conventions, one of the important roles in the process of humanization of the law of war was International Red Cross, which was founded in Geneva in 1863, after the famous battle near Solferino in Italy in 1859 (Dinan 1998). By virtue of International Red Cross a whole series of multinational conventions were adopted relating to the civilian population, prisoners of war, the wounded, the sick and shipwrecked (Lopičić-Jančić 2012, 395–404).

Chronologically speaking, the first multinational convention that prohibited the use of weapons was The First Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, held on 22 August 1864. Then, in 1868, the St. Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles under 400 g weight which forbid the use certain missiles in war came into force. Those missiles were explosive projectiles weighing less than 400 grams. Certainly, one of the most important international conferences related to the codification of the international law of war and the humanization of wars was the International Peace Conference held in The Hague in 1899, where was adopted Hague Declaration concerning expending bullets, which is relating to prohibition of expending bullets as means of warfare “bullets which expand or flatten easily in the human body”. In other word “dum-dum bullets” (Starčević 2010, 7–8; 311).

Development of weapons during the long human history was spread differently in different periods of time, starting with cold weapons, through the invention of explosive substances and chemical agents and finally until the creation of nuclear weapons. Even in the Regulations concerning the Laws and Customs of War on Land, annexed to Convention (IV) respecting the Laws and Customs of War on Land, The Hague, 18 October 1907, in Chapter II under the title “Hostiles” in the Article 22, stated as follows: “The right of belligerents to adopt means of injuring the enemy is not unlimited”. Then, in Article 23 under par) it states that “In addition to the prohibitions provided by special Conventions, it is especially forbidden: a) to employ poison or poisoned weapons...” (Scott 1909).

The First World War marked the beginning of the application of technical improvement of weapons and ammunition (infantry weapons,

artillery, aviation, submarines and others), as well as the use of chemical weapon agents. There were various types of deadly chemical weapons and gases used by all belligerent parties. The mentioned chemical weapons were first used by the Germans on April 22, 1915, in Belgium in the battle field on the area of 6 kilometres with 6.000 steel bottles. As result of that over 15,000 Allied soldiers were poisoned and incapacitated. More than 5,000 soldiers died from the aforementioned poisoning. Then, the Germans used mustard gas in 1917 in France. This chemical weapon is named after an odour resembling mustard plants, garlic, or horseradish and it was first used in the city of Ypres in Belgium. The French also used chemical weapons. More precisely, the deadly chemical weapon phosgene. The number of deaths caused by the chemical weapon phosgene was 80% of those who were poisoned. The Germans used the deadly poison diphosgene in their artillery ammunition. This poison also used the British Army (Krivokapić 2010, 329–331). Unfortunately, protection from chemical weapons was not possible. There were gas masks that could only provide partial and very limited protection. No universal gas mask that would protect against all gases and chemical weapons. The number of victims who died from the use of gases and poisons in the First World War is estimated to be over 91,000 people. In addition to the above, probably another half of that number had very serious, lifelong consequences (Perazić 1986, 161).

During First World War various kind of poisoning liquids and gases were used and as consequence numerous people were killed especially civilians and soldiers. The codification of the International Law of War that arose after the end of the First World War was written down in five Treaties. There were concluded with Germany, Austria, Bulgaria, Hungary and Turkey which among other issues regulated the prohibition of the use of asphyxiating gases, poisons and all other similar liquids and materials. This prohibition was very important for protection of civilian population and soldiers.

First out of five Peace Treaties that were concluded was Treaty of Versailles that was signed on June 28, 1919, with Germany and in Art. 171, stated as follows: “The use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany. The same applies to materials specially intended for the manufacture, storage and use of the said products or devices. The manufacture and the importation into Germany of armoured cars, tanks and all similar constructions

suitable for use in war are also prohibited” (Treaty of Peace 1919). The next Peace Treaty was concluded with Austria known as Treaty of Saint-Germain-en-Laye and was signed on September 10, 1919, which in Art. 135 stated as follows; “The use of flame throwers, asphyxiating, poisonous or other gases, and all similar liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Austria. Material specially intended for the manufacture, storage or use of the said products or devices is equally forbidden. The manufacture and importation into Austria of armoured cars, tanks or any similar machines suitable for use in war are equally forbidden” (Treaty of Peace between the Allied and Associated Powers and Austria 1921). Farther on, the Peace Treaty was concluded with Bulgaria Peace was known as Treaty of Neuilly and was signed on November 27, 1919, which in Art. 82 stated as follows: “The use of flame throwers, asphyxiating, poisonous or other gases, and all similar liquids, materials or processes being prohibited, their manufacture and importation are strictly forbidden in Bulgaria. Material specially intended for the manufacture, storage or use of the said products or processes is equally forbidden. The manufacture and importation into Bulgaria of armoured cars, tanks or any similar machines suitable for use in war are equally forbidden” (Treaty of Peace between the Allied and Associated Powers and Bulgaria and Protocol 1929). With Hungary was concluded Peace Treaty known as Treaty of Trianon that was signed on June 4, 1920, and in Art. 119 is provided as follows; “The use of flame throwers, asphyxiating, poisonous or other gases, and all similar liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Hungary. Material specially intended for the manufacture, storage or use of the said products or devices is equally forbidden. The manufacture and importation into Hungary of armoured cars, tanks or any similar machines suitable for use in war are equally forbidden” (Treaty of Peace between the Allied and Associated Powers and Hungary and Protocol and Declaration 1920). With Turkey was concluded Peace Treaty known as Treaty of Sèvres that was signed on August 10, 1920 (Tanasković 2018, 35–43) and in Article 176 regulated the following: “The use of flame-throwers, asphyxiating, poisonous or other gases and all similar liquids, materials or processes being forbidden, their manufacture and importation are strictly forbidden in Turkey. Material specially intended for the manufacture, storage or use of the said products or processes is equally forbidden. The manufacture and importation into Turkey of armoured cars,

tanks or any other similar machines suitable for use in war are equally forbidden” (Treaty Series No. 11, 1920, 39–40).

The codification of the international law of war continued between the two World Wars. The Covenant of the League of Nations was adopted at the Peace Conference in Versailles, and it came into force on January 10, 1920. The Covenant condemned wars of aggression and limited the right of states to wage war. However, the waging of wars has not been completely abolished.

In addition to the above mentioned prohibitions that were regulated in the Peace Treaties, certainly was important the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, which was signed in Geneva on July 17, 1925, and came into force on February 8, 1928. It is significant that the aforementioned Geneva Protocol from 1925 for the first time in the international law, forbid the use of all war poisons, gases, liquids, materials, and bacteriological methods of warfare (Perazić 1986, 161–170).

Nevertheless, despite the existence of the above-mentioned international prohibitions on the use of poisons and gases in wars, Italy in its aggression against Ethiopia in the period from 1935 until 1936 used banned weapons. This was also discussed in the League of Nations, but the decision was very mild towards Italy, only in the form of economic sanctions. In this way, the League of Nations showed its incompetence in resolving problems of wars and armed conflicts. In further international political practice, the League of Nations proved to be a powerless body to prevent or limit wars and armed conflicts, which very quickly led to its complete collapse in 1939 when the Second World War broke out (Perazić 1986, 164).

In the Second World War, various weapons were used in different ways for the mass destruction of soldiers, prisoners of war, wounded, sick, shipwrecked, and especially the civilian population. The best illustration of these massive killings and destructions is the fact that in the Second World War more than 60 million people died and more than 100 million people were injured (Krivokapić 2010, 210–211).

In the Second World War, Nazi Germany and Axis Powers used different ways, methods and weapons, for the mass killing of civilians. In bombing of civilian target and concentration camps were the most civilians killed during the war. Concentration camps were known as “death factories” because hundreds of thousands of inmates were killed

in different ways and methods. Mostly civilian population in those concentration camps worldwide was tortured, humiliated and mass murdered. They were killed first only by firing squad, hanging, strangling, poisoning by injections, but later by mass suffocation of poisonous gases in the gas chambers. Also, we would like to state that due to humiliating and poor living conditions in these concentration camps worldwide: starvation, freezing, forced heavy physical labour – slavery, lack of medical care. It resulted in spreading of epidemics of various infectious deadly diseases such as typhus, etc. Also, medical experiments that decimated the inmates not to mention the use of poisonous deadly gas “Zyklon B” in the gas chambers. Some of the death concentration camps were: Auschwitz, Treblinka, Sobibor, Majdanek, Buchenwald, Mauthausen, Dachau, and others. Over 12 million inmates passed through the mentioned concentration camps. Over 6 million Jews and over 5 million other camp inmates, mostly from Eastern Europe, were killed in those camps (Krivokapić 2017).

In Yugoslavia, Nazi Germany and the Axis Powers established 71 concentration camps and 329 detentions and other prisons. There they carried out mass murders in various ways and with various weapons against civilian population, prisoners of war, the wounded and the sick. The largest concentration camp in the occupied territory of Yugoslavia was Jasenovac, where Serbs, Jews, Roma, partisans, communists, and a small number of Croatian anti-fascists were killed in by various methods and weapons. Jasenovac represented the entire system of concentration camps, where between 700,000 and one million inmates were killed. In occupied Europe, the only death concentration camps for children were in the Jasenovac in the so-called Independent State of Croatia, where they killed children in various ways (Gideon 2019).

In the Second World War, bombardment was one of the basic methods of waging war where numerous civilians were killed and injured, since the targets were many civilian objects. At the end of the war, two cities in Japan, Hiroshima and Nagasaki were bombed with atomic bombs where the civilian population died to a great extent (Osmanczyk 1990, 105).

Bombardment is a form of warfare where the civilian population and their property suffer to a great extent. It can be described as any attack from land, sea or air with explosive means aimed at destroying the enemy. In the Middle Ages, bombardment was carried out by means of cannons, from land, and ships.

First attempt to ban bombing was in St. Petersburg of 1868. Declaration Renouncing the Use, in Time of War, of Explosive Projectiles under 400 g weight, then at Hague Conferences conducted in 1899 and 1907, Declaration on the Prohibition of Launching Missiles from Balloons of 1902, then Four Geneva Conventions of 1949 and its Protocols of 1977. All those international conventions prohibit the bombing of civilian targets.

Unfortunately, despite all these prohibitions regulated in international conventions and declarations, wars and arm conflict are also waged in the Modern World through bombing. The civilian population and its property suffer the most. Because today, with the development of weapons technology, it is difficult to separate military objects from civilian ones. The scattering of dropped bombs has a wide effect, especially atomic bombs, which was the case in Japan.

The weapons of mass destruction in human history were the two atomic bombs dropped by the US military on the Japanese cities, Hiroshima on August 6, 1945, and Nagasaki on August 9, 1945. At once, the atomic bomb dropped on Hiroshima killed over 140,000 inhabitants and the city was completely destroyed. The bombing of Nagasaki also killed over 70,000 inhabitants in just one moment. The city was completely destroyed. The consequences of radiation were felt for decades, and tens of thousands of people died from various malignant incurable diseases (Skoven 2003, 58–61). The fact is that after the dropping of the atomic bombs on Hiroshima and Nagasaki, a new international phase was born in the race for armaments with weapons of mass destruction, primarily nuclear weapons. So today, in addition to the USA, the following countries have nuclear weapons: Russia, United Kingdom, France, China, India, Pakistan, Israel, and North Korea. After the end of the Second World War in 1945, major or minor wars and armed conflicts were fought in various parts of the world where was used weapons of mass destruction.

In the 20th century, a new weapon was used for the mass destruction of living forces. It is depleted uranium that is produced by processing uranium ore. Uranium is used as an effective weapon for penetrating armour on tanks. Although there is an international ban on the use of all weapons and ammunition of mass destruction, including depleted uranium ammunition, the US and its allies used it in the 1991 Gulf War in Iraq and Kuwait, Bosnia and Herzegovina in 1994-1995, and Afghanistan in 2001-2003, as well as in NATO's aggression against the

Federal Republic of Yugoslavia in 1999 (Petković 2008, 64–68). The consequences of the use of depleted-uranium ammunition are evident both for the civilian population that was in the vicinity of those explosions, and for the NATO soldiers who handled the ammunition. As in many cases in past times, no one was responsible for the use of weapons of mass destruction that had enormous consequences for both human lives and the human environment.

The above-mentioned Protocol from 1925 bans chemical and biological weapons. Unfortunately, during Second World War it was violated. So in the last decades of the 20th century, many conventions were adopted in relation to limit certain methods and means of warfare and to protect civilian population as much as possible during war and armed conflict. Also, we would like to state that it is considered customary during war and armed conflict regardless if is international or non-international to prohibit the use of biological and chemical weapons. Here we will mention the following Convention which are important to this issue as follows: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (biological) and Toxin Weapons and on their Destruction was adopted on April 10, 1972, and it entered into force on March 26, 1975 (Goldblat 1997, 251–266). The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction was adopted on January 13, 1993, and it was entered into force on April 29, 1997 (Knežević-Predić, Avram i Ležaja 2007, 423–534). The two mentioned Conventions comprehensively forbids biological and chemical weapons.

On October 10, 1980, was concluded in Geneva Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and was entered into force on December 2, 1983. This Convention has five protocols. Protocol (I) on Non-Detectable Fragments to the above-mentioned Convention forbids usage of any weapons that causes severe and unnecessary suffering of humans in the way that injures by fragments which in the human body escape detection by X rays. The Protocol (II) on Prohibitions or Restriction on the Use of Mines, Booby-traps and Other Devices to the Convention bans in general use of the certain mines, booby traps and “other devices.” It was amended on May 3, 1996, to extend the application to international and non-international wars and armed conflicts. We would like underlining that this Protocol does not forbids use of land mines but it forbids the

transfer and use of other rather mines such as non-self-destruction and non-self-detectable, etc. and especially forbids directing booby traps and mines against civilian population. The Protocol (III) on Prohibition or Restrictions on the Use of Incendiary Weapons. In that Protocol among other prohibitions it is forbidden to utilize incendiary weapons against civilian population in any occasions especially in Article 2 of the Protocol (III). The Protocol (IV) on Blinding Laser Weapons was adopted on October 13, 1995, and entered into force on July 30th, 1998. It forbids utilization of laser weapons that causes permanent sightless against the enemy. The Protocol (V) on Explosive Remnants of War demands clearance of unexploded bombs and explosive weapons. This Protocol (V) was adopted on November 28, 2003. It is the first international convention that has the issue of wide range of unexploded and abandoned explosive that endangers the civilian population and other people after the termination of war or arm conflict (Geneva Convention 2005). Further, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction known as Ottawa Treaty was adopted on September 18, 1997, and entered into force on March 1, 1999, forbids the utilize and transfer to anti-personnel mines by all means (Faulkner 2007, 145–174).

Then at the beginning of 21st century Convention on Cluster Munitions was concluded on May 30, 2008 and was entered into force on August 1, 2010. This Convention was concluded because thousands of people especially civilians were killed or injured in various countries where they have been used. It forbade the use of cluster munitions, to fabricate the same, to destroy the remaining of cluster munitions, to help and assist to the victims of cluster bombs that included social, economic, and medical care and help (Nystuen and Casey-Maslen 2010). Then the Treaty on the Prohibition of Nuclear Weapons was adopted on July 7, 2017 and is in effect from January 22, 2021. This Treaty forbids expending, manufacturing, gaining, experimenting, owning, having, collecting and utilize the nuclear weapons. The most brutal and inhuman means of conducting war or arm conflict is usage of nuclear weapons (Kmentt 2023).

The central place in many conversations and diplomatic negotiations today is certainly the issue weapons of mass destruction on the international as well as on the national political level. Although prohibited, the issue still is on the table for the range of reasons for debates. This topic varies from the ones that points to the dangerous effects of

this type of weapons at its consequence is death of number of people and destruction of property. The fact is it was used several of times in passed and the fever that might be used in future. Unfortunately, regardless of all above mentioned Conventions that prohibits and limits usage of various kind of weapons as well as rules of war, the war and armed conflicts are continuing arising in the world and numerous civilians are killed and injured.

CONCLUSION

The constant development of new and modern technology also affects the development of weapons. Therefore, we have problems that new weapons are constantly being developed. From axes, swords, all the way to the atomic bombs. In larger extend is the threat to the protection of the civilian population during both the war and armed conflict. On the other hand, there is a constant need to pass and adopt new Conventions to prevent the use of new weapons. The problem of the use of prohibited weapons is current on the worldwide scale. Consequently, this paper is a small contribution to the clarification of the role of international community to protect most vulnerable population. That is civilian population during both the war and armed conflict. As a result of these wars and armed conflicts, the entire society and human civilization as a whole suffered enormous and irreparable damages and losses. The weapons that are being developed have been and still are playing the important role in the perception of the policies of various countries. Thus having the impact on the perception of the history and the role of these countries in the future interpretation of war and armed conflicts. Here, we believe that it is most important that the parties to the conflict respect the international conventions that prohibit the killing of the civilian population with any kind of weapons. Correspondingly, we advocate the position that any problem between parties should be solved diplomatically, at a round table. If necessary, as many negotiations and discussions as needed should be held with the aim to resolve the problem or disagreements between the parties. This is better than entering into an armed conflict or war.

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УТИЦАЈ РАЗВОЈА ОРУЖЈА КРОЗ ИСТОРИЈУ И ЗАШТИТА ЦИВИЛНОГ СТАНОВНИШТВА – ПИТАЊЕ ПРИМЕНЕ МЕЂУНАРОДНИХ КОНВЕНЦИЈА –

Сажетак

У свим ратовима и оружаном сукобима кроз историју човечанства највеће жртве је поднело цивилно становништво. Заштита становништва вековима није била регулисана, иако су постојале разне иницијативе из античког и средњег века. Бројни су разлози што нису овакве иницијативе нису реализоване, од којих главни разлог је био што то нису биле жеље тадашњих великих сила. У другој половини XIX века почиње развој и кодификација међународног ратног права. Значајну и важну улогу у кодификацији међународног ратног права и даљем развоју заштите цивилног становништва имају МКЦК из Женеве и ОУН. Нажалост ратови и оружани сукоби се настављају до данашњих дана у разним деловима света, а све више страда цивилно становништво. Неопходно је да улога међународне заједнице уопште има активнију улогу у погледу примене свих правних оквира у свету који се односе на контрола оружја уопште и оружја за масовно уништење, а самим тим и заштита свих лица која су заштићена Женевским конвенцијама из 1949. године, а то су цивилно становништво, рањеници, болесници, ратни заробљеници, бродоломци као и имовина итд. Из глобалне перспективе, међународна заједница треба да буде активнија да покуша на дипломатском и политичком нивоу да што је могуће више минимизира појаву рата, оружаног сукоба и било које врсте оружане кризе. Желимо да додамо да су све поменуте мултилатералне

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међународне конвенције о статусу и заштити цивилног становништва потписале скоро све савремене државе, чињеница да се данас у разним деловима света воде већи или мањи ратови и оружани сукоби, који нажалост нарушавају статус и заштиту цивилног становништва. И поред ангажовања ОУН и МКЦК из Женева, као и бројних владиних и невладиних организација, није заустављено тешко кршење ових међународних конвенција о статусу и заштити цивилног становништва.

Кључне речи: развој оружја, Уједињене нације, историјске чињенице, међународне конвенције, цивилно становништво