

## Putting Non-Lethal Weapons in Perspective

Non-Lethal Defense IV

By: John B. Alexander

There are many misconceptions regarding non-lethal weapons. Some believe they offer the promise of bloodless war while others see them as ancillary means for enslavement of the domestic population. Still others are concerned that non-lethal weapons could be antecedents that precipitate killing of soldiers incapable of defense. There also is a group that voices concern about the potential they pose for excessive pain and suffering. Issues of legality abound. Few of those articulating opposition have bothered carefully to think through their positions. In my view, both those espousing panaceas and gloom are equally wrong. Missing is educated and deliberate discourse about the factual versus emotional issues related to non-lethal weapons.

There is legitimate debate about whether or not the nature of conflict has changed. Many military scholars suggest that it has not. They rightfully point to the number of armed conflicts that have emerged since the end of the Cold War. Not only wars between nation-states, but domestic intercultural conflicts have resulted in the deaths of millions. Therefore the logic goes, if we extrapolate into the future, it must be assumed that such savage engagements will continue and possibly increase. In observing the purchases made in the arms markets of the world it seems reasonable to believe that force-on-force conflict is the likely outcome. In most cases the objectives are fairly limited and the consequences to regional stability ignored. That position leads to the conclusion that traditional lethal force will be used extensively.

However, there are other considerations including external interventions in local conflicts. Increasingly we have witnessed the United Nations and NATO intervening in such situations. The whole notion of peace support operations has taken on major significance in the past decade because of the experiences in these interventions. In past peace support operations we have relied heavily on traditional lethal weapons as a method of intimidation. Forces have also learned that there is a need for non-lethal alternatives for situations in which lethal force is too much and doing nothing unacceptable.

There are also the residual effects of the Desert Storm Technology Demonstration. In winning the war as quickly and decisively as we did, a message was sent to most adversaries that it was not advisable to fight the United States head-to-head with conventional forces. The notion of indirect methods of attack, as well as concealing the identity of the adversary, was elevated in the thinking of our enemies. Anyone doubting just how seriously this was taken should read *Unrestricted Warfare* by Qiao Liang and Wang Xiangsui both senior colonels in the Chinese Air Force. Their thinking is very clear when they state that all targets are fair game and not restricted to military objectives. Carefully articulated, this thinking indicates that potential adversaries understand that a fundamental change in the nature of conflict has occurred. While some

conventional battles will continue, more complex conflicts are going to occur in the future.

#### Familiarity.

Lack of familiarity has been one of the key issues with non-lethal weapons. For centuries militaries have become accustomed to use of lethal weapons. When used, the outcome is highly predictable. However, advent of new non-lethal weapons do not have the same historical basis on which to draw. Combat is an emotionally charged experience. Therefore, soldiers wish to rely on weapons systems that are known. Such environments do not lend themselves to introduction of new capabilities.

When soldier picks up a rifle or machinegun and fires it, he or she knows what to expect. The same is not true with non-lethal weapons. It will take extensive training before soldiers become comfortable relying on these new weapons. Until non-lethal weapons have been inculcated into both training and operations, they will not gain full acceptance. This is absolutely essential if we are to continue deploying troops on humanitarian and other peace support missions. They and their commanders must become totally familiar with these weapons and their capabilities.

#### Legal precedence.

For all of their horror and devastation, lethal weapons have a long and well-established history of legal precedence. The same cannot be said for non-lethal weapons. In fact, there are unintended consequences of previous treaties and laws that may prevent the use of some non-lethal weapons. From a societal and legal perspective things chemical and biological are considered bad by definition. There are hosts of complicating factors, some of which make no sense whatsoever. For example, riot control agents maybe used in a domestic situation but are outlawed in military conflict. However, it has been ruled that the use of riot control agents would be acceptable in crowd control situations in which no armed adversaries are present. Should armed adversaries be spotted mixed in with the civilians in the crowd, then the military force would be precluded from use of such agents. Legally this would be true even though the application of riot control agents could conceivably save lives.

According to the law of land warfare it is legal to use a weapon against an appropriate adversary provided the intent is to kill. Weapons that maim or cause “needless suffering” are precluded from use. There have been attempts to adjudicate the size of wounds that might be acceptable. It was proposed that a wound greater than 10 cm is somehow more abhorrent than one of lesser diameter. Obviously this does not take into account the effect of artillery landing in close proximity to a human body. While incineration has been deemed appropriate, perforation of eyes with a laser is unacceptable.

Totally missing from the legal debate is the issue of *intent*. In most cases, non-lethal weapons are used when the intent is to preserve lives while using the minimal necessary force. For many legalistically orient observers, generally constrained by an absolutist

mindset, certain non-lethal weapons are by fiat illegal because of existing laws and treaties. It is my position that if the wrong laws exist—then change them. It is time to focus on the intent of the weapons involved, and not get caught up in endless debates about archaic restrictions. The weapons have changed and so should the rules regarding the use of force.

Emerging mission priorities:

In recent years the US military has been committed in many small operations around the world. The end of the Cold War has brought about the paradox of a reduced military structure but increased commitments. In my opinion, the current force structure cannot sustain this level of operational engagements. The problem lies in lack of definition of foreign policy and poorly articulated goals for the defense of national security.

There are those who argue that the addition of non-lethal weapons will increase the propensity for employment of troops in more low-level of hostility situations. I argue that troop deployments are a separate matter of policy. It is in the best interest of military commanders at all levels to have the widest range of weapons capabilities available. No technology should determine or even influence whether or not US troops should be committed to action.

Trust in treaties:

It is argued that some non-lethal weapons violate established treaties. The underlying assumption is that these treaties will be honored by the signatories. We know this is fallacious thinking. Nonetheless, many academically minded policymakers follow such head-in-the-sand reasoning. Reading the history of the Soviet biological weapons program as exposed by Ken Alibek will eliminate any doubts about the inadequacy of treaties to protect our citizenry. Alibek was second-in-command of that program. He notes that the massive effort was undertaken in 1972, the same years that the US and the Soviet Union signed a treaty against development and use of biological weapons. Yet, they built the largest BW weapons program the world has ever known, and the work still continues today.

A more fundamental problem is emerging regarding treaties. That is the devolution of former nation-states and the emergence of new social structures. The world has already witnessed the vain attempts of weak governments to control terrorist elements within their boundaries. When the amount of resolve to control terrorists is deemed inadequate, the groups are then determined to be state-sponsored terrorists. The reality is that new social groupings are emerging and they are independent of these artificial demarcations. Since they are not signatories to the treaties they are likely to consider them irrelevant. As noted, weak governments will be virtually helpless to enforce the treaty breakers within their borders. Therefore, it is prudent to develop defenses based on the assumption that other groups will not abide by existing treaties relative to chemical and biological warfare.

## Elusive adversaries

While we acknowledge terrorist organizations most potential adversaries are considered to be nation-states. There are many debating the issues of whether or not nation-states continue in their role of preeminence in global affairs. My position is that while they may continue to exist, their role and ability to control or influence actions will continue to diminish. This means that potential adversary groups will likely reside within one or more countries but be collocated or in close proximity to people who have no interest in their activities.

I believe the issue of collateral casualties will take on increased significance. If future adversaries are embedded in civilian populations it will be increasingly more difficult to justify use of traditional force against them. Collateral casualties will not be tolerated as they have been in the past. Therefore, non-lethal weapons will increase in importance.

### Potential for misapplication:

Since some antipersonnel non-lethal weapons inflict pain, there is the potential for misuse, especially as instruments of torture. There are abundant examples of misuse of electrical shock devices, chemical sprays, and other non-lethal weapons. There is a tendency, therefore, to blame the technology not those who use it. Missing in the argument is that lethal weapons are also misused, as are many devices that are not weapons. Remember that the most employed torture device is a burning cigarette. The tobacco industry would never allow them to be banned because they can be misused.

The issue should again focus on intent. Misapplications are matters of training and supervision. Used properly, non-lethal weapons will reduce both unwarranted fatalities and reduce suffering. However, this issue has been employed as an emotional rallying cry by those opposed to their use.

## Conspiracy theories

An entire underground has grown up around conspiracy theories in which some not clearly identified organization (THEM) are plotting to take over and control the lives of others (US). According to some of these theorists, non-lethal weapons are going to be used to subjugate innocent people and allow THEM to take over. They ignore the fact that sufficient force already exists to accomplish the task and no new weapons are needed. It is people, not technology, that keeps us free.

### Compared to what?

The main point should be what are non-lethal weapons to be compared with. Many appear to argue that non-lethal weapons will bring about a greater propensity to use force. Again, this is an issue of people not technology. There are many situations in which law

enforcement and the military are caught between inaction and over response. Non-lethal weapons provide viable alternatives.

David McArthur, a Las Vegas Police department SWAT officer once told me, “When they wake up and they aren’t dead, they thank you.” He was referring to the use low kinetic impact rounds that deliver quite a blow. Those who argue that the potential for injury is unacceptably high should compare that use of any non-lethal weapons against the damage done by a 9mm or 5.56mm round when it strikes a body. There should be a basic assumption that the precipitating events have caused a situation in which the use of force is justified and necessary. Then they should consider whether or not they would prefer lethal or non-lethal force be used.

March 2000