

TITLE: NON-LETHAL OPTIONS UNDER CURRENT INTERNATIONAL LAW
(ABSTRACT OF AN ORAL PRESENTATION)

In the study, development, acquisition or adoption of a new weapon, means or method of warfare, any State Party to Protocol I to the Geneva Conventions of 1949 is under an obligation to determine whether its use would, in some or all circumstances, be prohibited by any rule of international law applicable to that State Party.

This obligation implies that a State Party to Protocol I has to adopt internal procedures to submit to a legal review any new weapon, means or method of warfare that it wants to introduce within its armed forces, in order to make sure that international law obligations regarding its use will always be identified beforehand.

For Belgium, the Chief of Defence has issued these internal procedures by General Order – J/836 of 18 July 2002. This General Order has established the « Committee for the Legal Review of New Weapons ». The Belgian Committee has already reviewed a series of non-lethal weapons. The Committee's conclusions about these non-lethal weapons are a relevant source of information as to non-lethal options under current international law.

The use of weapons, means or methods of warfare can be prohibited or restricted by one or more rules of international law. Within international law, international humanitarian law (IHL) and human rights law (HRL) provide for (i.a.) such prohibitions and restrictions. In compliance with IHL and HRL, the use of certain existing non-lethal capabilities is prohibited or restricted.

KEYWORDS:

1. Legal review
2. New weapons
3. International humanitarian law
4. Human rights law
5. Non-lethal weapons

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