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## **Legal Impact of Non- Lethal Weapons on the Law of Armed Conflict and Disarmament**

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# Legal Impact of Non- Lethal Weapons on the Law of Armed Conflict and Disarmament

## Abstract

The technology of non-lethal weapons (NLW) is developing quickly. The appearance of NLW as a new form of force in national and international armed conflict has become a reality. NLW comprise a broad arsenal of new weapons. The technological, medical and military implications are studied continuously in USA, NATO, European Union and other fora.

An important step as regard a legal basis has been made by NATO in the form of the NLW concept by the NLW which included a first multinationally agreed definition of NLW. International discussions continue.

All national practice of the armed forces in evaluating and fielding of the first categories of NLW proceeded from the provision of Additional Protocol I of the Geneva Conventions that the study, acquisition or adoption of new weapons, means or methods of warfare is under obligation to determine whether its employment would be prohibited by the international law.

But the legal views on the standards of law applicable to NLW are different. Sometimes a differentiation is made between internal and international law. Certain NLW are judged as being legally employed in internal conflict situations but prohibited in international armed conflicts. Problems are raised for mixed situations during peace keeping and peace enforcing military operations. The gap between internal and international character of conflicts is closing. Furthermore: there is - for humanitarian reasons - a tendency to apply more and more rules of the law of international conflict also in internal conflicts.

Possible rules conflicting with NLW are to be identified. This is the case with the Chemical Weapons convention.

Other cases can be identified in a comparison between the wording and customary traditional rules of law of war and certain types and methods of employing NLW.

Resulting from the conflicting technological and humanitarian aspects on the one hand and the legal gap on the other an internationally agreed standard on NLW is a necessity. The following procedures or international instruments should be taken into consideration:

- Common interpretation of certain provisions treaty law of armed conflict and certain disarmament agreements in favor of legality of NLW;
- reviewing existing conventions in a way that they correspond to NLW; or
- creating or a special agreement for NLW (new treaty language in applicable international instruments, new treaty, new additional protocol)