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**4th European Symposium on Non-Lethal Weapons
Ettlingen (Germany), 21st to 23rd May 2007**

Report of the Legal Virtual Working Group

**A Positive Perspective for Non-Lethal Weapons:
Definition and International Legal Basis**

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I. The Role of Legal Aspects in the Symposium on Non-Lethal-Weapons (NLW)

1. The Legal Concept of the European Working Group on NLW (EUWGNLW) started in 1999 with the preparation of the first Symposium on NLW. From the beginning legal aspects were chosen part of the agenda. Thus legal evaluation was connected with the new technology from which NLW originated. Thus it had been very logical that the first **Symposium in 2001** pointed to more fundamental questions. Accordingly the legal presentation was entitled: Impact of Non-Lethal Weapons on the Law of Armed Conflict and Disarmament.

In the same year the conflict scenario changed and increased in a revolutionary way. The conflict conditions were symbolized by the suicide attacks on the World Trade Towers hand and the following global war against terror with local scenarios in Afghanistan and Iraq.

2. This demonstration of new wars created the need for adapted legal considerations. It had been reflected in the legal theme and discussions of the second **Symposium in 2003** entitled: Legal Adaptation of Non-Lethal Capabilities in New Conflict-Scenarios. The summary conclusion was that the complexity and intermingled conflict scenarios between national and international law demanded fundamental legal amendments like the definition of terrorists and agreed rules of engagement including the employment of NLW. Terror attacks have been undertaken not only continuously in the Israel-Palestinian conflict but also in many other countries in Europe, Africa and Asia. The terror attacks are global in nature, performed by an international non state organisation - Al Quaida – or volunteer individuals are aiming not only aimed against military and state objectives but predominantly against civilians and civil objectives. Here NLW and agreed supporting rules can help. NLW offer a new and moderate form of force in national and international armed conflict, a means for stabilizing peace and supporting growth of a solid Society.

3. The ongoing war on terror and the limited use of NLW during the following two years until 2005 demonstrated need to deepen specific aspects of already in use and others NLWs in development. The use of an incapacitating chemical to end a terrorist attack on a Moscow theatre raised questions. The technological, military and above all legal aspects generated intensified discussion on how to handle technologies that are defined as being different from lethal weapons. Thus a broadened legal discussion on possible critical aspects of NLW seemed to be necessary. Only a wide consensus on the legality of this new instrument would guarantee that the present and future non-lethal options could enhance security and stability as an aim of modern military and police law enforcement operations.

For the legal part of the **Symposium 2005** this intensified study was to be implemented by a double track strategy. Firstly as well as in other fields of discussion a Legal Virtual Working Group was established. This instrument enabled lawyers via internet to contact each other and to present their judgment on legal issues which are chosen for a discussion in the next symposium. Which critical questions should be elected for discussion? In order to identify the adequate problems a questionnaire was distributed to institutes and lawyers engaged in international humanitarian and military law. The questionnaire identified seven critical subjects and questions. The answers were published in the Proceedings of the Symposium together with a summary conclusion of the presidency of the Virtual Working Group.

4. The results of the 2005 Symposium formed the basis for the next **Symposium 2007**. Questions of definition of NLW as well as the problem of a common legal platform do have the potential to shape the legal instrument which should accompany the growth of NLW technology in the future.

II. Activities of the Virtual Working Group - Procedure and Discussed Issues

1. The **participants**¹ who joined the Legal Virtual Working in 2004 and 2005 including those who participated in the meeting during the Symposium 2005 were informed about the next session and the second prepared report for the symposium 2007. They were invited to participate in the preparatory discussions. Subjects chosen for a deepened study the question were - definition - and chapter seven – reforms and legal adaptation for NLW – both taken from the previous questionnaire.²

2. The chairman invited qualified lawyers by a general **letter of invitation** for participation in the virtual working group. Additional Legal experts from China, Finland, Sweden, Norway, Rumania, Austria, Germany, Spain, Belgium, the Netherlands, UK, USA, and other countries got individual E-Mail by the chairman (about 20 mailings).

Only a limited number of experts sent a contribution in time. This is partly due to the fact that the legal implications of the new technology are still not a familiar subject for lawyers in general. Some experts like the president of the Military Law Association and vicepresident of the Military Academy of the Peoples Republic of China needed more time to study the issue of NLW and announced a contribution before May. This contribution might be introduced in the discussion at the symposium. Another participant from Germany is just finishing his study on legal aspects of NLW in order to gain a doctors degree (master of law) at the University of Frankfurt, Germany. He is ready to present additional results of his study as soon as possible. Especially American and British researchers, who participated in the Working Group since 2004 have recently published reports and books on NLW. These publications Including a Dutch proceedings are of general importance for the substance of the discussion in the working group.³

3. For the purpose of creating a broader forum of legal NLW studies aiming at continuously establishment of a global audience of lawyers interested in legal aspects of NLW it is a necessary to address the boards of the **national and international military and law societies and institutes**.

This is why the President of the International Society of Military Law and the Law of War had been invited to support the activity of the VWG. The society informed on the European Working Group on NLW and the forthcoming symposium sent its Newsletter 2006 for its more than 1000 members in over 40 countries.⁴

For the same reasons an information was sent to the President of the Deutsche Gesellschaft für Wehrrecht und Humanitäres Völkerrecht in Bonn. Members of this Society are professors, legal advisors, judge advocates and other lawyers interested in legal military affairs. In his circulating letter President Dr. Dieter Weingärtner – Chief of Legal Division of the German Ministry of Defence – shared my view that NLW is gaining more importance for the Bundeswehr.⁵

The political discussion about armed forces and police operations in foreign countries is permanently gaining increased weight in NATO countries and Germany. Thus the political implications of the mission and the rules of engagement do have repercussions beyond military and security deliberations. Therefore also lawyers mainly competent in civil and international law have to become familiar with the basic concept of NLW.

Therefore a personal letter of invitation was sent to the President of the renowned German Society - Deutsche Gesellschaft für Völkerrecht. President Professor Dr. Rüdiger Wolfrum was asked to initiate studies and participation in the virtual working group during the next conference of his society in March 2007.

III . Current Agenda : Definition and International Legal Platform

1. The political and also the legal scene have continuously changed during the last two years. The availability of NLW has become more urgent for police and armed forces. But a basic condition for an intensified equipment with and a convincing employment of NLW remains the definition and identification of a positive **solution for juridical and possibly critical obstacles.**

Juridical key points have been identified by the legal contributions presented for and during the past symposia. Especially the questionnaire of the virtual working group which has been distributed in preparation of the previous symposium in 2005 dealt with a broad spectrum of legal considerations and inspired responses presenting contradictory legal opinions. Meanwhile the technical development of NLW advanced and new experience in implementing the present spectrum of NLW has been collected. These are positive aspects favouring legal clarification and evaluation. **Political and humanitarian needs** are clearly more urgent and demanding additional legal activities. The conflict scenarios in Africa, the Middle East and Asia, predominantly in Iraq and Afghanistan produce a permanent flow of news and pictures demonstrating the damaging or even deadly effects of conventional weaponry among innocent civilians, who are mostly caught by the crossfire of combatants or explosives. The damaging effects of cluster bombs convinced representatives of 46 states to initiate a limitation or prohibition - beyond land mines - for a new category of weapons⁶. A future exemption from such kind of prohibitions in favour of NLW seems legally necessary and justified.

2. All Legitimizing effects of NLW for forces can only be achieved on the **basis of a common definition.** A definition is a logical condition for any national legal platform or international agreement. Thus aspects of definition have again been chosen for deeper deliberations despite of the fact that both elements had already been discussed in the previous symposium.

The first use of the term non-lethal weapon in official documents of the United Nations can be found in 1990. Different terms developed in the following decade in western countries predominantly in the USA and Europe. Then the NATO Concept for NLW took the lead by using and defining non-lethal weapons in an official document – agreed by 19 member states.⁷ Nevertheless the member states continued to implement variations in their national documents and military directives. The description “less-lethal” is usual in United Kingdom and often preferred in non-official documents and writings in the USA. Also in France the official documents use the less lethal version “armes à létalité réduite”. German politicians are sceptical with the element “weapon” and replaced the word Waffen by the broader circumscription Wirksysteme in the national documents. For the abbreviation NLW this makes no difference. The national definitions used in other European countries reflect deviations from the NATO definitions in detail. This is the case for the Netherlands, Austria and even for the Secretariat of the European Union.

But the interest in discussing of such details was limited. Fewer participants than expected commented on definition. The existing diversity of opinions was not reduced. Contributions demonstrated that an effort to deepen the discussion could lead to counterproductive results.

One participant proposed instead of David Koplow's suggestion "*Reduced Capability of Catastrophe Devices*" something in the line of "*Casualty Diminishing Devices*"⁸ Neil Davison proposed a definition which would transfer some important legal constraints of the law of armed conflict into the definition of NLW itself. This would apply for the principle of discriminate attacks and the prohibition of causing unnecessary suffering⁹. Beyond this he adds the restrictive amendment, that NLW *should provide an alternative to, or raise the threshold for, the use of lethal force*. The complementary use of NLW with the final aim of supporting the application of conventional lethal force was questioned by other contributions as well. Hans Wolfram Kessler considers in his oral and written statements the policy of combined employment of NLW and lethal force as a serious problem.¹⁰ Similar criticism has been published by David Fidler.¹¹ David Koplow also concluded in his evaluation of the Moscow Theater confrontation in 2002 that the shooting unconscious terrorists instead of immobilizing them reflects a troubling tactical choice or an under appreciation of modern NLW.¹³ In case of the complicated Moscow confrontation a combined use of different types of NLW could have avoided at least some of the numerous killings.

Other participants forwarded more fundamental criticism than the complementary instead of only alternative use of NLW. The report of an independent task force sponsored by the Council of Foreign Relations concludes that both the term NLW and the US- and NATO-definition leave something to be desired. In a sense – that is the conclusion – NLW programs comprise, importantly, technologies and tactics that were not weapons. Therefore the term „non-lethal weapon“ could be considered „a misnomer“. Any requirements that NLW be incapable of killing or causing permanent damage were missing.¹⁴ Similar doubts have been expressed by David Koplow. Many observers regarded the term non-lethal weapon as a „oxymoron“. They would refer to weapons that are entitled: sublethal, less lethal, less than lethal, disabling or accomplish soft kill or mission kill. Reference is also made to „so called non-lethal weapons“.¹⁵ Despite the criticism both authors use NLW as an overarching terminology. The task force proposes considerable improvements in organisation and financial resources of the US NLW directorate. Koplow proposes in his recommendations and conclusions that it perhaps would be intellectually cleaner not to speak of the category of non-lethal weapons at all. This category, too, could be simply be labeled and treated like ordinary „weapons“.¹⁶

But all this sceptical deliberations miss one decisive aspect: The political, moral technical and last not least humanitarian impetus to create weapons based on a new technology which enables forces to operate in new force scenarios without the traditional kill and damage of ordinary conventional weaponry.¹⁷

3. The Final summary on definition confirms the NATO-Concept on NLW. It serves best the interest of a step by step approach for the future legal development. The same result that was achieved in 2005. It reflects a clear majority of the participants in the virtual working group. NATO definition has one basic advantage. It leaves room for interpretation and protects important different military applications. Maybe the practice of implementation of NLW will produce a common denominator for a definition that would sufficiently reflect the interests of participants for a new legal international platform.

4. The definition remains the basic condition for convincing implementation of NLW and identification of a positive solution of all juridical and possibly critical considerations. The rules of international law of armed conflict favour NLW. The legal conditions for their implementation and corresponding rules of engagement should therefore become

part of a document which could be used as an instrument to a staged development towards a **future convention** on NLW.

Meanwhile numerous studies on technology, military, legal and medical preconditions have been carried out. Consequently a phased approach based upon the 1999 NATO-Concept on NLW, state experience, practical implementation, and international legal steps could pave the way. The political reasons for an agreement or convention on NLW and the possible feature of such a text had already been presented earlier.¹⁸

IV . The Term Weapon and the Anti- Lethality Concept

1. The term weapon and an anti-lethality concept have fundamental importance for the NLW concept in general.

As regards the **term weapon** there is sufficient flexibility in wording of the NATO definition and similarly in most of the variations used in national practice. The discussion demonstrates that for different reasons there is a need to limit the spectrum of new technology. Only weapons but not all the other facilities are of special relevance for armed forces. The development and distribution of weapons faces the obligatory procedures of the law of the armed conflict and beyond this usually national limitations or restrictions. The weapon is the main equipment for soldiers and police force operations. Thus the qualification as weapon is the essential for the employment of NLW in action.

Weapon qualifies a means to use force in order to overwhelm physical resistance or obstacles. To define NLW as effective systems, for instance, would simply disguise the nature of combat weapons for political reasons with the intention to separate these new means from a warlike scenario or to prevent the application of arms control for these systems.

A definition like effective systems could of course broaden the spectrum of research development. But as soon as the results meet the qualification of a weapon it must no longer avoid the binding rules valid for all weapons including NLW. The term NLW sets a signal for rules in law enforcement or combat operations.

2. The **anti-lethality concept** can be judged as an element of the NLW definition that is common to most countries engaged in NLW. Lawyers have no better option than accept this approach. Any weapon may cause deadly results in unforeseen circumstances. Therefore a preference for the term "less lethal " is justified in general. But the new technology should not mainly be compared with possible damaging effects for persons or material. The real yardstick is the suffering or deadly damage caused by conventional arms like guns or grenades. In relation to these effects they can be called non-lethal. Furthermore this term symbolizes a new quality. The term less lethal announces a minor deadly effect, not a fundamental change in warfare strategy with reliance on the specific character of a new weapons technology.

Should one differentiate between anti-personnel NLW and anti-materiel NLW? The anti-personal approach signals the protection of human life in armed conflicts and implies deeper repercussions for the operations of police and military forces for international maintenance of peace and for law enforcement.

Such a restriction could be useful for the working out of rules of engagement for NLW. One could start with an adoption of an overall definition of NLW which might include anti-material and the term less lethal weapons as well. Step by step certain criteria taken from the above mentioned aspects could become subject for detailed consideration and discussion. The overall concept of anti-lethality would continue to serve as a provisional outcome until a final definition is agreed.

V. Cornerstones Towards International Political Practice and Legal Rules on NLW

1. David Koplow rightly states that the turn of century ushered in a **dramatically new era of NLWs**.¹⁹ A bewildering array of unforeseen capabilities is spilling out laboratories. Literature on NLM has likewise mushroomed. Commercial NLW activities and defence spending have also grown. Since many development programs are classified as such the exact financial spending cannot be tracked.²⁰ Likewise International conferences and seminars on the development and modernisation of the traditional law of armed conflict have repercussions on the future NLW.²¹

The International Society of Military Law and the Law of War conducted its 17th International Congress at the Hague in May 2006 under the general topic of the Rule of Law in Peace Operations. The central part of the preparatory questionnaire, the key presentations during the congress meetings and detailed discussions have been governed by the **Rules of Engagement (ROE)** in peace operations. Questions were asked regarding subjects like self-defence of civilians and specialised ROE for specific weapons. This was a clear reference to NLW. The basis for this activity had already been formulated by the Lillehammer recommendations of 2000.²²

2. International **convention on terrorism** including the definition of this subject was recently proposed in the Report of the Secretary General of the United Nations dealing with the reform of the United Nations. NLW could become an element of such an international agreement because the application of means and methods defeating terrorism is closely related with to the ROE and the definition of appropriate weapons.

3. The United Nations, its member states, the NATO, the European Union and competent Non Governmental Organisations like the International Committee of the Red Cross and other institutes and societies cited in this report do have a liability in developing the **future legal rules for NLW**.

4. **Summary:** The international legal scenario is steadily improving regarding the use, the conditions, the specific law and is finally pointing towards a commonly accepted NLW approach starting from the NATO concept for NLW. The lowest common denominator will remain the reduction of killing both in new asymmetrical warfare and peace and law enforcement operations. NLW might legitimize such missions. The role of NLW for arms control and weapons conventions remains the next subject for study.

Footnotes

¹ See **List of participants** Annex 1

² See **current agenda** Annex 2

³ **Neil Davidson and Nick Lewer**. Research report Number 7, Center for Conflict Resolution, Non-Lethal Weapons Research Project at Bradford University (UK), May 2005 and **Brian Rapport**. Non-Lethal Weapons as Legitimizing Forces? Technology, Politics and the Management of Conflict, 2003

⁴ NLW –text of the **Newsletter of ISMLLW** see Annex 3

⁵ NLW -excerpt of the **Mitgliederrundbrief 1/2007** reads as follows:

„Die mit der Entwicklung und Anwendung von nicht-letalen Wirkmitteln zusammen - hängenden Rechtsfragen, die auch für die Bundeswehr zunehmend an Bedeutung gewinnen, werden

auf einem internationalen Symposium im Mai 2007 in Ettlingen erörtert. Unser Mitglied Friedhelm Krüger-Sprengel bereitet die Sitzung in einer virtuellen Arbeitsgruppe vor und freut sich über jeden Beitrag - auch in deutscher Sprache - vor allem zu den Themen Definition und Rechtsentwicklung. Weitere Informationen über fried.ks@t-online.de und www.non-lethal-weapons.com. Mit freundlichen Grüßen für den Vorstand: Dr. Dieter Weingärtner“

⁶ **NEWSLETTER** JUNE 2006 REF: ISMLLW 2006/2 E: „**BELGIAN LAW BANS CLUSTER MUNITION**
On 8 June 2006, the Belgian parliament approved an Act, confirming an earlier national ban of cluster munitions, forbidding their possession, production, stockpiling, sale, transfer, importation and exportation. Certain munitions which do not pose a humanitarian problem after use, smoke or illuminating systems and electronic and electric countermeasures are explicitly excluded from the ban.”

⁷ **NATO policy on non-lethal weapons**, “Press Statement, October 13, 1999
...3.The following definition is applied as far as this policy is concerned:

Non-Lethal Weapons are weapons which are explicitly designed and developed to incapacitate or repel personnel, with a low probability of fatality or permanent injury, or to disable equipment, with minimal undesired damage or impact on the environment.”

⁸ **Ulla Lundquist**. Sweden, contribution letter 5.Dec.2006

⁹ **Neil A. Davison**. Proceedings Symposium 2005, page 1-31

¹¹ **David P. Fidler**. The meaning of Moscow: „Non-lethal“ weapons and International Law in the Early 21st Century in International Review of the ICRC Vol 87 No 859 Sept.2005 page 533 :
„The manner in which Russian security forces killed all incapacitated terrorists reinforced international concern about how NLWs might encourage military forces to violate the IHL principle of hors de combat“.

¹³ **David A. Koplou**. Non-Lethal Weapons – The Law and Policy of Revolutionary Technologies for the Military and Law Enforcement. Cambridge University Press. New York 2006.
Pages 110 , 111

¹⁴ **Council on Foreign Relations**. Nonlethal Weapons and Capabilities, Council of Foreign relations Press, www.cfr.org ,February 2004, page 12

¹⁵ **Koplou**. NLW page 12

¹⁶ **Koplou**. NLW , Recommendations and Conclusions, page 142

¹⁷ **Koplou** reports in his book NLW on the missions of forces in South America, Africa, Moscow, and Iraq . His conclusion under the heading of „what might have been“ is, that with improved availability or employment of NLW much collateral damage could have been avoided. See pages 53 to 128

¹⁸ **F. Krüger-Sprengel**. The Military Law and the Law of War Review, volumes 1-2, 2003, Brussels, pages 372 to 375 present „Contents of a Possible Draft Convention on NLW“

¹⁹ **Koplou**. NLW page 12

²⁰ **Alleged Use of Energy Weapons in Iraq**. The US Department of Defence is said to be spending US \$ 300-400 million per year on such weapons:

Rainews 24 TV recently broadcasted a documentary centred on the use of directed energy (laser and microwave) weapons by US troops in Iraq (see English version at http://www.rainews24.rai.it/ran24/inchieste/querre_stellari_iraq.asp). It provides some evidence of the use of non-kinetic weapons during the battle for the Baghdad airport in early April 2003 and later on at some checkpoints, including testimony of people and doctors who have seen the terrible effects of such weapons, which – incredibly – are said to include the disintegration of body parts and the reduction of body dimensions.

The documentary suggests that there are several types of directed energy weapons, which basically work by shooting electrons at high speed over very long distances. Lasers are in the light (or infrared) range, while microwave weapons would operate at other frequencies. The research and development of directed energy weapons would go back many decades. Essentially they would be beam weapons that do not shoot anything physically against the target, in contrast with kinetic weapons, which shoot bullets that physically hit an objective.

²¹ See reference made in **Annex 2**.

²² See text of Lillehammer recommendations in **Annex 4**.

The details of congress discussion see: **Recueil XVII The Rule of Law in Peace Operations**, Brussels 2006. Questions of rules of engagements see page 46 and in the 45 national reports printed thereafter.

Legal Virtual Working Group

Annex 1 – Participants

The following persons, professors, lawyers or legal researchers, and advisors, stated their interest as participant of the virtual working group NLW

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Annex to Invitation letter 2006

Subjects for Discussion in the Virtual Legal Working Group
in preparation of the 4th European Symposium on Non-Lethal Weapons (NLW)
entitled: **NLW: Fulfilling the Promise?**
Date and Location of the Symposium: May 21 – 23, 2007 at Ettlingen, Germany

Introductory Remarks

Since the 3rd Symposium in 2005 state practice demonstrate increased use of NLW. New technologies and non-lethal means have been developed. But the legal scenario is still far behind the possible and needed positive approach.

Nevertheless international conferences and seminars on the development and modernisation of the traditional law of armed conflict (LOAC) continue to have repercussions on NLW.

- McGill University Montreal December 2005 concentrating on proposals of the ICRC on modernisation of the humanitarian law
- German legal advisors Seminar at Bad Teinach in March 2006 and March 2007 discussed necessity of using NLW in confrontations with children soldiers in Africa.
- International Society of Military Law an the Law of War 18th congress on the law of peace keeping operations at the Hague in May 2006 dealing with Rules of Engagement
- Program on humanitarian law and conflict research at Harvard University.
- Advanced training seminar in July 2006 at Cambridge, Massachusetts, USA. Important subject: Conduct of hostilities.

The questionnaire for the last legal evaluation in 2005 contained the following subjects

- 1 Definition 2 - National Legislation
3. Spectrum of Applicability under the Law of International Armed Conflict - *Right to Kill Combined and Alternative Employment - Rule of Proportionality - Weapons Conventions*
4. NLW in Irregular or Asymmetrical New Wars - 5. NLW and Disarmament and Arms Control
6. Initiatives for International NLW Rules -
7. Current Reforms and Adaptation of International Security Law and NLW.

Current Issues of Subjects 1 and 7:

Question 1

Can the description by the wording “non – lethal” be considered as the right concept and the appropriate definition for the development of new weapons technology and means of use of power or would it be preferable to use the term “less lethal” or other concepts of description instead?

Question 2

Should states accept an advanced approach on the basis of the NATO-Concept of NLW of September 1999 and could thus a common denominator be found for rules of engagement in the new wars and future danger from weapons of mass destruction? Should and can the loophole in international law of conflict regarding new scenarios be closed?

Answers or comments on all above mentioned previous or current subjects be presented in English, French or German.

F. Krüger-Sprengel



Excerpts from the

Annex 3

NEWSLETTER OCTOBER/NOVEMBER/DECEMBER 2006 - REF: ISMLLW 2006/4 E

„Dear Member,

.....

I therefore seize this opportunity to launch a call for proposals both regarding the place where the next Congress could be held as well as regarding the subject matters for study and discussion.

Ludwig Van Der Veken
Secretary-General

.....

The European Working Group for Non-Lethal Weapons

Several European organisations are currently developing and implementing non-lethal capabilities. This enables to counter many emerging and non-traditional threats which appear in low intensity and asymmetric conflicts, as well as in peace support and anti-terrorism operations.

Non-lethal weapons are of interest to both the military and law enforcement agencies, as in many cases the character of the scenarios is similar, non-lethal weapons can indeed be seen as having dual use application: They provide armed forces, law enforcement agencies, and policy makers with additional options to respond in a tailored and graduated manner.

Therefore the ‘European Working Group for Non-Lethal Weapons’ was founded in 1998 at the Institute for Chemical Technology of the Fraunhofer Gesellschaft in the city of Pfinztal/Berghausen (Germany). At present researchers and experts from Austria, the Czech Republic, France, Germany Italy, the Netherlands, Russia, Sweden and the United Kingdom are in the Group. The Group is open to all organisations working in the area of non-lethal weapons. Cooperation with the European Defence Agency in Brussels has been considered.

The objective of the working group is the promotion and development of the knowledge about and research into non-lethal weapons, the coordination of related activities and the initiation of cooperation within the field of non-lethal options. Non-lethal weapons are understood by the working group as new means which minimise the risk of fatalities and harm to humans, the environment or other important assets.

The working group promotes relevant studies and holds seminars, symposia and conferences relating to non-lethal weapons. These activities include the legal aspects of the use of non-lethal weapons as a key element. The next symposium on non-lethal weapons will be held in Ettlingen (Germany) from 21 to 23 May 2007. The legal aspects of this symposium are prepared by a virtual working group. Experienced and committed lawyers are invited to present their views on subjects identified in a document which can be provided on request.

For more information and for contributions (deadline: 28 February 2007) please contact Dr. Friedhelm Krüger Sprengel (E-mail: fried.ks@t-online.de, Tel.: +49 228 257667, Fax: +49 228 257601 and Mail: F. Krüger-Sprengel - Bonn Office - Lillienthalstrasse 9 - D 53 125 Bonn - Germany)

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Annex 4

The Lillehammer NLW Recommendations 2000

The discussions of the military history committee of the Society in its two sessions during the XVth International Congress at Lillehammer in Norway led to the conclusion that combined legal and humanitarian aspects strongly demand the fielding of NLWs to any military forces engaged in future humanitarian and peace enforcement missions.

The text of the committee recommendations reads as follows:

- 1. The international political situation as currently demonstrated in Asia, in the Middle East, the Caucasus region, in various African countries and in parts of former Yugoslavia creates a permanent **need for limited military operations securing peace and stability in these areas.***
- 2. The increasing availability of many kinds of NLW and the humanitarian public pressure should lead to international legal instruments in **favour of the use of non-lethal weapons (NLW)** under certain conditions. The United Nations, the North Atlantic Treaty Organisation and also the International Society for Military Law and the Law of War have taken first decisions in this direction.*
- 3. The committee demands that states should ensure that the military forces are properly trained, adequately equipped and appropriately instructed to control the potential escalation of violence through alternatives; **the use of NLW should be examined under these considerations.***
- 4. Only those armed forces which do have **NLW-capabilities** should – in the future - be **given a mandate** by the Security Council of the United Nations for peace enforcement*

Based upon these committee recommendations the plenary of the Lillehammer Congress 2000 adopted a set of recommendations which included the following text in part one:

- 3. States should ensure that the military forces are properly trained, adequately equipped and appropriately instructed to control the potential escalation of violence through alternatives; the use of non-lethal weapons (NLW) should be examined under these considerations.*

Details of the discussions and recommendations see:

Lillehammer 2000. Reports and Resolutions on NLW. The Military Law and the Law of War Review XXIX 2000 Brussels, Palais de Justice, Belgium