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Abstract

“Nano-enhanced” weapons and the Law of Armed Conflict

Nanotechnology is a rapidly developing area of science, and the military is very keen to make use of its applications. The international community, including the International Committee of the Red Cross and many scientists, have expressed concern about the adequacy of the current legal framework to respond to potential military applications of nanotechnology.

This presentation will provide an overview of the current regulatory framework and an initial assessment of some of the legal issues in relation to “nano-enhanced” weapons. In particular, it will consider whether the existing laws of armed conflict or arms control treaties (such as the Geneva Conventions and their Additional Protocols, the Chemical Weapons Convention, the Biological Weapons Convention, and the Certain Conventional Weapons Convention Protocols on Weapons Primarily Injuring by non-detectable fragments and Blinding Laser Weapons) adequately cover nanotechnology-enhanced capabilities. This will include consideration of the relevance of Article 36 of 1977 Additional Protocol I, which obliges all States Parties to conduct a review of all new weapons on weapons enhanced by nanotechnology.

Nano-enhanced military capabilities will then be considered in light of potentially applicable principles of international environmental law, including relevant provisions in the Environmental Modification Convention, the law of armed conflict (especially Additional Protocol I), and the rules codified in the Statute of the International Criminal Court.

I will conclude with suggestions for future regulation of the use of nanotechnology by the military.