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Law

WEAPONS REVIEW

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements Department of Defense Instruction 5500.15, *Review of Legality of Weapons Under International Law*, October 16, 1974, and AFPD 51-4, *Compliance With the Law of Armed Conflict*. It prescribes guidance and procedures for the review of Air Force weapons to ensure legality under international law.

SUMMARY OF REVISIONS

This issuance aligns the instruction with AFPD 51-4.

1. Weapons. Weapons are devices designed to kill, injure, or disable people, or to damage or destroy property. Weapons do not include devices developed and used for training and practices; aircraft, inter-continental ballistic missiles, and other launch platforms; or electronic warfare devices.

1.1. Responsibilities. This instruction establishes the following responsibilities and authorities:

1.1.1. The Judge Advocate General (TJAG) will ensure all weapons being developed, bought, built, or otherwise acquired, and those modified by the Air Force are reviewed for legality under international law prior to their use in a conflict. TJAG may delegate authority to the Chief, International and Operations Law Division (HQ USAF/JAI).

1.1.2. The Office of the Assistant Secretary of the Air Force for Acquisition (SAF/AQ) will:

- Ensure TJAG, or TJAG's designee, reviews, for legality, all weapons, whether new acquisitions or modifications of existing weapons, at the earliest possible stage in the acquisition process, including the research and development stage.
- Coordinate Program Management Directives with TJAG, or TJAG's designee.

- Assist TJAG or TJAG's designee in obtaining information on the lethal characteristics and accuracy of weapons under review, following the procedures outlined in paragraph 1.2.

1.1.3. The International and Operations Law Division, Office of The Judge Advocate General (HQ USAF/JAI) will:

- Conduct timely legal review of all weapons, whether a new weapon at an early stage of the acquisition process, or a modification of an existing weapon, to ensure legality (i.e., compliance with international law), and send a copy of each review to SAF/AQ.
- Maintain permanent files of such legal reviews.
- Review any changes in international law relevant to weapons, including treaties to which the United States is a party, and notify appropriate agencies/offices of such changes and the impact on any previous reviews.

1.1.4. The staff judge advocate (SJA), Air Force Materiel Command (HQ AFMC/JA), when tasked by HQ USAF/JAI, prepares draft legal reviews of weapons, or prepares legal analyses of selected issues relating to weapons, and forwards such reviews/analyses to HQ USAF/JAI on a timely basis.

1.1.5. All Air Force SJAs providing legal services to Air Force research, development, testing, engineering, manufacturing, or acquisition components shall ensure, through the major command SJA or functional equivalent, that HQ USAF/JAI is aware of weapons requiring review.

1.1.6. Commanders/directors of Air Force components engaged in weapons research, development, testing, engineering, manufacturing, or acquisition shall provide to their servicing SJAs, in a timely manner, sufficient information about new or modified weapons to enable SJAs to fulfill their responsibilities.

1.2. Review Process for Legality of Weapons:

1.2.1. Upon TJAG, HQ USAF/JAI, or other cognizant legal authority's request, Air Force personnel will provide the following information concerning new weapons at any stage of the acquisition process or weapons being modified by the Air Force, so that a judge advocate may complete the review required by this instruction:

- Technical description (range, speed, shape, materials, fragments, accuracy, desired effect, and nature of system or subsystem employed for firing, launching, releasing, or dispensing).
- Destructive radius.
- Nature of expected injury to persons (including medical data, as available).
- Statements of intended use (such as types of targets).

1.2.2. Legal reviews conducted under this instruction will include, at a minimum:

- A discussion of relevant aspects of international law.

- A conclusion as to whether the weapon does or does not comply with international law

NOLAN SKLUTE, Maj General, USAF
The Judge Advocate General