

In addition, the Conference at its 1979 session adopted the following resolution: Resolution on Small-Caliber Weapon Systems (Appendix E). The texts of the above-mentioned instruments and resolution are appended to this Final Act. For an extract of the contents of those Protocols that have a direct implication for SALW see Annex A.

More recent declaratory statements have sought to address the challenge of applying these rules of war to domestic or internal conflicts. Two declarations (*The Declaration on the Rules of International Humanitarian Law Governing the Conduct of Hostilities in Non-International Armed Conflicts, San Remo, 7 April 1990* and *The Turku Declaration of Minimum Humanitarian Standards Applicable in All Circumstances, Turku, 2 December 1990*) specifically attempt to accomplish this.<sup>31</sup> In the former declaration, under Section B (Prohibitions and Restrictions on the Use of Certain Weapons in Non-international Armed Conflicts), Paragraph Two prohibits “bullets which expand in the human body (such as dum-dum bullets). The customary rule prohibiting the use of bullets which expand or flatten easily in the human body, such as dum-dum bullets, is applicable in non-international armed conflicts.” In the latter declaration, Article Five, Paragraph Three states that “weapons or other material or methods prohibited in international conflicts must not be employed in any circumstances.”<sup>32</sup>

With regard to potential new weapon technologies, the International Committee of the Red Cross (ICRC) and other organizations have lobbied for a ban on blinding laser weapons. Twenty-five countries have agreed to support a CCW protocol banning such weapons. A new CCW Protocol IV (on Blinding Laser Weapons) was adopted by a conference of States Parties on 13 October 1995. See Annex A for relevant extracts.

---

<sup>31</sup> These two declarations are non-binding.

<sup>32</sup> This declaration has not affected the domestic use of various types of soft nosed or controlled expansion bullets on the part of law enforcement agencies. Soft nosed ammunition is less susceptible to ricochet and the concomitant creation of unintended collateral casualties. Most metal-jacketed ammunition, particularly handgun ammunition, does not have sufficient “stopping” power to ensure that an individual hit by a bullet will be incapacitated to the point where he is no longer a threat. Handguns possess a relatively low velocity (on average 1200 to 1500 fps). Hunters also use bullets with a soft or hollow point designed specifically to deform on impact. Such deformation ensures that maximum kinetic energy is imparted to the target. This produces a larger wound cavity, thereby enhancing the kill probability and lessening the chance of a wounded animal escaping. However, the question remains: if such ammunition is inhumane on the battlefield, what makes it humane within domestic jurisdictions? Conversely, if there is a requirement to ensure that a “criminal” is hit to the extent that he will cease being a threat to a police constable, why is a soldier deserving of less consideration? The rationale that it is better to create enemy wounded rather than dead in battle because it ties up more resources – evacuation, medical, financial, etc. – may be true, but it is a spurious argument. Strategic, operational and tactical doctrine does not reflect this thinking. Soldiers are trained to try to kill their opponent (by aiming for center of mass), and not to try to wound them (ie. aiming for a limb). Furthermore, in developed states, medical attention is relatively efficient and effective – both on the battlefield and in the inner city. Thus, serious wounds do not carry the same consequences as they would on an early 20<sup>th</sup> century battlefield or in a less developed state.