

Regarding conventions governing the conduct of war, the first modern convention to place restrictions on SALW was the December 1868 St Petersburg Declaration “*Renouncing the Use, in Time of War, of Explosive Projectiles under 400 Grams Weight.*” The Hague Conventions,<sup>28</sup> specifically the Hague II Convention of 1899 and the Hague IV Convention of 1907 (both respecting the Laws and Customs of War on Land), were the first international efforts to indirectly address potential restrictions on SALW. Chapter One, Section Two of the Hague II Convention (On Hostilities) states in Article 22 that “the right of belligerents to adopt means of injuring the enemy is not unlimited.” Article 23 of Chapter One states that “Besides the prohibitions provided by special Conventions, it is especially prohibited:.... (e) To employ arms, projectiles, or material of a nature to cause superfluous injury....”. The Hague IV Convention reiterated Article 22 and 23 of the Hague II Convention. As cited before, the year 1899 also saw the signing of The Hague Declaration III banning the use of dum-dum bullets – i.e. “bullets that would expand or flatten easily in the human body.” While the Hague Declaration and St Petersburg Declaration are quite specific on what is banned, the Hague Convention prohibiting weapons capable of causing “superfluous injuries” is open to interpretation.

The issue of limiting or proscribing certain SALW or their technologies did not re-surface as a significant issue until the 1970s.<sup>29</sup> On the basis of United Nations General Assembly Resolutions 32/152 of 19 December 1977, 33/70 of 28 September 1978 and 34/82 of 11 December 1979, a conference entitled “The United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons (CCW) Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects” convened in Geneva in the fall of 1979 and 1980. Eighty-five states participated in the work of the conference. On 10 October 1980, the conference adopted the following instruments:<sup>30</sup>

1. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects (Appendix A);
2. Protocol on Non-Detectable Fragments (Protocol I) (Appendix B);
3. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) (Appendix C);
4. Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (Appendix D).

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<sup>28</sup> There are numerous Internet Sites containing the text of various treaties. See: [www.lib.byu.edu/~rdh/ww1/hague](http://www.lib.byu.edu/~rdh/ww1/hague); <http://elsinore.cis.yale.edu/lawweb/avalon> and <http://www1.umn.edu/humanrts/instree>

<sup>29</sup> This involves voluntary agreements and declaratory statements, not imposed agreements such as the Versailles Treaty.

<sup>30</sup> This information, including that contained at Annex A, was obtained from the University of Minnesota Human Rights Library at <http://www1.umn.edu/humanrts/instree>