Incendiary weapons

Human Rights Watch

Background

While countries took modest diplomatic steps over the past year to respond to the humanitarian problems of incendiary weapons, continued use of the weapons in Syria is a reminder that further action is needed. States parties to the Convention on Conventional Weapons (CCW) have included incendiary weapons on the agenda of their annual meeting in November. They should seize that opportunity to push for stronger international law to prevent the horrific injuries and harm that these weapons cause.

Incendiary weapons, which produce heat and fire through the chemical reaction of a flammable substance, inflict excruciating burns that are difficult to treat and lead to long-term physical and psychological injury. The weapons also start fires that can destroy civilian objects and infrastructure.

Protocol III to the CCW, adopted in 1980, prohibits certain uses of incendiary weapons, but its restrictions have failed to stop the civilian harm seen in Syria and elsewhere. The CCW protocol has two major loopholes. First, it prohibits the use of air-delivered incendiary weapons in “concentrations of civilians,” but has weaker regulations for ground-launched models. Second, many states parties believe the current definition does not cover multipurpose munitions, such as white phosphorus, because the definition is based on the purpose for which they were “primarily designed,” rather than on their effects.

Current context

Syrian government forces have used air-dropped and ground-launched incendiary weapons in Syria since 2012. A YouTube video, published by Russia Today in June 2016, showed a Russian aircraft with incendiary bombs at Russia’s airbase in Syria, suggesting that Russia has also been using incendiary weapons in Syria. Russia has neither confirmed nor denied such use.

Human Rights Watch documented 22 attacks with incendiary weapons in five Syrian governorates in March and April 2017. For example, videos and photographs provided evidence of use on April 9 of ZAB incendiary submunitions in the city of Saraqeb. Delivered by RBK-500 bombs, such submunitions contain thermite, which burns intensely for up to 10 minutes. Other online videos that week showed incendiary weapon attacks on several nearby villages.

Meanwhile, members of the United States-led coalition used ground-launched white phosphorus munitions during their operations against the Islamic State (ISIS) in Mosul, Iraq.
and Raqqa, Syria. Videos and photographs from early June show the use of US-made M825-series 155mm artillery projectiles, containing 116 felt wedges impregnated with white phosphorus. The substance, which ignites and continues to burn when exposed to oxygen, can be used for marking, signaling, and obscuring as well as to set fires that burn people and objects. It can burn through human flesh to the bone and reignite when bandages are removed. Even relatively minor burns are often fatal.

The Iraqi Security Forces stated that white phosphorus had been used to create a smokescreen. Although declining to discuss specific incidents, a US Army spokesperson for the coalition said that white phosphorus was generally used for “screening, obscuring and marking”. Human Rights Watch could not independently verify whether the attacks caused civilian casualties. According to the New York Times, a Raqqa resident reported that approximately 20 people were killed.2

Since 2010, more than three dozen countries, along with the International Committee of the Red Cross, the UN Secretary-General, and nongovernmental organizations, have called attention to the harm that incendiary weapons can cause to civilians, and many have called for revisiting CCW Protocol III.3

At CCW’s Fifth Review Conference in December 2016, states parties took two additional measures. They adopted a final report that goes beyond merely expressing concerns and “condemns any use of incendiary weapons against civilians or civilian objects, and any other use incompatible with relevant rules of International Humanitarian Law, Screenshot of a video taken in April 2017 in Saraqeb, northwestern Syria, showing the bright trails produced by incendiary weapons
including provisions of Protocol III where applicable.”

States parties also agreed to dedicate a slot—for the first time since 1980—to discuss Protocol III at their November 2017 meeting.

Governments should build on this momentum. States not party to CCW Protocol III should join as soon as possible. At their November meeting, states parties should promote efforts to review Protocol III and close its loopholes. A stronger protocol would not only bind CCW states parties, but also further stigmatise incendiary weapons, thus discouraging any use, even by those outside the treaty.

Recommendations

During First Committee, delegations should:

- Call for a formal review of Protocol III and amendments to address the negative humanitarian impacts of incendiary weapons; and

- Publicly condemn incendiary weapons use in Syria and urge the Syrian government to accede to the Convention on Conventional Weapons and its Protocol III.

Beyond First Committee:

- At their annual meeting, CCW states parties should take advantage of the dedicated agenda time to condemn incendiary weapon use and call for reviewing and strengthening Protocol III. They should also set aside at least as much time in 2018 for further discussion of the implementation and adequacy of Protocol III.

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