Incendiary weapons
Human Rights Watch

Background
Incendiary weapons, which produce heat and fire through the chemical reaction of a flammable substance, cause 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. Closing these loopholes, which would be legally if not politically straightforward, would create stronger rules for states parties and increase the stigma against incendiary weapons, influencing even actors outside the treaty.

Current context
Countries had the most robust discussions on incendiary weapons in almost four decades at the 2017 Meeting of States Parties to the Convention on Conventional Weapons (CCW). The more detailed exchange was a welcome step for efforts to reduce the suffering inflicted by these exceptionally cruel weapons. But reports that new use of incendiary weapons killed or injured more than 260 civilians in Syria in 2018 show that further action is needed.\(^1\)

Human Rights Watch has documented 26 uses of incendiary weapons in Syria from January to August 2018. The attacks took place in Aleppo, Damascus, Hama, Idlib, and Damascus Countryside governorates.

The majority of the incendiary weapons used in these incidents were unguided 122mm Grad rockets, notorious for their inaccuracy, each containing 180 incendiary capsules. In at least four cases, air-dropped ZAB incendiary submunitions were used. Syrian government forces have used air-dropped and ground-launched incendiary weapons in Syria since 2012.\(^2\)

Syria Civil Defense, also known as the White Helmets, reported that on 16 March 2018, air-dropped incendiary munitions were used on the Eastern Ghouta town of Kafr Batna, killing at least 61 and wounding more than 200. It said that most victims were women and children who were burned alive.\(^1\) Photographs and video
provided to Human Rights Watch by doctors, and publicly available, show at least 15 bodies with serious burns.⁴

Photographs reported by the Syria Civil Defence to have been taken immediately after the attack show multiple small fires burning brightly, indicating the possible use of ZAB sub-munitions which are delivered by Soviet or Russian-made RBK-500 bombs.⁵ 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.⁶ Russia has neither confirmed nor denied such use. Russia is a state party to Protocol III, and Syria is not.

Since 2010, more than three dozen countries, along with the International Committee of the Red Cross, the UN Secretary-General, and non-governmental organisations, have called attention to the harm that incendiary weapons can cause to civilians, and many have called for revisiting CCW Protocol III.⁷

At the CCW’s annual meeting in November 2017, incendiary weapons were a separate agenda item for the first time since 1980. Most countries stressed the need for stronger law and/or called for revisiting Protocol III. At the end of the meeting, states parties agreed to continue discussions in November 2018. They adopted a final report that notes the concerns of a number of states parties about the use of incendiary weapons against civilians and that “condemn[s] any use of incendiary weapons against civilians or civilian objects, and any other use incompatible with relevant rules of international humanitarian law, including provisions of Protocol III where applicable”.⁸

Governments should increase the intensity of their work and agree to review Protocol III and close its loopholes. They can advance this goal at CCW meetings, First Committee, and elsewhere by highlighting the urgency of strengthening international law on incendiary weapons.

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 time, such as in an informal meeting of experts, for discussion of the implementation and adequacy of Protocol III in 2019.

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Incendiary weapons were used in Eastern Ghouta, Syria, in March 2018, causing more than 260 civilian casualties.

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