Thank you Mr. Chairman.

The year 2014 saw the use of incendiary weapons in two active conflicts, demonstrating the pressing need to prevent additional attacks before more civilians suffer. The past year also provided evidence of the growing opposition to incendiary weapons, which could facilitate efforts to strengthen international law on the subject. We urge countries to take advantage of this moment of urgency and opportunity. This week, states should condemn the use of incendiary weapons and voice their support for future CCW discussions and negotiations of Protocol III.

Incendiary weapons are horrific weapons. They inflict excruciatingly painful burns that require equally painful treatment. They also cause respiratory damage, and individuals who survive their wounds experience lifelong physical and psychological harm. Disfigurement often leads society to ostracize the victims.

Despite their cruel effects, incendiary weapons continue to be used. Human Rights Watch documented two strikes in towns in Ukraine. While we could not determine who was responsible for the attacks, both Russia and Ukraine are party to CCW and Protocol III. Meanwhile, in Syria, government forces continued to use incendiary weapons. Human Rights Watch has now documented 57 incendiary attacks in Syria over the past two years.

Although these developments are deeply disturbing, there is at the same time an increasing recognition that incendiary weapons, including white phosphorus munitions, are unacceptable. Over the past year, more than a dozen states publicly criticized the use of incendiary weapons. In addition, changes to Israel’s policy and practice seem to reflect a shift in attitude. Apparently responding to the outrage at its use of white phosphorus munitions in Gaza in 2009, Israel pledged to restrict future use to limited circumstances and to develop alternatives to white phosphorus munitions. There was no confirmed use of incendiary weapons in military operations on Gaza in 2014.

As the only existing international treaty dedicated to incendiary weapons, CCW Protocol III has the potential to be a vital tool in minimizing their harm. But it contains loopholes and inconsistencies that diminish its effectiveness. First, Protocol III excludes some munitions with incendiary effects, notably white phosphorus, because it applies only to
weapons that are “primarily designed” to burn. This loophole should be closed with an effects-based definition.

Second, Protocol III has weaker regulations for ground-launched incendiary weapons than it does for air-delivered ones. An absolute ban on use would have the maximum humanitarian benefit. At a minimum, states should prohibit use of all incendiary weapons in populated areas.

Over the past four years, incendiary weapons have been a topic of discussion at CCW meetings. States have described the use of such weapons as “unacceptable,” “disturbing,” “indiscriminate,” and “horrific.” They have also recommended taking a “closer look” at Protocol III, and some have pushed for amendments to strengthen the instrument. We appreciate the additional statements made on incendiary weapons yesterday.

We call on other states to build on this momentum and speak out on the issue. We urge countries both to denounce the use of incendiary weapons and to express their willingness to revisit Protocol III. The Meeting of States Parties as a whole should also include language on incendiary weapons and Protocol III in its final report, as it has done for the last three years.

Such public statements, whether oral or written, are important steps to the ultimate goal: strengthening international law on these cruel weapons.

A new report elaborating Human Rights Watch’s findings and position is available online or from a member of the Human Rights Watch delegation.

Thank you.