

**Statement of the International Committee of the Red Cross
to the Fourth Review Conference of the Convention on Conventional Weapons**

Protocol III (Incendiary Weapons)

November 2011

At the August meeting of the Group of Governmental Experts, the ICRC indicated its support for increased attention to the protection of civilians from a range of weapons with incendiary effects. We therefore support a thorough review by this conference of the issues involved including the adequacy of protections provided under Protocol III of the CCW.

Protocol III is the primary international instrument regulating the use of incendiary weapons under international humanitarian law. Recent reports of the use of weapons with incendiary effects in densely populated areas, and the humanitarian impact of such use, highlight the relevance of this issue and the dangers that exist for the civilian population.

The use of weapons containing white phosphorus, for example, has caused horrific burns in conflicts where civilians have been exposed to this substance. Such burns are difficult to treat and medical facilities often lack the expertise to treat these injuries successfully. White phosphorous can remain inside the human body, while continuing to burn and injure, and poses safety risks for attending medical personnel. As white phosphorus burns at extremely high temperatures, it can cause widespread damage to civilian objects, particularly when used in densely populated areas. Some of these weapons also produce inflammable remnants which can re-ignite days after their initial use, and which pose additional dangers to civilians, civilian objects and medical personnel.

Protocol III contains a narrow definition of incendiary weapons, which excludes from the scope of the Protocol's prohibitions and restrictions many weapons with significant incendiary effects. Weapons such as those containing white phosphorous can escape the restrictions on the use of incendiary weapons contained in Protocol III of the CCW because, although they have significant incendiary effects, these effects can be characterised as "incidental" to the munitions' main purpose.

In light of these facts, the protections afforded to civilians and civilian objects by Protocol III warrant a review.

The ICRC believes that there would be considerable value in examining a range of military, technical, legal and humanitarian aspects of weapons with significant incendiary effects either through work on this issue in the CCW's Group of Governmental Experts or within informal settings.

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