Meeting of the High Contracting Parties to the 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

14 November 2024

English only

Geneva, 13-15 November 2024
Agenda item 14
Status of implementation of and compliance with the Convention and its Protocols

Working Paper on Incendiary Weapons*

Submitted by Austria, Belgium, Costa Rica, Ireland, Mexico, New Zealand, Norway, Philippines and Switzerland

1. Our delegations remain deeply concerned that the CCW Meetings of High Contracting Parties no longer provide a dedicated space for the consideration of the implementation and universalisation of Protocol III concerning Incendiary Weapons, one of the CCW's original Protocols.

2. Incendiary weapons are among the most inhumane in warfare. They can inflict excruciating burns and respiratory damage, for which specialized medical attention is generally unavailable in areas of armed conflict. The use of incendiary weapons can also cause profound psychological trauma. The burning of homes, infrastructure, and crops results in long-lasting socioeconomic harm and creates long-lasting legacy suffering.

3. Indeed, the prohibitions and restrictions on the use of incendiary weapons in Protocol III were established as a recognition of their indiscriminate effects on civilians and civilian objects as well as the likelihood they would cause unnecessary suffering and superfluous injury to combatants.

4. However, we continue to see reported use of weapons with incendiary effects. This reported use is of direct relevance to the operation of the Convention and yet the CCW has been unable to consider these serious matters in a structured manner. This undermines the effectiveness of the Convention as a whole.

5. In light of the severe humanitarian concerns around the use of incendiary weapons and uses of weapons with incidental incendiary effects, we reiterate that it is overdue for the CCW to return to meaningfully discussing the implementation of Protocol III, as well as to consider measures to bolster its universalisation.

6. These discussions could, for example, consider whether greater clarity could be achieved with regard to the scope of Protocol III and of weapons with combined effects, which include incendiary effects.

7. It would also be beneficial for States to exchange views on the implementation of the Protocol, including with respect to issues such as 'feasible precautions' and how States fulfil their obligations to ensure full respect for International Humanitarian Law.

8. This should be an open exchange on the Protocol, its implementation and how it fulfils its role in addressing the humanitarian harm caused by the use of incendiary weapons.

9. In recent years, we have seen the practice of consensus in the CCW being misused to prevent discussions on issues of direct relevance to the operation of the Convention, including

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Protocol III on incendiary weapons. The purpose of the consensus principle should be to protect vital national interests, not to veto discussions in a multilateral forum. Such behaviour weakens the convention and is in direct contrast to the spirit of multilateralism.

10. Given the significance of these issues and the absence of any structured discussion within the convention responsible for the regulation of these weapons, CCW High Contracting Parties have a responsibility to take action. To this end, our delegations call on you, Mr. President, to **include in the final report of this meeting a decision that requests the incoming President to conduct informal consultations during the intersessional period on the implementation and universalisation of Protocol III and to report, in his or her own capacity, to the 2025 Meeting of High Contracting Parties under a specific agenda item.**

11. Furthermore, keeping in line with every CCW Meeting of High Contracting Parties final report since 2011 with the exception of the last two years, we request that the final report include language in the Work of the Meeting and Conclusions and/or Recommendations section, reflecting the concern expressed in the room and reaffirming the importance of Protocol III. We are happy to provide language in this regard.