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## CCW Meeting of High Contracting Parties

### **Agenda Item 9 Protocol III**

Geneva, 22 November

H.E. Sabrina Dallafior  
Permanent Representative of Switzerland to the Conference on Disarmament, Geneva

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Mr. Chair,

Again this year, concerns were raised over the reported use of incendiary weapons, in particular in areas near civilians, and over the humanitarian impact these weapons may cause.

In light of the patterns of reported use, Protocol III has received significant attention both at the Review Conference in 2016 and at last year's Meeting of High Contracting Parties.

The discussions last year shed some light on policies and practices regarding the use of incendiary weapons.

Switzerland reiterates that the regulations in Protocol III constitute an important acquis that needs to be preserved. These regulations are the only legally binding rules addressing the issue of incendiary weapons directly which thus complement the general rules on the conduct of hostilities.

First, Switzerland calls on all High Contracting Parties to strictly implement the Protocol.

Second, we encourage those States not yet party to the Protocol to ratify it as soon as possible.

Third, we are of the view that the concerns expressed regarding the adequacy of the protection offered by the protocol, for instance about the distinction of delivery methods, warrant an in-depth discussion about humanitarian considerations, military necessity and legal questions raised by the use of incendiary weapons and munitions whose effects may be similar.

In this context, we see value in further deepening our understandings of how the Protocol has been implemented, its achievements but also the possible challenges it is facing. Such discussions on Protocol III should not be understood as suggesting that the protocol be renegotiated, but that we look more closely at its status and implementation. We believe that a number of concerns expressed can be addressed by looking at the protocol's implementation, and measures that can accompany and support such efforts, such as specific precautionary measures.

Taking into account the limits of what can be achieved during a Meeting of High Contracting Parties with a packed agenda, we would see merit in identifying an appropriate format or mechanism that allows such discussions to advance informally.

It would not seem coherent with the CCW's modus operandi, if there were frequent concerns about the use of a weapon regulated by one of its protocols, but such concerns would not be discussed.

Our delegations is prepared to share with you some suggestions for the final report of our meeting.

Mr. Chair,

We suggest that this Meeting of High Contracting Parties, its outcome document,

- **Continues to reaffirm the importance of Protocol III and its provisions, calls for their full implementation by all High Contracting Parties to the Protocol and invites States not yet party to it to accede as soon as possible.**
- **Notes the concerns raised by a number of High Contracting Parties over the recent growing number of reports of use of incendiary weapons against civilians**

**and condemns 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.**

- **Decides to ask the chair to consult on informal meeting formats suitable to discuss issues related to the universalization and implementation of the Protocol III in light of the humanitarian concerns expressed.**