



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Incendiary Weapons between Banning and using them in Armed Conflicts



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Introduction:

Incendiary weapons have far-reaching implications for public health, infrastructure, civilians, and the military. Their impact can extend over large areas of targeted territories, making them among the most inhumane weapons used in wars and armed conflicts. Protocol III to the Convention on Conventional Weapons defines incendiary weapons as those designed to set fire to objects or cause burns to individuals through flame, heat, or a combination of both. The use of these weapons leads to severe burns, respiratory damage, and scarring on civilians' bodies. The absence of specialized medical care in conflict areas exacerbates the consequences. Additionally, the use of incendiary weapons can cause profound psychological trauma, and destroy homes, infrastructure, and crops, resulting in long-term social and economic damage and ongoing suffering.

Consequently, the use of incendiary weapons, including white phosphorus, in conflict zones such as Afghanistan, the Gaza Strip, and Syria has raised serious concerns among numerous States parties to the Convention on Conventional Weapons. These concerns primarily revolve around the severe humanitarian impact of incendiary weapons and those with chemical effects. Consequently, many countries have called for the strengthening of Protocol III of the Convention on Conventional Weapons, which is the only international instrument dedicated to regulating incendiary weapons. The current climate presents an opportune time for meaningful discussions within the Convention on Conventional Weapons to address the implementation of Protocol III and consider measures to enhance its universality. The High Contracting Parties to the Convention on Conventional Weapons bear the responsibility of taking necessary actions. Given the devastating effects of incendiary weapons, it is imperative to strengthen international law about these weapons, particularly by adopting an effects-based definition of incendiary weapons in Protocol III that covers multi-purpose munitions.

In light of the repeated use of incendiary weapons, including white phosphorus, by the Israeli occupation forces in recent conflicts in Lebanon and the Gaza Strip, Maat for Peace, Development, and Human Rights aims to shed light on this issue through its **#Let's_Keep_Weapons_Safe** campaign. This paper seeks to clarify the nature of incendiary weapons, their legality in armed conflicts, and the humanitarian impact of their use.



First: What Are Incendiary Weapons, Including White Phosphorus?

Incendiary weapons are designed to set fire to objects or cause burns and respiratory injuries to individuals through the action of flame, heat, or a combination of both. They rely on a chemical reaction of flammable materials, such as napalm or white phosphorus, to generate the desired effects. The use of incendiary weapons raises concerns about compliance with international humanitarian law, specifically the prohibition of weapons that cause unnecessary harm and suffering to civilians.¹ These weapons contain various chemical compounds that inflict painful burns, damage the respiratory system, and induce psychological trauma. The burning of homes, infrastructure, and crops also results in social and economic damage, leaving survivors to endure lifelong suffering.²

American forces utilized white phosphorus during the Second Battle of Fallujah in Iraq in 2004 to target concealed fighters.³ Since then, there have been numerous reports of incendiary weapon usage in Afghanistan, the Gaza Strip, Iraq, Syria, Ukraine, and Yemen over the past 15 years.⁴ Video and photographic evidence from strikes since Russia's large-scale war in Ukraine in February 2022 demonstrate at least 40 instances of ground-launched incendiary weapon attacks.

Attribution for these attacks is challenging, but both Russia and Ukraine possess the 122 mm Grad incendiary rockets used in these incidents. The same type of 122 mm incendiary Grad rockets were employed in eastern Ukraine in 2014 and Syria from 2013 to 2019.⁵ Recently, they were also employed in Gaza and Lebanon during the Israeli aggression against these regions on October 7, 2023.

- **White Phosphorus as an Incendiary Weapon:**

White phosphorus primarily serves to obscure military operations on the ground. It can generate a smoke screen during the day or night, concealing visible troop movements. Its usage also corresponds with infrared optics and weapon tracking systems, safeguarding military forces against guided weapons like anti-tank missiles. However, when it detonates in the air, white phosphorus covers a larger area compared to ground explosions, making it useful for

¹ Convention on Certain Conventional Weapons , UNODA, link, <https://front.un-arm.org/wp-content/uploads/2023/10/CCW-ratification-booklet-print.pdf>

² Protect Civilians from Incendiary Weapons, HRW, 8 Nov 2022, link, <https://www.hrw.org/news/2022/11/08/protect-civilians-incendiary-weapons>

³ Questions and Answers on Israel's Use of White Phosphorus in Gaza and Lebanon, HRW, 12 Oct 2023, link, <https://www.hrw.org/news/2023/10/12/questions-and-answers-israels-use-white-phosphorus-gaza-and-lebanon>

⁴ Incendiary Weapons: Recent Developments and Use, HRW, May 2023, link, https://www.hrw.org/sites/default/files/media_2023/05/Incendiary%20Weapons%20Factsheet_May2023.pdf

⁵ Protect Civilians from Incendiary Weapons, HRW, 8 Nov 2022, link, <https://www.hrw.org/news/2022/11/08/protect-civilians-incendiary-weapons>

concealing extensive troop movements. However, this leads to incendiary effects over wider and densely populated regions, thereby increasing the risks faced by civilians.⁶

White phosphorus is a chemical found in artillery shells, bombs, and missiles. When exposed to oxygen, it ignites and produces intense heat exceeding 800 degrees Celsius. Contact with humans causes horrific injuries. Although white phosphorus is not classified as a chemical weapon since it functions through heat and flame rather than toxicity, it inflicts harm upon civilians due to severe burns and its long-term effects on survivors.⁷ White phosphorus burns cause severe injuries that often reach the bones, and recovery is slow, with potential complications such as infections. Additionally, wounds treated with white phosphorus may worsen, and re-ignition is possible upon exposure to oxygen. Burns encompassing over 10 percent of the human body are often fatal and can lead to respiratory damage and organ failure. Fires caused by white phosphorus can also destroy buildings, property, crops, and the loss of livestock and animals.⁸ **The damage caused by white phosphorus includes:**

- Internationally prohibited phosphorus causes burns that extend to the bones.
- Phosphorus leakage into the soil or bodies of water leads to pollution, posing harm to humans.
- A single shell containing phosphorus can prove lethal to all living creatures within a range of up to 150 meters.
- Inhalation of phosphorus can result in the melting of the trachea and lungs.
- Exposure to white phosphorus can cause fatal facial paralysis and arrhythmia.⁹

- **White phosphorus under International Law**

White phosphorus is not explicitly classified as an incendiary weapon under Protocol III of the Convention on Conventional Weapons, but its harmful effects are widely recognized. Burns caused by white phosphorus are more severe than regular burns and can lead to sudden death when they cover 10 to 15 percent of a person's body. These burns are often deep and can reach the bone, resulting in longer healing times compared to other types of burns.¹⁰

However, when white phosphorus is used as a weapon, munitions containing it are considered incendiary weapons. Although international humanitarian law does not expressly prohibit

⁶ - Questions and Answers on Israel's Use of White Phosphorus in Gaza and Lebanon, HRW, 12 Oct 2023, link, <https://www.hrw.org/news/2023/10/12/questions-and-answers-israels-use-white-phosphorus-gaza-and-lebanon>

⁷ White phosphorus, WHO, 20Oct 2023, link, <https://bit.ly/45X8A7J>

⁸ الفسفور الأبيض جرائم إسرائيلية في غزة تكشف عن ثغرات القانون الدولي، جيسور بوسست، ٣١ أكتوبر ٢٠٢٣، الرابط، <https://bit.ly/3u7allk>

⁹ إسرائيل تستخدم أسلحة محرمة دوليًا في قصف قطاع غزة، الغد، ٩ أكتوبر ٢٠٢٣، الرابط، <https://bit.ly/3SzvHSy>

¹⁰ They Burn Through Everything: The Human Cost of Incendiary Weapons and the Limits of International Law, HRW, 9 Nov 2020, link, <https://www.hrw.org/report/2020/11/09/they-burn-through-everything/human-cost-incendiary-weapons-and-limits>

incendiary weapons, customary international humanitarian law requires states to take feasible precautions to minimize harm to civilians caused by these weapons.¹¹

Second: Legal Framework Governing the Ban on Incendiary Weapons:

Efforts to prevent significant human suffering resulting from the use of incendiary weapons necessitate robust international laws that states adhere to and enforce. The Third Protocol to the Convention on Conventional Weapons aims to protect civilians and civilian objects by regulating the use of incendiary weapons in civilian areas and minimizing their environmental impact. Considering the widespread use of incendiary weapons and weapons with incidental incendiary effects in recent conflicts, it is crucial to continue discussing the humanitarian impact of these weapons and evaluate the adequacy of current protections for civilians and combatants. Incendiary weapons are subject to the ban imposed by the Convention on the Prohibition of Certain Conventional Weapons, particularly the Third Protocol to the Convention on the Prohibition or Restriction of Incendiary Weapons.

- **Convention on Prohibitions on the Use of Certain Conventional Weapons:**

In the 1970s, the international community became increasingly aware that new technologies were leading to the production of weapons that did not always comply with international humanitarian law. In response, the International Committee of the Red Cross organized a conference of governmental experts on weapons that may cause unnecessary suffering or have indiscriminate effects in Lucerne, Switzerland, from September 24 to October 18, 1974. The conference discussed various categories of weapons, including incendiary weapons, small projectiles, explosive and fragmentation weapons, delayed and insidious weapons, and new weapons.

This work culminated in the adoption of United Nations General Assembly Resolution 32/152 on December 19, 1977, which called for a conference to negotiate agreements on prohibiting or restricting the use of specific conventional weapons that could be excessively harmful or indiscriminately effective. The conference also aimed to establish a system for periodic review to consider additional proposals, taking into account humanitarian and military considerations. The conference took place in 1979 and resulted in the adoption of the Convention on Conventional Weapons and its Protocols I, II, and III on October 10, 1980.

- **Guided by fundamental humanitarian principles, the Convention on Conventional Weapons aims to:**

- Protect civilians from the effects of hostilities.

¹¹ Protect Civilians from Incendiary Weapons, HRW, 8 Nov 2022, link, <https://www.hrw.org/news/2022/11/08/protect-civilians-incendiary-weapons>



- Reinforce the principle that the parties to an armed conflict do not have an absolute right to choose methods and means of warfare.
- Prohibit weapons that fail to distinguish between civilians and combatants or cause unnecessary suffering or injury.
- Strengthen the "Martens Clause," which stipulates that the civilian population and combatants are at all times protected by the principles of international law derived from established customs, the principles of humanity, and the dictates of public conscience. The Convention on Conventional Weapons and Protocols I, II, and III entered into force in December 1983.¹²

Article 3 of the Geneva Convention prohibits the use of incendiary weapons against civilian targets and imposes limitations on their use against military targets near civilian concentration areas. However, this provision specifically applies to bombs dropped from aircraft and not those fired from cannons.¹³

Table One: Countries' positions on the Convention and its protocols¹⁴

States Parties to the Convention	States Parties to the Amendment to Article 1	States Parties to Protocol I	States Parties to Second Protocol	States Parties to Amendment to Second Protocol	States Parties to Protocol III	States Parties to the Fourth Protocol	States Parties to the Fifth Protocol
126 countries	87 countries	119 countries	96 countries	106 countries	115 countries	109 countries	97 countries

The Convention on the Prohibition or Restriction of the Use of Certain Conventional Weapons That May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects is one of the few international humanitarian law instruments that regulates the behavior of non-state actors and extends its application to non-international armed conflicts through its amended Article 1. This Convention has also contributed to the development of customary international humanitarian law concerning restrictions and prohibitions on weapons. In addition to the adoption of the Fourth Protocol on blinding laser weapons in 1995, which

¹² Convention on Certain Conventional Weapons , UNODA, link, <https://front.un-arm.org/wp-content/uploads/2023/10/CCW-ratification-booklet-print.pdf>

¹³ إسرائيل تستخدم أسلحة محرمة دوليًا في قصف قطاع غزة، الغد، ٩ أكتوبر ٢٠٢٣، الرابط، <https://bit.ly/3SzvHSy>

¹⁴ High Contracting Parties and Signatories CCW, UNODA, link, <https://disarmament.unoda.org/the-convention-on-certain-conventional-weapons/high-contracting-parties-and-signatories-ccw>

marked the second time in history that countries agreed to ban a weapon before its deployment on the battlefield (the first being the ban on missiles that release suffocating gases), there is Protocol V on Explosive Remnants of War. Explosive remnants of war are responsible for causing the highest number of casualties, making Protocol V one of the most significant instruments under the Convention on Conventional Weapons. The increased use of improvised explosive devices has also prompted greater interest and accession by states to Amended Protocol II, leading to frequent discussions on how to effectively address their use.¹⁵

- **Third Protocol on Prohibiting or Restricting the Use of Incendiary Weapons, attached to the Convention on the Prohibition of the Use of Certain Conventional Weapons:**

Efforts to address the issue of incendiary weapons started in the 1970s, primarily driven by concerns about the use of napalm. In 1972, the General Assembly passed a resolution referring to incendiary weapons as "a class of weapons viewed with horror." In 1980, the Convention on the Prohibition or Restrictions on the Use of Certain Conventional Weapons That May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects was adopted, aiming to prohibit or restrict the use of certain types of weapons that cause unnecessary or indiscriminate harm and unjustified suffering to combatants or indiscriminate harm to civilians. Protocol III of the Convention specifically restricts the use of incendiary weapons.

The Protocol to Prohibit or Restrict the Use of Incendiary Weapons (Protocol III) aims to protect civilians and civilian objects from the use of this type of weapon. It prohibits the targeting of civilians and imposes restrictions on targeting military objects located within populated areas. The Protocol also prohibits the use of incendiary weapons on forests or other vegetation unless such plantings are used to conceal military objectives.¹⁶

As of July 1, 2023, 115 countries have ratified the Third Protocol. Notably, the Arab countries that are parties to the Third Protocol include Algeria, Bahrain, Djibouti, Iraq, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia, Palestine, Tunisia, and the UAE. It should be noted that Israel is not a state party to the Protocol.¹⁷

Incendiary weapons are subject to Protocol III of the Convention on Certain Conventional Weapons (CCW) and Protocol III which prohibits the use of incendiary weapons dropped by air on civilian populations, but two major loopholes hinder the Protocol.

- The Protocol restricts the use of some, but not all, ground-launched incendiary weapons against civilian populations.

¹⁵ Convention on Certain Conventional Weapons , UNODA, link, <https://front.un-arm.org/wp-content/uploads/2023/10/CCW-ratification-booklet-print.pdf>

¹⁶ Incendiary Weapons, UNODA, link, <https://disarmament.unoda.org/convarms/incendiary-weapons/>

¹⁷ The Convention on Certain Conventional Weapons, UNODA, link, <https://disarmament.unoda.org/the-convention-on-certain-conventional-weapons>

- The Protocol's definition of incendiary weapons includes weapons designed primarily to set fire to and burn people and thus arguably excludes multi-purpose munitions, such as those containing white phosphorus if used as smoke screens, even if they have the same incendiary effects.¹⁸

Therefore, Protocol III does not take into account the nature or extent of the impact or injury as long as its basic purpose is considered outside the scope of the Protocol. The applicability of Protocol III therefore depends largely on how developers, manufacturers and users describe the purpose of the weapon. Protocol III also draws an arbitrary and outdated distinction between air-dropped and ground-delivered incendiary weapons and thus ignores the fact that incendiary weapons cause the same horrific burns and devastating fires regardless of their delivery mechanism. In addition, ground-launched incendiary weapons, especially when launched by multi-barrel rocket launchers, can have widespread effects similar to those dropped from the air, making them dangerous to civilians when used in populated areas. Hence, states parties to the CCW must close these loopholes and tighten restrictions on the use of ground-launched incendiary weapons.¹⁹

Despite the humanitarian impact of incendiary weapons, international reports in 2022 addressed the opposition of Russia and Cuba to a proposal widely supported by Ireland to hold diplomatic talks on Protocol III of the Incendiary Weapons Convention annexed to the CCW, as it is the only international law that specifically governs incendiary weapons, the inability to hold discussions on incendiary weapons has frustrated many countries concerned about the humanitarian consequences of the use of these weapons. Hence, the failure of states to actually discuss existing laws on incendiary weapons highlights the weaknesses of consensus-based diplomacy at the UN, so the governments must urgently address the horrific effects of incendiary weapons and make addressing their humanitarian concerns a top priority.²⁰

The 6th Review Conference did not devote any time to discussing Protocol III or incendiary weapons but rather repeated almost verbatim the language of the Final Document of the 5th Review Conference, which referred to the concerns raised by a number of High Contracting Parties regarding reports of the use of incendiary weapons against civilians and condemned any use of incendiary weapons against civilians or civilian objects and any other use inconsistent with the relevant rules of international humanitarian law, including the provisions of Protocol III where applicable. Hence, the 2022 Meeting of States Parties to the CCW failed to reach a consensus to include a reference to incendiary weapons in its final report

¹⁸ Protect Civilians from Incendiary Weapons, HRW, 8 Nov 2022, link, <https://www.hrw.org/news/2022/11/08/protect-civilians-incendiary-weapons>

¹⁹ They Burn Through Everything: The Human Cost of Incendiary Weapons and the Limits of International Law, HRW, 9 Nov 2020, link, <https://www.hrw.org/report/2020/11/09/they-burn-through-everything/human-cost-incendiary-weapons-and-limits>

²⁰ Protect Civilians from Incendiary Weapons, HRW, 8 Nov 2022, link, <https://www.hrw.org/news/2022/11/08/protect-civilians-incendiary-weapons>



despite widespread support for doing so, this was the first time since 2011 that the official record of the meeting did not include a specific reference to Protocol III or incendiary weapons.²¹

Third: Israel's Policies and Practices Regarding the Use of White Phosphorus

International Humanitarian Law (IHL) explicitly prohibits the use of incendiary weapons, and international customary humanitarian law requires that all feasible precautions be taken to avoid harm to civilians caused by these weapons. The Israeli occupation forces have a long history of using incendiary weapons and other internationally prohibited weapons. As usual in its wars in Palestine, the Israeli occupation forces added an internationally prohibited crime to the list of Israeli army violations, which is the launching of white phosphorus bombs to bomb densely populated areas in the Gaza Strip and southern Lebanon, and during its recent attacks on the Strip, which have been ongoing since October 7, 2023, and for which there is no end in sight.

During Operation Cast Lead, which extended from December 27, 2008, to January 18, 2009, the Israeli army fired about 200 white phosphorus munitions from the ground into populated areas in Gaza. Israeli forces relied in particular on M825E1 155 mm artillery shells, which send burning phosphorus fragments up to a distance of 125 meters in all directions, making their impact widespread. The Ministry of Foreign Affairs of the occupation forces admitted that the army used munitions only to create smoke screens. However, whatever its apparent purpose, international reports documented the deaths of dozens of civilians in incidents in which the occupation forces used white phosphorus. White phosphorus shells also damaged civilian buildings including a school, a market, a warehouse related to humanitarian aid as well and a hospital.²²

These attacks sparked international and local outrage, which led the judges of the Supreme Court of Justice in Israel in 2013 to emphasize that the circumstances would make the use of white phosphorus a rare exception in very special circumstances. Also in 2013, the occupation forces announced that they were working to develop new smoke shells free of white phosphorus, they stated that they would reserve the right to use and store white phosphorus munitions until sufficient alternatives were available, but explained that based on the results of this development process, the new missiles are intended to gradually replace the current

²¹ Incendiary Weapons: Recent Developments and Use, HRW, May 2023, link, https://www.hrw.org/sites/default/files/media_2023/05/Incendiary%20Weapons%20Factsheet_May2023.pdf
<https://bit.ly/3u7allk> ، الرابط، ٣١ أكتوبر ٢٠٢٣ .

²² الفسفور الأبيض جرائم إسرائيلية في غزة تكشف عن ثغرات القانون الدولي، جسور بوست، ٣١ أكتوبر ٢٠٢٣ .

smoke shells as the primary means used by the Israeli Defense Forces (IDF) for obscuring vision with smoke screens.²³

However, Israeli promises are not kept. During its war on Gaza since October 7, 2023, the Israeli forces, in their declared intention to use all means to destroy the Hamas movement, showed a shocking disdain for the lives of civilians, as they destroyed all the residential buildings, killing civilians on a massive scale and destroying basic infrastructure, while its new restrictions are causing Gaza to rapidly run out of water, medicine, fuel, and electricity. The Israeli attacks also devastated Palestinian families and caused great destruction, leaving the relatives of the survivors with nothing but rubble to remind them of their beloved.²⁴

On October 28, 2023, it was reported that Israeli aircraft launched white phosphorus bombs into central Gaza. Medical reports also stated that the number of cases of burn injuries was very large, to the point that all the injured inside the hospitals were suffering from burns of varying degrees, given that the nature of the weapons used by the Israeli occupation army caused severe burns as soon as they come into contact with the victims. Weapons experts point out that Israel uses vacuum bombs, which are a waxy toxic substance that reacts quickly with oxygen and causes second, third, and fourth-degree burns., especially since this substance is easily absorbed through the skin to the rest of the body and may cause other serious symptoms, up to death, due to the damage it causes to all body systems, such as the kidneys, liver, and heart.²⁵

Palestinian government reports also stated that Israeli forces continue their air, sea, and artillery bombardment of all areas of the Gaza Strip, as Israeli artillery shell sites in northern Gaza violently and intensely without stopping. The bombing targeted the vicinity of Al-Shifa and Indonesian hospitals in the central Gaza Strip, noting that Israeli aircraft raided the vicinity of the two hospitals more than ten times. Israeli aircraft also targeted the homes of citizens in the Beach camp, Nuseirat, Beit Lahia, Beit Hanoun, and others in the eastern regions of the Gaza Strip.²⁶

Air strikes demolished vast areas of residential neighborhoods in northern Gaza. UN monitors say more than half of northern Gaza's remaining population of about 300,000 people are sheltering in UN-run facilities, however, deadly Israeli raids repeatedly hit and destroyed those shelters. The UN Relief and Works Agency for Palestine Refugees (UNRWA) said it had lost contact with many in the north. On November 4, 2023, more than 30 people were killed

²³ Questions and Answers on Israel's Use of White Phosphorus in Gaza and Lebanon, HRW, 12 Oct 2023, link,

<https://www.hrw.org/news/2023/10/12/questions-and-answers-israels-use-white-phosphorus-gaza-and-lebanon>

<https://bit.ly/3QsM5Ss> ، الرابط، ٢٠ أكتوبر ٢٠٢٣ ،

<https://bit.ly/3u7allk> ، الرابط، ٣١ أكتوبر ٢٠٢٣ ،

<https://bit.ly/3u3eMhh> ، الرابط، 28 أكتوبر 2023،

and about 100 others were injured in an Israeli bombing that targeted the Al-Maghazi camp in the central Gaza Strip. The majority of the victims are children and women, as the bombing directly targeted homes, two raids also hit a UN school housing thousands north of Gaza City, killing several people in tents in the school courtyard and women who were baking bread inside the building. Initial reports indicated that 20 people were killed, and the Gaza Ministry of Health emphasized that 15 people were killed in the school, and 70 others were injured. The Palestinian Red Crescent said that a raid occurred near the entrance to the emergency ward of Al-Quds Hospital in Gaza City, wounding at least 21 people.²⁷

Since October 7, Israeli forces have launched thousands of air strikes on the Gaza Strip, and official reports announced that, as of November 4, 2023, the occupation forces had killed 3,900 children and injured 8,067 children with various injuries since the start of the aggression on the Strip. Also, 1,250 children are still missing under the rubble due to the Israeli bombing since the start of the attack on the Gaza Strip, and the death toll from the Israeli bombing on the Gaza Strip since October 7 reached more than a thousand dead and more than 24,173 wounded as of November 5, 2023. Besides, one million children in Gaza face an unknown fate, especially those suffering from horrific burns, shell wounds, and amputations, in the absence of adequate hospitals to treat them and the stranding of health supplies for them.²⁸

As for Lebanon, the Israeli occupation army fired artillery shells containing white phosphorus during military operations along Lebanon's southern borders between October 10 and 16, 2023, as the use of white phosphorus was documented in three other events that occurred between October 10 and 16 in Al-Dhahira and the two border towns of Al-Mari and Aita, as well as using white phosphorus on the town of Dhahira on October 16, injured at least nine civilians, and caused damage to civilian infrastructure. Since October 7, cross-border hostilities in southern Lebanon have escalated significantly, the Israeli bombing in Lebanon has so far led to the deaths of at least four civilians and 48 Hezbollah members. Therefore, the Israeli army's use of white phosphorus in a way that does not distinguish between civilians and military personnel is a horrific act and violates international humanitarian law, because this type of weapon subjects the lives of civilians to extreme danger, as many of them were taken to hospitals and village residents were forced to flee, and their homes and cars were burned.

With increasing fears of an intensification of hostilities in southern Lebanon, the Israeli army must immediately stop using white phosphorus, especially in populated areas, and adhere

²⁷ حرب إسرائيل على غزة.. خلاف حول وقف إطلاق النار والتظاهرات الغاضبة تتوسع، الحرة، نوفمبر 2023، الرابط، <https://bit.ly/3QMwXvT>
²⁸ الاحتلال قتل 9485 فلسطينيا وأصاب 24173 آخرين منذ بدء العدوان، وزارة الصحة الفلسطينية، 4 نوفمبر 2023، الرابط، <https://bit.ly/3QkvJWF>

to its pledge to do so in 2013, despite forgetting that. The Israeli army must fulfill its obligations and stop endangering the lives of civilians in Lebanon.²⁹

So we can say that under international humanitarian law, all parties to a conflict must, at all times, distinguish between civilians and civilian objects, combatants and military objectives, and direct their attacks only at combatants and military objectives. Attacks that do not properly differentiate between these are prohibited., Launching an attack that does not distinguish between civilians and military personnel and results in loss of life, injury to civilians, or damage to civilian objects is considered a war crime. Therefore, white phosphorus should never be used in areas populated by civilians, due to the high probability of the spread of fires and smoke, which makes these attacks indistinguishable between civilians and military personnel. The attack on the town of Al-Dhahira, which led to civilian casualties and damage to civilian objects, is an indiscriminate attack and therefore illegal, so it must be investigated as a war crime.

Conclusion and Recommendations

In conclusion, Maat for Peace, Development and Human Rights emphasizes that the reported cases of the use of incendiary weapons require launching an honest, technical, and legal review of the provisions contained in Protocol III. Such a practice is justified by the need to improve and strengthen protection against the harmful effects of incendiary weapons, and not merely as a matter of military or political expediency. Maat also stresses the paramount importance of strengthening Protocol III, including its efficiency in dealing with the humanitarian harm caused by white phosphorus.

Maat also emphasizes that decades of impunity, injustice, and the unprecedented level of death and destruction resulting from the current attack will only lead to more violence and instability in Israel and the Occupied Palestinian Territories and that without achieving justice and dismantling the Israeli apartheid system against the Palestinians, there will be no end for the horrific civilian suffering.

Consequently, in light of the conclusive and unquestionable evidence of the war crimes in the Israeli bombing campaign, especially those attacks in which Israel used incendiary weapons such as white phosphorus, which must be investigated urgently, Maat recommends the following: -

- The international community must act now to prevent mass killings in Gaza.

²⁹ أدلة على استخدام إسرائيل غير القانوني للفسفور الأبيض في جنوب لبنان وسط تصاعد القتال عند الحدود، منظمة العفو الدولية، ٣١ أكتوبر ٢٠٢٣ ، الرابط، <https://bit.ly/46VWH3d>

- Immediately stop unlawful attacks in Gaza and ensure that all possible precautions are taken to minimize harm to civilians and civilian objects;
- Imposing a comprehensive embargo on the supply of arms to all parties to the conflict, given the commission of serious violations that amount to crimes under international law;
- States must refrain from supplying Israel with weapons and military purposes, including special technologies, and financial or other assistance, and abide by the provisions of Articles 6 and 7 of the CCW;
- The prosecutor of the International Criminal Court must quickly conduct his investigations into the occurrence of international crimes that fall within the court's jurisdiction during the conflict in Gaza.
- Israel must immediately stop its indiscriminate and disproportionate attacks that have caused the death and injury of thousands of civilians, including more than 3,900 children.

Therefore, to enhance the protection of civilians from incendiary weapons, it is necessary to do the following:

- Adopt a mandate at the Meeting of the High Contracting Parties to the CCW for informal consultations to assess the adequacy of Protocol III.
- Conduct discussions outside the CCW to evaluate national and international measures to address concerns raised by incendiary weapons, and consider ways to create stronger international standards.
- Condemn the use of incendiary weapons and raise awareness of the harm they cause.
- Work to close the loopholes of Protocol III and continue to stigmatize the use of incendiary weapons, as the complete ban on incendiary weapons would have the greatest humanitarian benefits.