

WEAPONS

Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)

**Protocol Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS 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 of October 10, 1980**

Adopted at Geneva October 10, 1980



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MULTILATERAL

Weapons: Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)

*Protocol 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
of October 10, 1980.*

Adopted at Geneva October 10, 1980;

*Transmitted by the President of the United States of America
to the Senate January 7, 1997 (Treaty Doc. 105-1,
105th Congress, 1st Session);*

*Reported favorably by the Senate Committee on Foreign Relations
July 29, 2008 (Senate Executive Report No. 110-22,
110th Congress, 2d Session);*

*Advice and consent to ratification by the Senate
September 23, 2008;*

Ratified by the President December 23, 2008;

Ratification of the United States of America deposited January 21, 2009;

Entered into force July 21, 2009.

اتفاقية حظر أو تقييد استعمال أسلحة تقليدية
معينة يمكن اعتبارها مفرطة الضرر أو
عشوائية الأثر

禁止或限制使用某些可被认为具有过份伤害力
或滥杀滥伤作用的常规武器公约

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

CONVENTION SUR L'INTERDICTION OU LA LIMITATION DE L'EMPLOI DE
CERTAINES ARMES CLASSIQUES QUI PEUVENT ETRE CONSIDEREES COMME
PRODUISANT DES EFFETS TRAUMATIQUES EXCESSIFS OU COMME FRAPPANT
SANS DISCRIMINATION

КОНВЕНЦИЯ О ЗАПРЕЩЕНИИ ИЛИ ОГРАНИЧЕНИИ ПРИМЕНЕНИЯ
КОНКРЕТНЫХ ВИДОВ ОБЫЧНОГО ОРУЖИЯ, КОТОРЫЕ МОГУТ
СЧИТАТЬСЯ НАНОСЯЩИМИ ЧРЕЗМЕРНЫЕ ПОВРЕЖДЕНИЯ ИЛИ
ИМЕЮЩИМИ НЕИЗБИРАТЕЛЬНОЕ ДЕЙСТВИЕ

CONVENCION SOBRE PROHIBICIONES O RESTRICCIONES DEL EMPLEO
DE CIERTAS ARMAS CONVENCIONALES QUE PUEDAN CONSIDERARSE
EXCESIVAMENTE NOCIVAS O DE EFECTOS INDISCRIMINADOS



PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF
INCENDIARY WEAPONS

(PROTOCOL III)

Article 1

Definitions

For the purpose of this Protocol:

1. "Incendiary weapon" means any weapon or munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame, heat, or a combination thereof, produced by a chemical reaction of a substance delivered on the target.

(a) Incendiary weapons can take the form of, for example, flame throwers, fougasses, shells, rockets, grenades, mines, bombs and other containers of incendiary substances.

(b) Incendiary weapons do not include:

(i) Munitions which may have incidental incendiary effects, such as illuminants, tracers, smoke or signalling systems;

(ii) Munitions designed to combine penetration, blast or fragmentation effects with an additional incendiary effect, such as armour-piercing projectiles, fragmentation shells, explosive bombs and similar combined-effects munitions in which the incendiary effect is not specifically designed to cause burn injury to persons, but to be used against military objectives, such as armoured vehicles, aircraft and installations or facilities.

2. "Concentration of civilians" means any concentration of civilians, be it permanent or temporary, such as in inhabited parts of cities, or inhabited towns or villages, or as in camps or columns of refugees or evacuees, or groups of nomads.

3. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

4. "Civilian objects" are all objects which are not military objectives as defined in paragraph 3.

5. "Feasible precautions" are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.

Article 2

Protection of civilians and civilian objects

1. It is prohibited in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons.

2. It is prohibited in all circumstances to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons.

3. It is further prohibited to make any military objective located within a concentration of civilians the object of attack by means of incendiary weapons other than air-delivered incendiary weapons, except when such military objective is clearly separated from the concentration of civilians and all feasible precautions are taken with a view to limiting the incendiary effects to the military objective and to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.

4. It is prohibited to make forests or other kinds of plant cover the object of attack by incendiary weapons except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives, or are themselves military objectives.

I hereby certify that the foregoing text is a true copy of 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, concluded at Geneva on 10 October 1980, the original of which is deposited with the Secretary-General of the United Nations.

*For the Secretary-General:
The Legal Counsel*



United Nations, New York,
14 May 1981

Je certifie que le texte qui précède est une copie conforme de la Convention sur l'interdiction ou la limitation de l'emploi de certaines armes classiques qui peuvent être considérées comme produisant des effets traumatiques excessifs ou comme frappant sans discrimination, conclue à Genève le 10 octobre 1980, dont l'original se trouve déposé auprès du Secrétaire général de l'Organisation des Nations Unies.

*Pour le Secrétaire général :
Le Conseiller juridique*

Organisation des Nations Unies, New York,
le 14 mai 1981