



## Power of humanity

Council of Delegates of the International  
Red Cross and Red Crescent Movement

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# Weapons and international humanitarian law

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## DRAFT RESOLUTION

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# Weapons and international humanitarian law

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The Council of Delegates,

*recalling* previous resolutions on the high human cost of the use and proliferation of certain types of weapons and the response of the International Red Cross and Red Crescent Movement (Movement) to these humanitarian consequences, in particular Resolution 7 of the 2013 Council of Delegates “Weapons and international humanitarian law”, Resolution 7 of the 2009 Council of Delegates “Preventing humanitarian consequences arising from the development, use and proliferation of certain types of weapons” and Resolution 2 of the 2005 Council of Delegates “Weapons and international humanitarian law”, as well as numerous other resolutions on landmines, cluster munitions, arms transfers, nuclear weapons and war in cities, and *reaffirming* the commitments undertaken in these resolutions,

*recalling* that, under international humanitarian law (IHL), the right of parties to an armed conflict to choose means and methods of warfare is not unlimited and that any new weapon, means or method of warfare must be capable of being used and must only be used in compliance with IHL, in line with the requirements for rigorous legal review set forth in Article 36 of Protocol I additional to the Geneva Conventions,

*recognizing* that women, men, girls and boys of different ages, disabilities and backgrounds can be affected differently by the use of weapons, and that these differences need to be considered when implementing and applying IHL, in order to safeguard adequate protection for all,

*convinced* that IHL remains as relevant today as ever before in international and non-international armed conflict, while *reaffirming* the need to continue codifying and progressively developing the rules of international law applicable in armed conflict to respond to evolving humanitarian concerns, changes in the nature of armed conflict and advances in weapons technology,

*recalling* that, even in cases where a weapon, means or method of warfare, or the use of such a weapon, means or method, is not covered by an international agreement, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience,

*reiterating its long-standing and deep concern* about the catastrophic humanitarian and environmental consequences of any use of nuclear weapons and about the lack of any adequate humanitarian response capacity in the event of their use, *condemning* any threats to use nuclear weapons, *expressing deep alarm* about the trend towards a new nuclear arms race and the growing risk that nuclear weapons will be used again with intent or by miscalculation or accident, *emphasizing* that it is extremely doubtful that nuclear weapons could ever be used in accordance with the principles and rules of IHL, and *welcoming* the work of the Movement Support Group, efforts made to date to implement the 2022–2027 Action Plan on the Non-Use, Prohibition and Elimination of Nuclear Weapons and the results of the 2022 and 2023 meetings of States Parties to the Treaty on the Prohibition of Nuclear Weapons,

*recalling* the absolute prohibitions on biological and chemical weapons and the December 2021 decision by States Parties to the Convention on the Prohibition of the

Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention) that the aerosolized use of central nervous system-acting chemicals is inconsistent with law enforcement purposes under the Convention, *appreciating* the efforts of the public authorities who prepare for and respond to deliberate or accidental release of chemical, biological, radiological or nuclear materials (CBRN), including from civilian facilities, and *recognizing* the inherent difficulties of responding to such events at scale, and the inadequacy of existing assistance and response capacities in the event of the deliberate or accidental release of CBRN materials, including from civilian facilities containing such materials,

*expressing ongoing concern* about the impact in humanitarian terms of the inadequately controlled and widespread availability of conventional arms during and in the aftermath of armed conflict and other situations of violence, and *recalling* that all States, even if not party to the Arms Trade Treaty (ATT) or regional arms transfer agreements, are obliged, at a minimum, to respect and ensure respect for IHL, and respect international human rights law, when making decisions about arms transfers,

*concerned* about the indiscriminate effects of landmines, cluster munitions and explosive remnants of war, the ongoing grave threat to civilians posed by these weapons during and after armed conflict, and the disturbing trend of continuing high levels of civilian casualties from them, including alarming new instances of the use of anti-personnel mines and cluster munitions,

*commending* the long-term commitment and efforts of all the components of the Movement that have implemented the Movement Strategy on Landmines, Cluster Munitions and other Explosive Remnants of War: Reducing the Effects of Weapons on Civilians, adopted by Resolution 6 of the 2009 Council of Delegates, *emphasizing* the need to strengthen the Movement's efforts to prevent and respond to the civilian harm caused by these weapons, and, in this regard, *highlighting* the consultations held with National Red Cross and Red Crescent Societies (National Societies), in particular, in the Africa region,

*expressing ongoing deep concern* about the devastating humanitarian impacts of war in cities, including as a result of the use of explosive weapons in populated areas, as emphasized in Resolution 7 "War in cities: A solemn appeal from the International Red Cross and Red Crescent Movement", to be adopted at this Council of Delegates,

*cognizant* of the potential for new technologies to help save and improve lives, including during armed conflict, yet *concerned* about the potential human cost of new technologies of warfare that are being developed or deployed, including autonomous weapon systems (AWS), cyber capabilities, military space capabilities and other military capabilities that incorporate artificial intelligence,

*recalling* that any new weapons or means and methods of warfare, including those of the future, must be capable of being used – and must only be used – in compliance with IHL,

*deeply concerned*, in particular, about the serious risks posed to both civilians and combatants by the unconstrained development and use of AWS, in particular ethical and escalation risks and the challenges to ensuring compliance with the fundamental rules of IHL, and *acknowledging* the important contribution of international and regional conferences and initiatives, the adoption of Resolution 78/241 "Lethal autonomous weapons systems" by the United Nations General Assembly and the ongoing work of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems established under 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 (Convention on Certain Conventional Weapons),

*deploring* the disruption of medical and humanitarian relief efforts as a consequence of the use of digital means and methods of warfare and the consequences of these disruptions on the civilian population, *recalling* the legal and protective value of the distinctive emblems and signals in identifying and signalling specific protections for medical units and transports, medical and religious personnel and components of the Movement, and *welcoming* the research and consultations conducted by the International Committee of the Red Cross (ICRC), in collaboration with academic institutions, experts and other components of the Movement, on the purpose, parameters and feasibility of a “digital emblem”,

### **Nuclear weapons**

1. *recalls* Resolution 7 of the 2022 Council of Delegates, and *reiterates* the calls to all States to sign, ratify or accede to and faithfully implement the Treaty on the Prohibition of Nuclear Weapons, as well as other mutually reinforcing instruments of international law that seek to achieve the goal of a world without nuclear weapons, including the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Comprehensive Nuclear-Test-Ban Treaty, and regional treaties establishing nuclear-weapon-free zones;
2. *calls upon* States to fully implement the commitments made at the NPT review conferences, to take immediate and concrete steps to reduce the risk of nuclear weapons being used and to condemn any threats to use nuclear weapons;
3. *calls upon* all components of the Movement to redouble their efforts, to the extent feasible, to encourage States to take these actions, in particular through the implementation of the 2022–2027 Action Plan on the Non-Use, Prohibition and Elimination of Nuclear Weapons;

### **Biological and chemical weapons**

4. *calls upon* States to uphold the prohibitions and obligations set out in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological and Toxin Weapons Convention) and in the Chemical Weapons Convention and to limit the use of toxic chemicals as weapons for law enforcement to riot control agents only;
5. *encourages* States and the Movement to reflect on their response capacities and existing risks in their operating contexts and to identify and communicate their response capacities, plans and needs;
6. *invites* the ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC) to cooperate and, in line with their respective mandates and competencies, to continue guiding, coordinating and supporting the Movement, as appropriate, in the development of assistance and response capacities to meet needs in the event of the deliberate or accidental release of chemical, biological, radiological or nuclear materials;

### **Arms transfers**

7. *calls upon* all States to promptly sign, ratify or accede to the ATT and, in any event, to adopt stringent and transparent national control systems and legislation to ensure compliance with the ATT’s rules, including submitting to the ATT Secretariat an annual report on arms exports and imports;
8. *also calls upon* all States to place greater emphasis on the humanitarian impacts of arms transfer decisions, make compliance with IHL and international human rights law an explicit criterion for assessing transfers, take practical steps to facilitate assessment

of the risk of IHL violations, refrain from transferring arms where there is a clear risk that this would contribute to the commission of IHL violations, faithfully implement effective risk mitigation measures in all circumstances in which arms transfers are not prohibited, and, with a view to promoting transparency and good practices, share information on related challenges and lessons learnt, as well as the criteria for evaluating export authorizations;

9. *encourages* the ICRC and National Societies to support States to these ends, in accordance with their respective humanitarian mandates and the Fundamental Principles;

#### **Anti-personnel mines, cluster munitions and explosive remnants of war**

10. *calls upon* all States to promptly sign, ratify or accede to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Anti-Personnel Mine Ban Convention), the Convention on Cluster Munitions and Protocol V on Explosive Remnants of War of the Convention on Certain Conventional Weapons;
11. *urges* all components of the Movement, in light of the ongoing high numbers of civilian casualties, to renew their efforts and commitment on implementing the 2009 Movement Strategy on Landmines, Cluster Munitions and other Explosive Remnants of War, including by promoting the universalization of the above-mentioned conventions and protocols and implementing the Movement's guidelines *Increasing Resilience to Weapon Contamination Through Behaviour Change*, published in 2019, to the fullest extent possible;
12. *calls upon* all components of the Movement to encourage political leadership by States Parties and better donor coordination to meet treaty deadlines and fulfil commitments, in particular with regard to clearing contaminated areas and destroying stockpiles as soon as possible;

#### **War in cities and explosive weapons in populated areas**

13. *emphasizes* Resolution 7 "War in cities: A solemn appeal from the International Red Cross and Red Crescent Movement", to be adopted at this Council of Delegates;

#### **New weapons, means and methods of warfare**

14. *calls upon* States to increase their understanding of and, where necessary, to address the humanitarian, legal and ethical risks posed by new weapons, means and methods of warfare, including AWS, cyber and digital information operations, the use of artificial intelligence in weapon systems and other means or methods of warfare, and military operations in or in relation to outer space;
15. *also calls upon* States to ensure that the development and use of any new weapons, means or methods of warfare relying on new or emerging technologies complies with IHL, and to subject them to a rigorous legal review in accordance with the obligation set forth in Article 36 of Protocol I additional to the Geneva Conventions and in light of the obligation to respect and ensure respect for IHL in all circumstances;

#### **Autonomous weapon systems**

16. *urges* all components of the Movement to take urgent and collective action to address the risks posed by AWS, that is, weapon systems that select and apply force to targets without human intervention;

17. *calls upon* States to negotiate and adopt, as soon as possible, new legally binding international rules including to prohibit unpredictable AWS and those designed or used to target humans and to restrict the development and use of all other AWS;

#### **Digital emblem**

18. *welcomes* the findings of the ongoing research on and testing of a digital emblem and *encourages* the ICRC to continue its research and testing, in consultation with States and components of the Movement, in order to further clarify the specific purpose and technical feasibility of a digital emblem, and to consult with States on the potential processes for incorporating the digital emblem into national and international law;

#### **Reporting**

19. *invites* the ICRC to report, in cooperation with the Movement, to the Council of Delegates on relevant developments under the resolution, as necessary.