



150 years of humanitarian action
**Council of Delegates of the International
Red Cross and Red Crescent Movement**
Sydney, Australia, November 2013



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COUNCIL OF DELEGATES
**OF THE INTERNATIONAL RED CROSS
AND RED CRESCENT MOVEMENT**

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Weapons and international humanitarian law

Resolution

Document prepared by
the International Committee of the Red Cross and the International Federation of Red
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RESOLUTION

Weapons and international humanitarian law

The Council of Delegates,

recalling its previous resolutions about 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 2 of the 2005 Council of Delegates on "Weapons and international humanitarian law" and Resolution 7 of the 2009 Council of Delegates on "Preventing humanitarian consequences arising from the development, use and proliferation of certain types of weapons," and *reaffirming* the commitments undertaken in these resolutions,

warmly welcoming the adoption on 2 April 2013 of the Arms Trade Treaty, and *expressing satisfaction* that it regulates international transfers of a broad range of conventional arms and ammunition and makes respect for international humanitarian law one of the important criteria on which arms transfer decisions must be assessed, as called for by Objective 5 of the four-year action plan for the implementation of international humanitarian law adopted in Resolution 2 of the 31st International Conference of the Red Cross and Red Crescent in 2011,

noting with appreciation the report to the Council of Delegates prepared by the ICRC on progress and challenges with implementing 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, and *commending* the long-term commitment of all the Movement's components that have been involved in the implementation of the Movement Strategy,

expressing nonetheless its deep concern about the threat to civilians during and after armed conflict posed by landmines, cluster munitions and other explosive remnants of war,

reiterating its continuing concern about the direct, indirect and long-term suffering of civilians resulting from the use of certain explosive weapons in densely populated areas, and *recalling* the ICRC's analysis of this humanitarian issue developed in its report "International Humanitarian Law and the challenges of contemporary armed conflicts" submitted to the 31st International Conference in 2011, in which it stated its position that "due to the significant likelihood of indiscriminate effects and despite the absence of an express legal prohibition for specific types of weapons, the ICRC considers that explosive weapons with a wide impact area should be avoided in densely populated areas";

concerned about the potential humanitarian impact of new technologies of warfare that are being developed or deployed, such as remote-controlled, automated and autonomous weapons systems as well as "cyber weapons," and *recalling* that any new weapons, means and methods of warfare must be used and be capable of being used in compliance with international humanitarian law,

noting the ICRC's position on the use of toxic chemicals other than riot control agents as weapons for law enforcement, published in February 2013, which expresses concern that the development and use of such weapons presents serious risks to life and health, and risks undermining international law prohibiting chemical weapons,

recalling the ICRC's 2002 Appeal on Biotechnology, Weapons and Humanity – which calls on political, military and scientific communities to prevent the misuse of the life sciences for hostile purposes – and the commitments to prevent such misuse made by States in Final Goal 2.4 of the Agenda for Humanitarian Action, adopted by the 28th International Conference of 2003,

1. *calls upon* States to promptly sign and ratify the Arms Trade Treaty and to adopt stringent national control systems and legislation to ensure compliance with the Treaty's norms;
2. *requests* that all components of the Movement increase their efforts – according to their respective capacities – to implement the 2009 Movement Strategy on Landmines, Cluster Munitions and other Explosive Remnants of War, and in particular to promote the norms of international humanitarian law applicable to these weapons, to conduct activities aimed at reducing the impact of weapon contamination, and to provide victims of weapons with comprehensive assistance, and *requests* that the components of the Movement provide information on the implementation of the Movement Strategy to the ICRC for monitoring and reporting purposes, in accordance with Resolution 6 of the 2009 Council of Delegates;
3. *encourages* National Societies, to the extent possible, to participate in the Third Review Conference of the Anti-Personnel Mine Ban Convention in Maputo, Mozambique in 2014 and in the First Review Conference of the Convention on Cluster Munitions in 2015, and to use the periods leading up to these events as opportunities to advance the relevant objectives of the Movement Strategy;
4. *calls upon* States to strengthen the protection of civilians from the indiscriminate use and effects of explosive weapons, including through the rigorous application of existing rules of international humanitarian law, and to avoid using explosive weapons with a wide impact area in densely populated areas;
5. *calls upon* States to fully consider the potential humanitarian impact of new and developing technologies of warfare, including remote-controlled, automated and autonomous weapon systems and “cyber weapons,” and to subject these weapons to rigorous legal reviews in accordance with the obligation set forth in Additional Protocol I (Article 36);
6. *calls upon* States to uphold the prohibition of chemical and biological weapons, including by adhering to and ensuring the faithful implementation of the relevant treaties, observing customary international humanitarian law, monitoring developments in science and technology that have the potential for misuse, and acting to prevent the re-emergence of chemical and biological weapons and their use;
7. *invites* the ICRC, in cooperation with Movement partners, to report, as necessary, to the Council of Delegates on relevant developments under this Resolution.