Seventh Review Conference of the High Contracting Parties 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

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Review of the scope and operation of the Convention and its annexed Protocols

Views and Recommendations for the Seventh Review Conference of the Convention on Certain Conventional Weapons

Working paper submitted by International Committee of the Red Cross (ICRC)*

I. Introduction

1. The Convention on Certain Conventional Weapons (CCW) is a major pillar of international humanitarian law. The CCW and its Protocols embody the basic principle that the use of means and methods of warfare is not unlimited. They do so by prohibiting or restricting the use of conventional weapons that raise specific humanitarian, legal and ethical concerns, particularly weapons that may cause unnecessary suffering or that may have indiscriminate effects.

2. The development of the CCW was part of a broader effort, alongside the two Additional Protocols to the Geneva Conventions, to limit the devastation caused by armed conflict. The lack of weapon-specific rules in Additional Protocol I of 8 June 1977 provided a major impetus for the negotiation of the CCW. States recognised at the time that "the suffering of the civilian population and combatants could be significantly reduced if agreements can be attained on the prohibition or restriction for humanitarian reasons of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects".[1]

3. This commitment to the evolution of international humanitarian law (IHL) and the development of specific rules on conventional weapons to address humanitarian concerns was carried forward by High Contracting Parties in the CCW's preamble, through 'Reaffirming the need to continue the codification and progressive development of the rules of international law applicable in armed conflict' and 'Wishing to prohibit or restrict further the use of certain conventional weapons and believing that the positive results achieved in this area may facilitate the main talks on disarmament with a view to putting an end to the production, stockpiling and proliferation of such weapons'.[2] Furthermore, the High Contracting Parties explicitly confirmed their commitment to the protections of the Martens

* The present document is being issued without formal editing.

[1] Diplomatic Conference of Geneva of 1974–1977, Resolution 22 ("Follow-up regarding prohibition or restriction of use of certain conventional weapons"): https://ihl-databases.icrc.org/ihl/WebART/480-770006?OpenDocument, all web addresses accessed 12 November 2026.

[2] CCW preamble, paras 8 and 9

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clause,[3] which has since been recognized as an effective means of addressing the rapid evolution of military technology.[4]

4. Protocols I and IV are an excellent precedent in terms of addressing the rapid evolution of military technology: they were adopted at an early stage of technological development, prohibiting weapons that injure through fragments undetectable by X-rays and blinding lasers before these weapons entered military arsenals. Preventing suffering by prohibiting unacceptable weapons before they are built, and thus before they could be used or proliferate, is humanitarian disarmament at its best. The Convention has also saved lives by restricting incendiary weapons, mines, booby-traps and other devices. Extending its scope to non-international armed conflicts in 2001 was another major achievement.

5. To uphold and progressively strengthen protection for victims of war and for the natural environment upon which they depend, the CCW constantly needs to be reviewed against prevailing humanitarian concerns, military weapons technologies and practices, and other relevant normative developments – both in the implementation of the Convention and existing Protocols and in the development of new Protocols.

6. The Seventh Review Conference of the CCW is a key moment for High Contracting Parties to take stock of and build on the important role the CCW has played in minimizing suffering in armed conflict, and to ensure that the CCW remains a forum able to effectively address the specific challenges and concerns posed by new weapons as warfare evolves.

7. This working paper outlines the views and recommendations of the International Committee of the Red Cross (ICRC) on issues of humanitarian concern relevant to the CCW, specifically: adherence to the CCW and national implementation (Section 2); mines other than anti-personnel mines (Section 3); incendiary weapons and weapons with incendiary effects (Section 4); blinding laser weapons and other laser systems (Section 5); explosive remnants of war (Section 6); explosive weapons in populated areas (Section 7); and autonomous weapon systems (Section 8).

II. Adherence to the CCW and national implementation

8. To ensure the universal protection of civilians from the indiscriminate effects of certain conventional weapons and of combatants from weapons that cause superfluous injury or unnecessary suffering, it remains critically important that every State adheres to the CCW and all of its Protocols and faithfully implements their provisions.

9. The ICRC welcomes the adherence of three States, Malawi, Singapore, and Trinidad and Tobago, to the CCW since the Sixth Review Conference, and the adherence of three High Contracting Parties, Philippines, Serbia, and the United Kingdom, to Protocol V of the Convention. However, progress in universalization has been limited and the ICRC urges each High Contracting Party to adhere to all Protocols and amendments to which it is not yet a party, and to redouble its efforts to promote adherence to the CCW and its Protocols by non-party States.

10. High Contracting Parties have also committed themselves, inter alia, to respecting, implementing and fully complying with the provisions of the CCW; to disseminating the Convention and its Protocols; to ensuring that their requirements are included in military training and instruction; and to the CCW Compliance Mechanism.[5]

11. The ICRC urges each High Contracting Party to implement the provisions of the Convention and include its provisions in the military manuals and the training curriculum of

[3] CCW preamble: "The High Contracting Parties, … *Confirming their determination* that in cases not covered by this Convention and its annexed Protocols or by other international agreements, the civilian population and the combatants shall at all times 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".

[4] International Court of Justice, *Legality of the Threat or Use of Nuclear Weapons* (advisory opinion), International Court of Justice, The Hague, 1996, para. 78.

[5] See: United Nations (UN), *Final Document of the Fifth Review Conference, Part II: Final Declaration*, Geneva, 2016, https://docs.un.org/en/CCW/CONF.V/10

its armed forces; national legislation, including provisions to prevent and suppress violations. High Contracting Parties are encouraged to report any violations or prosecutions that have occurred and experiences in seeking or providing technical assistance and cooperation in implementing the CCW. The ICRC urges any State that has not yet completed an annual compliance report to do so as a matter of urgency and submit it before the next meeting of High Contracting Parties.

12. The ICRC's Advisory Service remains available to assist States in adhering to the CCW, the amendment to Article 1 and the Protocols annexed to the Convention, as well as in supporting national implementation activities. The ICRC has published an updated ratification kit for the CCW.[6]

III. Protocol II (amended): Anti-personnel and other Mines

13. In far too many places around the world, everyday activities like driving to the market, walking to school, playing outside, cultivating land or herding animals, and even handling everyday devices come with deadly risks.

14. **Landmines, booby-traps and other devices** continue to inflict grave suffering on civilians. They impede access to healthcare facilities and other essential services, and hamper humanitarian operations. Even once the fighting has ended, these weapons leave behind long-term explosive hazards that impede the safe return of displaced populations and hinder reconstruction and development.

15. Year after year, mines, booby traps and other devices claim thousands of lives. According to the Landmine Monitor Report of 2025, the overwhelming majority of the victims are civilians, many of them children – the very people who must never be attacked and must be protected from the dangers of military operations. Last year alone, our teams in 28 countries provided physical rehabilitation services to more than 25,000 people suffering often life-long injuries because of mines, cluster munitions and explosive remnants of war. Many of those we treat are grappling with debilitating physical injuries that also have psychological and financial impacts.

16. The ICRC is particularly concerned about the dramatic increase in the use of **anti-personnel landmines** – both, manufactured and improvised ones – including on the territories of High Contracting Parties.

17. Anti-personnel mines have indiscriminate effects. The ICRC and the wider Red Cross and Red Crescent Movement, along with States Parties to the Anti-Personnel Mine Ban Convention, condemn the use of anti-personnel mines by any actor and the ICRC urges all those who continue to use anti-personnel mines to cease such use immediately. We recall in this connection that High Contracting Parties that are bound by both the Protocol and the Anti-personnel Mine Ban Convention are prohibited from using anti-personnel mines in all circumstances. We urge High Contracting Parties to give effect to relevant prohibitions and restrictions in their domestic legislation and military instructions, and to reflect these measures in their National Annual Reports submitted under the Protocol.

18. The adverse humanitarian consequences of **mines other than anti-personnel mines (MOTAPM)** – also referred to as anti-vehicle (AV) mines[7] – are well-known and documented in many places, notably by the Geneva International Centre for Humanitarian Demining and the Stockholm International Peace Research Institute.[8] It is concerning that not much progress has been made on this issue since the Sixth Review Conference.

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[6] ICRC Advisory Service, *1980 Convention on Certain Conventional Weapons and Its Protocols: Ratification Kit*. ICRC, Geneva, 2019: https://www.icrc.org/en/document/1980-convention-certain-conventional-weapons-and-its-protocols.

[7] The terms "MOTAPM" and "AV mines" are often used interchangeably at the CCW.

[8] Geneva International Centre for Humanitarian Demining (GICHD), *Global Mapping and Analysis of Anti-Vehicle Mine Incidents in 2016*, GICHD, Geneva, 2017. GICHD and Stockholm International Peace Research Institute (SIPRI), *Global Mapping and Analysis of Anti-Vehicle Mine Incidents in 2017*, GICHD / SIPRI, Geneva / Stockholm, 2018; *Global Mapping and Analysis of Anti-Vehicle*

19. The ICRC urges High Contracting Parties to include MOTAPM on the agenda of the Review Conference, and to continue focused discussion in future meetings of amended Protocol II on how to address the adverse humanitarian impact of these weapons, how existing rules of IHL constrain their use and what possible technical features may help reduce risks to civilians.

20. The ICRC also calls on States to adopt more stringent restrictions on the use of AV mines in their national laws and policies and to share them with other High Contracting Parties. In particular, the ICRC urges the High Contracting Parties that endorsed the 2006 Declaration[9] to use the opportunity of the Review Conference to report on their implementation of the Declaration's commitments, including confirmation that these commitments are part of military doctrine and policy.

IV. Protocol III: Incendiary weapons and weapons with incendiary effects

21. Protocol III is the primary IHL instrument regulating the use of incendiary weapons. It supplements rules of customary IHL expressly governing the use of incendiary weapons and the general rules of IHL on the conduct of hostilities, which apply to all weapons used in armed conflict. However, Protocol III does not cover weapons that may have "incidental" incendiary effects, such as flares, tracers and smoke and signalling systems. As a result, many weapons with incendiary effects are not covered by the Protocol's restrictions because their effects can be characterized as incidental to the munitions' main purpose.

22. The concerns posed by weapons with incidental incendiary effects remain unresolved 46 years after the adoption of Protocol III. Since the last Review Conference, there have again been reports of the use of such weapons, in particular white phosphorus munitions, including in populated areas. Like incendiary weapons, these weapons can have severe consequences for civilians because of the likelihood that fires caused incidentally will spread, and the nature of the burn injuries that result when people come into contact with white phosphorus.

23. A number of High Contracting Parties and organizations, including the ICRC, have expressed concern about the humanitarian consequences of incendiary weapons and of weapons with incidental incendiary effects. Previous CCW meetings have highlighted this issue.[10] However, there has been no agreement to further address the adverse humanitarian consequences from the use of these weapons.

Mine Incidents in 2018, GICHD / SIPRI, Geneva / Stockholm, 2019. GICHD, SIPRI and King's College London (KCL), *The Socio-Economic Impact of Anti-Vehicle Mines in Angola*, GICHD / SIPRI / KCL, Geneva / Stockholm / London, 2019.

[9] In 2006, 25 High Contracting Parties joined a declaration in which they pledged to implement, on a national basis, measures to help reduce the humanitarian consequences of AV mines. These included commitments not to use any AV mine outside a perimeter-marked area unless the mine was detectable and incorporated a self-destruct or self-neutralization mechanism with a back-up self-deactivation feature. See: Declaration on Anti-Vehicle Mines (Part III, CCW/CONF.III/11, UN, Geneva, 2006, p. 36) presented by Albania, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Denmark, El Salvador, Estonia, France, Israel, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Republic of Korea, Romania, Serbia, Slovenia, Republic of North Macedonia, United Kingdom and United States. In an additional declaration, France and the UK recalled that "they need a transition period of 15 years to comply fully with the requirements" of the declaration by 25 States (idem, p. 38). Israel also issued an additional declaration (idem, p. 39). In a separate declaration on MOTAPM (idem, p. 40), Germany outlined that it would only use and transfer AV mines that are detectable and equipped with a mechanism to limit their active life.

[10] The Sixth Review Conference noted the concerns raised by a number of High Contracting Parties over "the recent growing number of reports of use of incendiary weapons against civilians", condemned "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", and called on "all parties to armed conflicts to respect relevant rules of International Humanitarian Law, including provisions of Protocol III where applicable". (Final Document of the Sixth Review Conference, CCW/CONF.VI/11, paras 89 and 90.) Concerns were also recorded in the reports of the Meetings of the High Contracting Parties since the last Review Conference. (2017 Meeting of the High Contracting Parties, Final Report, CCW/MSP/2017/8, para.

24. In light of the severe humanitarian consequences of the use of incendiary weapons and weapons with incidental incendiary effects, the ICRC urges High Contracting Parties to hold a dedicated discussion on the implementation of Protocol III at the next meeting of High Contracting Parties and consider future work to examine the military, technical, legal, humanitarian and environmental aspects of incendiary weapons and weapons with incidental incendiary effects.

25. The ICRC also urges High Contracting Parties to implement the prohibitions of Protocol III in their national policies and operational practices on the use of incendiary weapons – with a view to minimizing their indiscriminate effects on civilians and unnecessary suffering to combatants – and to take measures to avoid indiscriminate effects of munitions that have incidental incendiary effects. ICRC further urges High Contracting Parties to report on all these measures to inform the discussions regarding compliance with Protocol III, rules of customary IHL applicable to incendiary weapons,[11] and the general rules of IHL on the conduct of hostilities governing all weapons, including those that have incidental incendiary effects.

V. Protocol IV: Blinding laser weapons and other laser systems

26. Protocol IV prohibits the use and transfer of laser weapons specifically designed to cause permanent blindness in persons, a prohibition that is also a rule of customary IHL.[12] Motivations for this preventive prohibition were the incompatibility of these weapons with the IHL prohibition on weapons of a nature to cause superfluous injury or unnecessary suffering, and with the principles of humanity and the dictates of public conscience.[13] This is despite the fact that blinding laser weapons were not specifically designed to caused lethal effects. As noted above, the adoption of Protocol IV before blinding laser weapons entered military arsenals was a major success in preventing unnecessary suffering to combatants and incidental harms to civilians.

27. The Protocol also seeks to prevent permanent blindness that may result from the use of other laser systems such as those used for target designation, as anti-materiel weapons and to "temporarily" – rather than permanently – blind their victim (so-called "dazzling" laser weapons). Article 2 of the Protocol requires High Contracting Parties to take all feasible precautions to avoid the incidence of permanent blindness from the use of such systems, including through training and other practical measures. The ICRC has stressed the ongoing need to examine how the risk of permanent blinding resulting from the use of these systems can be effectively minimized.[14]

28. The First and Second Review Conferences explicitly recognized the importance of keeping the blinding effects related to the use of laser systems under consideration, taking into account scientific and technological developments as well as considering other relevant issues, such as the definition of "permanent blindness".[15] The Sixth Review Conference in 2021 reminded High Contracting Parties of their obligation to take all feasible precautions in the use of laser systems.[16]

35; 2018 Meeting of the High Contracting Parties, Final Report, CCW/MSP/2018/11, para. 19; and 2019 Meeting of the High Contracting Parties, Final Report, CCW/MSP/2019/9, para. 25.)

[11] ICRC, "Rule 84" and "Rule 85", *Customary International Humanitarian Law*, Vol. 2, ICRC, Geneva.

[12] ICRC, "Rule 86", *Customary International Humanitarian Law*, Vol. 2, ICRC, Geneva.

[13] ICRC, *Blinding Laser Weapons: Questions and Answers*, ICRC, Geneva, 1994. L. Doswald-Beck, "New protocol on blinding laser weapons", *International Review of the Red Cross*, No. 312, May 1996.

[14] UN, *Views and Recommendations for the Fifth Review Conference of the Convention on Certain Conventional Weapons: Working Paper Submitted by the International Committee of the Red Cross*, CCW/CONF.V/WP.3, UN, Geneva, 2016. ICRC, "The status and operation of Protocol IV: Statement of the International Committee of the Red Cross", CCW Fourth Review Conference, 17 November 2011.

[15] First Review Conference of the CCW, Final Declaration, Operative Paragraph 20, p. 36. Second Review Conference of the CCW, Final Declaration, Operative Paragraph 16, p. 5.

[16] Sixth Review Conference of the CCW, Final Declaration, para. 91, p. 14.

29. Since the entry into force of Protocol IV there have been significant changes in the development and use of laser weapons and other laser systems, including anti-personnel dazzling laser weapons[17] and high-energy laser weapons. At the same time, the medical understanding and characterization of blindness has evolved.[18]

30. In light of these developments, the ICRC urges High Contracting Parties to ensure that any laser weapons they develop or use are compatible with Protocol IV and the IHL prohibition of weapons of a nature to cause superfluous injury or unnecessary suffering. The ICRC also encourages High Contracting Parties to share their national policies and operational practices aimed at ensuring all feasible precautions are taken to avoid causing permanent blindness when non-prohibited laser systems are used. High Contracting Parties at the Review Conference should consider pursuing further work on the implementation of Protocol IV in 2027, such as through a specific agenda item.

VI. Protocol V: Explosive remnants of war

31. Protocol V stipulates obligations aimed at preventing and mitigating the threat posed by unexploded ordnance (UXO) and abandoned explosive ordnance (AXO). It obliges High Contracting Parties to clear, remove or destroy explosive remnants of war (ERW) as soon as possible after the cessation of active hostilities; to record, retain and transmit information on the use or abandonment of explosive ordnance so as to facilitate clearance and risk awareness;[19] to take other precautions to protect civilians from the risk of ERW; and to provide assistance to victims.

32. In its operations in conflict and post-conflict situations around the world, the ICRC observes that ERW continue to claim the lives of hundreds of civilians annually long after hostilities have ended, taking a particularly heavy toll on children. ERW aggravate civilian suffering during and after hostilities: They can impede access to health-care facilities, restrict movement, hinder the delivery of humanitarian assistance and prevent the proper operation and maintenance of essential services. They prevent the safe return of displaced persons, significantly delay reconstruction efforts and impede socio-economic development. In urban areas, the difficulty of identifying and removing UXO among the rubble is increased owing to the presence of everyday metal objects from households, mines, booby traps and improvised explosive devices (IEDs). An additional challenge is the presence of mortal remains: clearance operations must ensure that such remains are treated and recovered in a dignified and appropriate manner and in a way that will facilitate their identification, which can further slow the pace of clearance. Finally, AXO is often used to build IEDs.

33. Today, the ICRC partners with 20 National Red Cross and Red Crescent Societies, with more than 2,100 staff and volunteers working alongside communities to help reduce their exposure to risk posed by mines, cluster munitions and explosive remnants of war. This work includes technical support in clearance operations, awareness raising and promotion of safer behaviour, physical rehabilitation and support for the social and economic inclusion of survivors.

34. The universalization and full implementation of Protocol V is of critical importance. Since its entry into force, Protocol V has helped prevent and mitigate the grave humanitarian impact of ERW. However, in many parts of the world ERW continue to pose a deadly threat, and significant challenges to their clearance prevail.

35. Past meetings of High Contracting Parties to Protocol V have focused on the clearance of ERW in urban environments, on Article 4 obligations (regarding the recording, retention and transmission of information) and on victim assistance and international cooperation and

[17] See also: *Views and Recommendations for the Fifth Review Conference of the Convention on Certain Conventional Weapons* (CCW/CONF.V/WP.3).

[18] World Health Organization (WHO), "9D90 Vision impairment including blindness", *International Classification of Diseases*, 11th rev., WHO, Geneva, 2021: http://www.who.int/classifications/icd/en/. WHO, *Change the Definition of Blindness*, WHO, Geneva, 2006: https://www.who.int/blindness/Change%20the%20Definition%20of%20Blindness.pdf.

[19] See: ICRC, *Identifying and Addressing Challenges to Implementation of Article 4 of Protocol V to the CCW: Expert Meeting*, ICRC, Geneva, 2013.

assistance.[20] The Review Conference should revisit these themes and discuss progress and challenges, as well as means of promoting the universalization and full implementation of Protocol V.

36. The ICRC urges High Contracting Parties to: share good practices and discuss measures to ensure the effective implementation of Protocol V obligations, with a particular focus on urban environments; implement the best practices for the recording, retention and transmission of information identified during the 2012 expert meeting hosted by the ICRC;[21] and implement generic preventive measures, including those contained in the Technical Annex to Protocol V, to minimize the occurrence of ERW.

VII. Explosive weapons in populated areas

37. Although the issue of explosive weapons in populated areas is not formally on the CCW agenda, it has garnered increased attention since the adoption of the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas[22] in 2022 (the EWIPA Political Declaration). In past CCW Meetings of High Contracting Parties, States have expressed views on this issue both in the general debate as well as under more specific agenda items.

38. The use of heavy explosive weapons in cities continues to cause unacceptable civilian harm – death, injury, lifelong disability and severe psychological trauma – on a shockingly large and ever-increasing scale throughout the world.[23] The plight of civilians is exacerbated when basic services on which they rely for their survival – such as water, electricity, health care or waste management – are disrupted.[24] The human cost of using such weapons in cities is compounded by the explosive remnants of war they leave behind, which continue to endanger civilians long after the fighting has ended. Historic and recent conflicts are clear examples.

39. In recent years, States have enshrined the need for change and action in two landmark documents: the EWIPA Political Declaration, now endorsed by 92 States,[25] and the Pact for the Future.[26] Both include commitments to strengthen the protection of civilians and to restrict or refrain from, as appropriate, the use of explosive weapons in populated areas when their use may be expected to cause harm to civilians or civilian objects. While the ICRC welcomes these commitments, States must urgently and faithfully implement them for civilians to finally see changes on the ground during conflicts. This should include avoiding the use of heavy explosive weapons in populated areas, due to the significant likelihood of indiscriminate effects,[27] as the ICRC and the entire International Red Cross and Red Crescent Movement have been calling on all States and parties to armed conflict to do for over a decade.[28] Heavy explosive weapons should not be used in populated areas unless sufficient mitigation measures are taken to limit their wide area effects and the consequent risk of

[20] See, for example: Report of the Eleventh Conference of the High Contracting Parties to Protocol V, para. 31, p. 5; Report of the Thirteenth Conference of the High Contracting Parties to Protocol V, paras 29–30, 33–36 and 38; Letter of the president-designate on the 2019 Meeting of Experts on Protocol V; 2021 Protocol V Meeting of Experts, Indicative Programme of Work and 2026 Protocol V Meeting of Experts, Provisional Programme of Work.

[21] See note 19, above.

[22] Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas (EWIPA Political Declaration), 2022.

[23] ICRC, ICRC president: *We are witnessing a global and collective failure to protect civilians in armed conflicts*, Statement, 22 April 2024.

[24] ICRC and Norwegian Red Cross, *Keeping the lights on and the taps running: protecting and facilitating safer access for essential service providers in armed conflict*, 2024.

[25] See, Endorsements, Endorsement — UNODA

[26] United Nations, Summit of the Future Outcome Documents: Pact for the Future, Global Digital Compact and Declaration on Future Generations, September 2024.

[27] ICRC, Explosive weapons with wide area effects: a deadly choice in populated areas, January 2022.

[28] See, Council of Delegates of the International Red Cross and Red Crescent Movement, War in Cities: Resolution 6, CD/22/R6, June 2022.

civilian harm. This is necessary to avoid preventable death and destruction and to comply with the IHL rules governing the conduct of hostilities. Indeed, it is very difficult to use heavy explosive weapons in populated areas in compliance with the principles of distinction, proportionality, and precautions.

40. The Political Declaration embodies States' collective recognition that the status quo is no longer acceptable and that urgent change, including restrictions on the use of explosive weapons in populated areas, is required.[29] At the second international conference on the Political Declaration, held in Costa Rica in November 2025, States reaffirmed their commitment to the Declaration and shared progress made towards its implementation at the national level. In light of the synergies between the object and purpose of the CCW and the EWIPA Declaration, the ICRC calls on all CCW High Contracting Parties that have not yet done so to endorse the declaration without delay and urges all endorsing States to implement it – in both letter and spirit.

VIII: Autonomous weapon systems

41. The number of armed conflicts across the world continues to grow alongside an arms race to develop and deploy new technologies of warfare. This is accelerating the widespread development and use of autonomous weapon systems (AWS). These are no longer a distant threat: they are already a reality.

42. AWS select and apply force to targets without human intervention. Users of this technology likely will not know who or what will be struck, or when and where. Integrating AI – particularly non-deterministic AI – exponentially increases unpredictability, heightening the risk of harm, especially to civilians. It is no longer a question of whether AWS will be used; rather, the responsibility of States now is to regulate the development and use of AWS to uphold the law and protect civilians.

43. AWS give rise to deep humanitarian, legal and ethical concerns because they reduce a user's ability to control the use of force:

- Humanitarian risks: increased harm to civilians and combatants;
- Legal challenges: difficulty ensuring compliance with international humanitarian law[30] and human rights law;[31]
- Ethical dilemma: effectively delegating life-and-death decisions to machines.

44. Like any other weapon, autonomous weapons will proliferate, cause widespread death and destruction, and be used in violation of IHL, including by non-state armed groups and criminal organizations.

45. The ICRC's view remains that an urgent and effective international response in the form of a legally binding instrument is needed to address the serious risks posed by AWS.[32] This view is shared by many High Contracting Parties and other States, as evidenced by the large number of submissions to the UN Secretary-General's 2024 report on LAWS,[33] by the 163 States voting in favour of the 2026 First Committee resolution on LAWS,[34] and by the

[29] ICRC, ICRC president: Use of explosive weapons in populated areas requires a collective response, Statement, 20 November 2025.

[30] See ICRC, *Autonomous weapon systems and international humanitarian law: Selected issues*, Geneva, 2025, https://www.icrc.org/sites/default/files/2026-03/4896_002_Autonomous_Weapons_Systems_-_IHL-ICRC.pdf

[31] See Office of the High Commissioner for Human Rights, *Autonomous Weapon Systems and Human Rights*, August 2026, https://www.ohchr.org/en/documents/brochures-and-leaflets/briefer-autonomous-weapon-systems-and-human-rights.

[32] See ICRC, *Autonomous weapon systems and international humanitarian law: Selected issues*, Geneva, 2025, https://www.icrc.org/sites/default/files/2026-03/4896_002_Autonomous_Weapons_Systems_-_IHL-ICRC.pdf

[33] United Nations, *Lethal autonomous weapons systems: Report of the Secretary-General*, 2024, https://docs.un.org/en/A/79/88

[34] United Nations, draft resolution on Lethal Autonomous Weapons Systems, 2026, https://docs.un.org/en/A/C.1/81/L.37

substantive and constructive engagement by many States in the work of the Group of Governmental Experts on LAWS (GGE LAWS) since 2023, culminating in the Group's adoption by consensus of a report containing a set of elements of an instrument to regulate LAWS.[35]

46. The GGE LAWS progressed significantly in the three years of its mandate and developed a large corpus of work that included a working characterization and a structure of clear prohibitions and restrictions on autonomous weapon systems. However, the ICRC considers that the Group's final report does not fully reflect this progress, and falls short of effectively responding to the legal, ethical and humanitarian risks posed by autonomous weapon systems in armed conflict. In particular, the Group was unable to find consensus on the substance of prohibitions or restrictions that are urgently needed to provide specific guidance to those developing and using these weapons, beyond recalling general principles and rules of IHL.

47. Nevertheless, the Group did adopt a working characterization of LAWS, and it confirmed that control and human judgment is needed for compliance with international law in armed conflict. Overall, the GGE final report, together with the material developed by the Group, by the Chair and by States over the last three years, constitutes a strong and sufficient basis to launch negotiations on new Protocol to the Convention. In such negotiations, High Contracting Parties can then finalize and incorporate any outstanding issues. In particular:

- A prohibition on anti-personnel autonomous weapons systems;
- A prohibition on unpredictable autonomous weapons systems, which had found broad support in the GGE LAWS throughout its mandate but ultimately was not included in the final text.

48. The ICRC urges High Contracting Parties to adopt a mandate to negotiate a new Protocol to the Convention to regulate autonomous weapon systems, based on the set of elements of an instrument adopted by the Group, and taking into account the work of the Group since 2023, previous recommendations and conclusions of the Group, and the example of existing Protocols within the Convention, and bringing in expertise on legal, ethical, military, and technological aspects. Given the urgency of the issue, the extensive work already done in developing the set of elements of an instrument, and the exhaustive discussions conducted in the CCW on LAWS since 2014, the ICRC recommends that this negotiating mandate be of one year's duration, with the draft Protocol to be considered and adopted by the 2027 Meeting of High Contracting Parties.

49. As the President of the ICRC recalled in the days leading up to the Review Conference, *"*Next week, in Geneva, States have the crucial responsibility to ensure that the future of warfare is not handed over to machines. … The risks are too great. After years of discussion, the time for action is now. States must launch negotiations on a new Protocol before it is too late.*"*[36]

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[35] CCW, Report of the 2024-2025-2026 sessions of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems, 2026, https://docs.un.org/en/CCW/GGE.1/2026/3

[36] ICRC, *ICRC president: States must act to ensure the future of warfare is not handed over to machines*, 12 November 2026, https://www.icrc.org/en/statement/icrc-president-states-must-act-ensure-future-warfare-not-handed-over-machines