

international humanitarian law magazine

Nuclear Weapons update, 2014



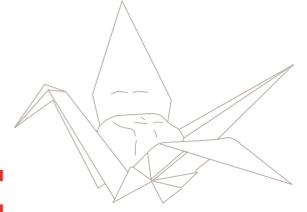
Paper cranes from the Australian Red Cross 1,000 Cranes Competition with signage used by Young Humanitarians during their Flash Mobs in support of the Make Nuclear Weapons the Target campaign. Australian Red Cross Photo.

In 2011 Australian Red Cross was pleased to present an edition of our international humanitarian law magazine on the theme of nuclear weapons. Communicating about the human costs of warfare and unacceptable suffering has been at the heart of the work of the International Red Cross Red Crescent Movement (Movement) since its founding by Henry Dunant in 1863. The human costs of the use of nuclear weapons are particularly horrific and should be of concern to us all. The health impacts of nuclear weapons, coupled with the environmental implications make these the most dangerous weapons in existence. It is beyond the ability of emergency and medical services to feasibly respond to nuclear war.

In the view of the Movement, preventing the use of nuclear weapons requires that States fulfill their existing commitments and international obligations to pursue negotiations aimed at prohibiting and completely eliminating such weapons. Our view is that this should be done through a legally binding international agreement.

As we noted in 2011, convincing States to prohibit nuclear weapons will not be without its challenges. Since 2011 the global call for the elimination of nuclear weapons has gained significant momentum. We are delighted to bring you this update to our 2011 magazine which includes information on significant global developments and the challenges that remain.

the recent work of the International Red Cross Red Crescent Movement



In November 2011, the Movement's highest decision making body, comprising Red Cross Red Crescent National Societies around the world as well as the International Committee of the Red Cross and the International Federation of the Red Cross Red Crescent, passed a resolution adopting a Movement-wide position on the issue of nuclear weapons. That resolution appeals to all states to 'pursue in good faith and conclude with urgency and determination negotiations to prohibit the use of and completely eliminate nuclear weapons through a legally binding international agreement'. The resolution not only emphasises the 'incalculable human suffering resulting from any use of nuclear weapons' but also stresses that it is 'difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law'.

In November 2013, a follow up resolution and four year action plan was passed by the Movement detailing activities for Red Cross Red Crescent National Societies to raise awareness of:

- the catastrophic humanitarian consequences of any use of nuclear weapons,
- the lack of any adequate humanitarian response capacity,
- the view expressed in the November 2011 resolution that it is difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law, and
- the need for concrete action leading to a prohibition on the use of nuclear weapons and their elimination.

The Movement's work is based on our deep concern for the humanitarian consequences of the use of nuclear weapons. It reflects growing support from governments and citizens around the world for the prohibition of nuclear weapons.

the global trajectory towards a nuclear free world

Since 2011 the global push towards a prohibition on the use of nuclear weapons in international law has been gaining momentum. In 2013 a significant watershed moment saw the coming together of the governments of the world, for the first time ever, to focus exclusively on the humanitarian impacts of nuclear weapons. One hundred and twenty seven governments engaged as scientists and medical practitioners warned of the catastrophic consequences that even a small nuclear weapon could cause. The journey continued in February 2014, as Mexico hosted 146 governments at the Second Intergovernmental Meeting on the Humanitarian Impacts of Nuclear Weapons. The Chair, Juan Manuel Gomez Robledo, deputy Minister of Foreign Affairs of Mexico, concluded that conference in the following manner:

'the Nayarit Conference has shown that time has come to initiate a diplomatic process conducive to [achieve a world without nuclear weapons]. ... this process should comprise a specific timeframe, ... and a clear and substantive framework, making the humanitarian impact of nuclear weapons the essence of disarmament efforts... It is time to take action. The 70th anniversary of the Hiroshima and Nagasaki attacks is the appropriate milestone to achieve our goal.'

The Third Intergovernmental Conference on the Humanitarian Impacts of Nuclear Weapons will be held in Vienna on 8 and 9 December this year. Increasing global momentum towards this all important humanitarian end can also be seen in other settings. In October 2013 and October 2014, before the United Nations General Assembly First Committee on Disarmament and International Security, a number of countries presented statements on the humanitarian consequences of nuclear weapons. The catastrophic effects of a nuclear weapon detonation (however so caused), and concerns with the slow progress towards a nuclear free world were noted. An open invitation to civil society to actively engage on this topic was issued and the idea of a Nuclear Weapons Ban Treaty put forward.

Alongside these developments, proceedings were commenced by the Marshall Islands before the International Court of Justice in April 2014 seeking to hold the nuclear weapons states accountable for failures to comply with their existing international nuclear disarmament obligations.



focus on Article 6 of the Nuclear Non-Proliferation Treaty

**Contributed by Tim Wright,
Asia Pacific Director,
International Campaign to
Abolish Nuclear Weapon (ICAN)**

Every five years, the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) gather for a month-long conference to review progress towards the treaty's implementation and to develop plans of action. The next such conference will be in May 2015, and concerns about the catastrophic humanitarian impact of nuclear weapons are expected to be a dominant theme in the debate.

Many nuclear-free States have already expressed their deep frustration at the lack of progress made towards nuclear disarmament since the last review conference. Most of the action points agreed in 2010 remain largely unfulfilled. The nuclear-weapon States continue to invest heavily in upgrades to their arsenals, with plans to retain them for many decades to come. For this reason, nuclear-free States are exploring new ways to break through the deadlock.

Article VI of the NPT obliges all States parties – whether they possess nuclear weapons or not – to pursue negotiations in good faith on 'effective measures' aimed at achieving nuclear disarmament. One effective measure long championed by nuclear-free States is a comprehensive 'nuclear weapons convention', which would establish a time-bound, legally binding framework for the total elimination of nuclear weapons. The downside to this approach

is that its success depends on the active support of nuclear-armed States, which is presently lacking.

This has prompted many states to focus instead on a prohibition treaty as a first step towards elimination. Such a treaty would prohibit not only the use of nuclear weapons, but also their production, deployment and stockpiling. As the Mexican government noted at the Nayarit conference, the prohibition of a particular weapon typically precedes its elimination. The 'ban treaty' approach, which focuses on stigmatisation and strengthening the international norm against nuclear weapons, has gained much momentum over the past two years.

We expect that many nuclear-free States will call for a ban treaty at the NPT review conference next year as an 'effective measure' to implement article VI of the treaty. Naturally, there will be strong resistance from nuclear-weapon States and some of their allies that claim the protection of a 'nuclear umbrella' in their military doctrines. However, failure to reach consensus on the ban treaty approach at the NPT review conference would in no way prevent States from launching a negotiating process.

It is important to remember that the NPT was never intended to be a self-fulfilling treaty. In fact, it clearly envisages the creation of new legally binding instruments aimed at fulfilling its objectives. Many such instruments have already been created, such as nuclear-weapon-free zone treaties and a comprehensive ban on nuclear testing. Therefore, a total prohibition on nuclear weapons would not be in competition with the NPT. Rather, it would be a measure to advance its overarching objective of world free from nuclear weapons.



Martin Sheen and Father John Dear speak with the moderator at the ICAN Civil Society Forum in Oslo ahead of the First Intergovernmental Conference on the Humanitarian Impacts of Nuclear Weapons. ICAN Photo/ Øyvind Bjørge.

the work of Australian Red Cross

The activities of Australian Red Cross in the months and years that followed the publication of our 2011 magazine have been significant. In November 2012 we hosted a conference 'Towards Eliminating Nuclear Weapons' in Adelaide and were delighted to hear from His Honour Judge Christopher Weeramantry (formerly of the International Court of Justice and judge in the Nuclear Weapons Advisory Opinion) as well as individuals who still live today with the effects of nuclear weapon testing in the Pacific as well as here in Australia. Around the country we've co-hosted numerous events, with groups like the International Campaign to Abolish Nuclear Weapons and the Medical Association for the Prevention of War.



Our 'Make Nuclear Weapons the Target' campaign has reached more than 1 million people through social media and our membership and young humanitarians have engaged in activities across the country. We have spoken with parliamentarians, peak bodies, academics and practitioners. We've also asked Australians to consider the things they love most and would hate to see destroyed by nuclear weapons. Visit <http://youtu.be/DWCDEgis3GU> to see their responses compiled in a short and powerful video that is being shared around the world.

Watch at Hiroshima Peace Museum showing time of bombing on 6 August 1945. ICAN Photo/Tim Wright.

looking ahead

Australian Red Cross was very pleased when in May 2012 the International Red Cross Red Crescent Movement's 2011 Council of Delegates Resolution was read into the Australian parliamentary record and support was registered for the important contribution the Movement has made in seeking the development of international law to clarify the illegality of the use of nuclear weapons. However, more must be done to encourage the Australian and other governments to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament.

Currently we live in a world where the use of weapons such as biological and chemical weapons, land mines and cluster munitions are effectively dealt with by international conventions, but nuclear weapons are not

yet conclusively rendered an illegal weapon of war. At the first special session on disarmament of the United Nations General Assembly in 1978 all countries agreed that the elimination of nuclear weapons through a comprehensive disarmament programme was the goal. More than 35 years later, this goal still eludes humanity.

The prohibition of nuclear weapons is truly an idea whose time has come, and Australian Red Cross, as part of the Movement, sees a great opportunity for Australia to play a role in being a part of this seminal moment in history. Many organisations, governments and communities around the world are working towards the goal of a nuclear free world. There is something at stake for all of us and we encourage you to get involved.

View the 2011 Nuclear Weapons IHL Magazine:
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