



Australian Red Cross
THE POWER OF HUMANITY

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nuclear weapons: a unique threat to humanity

CRISIS CARE COMMITMENT

status of the world's nuclear arsenal

– by Tim Wright, Australian director, International Campaign to Abolish Nuclear Weapons (ICAN) – **page 3**

the legal framework regulating

nuclear weapons – by John Carlson, Visiting Fellow at the Lowy Institute, and counsellor to the Washington-based Nuclear Threat Initiative (NTI) on non-proliferation, disarmament and verification issues

– **page 4**

nuclear war - the environmental

impacts – by Ira Helfand, emergency physician and past president of Physicians for Social Responsibility – **page 7**

nuclear weapons: a threat to

survival and health – by Tilman Ruff, Associate Professor in the Nossal Institute for Global Health, University of Melbourne and Australian Red Cross International Medical Advisor – **page 10**

nuclear weapons: use and progress

towards eradication – **page 12**

blinded by the bomb: the story of

Yami Lester – **page 14**

the ICRC's approach

– by Peter Herby, Head of the Arms Unit in the Legal Division of the International Committee of the Red Cross – **page 16**

the nuclear weapons case

– by Reverend Professor Michael Tate AO, former Federal Minister for Justice and Ambassador to the Netherlands – **page 18**

raising awareness about the humanitarian consequences of

nuclear weapons – by Petra Ball, International Humanitarian Law Officer for Red Cross in South Australia and Chris Kwong, co-opted member of the National Youth Advisory Committee – **page 20**



Cover Image:
The Prefectural Industrial Promotion Hall, better known today as Gembaku Domu or Atomic Bomb Dome, in Hiroshima was one of the few buildings left standing within a two kilometre radius when the atomic bomb was dropped on the city in August 1945. UN Photo.

This edition of our *international humanitarian law magazine* focuses on the most dangerous weapons of all: nuclear weapons. The disastrous effects of nuclear weapons were made violently clear during the final stages of the Second World War, when two atomic bombs were deployed against the cities of Hiroshima and Nagasaki. Since that time there has been an alarming proliferation of these weapons and today they remain a uniquely destructive threat to all of humanity and the environment.

The Red Cross and Red Crescent Movement has been at the centre of the nuclear weapons debate from the very outset. From 1945 to 2011, the Movement has consistently voiced its deep concerns about these weapons of mass destruction and the need for the prohibition of their use. Red Cross' role in developing IHL led to the creation of the Additional Protocols to the Geneva Conventions in 1977. Key provisions of the Additional Protocols reaffirm and strengthen the IHL principles of distinction between combatants and civilians, and that no unnecessary suffering is caused in times of war. It would be impossible to imagine circumstances in which nuclear weapons would abide by these principles.

This year, Australian Red Cross is launching a campaign to raise awareness of the unacceptable humanitarian consequences of nuclear weapons and the imperative necessity of the prohibition of their use. Part of our campaign includes this magazine, which has articles detailing the humanitarian and environmental consequences of nuclear weapons, the current legal framework surrounding their use, a personal account of an individual whose life was forever changed by their destructive effects, and Red Cross' role to date in raising awareness around the issue. I would like to sincerely thank all the contributors for their time and expertise and also note our appreciation to Mallesons for their support of this magazine.

Despite its overwhelming humanitarian appeal, convincing States to prohibit nuclear weapons will not be without its challenges. In no way, however, should this dissuade us in our efforts. In an era where the number of nuclear powers is growing, it is time for the international community to ensure that nuclear weapons are made a thing of the past rather than a threat to our future.

Robert Tickner
Chief Executive Officer
Australian Red Cross

Disclaimer: The articles contained within represent the views of the authors and not necessarily those of Australian Red Cross.



status of the world's nuclear arsenal

Tim Wright is the Australian director of the International Campaign to Abolish Nuclear Weapons (ICAN).

There are still at least 20,000 nuclear weapons in the world. They have a combined destructive force equivalent to approximately 150,000 Hiroshima bombs. Around 3000 of them are maintained on launch-ready alert at all times.

Nine countries possess nuclear weapons. In addition, five European nations host nuclear weapons on their territory as part of a NATO nuclear-sharing arrangement. More than 20 other countries, including Australia, maintain military doctrines that rely on nuclear weapons.

Unlike other weapons, they derive their explosive force from nuclear fission (the splitting of a large atom into smaller ones) or nuclear fusion (the fusing of two or more lighter atoms into a large atom).

The core ingredient of a nuclear bomb is either highly enriched uranium or plutonium. The former is a naturally occurring element, while the latter is a by-product of nuclear power generation. A basic nuclear weapon design uses around 15kg of uranium or 5kg of plutonium and has an explosive yield 20 times that of the Hiroshima bomb.

Nuclear weapons can be launched from the ground, air or sea. Their delivery vehicles are typically (intercontinental) ballistic missiles, heavy bombers or submarines. There are more than 110 bases with nuclear weapons worldwide.

The military doctrines for using nuclear weapons differ from one country to another. China, for example, has said that it would only be prepared to use its nuclear weapons in response to a nuclear attack and never as a preventative measure, while others have expressed a willingness to use nuclear weapons pre-emptively against a variety of threats, including chemical, biological and conventional.

A global norm has developed against the testing of nuclear weapons. The North Korean tests in 2006 and 2009 are the only critical nuclear tests to have taken place in the last decade. However, the United States continues to test nuclear weapons 'sub-critically', that is, no chain reaction occurs. The last such test took place in March 2011.

Since the end of the Cold War, four countries have done away with their nuclear weapons – South Africa, Belarus, Kazakhstan and the

The explosives used in all wars throughout human history amount to around 10 Mt. The largest nuclear explosion ever detonated, in Russia on 30 October 1961, was 50 Mt in size.

Ukraine – while a number of others have abandoned programs to develop them. More than 140 nations have called for a treaty to outlaw and eliminate all nuclear weapons in a verifiable, irreversible and time-bound manner.

Global nuclear forces in 2011

Country	No. of warheads
United States	8500
Russia	11,000
Britain	225
France	300
China	240
India	80-110
Pakistan	90-110
Israel	80
North Korea	<10
Total	>20,520



Top: The United States' B2 bomber can carry up to 16 nuclear bombs. US Air Force Photo.

Above: Little Boy was the name given to the nuclear weapon dropped on Hiroshima. Here it is in a bomb pit on Tinian Island before being loaded into Enola Gay's bomb bay. Photo courtesy US Government.



the legal framework regulating nuclear weapons

**By John Carlson –
Visiting Fellow at
the Lowy Institute,
and counsellor to
the Washington-
based Nuclear Threat
Initiative (NTI) on
non-proliferation,
disarmament and
verification issues.**

United Nations Secretary-General Ban Ki-moon urges nations to make nuclear disarmament targets a reality during the 2010 review conference of the Nuclear Non-Proliferation Treaty. UN Photo.

Although the imperative to eliminate nuclear weapons was recognised at the very outset of the nuclear age, currently there is no general prohibition against the possession or use of nuclear weapons. The first resolution of the United Nations General Assembly – Resolution 1 of 24 January 1946 – established the United Nations Atomic Energy Commission to address ‘the problems raised by the discovery of atomic energy’. The Commission was to make proposals for, inter alia, ‘the elimination from national armaments of atomic weapons’.

In the Commission the United States presented proposals to abandon its

monopoly on nuclear weapons and share nuclear secrets with the Soviet Union, in exchange for:

- an agreement against developing further nuclear weapons;
- establishment of an inspection system; and
- punishment for violations, not subject to Security Council veto.

The Soviet Union responded that the United States should eliminate its nuclear weapons first, before controls and inspections could be considered. The United States, however, insisted on retaining nuclear weapons until satisfied with the effectiveness of international control. So this

first attempt to eliminate nuclear weapons failed, and relations between the United States and the Soviet Union degenerated into the Cold War and a nuclear arms race.

Following the Soviet Union's first nuclear test in 1949, attention turned to how to stop the further proliferation of nuclear weapons. These efforts eventually led to the negotiation of the Nuclear Non-Proliferation Treaty (NPT), which was opened for signature in 1968. By that time the number of nuclear-weapon States had grown to five – United States, Soviet Union, United Kingdom, France and China.

Nuclear Non-Proliferation Treaty

The NPT prohibits the acquisition of nuclear weapons by non-nuclear-weapon States who are party to the Treaty, but recognises the status of those defined by the Treaty as nuclear-weapon States (the five mentioned above), and has no application to states not party to the Treaty. This includes India, Israel, Pakistan – and, depending on the validity of its withdrawal from the NPT, North Korea. All parties to the Treaty undertake 'to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament', but specific commitments are left to further negotiation. The non-nuclear-weapon States undertake to accept

International Atomic Energy Agency safeguards on all their nuclear material to verify observance of the commitment against the further proliferation of nuclear weapons.

In 2008 the UN Secretary-General issued a Five-Point Proposal for Nuclear Disarmament urging all NPT Parties to fulfill their NPT obligation to undertake negotiations on effective measures leading to nuclear disarmament. He noted they could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments, or they could consider negotiating a nuclear weapons convention, for which the model convention offered "a good point of departure".

In addition to the NPT, restrictions on specific aspects of nuclear weapons are established by the following treaties.

Treaties on nuclear-weapon-free zones and geographical regions

There are eight such treaties, prohibiting acquisition, possession, stationing, testing and use of nuclear weapons in the areas concerned:

- 1959 Antarctic Treaty;
- 1967 Outer Space Treaty;
- 1967 Treaty of Tlatelolco (Latin America);
- 1971 Seabed Arms Control Treaty;
- 1985 Raratonga Treaty (South Pacific);

- 1995 Bangkok Treaty (South East Asia);
- 1996 Pelindaba Treaty (Africa); and
- 2006 Semipalatinsk Treaty (Central Asia).

In addition, in 1992 Mongolia declared itself a single-State nuclear-weapon-free zone.

Nuclear arms control treaties

Currently there are three bilateral agreements between the US and Russia:

- 1974 Threshold Test Ban Treaty – prohibiting underground tests above 150 kilotons;
- 1987 Intermediate-Range Nuclear Forces (INF) Treaty – eliminating missiles with a range of 500 to 5500 kilometres; and
- 2010 New START (Strategic Arms Reduction Treaty) – limiting the number of strategic nuclear warheads deployed by each side to 1550.

Multilateral nuclear test-ban treaties

The 1963 Partial Test Ban Treaty prohibits all nuclear test detonations except underground. The Comprehensive Nuclear-Test-Ban Treaty (CTBT) will prohibit test detonations in all environments. The CTBT opened for signature in 1996 but is still awaiting ratification by specified States before it can enter into force.

International humanitarian law (IHL)

In the absence of any general prohibition of nuclear weapons, international humanitarian law (set out in the Geneva Conventions, Protocols and customary international law) is of fundamental importance in moderating states' behaviour regarding nuclear weapons. The basic principles relating to war include:

- distinction – the parties must distinguish between combatants and civilians;
- military necessity – an action must be aimed at a military objective; and
- proportionality – harm caused to civilians must be proportional and not excessive in relation to the anticipated military advantage.

Protocol I to the Geneva Conventions prohibits indiscriminate attacks on civilian populations, including

use of technology where its scope of destruction cannot be limited. Therefore, a war in its totality that does not distinguish between civilian and military targets would be in violation of IHL. Protocol I also prohibits means of warfare that “cause widespread, long-term, and severe damage to the natural environment”.

It is difficult to see how the use of nuclear weapons – the ultimate weapon of mass destruction – could ever be consistent with these principles. Relevant considerations include:

- the destructive power of even “small” nuclear weapons;
- the deliberate targeting of cities (which are described as “countervalue” targets);
- the inevitable spread of radioactive contamination; and
- the prospect of nuclear winter – smoke and dust in the upper atmosphere causing severely cold weather over an extended period, leading to the death of many millions, even human extinction.

1996 Advisory Opinion of the International Court of Justice

Considerations such as those outlined above led the UN General Assembly to seek an advisory opinion on the following question: “Is the threat or use of nuclear weapons in any circumstances permitted under international law?” The Court found ‘[t]here is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such.’ However, it affirmed that international humanitarian law applies in cases

of use, or threat of use, of nuclear weapons. The Court concluded that ‘the use of nuclear weapons would generally be contrary to the rules of international law ... and in particular the principles and rules of humanitarian law ... However ... the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.’

Proposed nuclear weapons convention

In 1997 a group of experts drafted a model nuclear weapons convention providing for the prohibition and elimination of nuclear weapons. Costa Rica submitted this to the UN Secretary-General as a discussion draft. The International Campaign to Abolish Nuclear Weapons launched an updated version in 2007, which the UN Secretary-General circulated to all UN members.

The 2009 Report by the Australia/Japan International Commission on Nuclear Non-Proliferation and Disarmament outlined the stages required in an overall disarmament strategy – e.g. the CTBT, fissile material cut-off (which prevents production of fissile material for nuclear weapons in the future), further strengthening non-proliferation, further arms reduction agreements, and the inclusion of all nuclear-armed states. The Commission recommended further development of the model nuclear weapons convention to inform and guide multilateral disarmament negotiations as they gain momentum, and urged governments to support this development with appropriate resources.



The memorial marking the site of the first atomic test, carried out in the desert near Alamogordo, New Mexico, on July 16, 1945.



nuclear war: the environmental impacts

**By Ira Helfand –
emergency physician
and past president of
Physicians for Social
Responsibility.**

In a matter of days after a nuclear strike, temperatures across the planet would fall an average of 8° C. In the interior regions of North America and Eurasia they would fall 20° C to 30° C. Agriculture would stop, ecosystems collapse, and many, many species, would become extinct. IFRC Photo.

We have known for many years that a major nuclear war between the nuclear super powers would have catastrophic effects far beyond their own borders. Recent studies suggest that, because of the impact on climate, a much more limited nuclear war would also be a disaster on a global scale.

Alan Robock and Brian Toon and their colleagues have examined the impact on global temperature and precipitation of a limited regional nuclear war in South Asia. Their scenario assumes the use of about 100 Hiroshima sized bombs on major cities. The direct effects of the blast and firestorm would be devastating: some 20 million people dead in a matter of days. But the impact on global climate would be

even more catastrophic. The fires would propel some 5 million metric tons of soot into the upper atmosphere. Within a matter of days temperatures across the planet would fall an average of 1.25° C. In the interior regions of North America and Eurasia the decline would be much greater. In addition there would be a major decline in precipitation throughout the world. These effects would persist for nearly a decade.

At this time there are still no detailed estimates of the impact such climate changes would have on global food production, but studies, coordinated by the International Physicians for the Prevention of Nuclear War (IPPNW), are currently underway. Historical data from past natural cooling events



Basic staples like corn and rice would be in short supply following even a limited nuclear strike. IFRC Photo.

Preliminary studies suggest that food production would fall much more than five percent following a limited nuclear war in South Asia. ... well over one billion people would be at risk of starvation.

suggest that the impact would be very significant. The eruption of the Tambora volcano in Indonesia in 1815 dropped temperatures across the planet an average of 0.7° C the following year, producing what was known in North America as the “year without a summer”. Killing frosts occurred in June, July and August with widespread destruction of crops. The price of food rose dramatically and there was widespread hunger. The situation was much more severe in the more densely populated Old World, with famine reported in many countries in Europe as well as in Egypt and India.

The situation following a limited nuclear war would be much more severe, both because the climate disruption would be greater and because the world is especially ill prepared to deal with food shortages at this time. There are already over one billion people in the world who suffer from protein calorie malnutrition, and several million of them, mainly children, die from starvation each year. Further, world food reserves are at historic lows totaling less than 10 weeks of consumption. Finally there are several hundred million people living in countries in North Africa, the

Middle East and East Asia who do not experience significant malnutrition today but who are very dependent on food imports. These people would also be at risk if abrupt climate changes disrupted agricultural production and the international trade in food.

Given these conditions even a very small decline in agricultural output could have devastating effects. At the time of the Great Bengal Famine in 1943, food production fell by only five percent from the average of the five preceding years, but that was enough to cause panic, hoarding, and a five-fold increase in food prices. As a result, 3 million people starved to death.

Preliminary studies suggest that food production would fall much more than five percent following a limited nuclear war in South Asia. As a result, we would expect to see hoarding on a global scale as food producing countries suspended exports to meet domestic needs. Prices of basic staples like corn and rice would rise steeply making food inaccessible to hundreds of millions of the world’s poorest, already malnourished precisely because they cannot afford food at today’s prices. Adding in the 300 million people living in

In a matter of days after a nuclear strike, temperatures across the planet would fall an average of 8° C. ... Agriculture would stop, ecosystems collapse, and many, many species would become extinct.

countries dependent on imported food and well over one billion people would be at risk of starvation.

These findings have enormous implications for nuclear weapons policy. They suggest that the arsenals of even “small” nuclear powers pose an intolerable threat, not just to their own citizens, but to the entire human family. And they suggest that the recently negotiated reductions in the large nuclear arsenals of the United States and Russia, while clearly a step in the right direction, are inadequate. Even a small fraction of the remaining United States and Russian arsenals could trigger a global famine.

A large-scale nuclear war between the nuclear powers would pose an existential threat to our species. A study conducted in 2002 by IPPNW’s United States affiliate, Physicians for Social Responsibility, showed that if only 300 warheads in the Russian arsenal detonated over cities in the United States, nearly 100 million people would die in the first half hour as a direct result of blast and heat. The economic infrastructure on which the population depends – the communication and transportation

networks, the public health system – would be destroyed and most of the rest of the population would die in the following months. A United States counter attack on Russia would produce the same level of destruction there.

As with a limited nuclear war in South Asia, these direct consequences, horrible as they are, are not the main problem. If the full strategic arsenals of the nuclear powers were drawn into the conflict, some 150 million metric tons of soot would be injected into the upper atmosphere. In a matter of days temperatures across the planet would fall an average of 8° C. In the interior regions of North America and Eurasia they would fall 20° C to 30° C. For three years there would not be a day free of frost in the temperate regions of the Northern Hemisphere. Agriculture would stop, ecosystems collapse, and many, many species, including perhaps our own, would become extinct.

We face many huge humanitarian crises in the world today. None pose as great a threat as the possibility of nuclear war, and none demands our attention more urgently.

The international community must confront this danger directly. The recent New Strategic Arms Reduction Treaty between the United States and Russia was a welcome step to reduce the size of the world’s nuclear arsenals, but it was a very modest step. We need to pursue a number of other initiatives. The countries which have not yet signed or ratified the Comprehensive Test Ban Treaty which bans all nuclear test explosions need to do so. We need to conclude a treaty banning the further production of weapons grade fissile material.

The United States and Russia need to take their weapons off high alert status to lessen the danger of accidental nuclear war, and they need to begin negotiations for the next round of reductions in their nuclear arsenals. Finally, all of the nuclear weapons states need to begin negotiations for a Nuclear Weapons Convention to eliminate all nuclear weapons. It will not be easy to negotiate such a treaty but it can be done and the alternative is simply not acceptable. Humanity can not continue to be held hostage to threat of nuclear annihilation.



nuclear weapons:

A Nagasaki victim receiving medical treatment in late August 1945. UN Photo/Eiichi Matsumoto.

By Tilman Ruff – Associate Professor in the Nossal Institute for Global Health, University of Melbourne and Australian Red Cross International Medical Advisor.

The highly-enriched uranium bomb of 15 kt (thousands of tons of high explosive yield) exploded over Hiroshima on 6 August 1945 razed and burnt the city, causing 140,000 deaths by the end of 1945, and increased rates of cancer and chronic disease for the survivors, which continue now 66 years later. By today's standards, this was a "small" tactical-size weapon. A 21 kt plutonium bomb exploded over Nagasaki three days later levelled 6.7 square km and killed 90,000 people by the end of 1945. Ground temperatures in both cities reached 7000°C, and black radioactive rain poured down.

The physical effects of nuclear weapons include an initial pulse of heat and light, electromagnetic pulse, blast wave generating powerful winds, and release of radioactivity through a direct burst of neutrons and gamma rays, and subsequent dispersal by wind, rain and water of hundreds of different radioactive substances (isotopes). A blast wave injures directly through lung trauma, eardrum rupture and damage to internal organs; and indirectly through penetrating and blunt trauma as objects like shattered windows, and people themselves, are turned into missiles.

The initial flash vaporises or incinerates those at close range; further away causes blindness and burns to exposed skin; and heat flux of 7-10 calories per square centimetre ignites widespread fires. In urban and industrial centres densely loaded with combustible materials, fires would

become confluent, generating large firestorms with hurricane-force winds and temperatures above boiling point, within which all people, even in underground shelters, would die from smoke, heat, burns or asphyxiation.

For a "small" to average strategic size warhead of 100 kt, this area would extend 8 km in every direction from ground zero. The lethal area for an above-ground blast for a larger 1 Mt explosion is about 150 square km; the associated fire conflagration would be lethal over 350 square km. In a city like Mumbai with population densities in some areas of 100,000 people per square km, a Hiroshima size bomb is estimated to cause up to 870,000 deaths in the first weeks. A 1 Mt bomb could promptly kill several million.

The electromagnetic pulse from a high altitude nuclear explosion could damage and interfere with electrical,

including communication and medical equipment, over hundreds or thousands of kilometres.

The release of large amounts of ionising radiation is unique to nuclear weapons, and a consequence which is particularly indiscriminate and unable to be confined in time and space. Ionising radiation packages energy into a form which is particularly injurious to living cells, and especially to DNA, the long chains of complex molecules which make us and are the most precious inheritance we receive and pass to our children. A lethal dose of radiation may contain no more energy than the heat in a sip of hot coffee.

Radiation comes in different forms, some more damaging, like alpha particles; some highly penetrating like gamma rays. Exposures to radiation can occur both externally immediately following a nuclear blast and from the radioactive fallout it creates; or internally through radioactive isotopes entering wounds, inhaled into the

animals used for food. A number of biologically important isotopes, like plutonium and carbon-14, persist over geological timeframes of hundreds of thousands or millions of years.

High doses of radiation can cause acute injury and death; lower doses can cause an increase in chronic disease; all doses increase the long-term risk of cancer and genetic damage. The greater the dose the greater the risk, and there is no threshold dose of radiation below which there is no increase in cancer risk. Women are overall 40 percent more susceptible to radiation-induced cancer than men, and foetuses and infants are three to four times more susceptible than adults.

Past atmospheric nuclear test explosions in the atmosphere are estimated to cause 2.4 million cancer deaths. A Hiroshima-size bomb detonated in a shipping container in the port of New York is estimated to cause 200,000 deaths from radiation alone.

'it is obvious that no health service in any area of the world would be capable of dealing adequately with the hundreds of thousands of people seriously injured by blast, heat or radiation from even a single 1Mt bomb.' They concluded that '...the only approach to the treatment of the health effects of nuclear explosions is primary prevention of such explosions, that is, the prevention of atomic war.' The Assembly identified the role of health workers in the preservation and promotion of peace as the most significant factor for the attainment of health for all, and that 'nuclear weapons constitute the greatest immediate threat to the health and welfare of mankind.'

While the total number of nuclear weapons has been reduced, their capacity to produce global catastrophe jeopardizing the survival of complex life is undiminished. The recent International Commission on Nuclear Non-proliferation and Disarmament (ICNND), established by the governments of Australia and Japan, reaffirmed what many previous sober assessments have

a threat to survival and health

lungs or swallowed in food or water.

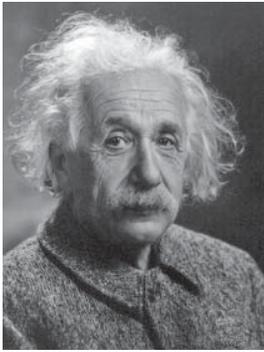
Like a nuclear reactor, a nuclear bomb amplifies the radioactivity present in the starting material roughly one million times, and produces hundreds of different isotopes with different characteristics. Some decay in seconds or minutes, others persist for centuries, millennia, or billions of years. Some of the most important are iodine -131, which concentrates in the thyroid gland; cesium-137 which our body treats like potassium, a main ion inside our cells; strontium-90, which our body handles like calcium, concentrated in bones and teeth; and plutonium-239, particularly harmful when inhaled. Some of these isotopes are concentrated thousands of times up the food chain in plants and

Medical services are concentrated in city centres. In Hiroshima, 90 percent of physicians and nurses were killed or injured; 42 of 45 hospitals were rendered non-functional; 70 percent of victims had combined injuries, and over 90 percent of these involved burns. Combined injuries and burns are among the most difficult and resource-demanding conditions to treat. All the dedicated burn beds in the world would be insufficient to care for the surviving burn victims of a single Hiroshima size bomb on a city. In Hiroshima and Nagasaki most of the victims died without any care to ease their suffering.

The World Health Assembly in 1984 endorsed the conclusions of a World Health Organisation expert report that

concluded: 'So long as any state has nuclear weapons, others will want them. So long as any such weapons remain, it defies credibility that they will not one day be used, by accident, miscalculation or design. And any such use would be catastrophic. It is sheer luck that the world has escaped such catastrophe until now'.

All the aspects which make chemical and biological weapons, landmines and cluster munitions unacceptable apply writ large to nuclear weapons. Each of these other types of indiscriminate and inhumane weapons are addressed by a global treaty. Only nuclear weapons are not. It is clear that eradicating nuclear weapons is a necessary precondition for the survival and health of humanity.



1905

Albert Einstein publishes the Annus Mirabilis papers, including "Does the Inertia of a Body Depend upon Its Energy Content", regarding the equivalence of matter and energy, $E=mc^2$. The equation is later used in the development of the atomic bomb.



6 August 1945

A uranium bomb, named "Little Boy" is dropped on Hiroshima, Japan.

1950 - 1955

The effect of the nuclear bombing continues to have serious health consequences for the people of Hiroshima and Nagasaki. The number of survivors contracting leukaemia increases noticeably five to six years after the bombing. Ten years after the bombing, survivors begin contracting thyroid, breast, lung and other cancers at higher than normal rates. Many of these effects continue today.

29 July 1957

The Statute of the International Atomic Energy Agency comes into force. The Agency is established to facilitate the peaceful uses of nuclear energy.

nuclear weapons: use and p

9 August 1945

"Fat Man", a plutonium nuclear bomb, is dropped on Nagasaki, Japan.



16 July 1945

The world's first atomic bomb test is carried out in the desert near Alamogordo, New Mexico.

24 January 1946

The first resolution of the United Nations General Assembly seeks ways to eliminate atomic weapons from national armaments through the establishment of the United Nations Atomic Energy Commission.



27 January 1957

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies is opened for signature.

1956 - 1963

British nuclear tests are conducted at Maralinga in South Australia.

14 February 1967

The first nuclear weapons free zone is established in Latin America and the Caribbean. The Treaty of Tlatelolco bans the manufacture, storage, or testing of nuclear weapons and the devices for launching them.

11 February 1971

The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof is opened for signature.



8 July 1996

The International Court of Justice issues an advisory opinion on the legality of the threat or use of nuclear weapons.



8 April 2010

The United States and Russia sign the New Strategic Arms Reduction Treaty, reducing by half the number of strategic nuclear missile launchers.

Progress towards eradication

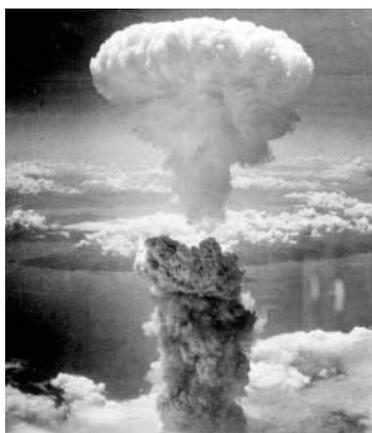
1 July 1968

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is opened for signature in London, Moscow and Washington. The NPT commits nuclear and non-nuclear weapon States to nuclear non-proliferation, nuclear disarmament and peaceful uses of nuclear energy.



24 September 1996

The Comprehensive Nuclear-Test-Ban Treaty is signed by over 90 countries. It bans all nuclear tests above and below the Earth's surface. The treaty has not yet entered into force.



May 1998

India and Pakistan conduct a series of underground nuclear tests.

Photo credits

1905 Photo courtesy US Library of Congress
6 August 1945 UN Photo/Eluchi Matsumoto
9 August 1945 UN Photo/Eiichi Matsumoto
24 Jan 1946 UN Photo
1950-55 UN Photo
1 July 1968 UN Photo/Jean-Marc Ferre
8 July 1996 UN Photo/Andrea Brizzi
24 Sept 1996 Photo courtesy US Government
2010 Photo courtesy US State Department

Compiled with the assistance of Zoe Hutchinson, Sarah Hickey and Nika Dharmadasa, Mallesons Stephen Jaques.

blinded by the bomb: the story of Yami Lester

Between 1952 and 1963, the United Kingdom tested a total of ten nuclear weapons in Australia. One of these tests was done in the Monte Bello islands off the northern coast of Western Australia, and the other nine took place near Maralinga and Emu Junction, in South Australia. Yami Lester's homeland is Walatina, which is around 100 miles from where one of the nuclear tests at Emu Junction, Totem 1, was carried out. About 50 people lived in Walatina at the time. Yami was 10 years old when Totem 1 was detonated on 15 October 1953, and he still remembers the day vividly.

'It was in the morning, around seven. I was just playing with the other kids. That's when the bomb went off. I remember the noise, it was a strange noise, not loud, not like anything I'd ever heard before. It made a shaking

sort of sound. And there were a lot of them too, like a series of sounds. The earth shook at the same time, we could feel the whole place move. We didn't see anything though. Us kids had no idea what it was. Some of the elders said "that must be the bomb the patrol officer was telling us about". I just kept playing, I was a kid – I didn't know any better!

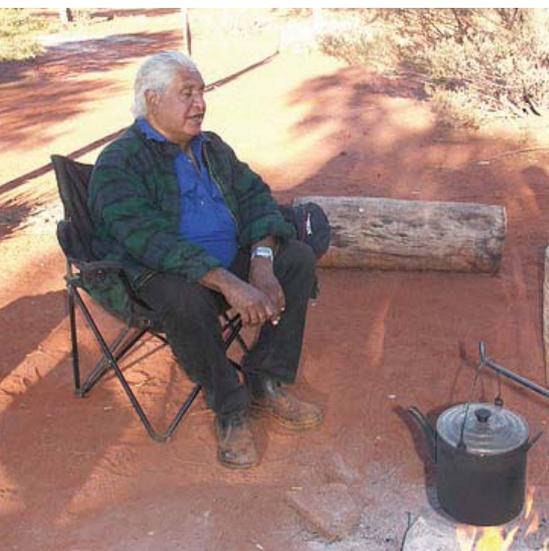
'It wasn't long after that a black smoke came through. A strange black smoke, it was shiny and oily. We thought maybe it was a dust storm, but we knew it wasn't. Dust storms come from the west; this was coming from the south. And it was different from a dust storm – it was quiet. Dust storms are windy and noisy. It didn't take long till this black smoke was all over us, moving quietly through the mulga trees. I can't remember how long it lasted, maybe a day? It was big too, we could see it everywhere. It covered the sun, this black, shiny, quiet smoke. The sun couldn't shine through, everything went dark. I had no idea what it was, but the elders, they called it "mamu mamu", which in our language, Yankunytjatjara, means devil, or evil spirit; they knew it was bad.

'I remember a couple of days before a patrol officer had come to us in Walatina. He was a good man, a nice fella, he carried a book with a list of names in it, he was writing down how many people were there and so on. He told us they were going to do some dangerous explosions and that

we should sit inside our houses for a couple of days, shut the doors and shut the windows. But we didn't have any houses – we were camped! So he told us to dig a hole in the sand and cover ourselves up in it.

'A few hours after the black smoke came we all got crook, every one of us. None of us could hunt, so we couldn't have our traditional bush tucker. We were all vomiting, we had diarrhea, skin rashes, and sore eyes. I had really sore eyes. They were so sore I couldn't open them for two or three weeks. But we were all crook. Some of the older people, they died. They were too weak to survive all of the sickness. The closest clinic was 400 miles away at Ernabella Presbyterian mission, and we didn't have a car, so we couldn't get there. We just stayed sick, living off the food from the local station. After a few weeks some of us got better and we could go hunting again, living off our normal bush tucker. I didn't understand what was happening, I was too young, I didn't understand why this black smoke had come and made us all crook.

'After two or three weeks I finally managed to open my eyes. My left one could see a little bit, but my right eye had gone totally blind. After a bit of time my left eye started to get better and I could see some more. But then over time it got worse again, and in 1957 I became totally blind. I went to Adelaide for treatment – they gave me drops and the sight in my left eye



Yami Lester. Photo courtesy Rosemary Lester.



A dust cloud rises from a British nuclear bomb test in Maralinga.

recovered. They didn't ask me about the bomb, I didn't even know that it was the bomb that caused this, I was still young.

'Then a few months later I was working in Granite Downs, I got a contract to put in a windmill and a water tank. It was really hot, and I could feel my eye was getting sore again and I was losing sight. A few hours later, when I was getting taken to Oodnadatta Presbyterian Clinic, I lost all my sight. I still remember that night on the way to the clinic; the last thing I ever saw was the moon in the sky. I never got to see again.

'I was taken to Adelaide for rehabilitation, and at the Blind Institute I got a three-month trial to work as a brush maker, making brushes for brooms. I ended up working there for 13 years and 10 months – they called me a broomologist by the end of it! Then I got a new job as an interpreter in the hospitals and courts for my mob who couldn't speak English. I interpreted from our language, Yankunytjatjara.

'I remember one day in 1980, I had the flu so I didn't go to work. I stayed at home and I listened to the radio for a little while. They were talking about a man called Sir Ernest Titterton who was an English nuclear scientist. He said that the tests conducted in Maralinga and Emu Junction were all done safely. I thought that was a big lie! So that's when I decided to speak out. A few years later, in 1985, we got a Royal Commission up to look into what happened at Emu Junction in 1953.

Some soldiers who were involved in the tests also got crook, and they spoke out about what happened to them too. We all kicked up a fuss so that someone had to listen to us!

Since 1984, Yami has focused most of his time and energy on raising awareness of the effects of the nuclear tests in Emu Junction and Maralinga on Indigenous peoples living there. Yami moved back home to Walatina in 1992. Some of the local water supplies tested overly high for radiation, but there are currently two bores which can be drunk out of. Yami lives in Walatina with his family; his son and his grandchildren, six people in total.

They survived the bomb of 1953, and now hope that they can live in a nuclear free world in the future so that their people and their culture, along with everybody else's, can survive.

'War makes me scared. War is scary. But war with nuclear bombs would be even scarier – just thinking about it makes me shiver. No one would be safe in nuclear war. Those nuclear bombs are no good, we gotta make sure nobody uses them, and we gotta support anyone who's trying to stop them. It's not going to be easy to stop governments making nuclear bombs, they don't always listen to people like me, but we gotta try.'



the ICRC's approach

ICRC delegate Dr Marcel Junod was the first foreign doctor to arrive in Hiroshima after the catastrophe. ICRC Photo.

By Peter Herby – Head of the Arms Unit in the Legal Division of the International Committee of the Red Cross.

Dr Marcel Junod, an International Committee of the Red Cross (ICRC) delegate in the Far East, was the first non-Japanese doctor to deliver assistance in the aftermath of the dropping of the atomic bomb, on 6 August 1945, on Hiroshima. Dr Junod described the scenes:

‘We (...) witnessed a sight totally unlike anything we had ever seen before. The centre of the city was a sort of white patch, flattened and smooth like the palm of a hand. Nothing remained. The slightest trace of houses seemed to have disappeared. The white patch was about two kilometres in diameter. Around its edge was a red belt, marking the area where houses had burned, extending quite a long way further (...) covering almost all the rest of the city.’

Dating back to this early involvement, the ICRC, a neutral and independent organisation whose purely humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence, has called on States to take steps to reach an agreement on the prohibition of nuclear weapons.

In a public statement on 5 April 1950, the ICRC called on States to take ‘all steps to reach an agreement on the prohibition of atomic weapons’ noting “[s]uch arms will not spare hospitals, prisoner of war camps and civilians. Their inevitable consequence is extermination, pure and simple.... [Their] effects, immediate and lasting, prevent access to the wounded and their treatment.’

This call was reignited by ICRC President Jakob Kellenberger in April 2010, when he appealed to all States to ‘bring the era of nuclear weapons to an end’. Recent years have seen a growing interest among the global community in the vision of a “nuclear-weapon-free world”. The Model Nuclear Weapons Convention submitted to the United

Nations General Assembly in 2007, the Secretary-General of the United Nations “Five Point Plan on Nuclear Disarmament”, the first-ever Security Council Summit on nuclear weapons and non-proliferation in September 2009, and the joint reaffirmation by the United States, Russia, China, France and the United Kingdom in May 2010 of their ‘responsibility to take concrete and credible steps towards irreversible [nuclear] disarmament’ are encouraging signs. As Kellenberger notes ‘the currency of this debate must ultimately be about human beings, about the fundamental rules of international humanitarian law, and about the collective future of humanity’.

Naturally the focus of the ICRC’s attention on this issue is the horrific humanitarian consequences of the use of nuclear weapons. Communicating about the human costs of warfare and the unacceptability of preventable suffering has been at the heart of the mission of the Red Cross since its founding by Henry Dunant in 1863. Likewise, ensuring the protection of

medical workers and their equipment in conflict, through law and education, is a core mandate of the ICRC.

As Dr Junod saw first-hand, destruction of the magnitude inflicted by nuclear weapons does not spare medical infrastructure or doctors and their materials. The Japanese Red Cross hospital in Hiroshima astonishingly remained standing. However, it could no longer function as its laboratory equipment was unusable, a third of its staff had been killed and there was no possibility of blood transfusion as potential donors were either dead or had disappeared.

In an address to the 19th World Congress of International Physicians for the Prevention of Nuclear War in August 2010, ICRC Vice President Christine Beerli noted the organisation's belief:

'that the debate about nuclear weapons must be conducted not only on the basis of military doctrines and power politics but also on the basis of public health and human security. The existence of nuclear weapons poses some of the most profound questions about the point at which the rights of States must yield to the interests of humanity, the capacity of our species to master the technology it creates, the reach of international humanitarian law, and the extent of human suffering that people are willing to inflict, or to permit, in warfare.'

The position of the ICRC, as a humanitarian organisation, goes – and must go – beyond a purely legal analysis. To paraphrase the 1996 Advisory Opinion judgment of the International Court of Justice and quote Ms Beerli, 'nuclear weapons are unique in their destructive power, in the unspeakable human suffering they cause, in the impossibility of controlling their effects in space and time, in the risks of escalation they create, and in the threat they pose to the environment, to future generations, and indeed to the survival of humanity'.

In the view of the ICRC, preventing the use of nuclear weapons requires fulfilment of existing legal obligations to pursue negotiations aimed at prohibiting and completely eliminating such weapons through a legally binding international treaty. It also means preventing their proliferation and controlling access to materials and technology that can be used to produce them. Referring to the five new international humanitarian law treaties adopted in the previous 15 years, an October 2010 ICRC statement to the United Nations General Assembly concluded that:

'States can and must set the limits at which "the necessities of war ought to yield to the requirements of humanity", in the words of the 1868 St Petersburg Declaration. [These treaties] demonstrate that humanity is not powerless in the face of the harmful effects of the technologies it creates. ... [they] can inspire and guide us together in pursuing the objective of a world without nuclear weapons and with standards for the responsible transfer of conventional arms.'

The ICRC welcomes all concrete steps by States and others towards these ends, including the contribution

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of the International Court of Justice which, in its 1996 Advisory Opinion on nuclear weapons, concluded that 'the use of nuclear weapons would generally be contrary to the principles and rules of international humanitarian law'. Yet, because of the virtually limitless destructive power of nuclear weapons the ICRC has appealed to all States to ensure that such weapons are never used again, regardless of the views of individual States on the legality of such use.



Ruins of Hiroshima. UN Photo/Eluchi Matsumoto.

the nuclear weapons case

By Reverend Professor Michael Tate AO – former Federal Minister for Justice and Ambassador to the Netherlands.

Following considerable activity by the World Health Organisation in the early 1990s, the General Assembly of the United Nations resolved in late 1994 to request the International Court of Justice (ICJ) to urgently render an Advisory Opinion on the question: “Is the threat or use of nuclear weapons in any circumstances permitted under international law?”

The ICJ has a discretion to refuse to respond to such a request, and

indeed it was urged to do so on the grounds that the question posed was too abstract and was best left to political processes elsewhere. The Court did not find that argument compelling and decided to conduct hearings in late 1995. States were invited to make written submissions and present oral argument.

Given Australia’s strong stance against France’s testing of nuclear weapons in the South Pacific and given the public mood of hostility towards France over the 1985 attack by its security personnel on the Rainbow Warrior (an NGO protest vessel) in Auckland Harbour, Australia was an active participant at the Peace Palace in The Hague. In fact,

such was the political significance of the matter that the Solicitor General was joined by the Minister for Foreign Affairs, Gareth Evans QC, as counsel presenting argument to the Court.

It was a fascinating case to watch unfolding. For example, Japan allowed its allocated hour to be taken up by the mayors of Hiroshima and Nagasaki with their powerful descriptions of the devastation wreaked on the civilian population of their cities by the atomic bombs dropped on them by order of the US President.

The Australian Foreign Minister described how, over the course of 50 years, nuclear weapons were now recognised to be inherently of such a character that their use would in all cases transgress the tenets of international law. Indeed, a series of regional treaties and various resolutions of international health and environmental conferences did indicate growing international sentiment against the use or threat of use of nuclear weapons.

Everyone in the Australian team contributed various strands to the submission. I recall focussing on the “intergenerational argument”, that is that even if the use of a nuclear weapon was used to destroy enemy combatants, the radiation released would persist in the environment in such a way as to endanger subsequent civilian generations. They should be prospectively preserved from such danger under the ordinary rules of international humanitarian law (IHL).



*Gates of the Peace Palace in The Hague, seat of the International Court of Justice.
UN Photo/P. Sudhakaran.*



The International Court of Justice in session. UN Photo/Mark Garten.

Sir Nicholas Lyell, Attorney General for the United Kingdom, in the course of his oral submission noted something of a discrepancy between Australia's submission before the Court and its published war fighting doctrine, which included reference to the nuclear arsenal of our major ally, the United States.

What would the Court decide? We had not adverted to the fact that only 14 judges sat (one having passed away prior to the hearing). That led to an extraordinary result. I extract that part of the advisory opinion of most interest to the readers of this magazine.

105E. By seven votes to seven, by the President's casting vote,

It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law;

However, in view of the current state of international law, and the

elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake.

So, President Bedjaoui's casting vote led to an Advisory Opinion which is very unsettling in its ambiguity.

In the first paragraph what does the word "generally" really mean? To put it the other way, the Court is advising that there will be occasions when the use or threat of use of nuclear weapons does not violate the principles and rules of IHL.

As to the second paragraph, from one point of view it is an astounding assertion by the (artificial) majority that there is no law to determine the question. But the paragraph really goes beyond that.

It seems to be saying that where a State is threatened with obliteration and has a right of self defence in conformity with the United Nations

Charter, then it might use nuclear weapons in violation of the principles of IHL (e.g. against civilian populations of the aggressor state). The ICJ refused to say that such use would be unlawful.

In my view, this was a most unfortunate opinion to foist on the world. None of the parties before the Court had actually argued along those lines and it was truly a shock to all.

The Court salved its conscience by concluding:

105F. Unanimously:

There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

The Red Cross pre-eminently, and other humanitarian organisations, are determined to press such negotiations. But, I don't think there can be any doubt that the ICJ opinion of 8 July 1996 set the cause back very significantly.



raising awareness

about the humanitarian consequences of nuclear weapons

Cranes in Nagasaki. ICAN Photo/Tim Wright.

Petra Ball is the International Humanitarian Law Officer for Red Cross in South Australia. Chris Kwong is a co-opted member of the National Youth Advisory Committee.

Inspired by the April 2010 appeal by the President of the ICRC, Jakob Kellenberger, to all States to 'bring the era of nuclear weapons to an end', Australian Red Cross is taking a position of leadership within the International Red Cross and Red Crescent Movement towards this goal. Indeed, as the CEO's editorial mentions, this magazine constitutes

part of the work of Australian Red Cross in 2011 to raise awareness about the humanitarian consequences of the use of nuclear weapons and why their total and absolute prohibition is imperative.

The Red Cross and Red Crescent Movement has been at the forefront of moves towards the eradication of nuclear weapons for decades. Japanese Red Cross unfortunately has a history of direct observation of the humanitarian consequences of nuclear weapons. The day after the bombing of Hiroshima, in August 1945, several medical teams from Japanese Red Cross arrived at the devastated city from neighbouring

towns. They provided hands-on relief to the victims of the first nuclear bomb, which marked the commencement of Red Cross work responding to the reality of a world with nuclear weapons.

Japanese Red Cross also had a hospital in Hiroshima, one of the very few buildings left standing, and those first-on-the-scene teams helped the staff there, while others set up tents as improvised dispensaries around the ruined city. A total of 792 Japanese Red Cross staff and volunteers treated some 31,000 patients during the three weeks following the devastating explosion. Sadly, many of those relief workers also became victims of the radiation.

Australian Red Cross has worked closely with members and volunteers to develop materials to convey its core message that even wars have laws.

In May 2011 Australian Red Cross, together with Japanese Red Cross and Norwegian Red Cross, co-hosted an international meeting of over a dozen Red Cross and Red Crescent societies from every corner of the globe. The meetings, in Oslo, brought together many prominent academics and practitioners in the fields of nuclear medicine and nuclear arms, some of whom are contributors to this publication. Discussions focused on the human and societal costs of nuclear weapons, the international legal political context on nuclear weapons and the potential role of Red Cross and Red Crescent national societies in this space. Discussions were also included on the theme of the development of a Movement position on nuclear weapons and the inclusion of this topic as a resolution for the Council of Delegates of the Movement.

In the last 20 years Australian Red Cross has developed a reputation for championing international humanitarian law (IHL) in the Australian community. Through education and dissemination programs instigated by the IHL department, Australian

Red Cross works with those groups directly involved in conflict, such as the Australian Defence Force, the Australian Federal Police, civil defence agencies, humanitarian workers and journalists, to ensure that the rights and obligations under IHL are known to them.

Australian Red Cross also has a role to play in working with the Australian government to encourage compliance with new developments to limit the effects of war. In bringing about laws to prohibit the use of cluster munitions Australian Red Cross joined, as observers, the Australian delegation to the Diplomatic Conference on Cluster Munitions held in Dublin in 2008 and were also invited to make oral submissions before the Senate hearing, in March 2011, which considered Australia's implementing legislation of the Dublin treaty. On the topic of nuclear weapons Australian Red Cross has already written to all federal members of parliament to seek their support for the work it is doing in this space.

In recent years, Australian Red Cross has worked closely with members

and volunteers to develop materials to convey its core message that even wars have laws. The Even Wars Have Laws public awareness campaign in 2010, focusing on the use of child soldiers in conflict, the effects of landmines and the absolute prohibition on torture brought this message to the Australian public in an innovative and confronting way.

In 2011, Australian Red Cross will raise public awareness around the horrific humanitarian consequences of using nuclear weapons and the real dangers inherent in their continued existence through an engaging public national campaign, and call for the international prohibition of the use of nuclear weapons. The voice of this campaign will be carried by Australian Red Cross volunteers nationwide across various media. Both IHL and youth members and volunteers will help lead the way in ensuring the voices of tomorrow are heard on this issue reminding us that the devastating effects of the use of nuclear weapons are both immediate and lasting.

To find out more or to get involved visit www.redcross.org.au

International Humanitarian Law (IHL) Program

Australian Red Cross is part of the International Red Cross and Red Crescent Movement, the largest humanitarian network in the world.

IHL is something Red Cross thinks everyone should be aware of. We run an IHL Program providing training and education highlighting IHL issues to key target groups identified as having a role to play in situations of armed conflict.



Photo: ©ICRC/Boris Heger

Red Cross has a mandate to promote an understanding of, and respect for, the law in times of armed conflict – International Humanitarian Law (IHL).

The IHL Program focuses on the following target groups:

- Australian Defence Force
- Australian Federal Police
- Non-government organisations
- Commonwealth Government agencies
- Key professions (law, medicine, journalism)
- Tertiary and secondary education sectors
- Wider community.

The IHL Program specifically offers training programs to sectors of the Australian Defence Force such as military medics and military police, in addition to being invited to participate in Australian Defence Force training exercises. More broadly, we run education seminars for members of the general community who have an interest in humanitarian issues and whose work is affected by the application of IHL.

For more information on the IHL Program please visit: www.redcross.org.au/ihl or email: redcrossihlinfo@redcross.org.au



Ajdabiya, Libya. An ICRC delegate and a Libyan Red Crescent volunteer talk to stranded Bangladeshis who had been working for a road cleaning firm before fighting broke out in Libya. Photo © ICRC/J. Björgvinsson.

In all activities our volunteers and staff are guided by the Fundamental Principles of the Red Cross and Red Crescent Movement.

Humanity

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all people.

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality

In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary Service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality

The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.



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