

ICRC, Bringing the era of nuclear weapons to an end

[Source : ICRC, “Bringing the era of nuclear weapons to an end”, Statement by Jakob Kellenberger, President of the ICRC, to the Geneva Diplomatic Corps, Geneva, 20 April 2010; available at <http://www.icrc.org> ^[1]]

Bringing the era of nuclear weapons to an end

Statement by Jakob Kellenberger, President of the ICRC,

to the Geneva Diplomatic Corps, Geneva, 20 April 2010

In recent weeks and months, the issues of nuclear disarmament and nuclear non-proliferation have assumed a new urgency on the world stage. Energetic diplomatic efforts are heralding long overdue progress on nuclear weapons issues in the post-Cold War era.

The International Committee of the Red Cross firmly believes that the debate about nuclear weapons must be conducted not only on the basis of military doctrines and power politics. 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 we are willing to inflict, or to permit, in warfare.

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.

The ICRC has a legitimate voice in this debate. In its 150-year history, the organization has witnessed immeasurable human suffering caused by war and understands the potential of international humanitarian law to limit such suffering. The ICRC also brings to the debate its own direct testimony to the consequences of the use nuclear weapons and their potential to render impossible the mission of humanitarian assistance that this organization exists to fulfil. Dr Marcel Junod, an ICRC delegate, was the first foreign doctor in Hiroshima to assess the effects of the atomic bombing and to assist its victims. His testimony in an article entitled " The Hiroshima disaster " , stored in the ICRC's archives and first published in 1982, told of the human reality of this weapon.

[...]

The suffering caused by the use of nuclear weapons is increased exponentially by devastation of the emergency and medical assistance infrastructure. The specific characteristics of nuclear weapons, that is, the effects on human beings of the radiation they generate, also cause suffering and death for years after the initial explosion. For survivors, the immediate future may include life-threatening dehydration and diarrhoea from injuries to the gastrointestinal tract, and life-threatening infections and severe bleeding caused by bone marrow suppression. If they survive these threats, they face an increased risk of developing certain cancers and of passing on genetic damage to future generations. Thus over time many more lives are lost. In Hiroshima and Nagasaki, fatalities increased two- to three-fold over the following five years.

Although nuclear weapons' potential for destructive force increased by a factor of many thousands during the Cold War, the ability of States and international agencies to assist potential victims did not. The ICRC has recently completed a thorough analysis of its capacity, and that of other international agencies, to bring aid to the victims of the use of nuclear, radiological, chemical or biological weapons. Despite the existence of some response capacity in certain countries, at the international level there is little such capacity and no realistic, coordinated plan. Almost certainly, the images seen in Hiroshima and Nagasaki will be those resulting from any future use of nuclear weapons.

We now know that the destructive capacity of the nuclear weapons used in Hiroshima and Nagasaki pales in comparison to those in current arsenals. According to many scenarios of nuclear weapon use, the human and societal destruction would be much worse. We also know that use of a fraction of the weapons held in current arsenals would affect the environment for many years and render agriculture impossible in vast areas. The implications for human life are indeed sobering.

[...]

The International Committee of the Red Cross has long been preoccupied by nuclear weapons, by the immense threat they pose to civilians and by their implications for international humanitarian law. Already on 5 September 1945 the ICRC publicly expressed the wish that nuclear weapons be banned. From 1948 on, the entire International Red Cross and Red Crescent Movement, through its International Conferences, called for the prohibition of weapons of mass destruction in general, and of nuclear weapons in particular. In a communication to States party to the Geneva Conventions in 1950, the ICRC stated that before the atomic age:

"[W]ar still presupposed certain restrictive rules; above all (...) it presuppose[d] discrimination between combatants and non-combatants. With atomic bombs and non-directed missiles, discrimination became impossible. Such 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. In these conditions, the mere assumption that atomic weapons may be used, for whatever reason, is enough to make illusory any attempt to protect non-combatants by legal texts. Law, written or unwritten, is powerless when confronted with the total destruction the use of this arm implies". On this basis the International Committee called on States to take "all steps to reach an agreement on the prohibition of atomic weapons".

In 1996 the ICRC welcomed the fact that the International Court of Justice, in its Advisory Opinion on nuclear weapons, confirmed that the principles of distinction and proportionality found in international humanitarian law are " intransgressible " and apply also to nuclear weapons [See Case, ICJ, Advisory Opinion on Nuclear Weapons ^[21]]. In applying those principles to nuclear weapons the Court concluded that " the use of nuclear weapons would generally be contrary to the principles and rules of international humanitarian law " . It was unable to decide whether, even in the extreme circumstance of a threat to the very survival of the State, the use of nuclear weapons would be legitimate.

Some have cited specific, narrowly defined scenarios to support the view that nuclear weapons could be used legally in some circumstances. However, the Court found that " ...The destructive power of nuclear weapons cannot be contained in either space or time (...). The radiation released by a nuclear explosion would affect health, agriculture, natural resources and demography over a very wide area. Further, the use of nuclear weapons would be a serious danger to future generations... " . In the light of this finding, the ICRC finds it difficult to envisage how any use of nuclear weapons could be compatible with the rules of international humanitarian law.

The position of the ICRC, as a humanitarian organization, goes – and must go – beyond a purely legal analysis. 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. The ICRC therefore appeals today to all States to ensure that such weapons are never used again, regardless of their views on the legality of such use.

The international community now has at hand a unique opportunity to reduce and eliminate the threat of nuclear weapons for this and succeeding generations. The UN Security Council, meeting at summit level in September 2009, endorsed the objective of " a world without nuclear weapons " . Four months earlier the Conference on Disarmament in Geneva unanimously agreed upon a programme of work and negotiations on nuclear weapon issues, including nuclear disarmament. Some of the most renowned political and military leaders of recent decades have concluded that nuclear weapons undermine national and international security and support their elimination. Presidents Obama and Medvedev have recognized their countries' special responsibility for the reduction of nuclear weapons. The Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, to be held in New York next month, provides an historic opportunity for both nuclear and non-nuclear weapon States to agree on concrete plans for the fulfilment of all the treaty's obligations, including those concerning nuclear disarmament.

In the view of the ICRC, preventing the use of nuclear weapons requires fulfilment of existing 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.

The opening sentences of Marcel Junod's testimony began: " The physical impact of the bomb was beyond belief, beyond all apprehension, beyond imagination. Its moral impact

was appalling " . We must never allow ourselves to become morally indifferent to the terrifying effects of a weapon that defies our common humanity, calls into question the most fundamental principles of international humanitarian law, and can threaten the continued existence of the human species.

The ICRC today appeals to all States, and to all in a position to influence them, to seize with determination and urgency the unique opportunities now at hand to bring the era of nuclear weapons to an end.

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