The ICRC and the Red Cross and Red Crescent Movement: Working Towards a Nuclear-Free World since 1945

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ABSTRACT
This article examines why and how the International Committee of the Red Cross (ICRC) and the International Red Cross and Red Crescent Movement as a whole have been contributing to the global efforts towards a world free of nuclear weapons since the first use of the atomic bomb over 70 years ago in Hiroshima. It reminds that the principles and rules of International Humanitarian Law (IHL) apply to nuclear weapons, and highlights the humanitarian consequences of their use. These concerns were at the core of the "Humanitarian Initiative," which contributed significantly to the adoption of the Treaty on the Prohibition of Nuclear Weapons in July 2017. The author also shares the ICRC’s views that, even before these weapons are fully eliminated and based on existing commitments and obligations, greater efforts must and can be made to review the significance of nuclear weapons in military plans, doctrines and policies, and to reduce the risk of a detonation. The article concludes by reminding that, as for the nuclear weapons “ban treaty,” what is most needed to ensure protection of victims of today’s ongoing armed conflicts is greater respect for and compliance with the existing general rules and principles of IHL.

INTERNATIONAL HUMANITARIAN LAW AND NUCLEAR WEAPONS

From the beginning, mankind has accepted that while war is inevitable, it could and should be made more humane, by limiting the suffering caused by armed conflict. These efforts to regulate warfare remained temporary, local arrangements, until the middle of the nineteenth century, when States adopted the first Geneva Convention of 1864, which contained ten articles designed to ensure that all soldiers wounded on the battlefield – whatever side they were on – were taken care of without distinction, at the urging of the newly-created International Committee of the Red Cross (ICRC). What later became known as International Humanitarian Law (IHL), or the Law of Armed Conflict (LoAC), is a set of rules which seek, for humanitarian reasons, to protect persons who are not or are no longer participating in the hostilities and to limit the effects of armed conflict. IHL addresses both the behaviour of combatants and the choice of means and methods of warfare, including weapons. It therefore contains basic principles and rules governing the choice of weapons and prohibits or restricts the

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employment of certain weapons, in order to protect civilians from their indiscriminate effects and to spare combatants from excessive injuries that serve no military purpose.

The destructive power of nuclear weapons puts them in a category of their own. Yet, the international community has wrestled with the issue of how the law of war applies to such weapons since their first and only use in 1945 in Hiroshima and Nagasaki, and there was no global treaty specifically banning their use, at least until the recent adoption of the Treaty on the Prohibition of Nuclear Weapons. Although IHL does not explicitly prohibit the use of nuclear weapons (Maresca and Mitchell, 2015), it does contain a range of general rules regulating the conduct of hostilities which are customary in nature and apply to all weapons used in armed conflict. Of particular relevance are “(a) the rule of distinction; (b) the prohibition on indiscriminate attacks; (c) the prohibition on disproportionate attacks; (d) the prohibition on area bombardment; (e) the obligation to take precautions in attack; (f) the prohibition on using weapons of a nature to cause superfluous injury or unnecessary suffering; and (g) the rules on the protection of the natural environment. Also relevant are the rules and limitations on belligerent reprisals.” For the most part, these are rules of customary international law applicable in both international and non-international armed conflicts, and as such are binding on all States and parties involved in the fighting. As customary law, such rules would also govern the use of nuclear weapons by any State in an international armed conflict. Similarly, customary law would govern the use of nuclear weapons by any State or – should it acquire them – non-State armed group in the context of a non-international armed conflict (Maresca and Mitchell, 2015).

The ICRC and international Red Cross and Red Crescent Movement’s calls for “a world without nuclear weapons”

The ICRC is an impartial, neutral, and independent organization,¹ whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance (ICRC, n.d.). Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement (hereafter “the Movement”).² It

¹The ICRC has a hybrid nature. As a private association formed under the Swiss Civil Code, its existence is not in itself mandated by governments. And yet its functions and activities – to provide protection and assistance to victims of conflict – are mandated by the international community of States and are founded on international law, specifically the Geneva Conventions, which are among the most widely ratified treaties in the world. Because of this the ICRC, like any intergovernmental organization, is recognized as having an ‘international legal personality’ or status of its own. It enjoys working facilities (privileges and immunities) comparable to those of the United Nations, its agencies, and other intergovernmental organizations. Examples of these facilities include exemption from taxes and customs duties, inviolability of premises and documents, and immunity from judicial process” (Rona, 2004).

²The International Red Cross and Red Crescent Movement is a global humanitarian network of 80 million people. It consists of the ICRC, the International Federation of the Red Cross and Red Crescent Societies, and 190 National Societies of the Red Cross and Red Crescent. All Red Cross and Red Crescent activities have one central purpose: to help those who suffer from armed conflict and violence, natural disasters and other crises, without discrimination, and thus help peace-building efforts. The Movement is guided by seven Fundamental Principles: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. First and foremost, humanity is at the basis of our work, a deep caring for human beings. Impartiality means that our assistance is given to friends or foes alike, solely according to their needs, the urgency or level of suffering. The Movement must remain neutral, not take sides in hostilities or engage in controversies of political, racial, religious or ideological nature. Independence from States in any circumstances is also crucial for the Movement’s ability to work away from interferences, according to humanitarian needs and concerns exclusively (ICRC, n.d.b).
can be said that the ICRC is mandated by all 196 States signatories to the Geneva Conventions, as

the work of the ICRC is based on the Geneva Conventions of 1949, their Additional Protocols, its Statutes – and those of the International Red Cross and Red Crescent Movement – and the resolutions of the International Conferences of the Red Cross and Red Crescent. (...) Today, all States are bound by the four Geneva Conventions of 1949 which, in times of armed conflict, protect wounded, sick and shipwrecked members of the armed forces, prisoners of war and civilians. (ICRC, 2010)

For over 150 years now, governments have welcomed the work of the ICRC and viewed it as important, expecting it to carry out tasks which cannot be accomplished by anyone else.³

One essential aspect of the ICRC’s mission is to promote and strengthen IHL and universal humanitarian principles, as part of the endeavour to prevent suffering. As we saw above, the development of IHL and of the ICRC has remained closely entwined since the adoption of the first Geneva Convention.⁴ As the ICRC’s own role evolved, bringing it into direct and continuous contact with the realities of war, it regularly urged governments to expand the reach of the law, which gradually came to cover warfare at sea, prisoners of war and civilians. This also occurred with regard to weapons about which there was a concern in humanitarian terms. The ICRC supported the development of the 1980 Convention on Certain Conventional Weapons and later called for new treaties to address the severe humanitarian consequences caused by anti-personnel mines, cluster munitions and explosive remnants of war.⁵

With regard to nuclear weapons, the ICRC was already sharing its’ concerns on their devastating humanitarian effects less than one month after the bombings of Hiroshima and Nagasaki (ICRC, 1945). Similarly, in an appeal to the High Contracting Parties to the Geneva Conventions launched on 5 April 1950, the ICRC clearly expressed its concern over the development of weapons of mass destruction:

Today (...) the International Committee feels obliged to underline the extreme gravity of the situation. Up to the Second World War it was still to some extent possible to keep pace with the destructive power of armaments. The civilian population, nominally sheltered by International Law against attack during war, still enjoyed a certain degree of protection, but because of the power of the arms used, was increasingly struck down side by side with combatants. Within the radius affected by the atomic bomb, protection is no longer feasible. The use of this arm is less a development of the methods of warfare than the institution of an entirely new conception of war, first exemplified by mass bombardments and later by the employment of rocket bombs. However condemned – and rightly so – by successive treaties, war still presupposed certain restrictive rules; above all did it presuppose discrimination between combatants and non-combatants. With atomic bombs and non-directed missiles, discrimination becomes impossible. Such arms will not spare hospitals, prisoner of war camps and civilians. Their inevitable consequence is extermination, pure and simple. Furthermore, the suffering caused by the atomic bomb is out of proportion to strategic necessity; many of its victims die as a result of burns after weeks of

³ On the ICRC ongoing activities, see ICRC (n.d.c).
⁴ Contemporary IHL came has evolved in stages, to meet the ever-growing need for humanitarian aid arising from advances in weapons technology and changes in the nature of armed conflict; all too often, these developments in the law have taken place after the events for which they were sorely needed.
⁵ 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 2008 Convention on Cluster Munitions, and Protocol on Explosives Remnant of War (Protocol V).
agony, or are stricken for life with painful infirmities. Finally, its 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. The International Committee of the Red Cross, which watches particularly over the Conventions that protect the victims of war, must declare that the foundations on which its mission is based will disappear, if deliberate attack on persons whose right to protection is unchallenged is once countenanced. The International Committee of the Red Cross hereby requests the Governments signatory to the 1949 Geneva Conventions, to take, as a logical complement to the said Conventions – and to the Geneva Protocol of 1925 – all steps to reach an agreement on the prohibition of atomic weapons, and in a general way, of all non-directed missiles. (ICRC, 1950)

Furthermore, the International Red Cross and Red Crescent Movement was regularly urging States to reach an agreement banning the use of nuclear weapons, in several resolutions adopted at its International Conferences and Council of Delegates. For example, Resolution XXIV, adopted unanimously by the 17th International Conference meeting of August 1948 in Stockholm, requested States to “solemnly to undertake to prohibit absolutely all recourse to [non-directed weapons] and to the use of atomic energy or any similar force for purposes of warfare.” Resolution XIV of the 18th International Conference meeting of 1952 in Toronto, urged “governments to agree, within the framework of general disarmament, to a plan for the international control of atomic energy which would ensure the prohibition of atomic weapons and the use of energy solely for peaceful purposes.”

Although there was a lack of consensus among States for such a prohibition, the ICRC urged governments to clarify that IHL would apply to the use of nuclear weapons. This was the case in its introduction to the Draft of the Additional Protocols to the Geneva Conventions presented in 1973, where the ICRC noted that “Problems relating to atomic, bacteriological and chemical warfare are subjects of international agreements or negotiation by governments, and in submitting these draft Additional Protocols, the ICRC does not intend to broach these problems.” At the same time, the institution stated that “this uncertainty which exists regarding the scope of international humanitarian law with respect to the use of nuclear weapons is potentially harmful for such law and consequently to all victims it aims to protect,” called again on States to enter into negotiations “to remove such uncertainty,” and “that all Governments and other authorities responsible for action in armed conflicts should conform at least to the following principles: “that the general principles of the law of war apply to nuclear and similar weapons.”

The International Court of Justice’s Advisory Opinion on the “Legality of the Threat or Use of Nuclear Weapons” on 8 July 1996 (ICJ, 1996) provided a renewed

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6Resolution XXIV of the 17th Conference (Stockholm, 1948); Resolution XVIII of the 18th Conference (Toronto, 1952). It should be noted that although they have no force of law, “if adopted unanimously, however, such resolutions must be regarded as an expression of the international community’s legal convictions” (Abplanalp, 1995).

7Commentary of 1987 to the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol I), Part IV, Section I – General protection against the effects of hostilities, Paragraph 1842.
opportunity for the ICRC to re-examine its position, and to share publicly its stance with regard to nuclear weapons. The ICRC welcomed the Court’s unequivocal reaffirmation that the principles and rules of IHL applied to nuclear weapons:

We were pleased to see the reaffirmation of certain rules which the Court defined as “intransgressible”, in particular the absolute prohibition of the use of weapons that are by their nature indiscriminate as well as the prohibition of the use of weapons that cause unnecessary suffering. We also welcome the Court’s emphasis that humanitarian law applies to all weapons without exception, including new ones. In this context we would like to underline that there is no exception to the application of these rules, whatever the circumstances. International humanitarian law is itself the last barrier against the kind of barbarity and horror that can all too easily occur in wartime, and it applies equally to all parties to a conflict at all times.

The ICRC went on to articulate its views on the compatibility of nuclear weapons with IHL:

Turning now to the nature of nuclear weapons, we note that, on the basis of the scientific evidence submitted, 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, the ICRC finds it difficult to envisage how a use of nuclear weapons could be compatible with the rules of international humanitarian law. (ICRC, 1997)

Multilateral discussions on nuclear disarmament evolved significantly in 2009–2010. In addition to the preparations for the April 2010 Review Conference of the Nuclear Non-proliferation Treaty, or NPT, there were several developments that were seen as important signs of progress, such as the negotiation between the United States and Russia for the new START treaty and President Obama’s speech of April 2009 in Prague outlining “America’s commitment to seek the peace and security of a world without nuclear weapons.” Furthermore, in 2010, the States party to the NPT expressed their “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons” and acknowledged collectively for the first time the relevance of IHL for nuclear weapons, when they reaffirmed “the need for all States at all times to comply with applicable international law, including international humanitarian law.”

In the early stages of this evolution, the ICRC decided to seek again to actively contribute to the debate, and even to influence it positively when possible. In 2009, the ICRC President at that time, Jakob Kellenberger, made a strong appeal for the prohibition and elimination of nuclear weapons in a speech to the Geneva diplomatic corps – the first time that an ICRC President had directed a diplomatic speech solely to the issue of nuclear weapons. Following the ICRC’s lead, the Movement actively re-

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8(Internal) Document A 1218rev2, adopted by the ICRC Assembly on 27 June 2002; “Use of nuclear biological or chemical weapons: Current international law and policy statements,” Information note to Presidents / Secretary Generals of National Societies, 4 March 2003. ICRC Archives, file 141.2–011.
9Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Conclusions and recommendations for follow-on actions, Vol 1.I.A.v., p.19.
10Statement by Jakob Kellenberger, President of the ICRC, to the Geneva Diplomatic Corps, “Bringing the Era of Nuclear Weapons to an End”, 20 April 2010 https://www.icrc.org/eng/resources/documents/statement/nuclear-weapons-statement-200410.htm.
engaged in the nuclear debate and updated its position through the adoption of an historic resolution in 2011, through the Movement’s Council of Delegates’ appeal to all States to ensure that nuclear weapons are never used again and 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, based on existing commitments and international obligations.  

**The ICRC’s contribution to the humanitarian initiative and to the treaty on the prohibition of nuclear weapons**

For decades, the discourse about nuclear weapons was focused on their military and security aspects and concerns about their proliferation. Increasingly, however, States were expanding the debate to include their catastrophic humanitarian consequences and IHL implications. The ICRC, and the International Red Cross and Red Crescent Movement in general, contributed in several ways to this development. Given the institution’s expertise as a leading frontline humanitarian organization and in IHL, and the instrumental role it has played in earlier weapons negotiations, it could be expected that the ICRC’s views would be sought on the topic of nuclear weapons.

As the first international humanitarian organization present in the immediate aftermath of the 1945 bombing of Hiroshima, the ICRC witnessed and strove to treat some of the victims, alongside with the Japanese Red Cross Society (JRCS) (Bugnion 2005). Dr. Marcel Junod, the head of the ICRC delegation in Tokyo at the time, was one of the first, if not the first foreign civilian doctor to reach Hiroshima and he later described the devastating effects in “The Hiroshima Disaster” (Junod, 1982a; Junod, 1982b). As we have seen previously, the ICRC had immediately brought to the world’s attention its insight on the catastrophic humanitarian consequences of nuclear weapons and response capacity of first aiders.  

However, outside the dreadful but unique bombing of Hiroshima and Nagasaki over 70 years ago, there are as of yet no real experience, at the international level, of bringing assistance to victims of a large scale nuclear explosion event, and of testing equipment and systems in similar circumstances. The ICRC therefore sought to gain a better understanding of the current degree of preparedness of the Red Cross and Red Crescent National Societies, and the Movement as a whole, in case of nuclear detonation, given the forefront role various components of the Movement would have in responding to natural and man-made disasters and crises, in their own country and at international level. The ICRC also studied the capacity of States and of other international agencies to bring aid to the victims of a nuclear explosion, in order to enrich the reflection on the humanitarian consequences of nuclear weapons.

The results of this analysis was published in 2009 and showed that there is no effective and adequate response capacity in most countries and at the international level.

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11 Resolution 1 Council of Delegates of the International Red Cross and Red Crescent Movement 2011, “Working towards the Elimination of Nuclear Weapons.” https://www.icrc.org/eng/resources/documents/resolution/council-delegates-resolution-1-2011.htm.

12 Appeal to the High Contracting Parties Signatory to the Geneva Conventions launched on 5 April 1950.
level with which to assist the victims in the immediate aftermath of a nuclear explosion, while protecting those delivering assistance (Coupland and Loye, 2009).

The ICRC research found that “it would not be possible for a humanitarian organization such as ICRC to mount an effective response to assist the victims of an NBRC event without squarely confronting these challenges.” It went to highlight three broad issues:

first, the many and complex practical aspects of developing, acquiring, training for and planning an appropriate response capacity to assist the victims of an NRBC event; second, the issues specific to deploying this capacity in an event; and third, the different mandates and policies of pertinent international organizations and how such organizations interact.

The authors also pointed out a difficult ethical and policy question to be addressed as a prerequisite:

how much should an organization invest in preparing an assistance response which also ensures their personnel health and security when that response might be ineffective and personnel health and security can best be assured by their withdrawing from the affected area and not attempting any response at all?

The research also demonstrated the absence at the international level of a reality-based approach at every step, from developing a capacity to assist victims of an NRBC event to the eventual deployment of this capacity, without which “developing and deploying an NRBC response capacity is likely to be ineffective, a waste of resources and, more importantly, unnecessarily dangerous for those bringing that assistance.”

In addition to these findings, the ICRC continued to share its views on the humanitarian consequences of nuclear weapons13 and concerns about the compatibility of nuclear weapons with IHL.14 This occurred in its bilateral dialogue with States, as well as in various multilateral fora and events, such as the international conferences of States held Oslo, Nayarit and Vienna, and meetings of the NPT. The Oslo, Nayarit and Vienna conferences contributed to the development of the “Humanitarian Initiative” (Kmentt, 2015), and the concerted efforts of similarly motivated actors – States, international organizations, and civil society, such as the International Campaign to Abolish Nuclear Weapons (ICAN) – to emphasize the humanitarian effects of these weapons of mass destruction and to provide new evidence on their impact. This helped to shift the discussions away from one that historically focused on military and security issues and helped highlight what many had already believed: that the elimination and prohibition nuclear weapons is a humanitarian imperative that needs to be urgently dealt with.

The ICRC continued provide its views at, or on the occasion of, the various events and meetings that led to the adoption of the Treaty on the Prohibition of Nuclear Weapons, be they organized by States, the United Nations, or civil society.15 With

13ICRC, “The Effects of Nuclear Weapons on Human Health”, Information Note 1, February 2013; ICRC “Climate Effects of Nuclear War and Implications for Global Food Production”, Information Note 2, February 2013; ICRC, “Long-term Health Consequences of Nuclear Weapons”, Information Note 5, July 2015.

14ICRC, “Nuclear Weapons and International Humanitarian Law,” Information Note 4, February 2013.

15It should be noted that interactions between the ICRC and other organizations of the civil society on nuclear weapons are not new. For example, at the Round Table meeting of 1978 on the occasion of the 150th anniversary of the birth of the ICRC’s founder, Henry Dunant, seven organizations all of which had been awarded the Nobel Peace prize, expressed their support to the ICRC’s appeal for nuclear disarmament, sent on 23 May 1978 to all governments taking part in the special session of the United Nations General Assembly on disarmament.
regard to the “ban treaty” in particular, the ICRC recommended that its’ preamble contain a recognition of the lack of any adequate humanitarian response capacity to assist victims in the aftermath of a nuclear weapon detonation, recalling that the inability to provide such assistance is one of the key rationales for pursuing the prohibition and elimination of nuclear weapons. Another issue the ICRC recommended to add in the preamble was a recognition of the growing risks of the use of nuclear weapons by intent, miscalculation or accident, which reflect the urgent need for a prohibition treaty. The ICRC was also keen to have IHL and “the principles of humanity and the dictates of public conscience” clearly mentioned as the basis of the prohibition of nuclear weapons. The ICRC also felt it essential that the preamble of the new treaty reaffirm the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and recall the obligations of Article VI of the NPT and the commitments made in the action plans adopted by NPT Review Conferences.

With regard to victim assistance, the ICRC stressed that the needs of the victims of nuclear weapon detonations had to be recognized and advanced by the new treaty. The ICRC advocated that it take an approach similar to Article 5 of the Convention on Cluster Munitions (CCM). Article 5 of the CCM has been widely heralded as an important development of IHL and clearly sets a needs-based, humanitarian approach to victim assistance. It also outlined that States have a primary responsibility for the victims in areas under their jurisdiction or control and that this be supplemented by equally strong requirements for international cooperation and assistance.

Finally, the ICRC recommended the Treaty on the Prohibition of Nuclear Weapons contain a clear commitment regarding the elimination of nuclear weapons with their prohibition. The ICRC felt it crucial that the treaty provide a path to allow adherence by States that currently possess nuclear-weapons. Indeed, the elimination of nuclear weapons is essential to ensure that they are never again used. It was proposed that the treaty contain an obligation for a State Party to declare, remove from operational status and destroy any nuclear weapons that it may possess at the time of its adherence to the treaty. Such a commitment to eliminate nuclear weapons would allow a State that possesses nuclear weapons to join the treaty without needing to wait for the completion of its stockpile destruction.

**Working towards the elimination of nuclear weapons: Action plans of the international Red Cross and Red Crescent Movement**

Having the lead in the field of weapons and methods of warfare within the International Red Cross and Red Crescent Movement, the latter was primarily represented by the ICRC in international meetings on nuclear weapons. However, an important role in promoting a world free of such weapons has been played, and will continue to be played, by all components of the Movement, in particular many of the 196 National Societies of the Red Cross and Red Crescent like the JRCS.

The Council of Delegates of the International Red Cross and Red Crescent Movement, in its unanimously adopted Resolution 1 of 2011, called
“on all components of the Movement, utilizing the framework of humanitarian diplomacy

(1) to engage, to the extent possible, in activities to raise awareness among the public, scientists, health professionals and decision-makers of the catastrophic humanitarian consequences of any use of nuclear weapons, the international humanitarian law issues that arise from such use and the need for concrete actions leading to the prohibition of use and elimination of such weapons,

(2) to engage, to the extent possible, in continuous dialogue with governments and other relevant actors on the humanitarian and international humanitarian law issues associated with nuclear weapons and to disseminate the Movement position outlined in this resolution.”

To implement this Resolution 1, the Movement adopted a four-year plan of action for the period of 2013–2018, outlining activities that National Societies, the International Committee of the Red Cross (ICRC) and the International Federation of the Red Cross and Red Crescent Societies (Federation) intend to undertake and support,” at national, regional and international levels. National Societies were encouraged, for example, to publish materials on nuclear weapons in national languages, communicate the Movement’s concerns and position to relevant government officials, parliamentarians, and the general public in their countries. They would also engage with national disaster-planning agencies (a) to examine the likely humanitarian consequences of a nuclear detonation on national territory or in the region and the agencies’ response capacity, and (b) to encourage involvement of disaster-planning officials in the development of national positions on nuclear weapons.

Activities at regional and international levels included the encouragement of States to participate actively in multilateral meetings discussing the humanitarian consequences of these weapons, as well as Movement components joining their voices in relevant fora, such as the Nayarit and Vienna Conferences on the Humanitarian Impact of Nuclear Weapons, and at the occasion of commemorative events of the 70th anniversary of the Hiroshima and Nagasaki atomic bombings, in Japan and throughout the world. The National Societies of the Pacific Island Countries, Australia and New Zealand, as well as those from the Caribbean, were particularly effective in joining their efforts to develop regional positions. Another interesting outcome was the establishment, by the Federation, of an international network of National Societies active in promoting the Movement position on nuclear weapons, the “Nuclear Weapons Network Community of Practice” on a dedicated website, which was active until 2013. Maintaining its lead role in this field, as per its mandate, the ICRC was to provide reports on results achieved, next steps and opportunities for action by Red Cross and Red Crescent National Societies.

In advance of the Treaty on the Prohibition of Nuclear Weapons, leaders and experts from 35 Red Cross and Red Crescent National Societies, the ICRC and the International

16 Council of Delegates 2011 Resolution 1 “Working towards the Elimination of Nuclear Weapons,” 26 November 2011.
17 Council of Delegates 2013 “Working towards the Elimination of Nuclear Weapons: Four-Year Action Plan,” Sydney, Australia, 17–18 November 2013.
Federation of the Red Cross and Red Crescent Societies, met in Nagasaki in April 2017 and issued the Nagasaki Appeal and “Nagasaki Action Plan for the Non-use, Prohibition and Elimination of Nuclear Weapons.” These were intended to help inform and mobilize interested National Societies to convey the Movement’s views and messages to governments as they prepared for the UN coming negotiations.

Most recently, the Movement’s Council of Delegates, held on 10–11 November 2017 in Antalya, Turkey, adopted a new “Action Plan on the Non-use, Prohibition and Elimination of Nuclear Weapons” which covers the next four years (2018–2021). This plan was inspired by the Nagasaki Action Plan and sets a framework for the continued engagement of the Movement’s components on the nuclear weapons issue. Some of the key objectives are to promote adherence to the “ban treaty,” which had been adopted by States just four months earlier, and other important treaties on nuclear weapons with similar objectives, such as the Treaty for the Non-Proliferation of Nuclear Weapons (NPT).

The plan also seeks to raise awareness to the human suffering that can be expected as a result of any use of nuclear weapons; the increased risks of nuclear-weapon detonations in the current international environment; and to promote concrete measures that can be taken by States to reduce these risks and to ensure that these weapons are never used again. The education and promotion of the active engagement of the youth on the issue of the consequences of nuclear weapons in humanitarian terms was already part of the first Movement Action Plan 2013–2018. However, taking into account the urgency of transmitting the stories of survivors of past nuclear testing and atomic bombings, given the Hibakusha’s average age now being over 80, the new Action Plan puts a particular emphasis on promoting a better understanding of the experiences of the victims, and of the humanitarian, environmental and development implications of any use of nuclear weapons, in particular among young people, so that future generations will remain committed to continuing efforts to ensure a world without nuclear weapons.

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18 Statement by the International Red Cross and Red Crescent Movement, “Never again: Nagasaki must be the last atomic bombing,” Nagasaki, 26 April 2017. https://www.icrc.org/en/document/never-again-nagasaki-must-be-last-atomic-bombing.

19 http://www.jrc.or.jp/english/jrc_news/170601_004885.html.

20 Council of Delegates 2017 “Working towards the Elimination of Nuclear Weapons: Four-Year Action Plan 2018–2021,” Resolution CD/17/R4, Antalya, 10–11 November 2017.

21 More precisely, the components of the International Movement of the Red Cross and Red Crescent, in the 2018–2021 Action Plan on the Non-use, Prohibition and Elimination of Nuclear Weapons, committed to:

a. In States that negotiated the Treaty on the Prohibition of Nuclear Weapons:

- ensure those States sign the treaty as soon as possible, and promote their rapid ratification or accession to the treaty through public communications and contacts with parliamentarians and government officials;
- promote the early adoption of national legislation, policies and other measures to ensure effective implementation of the treaty.

b. In States not involved in the treaty negotiations:

- urge those States to adopt planning, policy and military practices that will not undermine the Treaty on the Prohibition of Nuclear Weapons and that will enable them to accede to the treaty;
- Urge States still associated with nuclear weapons to urgently adopt measures to reduce the risk of nuclear-weapon use by intent, miscalculation or accident, based on their existing international commitments. Such measures include reducing the role of nuclear weapons in military doctrine; taking nuclear weapons off “hair trigger” alert status; pre-notification of nuclear training exercises and missile launches; and the establishment of “early-warning” centres to ensure real-time communication concerning potentially destabilizing events;
- promote further deep reductions in nuclear-weapon arsenals in accordance with existing commitments.”
The ICRC will actively promote adherence to the “ban treaty” and urge all States to sign and ratify it as soon as possible. It will also continue to urge States, particularly those that possess or are associated with nuclear weapons to take measures to prevent the use of nuclear weapons by intent, accident or miscalculation. This includes urging nuclear weapon States to fulfil their long-standing nuclear risk reduction commitments (made notably in the 2010 NPT Action Plan). These messages will be passed in meetings and other traditional or ad hoc fora, as well as in the institution’s regular bilateral dialogue with all States, including those who are not parties to the new treaty. The ICRC’s Advisory Services is also available to help States develop national legislation to prevent and suppress any activity prohibited by the treaty undertaken by persons on territory under its jurisdiction or control.

Conclusion

The ICRC remains convinced that action to eliminate nuclear weapons is the only way to ensure that those tragic days in August 1945 never happen again. The adoption of the Treaty on the Prohibition of Nuclear Weapons on 7 July 2017 is an historic step in this direction. The awarding of the 2017 Nobel Peace Prize to ICAN for its efforts to mobilize the international community to develop a ban treaty is a further recognition of the significance that this treaty represents, especially in the current environment of rising international tensions. As Her Excellency Elayne G. Whyte Gómez, Costa Rica’s ambassador to the United Nations in Geneva and president of the conference, said “The world has been waiting for this legal norm for 70 years.”

While feeling elated by such results, we must actively build on the momentum as the need to advance towards a nuclear-free world is more urgent than ever. In the view of the ICRC, greater efforts must and can be made to review the significance of nuclear weapons in military plans, doctrines and policies, and States, in particular nuclear armed States and their allies, to reduce the risk of a detonation even before these weapons are fully eliminated. Such actions are based on existing commitments and obligations.

The clear and comprehensive prohibition of nuclear weapons on the basis of IHL contained in the “ban treaty” also contributes to reinforce the relevance of this body of law, as reminded in the ICRC and Federation’s most recent joint statement.

Whereas there are compelling reasons for the prohibition and elimination of nuclear weapons, as this article outlines, one must acknowledge that they have not been used in an armed conflict since 1945. Yet, there is ongoing tremendous human suffering in armed conflicts today. Current and recent conflicts – such as those in Syria, Ukraine, Afghanistan, Yemen, Iraq and Gaza – have caused massive civilian causalities and

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22 As guardian of IHL, an essential part of the ICRC’s mandate is to prevent suffering and to alleviate the effects of armed conflict, and to foster respect for humanitarian law and principles. The ICRC does the latter, by notably spreading knowledge of the law applicable in situations of armed conflict, supporting its implementation by States at relevant domestic levels – notably, within the armed forces, monitoring respect for it, reminding parties to conflicts of their obligations, and making confidential representations to the relevant authorities in the event of its’ violations.

23 Joint Statement by the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies on the adoption of the Treaty on the Prohibition of Nuclear Weapons, 7 July 2017. https://www.icrc.org/en/document/joint-statement-adooption-treaty-prohibition-nuclear-weapons.

24 Statement by Ms. Christine Beerli, Vice President of the ICRC at the United Nations General Assembly, 71st session, First Committee, General debate on all disarmament and international security agenda items. https://www.icrc.org/en/document/weapons-nuclear-statement-unga-2016.
immense human suffering and have also highlighted the devastating impact that heavy explosive weapons can have on civilians when used in populated areas. Explosive weapons with wide-area effects such as large bombs and missiles, indirect-fire weapon systems such as mortars, rockets and artillery, multi-barrel rocket launchers, and certain types of improvised explosive devices, have a significant likelihood to strike civilians and combatants without distinction when used in populated areas. In addition, such weapons tend to cause extensive damage to critical civilian infrastructure, triggering debilitating “domino effects” on interconnected essential services such as health care, and water and electricity supply systems. These effects can hamper delivery of assistance to victims, which in turn can provoke further civilian death and displacement. Furthermore, such humanitarian consequences are exacerbated in protracted armed conflicts.

In parallel, there are voices that increasingly question the relevance and appropriateness of humanitarian law, notably in relation to new technologies, and the evolving nature of warfare. They cite that the Geneva Conventions were written with traditional armies and very different types of battlefields in mind and argue that the law may not be adequate for these developments. It is however the ICRC’s view that IHL is the relevant and appropriate legal framework for regulating the conduct of parties to armed conflicts and ensuring protection of victims of armed conflicts, and that it will continue to be so into the future. What is needed first and foremost is greater respect for and compliance with the existing rules, and additional development of the law when necessary.

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