



OSSERVATORIO SULLE ORGANIZZAZIONI NON GOVERNATIVE N. 2/2023

1. THE INTERNATIONAL RED CROSS RED CRESCENT MOVEMENT'S WORK TOWARDS A NUCLEAR-WEAPON-FREE WORLD

1. The International Red Cross Red Crescent Movement's position on nuclear weapons based on their devastating humanitarian effects, and IHL rules and principles

Nuclear weapons are explosive devices whose destructive force results from either nuclear fission chain reactions or combined nuclear fission and fusion reactions. They are unique – also compared to other weapons of mass destruction – in that they release a combination of incredibly devastating forces, namely powerful blast waves, intense heat in the form of thermal radiation and high amounts of ionizing radiation. Moreover, their detonation produces the so-called nuclear fallout, that is to say residual radioactive particles that can spread over great distances (see UNITED NATIONS DEPARTMENT OF DISARMAMENT AFFAIRS, *Comprehensive Study on Nuclear Weapons*, Report of the Secretary General, UN Doc. A/45/373, 1991). Accordingly, their use, especially in or near populated areas, can cause devastating consequences for human health, civilian structures, and the environment, both in the short and long term (see ICAN [here](#)). In the short term, the blast can indeed kill an enormous amount of people close to ground zero and cause lung injuries, ear damage and internal bleeding even to those further away. It also causes extensive damage to civilian infrastructure, which prevents the provision of the necessary medical and humanitarian assistance in the immediate aftermath. Thermal radiation effects include “flashblindness” in people who look in the direction of the explosion; severe skin burns and firestorms are also likely to develop. In addition to these short-term effects, the detonation of a nuclear weapon has a long-term impact. Indeed, the ionizing radiation it produces either directly kills or sickens those exposed, and affects health in the long-term causing cancer and genetic damage. Finally, such radiation also widely contaminates the environment. [Studies](#) have shown that even a limited regional nuclear war could cause global climate cooling that would cut food production for many years and put one billion people at risk of starvation worldwide. All these catastrophic effects have been clearly demonstrated by nuclear weapons' first and only use in Hiroshima and Nagasaki on 6 and 9 August 1945. As [reported](#) by the [International Campaign to Abolish Nuclear Weapons \(ICAN\)](#), the uranium bomb detonated over Hiroshima on 6 August razed and burnt around 70% of all buildings and killed an estimated number of 140,000 people by the end of 1945, along with increased rates of cancer, leukemia and other chronic diseases among the survivors. The plutonium bomb, which was dropped over Nagasaki on 9 August, levelled 6.7 sq. km. of the city and killed

74,000 people by the end of the same year. It was also reported that ground temperatures reached 4,000°C and radioactive rain poured down. The destruction did not spare medical infrastructure nor healthcare personnel, considering that around 90% of doctors and nurses were killed or injured, and 42 out of 45 hospitals were disrupted. In 2015, the [International Committee of the Red Cross \(ICRC\)](#) and the Japanese Red Cross Society, who were among the first responders in Hiroshima and Nagasaki, published an information note (information note n. 5 on the “Long-term Health Consequences of Nuclear Weapons”) according to which, at the time – seventy years after the dropping of the atomic bombs on the two cities – the Japanese Red Cross hospitals still treated several thousand victims each year for cancers and illness attributable to the 1945 bombings.

Since these bombings, the legality of nuclear weapons under international law – i.e. international humanitarian law (IHL), which is the law applicable in situations of armed conflict – has been at the center of the international debate (see, e.g., G. NYSTUEN, S. CASEY-MASLEN, A. GOLDEN BERSAGEL, *Nuclear Weapons under International Law*, Cambridge, 2014). Indeed, since any potential use of a nuclear weapon is likely to occur in the conduct of hostilities within an armed conflict, it is clear that such use is to be judged under this body of law seeking to limit the effects of warfare. Until recently, nuclear weapons were the only weapons of mass destruction not subject to a categorical ban despite the devastating humanitarian consequences resulting from their use. Nevertheless, on 7 July 2017, 122 States decided to adopt the [Treaty on the Prohibition of Nuclear Weapons \(TPNW\)](#), which entered into force on 22 January 2021 and established, for the first time in history, a global and unequivocal ban on the use and testing of such weapons. In any event, relevant IHL rules and principles continue to apply to the potential use of nuclear weapons in situations of armed conflicts, and that is the case for States who are not or not yet party to the TPNW as well. Indeed, the following IHL rules and principles apply to all means and methods of warfare, including nuclear weapons: the principle that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, the principle of distinction, the prohibition of indiscriminate and disproportionate attacks, the obligation to take all feasible precautions in an attack, the prohibition to use weapons of such a nature to cause superfluous injury or unnecessary suffering, the rules on the protection of the natural environment and the Martens clause (see [the ICRC’s legal and policy position on nuclear weapons](#)). The latter is a provision found in IHL treaties, notably the 1977 Additional Protocols to the Geneva Conventions of 1949, which states that – in cases not covered by existing treaty law – belligerents remain nonetheless «under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience». The applicability of IHL to nuclear weapons had been already confirmed by the International Court of Justice (ICJ) in its well-known [advisory opinion of 1996 concerning the legality of the threat or use of nuclear weapons](#) (paras. 79 and 85-86), as well as by [States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons \(NPT\)](#) in [one of the final documents of the 2010 Review Conference](#) (Vol. I, p. 19), and in the preamble of the TPNW. In light of these existing principles and rules and the way in which nuclear weapons with their unlimited destructive capacity can impact them, it is extremely doubtful that they could ever be used in compliance with IHL. A similar conclusion was also reached by the ICJ in the above-mentioned advisory opinion of 1996, where it stated that the use of nuclear weapons would be “generally contrary” to the principles and rules of IHL, although the Court was unable to «reach a definitive conclusion as to the legality or illegality of the use of nuclear weapons by a State in

an extreme circumstance of self-defense, in which its very survival would be at stake» (para. 97).

The deep concern about the devastating humanitarian and environmental consequences of any use of nuclear weapons as well as their incompatibility with IHL are at the basis of the [International Movement of the Red Cross and Red Crescent](#) (the RCRC Movement)'s work towards their elimination.

2. From Hiroshima and Nagasaki to the entry into force of the TPNW: the RCRC Movement and non-Governmental efforts to reframe the legal and policy debate on humanitarian grounds

Immediately after witnessing the devastating effects of nuclear weapons while working alongside the Japanese Red Cross Society to assist the wounded and dying civilians in Hiroshima and Nagasaki in 1945, the ICRC started calling for the abolishment of nuclear weapons. In the following decades, the entire Movement continued calling for the absolute prohibition of nuclear weapons, as demonstrated by the several resolutions adopted at different RCRC [International Conferences](#), which are the non-political fora bringing together representatives of the States Parties to the Geneva Conventions and all the Movement's components every four years to discuss key matters of humanitarian concern and make joint commitments. However, during the Cold War, the political debate around nuclear weapons has been mostly dominated by geopolitical arguments, national security theories and deterrence doctrines.

Against this backdrop, the Movement and other civil society organizations' efforts have been pivotal in trying to shift the focus towards the humanitarian aspect and the horrific consequences the potential use of nuclear weapons would entail for humankind. In the post-Cold War era, alongside the Movement, an instrumental role in generating momentum towards the elimination of nuclear weapons was played by [ICAN](#) – a coalition of NGOs from local peace groups to global federations present in one hundred Countries which was initiated by the federation of [International Physicians for the Prevention of Nuclear War \(IPPNW\)](#) and formally launched in Austria in 2007. Inspired by the success of the [International Campaign to Ban Landmines \(ICBL\)](#), which in the 1990s played a crucial role representing the voice of civil society in the diplomatic arena in the negotiations leading to the adoption of the 1997 Mine Ban Treaty, ICAN has worked since its foundation to build a powerful global grassroots movement of public support for the abolition of nuclear weapons and help reshape the debate around them on humanitarian grounds. Among its various activities, throughout the years, ICAN has organized global days of action, hold awareness-raising events, engaged in advocacy work at the United Nations (UN) and in national parliaments and worked alongside survivors of the atomic bombings of Hiroshima and Nagasaki – who are referred to as “Hibakusha” in Japanese – as well as of nuclear tests to help share their crucial testimonies.

A turning point in this work to influence States policies, practice and international law, was marked by the [ICRC President's appeal](#) to the Geneva diplomatic corps in April 2010, which «served as a catalyst [...] to reframe the debate on nuclear weapons in humanitarian terms» (see [the mentioned ICRC's legal and policy position on nuclear weapons](#), p. 1478). Indeed, encouraging States to look at nuclear weapons through the lens of humanity and IHL, the ICRC President called on them to fulfil their existing obligations – i.e. under Art. VI of the NPT – to pursue negotiations aimed at prohibiting such weapons in the form a legally binding international treaty, for their complete elimination. Moreover, around the

same years, the ICRC conducted assessments (see [here](#) and [here](#)) on the national and international capacity to adequately assist victims of a potential use of nuclear weapons, among other weapons of mass destruction. The findings highlighted that there is a lack of capacity – both in most countries and at the international level – to respond to a nuclear detonation, thus adding a further sense of urgency to the need of banning them. Similarly, a [study](#) conducted by the UN Institute for Disarmament Research (UNIDIR) in 2014 highlighted also the United Nation’s lack of planning and capacity to respond to such situations.

Some of the efforts and concerns raised by the Movement and the civil society evoked a response at the multilateral level as, in 2010, the NPT Review Conference expressed for the first time in [one of its final documents](#) «its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons» and affirmed the need for all States to comply with applicable international law, including IHL, at all times. Additionally, for the first time at an NPT Review Conference, a wide majority of non-nuclear-weapon States expressed strong support for the negotiation of a Nuclear Weapons Convention as a global comprehensive legal framework to ban and eliminate nuclear weapons, despite the fact that they did not manage to formally commit at that time.

Building on this momentum, in November 2011, the RCRC [Council of Delegates](#) – a meeting gathering together every two years all Movement’s components to set common strategies and approaches on pressing humanitarian issues – adopted a landmark resolution on nuclear weapons ([Resolution 1](#)), calling on States to ensure that these weapons are never used again and to pursue and conclude with urgency negotiations on a legally binding international agreement to prohibit and eliminate them, based on existing commitments and international obligations. The Movement’s position, together with ICAN’s work and the recent developments at multilateral fora like the NPT Review Conference of 2010, fueled efforts to advance nuclear disarmament in the interests of humanity and led to the convening of a series of three intergovernmental conferences on the humanitarian impact of nuclear detonations in 2013 and 2014, where all Movement’s components played an active role and ICAN served as the civil society coordinator. Following up on the outcome of these conferences, a UN working group to examine specific proposals to advance nuclear disarmament was set up and issued, in August 2016, a report recommending the negotiation of a nuclear ban treaty. A few months later, in December 2016, the UN General Assembly adopted a milestone [resolution](#) launching negotiations on a legally binding instrument to prohibit nuclear weapons. The ICRC was consulted during such negotiations, and provided its views on relevant aspects of the draft treaty.

Finally, on 7 July 2017, 122 States adopted the TPNW, which entered into force on 22 January 2021 after the 50th ratification by Honduras. It is the first IHL instrument which comprehensively prohibits nuclear weapons as a necessary first step towards their elimination and which attempts to mitigate the catastrophic consequences of their use and testing. Indeed, it requires States Parties affected by them to provide assistance to victims on their territory and to take measures towards the environmental remediation of contaminated areas. Moreover, it provides pathways for further measures to achieve nuclear disarmament and its verification. Last but not least, the Treaty’s preamble explicitly asserts the incompatibility of nuclear weapons with IHL and acknowledges the role of the Movement as the voice of “public conscience” in furthering the principles of humanity with its calls for the total elimination of these weapons. The Movement’s components are also provided with the role to help assisting victims of nuclear weapons use and testing.

3. *Current challenges and way forward to bring the era of nuclear weapons to an actual end*

Although the TPNW represents the culmination of decades of advocacy work carried out by the RCRC Movement and other civil society organizations and coalitions such as ICAN, who was also awarded with the Nobel Peace Prize in 2017 in recognition of its ground-breaking efforts, its entry into force certainly does not represent the end of the story. At present, there is still [an estimated total of approx. 13,000 nuclear weapons in the world](#), most of which are way more powerful than the nuclear weapon used in Hiroshima. The risk that such weapons may be used again, by either intent, miscalculation or accident, is higher than any other time since the Cuban missile crisis of 1962 (see Eric Schlosser [here](#)) and does not seem to decline. On the contrary, since the beginning of the conflict in Ukraine in February 2022, the rhetoric around the threat of use of nuclear weapons and their role in military strategies has been on the rise again, along with the worrying trend towards a new nuclear arms race (see the [SIPRI Yearbook 2022](#)).

In response to this deteriorating security environment, the RCRC Council of Delegates of 2022 decided to adopt the so-called “[2022-2027 Action Plan on the Non-Use, Prohibition and Elimination of Nuclear Weapons](#)” relating to Resolution 7, seizing with urgency the unique opportunities offered by the entry into force of the TPNW to take effective steps to bring the era of nuclear weapons to an actual end. Particularly, it urges all Movement’s components to undertake the activities laid out therein in order to promote and support the implementation by States of effective risk-reduction measures, universalization and full implementation of the TPNW as well as other mutually reinforcing instruments of international law that seek to achieve the goal of a world free of nuclear weapons, including the NPT, the [Comprehensive Nuclear-Test-Ban Treaty](#) and regional treaties establishing nuclear-weapon-free-zones. In parallel, it aims at further raising awareness of the incalculable human suffering, environmental and development damage that would be caused by any use of nuclear weapons, as well as of the lack of any adequate humanitarian response capacity – both at the national and international level – to such an event. It is a plan that builds upon the Movement’s long-standing efforts towards the elimination of nuclear weapons, and particularly the commitments already made by the Movement’s components from the historic Resolution 1 of the 2011 Council of Delegates onwards (i.e. [Resolution 1](#) of the 2013 Council of Delegates and [Resolution 4](#) of the 2017 Council of Delegates).

An example of the work carried out by a Movement’s component at the national level in furtherance of these Resolutions’ objectives is that of the [Italian Red Cross “Nuclear Experience” advocacy campaign](#). This campaign was launched on 26 September 2019 – the international day for the total elimination of nuclear weapons, with the long-term goal of having Italy ratifying the TPNW, thus providing an important contribution to its universalization efforts. Indeed, the TPNW has currently been ratified by 68 States, none of which is a State possessing or associated with nuclear weapons, as it is the case for Italy. While working towards this goal and always within the framework of the “Nuclear Experience” campaign, the Italian Red Cross also holds training courses for volunteers specializing on this issue as well as a series of awareness-raising activities, with a view to carrying out a widespread action throughout the country and raise awareness on the devastating and irreversible effects caused by any potential use of nuclear weapons.

To conclude, since the goal of a nuclear-weapon-free world is still far from being reached, the entry into force of the TPNW rather marks a new beginning in the Movement’s

work towards the elimination of these weapons to ensure that this Treaty is fully implemented – along with other instruments pursuing similar objectives – and encourage States who are not yet party to it to ratify it. The First Meeting of States Parties (MSP) to the TPNW, which took place in June 2022 in Vienna, represented a positive development reaffirming the relevance and added value of the TPNW in the broader nuclear disarmament and non-proliferation framework and successfully adopting the ambitious [Vienna Action Plan](#), which sets out 50 concrete and progressive actions to implement the Treaty. It also created three informal working groups to take forward actions in relation to three specific areas: nuclear disarmament verification (Art. 4); victim assistance, environmental remediation and international cooperation and assistance (Arts. 6-7); and universalization (Art. 12). The 1st MSP was preceded by the [2022 Vienna Conference on the Humanitarian Impact of Nuclear Weapons](#), which followed the three humanitarian conferences held in 2013 and 2014 leading to the negotiation and adoption of the TPNW, as well as by the [ICAN Nuclear Ban Forum](#), bringing together social change innovators, educators and various experts to renew civil society's engagement to put an end to nuclear weapons. In the current year, considering the increasing threats at stake, the RCRC Movement, ICAN and other relevant civil society organizations will certainly continue working tirelessly to promote the advancement of nuclear disarmament and keep this issue as a top priority in the international agenda. Among others, the G7 Summit that will be host in Hiroshima from 19 to 21 May as well as the 2nd MSP to the TPNW that will take place in New York from 27 November to 1 December will prove to be two very important appointments to further intensify efforts and States' concrete engagement and progress in this regard.

As expressly pointed out by the Movement in several occasions, nuclear weapons threaten the very survival of humankind and there would be no adequate response capacity to the humanitarian needs their use would create. Accordingly, we must ensure they are never used again. To put it in the words of the former ICRC Director of the Law and Policy department, Helen Durham : *«what we cannot prepare for, what we cannot respond to, we must prevent»*. And act fast, I would add.

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