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# 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## **Views and considerations of the International Committee of the Red Cross**

### **Working paper submitted by Switzerland on behalf of the International Committee of the Red Cross**

Switzerland recognizes the role of the International Committee of the Red Cross (ICRC) and the International Red Cross and Red Crescent Movement in, and contribution to, nuclear disarmament.

Considering its special relationship as the host State of ICRC, Switzerland submits herewith views and considerations of ICRC on the occasion of the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (see annex).

The considerations below are those of ICRC and do not reflect the official policy or positions of Switzerland.



## Annex

### **Views and considerations of the International Committee of the Red Cross for the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

1. The International Committee of the Red Cross (ICRC) and the entire International Red Cross and Red Crescent Movement have continuously advocated for the prohibition and elimination of nuclear weapons since 1945, when they witnessed first-hand the horrific devastation and suffering caused by the atomic bombings in Hiroshima and Nagasaki.

2. The Treaty on the Non-Proliferation of Nuclear Weapons is recognized as the cornerstone of the international nuclear disarmament and non-proliferation regime. Together with the Comprehensive Nuclear-Test-Ban Treaty, the regional treaties establishing nuclear-weapon-free zones and the Treaty on the Prohibition of Nuclear Weapons, the Non-Proliferation Treaty provides a solid framework for efforts towards the elimination of nuclear weapons. ICRC calls upon all States that are not parties to these instruments to adhere to them without delay.

#### **The catastrophic humanitarian consequences of the use of nuclear weapons**

3. In its first preambular paragraph, the Non-Proliferation Treaty acknowledges the “devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war”. The effects of nuclear explosions on human health, the environment and medical infrastructure have been systematically documented by ICRC and other international and non-governmental organizations and experts since 1945. Evidence of the immediate and longer-term impacts of the use and testing of nuclear weapons has been the subject of extensive scientific investigation. This evidence<sup>1</sup> demonstrates the following:

4. The detonation of a nuclear weapon in or near a populated area would – as a result of the blast wave, intense heat, and radiation and radioactive fallout – cause massive death and destruction, trigger large-scale displacement and cause long-term harm to human health and well-being, as well as long-term damage to the environment, infrastructure, socioeconomic development and social order. The use of only a small fraction of existing nuclear arsenals against targets in an urban area would, in addition to spreading radiation around the world, lead to a cooling of the atmosphere, shorter growing seasons, food shortages and a global famine.

5. The effects of a nuclear weapon detonation cannot be contained. They would likely spread far beyond the targeted area, potentially over great distances and across national borders. The use of even a single nuclear weapon could cause significant and long-term damage to the natural environment over a wide area due to the spread and impact of dust, soot and radioactive particles on the atmosphere, soil, water, plants and animals.

6. No State, international or humanitarian organization could appropriately address the immediate humanitarian emergency and the long-term consequences of a

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<sup>1</sup> For a more detailed overview of the humanitarian consequences of nuclear weapons and on the need for further research on specific aspects, see the report of the 2020 expert meeting on the humanitarian impacts and risks of the use of nuclear weapons, organized by ICRC and the International Federation of Red Cross and Red Crescent Societies, available at: <https://www.icrc.org/en/document/humanitarian-impacts-and-risks-use-nuclear-weapons>.

nuclear weapon detonation in a populated area, nor provide appropriate assistance to those affected and ensure full environmental remediation.

7. Stark evidence continues to emerge on the sex- and age-differentiated impacts of ionizing radiation on human health, in particular the disproportionate impact on women and children; the long-term impacts of nuclear tests on the environment, including the cascading effects on mortality and infant mortality rates; the consequences of a nuclear war on the global climate, food security and ocean acidification; and the lack, or limitations, of regional preparedness and response measures to nuclear weapon use and testing.

8. Nevertheless, there is a need for continued and scaled-up efforts to research and understand the effects of ionizing radiation on reproductive health, as well as the humanitarian and environmental consequences of nuclear weapon testing.

9. Communities in former nuclear testing areas continue to be affected today by the impacts of ionizing radiation. Many of these do not have sufficient information about their own history of exposure, the current risks of living in a radioactively contaminated area and the intergenerational risks associated with radiation exposure. Lack of transparency and failure to take the perspectives, lifestyles and needs of affected communities into account need to be overcome in future research efforts.

10. Research into the humanitarian consequences of nuclear weapon use and testing is necessary to inform our understanding of the unique characteristics of these weapons and the scale of the catastrophic consequences their use would create; to uphold the rights of the individuals and communities affected; to provide a crucial basis for humanitarian preparedness and response, as insufficient as they will always be; and to assess the legality of nuclear weapon use under international humanitarian law.

#### **A need for evidence-based decision-making**

11. Such research gives a fact-based entry point for otherwise often politicized discussions about nuclear disarmament and nuclear non-proliferation. Indeed, findings, data and evidence on the impact of nuclear weapons need to be integrated into and inform policy, decision-making and military planning.

12. The 2010 Review Conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirmed the need for all States at all times to comply with applicable international law, including international humanitarian law.<sup>2</sup> In the view of ICRC, it is extremely doubtful that nuclear weapons could ever be used in accordance with the principles and rules of international humanitarian law. Moreover, the use of and threat to use nuclear weapons would be abhorrent to the principles of humanity and dictates of public conscience.

13. In view of the catastrophic humanitarian consequences of any use of nuclear weapons, it is a humanitarian imperative for States to ensure that they are never used again and to prohibit and eliminate them, regardless of their views on the legality of nuclear weapons under international humanitarian law.

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<sup>2</sup> 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document (NPT/CONF.2010/50 (Vol. I)), Conclusions and recommendations for follow-on actions, section I (A), para. v (p. 19).

**A growing risk of nuclear weapon use and the urgent need for risk reduction measures**

14. Although nuclear weapons have not been used in armed conflict since 1945, the risks of a nuclear weapon detonation, whether by accident, miscalculation or design, are too high, and the probability of such a detonation occurring is increasing.<sup>3</sup> These risks stem from the maintaining of nuclear arsenals on high levels of alert; the vulnerability of nuclear weapon command-and-control networks to human error and cyberattack, which grows with technological developments that increase complexity and vulnerability of such networks; existing military doctrines and security policies that give a prominent role to nuclear weapons; and the dangers of access to such weapons and related materials by non-State actors. These risks are compounded by growing international and regional tensions and the ongoing modernization and development of new nuclear weapons with novel, “more usable” capabilities.

15. Given their catastrophic humanitarian consequences, the risk of any nuclear weapon use is unacceptable, and reducing it is an urgent humanitarian imperative. We recognize that in the last two decades, significant steps have been taken to reduce the numbers of nuclear weapons from Cold War levels. Yet quantitative reductions alone do not reduce the risk of their use in light of the facts and dangers mentioned above. Additional risk reduction measures are therefore urgently needed, pending the complete elimination of nuclear weapons. Nuclear-weapon States and those allied to them bear particular responsibility in this respect. All other members of the international community have a stake in ensuring they do so.

16. Such measures are well known and include unequivocal commitments never to use nuclear weapons first; removal of nuclear weapons from high operational alert; pre-notification of military exercises that may involve the launch of missiles or other vehicles associated with nuclear weapons; re-establishment of joint early warning centres to clarify in real time unexpected and potentially destabilizing events; and steps to progressively reduce the role of nuclear weapons in security policies.

17. At the same time, nuclear risk reduction cannot become a substitute for the implementation of States’ legally binding obligations to achieve nuclear disarmament, notably article VI of the Non-Proliferation Treaty, according to which “[e]ach of the Parties to the Treaty undertakes 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, and on a treaty on general and complete disarmament under strict and effective international control”.<sup>4</sup> The only way to guarantee that nuclear weapons are never used again is by prohibiting and eliminating them.

**Recommendations to the tenth Review Conference**

18. States party to the Non-Proliferation Treaty must use the tenth Review Conference to change course, away from threats of use and modernization of nuclear arsenals, towards full implementation of commitments they made at the 2010 Review Conference and previously to nuclear arms reductions, risk reduction and other effective nuclear disarmament measures on which little progress has been made to date.

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<sup>3</sup> For a more detailed overview of the risks of nuclear weapon use and the factors impacting on them, see the report of the 2020 expert meeting on the humanitarian impacts and risks of the use of nuclear weapons (referenced in footnote 1 above), section III.

<sup>4</sup> See also International Court of Justice, Advisory Opinion, “Legality of the Threat or Use of Nuclear Weapons”, 8 July 1996, paras. 99–101.

19. ICRC urges States party to the Non-Proliferation Treaty to take the opportunity of the tenth Review Conference to:

(a) Reiterate the deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirm the need for all States at all times to comply with applicable international law, including international humanitarian law;

(b) Affirm that it is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances;

(c) Reiterate that the mere continued existence of nuclear weapons represents the greatest threat to humanity and that the total elimination of nuclear weapons is the only absolute guarantee against their use or threat of use;

(d) Call upon all nuclear-weapon States and those that rely on nuclear weapons in their security postures to urgently take all necessary nuclear risk reduction measures, including measures to diminish the role of nuclear weapons in their military doctrines, urgent steps to remove nuclear weapons from high operational alert and efforts to implement effectively all other relevant commitments undertaken under the 2010 action plan;

(e) Explore complementarity with, and the opportunities offered by, the Treaty on the Prohibition of Nuclear Weapons, in particular with regard to assistance to victims of nuclear weapon use or testing, as well as remediation of the natural environment impacted by such use or testing;

(f) Commit to increasing public awareness of the risks and the catastrophic impact of any nuclear detonation, including through disarmament education and the work of international and civil society organizations.

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