

International Humanitarian Law, nuclear weapons and the role of parliamentarians

Dear Parliamentary Colleagues,

There are a number of exciting developments in the area of international humanitarian law (IHL) and nuclear weapons that are opening the door to the global abolition of nuclear weapons. Parliamentarians have a unique opportunity to seize these developments and strengthen the growing norm against nuclear weapons through your respective legislatures.

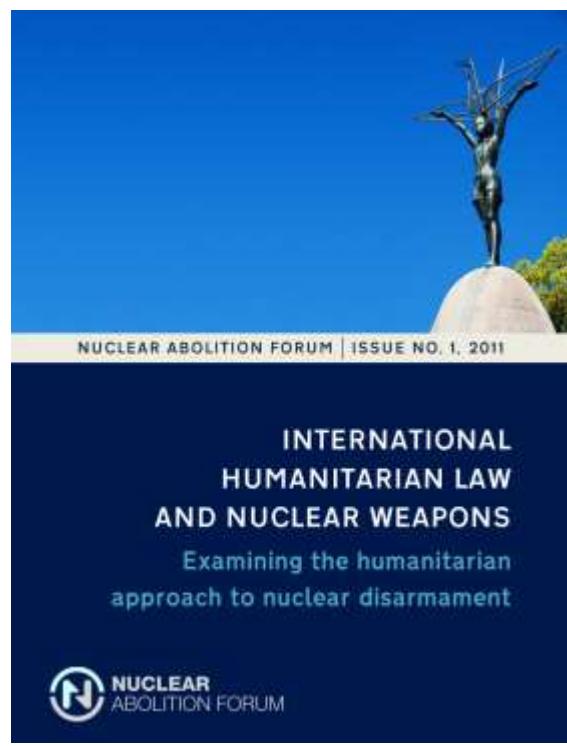
IHL governs the use of weaponry and force in war. It prohibits the use of weapons or methods of warfare that cause indiscriminate harm to civilians (who are protected), cause unnecessary suffering to combatants, violate neutral territories, are dis-proportionate to the precedent attack or military objective, or cause long-term and severe damage to the environment.

The inhumane and indiscriminate effects of landmines and cluster munitions provided an imperative to prohibit those weapons despite their potential military utility. This helped bring about the landmines and cluster munitions treaties. Recent initiatives to apply IHL to nuclear weapons provide a similar imperative to achieve a global treaty banning nuclear weapons.

In May 2010, States Parties to the Non-Proliferation Treaty agreed that all States must 'at all times comply with applicable international law, including international humanitarian law', and that 'any use of nuclear weapons' would cause 'catastrophic humanitarian consequences'.

On February 11, 2011, a group of international law experts released the [Vancouver Declaration: Law's Imperative for the Urgent Achievement of a Nuclear-Weapon-Free World](#). Click [here](#) for a list of endorsers.

On October 19, 2011, a group of leading non-governmental organisations including the Global Security Institute, launched the [Nuclear Abolition Forum](#) to facilitate dialogue on the process to achieve and sustain a nuclear weapons free world. The [inaugural issue](#) focuses on IHL and Nuclear Weapons. The launch included a presentation by Rosalyn Cook (World Court Project UK) of [Citizens' Affirmations of the Criminality of Nuclear Weapons Use](#).



Inaugural issue of the Nuclear Abolition Forum



On November 26, 2011, the Council of Delegates of the Red Cross and Red Crescent Societies [adopted a resolution](#) on the irreconcilability of nuclear weapons with IHL, calling for States to undertake in good faith, and conclude, negotiations to prohibit the use of and completely eliminate nuclear weapons through a legally binding international agreement. The resolution also calls on Red Cross and Red Crescent societies to engage with relevant actors on the humanitarian and international humanitarian law issues associated with nuclear weapons.

This was followed up by a resolution adopted by the Council of Delegates in 2013 which included a work plan for the International Federation of

Red Cross and Red Crescent Societies. The work plan called for cooperation with parliamentarians to advance the goal of a nuclear weapons free world.

See [International Red Cross Movement calls for nuclear abolition: adopts 4-year action plan](#)

The International Committee of Red Cross (ICRC) and some Red Cross/Crescent societies have produced excellent materials and activities. See:

- [Nuclear Weapons](#), ICRC Brief 2011
- [Make Nuclear Weapons the Target](#), Red Cross Australia campaign
- [A Unique Threat to Humanity](#), Red Cross Australia *IHL magazine*, Issue 2, 2011

Suggested parliamentary actions:

1. **Endorse** the [Vancouver Declaration](#); (send endorsement to johnburroughs@lcnp.org)
2. **Contact** your [national section of Red Cross/Red Crescent](#) to see what they are planning to do to implement the Red Cross/Red Crescent resolutions;
3. **Submit** the Vancouver Declaration and the Red Cross/Red Crescent resolutions to your parliament;
4. **Affirm** the [criminality of nuclear weapons use](#);
5. **Call on** your government to join with others in commencing negotiations on the global prohibition and elimination of nuclear weapons. (See [A Global Law to Ban Nuclear Weapons](#))

Further reading:

1. "[International humanitarian law and nuclear weapons: irreconcilable differences](#)," *Bulletin of Atomic Scientists* (we recommend you also subscribe to the *Bulletin*.)
2. "[Nuclear Weapons and Compliance with International Humanitarian Law and the Nuclear Non-Proliferation Treaty](#)," *Fordham International Law Journal*
3. "[Taking the Law Seriously: The Imperative Need for a Nuclear Weapons Convention](#)," *Fordham International Law Journal*



Rosalyn Cook of the World Court Project UK presenting affirmations of the criminality of nuclear weapons to UN High Representative Sergio Duarte, 2011