

**Nuclear weapons and the ICRC: An open letter from Wildfire>_ to
Peter Maurer, President of the International Committee of the Red Cross**

Geneva, 12 November 2014

Dear Mr Maurer

The ICRC endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. In accordance with this mission, the ICRC has rightly been concerned about nuclear weapons, from the moment they were first used to such horrifying effect in 1945.

But in marked contrast to the clarity and resolve it displayed in leading the international effort to outlaw two other types of inherently inhumane weapons – antipersonnel landmines and cluster munitions – the ICRC has failed to push effectively for a similar legal prohibition of nuclear weapons. Worse, the ICRC is unwittingly aiding and abetting the nuclear-armed states in delaying disarmament and retaining their arsenals.

This is perhaps not obvious, given the ICRC's consistent statements in favour of nuclear disarmament. But when you compare the clear and forthright terms of the ICRC's stance on antipersonnel landmines with the hedging and qualification of its language on nuclear weapons, it becomes disturbingly apparent. In the 1990s, the ICRC held that antipersonnel landmines posed an intolerable humanitarian problem, that existing legal instruments were manifestly inadequate, and that a total ban was the only solution. It called unreservedly on states and the Movement to pursue such a ban, even if major producers and users of landmines were not ready to join.

In contrast, today the ICRC merely "finds it difficult to envisage" how any use of nuclear weapons could be compatible with international humanitarian law. It urges states "to reflect on how to make significant progress" on nuclear disarmament. It refers to a legally binding international instrument "based on existing commitments and international obligations". When civil society began calling for negotiations (with or without the participation of the nuclear-armed states) on a new treaty unambiguously banning nuclear weapons, the ICRC pointedly avoided endorsing such a proposal. Apparently, under your presidency, the ICRC believes it is up to states to choose the best approach to nuclear disarmament, and to lead the way forward – or not – while the ICRC waits discreetly in the background.

This is an abdication of responsibility and leadership, when they are sorely needed. Not only does it put the cart before the horse, but the horse itself appears to be creeping backwards. Your "neutral" stance serves only to reinforce the fiction that nuclear weapons – and those

who possess them – are somehow exceptional and deserving of special dispensation from humanitarian norms. Although surely not your intention, this approach protects the interests of the nuclear-armed states, and helps them maintain the status quo. This is at the expense of the large majority of states, which have forsaken nuclear weapons through the NPT but which remain unfairly and unjustly exposed to their unacceptable humanitarian risks and consequences.

The leadership shown by the ICRC on landmines and cluster munitions, so vital to the creation of those treaties, is thus lamentably absent for nuclear weapons (imagine if the ICRC had left it to states to decide whether the CCW was an adequate approach to antipersonnel landmines). Perhaps there is another explanation, but it is “difficult to envisage” how this disparity in approach on the part of the ICRC could derive from anything other than cowardly and unprincipled capitulation to pressure from nuclear-armed states interested in preserving the legitimacy of their arsenals.

Pressure from self-interested governments is of course a reality of the political context in which the ICRC must operate. But it is hard to understand the ICRC’s reticence to take a clear stand on prohibiting nuclear weapons given that all five NPT nuclear-weapon states, and most if not all the other nuclear-armed states, have already publicly committed themselves to nuclear disarmament. Again, the contrast with antipersonnel landmines and cluster munitions is telling: in those cases, the ICRC was prepared to confront even those governments who saw no reason that the weapons should be eliminated.

A treaty banning nuclear weapons would be fully compatible with existing treaties such as the NPT, and would complement and support other practical steps towards nuclear disarmament (such as a fissile material treaty, de-alerting measures, bilateral stockpile reductions, etc). It would remove the ambiguity over the legality of nuclear weapons, and bring humanitarian considerations to the fore. It would ask nothing of the nuclear-armed states that they have not already promised. And as the experience with the Ottawa Treaty shows, the fact that possessor states may remain outside the treaty for many years, or even indefinitely, does not detract from its purpose, effect or value.

In light of all this, the failure of the ICRC to explicitly endorse and advocate for a treaty banning nuclear weapons would appear to represent an unconscionable betrayal of the mission and principles of the Movement.

I urge you to correct this aberration, and lead the ICRC back to its true principles. As an urgent humanitarian imperative, nuclear weapons must be unambiguously prohibited in international law, whether or not the few governments currently possessing them are ready to cooperate. As with antipersonnel landmines and cluster munitions, the global community needs the ICRC to lead, inspire and persuade states to negotiate a new treaty banning nuclear weapons.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Lennane', written in a cursive style.

Richard Lennane
Chief Inflammatory Officer
Wildfire>_