

How to convince the nuclear states to join the nuclear weapons ban treaty?

Proposal submitted by Action des Citoyens pour le Désarmement Nucléaire (ACDN)

The Conference on a Nuclear Weapons Ban Treaty explicitly aims to ban nuclear weapons, which are a crime against humanity, because this is a natural imperative with regard to the United Nations Charter and humanitarian law. Yet this immediate objective fits expressly within a broader and longer process whose ultimate goal is to totally eliminate nuclear weapons and to definitively achieve a world without nuclear weapons. The ultimate goal is none other than the abolition of nuclear weapons – banning AND eliminating all nuclear weapons.

So, one of the key and possibly the most important question that the Conference must ask and resolve is: **“How can we get current nuclear states to sign the weapons ban treaty and to eliminate their own nuclear weapons?”**

This is not an academic question: in reality, none of the nuclear powers intends to renounce their nuclear weapons within a foreseeable future, as proven by the absence of each of these countries from the present conference on banning nuclear weapons, even though they were all urged to attend.

From a legal perspective, the question differs for the 5 nuclear powers that have signed the Nuclear Non-Proliferation Treaty (USA, Russia, UK, France and China), which are normally held by Article 6 to negotiate in good faith and to complete the process of eliminating these weapons; for the four State Parties that are not signing members, either because they never adhered to NPT (Israel, India, Pakistan) or they have withdrawn from it (North Korea); and States that are currently not listed as nuclear powers but that could prove to have one or more nuclear weapons.

From a practical perspective, in any case, a joint disarmament process would imply an inventory of existing weapons; a suitable calendar for eliminating them, adapted to each specific case; the choice of methods for eliminating them; and verification procedures, among others. Above all, this process would imply the effective start-up of multilateral negotiations, as required under NPT Article 6 since 1970, even though it has never been implemented, resulting not only in a nuclear weapons ban, but also in their concrete elimination. This means that several states with nuclear weapons would have to meet: at least two to begin with, and all of them if possible, whether or not they have signed the NPT.

In its current formulation, the weapons ban treaty clearly provides for what a State with nuclear weapons must do if it decides to adhere unilaterally to the weapons ban treaty, or for States accommodating the nuclear weapons of a third State on their territory (this is the case for five NATO states housing American weapons). But it does not contain any provisions for a nuclear state that would be willing to sign a weapons ban treaty, on condition that the other nuclear states also sign, or at least some of them (for example, with a country whose nuclear arsenal is seen to pose a specific threat).

Yet this is precisely the condition raised by all States with nuclear weapons – it is one thing they all agree on – either as a pretext for never disarming, or as a sincere concern based on their belief– whether justified or not is beside the point– in the deterrent role of their nuclear weapons. If the weapons ban treaty is not to remain a dead letter, it must offer states with nuclear weapons the prospects of multilateral disarmament, from the very moment they sign the treaty. This possibility, if agreed, could be included in the text of the Treaty, for instance as a point 6 added to South Africa’s proposal re. the Article entitled: **“Towards the elimination of nuclear weapons”**:

“If a State Party, believing in the deterrent role of its nuclear weapons against possible nuclear aggression from another State, conditions its adherence to the nuclear weapons ban treaty on the prospects of the general and complete nuclear disarmament which is required as well by this treaty as by Article 6 of the nuclear Non-Proliferation Treaty, it would be allowed to withdraw from the nuclear weapons ban treaty if, in the 10 years following its entry into force, all of the nuclear States have not adhered to the treaty and/or engaged in a joint process of eliminating these weapons. This would be the only eligible reason for withdrawing from the treaty in the conditions defined in Article 18: “Duration and withdrawal from the treaty”.



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