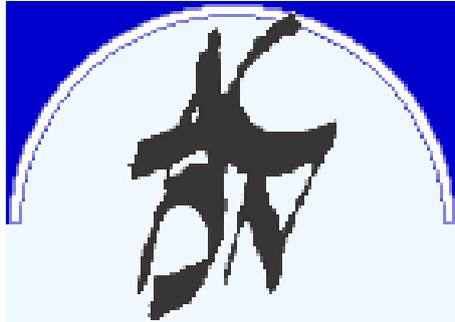


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The Nuclear Ban Treaty soon enters into force: What does it say? What can we expect of it?

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Publication date: Tuesday 3 November 2020

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How can the Treaty on the Prohibition of Nuclear Weapons contribute to abolishing them? Approximate answers are not enough, rigorous analysis is needed.

Its entry into force will occur on 22 January 2021. It emphasises the urgency of nuclear disarmament and it stigmatises nuclear weapons. But it has serious defects, and they permit the States possessing these weapons to escape from the ban and from eliminating their weapons.

To make this ban effective, we would have to amend the Treaty, and also compel the nuclear States to meet in order to negotiate multilateral disarmament - as five of them are required to do by Article VI of the NPT (Non-Proliferation Treaty) which they have signed but do not respect.

It is up to the peoples of the whole world to impose these negotiations on the governments of the countries in question. France is one of them and her citizens can make France take the initiative: by way of a shared-initiative referendum (RIP in French).

Dear Friends all round the world, please endorse the bill!

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Adopted in the UN on 7 July 2017 by 122 non-nuclear Sates, and opened for signature on 20 September 2017, the Treaty on the Prohibition of Nuclear Weapons (TPNW) received on 24 October 2020 its 50th ratification, a necessary

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condition for it to enter into force 90 days later, which will be 22 January 2021.

A long wait, a long struggle

The Treaty results from the concerted mobilisation of numerous national and international NGOs, who in 2007 or subsequently joined ICAN (the International Campaign to Abolish Nuclear Weapons), along with a certain number of non-nuclear States that had signed the NPT - which had entered into force back in 1970. These non-nuclear States, who were honouring their commitment to not obtain these weapons, have had enough of seeing the nuclear States not honouring their obligation, stated in Article VI of the NPT, to pursue in good faith and bring to conclusion negotiations on a treaty for general and complete disarmament, under strict and effective international control **(1)**

A ban at last! But what exactly?

We can congratulate ourselves that after 75 years of proliferation, a treaty is here that finally stigmatises nuclear weapons, just as the other weapons of mass destruction are stigmatised, the biological and chemical ones. Its declared objective is to rid the planet of them. When it enters into force, all the parties that have ratified it, plus those who join it later, will prohibit themselves from developing, testing, producing, acquiring, possessing, selling, transferring, hosting, stocking, using or threatening to use nuclear weapons.

All these prohibitions are pertinent. They have only one defect: they do not touch the States most concerned, those now possessing nuclear weapons. It is therefore false to say that the Treaty makes nuclear arms illegal. It does so for the States that have signed and ratified it, but not for the others. As it happens, none of the 9 nuclear-armed states has expressed any intention of signing.

Worse than that: France, the USA and the UK, after boycotting the negotiations, declared on 7 July 2017 that they would never sign it, and that the Treaty did not concern them in any circumstance. In 2018 Russia and China joined them. So the complete P5 (permanent five) form a bloc against the Treaty. This will hardly encourage the 4 unofficial nuclear States (Israel, India, Pakistan, North Korea) to join. **(2)**

Thus the Ban Treaty will indeed ban nuclear arms, but only in States which possess none and which have already, by signing the NPT, banned themselves from having them. So one can see that, from the standpoint of prohibition - not to mention elimination - the Treaty in its present form is not useful.

Except for two things which indeed are very important: it stigmatises them, and it makes people talk about them. So let's talk.

A strange and regrettable gap

To start with, the TPNW details the catastrophic effects of nuclear explosions and lists all the reasons that exist for wanting to ban and completely eliminate nuclear weapons. All except one: that they are *weapons for crimes against humanity*. The UN General Assembly had expressly stated in resolution 1653 XVI of 24 November 24 1961 : "*any state that uses nuclear and thermonuclear weapons must be considered as violating the UN Charter, acting in contempt of the laws of humanity and committing a crime against Humanity and civilisation*".

Unfortunately, the Treaty does not say this, and it neither quotes nor mentions this resolution.

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And when it evokes the bombings of Hiroshima and Nagasaki (without naming them), it is when affirming the rights of the hibakusha, the survivors, and also the victims of nuclear tests - to obtain support and reparation. But it says nothing of the thousands of deaths caused by the two bombs. Alain Peyrefitte had dared to put the question to President de Gaulle after the Council of Ministers on 4 May 1962 : "*Hundreds and thousands of deaths, women, children, old people reduced to ash in a split second, and hundreds of thousands of others dying in atrocious suffering during the years that follow, isn't that what you call a crime against humanity?*". The TPNW does not even speak of that. Why?

This surprising silence has judicial consequences. For if the Treaty had explicitly designated nuclear weapons as *instruments for crimes against humanity*, their prohibition would have become *ipso facto* a customary norm of "general law", which imposes respect for "fundamental rights". The Treaty would have thereby become "a legally binding judicial instrument" for all States without exception, including the non-signatories. Indeed it's partly because they were totally aware of this risk and intended to equip themselves against it that the nuclear powers announced their refusal to see themselves concerned *in any way* by the Treaty's consequences. It is paradoxical that the non-nuclear states for their part failed to place inside the Treaty text the necessary conditions to make its application universal. They did the opposite.

Here is a historical reminder. The International Court of Justice, in its Advisory Opinion submitted to the UN on 8 July 1996, had judged (Point E, "by 7 votes against 7, with the president's casting vote") that "*the threat or use of nuclear weapons is generally contrary to the rules of international law applicable to armed conflicts, and especially to the principles and rules of humanitarian law*", but that "*in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake*".

Now if the TPNW - a judicial instrument not existing in 1996 - had included for its purposes the terms of resolution 1653 XVI and characterised nuclear weapons as *instruments for crimes against humanity*, the International Court of Justice, if consulted again (on the initiative of states-parties to the TPNW or even states opposed), would have been led to conclude that "in view of the current state of international law", these weapons are banned for use *in any circumstance, with no exception, definitively and for everyone*. Since the threat of use on which the notion of "nuclear deterrence" is based would be itself prohibited, the nuclear-armed States, by obtaining and keeping these weapons, would now and forever be placed "outside the pale of humanity".

This judicial path would likely be worth exploring and perhaps trying, even today. But there is a risk that the Court might not change its 1996 conclusion, for lack of any reference in the text of the TPNW to *crimes against humanity* and also for an even more important reason, to be discussed below.

Unilateral versus multilateral

We can deplore the current attitude of the nuclear States. But should we be surprised? The Treaty does not offer them any perspective except that of each disarming separately, either before or after joining the Treaty. Now how can one imagine that Pakistan, for example, might want to give up its nuclear arms without India doing the same - and vice-versa ? In fact only the prospect of multilateral disarmament could have any chance of bringing the nuclear States, or some of them, to change their policies. They could have found an audience for this acceptable point of view if only they had participated in the negotiations in New York. If the TPNW fails to propose any concrete advance in multilateral disarmament, it is therefore largely their fault - and an intentional fault, since in truth their boycott was aimed chiefly at avoiding nuclear disarmament, of any kind, which might push them into renouncing their own weapons.

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But the non-nuclear States are also at fault, because they should not have lost sight of the mission that they had been given in Resolution L41, passed by the UN General Assembly in December 2016 : *"to advance negotiations for multilateral and comprehensive nuclear disarmament"*.

From this viewpoint, the Treaty failed in its mission. For reasons we will not dwell on here, it clearly missed the goalposts.

A major contradiction

The Treaty has an even more serious defect: it is contradictory. It requires its parties to make an "irreversible" commitment to respect all its prohibitions. But then it authorises them to withdraw from the Treaty, with a simple one-year "preadvice":

"Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to the Depositary. Such notice shall include a statement of the extraordinary events that it regards as having jeopardized its supreme interests." (Article 17.2)

This withdrawal is thus by right, something the other parties cannot oppose or even discuss.

This amounts to an admission that "national sovereignty" overrules all the rest.

An admission that a State's "supreme interests" can authorise it, in the final analysis, to do anything whatsoever, including commit a crime against humanity.

That there are circumstances authorising the use or threat of use of nuclear weapons.

And that, in such circumstances, the possession of nuclear weapons could be useful and effective.

This admission gives credence to the so-called "strategy of nuclear deterrence" which the Treaty nevertheless claims to reject by prohibiting the threat of use.

By this article it even gives the International Court a second and essential reason for doubting that the use or threat of use are illegal under all circumstances. And therefore it is another way in which it misses its chance to make these weapons totally and definitively illegal.

Finally, it prepares for the implosion of the Treaty when the first crisis arrives, because the withdrawal of one party, especially if this is a former nuclear State or a "threshold State", would be enough to justify the withdrawal of all the others. As will be shown below.

This intrinsic contradiction is therefore extremely serious. It is essential to remove it from the Treaty.

Actually, that is what ICAN did, without saying so, on the day when the Treaty was voted. On 7 July 2012, ICAN had all the articles of the Treaty read in turn by numerous figures of the international movement. Article 17 was read, like the others - but only its brief first paragraph, which concerns the Treaty's unlimited duration, not paragraphs 2 and 3

concerning the right to withdraw - they were "skipped". (3)

But omitting the embarrassing elements of a Treaty doesn't make them disappear. They are present and stay present until the Treaty is amended, and they commit all the Parties, and all parties can take advantage of that.

The opinion of the International Court of Justice

Commenting in 1996 on the International Court's opinion, to which he had himself contributed, the French judge M. Guillaume, one of the 14 on the Court, deduced that through this advisory opinion the Court had recognised that "in extreme circumstances (...) law provides no guide to States. But if law says nothing about this case, States, in exercising their sovereignty, remain free to act as they intend. From this it follows implicitly, but necessarily from paragraph 2, that States can have recourse to "the threat and use of nuclear arms in extreme circumstances of self-defense in which the very survival of the State would be in danger". In recognising such a law, the Court thereby recognised the legality of deterrence policies."

Through this cogent reasoning, we must admit that by today granting *for the same reasons* a right of withdrawal, the Treaty has likewise "recognised thereby the legality of deterrence policies". Today, despite the Treaty, because of its Article 17, there is a strong risk that the Court would change nothing in its conclusion. We have not progressed one iota in formulating norms of international law. For it is precisely for these types of exceptional "extraordinary" events that these weapons are made, if we are to believe the partisans of deterrence, notably the French ones. Despite the Treaty drawing up a strong denunciation against the use of the weapons and of so-called deterrent threats, the fact of admitting that there are extreme circumstances that can exempt a State from the ban it had endorsed, for its own survival, that is enough for them.

It follows that they will be in no hurry to endorse it. Except perhaps - a Machiavellian afterthought or calculation not totally impossible - so as to withdraw later... and dismantle it from the inside.

A risk of dismantling

According to the Vienna Convention on the Law of Treaties, Article 60. TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY AS A CONSEQUENCE OF ITS BREACH:

(...) "2. A material breach of a multilateral treaty by one of the parties entitles:

(a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either:

- (i) in the relations between themselves and the defaulting State; or
- (ii) as between all the parties;

(b) a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State;

(c) any party other than the defaulting State to invoke the breach as a ground for suspending the operation of the treaty in whole or in part with respect to itself if the treaty is of such a character that a material breach of its provisions by one party radically changes the position of every party with respect to the further performance of its obligations under the treaty.

3. A material breach of a treaty, for the purposes of this article, consists in:
- (a) a repudiation of the treaty not sanctioned by the present Convention; or
 - (b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty." (4)

The TPNW does, in its Article 17.2-3, authorise a state-party to withdraw from the Treaty - reject it - if it decides that "extraordinary" events are compromising its "supreme interests". The withdrawal of one Party would not, from this point of view, constitute a "substantial violation". But the "irreversible" and "forever" prohibitions are also and obviously "an essential tool for realising the object and goal of the Treaty." To withdraw is to violate it. Therefore all parties to the Treaty will be entitled to leave it if one of them does. Particularly, of course, one party who deems itself "specially affected by that violation".

The TPNW is a unique case of a treaty which, in a single article, rules out its termination (part 1) and sets out (parts 2-3) the conditions of its own dismantling. Let's say the word: it is incoherent. Unfortunately.

Why and how we reached this point is a historical matter we will discuss elsewhere. One thing is certain: an important element is the obsessive presence of the NPT, the improbable reverence for it, which the nuclear-armed States, though physically absent, managed to instill in the minds of the conference participants, both diplomats and representatives of civil society.

A Forgotten Lesson

It's not totally exact to say (as we just said) that the TPNW is a unique case of a treaty preparing for its own failure and even its dismantling: the NPT itself is a case in point, and the TPNW seeks inspiration precisely in this example.

To sign a treaty and then withdraw at a moment you deem opportune after you've used it - that is exactly what North Korea did with the NPT: it signed, it took advantage of the facilities and even the encouragements that the NPT offered, in order to obtain (from the USSR, for peaceful purposes of course) the wonderful new nuclear technology; it trained its scientists, engineers and workers; it built a plutogenic research reactor, set it in operation, produced plutonium, and then diverted enough (under the nose of the IAEA) to build several bombs... and once that was done, said bye bye to the NPT!

But, you will ask, was it then possible to withdraw from that treaty? Had it not forbidden such withdrawals and provided for sanctions in such a case? Isn't that what explains the sanctions applied to North Korea? No, not at all. The NPT had not foreseen any kind of sanction, neither in cases of breach of commitments made (the TPNW doesn't either) nor in the case of withdrawal. On the contrary, the NPT had explicitly foreseen the possibility of withdrawal for a nation which... which "decides that extraordinary events, related to the subject of the present Treaty, have compromised the nation's supreme interests." That quotation comes not from Article 17 of the TPNW but from Article X of NPT, from which the TPNW simply did a cut-and-paste - with the slight change that the preadvice period went from three months to one year!

In other words, far from learning the sad lessons of the NPT's history, the TPNW found in it the means of reproducing its most bitter failure, one which 50 years after its entry into force continues to corrupt international relations.

Yet such an aberration was easy to avoid: it could have just said *nothing at all* about a right to withdraw. In such a case, except in particular circumstances not applicable here, a treaty is considered, according to the Vienna Convention on the Law of Treaties, to commit the Parties *indefinitely*.

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The most astounding thing is that, in the final moments of negotiating the TPNW in July 2017, just when the question of withdrawal was to be decided, almost all the participating States favoured the suppression of Article 17 (formerly 18). So did ICAN, but that had been said in three lines. (4)

An "inalienable right" ?

Regarding the NPT, the TPNW has borrowed more than one thing. In its preamble, paragraph 21, it reaffirms *"the inalienable right of all States-Parties to develop research, production and use of nuclear energy for peaceful purposes, without discrimination"*, stating it in exactly the terms as the NPT at the start of its Article 4.

This "inalienable right" amounts to legitimising all the uses of nuclear energy except those that are overtly military. We know, however, that there are very close links between "civilian nuclear technology" and military, and that the former serves as a Trojan Horse (a g-string) for the latter. Thus it was "research" reactors that enabled (among others) Israel and, as we just saw, North Korea, to obtain the plutonium needed for their nuclear weapons. Similarly, the enrichment of natural uranium into fissile U235, which is necessary for fuelling nuclear plants, can be carried further until it provides weapons-grade uranium. This possibility was and is at the centre of the Iran dossier, but it is valid everywhere.

Besides the risks of diversion to other ends, electronuclear reactors - which are all "sleeping bombs" open to attacks by terrorists or future enemies - are contaminating the natural environment every day in cumulative doses. From the mining to the waste-disposal they pollute the planet with radioactivity; they bequeath to future generations the insoluble problem of wastes; they heat the air, the water and therefore the climate, sending into it two-thirds of the heat they produce; they create societies that are over-centralised, authoritarian, antidemocratic, lying and manipulative, oppressive and over-policed; they burden the living and humankind in general with huge dangers, illustrated by Chernobyl and Fukushima. And they do all that to satisfy, on the global level, barely 2% of final energy consumption (but 17 % in France, the world record).

A treaty concerning nuclear weapons had no business pronouncing on such a right. If it was concerned not to ruffle the feathers of the countries keen on nuclear power but not nuclear arms, it could have simply left the propagating of this right to the NPT, and not mentioned it at all. Nothing in the TPNW obliges the States with nuclear power-plants to renounce them. Nor should anything oblige the States that dislike radioactive pollution to bow down before such a questionable right.

The "Abolition 2000" network, dedicated to the abolition of nuclear weapons, said in its founding declaration in 1995: *« We must assume the inextricable link between the peaceful and military uses of nuclear technologies and the threat that weighs on future generations from the production and use of radioactive materials with very long half-lives. We need to have confidence in the appropriate and sure techniques for producing renewable energy, at techniques that do not produce materials for weapons of mass destruction or poison our environment for thousands of centuries. We have an inalienable right not to nuclear energy but to life, to the freedom and security of human beings in a world freed from nuclear weapons. »*

Beyond the ban, abolition

To get the most out of the TPNW, the States-Parties should, if possible from their first meeting that should be held within a year of its entry into force, improve it by bringing forward substantial amendments, aimed at:

- ▶ recalling explicitly that the use of nuclear weapons is a crime against humanity, and that nuclear weapons are instruments of crimes against humanity ;
- ▶ deleting parts 2 and 3 of article 17 (keeping part 1 : the Treaty has unlimited duration) ;
- ▶

- deleting in its preamble the reference to an "inalienable right" to nuclear energy ;
- ▶ make provision for the joining by a nuclear-armed State to be accompanied by negotiations bi-, pluri- or multilateral negotiations and be linked to their successful conclusion.
- ▶ expressly invite all the nuclear States, and those hosting nuclear arms of another State and those dependent, to meet to negotiate a convention or treaty to plan their complete and duly controlled elimination . **(5)**

If it doesn't proceed speedily to this doubtless harrowing revision, the TPNW, despite its entry into force, will be doomed to waiting in vain (waiting for the nuclear States), just as the Test Ban Treaty which since 1996 is still waiting for its 44th ratification and its entry into force. Or (even worse) it will be doomed to the tragic fate of international instruments emptied of substance, unable to fulfil their mission, like the League of Nations which came apart before leading the nations from one world war to another.. Let us be careful that the NPNW doesn't become an abortive attempt to rid the planet of nuclear arms, and that its failure then ends up leading to that of the UN, or even the atomic war it is specifically aimed at averting.

In other words, if it wants to have a concrete meaning, not just a symbolic one, the TPNW must imperatively plan to form part of a vaster and more inclusive abolition treaty comprising two parts: on the one hand the universal and unconditional banning of nuclear arms, which the TPNW can carry, and on the other hand, their equally universal elimination, planned and duly controlled, carried by an elimination convention or treaty which all the nuclear States, whether members or not of the NPT, will have to negotiate beforehand among themselves, with their allies and preferably in contact with the states-parties of the TPNW.

Finally, all these prohibitions and elimination measures, and also the corresponding negotiations, will have to extend to include the "little sisters" of nuclear arms: radioactive weapons which, such as Depleted Uranium weapons, have indiscriminate effects on life, health and human genome, and which therefore are also weapons of crimes against humanity. We must take advantage of the great negotiating building-site which can and must open before us, if we want to avoid the doomsday announced for us by the Atomic Scientists, in order to rid the world of all weapons of crimes against humanity. **(6)**

We know furthermore that all weapons are potentially criminal and form foci of tension and war, and so we need to set up a parallel process for the drastic reduction of conventional arms, at a time when their number and their trade keeps on growing. Incidentally, it is striking to note that the nuclear-armed States are also the world's leading arms vendors, except for China which keeps its weapons production for itself.

The voice of the peoples

Only the world's peoples are in a position to impose this policy on the coalition of forces that lead the world today: a dozen governments clutching their massacre weapons tightly and more or less supported by States that are their clients, and by the hugely powerful forces which are the military-industrial and nuclear lobbies.

ACDN (Action des Citoyens pour le Désarmement Nucléaire) has been convinced of this since its foundation in 1996, and for this reason has advocated, among other methods, the recourse to referendums on this crucial question wherever this is possible, notably in France. The targets of nuclear weapons are individuals, cities, peoples. Without ever being consulted, we the people also finance them. Therefore we have opinions to express.

The TPNW, once it has entered into force and is strengthened, one may presume, by new states joining, will surely contribute to increasing the pressure on the governments of the nuclear states - moral, political, even banking pressure. But it is highly improbable that these states will agree to sign it in its present form, i.e. to disarm unilaterally, independent of one another. And even if one of them signed, the others would not follow. So if France, for example,

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were to renounce her weapons solo, 98,5 % of the destructive power of the existing nuclear weapons would still remain. On the other hand France could draw the other nuclear powers, even all nine States, into a process of multilateral disarmament. That is actually the only sensible use that France can make of her weapons: as a stake to put on the negotiating table. Why should she deprive herself of this role?

The way for France

In France, since January 1, 2015, a new referendum procedure has become available: the shared-initiative referendum (RIP in French). **(7)**

In December 2015 the annual General Assembly of the UN, meeting in New York, decided to summon in Geneva during 2016 an "open-ended working group" (open to all States, to NGOs and to civil society), tasked with bringing a proposal to the 2016 General Assembly for the later convocation (in New York in 2017) of a conference to advance multilateral nuclear disarmament.

Anticipating this possibility and wishing to push France into participating, ACDN submitted to French MPs, in January 2016, a draft Bill aimed at organising a shared-initiative referendum (parliament shared with citizenry) on the following question:

« Are you in favour of France negotiating and ratifying with the other nations concerned a treaty for the prohibition and complete elimination of nuclear weapons, with an international and mutual monitoring system that is strict and effective ? »

On 19 August 2016, the working group in Geneva ended its last session by adopting with a strong majority a recommendation to go to the next UN General Assembly: the General Assembly was invited to summon in 2017 a negotiating conference. The UNGA adopted this in December 2016 (Resolution L41). The conference was to be held in New York in two sessions, from March 20 to 31, then from June 15 to July 7.

In early April 2017, right after the first of those sessions in New York, and just before the elections in France to renew the Parliament, the draft Bill proposed by ACDN and supported initially by 12 French MPs had gathered 126 signatures of MPs and senators, which was only two-thirds of the required number (185) to pass the referendum's first obstacle. So the referendum could not proceed.

After the election of President Macron and the strong majority of his party in the National Assembly, France pursued her policy of nuclear armament and continued to boycott the negotiations at the UN.

The TPNW was adopted on July 7, 2017. ACDN noticed, regretfully, that it has defects and that the nuclear powers, particularly France, rejected it, and therefore launched in January 2018 an Appeal to Abolish Atomic Weapons, asking the P5 nuclear powers to respect their commitment under Article VI of the NPT and asking the other nuclear-armed States to join them. In May 2018, ACDN again submitted to French MPs a draft Bill aimed at organising a referendum, this time on the following question:

"Are you in favour of France participating in the abolition of nuclear and radioactive weapons and engaging with all the states concerned in negotiations aimed at establishing, ratifying and implementing a treaty to ban and completely eliminate nuclear and radioactive weapons, under mutual and international control that is strict and effective?"

85 % of France's citizens will answer YES this question, according to an IFOP poll of May 2018, and so only 20% of

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parliamentarians would need to add their voices in order to open the path to the abolition of nuclear weapons, by requiring France to take a diplomatic initiative towards the other nuclear-armed States.

There are several ways to advance the cause of nuclear disarmament, and they are all worth taking. But, with regard to France (apart from the very unlikely election of a new president resolutely opposed to nuclear arms) the only way to get the political decision that would goad her into action at last for abolition, truly, is the shared-initiative referendum.

So far this referendum Bill has received 45 signatures of parliamentarians from 14 different political groupings. We have a few months still to convince 140 more of their colleagues to sign. An arduous task, but not impossible. It requires an intense combined mobilisation of citizens, personalities and NGOs - in short, what is called "civil society".

The declared objective of the TPNW must necessarily become a concrete one. It is certainly ambitious and hard to achieve, yet it is achievable - and it is surely more realistic than believing in the perpetual maintenance of "the balance of terror".

What is at stake is the fate of humanity, of millions of human beings and each of us.

This is a matter for all people of good will, all the individuals for whom the words "liberty, equality and fraternity" still have a meaning. A matter for you.

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Notes

(1) Glossary:

- **TPNW**. What is commonly called the Nuclear Ban Treaty has the acronym TPNW (Treaty on the Prohibition of Nuclear Weapons).
- **NWS**: Nuclear Weapons States, Parties at the NPT (USA, Russia, UK, France, China)
- **NNWS**: Non Nuclear Weapons States, Parties at the NPT
- "**P5**": The NWS are sometimes called the "P5", because they happen to hold the 5 permanent seats on the Security Council.
- "**nuclear-armed States**": this phrase includes 4 more: Israel, India, Pakistan (these 3 never signed the NPT) and North Korea (which signed but withdrew in 2003).
Between the P5 and the NNWS, these 4 lie in a sort of diplomatic no man's land...

(2) See: [Déclarations sur le Traité d'interdiction des armes nucléaires \(New York, 7 juillet 2017\)](#) - Mission permanente de la France auprès de la Conférence du désarmement à Genève - Ministère de l'Europe et des Affaires

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étrangères.

Russia and China stated their position in 2018 in a common declaration of the P5, which was repeated by the P5 in Vienna during a meeting of the IAEA on September 22, 2020: "Our views on the TPNW are well known: we will not sign it, we are not bound by it, and we consider that it has a prejudicial effect on the global non-proliferation régime under the NPT".

(3) Video by ICAN. <https://vimeo.com/229080557> 17' 31"-17' 40". Article 17 : Duration and Withdrawal. §1. (Rebecca Johnson on the microphone)

(4) Cf. [Vienna Convention on the Law of Treaties](#), Article 60.

(5) Proposals for amendments on several of these subjects were submitted by ACDN's president on 30 June 2017, at the 2nd session of the Treaty negotiations in New York. See the official document published and disseminated on 3 July 2017. Cf. [A/CONF.229/2017/NGO/WP.48](#)
(NB : at that date, article 17 bore the number 18.)

A proposal aimed at resolving the question of the right of withdrawal by linking it to the question of multilateral disarmament was also put forward by ACDN in a text of June 22. This was submitted by hand in English to the president of the conference, Elayne Whyte-Gomez, and to the ambassadors of several States active in favour of the Treaty - one of these sought his government's opinion, but received a negative advice. It had no other consequence.

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

(6) To better assess the genetic effects of Depleted Uranium weapons, you can watch [Death made in America](#).
CAUTION ! Its images can shock sensitive people - in which case, do not click on this link.

(7) Before such a referendum is held, a Bill needs to be signed by one fifth of the parliamentarians (185/925), and then receive the support of one tenth (about 4,7 million people) of registered voters, this support being gathered within 9 months by electronic means under the supervision of the Minister of the Interior. A few additional obstacles, surmountable ones, are placed on this path.
