

“We Stand on the Precipice of History”: The Nuclear Weapons Ban Treaty Talks. “Nukes are Illegitimate, Immoral and Illegal”

Comprehensively banning the bomb

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Over the past two days, about 120 governments have participated in [nuclear weapon ban treaty talks](#). The high-level segment of the conference, scheduled to end on Monday, had to continue until Tuesday lunch due to overwhelming interest. States have clearly come prepared to the conference, indicating their determination to negotiate this treaty despite the opposition of the nuclear-armed states. As [Ambassador Penelope Beckles of Trinidad and Tobago](#) said,

“ as we seek to shatter the chronic stalemate that has existed in the field of nuclear disarmament and non-proliferation for far too long.”

On Tuesday afternoon, delegates shifted from general statements to interventions specifically on the principles and objectives of the treaty that they would like to see included in the preamble. Most delegations emphasised the importance of anchoring the preamble in the humanitarian motivations that led to this treaty’s negotiation. Most also spoke about ensuring the treaty articulate the incompatibility of nuclear weapons with international law. Virtually all delegations stated that the preamble must reflect the overarching objective of the total elimination of nuclear weapons.

However, there seems to be uncertainty amongst a few delegations about whether the treaty should refer to elimination in the preamble alone, or whether the treaty should also include an explicit prohibition on stockpiling. This question is made more complicated by the fact that some states have hinted that they would prefer to negotiate an “elimination treaty”—a treaty that sets out provisions for verified, time-bound nuclear disarmament. To address this issue, it is crucial to reflect on where we are now, and where we want to get to with this treaty.

Right now, this treaty is being negotiated almost exclusively by states that have rejected nuclear weapons for their security and that do not possess or store nuclear weapons. This makes it unfeasible to negotiate a treaty that sets out timeframes and verification measures for nuclear disarmament. Negotiating such provisions now, amongst this set of states, does not get us where we need to go. The power of this treaty lies in its ability to compel nuclear-armed or nuclear-reliant states to change their practices and policies in order to facilitate the elimination of nuclear weapons in the future.

In order to so, the treaty needs to be [strong in its prohibitions](#). The treaty should not simply refer to elimination of nuclear weapons as an objective in its preamble. Rather, the treaty should include a categorical prohibition on the stockpiling of nuclear weapons.

The most fundamental element of the prohibition treaty is perhaps that no state can join the treaty and possess nuclear weapons. The Non-Proliferation Treaty only prohibits the possession of nuclear weapons by non-nuclear-armed states parties. The ban treaty must categorically prohibit the stockpiling of nuclear weapons by all states parties, without discrimination.

The ban treaty itself does not need to set out provisions for elimination. It would only need to require that any state joining the treaty eliminate its nuclear weapons. The Chemical Weapons Convention, for example, specifies that states parties must “undertake to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control.”

Ban treaty states parties could agree that a nuclear-armed state that has decided to eliminate its nuclear arsenals could do so by negotiating a protocol or other agreement with the ban treaty states parties, with agreed timeframes and in accordance with agreed verification arrangements. This would allow a voice for ban treaty states parties in the manner in which the elimination takes place.

Some delegations have intimated that a prohibition treaty is only valuable if it is a “true disarmament treaty” or if it is “comprehensive”. But a prohibition treaty, even without specific provisions for elimination or the participation of nuclear-armed states, is both. It is a comprehensive prohibition on nuclear weapons, leading to their elimination.

A prohibition on stockpiling is part of what will make this treaty a piece of the “infrastructure” or “architecture” for disarmament. It is likewise important that the treaty prohibit any activities that facilitate the inclusion of nuclear weapons in strategic security doctrines, participation in nuclear war planning, or stationing, transfer, or acquisition of nuclear weapons.

The Netherlands, as the only country participating in these negotiations with an official position supporting nuclear weapons, argued that the ban treaty must be compatible with the obligations of the North Atlantic Treaty Organisation (NATO) *as a nuclear alliance*. This would be clearly unacceptable for a nuclear weapon ban treaty. There cannot be space for a state to join the treaty and continue justifying the potential use of nuclear weapons for its security. As Algeria’s delegation clearly stated, the ban treaty should explicitly reject the role of nuclear weapons on behalf of anyone’s security, whether in national, regional, or international doctrines.

These are not just principled positions. If we want the ban treaty to be effective in changing the policies and practices of nuclear-armed and nuclear-reliant states, then the treaty must prohibit the activities that enable the current policies and practices.

Speaking at the end of the high-level segment, [Setsuko Thurlow](#), a survivor of the atomic bombing of Hiroshima speaking on behalf of the International Campaign to Abolish Nuclear Weapons (ICAN), urged governments to establish a strong legal standard against nuclear weapons that makes it clear “in no uncertain terms that nuclear weapons are illegitimate, immoral and illegal.” It would be wise for states to heed her call.

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