

United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination

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A contribution to the drafting of an International Nuclear Weapon Ban Treaty

Submitted by Abolition des Armes Nucléaires—Maison de Vigilance¹

Madam President,

1. The aim of this « working paper » is to contribute to the drafting of an exhaustive nuclear weapons ban treaty that must avoid any kind of way-out, any legal gap.
2. In this context, we recall the catastrophic consequences of the legal gap left in the July 8th, 1996 advisory opinion of the International Court of Justice! The text of the new treaty must therefore overcome the limitations of the previous texts in this field.
3. We propose the following definition: *“The locution ‘nuclear weapon’ must be understood as any kind of weapon whose explosion is due to a process of nuclear fission or thermonuclear fusion, whatever the power of the weapon thus obtained.”*
4. The virtue of such a definition is to unambiguously include the tactical nuclear weapons, and especially the so-called « mini-nukes », in the scope of prohibition of the treaty.
5. The strength of the new treaty will depend on its ‘added value’ with respect to previous treaties or conventions. Hence, to ensure the pertinence and quality of this ban treaty we put forward the following recommendations.
6. First of all, this treaty should create an exhaustive legal framework for nuclear weapons. It must prohibit this type of weapons on all fronts : design, tests, production, possession, storage, threat of use, use, deployment on the territory of a third country, financing, development, modernization, production and storage of military-grade fissile materials, possession of dedicated launchers (ground-based, sea-based, on submarines, and space-based), ... In particular, we would like to emphasize the following two points :
 - a) concerning the storage of nuclear weapons and fissile materials (uranium enriched to 90% U-235 or higher and military-grade plutonium), we consider that these stocks must be included in the scope of prohibition of the treaty.
 - b) the « threat of use » of nuclear weapons: this kind of threat must be totally forbidden and the nuclear deterrence doctrines completely banished.
7. The ban treaty must be non-discriminatory. Nuclear weapons must be banned for all States, recognized as equal by the Charter of the United Nations, with regard to their rights and obligations. No exception can be tolerated. The new treaty will therefore dismantle the

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« club » of nuclear States, which at present assume to have the “authorization” to possess these weapons of mass destruction.

8. In order to avoid any ambiguity in interpretation, it must be clearly stated that this ban treaty does not at all eliminate the already existing, or already proposed, treaties on the disarmament and non-proliferation issues, such as the NPT, the CNTBT and the FMCT; on the contrary, its role is to reinforce them.

9. Moreover, positive obligations in favour of the victims of the nuclear bombings and tests, and of the environment, still need to be taken into account by the CNTBT.

10. Finally, as many State and civil society representatives have already emphasized, we strongly hope that this new treaty will become an essential linchpin in building a more peaceful, just and humane world.

11. In the hope that this conference will lead to a complete and effective treaty, we thank you, Madam President, for your attention and we wish to assure you of our highest consideration.