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

13 June 2017

English

New York, 27-31 March 2017 and 15 June-7 July 2017

**A proposal of amendments to the ‘Ban Treaty draft’
transmitted on May 22nd, 2017
by the president of the Conference Elayne Whyte Gómez**

**Submitted by Luigi MOSCA, Marlène TUININGA and Izadora
ZUBEK
on behalf of ‘Abolition des Armes Nucléaires–Maison de Vigilance’**

Madam President,

The aim of the amendments proposed here is to contribute to an exhaustive nuclear weapon ban treaty that avoids any kind of way-out, any legal gap. (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).

Proposed *amendments* (A, B, C, D and E)

A) The state Parties to this Convention

Deeply concerned

Cognizant

Mindful

Considering that the world has already come several times very close to a nuclear war and conscious of the high risk that a nuclear detonation or war, due to intent, or to error, miscalculation, misunderstanding, misappropriation, technical failure or sabotage, could happen at any moment, (*)

Basing themselves

(*) Some possible references are : ‘Command and Control’ by Eric Schlosser ; Stanislav Petrov, ‘The man who saved the world’; the Atomic Scientists (the Doomsday Clock)

B) We consider that this treaty should include a scientific definition, that is precise and rigorous, of what “nuclear weapons” are. As a matter of fact, a clear and unambiguous definition is necessary to guarantee the effectiveness of the ban.

So, we propose to introduce 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 nuclear fusion, whatever the power of the weapon thus obtained.”

The specific purpose 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.

C) We consider that, in particular, the threat of use of nuclear weapons must be explicitly and totally forbidden and the nuclear deterrence doctrines completely banished.

So, we propose to insert in
Article 1

General obligations

Each State Party undertakes never under any circumstances to

1(a) Develop, produce, manufacture, *finance*, otherwise acquire, possess, *modernize*, or stockpile nuclear weapons or other nuclear explosive devices

1(b) - 1(c)

1(d) Threaten to use nuclear weapons by adopting nuclear deterrence doctrines

1(e) Produce and/or store military-grade fissile materials

1(f) - 1(g) - 1(h)

D) in Article 18 we propose to replace the statements No. 2 and No. 3, by the following unique statement

2) « Each State Party shall have the right to withdraw from this Convention in the terms established in chapter 3 (art. 54 to 64) of section V of the Vienna Convention on the law of the international treaties of May 23rd, 1969 (entered into force at January 27th, 1980) » (**)

(**) <https://treaties.un.org/doc/publication/unts/volume%201155/volume-1155-i-18232-english.pdf>

This amendment has been suggested to us by the legal expert Joachim Lau of IALANA (International Association of Lawyers Against Nuclear Arms).

E) in Article 19 we propose the following modified formulation

This convention does not affect *the obligations* of the States Party under the Treaty on the Non-Proliferation of Nuclear Weapons, *nor their rights on the possibility of developing, producing and using nuclear energy for pacific purposes.*

The scope of this modification is to avoid any possible misunderstanding concerning the possession of nuclear weapons.

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.

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.

Luigi MOSCA, Marlène TUININGA and Izadora ZUBEK
'Abolition des Armes Nucléaires-Maison de Vigilance'