



# NUCLEAR BAN DAILY



Reaching Critical Will

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## SIMPLY BANNING NUCLEAR WEAPONS

Ray Acheson | *Reaching Critical Will, Women's International League for Peace and Freedom*

We are "on the cusp of a truly historic moment," said the International Campaign to Abolish Nuclear Weapons (ICAN) on Thursday morning, "when the international community declares, unambiguously, for the first time, that nuclear weapons are not only immoral, but also *illegal*." The development—and hopeful adoption—of this treaty represents a breaking point with the status quo, with subservience to the powerful, with the patriarchal world order of massive nuclear violence. Whatever happens on Friday, this treaty has already impacted the nuclear establishment and, more broadly, international relations. Its adoption and implementation will bring even more positive change.

This treaty prohibits the policies and practices that sustain nuclear weapons, including those related to nuclear "deterrence". Whatever is not explicitly prohibited in its provisions is implicitly prohibited through the spirit of this treaty. It outlaws all aspects of nuclear weapon activities, from development to use and everything in between. As ICAN, as well as many states on Wednesday said, "The absence of explicit references to

[certain activities] in no way implies that they are lawful. This ban is comprehensive."

This is important in a world where governments that support the continued existence of nuclear weapons are actively investing in their modernisation and maintenance. Just this week, a review commissioned by the German parliament determined that "the country could legally finance the British or French nuclear weapons programs in exchange for their protection." It is exactly this type of activity that the nuclear weapon ban treaty will help prevent. As the New York Times notes, this plan "would face steep public opposition and diplomatic hurdles." After tomorrow, it will (if the ban is adopted) also be in contention with international law.

Thus the nuclear weapon ban treaty will help prevent future risks to humanity, as Vanessa Griffen of FemLINKpacific said to the conference. It will also "address the damage caused by past development of these weapons through nuclear testing," she said, noting that the treaty contains "vital provisions for the people, land, and oceans that

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Conference Room 1, 5 July 2017 © Ralf Schlesener

## Editorial, continued

have borne the brunt of nuclear testing.” This treaty was borne out of the recognition that the humanitarian and environmental impacts of nuclear weapons are catastrophic. This provided the motivation for governments around the world to finally break the taboo against pursuing new international law on this issue without the support of the nine countries that possess nuclear weapons. It was a daring move, supported and inspired by the courage of civil society actors and parliamentarians that wanted to challenge the status quo and take real action to create a better future.

This treaty will affect even those states that did not participate in these negotiations. Nuclear-armed and nuclear-alliance states may not have been in the room, but they will now be challenged by the new reality this treaty is creating. Their legacy of radioactive violence will be confronted with a future of vibrant political, legal, economic, and social opposition. Senator Scott Ludlam from the Australian Green Party said he and other parliamentarians and civil society representatives from all of the nuclear-armed and nuclear-alliance states commit to “make our way home and campaign for our governments to recognise that this treaty is the best chance we have to

build a truly secure world free of nuclear weapons. One by one,” he said, “we will bring them into the room.”

On Friday, as they decide whether to adopt this treaty, states have a choice to make. Are they for nuclear weapons or against them? Do they think it is legitimate for a handful of heavily militarised countries to be able to commit instant genocide? These questions have, over the years, been drained of their stark vibrancy, black and white muddled to grey. This was deliberate. Concepts like nuclear deterrence replaced the horrors of burning flesh, flattened buildings, and generations of cancers. The ban treaty brings everything back into focus. What kind of world do we want to live in? What kind of world do we want to actively build, against the interests of the structures of power that rely on violence, intimidation, fear, and hate to sustain themselves?

“Simply banning nuclear weapons is not simple at all,” said Senator Ludlam. It has taken decades of activism, years of discussions and strategising, and months of complex negotiations. Now we are here, with a simple question on the table and majority of committed states standing around it. For or against? •



Atomic bomb survivor Setsuko Thurlow reads the nuclear ban treaty text, 5 July 2017 © Ralf Schlesener

## INVENTING NUCLEAR DISARMAMENT

Nick Ritchie | University of York

Over the past three weeks several hundred people have collectively crafted a new instrument of international law to unequivocally prohibit nuclear weapons. These people include diplomats, lawyers, civil society representatives, parliamentarians, civil servants, and academics.

The new treaty is underpinned by a simple idea: that we can, and must, eliminate nuclear weapons from human affairs. This will not happen by itself. Instead, the processes that we hope will establish and sustain a world without nuclear weapons must be invented. This process is iterative, cumulative, and transnational. It is done by people, by individuals, as part of wider organisations working collectively within structures and institutions like the UN that are themselves human inventions, and transforming those structures as they do so.

The new treaty is part of the process of inventing nuclear disarmament—of developing core ideas and translating them into enduring practices, technologies, institutions, laws, and norms. Ideas like prohibition, ending testing, verification, non-use, non-proliferation, and, of course, the overarching idea of disarmament. None of these ideas are “natural” or predetermined; instead, they have been purposefully developed and embedded even as they have been contested.

The Treaty on the Prohibition of Nuclear Weapons establishes normative and legal commitments and practices to prohibit nuclear weapons. This is an essential part of the long-term process of inventing nuclear disarmament that will necessarily encompass many other initiatives. Think, for example, about what has been invented so far: we have invented a norm against nuclear testing and the institutions, technologies, practices, and laws that imbue it with authority in ways that affect state behaviour. We have invented a detailed and increasingly intrusive nuclear safeguards and verification system that sets a widely accepted baseline for responsible nuclear conduct. We have invented methodologies and institutions of nuclear arms control and begun to do the same for verifying the dismantlement of nuclear warheads. We have invented the non-proliferation of nuclear weapons, the idea and institutions of nuclear weapon-free zones, and a global system of nuclear controls. Nuclear-armed states have invented their own ways of dismantling nuclear weapons, immobilising fissile materials, and decommissioning nuclear facilities and delivery vehicles. Some of these practices are contested, not least in terms of the power structures they establish and sustain, and none of it is perfect. But inventing nuclear disarmament can only be understood as a process with many complementary and overlapping national and transnational strands.

Inventing nuclear disarmament is also an intrinsically multi-actor process. All the core institutions, rules, practices, and technologies of nuclear disarmament to date have been developed by networks of state representatives, NGOs, parliamentarians, scientists, academic communities, military officials, and international civil servants, amongst others and in various configurations.

The invention of nuclear disarmament is itself nested within a much deeper set of ideas and institutions that condition global politics and make thinking about nuclear disarmament possible. These include human rights, equality, development, decolonisation, international humanitarian law, controlling weapons and violence, and environmental protection. Just as the development and institutionalisation of these ideas over decades and centuries can be understood as a continuing “invention of humanity” as Ken Booth put it, so can nuclear disarmament.<sup>1</sup> There is, of course, sustained resistance to some of these ideas that reflect others like racism, patriarchy, and militarism and there’s no certainty that this ongoing process of invention will succeed. Invention is, after all, messy, non-linear, and reversible. But for those convinced that a permanently nuclear-armed world is too dangerous a proposition for this and future generations, then we must continue the collective process of inventing nuclear disarmament that builds on what has been achieved here in New York. •

### Notes

1. Ken Booth, *Theory of World Security* (Cambridge: Cambridge University Press, 2007).

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will be published online!

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