

Make Nuclear Weapons Illegal. UN Resolution for a “Legally Binding Instrument to Prohibit Nuclear Weapons”

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This week, delegations to the UN General Assembly could help shift the course of history.

This sounds dramatic, especially for First Committee. While it always presents a good opportunity for progress, First Committee can sometimes seem like a recycling facility for statements and resolutions. Some of the proposals under discussion have been on the books for decades, while outside the conference rooms levels of armaments rise and bombs continue to fall.

This year is different. This year we have [L.41](#).

L.41 is the document number for a resolution that will establish multilateral negotiations for a legally binding instrument to prohibit nuclear weapons. We have never had such a resolution. We have never had anything close.

None of the nuclear-armed states support this resolution. They are legally obligated to eliminate their nuclear arsenals, and have been for 46 years, since the [nuclear Non-Proliferation Treaty \(NPT\)](#) entered into force. Instead, however, they are investing billions of dollars into [nuclear weapon modernisation](#).

Some of their allies that support the retention of nuclear weapons—because they believe that the ability to threaten the rest of the world with massive nuclear violence provides them with security—are torn. Many of their parliaments and publics are demanding they support a ban on nuclear weapons, but their state apparatus are resistant.

These governments are quite upset about L.41. Some of them warn about the unspeakable horrors that banning nuclear weapons will bring to the world—destroying the NPT and the nuclear non-proliferation regime; furthering regional and international tensions; etc. Underpinning this line of arguments is the assertion that a nuclear weapon ban treaty will not have any positive effect whatsoever on nuclear disarmament whilst angering the nuclear-armed states so greatly that they might become even more intransigent about retaining nuclear weapons and make even fewer commitments to disarmament and that they might even use nuclear weapons or start a nuclear war. We have been treated to various formulations of these overwrought warnings for more than two years.

Others argue that the ban treaty is not a “quick fix” for nuclear disarmament and does not “guarantee” the elimination of nuclear weapons—which is a strange argument coming from countries that support incremental measures on nuclear disarmament, or that have

previously championed prohibitions on other weapon systems such as landmines, cluster munitions, chemical weapons, and biological weapons.

The reality is that the problem with the ban treaty for these countries is that it is incompatible with the possession of nuclear weapons. A legally binding prohibition of nuclear weapons will stigmatise these weapons. It will draw a clear line around them for what they are—instruments of violent death and irredeemable destruction. It will help make unconscionable the concept of these weapons providing security or preventing conflict or deterring attack. It will create legal, political, and economic obligations on the basis of this stigma. It will change the way nuclear weapons are treated by people, corporations, banks, governments, and others. It will undercut the power, privilege, and profit that the few seek to derive from wielding weapons of mass destruction.

It is this that upsets those states that want nuclear weapons. It is this that has driven some of the extreme rhetoric against the ban treaty and its proponents. It should not, of course, be this way. The NPT does not confer legitimacy on their possession of nuclear weapons, or on the inclusion of nuclear weapons in security doctrines. On the contrary, the NPT seeks to prevent states from acquiring nuclear weapons and committed those that already had them to disarm. The idea that a small group of states would find it shocking and unacceptable that rest of the international community would press them to comply with their legal obligations is rather bewildering.

Not all of the rhetoric is aggressive. Some have tried to strike a more reasonable tone. “We and many others are frustrated by the pace of nuclear disarmament,” assured the delegation of [Canada](#) last week. But Canada, like many others, still finds fault not with the retention of nuclear weapons but with those who challenge this state of affairs. “Unfortunately, this frustration has spawned diverging approaches which threaten to overshadow our accomplishments, rather than renew our common commitment to the universal goal of a world free of nuclear weapons. It also risks undermining the foundation of trust and compromise essential for further action.”

Why? How? These are questions that those opposed to banning nuclear weapons have not answered. Who is undermining trust and compromise? When the majority of states in the world, parties to and in full compliance with the NPT, have worked within that system for 46 years, trying in vain to encourage and facilitate the nuclear-armed states to proceed with multilateral nuclear disarmament as mandated by that Treaty, whose trust has been undermined? Who has made compromises time after time, only to see their good faith efforts trampled upon by those that say the “conditions are not ripe” to follow through on their legally binding obligations?

Divisions have been created by those states that possess nuclear weapons and those that rely on them in their security doctrines. They created these divisions decades ago by developing, testing, using, and stockpiling nuclear weapons. They have made agreements and broken them. They insist that they need a different “international security environment” before they can commence real work on disarmament—and in the meantime, they will keep building up their arsenals, as if preparing for the use of nuclear weapons will make it less likely.

It has been alarming to hear the way nuclear-armed and nuclear-supportive states defend these weapons as essential to their security. This is an incitement to proliferation, as well as

being morally, legally, economically, and politically unjust. As [Trinidad and Tobago](#) argued, “There should be no prestige attached to the ability to threaten the life of the planet and every living thing on it. Any such prestige can only beget proliferation and runs counter to the intention of the NPT.”

It is also alarming to hear some of the nuclear-armed states denigrate those that support a ban treaty, locating the problem in states or others that bring attention to violations of law rather than in those that have violated the law. This reflects a broader societal tendency from the “powerful” to try to stop those who act to hold them accountable for committing or threatening violence or injustice. This imbalance of power, rooted in our established systems of patriarchy and militarism, is used relentlessly and in various ways to try to silence those that believe a different kind of world is possible.

This can’t be allowed to succeed. “There comes a time when choices have to be made and this is one of those times,” said [Ireland](#) in its remarks on the ban treaty last week. “Given the clear risks associated with the continued existence of nuclear weapons, this is now a choice between responsibility and irresponsibility. Governance requires accountability and governance requires leadership.”

This week (probably), on Thursday afternoon (subject to change), in New York at the United Nations (definitely), all governments in the world have the chance to be responsible, to be accountable, and to be a leader. Every government needs to attend the most historic vote First Committee has ever seen, and we hope that courage and justice prevail when it comes time to take action on L.41. Collectively, as humans, we need a better story than the one we’re writing now. This could be a turning point.

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