We join in mourning the death of our friend, mentor, comrade, and relentless advocate for nonviolence, disarmament and the abolition of nuclear weapons, Sister Ardeth Platte, OP, at right with documents. Sr. Ardeth died Sept. 29, 2020 at age 84. On July 18, 2017, she and Sister Carol Gilbert, OP, center (holding banner) explained the Treaty on the Prohibition of Nuclear Weapons to Col. Gregor Schlemmer, commander of Germany’s air base Büchel, where 20 US hydrogen bombs are stationed. The Colonel amazingly made a personal visit to the group of over 30 protesters who were in the midst of an active blockade of the highway leading to his base. Ardeth presented a copy of the then 11-day-old treaty to Col. Schlemmer. Photo by Marion Küpker.

US Minuteman III ICBM Test Made in Response to 50th Ratification of Nuclear Weapons Ban Treaty

The US air force “Global Strike Command” launched a dummy Minuteman III intercontinental ballistic missile from Vandenberg air force Base in California early on October 29, just five days after the 50th ratification of the treaty ban was delivered. It was the third air force ICBM test since August. The Pentagon says its missile tests are planned months in advance, but the decision to not cancel October’s needless demonstration was charged with contempt for civil society. Rick Wayman, CEO of the Nuclear Age Peace Foundation, in Santa Barbara, said October 28, “In addition to undermining the treaty through threatening letters, the US government demonstrated its active defiance of the treaty’s provisions by testing a nuclear-capable missile.” Wayman’s mention of “threatening letters” was reference to letters sent from the White House urging treaty ban signers to withdraw their ratifications.

“While most of the world’s countries are evolving to a view that nuclear weapons are unacceptable under all circumstances, the United States is testing a nuclear missile built to fight the Cold War, one which is designed to cause the indiscriminate slaughter of hundreds of thousands of people,” he said. —JL

Treaties and the Path to Disarmament

By Ian Zabarte

While the United States has actively opposed the Treaty on the Prohibition of Nuclear Weapons and will not be held to its requirements for now, the treaty will be enforced in the states that have it ratified. The arrival of the treaty is the first time nuclear weapons have been explicitly banned under international law.

Shoshone Nation of Indians and the US

Customary international law is formed when states act in a consistent way based upon a sense of legal obligation. Treaties are intended to preserve the continued existence of the signatory parties. Treaties between Native Americans and the US have the same preservation character. Great Britain did not recognize the United States government until the US was recognized by Native American nations that also had treaties with Great Britain.

In 1863, as the US Civil War raged, the United States sought peace and alliance with the Shoshone Nation of Indians in five treaties. In 1857, prior to the war’s beginning, a US “gold ship” was lost with 21 tons of gold bullion, leading to a serious economic depression. Treaties with the Shoshone Nation of Indians had the purpose of allowing gold to be securely shipped overland to finance prosecution of the war for the benefit of the US. Yet, since the dawn of the nuclear age, the US has secretly “developed” the Nevada National Security Site (formerly called the Nevada Test Site) on Shoshone property and has detonated over 900 weapons of mass destruction dispersing radioactive fallout globally. The Shoshone people would never enter into an agreement that would result in the destruction of the people and land.

A provision of the Hague and Geneva Conventions known as the Martens Clause arguably made nuclear weapons illegal as it identifies “dictates of the public conscience” regarding whether a weapon “not expressly addressed by treaty is nonetheless prohibited or illegal.” Later, the Shoshone Nation contributed to the creation of international opinion on nuclear weapons as expressed in the 1996 Advisory Opinion of the UN’s International Court of Justice or World Court.

For the Shoshone Nation’s part, hundreds of protests took place at the Nevada Test Site and, by 1990, over 30,000 individuals were granted permission by the Western Bands of the Shoshone Nation of Indians to protest against the bombing. The Shoshone view is that our treaty obligations require aid and comfort to all people, including visitors from the Kazakhstan Semipalatinsk Movement and the global anti-nuclear movement. Together they pressured both the World Health Organization in 1993 and the UN General Assembly in 1994 to seek an Advisory Opinion on the illegality of the Threat or Use of Nuclear Weapons. The court noted in 1996 that there was no international law that explicitly prohibits the possession, use, or threat of use of nuclear weapons. However, any use of or threat to use nuclear weapons could only be considered lawful under extreme circumstances of self-defense, if then. Until now, none of the previous international resolutions, treaties, or agreements required or enforced the abolition of nuclear weapons.

Through the growing activism of individuals and non-governmental organizations, peace-loving people of the world assert their right to a world without nuclear weapons and rejoice in the 50th state ratification of the treaty ban which enters into force on January 22, 2021. We must continue our effort to pressure the nuclear weapons states to conform to international law.

—Ian Zabarte is Principle Man of the Western Bands of the Shoshone Nation of Indians.