

The Treaty on the Prohibition of Nuclear Weapons

What was agreed, &
why the UK should join



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united kingdom
international campaign
to abolish nuclear weapons

Introduction

A long-sought, multilaterally negotiated Treaty on the Prohibition of Nuclear Weapons (TPNW) was overwhelmingly adopted at the United Nations in New York in July. As well as making nuclear weapons clearly illegal under international law for the first time, the TPNW provides a framework for the total elimination of all nuclear weapons.

In banning the use and possession of nuclear weapons, the TPNW is similar to other treaties dealing with weapons of mass destruction – the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention. The UK has joined both these treaties. By contrast, the UK government's attitude to the TPNW so far has been to collaborate with the United States, Russia and a handful of others in opposing and boycotting it, in a vain attempt to discredit it.

This treaty provides the first real opportunity in decades to advance the global elimination

of nuclear weapons – an objective that the UK and most other nations committed to years ago, when they signed up to the 1968 Non-Proliferation Treaty (NPT). As recent events between the US and North Korea are reminding us, the dangers posed by nuclear weapons are still very real, and we cannot be complacent about letting any of the nine remaining nuclear armed states produce, possess or deploy such weapons, let alone use them. There are no safe hands for these weapons of mass destruction.

Successive British governments have long acknowledged the need for nuclear disarmament as well as non-proliferation. Now that the TPNW has been negotiated and adopted by the UN, the government should prepare to join the Treaty and undertake to cancel Trident replacement and irreversibly dismantle and eliminate existing UK nuclear weapons through this framework.



Facts about the Treaty & how it will work

- The Treaty on the Prohibition of Nuclear Weapons was adopted at the UN in New York on 7 July 2017, following multilateral negotiations open to all UN Member States.
- It opens for signature on 20 September 2017 with a signing ceremony at the UN General Assembly, and will remain open for all states to sign and ratify from then on.
- It will enter into force (become law for states that are party to it) after 50 states have signed and ratified the treaty. This might take 1-3 years. A first meeting of states parties will take place within 1 year of entry into force.
- When the treaty becomes law, it will be binding on states that join. It will also have a significant political and practical impact on those states that do not. It puts nuclear weapon possession clearly beyond the pale – and the law – in the eyes of the international community, thus reducing any political value attached to these weapons. It will also prohibit states parties from any military involvement or assistance to enable nuclear weapon production, deployment or other promotional activities. These prohibitions could, for example, affect banks and companies involved in financing or maintaining nuclear weapons and their associated systems. Appropriate support for nuclear disarmament and treaty verification would of course continue to be lawful and encouraged.

Key provisions in the Treaty <http://undocs.org/A/CONF.229/2017/8>

- Article 1 prohibits states parties from developing, testing, producing, manufacturing, otherwise acquiring, possessing, stockpiling, transferring, using or threatening to use nuclear weapons.
- It also prohibits states parties from assisting other states with these prohibited activities. Whether the prohibition on assistance includes financing will be determined by states parties through interpretive statements and national legislation.
- The treaty explicitly prohibits the stationing, deployment or installation of nuclear weapons belonging to other states on a state party's territory.
- Article 6 obliges states to provide assistance to individuals under its jurisdiction who are affected by nuclear weapon use or testing, and take steps to remediate affected environments under their jurisdiction or control.
- Article 7 obliges states to cooperate and assist each other in fulfilling their obligations.

How the Treaty would work for a nuclear-armed states

- A nuclear-armed state such as the UK can join the treaty either after it has destroyed its stockpiles, or whilst it still has them.
- If joining with stockpiles, the state would be required to immediately remove their nuclear weapons from operational status and commit to a legally binding, time-bound plan for the irreversible elimination of its nuclear weapons and associated programmes (Article 4).
- The timelines would be set by the treaty's states parties at their first meeting after it enters in to force, taking into account practical timelines for accomplishing the irreversible dismantling of existing weapons and the safe elimination and disposal of relevant components. For the UK's arsenal of 160-220 active and stored warheads, this would likely take between two and five years.
- The treaty does not contain detailed verification provisions, as these specifics were left for future agreement as some or all the nuclear-armed states join, taking into account ongoing advances in disarmament and verification technologies. However, the treaty obliges states to maintain or commit to safeguards with the International Atomic Energy Agency (IAEA), reinforcing the international safeguards regime that is already in existence (Article 3).
- A state party with another country's nuclear weapons on its territory would have to remove these within a timeframe to be determined by the first meeting of states parties (Article 4.4).

Why the UK needs to join this Treaty

The TPNW provides a unique opportunity for progress, after decades of deadlock in multilateral forums. It gives nuclear-armed states such as the UK the chance to redouble their efforts and commitments to achieving the elimination of all nuclear weapons.

The TPNW developed out of a multi-year international process over the past decade. It was led by a number of states parties to the 1968 Non-Proliferation Treaty, who worked with civil society to examine evidence about the humanitarian consequences of nuclear weapons, and the risks presented to people around the world by their continuing possession by a handful of states. Based on the evidence, the majority of the world's countries concluded that the prohibition of nuclear weapons was the only sensible course of action, and that this was a necessary step to bring about their elimination. In 2016, the UN General Assembly mandated negotiations on a treaty, and in 2017 the TPNW was negotiated in a UN forum open to all UN member states.

The risks of an accidental or deliberate detonation of a nuclear weapon have not gone away since the Cold War – even increasing in recent years. Nuclear weapons in anyone's hands threaten our national and international security.

Nuclear deterrence is based on possessing and threatening to use nuclear weapons. Even if governments believe in nuclear deterrence, the possession and deployment of nuclear weapons can result in misjudgments and crisis escalation. That's the kind of situation that can lead to nuclear weapons being detonated, by accident or intention. In the UK, nuclear weapon convoys on our roads

bring the hazard of nuclear accidents very close to home. These risks make the task of eliminating nuclear weapons ever more urgent.

The UK government is committed to the goal of a world free of nuclear weapons – along with most other nations – and frequently expresses this commitment to Parliament and at the UN.

For a world free of nuclear weapons to be achieved, the UK will have to commit to the prohibition of these weapons at some point – and after the TPNW there will not be another international prohibition treaty.

The UK already has a legal obligation to negotiate on disarmament, from its membership of the NPT. This means that joining the TPNW would be a fulfilment of international obligations that the UK has already legally undertaken.

The treaty's obligation to provide adequate assistance to the victims of nuclear weapon use and testing could also give the opportunity of better support for the UK's nuclear test veterans and their families. Previous treaties with similar obligations have strengthened good practice amongst states in meeting the medical, social and economic needs and realising the rights of those affected by other prohibited weapons.

The Scottish government and parliament are already in favour of the TPNW, but they are being disregarded by the Westminster government, which is dependent on Scottish bases to stockpile and deploy Trident nuclear weapons. This was, and remains, a key issue in the debate on Scottish independence. The current positions of the devolved government and parliamentary representatives of Scotland also weaken the UK government's claim of a full democratic mandate to maintain and renew the UK's nuclear weapons.

The UK government should therefore stop speaking against the TPNW, and commit to:

- Joining the treaty as soon as possible;
- Participating as an observer to its meetings in the interim;
- Encouraging other states to join; and
- Consulting with the devolved government in Scotland on this issue.

The UK should use the TPNW as the framework through which it destroys its nuclear weapon stockpiles. The UK should not tie its joining the treaty to the actions of other states. This would be a recipe for inaction and further deadlock.

The UK participated effectively in the treaties that prohibit the other weapons of mass destruction. We once considered chemical and biological weapons strategically important, but now find them abhorrent because of their terrible effects on people.

The TPNW offers an opportunity for the UK to join the majority of the world's countries who have already made this shift with respect to nuclear weapons – they have agreed that weapons with such destructive and horrific effects have no place in achieving any form of genuine security.

UK engagement with the TPNW would provide an opportunity for global leadership on eliminating all weapons of mass destruction. The elimination of Trident, combined with the Atomic Weapons Establishment's recent research on disarmament verification would put the UK in a unique position to contribute to international security and increase jobs in these areas where Britain has the skills and expertise to lead the way.

Confronting some of the myths around this Treaty

Myth: *Joining the TPNW would mean having to leave NATO and the UN Security Council.*

Facts:

- States joining the TPNW would have to renounce cooperation involving nuclear weapons, but that does not have to mean leaving NATO. The treaty does not prohibit participation in military alliances or other forms of military cooperation with states or alliances with these weapons – provided the TPNW state party does not engage in prohibited activities involving nuclear weapons.
- Membership of the UN Security Council is not tied to nuclear weapon possession. Changing the membership structure of the Security Council would take a significant reform process.

Myth: *The Treaty on the Prohibition of Nuclear Weapons undermines other initiatives for nuclear disarmament.*

Facts:

- Joining the TPNW is not only compatible with the NPT & Comprehensive Test Ban Treaty; it is a vital step towards fulfilling their key obligations on nuclear disarmament and non-proliferation.
- The obligations on safeguards in the TPNW were designed to ensure that states parties maintain at least the same level of safeguards that they have committed to under the NPT.
- The TPNW does not prevent states taking other steps unilaterally, bilaterally or through other multilateral groups. On the contrary, the TPNW encourages and facilitates all efforts to achieve a world free of nuclear weapons.

Myth: *Joining the TPNW only makes sense after nuclear weapons stockpiles have been destroyed.*

Facts:

- A sequence by which states negotiate a prohibition treaty, join it, remove their weapons from operational status, and commit in good faith to destroy their stockpiles within an agreed period, is how all other treaties that outlaw weapons have worked (Chemical Weapons Convention, Biological Weapons Convention, Anti-Personnel Mine Ban Treaty, Convention on Cluster Munitions). Prohibition precedes elimination, not the other way around, and this approach will work for nuclear weapons as well.

What can you do?

1. Write and tell the Prime Minister to sign the Treaty on the Prohibition of Nuclear Weapons.
2. Send ICAN'S parliamentary pledge for the TPNW to your own MP and as many others as you can. In Scotland, send the pledge to your constituency MSP and all your 7 list MSPs. <http://www.icanw.org/projects/pledge/>
3. Send them this leaflet and the treaty text, ask them to support and share.
4. Use the TPNW to reframe your discussions about nuclear disarmament.
5. Help us stop the #NukesofHazard convoy from taking Trident warheads on public roads. See www.nukesofhazard.co.uk for more information.
6. In Scotland, TPNW opportunities and Scottish Government activities can be addressed through SCND or UN House, ICAN Partners.

About ICAN UK

The International Campaign to Abolish Nuclear Weapons (ICAN) is a global coalition of over 450 non-governmental organisations in one hundred countries promoting adherence to and implementation of the TPNW. ICAN UK is a collaboration of UK-based ICAN partners.

For information and resources see:

<http://uk.icanw.org>

and

<http://www.icanw.org>

ICAN UK partners based in Scotland can also find additional information at nuclearban.scot or from UN House, Edinburgh.

Please contact: infouk@icanw.org

References available in online version at <http://uk.icanw.org>

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References

¹ In the context of the Convention on Cluster Munitions, which contains a similarly worded prohibition on assistance, 38 states have either passed legislation or interpreted the provision as prohibiting financing. The UK took the position that the direct financing of cluster munitions would be prohibited

For more information, see <http://www.icanw.org/campaign/humanitarian-initiative/>

Figures such as William Perry, former Secretary of Defence in the US, have warned that the risks are the highest they have been since the Cold War, with deteriorating relations between the US and Russia and rising tensions with North Korea

For more information, see the Nukes of Hazard project: <http://nukesofhazard.gn.apc.org>

See for example this ministerial statement from July 2017: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-07-18/5948/> and a recent statement by the UK to the Conference on Disarmament: http://conf.unog.ch/digitalrecordings/index.html?guid=public/12_0790/9887CCAS-4895-4C5C-B797-D1A3A9B07284_10h03&position=3055

Article VI of the NPT obliges nuclear armed states party to negotiate towards nuclear disarmament.

See: <https://www.un.org/disarmament/wmd/nuclear/npt/text>

Visit the website British Nuclear Test Veterans Association for resources and information on the UK's atomic veterans: <https://bntva.com>

You can learn about assistance for the victims of different weapons here: <https://victim-assistance.org>

See the United Kingdom Norway Initiative <http://ukni.info>

