

Article36

Briefing paper: Treaty on the Prohibition of Nuclear Weapons (TPNW)

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The *Treaty on the Prohibition of Nuclear Weapons*¹ (TPNW) was adopted on 7 July 2017, with 122 countries in favour. The treaty is now open for signature and ratification by all states, and will enter into force (become law for states that have ratified it) after 50 ratifications. So far, 11 states have ratified the treaty and 59 have signed.² Following entry in to force, states parties will hold biennial meetings under the treaty's framework.

The majority of the world's countries negotiated the TPNW because the ***catastrophic and long-term humanitarian consequences of nuclear weapons*** – and the dangers of their deliberate or accidental use – mean that these weapons cannot be legitimately retained by any state, and therefore must be prohibited. The treaty will help to create an international environment that is conducive to nuclear disarmament. By eroding the legitimacy and increasing the stigma around nuclear weapons possession, it will challenge the value that certain countries still attach to them. We know from experience with the other weapons of mass destruction – biological and chemical weapons – that prohibition encourages progress towards elimination.

Content of the Treaty on the Prohibition of Nuclear Weapons³

Similarly to other treaties prohibiting particular weapons (e.g. biological, chemical), the treaty contains a ***comprehensive set of prohibitions*** covering the acquisition, production, testing, possession and use of nuclear weapons and ***provides a framework and pathways for stockpile destruction and elimination*** for nuclear-armed states.

To ***address the ongoing humanitarian legacy*** of past nuclear weapons use and testing, the treaty also obliges states joining it to provide medical rehabilitation and psychological and socio-economic ***assistance to individuals affected*** by nuclear weapons use and testing, and to take steps to ***make safe and clean up affected environments***.

The treaty could have a significant ***impact on the private financing*** of nuclear weapons producers: this new international legal framework is likely to make investors consider these companies to be an increasingly risky proposition.⁴

Recommendations: How the UK government can engage with the TPNW

The government has stated that it does not intend to join the treaty. Though parliament recently voted for Trident renewal, the UK, like all other UN member states, has committed to the goal of a world free of nuclear weapons, and has a legal obligation under the Nuclear Non-Proliferation Treaty (NPT) to negotiate for disarmament. The Treaty on the Prohibition of Nuclear Weapons offers a clear pathway towards disarmament. It provides the international framework through which our and all other states' stockpiles should be destroyed. Joining the treaty should therefore be the UK's eventual goal.

Notwithstanding the government's current position, it is clear that the TPNW is ***firmly rooted in and is now an integral part of the international nuclear non-proliferation disarmament regime***. The majority of the world's countries will be working under its framework to achieve non-proliferation and disarmament goals.

¹ See <http://disarmament.un.org/treaties/t/tpnw/text>

² See <http://www.icanw.org/status-of-the-treaty-on-the-prohibition-of-nuclear-weapons/>

³ For a summary of the provisions including how the treaty would function for nuclear-armed states that join, see <http://bit.ly/2vEyhg3>

⁴ See <https://www.dontbankonthebomb.com>

At a time of great international tensions, where certain states openly challenge multilateralism and a rules-based international system, **the UK government has a choice**: to engage constructively with signatories and parties to the TPNW and foster a culture of dialogue and compliance, or to see its influence over disarmament policymaking diminish. Worse, the government could risk undermining initiatives under the TPNW that serve our common goals. As a strong supporter of international law,⁵ the UK has an interest in ensuring the treaty makes an effective contribution.

A positive response by the government to the TPNW could include:

- **Fostering a dialogue** with countries and organisations working on the TPNW, on how the treaty can make an effective contribution to disarmament
- **Investigating** how the UK could engage constructively with the treaty and other states' work under it. This could be done within a **broader examination of the UK's international nuclear policy** – in the context of rising nuclear tensions, and concerning developments such as the US's new nuclear policy⁶

Points on which the UK government could constructively engage with the TPNW directly include:

- **Attending meetings of the TPNW as an observer**: the government should have an accurate picture of the work that is proceeding – particularly to avoid wasting diplomatic effort on inaccurate notions, such as that this treaty poses a threat to the NPT, which was a common misconception during the TPNW negotiations
- **Verification**: during the negotiation of the TPNW, specific verification plans were left for future agreement when states with stockpiles joined the treaty. Given its work with the government of Norway on this issue,⁷ the government should seek to **contribute its expertise to any discussions**, in order to ensure that the highest standards are maintained – even if it is not party to the treaty
- **Addressing nuclear harm**: the treaty provides an opportunity for a renewed focus from the international community to address the legacies of nuclear testing, and to support sustainable development in affected countries.⁸ Past treaties with similar provisions have helped to strengthen good practice and raise standards of assistance for individuals and communities affected. The UK should seek to **provide expert input and funding** to these discussions and processes, given our history of conducting nuclear tests in other countries

The Treaty on the Prohibition of Nuclear Weapons does not represent a challenge to alliances such as NATO⁹ or to the UK's international standing – rather, it seeks to address the narrow issue of the unacceptability of nuclear weapons, as technologies that no country should ask their militaries to be willing to use when commanded. UK soldiers are not asked to use chemical or biological weapons because of the unacceptable harm they inflict – but the harm that would be caused by a nuclear weapon is of a completely different magnitude.

The global Red Cross and Red Crescent movement has called on all states to join the Treaty on the Prohibition of Nuclear Weapons,¹⁰ as have UN institutions. The UK will find itself increasingly out of step with the international community if it continues to reject engagement with the treaty – but could provide global leadership if it does respond positively.

⁵ The government's 2015 National Security Strategy and Strategic Defence and Security Review identifies "strengthening the rules-based international order and its institutions" as a priority <https://bit.ly/2vIh1hb>

⁶ See <http://www.article36.org/nuclear-weapons/new-us-npr/>

⁷ See <https://ukni.info>

⁸ See <http://bit.ly/2nMdvWQ>

⁹ See recent analysis from Harvard Law School on this point: <https://bit.ly/2IBLEjN>

¹⁰ See <https://bit.ly/2Kk7M84>