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THINGS TO KNOW ABOUT THE NUCLEAR BAN TREATY

A QUICK GUIDE FOR PARLIAMENTARIANS,
JOURNALISTS, AND THE GENERAL PUBLIC

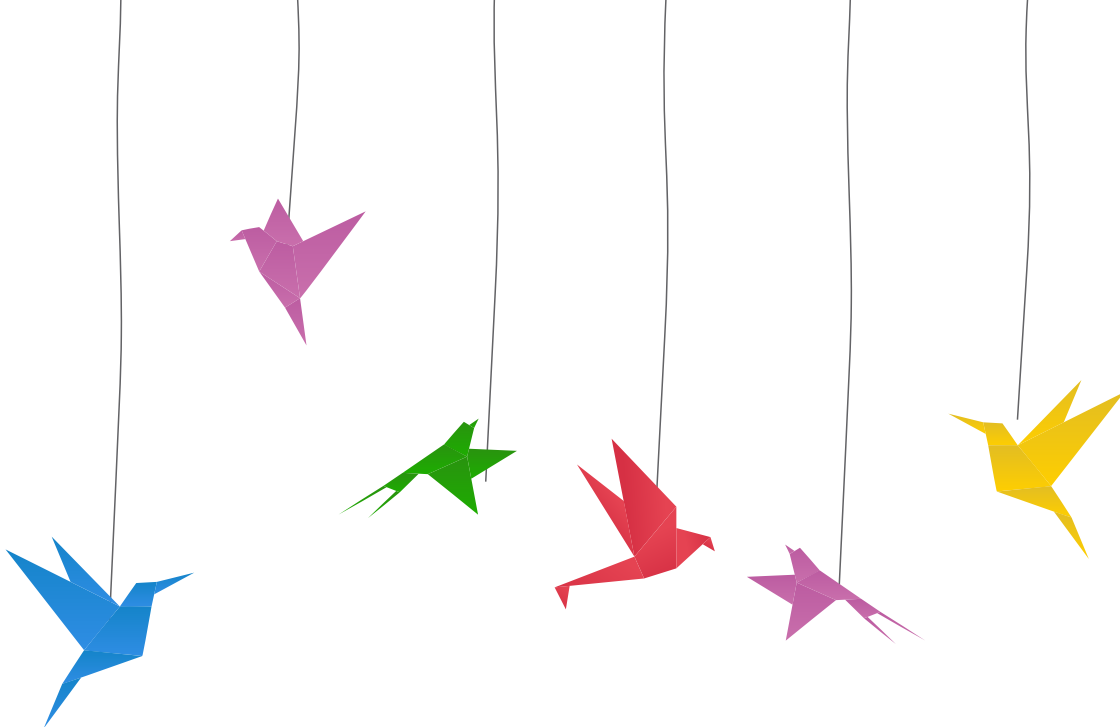
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1 WHAT IS THE NUCLEAR BAN TREATY?

Formally known as the Treaty on the Prohibition of Nuclear Weapons (TPNW), the nuclear ban treaty is a legally binding multilateral instrument that establishes an explicit prohibition of nuclear weapons, as a step to achieving their complete elimination. It was adopted by 122 states on July 7, 2017, at United Nations headquarters in New York.

On October 24, 2020, Honduras became the 50th state to ratify the TPNW. When Honduras deposited its instrument of ratification at the United Nations, it triggered a 90-day process culminating in the treaty's entry-into-force on January 22, 2021.

Many civil society organizations, current and former diplomats, humanitarian agencies, academics and scientists from all continents, and victims of nuclear weapons testing and use view the Treaty on the Prohibition of Nuclear Weapons as the most consequential nuclear disarmament development in decades.



2 WHAT ARE THE KEY PROVISIONS OF THE TREATY?

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The TPNW prohibits all activities that relate to the development, testing, production, acquisition, possession, stockpiling, transferring, stationing, and use or threat of use of nuclear weapons.

It also proscribes assisting with, encouraging, or otherwise inducing other states to take part in any of the prohibited activities and specifically prohibits the deployment of nuclear weapons on territories under the control of states parties to the treaty. States parties also have an obligation to prevent and suppress any activity prohibited under the TPNW by persons under its jurisdiction.

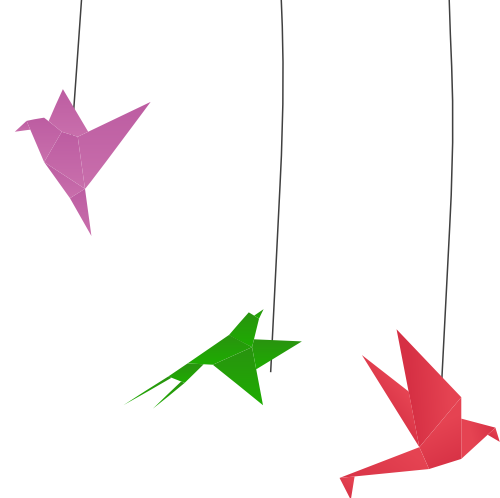
In addition to these negative obligations, states parties to the TPNW have positive obligations to assist individuals and communities that have been affected by the testing or use of nuclear weapons and must also engage in environmental remediation in areas under their jurisdiction or control in which the testing or use of nuclear weapons has resulted in contamination.

With the explicit goal of universal adherence, the TPNW requires states parties to encourage all other states to join this treaty. It outlines paths to membership for states that possess nuclear weapons, states that hold nuclear weapons belonging to another state, and states that do not possess nuclear weapons or rely on nuclear alliances. In the first two cases, the treaty lays out a time-bound plan for new adherents to disassociate from any nuclear-weapons activities. A designated competent international authority will verify and ensure compliance.



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HOW AND WHY DID THE TPNW COME TO BE?



More than 13,000 nuclear warheads exist today. Many are on high-alert status, ready to be launched within minutes, either deliberately or as the result of accident or misunderstanding. Any such launch would have catastrophic consequences for life on Earth.

Remarkably, while every other category of weapons of mass destruction has been specifically prohibited under international law, until the TPNW, nuclear weapons—by far the most destructive—had not. Several years ago, protesting the many failures of the global nuclear disarmament regime and openly acknowledging the catastrophic impact of any nuclear-weapons use, the nuclear-ban movement came together to eliminate this legal anomaly.

In 2013 and 2014, three conferences that focused on the catastrophic consequences of any nuclear-weapons use were held in host countries Norway, Mexico, and Austria. From these gatherings grew the widespread recognition that a legal prohibition of nuclear weapons was not only necessary but possible.

In December 2016, the UN General Assembly adopted Resolution L41, which called for negotiations on a ban on nuclear weapons; negotiations began in March 2017. Critical to these negotiations was renewed attention to the humanitarian impact of nuclear weapons. The humanitarian imperative to disarm served as an effective catalyst and rallying point for states and civil society organizations committed to the negotiation of the treaty.

The International Campaign to Abolish Nuclear Weapons (ICAN) was a strong champion for the treaty and actively participated in negotiations. In 2017, ICAN was awarded the Nobel Peace Prize “for its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its ground-breaking efforts to achieve a treaty-based prohibition on such weapons.”



On behalf of ICAN, Setsuko Thurlow, middle, and Beatrice Finn, right, accept the Nobel Peace Prize Medal from Berit Reiss-Andersen of the Norwegian Nobel Committee in Oslo in December 2017. *ICAN*

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WHY IS THE BAN TREATY NECESSARY WHEN THE NUCLEAR NON-PROLIFERATION TREATY (NPT) HAS EXISTED FOR DECADES?

The NPT has failed to deliver on its promise of complete nuclear disarmament. The Non-Proliferation Treaty was designed to both prevent non-nuclear-weapon states from acquiring nuclear weapons and to compel nuclear-weapon states to eliminate their stockpiles of nuclear weapons. While it has been generally successful in achieving the former, it has utterly failed in achieving the latter. In fact, the international community remains woefully distant from a credible process that would make even the most optimistic observer believe that the abolition of nuclear weapons is within sight.

Opponents of the nuclear ban treaty have often declared that the TPNW effectively undermines the NPT. But the NPT does not prohibit complementary efforts—such as the negotiation of a prohibition treaty—to implement its provisions and advance the goal of nuclear disarmament. In fact, the negotiation of a nuclear-weapons ban constitutes a rare, specific instance of actual implementation of Article VI of the NPT, which calls on states to “pursue negotiations in good faith” that lead to nuclear disarmament.

States with nuclear weapons and their allies continue to insist on a strict step-by-step approach to nuclear abolition. Deep-seated skepticism about this approach is not just based on doubts about future progress, but on historical evidence and current practice. The ongoing costly (possibly more than one trillion dollars) modernization of nuclear arsenals and related infrastructure, heightened tensions between superpowers, and a dysfunctional multilateral disarmament machinery underscore the inadequacy of the step-by-step process and the NPT itself.





In 2020, the five permanent members of the UN Security Council – China, the United States, the United Kingdom, Russia, and France – issued a letter to states that had joined the TPNW, urging them to withdraw.

5 WHICH STATES OPPOSE THE NUCLEAR BAN TREATY?

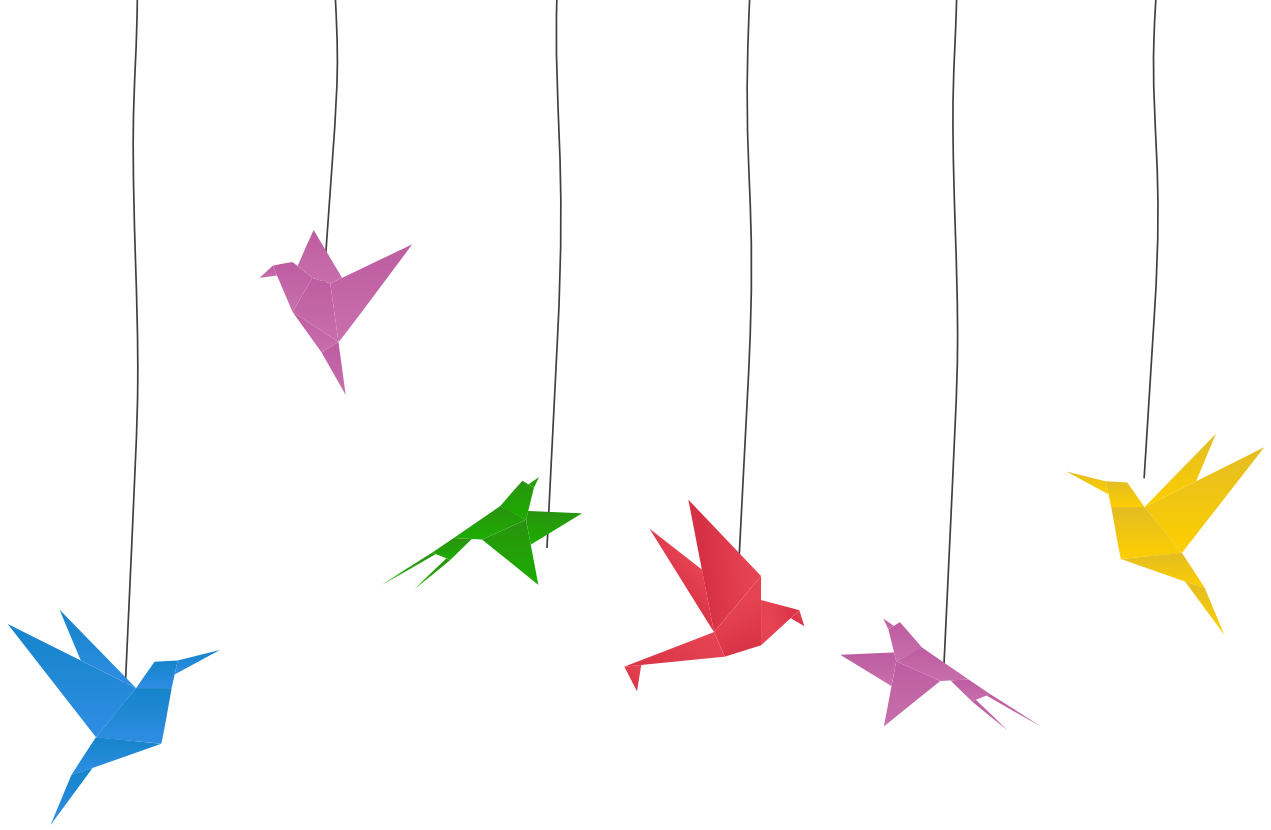
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The chief opponents are nuclear-armed states and their allies. All permanent members of the UN Security Council fall into this category, as do all NATO member states and other nuclear-dependent states.

In a memo issued to all its NATO allies in advance of the 2016 UN General Assembly vote on the resolution that convened the ban treaty negotiations, the United States demanded that NATO members boycott the entire ban enterprise, partly because “the effects of a nuclear weapons ban treaty could be wide-ranging” and it “could impact non-parties as well as parties.”

In 2020, when it seemed clear that the TPNW would soon enter into effect, the P5 of the UN Security Council issued a letter to states that had joined the treaty, urging them to withdraw. The United States, Russia, China, the United Kingdom, and France indicated that they “stand unified in opposition to the potential repercussions” of the treaty.

States with nuclear weapons continue to insist that a comprehensive multilateral effort to achieve nuclear abolition is premature, although the bombings of Hiroshima and Nagasaki took place more than 75 years ago; the NPT came into force more than 50 years ago; and the Cold War ended more than 30 years ago.



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