

A NON-NUCLEAR ALLIANCE

Why NATO Members Should Join the UN Ban on Nuclear Weapons



ICAN 2017 NOBEL PEACE PRIZE



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The International Campaign to Abolish Nuclear Weapons (ICAN) is a Nobel Peace Prize-winning coalition of non-government organisations in over one hundred countries promoting adherence to the UN Treaty on the Prohibition of Nuclear Weapons.

Abbreviations

APMBC	Anti-Personnel Mine Ban Convention
BWC	Biological Weapons Convention
CCW	Convention on Certain Conventional Weapons
CWC	Chemical Weapons Convention
IAEA	International Atomic Energy Agency
ICAN	International Campaign to Abolish Nuclear Weapons
NATO	North Atlantic Treaty Organisation
NPT	Nuclear Non-Proliferation Treaty
TPNW	Treaty on the Prohibition of Nuclear Weapons
WMD	Weapons of Mass Destruction

COVER Foreign ministers from NATO member states meet ahead of the NATO Summit in Brussels in June 2021 to discuss “how to continue to adapt NATO for the future”. Credit: NATO

INSIDE COVER Negotiations for the TPNW are held in New York in June 2017. Credit: ICAN

Summary

As the North Atlantic Treaty Organisation (NATO) holds its 2021 Summit in Brussels to take decisions on the NATO 2030 agenda and set the strategic direction of the alliance over the coming decade, the International Campaign to Abolish Nuclear Weapons (ICAN) has prepared this report as a substantive and comprehensive contribution to the deliberations of NATO members on nuclear weapons and nuclear disarmament. The report aims to provide perspectives, evidence, and analysis to help NATO members navigate the path to achieving the alliance's stated goals of complete implementation of the Nuclear Non-Proliferation Treaty (NPT) and global nuclear disarmament.

Disarmament for Security

NATO has long recognised the threat that nuclear weapons and other weapons of mass destruction pose to its security, and for this reason has repeatedly expressed its commitment to arms control, disarmament, and the eventual total elimination of nuclear weapons. As the NATO 2030 Reflection Group concluded:

Arms control, disarmament, and non-proliferation play an important role in promoting peace in the Euro-Atlantic region and preserving a stable international order. NATO has for many years actively contributed to effective and verifiable nuclear arms control and disarmament efforts, not only as an Alliance but through the efforts of its members. Beyond Cold War-era frameworks, Allies have long recognised the threat posed by WMD, as well as their means of delivery, by state and non-state actors.¹

All NATO members are parties to the NPT. Under this treaty, the three NATO members that possess nuclear weapons – France, the United Kingdom, and the United States – have made an “unequivocal undertaking ... to accomplish the total elimination of their nuclear arsenals”.² Many NATO members have played key roles in developing NPT review conference agreements on practical steps towards nuclear disarmament

¹ NATO 2030: *United for a New Era: Analysis and Recommendations of the Reflection Group Appointed by the NATO Secretary General*, NATO, 25 November 2020, p. 36.

² Final Document of the 2000 Review Conference of the Parties to the NPT, p. 14.

and preventing proliferation. All members have signed the Comprehensive Nuclear-Test-Ban Treaty and all except the United States have ratified it.³

NATO's stated commitment to nuclear non-proliferation and disarmament, and the efforts deriving from it, are based on a clear understanding of the scope and magnitude of the threat. Any use of nuclear weapons would have wide-ranging and catastrophic effects – as catalogued in detail by three international conferences held in 2013 and 2014, in which almost all NATO members participated. As well as the immediate and massive destruction, death, and displacement, these effects include profound and long-term damage to the environment, climate, human health, and socio-economic development.

A deteriorating global security environment, rising tensions among nuclear-armed states, aggressive behaviour by Russia and China, and the build-up of nuclear forces are increasing the risks of nuclear weapons being used, and exacerbating the already acute threat posed to NATO members and their populations by nuclear weapons. NATO continues to rely on the long-contested policy of “nuclear deterrence” to try to meet these growing threats. But even supporters of that policy are starting to recognise that the evolving security challenges described in the NATO 2030 Reflection Group report – such as terrorism, emerging and disruptive technologies, cyber, hybrid, and “grey zone” warfare – are not amenable to deterrence. Overall, current dynamics are simultaneously increasing the risk of nuclear weapons being used while further diminishing their already disputed utility.

Moving in the Wrong Direction

Given the growing risks, it would be natural for NATO to be reinvigorating and accelerating its efforts on nuclear disarmament. Perversely, however, the alliance has been moving in the opposite direction – contrary to its own objectives, and undermining its own security.

Despite NPT commitments to work to reduce stockpiles and diminish the role of nuclear weapons in security doctrines,⁴ the three nuclear-armed NATO members are all modernising and enhancing their nuclear arsenals. In some cases, they are developing new weapons, or new missions. The United Kingdom recently announced that it will *increase* the maximum size of its nuclear arsenal and reduce the information it provides about it.⁵ These moves not only breach existing commitments,⁶ they show contempt for the good-faith efforts by non-nuclear-armed NATO members on verification and other practical steps to facilitate nuclear disarmament.

Equally disturbingly, these moves have been accompanied by a hardening of NATO rhetoric in favour of nuclear weapons, and a tendency within the alliance to “circle the wagons” around nuclear deterrence. Political support by individual NATO members for retaining and even expanding

³ *Comprehensive Nuclear-Test Ban Treaty*, opened for signature on 10 September 1996. Ratification by China, Egypt, India, Iran, Israel, North Korea, Pakistan, and the US is still needed for entry into force.

⁴ Final Document of the 2010 Review Conference of the Parties to the NPT.

⁵ See “Five Ways the UK Is Undermining the NPT”, ICAN, 7 April 2021.

⁶ See, for example, “Legality under International Law of the United Kingdom’s Nuclear Policy as Set out in the 2021 Integrated Review”, legal opinion by Christine Chinkin and Louise Arimatsu, April 2021.

NATO's nuclear weapons capability is increasingly seen as a test of loyalty and unity; dissent or simply discussion of the wisdom of NATO's continuing dependence on nuclear weapons is less and less tolerated. Although the North Atlantic Treaty – NATO's foundation document – makes no mention of nuclear weapons or nuclear deterrence, and many NATO members have resisted a nuclear doctrine for the organisation, NATO was officially dubbed a “nuclear alliance” in the 2010 Strategic Concept,⁷ and this deliberate embedding of nuclear weapons in the alliance's identity has steadily continued in the decade since.

Coming at a time when much of the world is strengthening and expanding the norm against nuclear weapons by joining the 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW), this trend within NATO has unfortunate consequences: it undermines NATO's security by encouraging proliferation of nuclear weapons, by provoking arms racing in nuclear-armed rivals, and by severely constraining the possible scope of action for the alliance and its members to pursue effective steps towards nuclear disarmament. It stifles diversity of opinion and policy, narrows perspectives and options, and needlessly closes off potential pathways to improving cooperation and partnerships with those outside the alliance.

A New Global Norm

Nowhere is the harmful effect of this trend clearer than in the relationship of NATO with the TPNW. NATO has been adamantly opposed and hostile to this treaty – an approach which is both unnecessary and directly contrary to NATO's own security interests.

The objective of the TPNW is the same as that professed by NATO: ending the nuclear weapons threat by totally eliminating nuclear weapons. The differences therefore come down to the means by which this objective is to be achieved. While some NATO members have said that they are not willing or ready to commit to a total prohibition of nuclear weapons immediately, and all NATO members wish to ensure that NATO military planning, cooperation, and interoperability are not hampered by nuclear disarmament measures, it is unwise that NATO should attempt to impose a blanket ban on engagement with and support for the TPNW by alliance members that are ready and willing to explore the potential for the treaty to contribute to the achievement of NATO's nuclear disarmament goals and fulfilment of its obligations.

Throughout the history of NATO, members of the alliance have taken different approaches to weapons and strategy issues. As the NATO 2030 Reflection Group notes, “as befits a community of sovereign democratic states, NATO has never been able to achieve complete harmony”.⁸ Individual member states have adopted a variety of different policies concerning the degree of their involvement with NATO's nuclear weapons. Many members have joined treaties that comprehensively outlaw certain weapons that remain in use in other NATO states. None of this has caused any fundamental strategic or operational problem for the alliance.

⁷ *Active Engagement, Modern Defence: Strategic Concept*, adopted by NATO in 2010, p. 5.

⁸ *NATO 2030: United for a New Era*, NATO, 2020, p. 20.

As the Reflection Group concludes:

Allies have occasionally disagreed in the past over interests and values, sometimes straining the Alliance. Yet another key to NATO's success is that it has been resilient in the face of many challenges because Allies do not deviate, even under strained circumstances, from an inviolable commitment to defending each other's security.⁹

There is no legal reason that NATO allies cannot join the TPNW; doing so would not infringe any treaty obligation.¹⁰ This has been confirmed by academic institutions and government authorities in a number of member states. Questions over military cooperation with nuclear-armed allies would be best solved by one or more NATO members joining the TPNW and establishing practice and precedent along with other TPNW states parties, as was done with the treaties prohibiting anti-personnel landmines and cluster munitions.

Conversely, the approach of blanket dismissal of and hostile non-engagement with the TPNW will only constrain NATO's options, alienate potential partners, and push the alliance's nuclear disarmament goal further out of reach. The best way for NATO members to defend each other's security – and promote international peace and stability – is to support the prohibition and work to eliminate nuclear weapons.

Benefits of Joining the Ban

The TPNW offers NATO members a practical means of renewing and reinvigorating their pursuit of the NATO objective of reducing and eventually eliminating the security threats posed by nuclear weapons. By joining the TPNW, individual NATO states can help to build and entrench a robust new global norm against nuclear weapons, strengthening barriers against proliferation, diminishing pressure for nuclear arms races, and reducing the overall reliance of NATO on nuclear weapons (in line with NPT commitments), opening up pathways for progress on disarmament.

By joining the TPNW, NATO members will clearly demonstrate their commitment and good faith in fully discharging their NPT disarmament obligations. This will significantly lessen tensions in the NPT, and allow these states to act as credible and effective bridge-builders in helping to repair relations between nuclear-armed and non-nuclear-armed states and find common ground for renewed cooperation and progress on implementing all aspects of the NPT.

NATO members joining the TPNW will have the opportunity to participate in exploring and designing structured approaches to key disarmament challenges such as verification and irreversibility. They will be able to work with other TPNW states parties to ensure that the treaty regime develops in a way that offers the best chance of securing the eventual accession of all nuclear-armed states, and meets the security needs of all NATO members for verifiable, irreversible disarmament.

⁹ Ibid.

¹⁰ See, for example, "Nuclear Umbrella Arrangements and the Treaty on the Prohibition of Nuclear Weapons", International Human Rights Clinic, Harvard Law School, June 2018.

The TPNW also offers NATO members a structured means of participating in and contributing to assistance to victims of nuclear testing and efforts to remediate environmental damage caused by testing (including by three NATO members). NATO members have played a leading and vital role in implementing, or supporting the implementation of, similar provisions in the treaties prohibiting anti-personnel landmines and cluster munitions.

Support for the Ban within NATO

Given that the objectives of the TPNW are fully in line with those of NATO, and that widespread adoption and implementation of the treaty will increase NATO's security, it is not surprising that there is strong support within many NATO member states for joining the TPNW.

A range of former leaders, including NATO secretaries general and defence and foreign ministers, have called on NATO states to join the TPNW.¹¹ Parliaments in NATO states have passed motions in support of the treaty; cities across the alliance have called on their governments to join it. There have been many statements of support from religious leaders and civil society organisations. Public opinion polls in many NATO states consistently support, by a clear margin, accession to the TPNW.

The TPNW also enjoys support among key NATO partners. In Europe, Austria, Ireland, and Malta are states parties; in the Asia-Pacific, US allies New Zealand, the Philippines, and Thailand have joined. This list will only grow; cooperation between NATO members and TPNW states parties is already a reality and will steadily become more common.

In light of all this, it is difficult to reconcile the foundational mission for NATO, as set out in the North Atlantic Treaty, to “safeguard the freedom, common heritage, and civilisation of their peoples, founded on the principles of democracy, individual liberty, and the rule of law”¹² with the bitter and intransigent opposition to the TPNW displayed so far by NATO.

Myths and Misconceptions

While some criticism of the TPNW is made in good faith and based on genuine analysis, much of the opposition – including, regrettably, from a number of NATO member states – is based on myths, misconceptions, and sometimes deliberate falsehoods.

The TPNW does not contradict or undermine the NPT; not only is it fully compatible with and complementary to the NPT, it was designed as a means of implementing Article VI of the NPT. The non-proliferation aspects of the TPNW, including the safeguards provisions, are at least as strong and verifiable as those of the NPT, and in some important respects stronger; a non-nuclear-armed state withdrawing from the NPT and joining the TPNW would certainly gain no additional freedom or ability to pursue a nuclear-weapon programme.

¹¹ “Open Letter in Support of the Treaty on the Prohibition of Nuclear Weapons”, 21 September 2020.

¹² North Atlantic Treaty, adopted on 4 April 1949, entered into force on 24 August 1949, preamble.

Nuclear disarmament under the TPNW does not “lack verification”; on the contrary, Article 4 of the treaty clearly requires legally binding verification measures to be elucidated, agreed, and applied to any disarmament procedure. Unverified disarmament is simply not permitted by the treaty. By any measure, the TPNW’s disarmament verification provisions are far ahead of those of the NPT – which does not have any.

The TPNW does not require unilateral disarmament (although it certainly allows for it – and many states parties, as well as ICAN, would encourage it). The TPNW was designed to facilitate the simultaneous accession of any number of nuclear-armed states, which can negotiate a joint disarmament plan with TPNW states parties in accordance with Article 4.

Towards a Non-Nuclear Alliance

NATO currently labels itself a “nuclear alliance”. But if it should one day reach its long-standing goals of full implementation of the NPT and global nuclear disarmament, it will necessarily be a “non-nuclear alliance”. This would surely be something to celebrate. Yet rather than openly aspiring to achieving such status, and discussing how it might look and function, the alliance seems to be actively avoiding – even suppressing – any consideration of the possibility. This is a dangerously counterproductive and shortsighted approach. As the NATO 2030 Reflection Group concluded:

[T]he Alliance would benefit from adopting a long-term perspective and re-embracing the vision of NATO from earlier decades – as a preventative tool to shape its environment rather than primarily an instrument for managing crises once they have already broken out. This proactive mentality should permeate how Allies think about strengthening NATO’s political role, cohesion, and unity, and consultation and decision-making for the coming decade.¹³

It is time for NATO members to shake off the restrictions of reactive, short-term thinking about nuclear weapons, and instead to re-embrace the vision of nuclear disarmament as a preventative tool for shaping NATO’s security environment. While total elimination of nuclear weapons may remain a distant goal, envisioning and planning for NATO as a “non-nuclear alliance” should begin now. Positive and constructive engagement with the TPNW, including joining the treaty for those NATO members willing and ready to do so, would be a logical place to start.

¹³ NATO 2030: *United for a New Era*, NATO, 2020, p. 22.

1

Disarmament for Security

NATO has long recognised the threat that nuclear weapons and other weapons of mass destruction pose to its security. Rising tensions and risks are only increasing the incentives for disarmament.

Whether in the form of weapons actually held by rival states, or in the shape of the risk of proliferation to other states or to non-state actors, the security threat of nuclear weapons has always held a central place in NATO policy, doctrines, and planning. As a key strategy to address this threat, NATO has repeatedly stated its commitment to – and adopted policies that appear to support – arms control, disarmament, and the eventual total elimination of nuclear weapons. Marking the 50th anniversary of the entry into force of the Nuclear Non-Proliferation Treaty in 2020, the North Atlantic Council said:

Arms control, disarmament, and non-proliferation have made, and should continue to make, an essential contribution to achieving NATO's security objectives and for ensuring strategic stability and our collective security. NATO Allies have a long track record of doing their part on disarmament and non-proliferation. We reaffirm our resolve to seek a safer world for all, and to take further practical steps and effective measures to foster nuclear disarmament.¹⁴

¹⁴ Statement on the 50th anniversary of the NPT, North Atlantic Council, 5 March 2020.

NATO's support for nuclear disarmament is consistently expressed and manifested through its support for the NPT, which it views as the "cornerstone of the global non-proliferation and disarmament architecture"¹⁵ and as the multilateral legal framework under which all progress towards – and ultimate arrival at – a world without nuclear weapons must be achieved. NATO has repeatedly called for "the full implementation of the NPT in all its aspects", and many NATO members have shown a determination to push ahead with implementing the disarmament and non-proliferation aspects of the NPT with additional legal measures, such as the Comprehensive Nuclear-Test-Ban Treaty, even in times of political tension and a changing security environment.

Humanitarian Imperative

As all NPT states parties acknowledged in 2010, any use of nuclear weapons would have "catastrophic humanitarian consequences".¹⁶ No state is immune to these consequences. Even people living far away from a conflict zone in which nuclear weapons are used would suffer from the effects of radioactive fallout, climate disruption, economic collapse, and large-scale forced migration. NATO's stated commitment "to create the conditions for a world without nuclear weapons"¹⁷ is based on an understanding of the scope and magnitude of the threat that these weapons pose to humanity and the planet.

Three major intergovernmental conferences on the humanitarian impact of nuclear weapons hosted by Norway, Mexico, and Austria in 2013 and 2014 provided compelling scientific evidence supporting the conclusion that urgent action is needed for disarmament. All NATO members, with the exception of France, participated in one or more of these conferences; most participated in all three. Many delivered national statements expressing their profound concern at the continuing threat of nuclear war. In the UN General Assembly's First Committee in 2014, 17 NATO states, together with Australia, Finland, and Japan, said:

The renewed global focus on the humanitarian impact of nuclear weapons has re-energised concerns about the horrific consequences for humanity that would result from the use of a nuclear weapon, a major nuclear weapons accident, or a terrorist attack involving fissile material ... It is our concern about the continuing nuclear risks to humanity, and a desire for a peaceful future for successive generations, which underpins our long-standing advocacy for effective progress on nuclear disarmament and non-proliferation, particularly through the [NPT].¹⁸

¹⁵ Ibid.

¹⁶ Final Document of the 2010 Review Conference of the Parties to the NPT, p. 19.

¹⁷ *Active Engagement, Modern Defence: Strategic Concept*, adopted by NATO in 2010, p. 23.

¹⁸ "Joint Statement on the Humanitarian Consequences of Nuclear Weapons", delivered by Australia, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Italy, Japan, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, and Spain in the First Committee of the UN General Assembly, New York, 20 October 2014.

The use of even a single nuclear weapon, whether deliberate or accidental, would cause death, destruction, and displacement on a massive scale. In the Japanese cities of Hiroshima and Nagasaki in 1945, two relatively small US nuclear bombs killed over a quarter of a million people instantly or within a few months, with many thousands more succumbing to radiation-related illnesses years later.¹⁹ The use of multiple nuclear weapons against large metropolitan areas today would have regional and even global consequences, causing millions of immediate casualties, as well as long-term damage to the environment, climate, health and well-being, socio-economic development, and the social order.²⁰ Radioactive fallout would contaminate food supplies and the atmosphere, impacting children and women disproportionately,²¹ and soot from burning cities would block sunlight and reduce precipitation over a prolonged period, resulting in widespread agricultural collapse and famine.²²



Fact-based discussions The first conference on the humanitarian impact of nuclear weapons, hosted by Norway in 2013, reinvigorated disarmament efforts. Credit: Norway MFA

¹⁹ See “Hiroshima and Nagasaki Bombings”, ICAN.

²⁰ See “Report and Summary of Findings of the Vienna Conference on the Humanitarian Impact of Nuclear Weapons”, presented by Austria on 9 December 2014.

²¹ See, for example, Anne Guro Dimmen, “Gendered Impacts: The Humanitarian Impacts of Nuclear Weapons from a Gender Perspective”, United Nations Institute for Disarmament Research and International Law and Policy Institute, 2014.

²² See, for example, Ira Helfand, “Nuclear Famine: Two Billion People at Risk – Global Impacts of Limited Nuclear War on Agriculture, Food Supplies, and Human Nutrition”, International Physicians for the Prevention of Nuclear War, 2013.

As the International Committee of the Red Cross has warned, “an effective means of assisting a substantial portion of survivors in the immediate aftermath of a nuclear detonation, while adequately protecting those delivering assistance, is not available and not feasible at the international level”.²³ No state, humanitarian organisation, or UN agency will ever have the capacity to respond adequately. If a nuclear weapon were detonated over a populated area today, there would not be enough specialised burn units anywhere to cater for the large number of burn victims, and entering the zone of destruction to reach survivors would pose serious risks to first responders. All of this underscores the humanitarian imperative for prevention of use through the elimination of nuclear weapons.

“[A]n effective means of assisting a substantial portion of survivors in the immediate aftermath of a nuclear detonation ... is not available and not feasible at the international level.”

International Committee of the Red Cross



Catastrophic harm Photos and illustrations of victims of the US atomic bombing of Hiroshima, as displayed at the Hiroshima Peace Memorial Museum. [Wikimedia Commons](#)

²³ Statement by Peter Maurer, President of the International Committee of the Red Cross, to the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, Vienna, 8 December 2014.

Increasing Risks

In view of today's international conflicts and tensions in a changing and increasingly uncertain security environment, and given the policies and actions of nuclear-armed states, the risk of a nuclear weapon being used is greater than generally acknowledged, and is widely considered to be growing. According to more than 50 past leaders and foreign and defence ministers from 20 NATO states, the risk "appears to be increasing, with the recent deployment of new types of nuclear weapons, the abandonment of long-standing arms control agreements, and the very real danger of cyber-attacks on nuclear infrastructure".²⁴ In January 2021, the science and security board of the *Bulletin of the Atomic Scientists* expressed alarm that "[g]overnments in the United States, Russia, and other countries appear to consider nuclear weapons more and more usable, increasing the risks of their actual use. There continues to be an extraordinary disregard for the potential of an accidental nuclear war, even as well-documented examples of frighteningly close calls have emerged."²⁵

The dangers of access to nuclear weapons and related materials by non-state actors, particularly terrorist groups, persist; nuclear command and control networks are vulnerable to human error and cyber-attacks; and some 1,900 US, Russian, British, and French nuclear weapons remain on high alert, ready to be used on short notice.²⁶

A recent report published by the UN Institute for Disarmament Research identifies three "intertwined trends" that are acting to exacerbate risks:

1) There is greater multipolarity and heightened tensions among nuclear-armed states. In particular, strategic interactions among multiple nuclear-armed states are now closely interconnected, with several nuclear triads, especially China–Russian Federation–United States, China–India–Pakistan, and United States–Democratic People's Republic of Korea [North Korea]–China. As a result, managing the strategic relationships between these states is becoming even more complex as actions in a bilateral dimension can spill over into the broader triad ... Overall, relations among many of the nuclear-armed states remain or have become more tense.

2) The fabric of international institutions, treaties, and norms that has historically contributed to predictable and more stable relationships among nuclear-armed states is deteriorating.

3) Several current or imminent technological developments are heightening the uncertainties and unpredictability in the strategic relationships among nuclear-armed states. These include anti-ballistic missile defences, hypersonic and other advanced long-range weapons, anti-satellite weapons, cyber, artificial intelligence and machine learning, and – although not a new technology per se – lower-yield nuclear weapons.²⁷

²⁴ "Open Letter in Support of the Treaty on the Prohibition of Nuclear Weapons", 21 September 2020.

²⁵ Doomsday Clock statement, *Bulletin of the Atomic Scientists*, 27 January 2021.

²⁶ See Hans M. Kristensen and Matt Korda, "Status of World Nuclear Forces", FAS, March 2021 update.

²⁷ John Borrie and Lewis A. Dunn, "The Strategic Context for Nuclear Disarmament, Deterrence, and Strategic Arms Control Dialogue", UNIDIR, November 2020.

The NATO 2030 Reflection Group report similarly identifies a range of evolving security challenges, including terrorism, emerging and disruptive technologies, cyber-attacks, and hybrid and “grey zone” warfare, that are magnified by aggression or confrontational behaviour by Russia and China. On hybrid warfare, the group notes:

The return of geostrategic competition has also brought a proliferation of hybrid attacks. This grey zone activity has eroded the traditional boundaries of conflict. Domestic and international security bleed across into each other. The line between civilians and combatants is being blurred, through the use of proxies and private military companies, disinformation, and subversion.²⁸

NATO views aggression from Russia and China, along with actions by North Korea and Iran, as among the most significant threats to the alliance, and continues to frame its members’ nuclear weapons as a necessary “deterrent”. As NATO’s secretary general, Jens Stoltenberg, put it recently, “in an uncertain world, these weapons continue to play a vital role in preserving peace. Only three NATO allies possess nuclear weapons. But all NATO allies benefit from the security guarantees they provide.”²⁹

Nuclear deterrence has always been controversial; ICAN, along with many governments, does not accept that it has ever been an effective or ethical security doctrine. But even defenders of nuclear deterrence are considering and debating the extent to which the evolution of the security environment is changing long-held assumptions and calculations about the effectiveness and reliability of deterrence, and thus the utility of nuclear weapons.³⁰

The current dynamics operate in two directions. First, instabilities, tensions, emerging technologies, hybrid and grey zone warfare, and developments such as lower-yield nuclear weapons all increase the risk of nuclear weapons being used in conflict, whether deliberately or by miscalculation, accident, or sabotage. Second, the nature of many emerging threats – disruptive technologies, cyber-warfare, hybrid and grey zone warfare – mean that they (like terrorism, an older challenge for deterrence advocates) are not amenable to nuclear deterrence. Indeed, this is often the rationale for developing and deploying them: to make attribution difficult and military retaliation dangerous or impossible. Even for those who accept the logic of nuclear weapons in deterring “traditional” military aggression by states, nuclear weapons are clearly addressing a smaller and smaller portion of the overall strategic risk profile that NATO faces.

In short, as the risks of use of nuclear weapons are growing, their utility – always contested – is shrinking. This trend only reinforces the wisdom and necessity of NATO’s professed commitment to achieving full implementation of the NPT and total nuclear disarmament.

²⁸ NATO 2030: *United for a New Era*, NATO, 25 November 2020, p. 17.

²⁹ Speech by the NATO secretary general, Jens Stoltenberg, at the 16th annual NATO Conference on Weapons of Mass Destruction, Arms Control, Disarmament, and Non-Proliferation, 10 November 2020.

³⁰ See, for example, Andrew Futter, “The Risks Posed by Emerging Technologies to Nuclear Deterrence”, in Beyza Unal, Yasmin Afina, and Patricia Lewis (editors), *Perspectives on Nuclear Deterrence in the 21st Century*, Chatham House, 2020.

2

Moving in the Wrong Direction

Instead of accelerating its efforts to advance nuclear disarmament, NATO has been moving in the opposite direction – contrary to its own objectives, and undermining its own security.

Given the growing risks associated with nuclear weapons as outlined in chapter 1, it would be natural for NATO to be reinvigorating its efforts on nuclear disarmament. Indeed, this is what its members have pledged to do under the Nuclear Non-Proliferation Treaty. At the NPT review conference in 2010, all states parties – including every NATO member – agreed to pursue policies that are fully compatible with “the objective of achieving a world without nuclear weapons”.³¹ In addition, the NPT nuclear-armed states – China, France, Russia, the United Kingdom, and the United States – committed “to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons” and “to accelerate concrete progress on the steps leading to nuclear disarmament”.³²

More than a decade later, however, there is scant evidence of progress – and much evidence of movement away from the universally agreed objective of eliminating nuclear weapons. Instead of working to accelerate efforts to achieve a nuclear-weapon-free world, the three nuclear-

³¹ Final Document of the 2010 Review Conference of the Parties to the NPT.

³² Ibid.

armed NATO members have actively opposed, and even tried to sabotage, initiatives to advance disarmament – most notably the negotiation of the TPNW. They have also undermined various earlier nuclear-weapon-related treaties; continued to make major investments in the augmentation of their nuclear forces; and amplified their rhetoric in favour of nuclear weapons as an “ultimate insurance policy”³³ against all manner of threats, real and perceived. In many cases, they have been aided and abetted by their non-nuclear-armed allies.

All of this is reflected in the generally abysmal approach that NATO as a whole has taken over the past decade towards addressing the grave threat that nuclear weapons pose to global security, including to the security of NATO states. By working against disarmament, NATO has acted contrary to its own mission as set out in the North Atlantic Treaty, and contrary to its Strategic Concept of 2010, in which it resolved “to seek a safer world for all and to create the conditions for a world without nuclear weapons”.³⁴

In his November 2020 speech, the NATO secretary general, Jens Stoltenberg, claimed that “NATO has been at the forefront of nuclear disarmament for decades”, while at the same time insisting that weapons of mass destruction in the hands of NATO members “continue to play a vital role in preserving peace” and guaranteeing security. “Our nuclear deterrent is our strongest deterrent,” he said. “[It] has preserved peace in Europe for more than 70 years.”³⁵ Such rhetoric is not only dangerous and misguided; it is also fundamentally at odds with the national positions of many of the non-nuclear-armed members of NATO, where there is little public acceptance of the kinds of views that the secretary general put forth.

More disturbingly still, this rhetoric reflects a steadily growing and ever-more rigidly enforced orthodoxy within the alliance which holds political support by individual NATO members for retaining and even expanding NATO’s nuclear weapons capability as a test of loyalty and unity. As comprehensively examined in Kjølsv Egeland’s paper “Spreading the Burden: How NATO Became a ‘Nuclear’ Alliance”,³⁶ the nuclear-armed NATO members have long sought to shift the moral and political responsibility for holding weapons of mass destruction onto the alliance as a whole, and have largely succeeded in recent years. Although the North Atlantic Treaty makes no mention of nuclear weapons, NATO was officially dubbed a “nuclear alliance” in 2010, and this deliberate embedding of nuclear weapons in the alliance’s identity has steadily continued in the decade since. As Egeland observes, this embedding serves two purposes:

*First, the nuclearisation of NATO’s organisational identity has allowed pro-nuclear actors to justify costly nuclear modernisation programmes and indefinite deployments as contributions to alliance “solidarity” and “cohesion”. Second, the nuclearisation of NATO’s organisational identity has undercut the potential for intra-alliance resistance to nuclear orthodoxy. Once defining NATO as a “nuclear” alliance, pressure for denuclearisation might seem as “anti-NATO”.*³⁷

³³ “Lifting Cap on Nuclear Weapons Is ‘Ultimate Insurance Policy’”, ITV, 16 March 2021.

³⁴ *Active Engagement, Modern Defence: Strategic Concept*, NATO, 2010.

³⁵ Speech by the NATO secretary general, Jens Stoltenberg, at the 16th annual NATO Conference on Weapons of Mass Destruction, Arms Control, Disarmament, and Non-Proliferation, 10 November 2020.

³⁶ Kjølsv Egeland, “Spreading the Burden: How NATO Became a ‘Nuclear’ Alliance”, *Diplomacy and Statecraft*, volume 31, number 1, 2020, pp. 143–67.

³⁷ *Ibid.*, pp. 144–5.

Indeed, NATO members which do not possess nuclear weapons, and which might wish to explore – or even just discuss – alternative approaches and more effective steps towards disarmament, come under attack from their allies for exactly this reason. The explicit branding of NATO as a “nuclear alliance” in 2010 in fact came about as an effort by the United States to discredit and obstruct the then German government’s push to have the US nuclear weapons stationed in Germany withdrawn.³⁸ The experience of the Netherlands in making its decision to participate in the negotiations on the TPNW (the only NATO member to do so) provides a more recent example of this ugly phenomenon.³⁹

NATO states that possess nuclear weapons	France, United Kingdom, United States
NATO states that host US nuclear weapons	Belgium, Germany, Italy, Netherlands, Turkey
Members of NATO’s Nuclear Planning Group	Albania, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, United Kingdom, United States (i.e. all NATO members with the exception of France)



Cold War decision-making At a meeting in Paris in 1966, defence ministers from NATO member states decide to establish NATO’s Nuclear Planning Group. Credit: NATO

³⁸ Ibid. 158–9.

³⁹ Ekaterina Shirobokova, “The Netherlands and the Prohibition of Nuclear Weapons”, *The Nonproliferation Review*, volume 25, issues 1–2, 2018, pp. 37–49.

NATO Nuclear-Armed States

United States

CURRENT ARSENAL 5,550 nuclear weapons (1,800 deployed)

For decades, US leaders have spoken loftily about a need to eliminate nuclear weapons.⁴⁰ The new US president, Joe Biden, himself said in 2017 (when vice president) that “as the only nation to have used nuclear weapons, we bear a great moral responsibility to lead the charge” to a world without nuclear weapons, “because that is the only surety we have against the nightmare scenario becoming a reality”.⁴¹ The United States asserts its progress to this end frequently, noting, for example, that it “has reduced [its] nuclear stockpile by over 85 per cent since the height of the Cold War and deployed no new nuclear capabilities for over two decades”.⁴²

But a review of US activity, policy, and budgets reveals a different story. In fact, the United States is not only taking steps to modernise its existing arsenal, but is also building entirely new weapons, moving the world further away from the professed US and NATO goal of a nuclear-weapon-free future, and contravening disarmament-related obligations and commitments under the NPT and other international law.⁴³ In doing so, it is contributing to a nuclear arms race that poses a threat to global security.

Today, the United States possesses an estimated 5,550 nuclear weapons, of which approximately 1,800 are currently deployed (more than any other country), ready to be launched from land-based missiles, submarines, and aircraft.⁴⁴ It is the only state to have used its nuclear weapons in war, and the only state to deploy its nuclear weapons on foreign soil. The substantial reduction in non-operational US stockpiles since the end of the Cold War belies the increase in the destructive capabilities and “usability” of the operational arsenal,⁴⁵ and the US failure to pursue meaningful disarmament portends a crisis of increasing urgency.

The United States spends more on its nuclear-weapon programme than all other countries in the world *combined*. In 2020, it spent an estimated \$37.4 billion, up from \$35.8 billion in 2019 (adjusted for inflation). This means that, during the worst global pandemic in a century, the United States increased its spending on nuclear weapons by \$1.6 billion from the previous year.⁴⁶ Over the next 30 years, the United States plans to continue modernising its arsenal at a total projected cost of around \$2 trillion.⁴⁷ The word “modernise” is a euphemism given that the plans include developing wholly new weapons and delivery systems, such as a new class of nuclear-powered ballistic missile submarine, a new nuclear-capable

⁴⁰ Daryl Kimball, “JFK’s American University Speech Echoes through Time”, *Arms Control Today*, 2013.

⁴¹ Remarks by the US vice president, Joe Biden, Washington, DC, 11 January 2017.

⁴² *Nuclear Posture Review*, US Department of Defense, February 2018, p. v.

⁴³ See, for example, Greg Mello and Trish Williams-Mello, “United States”, in Allison Pytlak and Ray Acheson (editors), *Assuring Destruction Forever*, Reaching Critical Will, 2020 edition, p. 109.

⁴⁴ Hans M. Kristensen and Matt Korda, “Status of World Nuclear Forces”, FAS, March 2021 update.

⁴⁵ Hans M. Kristensen, “NNSA Nuclear Plan Shows More Weapons, Increasing Costs, Less Transparency”, FAS, 30 December 2020.

⁴⁶ Alicia Sanders-Zakre and Susi Snyder, *Complicit: 2020 Global Nuclear Weapons Spending*, 2021.

⁴⁷ Kingston Reif with Alicia Sanders-Zakre, *US Nuclear Excess: Understanding the Costs, Risks, and Alternatives*, Arms Control Association, April 2019.

strategic bomber, a new long-range air-launched cruise missile, and a new nuclear-capable fighter-bomber.⁴⁸ In its most recent Nuclear Posture Review, published in 2018, the United States highlighted its ongoing plans to replace the existing version of the B61 gravity bomb (including those in Europe) with a newly developed B61-12 guided nuclear bomb.⁴⁹ The review further promised new nuclear-armed sea-launched cruise missiles to modify existing sea-launched ballistic missiles in a manner that provides for “low-yield options”.⁵⁰ A new W93 submarine-launched warhead is planned as a third redundancy in submarine-launched warheads.⁵¹

Further, the United States plans to replace existing intercontinental ballistic missiles with a new land-based missile, the “Ground Based Strategic Deterrent”, at enormous cost.⁵² This project also involves replacing the W78 warhead on the existing missiles with a new W87-1 warhead. The introduction of the W87-1 is a key justification, in turn, for increasing production of new plutonium warhead cores, or pits.⁵³ In 2018, the National Nuclear Security Administration (NNSA) announced that it will produce at least 30 pits per year at Los Alamos National Laboratory in New Mexico, where annual production previously had been capped at 20 pits, as well as at least 50 more plutonium pits per year at the Savannah River Site in South Carolina, which has never before produced plutonium pits.⁵⁴ A review of NNSA’s current plans suggests that its actual plans are for even more pits, at even greater cost, than previously disclosed.⁵⁵ This is all despite the fact that 20,000 fully functional pits are in storage at the Pantex Plant near Amarillo, Texas. The production of new plutonium pits poses a danger to communities and lands surrounding production sites.⁵⁶

Moreover, the Nuclear Posture Review expanded the role of nuclear weapons in US security policy. It contemplates using nuclear weapons in response to non-nuclear threats, stating that nuclear weapons “are essential ... to the deterrence of both nuclear and non-nuclear aggression ... and will be so for the foreseeable future”.⁵⁷ Lowering the threshold for using nuclear weapons against various non-nuclear threats, from conventional weapons to cyber-attacks, increases the risk that nuclear weapons will be used, particularly if other countries follow suit.⁵⁸ Further, the review reversed the 2010 declaration that the United States would not use nuclear weapons against non-nuclear-armed NPT states parties that are in compliance with their non-proliferation obligations.⁵⁹

⁴⁸ Hans M. Kristensen and Matt Korda, “United States Nuclear Weapons, 2021”, *Bulletin of the Atomic Scientists*, volume 77, number 1, 2021, pp. 43–63.

⁴⁹ *Nuclear Posture Review*, US Department of Defense, February 2018.

⁵⁰ “Non-Strategic Nuclear Weapons”, Congressional Research Service, updated March 2021.

⁵¹ “Trump Team’s Case for New Nuke Cites Risks in Current Arsenal”, *Roll Call*, 29 July 2020.

⁵² “Ground Based Strategic Deterrent: High Risk, No Reward”, FAS, 2021.

⁵³ “NNSA Nuclear Plan Shows More Weapons, Increasing Costs, Less Transparency”, FAS, 2020.

⁵⁴ “Weapons and Waste: Safety, Security and Savings”, Alliance for Nuclear Accountability, April 2021.

⁵⁵ “NNSA Announces Huge Cost Increase for Mysterious LANL Plutonium Warhead Project”, Los Alamos Study Group, 28 April 2021.

⁵⁶ “Nuclear Waste”, Alliance for Nuclear Accountability.

⁵⁷ *Nuclear Posture Review*, US Department of Defense, February 2018, p. vi.

⁵⁸ “The Trump Administration’s ‘Wrong Track’ Nuclear Policies”, *Arms Control Today*, March 2018.

⁵⁹ *Nuclear Posture Review Report*, US Department of Defense, April 2010.

On a number of occasions during the presidency of Donald J. Trump, the United States made explicit or implied threats to use nuclear weapons against North Korea and, arguably, Iran.⁶⁰ It also withdrew from the 2015 Joint Comprehensive Plan of Action (“Iran Deal”), the 1987 Intermediate-Range Nuclear Forces Treaty, and the 1992 Open Skies Treaty.

Yet the United States has argued that it is the TPNW, rather than its own nuclear weapon activities, that is “harmful to international peace and security”.⁶¹ Together with other nuclear-armed states, it has issued joint statements disparaging the treaty in various international forums, claiming to be committed to disarmament goals under the NPT while asserting that the TPNW will undermine disarmament.⁶² In addition to urging states not to join the treaty, it has even – under the previous administration – urged states that have already joined it to withdraw their ratifications and accessions.⁶³ (At the time of publication, the new administration had not yet made any formal statement on the TPNW.)

United Kingdom

CURRENT ARSENAL 225 nuclear weapons (120 deployed)

In March 2021, the United Kingdom announced that it will increase the maximum size of its nuclear arsenal and reduce the information it provides about it.⁶⁴ Having consistently committed itself over the past decade to reducing its stockpile to a maximum of 180 warheads by the mid-2020s, the United Kingdom has now raised this limit to 260, an increase of over 40 per cent. At the same time, it will no longer release operational stockpile, deployed warhead, or deployed missile numbers.

Eminent international lawyers, as well as the UN secretary-general,⁶⁵ have concluded that these developments contravene the United Kingdom’s disarmament obligations under the NPT: “The announcement by the UK government of the increase in nuclear warheads and its modernisation of its weapons system constitutes a breach of the NPT Article VI.”⁶⁶ Under the NPT, the United Kingdom is legally obliged to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament”. It is not doing so.

For many years, the government has touted reductions in the size of its nuclear arsenal as evidence of its compliance with this obligation. For example, it told an NPT conference in 2019 that it “has a strong track record in fulfilling our [Article VI] commitments. Since our Cold War peak

⁶⁰ “Trump Goes after Iran on Twitter: ‘You Will Suffer Consequences’”, Vox, 23 July 2018.

⁶¹ “The Treaty on the Prohibition of Nuclear Weapons: A Well-Intentioned Mistake”, remarks by Christopher Ford, US Department of State, at the University of Iceland, Reykjavík, 30 October 2018.

⁶² See, for example, the joint statement by China, France, Russia, the United Kingdom, and the United States to the First Committee of the UN General Assembly, New York, 22 October 2018.

⁶³ “US Urges Countries to Withdraw from UN Nuke Ban Treaty”, Associated Press, 22 October 2020.

⁶⁴ “Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development, and Foreign Policy”, UK Cabinet Office, 16 March 2021; Dan Sabbagh, “Cap on Trident Nuclear Warhead Stockpile to Rise by More than 40%”, *The Guardian*, 16 March 2021.

⁶⁵ Remarks by the chief spokesperson of the UN secretary-general, New York, 17 March 2021.

⁶⁶ “Legality under International Law of the United Kingdom’s Nuclear Policy as Set out in the 2021 Integrated Review”, legal opinion by Christine Chinkin and Louise Arimatsu, April 2021.

we have reduced the size of our nuclear forces by well over 50 per cent. The number of operationally available warheads is now no more than 120 and we will reduce our overall nuclear warhead stockpile to no more than 180 by the mid-2020s.”⁶⁷ Like other NPT nuclear-armed states, it has insisted that slow or intermittent progress on reducing the number of nuclear weapons is still in compliance with Article VI. It is clear, however, that *increasing* the size of an arsenal cannot be anything but non-compliance. The United Kingdom once told an NPT conference that it wants a world without nuclear weapons “but we need to proceed to it carefully”.⁶⁸ With this latest decision, it is proceeding in the opposite direction.

Members of the NPT have long recognised that transparency and open communication are key requirements both for implementing the treaty and for reducing the risks of nuclear weapons being used. As the United Kingdom put it to its NPT partners, “dialogue and transparency will be critical in promoting the confidence required to reduce the risk of nuclear conflict”,⁶⁹ and “our transparency about our arsenal and declaratory policy all contribute to the UK being a responsible nuclear-weapon state”.⁷⁰ Now the United Kingdom has decided that it will provide *less* information and *less* transparency about its arsenal. By its own argument, this will diminish the confidence required to reduce the risk of nuclear conflict, and make further progress on disarmament more difficult.

The United Kingdom has argued that its decision to increase its arsenal is both justified by national security concerns and permissible under the NPT. In doing so, it has opened the way for other nuclear-armed states to take similar steps. Before this move, China was the only NPT nuclear-armed state believed to be quantitatively increasing its nuclear arsenal. By arguing that Article VI of the NPT does not prevent a nuclear-armed state from increasing its nuclear arsenal to meet its perceived national security requirements, the United Kingdom has essentially granted a licence to other nuclear-armed states to increase their stockpiles arbitrarily. If this argument were to be generally accepted, it would constitute a grave and substantial weakening of the NPT.

The NPT is not just a piece of paper; it is a living, evolving community of nations dedicated to fulfilling the aims of the treaty for national and collective security. Over the half-century of the treaty’s existence, its members have worked together to interpret and implement its provisions effectively. These agreements are recorded in the outcome documents of the NPT’s review conferences, held every five years. The most recent of these, the “action plan” adopted by the 2010 review conference, contains a number of relatively specific and detailed steps to make progress on nuclear disarmament.⁷¹ The United Kingdom has consistently reiterated its support for this action plan; in 2018 it said “we support the fullest implementation of all its recommendations and we call on all states parties to continue working towards that end”.⁷²

⁶⁷ Statement by the United Kingdom to the NPT preparatory committee, New York, 2 May 2019.

⁶⁸ Statement by the United Kingdom to the NPT preparatory committee, New York, 2 May 2014.

⁶⁹ Statement by the United Kingdom to the NPT preparatory committee, New York, 2 May 2019.

⁷⁰ Statement by the United Kingdom to the NPT preparatory committee, Vienna, 4 May 2017.

⁷¹ Final Document of the 2010 Review Conference of the Parties to the NPT, adopted in New York.

⁷² Statement by the United Kingdom to the NPT preparatory committee, Geneva, 24 April 2018.



Not negotiating A Japanese paper crane, symbolising peace, sits on the empty desk of the United Kingdom during the TPNW negotiations in 2017. Credit: ICAN/Clare Conboy

But the United Kingdom’s decisions to increase its nuclear arsenal and reduce transparency are in direct contradiction of several of the recommendations. Action 1 commits members “to pursue policies that are fully compatible with the [NPT] and the objective of achieving a world without nuclear weapons”; action 2 requires members to apply “the principles of irreversibility, verifiability, and transparency in relation to the implementation of their treaty obligations”; and action 3 commits the nuclear-armed states “to undertake further efforts to reduce ... all types of nuclear weapons”. Action 5 requires the nuclear-armed states “to accelerate concrete progress on the steps leading to nuclear disarmament”, including by engaging to “further enhance transparency and increase mutual confidence”.

These agreed actions were the result of difficult negotiations, involving concessions and compromises from all sides, as well as resourcefulness, persistence, and dedication to the mission of the NPT. By unilaterally discarding them, the United Kingdom has gravely damaged trust among the NPT membership – not just with those countries with differing priorities and political orientations to its own, but also with its own allies, many of which worked hard to bridge gaps and broker the agreements. The United Kingdom has now made it much harder to reach agreement at the forthcoming NPT review conference, scheduled to be held early in 2022, even as a deteriorating global security environment demands a united and strong NPT community more than ever.

The United Kingdom has attempted to justify its decision by arguing that the international security environment requires a larger nuclear arsenal in order to maintain “credible deterrence”. The foreign secretary, Dominic Raab, defending the decision, told the media that the country needs nuclear weapons because they are “the ultimate guarantee, the

ultimate insurance policy against the worst threat from hostile states”.⁷³ By arguing in this way – characterising nuclear weapons as a guarantee against security threats, and claiming that an increased threat requires more nuclear weapons, regardless of treaty commitments – the United Kingdom is in effect encouraging other countries to consider acquiring nuclear weapons themselves, either disregarding their NPT obligations, or withdrawing from the treaty entirely. As the United Kingdom itself told its NPT partners in 2017, “we must uphold and strengthen the NPT because of, not despite, the complex security challenges that we all face”.⁷⁴

“[The United Kingdom’s plans] could have a damaging impact on global stability and efforts to pursue a world free of nuclear weapons.”

Chief spokesperson for the UN secretary-general

The United Kingdom’s nuclear weapons system, known as “Trident”, comprises four submarines that can each carry up to eight missiles; each missile, in turn, can carry up to five nuclear warheads; and each warhead has a destructive potential around eight times greater than that of the atomic bomb that destroyed Hiroshima in 1945.⁷⁵ At any given time, at least one nuclear-armed submarine is on patrol at sea. All four submarines are stationed at Her Majesty’s Naval Base, Clyde, at Faslane on the Gare Loch, around 40 kilometres from Glasgow, Scotland’s largest city. The warheads are manufactured and serviced at two sites in Berkshire – Aldermaston and Burghfield – and are routinely transported on public roads.⁷⁶ According to NATO, the United Kingdom has “extended its nuclear forces ... to the protection of NATO Allies since 1962”.⁷⁷

Work has begun on the construction of the new Dreadnought class submarines to replace the existing Vanguard class. The UK parliament voted in 2007 to begin the process of replacing Trident, and in 2016 it voted to build the new submarines. Contracts for designing them have been awarded to BAE Systems, Rolls-Royce, and Babcock Marine. The United Kingdom currently leases its Trident II D5 missiles from the United States, an arrangement that is set to continue. A “life extension” programme for the missiles aims to ensure that they are usable up until the early 2040s. Work on replacing the existing warheads has also begun, despite no decision having been taken on this by the UK parliament. According to calculations by the Campaign for Nuclear Disarmament, the total cost for replacing Trident will ultimately be at least £205 billion.⁷⁸ This estimate does not include the cost of the additional warheads envisaged by the government in its plans announced in March 2021.

⁷³ “Lifting Cap on Nuclear Weapons Is ‘Ultimate Insurance Policy’”, ITV, 16 March 2021.

⁷⁴ Statement by the United Kingdom to the NPT preparatory committee, Vienna, 3 May 2017.

⁷⁵ “Scrap Trident: No Replacement, No New Warheads”, Campaign for Nuclear Disarmament.

⁷⁶ Janet Fenton, “United Kingdom”, in Allison Pytlak and Ray Acheson (editors), *Assuring Destruction Forever*, Reaching Critical Will, 2020 edition, p. 98. See also the Nukewatch UK website.

⁷⁷ “NATO’s Nuclear Deterrence Policy and Forces”, NATO.

⁷⁸ “Scrap Trident: No Replacement, No New Warheads”, Campaign for Nuclear Disarmament.

France

CURRENT ARSENAL 290 nuclear weapons (280 deployed)

Despite diplomatic statements in favour of a world free of nuclear weapons, France appears determined to retain its nuclear forces for decades to come. According to its defence and national security strategic review of 2017, maintaining nuclear weapons “over the long term” is essential.⁷⁹ France has made little recent progress in reducing the number of nuclear weapons in its arsenal and continues to invest heavily in their modernisation and renewal.⁸⁰ Like other nuclear-armed states, it has strongly opposed the TPNW since its adoption in 2017.⁸¹

France’s relationship with NATO has always been tumultuous. While it withdrew from the alliance’s integrated military command in 1966, the contribution of French nuclear forces to NATO’s overall “deterrence” was officially recognised in the Ottawa declaration of 1974,⁸² and France reinstated NATO’s integrated command structures in 2009, with president Nicolas Sarkozy declaring: “Nothing stands in the way of our participation in NATO’s military structures.”⁸³ Yet, as a sign of its independence, France remains a non-member of NATO’s Nuclear Planning Group.

In 2012, French president François Hollande appointed the former foreign minister Hubert Védrine to “present an assessment of the consequences of France’s return to NATO’s integrated military command and to suggest ways in which France could exercise greater influence within the Atlantic alliance”.⁸⁴ One of the key recommendations was that “France has no reason to oppose the elimination of NATO’s last tactical or non-strategic nuclear weapons, which are outmoded [US] gravity bombs dropped from aircraft. Such a move would do nothing to reduce the alliance’s deterrent capability”.⁸⁵ Though the president “largely approved” the report, France has remained silent on the question of US nuclear weapons in Europe.

The declaration issued by leaders attending the NATO Summit in Brussels in 2018 revealed a possible shift in the role of French and UK nuclear forces in the alliance. It stated: “The independent strategic nuclear forces of the United Kingdom and France have a deterrent role of their own and contribute significantly to the overall security of the Alliance.”⁸⁶ The word “significantly” had not appeared in the Warsaw communiqué of 2016.⁸⁷

France’s discourse on NATO has evolved since the arrival of Emmanuel Macron to the presidency in 2017. “What we are currently experiencing is the brain death of NATO,” he said in 2019, urging greater European

⁷⁹ *Defense and National Security Strategic Review*, French Ministry of Defense, 2017.

⁸⁰ See Hans M. Kristensen, “France”, in Allison Pytlak and Ray Acheson (editors), *Assuring Destruction Forever*, Reaching Critical Will, 2020 edition, p. 49.

⁸¹ See, for example, the joint statement by China, France, Russia, the United Kingdom, and the United States to the First Committee of the UN General Assembly, New York, 22 October 2018.

⁸² “Declaration on Atlantic Relations”, North Atlantic Council, Ottawa, 19 June 1974, para. 6.

⁸³ “The French White Paper on Defence and National Security”, *Foreign Affairs*, January 2009.

⁸⁴ Hubert Védrine, “The Consequences of France’s Return to NATO’s Integrated Military Command, on the Future of Transatlantic Relations, and the Outlook for the Europe of Defence”, 2012.

⁸⁵ *Ibid.*

⁸⁶ Brussels Summit Declaration, Brussels, 11–12 July 2018.

⁸⁷ Warsaw Summit Communiqué, Warsaw, 8–9 July 2016.

responsibility for defence and less reliance on the United States.⁸⁸ In 2020, he proposed the “Europeanisation” of French nuclear forces: “I would like strategic dialogue to develop with our European partners that are ready for it on the role played by France’s nuclear deterrence in our collective security. European partners which are willing to walk that road can be associated with the exercises of French deterrence forces.”⁸⁹

France spent roughly 11 per cent of its total military budget on nuclear weapons in 2020. Its 2020 defence bill allocated €4.7 billion for its nuclear forces. The law does not break down the costs within this line item but does state that it includes annual costs for nuclear warheads, modernisation and renewal of nuclear-capable cruise missiles, submarine-launched missiles, and submarines. Not included in the deterrence budget are costs associated with the Rafale aircraft, which can be used to launch nuclear weapons. According to a military programming law voted on in 2018, the total amount that France will spend on its nuclear forces from 2021 to 2025 is €27.85 billion.⁹⁰



ICAN Paris Forum Hundreds of students and campaigners, mostly from NATO states, attend a forum in France in 2020 to discuss the TPNW. Credit: ICAN/Orel Kichigai

⁸⁸ Steven Erlanger, “Macron Says NATO Is Experiencing ‘Brain Death’ Because of Trump”, *New York Times*, 7 November 2019.

⁸⁹ Speech on defence and deterrence strategy, 7 February 2020.

⁹⁰ Alicia Sanders-Zakre and Susi Snyder, *Complicit: 2020 Global Nuclear Weapons Spending*, 2021.

NATO Non-Nuclear-Armed States

All non-nuclear-armed NATO members participate to varying degrees in the alliance's decision-making on nuclear weapons as members of the Nuclear Planning Group, which "acts as the senior body on nuclear matters in the Alliance", reviewing and setting NATO's nuclear policy "in light of the ever-changing security environment".⁹¹ The group takes decisions by consensus, and generally meets at the level of defence ministers. Only France has opted not to participate in the group.

One of the most controversial aspects of NATO's nuclear policy is the continued deployment of US nuclear weapons on European soil. According to NATO, its "nuclear deterrence posture relies on nuclear weapons forward-deployed by the United States in Europe, as well as on the capabilities and infrastructure provided by Allies concerned".⁹² Although not officially confirmed, five non-nuclear-armed NATO states – Belgium, Germany, Italy, the Netherlands, and Turkey – are thought to host around 100 US B61 nuclear gravity bombs between them on their territories,⁹³ an arrangement that has been in place for several decades despite widespread public opposition – including regular, often disruptive, protests at a number of the bases where the weapons are stored.

Under the arrangement, the host states provide aircraft equipped to carry the US nuclear bombs in a conflict, which "are available for nuclear roles at various levels of readiness".⁹⁴ However, the United States "maintains absolute control and custody" of the bombs,⁹⁵ and their use in war would require the authorisation of the US president.



Illegal weapons As the TPNW enters into force in January 2021, an action is held at Volkel Air Base in the Netherlands, where US nuclear bombs are stored. Credit: Susi Snyder

⁹¹ "Nuclear Planning Group (NPG)", NATO.

⁹² "NATO's Nuclear Deterrence Policy and Forces", NATO.

⁹³ Hans M. Kristensen and Matt Korda, "United States Nuclear Weapons, 2021", *Bulletin of the Atomic Scientists*, volume 77, number 1, 2021, pp. 43–63.

⁹⁴ "NATO's Nuclear Deterrence Policy and Forces", NATO.

⁹⁵ *Ibid.*

While there has been a significant reduction in the number of US nuclear weapons deployed in Europe since the end of the Cold War – from a peak of approximately 7,300 weapons in 1971⁹⁶ – little progress has been made in recent years, and there is no plan in place to withdraw the remaining bombs, even though they remain a source of tension within the alliance. In fact, “NATO is working on a broad modernisation of the nuclear posture in Europe that involves upgrading bombs, aircraft, and the weapons storage system”.⁹⁷ Beginning in 2022, the current B61-3 and B61-4 bombs are to be replaced with new B61-12 bombs, which have “increase[d] accuracy”.

“[W]ithin the next five years the United States could withdraw the tactical weapons it deploys in Europe with no negative consequences for NATO unity and the security of Europe.”

Institute for Peace Research and Security Policy

Political support for the deployments remains “fragile”,⁹⁸ particularly in Belgium, Germany, and the Netherlands, where the issue has been a frequent subject of debate, including in the parliaments. Many politicians and political parties have, over the years, pledged their support for the removal of the weapons. However, debate has been hampered by state-enforced secrecy surrounding the deployments. Politicians who have publicly confirmed the presence of the bombs, including two former Dutch leaders, have been threatened with prosecution. Ruud Lubbers, the prime minister of the Netherlands from 1982 to 1994, said: “I would never have thought those silly things [nuclear bombs] would still be there in 2013 ... I think they are an absolutely pointless part of a tradition in military thinking.”⁹⁹ His predecessor, Dries van Agt, the prime minister from 1977 to 1982, confirmed that the bombs “are there and it’s crazy they still are”.¹⁰⁰ According to one US analyst, “secrecy about US nuclear weapons deployments in Europe does not exist to protect the weapons from terrorists, but only to protect politicians and military leaders from having to answer tough questions about whether NATO’s nuclear-sharing arrangements still make sense today”.¹⁰¹

Repeated security breaches at the bases have shone a spotlight on the deployments. In May 2021, for example, the Bellingcat site revealed that “some service members have been using publicly visible flashcard learning apps – inadvertently revealing a multitude of sensitive security protocols about US nuclear weapons and the bases at which they are stored”.¹⁰²

⁹⁶ Hans M. Kristensen, “US Nuclear Weapons in Europe”, briefing to the Center for Arms Control and Non-Proliferation, Washington, DC, 1 November 2019.

⁹⁷ “United States Nuclear Weapons, 2021”, *Bulletin of the Atomic Scientists*, 2021.

⁹⁸ Pia Fuhrhop, Ulrich Kühn, and Oliver Meier, “Creating an Opportunity to Withdraw US Nuclear Weapons from Europe”, *Arms Control Today*, October 2020.

⁹⁹ “US Nuclear Bombs ‘Based in Netherlands’ – Ex-Dutch PM Lubbers”, BBC, 10 June 2013.

¹⁰⁰ “Former Prime Minister Van Agt Also Confirms Volkel Nuclear Weapons”, NU.nl, 12 June 2013.

¹⁰¹ Jeffrey Lewis of the James Martin Center for Nonproliferation Studies, as quoted in Foeke Postma, “US Soldiers Expose Nuclear Weapons Secrets Via Flashcard Apps”, *Bellingcat*, 28 May 2021.

¹⁰² Ibid.

In its Deterrence and Defence Posture Review of 2012, NATO committed to seek to create the conditions and consider options for “further reductions of non-strategic nuclear weapons assigned to NATO [i.e. US nuclear gravity bombs stationed in Europe]”.¹⁰³ It also noted the future possibility of an alliance decision to reduce NATO’s reliance on these weapons. Fully withdrawing the bombs from Europe – in line with the new international norm set by the TPNW – would be a significant contribution towards disarmament, signalling a shift away from security postures based on the threat of mass destruction, and creating opportunities for progress in removing Russian non-strategic nuclear weapons from deployment also. According to scholars at the University of Hamburg’s Institute for Peace Research and Security Policy, “within the next five years the United States could withdraw the tactical weapons it deploys in Europe with no negative consequences for NATO unity and the security of Europe”.¹⁰⁴ Notably, US nuclear weapons have already been withdrawn from three NATO states: Canada, Greece, and the United Kingdom.

In addition to the five host states, at least seven other non-nuclear-armed NATO members provide practical, conventional support for the deployment of US nuclear bombs in Europe (the Czech Republic, Denmark, Greece, Hungary, Norway, Poland, and Romania). According to NATO:

*To support the US nuclear weapons forward deployed in Europe, the Allies provide capabilities and infrastructure; dual-capable aircraft are central to this effort, but supporting contributions are also important and allow a larger number of Allies to participate in the nuclear burden-sharing arrangements. An excellent example of this are the so-called SNOWCAT Missions, in which allied fighters escort dual-capable aircraft if called on for a nuclear mission. NATO is seeking, always, the broadest possible cooperation and participation in the agreed nuclear burden-sharing arrangements.*¹⁰⁵

Under SNOWCAT – an acronym for “Support of Nuclear Operations With Conventional Air Tactics” – NATO members that do not host B61 nuclear bombs on their soil are also invited to participate in the annual “Steadfast Noon” nuclear strike exercise, where host states practise using the bombs (but not with live weapons).¹⁰⁶ The most recent such exercise was held at Volkel Air Base in the Netherlands in October 2020 and involved more than 50 aircraft from across the alliance.¹⁰⁷ Participants in Steadfast Noon exercises have included eastern European states such as Poland and the Czech Republic, according to witnesses.¹⁰⁸ In the past, NATO has generally been tight-lipped about these exercises given the political sensitivity of the nuclear strike mission, particularly in western European states. However, it now appears to be increasing the mission’s public profile.

¹⁰³ “Deterrence and Defence Posture Review”, NATO, 2012, para. 11.

¹⁰⁴ “Creating an Opportunity to Withdraw US Nuclear Weapons from Europe”, ACT, 2020.

¹⁰⁵ “NATO Nuclear Policy in a Post-INF World”, speech by the NATO deputy secretary general, Rose Gottemoeller, at the University of Oslo, 9 September 2019.

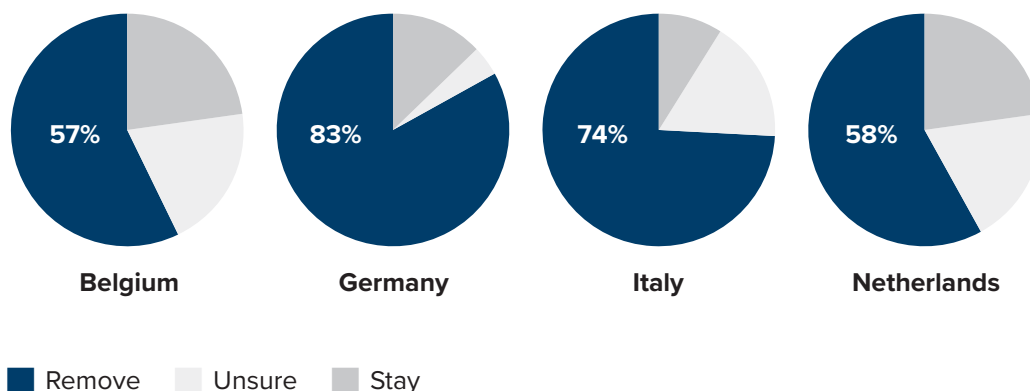
¹⁰⁶ The SNOWCAT participants include the Czech Republic, Denmark, Greece, Hungary, Norway, Poland, and Romania (in addition to the host states, the United Kingdom, and the United States).

¹⁰⁷ “Sec. General Visits Dutch Airbase Hosting NATO Deterrence Exercise”, NATO, 16 October 2020.

¹⁰⁸ “NATO Nuclear Exercise Underway with Czech and Polish Participation”, FAS, 17 October 2017.

Nuclear Weapon Host States

Do you think US nuclear weapons should be removed from your country's territory, or should they stay?¹⁰⁹



NATO states that currently host US nuclear weapons on their territories	Belgium, Germany, Italy, Netherlands, Turkey
NATO states that previously hosted US nuclear weapons on their territories	Canada, Greece, United Kingdom
NATO states that forbid stationing of nuclear weapons on their territories at all times	Iceland, Lithuania
NATO states that forbid stationing of nuclear weapons on their territories in peacetime	Denmark, Norway, Spain

- BELGIUM** – Around 10–15 US B61 nuclear bombs are stored at **Kleine Brogel Air Base**, in the Flemish province of Limburg in Belgium, for delivery by Belgian F-16 aircraft.¹¹⁰ In 2019, with plans afoot to replace the F-16s with F-35 aircraft, the foreign affairs committee of the Belgian federal parliament approved a motion directing the government “to draw up, as soon as possible, a roadmap aiming at the withdrawal of nuclear weapons on Belgian territory”.¹¹¹ The following month, however, the motion was narrowly defeated in the chamber of representatives, with 66 parliamentarians in favour and 74 against.¹¹² Nonetheless, given the closeness of the vote and the backing of a number of the parties that comprise the new coalition government, this issue is unlikely to disappear from the political agenda. A YouGov poll in 2020 found that 57 per cent of Belgians want the weapons to be removed, with only 23 per cent wanting them to stay and the remainder unsure.¹¹³

¹⁰⁹ For more detailed poll results for Belgium, Italy, and the Netherlands, see “NATO Public Opinion on Nuclear Weapons”, ICAN, January 2021. For Germany, see “Greenpeace Survey on Nuclear Weapons and Nuclear Weapons Treaty”, Greenpeace, July 2020.

¹¹⁰ “United States Nuclear Weapons, 2021”, *Bulletin of the Atomic Scientists*, 2021.

¹¹¹ “Belgium Narrowly Rejects Removal of US Nuclear Weapons”, *Brussels Times*, 17 January 2020.

¹¹² *Ibid.*

¹¹³ “NATO Public Opinion on Nuclear Weapons”, ICAN, January 2021. Poll commissioned by ICAN.

- **GERMANY** – Around 10–15 US B61 nuclear bombs are stored at **Büchel Air Base**, in the German state of Rhineland-Palatinate, for delivery by Tornado aircraft.¹¹⁴ In April 2020, the German defence minister, Annegret Kramp-Karrenbauer, announced that Germany’s fleet of Tornado aircraft would be replaced, including with 30 F-18 aircraft certified to carry US nuclear bombs.¹¹⁵ This prompted a public debate on the merits of continuing to host US nuclear weapons on German soil. Rolf Mützenich, the chair of the Social Democratic Party (SPD) parliamentary group in the Bundestag, said that “it is about time that Germany in the future excludes the deployment” of nuclear weapons.¹¹⁶ The defence minister clarified that a decision on the procurement of new aircraft would not be taken until after the parliamentary election to be held in September 2021. In its programme for the election, the SPD said that it supports, in the context of US–Russian negotiations, “the aim of finally withdrawing and destroying the nuclear weapons stationed in Europe and Germany”.¹¹⁷ The Green Party, in its manifesto of principles, said that it is committed to “a Germany free of nuclear weapons and thus a swift end to nuclear participation”.¹¹⁸ A Kantar poll commissioned by Greenpeace in 2020 found that 83 per cent of Germans want the US nuclear weapons to be removed, with only 13 per cent wanting them to stay and the remainder unsure.¹¹⁹

- **ITALY** – Around 20–30 US B61 nuclear bombs are stored at **Aviano Air Base**, in the Friuli-Venezia Giulia region of Italy, and around 10–15 are at **Ghedi Air Base**, in the Lombardy region, for delivery by Italian Tornado aircraft.¹²⁰ In 2015, Italian police arrested two suspected terrorists for planning an attack against the Ghedi base.¹²¹ They were convicted and sentenced to six years’ imprisonment. The base facilities are currently being enlarged and upgraded. The Italian air force is in the process of acquiring F-35A joint strike fighters to replace the Tornado aircraft. Thirteen have already been delivered. Italy’s Five Star Movement – the political party with the greatest number of seats in the current parliament – opposes in its platform the presence of US nuclear weapons in Italy, viewing them as a threat to the safety of Italians living near the bases.¹²² However, it has not yet taken any concrete steps in this legislature towards removing the weapons. A number of parliamentarians from other political parties, including the Democratic Party and some smaller left-wing parties, also favour withdrawal of the weapons. A YouGov poll in 2020 found that 74 per cent of Italians want the weapons to be removed, with only 9 per cent wanting them to stay and the remainder unsure.¹²³

- **NETHERLANDS** – Around 10–15 US B-61 nuclear bombs are stored at **Volkel Air Base**, in the North Brabant province of the Netherlands, for delivery by Dutch F-16 aircraft.¹²⁴ The NATO secretary general, Jens Stoltenberg, visited the base in October 2020 at the start of the “Steadfast Noon” nuclear strike exercise, describing it as “an important test for the Alliance’s nuclear deterrent”.¹²⁵ Over the past decade, the Dutch parliament has adopted a number of motions calling on the Dutch government to work for the removal of US non-strategic nuclear weapons from Europe, and more specifically for an end to Dutch participation in nuclear-sharing by ensuring that the new aircraft that replace the F-16s do not have a

¹¹⁴ “United States Nuclear Weapons, 2021”, *Bulletin of the Atomic Scientists*, 2021.

¹¹⁵ “Creating an Opportunity to Withdraw US Nuclear Weapons from Europe”, *ACT*, 2020.

¹¹⁶ “It Is Time for Germany to Exclude Stationing in the Future”, *Der Tagesspiegel*, 3 May 2020.

¹¹⁷ “The SPD’s Future Programme”, 9 May 2021.

¹¹⁸ “‘To Respect and to Protect’: Change Creates Stability”, *Greens*, p. 95.

¹¹⁹ “Greenpeace Survey on Nuclear Weapons and Nuclear Weapons Treaty”, *Greenpeace*, July 2020.

¹²⁰ “United States Nuclear Weapons, 2021”, *Bulletin of the Atomic Scientists*, 2021.

¹²¹ “US Nuclear Weapons Base in Italy Eyed by Alleged Terrorists”, *FAS*, 22 July 2015.

¹²² “Five Star Movement Goes to See 20 US Atomic Bombs in Italy”, *Beppe Grillo*, 25 February 2016.

¹²³ “NATO Public Opinion on Nuclear Weapons”, *ICAN*, January 2021. Poll commissioned by ICAN.

¹²⁴ “United States Nuclear Weapons, 2021”, *Bulletin of the Atomic Scientists*, 2021.

¹²⁵ “Sec. General Visits Dutch Airbase Hosting NATO Deterrence Exercise”, *NATO*, 16 October 2020.

“nuclear task”.¹²⁶ In 2019, the government announced that it would seek to “identify opportunities together with [NATO] allies to achieve the withdrawal of all Russian and US sub-strategic nuclear weapons from all over Europe – from the Atlantic to the Urals”.¹²⁷ It added that “the moment of modernisation of the nuclear weapons located in Europe would be a logical starting point to take steps in that direction”. A recent legal battle aimed at compelling the declassification of documents relating to the presence of US nuclear bombs in the Netherlands, while ultimately unsuccessful, drew considerable public attention to the issue.¹²⁸ A YouGov poll in 2020 found that 58 per cent of Dutch people want the weapons to be removed, with only 23 per cent wanting them to stay and the remainder unsure.¹²⁹

- **TURKEY** – Around 20–30 US B61 nuclear bombs remain at **Incirlik Air Base**, in the Adana province of Turkey, although it is possible that Turkey’s nuclear mission has been “mothballed”, according to the Federation of American Scientists.¹³⁰ Given the deterioration of US–Turkish relations in recent years, including as a result of unilateral military action by Turkey in Syria, and in light of the political instability and attempted coup in Turkey in 2016, many members of the US foreign policy and defence establishment have questioned the suitability of Turkey as a host state for US nuclear bombs.¹³¹ In 2019, US officials indicated that the United States was reviewing “emergency nuclear weapons evacuation plans”.¹³² While it appears that a number of bombs have recently been removed from Turkey, some remain.¹³³ ICAN is not aware of any recent public opinion polling on Turkish attitudes towards the stationing of US nuclear bombs in Turkey.

A Dangerous and Destabilising Trend

NATO’s retrograde movement away from its disarmament goals and towards an ever-tighter embrace of nuclear weapons has dangerous and far-reaching consequences for the security of the alliance.

First, NATO’s tightening embrace of nuclear weapons directly threatens the security of members by raising the risks of nuclear weapons being used. NATO’s support for the modernisation of its members’ nuclear arsenals, and its tendency to envision and explore new nuclear weapons, capabilities, and missions, naturally provokes arms racing among its nuclear-armed rivals, and makes it easier for them to justify their own expansion and modernisation programmes. The phenomenon of arms races has been widely studied, is well understood, and was successfully combatted during the height of the Cold War with the negotiation of a series of bilateral nuclear arms control treaties between the US and Soviet Union – to the security benefit of both parties, and to NATO overall. To re-engage in a nuclear arms race at this point – given the lived experience of NATO members during the Cold War – defies rational analysis.

¹²⁶ “Overview Motions on Nuclear Disarmament Adopted by the Dutch Parliament Since 2010”, PAX, 25 March 2020.

¹²⁷ “Dutch Government Sets a (Qualified) Timeline to End the Nuclear Task”, PAX, 8 July 2019.

¹²⁸ “US Nuclear Weapons in Netherlands”, National Security Archive, 15 January 2021.

¹²⁹ “NATO Public Opinion on Nuclear Weapons”, ICAN, January 2021. Poll commissioned by ICAN.

¹³⁰ “United States Nuclear Weapons, 2021”, *Bulletin of the Atomic Scientists*, 2021.

¹³¹ Steven Pifer, “It’s Time to Get US Nukes out of Turkey”, *The National Interest*, 30 October 2019; Steve Andreasen, “Let’s Get Our Nuclear Weapons out of Turkey”, *Los Angeles Times*, 11 August 2016.

¹³² See David E. Sanger, “Trump Followed His Gut on Syria. Calamity Came Fast”, *New York Times*, 14 October 2019.

¹³³ “United States Nuclear Weapons, 2021”, *Bulletin of the Atomic Scientists*, 2021.

Second, it undermines NATO's security by encouraging proliferation of nuclear weapons. As noted in chapter 1, the alliance has long recognised the threat posed by the spread of nuclear weapons; this motivates NATO members' strong support for the NPT and safeguards system, and their active involvement in international efforts to ensure that Iran's nuclear programme remains peaceful. Yet by constantly insisting on the necessity of retaining nuclear weapons to assure its security, and by using a deteriorating security environment as justification to modernise, refine, and develop its members' nuclear arsenals, and to defer or abandon nuclear disarmament commitments, NATO is sending three deeply counterproductive messages to non-nuclear-armed states outside the alliance, some of which are facing acute security challenges of their own.

These messages are: 1) nuclear weapons are a legitimate, effective, and morally acceptable means of addressing threats to national security, and may even be indispensable; 2) a deteriorating security environment and increasing regional instability can be controlled with more, better, newer, smaller, or more usable nuclear weapons; and 3) security concerns override international law and humanitarian principles: treaty obligations and political commitments need not stand in the way of using nuclear weapons to try to solve security problems.

It is hard to imagine a more effective way of undermining the NPT and NATO's own non-proliferation priorities. Moreover, this "do as we say, not as we do" hypocrisy corrodes trust with NATO partners and creates friction in the NPT review process, further complicating the achievement of NATO's non-proliferation goals, such as universal adherence to the International Atomic Energy Agency (IAEA) Additional Protocol.¹³⁴

Third, by nailing its nuclear colours to the mast and enforcing a rigid orthodoxy among its membership in favour of a fundamental and permanent role for nuclear weapons in ensuring the alliance's security, NATO is cutting off options and painting itself into a strategic corner. NATO members are constrained and discouraged from exploring alternative approaches to security and effective steps towards nuclear disarmament; perspectives are narrowed, opportunities are passed by, and potential pathways to improving cooperation and partnerships with those outside the alliance are closed off. Such a trend would be a strategic disadvantage for any alliance; for an alliance of democratic states "founded on the principles of democracy, individual liberty, and the rule of law"¹³⁵ and committed to protecting freedom, it is a dangerous and self-defeating weakness.

¹³⁴ "Additional Protocol", IAEA.

¹³⁵ North Atlantic Treaty, 1949, preamble.

3

A New Global Norm

The Treaty on the Prohibition of Nuclear Weapons is now a permanent part of international law, and enjoys broad global support. NATO's hostility towards it is directly contrary to its own interests.

The harmful effects of the trend within NATO outlined in the previous chapter – modernising nuclear arsenals, hardening rhetoric in favour of nuclear weapons, and stifling discussion and dissent – are most clearly manifested in the relationship of NATO with the 2017 Treaty on the Prohibition of Nuclear Weapons. From the outset, NATO has been adamantly opposed and hostile to this treaty¹³⁶ – an approach that has not only put NATO members on the wrong side of an important new global humanitarian and security norm, but has also strained relationships with NATO partners and other states, created tensions in the NPT, and sown needless division worldwide. NATO's stance on the TPNW is both unnecessary and directly contrary to NATO's own security interests.

The objective of the TPNW is the same as that professed by NATO: ending the nuclear weapons threat by totally eliminating nuclear weapons. The differences therefore concern only the means by which this objective is to be achieved. Yet NATO has reacted to the TPNW as if it were some kind of dangerous assault on its core values, if not a threat to its very existence.

¹³⁶ See statement by the North Atlantic Council on the TPNW, 20 September 2017.

The reasons given for NATO's opposition to the TPNW range from dubious and strained to utterly preposterous – what the former Canadian foreign minister Lloyd Axworthy has aptly described as “phoney baloney”¹³⁷ – but all have the air of having been retroactively concocted to justify what is in essence a reflexive, visceral reaction.¹³⁸

This is especially the case for the arguments that are circular and self-fulfilling: NATO opposes the TPNW because it is “divisive” (it is only divisive because NATO opposes it) and because “it has not been signed by any state that possesses nuclear weapons”¹³⁹ (i.e. we will not sign it because we have not signed it). This reaction is hard to reconcile with NATO's stated values, aims, and objectives as an alliance of democratic states, especially given the fact that the TPNW emerged from a process in which almost all NATO members were involved.

Achieving the TPNW

The Humanitarian Initiative

With the exception of France, all NATO members participated to varying degrees in the “humanitarian initiative”¹⁴⁰ which provided the foundations and impetus for the negotiation of the TPNW in 2017. The initiative comprised a series of statements and conferences intended to refocus the disarmament debate on the devastating harm that nuclear weapons cause to people and the environment, as opposed to abstract, state-centred security concepts, which had long dominated the international discourse on this issue. It had its roots in the final document of the NPT review conference of 2010, which expressed “deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons”.¹⁴¹

“All states must intensify their efforts to outlaw nuclear weapons and achieve a world free of nuclear weapons.”

Denmark, Iceland, Norway, and other states in 2012

Among the chief architects of the initiative was NATO member Norway. Having played an instrumental role in the humanitarian-based process that led to the adoption of the Convention on Cluster Munitions in 2008, Norwegian officials believed that a similar process should be pursued for

¹³⁷ “The Threat of Nuclear Weapons with Lloyd Axworthy”, Uncommons podcast, 26 November 2020.

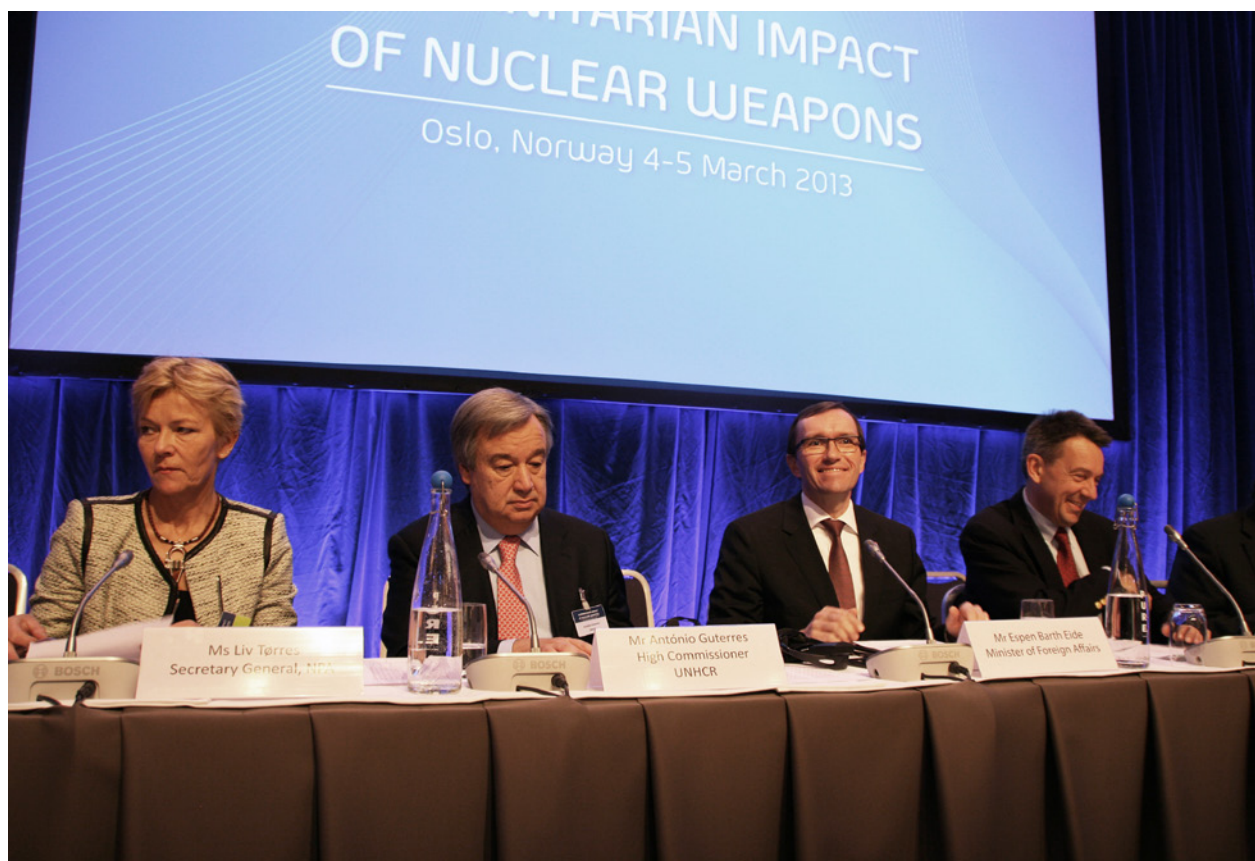
¹³⁸ See chapter 6 for a detailed examination of the myths and misconceptions surrounding the TPNW.

¹³⁹ Speech by the NATO secretary general, Jens Stoltenberg, at the 16th annual NATO Conference on Weapons of Mass Destruction, Arms Control, Disarmament, and Non-Proliferation, 10 November 2020.

¹⁴⁰ For an overview of the humanitarian initiative, see, for example, Alexander Kmentt, “The Humanitarian Initiative and the TPNW”, Toda Peace Institute, February 2021.

¹⁴¹ Final Document of the 2010 Review Conference of the Parties to the NPT, p. 19.

nuclear weapons.¹⁴² The government worked to build broad international support for the idea, and funded a number of research institutes and non-government organisations, including ICAN, that shared its vision.¹⁴³ Together with NATO allies Denmark and Iceland, Norway was one of the early signatories to a series of joint statements on “the humanitarian dimension of nuclear disarmament” delivered at NPT meetings and in the First Committee of the UN General Assembly. In 2012, the three NATO members, along with several other states, called for intensified efforts “to outlaw nuclear weapons and achieve a world free of nuclear weapons”.¹⁴⁴



Norwegian initiative Delegates representing 127 states meet in Oslo, Norway, in 2013 for the first conference on the humanitarian impact of nuclear weapons. Credit: Norway MFA

In March 2013, Norway hosted the first of three major intergovernmental conferences on the humanitarian impact of nuclear weapons,¹⁴⁵ which brought together states, UN agencies, the Red Cross, and civil society organisations to examine the widespread, persistent devastation that even a single nuclear weapon detonation could inflict today, as well as the inability of relief agencies to provide any meaningful assistance to victims. The conference proceeded despite resistance from Norway’s

¹⁴² See, for example, statement delivered by Espen Barth Eide, the deputy defence minister of Norway, to the Conference on Disarmament, Geneva, on 17 February 2009.

¹⁴³ Kjølsv Egeland, “Oslo’s ‘New Track’: Norwegian Nuclear Disarmament Diplomacy, 2005–2013”, *Journal for Peace and Nuclear Disarmament*, volume 2, issue 2, 2019, pp. 468–490.

¹⁴⁴ “Joint Statement on the Humanitarian Dimension of Nuclear Disarmament”, delivered in the First Committee of the UN General Assembly, New York, 22 October 2012.

¹⁴⁵ Conference on the Humanitarian Impact of Nuclear Weapons, Oslo, Norway, 4–5 March 2013.

nuclear-armed allies in NATO, which, along with Russia and China, chose not to participate.¹⁴⁶ However, all of NATO's non-nuclear-armed members, with the exception of Bulgaria, did participate.¹⁴⁷

All but a few NATO states also attended the second conference on the humanitarian impact of nuclear weapons, hosted by Mexico in February 2014, which cemented the idea that the prohibition of nuclear weapons is a necessary precondition for their elimination, based on experience with other categories of indiscriminate weapons.¹⁴⁸ It was hailed as “a point of no return” in the process to outlaw nuclear weapons. By the third conference, hosted by Austria in December 2014, the United States and the United Kingdom had changed tack and decided to engage with the process, sending delegates to Vienna. France was the only NATO state not represented.¹⁴⁹ At the conclusion of the conference, Austria launched a diplomatic pledge that enabled states to formalise their commitment to work together to fill the gap in international law by cooperating “in efforts to stigmatise, prohibit, and eliminate nuclear weapons”.¹⁵⁰ One hundred and twenty-seven states would endorse it – but none from NATO.¹⁵¹



“A point of no return” One hundred and forty-six states attend the second conference on the humanitarian impact of nuclear weapons, in Nayarit, Mexico, in 2014. Credit: ICAN

¹⁴⁶ Joint statement issued by China, France, Russia, the United Kingdom, and the United States ahead of the Oslo conference in March 2013.

¹⁴⁷ Revised list of participants, 5 March 2013.

¹⁴⁸ See, for example, “Nayarit – A Point of No Return”, ICAN, April 2014.

¹⁴⁹ List of participants in the Vienna conference, 8–9 December 2014.

¹⁵⁰ “Humanitarian Pledge”, Austrian foreign ministry.

¹⁵¹ List of states that endorsed the Humanitarian Pledge, Austrian foreign ministry.

Participation in Humanitarian Conferences 2013–14

	Oslo Conference	Nayarit Conference	Vienna Conference
Albania	✓	✓	✓
Belgium	✓	✓	✓
Bulgaria		✓	✓
Canada	✓	✓	✓
Croatia	✓		✓
Czech Republic	✓	✓	✓
Denmark	✓	✓	✓
Estonia	✓	✓	✓
France			
Germany	✓	✓	✓
Greece	✓	✓	✓
Hungary	✓	✓	✓
Iceland	✓		✓
Italy	✓	✓	✓
Latvia	✓		✓
Lithuania	✓		✓
Luxembourg	✓	✓	✓
Montenegro*	✓	✓	✓
Netherlands	✓	✓	✓
North Macedonia*	✓	✓	✓
Norway	✓	✓	✓
Poland	✓	✓	✓
Portugal	✓		✓
Romania	✓	✓	✓
Slovakia	✓	✓	✓
Slovenia	✓	✓	✓
Spain	✓	✓	✓
Turkey	✓	✓	✓
United Kingdom			✓
United States			✓

* Not a NATO member at the time of the conferences.

Treaty Negotiations

As the idea of a treaty prohibiting nuclear weapons gained traction, resistance from the nuclear-armed states within and beyond NATO grew stronger. In October 2016, ahead of a vote in the UN General Assembly's First Committee to secure a mandate for negotiations on a "legally binding instrument to prohibit nuclear weapons, leading towards their total elimination",¹⁵² the United States warned its allies in NATO that "the effects of a nuclear weapons ban treaty could be wide ranging".¹⁵³ It urged them "to vote against negotiations on a nuclear weapons treaty ban, not to merely abstain. In addition, if negotiations do commence, we ask allies and partners to refrain from joining them."¹⁵⁴ All NATO members complied with the US request except for the Netherlands, which abstained from voting on the resolution and, under pressure from its parliament and public,¹⁵⁵ opted to join the negotiations. (Albania, Estonia, and Italy voted yes on the resolution in the UN General Assembly but subsequently informed the UN secretariat that they had intended to vote no.¹⁵⁶)

As negotiations for the TPNW commenced at the UN headquarters in New York on 27 March 2017, the newly appointed US ambassador to the United Nations, Nikki Haley, held a small demonstration outside the General Assembly hall to register her country's objections: "Today, when you see those walking into the General Assembly to create a nuclear weapons ban, you have to ask yourself, are they looking out for their people? Do they really understand the threats that we have?"¹⁵⁷ The United Kingdom and France spoke, too. Though the United States had insisted that all NATO states attend the demonstration, several were notably absent, including Belgium, Canada, Germany, Italy, Norway, Portugal, and Spain.¹⁵⁸

Entry into Force

In October 2020, as the TPNW neared its 50th ratification (the threshold required for its entry into force), the United States made a last-ditch attempt to prevent the treaty from becoming a permanent part of international law. In an extraordinary diplomatic move, it urged states that had already joined the treaty to withdraw their ratifications: "Although we recognise your sovereign right to ratify or accede to the [TPNW], we believe that you have made a strategic error and should withdraw your instrument of ratification or accession."¹⁵⁹ However, no state complied with this request, nor did any other NATO member publicly support the call for a mass withdrawal from the TPNW. It entered into force three months later, on 22 January 2021.

¹⁵² "Taking Forward Multilateral Nuclear Disarmament Negotiations", draft resolution L.41, adopted on 27 October 2016 with the support of 123 states.

¹⁵³ "US Pressured NATO States to Vote No to a Ban", ICAN, 1 November 2016.

¹⁵⁴ Ibid.

¹⁵⁵ "Dutch Parliament: The Netherlands Needs to Negotiate an International Nuclear Weapons Ban Treaty", PAX, 28 April 2016.

¹⁵⁶ Official records for 68th plenary meeting of UN General Assembly, New York, 23 December 2016.

¹⁵⁷ Somini Sengupta and Rick Gladstone, "United States and Allies Protest UN Talks to Ban Nuclear Weapons", *New York Times*, 27 March 2017.

¹⁵⁸ States that attended the demonstration outside the UN General Assembly hall on 27 March 2017.

¹⁵⁹ "US Urges Countries to Withdraw from UN Nuke Ban Treaty", Associated Press, 22 October 2020.

It was the same week as Joe Biden’s inauguration as US president. His administration’s deputy assistant secretary for arms control, verification, and compliance, Alexandra Bell, said prior to joining the US state department that “the TPNW is here to stay”¹⁶⁰ and the United States should “create the space for discussion on shared goals” with TPNW supporters.¹⁶¹ She also remarked that the treaty’s entry into force “demonstrates a growing demand from countries around the world to finally see significant steps toward disarmament”.¹⁶²

“The reaction of NATO countries, in particular the United States, [to the TPNW] has been excessive; the technical objections they raise are strained. The real objection is that the treaty bans the production, use, and handling of nuclear weapons without exception.”¹⁶³

Hans Blix, former IAEA director general



Dutch participation Karel van Oosterom, the ambassador of the Netherlands to the United Nations, speaks during the TPNW negotiations in June 2017. Credit: ICAN

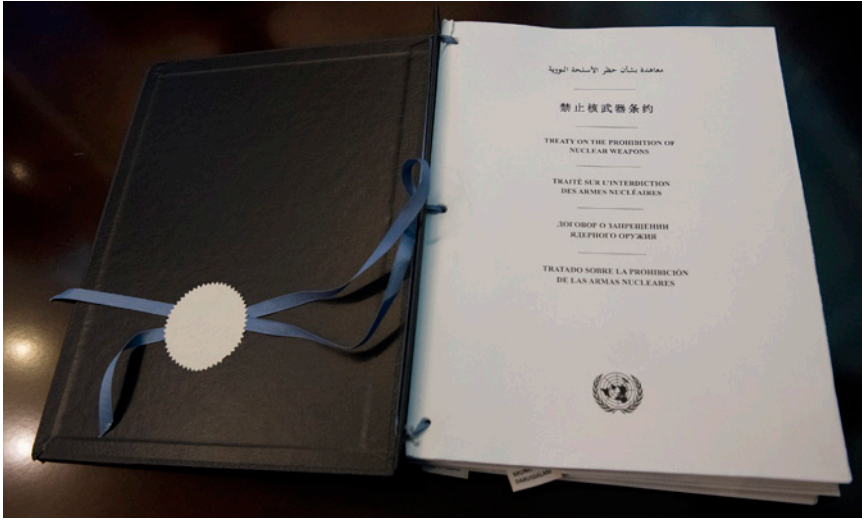
¹⁶⁰ See tweet by Alexandra Bell on 8 May 2020.

¹⁶¹ Alexandra Bell, “Global Non-Proliferation Regime”, in Jon Wolfsthal (editor), *Blundering Toward Nuclear Chaos: The Trump Administration after Three Years*, Global Zero, May 2020.

¹⁶² “Nuclear Weapons Will Soon Be Banned under International Law”, Truthout, 27 October 2020.

¹⁶³ Sophie Taylor, “Interview with Dr Hans Blix: The Most Important Lesson in Diplomacy Is Not to Humiliate”, European Leadership Network, 23 January 2019.

What Is the TPNW?



The Treaty on the Prohibition of Nuclear Weapons was negotiated and adopted at the United Nations in 2017 with the support of **122 states**. It is the first globally applicable treaty that categorically prohibits nuclear weapons; the first to put in place a framework for verifiably and irreversibly eliminating nuclear-weapon programmes; and the first to establish an obligation to assist victims of the use and testing of nuclear weapons, and to remediate contaminated environments.¹⁶⁴

The treaty strengthens the global taboo against using and possessing nuclear weapons by filling a major gap in international law. Prior to its entry into force, nuclear weapons were the only weapons of mass destruction not subject to a global prohibition treaty, despite the catastrophic, widespread, and persistent harm that they inflict. The TPNW is based on the rules and principles of international humanitarian law, which stipulate that the right of parties to an armed conflict to choose methods and means of warfare is not unlimited, that weapons must be capable of distinguishing between civilians and combatants, and that weapons causing superfluous injury or unnecessary suffering are prohibited.

Article 1 of the TPNW outlaws a wide range of nuclear-weapon-related activities. States parties must never develop, test, produce, acquire, stockpile, transfer, use, or threaten to use nuclear weapons. They are also forbidden from hosting another state's nuclear weapons on their territories or assisting or encouraging anyone else to engage in any prohibited activities. Under **Article 4**, nuclear-armed states can opt to eliminate their weapons before joining the treaty, in which case an international authority must independently verify this. Alternatively, they can opt to join the treaty and eliminate their weapons in accordance with a time-bound plan. The treaty also includes a mechanism for ending the practice of “nuclear sharing”.

Any state may join the TPNW at any time. Support for the treaty will continue to increase over time as its norms become more deeply entrenched and pressure to conform to them intensifies. Some states that were initially reluctant to come on board – whether because they feared the opprobrium of their allies or they clung to the misguided belief that nuclear weapons bring security – will feel compelled to reassess their position as the treaty's membership grows larger, and as more and more of their parliamentarians and citizens demand action. Under **Article 12**, states that have joined the TPNW are required to encourage all other states to join it, with the goal of attracting “universal adherence”.

¹⁶⁴ See Tim Wright, *How the Treaty on the Prohibition of Nuclear Weapons Works*, ICAN, 2021.

Monolithic Opposition, Forced Conformity

Some NATO members have said that they are not willing or ready to commit to a total prohibition of nuclear weapons immediately. All NATO members naturally wish to ensure that NATO military planning, cooperation, and interoperability are not hampered by nuclear disarmament measures. Among NATO members, a range of opinions and prognoses on a new treaty like the TPNW is to be expected, and robust discussion of the pros and cons, prospects and consequences, would presumably be welcomed and encouraged. But this has not happened.

Instead, NATO has essentially imposed a blanket ban on engagement with and support for the TPNW by alliance members. Rather than taking advantage of the diversity of its membership to explore how the TPNW might best fit in with and contribute to NATO objectives and priorities, the alliance has closed ranks and adopted a stance of monolithic opposition – an approach more reminiscent of the Cold War Soviet bloc than one suited to a community of democratic states.

Throughout the history of NATO, members of the alliance have taken different approaches to weapons and strategy issues, and have variously argued for greater and lesser roles for nuclear weapons in NATO security doctrines. As the NATO 2030 Reflection Group notes, “as befits a community of sovereign democratic states, NATO has never been able to achieve complete harmony”.¹⁶⁵ The first NATO strategic concepts did not explicitly give a role to nuclear weapons, at the insistence of Denmark, which argued that NATO should “refrain from using language ‘that could be argued to stand in the way of an effective ban on nuclear war’”.¹⁶⁶

Individual member states have adopted a variety of different policies concerning the degree of their involvement with NATO’s nuclear weapons. Some host US nuclear weapons on their territories under the so-called “nuclear sharing” arrangement (Belgium, Germany, Italy, the Netherlands, and Turkey); others do not. Some allow transit or deployment of nuclear weapons without restriction; others only in wartime (Denmark, Norway, Spain), and others not at all (Iceland, Lithuania). Some participate in annual nuclear weapons training exercises to prepare to use nuclear weapons through Support of Nuclear Operations With Conventional Air Tactics, or SNOWCAT; others do not.¹⁶⁷ Around half of NATO’s members do not have any nuclear role within the alliance at all, other than participating in the Nuclear Planning Group¹⁶⁸ – while France, although it is one of the three nuclear-armed members of the alliance, does *not* participate in the Nuclear Planning Group.¹⁶⁹

This variety is paralleled in the realm of conventional weapons. All NATO members except for the United States have joined the 1997 Anti-Personnel Mine Ban Convention and most have joined the 2008 Convention on

¹⁶⁵ NATO 2030: *United for a New Era*, NATO, 2020, p. 20.

¹⁶⁶ Kjølvi Egeland, “Spreading the Burden: How NATO Became a ‘Nuclear’ Alliance”, *Diplomacy and Statecraft*, volume 31, issue 1, 2020, pp. 143–167.

¹⁶⁷ SNOWCAT participants include the Czech Republic, Denmark, Greece, Hungary, Norway, Poland, and Romania. The nuclear weapon host states, as well as the United Kingdom and the United States, also contribute non-nuclear aircraft to support nuclear strike missions.

¹⁶⁸ Hans M. Kristensen, “US Nuclear Weapons in Europe”, briefing to the Center for Arms Control and Non-Proliferation, Washington, DC, 1 November 2019.

¹⁶⁹ “Nuclear Planning Group (NPG)”, NATO.

Cluster Munitions – both treaties that comprehensively outlaw certain weapons that remain in use in the armed forces of other NATO allies.

In neither the nuclear nor the conventional setting has this variety of opinions, stances, and policies caused any fundamental strategic or operational problem to the alliance. On the contrary, the ability and willingness of individual NATO members to explore and adopt different approaches over time, according to their circumstances and interests, and the evolution of alliance policy through constant vigorous debate as strategic and political circumstances shift and norms develop, should be viewed as strengths of the alliance. As the Reflection Group concludes:

Allies have occasionally disagreed in the past over interests and values, sometimes straining the Alliance. Yet another key to NATO's success is that it has been resilient in the face of many challenges because Allies do not deviate, even under strained circumstances, from an inviolable commitment to defending each other's security.¹⁷⁰

There is therefore nothing to justify NATO's monolithic opposition to the TPNW. The same flexible approach taken by the alliance on participation in nuclear weapons activities and membership of conventional weapons treaties should be applied to the TPNW. NATO members should be free – indeed, encouraged – to engage with the treaty and its community of states parties. Those members willing to do so should join the TPNW now; those not yet ready should be open to discussing pathways to joining, and in the meantime should engage constructively with the treaty in support of achieving the common objective it shares with NATO.

No Legal Barrier to Joining

Nothing in the North Atlantic Treaty¹⁷¹ – the foundation document of the NATO alliance – bars a NATO member from joining the TPNW, and nothing in the TPNW bars a state party from remaining in an alliance with a nuclear-armed state, so long as it refrains from assisting, encouraging, or inducing that state to possess or use nuclear weapons.¹⁷² Indeed, the negotiators of the TPNW took care in the drafting process to ensure that states parties could continue to cooperate militarily with nuclear-armed states in conventional operations. Any NATO member that joins the TPNW would, however, be obliged to disavow the notion of protection from an ally's nuclear weapons and abstain from all nuclear-weapon-related activities in order to comply with Article 1. Furthermore, a NATO member that hosts US nuclear weapons on its territory when it joins the TPNW would need to ensure their “prompt removal” under Article 4.

According to the *Nuclear Weapons Ban Monitor* published by Norwegian People's Aid: “States parties to the TPNW can remain in alliances and military cooperation arrangements with nuclear-armed states, and can continue to execute all operations, exercises, and other military activities together with them in so far as they do not involve nuclear weapons.

¹⁷⁰ NATO 2030: *United for a New Era*, NATO, 2020, p. 20.

¹⁷¹ North Atlantic Treaty, adopted on 4 April 1949, entered into force on 24 August 1949.

¹⁷² See, for example, “Nuclear Umbrella Arrangements and the Treaty on the Prohibition of Nuclear Weapons”, International Human Rights Clinic, Harvard Law School, June 2018. Note that many of the points in this section apply also to non-NATO states that are in “nuclear umbrella arrangements”.

Participation in ‘nuclear burden-sharing’ and other nuclear-related military activities, however, would need to be discontinued.”¹⁷³ Two former NATO secretaries general and dozens of past leaders and foreign and defence ministers from NATO states concur that alliance membership and adherence to the TPNW are compatible: “As [TPNW] states parties, we could remain in alliances with nuclear-armed states ... But we would be legally bound never under any circumstances to assist or encourage our allies to use, threaten to use, or possess nuclear weapons.”¹⁷⁴

“States parties to the TPNW can remain in alliances and military cooperation arrangements with nuclear-armed states ... Participation in ‘nuclear burden-sharing’ and other nuclear-related military activities, however, would need to be discontinued.”

Nuclear Weapons Ban Monitor, 2020

NATO’s current policy on nuclear weapons is based largely on the Strategic Concept adopted by consensus at the NATO Summit in Lisbon, Portugal, in 2010,¹⁷⁵ as well as the Deterrence and Defence Posture Review of 2012.¹⁷⁶ It also comprises various earlier and more recent alliance statements, including those issued by the North Atlantic Council on the TPNW in 2017 and 2020.¹⁷⁷ At the same time as expressing support for nuclear disarmament, the Strategic Concept states: “Deterrence, based on an appropriate mix of nuclear and conventional capabilities, remains a core element of our overall strategy. The circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote. As long as nuclear weapons exist, NATO will remain a nuclear alliance.”¹⁷⁸

While all NATO members have endorsed this position, the Strategic Concept does not establish any legal obligations, nor do statements issued by the North Atlantic Council. There is no legal requirement that NATO members remain in a so-called “nuclear umbrella” arrangement with their nuclear-armed allies. They are free to adopt for themselves, at any time, a non-nuclear defence posture. The entry into force of the TPNW in January 2021 should provide renewed motivation to do so. As TPNW states parties, NATO members would be legally bound to distance themselves from any alliance statements that endorse the retention or potential use of nuclear weapons. Such positioning would not be entirely without precedent: NATO members have a long history of adopting independent, divergent positions on nuclear weapons, as noted above, including through the use of “opt-out” footnotes in alliance statements.

¹⁷³ “The Prohibition on Assisting, Encouraging, or Inducing Prohibited Activities”, *Nuclear Weapons Ban Monitor*, Norwegian People’s Aid, 2020.

¹⁷⁴ “Open Letter in Support of the Treaty on the Prohibition of Nuclear Weapons”, 21 September 2020.

¹⁷⁵ *Active Engagement, Modern Defence: Strategic Concept*, NATO, 2010.

¹⁷⁶ *Deterrence and Defence Posture Review*, endorsed at the NATO Summit in Chicago in 2012.

¹⁷⁷ “North Atlantic Council Statement on the TPNW”, NATO, 20 September 2017; and “North Atlantic Council Statement as the TPNW Enters into Force”, NATO, 15 December 2020.

¹⁷⁸ *Active Engagement, Modern Defence: Strategic Concept*, NATO, 2010.

The conclusion that NATO members face no legal impediment to becoming TPNW states parties has been confirmed by the government of Norway. In 2018, the foreign minister informed the parliament that “there is no legal obligation barring Norway from signing or ratifying the [TPNW]”.¹⁷⁹ (This was the conclusion reached also by the Norwegian Academy of International Law.)¹⁸⁰ Steven Hill, who served as chief legal counsel to the NATO secretaries general Anders Fogh Rasmussen and Jens Stoltenberg from 2014 to 2020, has noted that the North Atlantic Treaty does not mention nuclear weapons, nor does it mention nuclear deterrence: “Rather, the obligations in the North Atlantic Treaty are formulated in general terms, and do not commit Allies to a particular means of achieving desired outcomes.”¹⁸¹ He has stressed, however, that while “a particular course of action might be a legally available option” it could have “potential political ramifications”, given the “heavy weighting” that political commitments carry.¹⁸² Nevertheless, from a legal perspective, joining the TPNW and remaining a member of NATO are compatible.

“[T]here is no legal obligation barring Norway from signing or ratifying the [TPNW].”

Ine Eriksen Søreide, foreign minister of Norway, 2018

Endorsing Nuclear Doctrines

By endorsing various alliance statements, all NATO members have indicated their support for the possession and potential use of nuclear weapons, with no alliance member having yet adopted a non-nuclear defence posture (though some have made clear their unwillingness to host nuclear weapons on their territories, whether in peacetime or wartime).¹⁸³ All 27 non-nuclear-armed NATO members are considered to be under a so-called “nuclear umbrella” – an arrangement whereby a nuclear-armed state agrees to possess and potentially use nuclear weapons on behalf of another state, and that other state consents to, or acquiesces to, this “protection”.¹⁸⁴ Such an arrangement is inconsistent with the TPNW’s object and purpose and with Article 1. (Note that not all alliances with nuclear-armed states involve a “nuclear umbrella” arrangement. For example, US allies Thailand and the Philippines do not claim to be protected by US nuclear weapons, and both are TPNW states parties.)

In the preamble to the TPNW, states parties express their concern about “the continued reliance on nuclear weapons in military and security concepts, doctrines, and policies”. They also put forth the view that “any

¹⁷⁹ Record of the meeting of the Storting (Norwegian parliament) on 14 November 2018.

¹⁸⁰ Gro Nystuen, Kjølsv Egeland, and Torbjørn Graff Hugo, “The TPNW and Its Implications for Norway”, Norwegian Academy of International Law, September 2018.

¹⁸¹ Steven Hill, “NATO and the Treaty on the Prohibition of Nuclear Weapons”, Chatham House, 2021.

¹⁸² Ibid.

¹⁸³ Denmark, Norway, and Spain do not allow the deployment of nuclear weapons on their territories in peacetime, and Iceland and Lithuania do not allow them at all. See Stein-Ivar Lothe Eide, *A Ban on Nuclear Weapons: What’s in It for NATO?*, International Law and Policy Institute, 2014.

¹⁸⁴ See *Nuclear Umbrellas and Umbrella States*, International Law and Policy Institute, 2016.

use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, in particular the principles and rules of international humanitarian law”. Given that a “nuclear umbrella” arrangement depends on the continued existence of nuclear weapons and their potential use, it is clearly contrary to the TPNW’s object and purpose. According to the Harvard Law School’s International Human Rights Clinic: “A state may not base its security on an ally’s nuclear arms while being party to a treaty with the explicit goal of total elimination.”¹⁸⁵

Under Article 1(1)(e) of the TPNW, a state party must never under any circumstances assist, encourage, or induce anyone to engage in any activity prohibited under the treaty. NATO’s non-nuclear-armed members, by accepting the notion of protection from an ally’s nuclear weapons, are encouraging that ally to possess and – in extreme circumstances – use or threaten to use nuclear weapons on their behalf. TPNW parties “must renounce existing nuclear umbrella arrangements, but the TPNW does not require them to abandon existing, long-standing security alliances”, the International Human Rights Clinic has concluded. “While it might face political opposition from its nuclear-armed allies, a NATO member state would not violate its legal obligations to the alliance if it withdrew from the nuclear umbrella associated with NATO.”¹⁸⁶

Assisting Prohibited Activities

TPNW states parties may participate in joint military operations involving nuclear-armed states provided that they in no way assist, encourage, or induce anyone to engage in activities prohibited under the treaty. As is the case with other humanitarian disarmament treaties, such as the 1997 Anti-Personnel Mine Ban Convention and the 2008 Convention on Cluster Munitions, “mere participation” in a joint operation with a state possessing the prohibited weapons is not a violation.¹⁸⁷ In the context of the mine ban treaty, it is well established that a state party can lawfully participate in joint military activities with a mine-possessing state, so long as there is no “nexus” between the state party’s actions and the use of prohibited weapons by the state not party.¹⁸⁸ NATO members have, for example, engaged in numerous operations with the United States even though it has declined to join the mine ban treaty. Under the TPNW, NATO states could continue to engage in most of the alliance’s current activities.

According to the *Nuclear Weapons Ban Monitor*, the kinds of activities that would contravene Article 1(1)(e) of the TPNW include assisting with nuclear bombing raids, for instance with conventional air tactics, during a conflict; participating in exercises that involve the simulated use of nuclear weapons; participating in strike exercises that amount to threatening to use nuclear weapons; participating in the annual Steadfast Noon exercise, where states practise the use of B61 nuclear weapons stationed on the territories of NATO non-nuclear-armed states; providing

¹⁸⁵ “Nuclear Umbrella Arrangements and the Treaty on the Prohibition of Nuclear Weapons”, International Human Rights Clinic, Harvard Law School, June 2018.

¹⁸⁶ Ibid.

¹⁸⁷ Stuart Casey-Maslen, *Commentaries on Arms Control Treaties Volume 1: The Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction*, Oxford University Press, 2015, para. 1.71.

¹⁸⁸ Ibid.

significant logistical and technical support to, for example, a submarine specifically designed to carry nuclear weapons; gathering and sharing intelligence with a nuclear-armed state to knowingly identify targets for a temporally proximate use or threat of use of nuclear weapons; participating in nuclear planning, including where it involves a general readiness for hypothetical future use of nuclear weapons; and allowing the testing of missiles on one's territory that are specifically designed to deliver nuclear warheads or are nuclear-capable.¹⁸⁹

Hosting Nuclear Weapons

Article 1(1)(g) of the TPNW prohibits states parties from allowing “any stationing, installation, or deployment” of another state’s nuclear weapons on their territory or at any other place under their jurisdiction or control. (No similar prohibition exists under the NPT.) As noted above, five NATO members are believed to host a total of roughly 100 US nuclear gravity bombs on their territories. In order to comply with the TPNW, these states may either end this practice before becoming TPNW states parties or ensure the removal of the weapons in accordance with Article 4(4). This provision stipulates that a state party that hosts another state’s nuclear weapons must “ensure the prompt removal of such weapons, as soon as possible but not later than a deadline to be determined by the first meeting of States Parties”. (That meeting is scheduled to take place in Vienna in 2022.) Upon the removal of the weapons, the state party must submit a declaration to the UN secretary-general confirming that it has fulfilled its obligations under Article 4 of the treaty.

Ending a Counterproductive Approach

As the previous section showed, there is much about the TPNW for NATO members to consider, discuss, and indeed contribute to in terms of advancing their collective security and reducing the risks posed by nuclear weapons. NATO’s current approach of blanket dismissal of and hostile non-engagement with the TPNW is contrary to the alliance’s own interests, and will only make achieving its security goals more difficult. Monolithic opposition to the TPNW, and enforced political conformity on the view of the TPNW as a threat and danger to the alliance, only constrains NATO’s options, cutting off opportunities to explore pathways to reinvigorating nuclear disarmament, exacerbating tensions in the NPT, and alienating potential partners. As the history of NATO shows, such an approach is simply unnecessary. The best way for NATO members to defend each other’s security – and promote international peace and stability – is to support the prohibition and, wherever possible, throw their weight behind the new global norm by joining the TPNW, strengthening barriers against proliferation and working to eliminate nuclear weapons.

¹⁸⁹ “The Prohibition on Assisting, Encouraging, or Inducing Prohibited Activities”, *Nuclear Weapons Ban Monitor*, Norwegian People’s Aid, 2020.

NATO States' Adherence to Bans on Other Weapons

	Biological Weapons Convention	Chemical Weapons Convention	Anti-Personnel Mine Ban Convention	Convention on Cluster Munitions
Albania	✓	✓	✓	✓
Belgium	✓	✓	✓	✓
Bulgaria	✓	✓	✓	✓
Canada	✓	✓	✓	✓
Croatia	✓	✓	✓	✓
Czech Republic	✓	✓	✓	✓
Denmark	✓	✓	✓	✓
Estonia	✓	✓	✓	
France	✓	✓	✓	✓
Germany	✓	✓	✓	✓
Greece	✓	✓	✓	
Hungary	✓	✓	✓	✓
Iceland	✓	✓	✓	✓
Italy	✓	✓	✓	✓
Latvia	✓	✓	✓	
Lithuania	✓	✓	✓	✓
Luxembourg	✓	✓	✓	✓
Montenegro	✓	✓	✓	✓
Netherlands	✓	✓	✓	✓
North Macedonia	✓	✓	✓	✓
Norway	✓	✓	✓	✓
Poland	✓	✓	✓	
Portugal	✓	✓	✓	✓
Romania	✓	✓	✓	
Slovakia	✓	✓	✓	✓
Slovenia	✓	✓	✓	✓
Spain	✓	✓	✓	✓
Turkey	✓	✓	✓	
United Kingdom	✓	✓	✓	✓
United States	✓	✓		



“[On 22 January 2021] the Treaty on the Prohibition of Nuclear Weapons entered into force. I call on all states to support the goal of this treaty.”

António Guterres, UN secretary-general, 2021



Open for signature The UN secretary-general speaks at a signing ceremony for the TPNW on 20 September 2017. Credit: ICAN/ Darren Ornitz

4

Benefits of Joining the Ban

By joining the Treaty on the Prohibition of Nuclear Weapons, NATO members can help to strengthen barriers against proliferation and open up pathways for disarmament.

NATO's reflexive opposition to the Treaty on the Prohibition of Nuclear Weapons has focused the attention of alliance members almost exclusively on the perceived problems and shortcomings of the treaty. As discussed in the previous chapter, and examined further in chapter 6, these objections are variously misconceived, exaggerated, or entirely baseless. But regardless of the accuracy of criticisms of the TPNW, the obsessive negative focus on the treaty within NATO has prevented any substantive consideration of its benefits, including what it can potentially offer the alliance. There has been almost no discussion within NATO – at least on the public record – of how the TPNW might be able to assist NATO members in pursuing the alliance's stated objective of reducing and eventually eliminating the security threats posed by nuclear weapons. NATO members also do not appear to have examined how the obligations on addressing nuclear harm in the TPNW could align with the humanitarian and sustainable development objectives of many NATO members, and the beneficial contributions NATO members could make to this structure of work.

Strengthening Non-Proliferation

One reason for this lack of discussion is the view held in NATO of the TPNW as purely a disarmament treaty – and a treaty suspected (wrongly) of being aimed at disarming NATO in particular. But the key aim of the TPNW is to build and entrench a robust new global norm against nuclear weapons: a comprehensive prohibition, free of the exceptions and double standards of the Nuclear Non-Proliferation Treaty. This aim encompasses both disarmament and non-proliferation elements. By stigmatising and delegitimising nuclear weapons, the TPNW is strengthening barriers against proliferation, and thereby increasing NATO's security.

Each NPT non-nuclear-armed state that joins the TPNW is not only committing to a total prohibition of nuclear weapons, without exception or qualification, but is also undertaking additional practical obligations beyond those in the NPT, including more onerous withdrawal provisions and (in many cases) legally locking in safeguards provisions above those required by the NPT.¹⁹⁰ In addition, while Article II of the NPT prohibits non-nuclear-armed states parties from “manufactur[ing] or otherwise acquir[ing] nuclear weapons”, the treaty contains no explicit ban on steps leading up to manufacture. The TPNW addresses this potential legal deficit by prohibiting its states parties from “developing” nuclear weapons – a concept that encompasses any of the actions and activities intended to prepare for manufacture, such as relevant research, computer modelling of weapons, and the testing of key components.¹⁹¹

“[The TPNW] serves as a new instrument of non-proliferation, augmenting the existing Non-Proliferation Treaty.”¹⁹²

Bill Perry, former US secretary of defence

Each non-NATO state that joins the TPNW is therefore increasing NATO's security. The actions of a number of NATO members to actively discourage other states from joining the TPNW are thus counterproductive and contrary to the interests of the alliance. Even if no NATO member is willing to join the TPNW in the short term, it is clearly in the alliance's interest to encourage other states to join. But in fact there are good reasons for NATO members to join too. The first of these reasons is obviously that other states are more likely to join the TPNW if NATO members do so themselves; NATO states leading by example and joining the treaty would provide a tremendous boost to universalisation efforts.

Second, NATO members joining the TPNW would send a powerful signal of genuine commitment to pursuing nuclear disarmament and good faith in implementing NPT obligations. This would provide an important

¹⁹⁰ See chapter 6 for more details on the often-misunderstood safeguards provisions of the TPNW.

¹⁹¹ “The Prohibition on Developing, Producing, Manufacturing, or Otherwise Acquiring Nuclear Weapons”, *Nuclear Weapons Ban Monitor*, 2020.

¹⁹² William J. Perry, “Why the United States Should Support the Treaty on the Prohibition of Nuclear Weapons”, *Bulletin of the Atomic Scientists*, 22 January 2021.

relief valve for nuclear arms race pressure. As noted in chapter 2, NATO's increasing emphasis on nuclear weapons over recent years is feeding a classic arms race cycle, as rivals respond with increasing nuclear capacities of their own, which in turn prompts further NATO steps. Note that this signal of commitment can be sent in stages: not all NATO members need join the TPNW at once; those that do not possess nuclear weapons themselves would be obvious candidates to go first.

Third, such a signal will significantly lessen tensions in the NPT. Many members of NATO have worked hard over many years in the NPT review process to find common ground and develop practical pathways forward for implementing the disarmament obligations of the treaty – only to have their efforts crushed and credibility destroyed by the inability or unwillingness of their nuclear-armed allies to follow through. Recent efforts led by NATO members and partners, such as the Stockholm Initiative,¹⁹³ are designed along similar lines as past disappointments (such as the “step-by-step approach”, “building blocks approach”, and “progressive approach”), and are thus greatly disadvantaged from the outset by this lack of credibility and trust. Joining the TPNW offers these states the chance to rebuild their credibility with the wider NPT community of non-nuclear-armed states, and to take steps on their own behalf towards reducing, and ultimately ending, the overall reliance of NATO on nuclear weapons. This will facilitate their role as effective bridge-builders in helping to repair relations between nuclear-armed and non-nuclear-armed states in the NPT, and will greatly increase opportunities for finding common ground for renewed cooperation and progress on implementing all aspects of the NPT, including through the kinds of steps envisioned in the Stockholm Initiative.

Fourth, NATO members joining the TPNW will directly facilitate progress towards nuclear disarmament by starting to dismantle some of the obstacles and disincentives that NATO has put in its own way. As non-nuclear-armed NATO members join the TPNW and categorically reject the option of using nuclear weapons in their defence, the nuclear-armed members of the alliance will have steadily less reason – and face less pressure – to modernise and augment their arsenals to continue to provide “extended deterrence”. There will also be steadily decreasing need and justification for providing extended nuclear deterrence, and maintaining the explicit identity of NATO as a “nuclear alliance”, in order to prevent other members from deciding to pursue their own nuclear arsenals.

Developing the Disarmament Machinery

One of the innovative features of the TPNW is its approach to verification of nuclear disarmament. Often incorrectly described by critics as being weak or even non-existent,¹⁹⁴ the verification provisions in Article 4 of the TPNW require the negotiation of a legally binding, time-bound plan for “the verified and irreversible elimination” of the nuclear-weapon programme of the state party or states parties concerned. Negotiating such a plan will obviously be a daunting technical and political challenge, especially if the plan involves more than one nuclear-armed state (which

¹⁹³ “Stockholm Initiative”, Alliance for Multilateralism.

¹⁹⁴ See chapter 6 for further details on why this characterisation is incorrect.

would be a likely scenario, given the apparent reluctance of NATO and other nuclear-armed states to consider unilateral disarmament). There is therefore a great deal of preparatory work that will be required to explore possible modalities, set out technical and operational parameters, and determine the standards by which the TPNW states parties will ultimately evaluate a proposed elimination plan for approval.

Whether or not any NATO nuclear-armed state is prepared to join the TPNW in the short term, it would clearly be in NATO's interest to be involved in this preparatory work, helping to develop the machinery that will be used to ensure that any disarmament carried out pursuant to the treaty is verified to a standard acceptable to NATO, and meets its criteria for irreversibility. In this sense, by joining the TPNW early in its development and working alongside other states parties, non-nuclear-armed NATO members can act as a kind of “advance guard” for the eventual accession of their nuclear-armed allies. They can work to ensure that the treaty regime develops in a way that supports NATO's non-proliferation interests and wider security needs, and can help to shape the disarmament machinery in a way that offers the best chance of securing the confidence and eventual accession of their nuclear-armed allies, as well as other nuclear-armed states.

NATO members would have much to bring to this effort, having already started important work on verification,¹⁹⁵ and being in a unique position to understand, represent, and defend the interests and concerns of nuclear-armed states that are not yet ready to join the TPNW themselves. The constructive engagement of NATO members with building the TPNW regime will also help to heal rifts and restore trust in the NPT, and provide a further demonstration of NATO's commitment to pursuing its goal of a world free of nuclear weapons.

Addressing Harm from Nuclear Weapons

The TPNW also offers NATO members a structured means of participating in the assistance of individuals affected by past nuclear use and testing, and efforts to remediate environmental damage. This work under the TPNW could benefit individuals and communities in states that are NATO members or NATO partners – such as Algeria and Kazakhstan, which are grappling with the legacies of nuclear testing and are supporters of the TPNW – as well as those in other states worldwide. Through implementing these obligations, states can work to better address affected people's rights and needs, respond to environmental contamination, and support sustainable development in affected countries.¹⁹⁶ These overarching goals will align with the humanitarian and development priorities of many NATO members. Articles 6 and 7 of the TPNW – on victim assistance, environmental remediation, and international cooperation and assistance – provide the first international framework for responding to the ongoing humanitarian, human rights, and environmental consequences of the past use and testing of nuclear weapons.

¹⁹⁵ For example, the International Partnership for Nuclear Disarmament Verification (IPNDV).

¹⁹⁶ See Matthew Bolton and Elizabeth Minor, “Addressing the Ongoing Humanitarian and Environmental Consequences of Nuclear Weapons: An Introductory Review”, *Global Policy*, 2021.

The detonation of more than 2,000 nuclear devices in the territories of what are now 15 countries continue to affect people and places,¹⁹⁷ as do the US atomic bombings of Hiroshima and Nagasaki. Physical and mental health effects as well as socio-economic impacts persist. These harms have had gendered dimensions, including the disproportionate impact on women and girls acknowledged in the preamble of the TPNW. Indigenous peoples have also been disproportionately affected by nuclear weapon activities. This, too, is acknowledged in the TPNW. Some communities are still displaced from nuclear testing on their land. Locations around the world remain unsafe and contaminated by nuclear detonations, and standards of remediation have varied. Many communities are still seeking responses to the harm that they have identified these activities to cause. Their demands range from the release of information and recognition, through health and social support, to financial compensation. Furthermore, the extent of the harm caused and the responses required may not have been fully or recently assessed in many states, or information may not be available.¹⁹⁸

The TPNW's obligations on victim assistance, environmental remediation, and international cooperation and assistance provide an opportunity to better assess and address these impacts. They give a structure for the international community to focus and collaborate on these issues. This policy architecture offers the potential to address a broad range of harms and to aspire to strong standards of response.



UK nuclear testing At the negotiations for the TPNW in March 2017, Sue Coleman-Haseldine, a Kokatha elder, describes the ongoing harm to Indigenous communities in Australia as a result of nuclear tests and related experiments. Credit: ICAN/Frode Ersfjord

¹⁹⁷ The 15 countries and territories where nuclear devices have been tested are Algeria, Australia, China, French Polynesia (non-self-governing territory administered by France), India, Kazakhstan, Kiribati, the Marshall Islands, North Korea, Pakistan, Russia, Turkmenistan, Ukraine, the United States, and Uzbekistan. See data in *ibid.*

¹⁹⁸ For a general overview see *ibid.*

The framework of responsibility for implementation created by Articles 6 and 7 emphasises collective and collaborative action among TPNW states parties to support affected states parties with victim assistance and environmental remediation. Articles 6(1) and 6(2) place the primary responsibility with affected states parties to provide adequate assistance to individuals harmed by past use and testing, and to take steps towards the remediation of contaminated environments under their jurisdiction or control. This approach recognises the sovereignty and existing responsibilities of affected states parties.

To support them, Article 7 on international cooperation and assistance sets out the right of these states parties to seek and receive assistance – and requires parties in a position to do so to provide technical, material, or financial assistance. Article 7 highlights that assistance can also be provided through UN agencies, the Red Cross, non-government organisations, and other international, regional, and national institutions. This framework therefore gives any state joining the TPNW the opportunity to make a positive contribution. It focuses not on liability, but on practical action to respond to the challenges facing individuals, communities, and their environments.¹⁹⁹

How NATO Members Could Contribute

States parties to the TPNW will be agreeing on the first steps towards implementing victim assistance and environmental remediation at the first meeting of states parties in Vienna in 2022.²⁰⁰ Given the nature of nuclear weapons' impacts (which are wide ranging and complex) and how they have been tested (which has involved secrecy), implementation will be a long-term and progressively realised task, as the legacies, harms, and how they should be responded to are assessed and become better understood by states parties.

As programmes of work develop and proceed, NATO members have an opportunity to participate in these new, structured efforts to address ongoing harm from nuclear weapons, and contribute to a community of practice through which standards can be raised for affected communities. NATO members should follow these processes and consider how they may be able to support affected communities through expertise and funding. Some ways that NATO members might be able to contribute at this early stage of the TPNW's implementation can already be identified, based on their knowledge, expertise, and other resources.

The initial actions outlined in this section are all ones that NATO states could take in the short to medium term. They could be taken by states as parties to the TPNW – but many of these actions could also be undertaken before states become party to the treaty, in order to engage constructively with TPNW states parties and their work to address the humanitarian and environmental consequences of nuclear weapons, and as a positive step towards joining the treaty.

¹⁹⁹ See, for example, Bonnie Docherty, "A 'Light for All Humanity': The TPNW and the Progress of Humanitarian Disarmament", *Global Change, Peace, and Security*, volume 30, issue 2, 2018, pp. 163–86.

²⁰⁰ For analysis and recommendations on how this could be structured, see Bonnie Docherty, "From Obligation to Action: Advancing Victim Assistance and Environmental Remediation at the First Meeting of States Parties to the TPNW", *Journal for Peace and Nuclear Disarmament*, 2020.



Vienna conference Karipbek Kuyukov (right), an artist and survivor of Soviet nuclear testing in Kazakhstan, speaks to the Hiroshima survivor Setsuko Thurlow at the Vienna conference on the humanitarian impact of nuclear weapons in 2014. Credit: ICAN

Survivor Inclusion

One key and immediate way in which NATO members could contribute to victim assistance and environmental remediation would be to support survivor inclusion in work to address nuclear harm. The implementation of Articles 6 and 7 under the TPNW must centre the knowledge and requirements of affected communities as a starting point, and facilitating affected communities' participation will be crucial.

“[The TPNW] contains strong commitments to assistance of the victims of nuclear weapon use and testing, and to the remediation of contaminated environments.”²⁰¹

International Committee of the Red Cross

Providing assistance to activities for inclusion, including through UN agencies and the International Committee of the Red Cross, or support to non-government organisations – including survivors' organisations – would be beneficial both to affected communities and towards effective implementation. Such assistance could include, for example, funding outreach and attendance at meetings. It could also involve supporting survivors and survivor-led organisations with other work such as community-level research and advocacy activities.

²⁰¹ “2017 Treaty on the Prohibition of Nuclear Weapons”, ICRC, January 2021.



US nuclear testing Abacca Anjain-Maddison of the Marshall Islands – where the United States tested 67 nuclear weapons between 1946 and 1958 – speaks during the closing session of the TPNW negotiations in July 2017. Credit: ICAN/Ralf Schlesener

Experience with Other Treaties

The structure of obligation and support in Articles 6 and 7 of the TPNW is based on the approach to victim assistance and land clearance developed under the 1997 Anti-Personnel Mine Ban Convention (APMBC) and the 2008 Convention on Cluster Munitions (CCM).²⁰² Almost all NATO members are party to these treaties, and many have played important roles in supporting implementation of these obligations. For example, NATO members have taken on coordination roles and led the work of committees on victim assistance and clearance issues, to help push forward meaningful work within these treaties.²⁰³ NATO members have also provided substantial funding to mine action over past decades, helping to finance crucial humanitarian responses to the harmful legacies of the use of anti-personnel landmines and cluster munitions. These countries have included, notably, the United States, which is not a party to either the APMBC or the CCM but is the largest donor to the sector.²⁰⁴

²⁰² Bonnie Docherty, “A ‘Light for All Humanity’: The TPNW and the Progress of Humanitarian Disarmament”, *Global Change, Peace, and Security*, volume 30, issue 2, 2018, pp. 163–86.

²⁰³ See the records of the Anti-Personnel Mine Ban Convention and Convention on Cluster Munitions.

²⁰⁴ “Support for Mine Action”, *Landmine Monitor*, 2020.

Many NATO members will therefore already be well placed to contribute positively to the structure of work in the TPNW on victim assistance and environmental remediation, given their experiences from contributing to the APMBC and the CCM. These states will also appreciate why these positive obligations are a crucial part of the response to nuclear weapons contained in the TPNW. Similar to parallel provisions in previous treaties addressing weapons that have caused unacceptable humanitarian harm, Articles 6 and 7 of the TPNW are a key component of responding to the catastrophic humanitarian consequences of nuclear weapons: this requires both preventing future harm through prohibition and elimination and responding to the harm caused by past actions.²⁰⁵

Many NATO members could therefore make a useful contribution to developing the structure and plans for implementation of this area of the TPNW if they became states parties, based on their experience of implementing similar provisions in the APMBC and the CCM (alongside other TPNW states parties that also have these experiences). NATO members may also be able to share useful experiences on, for example, which mechanisms for providing financial assistance or technical expertise have worked well in the past, and which have not. They could also bring their insights on developing a positive and collaborative culture of work and elaborating effective plans of action, or provide particular thematic expertise – for example, on how age- and gender-sensitive assistance can be implemented.

Information Sharing

Some NATO members will have specific information or technical experiences to share based on their undertaking or participating in nuclear tests, and their subsequent responses towards affected people and environments. Three NATO states – France, the United Kingdom, and the United States²⁰⁶ – previously tested nuclear weapons on their own or others' territories (including colonised countries that subsequently gained independence, and currently non-self-governing territories). The United States also used nuclear weapons in Japan in 1945. The TPNW framework as a whole obliges all states parties to consider what more could be done for populations and environments harmed by nuclear weapons. Article 7(6) of the TPNW highlights that any states parties that have tested nuclear weapons have a responsibility to assist affected states with victim assistance and environmental remediation.

In order to develop effective and holistic responses to the ongoing impacts of past nuclear weapons use and testing, information sharing on policy responses from states that tested nuclear weapons (or have affected populations) would be valuable. Such information can assist states in looking at the results and effectiveness of different approaches, as well as the gaps where more work could be done. This could be beneficial to affected people in NATO states that have tested nuclear weapons, including the personnel who worked at test sites, but it would also provide

²⁰⁵ Bonnie Docherty, “Completing the Package: The Development and Significance of Positive Obligations in Humanitarian Disarmament Law”, in Treasa Dunworth and Anna Hood (editors), *Disarmament Law: Reviving the Field*, Routledge, 2020.

²⁰⁶ Some Canadian military personnel also participated in nuclear tests.

valuable information for other TPNW states parties that are developing responses for victim assistance and environmental remediation (including to address the legacies of nuclear testing by NATO states).

On victim assistance, some NATO members have already implemented programmes or legislation responding to physical health impacts from nuclear testing, mostly related to payments to individuals whose health was affected by their proximity to nuclear tests.²⁰⁷ These approaches could be beneficial to examine – particularly to analyse the shortcomings and gaps they have left for affected people, and how these could be addressed from a rights-based perspective under the TPNW.²⁰⁸ Other state responses have included providing funding for independent research, and to care and well-being services and memorialisation undertaken by non-government organisations.²⁰⁹ These steps have generally been taken following concerted advocacy by affected people, including both civilian communities and veterans, which continues.

On environmental remediation, NATO members that have tested nuclear weapons have all carried out some work towards addressing resultant contamination. They could therefore share information on their approaches and technical standards, which would be useful for the assessment and consideration of affected states parties to the TPNW, and towards developing a constructive conversation about how people and environments can be better protected from nuclear legacies. NATO members that have not tested nuclear weapons but have expertise in nuclear safety and contamination issues from the civilian sector could also usefully contribute experience and information to these conversations, as well as technical assistance.

The United States, the United Kingdom, and France could also consider what other information, such as research, assessments, or data on impacts and contamination, they could share in the context of implementation of the TPNW with states parties who have populations or areas affected by past testing by these states. Any information that can be released and could be beneficial to affected communities, particularly from a public health or environmental perspective, should be shared.

Participating in the implementation of the victim assistance and environmental remediation framework could contribute towards goals of humanitarian response and sustainable development that many NATO members will share. As the programme of work on victim assistance and environmental remediation develops under the TPNW, more opportunities to participate and assist with information, expertise, and resources will arise. Work in this area should benefit affected communities globally – including populations in states that are NATO members and partners.

²⁰⁷ For an overview, see Nate Van Duzer and Alicia Sanders-Zakre, “Policy Approaches Addressing the Ongoing Humanitarian and Environmental Consequences of Nuclear Weapons”, *Global Policy*, 2021.

²⁰⁸ To take one example, the structure of the French compensation programme (CIVEN) had led to very few awards being given, with little transparency, prompting a change in criteria from 2020. Nevertheless, it is still very challenging for affected people from Algeria and French Polynesia in particular to access, for issues ranging from translation to lack of access to the medical and other documentation needed to state their cases. See, for example, Jean-Marie Collin and Patrice Bouveret, “Radioactivity under the Sand: The Waste from French Nuclear Tests in Algeria”, ICAN France and *Observatoire des Armements*, 2020, and “The Mururoa Files”, Interprt and Princeton University, 2021.

²⁰⁹ See, for example, the work of the Nuclear Community Charity Fund, funded by a grant from the UK government following campaigning by the British Nuclear Test Veterans Association.

History of Nuclear Testing

- **UNITED STATES** – The United States conducted **1,030 nuclear tests** between 1945 and 1992, roughly half of the global total. Most were in Nevada, and many were in the Pacific, at Bikini and Enewetak atolls in the Marshall Islands and Kiritimati Island in Kiribati. A number of tests were also conducted in Alaska (Amchitka Island), Colorado, Mississippi, and New Mexico.²¹⁰
- **UNITED KINGDOM** – The United Kingdom conducted **45 nuclear tests** between 1952 and 1991: 12 tests (and hundreds of so-called “minor trials”) at Maralinga, Emu Field, and the Montebello Islands in Australia; nine tests at Kiritimati and Malden islands in Kiribati; and 24 tests in Nevada (conducted with the United States).²¹¹
- **FRANCE** – France conducted **210 nuclear tests** between 1960 and 1996: 17 tests at Reggane and In Ekker in Algeria; and 193 tests at Mururoa and Fangataufa atolls in French Polynesia in the Pacific.²¹²



Nuclear-free and independent Pacific More than a hundred people, mostly students from across the Pacific (including from the Marshall Islands), march through the streets of Suva, Fiji, in 2020 in support of the TPNW. Credit: Youngsolwara

²¹⁰ “The United States’ Nuclear Testing Programme”, CTBTO.

²¹¹ “The United Kingdom’s Nuclear Testing Programme”, CTBTO. Note that the 24 UK tests conducted in Nevada are not included in the US total.

²¹² “France’s Nuclear Testing Programme”, CTBTO.

“The legacy of nuclear testing is nothing but destruction.”²¹³

António Guterres, UN secretary-general



Marshall Islands The United States conducts a nuclear test at Enewetak Atoll in 1951. Credit: US Government

5

Support for the Ban within NATO

While NATO as an alliance remains firmly opposed to the Treaty on the Prohibition of Nuclear Weapons, there is strong and growing support for it within many NATO states.

Through various statements, NATO has presented a “consensus” position on the TPNW.²¹⁴ On the surface, alliance members appear united in their opposition to the treaty: no NATO state has yet signed or ratified it, and all consistently vote against the annual UN General Assembly resolution promoting it.²¹⁵ Beneath the surface, however, attitudes among NATO states towards the TPNW, and towards nuclear weapons in general, vary markedly. While three NATO states continue to invest in major upgrades to their nuclear arsenals – and plan to retain them for many decades to come²¹⁶ – others are deeply frustrated by the lack of recent progress on disarmament. And some have, on occasion, spoken positively about the TPNW, despite the alliance’s hardline stance.

²¹⁴ See especially “North Atlantic Council Statement on the Treaty on the Prohibition of Nuclear Weapons”, NATO, 20 September 2017; “North Atlantic Council Statement as the Treaty on the Prohibition of Nuclear Weapons Enters Into Force”, NATO, 15 December 2020.

²¹⁵ The most recent such resolution is UN General Assembly resolution 75/40, “Treaty on the Prohibition of Nuclear Weapons”, adopted on 7 December 2020.

²¹⁶ See, for example, Allison Pytlak and Ray Acheson (editors), *Assuring Destruction Forever*, Reaching Critical Will, 2020 edition.

The growing tide of political support for the TPNW in many NATO states – and the mounting public pressure for action – suggests that it is only a matter of time before one or more of these states take steps towards joining the treaty. No doubt, they will encounter push-back from certain allies; but as sovereign states they are free to determine their own position on nuclear weapons, just as they do on a wide range of other foreign policy and defence issues. Ultimately, governments are accountable to their citizens and cannot indefinitely ignore the democratic will.

The signs of growing support for the TPNW within NATO states are numerous. Parliaments, including in Italy, the Netherlands, and Spain, have conveyed their broad support and called for executive action. Opinion polls in 11 member states have shown overwhelming public endorsement. Political parties of various hues have entrenched support for the TPNW in their platforms and manifestos. More than a thousand parliamentarians across the alliance have pledged to work to bring their respective countries on board. Hundreds of civil society organisations, including Red Cross national societies, have voiced support. More than 50 former leaders and foreign and defence ministers from 20 NATO states have implored current leaders to “show courage and boldness” and join the treaty. Around 400 cities and towns, including several national capitals, have promoted adherence to the treaty. All of this points to a major movement for change across the alliance and dissatisfaction with the status quo.

“[The TPNW] has placed nuclear disarmament in the limelight and created a broad momentum for disarmament.”

The Netherlands, 2017

When the Netherlands participated in the negotiation of the TPNW in 2017 – against the express wishes of the United States, which had urged all NATO members not to participate²¹⁷ – it acknowledged that the treaty had “placed disarmament in the limelight and created a broad momentum for disarmament”.²¹⁸ This is a sentiment expressed by senior politicians and policymakers in several NATO states. Others, too, have acknowledged the strong international and community-level support for the TPNW. For example, Canada’s now-deputy prime minister, Chrystia Freeland, commented at the Conference on Disarmament in Geneva in 2018: “The popularity of [the TPNW] speaks to the desire of countries, activists, and communities to accelerate the work toward disarmament.”²¹⁹

Notably, NATO’s full suite of talking points on the TPNW have not been universally embraced by its members. In some NATO states, for example, officials have refrained from adopting the line that the TPNW undermines the NPT, instead accepting the widely held view that the two treaties are complementary. As the Norwegian government put it in 2018: “There are

²¹⁷ See “United States Non-Paper: ‘Defense Impacts of Potential United Nations Nuclear Weapons Ban Treaty’”, North Atlantic Council, 17 October 2016.

²¹⁸ Explanation of vote by the Netherlands following the adoption of the TPNW on 7 July 2017.

²¹⁹ Address by Chrystia Freeland, then-foreign minister of Canada, to the high-level segment of Conference on Disarmament, Geneva, 27 February 2018.

no grounds for asserting that the [TPNW] is contrary to the provisions of the NPT on disarmament under international law.”²²⁰ This was the conclusion reached also by the research services division of the German federal parliament, or Bundestag, in a paper examining the issue in detail in January 2021: “The TPNW does not undermine the NPT; it is part of a common nuclear disarmament architecture.”²²¹ Policymakers and international lawyers have also concluded that NATO members face no legal barrier to joining the new treaty – a position confirmed by Norway’s foreign minister, Ine Eriksen Søreide, in parliament in 2018: “There is no legal obligation barring Norway from signing or ratifying the TPNW.”²²²



Norwegian public opinion Thousands march in Oslo in 2017 in support of the TPNW and in celebration of the Nobel Peace Prize awarded to ICAN. Credit: ICAN/Ralf Schlesener

Beyond the alliance members themselves, many NATO “partners” in Europe and across the globe support the TPNW. Indeed, three such partners – Austria, Ireland, and New Zealand – are among the leading proponents of the treaty, having spearheaded its negotiation in 2017. Their national positions reflect their deep concern at the catastrophic harm that nuclear weapons inflict, a clear-headed assessment of global security challenges, and a firm belief that the TPNW will be a catalyst for progress in eliminating the world’s most destructive weapons.

²²⁰ “Review of the Consequences for Norway of Ratifying the Treaty on the Prohibition of Nuclear Weapons”, Norwegian government, 28 November 2018.

²²¹ “On the Legal Relationship between the Nuclear Weapons Prohibition Treaty and Non-Proliferation Treaty”, research services division of the German Bundestag, January 2021.

²²² Record of the meeting of the Storting (Norwegian parliament) on 14 November 2018.

Signs of Change: At a Glance

- **BELGIUM** – The coalition government formed in 2020 has committed to explore how the TPNW “can give new impetus to multilateral nuclear disarmament”.²²³
- **CANADA** – The deputy prime minister has said that the popularity of the TPNW “speaks to the desire of countries, activists, and communities to accelerate the work toward disarmament”.²²⁴
- **FRANCE** – The National Assembly’s foreign affairs committee has advised the government to “mitigate its criticism” of the TPNW, acknowledging the desire of TPNW supporters “for more balanced global governance”.²²⁵
- **GERMANY** – The research services division of the federal parliament, or Bundestag, has said that the TPNW in no way undermines the NPT.²²⁶
- **ICELAND** – The prime minister has pledged to work for Iceland’s ratification of the TPNW,²²⁷ and a motion with this aim has been tabled in the parliament.²²⁸
- **ITALY** – The parliament has instructed the government “to explore the possibility” of becoming a TPNW state party in a way that is compatible with Italy’s NATO obligations,²²⁹ and the foreign minister has pledged support.²³⁰
- **NETHERLANDS** – The parliament has called on the government to work to increase support for the TPNW among NATO states,²³¹ and the government has said that the treaty “has placed disarmament in the limelight and created a broad momentum for disarmament”.²³²
- **NORWAY** – The government has confirmed that the TPNW is not contrary to the NPT,²³³ and nor is there any legal obligation barring Norway from ratifying it.²³⁴ Furthermore, the Norwegian Labour Party has declared that “it should be a goal for Norway and other NATO countries to sign the nuclear ban treaty”.²³⁵
- **SPAIN** – The foreign affairs committee of the Congress of Deputies has welcomed the TPNW “as an effort to move towards peace, security, and disarmament”,²³⁶ and the government has made a political pledge to sign the TPNW.²³⁷

²²³ “Belgian Government Shifts Stance on TPNW”, ICAN, 1 October 2020.

²²⁴ Address by Chrystia Freeland, then-foreign minister of Canada, to the high-level segment of Conference on Disarmament, Geneva, 27 February 2018.

²²⁵ Report issued on 11 July 2018.

²²⁶ “On the Legal Relationship between the Nuclear Weapons Prohibition Treaty and Non-Proliferation Treaty”, research services division of the German Bundestag, 2021.

²²⁷ “Iceland”, ICAN Parliamentary Pledge.

²²⁸ “Proposed Parliamentary Resolution on the TPNW”, Althingi.

²²⁹ “Italian Parliament Instructs Italy to Explore Possibility of Joining the Nuclear Ban Treaty”, ICAN, 20 December 2017.

²³⁰ “Italy”, ICAN Parliamentary Pledge.

²³¹ “Dutch Parliament Asks for More Concrete Steps in Nuclear Disarmament”, PAX, 21 November 2018.

²³² Explanation of vote by the Netherlands following the adoption of the TPNW on 7 July 2017.

²³³ “Review of the Consequences for Norway of Ratifying the Treaty on the Prohibition of Nuclear Weapons”, Norwegian government, 28 November 2018.

²³⁴ Record of the meeting of the Storting (Norwegian parliament) on 14 November 2018.

²³⁵ “Norwegian Labour Party Opening Up Towards TPNW Signature”, ICAN, 28 April 2021.

²³⁶ “Spanish Parliament Welcomes TPNW”, ICAN, 21 December 2020.

²³⁷ “Could Spain Be First NATO State to Sign Nuclear Ban Treaty?”, ICAN, 6 December 2018.

- **UNITED KINGDOM** – In Scotland, where all UK nuclear weapons are based, the first minister has said that “[a]n independent Scotland would be a keen signatory [to the TPNW] and I hope the day we can do that is not far off”.²³⁸
- **UNITED STATES** – The state legislatures of California, Oregon, and New Jersey have passed resolutions calling on the US government to sign and ratify the TPNW,²³⁹ as have dozens of US cities, including Washington, DC.²⁴⁰ In addition, a bill to direct the United States to ratify the TPNW is before the US Congress.²⁴¹

Public Opinion

Opinion polls conducted in 11 NATO states – Belgium, Canada, Denmark, France, Germany, Iceland, Italy, the Netherlands, Norway, Spain, and the United Kingdom – have shown overwhelming public support for joining the TPNW, with few people opposed to the idea. Furthermore, people support joining the treaty even if their country were the first in NATO to do so. Polls have also shown majority backing for the withdrawal of US nuclear weapons from bases in Belgium, Germany, Italy, and the Netherlands. With the TPNW’s recent entry into force, it is likely that popular support for the treaty will only increase in the coming years. According to the former leaders and ministers from 20 NATO states who signed an open letter in support of the TPNW in 2020, joining the treaty would be “an uncontroversial and much-lauded move” given “the very broad popular support in our countries for disarmament”.²⁴²

“The popularity of [the TPNW] speaks to the desire of countries, activists, and communities to accelerate the work toward disarmament.”

Canada, 2018

Demonstrations, petitions, and other citizen-led initiatives in NATO states provide further evidence of widespread support for the TPNW. A petition in Germany, for example, has garnered more than 100,000 signatures,²⁴³ and around a hundred events took place there in January 2021 in celebration of the TPNW’s entry into force. Many prominent and influential people have voiced their support, including academics, celebrities, and religious leaders. Two UK archbishops and 29 bishops, for example, penned a letter in 2020 calling on their government to join the TPNW, saying that it would give hope “to all people of goodwill who seek a peaceful future”.²⁴⁴

²³⁸ “First Minister Endorses the Scottish Women’s Covenant on the Nuclear Ban Treaty”, Scottish Branch of the Women’s International League for Peace and Freedom, 18 January 2021.

²³⁹ “California Supports the Nuclear Ban Treaty”, ICAN, 29 August 2018.

²⁴⁰ “Washington DC Joins ICAN Cities Appeal”, ICAN, 18 March 2019.

²⁴¹ Nuclear Weapons Abolition and Economic and Energy Conversion Act of 2021, introduced by Eleanor Holmes Norton of the District of Columbia, 26 April 2021.

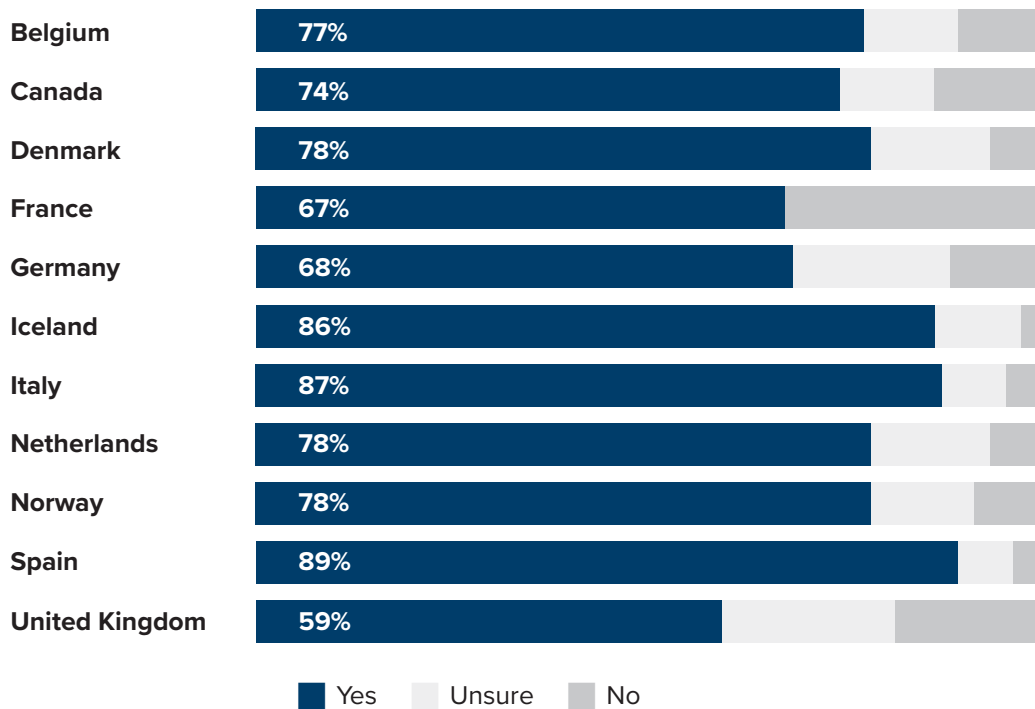
²⁴² “Open Letter in Support of the Treaty on the Prohibition of Nuclear Weapons”, 21 September 2020.

²⁴³ “Sign the UN Nuclear Weapons Ban!”, ICAN Germany.

²⁴⁴ “Church Leaders Urge UK Government to Sign UN Anti-Nuclear Treaty”, *The Observer*, 15 November 2020.

Opinion Polling

Should your country join the TPNW?



- **BELGIUM** – A YouGov poll in 2020 found that 77 per cent of Belgians believe that their country should join the TPNW, with just 11 per cent opposed.²⁴⁵ Furthermore, 66 per cent believe that Belgium should be among the first NATO states to join even if it faced pressure from allies not to do so. The poll also found that 57 per cent of Belgians want US nuclear weapons removed from Belgian territory.
- **CANADA** – A Nanos poll in March 2021 found that 74 per cent of Canadians believe that their country should join the TPNW, with just 14 per cent opposed.²⁴⁶ Furthermore, 73 per cent think that Canada should join the treaty even if, as a NATO state, it might come under pressure from the United States not to do so.
- **DENMARK** – A YouGov poll in 2020 found that 78 per cent of Danes believe that their country should join the TPNW, with just 7 per cent opposed.²⁴⁷ Furthermore, 65 per cent believe that Denmark should be among the first NATO states to join even if it faced pressure from allies not to do so.
- **FRANCE** – An Ifop poll in 2018 found that 67 per cent of French people believe that their country should sign the TPNW, with 33 per cent opposed to signing.²⁴⁸

²⁴⁵ “NATO Public Opinion on Nuclear Weapons”, ICAN, 19 February 2021.

²⁴⁶ Poll commissioned by the Hiroshima Nagasaki Day Coalition, the Simons Foundation Canada, and the *Collectif Échec à la guerre*, 2021.

²⁴⁷ “NATO Public Opinion on Nuclear Weapons”, ICAN, 19 February 2021.

²⁴⁸ “The French, Military Spending, and the Elimination of Atomic Weapons”, Ifop poll, 2018. Commissioned by *Le Mouvement de la Paix*, *La Croix*, and *Planète Paix*.

- **GERMANY** – A YouGov poll in 2019 found that 68 per cent of Germans believe that their country should join the TPNW, with just 12 per cent opposed.²⁴⁹ Furthermore, a Kantar poll in 2020 found that 83 per cent of Germans want US nuclear weapons removed from German territory.²⁵⁰
- **ICELAND** – A YouGov poll in 2020 found that 86 per cent of Icelanders believe that their country should join the TPNW, with just 3 per cent opposed.²⁵¹ Furthermore, 75 per cent believe that Iceland should be among the first NATO states to join even if it faced pressure from allies not to do so.
- **ITALY** – A YouGov poll in 2020 found that 87 per cent of Italians believe that their country should join the TPNW, with just 5 per cent opposed.²⁵² Furthermore, 76 per cent believe that Italy should be among the first NATO states to join even if it faced pressure from allies not to do so. The poll also found that 74 per cent of Italians want US nuclear weapons removed from Italian territory.
- **NETHERLANDS** – A YouGov poll in 2020 found that 78 per cent of Dutch people believe that their country should join the TPNW, with just 7 per cent opposed.²⁵³ Furthermore, 68 per cent believe that the Netherlands should be among the first NATO states to join even if it faced pressure from allies not to do so. The poll also found that 58 per cent want US nuclear weapons removed from Dutch territory.
- **NORWAY** – A Respons Analyse poll in 2019 found that 78 per cent of Norwegians believe that their government should join the TPNW, with 9 per cent opposed and 13 per cent unsure.²⁵⁴ Among those who support joining the treaty, 85 per cent believe that Norway should join even if we were the first NATO state to do so, with 5 per cent opposed to such a move and 10 per cent unsure.
- **SPAIN** – A YouGov poll in 2020 found that 89 per cent of Spaniards believe that their country should join the TPNW, with just 4 per cent opposed.²⁵⁵ Furthermore, 78 per cent believe that Spain should be among the first NATO states to join even if it faced pressure from allies not to do so.
- **UNITED KINGDOM** – A Survation poll in January 2021 found that 59 per cent of Britons believe that their country should join the TPNW, with just 19 per cent opposed.²⁵⁶ A YouGov poll conducted ahead of the treaty’s adoption in 2017 found that 75 per cent of Britons believed that their country should participate in the negotiations, with 9 per cent opposed and 16 per cent undecided.²⁵⁷

²⁴⁹ “Public Opinion in EU Host States Firmly Opposes Nuclear Weapons”, ICAN, 24 April 2019.

²⁵⁰ Poll commissioned by Greenpeace, 2020.

²⁵¹ “NATO Public Opinion on Nuclear Weapons”, ICAN, 19 February 2021.

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ “Survey: Eight out of Ten Labor Voters Support a Nuclear Ban”, *Dagsavisen*, 2 April 2019.

²⁵⁵ “NATO Public Opinion on Nuclear Weapons”, ICAN, 19 February 2021.

²⁵⁶ “Majority Support UK Signing up to International Nuclear Ban Treaty”, Survation, January 2021. Commissioned by the Campaign for Nuclear Disarmament.

²⁵⁷ “Scientists Welcome Adoption of Nuclear Ban Treaty”, Scientists for Global Responsibility, 7 July 2017.

Political Developments

Parliamentary Resolutions

Parliaments in a number of NATO states have adopted resolutions calling on their governments to explore the possibility of joining the TPNW or to build greater support for it within NATO. In 2017, for example, **Italy's** parliament adopted a resolution instructing the government “to explore the possibility” of becoming a TPNW state party “in a way compatible with [Italy's] NATO obligations and with the positioning of allied states”,²⁵⁸ and in 2018 the **Netherlands'** parliament called on the government to re-examine the treaty and work to increase support for it among NATO members.²⁵⁹ The Dutch parliament also sought legal advice on the domestic legislative requirements of becoming a state party. The foreign and defence ministers responded that no changes would be needed to existing Dutch legislation if the Netherlands were to adhere to the TPNW, but additional implementing legislation would be needed.²⁶⁰

In late 2020, the foreign affairs committee of **Spain's** Congress of Deputies passed a resolution welcoming the TPNW “as an effort to move towards peace, security, and disarmament”.²⁶¹ It had passed a similar resolution in 2017 ahead of the treaty's adoption at the United Nations, in which it called on the government to approve the new treaty.²⁶² Around the same time, the foreign affairs committee of the Catalan parliament had also passed a resolution calling on the Spanish government to participate in the UN negotiations and support the treaty's adoption.²⁶³

In **Iceland**, a group of parliamentarians proposed a motion in 2018 that the parliament “resolves to entrust the government with ensuring that Iceland accedes to the United Nations Treaty on the Prohibition of Nuclear Weapons”,²⁶⁴ and the matter was referred to the foreign affairs committee. A number of organisations, including ICAN and the Icelandic Red Cross, made submissions in support of the draft motion,²⁶⁵ but no decision was taken. The motion was reintroduced in 2020 and remains on the agenda.

As of June 2021, draft motions in support of the TPNW are also on the agenda in **Portugal**²⁶⁶ and **Germany**,²⁶⁷ among other places.

²⁵⁸ “Italian Parliament Instructs Italy to Explore Possibility of Joining the Nuclear Ban Treaty”, ICAN, 20 December 2017.

²⁵⁹ “Dutch Parliament Asks for More Concrete Steps in Nuclear Disarmament”, PAX, 21 November 2018.

²⁶⁰ “Dutch Government: Only Politics Stands in the Way of Joining the TPNW”, PAX, 8 March 2019.

²⁶¹ “Spanish Parliament Welcomes TPNW”, ICAN, 21 December 2020.

²⁶² Official bulletin of the Cortes Generales, Congress of Deputies, 28 February 2017, p. 11.

²⁶³ Official bulletin of the Parliament of Catalonia, 13 July 2017, p. 11.

²⁶⁴ “Proposal for a Parliamentary Resolution on the United Nations Treaty on the Prohibition of Nuclear Weapons”, Althingi.

²⁶⁵ Submissions received by the Althingi in relation to the TPNW resolution.

²⁶⁶ Motion introduced by the Greens on 27 January 2021 recommending that the government “create the necessary conditions for the ratification of the nuclear weapon ban treaty”.

²⁶⁷ Motions were tabled in the German federal parliament by Die Linke and the Greens on 12 February 2021 calling on the German government to join the TPNW.

In January 2020, a parliamentary motion in **Belgium** to direct the government to withdraw US nuclear weapons from Belgian territory and join the TPNW was narrowly defeated, with 66 parliamentarians in favour and 74 against.²⁶⁸ The closeness of the vote was unnerving for opponents of the treaty, as it demonstrated the real possibility – indeed the likelihood – that similar motions in Belgium and other NATO states will succeed in the future as support for the treaty increases over time.

“[T]here is broad support among the Dutch public for a Dutch signature under this treaty. [The House] calls on the government to work to increase the support for [the TPNW] among NATO countries ...”

House of Representatives, the Netherlands, 2018

In 2018, **Norway’s** parliament asked the government to review the consequences of becoming a TPNW state party. The government issued a report stating that Norway could not join the treaty “without coming into conflict with our membership in NATO”,²⁶⁹ but this claim has been widely rejected by Norwegian scholars and civil society organisations,²⁷⁰ and the foreign minister, Ine Eriksen Søreide, conceded in 2018 that “there is no legal obligation barring Norway from signing or ratifying the [TPNW]”.²⁷¹

There has also been parliamentary activity in all three nuclear-armed NATO states. In 2018, for example, the foreign affairs committee of **France’s** National Assembly adopted a report recommending that the government “mitigate its criticism” of the TPNW “to show that we understand and take into account the concerns of states and their desire for more balanced global governance”.²⁷² In the **United States**, the state legislatures of California,²⁷³ Oregon,²⁷⁴ and New Jersey²⁷⁵ have passed resolutions in support of the treaty, and a draft bill is currently before the US House of Representatives to direct the US to ratify it.²⁷⁶ In the **United Kingdom**, an early day motion calling on the government to sign the TPNW and “bring forward a credible and timetabled plan for the disarmament of the UK’s nuclear weapons” was tabled in the parliament in November 2020. More than 70 parliamentarians have signed it.²⁷⁷

²⁶⁸ See Alexandra Brzozowski, “Belgium Debates Phase-Out of US Nuclear Weapons on Its Soil”, Euractiv, 17 January 2020.

²⁶⁹ “Review of the Consequences for Norway of Ratifying the Treaty on the Prohibition of Nuclear Weapons”, Norwegian government, 28 November 2018.

²⁷⁰ See, for example, Gro Nystuen, Kjølsv Egeland, and Torbjørn Graff Hugo, *The TPNW and Its Implications for Norway*, Norwegian Academy of International Law, September 2018.

²⁷¹ Record of the meeting of the Storting (Norwegian parliament) on 14 November 2018. This is a view expressed also by politicians from the Liberal Party, Centre Party, and Socialist Left Party.

²⁷² Report issued on 11 July 2018.

²⁷³ “California Supports the Nuclear Ban Treaty”, ICAN, 29 August 2018.

²⁷⁴ “Oregon Supports Nuclear Ban Treaty”, Oregon Physicians for Social Responsibility, 24 June 2019.

²⁷⁵ New Jersey Assembly resolution 230, passed on 23 May 2019.

²⁷⁶ Nuclear Weapons Abolition and Economic and Energy Conversion Act of 2021, introduced by Eleanor Holmes Norton of the District of Columbia, 26 April 2021.

²⁷⁷ “Entry into Force of Treaty on the Prohibition of Nuclear Weapons”, early day motion tabled on 2 November 2020.



Legislative action In 2019, ICAN campaigners discuss the TPNW with Eleanor Holmes Norton, who represents the District of Columbia in the US House of Representatives. She has introduced a bill directing the United States to sign and ratify the treaty.

Party Platforms and Agreements

Several political parties in NATO states have formalised their support for the TPNW in their platforms, and the TPNW has been a topic of debate in talks among political parties working to form coalition governments. In **Belgium**, for example, seven political parties reached a coalition agreement in 2020 that included a commitment to explore “how the UN Treaty on the Prohibition of Nuclear Weapons can give new impetus to multilateral nuclear disarmament”.²⁷⁸ Four of the seven parties had previously expressed their support for the treaty: the French-speaking (PS) and Dutch-speaking (Vooruit) socialists, and French-speaking (Ecolo) and Dutch-speaking (Groen) greens.²⁷⁹ The government declaration opens the door for Belgium to engage more constructively with the TPNW, setting a positive example for other NATO states to follow.

In **Spain** in 2018, as part of a deal with the Podemos Party, the government led by the Spanish Socialist Workers’ Party made a political pledge to sign the TPNW.²⁸⁰ The agreement was brokered between the Spanish prime minister, Pedro Sanchez, and the leader of Podemos, Pablo Iglesias. However, no action has yet been taken.

²⁷⁸ “Belgian Government Shifts Stance on TPNW”, ICAN, 1 October 2020.

²⁷⁹ As indicated by their vote on the parliamentary resolution in January 2020.

²⁸⁰ “Could Spain Be the First NATO State to Sign the Nuclear Ban Treaty?”, ICAN, 6 December 2018.

In April 2021, the Norwegian Labour Party – the largest party in the current parliament – expressed qualified support for the TPNW, declaring that “it should be a goal for Norway and other NATO countries to sign the nuclear ban treaty”, while emphasising the political challenges in doing so.²⁸¹ Several other political parties in Norway have also indicated their support for the treaty, including the Liberal, Christian Democratic, Centre, Socialist Left, Green, and Red parties.²⁸² The goal of negotiating a new treaty to outlaw nuclear weapons was a key aim of the previous Labour government from 2010 until its defeat in 2013.²⁸³ The next Norwegian parliamentary election will be held in September 2021.

An election will also take place in Iceland that month. The Left-Green Movement, Social Democratic Alliance, and Pirate Party support accession to the TPNW. In the Netherlands, where an election was held in March 2021, the Democrats 66 party, which won the second-greatest number of seats, has expressed its commitment to Dutch accession to the treaty, as have the Labour Party, Socialist Party, GroenLinks, and Christian Union.²⁸⁴ In Italy, the Five Star Movement – the largest party in the current legislature – has voiced in-principle support for Italy’s accession.

“Disarmament and arms control mean greater global security for all ... Germany’s accession to the UN Treaty on the Prohibition of Nuclear Weapons and the strengthening of the Nuclear Non-Proliferation Treaty are part of this.”

German Greens, 2020

In 2020, the Greens in Germany formalised their position in support of joining the TPNW and bringing “a swift end” to the hosting of US nuclear weapons on German territory. “Disarmament and arms control mean greater global security for all,” the party said in its manifesto of principles. “Germany’s accession to the UN Treaty on the Prohibition of Nuclear Weapons and the strengthening of the Nuclear Non-Proliferation Treaty are part of this.”²⁸⁵ The Social Democratic Party adopted a programme in May 2021 indicating support for Germany’s participation in the first meeting of states parties to the TPNW. It also said that the treaty “brings further momentum to efforts for a world free of nuclear weapons”.²⁸⁶ The TPNW has been debated in the German federal parliament,²⁸⁷ while the state parliaments of Bremen, Hamburg, Berlin, and Rhineland-Palatinate have formalised their support, urging the federal government to join it.²⁸⁸

²⁸¹ “Norwegian Labour Party Opening Up Towards TPNW Signature”, ICAN, 28 April 2021.

²⁸² “Norway”, ICAN. See tweet by Tim Wright on 5 June 2021.

²⁸³ Kjølsv Egeland, “Oslo’s ‘New Track’: Norwegian Nuclear Disarmament Diplomacy, 2005–2013”, *Journal for Peace and Nuclear Disarmament*, volume 2, issue 2, pp. 468–490.

²⁸⁴ “March 2021 Dutch Election Outcomes and Nuclear Weapons”, PAX, 24 March 2021.

²⁸⁵ “‘To Respect and to Protect’: Change Creates Stability”, Greens, p. 95.

²⁸⁶ “The SPD’s Future Programme”, 9 May 2021.

²⁸⁷ Aktuelle Stunde debate in the German federal parliament on 29 January 2021.

²⁸⁸ “ICAN Cities Appeal and State Resolutions”, ICAN Germany.

Canada's New Democratic Party has repeatedly urged the Liberal government to sign the TPNW, calling out its "failure to take bold action on nuclear disarmament".²⁸⁹ The Green Party included a pledge to join the TPNW in its election platform in 2019,²⁹⁰ and the Bloc Québécois – the third-largest party in the parliament – has also declared its support.²⁹¹

Moreover, not all Liberal parliamentarians agree with their government's stance. "The world is unquestionably safer without nuclear weapons, and Canada should sign on to the [TPNW]," said Nathaniel Erskine-Smith, a Liberal MP, in 2021. "We know we aren't going to see the end of the possession of nuclear weapons in the short term, but it is incredibly important that the world stigmatises and delegitimises the use of these weapons and the possession of these weapons going forward."²⁹² He has also noted that Canada would not need to abandon its membership of NATO in order to join the TPNW, "so, just for the sake of playing nice, we do seem to be taking a position that is inconsistent with our values".²⁹³

"An independent Scotland would be a keen signatory [to the TPNW] and I hope the day we can do that is not far off."

Nicola Sturgeon, Scottish first minister, 2021

In Scotland, where all of the **United Kingdom's** nuclear weapons are stationed on submarines, the governing Scottish National Party has been a vocal supporter of the TPNW. The party's leader, Nicola Sturgeon, who serves as Scotland's first minister, wrote in 2020 that "the Scottish government is firmly opposed to the possession, threat, and use of nuclear weapons", and "I have called on the UK government to sign and ratify the treaty".²⁹⁴ Ahead of the treaty's entry into force in January 2021, she said: "An independent Scotland would be a keen signatory [to the TPNW] and I hope the day we can do that is not far off."²⁹⁵

²⁸⁹ "New Democrats Call on Liberals to Sign the TPNW", New Democratic Party, 22 January 2021.

²⁹⁰ *Honest, Ethical, Caring Leadership: Election Platform 2019*, Green Party, 2019.

²⁹¹ See "Why Hasn't Canada Signed the UN Nuclear Ban Treaty?", Canadian Foreign Policy Institute, 19 November 2020.

²⁹² Yasmine Ghania, "MPs Urge Canada to Sign UN Treaty Banning Nuclear Weapons", National Observer, 21 January 2021.

²⁹³ "The Threat of Nuclear Weapons with Lloyd Axworthy", Uncommons podcast, episode 55, 26 November 2020.

²⁹⁴ Letter to ICAN dated 16 July 2020.

²⁹⁵ "First Minister Endorses the Scottish Women's Covenant on the Nuclear Ban Treaty", Scottish Branch Women's International League for Peace and Freedom media release, 18 January 2021.

Individual Commitments

By adding their names to ICAN's Parliamentary Pledge,²⁹⁶ more than a thousand parliamentarians in NATO states, including members of the European Parliament and sub-national parliaments, have made a commitment to work to bring their respective countries on board the TPNW. Notable pledge-takers include the Icelandic prime minister, Katrín Jakobsdóttir; the Italian foreign minister, Luigi Di Maio; the Belgian deputy prime minister, Petra de Sutter; and the Green Party's candidate for German chancellor in the September 2021 election, Annalena Baerbock.

As of June 2021, the Parliamentary Pledge has been signed by around 70 members of parliament and senators in Canada; 150 members of Germany's Bundestag; 40 per cent of all Icelandic parliamentarians; 70 members of Italy's Chamber of Deputies; 30 French parliamentarians; and 60 members of the United Kingdom's House of Commons, along with dozens of members of the Scottish and Welsh parliaments.

PARLIAMENTARY PLEDGE

We, the undersigned parliamentarians, warmly welcome the adoption of the UN Treaty on the Prohibition of Nuclear Weapons as a significant step towards the realisation of a nuclear-weapon-free world. We share the deep concern expressed in the preamble about the catastrophic humanitarian consequences that would result from any use of nuclear weapons and we recognise the consequent need to eliminate these inhumane and abhorrent weapons. As parliamentarians, we pledge to work for the signature and ratification of this landmark treaty by our respective countries, as we consider the abolition of nuclear weapons to be a global public good of the highest order and an essential step to promote the security and well-being of all peoples.

The list of parliamentarians who have taken the pledge is at pledge.icanw.org.

In 2019, 25 German federal parliamentarians formed a cross-party working group to take forward their pledge to promote Germany's adherence to the TPNW.²⁹⁷ The Green Party parliamentarian Katja Keul, one of the group's initiators, said: "The long-term goal must be that Germany joins the nuclear weapons ban treaty."²⁹⁸ The group meets regularly and works to keep all parliamentarians apprised of developments relating to the treaty. "The discussions we host seek to inform about the debate, and aim to convince our yet undecided peers that a nuclear weapons ban is the right step to take," said Ralf Kapschack, another of the group's co-founders, representing the Social Democratic Party. Kathrin Vogler of The Left, also a co-founder, has rejected the often-cited argument that Germany's membership of NATO is a "roadblock" to ratification of the TPNW. That is just an "excuse", she said.

²⁹⁶ "Parliamentarians", ICAN.

²⁹⁷ "New Cross-Party Working Group to Support TPNW in German Parliament", ICAN, 13 September 2019.

²⁹⁸ "Parliamentary Group Established for a Nuclear Weapon Ban", Kathrin Vogler, 12 September 2019.

The working group provides the deliberative space and strategic thinking required to move Germany closer to becoming a TPNW state party, and could serve as a model for parliamentarians in other NATO states wishing to see greater engagement with the treaty.

TPNW Parliamentary Group in Germany

“Parlamentskreis Atomwaffenverbot” – the Parliamentary Group for the Prohibition of Nuclear Weapons – is an all-party group in Germany promoting the Treaty on the Prohibition of Nuclear Weapons and advocating for Germany’s ratification. It is open to all members of the German Bundestag associated with democratic political parties. Founded in 2019, the group comprises 45 German MPs, including party members of CDU/CSU, SPD, Bündnis90/Die Grünen, and Die Linke.

In its roughly semi-annual meetings, the group informs fellow parliamentarians on the debate around the TPNW and discusses possible benefits of a German ratification. The most recent event was attended by two distinguished guests: Niels Annen, minister of state of the German foreign ministry, who provided valuable insights on ministerial policy objectives, and Leo Hoffmann-Axthelm, ICAN, who contributed persuasive arguments on the importance of the TPNW. In the future, the group seeks to also engage with politicians on regional and local levels to build a strong coalition supporting a nuclear weapons ban.

Katja Keul, MP for Bündnis90/Die Grünen

Kathrin Vogler, MP for Die Linke

Ralf Kapschack, MP for the SPD

Support of Cities

Around 400 cities and towns in NATO states have joined the chorus of support for the TPNW, including the capitals of France (**Paris**), Germany (**Berlin**), Luxembourg (**Luxembourg**), the Netherlands (**Amsterdam**), Norway (**Oslo**), and the United States (**Washington, DC**). By endorsing the ICAN Cities Appeal, councils have called on their respective national governments to sign and ratify the TPNW based on their firm belief “that our residents have the right to live in a world free from ... the grave threat that nuclear weapons pose to communities throughout the world”.²⁹⁹

Washington, DC, was among the first cities in the world to endorse the appeal in 2019. It adopted a resolution calling on the US Congress and president to embrace the TPNW “and make nuclear disarmament a centrepiece of our national security policy”.³⁰⁰ More than 40 other US cities and towns have also endorsed it as of June 2021. In Belgium, the number of endorsing cities and towns is around 70; in France, 45; in Germany, 120 (including all 16 state capitals); in Italy, 40; and in Norway, 50.

²⁹⁹ “ICAN Save My City”, ICAN.

³⁰⁰ “Washington, DC”, ICAN.

Cities remain targets for nuclear attacks, with a single nuclear weapon capable of destroying a large metropolitan area, killing and injuring more than a million people. Thus, it is only natural that mayors and other city officials would feel compelled to speak out. As one city councillor remarked in 2019 when Oslo endorsed the appeal: “Cities can make a difference and contribute to a world free of nuclear weapons, just as cities are at the forefront of efforts to reduce greenhouse gas emissions.”³⁰¹ In 2018, more than 150 Belgian mayors signed a letter to the Belgian government and parliament calling for Belgium’s signature and ratification of the TPNW.³⁰² Many mayors in NATO states are active members of the Hiroshima-based Mayors for Peace network, which promotes adherence to the TPNW.³⁰³

CITIES APPEAL

Our city/town is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching, and long-lasting consequences for people and the environment. Therefore, we support the Treaty on the Prohibition of Nuclear Weapons and call on our national government to sign and ratify it.

Gent, Belgium

Montreal, Canada

Toronto, Canada

Vancouver, Canada

Lyon, France

Paris, France

Berlin, Germany

Cologne, Germany

Munich, Germany

Luxembourg, Luxembourg

Amsterdam, Netherlands

Rotterdam, Netherlands

Bergen, Norway

Oslo, Norway

Barcelona, Spain

Edinburgh, United Kingdom

Leeds, United Kingdom

Manchester, United Kingdom

Denver, United States

Honolulu, United States

Los Angeles, United States

Philadelphia, United States

San Francisco, United States

Washington, DC, United States

The full list of several hundred towns and cities around the world that have endorsed the ICAN Cities Appeal can be found at cities.icanw.org.

³⁰¹ “City of Oslo”, ICAN.

³⁰² “Belgium”, ICAN.

³⁰³ “Initiatives”, Mayors for Peace.

Red Cross and Red Crescent

Red Cross and Red Crescent national societies in many NATO states have promoted universal adherence to the TPNW, just as they have for other treaties based on the rules of international humanitarian law. At a meeting in Turkey in 2017, the International Red Cross and Red Crescent Movement adopted a resolution “call[ing] on all states to promptly sign, ratify, or accede to, and faithfully implement the [TPNW]”.³⁰⁴ Co-sponsors of the resolution included the Red Cross or Red Crescent national societies in Belgium, Croatia, the Czech Republic, Denmark, Germany, Hungary, Iceland, Italy, Latvia, Luxembourg, the Netherlands, Norway, Portugal, Spain, and Turkey. The resolution hailed the “historic adoption” of the TPNW as “an essential step” towards the total elimination of nuclear weapons and expressed alarm at “the increasing risk that nuclear weapons will again be used by intent, miscalculation, or accident”.

“The [TPNW] articulates the end-state and benchmark against which all efforts towards nuclear disarmament and non-proliferation must now be judged.”

International Committee of the Red Cross, 2021

In an appended action plan, the Red Cross and Red Crescent movement committed to taking action to urge states that did not participate in the TPNW negotiations “to adopt planning, policy, and military practices that will not undermine the [TPNW] and that will enable them to adhere to the treaty”.³⁰⁵ Moreover, states associated with but not in possession of nuclear weapons should be encouraged to “engage in dialogue with nuclear-weapon states on steps that will diminish the role and significance of nuclear weapons in all military and security concepts”.

In June 2018, ahead of a NATO Summit in Brussels, the Red Cross national societies in nine NATO states – Belgium, Croatia, Canada, France, Iceland, the Netherlands, Norway, Spain, and the United Kingdom – launched a joint appeal to their leaders “to use the Summit to urgently reduce the growing risks of nuclear weapon use and to promote fulfilment of long-standing commitments to nuclear disarmament”.³⁰⁶ They stressed that the TPNW and NPT share the same goal: “a world free of nuclear weapons in light of their unacceptable humanitarian consequences”.

Other major humanitarian organisations based in NATO states have also supported the TPNW, most notably Norwegian People’s Aid, which publishes the annual *Nuclear Weapons Ban Monitor*.³⁰⁷

304 “Working Towards the Elimination of Nuclear Weapons: 2018–2021 Action Plan”, resolution adopted by the Council of Delegates of the International Red Cross and Red Crescent Movement, Antalya, Turkey, 10–11 November 2017.

305 Ibid. “Action Plan on the Non-Use, Prohibition, and Elimination of Nuclear Weapons 2018–2021”.

306 Letter addressed to the heads of government of Belgium, Croatia, Canada, France, Iceland, the Netherlands, Norway, Spain, and the United Kingdom, 25 June 2018.

307 *Nuclear Weapons Ban Monitor*, 2020.

Former Leaders

Fifty-six former presidents, prime ministers, foreign ministers, and defence ministers from 20 NATO states, along with Japan and South Korea, released an open letter in September 2020 imploring current leaders to “show courage and boldness” and join the TPNW.³⁰⁸ They warned that the risks of nuclear weapons being used, “whether by accident, miscalculation, or design”, are increasing, and described the TPNW as “a beacon of hope in a time of darkness”.

The signatories included two former NATO secretaries general (Javier Solana of Spain and Willy Claes of Belgium) and the former UN secretary-general Ban Ki-moon of South Korea. The *New York Times* described the letter as “one of the highest-profile endorsements of the treaty since it was completed more than three years ago”.³⁰⁹ It demonstrates that, even in countries that currently oppose the TPNW, high-level support exists.

Open Letter by Past Leaders

21 September 2020

The COVID-19 pandemic has starkly demonstrated the urgent need for greater international cooperation to address all major threats to the health and welfare of humankind. Paramount among them is the threat of nuclear war. The risk of a nuclear weapon detonation today – whether by accident, miscalculation, or design – appears to be increasing, with the recent deployment of new types of nuclear weapons, the abandonment of long-standing arms control agreements, and the very real danger of cyber-attacks on nuclear infrastructure. Let us heed the warnings of scientists, doctors, and other experts. We must not sleepwalk into a crisis of even greater proportions than the one we have experienced this year.

It is not difficult to foresee how the bellicose rhetoric and poor judgment of leaders in nuclear-armed nations might result in a calamity affecting all nations and peoples. As past leaders, foreign ministers, and defence ministers of Albania, Belgium, Canada, Croatia, the Czech Republic, Denmark, Germany, Greece, Hungary, Iceland, Italy, Japan, Latvia, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, South Korea, Spain, and Turkey – all countries that claim protection from an ally’s nuclear weapons – we appeal to current leaders to advance disarmament before it is too late. An obvious starting point for the leaders of our own countries would be to declare without qualification that nuclear weapons serve no legitimate military or strategic purpose in light of the catastrophic human and environmental consequences of their use. In other words, our countries should reject any role for nuclear weapons in our defence.

By claiming protection from nuclear weapons, we are promoting the dangerous and misguided belief that nuclear weapons enhance security. Rather than enabling progress towards a world free of nuclear weapons, we are impeding it and perpetuating nuclear dangers – all for fear of upsetting our allies who cling to these weapons of mass destruction. But friends can and must speak up when friends engage in reckless behaviour that puts their lives and ours in peril.

³⁰⁸ “Open Letter in Support of the Treaty on the Prohibition of Nuclear Weapons”, 21 September 2020.

³⁰⁹ Rick Gladstone, “Former Leaders Urge Ratification of Treaty Barring Nuclear Weapons”, *New York Times*, 21 September 2020, p. 10.

Without doubt, a new nuclear arms race is under way, and a race for disarmament is urgently needed. It is time to bring the era of reliance on nuclear weapons to a permanent end. In 2017, 122 countries took a courageous but long-overdue step in that direction by adopting the Treaty on the Prohibition of Nuclear Weapons – a landmark global accord that places nuclear weapons on the same legal footing as chemical and biological weapons and establishes a framework to eliminate them verifiably and irreversibly. To date, our countries have opted not to join the global majority in supporting this treaty. But our leaders should reconsider their positions.

We cannot afford to dither in the face of this existential threat to humanity. We must show courage and boldness – and join the treaty. As states parties, we could remain in alliances with nuclear-armed states, as nothing in the treaty itself nor in our respective defence pacts precludes that. But we would be bound never under any circumstances to assist or encourage our allies to use, threaten to use, or possess nuclear weapons. Given the very broad popular support in our countries for disarmament, this would be an uncontroversial and much-lauded move.

The prohibition treaty is an important reinforcement to the half-century-old Non-Proliferation Treaty, which, though remarkably successful in curbing the spread of nuclear weapons to more countries, has failed to establish a universal taboo against the possession of nuclear weapons. The five nuclear-armed nations that had nuclear weapons at the time of the NPT's negotiation – the United States, Russia, the United Kingdom, France, and China – apparently view it as a licence to retain their nuclear forces in perpetuity. Instead of disarming, they are investing heavily in upgrades to their arsenals, with plans to retain them for many decades to come. This is patently unacceptable.

The prohibition treaty adopted in 2017 can help end decades of paralysis in disarmament. It is a beacon of hope in a time of darkness. It enables countries to subscribe to the highest available multilateral norm against nuclear weapons and build international pressure for action. As its preamble recognises, the effects of nuclear weapons “transcend national borders, pose grave implications for human survival, the environment, socio-economic development, the global economy, food security and the health of current and future generations, and have a disproportionate impact on women and girls”.

With close to 14,000 nuclear weapons located at dozens of sites across the globe and on submarines patrolling the oceans at all times, the capacity for destruction is beyond our imagination. All responsible leaders must act now to ensure that the horrors of 1945 are never repeated. Sooner or later, our luck will run out – unless we act. The nuclear weapon ban treaty provides the foundation for a more secure world, free from this ultimate menace. We must embrace it now and work to bring others on board. There is no cure for a nuclear war. Prevention is our only option.

Lloyd Axworthy, former foreign minister of Canada

Ban Ki-moon, former UN secretary-general and foreign minister of South Korea

Jean-Jacques Blais, former defence minister of Canada

Kjell Magne Bondevik, former prime minister and foreign minister of Norway

Ylli Bufi, former prime minister of Albania

Jean Chrétien, former prime minister of Canada

Willy Claes, former NATO secretary general and foreign minister of Belgium

Erik Derycke, former foreign minister of Belgium

Joschka Fischer, former foreign minister of Germany

Franco Frattini, former foreign minister of Italy

Ingibjörg Sólrún Gísladóttir, former foreign minister of Iceland

Bjørn Tore Godal, former foreign minister and defence minister of Norway

Bill Graham, former foreign minister and defence minister of Canada

Hatoyama Yukio, former prime minister of Japan
Thorbjørn Jagland, former prime minister and foreign minister of Norway
Ljubica Jelusič, former defence minister of Slovenia
Tālavš Jundzis, former defence minister of Latvia
Jan Kavan, former foreign minister of the Czech Republic
Alojz Krpež, former defence minister of Slovenia
Ģirts Valdis Kristovskis, former foreign minister and defence minister of Latvia
Aleksander Kwaśniewski, former president of Poland
Yves Leterme, former prime minister and foreign minister of Belgium
Enrico Letta, former prime minister of Italy
Eldbjørg Løwer, former defence minister of Norway
Mogens Lykketoft, former foreign minister of Denmark
John McCallum, former defence minister of Canada
John Manley, former foreign minister of Canada
Rexhep Meidani, former president of Albania
Zdravko Mršić, former foreign minister of Croatia
Linda Mūrniece, former defence minister of Latvia
Fatos Nano, former prime minister of Albania
Holger K. Nielsen, former foreign minister of Denmark
Andrzej Olechowski, former foreign minister of Poland
Kjeld Olesen, former foreign minister and defence minister of Denmark
Ana Palacio, former foreign minister of Spain
Theodoros Pangalos, former foreign minister of Greece
Jan Pronk, former defence minister (ad interim) of the Netherlands
Vesna Pusić, former foreign minister of Croatia
Dariusz Rosati, former foreign minister of Poland
Rudolf Scharping, former defence minister of Germany
Juraj Schenk, former foreign minister of Slovakia
Nuno Severiano Teixeira, former defence minister of Portugal
Jóhanna Sigurðardóttir, former prime minister of Iceland
Össur Skarphéðinsson, former foreign minister of Iceland
Javier Solana, former NATO secretary general and foreign minister of Spain
Anne-Grete Strøm-Erichsen, former defence minister of Norway
Hanna Suchocka, former prime minister of Poland
Szekeres Imre, former defence minister of Hungary
Tanaka Makiko, former foreign minister of Japan
Tanaka Naoki, former defence minister of Japan
Danilo Türk, former president of Slovenia
Hikmet Sami Türk, former defence minister of Turkey
John N. Turner, former prime minister of Canada
Guy Verhofstadt, former prime minister of Belgium
Knut Vollebæk, former foreign minister of Norway
Carlos Westendorp y Cabeza, former foreign minister of Spain

Separately, the former **Norwegian** statespeople who signed the open letter – Kjell Magne Bondevik, Bjørn Tore Godal, Thorbjørn Jagland, Eldbjørg Løwer, Anne-Grete Strøm-Erichsen, and Knut Vollebæk – penned opinion articles for the *Aftenposten* newspaper (see below) setting out the case for Norway’s accession to the TPNW. “As former members of government, we fully understand the various considerations that a NATO country like Norway must take into account,” they wrote in September 2020. “But in our opinion there is more room to manoeuvre in NATO than we are using today. We should have a national policy where nuclear weapons are not a legitimate, effective, or desirable means of defence for anyone.”³¹⁰

In an interview in November 2020, the former **Canadian** foreign minister Lloyd Axworthy – one of six Canadians to sign the open letter – criticised his country’s stance on the TPNW, noting that the government had employed many “phoney-baloney arguments” to dismiss the treaty. “Not only are we not participating [in the TPNW], but we’re also being almost a kind of cheerleader for the nuclear powers. That’s not the side we should be on,” he said. “We shouldn’t just simply hide under a kind of blanket notion that we have to show fealty [to the United States]. We’re an independent country.” He urged the Canadian government to stop relying on US leadership, and instead “stand up for the rest of the world who aren’t nuclear powers but would be decimated if [a nuclear war] took place”. Being a member of NATO does not mean that Canada is required to accept the cold war concept of nuclear deterrence, he argued.³¹¹

“[The TPNW] offers powerful support to those arguing against modernising and expanding nuclear arsenals, actions that will now fail to follow the international law that most countries have agreed to live by.”

Bill Perry, former US secretary of defence

In the **United States**, the former defence secretary Bill Perry has been a vocal proponent of the TPNW, describing its entry into force as a “major milestone” in addressing nuclear dangers. “For 75 years, we have allowed the idea of mass destruction to be normalised as a necessary component of our international security strategy,” he wrote in the *Bulletin of the Atomic Scientists* in January 2021.³¹² “[W]e must recognise that nuclear weapons are, as [the former US president] Ronald Reagan described them, ‘totally irrational, totally inhumane, good for nothing but killing, possibly destructive of life on Earth and civilisation’.” He criticised the United States and other nuclear-armed states for failing to fulfil their obligations under the NPT – “a failure which the ban treaty is working to correct”.

³¹⁰ “We Cannot Leave This Threat to Our Children and Grandchildren. Ban Nuclear Weapons Now!”, *Aftenposten*, 21 September 2020; “The Ban Will Engage Nuclear-Armed States”, *Aftenposten*, 26 September 2020.

³¹¹ “The Threat of Nuclear Weapons with Lloyd Axworthy”, Uncommons podcast, 26 November 2020.

³¹² William J. Perry, “Why the United States Should Support the Treaty on the Prohibition of Nuclear Weapons”, *Bulletin of the Atomic Scientists*, 22 January 2021.



TPNW supporter Bill Perry, a former US secretary of defence, has hailed the TPNW’s entry into force as a “major milestone”. Credit: US Department of Defense

He said that the TPNW “rightly establishes abolition as the standard that all nations should be actively working to achieve, rather than an indeterminate future goal”:

It creates a bold vision of a nuclear-weapons-free world, shifting our focus to the inhumane impact of these weapons and proclaiming a global consensus to address this existential issue. The ban treaty strives to bring our global perception of nuclear weapons closer in line with their terrible reality and formally enshrines the necessity of their total elimination for the good of humanity.

While the treaty alone is not sufficient to bring about the end of nuclear weapons, it establishes key ideals necessary to push us further up the mountain. It offers inspiration to combat the sense of hopelessness that many feel when confronting this daunting problem. It serves as a new instrument of non-proliferation, augmenting the existing Non-Proliferation Treaty. It offers powerful support to those arguing against modernising and expanding nuclear arsenals, actions that will now fail to follow the international law that most countries have agreed to live by. The treaty won’t end nuclear weapons any time soon, but it represents an important step in that direction.

In concluding his article, he said that the United States “prides itself on being a nation of trailblazers; let us be the first nuclear-armed nation to blaze this new trail toward the top of the nuclear-free mountain”.³¹³

In France, Paul Quilès, a former defence minister, and Bernard Norlain, a retired air force general, have urged the French government “to adopt a constructive attitude towards the [TPNW]”.³¹⁴

³¹³ Ibid.

³¹⁴ “Do Not Make Europe a Future Nuclear Battlefield”, *La Croix*, 13 September 2018.

High-Level Norwegian Appeal

We know how important NATO is for Norway's security. We know that three NATO countries have nuclear weapons, and that this is part of the alliance's defence concept. In terms of international law, however, the Treaty on the Prohibition of Nuclear Weapons does not contradict the North Atlantic Treaty. If Norway adheres to the TPNW, we can still be allied with nuclear-armed states. But we would be obligated to not assist or encourage our allies with the use, threat of use, or retention of nuclear weapons.

As former members of government, we fully understand the various considerations that a NATO country like Norway must take into account. But in our opinion there is more room to manoeuvre in NATO than we are using today. We should have a national policy where nuclear weapons are not a legitimate, effective, or desirable means of defence for anyone. Not for Russia, China, or North Korea. Not for allies. Not for us. We can create acceptance for this among our allies.

We also have to work in NATO for a renewed push in nuclear disarmament. The world's nuclear-armed states must be pressured and helped to negotiate the mutual reduction and elimination of nuclear weapons. NATO cannot solve the nuclear weapon problem alone. But NATO can lead. The world has become too dangerous to live with these weapons. We are deeply concerned that they will soon be used again. Thus it is urgently necessary to get rid of them.

The TPNW will be an important contribution on the way there. There is no contradiction between engaging the nuclear-armed states and signing this treaty. With the TPNW as a foundation, Norway and the UN majority will be able to influence them with gravitas, direction, and credibility. As former prime ministers and foreign and defence ministers, we know how Norway for decades has sought to engage the nuclear-armed states. But the trend is going in the wrong direction. Armament is picking up speed, tensions are rising, and the risk of use is increasing. The time has come to think anew. Today's situation is untenable. From our time in government, we understand how difficult it is to ask questions around the value of nuclear deterrence in NATO. But the nuclear weapons threat we are now facing is making such an initiative imperative. We can be loyal NATO allies and still distance ourselves from the possession and potential use of nuclear weapons on our behalf.

Until now, the international community has focused mostly on non-proliferation and arms control, where nuclear weapons are given value and the logic is that nuclear deterrence as a system should continue. The TPNW challenges the umbrella states' ambivalence around nuclear weapons. We cannot continue to be advocates at the same time for both the abolition and retention of nuclear weapons. The treaty asks us to choose: yes or no to nuclear weapons. Norway's answer must be no. By saying no thank you to nuclear deterrence and yes to the ban treaty, Norway will help pave the way for negotiations on disarmament, whether this happens outside or inside the treaty.

Kjell Magne Bondevik, former prime minister and foreign minister of Norway

Bjørn Tore Godal, former foreign minister and defence minister of Norway

Thorbjørn Jagland, former prime minister and foreign minister of Norway

Eldbjørg Løwer, former defence minister of Norway

Anne-Grete Strøm-Erichsen, former defence minister of Norway

Knut Vollebæk, former foreign minister of Norway

This is an abridged translation of the former Norwegian leaders' articles in the *Aftenposten*.

NATO Partners

Beyond NATO states, the TPNW also enjoys a high degree of support among the alliance’s officially designated “partners”,³¹⁵ a majority of which participated in the treaty’s negotiation in 2017 and voted in favour of its adoption.³¹⁶ Five NATO partners have already ratified the treaty – Austria, Ireland, Kazakhstan, Malta, and New Zealand – while a number of others have signed it or taken other steps towards becoming parties. Cooperation between NATO states and TPNW states parties is already a reality and will steadily become more common over time.

ADOPTING THE TPNW

Twenty-three NATO partners voted to adopt the TPNW at the United Nations on 7 July 2017, with no NATO partner abstaining from the vote or voting against it.

Afghanistan	Ireland	Morocco
Algeria	Jordan	New Zealand
Austria	Kazakhstan	Qatar
Azerbaijan	Kuwait	Sweden
Bahrain	Malta	Switzerland
Colombia	Mauritania	Tunisia
Egypt	Moldova	United Arab Emirates
Iraq	Mongolia	

Austria

NATO and Austria “actively cooperate in peace-support operations, and have developed practical cooperation in a range of other areas”, with Austria having joined the Partnership for Peace framework in 1995 and the Euro-Atlantic Partnership Council in 1997.³¹⁷ Austria played a leading role in the negotiation of the TPNW and in the humanitarian-based process that preceded it. In an address to the United Nations ahead of the TPNW’s opening for signature in September 2017, Austria said: “Today, we often hear that nuclear weapons are necessary for security. This narrative is not only wrong, it is dangerous. The new treaty provides a real alternative: a world without nuclear weapons, where everyone is safer.”³¹⁸ Austria ratified the TPNW on 8 May 2018. The foreign minister, Alexander Schallenberg, said in 2019: “With every additional signature and ratification, states send a very powerful signal that having a say on nuclear weapons is not exclusive to states who possess them. The security of all our citizens is equally important and equally at risk.”³¹⁹ Austria will host the first TPNW meeting of states parties in Vienna in 2022.

³¹⁵ “Partnerships: Projecting Stability through Cooperation”, NATO.

³¹⁶ Vote on draft TPNW, 7 July 2017.

³¹⁷ “Relations with Austria”, NATO.

³¹⁸ Statement by Sebastian Kurz, the then-minister of foreign affairs of Austria, to the UN General Assembly, New York, 19 September 2017.

³¹⁹ Statement by Alexander Schallenberg, minister of foreign affairs of Austria, on the occasion of the International Day for the Total Elimination of Nuclear Weapons, New York, 26 September 2019.



Humanitarian conference In 2014, Austria, a NATO partner, hosted the third in a series of intergovernmental conferences on the humanitarian impact of nuclear weapons. All NATO members, with the exception of France, participated. Credit: ICAN

Ireland

Ireland cooperates with NATO “in a variety of areas”, according to the NATO website.³²⁰ Cooperation focuses on developing military capabilities and improving the interoperability of the Irish armed forces with those of NATO member states and other partners. Ireland joined NATO’s Partnership for Peace programme and the Euro-Atlantic Partnership Council in 1999.³²¹ It was instrumental in the negotiation of the TPNW in 2017. In its opening statement to the negotiating conference, it said that “we are not just writing a new and complementary treaty here, we are taking the opportunity to write a new history and in so doing to create a new, more stable, more secure, and more equal future for all”.³²² It has described the TPNW as “ground-breaking”,³²³ urging “states who have not yet joined the treaty to do so”.³²⁴ Ireland ratified the TPNW on 6 August 2020, the 75th anniversary of the US atomic bombing of Hiroshima. The foreign minister, Simon Coveney, said that the treaty “honours the memory of the victims of nuclear weapons” and responds to the repeated calls by survivors to eliminate nuclear weapons.³²⁵

³²⁰ “Relations with Ireland”, NATO.

³²¹ Ibid.

³²² Statement by Ireland to the UN Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards Their Total Elimination, New York, 27 March 2017.

³²³ Statement by Simon Coveney, foreign minister of Ireland, to the UN General Assembly, New York, 23 September 2017.

³²⁴ Statement by Ireland to First Committee of the UN General Assembly, New York, 12 October 2020.

³²⁵ Simon Coveney, “Risk of Nuclear Catastrophe Is Unacceptably High”, *Irish Times*, 6 August 2020.

Kazakhstan

NATO and Kazakhstan “actively cooperate on democratic, institutional, and defence reforms, and have developed practical cooperation in many other areas”, according to the NATO website.³²⁶ Kazakhstan joined the North Atlantic Cooperation Council in 1992 – a forum that was succeeded in 1997 by the Euro-Atlantic Partnership Council. Practical cooperation with NATO began when Kazakhstan joined the Partnership for Peace programme in 1995.³²⁷ According to Kazakhstan, the adoption of the TPNW in 2017 “demonstrates vividly” that a majority of states are becoming “increasingly impatient” at the lack of progress by nuclear-armed states in eliminating their arsenals.³²⁸ Kazakhstan’s foreign minister, Mukhtar Tileuberdi, has called on states to join the TPNW “as a tribute to all those affected by the use and testing of nuclear weapons around the globe”.³²⁹

Kazakhstan ratified the TPNW on 29 August 2019, the 70th anniversary of the first Soviet nuclear test carried out at the Semipalatinsk nuclear test site in Kazakhstan. From 1949 to 1989, an estimated 456 Soviet tests were conducted in Kazakhstan, with devastating long-term consequences for human health and the environment.³³⁰ Upon the break-up of the Soviet Union in 1991, Kazakhstan inherited approximately 1,400 Soviet nuclear warheads, which it subsequently relinquished,³³¹ recognising that its security was best achieved through disarmament.

Malta

Malta first joined NATO’s Partnership for Peace programme in 1995 but suspended its participation in 1996. It reactivated its membership in 2008.³³² According to the NATO website, “Malta recognises that it can help address emerging security challenges and contribute to international peace, security, and stability” through this programme.³³³ Malta ratified the TPNW on 21 September 2020. In a press release, the foreign ministry said that the goal of a world free of nuclear weapons is “a guiding principle of Malta’s foreign policy” and its ratification is testament to its commitment to global disarmament, which is “crucial to securing a safer future for all and for future generations”.³³⁴ Malta’s foreign minister, Evarist Bartolo, said in February 2021 that the TPNW has “strengthened the global norm against the worst weapons of mass destruction”, and it is “our duty to promote the benefits of such treaty, help fight misconceptions about it, and ensure that its obligations are adhered to”.³³⁵

³²⁶ “Relations with Kazakhstan”, NATO.

³²⁷ Ibid.

³²⁸ Statement by Kazakhstan to First Committee of UN General Assembly, New York, 11 October 2019.

³²⁹ See declaration of Kazakhstan pursuant to Article 2 of the TPNW, submitted to the UN Secretary-General on 19 February 2021.

³³⁰ Ibid.

³³¹ Ibid.

³³² “Relations with Malta”, NATO.

³³³ Ibid.

³³⁴ Press release issued by foreign ministry of Malta, 21 September 2020.

³³⁵ Statement by Evarist Bartolo, foreign minister of Malta, at the high-level segment of the Conference on Disarmament, Geneva, 22 February 2021.

New Zealand

NATO and New Zealand “are strengthening relations to address shared security challenges”, according to the NATO website, with New Zealand making “valuable contributions to NATO-led efforts in Afghanistan and in the fight against piracy”.³³⁶ NATO and New Zealand have been engaged in dialogue and cooperation since 2001.³³⁷ New Zealand is also part of the “Five Eyes” intelligence alliance with three NATO members (Canada, the United Kingdom, and the United States) and Australia. New Zealand ratified the TPNW on 31 July 2018, describing its decision as “a logical step for New Zealand given our long-standing policy opposing nuclear weapons”.³³⁸ New Zealand’s prime minister, Jacinda Ardern, has urged “all others to join with us in ratifying this landmark treaty as a necessary step towards the total elimination of nuclear weapons”.³³⁹ According to New Zealand, the TPNW is “the most ambitious legal pathway currently available to advance nuclear disarmament”.³⁴⁰ While acknowledging that – in the short term at least – “there will be limits to the reach and normative influence of our treaty”, it has noted that this was the case also for the early efforts to proscribe chemical and biological weapons.³⁴¹

Other NATO Partners

Two NATO partners have signed but not yet ratified the TPNW: Algeria and Colombia. The Algerian foreign minister, Sabri Boukadoum, announced in 2020 that **Algeria** intends to ratify the treaty “in the very short coming time”,³⁴² while **Colombia**’s foreign ministry has indicated that “the internal legislative process leading to [Colombia’s] eventual ratification is pending”.³⁴³ **Mongolia**, which is also a NATO partner, said in 2020 that it “is continuing [its] internal process towards joining the [TPNW]”³⁴⁴ and plans to become a state party in the near future.

After voting in favour of the adoption of the TPNW in July 2017, NATO partner **Sweden** warmly welcomed “the fact that at last we have a treaty prohibiting nuclear weapons, the only weapon of mass destruction not prohibited until now”.³⁴⁵ “Though nuclear weapons are not likely to disappear soon,” Sweden said, “we are convinced that the norm against the use and possession of nuclear weapons will be strengthened by this treaty.”³⁴⁶ The following month, the then-US secretary of

³³⁶ “Relations with New Zealand”, NATO.

³³⁷ Ibid.

³³⁸ Press release issued by the then-foreign minister of New Zealand, Winston Peters, “New Zealand to Join New Nuclear Disarmament Treaty”, 14 May 2018.

³³⁹ Video message by the prime minister of New Zealand, Jacinda Ardern, on the occasion of the 75th anniversary of the US atomic bombing of Hiroshima, 6 August 2020.

³⁴⁰ Statement by New Zealand to the First Committee of the UN General Assembly, New York, 22 October 2019.

³⁴¹ Statement by New Zealand to the UN Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards Their Total Elimination, New York, 28 May 2017.

³⁴² Statement at the High-Level Plenary Meeting of the UN General Assembly to Commemorate and Promote the International Day for the Total Elimination of Nuclear Weapons, 2 October 2020.

³⁴³ “Colombia”, ICAN.

³⁴⁴ Statement by Mongolia to the First Committee of the UN General Assembly, 9 October 2020.

³⁴⁵ Explanation of vote delivered by Sweden on 7 July 2017, New York.

³⁴⁶ Ibid.

defence, James Mattis, urged Sweden not to join the TPNW,³⁴⁷ and the Swedish government ultimately acquiesced. It announced, based on the recommendation of a government inquiry led by a former diplomat, that it would not pursue ratification of the TPNW “at the present time”.³⁴⁸ However, it has not “closed the door to a future signing; for example, the issue may end up in a new light after the [NPT] review conference”³⁴⁹ to be held in 2022. Margot Wallström, who was Sweden’s foreign minister at the time of the TPNW’s adoption, expressed regret after leaving office that she had not managed to convince her government to be among the first states to join the landmark treaty.³⁵⁰ In May 2021, her successor, Ann Linde, said that the TPNW’s entry into force “constitutes a significant development in multilateral nuclear disarmament and non-proliferation”,³⁵¹ and Sweden will participate in the first meeting of states parties to the TPNW in Vienna in 2022 as an observer.³⁵²

“Though nuclear weapons are not likely to disappear soon, we are convinced that the norm against the use and possession of nuclear weapons will be strengthened by [the TPNW].”

Sweden, 2017

According to the Harvard Law School’s International Human Rights Clinic, “from a legal perspective, Sweden’s security arrangements should not be viewed as barriers to its joining the TPNW. If it became party to the new instrument, Sweden could not allow its military involvement with states not party that possess nuclear arms to rise to the level of assistance prohibited by the TPNW, but it could maintain its relations with NATO and the [European Union] and continue to participate in joint operations and exercises. Sweden’s experiences as a party to the Mine Ban Treaty and the Convention on Cluster Munitions have demonstrated its ability to work within such parameters.”³⁵³ Speaking in the European Parliament in 2019, NATO’s deputy supreme commander of the allied forces in Europe, General Sir James Rupert Everard, expressed puzzlement at the suggestion that Sweden’s accession to the TPNW might impede its continued cooperation

347 “US Secretary of Defense Warns Sweden against Stopping Nuclear Weapons”, *Svenska Dagbladet*, 30 August 2017.

348 See “The Government’s Continued Work for Nuclear Disarmament”, Swedish foreign ministry, 12 July 2019. This decision reflected the recommendations of a report prepared by the former Swedish diplomat Lars-Erik Lundin, which was widely criticised by civil society. See, for example, “Disappointing Report from the Swedish Inquiry into Joining Nuclear Ban Treaty”, ICAN, 18 January 2019.

349 “Dishonest to Compare Us with Donald Trump: Reply from Margot Wallström on the Nuclear Ban”, *Aftonbladet*, 17 July 2019.

350 Remarks delivered in a webinar on “Nuclear Disarmament at UN75” on 16 December 2020.

351 “Can Disarmament Be Revived? An Interview with Swedish Foreign Minister Ann Linde”, *Arms Control Today*, May 2021.

352 “Statement of Foreign Policy 2021” delivered by Ann Linde, Swedish foreign minister, Stockholm, 24 February 2021.

353 Bonnie Docherty, “The Treaty on the Prohibition of Nuclear Weapons and Its Compatibility with Sweden’s Security Arrangements”, SLMK and WILPF Sweden, June 2018.

with NATO.³⁵⁴ The former Swedish foreign minister Hans Blix has also dismissed this claim, arguing that Sweden’s possible need for cooperation in a crisis situation “would certainly be matched by a corresponding need at NATO”.³⁵⁵ Nevertheless, the Swedish defence forces have argued that all military exercises and operations involving nuclear-armed states include an “implicit nuclear dimension”.

“[F]rom a legal perspective, Sweden’s security arrangements should not be viewed as barriers to its joining the TPNW.”

International Human Rights Clinic, Harvard Law School

In NATO partner **Switzerland**, both houses of parliament instructed the government in 2018 to proceed with signature and ratification of the TPNW “without delay”.³⁵⁶ This had been prompted by a petition signed by more than 25,000 citizens.³⁵⁷ The government responded in 2019 by announcing that it would “examine in depth” the possibility of Switzerland’s accession.³⁵⁸ The foreign minister, Ignazio Cassis, said in March 2021 that “there will be no problem in joining this treaty” if concerns expressed by some other states about the treaty’s impact on the NPT are “abandoned”.³⁵⁹ Like Sweden, Switzerland has decided to attend the first meeting of states parties to the TPNW as an observer.³⁶⁰

In **Finland**, also a NATO partner, three of the five political parties that form the current coalition government have expressed their support for joining the TPNW: the Social Democratic Party, the Green League, and the Left Alliance.³⁶¹ The Finnish foreign minister, Pekka Haavisto, is one of more than 50 parliamentarians in Finland who have pledged to work for their country’s accession.³⁶² In May 2021, the city of Helsinki urged the government to join the treaty.³⁶³ The foreign affairs committee of the Finnish parliament issued a statement in 2018 recommending that the government “continue to analyse the contents of the treaty”.³⁶⁴ It noted that the treaty “supports and complements” the NPT, as well as the 1996 Comprehensive Nuclear-Test-Ban Treaty.

354 “High-Ranking NATO Chief: No Link between Sweden’s Cooperation with NATO and Ratification of the UN Ban on Nuclear Weapons”, SLMK, 21 February 2019.

355 Ibid.

356 “The Swiss Parliament Calls for Immediate Accession to the UN Treaty on the Prohibition of Nuclear Weapons”, ICAN Switzerland.

357 Ibid.

358 “The Federal Council Determines the Further Procedure for the Nuclear Weapons Prohibition Treaty”, media release of the Federal Council, 3 April 2019.

359 Response to questions in the Federal Assembly, 16 March 2021.

360 Tweet by Swiss Security Policy on 21 April 2021.

361 Erkki Tuomioja, “It Is Time to End Our Reliance on Nuclear Weapons”, European Council on Foreign Relations, 2 November 2020.

362 “Finland”, ICAN Parliamentary Pledge.

363 “Finland”, ICAN Cities Appeal.

364 “The Government’s Inquiry: The Treaty on the Prohibition of Nuclear Weapons”, report issued by the foreign affairs committee of the Finnish parliament, 2018.



TPNW negotiations Bayani S. Mercado, the head of the Philippines' delegation to the TPNW negotiating conference, delivers a statement in June 2017. Credit: ICAN

Other US Allies

In addition to New Zealand, two other states designated as “major non-NATO allies” of the United States are parties to the TPNW: Thailand and the Philippines. Furthermore, Brazil, which is also a major non-NATO ally, is a TPNW signatory. **Thailand** was one of the first states to ratify the TPNW in 2017.³⁶⁵ It has said that the treaty “truly reflects a global call to rid the world of these terrible weapons”.³⁶⁶ The **Philippines** ratified it in February 2021, following the concurrence of its Senate.³⁶⁷ It has hailed the treaty as “a landmark agreement that fortifies the nuclear disarmament architecture” and “delegitimises once and for all the use of nuclear weapons”.³⁶⁸ **Brazil** was the first state to sign the TPNW, which is now “under consideration by the Brazilian national congress with a view to its ratification”.³⁶⁹ It has described the treaty’s adoption as “an evolutionary leap for the disarmament and non-proliferation regime”, which “has significantly raised the moral barrier against these weapons”.³⁷⁰

³⁶⁵ See “US Relations with Thailand”, US Department of State. See also “Thailand”, ICAN.

³⁶⁶ Statement by Thailand at a high-level event to commemorate the International Day for the Total Elimination of Nuclear Weapons, New York, 26 September 2019.

³⁶⁷ See “US Relations with the Philippines”, US Department of State. See also “Philippines”, ICAN.

³⁶⁸ Statement by the Philippines at a high-level event to commemorate the International Day for the Total Elimination of Nuclear Weapons, New York, 26 September 2019.

³⁶⁹ See “US Relations with Brazil”, US Department of State. See also “Brazil”, ICAN.

³⁷⁰ Statement by Brazil at a high-level event to commemorate the International Day for the Total Elimination of Nuclear Weapons, New York, 26 September 2019.



ICAN Paris Forum More than 300 students, activists, and artists, mostly from NATO states, gather in Paris in February 2020 for a two-day forum on “How to Ban the Bomb and Influence People”. Credit: ICAN/Orel Kichigai

6

Myths and Misconceptions

Much of the opposition to the Treaty on the Prohibition of Nuclear Weapons, including from NATO states, is based on myths and misconceptions, as well as deliberate falsehoods.

Given that a number of influential states in world affairs remain wedded to their nuclear arsenals, the TPNW has always been a controversial treaty, and has attracted a great deal of commentary and criticism. While some of the criticism has been made in good faith and is based on genuine and well-informed analysis, much of the opposition – including, regrettably, from several NATO member governments – is based on myths, misconceptions, and sometimes deliberate falsehoods intended to mislead. This chapter examines and corrects the most common and prominent misconceptions about the TPNW that have appeared in publications, statements, and other material from NATO itself, its member governments, and NATO-connected institutions.³⁷¹

³⁷¹ For a more detailed response to common criticisms of the TPNW, see Gro Nystuen, Kjølsv Egeland, and Torbjørn Graff Hugo, *The TPNW: Setting the Record Straight*, Norwegian Academy of International Law, 2018. For answers to common questions about nuclear weapons, see Richard Lennane, *Let's Be Realists: Eleven Answers to Common Questions about Nuclear Weapons*, ICAN, 2020.

Relationship to the NPT

A frequent claim in NATO circles is that the TPNW is incompatible with and undermines or damages the NPT. It is rarely spelled out in detail exactly how this undermining or damage would occur – perhaps because the claim quickly falls apart when examined. It is important to recall that a key motivation of the states that negotiated the TPNW was to take forward the implementation of the nuclear disarmament obligations of Article VI of the NPT. This intention is clearly stated in the preamble of the TPNW:

Reaffirming that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Reaffirming also that the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, which serves as the cornerstone of the nuclear disarmament and non-proliferation regime, has a vital role to play in promoting international peace and security ...

Before examining any further aspects, the first step is therefore to consider *what possible interest* any TPNW state party would have in undermining or damaging the NPT. All the states that advocated, promoted, pursued, and negotiated the TPNW are states parties to the NPT. None has ever questioned the role or importance of that treaty; their dissatisfaction stems only from the failure of some states to fully implement it. TPNW states parties are fully committed to the NPT and, as NATO states also claim, want to see it fully implemented. They view the TPNW not just as compatible with and complementary to the NPT but as a tool specifically designed to implement a key part of it. Article VI of the NPT legally obliges all states parties to pursue “effective measures”, including additional legal instruments, to achieve nuclear disarmament.³⁷² TPNW states parties see the new treaty as doing precisely this – just as the non-proliferation and “peaceful uses” pillars of the NPT have been augmented by additional legal instruments, such as safeguards agreements and the Comprehensive Nuclear-Test-Ban Treaty.

Speaking in Geneva in 2018, the UN secretary-general, António Guterres, flatly rejected the claim that the TPNW undermines the NPT, stressing that the two treaties are “fully compatible” and complementary.³⁷³ This, too, was the conclusion of the Norwegian government in its review in 2018 of the consequences for Norway of ratifying the TPNW: “[T]here are no grounds for asserting that the [TPNW] is contrary to the provisions of the NPT on disarmament under international law.”³⁷⁴ The research services division of the German federal parliament, in a detailed paper examining this issue, wrote in January 2021: “The TPNW does not undermine the NPT; it is part of a common nuclear disarmament architecture.”³⁷⁵

Turning to the specific alleged incompatibilities or contradictions, one argument appears to be that the TPNW “contradicts” the NPT because

³⁷² Thomas Hajnoczi, “The Relationship between the NPT and the TPNW”, *Journal for Peace and Nuclear Disarmament*, volume 3, issue 1, 2020, pp. 87–91.

³⁷³ Remarks at the University of Geneva at the launch of the UN secretary-general’s disarmament agenda, 24 May 2018 (comments made in French following the prepared statement).

³⁷⁴ “Review of the Consequences for Norway of Ratifying the TPNW”, Norway, 28 November 2018.

³⁷⁵ “On the Legal Relationship between the Nuclear Weapons Prohibition Treaty and Non-Proliferation Treaty”, research services division of the German Bundestag, 2021.

the TPNW prohibits the possession of nuclear weapons, while the NPT allows the five “nuclear-weapon states” to retain them (pending the implementation of Article VI). Leaving aside the question of whether and to what extent the NPT actually does “permit” the indefinite possession of nuclear weapons,³⁷⁶ this argument is quickly shown to be absurd by looking at the relationship between other pairs of older and more recent disarmament treaties dealing with the same weapon. The 1925 Geneva Protocol prohibits the use of biological and chemical weapons in warfare, but not their possession. The more comprehensive 1972 Biological Weapons Convention (BWC) and 1993 Chemical Weapons Convention (CWC) prohibit the possession of biological and chemical weapons respectively. Nobody claims that the BWC and CWC “contradict” or are “incompatible with” the Geneva Protocol. Rather, the BWC and CWC are seen as a natural evolution, building on and expanding the norm established by the older treaty. Similarly, Amended Protocol II of the Convention on Certain Conventional Weapons (CCW) “allows” (i.e. does not prohibit) possession of anti-personnel landmines; the 1997 Anti-Personnel Mine Ban Convention (APMBC) does prohibit possession. Again, nobody claims these instruments are contradictory or incompatible, or that the APMBC “undermines” the CCW.

There is no logic to the claim that a treaty-based prohibition should only be put in place once nuclear weapons have almost been eliminated. This was not the approach taken for other types of indiscriminate weapons – large stockpiles of which still existed at the time that they were comprehensively outlawed. Based on the history of other weapon prohibition treaties, the TPNW is certainly not “premature”. Prohibition comes first and destruction will follow, not the other way around.

Another common claim is that the TPNW will supersede, and thus weaken, the NPT. This is simply not the case. Article 18 of the TPNW states:

The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party, where those obligations are consistent with the Treaty.

While this could be taken to mean that TPNW states parties would be exempt from their obligations under the NPT where those are inconsistent with the TPNW, it is difficult to imagine some circumstance in which implementing a specific NPT obligation would somehow be inconsistent with the TPNW, given the intentional consistency and complementarity between the two treaties. Certainly, no concrete example has been provided by critics of Article 18. Even in the case that an NPT nuclear-armed state were to join the TPNW and attempt to retain its nuclear weapons, Article 18 would not apply since possession of nuclear weapons, while arguably permitted by the NPT for nuclear-armed states, is (thankfully) not an *obligation* of the NPT. In short, Article 18 means that TPNW states parties cannot use adherence to other treaties as an excuse for non-compliance with the TPNW.³⁷⁷

³⁷⁶ Most NPT states parties consider that the treaty does not permit the five “nuclear-weapon states” to retain their nuclear arsenals indefinitely, even if Article VI does not specify any time limit for implementation. For example, the Non-Aligned Movement regularly states that “the indefinite extension of the [NPT] does not imply the indefinite possession by the nuclear-weapon states of their nuclear arsenals. Any such assumption is incompatible with the object and purpose of the treaty”.

³⁷⁷ “TPNW: Implications for Sweden’s Imports and Exports of Nuclear Material”, SLMK, August 2018.

Safeguards Obligations

The safeguards provisions of the TPNW have been a particular focus for criticism, almost all of which is either factually incorrect or irrelevant. The jumping-off point for much of the criticism is the fact that the TPNW does not oblige its states parties to conclude an Additional Protocol with the International Atomic Energy Agency (IAEA). This is true, and indeed it can legitimately be argued – and has been by some supporters of the TPNW – that not requiring an Additional Protocol is a shortcoming of the treaty, or at least a missed opportunity. But from this grain of truth, opponents of the TPNW, including NATO members, to their discredit, have spun an elaborate confection of mischaracterisations, false equivalences, and outright lies about the safeguards provisions of the TPNW. They have maintained and repeated these misconceptions even after they have been comprehensively rebutted by legal experts,³⁷⁸ which suggests that the arguments are not being made in good faith.

*“[T]he TPNW does not weaken the existing safeguards regime ... The approach taken by the TPNW is similar to that of the NPT ... It is also important to note that the TPNW actually goes further than the NPT with regard to nuclear possessor states parties ...”*³⁷⁹

International Committee of the Red Cross

The fundamental point about the TPNW safeguards provisions is that they are *at least as strong as those of the NPT*, and in some important respects stronger.³⁸⁰ While some might have liked them to be stronger still, they are in no way a step backwards from the NPT, nor do they somehow weaken or undermine the NPT’s safeguards provisions. The key to this is the provision in Article 3(1) of the TPNW that each state party without nuclear weapons “shall, at a minimum, maintain its International Atomic Energy Agency safeguards obligations in force at the time of entry into force of this Treaty, without prejudice to any additional relevant instruments that it may adopt in the future”. This means that any state joining the TPNW that has an Additional Protocol is obliged to keep it, or replace it with a stronger instrument; the TPNW cannot be used as a means of escaping or downgrading safeguards obligations. Note that this obligation holds even if the state concerned should withdraw from the NPT: the TPNW makes the NPT safeguards regime *more* robust, not less.

It is therefore hard to see why any state that is satisfied with the NPT’s safeguards provisions should find those of the TPNW unacceptable. Revealingly, much of the criticism comes from those who apparently

³⁷⁸ See Eirini Giorgou, “Safeguards Provisions in the Treaty on the Prohibition of Nuclear Weapons”, *Arms Control Law*, 11 April 2018; and Gro Nystuen, Kjølsv Egeland, and Torbjørn Graff Hugo, *The TPNW: Setting the Record Straight*, Norwegian Academy of International Law, 2018.

³⁷⁹ “Safeguards and the Treaty on the Prohibition of Nuclear Weapons”, ICRC, April 2018.

³⁸⁰ Among other things, the TPNW requires safeguards for all its states parties, while the NPT does not oblige the five nuclear-armed states parties to conclude safeguards agreements.

have not read the text of the NPT, or who are simply repeating talking points they have been given, without knowledge of the actual provisions of the treaty. Whether deliberately or out of ignorance, TPNW critics frequently confound the legally binding obligations of the NPT itself with the agreements reached in the successive review conferences of the treaty, and compare these agreements unfavourably with the legally binding provisions of the TPNW. These apples-and-oranges comparisons are at best misguided and at worst disingenuous. Like the NPT, the TPNW will also have meetings and review conferences at which states parties will develop agreements on strengthening and improving the implementation of the treaty, including the safeguards provisions. If NATO members genuinely wish to take practical steps to strengthen the global safeguards regime, including by expanding adherence to the Additional Protocol, they would be best served by *joining the TPNW* so that they can contribute as states parties to shaping agreements to develop and strengthen implementation of its safeguards provisions.

Verifying Disarmament

Critics often claim that the TPNW “lacks verification” or involves “unverified disarmament”. Either through ignorance, or in a deliberate attempt to mislead, verification of nuclear disarmament is conflated with verification of non-proliferation (i.e. safeguards – see above) in order to compare the TPNW unfavourably to the NPT. As a quick reading of the actual texts of the two treaties will reveal, the reality is that the TPNW explicitly requires verification for any and all disarmament procedures conducted pursuant to it, while the NPT contains *no provision for verification of disarmament whatsoever*. Therefore, whatever criticisms might be levelled at the disarmament verification provisions of the TPNW, they are evidently far ahead of those of the NPT.

Article 4(2) of the TPNW obliges a state party that possesses nuclear weapons to destroy them “in accordance with a legally binding, time-bound plan for the verified and irreversible elimination of that State Party’s nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear-weapons-related facilities”. Unverified disarmament is therefore not permitted by the treaty, and it is simply incorrect to claim otherwise.

There are of course legitimate questions about how effective the verification provisions to be negotiated in accordance with Article 4 would be, and whether, for example, different nuclear-armed states might be held to different verification standards. But the process is always under the control of the TPNW states parties, which are collectively responsible for approving each disarmament plan. The approach of the TPNW is essentially to let the nuclear-armed state propose the best means of eliminating its weapons, but require it to satisfy the entire membership of the treaty that its plan is verifiable and irreversible.

This approach is pragmatic and flexible, but it also means that for any states, including NATO members, that are concerned about possible lax verification standards and incomplete disarmament, the best move is to *join the TPNW* in order to ensure that elimination plans that do not meet their standards are not approved.

Unilateral Disarmament

An increasingly common line of objection to the TPNW among NATO member states is that unilateral nuclear disarmament would reduce NATO's security. A related concern is that pressure to join the TPNW falls "unfairly" on democratic, open societies rather than on authoritarian regimes. As the North Atlantic Council statement on the TPNW put it: "A world where the states that challenge the international rules-based order have nuclear weapons, but NATO does not, is not a safer world."³⁸¹

This argument is simply a *non sequitur*. Whatever one may think of the security implications of unilateral nuclear disarmament, the question is irrelevant because the TPNW *does not require unilateral disarmament*. Again, criticism of the TPNW is based on what opponents assume it says, or have been led to believe it says, rather than what it does say. Nowhere in the treaty is there any requirement for unilateral disarmament. The TPNW certainly allows for unilateral disarmament – and many states parties, as well as ICAN, would encourage it – but the treaty negotiators were well aware of the security concerns of nuclear-armed states, and carefully designed the treaty to facilitate coordinated, simultaneous accession by two or more possessor states.

The elimination plan required by Article 4 can be negotiated jointly by the states concerned to ensure that verification, irreversibility, and other security assurances are guaranteed to a mutually satisfactory level. Indeed, one way of looking at the disarmament provisions of the TPNW is simply as a legal framework and supervisory mechanism for bilateral or plurilateral disarmament negotiations among nuclear-armed states. A nuclear-armed state must decide before accession whether it wishes to pursue unilateral or plurilateral disarmament – it cannot join the treaty and then wait for another nuclear-armed state to join before proceeding to disarm – but it is free to make this decision according to its interests.

So it is clear that supporting the TPNW does not in itself constitute any kind of endorsement of or commitment to unilateral disarmament. But there is another important reason that opposition to unilateral disarmament is a poor excuse for NATO members to refuse to join the TPNW: most members of NATO do not need to consider unilateral disarmament because *they do not possess nuclear weapons* (and as non-nuclear-armed states parties to the NPT are already prohibited from acquiring them). While the situation may be more complicated for the five NATO members that host nuclear weapons on their territory under the "nuclear-sharing" arrangement, the majority of NATO states can join the TPNW *today* without being required to engage in nuclear disarmament at all – unilateral or otherwise.

³⁸¹ "North Atlantic Council Statement as the TPNW Enters into Force", NATO, 15 December 2020.

7

Towards a Non-Nuclear Alliance

While total elimination of nuclear weapons may remain a distant goal, envisioning and planning for NATO as a “non-nuclear alliance” should begin now – in line with the new global norm.

NATO currently labels itself a “nuclear alliance”. But if it should one day reach its long-standing goals of full implementation of the Nuclear Non-Proliferation Treaty and global nuclear disarmament, it will necessarily be a “non-nuclear alliance”. This is the natural end-point of NATO’s own declared policy, and would surely be a great achievement for the alliance and for global security. NATO as a non-nuclear alliance would be something for its members to celebrate and cherish: a demonstration that true security is based on humanitarian principles. Yet rather than openly aspiring to achieving such status, and discussing how it might look and function, NATO seems to be actively avoiding – even suppressing – any consideration of the possibility.

In his speech in Prague in 2009, the US president Barack Obama famously said: “I state clearly and with conviction America’s commitment to seek the peace and security of a world without nuclear weapons.”³⁸² Critics – including ICAN – have subsequently lamented the lack of action to take

³⁸² Remarks in Prague, the Czech Republic, on 5 April 2009.

forward this commitment,³⁸³ but at least it was clearly and unambiguously stated as an aspiration: a distinct, well-defined vision. In contrast, nobody in NATO is stating clearly and with conviction NATO's commitment to becoming a non-nuclear alliance, or even vaguely pondering it.

“Without doubt, a new nuclear arms race is under way, and a race for disarmament is urgently needed. It is time to bring the era of reliance on nuclear weapons to a permanent end.”

More than 50 past leaders and ministers from 20 NATO states

Instead, as discussed in chapter 2, there are persistent efforts within NATO to ever more deeply entrench nuclear weapons within the alliance's core identity. Total and unquestioning commitment to NATO as a “nuclear alliance”, now and forever, is seen as a test of loyalty. The issue is viewed as starkly binary: you are either for nuclear weapons and for NATO, or against nuclear weapons and against NATO. As discussed in chapter 3, this artificial dichotomy results in defensive, knee-jerk policy reactions to developments such as the TPNW that do not actually threaten NATO interests, and in fact have much to offer in terms of advancing NATO security goals (chapter 4). Overall, NATO's approach to nuclear disarmament has been dangerously counterproductive and short-sighted. As the NATO 2030 Reflection Group concluded:

[T]he Alliance would benefit from adopting a long-term perspective and re-embracing the vision of NATO from earlier decades – as a preventative tool to shape its environment rather than primarily an instrument for managing crises once they have already broken out. This proactive mentality should permeate how Allies think about strengthening NATO's political role, cohesion, and unity, and consultation and decision-making for the coming decade.³⁸⁴

As NATO convenes to consider the NATO 2030 plan and the longer-term future of the alliance, it is time for members to shake off the restrictions of reactive, short-term thinking about nuclear weapons, and instead to re-embrace the vision of nuclear disarmament as a preventative tool for shaping NATO's security environment. While total elimination of nuclear weapons may remain a distant goal, envisioning and planning for NATO as a non-nuclear alliance should begin now.

This will require a deliberate, decisive conceptual shift away from the reflexive assumption that anything that goes against nuclear weapons necessarily goes against NATO, and from the all-or-nothing mindset that holds NATO as one-hundred-per-cent in favour of, invested in, and committed to nuclear weapons right up until the point that they are somehow magically eliminated. The new conceptual approach should

³⁸³ See, for example, Tim Wright, “Hope and Hype of Hiroshima Can't Conceal Obama's Dismal Record on Nuclear Disarmament”, *The Guardian*, 27 May 2016.

³⁸⁴ *NATO 2030: United for a New Era: Analysis and Recommendations of the Reflection Group Appointed by the NATO Secretary General*, NATO, 25 November 2020, p. 22.

be more realistic and graduated, accepting that even while certain NATO members retain nuclear weapons, NATO can consider, discuss, develop, and implement serious steps to gradually but steadily diminish both their legitimacy and the role they play in the alliance.

Towards 2030

Even if NATO continues to function as a “nuclear alliance” in the short term, NATO members should recognise and embrace the fact that they can:

- Work to reduce the role of nuclear weapons in defence and security policies and doctrines, as they have already agreed to do in the NPT review process;
- Take steps to lower the risk of inadvertent or accidental use of nuclear weapons, including taking all weapons off high alert;
- Freely and openly discuss and explore the possible shape and implications of an eventual totally non-nuclear alliance, including the role of the non-nuclear-armed NATO states in achieving and maintaining it;
- Encourage and facilitate discussion and exploration of a diversity of national positions and policies on nuclear weapons among the members;
- Strengthen the global norm against nuclear weapons by supporting the TPNW and abandoning baseless criticisms of it, engaging constructively with TPNW states parties, and encouraging states outside NATO – whether partners, rivals, or others – to join it;
- Join the TPNW themselves, beginning with all 27 of the non-nuclear-armed members of NATO.³⁸⁵

None of these steps would compromise NATO’s security; all are compatible with the North Atlantic Treaty. There is no reason not to start taking them. If NATO members are sincere and serious about reducing the security threats posed to them by nuclear weapons, and achieving their goal of global nuclear disarmament, they must begin. They must work to bring the alliance into line with the new legal standard set by the TPNW and supported by much of the international community.

As NATO formulates its goals and strategies for 2030 and beyond, it should seize the opportunity to set out a clear vision for its future as a non-nuclear alliance, “where nuclear weapons are not a legitimate, effective, or desirable means of defence for anyone. Not for Russia, China, or North Korea. Not for allies. Not for us.”³⁸⁶

³⁸⁵ As noted in chapter 3, any non-nuclear-armed NATO member that joins the TPNW will be obliged to disavow the notion of protection from an ally’s nuclear weapons and refrain from engaging in, assisting with, or encouraging all nuclear-weapon-related activities prohibited under Article 1.

³⁸⁶ Comment by six former Norwegian statespeople: Kjell Magne Bondevik (prime minister and foreign minister), Bjørn Tore Godal (foreign and defence minister), Thorbjørn Jagland (prime minister and foreign minister), Eldbjørg Løwer (defence minister), Anne-Grete Strøm-Erichsen (defence minister), and Knut Vollebæk (foreign minister). “We Cannot Leave This Threat to Our Children and Grandchildren. Ban Nuclear Weapons Now!”, *Aftenposten*, 21 September 2020.

United Nations One hundred and twenty-two states vote to adopt the TPNW on 7 July 2017. Credit: ICAN/Ralf Schlesener



Annex

Treaty on the Prohibition of Nuclear Weapons

The States Parties to this Treaty,

Determined to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Deeply concerned about the catastrophic humanitarian consequences that would result from any use of nuclear weapons, and recognizing the consequent need to completely eliminate such weapons, which remains the only way to guarantee that nuclear weapons are never used again under any circumstances,

Mindful of the risks posed by the continued existence of nuclear weapons, including from any nuclear-weapon detonation by accident, miscalculation or design, and emphasizing that these risks concern the security of all humanity, and that all States share the responsibility to prevent any use of nuclear weapons,

Cognizant that the catastrophic consequences of nuclear weapons cannot be adequately addressed, transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and the health of current and future generations, and have a disproportionate impact on women and girls, including as a result of ionizing radiation,

Acknowledging the ethical imperatives for nuclear disarmament and the urgency of achieving and maintaining a nuclear-weapon-free world, which is a global public good of the highest order, serving both national and collective security interests,

Mindful of the unacceptable suffering of and harm caused to the victims of the use of nuclear weapons (hibakusha), as well as of those affected by the testing of nuclear weapons,

Recognizing the disproportionate impact of nuclear-weapon activities on indigenous peoples,

Reaffirming the need for all States at all times to comply with applicable international law, including international humanitarian law and international human rights law,

Basing themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, the rule of distinction, the prohibition against indiscriminate attacks, the rules on proportionality and precautions in attack, the prohibition on the use of weapons of a nature to cause superfluous injury or unnecessary suffering, and the rules for the protection of the natural environment,

Considering that any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, in particular the principles and rules of international humanitarian law,

Reaffirming that any use of nuclear weapons would also be abhorrent to the principles of humanity and the dictates of public conscience,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Recalling also the first resolution of the General Assembly of the United Nations, adopted on 24 January 1946, and subsequent resolutions which call for the elimination of nuclear weapons,

Concerned by the slow pace of nuclear disarmament, the continued reliance on nuclear weapons in military and security concepts, doctrines and policies, and the waste of economic and human resources on programmes for the production, maintenance and modernization of nuclear weapons,

Recognizing that a legally binding prohibition of nuclear weapons constitutes an important contribution towards the achievement and maintenance of a world free of nuclear weapons, including the irreversible, verifiable and transparent elimination of nuclear weapons, and determined to act towards that end,

Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control,

Reaffirming that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,

Reaffirming also that the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, which serves as the cornerstone of the nuclear disarmament and non-proliferation regime, has a vital role to play in promoting international peace and security,

Recognizing the vital importance of the Comprehensive Nuclear-Test-Ban Treaty and its verification regime as a core element of the nuclear disarmament and non-proliferation regime,

Reaffirming the conviction that the establishment of the internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objective of nuclear disarmament,

Emphasizing that nothing in this Treaty shall be interpreted as affecting the inalienable right of its States Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

Recognizing that the equal, full and effective participation of both women and men is an essential factor for the promotion and attainment of sustainable peace and security, and committed to supporting and strengthening the effective participation of women in nuclear disarmament,

Recognizing also the importance of peace and disarmament education in all its aspects and of raising awareness of the risks and consequences of nuclear weapons for current and future generations, and committed to the dissemination of the principles and norms of this Treaty,

Stressing the role of public conscience in the furthering of the principles of humanity as evidenced by the call for the total elimination of nuclear weapons, and recognizing the efforts to that end undertaken by the United Nations, the International Red Cross and Red Crescent Movement, other international and regional organizations, non-governmental organizations, religious leaders, parliamentarians, academics and the hibakusha,

Have agreed as follows:

Article 1

Prohibitions

1. Each State Party undertakes never under any circumstances to:
 - (a) Develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;
 - (b) Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly;
 - (c) Receive the transfer of or control over nuclear weapons or other nuclear explosive devices directly or indirectly;
 - (d) Use or threaten to use nuclear weapons or other nuclear explosive devices;
 - (e) Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty;
 - (f) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Treaty;
 - (g) Allow any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices in its territory or at any place under its jurisdiction or control.

Article 2

Declarations

1. Each State Party shall submit to the Secretary-General of the United Nations, not later than 30 days after this Treaty enters into force for that State Party, a declaration in which it shall:
 - (a) Declare whether it owned, possessed or controlled nuclear weapons or nuclear explosive devices and eliminated its nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear-weapon-related facilities, prior to the entry into force of this Treaty for that State Party;
 - (b) Notwithstanding Article 1 (a), declare whether it owns, possesses or controls any nuclear weapons or other nuclear explosive devices;
 - (c) Notwithstanding Article 1 (g), declare whether there are any nuclear weapons or other nuclear explosive devices in its territory or in any place under its jurisdiction or control that are owned, possessed or controlled by another State.
2. The Secretary-General of the United Nations shall transmit all such declarations received to the States Parties.

Article 3

Safeguards

1. Each State Party to which Article 4, paragraph 1 or 2, does not apply shall, at a minimum, maintain its International Atomic Energy Agency safeguards obligations in force at the time of entry into force of this Treaty, without prejudice to any additional relevant instruments that it may adopt in the future.
2. Each State Party to which Article 4, paragraph 1 or 2, does not apply that has not yet done so shall conclude with the International Atomic Energy Agency and bring into force a comprehensive safeguards agreement (INFCIRC/153 (Corrected)). Negotiation of such agreement shall commence within 180 days from the entry into force of this Treaty for that State Party. The agreement shall enter into force no later than 18 months from the entry into force of this Treaty for that State Party. Each State Party shall thereafter maintain such obligations, without prejudice to any additional relevant instruments that it may adopt in the future.

Article 4

Towards the total elimination of nuclear weapons

1. Each State Party that after 7 July 2017 owned, possessed or controlled nuclear weapons or other nuclear explosive devices and eliminated its nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear-weapon-related facilities, prior to the entry into force of this Treaty for it, shall cooperate with the competent international authority designated pursuant to paragraph 6 of this Article for the purpose of verifying the irreversible elimination of its nuclear-weapon programme. The competent international authority shall report to the States Parties. Such a State Party shall conclude a safeguards agreement with the International Atomic Energy Agency sufficient to provide credible assurance of the non-diversion of declared nuclear material from peaceful nuclear activities and of the absence of undeclared nuclear material or activities in that State Party as a whole. Negotiation of such agreement shall commence within 180 days from the entry into force of this Treaty for that State Party. The agreement shall enter into force no later than 18 months from the entry into force of this Treaty for that State Party. That State Party shall thereafter, at a minimum, maintain these safeguards obligations, without prejudice to any additional relevant instruments that it may adopt in the future.
2. Notwithstanding Article 1 (a), each State Party that owns, possesses or controls nuclear weapons or other nuclear explosive devices shall immediately remove them from operational status, and destroy them as soon as possible but not later than a deadline to be determined by the first meeting of States Parties, in accordance with a legally binding, time-bound plan for the verified and irreversible elimination of that State Party's nuclear-weapon programme, including the elimination or irreversible conversion

- of all nuclear-weapons-related facilities. The State Party, no later than 60 days after the entry into force of this Treaty for that State Party, shall submit this plan to the States Parties or to a competent international authority designated by the States Parties. The plan shall then be negotiated with the competent international authority, which shall submit it to the subsequent meeting of States Parties or review conference, whichever comes first, for approval in accordance with its rules of procedure.
3. A State Party to which paragraph 2 above applies shall conclude a safeguards agreement with the International Atomic Energy Agency sufficient to provide credible assurance of the non-diversion of declared nuclear material from peaceful nuclear activities and of the absence of undeclared nuclear material or activities in the State as a whole. Negotiation of such agreement shall commence no later than the date upon which implementation of the plan referred to in paragraph 2 is completed. The agreement shall enter into force no later than 18 months after the date of initiation of negotiations. That State Party shall thereafter, at a minimum, maintain these safeguards obligations, without prejudice to any additional relevant instruments that it may adopt in the future. Following the entry into force of the agreement referred to in this paragraph, the State Party shall submit to the Secretary-General of the United Nations a final declaration that it has fulfilled its obligations under this Article.
 4. Notwithstanding Article 1 (b) and (g), each State Party that has any nuclear weapons or other nuclear explosive devices in its territory or in any place under its jurisdiction or control that are owned, possessed or controlled by another State shall ensure the prompt removal of such weapons, as soon as possible but not later than a deadline to be determined by the first meeting of States Parties. Upon the removal of such weapons or other explosive devices, that State Party shall submit to the Secretary-General of the United Nations a declaration that it has fulfilled its obligations under this Article.
 5. Each State Party to which this Article applies shall submit a report to each meeting of States Parties and each review conference on the progress made towards the implementation of its obligations under this Article, until such time as they are fulfilled.
 6. The States Parties shall designate a competent international authority or authorities to negotiate and verify the irreversible elimination of nuclear-weapons programmes, including the elimination or irreversible conversion of all nuclear-weapons-related facilities in accordance with paragraphs 1, 2 and 3 of this Article. In the event that such a designation has not been made prior to the entry into force of this Treaty for a State Party to which paragraph 1 or 2 of this Article applies, the Secretary-General of the United Nations shall convene an extraordinary meeting of States Parties to take any decisions that may be required.

Article 5

National implementation

1. Each State Party shall adopt the necessary measures to implement its obligations under this Treaty.
2. Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Treaty undertaken by persons or on territory under its jurisdiction or control.

Article 6

Victim assistance and environmental remediation

1. Each State Party shall, with respect to individuals under its jurisdiction who are affected by the use or testing of nuclear weapons, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.
2. Each State Party, with respect to areas under its jurisdiction or control contaminated as a result of activities related to the testing or use of nuclear weapons or other nuclear explosive devices, shall take necessary and appropriate measures towards the environmental remediation of areas so contaminated.
3. The obligations under paragraphs 1 and 2 above shall be without prejudice to the duties and obligations of any other States under international law or bilateral agreements.

Article 7

International cooperation and assistance

1. Each State Party shall cooperate with other States Parties to facilitate the implementation of this Treaty.
2. In fulfilling its obligations under this Treaty, each State Party shall have the right to seek and receive assistance, where feasible, from other States Parties.
3. Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by nuclear-weapons use or testing, to further the implementation of this Treaty.
4. Each State Party in a position to do so shall provide assistance for the victims of the use or testing of nuclear weapons or other nuclear explosive devices.

5. Assistance under this Article may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, non-governmental organizations or institutions, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, or national Red Cross and Red Crescent Societies, or on a bilateral basis.
6. Without prejudice to any other duty or obligation that it may have under international law, a State Party that has used or tested nuclear weapons or any other nuclear explosive devices shall have a responsibility to provide adequate assistance to affected States Parties, for the purpose of victim assistance and environmental remediation.

Article 8

Meeting of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Treaty, in accordance with its relevant provisions, and on further measures for nuclear disarmament, including:
 - (a) The implementation and status of this Treaty;
 - (b) Measures for the verified, time-bound and irreversible elimination of nuclear-weapon programmes, including additional protocols to this Treaty;
 - (c) Any other matters pursuant to and consistent with the provisions of this Treaty.
2. The first meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of the entry into force of this Treaty. Further meetings of States Parties shall be convened by the Secretary-General of the United Nations on a biennial basis, unless otherwise agreed by the States Parties. The meeting of States Parties shall adopt its rules of procedure at its first session. Pending their adoption, the rules of procedure of the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, shall apply.
3. Extraordinary meetings of States Parties shall be convened, as may be deemed necessary, by the Secretary-General of the United Nations, at the written request of any State Party provided that this request is supported by at least one third of the States Parties.
4. After a period of five years following the entry into force of this Treaty, the Secretary-General of the United Nations shall convene a conference to review the operation of the Treaty and the progress in achieving the purposes of the Treaty. The Secretary-General of the United Nations shall convene further review conferences at intervals of six years with the same objective, unless otherwise agreed by the States Parties.

5. States not party to this Treaty, as well as the relevant entities of the United Nations system, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations, shall be invited to attend the meetings of States Parties and the review conferences as observers.

Article 9

Costs

1. The costs of the meetings of States Parties, the review conferences and the extraordinary meetings of States Parties shall be borne by the States Parties and States not party to this Treaty participating therein as observers, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations in the circulation of declarations under Article 2, reports under Article 4 and proposed amendments under Article 10 of this Treaty shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.
3. The cost related to the implementation of verification measures required under Article 4 as well as the costs related to the destruction of nuclear weapons or other nuclear explosive devices, and the elimination of nuclear-weapon programmes, including the elimination or conversion of all nuclear-weapon-related facilities, should be borne by the States Parties to which they apply.

Article 10

Amendments

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to the Treaty. The text of a proposed amendment shall be communicated to the Secretary-General of the United Nations, who shall circulate it to all States Parties and shall seek their views on whether to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than 90 days after its circulation that they support further consideration of the proposal, the proposal shall be considered at the next meeting of States Parties or review conference, whichever comes first.
2. A meeting of States Parties or a review conference may agree upon amendments which shall be adopted by a positive vote of a majority of two thirds of the States Parties. The Depositary shall communicate any adopted amendment to all States Parties.

3. The amendment shall enter into force for each State Party that deposits its instrument of ratification or acceptance of the amendment 90 days following the deposit of such instruments of ratification or acceptance by a majority of the States Parties at the time of adoption. Thereafter, it shall enter into force for any other State Party 90 days following the deposit of its instrument of ratification or acceptance of the amendment.

Article 11

Settlement of disputes

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Treaty, the parties concerned shall consult together with a view to the settlement of the dispute by negotiation or by other peaceful means of the parties' choice in accordance with Article 33 of the Charter of the United Nations.
2. The meeting of States Parties may contribute to the settlement of the dispute, including by offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time limit for any agreed procedure, in accordance with the relevant provisions of this Treaty and the Charter of the United Nations.

Article 12

Universality

Each State Party shall encourage States not party to this Treaty to sign, ratify, accept, approve or accede to the Treaty, with the goal of universal adherence of all States to the Treaty.

Article 13

Signature

This Treaty shall be open for signature to all States at United Nations Headquarters in New York as from 20 September 2017.

Article 14

Ratification, acceptance, approval or accession

This Treaty shall be subject to ratification, acceptance or approval by signatory States. The Treaty shall be open for accession.

Article 15

Entry into force

1. This Treaty shall enter into force 90 days after the fiftieth instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, this Treaty shall enter into force 90 days after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 16

Reservations

The Articles of this Treaty shall not be subject to reservations.

Article 17

Duration and withdrawal

1. This Treaty shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to the Depositary. Such notice shall include a statement of the extraordinary events that it regards as having jeopardized its supreme interests.
3. Such withdrawal shall only take effect 12 months after the date of the receipt of the notification of withdrawal by the Depositary. If, however, on the expiry of that 12-month period, the withdrawing State Party is a party to an armed conflict, the State Party shall continue to be bound by the obligations of this Treaty and of any additional protocols until it is no longer party to an armed conflict.

Article 18

Relationship with other agreements

The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party, where those obligations are consistent with the Treaty.

Article 19

Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Treaty.

Article 20

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Treaty shall be equally authentic.

DONE at New York, this seventh day of July, two thousand and seventeen.



Hibakusha Fujimori Toshiki and Setsuko Thurlow, survivors of the US atomic bombing of Hiroshima, speak to the media following the adoption of the TPNW. Credit: ICAN/Ralf Schlesener

“The Treaty on the Prohibition of Nuclear Weapons can help end decades of paralysis in disarmament. It is a beacon of hope in a time of darkness. It enables countries to subscribe to the highest available multilateral norm against nuclear weapons and build international pressure for action ... We must show courage and boldness – and join the treaty.”

More than 50 past leaders and foreign and defence ministers from 20 NATO states, including two past NATO secretaries general

