

FAQ: Treaty on the Prohibition of Nuclear Weapons

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None of the nuclear-armed states have joined the TPNW so far. Is the treaty symbolic?

No, the TPNW is the first instrument of international law to clearly outlaw the development, possession, hosting, transfer, use and threat of use of nuclear weapons. The ban treaty is a crucial element in efforts to stigmatise and eliminate nuclear weapons.

The proponents of the treaty did not anticipate the nuclear-armed states to be onside straight away. Like the treaties prohibiting other abhorrent weapons, the TPNW will work over time to strengthen the stigma against nuclear weapons, de-legitimising nuclear deterrence and the very possession of the weapon. Every new signature and ratification of the TPNW works to erode the political and social status of nuclear weapons. Over time, manufacturers will find it harder to gain finance for their production and pressure will increase for states to comply with this new international law. Supporters of potential nuclear aggression will find it harder to justify their supposed right to hang on to and thereby threaten to use these worst weapons of terror.

The TPNW follows the approach which is proving effective for biological and chemical weapons, landmines and cluster munitions. A treaty prohibiting and providing for their elimination has been crucial for all these; indeed, no other approach has worked.

Australia is a party to the nuclear Non-Proliferation Treaty (NPT). Does the TPNW undermine, threaten or challenge the NPT?

No. All countries that have signed the NPT are obliged by Article 6 to pursue and successfully complete nuclear disarmament negotiations, to achieve a world free of nuclear weapons. The TPNW was drafted to complement other treaties governing nuclear non-proliferation and disarmament, and does not diminish the obligations of states parties under other agreements.

States parties to the NPT can help fulfil their obligations under Article 6 by also joining the TPNW, and thereby declaring their unequivocal rejection of nuclear weapons.

What standard of safeguards is required of parties to the TPNW?

States joining the treaty must maintain their safeguards obligations, and must bring a Comprehensive Safeguards Agreement into force with the IAEA if they do not already have one. The TPNW contains the same level of safeguards requirements as the nuclear Non-Proliferation Treaty, and it also anticipates, appropriately, that states may adopt additional safeguards in the future. The ban treaty does not allow any states joining to weaken their safeguards obligations.

When states that possess, or have possessed nuclear weapons join the TPNW, Article 4 sets out requirements for a high level of safeguards. This Article covers and exceeds the elements of the “Additional Protocol” – which contains the most stringent current provisions for inspection and monitoring of nuclear activities.

What verification mechanisms are contained in the TPNW?

Nuclear-armed states that join the TPNW are obliged by Article 4(2) to remove their nuclear weapons from operational status immediately and submit a time-bound plan to the States Parties or to the designated international authority within 60 days of the TPNW's entry into force for that state. This plan will be negotiated with and verified by the designated international authority, to be reviewed at the meetings of States Parties.

It is not realistic nor indeed even possible to negotiate a detailed, time-bound, verified elimination plan without the active involvement of the states possessing the weapons. However, the Treaty provides clear and consistent standards and goals for the processes of elimination of nuclear weapons, in line with the negotiating mandate supported by a majority of over 3 to 1 in the UN General Assembly "to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination."

What would have to change, for Australia to be in compliance with the TPNW?

Australia would need to remove any role for nuclear weapons in our security policies, in line with Article 1(e) of the TPNW. This provision prohibits states from encouraging, assisting or inducing anyone to engage in any of the activities prohibited under the treaty. By claiming a security benefit from the US nuclear arsenal, Australia is encouraging the United States to possess and threaten to use nuclear weapons, including on Australia's behalf.

Further, military or communication bases on Australian soil, such as the Joint Defence Facility at Pine Gap, could not assist any use of US nuclear weapons, nor engage in military preparations for their use. This would require changes to the operations of some facilities.

In addition, vessels and aircraft carrying nuclear weapons would need to be excluded from Australian territory.

If Australia joins the TPNW, will the ANZUS Treaty need to be re-negotiated?

No. The ANZUS Treaty does not contain any reference to nuclear weapons or nuclear deterrence.

Would Australia joining the TPNW spell the end of our alliance with the US?

No. Several countries in the Asia-Pacific region have already signed the TPNW and are maintaining a military alliance with the United States, including Thailand, the Philippines and New Zealand. These alliances exclude nuclear weapons.

Will the TPNW lead to the nuclear-armed states disarming?

Treaties banning other unacceptable weapons have substantially influenced even states that opposed and haven't joined them. For example, the US now boasts its virtual compliance with the landmines ban, even though it hasn't signed that treaty.

The TPNW will help create the conditions needed for the leaders of nuclear-armed states to dismantle their arsenals. It may take years for the first nuclear-armed state to join the TPNW. Countries in nuclear alliances, such as Australia, have a crucial role to play in removing their support for these weapons. When Australia ratified the nuclear Non-Proliferation Treaty in 1973, France and China had not yet signed on.

The TPNW takes a long-term view and sets out a pathway to a world without nuclear weapons. Instead of sticking on the current path to nuclear catastrophe, Australia must take the urgent and necessary step of rejecting nuclear weapons, and joining the Treaty on the Prohibition of Nuclear Weapons.