

**NPT Briefing Note** | APRIL 2019

## **Fulfilling nuclear disarmament obligations under the NPT: The Role of the TPNW**

Nuclear weapons are the most destructive, inhumane and indiscriminate weapons ever created. Both in the scale of the devastation they cause, and in their uniquely persistent, genetically damaging radioactive fallout, they are unlike any other weapons. A single nuclear bomb detonated over a large city could kill more than a million people in a matter of seconds.

Over half a century after the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was opened for signature, there are still close to 15,000 nuclear weapons in the world, many ready to be used within minutes.

The NPT requires each of its 190 states parties to pursue negotiations in good faith on effective measures for nuclear disarmament. Many of these are already working to implement the treaty by adhering to the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons (TPNW). So far, 23 states have signed and ratified the TPNW, while a further 48 states are signatories.

The TPNW complements and reinforces the NPT, filling a legal gap by outlawing nuclear weapons in the same way the international community has banned the other weapons of mass destruction: biological and chemical weapons.

The Chair of the NPT Review Conference issued a factual summary in 2018 in which he noted the adoption of the TPNW and the fact that a number of NPT states parties asserted that the TPNW represented an effective measure under Article VI of the NPT by creating a legally binding prohibition on nuclear weapons. It was stressed that the TPNW complemented the NPT and was designed to strengthen existing disarmament and nuclear non-proliferation regimes.

Today, however, as nuclear-armed states India and Pakistan have engaged in armed conflict while the United States and Russia have decided to scrap the INF Treaty, we are on the brink of a new nuclear arms race every bit as dangerous as the height of the Cold War. Given the increasing risk of use of nuclear weapons – both intentional use and accidental, all states committed to disarmament and international humanitarian law must reject the new nuclear arms race and join the TPNW.

## **A major development for the NPT**

- The negotiation of the TPNW was the logical and necessary response to the deep concern expressed by all NPT states parties in 2010 at the “catastrophic humanitarian consequences” of any use of nuclear weapons.
- Moreover, this reflects the affirmation by NPT states parties in 2010 of the need for all states “to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons”.
- The failure of certain NPT states parties to participate in the negotiation of the TPNW and their bullying efforts to prevent other states from adhering to the Ban Treaty casts doubt on their commitment to the NPT, as well as their commitment to the United Nations and to multilateralism more broadly.
- The United States’ working paper for the NPT for dialogue on “Creating the Conditions for Nuclear Disarmament” is a thinly-disguised diversion from calls for action on disarmament. And why should anyone trust the United States given its history in ripping up agreements?
- Instead, all states that are committed to preserving the NPT should adhere to the TPNW as a matter of urgency, and loudly protest the continued upgrades to nuclear forces and the alarming threats of a new arms race.

## **Worrying developments**

- All nuclear-armed states are engaged in extensive modernisation programmes, aimed at ensuring their nuclear weapons defeat missile defence systems. This is sparking a new nuclear arms race.

- Investments in offensive cyber operations are prompting a number of governments of nuclear-armed states that have not already done so to consider moving some or all of their nuclear weapons to “launch on warning” status, a hair-trigger system for the firing of nuclear weapons.
- Advances in artificial intelligence (AI) are being exploited to take decisions on the launching and targeting of nuclear weapons out of the hands of humans and at putting them at the mercy of computer algorithms.
- Allied to heightened tensions between nuclear-armed states, the effects of risks of an intentional or accidental detonation of nuclear weapons are the highest they have been since the height of the Cold War.
- Smaller explosive yields in some warheads, while still horrendous in their effects, are said to make nuclear weapons “more usable”. There is no such thing as a usable nuclear weapon. Even the smallest nuclear weapon is a hundred times more powerful than the most destructive conventional bomb, and that is without taking into account radioactive fallout.
- Despite the adoption of the TPNW, nuclear-armed states continue to conduct military preparations to use nuclear weapons and even still carry out exercises to use nuclear weapons. During the recent conflict between India and Pakistan, the possible use of nuclear weapons was considered.
- Any use of nuclear weapons would cause such catastrophic humanitarian, developmental, and environmental impact that no state or group of states or relief agencies could effectively remediate.

### **Failure to take agreed actions**

- The most significant challenge for the NPT is the continued lack of implementation of agreed steps and actions on nuclear disarmament by some states. In order to strengthen the trust and confidence in the NPT, the 22 disarmament-related steps agreed in the 64-point action plan adopted by consensus at the NPT review conference in 2010 need to be implemented. States that join the TPNW are helping to move the world towards the nuclear disarmament demanded by the NPT and ICAN welcomes their achievements.
- It is therefore particularly disappointing to see the nuclear-weapon states fail to implement specific actions from the 2010 NPT Action

Plan, such as ratification of the CTBT, negotiation of a Fissile Material Cut-off Treaty, the negotiation of further bilateral reductions between United States and Russia, lowering of the operational status of warheads, reducing the role and significance of nuclear weapons in military doctrines, and increasing transparency and risk reduction measures.

- Implementing previously agreed steps and actions must be a key priority for this review cycle in order to restore trust in the treaty's ability to make progress towards nuclear disarmament.

### **Implementing and strengthening the NPT**

- The TPNW greatly strengthens the NPT, which specifically envisages the creation of additional treaties to help achieve and maintain a nuclear-weapons-free world.
- The NPT, while requiring disarmament and barring states from acquiring nuclear weapons, does not prohibit nuclear weapons categorically. The TPNW, by contrast, firmly establishes the illegality of nuclear weapons.
- The NPT has established a strong taboo against the spread of nuclear weapons globally. But it has not established an effective taboo against nuclear weapons as such. The TPNW strengthens the NPT by doing precisely that.
- The TPNW complements and implements existing arms control and disarmament agreements, including the NPT, the Comprehensive Test Ban Treaty of 1996 and the Partial Test Ban Treaty of 1963.

### **Recommendations**

In preparation for the NPT Review Conference in 2020, the Preparatory Committee should reiterate a determination of all states parties to prevent any and all use of nuclear weapons of whatever explosive yield because of the catastrophic consequences that would result. Far greater measures by all nuclear-armed states are needed to reduce the risk of accidental or unintended detonation of nuclear weapons.

States parties to the NPT should also emphasise during the debates the role that the TPNW can play in implementing Article VI of the NPT. The TPNW is the only disarmament treaty that respects Article VI and should be the basis for moving forward on nuclear disarmament.