

Introduction

The ban treaty is the next big thing in multilateral nuclear disarmament. It is a chance for governments that support the rule of law, that believe in the power of multilateral institutions, and that believe rules matter, to engage in negotiations to uphold those beliefs. On 27 March, [negotiations](#) will start on a new treaty making nuclear weapons illegal. There is no treaty text on the table, though discussions have already brought up a number of ideas about what should be prohibited. Negotiations might cover a few different areas for prohibition that could be summed up as making, getting, having and using nuclear weapons.

Context

Nuclear weapons are the only weapon of mass destruction that has not yet been clearly prohibited by an international treaty. Nuclear weapons have the power to cause catastrophic harm. They are an inhumane weapon, designed to cause indiscriminate, intergenerational harm. Nuclear weapons are the most destructive weapon ever designed. They are such horrendous weapons that they have not been used in conflict since 1945, yet nearly 15,000 of them are in the arsenals of a handful of countries. The International Committee of the Red Cross has said that they don't see how any use of nuclear weapons could possibly be in line with international humanitarian law, but the weapons are not explicitly illegal, yet.

What will negotiations cover?

Negotiations might cover a few different areas for prohibition that could be summed up as making, getting, having and using nuclear weapons.

What that means will be different for states, depending on where they fall in the nuclear weapons reliance spectrum. Those who have already rejected the weapon will be able to add another layer to

reinforce their disdain for these inhumane, indiscriminate, uncivilised weapons, while those who are modernizing their arsenals will be subject to additional scrutiny and scorn. The group of States in between - those with nuclear weapons in their security strategies, but not possessing their own weapons - are in a unique position as negotiations will demand they choose between defending nuclear weapons or democracy.

Nuclear reliant states

While there are only nine nuclear-armed nations, there are States that rely on the nuclear weapons of others in their security strategies. Most of these States are members of the North Atlantic Treaty Organisation (NATO), however Australia, Japan, and the Republic of Korea also rely on U.S. nuclear weapons. In addition, the Collective Security Treaty Organization is also [understood](#) to have a nuclear umbrella arrangement.¹ This collection of 33 States will be impacted differently depending on the results of the nuclear weapons prohibition negotiations.

What will be in the treaty?

During meetings of the 2016 UN Open Ended Working Group to take forward multilateral nuclear disarmament (OEWG) a number of suggestions were

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put forward that could be included in an international legal instrument. This series seeks to take the idea of a treaty prohibiting the development, production, testing, acquisition, stockpiling, transfer, deployment, threat of use, or use of nuclear weapons, as well as assistance, financing, encouragement, or inducement of these prohibited acts as the point of departure, and uses [Annex II of the report of the Open Ended Working Group](#) as a reference point.² Some of these items are already dealt with in some form by

¹ See “Under my umbrella” by the International Law and Policy Institute, <http://nwp.ilpi.org/?p=5380>

² Report of the Open-ended Working Group taking forward multilateral nuclear disarmament negotiations, A/71/371, [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/276/39/PDF/N1627639.pdf?OpenElement)

international agreements, and a ban treaty will reinforce and complement what already exists.

In taking forward negotiations different approaches will “*vary in their applicability to all States, nuclear-armed States, non-nuclear-armed States and other States that continue to maintain a role for nuclear weapons in their security doctrines.*”³ We will look at the potential impacts of the elements that might be included in a nuclear weapons ban treaty from the perspective of these “other” nuclear reliant states.

[ny.un.org/doc/UNDOC/GEN/N16/276/39/PDF/N1627639.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/276/39/PDF/N1627639.pdf?OpenElement)

³ Ibid, p 12

About the program

No Nukes is PAX's campaign for a world free of nuclear weapons. No Nukes seeks opportunities to strengthen the global non-proliferation regime and to accelerate global nuclear disarmament by stigmatizing, outlawing and eliminating nuclear weapons

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