

Assistance with Nuclear Weapons

Prohibiting assistance, inducing, and encouraging others to commit prohibited acts are found in most weapons prohibition treaties as well as in the nuclear weapon free zone treaties. In their guide to the issues, IPI explained that according to other weapons prohibitions "assistance is considered an illegal act regardless of whether or not the assisted state is party to the treaty."

What about NATO?

For countries that continue to keep nuclear weapons in their security strategies and doctrines, questions around assistance will rise fairly quickly. Will they be able to remain in the NATO alliance? Will they need to renegotiate bilateral security agreements? What will happen to the Status of Forces agreements within nuclear weapon host countries? Will NATO members need to excuse themselves from the Nuclear Planning Group?

For a number of these questions, the answer is simply, yes. If you agree to prohibit anyone from inducing the use of nuclear weapons, it stands to reason that you cannot maintain an agreement for someone to use nuclear weapons on your behalf. If you agree that nuclear weapons should not be used, then helping to use nuclear weapons- including by planning on how to use them- would also be prohibited.

However, for NATO's non nuclear weapon possession members, would not have to leave the Nuclear Planning Group. The group was initially established to create a consultative process on the alliance's nuclear doctrine, and has evolved to be one that provides advice to defence ministers on nuclear issues. Therefore, in the context of a ban treaty, it would be quite useful to have some members who have completely prohibited the making, getting, having and using of nuclear weapons to stay in that group and advise the alliance on how to transition away from its reliance on massive nuclear violence.

Alliance members and others however, when they stop providing assistance to the use of nuclear weapons, will also have to stop participating in joint exercises designed to practice the use of nuclear weapons. This will have an immediate impact of

reducing the risk of accidental nuclear weapons use, and will serve as a de-escalation measure.

What about other nuclear reliant states?

Right now, in North East Asia, there is a cycle of exercise- test- exercise- test going on. Since January, the US and Republic of Korea have engaged in their annual months long exercises, that [include](#) "the deployment of US *strategic* assets"¹ (emphasis added). [Reports](#)² of increased activity at North Korean nuclear facilities followed. Like [chintz](#) curtains, this pattern is not new or particularly inspiring. What is new, is that if Japan, or South Korea join a nuclear ban treaty, their role in participating in these types of exercises could be curtailed. That will remove incentives to respond, and could lower the risk of nuclear weapons use in the region. (For more on other ways to reduce regional tension, check out some of the stuff over at [38North](#)).

Following the money

In addition to ending involvement in nuclear exercises, there are other concrete actions that states can take to make sure they don't assist anyone with getting, making, having or using nuclear weapons. One of these is to follow the money.

A lot of the work to make nuclear weapons more useable, more deadly, and more available is done by private contractors. Publicly available information shows that there are private companies involved in the arsenals of at least France, India, the United Kingdom and the United States. Explicitly prohibiting the financing of nuclear weapon producers, including any support, financially or otherwise, to anyone involved in nuclear weapon activities with the exception of those activities required for safe stockpile elimination would have an effective impact on the companies and states involved with the production

¹ <http://www.straitstimes.com/asia/east-asia/south-korea-us-forces-begin-joint-military-drills>

² <http://38north.org/2017/02/punggye022417/>

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and retention of nuclear weapons and increase the stigma attached to nuclear weapons.

The modernisation effort that is tripling the US nuclear arsenal kill power, is not done solely by the US Navy (or army, or department of defence or department of energy). In fact, the work is done by [Lockheed Martin](#), a private contractor. Lockheed relies on investments from the financial sector to be able to do its work, and [financial institutions](#)³ from Australia, Canada, France, Japan and the US (among others) provide them with the capital needed to conduct operations- operations that include tripling the kill capacity of the US nuclear weapons arsenal.

Financial institutions make their own judgements, but also look to governments to provide clarity on what constitutes unethical investment. For example, research by PAX shows that many financial institutions refer to the Non-Proliferation treaty (NPT) as a justification for the exclusion of nuclear weapon producers. A significant number also refer to the NPT to argue that nuclear weapons are *not* comprehensively prohibited and therefore still a legitimate investment.⁴ The inclusion of a prohibition on financing in a new treaty banning nuclear weapons would make it clear that the nuclear weapons business is not legitimate, just as nuclear weapons are not legitimate.

Conclusion

When states start talking about the concepts they want to see included in the new nuclear weapons prohibit treaty, they will need to talk about a clear prohibition on assistance. No one should be allowed to help others get, make, have or use nuclear weapons- and that includes by providing money to do these things. Financing is an important part of assistance. Including an explicit mention of financing will reinforce the growing understanding that this is a particular type of assistance and will provide clarity for states implementing the new treaty. It can also limit the flow of capital to the companies involved in nuclear arsenals of states that remain outside of the new treaty for the time being. It is also in line with states' intent and purpose of a nuclear ban treaty to not only effectively ban these weapons but to extend the logic of outlawing nuclear weapons to the financial sector.

The relationship of the nuclear reliant states to the nuclear possessors will need to change, but those relationships do not need to end. In fact, by engaging in the nuclear ban treaty process, the countries that don't have, but rely on nuclear weapons, will be in a position to shape how their future engagements take place. As Dutch Foreign Minister [said in the Conference on Disarmament recently](#) "*The Netherlands has chosen to take part constructively, with an open mind and without being naive. We will examine how and to what extent a ban can contribute to nuclear disarmament.*"⁵ What negotiators consider prohibiting under the concept of assistance, can go a long way towards effectively contributing to nuclear disarmament.

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

³ <http://www.dontbankonthebomb.com/lockheed-martin/#toggle-investors>

⁴ Don't Bank on the Bomb 2016 available at <http://www.dontbankonthebomb.com/report/>

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[http://unog.ch/80256EDD006B8954/\(httpAssets\)/C82937451C88785FC12580D40057CADB/\\$file/1408+Netherlands.pdf](http://unog.ch/80256EDD006B8954/(httpAssets)/C82937451C88785FC12580D40057CADB/$file/1408+Netherlands.pdf)

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