



# NUCLEAR WEAPONS BAN MONITOR 2020

## Summary of main findings



Norwegian People's Aid



 Federal Chancellery  
Republic of Austria



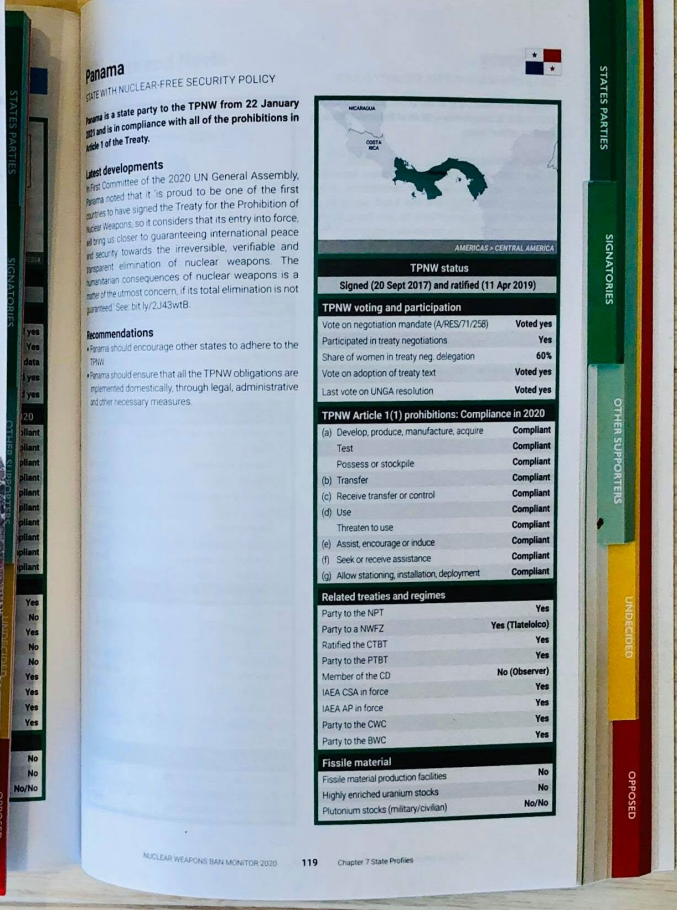
IRELAND



NEW ZEALAND  
FOREIGN AFFAIRS & TRADE  
Manatū Aorere

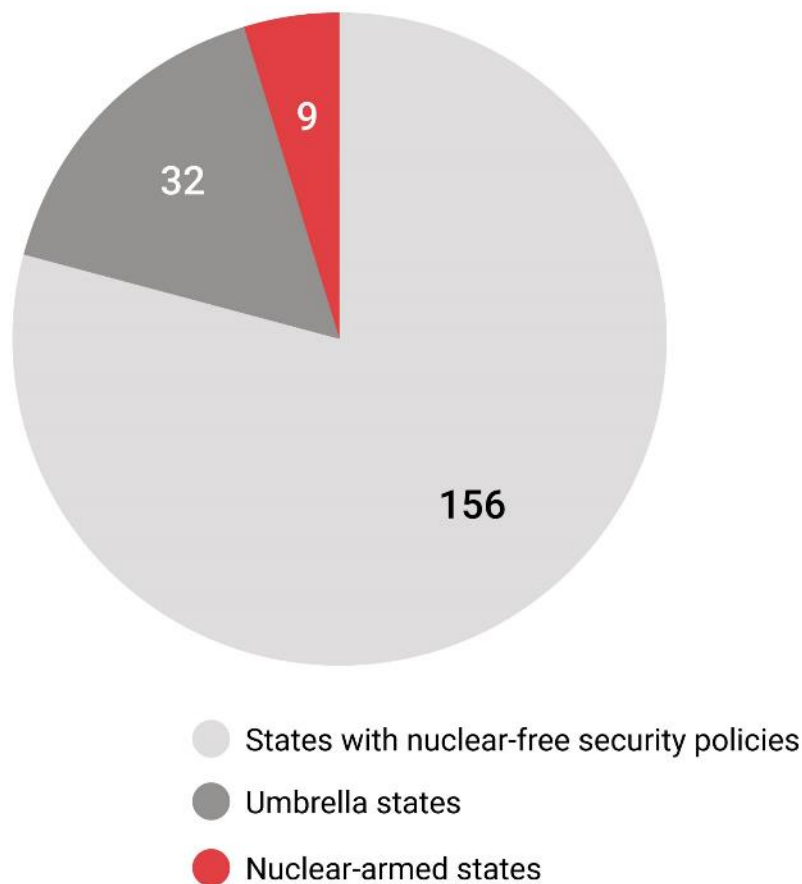


NORWEGIAN MINISTRY  
OF FOREIGN AFFAIRS



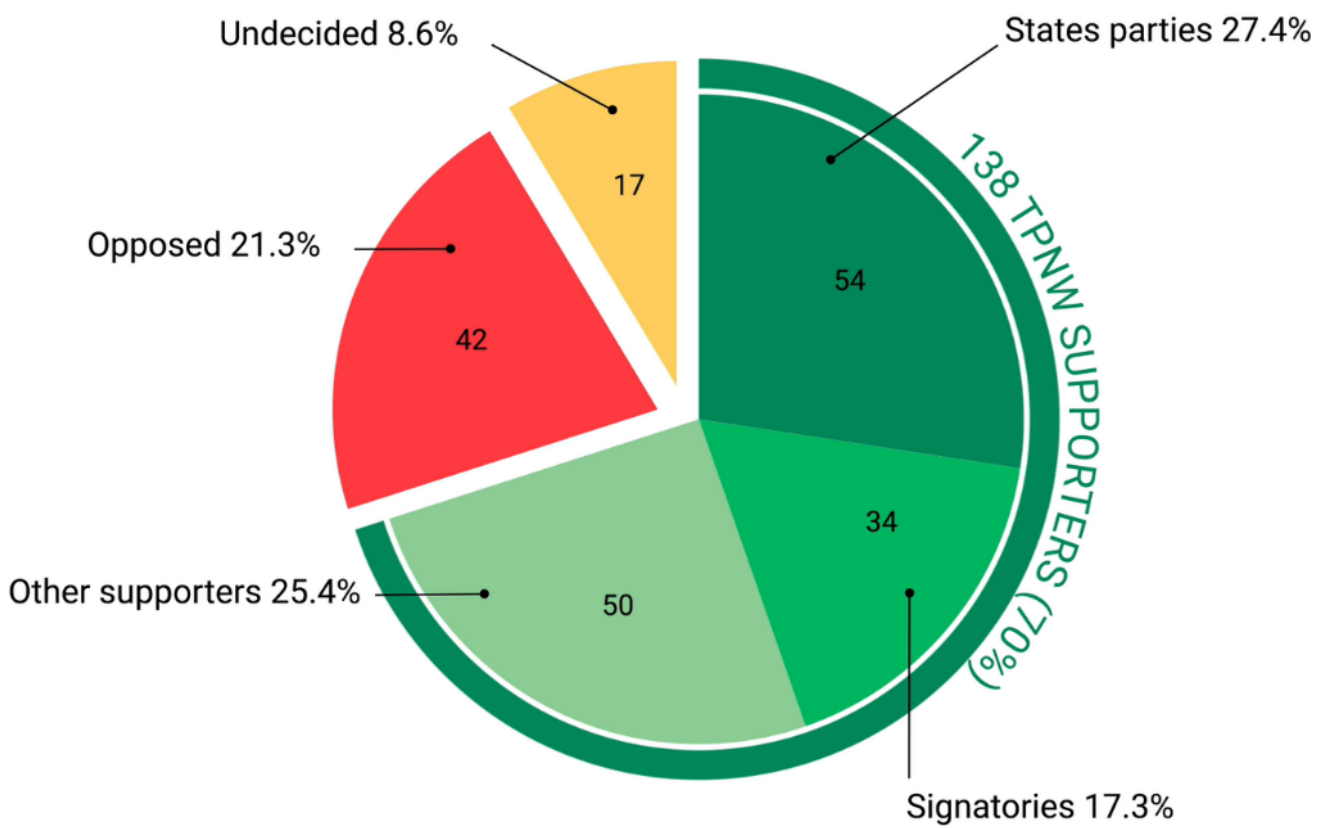
# Tracking progress towards a world without nuclear weapons

- 197 states evaluated.
  - ✓ Status in relation to TPNW, NPT, NWFZ treaties, CTBT, PTBT, CWC, BWC, CD, CSA, AP
  - ✓ Latest developments
  - ✓ Recommendations
  - ✓ Report-back function.
- [www.banmonitor.org](http://www.banmonitor.org)



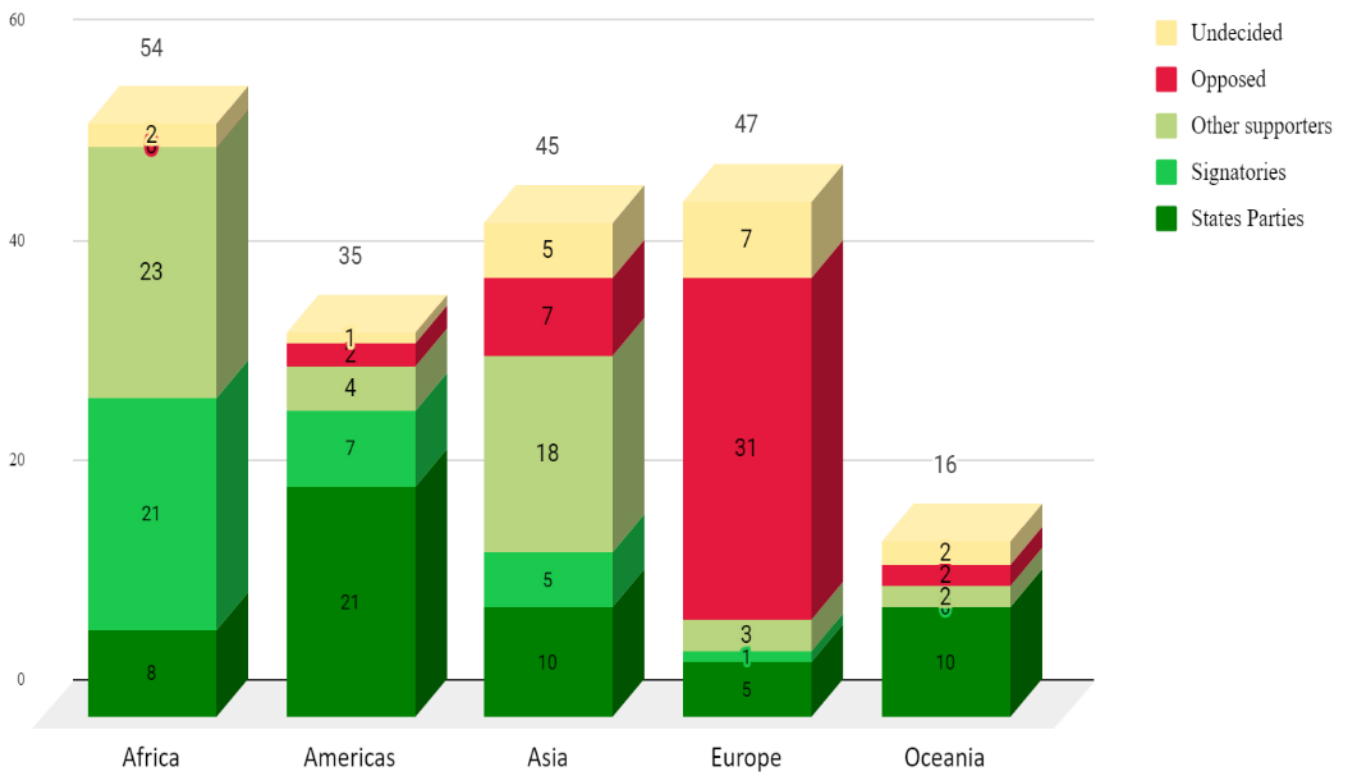
## The TPNW context in 2020

- A majority of 156 states have excluded any role for nuclear weapons in their security policies.
- They not only support nuclear disarmament in principle, but also reject nuclear weapons in practice.
- A minority of 41 states continue to base their security strategies on the possession and potential use of nuclear weapons, despite their longstanding commitment to nuclear disarmament.
- The political dynamic around the TPNW in 2020 was one of deep contestation.
- The TPNW constitutes an explicit challenge to the legitimacy of nuclear deterrence and asks nuclear-armed states and umbrella states to end inconsistent stances and choose: nuclear weapons, yes or no.



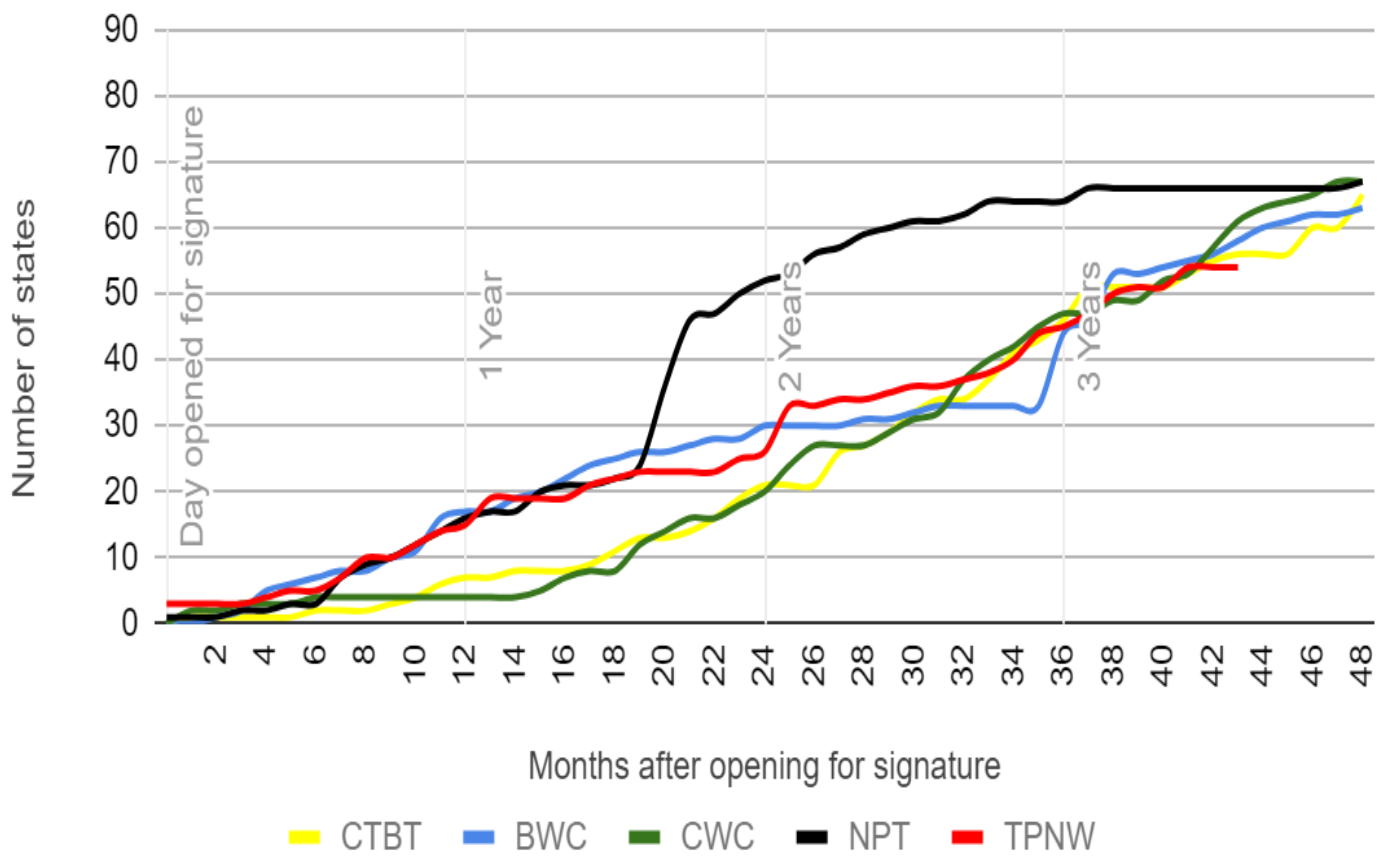
## The status of the TPNW

- We are approaching a situation where half of all states will have accepted binding obligations in international law under the TPNW, as states parties or signatories.
- 50 further states are categorised as ‘other supporters’ based on their voting in the UN.
- In total, 70% are supportive of the TPNW.
- The opposed states are all of the nuclear-armed states, all of the umbrella states that are allies of the US, and 3 states with nuclear-free-security policies (Bosnia Herzegovina, Micronesia, Monaco).
- Some umbrella states are more conflicted on the TPNW than others. Discussion is ongoing in several of them.
- Among the undecided states were the two umbrella states that are allies of Russia – Armenia and Belarus.



## Regional distribution of support

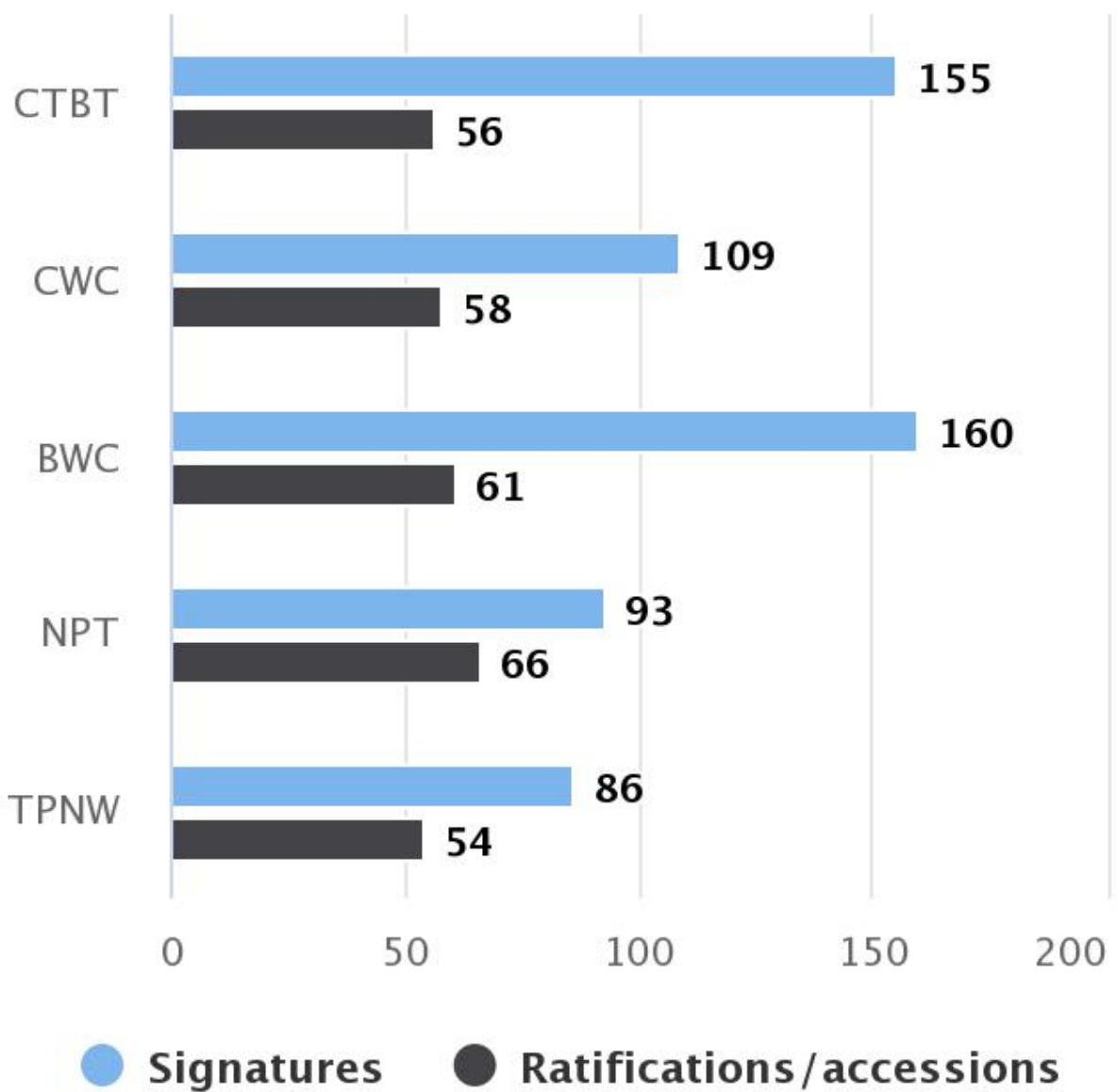
- Support for the TPNW is high in all regions apart from Europe.
- 96% of states in Africa are either states parties or signatories, or classified as «other supporters».
- In Europe, 31 of 47 states are currently opposed to the TPNW.



## Ratification speed

- The TPNW's speed of ratification and accession has – even with targeted obstruction from nuclear-armed states – on average been the same as for the other treaties on weapons of mass destruction.

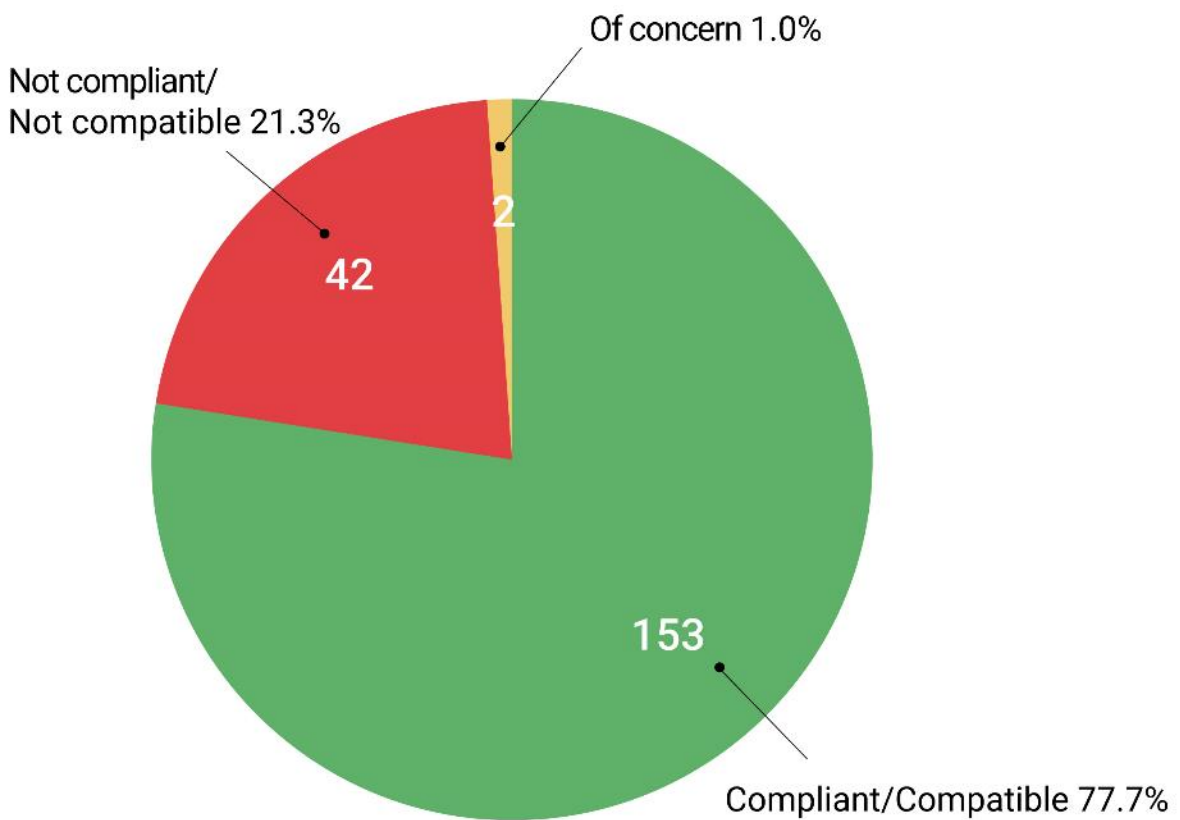
CTBT = Comprehensive Test Ban Treaty  
 BWC = Biological Weapons Convention  
 CWC = Chemical Weapons Convention  
 NPT = Nuclear Nonproliferation Treaty



Highcharts.com

## Level of signatures

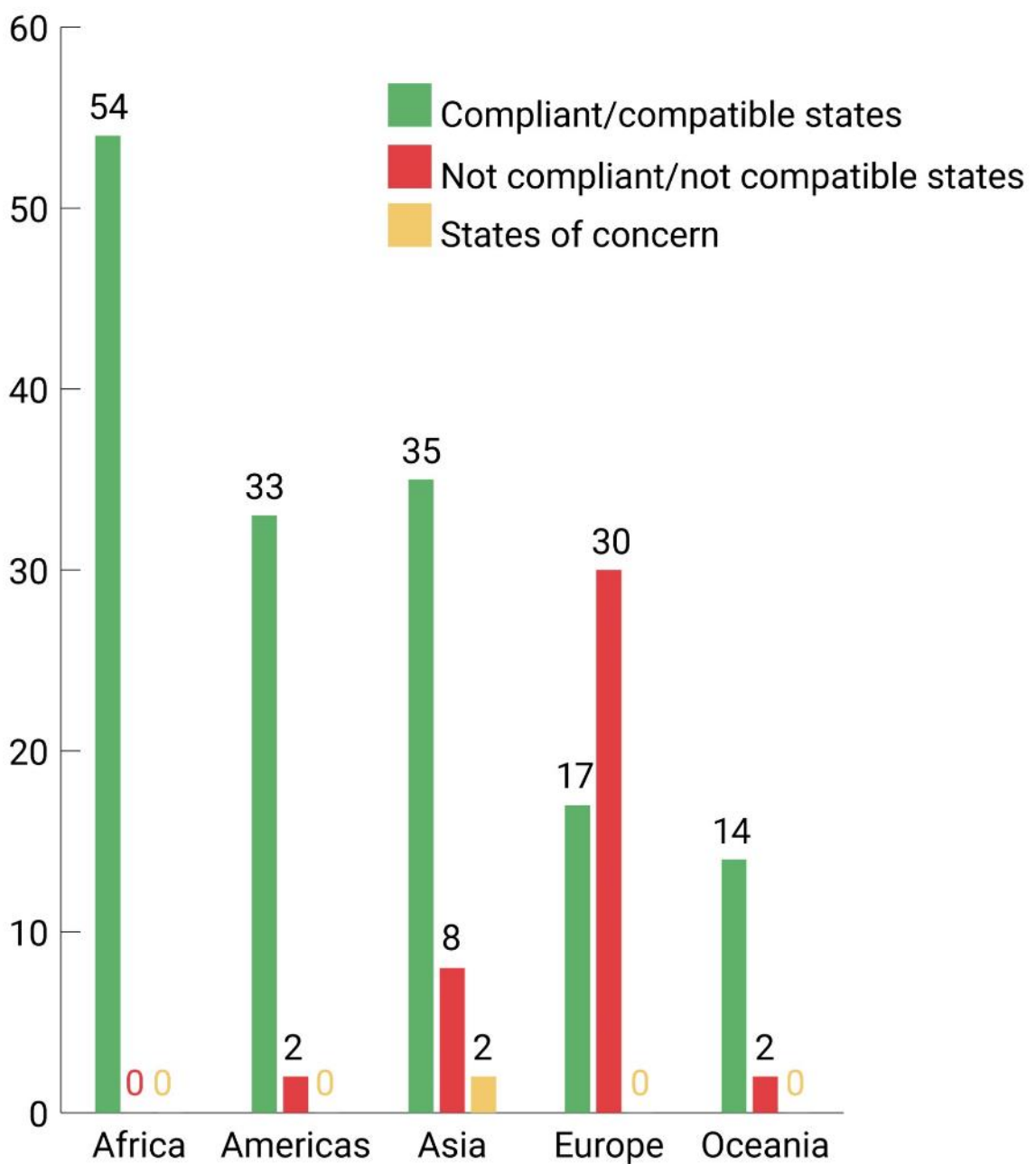
- At 3.5 years after opening for signature, the number of states that have signed the TPNW is still low compared to the other treaties on weapons of mass destruction.



## Compliance and compatibility with the prohibitions

- 153 of all states (77.7%) maintained policies and practices in 2020 that were either compliant (for states parties and signatories) or compatible (for states not party) with all the prohibitions.
- All the current 54 states parties and 34 signatories were in compliance with all of the prohibitions.
- 42 states not party engaged in conduct in 2020 that was not compatible with one or more of the prohibitions.





## Compliance and compatibility by region

- Europe has the most states with conduct that is not compatible with the TPNW. A total of 30 of the 47 states in Europe (63%) maintained policies and practices in 2020 that were not compatible with one or more of the prohibitions.
- In the other regions, compliance and compatibility with the TPNW were generally high.



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# The prohibition on development and production

Compliance by states parties and signatories:

88

Compatibility for states not party:

98

9

2

- All nine nuclear-armed states engaged in conduct in 2020 that was not compatible with the TPNW's prohibition on developing, producing, manufacturing, or otherwise acquiring nuclear weapons.
- They were actively engaged in development and production of new nuclear delivery vehicles and/or warheads, upgrading and perpetuating their nuclear capabilities.
- Iran and Saudi Arabia were recorded as states 'of concern'.

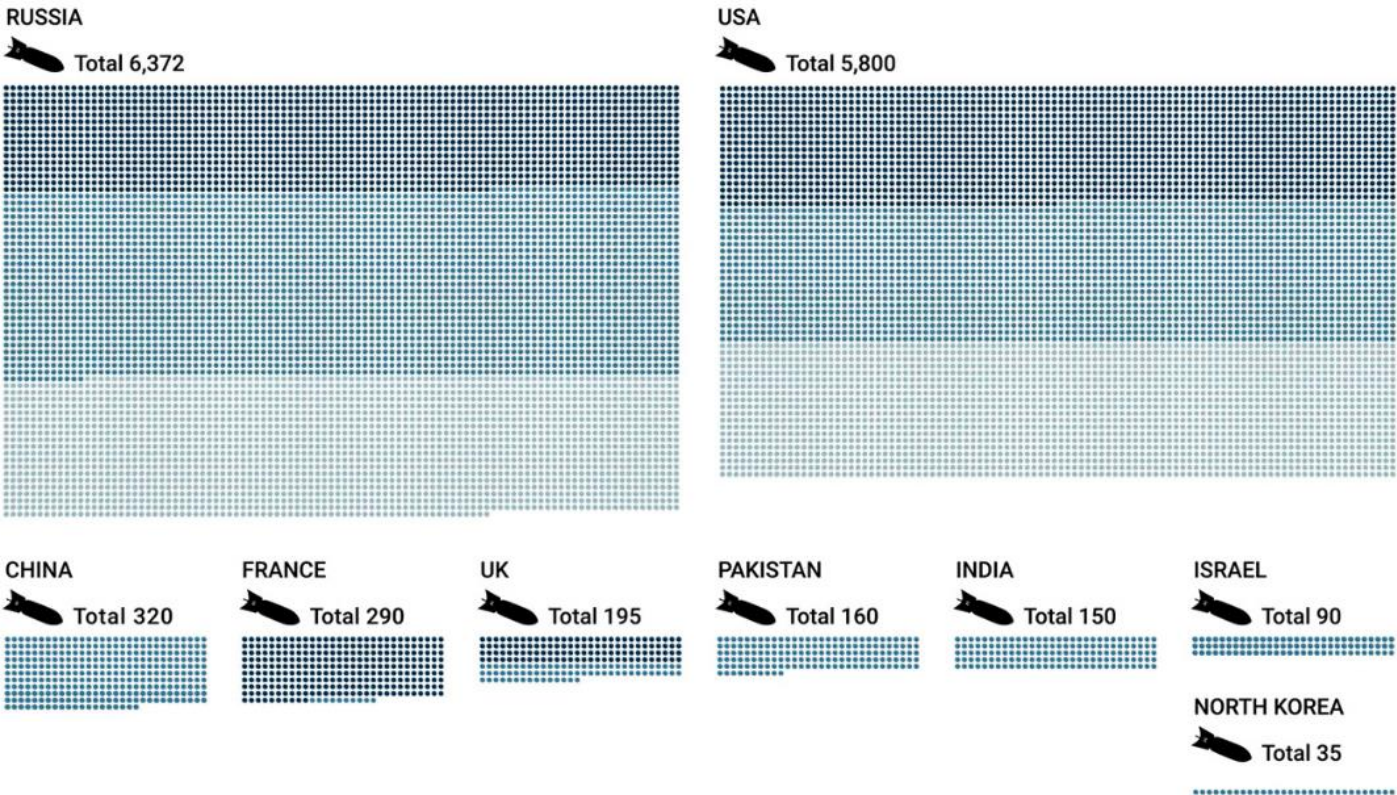


# The prohibition on possession and stockpiling



- All nine nuclear-armed states engaged in conduct in 2020 that was not compatible with the TPNW's prohibition on possession and stockpiling of nuclear weapons.

The world's nuclear arsenals in 2020





© Kcna/EPA/NTB

# The prohibition on testing



- No state engaged in conduct in 2020 that contravened the TPNW's prohibition on testing of nuclear weapons.
- North Korea was the last state to test nuclear weapons, in 2017.
- The prohibition is limited to explosive testing.
- Non-explosive forms of testing and sub-critical detonations are covered by the prohibition on development.



© Science Photo Library/NTB

# The prohibition on transfer



- One state not party – the USA – engaged in conduct in 2020 which was not compatible with the TPNW’s prohibition on transfer of nuclear weapons, by virtue of its export of key components to the UK’s nuclear weapons.



© Cody Griffit, 99th Air Base Wing Public Affairs

# The prohibition on receiving transfer or control

Compliance by states parties and signatories:

88

Compatibility for states not party:

108

- One state not party – the UK – leases missiles and imports other key nuclear components from the USA, which is not compatible with the TPNW’s prohibition on receiving the transfer of nuclear weapons.
- A potential future compatibility issue under this prohibition concerns the US B61 nuclear bombs stored in Belgium, Germany, Italy, and the Netherlands.



© Joshua Roberts/Reuters/NTB

# The prohibition on use

Compliance by states parties and signatories:

88

Compatibility for states not party:

109

- Nuclear weapons have not been used since August 1945 when the United States dropped nuclear weapons on Hiroshima and Nagasaki.
- Deterrence practices do not amount to use under the TPNW but are caught by the prohibition on possession.



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# The prohibition on threatening to use

Compliance by states parties and signatories:

88

Compatibility for states not party:

109

- In 2020, there were no clear instances of a threat to use nuclear weapons.
- Prohibited ‘threats’ of use must be *credible* in the circumstances, and *specific* to the target.
- In general, nuclear deterrence does not constitute threatening to use under the TPNW. It is, however, captured by the prohibition on possession.
- In certain circumstances of tension, a show of force by means of missile testing, an explosive test, or a nuclear strike exercise, could amount to threatening to use under the TPNW.





# The prohibition on assisting, encouraging, or inducing prohibited activities

Compliance by states parties and signatories:

88

Compatibility for states not party:

73

36

- 36 states not party engaged in conduct in 2020 that was not compatible with this prohibition:

Albania, Armenia, Australia, Belarus, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Latvia, Lithuania, Luxembourg, Marshall Islands, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Korea, Spain, Turkey, United Kingdom, United States.



# The prohibition on assisting, encouraging, or inducing prohibited activities

Compliance by states parties and signatories:

88

Compatibility for states not party:

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36

- Participation in nuclear-strike exercises
- Logistical and technical support
- Intelligence gathering and sharing
- Participation in nuclear planning
- Allowing testing of nuclear-capable missiles
- Endorsement of nuclear-weapons doctrines, policies, and statements
- Development, production, and maintenance of key components for nuclear weapons



# The prohibition on assisting, encouraging, or inducing prohibited activities



- 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.



# The prohibition on allowing stationing, installation, deployment



- Belgium, Germany, Italy, the Netherlands, and Turkey continue to host nuclear weapons belonging to another state.
- This is not compatible with the TPNW's prohibition on allowing the stationing, installation, or deployment of nuclear weapons.



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## The positive obligations

- Assessment of compliance and compatibility with the positive obligations will begin with the 2021 edition of the *Nuclear Weapons Ban Monitor*.
- The *Nuclear Weapons Ban Monitor 2020* sets out clear interpretations of the positive obligations and discuss their significance and implementation measures.



© OLA, UN

# The obligation to submit declarations and reports

- 30-day deadline
- 21 February 2021 was the deadline for submission of a declaration for the first 50 states parties.
- 49 states have now submitted their declaration.
  - 42 states before deadline.
  - 7 states a few days late.
  - 1 state (Dominica) still not compliant.

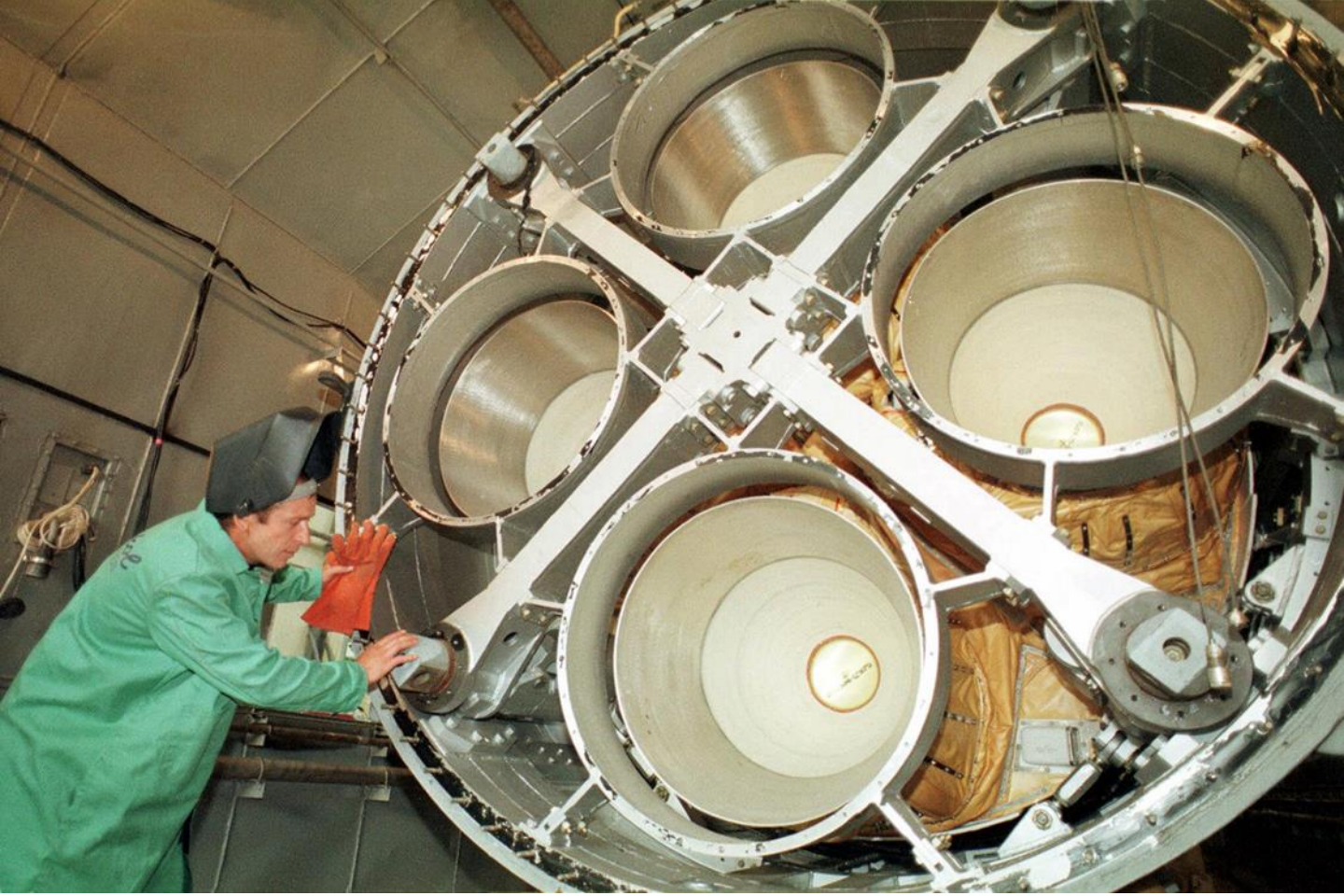


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# The obligation to have Safeguards Agreements and Additional Protocols with the IAEA

## VERIFICATION OF NON-PROLIFERATION OF NUCLEAR MATERIAL

	NPT	TPNW
<b>IAEA comprehensive safeguards agreement mandatory?</b>	<ul style="list-style-type: none"> <li>✓ Mandatory for non-nuclear-weapon states parties. (Art. III(1))</li> <li>✗ Not required and thus voluntary for the five "nuclear-weapon states".</li> </ul>	<ul style="list-style-type: none"> <li>✓ Mandatory for all states parties. (Art. 3(1) and (2) and 4(3))</li> </ul>
<b>IAEA additional protocol (or instrument of equal or higher standard) mandatory?</b>	<ul style="list-style-type: none"> <li>✗ Voluntary for all states parties.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Mandatory for all join-and-destroy states. (Art. 4(2) and (3))</li> <li>✓ Mandatory for all destroy-and-join states. (Art. 4(1))</li> <li>✓ Mandatory for all states parties that had an IAEA additional protocol in force upon the entry into force of the TPNW. (Art. 3(1))</li> <li>✗ Voluntary for the remaining states parties.</li> </ul>
<b>Non-binding recommendation to adopt IAEA additional protocol?</b>	<ul style="list-style-type: none"> <li>✓ The 2010 NPT Review Conference Action Plan "encourages" all states parties which have not yet done so to conclude and bring into force an IAEA additional protocol (Action 28).</li> </ul>	<ul style="list-style-type: none"> <li>? A first or subsequent meeting of states parties to the TPNW should consider adopting a non-binding recommendation similar to that adopted in the NPT urging all states parties to conclude and bring into force an IAEA additional protocol.</li> </ul>



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# The obligation to eliminate nuclear weapons

- The TPNW is the first and only multilateral treaty that obliges states parties to eliminate their nuclear arsenals, and which requires verification of nuclear disarmament.
- As yet, no internationally agreed measures exist for verification of nuclear disarmament, under any global treaty.
- The TPNW provides a framework within which such a regime for nuclear disarmament can emerge.
- 1MSP should consider setting a deadline of 10 years, renewable upon request.
- 1MSP could also begin consideration of the mandate and capacity of the competent international authority/authorities.





© USAF

# The obligation to remove foreign nuclear weapons

- 1MSP should consider setting a deadline of no more than three years.



## The obligation to adopt national implementation measures

- *Nuclear Weapons Ban Monitor* will ask states to provide information on measures taken.
- Only one state party, Ireland, has adopted legislation specifically to implement the TPNW.



I urge all others to join with us and ratifying this landmark Treaty

## The obligation to promote universality of the Treaty

- Each state party is obligated to encourage states not party to sign or ratify.
- The manner and frequency of the actions to be taken are left to the discretion of the state party.
- 2020 edition includes information about statements and actions to promote universality.
- 2021 edition will assess compliance of states parties and highlight examples of good practice.
- Any state party that sought to discourage adherence to the TPNW would be recorded as non-compliant.



• © Carolyn Cole/Polaris/NTB

# Human and environmental consequences of nuclear weapons

- Harm from nuclear use and testing is under-communicated and under-addressed.
- At least 2,050 nuclear test explosions were carried out on the territories of 15 states and in multiple seas and oceans from 1945–2017.
- Use and testing have caused devastating immediate and long-term harm, including:
  - Physical injuries and psychological trauma,
  - Contamination of water, farmland, and other parts of the environment, and
  - Displacement.
- A global survey of harm and the associated needs for victim assistance and environmental remediation is long overdue.



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# The obligations to assist victims and remediate the environment

- The TPNW requires states parties to address the harm caused by use and testing.
- Victim assistance (Article 6(1))
  - Assistance should include medical care, psychological support, and measures to ensure social and economic inclusion.
  - It should be age- and gender-sensitive and without discrimination.
- Environmental remediation (Article 6(2))
  - States parties should ‘take necessary and appropriate measures towards the remediation of [contaminated] areas’.
  - Remediation should encompass measures to contain or remove contamination and to reduce human exposure.



© Juan Sandoval Mandiolea

## The obligation to cooperate with and assist other states parties

- The TPNW's states parties share responsibility for addressing the harm from nuclear weapons.
- Affected states parties should take lead for practical and legal reasons.
- All states parties 'in a position to do so' are required to help affected states parties meet their obligations. (Article 7)
- Assessing compliance will involve significant outreach to and cooperation from donor states.



## Implementing victim assistance and environmental remediation

- Models for implementation exist in past treaties.
- States parties should take immediate practical steps to start implementing obligations.
- They should be guided by fundamental principles of inclusion, non-discrimination, and transparency.
- 1MSP should:
  - Address victim assistance, environmental remediation, and international cooperation and assistance in action plan and declaration.
  - Establish standing committees to do further work on those issues.
- The TPNW's victim assistance and environmental remediation obligations can serve as a catalyst to strengthen existing efforts.
- The provisions can also help set norms for states not party.



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