

A Nuclear Ban Treaty

Taking forward multilateral nuclear disarmament negotiations

SUMMARY

On 23 December 2016, the United Nations General Assembly endorsed a resolution on taking forward multilateral nuclear disarmament negotiations, thus paving the way for a conference in 2017 to ‘negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination’. The adoption of the resolution has been hailed as historic by supporters of an initiative that has gained ground in the last few years to rid the world of the most destructive weapon known to humankind. Opponents of a ‘ban treaty’ argue that the deterrence provided by nuclear weapons is essential to maintain the existing global order, and the official nuclear-weapon states have mostly indicated that they will not participate in the conference. The majority of United Nations member states voted in favour of the resolution, but five nuclear-armed states and all but four NATO members voted against it. EU Member States, most of which are members of NATO, have taken different positions on the prospect of a nuclear weapons ban, with some supporting it, but most against. The European Parliament welcomed the convening of a conference in 2017 to negotiate a legally binding instrument to prohibit nuclear weapons, noting that this would reinforce the non-proliferation and disarmament objectives and obligations contained in the Treaty on the Non-Proliferation of Nuclear Weapons, and help to create the conditions for global security and a world without nuclear weapons. In a resolution adopted on 27 October 2016, the European Parliament invited the EU Member States to support the convening of such a conference in 2017 and ‘to participate constructively in its proceedings’.



In this briefing:

- The UN’s goal of global nuclear disarmament
- The Humanitarian Initiative
- Opposition to a ban on nuclear weapons
- The EU’s position

The UN's goal of global nuclear disarmament

Global nuclear disarmament – in other words, a world free of nuclear weapons – is one of the [United Nations'](#) oldest goals. The first ever [resolution](#) adopted by the United Nations General Assembly (UNGA) in January 1946 called for 'control of atomic energy to the extent necessary to ensure its use only for peaceful purposes' and for 'the elimination from national armaments of atomic weapons'.

The Treaty on the [Non-Proliferation of Nuclear Weapons](#) (Non-Proliferation Treaty, NPT), which entered into force in 1970, provides the cornerstone of the [global non-proliferation and disarmament regime](#). It grants the five nuclear-weapon states recognised by the NPT – China, France, the Russian Federation, the United Kingdom, and the United States – the exclusive right to possess nuclear arsenals, but obliges them simultaneously 'to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race ... and to nuclear disarmament'. Moreover, signatories commit to work 'on a treaty on general and complete disarmament under strict and effective international control'.

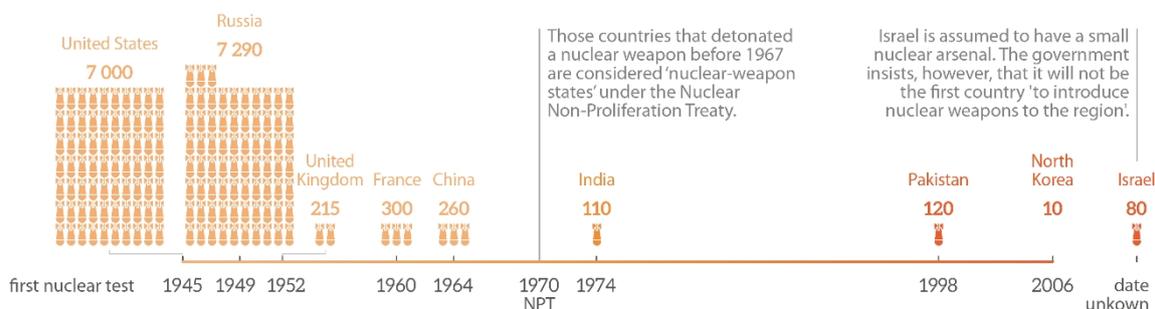
Nuclear weapons worldwide

The aim of global nuclear disarmament, first declared in 1946 and reiterated since, has patently not been achieved. Even though global stocks of nuclear weapons are at [their lowest level](#) in over 50 years, there are still an estimated [15 400](#) nuclear weapons worldwide, many on high-alert status. The overall number of nuclear weapons worldwide has decreased – from a peak of 70 000 in the mid-1980s; however, all states with nuclear weapons are currently investing vast sums in [modernising](#) their nuclear arsenals and delivery systems, raising fears of a new arms race. Overall, the security environment has deteriorated. [Rivalries](#) between nuclear-armed states, including those not recognised under the NPT, at either the global or the regional level, have increased the possibility of nuclear weapons being used in an armed conflict. At the same time, [cooperation](#) between some nuclear-weapon states on nuclear security measures has witnessed [setbacks](#). The number of states seeking to acquire nuclear weapons is likely to grow over the coming years, while the danger of unauthorised use of nuclear weapons, including by [terrorists](#), is increasing.

Nuclear powers

Nine States are known to have military nuclear programmes: China, France, the Russian Federation, the United Kingdom, and the United States, are recognised as nuclear-weapon States under the NPT. India, Pakistan and Israel have never signed the NPT, while North Korea left the Treaty in 2003 to develop its nuclear weapons programme. North Korea recently demanded that the USA recognise it as a '[legitimate nuclear weapons state](#)'.

Nuclear weapons worldwide



Source: SIPRI, June 2016. All figures are estimates.

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The International Day for the Total Elimination of Nuclear Weapons

In 2013, the UN [declared](#) 26 September as the International Day for the Total Elimination of Nuclear Weapons, to 'enhance public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination'.

The open-ended working group and the resolution on taking forward nuclear disarmament negotiations

The adoption of several UN General Assembly resolutions from 2012 to 2015 created new momentum for nuclear disarmament efforts. In December 2012, the UN General Assembly (UNGA) set up an [open-ended working group](#) (OEWG) to develop proposals to take forward multilateral nuclear-disarmament negotiations. Following a series of meetings, the OEWG adopted a [report](#) in August 2016, which recommended that a conference be held in 2017 to negotiate a treaty prohibiting nuclear weapons. On [27 October 2016](#), the First Committee on Disarmament and International Security of the UN General Assembly adopted a [Resolution](#) – with 123 [votes](#) in favour, 38 against, 16 abstentions – to convene a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, with a view to their elimination. The conference is to take place from 27 to 31 March and from 15 June to 7 July 2017. The UN General Assembly endorsed this resolution on 23 December 2016, with 113 [votes](#) in favour, 35 against and 13 abstentions.

The global non-proliferation and disarmament regime

The [Nuclear Non-Proliferation Treaty](#) (NPT), is the cornerstone of the [global non-proliferation and disarmament regime](#), which also comprises the [International Atomic Energy Agency](#) (IAEA), five treaties establishing Nuclear-Weapon-Free Zones, the [International Convention for the Suppression of Acts of Nuclear Terrorism](#), [UN Security Council Resolution 1540](#), the [Convention on Nuclear Safety](#), the [Convention on the Physical Protection of Nuclear Material](#), the [Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management](#) and a number of informal and/or voluntary initiatives.

The Humanitarian Initiative

The debate on nuclear disarmament has been strongly influenced in recent years by the [Humanitarian Initiative](#). The Humanitarian Initiative brings together states and representatives of civil society dissatisfied with the lack of progress in nuclear disarmament in the context of the NPT. Noting that nuclear weapons are the only weapons of mass destruction that have not yet been explicitly prohibited under international law, supporters of the initiative [pledged](#) to fill this 'legal gap', by calling for effective measures (namely, a legally binding instrument) for the prohibition and elimination of nuclear weapons, based on international humanitarian law. On 7 December 2015, the UN General Assembly adopted the Humanitarian Pledge for the prohibition and elimination of nuclear weapons, in the form of [Resolution 70/48](#). [Advocates](#) of the total elimination of nuclear weapons take the view that a comprehensive ban is the only way to save the world from the potentially catastrophic humanitarian consequences of a nuclear weapon explosion, which 'would not be constrained by national borders but have regional or even global effects, potentially threatening the survival of humanity'.

Opposition to a ban on nuclear weapons

[Opponents](#) of a ban on nuclear weapons consider nuclear weapons to be an essential element of [deterrence](#) and, as such, a means to prevent conflict and war. Deterrence is a military doctrine according to which the [risk](#) that a country will retaliate with the nuclear weapons it possesses deters an enemy from attacking. [Nuclear deterrence](#) continues to be an important aspect of the security policies of all nuclear-weapon states and their allies. Members of NATO, a military alliance that includes three nuclear-weapon states – France, the United Kingdom, and the USA – [confirmed](#) in July 2016 that they consider credible deterrence and defence to be essential, and that nuclear defence capabilities will remain a core element of NATO's overall strategy.

The EU's position

EU Member States have very different views on a ban on nuclear weapons. [France](#) and the [United Kingdom](#), two nuclear-weapon States under the NPT, are fully committed to incremental nuclear

disarmament, but consider nuclear weapons to be an essential part of their security strategies for the time being. Besides France and the UK, a further 20 EU Member States are members of the North Atlantic Treaty Organization (NATO) and have signed up to NATO's commitment to nuclear deterrence. This includes four states that host US tactical nuclear weapons (Belgium, Germany, Italy and the Netherlands), and 16 states that are covered by NATO's '[extended nuclear deterrence pledges](#)', including all the eastern Member States. At the other end of the spectrum, Austria, which is not a NATO member, is one of the [key drivers](#) of the Humanitarian Initiative, which seeks to eliminate nuclear weapons, and the country that [tabled](#) Resolution L41 at the UN. The EU statement to the [2015 Review Conference of the Parties to the NPT](#), based on Council conclusions adopted on 20 April 2015, and the statement on the [EU priorities at the 71st UN General Assembly](#), based on Council conclusions adopted on 18 July 2016, reiterated the current 'EU common position', namely the EU's general commitment to nuclear disarmament in accordance with Article VI of the NPT. 21 EU Member States [voted](#) against Resolution L41, while five voted in support and two abstained..

The European Parliament

On 27 October 2016, just hours before the adoption of Resolution L41 by the UN General Assembly's First Committee, the European Parliament adopted a [resolution](#) welcoming the completion of the work of the UN open-ended working group. Parliament also welcomed the recommendation to the UN General Assembly, contained in the final report of the OEWG, to convene a conference in 2017 to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. Parliament noted that this would reinforce the non-proliferation and disarmament objectives and obligations contained in the NPT and help to create the conditions for global security and a world without nuclear weapons. The EP resolution invited the EU Member States to support the convening of such a conference in 2017 and to participate constructively in its proceedings. The resolution was adopted by 415 votes to 124, with 74 abstentions.

EU and NATO membership

EU Member State	NATO Member
Austria	-
Belgium	x
Bulgaria	x
Croatia	x
Cyprus	-
Czech Republic	x
Denmark	x
Estonia	x
Finland	-
France	x
Germany	x
Greece	x
Hungary	x
Ireland	-
Italy	x
Latvia	x
Lithuania	x
Luxembourg	x
Malta	-
The Netherlands	x
Poland	x
Portugal	x
Romania	x
Slovakia	x
Slovenia	x
Spain	x
Sweden	-
United Kingdom	x

Resolution on taking forward multilateral nuclear disarmament negotiations: voting record at UNGA on 23 December 2016:
In favour – Against – Abstention.

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