

Nuclear weapons are banned: what does this mean for Britain?

EXECUTIVE SUMMARY

Nuclear weapons continue to threaten the world with war and terror. This fact has been brought home by the invasion of Ukraine. Around 12,000 nuclear weapons are in the hands of Russia and three NATO governments (United States, UK and France). As well as these nuclear forces around Ukraine, at least a thousand more are held by militaries in China, India, Pakistan, Israel and North Korea. Recent events provide a stark reminder of what can go wrong when possessing and relying on nuclear weapons for deterrence: dangerous leaders, miscalculations, escalation, 'use them or lose them' pre-emptive strikes... it only takes a hundred Hiroshima-sized bombs to cause nuclear winter and global starvation.

This report takes the human security risks and dangers as its starting point, noting how humanitarian and national security imperatives in over 150 countries led to the UN's new Treaty on the Prohibition of Nuclear Weapons (TPNW). Through this lens, we consider UK nuclear policies and challenges, taking into account the 1968 Non-Proliferation Treaty (NPT), growing anti-nuclear and independence pressures in Scotland, and Britain's real security needs and changing role in a changing world.

These last few years have underscored how relying on nuclear weapons for deterrence increases the existential dangers of getting the messaging wrong. The war in Ukraine eerily echoes the opening scenarios of films like 'The Day After' and 'Threads,' in which hubris and miscalculations turn into nuclear war quicker than anyone can blink or draw back from the brink. Though dismissed by some nuclear-armed governments, the TPNW entered into legal force on 22 January 2021. It exists. The use and possession of nuclear weapons are banned. As the TPNW grows in strength and effectiveness, its prohibitions and norms will increasingly be applied to states that have not yet signed, particularly if they wield nuclear weapons.

The elimination of some 50,000 nuclear weapons since 1987 demonstrates that the disarmament and verification requirements in the TPNW and NPT are achievable. The main obstacles are the short-term ambitions, mindsets and vested interests of the politicians and military, industrial, bureaucratic and academic (MIBA) institutions that enable, promote and perpetuate nuclear weapons and the misleading nuclear deterrence theories on which they depend.

Propelled by such vested interests, new and upgraded warheads and missiles are still being developed, including in the UK. Faced with climate destruction, Covid and the necessity to prevent nuclear war, we urgently need to have better-informed public conversations about what real security means for Britain and humanity in the 21st century. We have to decide collectively on the changes we need to make, and the resources we need to prioritise to build sustainable and cooperative security systems for the future.

The TPNW was brought into force by governments that understand the need to abolish inhumane weapons that pose catastrophic risks and threats to life, biodiversity and Mother Earth. Even before they are launched, nuclear weapons affect our human rights, health, common security, environment, water and food. They threaten the safety of our families, homes, communities, and all that we love and cherish. Ionizing radiation from nuclear production and testing disproportionately affects women and girls, and the reproductive and genetic health and development of future generations. This report looks to the future, as the first meeting of TPNW States Parties and Covid-postponed NPT Review Conference are scheduled for later in 2022.

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The TPNW's explicit prohibitions on the use, acquisition, production, possession and transferring of nuclear armaments reinforce the NPT's non-proliferation objectives. It goes further on disarmament, establishing institutional objectives, principles and requirements for verifiably implementing the elimination of nuclear arsenals. In addition to the direct legal obligations and responsibilities for States that formally accede, the multilateral framework of the TPNW also provides legal structures and mechanisms to persuade and assist the nuclear-armed states to stop proliferating and relying on nuclear weapons.

In conjunction with International Humanitarian Law, relevant provisions of the NPT, UN Security Council resolutions and Sustainable Development Goals (SDG), many of the TPNW's provisions can be used to stop non-state entities from acquiring, financing or assisting in nuclear weapons production and deployment anywhere in the world. In law and effect, the TPNW provides a more effective legal and institutional toolbox for civic society, parliaments, local governments and organisations to exert political, economic and normative pressures on all governments to implement and comply with its prohibitions and provisions, including assistance, environmental remediation, and verification.

Opening with an **introduction** on the strategic context, developments and nuclear challenges, this study provides essential reading for governments, parliamentarians, elected representatives and organisations that influence security decisions nationally and locally. It contains analyses and references that will be important for defence practitioners, officials, investors, political parties, voters, civil society, journalists and everyone with responsibilities for decisions that affect our human and environmental safety and security.

Chapter 1 provides a commentary on the TPNW text, relevant negotiating history, objectives and implications. In essence, the TPNW fulfils the NPT's core nonproliferation and nuclear disarmament obligations by prohibiting activities that enable the manufacture, acquisition, testing, deployment and use of nuclear weapons, along with nuclear threats, blackmail and terrorism. It provides feasible pathways for each nuclear-armed State to eliminate its nuclear arsenal and associated capabilities.

This can be done nationally, in accordance with practical and verifiable timelines agreed with TPNW states parties and designated competent authorities. Alternatively, States can choose to get rid of their nuclear weapons unilaterally, and join the Treaty when this has been accomplished; or they may undertake bilateral agreements (with a strategic rival perhaps, as might work for Russia and the United States, or perhaps India and Pakistan); or engage in plurilateral agreements that jointly eliminate nuclear armaments and facilities, for example in conjunction with other relevant governments, in pursuit of greater regional and strategic security.

Chapter 2 analyses UK nuclear policies, problems, and infrastructure management, with particular emphasis on recent developments that include nuclear accidents and miscalculations arising in the existing and planned Trident programmes (including Dreadnought), as well as problems with the UK's Integrated Review of Security, Defence, Development and Foreign Policy (IR2021). Published in March 2021 by the Cabinet Office, IR2021 increases the risks of nuclear use and proliferation by widening the circumstances in which nuclear weapons could be fired, and raising the ceiling on the UK's nuclear arsenal by 40%.

IR2021 undermines Britain's previous commitments to transparency, nuclear disarmament and verification. The United Nations immediately raised concerns that such policies are contrary to the UK's NPT obligations and will further damage global security. Eminent

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international lawyers agreed that IR2021 breaches the NPT. The Archbishop of Canterbury and members of the House of Lords sounded the alarm that such policies increase nuclear dangers, including the risks of disastrous miscalculation.

Chapter 3 analyses several possible scenarios that could change British nuclear policies and prospects. These include: shock-induced transformations following a major nuclear accident or use; pressures to improve security and economic priorities and provide greater cooperation and resources for tackling the climate emergency, Covid and other national and international security needs; or a referendum that delivers an independent Scotland that can implement policies to become nuclear free.

Chapter 4 provides a brief overview of disarmament procedures, steps and timelines for the UK (or an independent Scotland) to undertake in order to adhere to the TPNW.

Recommendations, detailed in the conclusions, include:

1. All nuclear weapons should be de-alerted, and the UK and other nuclear-armed governments must pledge not to use nuclear weapons under any circumstances. They need to take urgent steps to eliminate their nuclear arsenals and join and implement the UN Treaty on the Prohibition of Nuclear Weapons (TPNW), while also complying fully with NPT disarmament and nonproliferation commitments. All governments should attend the TPNW meetings of states parties and contribute to preventing nuclear use and war.
2. Taking into account the security and financial costs of retaining nuclear weapons, the Westminster and Scottish Parliaments should undertake separate parliamentary investigations with relevant expert and civil society inputs, to determine what would be entailed in pursuing nuclear disarmament and joining the TPNW
3. The UK should declassify archives, studies and documentation on Britain's nuclear weapons testing and production programmes, including any that relate to accidents, environmental or health impacts arising from nuclear programmes or activities.
4. The UK should recognise the rights of indigenous and local peoples, civilians and service personnel whose health and environments have been affected by British nuclear weapons testing, production and ongoing related activities, and ensure full cooperation and assistance to address and mitigate such impacts and provide redress, support and environmental remediation.
5. Encourage the UK and Scottish governments, mayors, and members of parliaments and regional assemblies to support the TPNW and participate in the first and future meetings of TPNW States Parties, which they can do as observers.
6. Encourage cities, towns and counties to align themselves with the TPNW, and work with local authorities, banks and private investors to move funds away from nuclear weapons and towards sustainable security needs, such as climate and environmental protections, health and education.
- 7) A working group should be convened in Scotland (under Scottish government or independent auspices) comprising people drawn from civic society with relevant experience on nuclear, safety, security, legal, technical, humanitarian, campaign, employment, monitoring and verification issues, to develop a programme of action to achieve all possible compliance with the TPNW

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