

CONCLUSIONS AND RECOMMENDATIONS

In 2022 and for the foreseeable future, Britain faces many challenges to our security and wellbeing. In all conceivable scenarios we would all be safer and better off if we did not have nuclear weapons. If the UK had not become a nuclear weapon possessor before 1967, it is unlikely, even unthinkable, that British governments would now argue that we should acquire and deploy these catastrophic weapons of mass annihilation. They undermine our national and human security at all levels.

UK governments must now deal with the dangerous and toxic legacy of more than seven decades of nuclear production, testing and deployments. The Vanguard-Trident system is an accident waiting to happen, and it makes no sense to spend billions more on nuclear-powered Dreadnought submarines to carry an enhanced Trident system into the future. Carrying on nuclear business as usual is not an option any more. Between Covid and climate destruction, the UK urgently needs a better-informed public conversation about what security means in the 21st century, and how we should prioritise our resources.

It is foolish, as well as dangerous to keep paying over £8,000 per minute (\$6.2 billion in 2020, as discussed in chapter 3, equivalent to £480,000 per hour of public funds) to make and maintain nuclear weapons. Even people who subscribe to deterrence theories recognise that there is no security purpose or moral justification in threatening to launch UK nuclear weapons after nuclear attacks (that Trident was supposed to deter) have occurred. And using nuclear weapons when deterrence has failed would be senseless. Nuclear weapons are not suitable for deterrence in the 21st century. They do not protect or defend us. British people and leaders have got to wake up to this reality.

Nuclear weapons pose catastrophic threats and dangers to human life and survival. They affect our human rights to health, food, clean water and sustainable environments. They threaten the safety of our families and homes. To the extent that deterrence signalling may be a useful defence strategy, the UK already has diverse non-nuclear tools that are more useful and less risky than nuclear weapons. Think about the worst case scenarios when deterrence doesn't work as hoped. If non-nuclear deterrence fails, the worst outcomes might be war and occupation by hostile forces. These would no doubt be appalling and frightening, as political-military occupations and wars in many countries over the twentieth and twenty-first centuries attest. Nonetheless, such situations, however oppressive, are survivable for many people. Life goes on. People can raise families, adapt and keep going. There are many ways to resist colonisation and authoritarian political regimes, no matter how vile and coercive they are. With courage, resistance and time, all wars and occupations come to an end. Different political relations can emerge: if enough people take responsibility, changes can be made that enable greater democracy and rights, better governance, more

Nuclear weapons are banned

respect, freedom and security – if not for us personally, then hopefully for the next generation and their descendants.

By contrast, if Britain relies on deploying nuclear weapons for deterring another nuclear-armed state and that deterrent relationship fails, the fact of having nuclear weapons in these islands means that we all face greater risks of nuclear attack. The Prime Minister and Chief of Defence Staff will be in bunkers, facing 'last resort' decisions. Do they order a submarine Captain to launch Trident or not? They may not be able to contact the nuclear armed submarine at sea. The Captain then has to decide whether to launch UK nuclear weapons. Launching Trident first would be mass murder and a crime against humanity. Launching nuclear weapons in response to a nuclear strike would be a futile and potentially escalatory act of revenge; and also mass murder and crimes against humanity. In Britain's name, perhaps, but not in the interests of anyone's security.

If deterrence has already failed, refraining from firing Trident would be the more appropriate and humane decision, but that just points to the suicidal dangers of equipping the UK with nuclear weapons that are considered a threat to other nuclear-armed countries. Why, then, are UK governments squandering any of our hard-earned taxes to maintain and upgrade nuclear weaponry that cannot – must not – be used even in extreme circumstances? When nuclear deterrence fails, the risks of nuclear war escalate and the chances of survival fall precipitously.

As shown in this report, the UN Treaty on the Prohibition of Nuclear Weapons was brought into force as a disarmament treaty under International Humanitarian Law. That means that it applies at all times, from wars and armed conflicts to 'cold wars' and peacetime situations. Even before some States sign, many of the TPNW's provisions can be used to constrain and reduce nuclear weapons and programmes. Importantly, many TPNW provisions also apply to non-state actors, from companies and investors to terrorists and traffickers.

Driven by the growing national, regional and global security concerns of a large majority of UN and NPT members, the TPNW's primary purpose is to prevent nuclear war and accelerate the total elimination of the world's remaining 13,000 nuclear weapons. It has other humanitarian objectives, such as preventing nuclear accidents, use, blackmail and terrorism, and assisting survivors and remediating environments harmed by nuclear activities. As well as banning a wide range of activities that enable the use, production, possession and deployment of all nuclear armaments, the TPNW provides pathways for each nuclear-armed state to eliminate its weapons and associated capabilities in ways that are as responsible and safe as possible. Eliminating the arsenals can be undertaken unilaterally, bilaterally (with a strategic rival perhaps, as might be necessary for India and Pakistan, Russia and the United States, or even Britain and France), or plurilaterally (in conjunction with other States, perhaps regionally). Alternatively, a government that is facing domestic and national pressures can sign or otherwise communicate its desire to get rid of its nuclear arsenal, and implement this decision in accordance with a practical and verifiable timeline agreed with TPNW states parties and designated competent authorities.

As well as the legal obligations on States that join the Treaty, the TPNW's prohibitions and provisions are set to provide a more effective disarmament toolbox for people all over the world – in both the nuclear-armed and nuclear-free countries – to exert financial, political, normative, municipal and practical pressures for ending nuclear programmes, and removing and eliminating the weapons. Undertaking these commitments would go a long way towards

preventing further risks and nuclear accidents. As the TPNW is progressively implemented around the world, nuclear weapons will become further stigmatised. Their assumed value for exerting power, status and deterrence will plummet. Political and economic costs will rise for authoritarian leaders as well as democracies, as seen during the 1980s. Over time, these pressures will open up further incentives and opportunities for nuclear-armed states to comply and adhere.

The people who make nuclear weapons may be best placed to understand the technical requirements for dismantling and destroying them. As a former nuclear-armed State, South Africa's role during the TPNW negotiations was very helpful in establishing its workable, adaptable principles, pathways and requirements for disarmament and verification. From the INF Treaty in 1987 until recently, major nuclear armed states – not just Russia and the United States but also France and the UK – dismantled and destroyed approximately 50,000 nuclear weapons. For political reasons that progress in reducing nuclear arsenals has stalled. Several of the nuclear-armed states are now taking forward plans to upgrade and enhance their nuclear weapons, bringing the risks of nuclear war, use and terror too close for comfort.

Cities are the major targets for nuclear weapons. This report shows how a growing number of municipal authorities across the UK (notably England as well as Scotland and Wales) are adopting council motions in support of the TPNW. Our study also pays attention to the fact that the 'United Kingdom' that signed the NPT comprises four countries – England, Scotland, Wales and Northern Ireland. As chapter 3 explains, recent opinion polls show growing public majorities in favour of signing the TPNW and also complying fully with the NPT's Article VI. Depending on polling conditions and questions, these majorities for UK nuclear disarmament appear highest in Scotland, which bears the brunt of nuclear deployments. Though smaller than in Scotland, it is also clear that a majority of people in Wales, Northern Ireland and England also want the UK to adhere to the TPNW and to comply more fully with the NPT and its long-standing obligations.

Parliamentarians elected to the Scottish Parliament and Welsh Senedd, as well as the London Assembly and various mayors and councillors, are also signing up to ICAN's parliamentary pledge, Cities Appeals or associated statements under the auspices of Mayors for Peace, nuclear free local authorities or disarmament campaigns such as CND.

Whether the Westminster-Whitehall establishments like it or not, the TPNW exists and will grow. They and other nuclear weapon perpetrators and enablers in the military, industrial, bureaucratic and academic establishments may try to belittle or ignore this Treaty; but like the facts and evidence about nuclear dangers and humanitarian consequences that led to the TPNW, these are matters of fact that have to be addressed in this real and uncertain world. The TPNW was legitimately and multilaterally negotiated and brought into international law, and provides a coherent multilateral framework for all nuclear-armed states to move back from the nuclear brink and change their planet-threatening nuclear policies.

This study concludes that all governments, whether NPT States Parties or not, would gain security, status and support if they take urgent steps to get rid of nuclear weapons and comply with the TPNW and relevant provisions of the NPT, UN Sustainable Development Goals (SDG) and International Humanitarian Law.

Recommendations

The recommendations in this section focus on the UK but can be adapted to apply to other States.

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.

As a Depository as well as State Party to the NPT, British governments have existing legal responsibilities to comply with and implement the NPT's essential disarmament and non-proliferation obligations and provisions in good faith. Complying with the NPT necessitates that the government should cancel plans for a new Dreadnought-Trident nuclear weapons system and accomplish the nuclear disarmament steps that they agreed to in the 1995, 2000 and 2010 NPT Review Conferences.

This also means the government must rethink the proposals in the 2021 Integrated Review of Security, Defence, Development and Foreign Policy and halt proliferation steps that increase nuclear weapons and the circumstances in which the UK might use them. To comply with existing obligations under the NPT, the UK needs to reinstate its commitments to transparency and reduce its nuclear arsenal towards zero. This means abandoning any policies or options for increasing nuclear warheads, no matter what the pretext. Responsibility for holding the UK accountable and complying with the NPT rests on British and Scottish governments and people, and also on other NPT States.

2) Taking into account the security and economic 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.

These studies should take into account the entry into force of the TPNW, Britain's existing legal obligations under the NPT, and today's security, development, environmental and economic priorities. They should be undertaken separately, and both should involve cross party engagement from elected representatives as well as participation by defence service personnel, civilians, and indigenous and local communities that have been harmed or affected by nuclear activities. The studies should call on the expertise of people with nuclear disarmament, safety, dismantlement, decommissioning, waste disposal and verification knowledge and skills. There needs to be input from security and defence practitioners, trades unions and community representatives associated with relevant jobs, diversification, alternative energy and economic opportunities and the environment, etc. These studies should pay due attention to the TPNW's provisions and relevant UN Security Council resolutions with regard to engaging the knowledge and experience of women in these areas

and recognising also the disproportionate biological harm ionizing radiation and nuclear-related activities inflict on women and girls.

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.

The UK has long extolled the importance of transparency for accountability and NPT compliance, but conceals considerable amounts of relevant information on British nuclear activities and problems from the late 1940s to the present. As journalists, scholars and civil society organisations such as CND, LABRATS (Legacy of the Atomic Bomb, Recognition for Atomic Test Survivors, which is led by defence service veterans) and the Nuclear Information Service, have had legitimate freedom of information requests denied when they ask for documents relating to nuclear weapons and testing, production issues, costs, accidents etc. The excuses tend to cite 'costs' or 'national security'. When today's governments conceal nuclear-related information which is in the public interest and would not compromise national security, we have to ask whether this is for political or face-saving reasons. Other documents from thirty or more years ago are routinely declassified, but this is not always the case with archive materials on military, industrial and bureaucratic issues. Questions arise as to whether such documents conceal egregious mistakes, corruption or other matters that it would be in the public interest to know now and be able to address.

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.

The UK conducted 21 'atmospheric' nuclear explosive tests that contaminated parts of Australia and Pacific islands, including Monte Bello and Kirimati. Seven major nuclear test explosions were conducted on the Aboriginal lands of Maralinga in South Australia. In addition, Maralinga was used from 1955-63 for 'secret' activities, described as 'minor' or 'safety' tests. These included exploding warheads below levels of criticality to mimic nuclear accidents that might occur while transporting warheads. The Maralinga tests caused a wide dispersal of plutonium and other radioactive and toxic materials, which heavily contaminated land, water and communities in Maralinga.

The Nevada Test Site was forcibly taken for US nuclear-military activities, in violation of the treaty-protected rights, health, environment and sovereignty of the Western Band of the Shoshone Nation and their Newe Segobia lands. From 1952 to 1991, US governments conducted around 900 atmospheric and underground nuclear tests there, with a further 24 underground tests carried out for British nuclear weapons from 1961 to 1991. The impacts from atmospheric testing particularly devastated local communities across Nevada and Utah, spreading to parts of California, Idaho, North and South Dakota and Canada, depending on winds and weather conditions. The US Government is now trying to turn Yucca Mountain, a sacred place belonging to the Western Shoshone people, into a nuclear waste depository.

The UK has existing responsibilities to uphold the rights of indigenous people, women, children and service personnel. Articles 6 and 7 of the TPNW underline these rights and responsibilities with regard to survivors of nuclear testing and use. This recommendation takes into account that even before UK governments sign the TPNW, they are bound by relevant humanitarian and environmental provisions in various UN Security Council resolutions, the CTBT, international law and the SDGs.

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.

Austria's Ambassador Alexander Kmentt is the designated Chair of the first meeting of TPNW States Parties, which is scheduled to take place in 2022 in Vienna (Covid willing). Once dates and modalities are decided, applications to attend will be opened. In accordance with UN rules, the UK can apply to attend as an Observer even if it is not yet ready to sign. Prior to independence, an application from the Scottish government to attend as a State Observer may not meet UN conditions to be formally accepted. However, members of the Scottish Parliament (and Senedd Cymru and regional Assemblies) can apply individually, and should be encouraged to attend the meetings of TPNW states parties as civil society and parliamentary 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.

As well as applying to UN governments, the TPNW text provides great opportunities for civil society, elected representatives in Westminster, the Scottish government, the European Union, and a range of municipal assemblies and bodies to have influence in moving the UK and associated governments away from nuclear weapons and towards non-nuclear security priorities such as climate justice, health resources and protecting the oceans and other shared environments for the coming century and beyond.

Faithleaders, doctors, unions and ethical investors in Britain and many other countries, are building on TPNW-related initiatives to deter public, private and commercial investors from putting money into nuclear weapons. Initiatives such as Don't Bank on the Bomb and the Nuclear Weapons Financing Research Group are proving successful, and serve also to encourage banks, companies and investors to comply with Environmental, Social and Governance (ESG) standards and prioritise sustainable security needs, climate justice, health and cleaner environments. This report contains further information and references on what more can be done.

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.

As discussed in chapter 3, a Scottish Government Working Group was established in 2008-09 with the title 'A Scotland without nuclear weapons.' Chaired by Bruce Crawford MSP, it included members of the Scottish Parliament, trades unions, academics, nuclear specialists, religious and civic leaders, and activists. Due to the political and legal constraints prevailing at that time, this working group was quite limited in what it could do.

In light of the TPNW, we propose the establishment of a working group with the clear remit to draw up a detailed workplan for enabling Scotland to comply with the TPNW's prohibitions and provisions as far as possible.



Hiroshima students and hibakusha appeal to international leaders (Hidankyo/Peace Boat, 2009)