1. PAX is a Netherlands based civil society organisation engaging on a wide range of issues. PAX works together with committed citizens and partners to protect civilians against acts of war, to end armed violence, and to build just peace. The Humanitarian Disarmament unit within PAX seeks to prevent and remEDIATE arms-inflicted human suffering and environmental harm through the establishment of norms. This approach to disarmament is people-centered in substance and process.

2. PAX is offering input to the UK House of Lords International Relations Committee Call for Evidence: The Nuclear Non-Proliferation Treaty and Nuclear Disarmament. This input is authored by Susi Snyder, PAX Nuclear Disarmament project leader, and submitted on 16 January 2019.

3. We recognise that many others will address additional parts of the inquiry, so PAX will not respond to all questions, instead will focus on those in which it can provide specific and unique contributions based on research and experience, including from the primary research project Don’t Bank on the Bomb.

4. What is your evaluation of the current level of risk that nuclear weapons, of any type, could be used?

5. The real threat of use of nuclear weapons is increasing, dramatically. Taboo against the use of nuclear weapons alone will not reduce these risks, de-alerting will help while de-coupling warheads from delivery systems is a significant risk reducer. Those joining the Treaty on the Prohibition of Nuclear Weapons recognise the risk is increasing, and explicitly prohibited use, under any circumstances, as a way to – at least- strengthen the slipping taboo.

6. Risk are increasing because nuclear-armed States and their allies are either lowering stated thresholds for use in their security doctrines, threatening to use nuclear weapons against one another, or continuing to conduct military preparations for use that dramatically increase tensions in unstable regions. To truly reduce the risk of use, the de-alerting and de-coupling suggestions still apply. So, however, does the need for all states to condemn actions that increase tension, and therefore risk. This includes stopping their own or their allies military exercises, parades, and general flaunting of weapons that by design will violate international humanitarian law. Modernisation efforts are also elevating risk, not only through increased kill capacity in weapons billed as lower yield, but also through new links to potentially impossible to secure networks.
7. Ahead of the 2020 Review Conference of the Nuclear Non-Proliferation Treaty (NPT), what are the biggest challenges facing global nuclear diplomacy?

8. Commitments made in previous NPT Review Conferences, including notably the 13 Practical Steps and the 2010 NPT Action Plan have not been upheld in balanced manner. It is useful to assess what has been agreed, but at the same time one cannot lose sight of the fact that the purpose of the NPT is not to negotiate consensus documents, it is to facilitate nuclear disarmament and non-proliferation. One of the challenges facing the NPT Review Conference is understanding its very purpose- is it a forum to build paper agreements or is it a body to facilitate dialogues that will lead to a nuclear weapon free world? Continued modernisation programmes across all nuclear armed states, nuclear weapons spending at the rate of around 55,000 GBP per minute every moment for the coming 30 years does not demonstrate a firm commitment to the letter, nor the spirit of the NPT itself.

9. The nuclear-weapon States need to recommit to the unequivocal undertaking, especially the commitment made in 2010 that outlined some parameters to implement it. There has only been a little bit of movement in the reduction of arsenals (though some movement is better than none). Also, the Non- nuclear-weapon States, current policies and practices, including direct technical upgrades supporting the possible use of nuclear weapons (notably the decisions by the Italian and Dutch governments to request Lockheed Martin make F-35 aircraft dual capable, including the option for arming them with the US B61-12 modification), contradict an unequivocal undertaking. Suggesting that a country will remain armed with nuclear weapons as long as nuclear weapons exist also sounds like equivocating.

10. What prospects are there of progress in negotiating a Fissile Material Cut-Off Treaty (FMCT)?

11. To truly create and maintain a world without nuclear weapons a fissile materials treaty will make a significant difference, and it is positive that the issue hasn’t fallen off the agenda. And while it was envisaged in the late 1990s as a way to stop the India and Pakistan arms racing, with new nuclear weapon doctrines, lowered thresholds for use, and new production of nuclear weapons getting set up across the handful of nuclear armed countries, maybe there will be a broader applicability to a future treaty even if it only deals with future production.

12. However, to have an impact on disarmament and the creation and maintenance of a nuclear weapons free world, getting a handle on the stockpiles is an urgent concern. This is something that was woefully neglected in the nuclear security summit process- despite the calls from
Brazil and 25 others to address the 85% of global fissile material stocks designated for military purposes.

13. Future negotiated disarmament agreements will need to look at alternatives to the types of counting rules that currently apply in the START regime. It may be time to begin looking at disarming capabilities instead. A baseline for this may include a reasonably trustworthy accounting of existing stockpiles.

14. Some nuclear armed States have expressed that they are uncomfortable reporting this information, because it gives insight to existing capabilities (and might reveal some vulnerabilities including the loss and theft of materials which may or may not have occurred). A solution to this challenge is to set up a group within the IAEA to take reports, and begin the accounting process. This could build on the experience of the Trilateral Initiative. This is the kind of preparatory work that could support eventual negotiations while also demonstrating a commitment to nuclear disarmament.

15. What effect will nuclear renewal programmes have on the nuclear non-proliferation and disarmament regime? To what extent could technological developments—including in missile capabilities, warhead strength, and verification—undermine existing non-proliferation and arms control agreements?

16. When nuclear armed States engage in contracts to produce key components of nuclear weapons that will last decades, it remains difficult to trust rhetorical commitments to disarmament and unequivocal undertakings.

17. There are several contracts in place that undermine the existing non-proliferation and disarmament regime, by engaging companies for work related to nuclear weapon production and maintenance for decades. A couple of examples include (but are not limited to): the French government contract with MBDA-Systems, a joint venture between BAE Systems, Airbus and Leonardo, for design and development of the ASMPA to extend its life beyond 2035 or the new ASMPA-successor ASN4G to become operational in 2035; the US government contracts to build a new Ground Based Strategic Deterrent to replace the existing 450 missile strong Minuteman III missiles in 2030.

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2 Drew, J., "Boeing Unveils ICBM Program Suppliers", Aerospace Daily, 17 September 2018,
18. There are also direct challenges to NPT legitimacy with the contracts between a few non-Nuclear weapon states (Germany, Italy, Belgium and the Netherlands) and ACT Technologies, specifically for the modernisation of bunkers designed to continue hosting the US B61 gravity bombs.³

19. There are also direct plans by the US to add precision guided tail kits to increase accuracy of those B61 bombs now forward deployed in five NATO countries, making those weapons more attractive for use.⁴

20. Just as legitimacy of the NPT regime relies on reductions in the number of weapons in arsenals, the Non-nuclear-weapon States need to be helpful with non-strategic reductions by changing their current policies which allow for weapons modernisation, re-deployment and even pay for parts of the weapon capabilities. The NPT forbids assistance, the NATO host states in particular (Belgium, Germany, Italy, and the Netherlands) need to cancel the contracts that will allow their continued complicity in possible use of nuclear weapons.

21. If it were to enter into force, how would the Treaty on the Prohibition of Nuclear Weapons (commonly referred to as the Ban Treaty) affect efforts to prevent the proliferation of nuclear weapons and bring about disarmament?


23. Across the financial sector, the Treaty on the Prohibition of Nuclear Weapons (TPNW) is already having an impact. In the first year after the adoption of the Treaty on 7 July 2017, 30 Financial Institutions previously known to have investment in companies associated with the production of nuclear weapons, ended their financial relationships.⁵

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24. There are a number of financial institutions that have also cited the TPNW as justification for ending their exposure to the companies associated with the production of nuclear weapons. These include, but are not limited to: Amalgamated Bank (US); ABP (the Netherlands); KBC (Belgium). 

25. The language in the TPNW on assistance mirrors that in the Chemical Weapons Convention. In the Oxford Public International Law commentary on the Chemical Weapons Convention, assistance is understood to include the provision “through financial resources... to anyone who is resolved to engage in such prohibited activity” and anyone that could be “not only be a State, irrespective of whether or not it is a Party to the Convention, but also an organization, an enterprise, a person, or a group of persons, regardless of Citizenship.” 

26. Experience with other prohibited weapons systems, notably cluster munitions, shows that the financial sector is quick to reject exposure to companies alleged to be associated with prohibited weapon production. Stopping the financial flow to weapons producing companies has proven to have real impact on those companies. For example, citing pressure from financial institutions, several producers of cluster munitions have stopped their production, including Textron, Lockheed Martin, Orbital ATK and Singapore Technologies Engineering – even though they are all from states not party to the Convention on Cluster Munitions (CCM). 

27. Already the Don’t Bank on the Bomb research shows there are at least 23 financial institutions around the world with comprehensive policies preventing any type of financial exposure to any type of companies associated with producing (key components) of nuclear weapons. An additional 40 institutions have policies limiting their financial exposure. 


29. The Dutch government was the only government of a country currently endorsing the use of nuclear weapons on its behalf and including nuclear weapons in its security strategy to participate in the negotiations of the TPNW. 

30. The Dutch government participated in the negotiations, despite pressure to boycott, for several reasons- including parliamentary pressure, citizen pressure and a long-standing self-promotion as a bridge builder between the nuclear armed and the rest of the world.

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6 Susi Snyder, website Don’t Bank on the Bomb, (4 July 2018), available: https://www.dontbankonthebomb.com/happy-birthday-tpnw-have-some-divestment/
31. Since 2010, the second chamber of the Dutch Parliament (Tweede Kamer) has adopted, by majority, no less than fourteen motions relating to nuclear disarmament. These motions have included a number of repeated calls for increased transparency about US forward deployed weapons allegedly in the Netherlands, and several motions have demanded an intensification of the government’s effort towards a nuclear weapons free world.\(^9\)

32. In 2016, a campaign coalition consisting of PAX, the Dutch Red Cross, and ASN Bank launched a citizens initiative calling on the chamber to debate national legislation making nuclear weapons illegal. Over 45,000 Dutch citizens supported the call, triggering a debate in the chamber.

33. The debate in April 2016 resulted in several motions put forward during the debate, four of which received majority support during the voting session. Overwhelming the chamber voted to support the start of negotiations on an international treaty banning nuclear weapons calling on the government to participate without prejudice to the outcome, in addition parliament also endorsed the proposal to disclose the secret treaties on the basis of which nuclear weapons were placed in the Netherlands. MPs also supported the request to use the unwanted modernization of nuclear weapons in Europe to boost global nuclear disarmament. Lastly, the House called on the Dutch government to work with the United States to end any Dutch reliance on nuclear weapons.\(^10\)

34. The Dutch government subsequently participated in the negotiations, though ultimately voted against the adoption of the Treaty in July 2017. The Parliament has recently requested, through another motion adopted 28 November 2018, that the government conduct a legal analysis on ways to join the Treaty on the Prohibition of Nuclear Weapons.\(^11\) It would be logical for the UK Parliament (and its relevant committees) to conduct a similar analysis and scrutiny of the UK legal obligations and commitments in light of this addition to the rules-based international system.

35. Continued pressure from parliament is likely to encourage the government to participate in all discussions possible related to nuclear disarmament and non-proliferation, as it has done to date. The UK government should follow this example and attend future meetings of the TPNW as an observer state. Just as the Dutch government was able to present first-hand knowledge of negotiations to parliament and the public, such attendance will enable the UK to follow developments and avoid misconceptions.

\(^9\) An overview of all nuclear weapon related motions can be found here (in Dutch): https://nonukes.nl/overzicht-van-aangenomen-moties-in-de-tweede-kamer-over-nucleaire-ontwapening/

\(^10\) More information including links to the relevant resolutions (in Dutch) can be found here: https://nonukes.nl/netherlands-actively-negotiate-international-nuclear-weapons-ban-treaty/

\(^11\) Motion submitted by Voordewind (Christian Union), available (in Dutch) here: https://www.tweedekamer.nl/kamerstukken/detail?id=2018Z21147&did=2018D54556
36. UK considerations in relation to the Treaty on the Prohibition of Nuclear weapons

37. The UK has facilitated extensive research into verification issues around nuclear warhead dismantlement and this knowledge can and should contribute to further development of the process for implementing Article IV Towards the total elimination of nuclear weapons of the TPNW.

38. Additionally, the UK has conducted a few activities related to the ongoing human and environmental harm caused by explosive nuclear weapons testing. The UK can offer these experiences and lessons learned to others as mechanisms to elaborate the implementation of Article VI of the TPNW on Victim assistance and environmental remediation.

39. Conclusion

40. PAX appreciates the opportunity to submit evidence towards this request. We continue to urge the UK Government acknowledge the Treaty on the Prohibition of Nuclear Weapons is part of the global non-proliferation and disarmament regime, and that countries and entities within their jurisdictions will be adhering to it. The UK should commit to attending future meetings of the TPNW as an observer, until it is prepared to join as a state party. We remain at the disposal of the committee should further information be useful.

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