

UPDATE ON LABOR JOINING THE NUCLEAR WEAPON BAN TREATY

SUMMARY

SEPTEMBER 2022

Background

At the 2018 ALP national conference, moved by Anthony Albanese and seconded by Richard Marles, Labor unanimously adopted a Policy Platform commitment that:

"Labor in government will sign and ratify the Ban Treaty, after taking account of the need to:

- *Ensure an effective verification and enforcement architecture;*
- *Ensure the interaction of the Ban Treaty with the longstanding Nuclear Non-Proliferation Treaty;*
- *Work to achieve universal support for the Ban Treaty."*

This policy was reaffirmed in 2021.

Matters to be taken into account

The TPNW itself addresses these three points:

1. "Ensure an effective verification and enforcement architecture"

The TPNW strengthens the current nuclear safeguards regime by requiring all joining states without nuclear weapons to have a Comprehensive Safeguards Agreement (CSA) in force within 18 months of joining. The NPT also requires this but with no timeframe, and 11 states parties to the NPT have yet to conclude a CSA. The TPNW does not allow states to reduce their safeguards already in place (under the NPT there is no such restriction on back-tracking). The TPNW anticipates and allows for safeguards to evolve and strengthen over time.

As [Australian Red Cross](#) has stated regarding the TPNW's Article 4: "these provisions still provide the most comprehensive elimination and safe-use requirements imposed on nuclear weapon states to date, while maintaining a flexible and pragmatic approach to operational realities."

Regarding enforcement, the TPNW contains **mechanisms to promote compliance**, including meetings of states parties and measures they may take. The NPT has safeguards for its non-proliferation obligations for states parties without nuclear weapons, but lacks timelines, verification or enforcement provisions for its nuclear disarmament obligations. The TPNW has higher barriers to withdrawal than the NPT.

2. “Ensure the interaction of the Ban Treaty with the longstanding Nuclear Non-Proliferation Treaty (NPT)”

The TPNW has been carefully crafted to **reinforce, complement and build on the NPT**. The TPNW explicitly affirms the vital role of full and effective implementation of the NPT. **Far from conflicting with the NPT, the obligations under the TPNW reinforce and advance its objects and purpose**. The TPNW is an effective disarmament measure as the NPT calls for. The more states that join the TPNW and forswear acquiring nuclear weapons, the safer Australians are.

3. “Work to achieve universal support for the Ban Treaty”

International law develops progressively, as more countries are influenced by, join and implement treaties. No disarmament treaty has been joined by all states. Despite pressure from nuclear-armed states, at the 2021 UN General Assembly, an annual resolution calling on all states to join the TPNW was supported by 128 states. As of 12 Sep 2022, 86 states have signed, and 66 have ratified it. Australia leading by example and signing the treaty would make a real difference.

Commendably, Australia has joined all other treaties prohibiting indiscriminate/inhumane weapons, and all applicable nuclear treaties. The US alliance is not a barrier. There has been no disruption to (non-nuclear) military cooperation between the US and New Zealand, the Philippines and Thailand, when they joined the TPNW. **All states joining the TPNW are obliged to work towards “universal adherence of all states”**.

Recommendation

Australia should signal its good faith intention by **signing the TPNW without delay, followed as soon as feasible by its ratification** of this ground-breaking treaty.



Image: Anthony Albanese MP moves the resolution committing Labor to join the TPNW in government, Dec 2018.