

Briefing paper: NATO and the TPNW

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Introduction

The Treaty on the Prohibition of Nuclear Weapons enjoys widespread support from around the world – 122 countries voted in favour of its adoption in July 2017 and in 2020 over 100 countries supported the treaty in a [resolution at the UN General Assembly](#). However, a few dozen countries, including nuclear-armed states and members of the NATO alliance have opposed the treaty from the outset – refusing to participate in negotiations and choosing not to join the accord upon its adoption. Despite these official policies against the treaty, [majority public opinion](#) in many NATO countries support the government joining the treaty and former leaders of NATO states, including two former NATO secretary-generals, [signed a public letter](#) calling on their governments to join.

All countries can and should join this critical nuclear disarmament treaty – NATO states are no exception. History shows that previous divergence on controversial weapons did not tear apart the alliance. NATO members are not currently, and have never been, in lockstep about the role of nuclear weapons in the alliance. And over time the role of nuclear weapons in NATO may very well change to adapt to an evolving security environment and shifting norms.

The TPNW does not prohibit military alliances like NATO

Nowhere in the text of the TPNW does it prohibit states parties from participating in military alliances, regardless of the activities of other members of the alliance. Some may point to the treaty’s prohibition on “assisting, encouraging, or inducing” anyone to engage in prohibited activities under Article 1(e) as a legal roadblock for NATO states to join. But the prohibition on assistance is a provision that has been [well established](#) in previous disarmament treaties and general public international law and does not prohibit participation in military alliances. It is true that in order to comply with the TPNW, NATO states would need to modify some of their policies or behaviours around the nuclear dimension of the alliance, but they are free to join the treaty and [continue to engage in the non-nuclear weapon elements](#) of the military alliance. The lack of reference in the TPNW to participation in military alliances should not be interpreted as implicit prohibition. Previous weapons conventions, including the Mine Ban Treaty, Biological Weapons Convention and Chemical Weapons Convention, also do not explicitly state that states parties can engage in military alliances with states not party, or non-compliant states, but [these treaties have not been interpreted](#) to prohibit such military alliances.

NATO members have disagreed on weapons in the past

While NATO states can clearly join the TPNW and remain in the NATO alliance from a legal perspective, some may be concerned about facing political repercussions for taking a different position on nuclear weapons than other allies. But NATO allies have disagreed on prohibited weapons in the past and the alliance stayed intact. While the United States [lobbied against](#) the Cluster Munitions Convention, other NATO members championed it. Perhaps these dissenting countries did face some political backlash, or perhaps they anticipated they would. Regardless, these countries considered their humanitarian values and responsibility to protect civilians to be more important than submitting to bullying from powerful allies. NATO members face the same choice on the Treaty on the Prohibition of Nuclear Weapons. What's more, states that support nuclear weapons also stand to lose by threatening political relationships with close allies who may not agree on the acceptability of weapons of mass destruction.

NATO members diverge on their level of nuclear participation

In addition to the individual political repercussions feared for joining this instrument of international law, others have postulated that some NATO countries joining the TPNW could shatter alliance unity, making countries more vulnerable to adversarial aggression. But realistically, there is already divergence within the alliance on the extent of participation in nuclear weapon activities. Belgium, Germany, the Netherlands, Italy and Turkey [host collectively an estimated 150 U.S. nuclear weapons](#) in peacetime. Iceland, on the other hand, [does not allow](#) stationing of nuclear weapons on its territory during a period of conflict or peace. [Some NATO countries participate](#) in annual nuclear weapons training exercises to prepare to use nuclear weapons through Support of Nuclear Operations With Conventional Air Tactics (SNOWCAT), others do not. For most of the NATO countries that endorse the nuclear weapon dimension of the alliance, joining the TPNW and renouncing its endorsement would not be an alliance-shattering split, but rather a weakened degree of involvement in one aspect of the alliance's activities.

NATO may not always be a nuclear alliance

NATO [first announced](#) itself as a nuclear alliance in 2010. It cannot truthfully [claim](#) that “as long as nuclear weapons exist, NATO will remain a nuclear alliance.” NATO secretaries-generals, heads of state and national and alliance policies change over time. A military alliance to guarantee its states' security should remain flexible enough to [adapt to a shifting security environment](#), including to better align with international legal standards on acceptable weapons of warfare.

Compliance with TPNW for NATO members

A complete account of necessary steps to comply with the TPNW varies by state and is not the same for all NATO members, both due to divergent levels of participation in the nuclear-related elements of the alliance and to distinct national policies and behaviour. But there are a few clear

steps that NATO members can take to move towards compliance with the treaty once they join. Most clearly, the five NATO states that host U.S. nuclear weapons on their soil will have to remove them to comply with Article 1(g), respecting the procedure [outlined in Article 4](#). States will have to cease their participation in nuclear dimensions of the alliance, including the Nuclear Planning Group and SNOWCAT [to be in compliance with Article 1\(e\)](#) outlawing encouraging prohibited activities. NATO states should clarify that they do not support policies endorsing nuclear weapons. In the past, [“footnoting” strategic documents](#) to note dissent has been an established practice.

Joining the TPNW would help NATO members to implement existing legal obligations that they have agreed to under the Nuclear Non-Proliferation Treaty. Article VI of that treaty requires all states to pursue [effective measures](#) on disarmament and states-parties agreed in a [consensus document](#) in 2010 to reduce their reliance on nuclear weapons in security doctrines.

Popular support for TPNW in NATO

While federal political leaders may not support joining the treaty, local elected officials and the public in many NATO countries do. 78% of Norwegians, 77% of Belgians, 70% of Italians, 68% of Germans, 67% of French, and 64.7% of Americans [support their government](#) joining the TPNW. [Cities in NATO countries](#) have adopted resolutions in support of their countries joining the TPNW, including Washington, D.C., Paris, Berlin, Barcelona and Toronto. Parliamentarians in NATO countries have signed up to [a pledge](#) to work to get their governments on board.

Conclusion

The Treaty on the Prohibition of Nuclear Weapons is a landmark treaty to establish the framework for the elimination of nuclear weapons and provide humanitarian assistance to those impacted by their horrific impacts. Many NATO members have been leaders in previous humanitarian disarmament treaties, and they should continue to live up to their humanitarian ideals by joining the Treaty on the Prohibition of Nuclear Weapons. Legally or politically, there is no insurmountable roadblock for a NATO country to join the treaty and come into full compliance. The ban on nuclear weapons is here – it’s time for NATO states to step out of the sidelines.