

The Nuclear Ban Treaty: An Overview

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Since the founding of the United Nations in 1945, the UN General Assembly (UN GA) has called for the elimination of nuclear weapons. [UNGA Resolution A/71/258 \(2016\)](#) called on UN member states to negotiate in 2017 a legally binding Treaty on the Prohibition of Nuclear Weapons (TPNW), also known as the nuclear “ban treaty.” Negotiations ended on July 7, 2017, when 122 countries voted to approve the [treaty](#). Singapore abstained, and the Netherlands voted against it, citing conflicts between the treaty and its commitments as a member of NATO. The United States and 40 other states did not participate in negotiations. To date, 84 countries have signed and 50 countries have ratified the treaty. In accordance with Article 15, the TPNW [entered into force](#) 90 days following the 50th ratification on January 22, 2021. Civil society groups advocated for a nuclear ban, and in 2017, the [Nobel Peace Prize](#) was awarded to the nongovernmental International Campaign to Abolish Nuclear Weapons (ICAN) for its advocacy role.

Article 1 of the TPNW says that adherents would never “develop, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices.” This includes a prohibition on hosting nuclear weapons that are owned or controlled by another state. Nor would states parties transfer, receive control over, or assist others in developing nuclear weapons. They also would not use or threaten to use nuclear weapons or other nuclear explosive devices. Article 7 requires states to give assistance to individuals affected by the use or testing of nuclear weapons and provide for environmental remediation.

Article 2 requires a declaration stating whether or not the member state had possessed nuclear weapons in the past. In addition, Article 4 requires states with nuclear weapons to submit within 60 days a “time-bound plan for the verified and irreversible destruction of that State Party’s nuclear-weapon program,” to be [verified](#) by the International Atomic Energy Agency (IAEA). [Some argue](#) that would-be treaty members should devise disarmament details after joining the treaty, because establishing a norm against nuclear weapons possession and use is the highest priority. Other observers [say](#) it is appropriate that the treaty does not delineate disarmament steps, as none of those states affected are participating in the negotiations, and it would be more effective for each state be able to determine its own timeline.

Some critics are concerned that the new treaty would undermine the NPT’s verification system of IAEA safeguards. The near-universal [NPT](#), signed in 1968 and entered into force in 1970, commits the five officially recognized nuclear weapons states (United States, United Kingdom, Russia, France, and China) to disarmament but is not an outright ban on possession. Nonnuclear weapon NPT states forswear nuclear weapons and place nuclear materials and facilities under international safeguards.

The NPT nuclear weapon states, also the five permanent members of the UN Security Council, as well as the NATO countries, oppose the TPNW. The United States, UK, and France UN Permanent Representatives issued a [joint press release](#) stating: “A purported ban on nuclear weapons that does not address the security concerns that continue to make nuclear deterrence necessary cannot result in the

elimination of a single nuclear weapon and will not enhance any country's security, nor international peace and security." The [Trump Administration](#) actively opposed the TPNW. Press reports have cited an October 2020 [letter](#) from the United States to TPNW signatories urging them to withdraw support for the treaty. NATO issued a [joint statement](#) in December reiterating its opposition, saying the TPNW is "at odds with the existing non-proliferation and disarmament architecture." The Biden Administration has not yet stated its policy, and [advocates](#) are pushing for U.S. support for the treaty.

The TPNW highlights a larger debate about how the existing nuclear nonproliferation regime should evolve, and whether or not the TPNW [undermines](#) or bolsters the NPT and the Comprehensive Test Ban Treaty (CTBT). Article 18 of the TPNW says that "[t]he implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing or future international agreements, to which they are parties, where those obligations are consistent with this Treaty." [Proponents](#) of the TPNW say that it enhances, rather than contradicts the NPT and is a "wake up call" for nuclear weapon states to make headway on their NPT commitments.

For many treaty advocates, the effort to abolish nuclear weapons stems from strong moral objections. Treaty [supporters](#) aim to establish an international norm against the possession and use of nuclear weapons, which they argue would strengthen nonproliferation and raise awareness of the humanitarian consequences of developing and using nuclear weapons. Calls for such a ban have existed for decades but have grown in recent years, reflecting the view that nuclear weapon states have been [slow](#) in achieving nuclear disarmament under article VI of the NPT and continue to modernize their arsenals. TPNW advocates point out that while there are [international agreements](#) that ban other categories of weapons of mass destruction, namely the biological and chemical weapons conventions, there has not been a prohibition on nuclear weapons until the TPNW.

Some states continue to see nuclear weapons as making a valuable contribution to their security. Supporters of the ban treaty dismiss nuclear deterrence as a security policy, [arguing](#) that nuclear weapons can only cause harm to nations and people, and view the [risk](#) of accidental or purposeful use as high while the weapons exist. Therefore, ban proponents argue, eliminating nuclear weapons is the only way to prevent nuclear use. [Opponents](#) of the treaty agree that the use of nuclear weapons in war would be horrific but assert that nuclear deterrence has prevented not only nuclear war, but also major power conventional conflict, for over 70 years. This view reflects a belief that the best way to prevent nuclear use is to [deter](#) both nuclear war and major power conflict that could escalate to nuclear war.

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