

# How the Next German Government Can Support the Treaty on the Prohibition of Nuclear Weapons

# 1

## Introduction and Overview

### THE TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS (TPNW)

On January 22, 2021, the Treaty on the Prohibition of Nuclear Weapons (TPNW) entered into force. The legally-binding, multilateral treaty prohibits the development, production, possession, stockpiling, testing, and use of nuclear weapons under international law, thus closing an important legal gap (Immenkamp, 2021). Following a decade of advocacy by international organisations, governments, civil society, and above all the International Campaign to Abolish Nuclear Weapons (ICAN), the TPNW was adopted by the United Nations in New York City on July 7, 2017 with two-thirds of the world's nations voting to adopt the historic treaty. Currently, there are 86 signatories and 55 state parties. Unsurprisingly, none of the nine nuclear-armed states (USA, United Kingdom, France, Russia, China, India, Pakistan, Israel, and North Korea) and none of the members of the North Atlantic Treaty Organisation (NATO) have signed the TPNW. Despite their pledges to reduce and ultimately eliminate nuclear weapons under the 1968 Non-Proliferation Treaty (NPT)<sup>1</sup>, the nuclear-armed states are currently spending billions modernising their nuclear arsenals –

undeterred by an on-going pandemic and economic recession (ICAN, 2020). Instead, NATO has openly rejected the treaty, justifying its resistance with reference to the dated and deeply patriarchal strategy<sup>2</sup> of nuclear deterrence (ICAN, 2021).<sup>3</sup>

Germany has neither ratified nor signed the TPNW. On the contrary, Germany has consistently voted against the UN General Assembly resolutions following the TPNW which call upon states “[...] to sign, ratify, or accede to it ‘at the earliest possible date’” (ICAN, n.d., para. 3). Moreover, the current German government, made up of a coalition of CDU/CSU and SPD, has repeatedly thwarted attempts made by opposition parties to support the TPNW, claiming that the TPNW would undermine the NPT and pointing out the incompatibility of the TPNW's demands with Germany's NATO obligations (Meier, 2021).<sup>4</sup> Additionally, Germany continues to stress the alleged ‘security dimensions’ of nuclear weapons (for example, in its 2016 White Paper on Security Policy and the Future of the Bundeswehr)

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1 The Non-Proliferation Treaty (NPT) is a major international treaty aiming to prevent the spread of nuclear weapons and technology. The Non-Proliferation Treaty (NPT) “[...] obliges the nuclear-weapon states which are parties to the Treaty (the United States, Russia, China, France and the United Kingdom) to strive for complete nuclear disarmament. In return, non-nuclear-weapon states refrain from acquiring nuclear weapons” (Auswärtiges Amt, 2021, para. 1). The Non-Proliferation Treaty (NPT) opened for signature in 1968 and entered into force in 1970. A total of 191 states have signed the NPT, only missing Pakistan, India, Israel and South Sudan and North Korea, which declared its withdrawal in 2003 (Auswärtiges Amt, 2021; UNODA, n.d.).

2 As Director of Reaching Critical Will, the Disarmament Programme of Women's International League for Peace and Freedom (WILPF), Ray Acheson maintains, that the deterrence model is supposed to create an abstracted image of nuclear weapons as something inherently protective, detracting attention from the fact that they are “tools of genocide, slaughter [and] extinction” (Acheson, 2019, p. 80). Nuclear weapons have only ever inflicted harm and suffering – not only during war, but also during their development – destroying the environments and livelihoods of marginalised communities that have been exposed to nuclear testing and detonation (Standke-Erdmann and Scheyer, 2020).

3 For further explanations see for example: Acheson, R. (2021). *Banning the Bomb, Smashing the Patriarchy*. Lanham: Rowman & Littlefield.

4 ICAN firmly disagrees with these claims and instead argues that the TPNW is “[...] fully compatible with and complementary to the NPT” (2021, p. 9). Moreover ICAN contends that “[t]here is no legal reason that NATO allies cannot join the TPNW; doing so would not infringe any treaty obligation” (2021, p. 8).

and emphasises that there are 'legitimate' and 'legal' uses of nuclear weapons - rejecting the notion that nuclear weapons should not be used "under any circumstances" (CFFP and WILPF, forthcoming). Through its participation in NATO's 'nuclear sharing agreement', Germany is one of the five NATO countries (along with Belgium, Italy, the Netherlands, and Turkey) which host US nuclear weapons on their territory, and thus actively contributes to the preservation of the nuclear order (Ibid; ICAN, 2021). At the moment, approximately 20 B61 nuclear bombs are stationed at Büchel Air Base despite widespread public opposition. Indeed, a 2020 poll found that 83 percent of Germans want the US nuclear weapons to be removed from German territory (ICAN, 2021).

Over the past years, resistance to a security understanding based on nuclear deterrence has been growing among parliamentarians, civil society actors, and the German public (ICAN, n.d.). Thus, the upcoming federal elections in Germany (September

2021) could provide important momentum to change course. The Social Democratic, the Green Party, and the Left all commit to the goal of removing the US nuclear weapons from Germany. The Green Party and the Left Party explicitly want to join the TPNW while the Social Democratic Party's position regarding the treaty is still evolving. With voices in favor of the TPNW increasingly becoming louder, the Social Democratic Party wants Germany to become an observer to the first Meeting of TPNW States Parties (Die Linke, 2021, p. 137; Die Grünen, 2021 p. 249-250; SPD, 2021, p. 63).

As a feminist organisation, (nuclear) disarmament is at the core of our work. We thus deem it crucial that Germany immediately accedes to the TPNW. Acknowledging the need for political alliances and compromises, we however know that this can take a bit of time. Thus, we sketch out short- and medium steps, which the government can take to support the TPNW and nuclear disarmament already during the next legislation.

# 2

## Ways Germany Can Support the TPNW and Nuclear Disarmament in General

### 2.1 SHORT-TERM STEPS:

- Assume observer status at the first Meeting of TPNW States Parties, which will take place at the UN Office in Vienna from 22 – 24 March 2022.
- Encourage the other 15 members of the Stockholm Initiative<sup>1</sup> to participate in the Meeting as well (Meier 2021).
- Continuously raise awareness of the catastrophic humanitarian, ecological, and often racialised impacts of nuclear testing, accidents, and attacks in multilateral fora, including at the Review Conferences of the Parties to the Non-Proliferation Treaty (NPT), which take place every five years (IAEA, 2021).
- Promote the notion of compatibility of the Non-Proliferation Treaty (NPT) and TPNW in multilateral fora (ICAN, 2021), especially with its fellow NATO allies.
- Follow the trends in other NATO member states like Norway and the Netherlands by demanding that government pension funds divest from nuclear weapons.
- Provide long-term, easy to administer financial support for (feminist) civil society actors advocating for nuclear disarmament and the TPNW.
- Fund research grants for gender-sensitive research on the humanitarian and gendered consequences of nuclear weapons.

### 2.2 MEDIUM-TERM STEPS:

- Arrange for the immediate withdrawal of all US nuclear weapons from Germany.
- Co-develop an alternative security concept for NATO with like-minded member states that is more appropriate for the contemporary security challenges the alliance is faced with in order to actively steer NATO towards becoming a “non-nuclear alliance” (ICAN, 2021, p.99). In particular reach out to those NATO members, whose population overwhelmingly support joining the TPNW (ICAN, 2021).
- Clearly dissociate from NATO’s current nuclear doctrine and encourage other NATO members to follow suit. This includes – in cooperation with feminist civil society – replacing the 2016 White Paper on Security Policy and the Future of the Bundeswehr with a new security strategy centering on a feminist understanding of security and rejecting the idea of conventional and nuclear deterrence.
- Sign the TPNW.

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<sup>1</sup> The Stockholm Initiative, founded in 2019 in Sweden, aims to advance nuclear disarmament, to strengthen the NPT and to build bridges between nuclear-armed states and those not owning nuclear weapons. For further information see: <https://www.auswaertiges-amt.de/en/aussenpolitik/themen/abruestung/stockholm-initiative/2310314>.

# 3

## Conclusion

It is time for Germany and other NATO members to finally acknowledge the profound shift in international security norms that is happening worldwide and accede to the TPNW. As a member of the NPT and the Stockholm Initiative, Germany has publicly committed to the long-term goal of a world free from nuclear weapons. However, the continued stationing of US nuclear weapons in Germany and the German federal government's refusal to join the TPNW raise serious doubts about the sincerity of this pledge. Germany could and should do much more. The upcoming general elections could create an important window of opportunity for Germany to become a leading actor in the fight for nuclear disarmament instead of standing passively on the sideline or even blocking the way. It is time for Germany to adopt a security strategy that is compliant with international law and appropriate to the challenges of the 21st century.

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**SUGGESTED CITATION:** CFFP (2021). How the next German government can support the Treaty on the Prohibition of Nuclear Weapons: A Centre for Feminist Foreign Policy Briefing. Available at: <https://centreforfeministforeignpolicy.org/briefings>.

The publication was financially supported by the International Campaign to Abolish Nuclear Weapons (ICAN).

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