



**International Campaign to Abolish
Nuclear Weapons**

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Stakeholder submission for the 41st session of the Universal Periodic Review

Report on the UK

The International Campaign to Abolish Nuclear Weapons (ICAN) is a campaign coalition of over 600 non-government organizations in over one hundred countries. Following the historic achievement of the adoption of the Treaty on the Prohibition of Nuclear Weapons, ICAN now campaigns for all States to sign, ratify or accede to the Treaty as a matter of urgency, take measures towards the global elimination of all nuclear weapons, and provide assistance to the victims of the humanitarian and environmental impact of nuclear weapon tests in the Pacific and elsewhere.

ICAN was awarded the Nobel Peace Prize in 2017 for “its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its groundbreaking efforts to achieve a treaty-based prohibition of such weapons.”

Human Rights Framework

The Treaty on the Prohibition of Nuclear Weapons has clear references to and implications for human rights law and practice. Preambular paragraph 8 reaffirms “the need for all States at all times to comply with applicable international law, including international humanitarian law and international human rights law” The most relevant rights concern from a nuclear weapons attack is the right to life; other relevant rights concerns include the prohibition of inhuman and degrading treatment, the right to health, the right to a clean environment, the right to a home, as well as rights violations resulting from nuclear weapons testing.

Nuclear weapons possessing state

ICAN regrets that the UK is a nuclear-weapon possessing state. The exact number of nuclear warheads stockpiled by the UK is unclear, due to the deliberate policy of ambiguity about nuclear capacities. Estimates from SIPRIⁱ put the figure at 225, but this could be higher, as the UK’s 2021 ‘Integrated Review of Security, Defence, Development and Foreign Policy’ (IR2021)ⁱⁱ published by the Cabinet Office on 16 March 2021, announced an increase in the warhead stockpile ceiling to 260. In addition to promoting larger arsenals of nuclear weapons, IR2021 included furthering the policy of nuclear ambiguity, and provided for broader nuclear use options, thus undermining the UK’s previous commitments to transparency, nuclear disarmament and verification, and increasing the risks and humanitarian consequences of mistakes and miscalculation.

The United Nations immediately raised concerns that such steps were contrary to the UK’s obligations under Article VI of the NPT, and would have a damaging impact on global stability.ⁱⁱⁱ



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The UK's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons

ICAN regrets that the UK has not signed or ratified the Treaty on the Prohibition of Nuclear Weapons. It is, however, a state party to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Under Article VI of the NPT, all Parties undertake to pursue good-faith negotiations on effective measures relating to cessation of the nuclear arms race, to nuclear disarmament, and to general and complete disarmament.^{iv}

The International Court of Justice (ICJ), in its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, issued 8 July 1996, unanimously interpreted the legal obligation of Article VI as: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."^v

The decision of the UK Government to increase the stated numerical cap on UK nuclear warheads from 180 to 260 came as a shock to many civil society organisations in the UK. However, observations of warhead convoy movements undertaken by the citizen activist group Nukewatch UK^{vi} suggest that some additional warheads had already been delivered to the Royal Naval Armaments Depot in Coulport, Scotland, before IR2021 was published. The May 2021 Opinion by eminent legal scholars^{vii} on the legality of IR2021's proposed changes found that they were at odds with the UK's legal obligations under the NPT.^{viii}

The UK's nuclear weapons capacity

While the Scottish Parliament and Government are strongly opposed to nuclear weapons and seek their abolition, all of the UK's weapons are based and stored in Scotland, with no credible alternative site in the UK for the submarine base or the essentially adjacent warhead store.^{ix} The current Vanguard nuclear-armed submarines are scheduled to be replaced by four nuclear-powered Dreadnought submarines, currently under construction at BAE facilities in Barrow, England. All the UK's nuclear-powered submarines are home-ported at the Faslane Naval base, in west Scotland. These result in increased radioactive and toxic wastes being discharged into the Gare Loch, which endanger the environment and human health. The UK Government has set aside the powers of the Scottish Environmental Protection Agency to intervene to protect Scotland's environment from nuclear weapons activities.

UK warheads are routinely transported on public roads between the Scottish central belt and the Atomic Weapons Establishment (AWE) at Burghfield in Berkshire, which (together with AWE Aldermaston) is responsible for upgrading and maintenance under military control. These warheads are designed with explosive yields of up to 100 kt, and include components which are supplied from the United States. It would be impossible for English civilian emergency responders or the Scottish Government to evacuate heavily populated areas on the routes in time to avoid the potential consequences of a traffic accident or other risks involving the transported nuclear warheads. Twenty decommissioned Royal Navy nuclear-powered submarines constitute major environmental and health hazards as they float in nuclear licensed dockyards at Rosyth (Scotland) and Devonport (England).^x



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UK nuclear-powered submarines typically use uranium fuel enriched to 20 %, which is far higher than the 3-4 % 'low-enriched uranium' (LEU) established as the non-proliferation norm for nuclear

operations 'for peaceful purposes'. Human rights concerns arise relating to uranium mining on indigenous Aboriginal land. Helping Australia to acquire nuclear-powered submarines, as provided in AUKUS, the September 2021 trilateral pact between Australia, the United Kingdom and the United States, is likely to entail the same 20% high enriched uranium (HEU) fuel.^{xi}

Lack of transparency over the nuclear weapons programme costs has meant that Members of Parliament and civil society analysts have to extrapolate from Ministry of Defence historical expenditure figures and to estimate the likely future costs of the UK's nuclear weapons programme according to the government's proposed in-service dates. Variations in calculation methods deliver figures of over £200 billion to the conservative estimate £179 billion that Crispin Blunt MP put on the record during the Parliamentary debate on UK nuclear weapons held on 18 July 2016.^{xii} These costs should be set against a background of crippling austerity in the UK, with social security payments at their lowest level since the establishment of the welfare state in the UK, and the National Health Service's struggles to provide necessary healthcare for millions during the Covid-19 pandemic.

The whole infrastructure involved in maintaining and upgrading UK nuclear weapons has been beset with a series of safety problems and management failures, which the UK Government addressed with obfuscation and stopgap measures.^{xiii}

The legacy of UK nuclear testing and continuing human rights violations

British nuclear testing has left a legacy of ongoing health and environmental damage, with significant implications for the human rights of victims. In 2020, the former UN Special Rapporteur on toxics and human rights, Baskut Tuncak said: "the legacy of nuclear testing is one of the cruelest examples of environmental injustice witnessed. Today it is important that we stop and reflect on the racial and ethnic discrimination of nuclear testing, and the victims of this legacy that continue to suffer."^{xiv}

The victims of UK testing include indigenous communities as well as test site workers, service personnel and their descendants.

The United Kingdom conducted 45 nuclear tests between 1952 and 1991: 12 tests (and 600 so-called "minor trials") at Maralinga, Emu Field, and the Montebello Islands in Australia, with the involvement of the Australian government; nine tests at Kiritimati and Malden islands in Kiribati, which was under UK colonial control at the time; and 24 tests in Nevada, conducted on Western Shoshone lands under United States control. While under UK colonial control in 1962, 24 US nuclear tests were carried out on Kiritimati. Between 20,000 and 22,000 British military and civilian personnel participated in nuclear tests in Australia and Kiribati, along with some Australian personnel. An additional 551 sailors from New Zealand and 300 Fijian sailors also participated in the UK's Kiribati tests.

Approximately 500 i-Kiribati civilians lived on Kiritimati during the UK and US nuclear testing programmes. Members of the Kiritimati Survivors Association have reported numerous health problems that they attribute to the testing, including blindness, hearing problems, cancers, heart disease and reproductive difficulties. They also report that their children and grandchildren have suffered similar illnesses. In 2015, Kiribati's permanent representative to the UN, Ambassador Makurita Baaro stated, "Today, our communities still suffer from the long-term impacts of the tests,



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experiencing higher rates of cancer, particularly thyroid cancer, due to exposure to radiation.” A group of 1000 i-Kiribati people are now resettled on Wagina Island in the Solomon Islands.

Radioactive fallout monitoring across the Pacific was not well-established during the period of UK atmospheric tests. During the US tests in Kiritimati, when Kiribati was under UK colonial control, the New Zealand National Radiation Laboratory detected low levels of fallout deposition in Cook Islands, Kiribati (Tarawa), New Zealand, Niue, Samoa, Tokelau (a non-self-governing territory administered by New Zealand) and Tuvalu.

Articles 6 and 7 of the TPNW requires states parties affected by the past use and testing of nuclear weapons to provide assistance to individuals affected by the past use and testing of nuclear weapons towards the full realisation of their rights, as well as to undertake environmental remediation. Article 7 on international cooperation and assistance creates a framework through which other states parties, and even other organisations and those not party to the treaty, can contribute to these efforts. Kiribati is a state party to the TPNW, as are several other Pacific countries that recorded fallout from various countries’ tests in the region. They will be commencing work under the TPNW to address these legacies, and the UK and other testing states should consider how they could contribute to this.

In Australia, little was done to protect the 16,000 or so test site workers, and even less to protect nearby Aboriginal communities from the UK’s tests, including plutonium dispersal ‘trials’ in Maralinga. The number of Aboriginal people impacted by UK nuclear testing programmes is unknown. As well as displacement and relocation to unfamiliar lands belonging to other groups, Aboriginal people endured illness and death caused by radioactive contamination. Large tracts of land remain contaminated. In 1993, the UK agreed to contribute to environmental remediation further to its initial clean-up following the tests. UK payments of £20 million to Australia has been assessed to cover only a small proportion of the costs of remediation, with no compensation for affected people.^{xv}

Harm to service personnel and their descendants

As well as serving in the UK’s testing programme, military personnel from other nations also served in the British Commonwealth Occupation Forces in Hiroshima after the atomic bombing. In the US, troops who served in the occupation of Hiroshima and Nagasaki are recognised as atomic veterans and provided assistance - this is not the case in the UK.

Of the 22,000 who served at Britain’s 45 nuclear bomb tests and associated radiation-producing activities in Australia, Kiribati and Nevada, fewer than 3,000 now remain. There are 155,000 descendants of these atomic veterans, who report ten times the normal number of birth defects. Their issues include missing and extra teeth, giant limbs, deformed organs, childhood cancers, S-shaped bones, miscarriages, and infertility.^{xvi xvii}

Successive governments have refused to study the health of veterans and their descendants, and have concentrated their resources on delay, denial and deflection, with millions of pounds of public money spent fighting war pension and court claims. The veterans and their families continue to fight for recognition through various organisations.



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Recent investigations have found that there are at least a thousand documents relating to the UK's tests in UK archives; these are open but not accessible without specific file references. Cabinet

minutes from 1952 are withheld from public view, and after test veterans renewed a medal campaign, previously-open files were withdrawn.

The UK government has never been fully transparent with the public, allies or service personnel about the tests. There is a clear moral case for the release of all papers relating to health and environmental impacts. There are few veterans alive; there are hundreds of thousands of descendants. They, and all others in different countries affected by the UK's tests, have a right to health - a right whose realisation is impeded by the withholding of information by the UK government. Nuclear veterans and all affected by the UK's nuclear testing programme deserve the truth.

ICAN make the following recommendations:

1. The UK must take urgent steps to comply with existing NPT disarmament and nonproliferation commitments.
2. The Westminster and Scottish Parliaments to undertake separate parliamentary investigations to determine what would be entailed in pursuing nuclear disarmament and joining the TPNW, and then take measures to sign and implement the TPNW as a matter of international responsibility and urgency. Joining the Treaty would demonstrate the contribution of the UK towards global efforts to prohibit and eliminate nuclear weapons as well as to address the ongoing impacts of nuclear testing on human rights and the environment through the TPNW framework.
3. The Westminster Government should formally request that the Scottish Government report on the impact of UK nuclear weapons policies on Scotland and its citizens.
4. The UK and Scottish governments, mayors and members of parliaments and regional assemblies should participate in the first and future meetings of TPNW States Parties, which they can do as observers. They should constructively contribute their knowledge and expertise to discussions on victim assistance and environmental remediation.
5. The UK should recognise the rights of indigenous and local peoples, civilians and service personnel whose health and environments have been affected by British nuclear weapons testing, production and ongoing related activities, and ensure full cooperation and assistance to address and mitigate such impacts and provide redress, support and environmental remediation.
6. The UK should declassify archives, studies and documentation on Britain's nuclear weapons testing and associated programmes, including any that relate to accidents, environmental or health impacts arising from nuclear programmes or activities, and should assist affected people in their efforts to address all the impacts on their rights, including to their health, environment and access to justice.

7. The UK government should recognise and work with civil society representatives and UK mayors, members of parliament and regional assemblies from the UK who seek to draw attention to nuclear-related violations of human rights.

8. The UK Government should contribute to the elimination of all nuclear arsenals by contributing expertise on nuclear disarmament verification and relevant safety and security issues.

9. That the UK provide recognition and assistance towards the full realisation of the rights of those affected by its nuclear tests and its deployment of its nuclear weapons, and contribute towards the remediation of affected environments.

10. That the UK provide cooperation and assistance - including information, technical and financial assistance - to states working to address the impacts of UK nuclear tests on the rights of their populations and their environment.

ⁱ SIPRI Yearbook 2021 world nuclear forces, https://sipri.org/sites/default/files/2021-06/yb21_10_wnf_210613.pdf

ⁱⁱ <https://www.gov.uk/government/collections/the-integrated-review-2021>

ⁱⁱⁱ UN spokesperson on UN/UK nuclear weapons, UNifeed, 17 March 2021. <https://www.unmultimedia.org/tv/unifeed/asset/2608/2608243/>

^{iv} <https://www.un.org/disarmament/wmd/nuclear/npt/>

^v Decision F, <https://www.un.org/press/en/1996/19960708.icj546.html>

^{vi} <https://www.nukewatch.org.uk/wp-content/uploads/2021/04/UK-warhead-numbers-and-the-Integrated-Review.pdf>

^{vii} Joint Opinion from Professor Christine Chinkin and Dr Louise Arimatsu on the Legality under International Law of the United Kingdom's Nuclear Policy as set out in the 2021 Integrated Review, published 18 May 2021, <https://cnduk.org/wp-content/uploads/2021/05/CND-legal-opinion-1.pdf>

^{viii} <https://www.un.org/disarmament/wmd/nuclear/npt/text>

^{ix} Rebecca Eleanor Johnson, 'Nuclear weapons are banned: What does this mean for Britain?', AIDD and CND, 2022, <https://www.nuclearban.scot/nuclear-weapons-are-banned-what-does-this-mean-for-britain-report-by-dr-rebecca-johnson-published/>

^x <https://www.nukewatch.org.uk/wp-content/uploads/2017/08/UnreadyScotland-Report.pdf>

^{xi} Frank von Hippel, Mitigating the Threat of Nuclear-Weapon Proliferation via Nuclear-Submarine Programs, 2019, <https://www.tandfonline.com/doi/full/10.1080/25751654.2019.1625504>; and https://www-pub.iaea.org/MTCD/Publications/PDF/te_1452_web.pdf

^{xii} Parliamentary Debate on Trident, 18 July 2016, Commons Hansard vol 613; Crispin Blunt's contribution at <https://www.theyworkforyou.com/debates/?id=2016-07-18c.558.5#g584.5>

^{xiii} <https://reachingcriticalwill.org/images/documents/Publications/modernization/uk-2022.pdf>

^{xiv} <https://news.un.org/en/story/2020/07/1068481>

^{xv} Dimity Hawkins (2018), 'Australia: Ongoing Humanitarian, Human Rights and Environmental Concerns at Monte Bello, Emu Field and Maralinga Nuclear Test Sites' International Disarmament Institute at Pace University <https://cpb-us-w2.wpmucdn.com/blogs.pace.edu/dist/0/195/files/2018/10/Australia-PosObs-Country-Report-7-1-10f9q33.pdf>

^{xvi} <https://pubmed.ncbi.nlm.nih.gov/10467894/>

^{xvii} https://www.labrats.international/files/ugd/71499a_c3d02d76d635412ebdf261b90e4d887b.pdf