

1 July 2025

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Prime Minister, the Hon Mr Anthony Albanese
Foreign Minister, the Hon Ms Penny Wong
BY EMAIL WEB FORM

Dear Prime Minister and Foreign Minister

United Nations Treaty on the Prohibition of Nuclear Weapons (TPNW)

Australian Lawyers for Human Rights (ALHR) notes recent comments by the Prime Minister and Foreign Minister in relation to the unilateral military action taken by the United States in response to the alleged threat posed by nuclear sites in Iran. In particular, we note the Foreign Minister's statement that *"it is not in the interest of collective peace and security for Iran to gain access to any nuclear weapon."*¹

Given your concerns about collective peace and security and the existential threat posed by nuclear weapons, ALHR calls on the Albanese Government to walk the talk and live up to its commitment to sign the United Nations Treaty on the Prohibition of Nuclear Weapons (TPNW).

The TPNW establishes a comprehensive set of international legal prohibitions on participating in any nuclear weapon activities.

The January 2021 entry into force of the TPNW marked the potential for a new global chapter for nuclear disarmament - one which acknowledges the catastrophic humanitarian consequences of any nuclear weapon use. While 94 countries around the world have signed the TPNW, Australia has not. Consequently, we are missing an important opportunity to remain in step with significant developments in international law.

Countries that have ratified the TPNW have agreed to binding undertakings to not develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons, or to assist other countries in doing so. The TPNW also prohibits countries from allowing others to conduct these activities, or to deploy nuclear weapons, on their national territory or territory under their control.

As outlined by the 2017 Nobel Peace Prize winning International Campaign to Abolish Nuclear Weapons (ICAN) in their "For The Record" report², the TPNW is consistent with Australia's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) which require it to pursue negotiations in good faith on effective measures relating to nuclear disarmament. As such, the TPNW builds on and reinforces the NPT."

Australia has joined every other treaty that prohibits indiscriminate or inhumane weapons, including the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT), the 2008 Convention on Cluster Munitions, the

¹ Josh Butler and Dan Jervis-Bardy, 23 June 2025, *PM backs Iran strikes but says Australia is 'deeply concerned about any escalation'* The Guardian at:

<https://www.theguardian.com/australia-news/2025/jun/23/australia-backs-us-iran-strikes-pine-gap>

² see <https://icanw.org.au/australia>

1997 Ottawa Treaty which prohibits anti-personnel mines - as well as the NPT and the South Pacific Nuclear Free Zone Treaty.

ALHR recalls the commitment made at the 2018 Labor Conference where party members voted in favour of the Hon Anthony Albanese's resolution setting out that Labor, in government, would sign and ratify the TPNW. In a speech in support of this resolution Mr Albanese said:

Nuclear disarmament is core business for any Labor government worth the name.

*And that is why I am pleased that this motion before us today says that Labor in government will sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.*³

This commitment was reaffirmed at the August 2023 Labor Conference in Brisbane.

ALHR acknowledges and commends that in 2022, during your first term in government, Australia formally ended its opposition to the TPNW⁴ and, for the first time, abstained voting on an annual UN General Assembly resolution that welcomes the adoption of the treaty and calls upon all states to sign, ratify, or accede to it "at the earliest possible date."⁵

On 23 June 2022 Australia observed the first Meeting of States Parties to the TPNW.

Ahead of that meeting 55 former Australian ambassadors and high commissioners sent an open letter urging the Prime Minister to act swiftly on Labor's pre-election pledge to sign and ratify the TPNW in government.⁶

On 17 April 2023, Foreign Minister Penny Wong addressed the National Press Club delivering a speech that raised a number of points relevant to nuclear non-proliferation and disarmament. At the Press Club, Guardian journalist Daniel Hurst asked a question on whether a first term Albanese government would be in a position to sign the TPNW. In responding to the question the Foreign Minister noted that the TPNW has:

*"substantial normative value" [and] "the fact that so many states have signed it demonstrates the frustration that there has been insufficient progress in the context of the NPT, and if this [the TPNW] can spur that more progress in that arena, that is a good thing."*⁷

In November 2023, your Government announced that it was:

³ *Speech To The 48th National Conference Of The Australian Labor Party Moving Support For The Nuclear Weapon Ban Treaty Adelaide Convention Centre, Sa at:*

<https://anthonyalbanese.com.au/speech-moving-support-for-the-nuclear-weapon-ban-treaty-tuesday-18-december-2018>

⁴ Daniel Hurst, 29 October 2022, *Australia drops opposition to treaty banning nuclear weapons at UN vote*, The Guardian at,

<https://www.theguardian.com/world/2022/oct/29/australia-drops-opposition-to-treaty-banning-nuclear-weapons-at-un-vote>

⁵ UNGA Resolution Treaty on the Prohibition of Nuclear Weapons A/C.1/75/L.6 at:

<https://docs.un.org/en/A/C.1/75/L.6>

⁶ Ben Doherty, 20 June 2022, *Australia yet to sign up to treaty banning nuclear weapons but will attend UN meeting as observer*, the Guardian at:

<https://www.theguardian.com/australia-news/2022/jun/20/australia-yet-to-sign-up-to-treaty-banning-nuclear-weapons-but-will-attend-un-meeting-as-observer>

⁷ ICAN, 17 April 2023, *Foreign Minister at the National Press Club at:*

<https://icanw.org.au/foreign-minister-at-the-national-press-club/>

*“...considering the TPNW systematically and methodically as part of our ambitious agenda to advance nuclear non-proliferation and disarmament.”*⁸

Australia has since observed the second and third Meetings of States Parties to the TPNW.⁹

ALHR notes overwhelming support within the Australian community for the TPNW.

More than 250 Australian Federal, State and Territory parliamentarians have declared their support for the TPNW.¹⁰ Polling has shown that 76 percent of Australians believe that the government should sign the TPNW, with just 6 percent against and 18 percent undecided.¹¹ ALHR¹², the Australian Red Cross, the Australian Medical Association, the Australian Council of Trade Unions, and more than 40 councils from cities including Brisbane, Canberra, Hobart, Melbourne, and Sydney have called on Australia to sign the TPNW.¹³ In 2023, 132 civil society organisations representing hundreds of thousands of Australians joined a statement commemorating the 70th anniversary of the first mainland nuclear test, at Emu Field SA, and calling for Australia to sign and ratify the treaty.¹⁴ More than 60 faith-based groups endorsed an Interfaith Open Letter calling on the Australian government to sign and ratify the treaty.¹⁵

While ALHR recognises the need to consult with partners and stakeholders and to consider the TPNW carefully, your Government has now had three years to do so.

It is now time for Australia to walk the talk and sign the TPNW.

As the Prime Minister said in his inspiring 2018 speech:

Others have raised concern that somehow [the TPNW] would interfere with our relations with the United States.

Not true.

I am a very strong supporter of our friends and our alliance with the United States, it goes beyond a relation between individuals.

The fact is that we can disagree with our friends in the short term, while maintaining those relations.

When other treaties such as landmines first came up, the United States and many other countries that ended up supporting it today were hostile to the idea.

But the fact is that we have, on our side, the overwhelming support of the Australian people.

The fact is that around four in five of our Federal Labor Caucus have signed up to support this process, and that's because it's consistent with the Labor way.

⁸ Minister for Foreign Affairs Media Release, 26 November 2023, *Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons* at: <https://www.foreignminister.gov.au/minister/penny-wong/media-release/second-meeting-states-parties-treaty-prohibition-nuclear-weapons>

⁹ December 2023 and March 2025

¹⁰ ICAN <https://icanw.org.au/pledge/>

¹¹ Poll: Ipsos, March 2022

¹² Australian Lawyers for Human Rights Media Release, 22 January 2022, *Human rights lawyers call on Morrison Government to support Nuclear Ban Treaty*, at: <https://alhr.org.au/human-rights-lawyers-call-morrison-government-support-nuclear-ban-treaty/>

¹³ Woods, C, *Australia's nuclear future and the legal ramifications of ratifying TPNW*, *Law Society Journal*, Feb 2024 at: <https://lsj.com.au/articles/australias-nuclear-future-and-the-legal-ramifications-of-ratifying-tpnw/>

¹⁴ see https://icanw.org.au/black_mist_ban/

¹⁵ See <https://icanw.org.au/interfaith-support/>

It's consistent with what we did on the Canberra Commission.

It's consistent with what we did on the NPT.

It's consistent with the role that we've played internationally.

We need to be out there advocating advancement on these issues because progress always requires leadership. And there's a lot of discussion about what leadership looks like.

Delegates, this is what leadership looks like.¹⁶

ALHR calls on the Albanese Government to now show this leadership.

We call on Australia to sign and ratify the TPNW within the next six (6) months.

Nuclear weapons pose an existential threat to the planet. Ratifying the TPNW is not only in the best interests of Australians but of all humankind.

We look forward to your reply and would be happy to meet with you to discuss this letter.

Yours faithfully,

Kerry Weste, Vice President

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ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia.

Any information provided in this letter is not intended to constitute legal advice, to be a comprehensive review of all developments in the law and practice, or to cover all aspects of the matters referred to. Readers should take their own legal advice before applying any information provided in this document to specific issues or situations.

¹⁶ *Speech To The 48th National Conference Of The Australian Labor Party Moving Support For The Nuclear Weapon Ban Treaty Adelaide Convention Centre, Sa at:*
<https://anthonyalbanese.com.au/speech-moving-support-for-the-nuclear-weapon-ban-treaty-tuesday-18-december-2018>