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From nuclear disarmament stalwart to nuclear weapons apologist

– by Peggy Mason, RI President for a panel presentation at the [NPSIA, iAffairs and Canadian Foreign Policy Journal Conference](#) on 11 October, 2019.

Background¹

Nearly half a century after the five declared nuclear-weapon states² in 1968 pledged under the landmark Nuclear Nonproliferation Treaty (NPT) to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,” all of the world’s nuclear-weapon states are modernizing their arsenals and continue to reaffirm the importance of such weapons.

None of them appears willing to eliminate its nuclear weapons in the foreseeable future.

It’s true the nuclear arms race that was a main feature of the Cold War is over, and Russia, the United States, China, France and the United Kingdom have reduced their arsenals significantly. Nevertheless, huge arsenals remain, especially in Russia and the United States. China, India, North Korea, Pakistan, and possibly Israel are increasing their stockpiles, although at levels far below those of Russia and the United States. All nuclear-armed states speak of nuclear weapons as an enduring and indefinite aspect of national and international security.

As a result, the world’s nine nuclear-armed states still possess more than 10,000 nuclear warheads combined, of which more than 90 percent are in Russian and U.S. stockpiles. In addition to these stockpiled warheads, those two countries possess thousands of additional nuclear warheads. These warheads, retired but still relatively intact, are in storage awaiting dismantlement. Counting both categories of nuclear warheads, the world’s total combined inventory includes an estimated 17,000 nuclear warheads.

Moreover, many non-nuclear-weapon states that publicly call for nuclear disarmament continue to rely on nuclear-armed allies to protect them with nuclear weapons. In fact, five *non*-nuclear-weapon states in NATO have volunteered to serve as surrogate nuclear-weapon states by equipping their military forces with the necessary tools to deliver U.S. nuclear weapons in times of war—an arrangement tolerated during the Cold War but entirely inappropriate in the post-

¹ Summary drawn from Hans M. Kristensen in Arms Control Today.

² The other two are China and Russia. The five nuclear-armed states who are party to the NPT are referred to as declared “nuclear weapons states”, a term established by the NPT. The other four states with nuclear weapons who are *outside* the Treaty – India, Pakistan, Israel and North Korea – are known as “nuclear-armed states”.

Cold War era in which NATO and the United States are advocating strict adherence to nonproliferation norms as a foundation for international security.

Thus, although the *numerical* nuclear arms race between East and West is over, a dynamic *technological* nuclear arms race is in full swing in all of the nine nuclear-armed states and may increase over the next decade. New or improved nuclear weapons programs under way in those countries include at least 27 for ballistic missiles, nine for cruise missiles, eight for naval vessels, five for bombers, eight for warheads, and eight for weapons factories.¹

In addition to the development of new *types* of nuclear weapons, the Trump administration's nuclear posture review proposes new roles – such as the first use of nuclear weapons in response to a cyber attack – and undermines nuclear deterrence by lowering the threshold for first use and entertaining the notion of a limited, *winnable* nuclear war. Russia, while denouncing as “insane” the early resort to first use, has also been accused (albeit with scanty evidence) of undermining deterrence through an “escalate to de-escalate” strategy involving the early use of tactical nuclear weapons. More likely, however, is that the “escalate-to-de-escalate” hypothesis has been [concocted mostly out of thin air](#) to justify new low-yield nuclear options long cherished by the U.S. nuclear establishment.

Parallel with its weapons build up is the further abandonment of the arms control architecture between the United States and Soviet Russia that had been built up over decades. The bedrock Treaty anchoring the entire architecture, the 1972 ABM Treaty – prohibiting most strategic missile defences because of the resulting incentive to build ever more offensive systems to overwhelm these defences - was unilaterally jettisoned by George W. Bush in 2002. President Obama temporarily boosted strategic arms control with the successful negotiation of the New START Treaty in 2010. But President Trump doubled down on the destabilising effects of his new nuclear posture, by announcing in October 2018 the U.S. intention to walk away from another landmark Cold War arms control agreement, the INF treaty³. This action was coupled with a concerted effort by then American National Security Advisor John Bolton to avoid talks on a New START treaty extension – which Putin is on record as supporting - until the time runs out in early 2021.

That would leave no legally binding limits on the world's two largest nuclear arsenals for the first time since 1972, all the while that major nuclear weapons modernization programs are underway.

Open Skies Treaty

And on October 9, 2019 President Trump has threatened to leave the [Open Skies Treaty](#), which entered into force in 2002 and which Canada played a pivotal role in achieving.

³ The Intermediate-Range Nuclear Forces Treaty led to the destruction of an entire class of dangerous nuclear weaponry and convinced both Washington and Moscow that the other wanted strategic *stability* more than strategic *advantage*.

Key elements of the Treaty were negotiated at an historic meeting in Ottawa in February 1990 between NATO and Warsaw Pact Ministers, with a second phase in Budapest in May, 1990 and formal signing of the Treaty in Helsinki in March 1992.⁴

Open Skies is one of the most wide-ranging international efforts to date promoting openness and transparency of military forces and activities.

Nuclear risks higher than ever before

In addition to the almost complete absence of diplomatic mechanisms for mutual reassurance, cyber technologies, artificial intelligence, advanced hypersonic weapons delivery systems and anti-satellite weaponry are making the U.S.-Russian [“shadow war”](#) much more complex and dangerous than the old Cold War competition.

Former U.S. Secretary of Defence William Perry [warns that nuclear weapons risks](#) are greater than in the Cold War while the Bulletin of Atomic Scientists [Doomsday Clock has been set at 2 minutes to midnight](#) in the face of the twin global threats of nuclear and climate devastation.

Whither Canada?

Canada, NATO and the NPT

To understand the extent of Canada’s retreat from staunch defender of meaningful steps towards increased nuclear restraint and eventual disarmament to the shocking role of U.S. nuclear weapons apologist, it is necessary to review the position of Canada in the context of the NPT and NATO.

In the words of the NATO North Atlantic Council, the [Nuclear Non-proliferation Treaty \(NPT\)](#) has been “the heart of global non-proliferation and disarmament efforts for almost 50 years”. The Treaty enshrines an historic bargain – all but the 5 “declared” nuclear weapons states (NWS) promise never to acquire nuclear weapons in return for access to relevant technology for peaceful purposes (energy, medicine) and a commitment from the 5 NWS to eventual nuclear disarmament. While there is widespread disappointment in the Treaty’s failure to secure nuclear disarmament, it is the indisputably successful linchpin in global efforts to stem the horizontal proliferation of nuclear weapons to new state and non-state actors.

Canada is one of 186 *non*-nuclear-weapons states who are party to the treaty as are all the other NATO members, with the exception of the USA, the UK and France, who are three of the five

⁴ It establishes a program of unarmed aerial surveillance flights over the entire territory of its participants. The treaty is designed to enhance mutual understanding and confidence by giving all participants, regardless of size, a direct role in gathering information about military forces and activities of concern to them.

“declared” nuclear-weapons-state parties to the treaty⁵. Under Article VI of the treaty, as interpreted unanimously by the [1996 Advisory Opinion of the International Court of Justice \(ICJ\)](#), all states parties, whether nuclear or non-nuclear, are under a legally binding obligation “... to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective control”.

This legally binding international obligation stands in sharp contrast to the strictly *political* commitment made by NATO member states to the Alliance nuclear posture - a policy, not a legal obligation - there being no reference whatsoever to nuclear weapons in the North Atlantic Treaty.

From the 1970 entry into force of the NPT there has been controversy over the self-evident contradiction between the *non-nuclear weapons status* of countries like Canada, Norway and the Netherlands and our participation in a nuclear-armed alliance. The justification has always been that NATO’s nuclear posture predates the treaty and therefore is somehow justifiable, despite the lack of any language in the treaty to support this argument.

Canada in the past has tried very hard to minimize this contradiction and to live up to the NPT’s Article VI “good faith nuclear disarmament obligation” by championing measures like a comprehensive nuclear test ban treaty and multilateral verification principles, even during the darkest days of the Cold War when the USA was adamantly opposed. And NATO itself has sought to reconcile the seemingly irreconcilable by committing “to the goal of creating the conditions for a world without nuclear weapons – but reconfirms that, as long as there are nuclear weapons in the world, NATO will remain a nuclear Alliance.”

And with the end of the Cold War and huge decreases in Russian and American nuclear arsenals, Canada played a significant bridging role in the indefinite extension in 1995 of the NPT, from its original 20-year term.

In other words, so long as numbers of nuclear weapons were decreasing, albeit ever more slowly, and the global norm against their use was strengthening, Canada could credibly claim that it was indeed contributing to the NATO objective of seeking to create the conditions for a world free of nuclear weapons

But all that changed as USA-Russian relations steadily deteriorated culminating with the Ukraine crisis, the Russian annexation of Crimea and the imposition of sanctions by the USA, the EU and others including Canada. Just as the need for nuclear restraint and reassurance measures became ever more pressing, Canadian nuclear disarmament diplomacy was increasingly eclipsed by rote support for NATO’s nuclear posture and not its NPT disarmament obligations.

And it is precisely this unbalanced approach that should have been rectified by the Justin Trudeau government, with its lofty promises of Canadian leadership in defence of

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multilateralism and a rules-based international order. It did not seem to even occur to the government that nuclear arms control is a key cornerstone of that order.

Thus, Canada's official response to the impending demise of the INF Treaty was to parrot the USA and NATO's line that Russia was entirely to blame, instead of urging dialogue on the legitimate concerns of *each* side over alleged Treaty violations by the other⁶.

New Battlefield Nuclear Weapons for NATO

The American nuclear weapons modernisation program is of particular relevance to NATO. It involves the introduction into the 5 NATO basing countries⁷ of new American so-called tactical⁸ or battlefield nuclear weapons - upgraded with a lower yield (energy release upon detonation) and greater targeting precision. These are the very characteristics that caused the U.S. Congress to ban the development of these weapons in the 1990's because, they argued, they created the "illusion" of usability, when the only rational role for nuclear weapons was to deter their use by any one.

As nuclear dangers multiplied, the vast majority of the international community was increasingly frustrated by the decades-long failure of the Conference on Disarmament (CD), the supposed "sole multilateral negotiating body for nuclear disarmament", to agree even on a work program, let alone actual steps towards nuclear disarmament. Despite this, Minister Freeland's Global Affairs officials continued to espouse a business-as-usual approach, akin to inching slowly forward on a conveyor belt toward the ever-receding nuclear disarmament horizon while the belt itself hurtled in the other direction towards a world with ever more lethal nuclear weapons.

The Nuclear Ban Treaty Negotiation

This global dissatisfaction led ultimately to a strong majority of UN member states launching a multilateral negotiation for a nuclear prohibition treaty by a majority vote of the UN General Assembly in December of 2016. This negotiation – which Canada shamefully voted against and then even more shamefully boycotted - culminated in the [Treaty on the Prohibition of Nuclear Weapons](#) (TPNW or Nuclear Ban Treaty), which was approved by 122 UN member states on July 7th, 2017, opened for signature at the UN on September 20th, 2017 and which now has 32 state parties and 79 signatories.

⁶ While there has been endless focus on US concerns over certain Russian missile installations, longstanding Russian concerns over the offensive capacity of American missile defences deployed in Europe – which would make them a violation of the INF Treaty – have been routinely ignored by the USA and NATO.

⁷ Belgium, Germany, Italy, Netherlands and Turkey. All are non-nuclear weapons state parties to the NPT.

⁸ I say "so-called" tactical nuclear weapons because it is inconceivable that any detonation of nuclear weapons, however precise, would not have strategic effects.

But Canada went even further and joined in an [extraordinary statement](#) issued by the NATO North Atlantic Council (NAC) which commented negatively on the nuclear ban treaty on the very day it opened for signature.

The NATO statement attacking the new ban treaty would have been bad enough if it were only being mouthed by nuclear weapons states but was shockingly inappropriate for a *non-nuclear* member of the NPT like Canada, with a long and proud history of championing nuclear disarmament under both past Liberal and Progressive Conservative Governments.

The most egregious assertion in the September 20th NAC statement was that the Nuclear Ban Treaty “risks undermining the NPT”. Precisely the opposite is true. Those states who sought to abort the ban treaty negotiation and who were now trying to prevent it coming into force are of course the ones who are undermining the NPT! Such hypocrisy is regrettably not that unusual when it comes to the nuclear weapons states. *What is truly unprecedented and unacceptable is that non-nuclear weapons states like Canada have joined in this calumny.*

The second blatantly inaccurate assertion is that the nuclear ban treaty “will not engage any state actually possessing nuclear weapons”.

Nothing could be further from the truth. Article 6 of the Treaty on the Prohibition of Nuclear Weapons lays out in detail two methods for nuclear weapons states to join the treaty – through a “destroy and join” methodology or a “join and destroy” process, with the International Atomic Energy Agency (IAEA) as the appropriate international body to take control of all resulting fissile material from decommissioned nuclear warheads.

One of the more hilarious parts of the statement – if the issue were not so deadly serious – is the assertion that the nuclear ban treaty “risks... creating divisions and divergences at a time when a unified approach to proliferation and security threats is required more than ever.” The General Assembly vote launching the ban treaty negotiation (which was then boycotted by all NATO members except the Netherlands) was a vote of 130 in favour (including 3 brave NATO members – Albania, Estonia and Italy), 12 abstentions (including Netherlands, China, India and Pakistan) and 31 against (including Canada and the rest of NATO.)

In other words, the *minority* (including Canada) that were causing the disunity and lack of consensus was accusing the *overwhelming majority* of being the ones at fault.

The September 20 NAC statement ends with the extraordinary declaration that “we [NATO] would not accept any argument that this [ban] treaty reflects or in any way contributes to the development of customary international law”. Happily for the rest of us, it is not up to NATO

but the International Court of Justice and the International Criminal Court to determine what constitutes customary international law.

But having raised that issue, perhaps they might want to read once more the ICJ Advisory opinion, referenced earlier, on the *illegality* of the threat or use of nuclear weapons except in the very narrowest of circumstances where the “very survival of the state” might be at stake. The court ruled that in *every other circumstance* the use of nuclear weapons (and therefore the threat to so use them) would be manifestly illegal under international law because of the inability of the use of nuclear weapons to meet the fundamental requirements of international humanitarian law in terms of discrimination between military and civilian targets and proportionality as between the military objective and the collateral damage.

Where does all this leave Canada?

The answer is clear. It is our legal obligation under Article VI of the NPT to begin the process of signing and ratifying the Nuclear Ban Treaty by absenting ourselves from NATO’s nuclear doctrine⁹ and beginning a dialogue with NATO with the aim of convincing other non-nuclear weapons states in NATO to similarly renounce NATO’s unnecessary, dangerously provocative and counterproductive nuclear posture. An obvious first step toward this goal would be for NATO to abandon its retrograde “flexible response” doctrine in favour of a no-first-use of nuclear weapons policy. Such an updated strategic doctrine would finally fulfill the promise of the 1990 London Summit to make nuclear weapons “truly weapons of last resort”.

Without such action, NATO, the most powerful conventional military alliance on earth, is on the one hand proclaiming that it needs nuclear weapons for its own security while, on the other hand, telling North Korea and Iran, as they face off against the United States and its allies, that they do not.

And lest anyone argue that Canada’s pursuit of such a dialogue in NATO is far-fetched and unrealistic, it reflects a unanimous¹⁰ recommendation of the House of Commons Standing Committee on National Defence in its report on Canada and NATO, tabled in June 2018. ([link](#))

House of Commons Parliamentary Standing Committee Unanimous Recommendation 21 on Urgent NATO Dialogue

⁹ There is a long history in NATO of individual states absenting themselves from particular aspects of nuclear or other doctrine with which they disagree, and signalling their disagreement through a “footnote” in official communiqués. The most famous example is that of France absenting itself from the Nuclear Planning Group.

¹⁰ This means that the Liberal, Conservative and NDP members of the Committee all supported this recommendation.

The recommendation reads as follows:

Nuclear Proliferation and Nuclear Disarmament

Recommendation 21

That the Government of Canada take a leadership role within NATO in beginning the work necessary for achieving the NATO goal of creating the conditions for a world free of nuclear weapons. That this initiative be undertaken on an urgent basis in view of the increasing threat of nuclear conflict flowing from the renewed risk of nuclear proliferation, the deployment of so-called tactical nuclear weapons, and changes in nuclear doctrines regarding lowering the threshold for first use of nuclear weapons by Russia and the US.

Recommendation 21 is a call for *new* efforts to be undertaken by Canada *within NATO* on an *urgent* basis to identify how NATO might contribute to “achieving a world free of nuclear weapons”. The key insight underpinning the Committee’s recommendation is *that the stated NATO goal of “creating the conditions for a world free of nuclear weapons” will never be achieved without concerted, dedicated efforts by NATO members to this end.*

Government of Canada’s response

While the Government of Canada’s response to Recommendation 21 begins with the words “[t]he GOC agrees with the recommendation”, it offers no *new* actions within NATO or elsewhere, on any basis let alone an urgent one. Instead, there is a reiteration of current Canadian actions in the Conference on Disarmament and at the UN General Assembly. There is not even an acknowledgement of key concerns raised by the Committee including the pending deployment of new tactical nuclear weapons in Europe and destabilising changes in the Russian and US nuclear doctrines.

What should Canada do to fulfill its NPT obligation to support good faith negotiations towards nuclear disarmament?

The other looming issue is the 2020 Review of the NPT (an event that occurs every 5 years) which, for all the reasons set out above, is widely expected to be a debacle. If so, it would be the first time in the history of the Treaty that two successive five-year reviews ended in the failure of the Treaty’s members to agree on a collective statement on the health of this vitally important Treaty. Some diplomats and arms control experts ([link](#)) even fear that such an outcome could lead to the very unravelling of the treaty, and with it the firewall it represents between a world with 9 nuclear armed states and a dystopia with countless more.

Given the disdain which the nuclear weapons states and their allies have heaped on the Nuclear Ban Treaty, promises of better behaviour will not be enough to save the 2020 NPT Review Conference. Concrete measures to reduce nuclear risks through actual weapons reductions will be required.

Once again this brings us back to NATO’s battlefield weapons.

The norm *against* battlefield use of nuclear weapons has held for almost three-quarters of a century. But it is now under direct assault from the USA and NATO, India and Pakistan, all of which have plans to deploy modernised battlefield nuclear weapons.

Any non-nuclear weapons state in NATO can say NO to this. Each member country is free to absent from all or part of NATO policy on nuclear weapons (as has happened many times in the past). Consensus is not necessary. If even *one* of the five non-nuclear basing countries have the courage to refuse the stationing of the new nuclear weapons on their soil, and to insist that the old ones be removed, that will put enormous pressure on the other four to follow suit, given the lack of public support for these utterly destabilizing American nuclear weapons on European soil.

Recommendation: This should be the initial focus of the urgent dialogue with NATO that the Parliamentary Standing Committee on National Defence called on Canada to exercise a leadership role in undertaking.

An important first step in this direction, would be for Canada to initiate a dialogue with select NATO member states, including Germany, Italy and the Netherlands, with a view to securing agreement by all five of the non-nuclear “basing” states for:

- **the removal of all existing tactical nuclear weapons on their territory and**
- **for their refusal to permit the installation of new, upgraded American tactical nuclear weapons on their soil, on the basis that to do so would clearly and unequivocally be a breach of their NPT Treaty obligations as well as a dangerous and unnecessary escalation in nuclear tensions.**

This action would provide an unmistakable signal that Canada, at long last, was indeed “back” in the forefront of indispensable global efforts to move us back from the brink of nuclear war.
