

Statement by Peggy Mason to a (virtual) Senate Briefing on the Treaty on the Prohibition of Nuclear Weapons (TPNWW) - 19 Jan 2021

Honourable Senator McPhedran et d'autres honorables sénateurs, je vous remercie beaucoup de cette occasion de vous présenter les fondements de ce traité historique et certaines de ses implications pour le Canada.

I turn now to the key [provisions of the Treaty](#) (TPNWW).

Preamble

The treaty has a 24-paragraph preamble acknowledging the catastrophic humanitarian consequences of nuclear weapons use and the value of existing international disarmament agreements including the [Nuclear Non-proliferation Treaty \(NPT\)](#), the [Comprehensive Test Ban Treaty \(CTBT\)](#), and [nuclear-weapon-free-zone agreements](#), as well as the “right” of states-parties to peaceful uses of nuclear energy.

Prohibitions (Article 1)

States-parties are prohibited to use, threaten to use, develop, produce, manufacture, acquire, possess, stockpile, transfer, station, or install nuclear weapons or assist with any of these prohibited activities.

Safeguards (Article 3)

Non-nuclear-weapon states parties are required to have, at a minimum, a comprehensive safeguards agreement with the [International Atomic Energy Agency \(IAEA\)](#) to ensure all nuclear activities are peaceful.

Nuclear-weapon states accession (Article 4)

There are two ways for a nuclear-weapon state to accede to the treaty and eliminate its nuclear weapons: It can join the treaty and then destroy its nuclear weapons or destroy its nuclear weapons and then join the treaty.

States that “destroy and join” must cooperate with a “competent international authority” designated by the treaty to verify dismantlement. States that “join and destroy” must immediately remove [their] nuclear weapons from operational status and submit a time-bound plan for their destruction within 60 days of joining the treaty.

The treaty does not specify which “competent international authority” would be suited to verify irreversible disarmament of a nuclear-armed state that decides to join the treaty, but the treaty it allows for an appropriate authority to be designated at a later date.

The treaty requires any current or former nuclear-weapon state that seeks to join the prohibition treaty to conclude a safeguards agreement with the International Atomic Energy Agency (IAEA) to verify that nuclear materials are not diverted from peaceful to weapons purposes.

Positive obligations (Articles 6 and 7)

The treaty obligates states-parties to provide victim assistance and environmental remediation to those affected by nuclear weapon use and testing.

Meetings of states-parties, signature, ratification and entry into force (Articles 8, 13, 14, and 15)

Biennial meetings of states-parties will address implementation and other measures. Review conferences will be held every six years. We have already heard about the entry into force provisions.

I turn now to the impact of the new Treaty on the Prohibition of Nuclear Weapons (TPNW)

Although the prohibition treaty by itself will not eliminate any nuclear weapons, it provides a roadmap to their elimination and, in the meantime, the treaty will help to further delegitimize nuclear weapons and strengthen the legal and political norm against their use.

Canada, the Nuclear Non-Proliferation Treaty (NPT) and NATO

Paul Meyer and Ray Acheson will address key issues relating to the steps that Canada, as a member of NATO, would need to take in order to ratify the TPNW. I would like to address the fundamental complementarity of the Nuclear Non-proliferation treaty and the new Treaty on the Prohibition of Nuclear Weapons.

It is important to underscore that there is *one* thing upon which *all* 191 states parties to the NPT agree – that the 1970 Nuclear Non-proliferation Treaty (NPT) is the fundamental cornerstone of global nuclear non-proliferation and disarmament efforts. Under this agreement, non-nuclear-weapon states-parties are under an obligation *to remain non-nuclear-weapon states* (Article I), while nuclear-weapon states-parties are under an obligation *to negotiate in good faith* with a view to becoming *non-nuclear-weapons states-parties* (Article VI). (The third leg of the NPT bargain – fair access to nuclear technology for peaceful purposes - does not concern us here today.) As Ambassador Roche has already stated, but it bears repeating, the Article VI obligation to negotiate nuclear disarmament in good faith has been upheld as a [legally binding obligation by the International Court of Justice \(ICJ\)](#).

The new TPNW is in large part a result of the frustration of the non-nuclear weapons states who are party to the NPT for the abject failure of the 5 declared nuclear weapons states who are party to the treaty (USA, Russia, UK, France and China) to live up to their end of the bargain, with massive nuclear weapons modernization programmes, and not nuclear disarmament, now underway.

“Grandfathering” of NATO nuclear arrangements

The wording of Articles I and II¹ of the 1970 Nuclear Non-proliferation Treaty (NPT) clearly prohibits the stationing of nuclear weapons on the territory of non-

¹ 1. Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

2. Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

nuclear weapons states who are party to the treaty. But NATO has maintained since the entry-into-force of the NPT that its arrangements pre-dated the NPT and were implicitly permitted under its terms.

Thus, the new treaty, *in disallowing these actions categorically*, can be seen as a fulfillment of Articles One and Two of the NPT as well as a step towards fulfillment of Article VI of the NPT, since it sets out a clear method by which nuclear weapons states can achieve nuclear disarmament.

Starting a dialogue in NATO

Honourable Senators, in June of 2018 the House of Commons Standing Committee on National Defence delivered [a report on NATO](#)² to the House of Commons. It included a unanimous recommendation reading in part as follows:

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.

In its [written response to this recommendation](#), the government professed its agreement but then offered no steps toward, or even an intention to launch, **a dialogue on how NATO might actually begin to meet the obligations of its members under Article VI of the NPT.**

Surely a dialogue within NATO on ending its destructive and baseless attacks on the new prohibition treaty – the TPNW - and beginning the work in earnest of reducing its reliance on nuclear weapons would be a very good start.

Thank you.

² Note that support for this important recommendation should not be interpreted as support for all elements of the Standing Committee Report.