Canada and the Nuclear Ban Treaty – The Deterrence vs Disarmament Dilemma

By Paul Meyer

Synopsis

Canada has long been an exponent of nuclear disarmament in its international security policy. As a member of NATO, it has also upheld the Alliance’s policy of nuclear deterrence. Canada has lived with the tension between these two stances for decades, but the advent in July 2017 of the Treaty on the Prohibition of Nuclear Weapons (TPNW –aka the ban treaty’) has complicated this situation. Suddenly, Canada was forced to make a choice between two options: sign on to the TPNW in line with its espousal of the elimination of nuclear weapons or reject it as incompatible with support for nuclear deterrence. To date, Ottawa has opted for the second position.

This assessment explains the context in which the ban treaty emerged as well as that underpinning NATO’s nuclear policy. It will elucidate how and why Canada chose to respond in the manner it did as well as suggesting an alternative path Ottawa could take to reconcile adherence to the TPNW with its NATO membership. It is possible for Canada to embrace a nuclear policy in keeping with both its values and its interests.
Canadian International Council

President and Research Director / Ben Rowswell
Programming Manager / Daniel Lis
Operations Manager / Catherine Hume
Chair of the Board / William C. Graham

Copyright 2021 by the Canadian International Council.

The opinions expressed in this publication are those of the author and do not necessarily reflect the views of the Canadian International Council or its Board of Directors.

About the Author

Paul Meyer is Fellow in International Security and Adjunct Professor of International Studies at Simon Fraser University, and a Senior Advisor to ICT4Peace. He has served as Chair of the Canadian Pugwash Group since 2017. Prior to taking up his current positions in 2011, Mr. Meyer had a 35-year career with the Canadian Foreign Service, with a specialization in international security policy. His diplomatic postings included serving as Canada’s Ambassador and Permanent Representative to the United Nations and to the Conference on Disarmament in Geneva (2003-2007). He writes on issues of nuclear non-proliferation and disarmament, outer space security and international cyber security diplomacy.
Introduction

Canada has long been a supporter of the goal of a world without nuclear weapons. At times, Canada has conducted a diplomacy that seems to have nuclear disarmament in its DNA. Present at the creation of the atomic bomb as a partner in the Anglo-American project to build a bomb, Canada contributed in both tangible (our uranium) and intangible (our nuclear scientists) ways. This role helped secure us a seat alongside the Permanent 5 members of the Security Council in the UN’s Atomic Energy Commission established in 1946. The impact of the atomic bomb on the international system was tremendous and it is noteworthy that the UN’s immediate reaction to the arrival of this unprecedented weapon of mass destruction was to try to eliminate it. The first resolution adopted by the UN General Assembly in January 1946 called for the elimination of nuclear weapons from the world’s arsenals.

Canada as Disarmament Advocate

The advent of the Cold War with its growing rift between the erstwhile allies of World War II put an end to these early aspirations to ensure the abolition of nuclear weapons. Instead a nuclear arms race was initiated which led to the creation of vast arsenals of nuclear weapons with the capacity for destroying the world’s population several times over. The risks attendant upon this arms race were not lost on Canadian leaders and coloured our political and diplomatic outlook. A determination to do something about these risks was most apparent in the government of Pierre Elliot Trudeau. Already in the initial years of his rule, Prime Minister Trudeau had acted to terminate Canada’s nuclear weapon-related role within NATO, and to banish nuclear weapons from our territory. He also made a major conceptual contribution to the arms control debate with his “Strategy of Suffocation” speech to the UN’s first Special Session on Disarmament convened in May, 1978. In this speech, the Prime Minister set out Canada’s pioneering role with respect to nuclear disarmament. Despite being part of an alliance that contained three out of the five nuclear weapon states, Trudeau stated: “We are none the less a country that has renounced the production of nuclear weapons or the acquisition of such weapons under our control.

We have withdrawn from any nuclear role by Canada’s armed forces in Europe and are now in the process of replacing with conventional armed aircraft the nuclear-capable planes still assigned to our forces in North America. We are thus not only the first country in the world with the capacity to produce nuclear weapons that chose not to do so; we are also the first nuclear-armed country to have chosen to divest itself of nuclear arms.”

Canadian diplomacy continued to set an example internationally for its activism on nuclear non-proliferation and disarmament issues. An early state party to the 1970 (Nuclear) Non-proliferation Treaty (NPT), Canada also was a leader (in the wake of India’s 1974 “peaceful nuclear explosion”) in strengthening nuclear non-proliferation policy through both domestic legislation and via the creation of the Nuclear Suppliers Group to better control exports of nuclear technology. A proponent of the indefinite extension option for the NPT at its historic Review Conference in 1995, Canada was prominent in NPT-proceedings and the articulation of specific disarmament objectives as part of the package of decisions that enabled the indefinite extension of the treaty. Prominent among these priorities were the conclusion of a Comprehensive (Nuclear) Test Ban Treaty (CTBT) and the negotiation of a Fissile Material-Cut Off Treaty (FMCT) that would ban the production of fissile material for nuclear weapons. Alongside the “systematic reduction of nuclear weapons”, these aims constituted the priority steps of what became known as the “step-by-step” approach to nuclear disarmament.

The origins of the ban treaty

Fast forward to the year 2010 and the NPT’s 2010 Review Conference which was successful in adopting an outcome document that included no less than 64 action items (including 22 on nuclear disarmament) that were to guide the states parties over the five years until their next Review Conference. Included in this outcome document was an anodyne appearing statement that the conference acknowledged “its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons”, and reaffirmed “the need for all states at all times to comply with applicable international law,

---

1 UN General Assembly Tenth Special Session, “Provisional Record of the Sixth Meeting” A/S-10/PV.6 26 May 1978 (www.un.org/documents)
Norway, Mexico, and Austria in particular, three states, towards the goal of nuclear abolition. NGOs, these states launched upon an alternative path. The International Campaign to Abolish Nuclear Weapons (ICAN), a broad coalition of hundreds of organizations, suddenly discovered their agency in rejecting the NPT status quo. In connection with the mobilization of civil society via the International Campaign to Abolish Nuclear Weapons (ICAN), a broad coalition of hundreds of NGOs, these states launched upon an alternative path towards the goal of nuclear abolition. Three states, Norway, Mexico, and Austria in particular, came forward to host a series of three conferences on the humanitarian impact of nuclear weapons in the 2013-2014 time period. The conferences demonstrated the inadequacy of any humanitarian response to nuclear weapon use, the severe effects on global climates of even a limited nuclear exchange, the history of close calls regarding accidents involving nuclear forces, and the recognition that the only enduring protection from the threat of nuclear weapons was to ensure their complete elimination.

When the last of the conferences concluded in Vienna in December 2014, the Austrian chair announced a national “pledge” to fill the “legal gap” on the prohibition of nuclear weapons, and urged others to follow suit. By employing the term “legal gap”, supporters were contrasting the legal status of nuclear weapons with the two other categories of weapons of mass destruction which were subjected to comprehensive prohibition treaties, the Chemical Weapons Convention and the Biological Weapons Convention. The Austrian pledge was quickly transformed into a “Humanitarian Pledge for the prohibition and elimination of nuclear weapons” that was widely supported. In quick succession, the UN General Assembly first adopted a resolution establishing in 2016 an Open Ended Working Group to consider ways to overcome the impasse in nuclear disarmament. This group’s report recommended negotiating a prohibition treaty under UN auspices and a resolution was duly passed by the General Assembly authorizing a negotiating process in 2017. With nuclear-armed states and their dependent allies (with the sole exception of the Netherlands) boycotting these negotiations the Treaty on the Prohibition of Nuclear Weapons was concluded in short order and adopted on July 7, 2017 with a vote of 122 in favour, one opposed (the Netherlands) and one abstention (Singapore). By October 24, 2020 the treaty received its 50th ratification, triggering its entry-into-force which occurred on January 22, 2021. For the first time since the conclusion of the NPT, a new international legally binding instrument dedicated to nuclear disarmament had been achieved.

Canada initially was positive towards what had become known as the “Humanitarian Initiative”, participating in all three conferences as well as in the UN Open Ended Working Group that had concluded with its recommendation to negotiate a ban treaty. As the momentum built towards a nuclear weapon prohibition treaty, however Canada began to fret. It was clear that

---

such a treaty through its prohibition on nuclear weapon possession as well as on the use or threat of use of nuclear weapons would not only stigmatize nuclear deterrence, but practically be incompatible with it. At the General Assembly, Canada aligned itself with other nuclear dependent states to claim that they recognized “the grave humanitarian consequences of a nuclear weapons detonation” and “our common and unshakeable commitment to the ultimate elimination of all nuclear weapons”. At the same time the statement asserted that “security and humanitarian principles co-exist” and decried supporters of the ban treaty for “increasing international divisions with regard to nuclear disarmament, including by seeking to marginalize and de-legitimise certain policy perspectives and positions”. In other words, the minority of NPT parties opposing the ban treaty didn’t appreciate its stigmatization of nuclear weapons and the policy of nuclear deterrence that NATO upheld.

The NATO Constraint

The dilemma faced by the allies of the US that shelter under its “nuclear umbrella” when they were obliged to vote on the “Humanitarian Pledge” resolution in fall 2015, has to be understood in the context of NATO’s nuclear policy (25 of the 27 delegations behind the joint statement of opposition to the resolution were NATO member states).

Since the 1949 Washington Treaty that created NATO (and which makes no mention of nuclear weapons) the Alliance policies, including its nuclear policies, have evolved significantly. The approach of the three NATO nuclear weapon states has been instrumental in determining these policies especially on the part of the United States. There is no monolithic allied stance however when it comes to nuclear policy, and France for example has always maintained its distance from the rest of the Alliance on nuclear weapon issues and has not participated in NATO’s Nuclear Planning Group.

The nuclear policies of the Alliance are authoritatively presented in the “Strategic Concept”, a comprehensive policy document last issued in 2010, and in the periodic

3 “Pre-voting statement on the three Humanitarian Impact of Nuclear Weapons resolutions, delivered by Australia on behalf of 27 delegations”. UNGA First Committee Nov 2, 2015 (www.reachingcriticalwill.org)
5 ibid – original statement in “Strategic Concept” 2010 paragraph 1

communiqués released after the biennial NATO summits. Although ostensibly supporting a lessened reliance on nuclear weapons, these arms are still depicted as an “essential” component of NATO’s deterrence posture. At the same time, NATO asserts its support for the NPT, noting that all its members are NPT states party and that “Allies have repeatedly emphasized their strong commitment to full implementation of the Nuclear Non-Proliferation Treaty … ”.4

Following the lead of the United States and the words of President Obama’s celebrated speech in Prague in April 2009, NATO in its 2010 “Strategic Concept” pledged to help “create the conditions for a world without nuclear weapons”. Although the Alliance has never enumerated what it considers those conditions to be, or how exactly it will contribute to their creation, NATO is on record embracing the eventual total elimination of nuclear weapons as a goal in alignment with NPT commitments. A degree of ambiguity has always featured in NATO’s nuclear weapon policies, and the Alliance, while endorsing the goal of a world without nuclear weapons, also caveated this by proclaiming that “NATO will remain a nuclear alliance as long as nuclear weapons exist”.5 The corollary of this statement of course would be that “Nuclear weapons will exist as long as NATO remains a nuclear alliance”.

Shortly after the adoption of the TPNW, the North Atlantic Council (NATO’s principal governing forum) issued a statement rejecting the treaty, blaming it for “creating divisions and divergences” and claiming that “[t]he ban is at odds with the existing non-proliferation and disarmament architecture [and] this risks undermining the NPT… [t]he ban treaty, in our view, disregards the realities of the increasingly challenging security environment”.6 The assertion that the TPNW somehow undermines the NPT was especially problematic as the NPT only identifies the goal of nuclear disarmament, and does not prescribe any route to achieve it. As the opponents of the TPNW represented only a small minority of NPT parties, one could well turn the accusation of divisiveness back on them, i.e. their refusal to embrace the TPNW was the source of division within the NPT community and it would be best for unity if they aligned themselves with
Insisting on the dysfunctional Conference on Disarmament as the forum for negotiation of the FMCT, was analogous to a doctor having run a series of tests on a patient to identify problem areas and then prescribing a cyanide pill as a treatment. However meritorious the Canadian diplomatic efforts on behalf of an FMCT were, they simply were not in the same league as negotiating an actual treaty and a comprehensive nuclear weapon ban at that.

Since the TPNW’s adoption in July 2017, the Government has also practiced a policy of denial in refusing to acknowledge the reality of the treaty and the new dynamic it has imparted to the nuclear disarmament enterprise. Reflective of this was the Government’s rather shabby treatment of Setsuko Thurlow a Japanese-Canadian who as a school girl in Hiroshima witnessed the atomic bombing of that city. Although she was asked by Beatrice Fihn, the Executive Director of ICAN, to join her in accepting the Nobel Peace Prize that was awarded the group in December 2017, Setsuko Thurlow did not receive any official congratulation nor a meeting with a Government minister. Various letters and appeals to the Government on the part of civil society organizations such as the Canadian Pugwash Group, Canadians for a Nuclear Weapons Convention, and the Canadian Network for the Abolition of Nuclear Weapons advocating a more positive stance on the TPNW were ignored. The overall impression was that the Government hoped that this troubling treaty would just go away and cease to disturb the official self-image of the country as an exemplar of nuclear disarmament activism.

A Possible Way Forward

It has been convenient for the Canadian Government to argue that its NATO obligations prevent it from embracing the TPNW. Typical of this was the statement by then Parliamentary Secretary to the Minister of Foreign Affairs, the Hon. Leslie Andrew, to the House during the June 6, 2017 debate referenced before. Invoking a rather awkward metaphor, Andrew stated “…as members of NATO, we have relied on and stood on the shoulders of others who have nuclear weapon deterrent capabilities, which for good or bad, I think mainly good, prevented an outbreak of nuclear war until now”.

7 Hansard, June 6, 2017 – Canadian House of Commons
consensus can be obtained to do so. Over the years the content of NATO’s nuclear policies has changed significantly and it has remained the sovereign right of every member to adopt policies on a national basis at variance with the Alliance’s stance.

Several NATO members have prohibited nuclear weapons from being introduced on their territory and NATO nuclear-related statements have frequently carried “footnotes” through which individual NATO members have registered their dissent or reservation regarding aspects of the overall Alliance policy. Prime Minister Pierre Trudeau did not hesitate in deciding to terminate Canada’s nuclear delivery role within NATO and in eliminating nuclear weapons from Canadian territory. It should also be recalled that none of these nuclear dissenters over NATO’s history ever had their membership in the Alliance questioned, evidently there were more important contributions to NATO security goals than these national views on nuclear weapons.

One possible way for Canada to get on the right side of history and morality with respect to the ban treaty involves a two-step process. The first step would be to sign the TPNW as an expression of Canada’s support for its primary goal of nuclear disarmament. It could then work within NATO to advocate changes to NATO policy that would free it from its dependency on nuclear weapons and enable this policy to align with the requirements of the TPNW. Creating the conditions for a world without nuclear weapons is after all an explicit goal of the Alliance. This type of diplomatic leadership within the Alliance was one of the recommendations of a 2018 unanimous report on “Canada and NATO” from the House Standing Committee on National Defence. Its recommendation #21 read in part: “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”. The Government in its response to the Committee’s report, “agreed” with this recommendation although there is no sign that the Government acted upon its direction. The appearance of diplomatic engagement seemed to be sufficient for officials.

As NATO policy is decided on by consensus it has to be recognized that such advocacy may not succeed within NATO councils, especially with its nuclear armed members (although the US for its own reasons may eventually decide to withdraw its European arsenal of nuclear gravity bombs that now reside in five NATO states). If NATO fails to agree to modify its nuclear policies, Canada would still be able on a national basis to disavow its support for nuclear deterrence. Either way Canada would be able to proceed to ratify the TPNW as its policies would then be compatible with the treaty’s provisions. As Canada has waited until after the TPNW’s formal entry-into-force this January, it would be able to accede to the treaty in a single action once it ensures its situation allows for this.

Both the Canadian Government and the public have long sought “the peace and security of a world without nuclear weapons” (in the words of Barack Obama). With the TPNW becoming international law, a new vehicle exists to move towards this goal. Canada should be on board.

---

About the CIC

The Canadian International Council (CIC) is Canada’s foreign relations council. It is an independent, non-partisan membership organization and think tank dedicated to advancing constructive dialogue on Canada’s place in the world and providing an incubator for innovative ideas on how to address the world’s most pressing problems.

The non-profit CIC integrates the voices of a diverse and multidisciplinary group of societal actors from academia, business, civil society, government and the media, and endeavours to inform and develop the capacity of the country’s next generation of foreign policy leaders.

One of Canada’s oldest and most respected think tanks, the CIC is not only dedicated to nurturing dialogue on Canadian foreign policy domestically, but also in projecting a Canadian perspective on the international stage. In our rapidly changing world, this effort to promote greater understanding and foster meaningful debate on critical challenges is more important than ever.

Canadian International Council