

FEBRUARY 3, 2021

## Canada's National Interests and Challenges to Adopting the Nuclear Ban Treaty

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On 22 January 2021 the Treaty on the Prohibition of Nuclear Weapons (TPNW) (also known as the “Nuclear Ban Treaty”) came into effect, ratified by 51 countries. Under Article I of the Treaty, State Parties are prohibited to: “(a) Develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices.”<sup>1</sup> None of the nuclear weapon states (NWS) adopted the treaty. Canada also did not adopt the Treaty, declining to participate in Treaty negotiations and voted against a recent UN Resolution supporting the Treaty.<sup>2</sup>

Advocates calling for the government of Canada's adoption of the Treaty emphasize the moral obligation and Canada's traditional commitment to nuclear disarmament,<sup>3</sup> although a range of security and practical considerations continue to be part of the discussion, particularly how to advance nuclear disarmament through the Nuclear Non-Proliferation Treaty (NPT) and the contribution that arms control and disarmament tools towards strategic stability. Critics of Canada's rejection of the TPNW acknowledge Canada's relationship with the US and NATO membership, which is a nuclear alliance, while also highlighting that the NATO Strategic Concept commits its members to pursue conditions for a “world without nuclear weapons.”<sup>4</sup> However, a noted gap in these assessments is the evolving threat environment driving the modernization of North American defence, NORAD renewal, and revision of deterrence concepts to counter new strategic challenges – the offensive weapon systems and postures of key nuclear actors. North America is central to the close Canada-US defence partnership, and this relationship is influenced by the strategic challenges posed by new dual-capable weapon systems that can deliver both conventional and nuclear warheads to targets in North America (as well as in the European, Pacific, and Middle Eastern theatres).

The international system is more unstable today than it has ever been in recent history. New technology to delivery nuclear and conventional weapons intensify the strategic imbalance between Western powers and rising peer competitors, in addition to the rise of rogue nations with nuclear ambitions. Significant strategic developments include the following:

- North Korea's increasingly provocative nuclear behaviour involving tests of longer-range ballistic missiles threatening regional Pacific allies and the North American homeland.
- Iran's pursuit of Uranium refinement for nuclear weapons and developments in ballistic missile technology to threaten regional actors, European states, and potentially North America with long-range capabilities demonstrated in ASAT tests.
- China's rapid modernization of its nuclear triad with hypersonic technology. Long-range standoff systems can threaten Western deployments and allies in the Asia Pacific, as well as targets in North America.
- Russia's nuclear modernization includes a variety of offset capabilities, such as a new hypersonic glide vehicle and next-generation standoff cruise missiles launched by sea and air platforms. These capabilities employ stealth, speed, and maneuverability to evade current air and missile defence systems. Such systems can be launched over the Arctic exploiting gaps in domain awareness providing limited time for a response by the U.S. and Canada.

With rapid changes in the international strategic environment, Canada's approach to nuclear arms control, non-proliferation and disarmament (NACD) is also changing. Nevertheless, Global Affairs Canada (GAC) remains committed to global nuclear disarmament through the 1968 Nuclear Non-Proliferation Treaty.<sup>5</sup> Indeed, Parliamentary Secretary to the Minister of Foreign Affairs, Rob Oliphant stated the government's position at the January 6, 2021 Stockholm Initiative for Nuclear Disarmament: "Canada is committed to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and its part in achieving a safer and more peaceful world. Now is the time to make a concerted effort, working with like-minded partners, to advance our shared nuclear non-proliferation and disarmament objectives. We are committed to achieving a world free of nuclear weapons."<sup>6</sup>

Canada's preference to work towards disarmament through the NPT rather than adopt the TPNW is the most recent indicator of a 20-year trend of a declining active advocacy for nuclear disarmament by the Canadian government. This decline coincides with an increasing alignment of strategic interests with its allies, particularly the United States. Explanations for why Canada has not joined the TPNW and actively endorsed disarmament in recent times involves a complex set of variables, namely the interplay of actors and systemic features at the domestic and international levels of analysis since the 1990s. The evolving political-strategic context thus affected Canada's national interests relating to its foreign and defence policy and alliances in an increasingly uncertain and unstable security environment. What is notable is that Canada has not abandoned its commitment NACD but has adjusted its methodology in accordance with changing strategic realities, thus prioritizing arms control and non-proliferation over disarmament.

Canada had been a strong advocate for nuclear disarmament through the efforts by the Canadian government (Dept External/Foreign Affairs) and advocacy organizations since the 1960s; and made a significant impact on banning other types of weapons (such as leading the Land Mine Treaty – 1997 Ottawa Convention).<sup>7</sup> Canada remains a member of non-proliferation and disarmament working groups (such as the UN Conference on Disarmament, G7 Non-Proliferation Directors Group, Non-Proliferation and Disarmament Initiative, Nuclear Security and Contact Group). However, after the 1990s the Canada government shifted from active advocacy

on NACD issues to a near-silence on disarmament. The emphasis on disarmament was carried forward by Canadian organizations dedicated to the elimination of nuclear weapons (such as Canadian Pugwash Group, Project Ploughshares, Simons Foundation). Canada's decline in active promotion of global nuclear disarmament correlates with an increasingly unstable and unpredictable international security environment, including the rise of threats against the North American homeland since the events of 9/11. Canada's role in the Afghanistan mission, threat of WMD terrorism, Canada's leadership consideration of BMD participation (2005), and the renewal of NORAD in 2006 indicates Canada's shifting focus on other immediate priorities. The US withdrawal from the 1972 ABM Treaty on June 13 2002,<sup>8</sup> which was "based on the premise that if either superpower constructed a strategic defense, the other would build up its offensive nuclear forces to offset the defense" creating conditions for "a never-ending offensive-defensive arms race," saw little response from the Government of Canada.<sup>9</sup> In spite of declining its participation in Missile Defence, Canada has always left the door open to reconsider this option in the future. Missile Defence plays a significant role in continental defence and the deterrence posture of the U.S. and the question may be revisited in Canada with the modernization of North American defence under the SHIELD concept with NORAD renewal. Although a politically and cost sensitive matter, the reality – as stated by James Fergusson – is that "The United States cannot defend itself without Canada and we can't defend ourselves without the United States."<sup>10</sup>

Official statements on Canada's foreign policy affirm that its values are promoted as national interests.<sup>11</sup> However, Canada has a history of contradictory views about the role of nuclear weapons for credible deterrence through its defence establishment in contrast to its commitment to strategic stability through promoting nuclear arms control, non-proliferation, and disarmament through Foreign Affairs. The latter reflects a normative agenda through multilateral means (via the NPT) towards reducing nuclear weapons to their eventual elimination:

Canada's policy on nuclear non-proliferation and disarmament is built around the Nuclear Non-Proliferation Treaty (NPT) and reinforced by related initiatives ... Canada strongly advocates for non-proliferation and a step-by-step approach to nuclear disarmament. This approach involves having all states join the NPT, bringing the Comprehensive Nuclear Test Ban Treaty (CTBT) into force and negotiating a Fissile Material Cut-Off Treaty (FMCT).<sup>12</sup>

Canada's values on stability through nuclear arms control, non-proliferation and disarmament have not changed, but how it pursues them has shifted to a quieter approach in line with US national interests. Therefore, a key question to consider is what are Canada's national interests in adopting the TPNW rather than working through the NPT?

Canada's national interests involve being a credible defence partner through its alliances and acting as an influencer through bi- and multilateral partnerships. Canada's national security and defence relies on cooperation with the United States, benefitting from the protection of the U.S. "nuclear umbrella,"<sup>13</sup> in addition to the missile defence systems in North America (which Canada may join in the future) and in Europe (NATO), which Canada supports. At the International level the security challenges facing Canada and its allies have become more complex and unpredictable – the international system is more unstable with the rise of great power competitors, rogue nuclear weapon states, new domains integrated into evolving defence/deterrence

architecture, evolving offensive nuclear and conventional delivery technologies. Canada's alignment with U.S. and allied priorities are a hedge to guarantee security now and into the future. Joining the Nuclear Ban Treaty would be akin to denouncing the U.S. strategic posture which ensures Canada's security. Canada's relationship with the U.S. and NATO would be jeopardized by an outright call for banning nuclear weapons and Canada's would be perceived as an unreliable defence partner. At Canada's expense, attention would be drawn to its contradictory position of condemning nuclear weapon states while benefitting from their protection.<sup>14</sup> Such a position on banning nuclear weapons would impose significant costs to Canada's interests in the defence of North America. Adopting the TPNW would create obstacles in options for Canada's role in the modernization of North American defence and NORAD renewal. This concerns what the future holds for Canada's role in modernization of the North American defence architecture and Missile Defence. The Arctic is an "avenue of approach" for threat vectors against targets in North America creates a geographic challenge to Canada's joining TPNW. The question of whether Canada can remain a reliable defence partner will likely cause a revisit to whether Canada needs to develop "defence against help," when adoption of the Treaty degrades Canada-U.S. defence cooperation, causing the U.S. to defend Canada without its consent to ensure the security of the continent. Canada's own national defence policy is also undergoing revision in the evolving strategic context, with a shifting approach to the detection, deterrence, and defeat of threats to Canada, the continent, and allies abroad. Adopting the Treaty would disrupt efforts to ensure the "secure in North America" and "engaged in the world" components of Canada's 2017 defence policy *Strong Secure Engaged*.

The TPNW is not without merit. Its conception and support among 51 nations reflects a frustration with the delays and roadblocks pursued through the NPT process and mechanisms for reducing nuclear numbers, controlling destabilizing systems, and moving towards disarmament. The failures to achieve FMCT negotiations through the Conference on Disarmament created a deadlocked process in which Canada has called for reform.<sup>15</sup> The TPNW states that it is "concerned by the slow pace of nuclear disarmament, the continued reliance on nuclear weapons in military and security concepts, doctrines and policies, and the waste of economic and human resources on programmes for the production, maintenance and modernization of nuclear weapons."<sup>16</sup>

At the Canadian domestic level supporters of the TPNW include political parties such as the NDP, Green Party, Bloc Quebecois. In addition, a number of former Ministers signed the "[Open Letter in Support of the Treaty on the Prohibition of Nuclear Weapons](#)" on September 21, 2020:<sup>17</sup> "we appeal to current leaders to advance disarmament before it is too late ... By claiming protection from nuclear weapons, we are promoting the dangerous and misguided belief that nuclear weapons enhance security ... Without doubt, a new nuclear arms race is under way, and a race for disarmament is urgently needed."<sup>18</sup>

The prohibition treaty is an important reinforcement to the half-century-old Non-Proliferation Treaty, which, though remarkably successful in curbing the spread of nuclear weapons to more countries, has failed to establish a universal taboo against the possession of nuclear weapons. The five nuclear-armed nations that had nuclear weapons at the time of the NPT's negotiation — the United States, Russia, Britain, France and China — apparently view it as a license to retain their nuclear forces in perpetuity. Instead of disarming, they are investing heavily in upgrades to their arsenals, with plans to retain them for many decades to come. This is patently unacceptable.<sup>19</sup>

Although arguing that the NPT is falling short of its disarmament objectives, the TPNW does reaffirm that “the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, which serves as the cornerstone of the nuclear disarmament and non-proliferation regime, has a vital role to play in promoting international peace and security.”<sup>20</sup> Nuclear arms control and disarmament expert Paul Meyer stresses that the TPNW complements the NPT and argues that banning nuclear weapons alongside chemical and biological weapons conventions allows the Treaty to fill a legal gap that otherwise treats nuclear weapons as different from other WMDs.<sup>21</sup> This initiative would indeed fit with Canada’s Weapons Threat Reduction Program,<sup>22</sup> but the question remains how to get it done credibly in line with Canada’s national security and defence interests involving alliance politics, the US, and the defence of North America.

Canada has adapted to the realities of the threat context and alliance politics, requiring the employment of different methods to achieve more tangible results in NACD. This adaptation is observed in a quieter diplomatic approach by Canadian government officials in engaging its allies and states of proliferation concern. This methodology aligns with U.S. national security interests in which Canada acts on behalf of the U.S. interests in engaging in quiet diplomacy through Global Affairs with North Korea to encourage the state to disarm. In a December 2016 diplomatic mission to free a detained pastor, a four-person Canadian delegation “pressed North Korea to abandon its quest for a nuclear arsenal.” This mission, intended to encourage North Korea to return to Six Party talks, is reported to have been highly secretive and consisted of 3 days of meetings with North Korean veteran diplomats. Canada had access to Pyongyang at a time when the United States did not and used this opportunity to express its “strong concerns” about the nuclear and ballistic missile tests conducted by the North Korean regime.<sup>23</sup> In the fall of 2018 Canada hosted high level North Korean officials to discuss issues of human rights and its nuclear weapons program. A five-person delegation from North Korea met with Canadian bureaucrats to discuss the lack of “concrete actions by North Korea towards denuclearization.” Reports indicate that this visit was arranged with the “blessing” of the U.S. and allies demonstrating a unified approach to pressuring North Korea to abandon its nuclear arsenal.<sup>24</sup> Moving forward can we expect Canada to engage in more of these quiet diplomatic activities at the behest of its U.S. ally, alongside multilateral disarmament initiatives within the NPT framework?

Canada’s values and NACD goals have not changed, but Canada has shifted in how it promotes them. Although Canada intends to continue to promote strategic stability through engaging in nuclear arms control, non-proliferation, and disarmament, it is not in Canada’s national interest to support a treaty that interferes with the NPT process and conflicts with emerging deterrence requirements for North American defence and NATO commitments to allies in theatres abroad. Adopting the Nuclear Ban Treaty requires Canada to dispense with participating in deterrence, undermining both its role in North American defence and NATO. Geographically, this may not be an option. Adopting the TPNW is a non-starter for Canada at this time. Canada cannot significantly alter its foreign and defence policy, which would create a negative impact on commitments, posture, relationships, and its geographical position. Rather than banning nuclear weapons today, Canada will continue with the incremental multilateral process through the NPT and proceed with adapting its role NACD to the new threat context.

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<sup>1</sup> UN General Assembly, Treaty on the Prohibition of Nuclear Weapons, 7 July 2017, p. 2. <http://undocs.org/A/CONF.229/2017/8>. Additional prohibitions that concern NATO nations under the Alliance’s nuclear deterrence policy and stationing of weapons in European NATO nations:

- (b) Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly;
- (c) Receive the transfer of or control over nuclear weapons or other nuclear explosive devices directly or indirectly;
- (d) Use or threaten to use nuclear weapons or other nuclear explosive devices;
- (e) Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty;
- (f) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Treaty;
- (g) Allow any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices in its territory or at any place under its jurisdiction or control.

TPNW, 2017, p. 3.

<sup>2</sup> United Nations, “General Assembly, Adopting 66 First Committee Texts, Calls on States to Revitalize Stalled Disarmament Machinery, Tackle Chronic, Emerging Security Threats,” UN Meetings Coverage (7 December 2020). <https://www.un.org/press/en/2020/ga12296.doc.htm>.

<sup>3</sup> Bianca Mugenyi and Setsuko Thurlow, “It’s a Landmark Day for Nuclear Disarmament, but an Awkward One for the Federal Government,” CBC News (22 January 2021). <https://www.cbc.ca/news/opinion/opinion-tpnw-treaty-canada-1.5882158>.

<sup>4</sup> Article 26. NATO, Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, Adopted by the Heads of State and Government at the NATO Summit in Lisbon (19-20 November 2010), 23. [https://www.nato.int/strategic-concept/pdf/Strat\\_Concept\\_web\\_en.pdf](https://www.nato.int/strategic-concept/pdf/Strat_Concept_web_en.pdf).

<sup>5</sup> United Nations, “Treaty on the Non-Proliferation of Nuclear Weapons (NPT)” (1968). <https://www.un.org/disarmament/wmd/nuclear/npt/text>. Article VI deals with the process towards disarmament.

<sup>6</sup> Mugenyi and Thurlow, 2021.

<sup>7</sup> Banning anti-personnel landmines. Treaty not signed by US, China, or Russia, but Meyer notes that the Treaty’s prohibition norm positively influenced their behaviour (Meyer 2020).

<sup>8</sup> The US gave notice of intent to withdraw on December 13, 2001.

<sup>9</sup> Wade Boese, “US Withdraws from ABM Treaty; Global Response Muted,” Arms Control Today (July/August 2002). <https://www.armscontrol.org/act/2002-07/news/us-withdraws-abm-treaty-global-response-muted>,

<sup>10</sup> Murray Brewster, “Plan to rebuild defence early-warning system means political, fiscal headaches for Trudeau government,” CBC News (26 January 2021). <https://www.cbc.ca/news/politics/norad-shield-defence-ballistic-missile-bmd-1.5887192>.

<sup>11</sup> For instance, on February 21, 2020 Canadian Minister of Foreign Affairs Francois-Philippe Champagne stated that “Canada’s interests, values and principles are at the heart of everything we do on the international stage.” Global Affairs Canada, “Address by the Minister of Foreign Affairs to the Montreal Council on Foreign Relations,” (21 February 2020). Canada’s approach to foreign affairs often equates promoting Canadian values with national interests.

<sup>12</sup> Global Affairs Canada, “Nuclear Disarmament and Non-Proliferation” (10 January 2021). [https://www.international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/peace\\_security-paix\\_securite/nuclear\\_radiological-nucleaire\\_radiologique.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/peace_security-paix_securite/nuclear_radiological-nucleaire_radiologique.aspx?lang=eng).

<sup>13</sup> Duane Bratt, “Nuclear Schizophrenia,” 50.

<sup>14</sup> Note here that in Art. 26 of the NATO Strategic Concept (as mentioned above) the formal position is to pursue the elimination of nuclear weapons, however Art. 17 affirms nuclear deterrence as necessary as long as nuclear weapons exist. A debate may ensue whether or not there is a contraction between condemning nuclear weapons as unsustainable as a basis for long-term security, while retaining them through the longer process of reductions towards elimination. Ernie Regeher (3 February 2021).

<sup>15</sup> Global Affairs Canada, “Non-Proliferation, Arms Control, and Disarmament Efforts” (29 July 2020). [https://www.international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/peace\\_security-paix\\_securite/non-proliferation.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/peace_security-paix_securite/non-proliferation.aspx?lang=eng).

GAC states that “The CD’s stalemate is due to the abuse of its consensus rule, under which any state can block work under any pretext.” GAC, “Nuclear Disarmament and Non-Proliferation,” (20 January 2021). [https://www.international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/peace\\_security-paix\\_securite/nuclear\\_radiological-nucleaire\\_radiologique.aspx?lang=eng](https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/peace_security-paix_securite/nuclear_radiological-nucleaire_radiologique.aspx?lang=eng).

<sup>16</sup> Treaty on the Prohibition of Nuclear Weapons, 2017, p. 2.

<sup>17</sup> These Ministers include Jean Chretien, John Turner, John Manly, John McCallum, Jean-Jacques Blais, Bill Graham, and Lloyd Axworthy signed an international policy statement to support the Treaty. Mugenyi and Thurlow, 2021.

<sup>18</sup> Open Letter, 2020, p. 1.

<sup>19</sup> Open Letter, 2020, p. 2.

<sup>20</sup> TPNW, 2.

<sup>21</sup> Paul Meyer, “Canada needs to be bolder about joining the Treaty on the Prohibition of Nuclear Weapons and press NATO by disavowing support for nuclear deterrence,” Policy Options (23 November 2020).

[https://policyoptions.irpp.org/magazines/november-2020/the-nuclear-ban-treaty-is-entering-into-force-what-now-for-canada/#:~:text=The%20ban%20treaty%20complements%20the%20NPT%20by%20providing,mass%20destruction%20\(namely%20chemical%20weapons%20and%20biological%20weapons\)](https://policyoptions.irpp.org/magazines/november-2020/the-nuclear-ban-treaty-is-entering-into-force-what-now-for-canada/#:~:text=The%20ban%20treaty%20complements%20the%20NPT%20by%20providing,mass%20destruction%20(namely%20chemical%20weapons%20and%20biological%20weapons)). See also Paul Meyer, “Canada, NATO, and the Nuclear Ban Treaty,” CDA Institute (19 January 2021). <https://cdainstitute.ca/paul-meyer-canada-nato-the-nuclear-treaty-ban/>.

<sup>22</sup> This is Canada’s contribution to the G7-led Global Partnership Against the Spread of Weapons and Materials of Mass Destruction (originally a G8 initiative), launched at the 2002 Summit in Kananaskis with the mandate to “to prevent terrorists and those that harbor them from acquiring weapons and materials of mass destruction and their means of delivery.” The Global Partnership has since expanded and now includes 30 countries and the European Union. GAC, “Non-Proliferation, Arms Control.”

<sup>23</sup> Philip Lang, “Canada Pressed North Korea to Abandon Nuclear Weapons Program During Secretive Talks to Free Toronto Pastor,” *CBC News*, February 27, 2019.

<sup>24</sup> Katie Simpson and Sarah Sears, “Ottawa Hosted Confidential Talks with North Korea on Denuclearization,” *CBC News*, January 8, 2019.