



The Treaty on the Prohibition of Nuclear Weapons: Canadian Myths and Reality

The ground-breaking Treaty on the Prohibition of Nuclear Weapons (TPNW) enters into force on 22 January 2021. Canada remains outside the TPNW despite the risks nuclear weapons pose to Canadians. No country is equipped to respond to a nuclear detonation whether that detonation is intentional or accidental.ⁱ

In the absence of a Parliamentary study of the TPNW, a number of myths about the TPNW have been circulating in Canada. These myths inhibit Canada's ability to meet its stated goals as being a leader on nuclear disarmament and leave us behind as progress is being made towards a world without nuclear weapons.

These Canadian myths about the TPNW need a reality check.

Myth: Without the nuclear armed states, the TPNW is “sort of useless”ⁱⁱ

Reality check:

The nuclear-armed states have put significant energy into opposing the TPNW and pressuring supportive states because they know the Treaty is far from useless. Even before the TPNW was negotiated the United States sent a memo outlining the potential impact of a treaty prohibiting nuclear weapons.ⁱⁱⁱ

The Ottawa Treaty banning landmines also faced similar criticisms and opposition from the five Permanent Members of the UN Security Council, weapons producers and users and even some of our close allies. Canada persisted and now 80% of the world's states are part of the Ottawa Treaty and it has a tremendous impact on those who have not yet joined it.

The TPNW stigmatizes nuclear weapons and delegitimizes relying on them for security. Canada's experience with the Ottawa Treaty banning landmines shows the impact of stigmatizing and prohibiting weapons. Two decades after the Ottawa Treaty entered into force, what was once a commonly used weapon in every country's arsenal is now viewed as so abhorrent that even states outside the Treaty abide by its provisions. Stigmatizing a weapon has dramatic impacts.

Public opposition to nuclear weapons continues to be strengthened by the fact that the TPNW prohibits these indiscriminate weapons. Parliamentarians, city councils, and other national and local actors in countries around the world, including in nuclear-armed states and other NATO states, have endorsed the TPNW.^{iv} The TPNW prohibitions on assistance with nuclear weapons activities has had an impact on investment in nuclear weapons producers in states inside and out of the Treaty. Financial institutions realize that investment in an indiscriminate, inhumane and banned weapon is not worth the risk. This was also true for cluster munitions which were banned by a treaty which Norway led following the example of Canada on landmines.

Finally, as Costa Rica has noted, the TPNW brings democracy back to nuclear disarmament. All states have the right to be heard on an issue that could end life on earth. Far from useless, the TPNW is the first international law on nuclear weapons to be negotiated and adopted in more than twenty years--an incredible feat led by non-nuclear countries that gives us an invaluable precedent for further action against these weapons.

Myth: “the nuclear ban treaty is fundamentally incompatible with the collective defence commitments that Canada and its allies have made and regularly reaffirmed since the founding of NATO.”^v

Reality check:

Nuclear weapons are not part of the collective defence commitments Canada and allies made at the founding of NATO. Nuclear weapons are not mentioned at all in the North Atlantic Treaty. NATO first announced itself as a nuclear alliance in 2010.^{vi} NATO was not a declared nuclear alliance for the first seventy years of its existence and could easily revert to its original position in the future.

NATO states all have different approaches to nuclear weapons: some host American nuclear weapons, others like Canada do not, and some refuse to allow nuclear weapons on their territory in times of conflict. One member of NATO has opted out of NATO’s Nuclear Planning Group.¹ Several NATO members--including Canada--have in the past objected to nuclear weapons in NATO’s doctrine and/or nuclear sharing arrangements, but were bullied into submitting to a nuclear posture by NATO’s nuclear-armed members.^{vii}

It is possible to set different policies towards nuclear weapons and remain in NATO. Different NATO states have been approaching the TPNW in different ways. The Netherlands participated in the negotiations of the Treaty. Spain’s parliamentary foreign affairs committee just adopted a motion welcoming the TPNW’s entry into force. An unofficial translation of that motion reads:

The Congreso de los Diputados urges the Spanish Government to:

- 1. Welcome the approval of the United Nations Treaty on the Prohibition of Nuclear Weapons passed in 2017 and that is going to enter into force shortly, as an effort to move towards peace, security and disarmament.*
- 2. To continue working, in the framework of the multilateral international organizations of which it is member, as well as in the framework of the bilateral relations with other States to contribute to the nuclear disarmament process, as it has been doing through its participations in the Stockholm initiative and in the framework of the Non-Proliferation Treaty.*

NATO members that are truly committed to nuclear disarmament can and must reject nuclear weapons and join the TPNW. They can remain within NATO but renounce nuclear deterrence and nuclear security assurances, not participate in the Nuclear Planning Group, and end nuclear sharing arrangements (for those currently hosting nuclear weapons on their territories).

¹ France does not belong to the NATO Nuclear Planning Group.
https://www.nato.int/cps/en/natolive/topics_50069.htm.

Myth:

“Canada supports the treaty of non-proliferation of nuclear weapons as the cornerstone of the international non-proliferation and disarmament architecture.”^{viii}

Reality check:

The TPNW reinforces the Nuclear Non-Proliferation Treaty (NPT). Under the NPT, non-nuclear armed states agreed not to pursue nuclear weapons while nuclear armed states agreed to disarm. Article VI of the NPT requires states “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.” The TPNW is considered to be an effective measure relating to nuclear disarmament by the supporter states as well as by civil society and many city councils and parliamentarians around the world.

Prohibiting nuclear weapons contributes to both non-proliferation and disarmament. It is well established that prohibition of a weapon comes before its elimination. The Ottawa Treaty provides strong proof of this approach.

The NPT is indeed viewed as a cornerstone of international non-proliferation and disarmament architecture but like the cornerstone of a building, it is not sufficient alone. Cornerstones have to be built upon and the TPNW does just that. Other treaties have been negotiated and adopted since the NPT, such as the Comprehensive Nuclear-Test-Ban Treaty, which are not considered to undermine the NPT.

Myth: The only way to deal with states like North Korea is deterrence. Deterrence is necessary for Canada’s security because it prevents nuclear war.

Reality check:

To begin with it is important to recognize that reliance on nuclear deterrence is more grounded in correlation than causation. The fact that the invention of nuclear weapons correlates with decades without nuclear war does not mean that nuclear weapons are what is preventing a nuclear war.

The lack of nuclear war since 1945 can be equally attributed to the development of multilateral institutions and the rules-based international order or any other development from 1945.

Rhetoric that declares nuclear weapons are necessary for security contributes to the proliferation of nuclear weapons. When nuclear-armed and nuclear umbrella states assert that they require nuclear weapons to maintain national security, it cannot be surprising that other states, such as North Korea, see nuclear weapons as the only way to guarantee their own security. The TPNW offers a way to end the rhetorical justification for nuclear proliferation thereby reinforcing one of the key goals of the NPT rather than undermining it some mistakenly claim.

Myth: The work Canada is doing now, especially on fissile materials, will get us much closer to the goal of nuclear disarmament.

Reality check:

Work towards a Fissile Material Cut-Off Treaty (FMCT) is useful. If completed a prohibition on the future production of fissile materials for nuclear weapons would be another tool towards nuclear disarmament. However, the Fissile Material Cut-Off Treaty has been stalled for decades. A major stumbling block is whether a future treaty would cover existing stockpiled fissile material. Unlike the FMCT, the TPNW has been negotiated and will enter into force on 22 January 2021. In fact the Entry In To Force of the TPNW may add new energy and focus to the FMCT efforts.

Even if the FMCT was negotiated and entered into force, it is difficult to see how limits on future production of fissile material would lead to the elimination of a single nuclear weapon, which is a critique Canada often levels against the TPNW. Saying the FMCT will move the international community closer to nuclear disarmament than a treaty that prohibits nuclear weapons is disingenuous at best.

Myth: “While the TPNW has contributed to a further divide in the international community, Canada has chosen to work towards global nuclear disarmament and sought united action.”

Reality check:

The TPNW has not contributed to a further divide in the international community, the actions of nuclear armed states and nuclear umbrella states in response to the TPNW has created tension.

Nuclear armed states have put extensive pressure on TPNW states to not join the negotiations, to not sign and to not ratify. The Trump administration has even resorted to pressuring states to withdraw their ratifications of the TPNW as entry into force neared.^{ix}

Additionally, nuclear armed states are ignoring their obligation to pursue effective measures towards nuclear disarmament and modernizing their arsenals. That action creates tension in the international community.

When Canada led the effort to ban landmines there were concerns about relations with our allies but all of NATO have now joined the Ottawa Treaty except the United States which is the largest donor to mine action and no longer uses the weapon.

Much of Canada’s position on the TPNW is built upon misunderstandings and myths. It is crucially important that Parliament study the TPNW and hear from experts from across

Canada. The House of Commons set precedent in 2010 by adopting a unanimous motion which encouraged “the Government of Canada to engage in negotiations for a nuclear weapons convention”^x This Parliament has the opportunity to live up to that motion and start a study on the Treaty on the Prohibition of Nuclear Weapons.

While that study is ongoing, Canada needs to engage with the TPNW. Attending the TPNW’s First Meeting of States Parties as an observer will be an important first step. Canada can also support efforts under the TPNW to assist survivors or nuclear weapons use, production and testing at home and abroad.

Supporters of the TPNW have often been accused of being naive and unrealistic, however, it is clear that many of the arguments against the TPNW are based on myth not reality. The reality is it is time for us to decide: will Canada help end nuclear weapons or will Canada wait until nuclear weapons end us?

ⁱ UNIDIR An Illusion of Safety: Challenges of Nuclear Weapon Detonations for United Nations Humanitarian Coordination and Response, <https://undir.org/publication/illusion-safety-challenges-nuclear-weapon-detonations-united-nations-humanitarian>

ⁱⁱ Right Honourable Justin Trudeau, Prime Minister of Canada, House of Commons Question Period, June 7 2017, <https://openparliament.ca/debates/2017/6/7/justin-trudeau-7/>.

ⁱⁱⁱ United States Non-Paper: Defense Impacts of Potential UN General Assembly Nuclear Ban Treaty, 17 October 2016. Available at:

https://d3n8a8pro7vhmx.cloudfront.net/ican/pages/821/attachments/original/1590165765/NATO_OCT2016.pdf?1590165765 or https://www.icanw.org/us_pressured_nato_states_to_vote_no_to_a_ban.

^{iv} See www.cities.icanw.org and www.icanw.org/pledge

^v Kerry Buck, Ambassador, Canada’s Permanent Representative to the North Atlantic Council (NATO), Testimony to the House of Commons Standing Committee on National Defence,

<https://openparliament.ca/committees/national-defence/42-1/79/kerry-buck-17/>

^{vi} Kjølvi Egeland (2020) Spreading the Burden: How NATO Became a ‘Nuclear’ Alliance, *Diplomacy & Statecraft*, 31:1, 143-167, DOI: 10.1080/09592296.2020.1721086

^{vii} Ibid.

^{viii} The Honourable François-Philippe, Minister of Foreign Affairs, Testimony to the House of Commons Standing Committee on Foreign Affairs and International Development, 24 November 2020,

<https://openparliament.ca/committees/foreign-affairs/43-2/7/francois-philippe-champagne-27/>

^{ix} Edith M Lederer, (2020), US urges countries to withdraw from UN nuke ban treaty, AP

<https://apnews.com/article/nuclear-weapons-disarmament-latin-america-united-nations-gun-politics-4f109626a1cdd6db10560550aa1bb491>

^x House of Commons Routine Proceedings, December 7th, 2010

<https://openparliament.ca/debates/2010/12/7/bill-siksay-1/>