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## **Canada Shuns UN Nuclear Disarmament Initiative**

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On October 27, the UN General Assembly's First Committee (Disarmament and International Security) passed a historic resolution, mandating the launch in 2017 of negotiations for a legally binding instrument prohibiting nuclear weapons. Canada's vote against this resolution puts this country on the wrong side of history.

The genesis for this initiative arose from recent conferences in Oslo, Norway, Nayarit, Mexico and Vienna, Austria on the humanitarian consequences of nuclear weapons. At the Vienna conference in December 2014, a "Humanitarian Pledge" called upon all states parties to the Nuclear Non-Proliferation Treaty (NPT) to renew their commitment to the urgent and full implementation of existing obligations under article VI, i.e. to pursue negotiations in good faith on effective measures relating to nuclear disarmament.

The negotiating conference will be held at the UN New York from March 27 – 31 and June 15 – July 7, 2017. It will be open for the participation of all UN member states, as well as international organizations and civil society. The nuclear weapons states (NWS) are considered unlikely to participate.

The resolution affirms the belief that the threat to our peace and security is the existence of the weapons themselves, irrespective of who has them. The prohibition negotiations will serve to delegitimize nuclear weapons. Focusing on the delegitimizing nuclear weapons does not diminish the importance of efforts to reduce nuclear stockpiles and to change nuclear doctrines, which will of course also be necessary in the years ahead.

The urgency of taking action to reduce the risks posed by nuclear weapons is not well understood by the general public. With the fall of the Berlin wall and the START treaty, the perceived threat of accidental nuclear explosions has receded from the public consciousness. But few appreciate that the risk today is greater than ever. William Perry, U.S. Secretary of Defense from 1994 to 1997, stated in a recent memoir "The danger of some sort of nuclear catastrophe is greater than it was during the Cold War and most people are blissfully unaware of this danger."

The problem is that nuclear policies have changed very little since the end of the Cold War. The superpowers still maintain hair trigger response systems to counter a perceived nuclear attack. But these systems are prone to fail. When tensions rise between the United States and Russia, as for example in Ukraine last year, or between the U.S. and China in the South China Sea, nuclear alert

systems are ratcheted up, increasing the risk of accidental nuclear explosions if systems fail. For example, during the Ukraine crisis last year, American B-52 bombers were airborne close to the Russian border, each loaded with 14 nuclear armed cruise missiles capable of eliminating 80 Russian targets. As the Russians were not endangering the U.S. or any of our NATO allies, it is unsettling to think the U.S. would pull its nuclear card so easily. As Cold War type tensions are becoming more commonplace, so are the risks of accidental use of nuclear weapons.

Another growing danger arises from the proliferation of nuclear technology. Earlier this year, the U.S. State Department published an assessment of the situation in Pakistan saying, "We have been very concerned about Pakistan's deployment of battlefield nuclear weapons. Battlefield nuclear weapons, by their very nature pose a security threat because you're taking battlefield nuclear weapons to the field where, as you know, as a necessity, they cannot be made as secure. So we're really quite concerned about this, and we have made our concerns known, and we will continue to press them about what we consider to be destabilizing aspects of their battlefield nuclear weapons program." And of course there has been much media coverage of late focused on the nuclear weapons development program in North Korea.

The World Court's 1996 ruling affirmed that article VI of the NPT imposes a binding obligation on existing NWS to reduce the number of their nukes gradually to zero. The court also concluded that threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law. But the court would not conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful, in an extreme circumstance of self-defence in which the very survival of the state would be at stake. This was a split decision but it is noteworthy that three of the four dissenting judges dissented on the basis that there is no exception under any circumstances, including that of ensuring the survival of the state to the use of nuclear weapons. The proposed Ban Treaty would presumably help resolve current legal ambiguities regarding use and possession of nuclear weapons. American policy on nuclear weapons is designed to deter a nuclear attack on the United States from any country in the world. But it is much more than a deterrent force.

The U.S. use of B-52 bombers in the Ukraine crisis was clearly intended to make Vladimir Putin think that the U.S. might be crazy enough to use its nukes if it ventured too far into Ukraine. This irresponsible use of nuclear weapons endangers everybody and illustrates the need for the United States to respect international law and change its policies. An important first step would be the elimination of the policy by which the U.S. reserves the right to use nuclear weapons first in any conflict.

Adoption of a "no first use" policy would greatly reduce the risk of accidental nuclear war. At the same time it would allow America to maintain a nuclear deterrent force through its nuclear submarines. Perry writes that "[the Trident submarine] is very difficult for others to track and destroy. It contains more than enough firepower to act as a deterrent... Our submarine force, equipped with nuclear weapons, is virtually invulnerable and can perform that deterrent function well."

Canada should honour the World Court's decision by seeking the abolition of NATO's first use policies, which were designed in a different era to meet the perceived threat of a massive tank-led Soviet invasion of Europe. With the fall and break up of the Soviet Union no one presently considers Europe to be at risk of a Russian invasion that could not be met with existing conventional forces.

Given the risk of nuclear accidents, and our international legal obligations to pursue the elimination of nuclear weapons, it is unconscionable for Canada to do nothing. A good first step would be to vote in favour of the UN General Assembly resolution when the vote is called in early December. And failing that, Canada should participate in good faith in the negotiations next year to generate a legal

prohibition on nuclear weapons.

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