

# **The Prohibition Treaty: A New Political Moment**

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The struggle for nuclear disarmament in the summer of 2017 was, to paraphrase the immortal Charles Dickens, the best of times and the worst of times, the age of wisdom and the age of foolishness, a season of light and a season of darkness. On July 7, a Treaty to Prohibit Nuclear Weapons was adopted at the U.N., the result of a collaboration between like-minded governments and highly informed civil society activists, who recognized the “catastrophic humanitarian consequences” of the use of any nuclear weapon. On August 8, President Trump issued an extraordinary ultimatum to North Korea, warning Pyongyang not to make any more threats against the United States or they will “face fire and fury like the world has never seen.” This rhetorical forecast of doom is backed up by U.S. modernization of its entire nuclear arsenal – the bombers, submarines and missiles – at a cost of \$1 trillion, leading former U.S. Secretary of Defense William Perry to express his own version of Dickensian gloom: “Today, the danger of some sort of a nuclear catastrophe is greater than it was during the Cold War.”

What are we to make of such contradictions? The world appears to be going in two directions at the same time. The joy we should be experiencing from the forward movement of humanity – every field of human activity is

providing more benefits to more people than ever before -- is smothered by violence and the threat of the ultimate violence. President Trump's bellicose speech to the United Nations this week is further unnerving, but that does not mean diplomatic work for nuclear disarmament is futile; the world survived the Cuban Missile Crisis of 1962 because diplomacy saved the day.

We must concentrate on keeping our balance on this jolting ride through history. In a long life dealing with the vagaries of nuclear disarmament, and always mindful of the horrors of Hiroshima and Nagasaki, I have never lost my hope that an enlightened humanity can fight back against the shrill voices of fear. That is why we are here at this Group of 78 conference.

Taking a longer perspective than the 24/7 news cycle helps us to see reasons for hope. The first point I wish to make is that nuclear disarmament has entered stage 2 of its historical development. All great movements for social change go through three stages: first, the reform is scoffed at, second, establishment forces vigorously object to it, and third, the change is accepted by the body politic. The end of slavery, colonialism and apartheid all went through these stages.

For decades, nuclear disarmament has been brushed aside as the major powers dismissed the idea of the abolition of nuclear weapons. The U.S. and Russia, despite reducing the quantity of their nuclear arsenals, have never taken the abolition of nuclear weapons seriously and have consistently thwarted the aspirations of those who urged them to move, via Article VI of the Non-Proliferation Treaty, toward a nuclear weapons-free world. In India, Pakistan and Israel, latecomers to the nuclear club, the idea of foregoing

nuclear weapons has been met with grotesque laughter. Twenty years ago, when I led a Middle Power Initiative delegation to NATO to request an end to NATO's reliance on nuclear weapons, a senior official leaned back in his chair and with a huge grin proclaimed, "Mission impossible!"

The major countries built their nuclear mountains, seemingly impregnable, and the passage of time has, at least in their own interpretation, conferred a right on them to possess nuclear arsenals while proscribing their acquisition by any other state. North Korea has, in a figurative sense, exploded that theory.

### **The Arrival of Stage 2**

The rise of the humanitarian movement against nuclear weapons, seen in the special conferences in Oslo, Nayarit and Vienna, signalled the end of stage 1. The vigour displayed by the U.S., the U.K. and France against the proposals for, then the actual negotiations, and finally the adoption of the Treaty on the Prohibition of Nuclear Weapons showed they are indeed taking the proponents seriously. The ink was hardly dry on the Treaty when the P3 declared: "We do not intend to sign, ratify or ever become part of it." The vehement objections characterize the arrival of stage 2.

No one thinks the Treaty by itself will eliminate nuclear weapons. But it does stigmatize them and puts them outside the boundaries of international humanitarian law. It directly challenges the military doctrine of nuclear deterrence. Those who sign the Treaty recognize there is not an ounce of morality or law to justify the continued possession, by any state, of weapons that threaten to annihilate humanity. The strength of the Treaty is that it raises the global norm against nuclear weapons and prepares an institutional

path toward their elimination. It opens the door to comprehensive negotiations – eventually -- between the U.S., the U.K., France, Russia and China and the remaining members of the nuclear club.

We must expect more opposition to the breakthrough that has created stage 2. Anyone who reads Christopher Ford's legal diatribe against the Treaty, presented August 22 to the Carnegie Endowment for International Peace on behalf of the U.S. government, will be in no doubt that an immense fight against the humanitarian movement has been launched by the nuclear powers.

### **Canada's Responsibilities**

This brings us to Canada and the responsibilities of the nuclear disarmament community in our own country. I want to align myself immediately with the policy adopted by the Canadian Pugwash Group that "Canada should sign the Treaty on the Prohibition of Nuclear Weapons and state that it will, through dialogue and changes to its own policies and practices, persist in efforts to bring NATO into conformity with the Treaty, with a view to Canada's ratification as soon as possible." I respectfully suggest that the Group of 78 add its prestigious support to this policy.

There was a time when the Government of Canada would have welcomed the Prohibition Treaty. Think back to the courageous journey Prime Minister Pierre Trudeau made in 1983 to the P5 capitals to urge them to desist from the nuclear arms race. A later government so persistently urged NATO to review its nuclear policies that Canada became known, derisively by the NATO hierarchy, as a "nuclear nag." But the present

government refuses to have anything to do with the Treaty, which the incumbent Prime Minister, the son of Pierre, has brusquely called “useless.”

The official government position, stated on the floor of the House of Commons, is that the Treaty is “premature” and “ineffective.” In an exercise in baffling logic, the government takes the stand that the Treaty is “divisive” because it will stigmatize nuclear weapons over the objections of the current possessors. Having boycotted the negotiating process, the possessors now object to a lack of consensus. Truly, the arguments by the possessors and their NATO adherents are descending to vapidness.

It is particularly sad to see our government, once so respected in the community of nations -- as I and many others who have been privileged to represent Canada in official forums can attest -- now undermining the very rationale of the Treaty. For a full rebuttal of the government’s arguments, I refer you to Cesar Jaramillo’s dissection, “Six Deceptive Arguments Against a Nuclear Weapons Ban,” in which he explains that the Treaty developed out of the failure of the NPT to deliver on the promise of complete nuclear disarmament. The Treaty is the outcome of a new kind of politics in which like-minded governments joined with committed civil society activists to put human safety ahead of strategic analysis.

The humanitarian movement has come too far to be stopped by the intimidation tactics long practiced by the possessors. However, as far as Canada is concerned, the U.S. has immense power over our global security decisions. It is not easy to stand against U.S. decisions, erroneous as they often are, as illustrated by the Vietnam War, the Iraq War, and the fixation

on ballistic missile defence. But we have done so before. Courage is the first requirement.

We can now expect the Canadian government to switch gears, so to speak, and begin arguing that its NATO commitments preclude signing the Treaty. This too is a false argument. NATO's Strategic Concept, claiming nuclear weapons as the "supreme guarantee" of security, is a political policy. It is not a binding legal document, a status that only the NATO Charter possesses. Thus there is no legal barrier to a NATO country signing the Treaty – as long as the country expresses, in good faith, its opposition to NATO's political declarations on nuclear weapons. Since the early days of the Alliance, member states have reserved the right to adopt independent national policies on nuclear weapons. At one time or another, Norway, Denmark, Iceland and Spain have held nuclear policies at variance with NATO. To this day, France remains outside NATO's integrated command structure.

It is a fallacy to claim that Canada would have to leave NATO in order to join the Treaty. In fact, Paragraph 96 of the NATO Report, December 14, 2000, explicitly says, "NATO is committed to meaningful public outreach to interested individuals and groups, including discussion of the adaptations which the Alliance's force posture has undergone...NATO is equally committed to discussing the Alliance's policy of support for nuclear arms control and disarmament."

If, as the Pugwash policy recommends, Canada were to work to end NATO reliance on nuclear weapons, that would show good faith in seeking to uphold the object and purpose of the Treaty. What specific actions would

Canada have to undertake to sign the Treaty in good faith? We are in uncharted territory here, though there are some guidelines from the past, e.g., when Canada renounced the capacity to produce nuclear weapons and also when it ended deployment of U.S. nuclear warheads with Canadian Forces in Europe under NATO and in Canada with NORAD.

### **A New Dialogue in NATO**

In the light of the Treaty, non-nuclear states within NATO should lead the Alliance in a dialogue on measures to reduce and ultimately eliminate nuclear weapons from NATO security policies. The start of such a dialogue requires Canada, at a minimum, to renounce use or threatened use of nuclear weapons on its behalf and a renewed commitment to support efforts on nuclear disarmament. An important step toward eliminating reliance on nuclear weapons is to confine their role to deterring other nuclear weapons, e.g. to call for a no-first-use policy as a start, and a call for the removal of all tactical nuclear weapons from Europe.

To sum up, NATO non-nuclear states should announce their intention to sign the Prohibition Treaty and then begin to work on NATO policy to further reduce reliance on nuclear weapons, and promote mutual nuclear disarmament with Russia, China and the other nuclear states.

There is no legal impediment to Canada talking this action now. But there is definitely a political inhibition. The existence of the Prohibition Treaty, backed by a majority of nations of the world, forces Canada to end its present ambiguous stand on nuclear disarmament. Canada must decide if it will work to support the Prohibition Treaty or continue to support the nuclear deterrence doctrine. One path leads to nuclear weapons elimination;

the other leads to the perpetuation of nuclear weapons and the near certainty of their eventual use.

Stage 2 of the long journey to nuclear disarmament demands that we in the peace movement fight to bring Canada back where it belongs – in the forefront of the struggle to end the ultimate evil. The 1,000 members of the Order of Canada who have called for Canada to take strong diplomatic action for nuclear disarmament are but one example of the Canadian public's desire for an end to nuclear weapons.

Stage 3 in this mammoth social change in the human journey – government policies to negotiate the complete elimination of nuclear weapons -- awaits. This great day for the world seems far in the future. It is our job to bring it closer.