

CANADIAN NETWORK TO ABOLISH NUCLEAR WEAPONS

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Aide Memoire

The Legal Obligations:

Canada is obligated under Article VI of the Non-Proliferation Treaty (NPT) 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 International Court of Justice (ICJ) advised in 1996 this constitutes an obligation to negotiate and conclude such an agreement. The Court also concluded that, for all practical purposes, the use and threat of use of nuclear weapons is unlawful under international law.

During the 1995 NPT Review Conference, the Nuclear Weapons States provided negative assurances to non-nuclear states, promising never to use nuclear weapons against them.

At the May 2000 Review Conference on the Non-Proliferation Treaty, the Nuclear Weapons States gave "an unequivocal undertaking ...to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament" and additionally agreed to:

Increased transparency...with regard to the nuclear weapons capability and the implementation of agreements pursuant to Article VI...

The further reduction of non-strategic nuclear weapons...

A diminishing role for nuclear weapons in security policies ...and

The further development of verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

In contrast to these promises we note the following:

1. Although NATO has reduced its sub-strategic nuclear forces, in contradiction to their obligation to eliminate nuclear weapons, the NATO States have recently stated:

"We continue to place great value on the nuclear forces based in Europe and committed to NATO, which provide essential political and military linkage between the European and the North American members of the Alliance." (Paragraph 7, Final Communiqué, Ministerial Meeting of the Defence Planning Committee and the Nuclear Planning Group held in Brussels on 6 June 2002.)

This leaves a glaring contradiction between the "unequivocal undertaking" to abolish nuclear weapons given by states under the NPT, and NATO's policy that nuclear weapons remain essential for the foreseeable future.

2. In its Nuclear Posture Review, the US has indicated its intention to maintain thousands of nuclear weapons for use in a variety of war-fighting situations including use in response to chemical and biological weapons or in the event of "surprising military developments" (thus in breach of their negative security assurances.)

3. The Moscow Treaty is a short document which, in breach of the obligations set out above, provides for storage but not destruction of warheads, leaves the "reductions" process as a reversible process, fails to lower levels of alert for

remaining weapons and fails to define a process for elimination of their nuclear arsenals.

Proposals for Canadian Action:

In response to these dangerous developments, we call upon the Government of Canada to

a) **organize hearings before the Standing Committee on Foreign Affairs and International Trade** to examine:

- I. progress in implementing those recommendations accepted by the Government from the SCFAIT's Report entitled "Canada and the Nuclear Challenge", December 1998; and
- II. Canadian progress in implementing the "13 Practical Steps" agreed upon in the Final Agreement of the May 2000 NPT Review Conference.

b) **speak out clearly** in upcoming NATO meetings for NATO to eliminate its reliance on nuclear weapons, and

c) **provide substantial new funding** for the political, diplomatic and technical initiatives that are necessary to support the negotiations for a Nuclear Weapons Convention.

Ottawa, January, 2003.

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