

CANADIAN NETWORK TO ABOLISH NUCLEAR WEAPONS

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Briefing Note

The Legal Obligations:

Canada is obligated under the Non-Proliferation Treaty (NPT) to pursue negotiations on nuclear disarmament. The International Court of Justice (ICJ) determined 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.

What is actually happening?

Canada's membership in NATO engages us in planning not for disarmament but for the maintenance and possible use of nuclear weapons.

Despite its recent "unequivocal undertaking" to pursue negotiations for the elimination of nuclear weapons, the US, a powerful state in NATO, has indicated it will 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". Any such use of nuclear weapons would breach many rules of international humanitarian law. It would also breach the "Negative Security Assurances" given by nuclear weapons states to non-nuclear weapons states which promise that the latter will not be the target of nuclear weapons.

What could Canada do?

In response to these dangers, we call on the Government of Canada to:

- a) urgently call for the de-alerting of all nuclear weapons and an end to the practise of "launch on warning";
- b) immediately ensure that Canada's involvement in NATO is consistent with our legal obligation to eliminate nuclear weapons (if necessary, becoming an observer in or withdrawing from the NATO Nuclear Planning Group);
- c) support political, diplomatic and technical initiatives required to permit the urgent negotiation of treaties to eliminate all nuclear weapons and prohibit their further production; and to control fissile materials; and
- d) oppose ballistic missile defence because it risks jeopardizing nuclear disarmament agreements, encouraging nuclear proliferation, and being a step toward the weaponization of space.

Ottawa, November, 2004