

THE UNITED NATIONS AND CANADA

WHAT CANADA COULD AND SHOULD DO AT THE UNITED NATIONS 2018: A QUESTION OF LEADERSHIP

From leader to laggard: the shocking demise of Canadian disarmament diplomacy

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In “A Diplomacy of Hope: Canada and Disarmament: 1945-1988”, authors Legault and Fortmann conclude that Canada’s substantial influence on arms control and disarmament rested on “competence,” “expertise” and the value of good ideas. In the post-cold war world of East-West confrontation and the heyday of “political realism”, Canada’s investment in building consensus on concrete measures to reduce tensions and eliminate destabilising weaponry was surprisingly successful, carried out by both Liberal and Progressive Conservative governments through the 20th century.

Contrast this proud legacy with Canada’s disgraceful treatment of the 2017 UN Treaty on the Prohibition of Nuclear Weapons. We joined other NATO members in an ignoble statement alleging that a treaty approved by more than 120 UN member states was “at odds” with the existing nuclear non-proliferation architecture. The argument that NATO’s nuclear *policy* could somehow trump the legally binding *obligation* in Article V of the Nuclear Non-proliferation Treaty – to negotiate in good faith towards the goal of nuclear disarmament – is expected from the nuclear weapons states, but not from a former champion of nuclear disarmament - as Canada once was.

The only good news is that Canada’s Foreign Minister Chrystia Freeland heard the resulting outcry from Canadian civil society and altered the government’s official tone from one of derision to an acknowledgement of the Treaty's origins in the legitimate frustration and disappointment of the international community over the snail’s pace of disarmament efforts.

The Canadian retreat from leadership in disarmament diplomacy is not limited to the nuclear front. In many areas of conventional weaponry control, Canada is setting a bad example. Take the case of armed drones, where clearer international rules are sorely needed, to regulate their use in the “war on terror” and to limit their potential for harming civilians. As part of its new Defence Policy, announced in June 2017, Canada committed to their acquisition for “precision targeting”, without any rationale for *why* Canada needed armed drones nor even any policy governing their use, although the

Prime Minister provided oral assurances that there would be a policy in place “before” any actual use.

At least in the area of the peaceful uses of outer space – a long standing Canadian policy and treaty obligation – the new Defence Policy asserts that “Canada can demonstrate leadership by promoting the military and civilian norms of responsible behaviour in space required to ensure the peaceful use of outer space”.

In the area of cyberspace, however, the picture is decidedly different. The new policy baldly asserts a “purely defensive cyber posture is no longer sufficient” and commits Canada to engage in “offensive cyber operations” in support of military missions. The offensive activity could, in fact, go far beyond the military domain since Canada’s intelligence agencies have also been authorized to engage in offensive cyber operations. The now familiar assurance - Canada will act in conformity with domestic and international norms - brings cold comfort, given the alarming lacuna in international law and norms governing cyber warfare.

Cluster munitions provide another bad Canadian example. Although we have banned these weapons in accordance with the international treaty, our domestic implementation legislation includes a loophole allowing Canadian Forces personnel to assist Allies currently outside the Treaty in the use of these banned weapons. Canada needs to repair its flawed cluster munitions implementation legislation to categorically prohibit any form of aid or assistance in the use of these banned weapons and to make explicit the positive obligations on states to suppress their use. Canadian implementing legislation should also prohibit investment in enterprises associated with these weapons. *That* would be leadership in disarmament diplomacy!

Civil Society has lauded our government’s intention to accede to the Arms Trade Treaty, and expressed gratification at recent amendments to the accession legislation to include a new binding obligation on the Minister of Foreign Affairs to reject arms exports to countries where there is evidence of “substantial risk” of their use in human rights abuses. At the same time, there has been widespread condemnation of the exclusion of arms exports to the USA from the assessment process, in clear violation of Article 2 of the treaty.

Canada is also failing to provide leadership in the growing international effort to ban lethal autonomous weapons, aka “killer robots”.

Global Affairs talking points reference the welcome resumption of annual arms control consultations with civil society and hail Canada’s ongoing work to build support for a Fissile Material Cut-off Treaty and our participation in the American-led effort to elaborate verification measures in the event that nuclear weapons states commit to negotiating nuclear disarmament. These efforts pale in comparison with the vast nuclear weapons modernization programs currently underway. Our once productive “step by step” approach has turned into a futile effort inching toward the nuclear

disarmament horizon while standing on a conveyor belt hurtling backwards towards a world filled with ever more lethal nuclear weapons.

To get back into the game, Global Affairs Canada should engage NATO members in resisting deployment of modernized “tactical” nuclear weapons in Europe; pursue a ban on killer robots and an international regulatory regime for the use of armed drones; refrain from offensive cyber operations in favour of efforts to strengthen international law for cyberspace; and bring our domestic legislation on cluster munitions and the arms trade into conformity with the applicable treaties.