

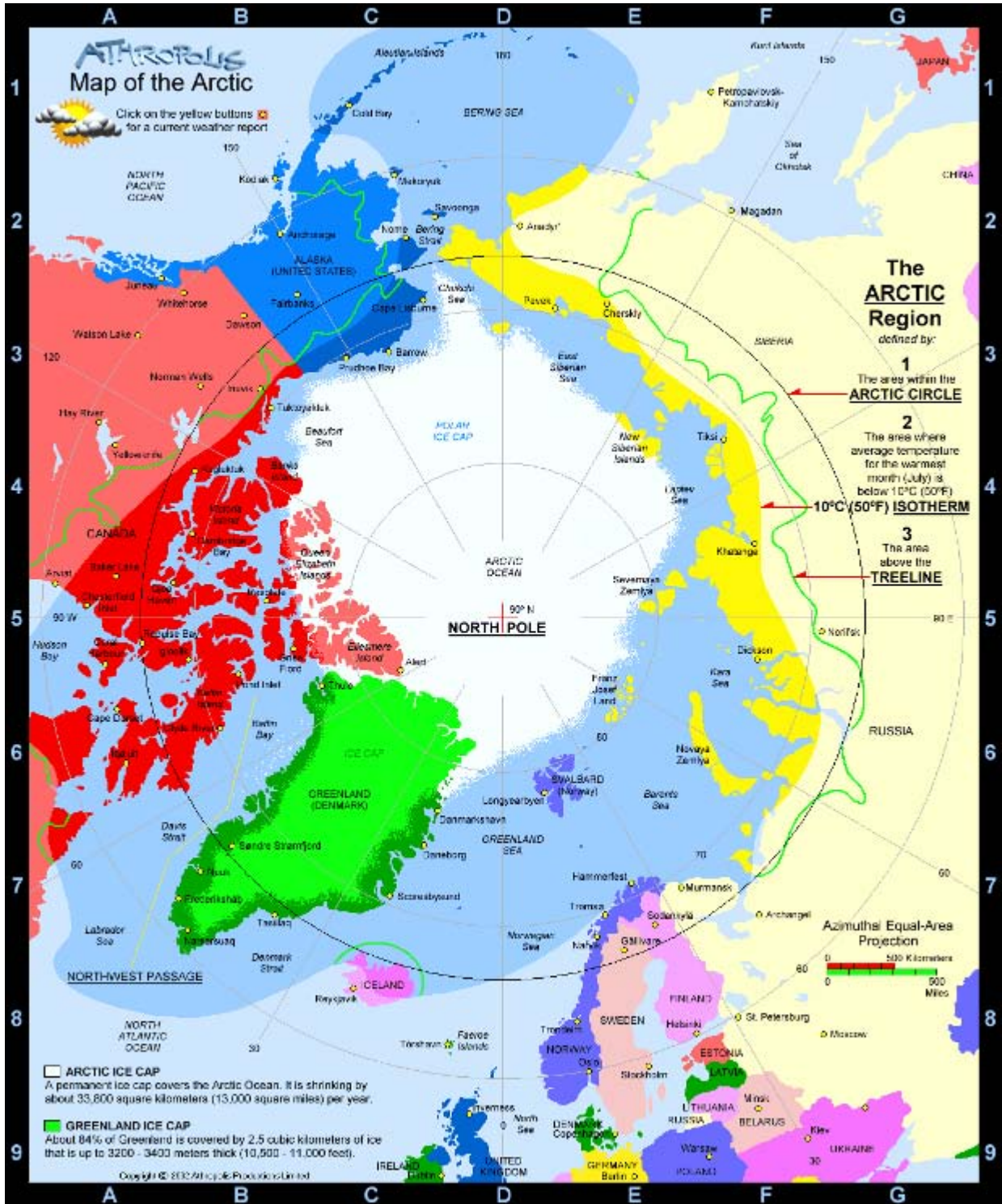
# **ESTABLISHING A NUCLEAR WEAPON FREE ZONE IN THE ARCTIC**

**PUGWASH, PARLIAMENTARIANS AND POLITICAL WILL**  
*Advancing the Agenda for Abolition*

**Thinkers Lodge, Pugwash, NS, Canada  
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FIGURE 1 – THE ARCTIC REGION



The polar ice that envelops the high Arctic is melting at a rate even faster than anticipated by climate change scientists. Providing an equitable regime to govern the results of these unprecedented challenges will require a high degree of global cooperation. With the opening of Arctic waters, and then opening of shipping lanes, comes the potential for economic gains in international trade and the search for seabed oil and gas and other resources. There is guaranteed territorial jurisdiction within the 200-nautical-mile limit, but elsewhere nations are taking measures to assure national access, rights and, in some cases, sovereignty over portions of the seabed. Security strategy will dictate the deployment of an increased military capability. Territorial claims and counter claims will be a source of tension that could degenerate into open conflict. Naval operations<sup>1</sup> of both Russia and the United States will increase when there are open waters, creating a potential for military confrontation, especially because both have nuclear-armed submarines. The Arctic regions are host to the two major nuclear powers, and nowhere else are they in such close proximity to each other. There exists a potential for additional nuclearization, for both sea and land. Prudence suggests that nuclearization must diminish and sooner, rather than later; there must be no role for nuclear weapons in the Arctic (as it is now in the Antarctic). Nuclear weapons overtly stationed in the region present a multi-faceted danger to the Arctic lands and peoples, and, before it is too late, preventive measures must be taken. So while this issue may, at first, seem peripheral to adaptation to the new Arctic climate, it is actually central to the Arctic security environment.

Creation of legal structures and functioning multilateral procedures are already beginning to be discussed. A strategic negotiations agenda between the nations requires nuclear weapons issues on that agenda, because otherwise the status quo will become ingrained. Existing agreements as well as the present status in the Arctic provide a hopeful start because

- there is already a seabed treaty in force that prevents stationing of nuclear weapons, and related structures, on the Arctic Ocean floor or in the subsoil thereof.
- Strategic bombers in Arctic air space are much less significant now than in the cold war.
- Some parts of the Arctic are already defacto nuclear weapon free zones, and these could be gradually extended.
- Negotiations could begin now on military Confidence Building Measures (CBMs).
- Of note is the Antarctic Treaty, where each Contracting Party has the right to send observers to every base of any country in that region, thus producing a very powerful confidence-building measure for ensuring full compliance<sup>2</sup>.
- It is hoped that strategic arms reduction talks between the U.S. and Russia will begin again.

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<sup>1</sup> R. Ekeus, Military Security in the Arctic, Problems of Arctic Security in the 21<sup>st</sup> Century, Vancouver BC Canada, April 2008 [abbreviated - (ArcSec 21Vanc 08) ]

<sup>2</sup> S. Duarte, Keynote Address, ArcSec 21Vanc 08

While it would be beneficial to have the Arctic regions free of nuclear weapons, there are many obstacles.<sup>3</sup> The United States and Russia both regularly deploy nuclear-capable submarines in Arctic waters. Russia's main naval base at Zapadnaya Litsa maintains their most advanced ballistic missile submarines and patrol areas are mainly in the Arctic, in the waters of the Barents, White and Kara Seas. Thus, discussion of establishment of an Arctic Nuclear Weapon Free Zone (NWFZ) could only be attempted after complementary disarmament measures by the United States. There is a new trend supporting abolition; and in addition a group of influential abolitionists has come forward - January 4, 2007, and January 15, 2008 - and published op-eds in the Wall Street Journal calling for a policy agenda to ride the world of nuclear weapons. These op-eds were authored by a group of formerly top national security officials in both Republican and Democratic administrations, and urge U.S. leadership. A similar declaration<sup>4</sup> has recently been made by former senior officials in the British government. The outcome of the conference at the Hoover Institute in the U.S. was a call for a 500 warhead limit for both U.S. and Russia. If such a reduction were to be achieved, by both Russia and the United States, it would be in the best interests of Russia to place its reliance on road-mobile ICBMs and the result could be closure of nuclear submarine facilities in the Arctic, thus clearing the way for a defacto nuclear free zone in the Russian Arctic.

### THE SITUATION IN RUSSIA

A most important distinction between Russia and the other Arctic nations is that Russia has four million people in the region, and many are not indigenous. Other Arctic regions are thinly populated, with the majority of the population being the aboriginal peoples. The geopolitical reality, as seen from Russia<sup>5</sup>, is that military security is inseparable from energy security. Access to the Arctic is, in the Russian part of the Arctic basin, likely to be through the "northeast" passage, a Eurasian sea route. In preparation for greatly enhanced activity in the Arctic, billions of dollars have been or will be spent by both the East (Russia) and the West (U.S. and Canada) for icebreakers, nuclear powered vessels, Arctic patrol ships, oil platforms, ice-class ships, army bases, coast guard facilities, satellite surveillance (Radarsat-2) and deployment of personnel. At present, Russia has much more equipment, and appears better prepared than the West.

Over a fourteen year consultation period, Russia and nine other countries in the region developed the Central Asia Nuclear Weapons Free Zone (CANWFZ). The 2006 Treaty of Semipalatinsk regarding Central Asia, encompassing an area five times larger than France, has been signed but has not entered into force. This is the first NWFZ wholly in the northern hemisphere. This treaty includes former NW states, has nuclear weapon sites, and honours the CTBT (Comprehensive Test Ban Treaty). The countries have agreed to IAEA<sup>6</sup> inspection – verification site visits could use some of the protocols of START-1. While some problems remain, the accomplishments so far on the CANWFZ

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<sup>3</sup> M. Wallace, Towards an Arctic Nuclear Weapons Free Zone, **ArcSec 21Vanc 08**, and M. Wallace, 57<sup>th</sup> Pugwash Conference on Science and World Affairs, Bari Italy, October 2007

<sup>4</sup> Douglas Hurd, Malcolm Rifkind, David Owen and George Robertson; The Times, June 30, 2008

<sup>5</sup> A. Nikitin, Geopolitics and the Russian Arctic, **ArcSec 21Vanc 08**

<sup>6</sup> IAEA International Atomic Energy Agency

offer experience applicable to an Arctic NWFZ. Extensive negotiations are in store for creation of an Arctic NWFZ. Nevertheless, the idea is very timely, and the Russian experience tells us that negotiations require a significant elapsed period, and work should start now.

Each denuclearized zone is different<sup>7</sup>, not only because of geography, but because of the scope of the obligations assumed by the parties; the rights and responsibilities of extra-zonal states; the verification arrangements and the conditions for the entry into force of the agreement. The major powers have not accepted particular provisions of the NWFZs. United States and China have objections to the Bangkok Treaty on Southeast Asia. The United Kingdom and the United States object to the Treaty of Pelindaba (not yet ratified). One saving provision, where there could be objection by a NWS, is that in nearly all NWFZ, visits and transits of ships and aircraft carrying nuclear weapons may be permitted by the zonal state. This situation, however, requires declaration of NW, which is usually unacceptable.

### CANADA, NORWAY, SWEDEN, DENMARK (GREENLAND) AND FINLAND – CANDIDATE NATIONS FOR A REGIONAL TREATY

A different, but potentially productive approach would be for all Arctic states that are presently non-nuclear to work together on a regional treaty, as allowed for in Article VII of the Non-Proliferation Treaty, “to assure the total absence of nuclear weapons from their respective territories”. Norway, Sweden and Finland, all with sovereign territory north of the Arctic Circle are nuclear weapon free. Greenland has a U.S. military base at Thule, but Denmark is a NNWS. Canada is already a defacto nuclear free country, with reference to its land mass. The Northwest Passage, a ship channel which passes many islands of the Canadian Arctic Archipelago, is a very unfavourable passageway for submarines because it is narrow and shallow, posing severe difficulty to both maneuverability and undetectability of a submarine. Although the United States would neither “confirm nor deny”, this passage is very probably a defacto nuclear weapons free zone. For surface travel through the Northwest Passage, maritime safety in these dangerous waters would certainly dictate obtaining an international agreement to ban nuclear fissile materials.

Moving forward to declare only a portion of the Arctic regions and waters to be a NWFZ could be problematic. On the other hand, partial solutions, taken together, could be the right path. Given that the NNWS of the Arctic are unlikely to place unlimited resources into negotiation on nuclear disarmament, the highest priority nuclear policy for these nations would be to press for full compliance with the Non-Proliferation Treaty. For the reasons outlined above, it is realistic to expect that the two NWS must make significant reductions in their nuclear arms deployments, creating the negotiating atmosphere that would allow them to turn their attention to an Arctic NWFZ. In addition, there are going to be a wide range of negotiations between the Arctic sovereign states over many issues. Many of these relate to claims to seabed areas as extensions of a nation’s continental

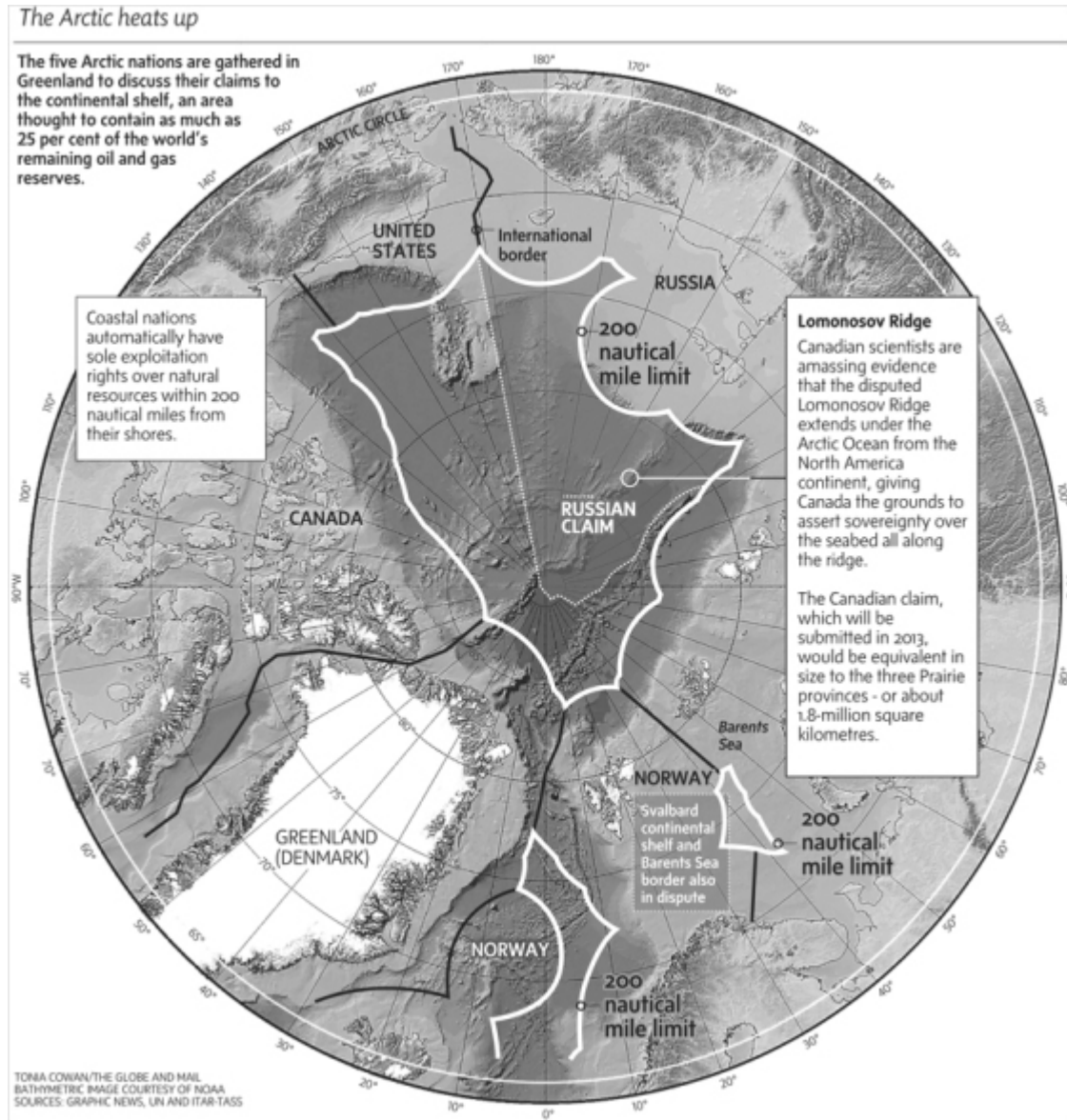
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<sup>7</sup> J. Goldblat, NWFZ in the Arctic?, *ArcSec 21Vanc 08*

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shelf. As can be seen in Figure 2, the areas relating to each claim are vast. All<sup>8</sup> have agreed to settle claims according to the terms of the United Nations Convention on the Law of the Sea (UNCLOS). Pressure to move forward on a NWFZ would introduce an element of tension, whereas it would be mutually far more beneficial to maintain an atmosphere of cooperation.

FIGURE 2 – SEABED CLAIMS IN THE ARCTIC OCEAN



In spite of these difficulties, and even as military activity is expected to increase, the Arctic peoples have a right to be secure from the threat of nuclear weapons, and to be

<sup>8</sup> The United States has not signed UNCLOS, but it is under active consideration by Congress. For practical purposes, UNCLOS rules are the standard; the U.S. and Canada are gathering data together, for example.

involved in preventing nuclearization. In the background of the interactions of the Arctic nations, there is acceptance of a goal to achieve a NWFZ. Thus, individual nations will need to prepare for this eventuality by starting to work, possibly through bilateral strategic talks.

### CANADA AS A NUCLEAR WEAPON FREE ZONE

Declaring a partial NWFZ in Canada, e.g. in the Northwest Passage, would be difficult because it would focus attention on the conflicting sovereignty assertions, whereas the status quo is relatively acceptable to both Canada and the United States. Rather than singling out a particular segment of the country, the perspective of the Canadian government is that it could more readily designate the entire country of Canada as a NWFZ. The legislative underpinning that would enable this declaration was extensively explored by Bev Delong<sup>9</sup> in her paper for the World Peace Forum in June 2006 in Vancouver, Canada. Annex 1 of this paper reproduces a list of the elements of a comprehensive NWFZ as described in Delong's paper.

Typically, legislation for a NWFZ is not unilateral. However, such an act by Canada would show persuasive leadership. There would be good reason to expect a regional treaty between the other NNWS in the Arctic. Norway, Sweden, Finland and Denmark (Greenland) could declare a NWFZ in their territories north of the Arctic circle, and the cumulative effect of this activity would provide the model for the United States and Russia.

### THE ANTARCTIC COMPARISON

Comparison with the legal and political framework<sup>7</sup> of the other polar region – the Antarctic – is of interest, but the situation differs greatly. Nations might resort to use of force to defend economic activities such as oil or mineral exploration, In the case of the Antarctic, it was known to be vulnerable to unwanted rivalry, and possible militarization. The Wellington Convention on the Regulation of Antarctic Mineral Resource activities (CRAMRA) was adopted in 1988. In 1991, the Protocol on Environmental Protection to the Antarctic Treaty, known as the Madrid Protocol provided a comprehensive protection of the Antarctic environment, designated Antarctica as a natural reserve, devoted to peace and science, and prohibited mining exploration activities indefinitely. Environmental protection is one area where the Madrid Protocol and the Wellington Convention might serve as useful starting points, as it is certain that opening of the Arctic will endanger the environment. International agreement is vitally necessary on, for instance, handling of oil spills, and on rules for resource exploitation. Beginning work on an internationally agreed Arctic Treaty could be a non-threatening means of including the expectation that an Arctic NWFZ is desired by all Arctic nations

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<sup>9</sup> Bev Tollefson Delong, Lawyers for Social Responsibility, "A Challenge to Canada: Act Now for a Nuclear Weapon-Free World", a paper for the World Peace Forum, June 2006, Vancouver, Canada



### ANNEX 1 – A NWFZ in CANADA

A list excerpted from “A Challenge to Canada: Act Now for a Nuclear Weapon-Free World”, a paper for the World Peace Forum, June 2006, Vancouver, Canada by Bev Tollefson Delong, President of Lawyers for Social Responsibility, and President of CNANW (Canadian Network to Abolish Nuclear Weapons)

“..... {Canadian legislation} could compile the various prohibitions on nuclear-related activities already existent in the *Nuclear Safety and Control Act* and the *Criminal Code* and take these further steps:

1. Prohibit outright the development and use of nuclear weapons by Canadians at home and abroad;
2. Prohibit the participation of Canadians in nuclear testing until the *Comprehensive Nuclear Test-Ban Treaty Implementation Act* comes into force;
3. Prohibit the installation, deployment, storage and stockpiling of nuclear weapons by foreign States on Canadian territories and most particularly prohibit the porting of nuclear-armed naval vessels or aircraft in Canadian waters or airspaces ;
4. Prohibit transport of nuclear weapons through Canadian territory;
5. Prohibit Canadians at home or abroad from engaging in planning, command, control and intelligence operations relating to nuclear weapons systems;
6. Prohibit the stationing on Canadian territory of command and control centres for nuclear weapons targeting activities;
7. Prohibit research within Canada on nuclear explosive devices or nuclear weapons;
8. Prohibit the deployment and launch of nuclear weapons on or in Canadian territories by foreign States; and
9. Prohibit testing of long-range nuclear-capable missile delivery systems by any state within Canadian territory.

Additionally, the Government of Canada would need to negotiate with the Nuclear Weapons States for negative security assurances which will ensure that Canada, as a non-nuclear weapon state, is never the object of a nuclear attack. “

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