

*No prohibition
of research
for peaceful
purposes*

upon, and that in the end the Agency as such does not have any means of sanction against a state that might decide overnight to back out of its responsibilities. Be that as it may, the treaty is a legal instrument to which over 100 countries have subscribed.

In order to restore a certain reciprocity of rights between those states that have atomic weapons and those that have none, the treaty in no way prohibits nuclear research for peaceful purposes. On the contrary, it encourages this, since the nuclear states have undertaken to give the non-nuclear states the benefit of their nuclear technology — on the condition, of course, that it be used for peaceful purposes.

A certain ambiguity in the treaty is that its Article 3(2) forbids all export of source materials or special fissionable products unless these materials shall be subject to Agency safeguards. In cases of export to a non-nuclear country, does this mean that the Agency safeguards apply only to the products imported into the recipient country, or must the whole nuclear program of the recipient country be subject to these safeguards? The question does not arise for those countries that have ratified the treaty, since the non-nuclear states that have done so are already subject to Agency supervision. But what if a non-signatory country like Israel imported fissionable materials from another country party to the treaty? Should Agency supervision apply only to fissionable materials exported to Israel, irrespective of the whole Israeli nuclear program? This is a source of ambiguity that the spring 1975 Review Conference on the Non-Proliferation Treaty was unable to settle to its satisfaction. Although the final resolution of the conference was perfectly clear in this regard, the fact remains that, in practice, the nuclear-production states are keeping to a restrictive interpretation of Article 3(a).

Three paradoxes

Before setting forth the conditions now imposed by Canada with regard to nuclear co-operation, it would be useful to bring to mind the inconsistencies in which Canada seems to have trapped itself concerning the non-proliferation of atomic weapons.

The first inconsistency, and not the least important, is that, while Canada fiercely opposes any proliferation of nuclear arms, it still participates in the nuclear infrastructure of the Atlantic Alliance and still accepts nuclear warheads under double-key system within the framework of the NORAD agreements. (This

phenomenon of co-partnership is described in the language of the specialists as *horizontal proliferation*, as opposed to *vertical proliferation*, the former being defined as the successive increase in the number of states that obtain their own atomic weapons.) The ambivalence of our policy is half-way between the certainty of age-old truth Canada has of knowing that it is protected and that of knowing that it could protect itself, yet very well aware that others are undertaking to do so in its place. There are few countries in the world that could use a strategic reason as singular as it is exceptional.

The second inconsistency results from our non-proliferation policy as announced in the Canadian Government's statement to the Canadian public — by which we mention the Canadian nuclear "device" test. Let us suppose that the Canadian Government was truly surprised by India's action in 1974. Let us also suppose that it occurred to Canadian leaders that they could go back on its solemn promise of Canadian technological assistance for peaceful purposes only. It is not difficult, if these two things are (although daring individuals could doubt demonstrate the contrary), to believe in the sincerity of the Canadian reaction. It is more difficult to follow reasoning behind Canadian policy. Ottawa continues to negotiate with countries like Spain and Argentina, which not ratified the non-proliferation treaty and could, therefore, be suspected of potential nuclear adventuring.

The lack of a promise does not mean that one is going to carry out the intentions that others rightly or wrongly ascribe to one. There are, however, cases when a promise helps eliminate suspicion and this is precisely one of the objectives of the non-proliferation treaty. By continuing the program of nuclear assistance to countries that have refused up to now to commit their futures on the basis of a simple promise, Canada is implicitly accepting the risk that the low probability of the nuclear option, which is exercised today, by these countries one day materialize. This is an inconsistency that the most subtle arguments never manage to eliminate entirely.

Actually, if Canada does not refuse to negotiate with these countries, because it understands perfectly the language of national interest, and it is not be very roundly reproached for this sensible. Have agreements on nuclear operation with Argentina not been concluded in the past? Has that court