

Annex 2. INTERNATIONAL LAW AND NATIONAL LEGISLATION

International Law

Chemical Weapons Convention (CWC)

The CWC entered into force on April 29, 1997, following the 65th state party ratification on October 31, 1996. The CWC is the first global, verifiable arms control and disarmament agreement to ban an entire category of weapons. Its principal obligations involve the destruction of existing chemical weapons and their associated facilities (disarmament), and the denial to others of the capability to manufacture chemical weapons (arms control). This is accomplished through domestic and international monitoring, supplemented by routine and, if necessary, challenge inspections of otherwise legitimate activities involving chemicals that might be used to manufacture chemical weapons. Subscribing to the CWC required that Canada pass implementing legislation resulting in, among other things, the creation of a National Authority, which is situated within the Nuclear, Non-proliferation and Disarmament Implementation Agency (IDN).

Comprehensive Nuclear-Test-Ban Treaty (CTBT)

On September 24, 1996, the CTBT was declared open for signature at the United Nations in New York. Canada's Minister of Foreign Affairs, Lloyd Axworthy, was among the first to sign the Treaty. As of December 5, 1997, 149 states had signed the Treaty, while 8 states had ratified it. For most signatories, the need to enact prior implementing legislation will likely prolong the process. IDN has overall responsibility in Canada for implementing the Treaty.

Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

A desire to promote the peaceful uses of nuclear energy, combined with concern about nuclear weapons proliferation, provided the impetus for the international community to develop the NPT in the late 1960s. The Treaty took effect in 1970. Canada was among the first to sign the Treaty. At the 25-year Review Conference in 1995, it was agreed to extend the Treaty indefinitely. The next review to consider the effectiveness of its implementation will take place in 2000. The NPT is the most widely supported arms agreement in existence with 185 parties at present. Among other things, the Treaty requires the application of IAEA safeguards to all current and future nuclear activities of non-nuclear-weapons states, while promoting co-operation in the development and application of nuclear energy, including technical assistance to developing countries. IDN, along with the Atomic Energy Control Board, is responsible for implementation activities related to non-proliferation and safeguards measures (see below).

IAEA Conventions, Regulations and Bilateral Agreements

The IAEA has been responsible for developing the bulk of international law on safety and safeguards related to the operation of nuclear facilities. Since the creation of the IAEA, Canada has participated actively with other IAEA member states in the development of international law. Canada is a party to the following instruments, which are considered to be the main pillars of the international safety and safeguards regime (parentheses indicate the year in which the Convention was opened for signature or the bilateral agreement signed):

- *Agreement between the Government of Canada and the IAEA for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (1972);*
- *Convention on the Physical Protection of Nuclear Material (1980);*
- *Convention on Early Notification of a Nuclear Accident (1986);*
- *Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986) [Canada has signed but yet not ratified it];*