



# Edmund Rice Centre

for Justice & Community Education

Awareness ♦ Advocacy ♦ Action

## Disarmament is a Human Rights Issue

### Executive Summary

The Edmund Rice Centre for Justice and Community Education (ERC) has worked with many people from regions affected by nuclear weapons. They are affected in two ways. First of all, through the constant threat inherent in these weapons. They are also affected because spending on arms in these areas means that money is not spent on promoting human security through health, education and development.

ERC commends the Federal Government for its commitment to multilateral treaties, and urges that it make disarmament a real priority - as without disarmament, nuclear non-proliferation cannot truly be effective.

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**The major terms of reference with which this paper will engage are:**

*(2) How these treaties advance Australia's objectives in this field; and*

*(5) How the Committee and the Parliament can contribute to the work of the International Commission on Nuclear Non-proliferation and Disarmament.*

ERC commends the Federal Government on its return to active and constructive engagement with multilateral treaties; and for taking its role as an international citizen more seriously. We welcome this positive, active collaborative approach to nuclear weapons - one of the greatest potential threats to human security.

ERC urges the Australian government to build on this commitment by unequivocally supporting the complete observance of the two major international treaties, the NPT and the Comprehensive Test Ban Treaty (CTBT). States such as the US and GB are signatories to these treaties but continue to hold and claim legitimacy for holding nuclear weapons. It is now a matter of implementing all the commitments undertaken in the NPT, namely disarmament.

**The current state of affairs renders the NPT itself as counter-productive:**

An active policy of disarmament, as ratified by many nations in the NPT would be far more effective in maintaining peace and security, and limiting the spread of nuclear weapons than simply limiting the existing range of nuclear powers to those who already possessed them at the time of the treaty entering into force. This state of affairs effectively produces a “club” of nations who continue to claim to hold nuclear weapons legitimately while urging other nations to not attempt entry into the “club”.

While the NPT still, in practice, permits some signatories to hold nuclear weapons, it will continue to be very difficult to achieve 100% ratification across the globe.

Understandably non-nuclear weapons holding nations continue to fear those with those weapons. Where those nations without have serious ideological or other differences, even conflicts, with nuclear weapons holding nations, that fear can escalate and move them towards growing their nuclear capacity. North Korea and Iran are two such nations. It is quite likely that they have been engaged in these activities either to avoid military action against them, as happened in Iraq or to win trade and aid concessions that they saw as impossible without the bargaining power that they perceive nuclear weapons to provide.

Other nations, like India and Pakistan find themselves in a situation of intense rivalry and mistrust. The fact that some nations hold nuclear weapons, has pushed them towards development of these weapons primarily to be used as a deterrent against each other. This situation poses great risks not only to a very populous part of the world but to the rest of the globe as well. The best way to defuse this

volatile situation would be for them to ratify these treaties and one of the biggest obstacles to their ratification is the inefficacy of the NPT to achieve disarmament.

### **Nuclear arms are an affront to human rights**

The use of resources on nuclear weapons instead of development has been well documented. The fear generated by the very existence of nuclear weapons; and the money and international energy which they sap make them a serious threat to human security, not a solution. The simple existence of nuclear weapons and the sale of products used to make nuclear weapons increase the risks of terrorism.

Justice and a fair distribution of resources would be better served by a real commitment to development and a focus on peace and reconciliation than on increased spending on arms, which perverts both a truly human economy and human security.

Through its work with asylum seekers and refugees, ERC has worked with many people from regions currently living very close to the damage and threat of nuclear weapons, such as India, Pakistan, Korea and the Middle East. This means that a sizeable number of Australians have family members living in these particularly at risk countries. Those Australians have a very real interest in finding ways forward towards disarmament.

### **Australia's position in furthering the effectiveness of NPT**

Australia has strong relationships with many important nations in this context. Some of these, like Great Britain and the USA continue to hold nuclear weapons. Non-proliferation is impossible without these states (among others) taking real action in banning nuclear weapons, selling nuclear materials to countries that have not ratified these treaties, and a “general and complete disarmament under strict and effective international control...” (NPT)

Australia also has strong relationships with other, non-nuclear nations such as Japan and those relationships could also be developed and enhanced by Australia strengthening its support for a cause that is of central interest to them. For instance, Japan has noted its commitment to disarmament:

“Disarmament and non-proliferation have the potential to benefit the individual on several levels. At the political level, disarmament would contribute to building greater confidence among States. In the military sphere, disarmament would contribute to strengthened strategic stability. Also, in the economic and social fields, disarmament could potentially liberate resources to be channelled towards development efforts. Through disarmament, progress in all these areas - political, military and economic - would, in turn, enhance the security of the individual.”

[http://www.unidir.org/audio/2005/25Anniversary\\_UNIDIR/Presentation\\_Or\\_dzhonikidze.pdf](http://www.unidir.org/audio/2005/25Anniversary_UNIDIR/Presentation_Or_dzhonikidze.pdf)

## **Selling Uranium: India as a Case Study**

ERC commends Prime Minister Rudd for his reversal of a decision to sell uranium to India and recommends that it maintain this stance in regards to other nations with nuclear power. The NPT does state that “all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes.”

However, ERC urges caution in regards to this provision, and recommends that it be narrowly construed, or else risk that it become the “achilles heel” of the non-proliferation regime. The provision of uranium brings non-nuclear power closer to becoming nuclear. It is obviously risky when provided to nuclear powers such as India who have not signed the NPT.

## **Comprehensive Test Ban Treaty**

The CTBT is an absolutely essential complement to the NPT. Nuclear powers such as the United States testing their existing arsenals can only fuel fear within the global community, and thus encourage further proliferation. The CTBT goes hand in hand with the NPT.

“Rogue nations” with nuclear power (as opposed to states “legitimately” possessing this power) quite logically feel sidelined from the international system, and see no reason why a state such as the USA should have the right to possess weapons of mass destruction, whilst they themselves cannot get into the “club”, or have done so and been shunned. The paranoia of these states (such as North Korea or Iran) is of course increased by the fact that the USA and other members of the club refuse to alter their own behaviour.

## **United States**

“Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end...”

The United States’ Defence Secretary, Robert Gates, has spoken publicly about the problem of an aging nuclear arsenal and that country’s need to either test or modernise its arsenal. (For instance, at the 2008 speech for the Carnegie Endowment for International Peace.) ERC would recommend that the Australian Government, as a long time friend and ally of the United States, encourage the USA

to use this opportunity to wind down, rather than increase, its capacity as a nuclear power. Australia must emphasise the fact that nuclear powers such as the United States have no credibility internationally in promoting non-proliferation if they continue to avoid efforts to disarm and in fact fuel the proliferation of weapons if they test their own weapons.

Strong and decisive action on nuclear disarmament is what will make non-proliferation effective. This should include a number of key activities such as:

- Lobbying nation states (many of whom are friends or allies) to ratify the NPT if they have not already done so; and encouraging them to stick by their commitments if they have. They must themselves also commit to the NPT, in:
  - “Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament...”
  - “...Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control: Article VI.
- Strengthening Australia's uranium export policy to not only refrain from selling to non-NPT signatories, but also to any nation holding nuclear weapons.

## **An alternative to the nuclear threat**

### **United Nations: strengthen multilateral cooperation and action**

A stronger United Nations, which has the capacity to pressure all states to conform to internationally agreed treaties such as the NPT is a viable and more peaceful alternative to nuclear arms. Promotion of such an institution is consistent with Australia's aims if it is to gain a seat at the Security Council. This United Nations would not only enforce the NPT and CTBT, but promote the adoption of further multilateral treaties on this subject, especially those with a policy of nuclear disarmament, rather than simple non-proliferation.

These new treaties have been outlined by the International Campaign to Abolish Nuclear Weapons and/or the Medical Association for the Prevention of War, and include:

- Nuclear Weapons Free Zones;
- A Nuclear Weapons Convention; and
- A Fissile Materials Cut-Off Treaty (FMCT)

## CONCLUSIONS:

ERC encourages the Australian Government to adopt a policy of disarmament rather than non-proliferation, as the current non-proliferation stance maintains an inherently weakened and unfair international system. All states must commit to disarmament. Non-proliferation without disarmament; without a ban on testing; and without careful control on materials such as uranium, can promote nuclear proliferation.

Promotion of disarmament would assist in maintaining both peace and security in our region, and internationally. Australia promoting this issue would be consistent with its recent lobbying to gain a position on the Security Council, and promote the safety of communities with strong ties to Australia.

ERC stands by colleagues at ICAN and MAPW in noting that nuclear weapons are no kind of response to any of the major problems facing humanity today such as mass poverty, sickness, pollution and environmental degradation.

ERC would like to conclude by commending ICAN's work regarding nuclear weapons, and endorsing its philosophy that:

Nuclear weapons are illegal, immoral and genocidal; they can destroy our cities, health, water catchments and our food chain, and they routinely deplete funds and attention from achieving human security.

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