

## **Joint Standing Committee on Treaties**

### **Submission to the Inquiry into Nuclear Non-Proliferation and Disarmament**

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I respond to Mr Chafer's invitation of 12 November 2008 to make a submission to the Inquiry with a mixture of hope and doubt. My hope is that President Barack Obama's inauguration may mark the beginning of a new era of moderation and pragmatism in American diplomacy that will encourage Australia to return to the active diplomatic role it pursued prior to the Howard government in seeking to advance nuclear non-proliferation issues. President Obama's declaration in his inaugural address that 'with old friends and former foes we will work tirelessly to lessen the nuclear threat', encourages such hope.

My doubt stems from several likelihoods. One is that reactionary forces in Washington may prevent President Obama from carrying out his intentions. Some American academic analysts have already suggested that the US foreign policy elite will not embrace a world without nuclear weapons. They argue that the 'anti-nuclear nuclearism' of Kissinger, Schultz, and others applies only to 'preventing non-nuclear states from going nuclear, or else preventing international criminal conspiracies from proliferating weapons technologies and nuclear materials for use as instruments of non-state terror. In other words, it's about other people's nuclear weapons, not the 99 percent of materials and arms possessed by the United States and other established nuclear powers.'<sup>1</sup>

Another likelihood is that despite the dampening effects of the global recession, the Australian uranium industry will continue to promote indiscriminate uranium exports on the basis that nuclear power is the answer to global warming, and that Australia has a 'responsibility' to provide fuel for what it anticipates will be substantial growth in reactor construction world-wide.

A third depressing likelihood is that Australia will remain psychologically so dependent on the 'protective' military power of the United States that we would see our security as compromised if the United States abolishes, or even substantially reduces, its nuclear weapons inventory, even in conjunction with similar reductions by the other nuclear powers.

### **Historical Perspective**

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<sup>1</sup> *World Beat* by John Feffer, 20 January, 2009, Vol 4, No 3 of Foreign Policy in Focus, from the United States Institute for Policy Studies.

Throughout the eleven years of the Howard government, Ministers and officials sustained the view of their predecessors that Australia was a country deeply concerned to limit weapons of mass destruction and halt the proliferation of nuclear weapons. The website of the Department of Foreign Affairs and Trade invariably cited all the treaties and arrangements to which Australia was a party or supported, and the activities of our diplomats in pursuing non-proliferation goals. The list included the Nuclear Non-Proliferation Treaty, the Comprehensive Test Ban Treaty, the Fissile Material Cut-off Treaty, the Chemical Weapons Convention, Biological Weapons Convention, and the code of conduct against the proliferation of ballistic missiles.

But the Howard government's professions of deep concern about nuclear proliferation were undermined by its failure to pursue the findings of the Canberra Commission, and by two uncompromising policies: its determination to allow the expansion of Australian uranium exports to an increasingly large range of customers, and its selective pursuit of nuclear disarmament.

### *The Canberra Commission*

The Commission was convened by Prime Minister Keating in 1995. It was the first time a Western ally of the United States had attempted to develop a serious agenda for nuclear weapons elimination. It announced its findings in August 1996. Beginning with the recommendation that the nuclear weapons states should make an unequivocal commitment to a world free of nuclear weapons, it made some eminently practical suggestions about what could immediately be done to strengthen the international non-proliferation regime, including de-alerting nuclear forces, removing warheads from missiles, ending deployment of non-strategic weapons, ending nuclear testing, furthering US-Russia bilateral arms reduction talks, and negotiating a no-first-use agreement by the nuclear weapons states towards nuclear non-weapons states.

By failing to seek to have the Report adopted formally as a resolution at the UN General Assembly meeting in September 1996, the Howard government virtually destroyed its effectiveness. No other state was prepared to pick up the pieces, and a crucial opportunity to establish an agenda on the elimination of nuclear weapons at an international political level was missed.<sup>2</sup>

### *Uranium Exports*

The Howard government's determination to expand uranium sales to an increasingly diverse range of countries, including China, India and Russia, was presented as part of Australia's contribution to greenhouse gas reductions through 'clean' nuclear power. It also argued, as does the Rudd government, that Australia's network of bilateral

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<sup>2</sup> For a full account see *The Canberra Commission: Paths Followed, Paths Ahead* by Marianne Hanson and Carl Ungerer, 1999, Department of Government, University of Queensland.

safeguards agreements and International Atomic Energy Agency obligations prevents any diversion of Australian nuclear material into nuclear weapons programs.

Both claims are extremely shaky. Even if tomorrow the world embraced nuclear power as the answer to global warming, not enough nuclear reactors could be built in time to make a difference. John Rowe, Chief Executive Officer of Exelon, a Texas-based company that runs the largest ‘fleet’ of nuclear reactors (seventeen) in the United States<sup>3</sup> doubts American capacity to replace the country’s 103 nuclear reactors as they reach their use-by date, let alone double their number, the minimum required to allow nuclear energy to make any meaningful substitution for fossil fuels in electricity generation in the United States. Mycle Schneider, an independent energy consultant, asserts that the nuclear power industry is in a state of global decline – a situation that isn’t going to change in the foreseeable future.<sup>4</sup>

Nor are Australian uranium exports compatible with our non-proliferation concerns. Australian nuclear material is scattered throughout the exceedingly complex international nuclear industry in such forms and to such an extent that no monitoring or book-keeping accounting could prevent part of it from being diverted into nuclear weapons programs.<sup>5</sup>

#### *Selective Condemnation of Nuclear Weapons Programs*

Apart from the proliferation dangers inherent in expanding Australian uranium exports, Australia’s selectivity in the pursuit of nuclear weapons offenders betrays a double standard that has weakened both Australia’s non-proliferation credentials and the international nuclear weapons non-proliferation regime. Echoing the perspective of the Bush Administration in Washington, the Howard government was highly selective in distinguishing ‘acceptable’ from ‘unacceptable’ nuclear weapons states. The nuclear arsenals of ‘responsible’ states such as the United States, Russia, Britain France and China, were not condemned, even when they were being expanded or technically improved. At no stage did the Howard government condemn or criticise these states for failing to realise their obligations under Article VI of the NPT to begin the process of collective nuclear disarmament. Meanwhile, Iran, Iraq, North Korea, and (initially) India and Pakistan, were condemned for developing their own nuclear weapons, while Israel, an ally and protégé of the United States, was not.

The Howard government adhered to a well-worn formula established by previous Australian governments of both persuasions of pursuing Australia’s economic interests while at the same time making it appear that we were a responsible international citizen in seeking to curb the deadly virus of nuclear weapons proliferation.

#### **Non-proliferation Policies of the Rudd Government**

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<sup>3</sup> *Bulletin of the Atomic Scientists* September/October 2008, pp 9-13.

<sup>4</sup> *Bulletin of the Atomic Scientists*, November/December 2008, pp 26-30.

<sup>5</sup> Broinowski, Richard 2003, *Fact or Fission? The Truth about Australia’s Nuclear Ambitions* Scribe 2003 Chapter 11: Can Australian Uranium be Safeguarded? pp255-276.

Does the Rudd Labor government have more enlightened nuclear policies than Mr Howard's ?

Early indications are that it may have. In his first national security statement to Parliament on 4 December 2008, Mr Rudd asserted that 'The Australian government is strongly committed to increasing Australia's role in international efforts to strengthen nuclear non-proliferation and disarmament, and will work with our friends and neighbours to advance practical, effective steps to achieve this goal.' This came close to the sentiment expressed by President Barack Obama in his inaugural address in Washington on 20 January 2009, cited in the first paragraph of this submission.

## **Recommendations**

### **A. Australian Diplomacy in Washington**

I first submit for the Committee's consideration measures that the Australian Parliament, or our diplomats could take up direct with the Obama Administration.

- Australia could support a move in Washington to separate the Arms Control and Disarmament Agency (ACDA) from the Department of State. Founded as an independent agency by the Kennedy Administration in 1961, ACDA was responsible for developing the 1963 Limited Test Ban Treaty, the 1970 Nuclear Non-Proliferation Treaty, the 1972 Biological and Toxin Weapons Convention, the 1987 Intermediate Nuclear Forces Treaty, and the Strategic Arms Reduction (START) Treaties. ACDA languished when it lost funds and influence when merged with State in 1999. As an independent agency in the Obama Administration it could find a new and vigorous lease of life as America's principal non proliferation agency.
- Australia could encourage an expansion in the annual American subvention to the International Atomic Energy Agency for more extensive and effective monitoring of global nuclear facilities.
- We could encourage termination of further US nuclear weapons research aimed at miniaturisation of nuclear weapons and developing a reliable replacement warhead (RRW). In view of the fact that both the Lawrence Livermore and Los Alamos National Laboratories have confirmed that the plutonium pits in current US nuclear weapons are good for the next 85 years, we might get an especially positive response on the termination of research relating to RRW.
- We could continue to press the Obama Administration to ratify the Comprehensive Test Ban Treaty, thereby encouraging the Chinese to do the same.

- We could encourage the United States to pursue a plan announced by President Obama to hold interactive, not reactive, discussions with other nuclear weapons countries to encourage force reductions, de-alert all strategic nuclear weapons, and to hold non-confrontational talks with Iran and North Korea on other nuclear weapons issues.
- We could also encourage the United States to reverse its plans to install missile defence systems in Poland and Czechoslovakia, a development which has increased tensions with Russia and prompted Moscow to install intermediate range nuclear missiles in the Kaliningrad region opposite these countries.

## B. Other Australian Actions

The Committee could as a matter of urgency recommend that the Australian Safeguards and Non-Proliferation Office (ASNO) be instructed to take a much more conscientious approach to the tracking of Australian uranium than it has to date.<sup>6</sup> Taking at face value the assurances of customer countries that they will not divert Australian uranium into weapons programs, as ASNO did with China, is unacceptable. Either ASNO or its replacement must return to the spirit and intent of safeguards imposed on the export of Australian uranium by Prime Minister Fraser in May 1977. There should be no serial approval for customer countries to transfer, enrich or re-process any Australian uranium without express, case-by-case approval. All recipients must be signatories to the Nuclear Non-Proliferation Treaty, and all non nuclear weapon state customers must have a record free from nuclear weapons research.

It is further suggested that the Committee could encourage the Rudd government to instigate much more active Australian international nuclear diplomacy.

- Australia should work positively with like-minded countries supporting the Middle Powers Group which advocates global nuclear disarmament, and either attend the Sixth Meeting of the Article VI Forum in Berlin at the end of January 2009 (at the time of writing it's too late unless an Australian observer delegation was already there), or follow up and support its conclusions.
- The Committee could emphasise the crucial importance of getting China, France, Russia, United Kingdom and United States to begin realising their obligations to disarm according to their obligations under Article VI of the Nuclear Non-Proliferation Treaty. Without such a commitment, the Treaty will entrench discriminatory treatment against non-nuclear weapons states, and be degraded to the point of irrelevance in global non-proliferation forums.

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<sup>6</sup> See for example the statement made by the Energy Science Coalition on the shortcomings of ASNO investigations about the acceptability of China as a market for Australian uranium. The statement was made by Associate Professor Tillman Ruff to the Joint Standing Committee on Treaties in Melbourne in August 2007.

- The Committee should support the development of a Nuclear Weapons Convention
- The Committee could urge the government to strengthen nuclear free zones, including in the South Pacific. Specifically, the terms of the Treaty of Raratonga should be extended to cover all of the Pacific, including Micronesia, provide regular cooperation with the adherents of the neighbouring South East Asian Nuclear Free Zone, and strengthened to prohibit trans-shipment of fissile material through, and deployment of missile systems in the zone.<sup>7</sup>

### **The International Commission on Nuclear Non-Proliferation and Disarmament.**

My final recommendation to the Committee addresses the fifth of its Terms of Reference: how it and the Parliament can contribute to the work of the International Commission on Nuclear Non-proliferation and Disarmament.

I believe it could do so by seeking some important clarifications of Prime Minister Rudd's intentions.

His announcement of the formation of the Commission in Japan on 9 July 2008 fulfilled an election promise he made to resurrect the 1995 Canberra Commission of Prime Minister Paul Keating. Co-chaired by two former Foreign Ministers, Gareth Evans of Australia and Yoriko Kawaguchi of Japan, the first meeting of the new Commission took place in Sydney on 20 October. Diplomats from 15 countries attended, including those from Australia, Japan, Russia, France, Pakistan, the United States and China.

As a side-bar to the main conference, the Australia Japan Foundation awarded \$40,000 to the Melbourne-based Nautilus Foundation to examine parallel work among Japanese and Australian anti-nuclear civil society groups, presumably to see how their activities could augment or reinforce the work of the Japanese and Australian governments.

I believe there is a significant impediment to any meaningful disarmament outcome from the International Commission. This stems from the reliance both Japan and Australia place on the United States nuclear umbrella, Australia through ANZUS, and Japan through the US-Japan Security Treaty. Mr Rudd reinforced this dependency during his first national security statement to Parliament on 4 December 2008 when he asserted that '*The United States alliance* (his italics) remains fundamental to Australia's national security interests – both globally and in the Asia-Pacific region.'

It would appear that Mr Rudd is as committed as are the Japanese to the American nuclear umbrella. Perhaps the Joint Standing Committee could ask him

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<sup>7</sup> As recommended by Associate Professor Michael Hamel-Green to a conference of the Victorian branch of the Medical Association for Prevention of War on 9 December 2008.

- whether he considers there is a conflict of objectives in promoting global nuclear disarmament on the one hand while relying on the United States nuclear umbrella for Australia's ultimate defence on the other
- whether he considers that the ultimate security of Australia would be enhanced by a general reduction in the United States nuclear arsenal, especially one leading to its complete abolition, provided the other recognised nuclear weapons states did the same.
- or whether, given the difficulty in achieving this objective, the Australian government sees the continuation of the current *status quo* in which there are five recognised and four non-recognised nuclear weapons states in the world as preferable to complete nuclear disarmament.

I would be glad to explore any aspect of this submission with members of the Committee at one of their hearings.

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