

UNITED NATIONS YOUTH ASSOCIATION OF AUSTRALIA



SUBMISSION TO THE JOINT STANDING COMMITTEE ON TREATIES

INQUIRY INTO NUCLEAR NON-PROLIFERATION AND DISARMAMENT

JANUARY 2009

Mr Kelvin Thompson MP
Chair
Joint Standing Committee on Treaties

28th January 2009

Dear Mr Thompson,

The United Nations Youth Association of Australia (UNYA) wishes to make the following submission to the Joint Standing Committee on Treaties' inquiry into nuclear non-proliferation and disarmament.

This submission is structured according to the terms of reference of the inquiry, with each term of reference as a section heading as follows:

Section 1: The international treaties involving Australia, which relate to nuclear non-proliferation and disarmament (p. 3). Treaties addressed:

- The Treaty on the Non-Proliferation of Nuclear Weapons
- The Comprehensive Nuclear Test-Ban Treaty
- The South Pacific Nuclear-Free Zone Treaty (Rarotonga Treaty)
- The Convention on the Physical Protection of Nuclear Material

Section 2: How these treaties advance Australia's objectives in this field (p. 5).

Section 3: How the treaties might be made more comprehensive or effective (p. 6).

Section 4: How inter-parliamentary action can assist in strengthening treaty-based aspects of the nuclear non-proliferation and disarmament regime (p. 6).

Section 5: How the Committee and the Parliament can contribute to the work of the International Commission on Nuclear Non-proliferation and Disarmament (p. 7).

Thank you for considering this submission.

Yours sincerely,

The United Nations Youth Association of Australia

Section 1: The international treaties involving Australia, which relate to nuclear non-proliferation and disarmament.

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

UNYA believes that the NPT is valuable in setting important international norms surrounding the development and use of nuclear weapons, and obligations on all states to pursue the peaceful uses of nuclear energy. However, states parties have consistently failed to fully meet their disarmament obligations and as yet, no treaty on general and complete disarmament has been successfully negotiated. Furthermore, two states that possess nuclear weapons, India and Pakistan, and Israel (whose nuclear status is ambiguous) remain outside of the treaty. Proliferation continues as states improve their existing weapons, or as clandestine networks such as the A. Q. Khan network provide technology and knowledge to non-nuclear weapons states.

A further challenge to the treaty has been posed by the 2008 decision by the Nuclear Suppliers' Group (NSG) to exempt India from restrictions placed on non-NPT signatory states so that a US-India civilian nuclear deal could proceed. UNYA believes that this fundamentally undermines the NPT, as well as the non-proliferation credentials of the NSG, of which Australia is a key member. UNYA further believes that Australian support for this exemption should be withdrawn with the view to making future nuclear agreements with India (and other non-NPT signatory states) conditional upon accession to the NPT. These measures would continue to uphold the NPT as the cornerstone of non-proliferation and disarmament.

UNYA believes that a key factor in the non-compliance of some member states with NPT obligations is the double standard contained in the treaty, which allows the Permanent Five Members of the UN Security Council to possess nuclear weapons for deterrence purposes. UNYA recognises the difficulties in repealing this right in the short-term, yet believes that ultimately these nations must be prepared to, at the very least, significantly reduce their nuclear stockpiles in order to create a more equitable treaty. UNYA recognises the need to update the provisions of the NPT, as nuclear nations such as India, Pakistan and Israel clearly do not agree with such conditions. UNYA stresses the need to engage in diplomatic talks with these nations before the review of the NPT in 2010 with a realistic view of the situation at hand. UNYA hopes that these talks will be conducted with the goal of across-the-board reductions in nuclear weaponry rather than an expansion of allowances for the possession of nuclear weapons. UNYA applauds the current Australian and Japanese governments for the establishment of the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) and its aims of shaping global consensus in the lead-up to the NPT review conference in 2010.

Despite the above failings, UNYA believes that the fault lies not with the spirit or wording of the NPT itself, but with the willingness of states parties to comply with the obligations set forth. UNYA believes that the lack of confidence building measures, among others, has made it more difficult for states to cooperate on these matters. Greater financial and political support of the International Atomic Energy Agency (IAEA) would improve this situation. This being said, UNYA believes that the NPT is an essential part of the non-proliferation and disarmament process and that it should not be seen as completely redundant. Finally, it provides the essential

framework for negotiation towards a Nuclear Weapon Convention. This is becoming increasingly important in the context of the 2010 NPT Review Conference.

Comprehensive Nuclear Test-Ban Treaty (CTBT)

UNYA considers the entry into force of the CTBT to be of the utmost importance. To date, of the states whose ratification is required for this to happen, nine remain to either ratify or sign and ratify the treaty. Of these states, it is essential that those possessing nuclear weapons – the US, India, Pakistan and North Korea – accede. Encouragingly, a moratorium on nuclear testing has been observed since 1999, with the only state to test a device being North Korea.¹ It can be seen from this event that nuclear testing has become unacceptable. Furthermore, as at January 2009, France, the United Kingdom and Russia have all ratified the treaty. UNYA applauds Australia for its early signing and ratification of the CTBT.

UNYA agrees with the findings of the 2006 Weapons of Mass Destruction Commission's report, which concluded that "the adherence of all states to the Comprehensive Nuclear-Test-Ban Treaty would serve several vital objectives".² For instance, banning testing would prevent or hinder improvements to weapons. This would greatly advance non-proliferation efforts. Universal adherence would also mean that states are prepared to take disarmament seriously and negotiate accordingly.³

UNYA anticipates that Australia will use its close ties with the US to encourage ratification of the CTBT. Leadership by the US in non-proliferation and disarmament is absolutely essential, yet to date its efforts have been disappointing. It is hoped that under the new administration this situation will be reversed.

South Pacific Nuclear Free Zone Treaty (Rarotonga Treaty)

UNYA believes that Australia's compliance with the Rarotonga Treaty is extremely important as it makes a vital contribution to regional stability and security. In light of the developmental needs of many South Pacific nations, it is encouraging to see that these states have chosen not to pursue costly nuclear weapon programmes that would be to the detriment of improving living standards.

The Rarotonga Treaty also reasserts the right of states to pursue peaceful nuclear activities subject to IAEA safeguards agreements as they are set forth in the NPT. UNYA considers this to be important when taking into account the large uranium mining industry in Australia. It is vital that Australia continues to be a responsible exporter of fissionable material so as to avoid undermining regional and global non-proliferation efforts.

Furthermore, UNYA applauds the Australian Government on upholding the prevention of nuclear testing asserted in Article 6. Although the global

¹ Comprehensive Test Ban Treaty Organisation Preparatory Commission, "Nuclear Testing 1945-2006", <http://www.ctbto.org/nuclear-testing/history-of-nuclear-testing/nuclear-testing-1945-2006/page-7-nuclear-testing-1945-2006/?Fsize=aa>, accessed 24th January 2008.

² Weapons of Mass Destruction Commission, 'Weapons of Terror', Stockholm, 2006, p. 106.

³ *ibid.*

Comprehensive Nuclear Test-Ban Treaty is yet to enter into force, this treaty prevents our region from having to experience again the tragic consequences of nuclear testing.

Finally, UNYA believes that this Treaty provides an excellent example to other regions. Of major importance is the negotiation of a comprehensive treaty for a nuclear weapon-free zone in the Middle East. To date, this has been discussed often but with little result. UNYA believes that Australia should use its influence as a middle power and uranium exporter to bring these discussions to fruition. Such a treaty would help to prevent further destabilisation of an already volatile region.

Convention on the Physical Protection of Nuclear Material

UNYA considers this convention to be of great importance as it legally binds states parties to protect nuclear material. Preventing the misappropriation of nuclear material by non-state actors or those non-nuclear weapon states not subject to IAEA safeguards is imperative. History has shown, in the case of A. Q. Khan's provision of nuclear technology to non-nuclear weapon states, that this can have seriously destabilising and possibly devastating consequences. Since the advent of terrorism this has become a major concern.

UNYA believes that this treaty has achieved a lot in preventing proliferation. However, it must be concluded that while nuclear weapons exist there is a heightened threat of their misappropriation. Only complete nuclear disarmament and the global adoption of the IAEA's strengthened Additional Protocol for safeguarding nuclear activities will see a great reduction or elimination of this threat.

Section 2: How these treaties advance Australia's objectives in this field.

UNYA considers Australia's main concerns to be the challenge to non-proliferation posed by North Korea's nuclear test in 2006, preventing proliferation in Iran, and maintaining regional stability, peace and security.⁴ UNYA believes that the treaties discussed in Section 1 all advance these objectives. As the cornerstone of the non-proliferation and disarmament regime, the NPT binds member states to certain obligations and has made it much more difficult for non-nuclear weapon states to acquire nuclear weapons. IAEA inspections in North Korea and Iran have provided some transparency as to their nuclear activities and these states have been held accountable where appropriate. The entry into force of the CTBT would further hinder any efforts by these states to develop nuclear weapons.

In terms of upholding regional stability, peace and security, UNYA believes that the Rarotonga Treaty greatly advances this objective. By ensuring that no state in our region can threaten the others with nuclear weapons, international cooperation is more likely to occur and it greatly reduces the chance of proliferation. Furthermore, UNYA considers the Convention on the Physical Protection of Nuclear Material as important in preventing nuclear terrorism, in our region and elsewhere.

⁴ Australian Government Department of Foreign Affairs and Trade, "Non Proliferation, Arms Control and Disarmament", <http://www.dfat.gov.au/security/npt.html>, accessed 25th January 2009.

Section 3: How the treaties might be made more comprehensive or effective.

UNYA believes that, as they stand, the current non-proliferation and disarmament treaties are as comprehensive as they could practicably be given the climates in which they were negotiated. Fundamentally, any problems of ineffectiveness lie not with the treaties but with the unwillingness of states to accede to them and of states parties to fulfil their treaty-based obligations. For instance, it has been a lack of political will that has prevented states parties to the NPT from negotiating towards complete disarmament. The failure of the Conference on Disarmament to even agree on a programme of work for the past decade further exemplifies this problem.

UNYA considers confidence building measures to be just one effective way of fostering political will in support of non-proliferation and disarmament. Inter-parliamentary measures will be discussed further on in Section 4. Strengthening the IAEA, the world's premier agency for nuclear safeguarding and verification, would contribute greatly. Currently, the IAEA is restricted by a lack of funding and the fact that the 1997 Additional Protocol that increased its inspection and verification powers has not entered yet into force universally. An atmosphere of suspicion and mistrust only serves to undermine work on non-proliferation and disarmament. Greater state transparency and openness about nuclear activities, guided and verified by the IAEA, would certainly ameliorate this situation.

UNYA also supports the adoption of other confidence building measures such as:

- “No first use” assurances, whereby states pledge not to be the first party to use nuclear weapons in a conflict. Currently China is the only state to have adopted this measure.⁵
- Negative security assurances. Nuclear weapon states pledge not to use nuclear weapons against non-nuclear weapon states.
- De-alerting of nuclear weapons on “hair-trigger” alert status.
- Negotiation towards a nuclear weapon-free zone in the Middle East.
- A continued moratorium on nuclear testing pending the entry into force of the CTBT.

UNYA believes that a concerted effort on the part of diplomats, civil society and parliamentarians is essential for fostering compliance with existing treaties. Australia in particular should play an important role in this process, taking a leading role in encouraging compliance at the next NPT Review Conference in 2010. If successful in its bid for a UN Security Council seat in 2013/2014, Australia should also use that opportunity, combined with the unique position of being a regional middle power and a large uranium exporter, to push for strengthened commitment to or entry into force of existing treaties.

Section 4: How inter-parliamentary action can assist in strengthening treaty-based aspects of the nuclear non-proliferation and disarmament regime.

UNYA considers inter-parliamentary action to be a key part of making non-proliferation and disarmament successful. Through organisations like the

⁵ Comprehensive Nuclear Test-Ban Treaty Organisation Preparatory Commission, “FAQs”, <http://www.ctbto.org/faqs/?uid=17&cHash=40e94e0e31>, accessed 25th January 2009.

Commonwealth Parliamentary Association or the Inter-Parliamentary Union, elected members can interact on issues of international significance. This can assist greatly in opening dialogue between states where negotiations at different forums may have previously failed. The greatest advantage of this method is that interaction is occurring at the level where policy is formulated. An example of an increasingly successful inter-parliamentary approach is the Parliamentarians for Nuclear Non-Proliferation and Disarmament Network (PNND).⁶ This has created a global body of parliamentarians opposed to nuclear weapons, despite state doctrines.

As stated in Section 3, UNYA believes that non-compliance with treaties is a matter of political will. Building more political will in support of fulfilling treaty obligations should be an overarching goal for all states. UNYA believes that inter-parliamentary action provides opportunities for applying political pressure to relevant ministers and key politicians. By working closely with the relevant policy makers, it is likely that positive changes could be seen in policy stances toward non-proliferation and disarmament. A possible outcome of this could be a greater commitment to treaty-based obligations.

UNYA believes that Australia should use its influence within the Commonwealth, our region and globally to increase inter-parliamentary dialogue and action on nuclear weapon issues. The entry into force of the CTBT should be one priority. Thus far, a lack of will on the behalf of some Annex 2 states, whose ratification is essential for entry into force, has prevented this from happening. Another priority should be the negotiation of a Nuclear Weapons Convention that would conclusively bind states to complete disarmament. As part of a multi-track approach, including diplomacy and consultation with civil society, UNYA anticipates that this could reinvigorate the non-proliferation and disarmament regime.

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

UNYA believes that there are several ways in which the Committee and Parliament can contribute to the work of the ICNND:

- The Parliament should show unwavering bipartisan support for the ICNND and its work.
- The Parliament should formulate policies on nuclear non-proliferation and disarmament that reflect a bipartisan view rather than the views of the government of the day. This would ensure a long-term and sustainable policy platform for Australia on these issues. These policies should aim to enhance non-proliferation and disarmament, in line with the aims of the ICNND. Furthermore, UNYA believes that these policies should have a global as well as regional and domestic focus. Finally, they should be effectively implemented in the forum of the United Nations and elsewhere.
- The Committee could be tasked with drafting an action plan with measurable outcomes and timelines for increasing Australia's leadership in nuclear non-proliferation and disarmament. The plan should outline how Australia can

⁶ Please refer to www.gsainstitute.org/pnnd

foster greater progress in areas that need it most, for instance in alleviating the deadlock in the Conference on Disarmament, or working towards the entry into force of the CTBT. The plan should also outline how Australia in particular can use its diplomatic influence to make the 2010 NPT Review Conference a success and avoid the failures of the last conference. Furthermore, the plan should lay the groundwork for endorsing and implementing (where appropriate) recommendations set forth by the ICNND's final report. This would contribute to the ICNND having a lasting and positive impact on nuclear non-proliferation and disarmament affairs.

- The Committee should be regularly tasked with reviewing Australia's involvement in nuclear non-proliferation and disarmament treaties. This should be done with the aim of ensuring that Australia is upholding its treaty obligations, in order to foster transparency and accountability. This could realistically be carried out every five years, to coincide with the NPT Review Conferences.