

**Joint Standing Committee on Treaties**  
**Submission to the inquiry on nuclear non-proliferation and disarmament**

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The following submission, based on my previous research, surveys two broad issues that may be of interest to the committee: the foundations of the nuclear non-proliferation regime and recent international efforts to strengthen that regime. It argues that Australian policy makers should re-examine the strategic principles upon which the original arms control school was built in the 1960s.

**The Non-Proliferation Regime**

The core bargain at the heart of the 1968 NPT agreement required a delicate balance to be struck between three competing objectives: non-proliferation, disarmament and the peaceful uses of nuclear energy. In its 40 year history, neither side of the non-proliferation equation was particularly good at upholding that central bargain. And the chorus of voices warning of the NPT's demise has grown steadily each year as a result. The central balance, which suited the strategic circumstances of the 1960s and 1970s, today appears out of step with the shift in policy towards counter-proliferation efforts and the rise of globalised non-state actors such as al-Qaeda as potential nuclear war-making units.

The non-proliferation regime is changing in several important ways.

Traditional arms control and non-proliferation efforts were characterized by formal negotiations through the United Nation's disarmament machinery, with provisions for international inspections and compliance mechanisms. However, these three elements – a treaty, an inspection regime and an enforcement mechanism – are not essential to arms control. Indeed, the most effective measures for reducing nuclear weapon stockpiles in recent years have occurred outside the NPT framework and beyond the reach of the International Atomic Energy Agency (IAEA) inspectors. The May 2002

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<sup>1</sup> These are personal views and do not necessarily represent the views of ASPI.

Moscow Treaty, in which the US and Russia agreed to a bandwidth of 1700 to 2200 deployed strategic warheads within a decade and an expansion of the Cooperative Threat Reduction initiative through the G8 partnership, have delivered strategic stability at much lower levels of deployed nuclear weapons.

The incoming Obama Administration has signaled that it will move quickly on a range on nuclear issues. Key policy statements suggest that an Obama Presidency will move quickly on issues such as:

- strengthening the Nuclear Non-Proliferation Treaty (NPT);
- implementing a global ban on the production on new nuclear materials;
- stopping the development of new nuclear weapons;
- working with Russia to take ballistic missiles off hair trigger alert;
- seeking dramatic reductions in stockpiles of nuclear weapons and material;
- making the US-Russian ban on intermediate-range missiles a global agreement.

This policy agenda represents a significant change from the Bush Administration in both style and substance. The Bush Administration disliked arms control. They thought that binding agreements were at best unnecessary and at worst unhelpful. Their preferred metaphor was of America as Gulliver, tied down by the Lilliputian strings of formal arms control agreements. They wanted to break free from those strings and pursue a more self-interested nuclear weapons strategy.

In some ways, that strategy was successful in weaning the international community off the formal arms control bandwagon. Although criticised at the time, key policy initiatives such as US withdrawal from the Anti-Ballistic Missile (ABM) Treaty, the development of ballistic missile defences and the shift towards a more robust counter-proliferation agenda such as the Proliferation Security Initiative (PSI) have all garnered widespread international support, including from Australia.

Despite some initial misgivings, the international community has grown more accustomed to a military-based counter-proliferation regime. And the decade-long stalemate at the United Nations (UN) Conference on Disarmament in Geneva has

dampened global expectations that an early return to formal arms control negotiations will deliver any significant outcomes in the short term. That stalemate is the direct result of ongoing geo-political tensions between Beijing, Moscow and Washington – a situation that is unlikely to change soon.

Obama's agenda seeks to swing the pendulum of international policy away from counter-proliferation and back to the diplomacy of non-proliferation and arms control. Many of the new policy initiatives suggest that the US government will make a stronger commitment to negotiating binding multilateral agreements through the UN Conference on Disarmament. But not all senior members of the Obama Administration will share this view.

In a recent speech prior to the announcement of his continuing appointment, US Defense Secretary Robert Gates called for the modernisation of the US nuclear weapon stockpile. Gates has argued for America to develop a new Reliable Replacement Warhead (RRW) and the possible return of nuclear weapons testing in order to ensure the safety and reliability of the nuclear deterrent. The US Congress has so far rejected these proposals. So has Barack Obama. But in the absence of a program of force modernisation, Gates argues that the provision of extended nuclear deterrence to allies such as Japan, South Korea and Australia can not be guaranteed.

Reconciling these competing policy imperatives will not be easy. Gates has suggested that a strategic dialogue with both China and Russia is necessary to address the issues of force modernisation and to underpin future arms control negotiations. But there is a clear policy difference between Obama's preference for multilateral non-proliferation diplomacy and Gates' nuclear force modernisation plans.

Of the main issues confronting policymakers, two stand out for immediate attention - the need to move forward on a fissile material cut-off treaty (FMCT) and the entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT). Fissile material does not exist in nature – it must be made by either enriching uranium or reprocessing plutonium. And no country can develop or improve a nuclear weapons capability in the absence of a testing program.

Current global stocks of weapons-useable fissile material (highly-enriched uranium and plutonium from military and civilian stocks) amount to approximately 3,000 metric tonnes (MT) – enough for 200,000 nuclear weapons. Given that the five declared nuclear weapon states need only 400 MT of weapons-grade fissile material for their existing nuclear arsenals, the current global surplus is huge.

Despite over a decade of cooperative bilateral efforts between Washington and Moscow to reduce the fissile material stockpile, including efforts to convert weapons-grade material to mixed oxide (MOX) fuel, the amount of fissile material around the world is one of the most serious dangers to nuclear proliferation. Given Osama bin Laden's declared interest in nuclear weapons, the availability of highly-enriched uranium and plutonium for nuclear weapons will remain a primary concern.

### **Implications for Australia**

Traditional arms control restraints no longer have the gravitational pull that they once had. But predictions of an unrestrained nuclear arms race in the Asian region or elsewhere are premature. There are still significant political and technical hurdles to cross before neighbouring countries choose to go down that difficult path. And the NPT is likely to survive in its current form, at least until the next review conference in 2010, simply because in international arms control politics, inertia is king.

Proliferation pessimists are wrong to assume that the alternative to extended nuclear deterrence guarantees and formal arms control treaties is simply more proliferation. As Brazil, Argentina, South Africa, the Ukraine and most recently Libya have demonstrated, there are complex political and security calculations at play when states choose to build or bury a nuclear weapon capability.

Iran and North Korea will remain the two 'hard cases' for non-proliferation efforts. International sanctions will have some effect in squeezing both the North Korean and Iranian governments. And current interdiction activities through the PSI may delay some aspects of the proliferation food chain. But the proliferation outcomes in both countries are probably beyond doubt.

The broader arms control implications for Australia are clear. Successive Australian governments have since the 1970s invested considerable diplomatic and political resources in the nuclear non-proliferation regime. As a regional middle power, Australia has national security interests in strengthening international legal regimes that provide greater strategic reassurance through transparency in military behaviour and intentions. Any weakening of those systemic constraints poses security risks for Australia and other regional powers. Negotiating an FMCT and finalizing the CTBT would provide a small measure of strategic reassurance at a time when it is much needed in the international system.

### **The Case for a ‘Classical Approach’**

According to Hedley Bull, the overall purpose of arms control is to enhance international security.<sup>2</sup> But Bull was no starry-eyed idealist about the limitations of arms control and its place in the hierarchy of strategic policy tools.

He was highly critical of how the machinery of arms control had become self-serving:

The development in the Western countries, especially the United States, of heavy bureaucratic machineries committed to the negotiation of arms control agreements so as to justify their own existence, and of an array of assorted institutions in the foundations, the research institutes, and the universities with a similar commitment, has militated against the discriminating approach that was called for in the writing of the early period.<sup>3</sup>

Bull’s suggested remedy to policy makers and arms control bureaucracies was to pay closer attention to the five original principles upon which the ‘arms control school’ was built in the late 1950s and early 1960s.<sup>4</sup>

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<sup>2</sup> Hedley Bull, *The Control of the Arms Race* (London: Institute for Strategic Studies, 1961).

<sup>3</sup> Robert O’Neill and David Schwartz, *Hedley Bull on Arms Control* (London: Macmillan, 1987), p.119-120.

<sup>4</sup> The ‘arms control school’ was the collective name given to three organised study groups whose academic focus was on nuclear weapons and international security. In each case there was a close personal interaction between the academics themselves and senior policy-makers. The product of these studies was the publication of three separate books: Donald Brennan, ed., *Arms Control, Disarmament and National Security*; Hedley Bull, *The Control of the Arms Race*; and Thomas C. Schelling and Morton H. Halperin, *Strategy and Arms Control*.

### *The Five Principles*

First: that arms control was not an end in itself but a means to an end – security. All agreements should be shaped with the objective of enhancing international security.

Second: antagonistic powers could still find common interests and therefore negotiate arms control agreements.

Third: that arms control needed to be incorporated into a unified national security strategy.

Fourth: arms control embraces a much broader array of security policies and instruments than just the negotiation of formal multilateral treaty arrangements. Informal agreements and unilateral actions were equally legitimate forms of arms control.

Fifth: the most important or proximate goal of arms control was to stabilize the central relationship between the major powers. It was about the preservation of the balance of power.

### **Conclusion**

Although written in the context of the Cold War, what can we salvage from Bull's original concept of arms control for Australia?

Three things stand out:

1. Arms control policy has be put back at the centre of strategic policy. As others have noted, the government's strategic policy rhetoric cannot be divorced from both traditional notions of security and spending priorities. Bringing all these elements back into alignment is overdue. The government should establish a new Arms Control Branch in the Office of National Security to coordinate the various diplomatic and military aspects of arms control policy.

2. We should reconsider the formality and structural impediments of the existing arms control machinery. That applies equally to the foreign policy bureaucracy as it does to the Conference on Disarmament in Geneva. As Bull suggests, informal, ad hoc arrangements are not antithetical to the principles of arms control. In applying its creative middle power diplomacy, Australia should look for specific niche opportunities, including on a regional basis, to advance its non-proliferation goals through the creation and leadership of small coalitions.
  
3. Balance of power principles need to be more deeply engrained in arms control policy. For Australia, this will mean engaging more closely with the emerging regional powers such as India and China on arms control issues.