

## **Submission to the Joint Standing Committee on Treaties, Parliament of Australia**

by

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This submission addresses the question of how nuclear nonproliferation and disarmament treaties might be made more comprehensive and effective and the role that Australia might play in this effort.

After many decades of negotiation, research and advocacy there are several well-recognized steps that need to be taken to strengthen the nuclear nonproliferation and disarmament regimes. Embodied in the Thirteen Steps agreed at the 2000 Review Conference for the Nuclear Nonproliferation Treaty (NPT), they include:

- Entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT)
- Negotiation of a Fissile Material Cut-Off Treaty
- Further strengthening of nuclear safeguards
- Continuing the bilateral nuclear disarmament process between Russia and the United States and ultimately engaging all of the nuclear weapon possessor states in that process.

For Australia all of these steps would appear uncontroversial and supportable. In addition, Australia is in a position to provide more particular support in specific instances.

### **Comprehensive Nuclear Test Ban Treaty (CTBT)**

A major impediment to progress in bringing the CTBT into force has been the failure of the United States to ratify the treaty and its refusal to pay its assessed contribution to the Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO) and its global verification system. US non-ratification has permitted China to follow the US lead and has prevented the US and its allies from pressing holdouts such as India and Pakistan to join the treaty. The new Obama Administration has expressed a desire to resubmit the CTBT to the US Senate for ratification consent. Australia would therefore be pushing on an open door in seeking US ratification. But it should follow this with renewed dialogue with the states that will still be required to ratify before the treaty enters into force, most notably India and Pakistan, which might yet be induced to join in coordinated fashion. In the case of India this would help redress the damage done to the nonproliferation regime by the Nuclear Suppliers Group's ill-advised granting of an exemption to India from the group's export constraints.

## **Fissile Material Cut-Off Treaty (FMCT)**

Australia should revert to its previous strong support for a treaty with a strong verification mechanism, abandoning its attempts to find middle ground between this position and the Bush Administration's opposition to any verification for the treaty. Given that the Obama Administration is now likely to also revert to a pro-verification stance, Australia could turn its energies to seeking a compromise between states which only want the ban to apply to future production and those which believe past production should also be subject to declaration and verification. Australia could readily promote transparency of past nuclear materials production as being of benefit not just for an FMCT but as an essential ingredient of any attempt to move to zero nuclear weapons.

## **Further strengthening of nuclear safeguards**

While considerable progress in strengthening nuclear safeguards has been made since the discovery after the first Gulf War of the extent of Iraq's nuclear weapons program, much more needs to be done. The most urgent steps, all of which deserve Australian support are:

1. To make the Additional Protocol the gold standard for safeguards in general and a condition of supply by members of the Nuclear Suppliers Group.
2. To properly fund the International Atomic Energy Agency (IAEA) as recommended by the 2008 report of the Commission of Eminent Persons on the Future of the Agency: this would include a one-off increase of 80 million Euros for urgent work, including refurbishing the increasingly dilapidated and insecure Safeguards Analytical Laboratory outside Vienna. The Laboratory is an essential element in asserting the integrity and independence of the IAEA's analysis of samples used in determining state non-compliance with their safeguards obligations (Iran currently being of greatest concern). Australia could itself make a substantial voluntary contribution to refurbishment of the laboratory. Over the longer term the IAEA's annual budget should be increased substantially across several years in order to overcome past under-investment in infrastructure and programs (most notably in the areas of nuclear safety and security).
3. To have the IAEA's Board of Governors recognize the need for and legitimacy of the Agency seeking indicators of weaponization activities as part of its verification mandate and to provide resources for a team of qualified experts to carry out such work.
4. To make another attempt to have the Board of Governors set up a workable Verification Committee to permit constant review of the Agency's nuclear safeguards system; the advent of a new US Administration may give renewed impetus to this idea.

## **Russian/US bilateral nuclear arms reductions**

Although Australia cannot be a direct participant in such reductions it should give strong support to urgent efforts to either renew or replace the START I Treaty which is due to expire in December 2009. The verification provisions of this treaty remain extremely valuable in providing confidence to the two

parties about the state of their strategic nuclear forces and should be extended into the indefinite future either by extending START I or by adapting them to a new strategic arms limitation agreement.

The 2002 Strategic Offensive Reductions Treaty (SORT) on the other hand is deeply flawed: it lacks verification, has never been subject to bilateral consultations as intended and expires the day that its limitations take effect in 2012. Australia should support its replacement with deeper cuts to at least 1,000 nuclear warheads each side (whether strategic or tactical is no longer a valid distinction). Again, while Australia is likely to be pushing on an open door in both Moscow and Washington it should make its views known.

### **Nuclear disarmament: getting to zero**

The time could not be riper for more dramatic moves towards nuclear disarmament, as evidenced by growing support for 'getting to zero' from several senior former US administration figures; the Blix Commission on Weapons of Mass Destruction; the verification work of the governments of the United Kingdom and Norway along with the non-governmental organization VERTIC; the Global Zero campaign by a group of luminaries; and of course the Australia-Japan International Commission.

Again, while Australia itself is unlikely to be involved directly in further nuclear disarmament moves by the nuclear weapon states, it could, in addition to sponsoring the Commission, contribute more actively to complementary initiatives:

- 1) Australia could make an immediate financial contribution to the Nuclear Fuel Bank, an initiative of the Washington-based Nuclear Threat Initiative led by Senator Sam Nunn, which seeks to establish under the IAEA a standby nuclear fuel arrangement to assure states of nuclear supply, thereby weaning them off plans to develop their own enrichment or reprocessing facilities; the Fuel Bank currently needs just \$US3 million to come into being—a sum that Australia can easily afford and the donation of which would bring it great acclaim.
- 2) Australia should support a complete ban by the Nuclear Suppliers Group on the export of sensitive nuclear equipment relating to enrichment or reprocessing; this will require convincing Canada, currently the only NSG member opposing such a move, to drop its opposition; this should be linked to support for a permanent ban on new entrants into the enrichment and reprocessing business, along with the advancement of proposals for regional and/or multilateral fuel cycle facilities (one of which could be hosted by Canada) and an eventual phasing out of nationally-owned facilities.
- 3) Australia could become involved in a similar way to Norway in studying the role that non-nuclear weapon states might play in monitoring and verifying nuclear disarmament. Getting to zero will require not just confidence on the part of nuclear weapon states, but also from states that have long ago renounced the nuclear option. Eventually if zero is achieved all states will by definition be non-nuclear and will therefore be entitled to full participation in the perpetual verification regime that will be required. With its scientific expertise and other resources Australia is well placed to

participate and could help avoid a situation where European states dominate the process. A partnership with Japan would be both politically savvy and materially beneficial.

In conclusion, Australia currently has its best opportunity for decades to significantly shape the evolving nuclear nonproliferation and disarmament regimes in ways that will enhance national, regional and international security and bolster its credentials in a field in which it has traditionally been held in high esteem.