

Introduction

Nuclear weapons are the quintessential weapons of mass destruction. They threaten indiscriminate violence on the most extreme scale. No other weapon matches their ability to devastate and destroy. ... The only rational way forward is to abolish these weapons.¹

- 1.1 Nuclear non-proliferation and disarmament has been a significant global concern for many decades, since the first atomic bombs were dropped on Hiroshima and Nagasaki in August 1945. This signalled the end of the Second World War, but was a precursor to the Cold War during which the United States and USSR amassed over 70,000 nuclear weapons. The period after the Second World War also saw nuclear testing undertaken by a number of countries and by the 1960s, five nations had nuclear weapons.
- 1.2 In 2009, 39 years after the Treaty on the Non Proliferation of Nuclear Weapons (NPT) entered into force, there are nine nuclear armed states and the global total number of weapons has been reduced to around 27,000.²
- 1.3 Notwithstanding significant non-proliferation and disarmament efforts over this period, the Hon Gareth Evans AO QC, co-chair of the International Commission on Nuclear Non-proliferation and Disarmament has stated on a number of occasions:

...for the last ten years the world has been sleep-walking when it comes to issues of nuclear proliferation and disarmament.³

1 Medical Association for the Prevention of War (Australia), *Submission No. 61*, p. 1.
2 For a breakdown of the estimated number of weapons held by each state, see Table 4.1 in chapter four.
3 Hon Gareth Evans AO QC, Press Conference, 3 May 2009, Santiago de Chile, Chile, viewed 24 August 2009, <http://www.icnnd.org/news/transcripts/090503_pc_evans.html>. See also Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 1; Hon Gareth Evans

- 1.4 The threats posed by nuclear weapons were highlighted in a seminal article by four senior United States statesmen, George Schultz, William Perry, Henry Kissinger and Sam Nunn, published in the *Wall Street Journal* in January 2007.⁴
- 1.5 In this article, the authors called for the abolition of nuclear weapons as, in their view, the risks posed by these weapons far outweighed any benefits. The authors argued that the world was on the precipice of a new and dangerous nuclear era, one in which reliance on nuclear weapons for deterrence was becoming 'increasingly hazardous and decreasingly effective'.⁵
- 1.6 This, and a 2008 article by the same authors, pointed out the dangers of nuclear weapons and urged a series of concrete steps designed to move the world towards the goal of a nuclear free world. In particular, the authors stressed the importance of a vision of a world without nuclear weapons:

Progress must be facilitated by a clear statement of our ultimate goal. Indeed, this is the only way to build the kind of international trust and broad cooperation that will be required to effectively address today's threats. Without the vision of moving toward zero, we will not find the essential cooperation required to stop our downward spiral.⁶

- 1.7 These articles generated significant international momentum⁷, the effects of which have been evident throughout the Committee's inquiry. The Hon Gareth Evans AO QC told the Committee that the articles:

...for the first time in a very long time created a kind of intellectual momentum for a fundamental rethinking of this nuclear landscape and putting the elimination of nuclear weapons firmly on the agenda. A hard-headed, realist case being made for zero was

AO QC, 'Address to Conference on Disarmament', 30 June 2009, Geneva, viewed 24 August 2009, <http://www.icnnd.org/news/transcripts/090630_evans.html>.

- 4 George Schultz was Secretary of State from 1982 to 1989. William Perry was Secretary of Defense from 1994 to 1997. Henry Kissinger was Secretary of State from 1973 to 1977. Sam Nunn is former Chairman of the Senate Armed Services Committee.
- 5 George P. Schultz, William J. Perry, Henry A. Kissinger and Sam Nunn, 'A World Free of Nuclear Weapons', *The Wall Street Journal*, 4 January 2007, viewed 4 August 2009, <<http://online.wsj.com/article/SB116787515251566636.html>>.
- 6 George P. Schultz, William J. Perry, Henry A. Kissinger and Sam Nunn, 'Toward a Nuclear-Free World', *The Wall Street Journal*, 15 January 2008, viewed 18 May 2009 <http://online.wsj.com/pulibc/article_print/SB120036422673589947.html>.
- 7 See Ms Joan Rohlfing, *Submission No. 87*, pp. 3-4.

really something new in the intellectual and political firmament, and it did have an impact.⁸

- 1.8 World leaders too have increasingly focussed upon these issues. In particular, President Barack Obama, in his first overseas speech in Prague on 5 April 2009, stated:

Today, the Cold War has disappeared but thousands of these weapons have not. In a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global non-proliferation regime, but as more people and nations break the rules, we could reach the point where the center cannot hold.⁹

- 1.9 Significantly, President Obama went on to say:

...the United States will take concrete steps towards a world without nuclear weapons. To put an end to Cold War thinking, we will reduce the role of nuclear weapons in our national security strategy, and urge others to do the same...

To reduce our warheads and stockpiles, we will negotiate a new Strategic Arms Reduction Treaty with the Russians this year. ...

...my administration will immediately and aggressively pursue U.S. ratification of the Comprehensive Test Ban Treaty...

...the United States will seek a new treaty that verifiably ends the production of fissile materials...

- 1.10 President Obama also stressed the importance of strengthening the NPT:

We need more resources and authority to strengthen international inspections. We need real and immediate consequences for countries caught breaking the rules or trying to leave the treaty without cause.

And we should build a new framework for civil nuclear cooperation, including an international fuel bank, so that countries

8 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 2.

9 President Barack Obama, *Remarks by President Barack Obama, Hradcany Square, Prague, Czech Republic*, The White House, Washington, 5 April 2009, viewed 7 April 2009, <http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/>.

can access peaceful power without increasing the risks of proliferation. That must be the right of every nation that renounces nuclear weapons, especially developing countries embarking on peaceful programs.¹⁰

1.11 Statements such as these have contributed to an increasing sense of optimism about many of the issues that have dogged the disarmament and non-proliferation regime for years. Ms Martine Letts of the Lowy Institute for International Policy described President Obama's speech to the Committee as 'the big announcement from the United States that we were all looking for'.¹¹

1.12 This optimism was evident throughout the inquiry. Gareth Evans commented in relation to the timeliness of ICNND's work:

...we could not be better placed to ride such a momentum and to add to that momentum...¹²

1.13 The Committee is strongly of the view that the opportunities presented by this changed political and intellectual environment must be seized and turned into concrete action. It is clear to the Committee that the steps are well defined and have been under discussion for many years. Many hopes hinge upon the 2010 NPT Review Conference as a significant international milestone.

1.14 The importance of a statement of the ultimate objective – abolition of nuclear weapons – was also reiterated throughout the Committee's inquiry:

We should make clear what our objectives are in the field of nuclear arms control and disarmament. For that reason I would be very strongly in favour of making a statement that we want to see a zero outcome. ... You have to say what your purpose is. Then we have to get in and strengthen the instruments we have already got.¹³

10 President Barack Obama, *Remarks by President Barack Obama, Hradcany Square, Prague, Czech Republic*, The White House, Washington, 5 April 2009, viewed 7 April 2009, <http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/>.

11 Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 10.

12 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 2.

13 Mr Allan Behm, *Transcript of Evidence*, 26 March 2009, p. 54. See also Professor Joseph Camilleri, *Transcript of Evidence*, 25 March 2009, p. 5; Associate Professor Tilman Ruff, *Transcript of Evidence*, 25 March 2009, p. 54.

- 1.15 The Committee agrees that the abolition of all nuclear weapons must be the goal. Central to achieving this goal is nuclear non-proliferation. While states continue to proliferate, the chances of eliminating nuclear weapons become increasingly remote.

Australian contributions

- 1.16 Australia has a long history of involvement in nuclear non-proliferation and disarmament issues and was repeatedly described to the delegation of the Committee that visited Europe and the United States¹⁴ as a country that ‘punches above its weight’.¹⁵ With over one third of the world’s readily recoverable uranium, Australia is also a major uranium exporter. Submitters argued that Australia is well positioned and that it has responsibilities to ensure that the non-proliferation regime is as strong as possible.¹⁶
- 1.17 Among its other contributions, Australia was one of the founders of the United Nations, which from the outset focused on international control of nuclear energy. Australia played a major role in the foundation of the International Atomic Energy Agency (IAEA) in 1957 and has had a designated seat on the Board of Governors of the Agency ever since. Australia was a leader in the development of the bilateral safeguards system for uranium supply, and was active in negotiation of the Convention on the Physical Protection of Nuclear Material in 1980. Australia has played a major role in NPT Review Conferences, especially the 1995 conference which decided on the indefinite extension of the NPT. Australia was central in establishing South Pacific Nuclear Weapons Free Zone Treaty, and the Comprehensive Nuclear-Test-Ban Treaty. Australia has also played a major role in strengthening IAEA safeguards, including hosting the field-trialling of new IAEA safeguards methods. Australia was the first country to sign and ratify an Additional Protocol and to make its ratification by other countries a condition of uranium exports.

14 A delegation of the Committee visited Geneva, Vienna, Washington and New York during July 2009. The delegation’s program is at Appendix D.

15 See also, for example, Mr Allan Behm, *Submission No. 30*, p. 2 and Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 16.

16 Dr Frank Barnaby, *Submission No. 19*, p. 1; Mr Allan Behm, *Submission No. 30*, p. 6.

The Canberra Commission

- 1.18 The Canberra Commission was established by the Australian Government in November 1995 to 'propose practical steps towards a nuclear weapon free world including the related problem of maintaining stability and security during the transitional period and after the goal is achieved'.¹⁷
- 1.19 In its 1996 report, the Commission stated that the elimination of nuclear weapons must be a global endeavour involving all states and proposed that nuclear weapon elimination be achieved through a series of phased, verified reductions. This view remains widely held today.¹⁸
- 1.20 The case made for eliminating weapons was:
- they have no military utility except as a deterrent;
 - there is a high risk of accidental or inadvertent use through indefinite deployment; and
 - possession by some states stimulates others to acquire them.¹⁹
- 1.21 The Commission considered that the first requirement was that the nuclear weapon states commit unequivocally to the elimination of nuclear weapons and agree to start work immediately on a series of practical steps that included:
- taking nuclear forces off alert;
 - removing warheads from delivery vehicles;
 - ending deployment of non-strategic nuclear weapons;
 - ending nuclear testing;
 - initiating negotiations to further reduce United States and Russian nuclear arsenals; and

17 Canberra Commission on the Elimination of Nuclear Weapons, *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Commonwealth of Australia, Canberra, 1996, p. 3.

18 See, for example, G. Perkovich and J.M. Acton (eds), *Abolishing Nuclear Weapons: A Debate*, Carnegie Endowment for International Peace, Washington, 2009. The United Kingdom and Norway have also established the *UK Norway Initiative on Nuclear Warhead Dismantlement*, a collaborative research project to examine technical verification of nuclear arms reduction.

19 Canberra Commission on the Elimination of Nuclear Weapons, *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Commonwealth of Australia, Canberra, 1996, p. 18.

- agreement amongst the nuclear weapon states of reciprocal no first use undertakings, and of a no-use undertaking by them in relation to the non nuclear weapon states.²⁰
- 1.22 These steps would be followed by action to prevent further horizontal proliferation, development of verification arrangements for a nuclear weapon free world, and cessation of the production of fissile material for nuclear explosive purposes.²¹
- 1.23 While the Canberra Commission considered that the nuclear weapon states had a specific disarmament responsibility, it also argued that all states:
- ... must contribute to development of and support for an environment favourable to nuclear weapons elimination, including an end to nuclear testing and prevention of further horizontal nuclear proliferation.²²
- 1.24 The Commission's report considered the verification arrangements that must accompany weapons elimination in some detail.
- 1.25 The Australian Government did not seek to have the Commission's report formally adopted by the UN General Assembly in 1996. The report 'sank without trace' and the generated momentum was lost.²³ Adjunct Professor Richard Broinowski argued that as a result:
- ...a crucial opportunity to establish an agenda on the elimination of nuclear weapons at an international political level was missed.²⁴
- 1.26 The importance of advocacy and follow up action to ensure that these issues receive the attention that they deserve was emphasised to the Committee. Later chapters of this report address some of the possible ways forward for both the Parliament and the Government.

20 Canberra Commission on the Elimination of Nuclear Weapons, *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Commonwealth of Australia, Canberra, 1996, p. 11.

21 Canberra Commission on the Elimination of Nuclear Weapons, *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Commonwealth of Australia, Canberra, 1996, p. 11.

22 Canberra Commission on the Elimination of Nuclear Weapons, *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Commonwealth of Australia, Canberra, 1996, p. 51.

23 Adjunct Professor Richard Broinowski, *Submission No. 16*, p. 2; Mr Allan Behm, *Submission No. 30*, p. 2.

24 Adjunct Professor Richard Broinowski, *Submission No. 16*, p. 2.

Australian objectives

1.27 In their joint submission, the Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office stated that the Government 'has a very strong commitment to nuclear non-proliferation and nuclear disarmament and to the ultimate objective of a nuclear weapons free world'.²⁵ The Government's identified priorities are:

- entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT);
- negotiation of a Fissile Material Cut-Off Treaty (FMCT);
- strengthening the International Atomic Energy Agency (IAEA) safeguards system;
- addressing the key proliferation challenges of Iran and North Korea;²⁶ and
- universalisation of the Additional Protocol.²⁷

1.28 The Government's objectives also include:

- promoting the comprehensive safeguards agreement and Additional Protocol as the contemporary NPT verification standard;²⁸
- strong international security standards for nuclear materials and facilities;²⁹ and
- measures to deal with states that withdraw from the NPT.³⁰

International objectives

1.29 The Government's identified priorities concur with priorities identified by a range of parties internationally. For example, the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban

25 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 8.

26 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 8.

27 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 9.

28 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 11.

29 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 10.

30 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 11.

Treaty Organization, Ambassador Tibor Tóth, has identified the following steps as key to strengthening the non-proliferation and disarmament regime:

- renewed commitment to the NPT and its three pillars;
- bringing the CTBT and a FMCT into force;
- strengthened IAEA safeguards with the Additional Protocol as the accepted norm;
- tighter export controls; and
- multilateral fuel assurances.³¹

1.30 Ambassador Tóth has argued that each of these steps will help to restore confidence in the regime and:

... forge the kind of broad international consensus that is needed to re-establish a sense of trust into the effectiveness of the regime.³²

1.31 The steps proposed by Schultz et. al. in 2007 were:

- increased warning times for deployed nuclear weapons to reduce potential accidental or unauthorised use;
- substantial reductions in numbers of weapons;
- elimination of short-range weapons designed to be forward-deployed;
- US ratification of the CTBT;
- provision of the highest security standards for all stocks of weapons, weapons-usable plutonium, and highly enriched uranium;
- control of the uranium enrichment process;
- a halt to the production of fissile material and use of highly enriched uranium for civil purposes; and
- redoubled efforts to resolve regional confrontations and conflicts that give rise to new nuclear powers.³³

31 Ambassador Tibor Tóth, 'Arms Control, Non-Proliferation and Disarmament – Prospects and Challenges', Speech to 2009 Nuclear Policy Symposium, Budapest, 2009, p. 3, *Exhibit No. 81*.

32 Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, *Submission No. 84*, p. 2.

33 George P. Schultz, William J. Perry, Henry A. Kissinger and Sam Nunn, 'A World Free of Nuclear Weapons', *The Wall Street Journal*, 4 January 2007, viewed 4 August 2009, <<http://online.wsj.com/article/SB116787515251566636.html>>.

- 1.32 It is clear to the Committee that there is broad international agreement as to the way forward. The challenge for Governments and the ICNND is how to build the necessary political will to achieve it.

Challenges to the non-proliferation and disarmament regime

- 1.33 In spite of increasing optimism, the nuclear non-proliferation and disarmament regime was also described to the Committee as under stress from a combination of factors.³⁴ There are doubts about the effectiveness of the system in the face of new proliferation challenges, including North Korea, Iran, discovery of the A.Q. Khan-network³⁵, and emerging threats, such as nuclear terrorism.³⁶
- 1.34 Other issues include the emergence of India and Pakistan as nuclear armed states; a significant lack of progress in the Conference on Disarmament for over a decade; and the failure of the 2005 NPT Review Conference to achieve any agreement on the way forward for the NPT.³⁷
- 1.35 Further, it was suggested that a number of countries:
- ... are becoming more attached to their nuclear weapons such as the Russians because of their concern about the US conventional superiority and China because it wants to balance its influence in the region and also wants to balance against missile defence and precision-guided weaponry.³⁸

34 Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, *Submission No. 84*, p. 1.

35 Pakistani scientist A.Q. Khan assisted Iran, Libya, North Korea and possibly others to acquire the technologies and designs needed to develop illicit nuclear programs. The network was discovered in 2003 after authorities intercepted a cargo ship travelling to Libya that was carrying gas centrifuge components. Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, *World at Risk: The Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism*, Vintage Books, New York, 2008, p. 19.

36 Ambassador Tibor Tóth, 'Arms Control, Non-Proliferation and Disarmament - Prospects and Challenges', Speech to 2009 Nuclear Policy Symposium, Budapest, 2009, p. 1, *Exhibit No. 81*. See also Dr Ron Huisken, 'Can we live without the nuclear abyss? The task ahead of the Australia-Japan nuclear commission', Strategic and Defence Studies Centre, Australian National University, pp. 6-7, *Exhibit No. 92*.

37 Hon Gareth Evans AC QC, *Transcript of Evidence*, 26 February 2009, p. 1.

38 Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 10.

- 1.36 Nuclear weapon states have also emphasised the central role that nuclear weapons play in defence planning.³⁹
- 1.37 State based threats include North Korea, which is standing outside the NPT and has undertaken weapons testing as recently as May 2009, and Iran, a country whose intentions are unclear and which is threatening the international regime through its non-cooperation. There are also recent reports that Burma is developing a clandestine nuclear weapons program.⁴⁰
- 1.38 It also must not be forgotten that there are still around 27,000 nuclear warheads in existence, with a significant proportion of those warheads in active deployment and on hair-trigger alert or in a Cold War state of operational readiness. This significantly increases the risk of accident or miscalculation.⁴¹

Geo-political issues

- 1.39 In evidence to the Committee, Dr Carl Ungerer argued that it is impossible to progress nuclear non-proliferation and disarmament objectives without dealing first with geopolitical and security issues:

It is about the cart and the horse. The horse is the geopolitical circumstances under which all states operate and try to deal with their security concerns. We can talk about the cart of nuclear non-proliferation and all the legal instruments that sit around that but, ultimately, it is those strategic and security issues that states confront that we will need to deal with first in order to get to the second issue. No amount of multilateralising of treaties or sitting around negotiating bits of instruments will change that dynamic.⁴²

- 1.40 Professor Joseph Camilleri also pointed out that disarmament talks are less likely to succeed in conditions of acute tension, mistrust and suspicion.⁴³
- 1.41 A number of geo-political issues affecting progress on nuclear non-proliferation and disarmament were identified to the Committee, including the relationships between:

39 Medical Association for the Prevention of War (Australia), *Submission No. 61*, p. 6.

40 D Flitton, 'Burma and the bomb', *The Age Insight*, 1 August 2009, p. 1; Senator the Hon John Faulkner, *Senate Hansard*, 10 September 2009, p. 44.

41 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 2.

42 Dr Carl Ungerer, *Transcript of Evidence*, 26 March 2009, p. 68.

43 Professor Joseph Camilleri, *Submission No. 66*, p. 16.

- India and Pakistan;
- Israel and other Middle East countries;
- United States and Russia;
- United States and China;
- United States, Russia and China; and
- China, India and Pakistan.

1.42 Neither India or Pakistan are party to the NPT and neither has ratified the CTBT, although both must do so for it to enter into force. Both countries are also reported to be continuing to produce fissile materials. Mr Rory Medcalf of the Lowy Institute for International Policy told the Committee:

... in terms of their strategic relationship and their judgement, India-Pakistan relations are certainly one of the most worrying sets of strategic circumstances in the world as to the possible use of nuclear weapons.⁴⁴

1.43 In its report, *World at Risk*, the US Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, described the risk of nuclear war between India and Pakistan as 'serious'.⁴⁵

1.44 In evidence to the Committee, Commission Chairman, former US Senator Bob Graham referred to a nuclear arms race in South Asia between Pakistan, India and China. While Pakistan possesses nuclear weapons because of the perception of threats from India's conventional and nuclear forces, India is focussed upon both Pakistan and China.⁴⁶ It was suggested to the Committee delegation that travelled to the United States that India sees China as its relevant strategic adversary.

1.45 Senator Graham also told the Committee that the type of communication processes and protocols that existed between the United States and Russia during the Cold War simply do not exist between India and Pakistan.⁴⁷

44 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 57.

45 Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, *World at Risk: The Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism*, Vintage Books, New York, 2008, p. 18.

46 Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, *World at Risk: The Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism*, 2008, Vintage Books, New York, 2008, p. 18.

47 Senator Bob Graham, *Transcript of Evidence*, 26 March 2009, p. 5.

- 1.46 Dr George Perkovich of Carnegie Endowment for International Peace identified the analogy of two triangles, consisting firstly of the US, Russia and China, and, secondly, of China, India and Pakistan:

China is the point at which these two triangles intersect. If China is building up capabilities largely in reaction to the US, India looks at that build-up and feels that it has to build up its capabilities or somehow account for what China is doing. And then Pakistan looks at what India is doing and has to build up accordingly. There has been some strategic cooperation between China and Pakistan. China helped Pakistan build its nuclear capability, partly as part of a strategic hedge. That relationship with the US and China affects not only the nuclear futures of the two bigger powers, but also of India and Pakistan.⁴⁸

- 1.47 The relationship between the United States and Russia was seen as key to not only obtaining deep reductions in nuclear weapons, but, as these two countries hold the vast majority of the world's nuclear weapons, also stimulating other nuclear armed states to follow. Dr Perkovich argued that the US and Russia need to both advance their arms reduction course and, also:

the sense of strategic harmonisation or cooperation—regarding, for example, ballistic missile defences and Russia's treatment of its neighbours...⁴⁹

- 1.48 In evidence to the Committee, the Hon Gareth Evans AO QC argued that the US and Russia must address issues relating to missile defence, tactical nuclear weapons, conventional force imbalances, and de-alerting.⁵⁰

- 1.49 Like relations between the US and Russia, it was argued that reciprocal concerns about the US and China's strategic intentions could also affect arms reductions.⁵¹ Gareth Evans also identified the following issues of concern in the relationship between these countries: transparency, China's future nuclear intentions, China's modernisation of its nuclear armoury, reaction to US ratification of the CTBT, and multilateralisation of force reductions.⁵²

48 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 6. See also Senator Bob Graham, *Transcript of Evidence*, 26 March 2009, p. 10.

49 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 5.

50 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 7.

51 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 5.

52 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 7.

- 1.50 Progress on resolving some of the broader political and security issues affecting Israel was also considered a key issue.⁵³

Non-state actors

- 1.51 In 2004, the United Nations Security Council adopted resolution 1540, which requires all states to refrain from providing support to non-state actors that attempt to develop or acquire weapons of mass destruction (WMD), to adopt effective laws prohibiting non-state actors from developing or acquiring WMD, and to develop effective national export and transshipment controls to prevent the proliferation of WMD.⁵⁴
- 1.52 Ms Joan Rohlfing of the Nuclear Threat Initiative argued that while the danger of a massive nuclear exchange between the US and Russia has largely disappeared, the spread of nuclear know-how and material, as well as the rise of rogue states and terrorist groups, 'could precipitate the first use of a nuclear weapon in over 60 years'.⁵⁵ The risks are increased by the growing distribution and quantities of highly enriched uranium and plutonium around the world.
- 1.53 Senator Bob Graham similarly told the Committee that the recognised 'No. 1 security challenge to the United States is a weapon of mass destruction in the hands of terrorists'.⁵⁶ In this context, he was referring to both biological and nuclear threats.
- 1.54 Many experts in this area consider that the possibility of non-state actors acquiring fissile material or a weapon is a significant concern, more so than the development of such a weapon themselves.⁵⁷ Gareth Evans argued that:

...there is a much greater capability on the part of non-state actors to translate that intent into action as a result of the explosion of information available on the internet, the black market activity of AQ Khan and the sheer access that already exists to a considerable amount of poorly secured fissile material and portable scale weapons.⁵⁸

53 Ms Joan Rohlfing, *Transcript of Evidence*, 14 May 2009, p. 7. Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 8.

54 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 3.

55 Ms Joan Rohlfing, *Submission No. 87*, p. 1.

56 Senator Bob Graham, *Transcript of Evidence*, 26 March 2009, p. 2.

57 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 57.

58 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 2.

- 1.55 Such actors are also of concern because they stand outside the formal treaty level commitments that have been made by states. Ms Rohlfing pointed out in relation to a potential terrorist attack, that deterrence and the threat of nuclear retaliation 'are of little if any relevance'.⁵⁹
- 1.56 Dr Ron Huisken of the Strategic and Defence Studies Centre at the Australian National University has similarly argued that while states that possess nuclear weapons 'have all found that the toughest part about extracting some political utility from them is to generate credibility about the will to actually use them', contemporary terrorist groups 'may not be very susceptible to self-deterrence'.⁶⁰ Further:
- We can be confident that such groups cannot produce the fuel for a bomb but every location in every state in the world where this material (of the bombs themselves) are manufactured, stored or deployed constitutes a potential source.⁶¹

An expansion of nuclear facilities

- 1.57 There is some expectation that the world is experiencing a nuclear renaissance, involving an expansion of civil nuclear energy, in response to concerns about global warming.⁶² Senator Graham stated that there are some 20 or 25 countries that are considering either starting or expanding a civil nuclear power industry.⁶³ However, expansion in the number of civil nuclear facilities potentially increases proliferation risks. In a 2007 paper, the Director General of the Australian Safeguards and Non-Proliferation Office, Mr John Carlson, identified the control of sensitive nuclear technologies as one of the key non-proliferation challenges.⁶⁴
- 1.58 Ms Martine Letts of the Lowy Institute for International Policy argued:
- ... if you add another 20 countries with a nuclear program of some sort and they all decide that they should be developing an

59 Ms Joan Rohlfing, *Submission No. 87*, p. 2.

60 Dr Ron Huisken, 'Can we live without the nuclear abyss? The task ahead of the Australia-Japan nuclear commission', Strategic and Defence Studies Centre, Australian National University, p. 3, *Exhibit No. 92*.

61 Dr Ron Huisken, 'Can we live without the nuclear abyss? The task ahead of the Australia-Japan nuclear commission', Strategic and Defence Studies Centre, Australian National University, p. 3, *Exhibit No. 92*.

62 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 5.

63 Senator Bob Graham, *Transcript of Evidence*, 26 March 2009, p. 2.

64 Mr John Carlson, 'Challenges to the Nuclear Non-Proliferation Regime: Can the Regime Survive? An Australian Perspective', Paper presented to the Carnegie Moscow Centre, 29 May 2007, p. 8, *Exhibit No. 1*.

indigenous enrichment or reprocessing capacity, you can forget completely the ability of the international community to keep that under control.⁶⁵

- 1.59 Ambassador Tibor Toth has similarly argued that the existing nuclear security and non-proliferation regime is not equipped to deal with a nuclear renaissance.⁶⁶

Nuclear doctrine

- 1.60 In evidence to the Committee, Gareth Evans argued that during the tenure of President Bush, the US Administration adopted a 'nukes are for everything' position, including to deter the use of chemical, biological and conventional weapons, and terrorist enterprises by states or non-state actors. Mr Evans went on to argue that:

Unless we start seeing from the United States a narrowing down of that, beginning with the statement that the only purpose, the sole purpose of US nuclear weapons is to deter other countries using nuclear weapons against the US and its allies, unless we see some movement in that direction sooner rather than later it will be very hard to persuade the rest of the world that the US is serious about moving on the disarmament front as well as just the non-proliferation side of the house.⁶⁷

- 1.61 Dr Huisken argued that the 2002 Nuclear Posture Review, the first to be shaped without regard to balancing the forces of a peer competitor, 'firmly re-established nuclear weapons as a central component of America's security posture'.⁶⁸
- 1.62 In discussions overseas, it was suggested that the US and other nuclear weapon states need to reduce the role and salience of nuclear weapons.

Extended nuclear deterrence

- 1.63 In 1996, the Canberra Commission argued:

65 Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 12.

66 Ambassador Tibor Tóth, 'Arms Control, Non-Proliferation and Disarmament – Prospects and Challenges', Speech to 2009 Nuclear Policy Symposium, Budapest, p. 2, 2009, *Exhibit No. 81*.

67 Hon Gareth Evans AO QC, *Transcript of Evidence*, 26 February 2009, p. 7.

68 Dr Ron Huisken, 'Can we live without the nuclear abyss? The task ahead of the Australia-Japan nuclear commission', Strategic and Defence Studies Centre, Australian National University, p. 11, *Exhibit No. 92*.

Extended nuclear deterrence, however, cannot be used as a justification for maintaining nuclear arsenals in perpetuity...⁶⁹

1.64 Dr Hans Blix has stated:

Today, there is no conceivable use for nuclear weapons and their deterrent effect is losing in relevance.⁷⁰

1.65 While not possessing nuclear weapons itself, Australia, along with other countries, accepts the nuclear deterrence provided by the United States. The *Defence White Paper 2009* states:

...for so long as nuclear weapons exist, we are able to rely on the nuclear forces of the United States to deter nuclear attack on Australia. Australian defence policy under successive governments has acknowledged the value to Australia of the protection afforded by extended nuclear deterrence under the US alliance. This protection provides a stable and reliable sense of assurance and has over the years removed the need for Australia to consider more significant and expensive defence options.⁷¹

1.66 Some participants in the inquiry saw that Australia's reliance on US extended deterrence undermined calls by Australia for the elimination of nuclear weapons:⁷²

It is well and good for a country such as Australia to browbeat others about nuclear disarmament, but we do not live in as dangerous a neighbourhood as most of these other countries. However, we feel the need for an American nuclear umbrella. It is a challenge for our credibility on this issue.⁷³

1.67 It was suggested that Australia should signal to the US that it no longer requires the assurance of extended nuclear deterrence and would be

69 Canberra Commission on the Elimination of Nuclear Weapons, *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Commonwealth of Australia, Canberra, 1996, p. 36.

70 Dr Hans Blix, *Submission No. 78*, p. 2.

71 *Defending Australia in the Asia Pacific Century: Force 2030*, Defence White Paper, 2009, Commonwealth of Australia, p. 50.

72 Uniting Justice Australia, *Submission No. 27*, p. 3; Medical Association for the Prevention of War (Australia), *Submission No. 61*, p. 3; Associate Professor Tilman Ruff, *Transcript of Evidence*, 25 March 2009, pp. 45-46; Greenpeace Australia Pacific, *Submission No. 73*, p. 4; International Campaign to Abolish Nuclear Weapons, *Submission No. 70*, p. 7; Women's International League for Peace and Freedom, *Submission No. 65*, p. 2; Adjunct Professor Richard Broinowski, *Submission No. 16*, pp. 6, 7; Peace Organisation of Australia, *Submission No. 33*, p. 2.

73 Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 67.

comfortable with the US abolishing its nuclear arsenals.⁷⁴ The Medical Association for the Prevention of War (Australia) argued that the Government should make a clear statement that nuclear weapons abolition is absolutely fundamental to the security of all people and that Australia rejects nuclear weapons in our defence policy and practice.⁷⁵

1.68 Dr George Perkovich argued that US allies, including Australia, should identify the threats they face and consider ‘whether there are any that cannot be dealt with other than with nuclear weapons?’⁷⁶

1.69 Dr Perkovich also emphasised that Article VI of the NPT commits all states, not just the nuclear weapon states, to work towards cessation of the arms race and eventual nuclear disarmament:

In other words, even the states that are receiving an extended nuclear deterrent are actually obligated to contribute to nuclear disarmament, and so therein lies this obligation to start working through how to extend deterrence but not nuclear deterrence in this transition of going to zero.⁷⁷

1.70 While the abolition of nuclear weapons and concurrently the reduction in nuclear deterrence has generally been viewed positively, Mr Rory Medcalf of the Lowy Institute for International Policy has pointed out the strategic considerations for countries such as China, Japan and South Korea, particularly in light of North Korea’s nuclear ambitions.⁷⁸

1.71 In evidence to the Committee, Mr Medcalf argued that Australia needs to find ways to reassure the US that it is comfortable if the US nuclear deterrent were to be reduced in numbers or readiness or based on a doctrine of no first use. However, he pointed out:

This does mean some soul searching within this country to ensure that we really are comfortable on that score, and it means that we need to understand the thinking of other allies of the US in this area, particularly the Japanese who of all US allies probably needs

74 Dr Marianne Hanson, *Transcript of Evidence*, 26 March 2009, p. 46; Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 41; Professor Richard Tanter, *Submission No. 53*, p. 5.

75 Dr Sue Wareham, *Transcript of Evidence*, 25 March 2009, p. 31.

76 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 7.

77 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 7.

78 Mr Rory Medcalf, ‘Wicked Weapons: North Asia’s nuclear tangle’, Presentation to *Wednesday Lunch at Lowy*, 24 June 2009, accessed 17 August 2009, <<http://www.lowyinstitute.org/Publication.asp?pid=1073>>.

the most reassurance that a more restrained US nuclear posture is a net gain for international security.⁷⁹

- 1.72 The implications of these challenges for non-proliferation and disarmament treaties, and the regime more broadly, will be examined throughout the report.

⁷⁹ Mr Rory Medcalf, *Transcript of Evidence*, 26 March 2009, p. 41.