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**A New Agenda for Australia in
Nuclear Non-Proliferation and Disarmament**

It is no surprise that Australians do not like nuclear weapons.

A survey by Roy Morgan research in 1998 found that 92 percent of Australians polled agreed that: *"Australia should help negotiate a global treaty to ban and destroy all nuclear weapons"*.

Is the current Australian government reflecting the values of the Australian people?

The answer is unequivocally - no. The Australian people should be informed of a few facts.

In 2006 the Government abstained from a UN decision calling for a conference specifically focused on nuclear dangers that would include non-nuclear proliferation treaty states.

Also in 2006 Australia abstained from voting in support of a UN motion to reactivate the issue of nuclear disarmament, specifically for *"accelerating the implementation of nuclear disarmament commitments"*.

Australia has also voted against a UN motion calling for nuclear disarmament within a specified timeframe, legally binding negative security assurances and an international conference on nuclear disarmament.

Australia consistently abstains on the UN resolution that calls for multilateral negotiations leading to an early conclusion of a Nuclear Weapons Convention. I'll return to this later in more detail.

The reasons for abstaining or voting against are in many cases complex and varied but it cannot be left unsaid that we have regularly been unconvinced by non proliferation and disarmament arguments. Nor has the current Government shown any motivation to work through and resolve issues of concern so that the desired sentiment could be reflected in appropriate wording but more importantly appropriate action.

Today we see that the Government is prepared to further undermine the NPT by selling uranium to India while that country remains outside the non-proliferation regime.

The bottom line is that the Howard government is worse than ambivalent when it comes to nuclear non proliferation - it is positively obstructive.

This contrasts dramatically with the middle power activism of the former Labor government.

The Canberra Commission – a wake-up call

Amid the resumption of French nuclear testing in the South Pacific in 1995, the Keating Labor Government embarked upon an ambitious project to redefine Australia's non-proliferation and disarmament policy.

Central to that program was the establishment of the Canberra Commission on the Elimination of Nuclear Weapons. The Commission drew together international experts to consider the threat posed by nuclear weapons.

The Commission recommended a number of practical measures to reduce the chances of imminent nuclear exchange while driving the agenda of disarmament.

The Keating Labor Government was defeated prior to the Commission finalising its report, and in 1996 it was left to the Howard Government to carry the ball.

As UN Under-Secretary for Disarmament Affairs and former Canberra Commission panel member Jayantha Dhanapala said:

“The Canberra Commission report received lukewarm support from the Government that inherited it... and did not do more than absolutely necessary.”¹

Foreign Minister Alexander Downer’s low-key presentation of the Commission’s final report to the UN General Assembly in 1996 has been broadly representative of the Howard Government’s general lack of support for the Canberra Commission.

But this has not stopped other nations from recognising the value of the Canberra Commission’s work.

In 1996, Sweden and Brazil proposed that the Commission’s final report form the basis for the Conference on Disarmament’s future work.

And in 1998, a group of like-minded middle powers termed the “New Agenda Coalition” proposed a UN General Assembly resolution stating that:

*“we fully share the conclusions expressed by the Commissioners of the Canberra Commission in their statement that the proposition that nuclear weapons can be retained in perpetuity and never used – accidentally or by decision – defies credibility”.*²

Remarkably the Howard Government abstained from voting on the issue. It was carried nonetheless.

Significantly, the Canberra Commission recommended an incremental but comprehensive approach that incorporated step-by-step measures to eliminate nuclear weapons.

This proposal was subsequently taken up by the New Agenda Coalition and more recently with the Weapons of Mass Destruction Commission. I will say a little more about these important proposals in a few moments

On the current path - use of a nuclear weapon is inevitable

It has been said that use of nuclear weapons by someone, somewhere, sometime is growing ever closer:

*“Increasing knowledge of how to construct the bomb, increasing availability of materials with which to make a bomb, increasing numbers of people desperate enough to use the bomb, lack of inventory use of fissile materials, lack of international resolve to ban the bomb and banish it from the arsenals of the world -- all these are factors which bring the use of the bomb ever closer to us.”*³

This grim proximity is poignantly captured by the ‘Doomsday Clock’. In January we had the unwelcome sight of the Nobel Laureate timekeepers moving the hands forward to read 5 minutes to midnight. That the Clock read 17 minutes to midnight at the end of the Cold War says something about where international security has moved. In particular it has been made more

volatile by a combination of nuclear proliferation and the involvement of non state actors.

Cutting to the existential seriousness of the issue, the International Court of Justice in its 1996 advisory opinion on the legal status of nuclear weapons noted that: *"the destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilisation and the entire ecosystem of the planet."*⁴

Is nuclear deterrence logical?

The aim of national security should be to ensure the survival of the nation. In that context it is necessary to question the validity of the concept of nuclear deterrence.

In their 1995 submission to the International Court of Justice the US Department of Defense submitted that:

*"the policy of nuclear deterrence has saved many millions of lives from the scourge of war in the past 50 years. In this special sense nuclear weapons have been used defensively every day for over half a century... to preserve the peace."*⁵

This analysis may have had some legitimacy during the Cold War. That is where two superpowers possessed the capacity to - and faced the possibility of - mutually assured destruction (MAD).

General Lee Butler, retired Commander in Chief of United States strategic command - no bleeding heart romantic – now makes the point that the scene has changed:

"Deterrence is a dialogue of the blind with the deaf. Deterrence invokes death on a scale rivalling the power of the Creator... it [nuclear deterrence] was our shield and by extension our sword. The nuclear

priesthood extolled its virtues and are bound to its demands. Allies yielded grudgingly to its dictates even while crying its risks and costs. We brandished it at our enemies and presumed they embraced its suicidal corollary of mutually assured destruction. We ignored, discounted or dismissed its laws and gleaming steel to the belief that deterrence is valid in a world where security architecture has been wholly transformed.¹⁶

The spread of nuclear weapons and materials – known as horizontal proliferation – undermines deterrence theory. As the number of potential nuclear actors increases, deterrence becomes a balancing act with far too many tipping points.

In short even if you accept some parts of the deterrence argument, the threat of a nuclear holocaust in the post Cold War world has changed. Given the potential role of non-state actors the prospect of a nuclear attack has regrettably increased.

Arresting the spread of nuclear weapons – important but not enough

Arresting horizontal proliferation is one of the core elements of any strategy to steer the world away from nuclear destruction.

As such, middle powers like Australia should be investing a large amount of effort in progressing the Fissile Material Cut-off Treaty and strengthening the Non-Proliferation Treaty.

The Fissile Cut-off Treaty would prevent any new materials from being enriched and thus limit the pool for aspiring nuclear powers to draw on. Simultaneously a stronger NPT would enhance safeguards and restrict the uses to which any imported nuclear technology could be put.

Kevin Rudd is committed to driving this agenda.

The Case for eliminating nuclear weapons

It's difficult to refute the proposition that as long as nuclear weapons exist the day will come when they will be used again.

It was quite conceivable that the conflict between India and Pakistan in the years immediately following those countries testing nuclear weapons in 1998 could all too quickly have escalated into a nuclear conflict.

The prospect of Islamic fundamentalists gaining control of the government of Pakistan is surely one of the world's worst nightmares. As indeed is the prospect of the current regime in Iran developing nuclear weapons or Al Qaeda getting their hands on the bomb.

The question can legitimately be asked as to whether such fundamentalist governments have the same psychological profile that has underpinned the concept of deterrence. That is, will the leadership of those countries make a rational calculation of threat probability?

In particular, would they consider that a nuclear action would ensure unacceptable damage such that they are deterred from initiating an attack? It must be asked - to what extent would be ruling elites of fundamentalist regimes be concerned about the welfare of their citizens?

Moreover, is nuclear deterrence a valid concept when it comes to averting the risk of a terrorist attack?

The trait of the modern terrorist is the acceptance of personal death in pursuit of their cause. In that context it has been said that *"a threat of nuclear weapons against them would likely increase their perception of the "evil" of the state they are fighting against, and give them justification for responding in kind. Rather than deterring them from using nuclear weapons it would likely stimulate them to."*⁷

The current international security framework undermines the assumptions of nuclear deterrence.

The case for eradicating nuclear weapons is a compelling one.

Non-proliferation and disarmament: a legal obligation?

The international community has regarded land mines, chemical and biological weapons as so reprehensible and inhumane that it has banned them. We have done this through the Mine Ban Treaty, the Biological Weapons Convention and the Chemical Weapons Convention.

Why do we therefore tolerate a world with nuclear weapons which are far more destructive and horrendous from any perspective – humanitarian, economic or environmental?

General acceptance that the use of nuclear weapons is inevitable as long as they exist has prompted most countries to recognise the desirability of reducing the number of nuclear weapons.

For instance article VI of the Nuclear Non-Proliferation Treaty commits all signatories to an early end to the nuclear arms race and to negotiate in good faith towards “nuclear disarmament”. This has been interpreted by the International Court of Justice as requiring the achievement of nuclear disarmament in all its aspects.

Not all nuclear weapon states have accepted the World Court's unanimous advisory opinion. But this should not prevent an Australian government from constructively working through the issues and challenges to achieve this outcome.

We should all be mindful that our failure to advance this agenda will leave our children and our children's children in enormous danger and with a terrible burden.

The case for a comprehensive nuclear weapons convention

In June 2006 the Weapons of Mass Destruction Commission called on all States to:

“ accept the principle that nuclear weapons should be outlawed, as biological and chemical weapons... and explore the political, legal, technical and procedural options for achieving this within a reasonable time.”⁸

The Commission also concluded that *“a nuclear disarmament treaty is achievable and can be reached through careful, sensible and practical measures.”⁹*

To achieve that outcome the Commission recommended that disarmament work should be set in motion - "benchmarks should be set; definitions agreed, timetables drawn up and agreed upon; and transparency requirements agreed."

If one accepts that the current situation of planned indefinite retention of nuclear weapons is acceptable then there is no need to heed the advice of the Commission or the tremendous amount of work that has gone before it.

For my part I do not believe it is possible to justify the indefinite acceptance of these worst forms of weapons of mass destruction. I think that this is the view of the overwhelming majority of Australians.

The recommendations of the Weapons of Mass Destruction Commission are consistent with the views of a number of former world leaders, military strategists and warriors.

Former United States Secretary of Defense Robert McNamara; former United States President Jimmy Carter; former head of United States Strategic

Command General Lee Butler, as well as others, have concluded that the only strategy that can ensure humanity does not risk a nuclear catastrophe is to move towards the complete abolition of nuclear weapons^{10, 11}

In January of this year "prominent Cold War warriors" including former Secretaries of State Henry Kissinger and George Schultz and Defense Secretary William Perry urged the United States to lead humanity in creating "*a world without nuclear weapons*".¹²

The proposal to establish a Nuclear Weapons Convention is timely and responsible. Expert forums have all indicated that the process should be based on extensive consultation and planning.

For instance in October 2005 the "Middle Powers Initiative" launched the Article VI Forum. The Forum's task was to bring like-minded states together to "*identify the legal, political and technical requirements for the elimination of nuclear weapons...*" and to undertake "*informational and preparatory work on the development and implementation of the legal political and technical elements and the exploration of ways to start negotiations on disarmament steps leading to a nuclear weapons convention or a framework of instruments for the abolition of nuclear weapons*".¹³

This is precisely the sort of agenda that an Australian government working as a responsible middle power could and should progress.

The importance of starting the process

The longest journey starts with a single step.

What is important is commencing the process. At this point in time it may even be counterproductive to discuss the end goal.

Clearly it is fanciful to suggest that there is a single answer to these complex questions. It is important, given the passion that nuclear weapons evoke, that zealotry does not derail discussions before a framework is agreed upon.

Progressing nuclear disarmament in the context of broader discussions towards achieving a nuclear weapons convention can be used as both a tool to assist short-term disarmament goals and also as a concrete long-term political objective.

At every stage careful attention can and should be given to ensuring that all participants are satisfied with the system for verifying disarmament based upon an effective and supported system of inspections and technical monitoring.

Effective progress also requires a mechanism for settlement of disputes and the negotiation of enforcement measures in the face of serious violations.

While, to some degree, these elements exist in several treaties dealing with nuclear non-proliferation and disarmament it remains the case that no comprehensive treaty exists that draws all elements together.

Until that drawing together occurs the international cause of nuclear disarmament will be less than effective. We have an obligation to do better.

Ultimately the question to be asked is not why there should be a nuclear weapons convention but why the international community has not yet agreed to start negotiating one.¹⁴

In that respect, Australia has been missing from the international playing field for too long. There is no more important issue to international security than nuclear non proliferation and disarmament.

Australia has previously had an excellent record of achievement in this area. A Rudd Labor Government will once again take up the cause.

ENDNOTES

¹ Dhanapala, J 'The Canberra Commission: Lessons Learned for a Future Commission', Speech to Ideas-Institutional Nexus, Waterloo, Canada, 18 May 2002

² Quoted in Evans, G 'The Canberra Commission on the Elimination of Nuclear Weapons and subsequent International Developments', Speech presented to the NIRA Roundtable, Tokyo, Japan, 6th October 2000

³ Judge C.G. Weeramantry Ian "Securing Our Survival" the case for a nuclear weapons convention International Association of Lawyers against Nuclear Arms International Network of Engineers and Scientists against Proliferation International Physicians for the Prevention of War 2007

⁴ 'Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion of the International Court of Justice, July 8) UN Doc A51/218 (1996)

⁵ McNeil, J, Senior Deputy General Counsel for the US Department of Defence: statement to the International Court of Justice, November 15, 1995

⁶ General Lee Butler "The Risks of Nuclear Deterrence: from Superpowers to Road Leaders", Speech to the National Press Club, Washington DC 2nd February 1998

⁷ Securing Our Survival op cit page 119

⁸ Weapon of Mass Destruction Commission, final report, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms* (Stockholm: June 1, 2006), p109.

⁹ Weapons of Terror, Recommendations 30, Page 109

¹⁰ Securing Our Survival Report op cit

¹¹ Securing Our Survival Report op cit

¹² Wall Street Journal January 2007

¹³ "28 States Participate: Inaugural Article IV Forum" United Nations, New York, October 3, 2005 <http://www.middlepowers.org/mpi/pubs/ArticleVI_Report.pdf>

¹⁴ Securing Our Survival Report op cit, Page 19