

AUSTRALIA AND REGIONAL DENUCLEARIZATION TREATIES

Submission to the Joint Standing Committee on Treaties Inquiry into Nuclear Non-Proliferation and Disarmament

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1. Introduction

Australia has generally been a strong supporter at the UN of regional nuclear weapon free zones and other regional disarmament measures as a partial and complementary approach to constraining nuclear proliferation and contributing to wider nuclear disarmament objectives. Australia demonstrated a regional leadership role in chairing the negotiations from 1983 that led to the successful establishment of the 1985 South Pacific Nuclear Free Zone (Rarotonga Treaty), now ratified by all the Permanent Five nuclear weapon powers except for the United States, which has signed but not yet ratified the treaty. In addition to binding regional states not to acquire nuclear weapons themselves, the treaty prevents nuclear testing anywhere in the region, either at sea or on land. The Rarotonga Treaty was particularly directed at past French testing in the region, and, with France's accession, to the relevant treaty protocol, ensures that there is no resumption of French testing. The treaty also has symbolic importance in terms of Australia's own non-proliferation commitment, and was a factor in the subsequent negotiation of the Southeast Nuclear Weapon Free Zone Treaty (Bangkok Treaty, 1995), thereby providing mutual reassurance on non-proliferation commitments between the adjoining regions of the South Pacific.

Australia has consistently supported similar regional nuclear weapon free zones not only in Southeast Asia but also in Latin America (Tlalelolco Treaty, 1967), Africa (Pelindaba Treaty, 1996), and up until recently Central Asia (Semipalantinsk Treaty, 2006).

Such zones not only involve regional states entering into binding commitments not to develop and acquire nuclear weapons, thereby complementing commitments under the Non Proliferation Treaty, but also prohibit the stationing of nuclear weapons by extraregional nuclear powers on land territories within the zones; and seek through treaty protocols, binding negative security guarantees from the nuclear weapon states, ie guarantees not to use or threaten to use nuclear weapons against zonal states.

Despite the progress made in establishing such zones, there are a number of ways in which such zones can be strengthened and extended both to consolidate the non-proliferation regime and to enhance movement towards

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global elimination of nuclear weapons, as, for example, envisaged in the proposal for a Nuclear Weapons Convention.

The following submission identifies a number of initiatives that Australia might take both within its own region and more broadly to strengthen regional denuclearisation initiatives with the aim of preventing further proliferation and contruting to global nuclear disarmament.

2. Strengthening the 1985 Rarotonga Treaty

In the context of the major changes that have taken place in the international environment since the treaty was first negotiated, there is now a need for the convening of a review conference that would consider ways of further strengthening the treaty.

While the treaty does not require mandatory periodic reviews, it does envisage the establishment of a Consultative Committee (Article 10 and Annex 3) for the purpose of “consultation and cooperation on any matter arising in relation to this Treaty or for reviewing its operation”. This Committee, comprised of one representative plus advisers from each member state, and able, failing consensus, to make decisions by a two-thirds majority vote, is also empowered under Article 11 to “consider proposals for amendment” and, in the case of any proposal agreed to by consensus, circulate it for acceptance by all parties. This Consultative Committee is obliged to convene “at the request of any party”, and it would be a relatively simple matter for any concerned regional state to ensure that the Committee is convened.

Although the agenda of such a review conference would itself be the matter for regional negotiations and consultations with relevant government and non-government bodies, I would recommend the following possibilities that might be considered at such a review conference:

* Extending the scope of the zone to cover all weapons of mass and indiscriminate destruction, including not only nuclear weapons but also chemical, biological and other weapons capable of causing indiscriminate death and injury (landmines, cluster bombs, and enriched uranium munitions). While regional states are not, as yet, engaged in producing such weapons, this would be an important preventative measure. It would also have an important symbolic role as the first such wider “Weapons of Mass Destruction Free Zone” for other regions and the international community, and complement existing international conventions on chemical and biological weapons (the latter, in particular, lacking an effective verification and compliance mechanism).

* Institution of formal secretariat linkages with other established NWFZs (Latin American NWFZ, Southeast Asian NWFZ, African NWFZ, and Central Asian NWFZ), including annual consultations, cooperative action to further the wider aims and objectives of NWFZ treaties at the UN and NPT Review Conferences, exchange of information on verification and compliance

processes, and technical support to other NWFZs in the process of negotiation or establishment.

* Strengthening of the provisions (or inclusion of an additional protocol) to prohibit acquisition, deployment or testing of long-range nuclear or WMD capable missile delivery systems within the zone.

* Extension of the zone to cover all Pacific islands, not just South Pacific and adjoining islands.

* Amendment of anti-dumping provisions to cover unregulated forms of land-based radioactive waste dumping, including adequate controls over the removal of land-based radioactive waste that has already been created in or around nuclear test sites.

3. Hosting an International Conference of NWFZ and prospective NWFZ states

There are now over 100 member states of regional nuclear weapon free zones, including almost all states in the Southern Hemisphere. The potential political and moral influence of these states within the international community on issues of nuclear proliferation and disarmament have yet to be properly mobilized. In 2005, the Mexican Government convened the first such conference. Given the new receptivity to multilateral approaches to nuclear proliferation and disarmament issues already reflected in the new US Obama Administration, it would be timely for the Australian Government to host a second such conference, either at the UN headquarters in New York or Geneva, to provide opportunities for NWFZ zones to coordinate their approaches on a range of nuclear proliferation and disarmament issues. Given the imminence of the 2010 NPT Review Conference, it might be timely to do this concurrently with the 2009 NPT Prep Com Conference or with one of the Conference on Disarmament sessions in Geneva.

4. Support for the Central Asian Nuclear Weapon Free Zone

Australia, while a strong supporter of nuclear free zones, and specifically of the 2006 Central Asian NWFZ (Semipalatinsk Treaty) in previous years, has more recently taken an ambivalent position, abstaining on recent UN General Assembly resolutions of support for the zone.

The region was extensively involved in the nuclear weapon programs of the former Soviet Union, has abundant supplies of uranium, facilities and technical expertise in processing nuclear fuels, possession of at least three metric tons of weapons grade plutonium at a shutdown breeder reactor in Kazakhstan², and relatively new polities, with significant potential for instability and civil unrest. As Jayantha Dhanapala, UN Undersecretary General for Disarmament Affairs, observed, the Central Asian NWFZ is “all the more significant given that this region once reportedly hosted over 700

² Joseph Cirincione, *Deadly Arsenals*, 320-322.

tactical nuclear weapons -- not to mention the over 1,400 former Soviet strategic nuclear weapons that Kazakhstan returned to Russia before joining the NPT in 1995".³ From both a regional and global non-proliferation perspective, the need to secure this region from developing nuclear weapons, or exporting fissionable materials to other parts of the world, could scarcely be more urgent.

While the three Western nuclear western powers have legitimately been concerned about a clause in the treaty that might be interpreted as theoretically allowing the Tashkent treaty to override the NWFZ treaty, it would seem feasible to at least support the relevant treaty negative security protocols with a reservation that the treaty obligations would be void if the military provisions of the Tashkent treaty were to be used to deploy Russian nuclear weapons in the region.

Australia, not least as member of a similar military alliance with a nuclear ally, should be clearly signalling that the above issue should not become an insuperable obstacle to international recognition and guarantees for the Central Asian NWFZ.

At the May 2007 NPT PrepCom Conference, the British Government argued that: "the best way of achieving the necessary guarantees sought by the non-nuclear-weapon States is through the protocols annexed to treaties creating nuclear-weapon-free zones (NWFZs)...The most appropriate way forward, and to give further effect to the desires of the non-nuclear-weapon States, is to make further progress with NWFZs...This will provide, on a credible, regional basis, the internationally binding legal instruments on negative security assurances which many are looking for".⁴

Yet what the Western nuclear powers seem to offer in lieu of a binding UN treaty on negative security guarantees to non-nuclear states, they seem reluctant to provide in practice, since all three, including the UK, have refused to support and ratify the relevant negative security assurance protocols for two out of the five established NWFZs, the ones in Southeast Asia and Central Asia.

5. Support for a Fourth UN Special Session on Disarmament

There has now been an extraordinarily long period since the last UN Special Session on Disarmament, which occurred during the Cold War. There needs to be a new review of international nuclear disarmament strategies and commitments in the context of emerging threats from nuclear proliferation and

³ Jayantha Dhanapala, former UN Undersecretary General for Disarmament Affairs, September 30, 2006, cited in Parish & Potter, "Central Asian States Establish Nuclear-Weapon-Free Zone Despite U.S. Opposition".

⁴ United Kingdom, *Working Paper on Disarmament submitted by the United Kingdom of Great Britain and Northern Ireland*, UN NPT/Conf.2010/PC.I/WP.59, (Vienna: UN, 9 May 2007).

new opportunities for multilateral approaches to nuclear disarmament. Such a session would also facilitate reviews and analysis of major regional nuclear issues, including the Middle East, Northeast Asia and South Asia, all regions for which there are proposals for establishment of nuclear-weapon-free and/or weapons-of-mass-destruction free zones. There are also proposals for ensuring the denuclearisation of Outer Space and the Arctic region.

Australia should work closely with other like-minded states in seeking the convening of a Fourth Special Session on Disarmament at the earliest possible date.

6. Nuclear Weapons Convention

The above regional denuclearisation and related initiatives are valuable but partial measures that would gradually reduce the geographic arenas for deployment and potential use of nuclear weapons, and provide impetus to wider efforts towards elimination of all nuclear weapons. However, they do not obviate the need for Australia to work closely with other like-minded states on gaining the commitment of the whole global community to the proposed Nuclear Weapons Convention framework. Even a nuclear conflict in one of the regions of the world not yet covered by nuclear-free-zone and NPT arrangements would have the potential for cataclysmic global consequences, not least in climate modification and crop production. The Nuclear Weapons Convention framework offers a way of addressing the threat of a nuclear holocaust through an agreed reduction and elimination of nuclear weapons while maintaining mutual security for all states and peoples at each stage of the process.

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