

Other treaties

Introduction

7.1 This chapter consider two types of treaty arrangements: the bilateral nuclear arms control agreements between the US and Russia and nuclear weapon free zones. While Australia is not party to most of these treaties, they are significant mechanisms by which both disarmament and non-proliferation objectives are being achieved.

Nuclear arms control agreements between the United States and Russia

Introduction

7.2 Since the early 1970s the United States and the Russian Federation (the former Soviet Union) have concluded a series of treaties aimed at limiting or reducing the size of their nuclear arsenals. These treaties have played a major role in reducing the total number of deployed nuclear weapons in the world. In July 2009 the US and Russia agreed to negotiate a new treaty to mandate further reductions.¹

7.3 This section of the chapter will give a brief history of nuclear arms control agreements between the US and Russia, examine the significant role that

1 The White House Office of the Press Secretary, *Joint Understanding*, The White House Office of the Press Secretary, 8 July 2009, viewed 29 July 2009, <www.whitehouse.gov>.

such agreements have made to nuclear disarmament and comment on the importance of a new negotiated nuclear disarmament treaty between the US and Russia.

Background

7.4 Below is a brief chronology of nuclear disarmament treaties between the US and Russia²:

- **1972:** Parties signed the *Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with Respect to the Limitation of Strategic Offensive Arms (SALT I)*, which limited the number of deployed US and Soviet nuclear-weapon delivery-vehicles (not including strategic bombers) to 1,710 and 2,347 respectively.

In the same year, parties signed the *Treaty between the United States of America and the Union of the Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty)*, which banned the development by either the US or the Soviet Union of a nationwide strategic missile defence system.

Both of these Treaties entered into force in 1972.

- **1979:** Parties signed the *Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms (SALT II)*, which limited the number of deployed US and Soviet nuclear weapon delivery-vehicles (including strategic bombers) to 2,250 each. The US Senate never considered the Treaty due to the Soviet Union's 1979 invasion of Afghanistan, and thus the Treaty never entered into force. However both countries pledged to adhere to the terms of the Treaty.
- **1987:** Parties signed the *Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-range and Shorter-range Missiles (INF Treaty)*, which obliged both parties to eliminate all ground-based short-range and medium-range missiles. The INF Treaty is of unlimited duration.
- **1988:** The INF Treaty entered into force.

2 Information on dates and treaty provisions were sourced from the following two documents: Center for Non-proliferation Studies, *Inventory of International Non-proliferation Organizations & Regimes*, Nuclear Threat Initiative, 2009, viewed 23 July 2009, <www.nti.org>; Arms Control Association, *US-Soviet/Russian Nuclear Arms Control Agreements at a Glance*, Arms Control Association, February 2009, viewed 23 July 2009, <www.armscontrol.org>.

- **1991:** Parties signed the *Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (START I)*, which limited the number of deployed nuclear warheads for the first time. US and Russian arsenals were limited to 1,600 deployed delivery vehicles each and 6,000 deployed nuclear warheads each.
- **1993:** The US and the newly formed Russian Federation signed the *Treaty between the United States of America and the Russian Federation on Further Reductions and Limitation of Strategic Offensive Arms (START II)* which complemented, but did not replace, START I. START II required the US and Russia to reduce the number of nuclear warheads to between 3,000 and 3,500 by the year 2003, and banned land-based missiles that carry more than one nuclear warhead.
- **1994:** START I entered into force.
- **1997:** The US and Russia agreed to negotiate a successor to START II that would reduce deployed strategic warheads to between 2,000 and 2,500 each and, for the first time, would mandate the destruction of warheads, rather than just their removal from deployment. Negotiations of this agreement were intended to commence once START II entered into force.

In the same year, the US and Russia negotiated a Protocol to START II and amendments to the 1972 ABM Treaty. The Protocol to START II extended the deadline for the dismantling of weapons from 2003 to 2007. The amendments to the ABM Treaty permitted the development and use of 'non-strategic' missile defences to protect against short-range and medium-range ballistic missiles in a limited theatre of war.

- **2000:** Russia ratified START II on the condition that the US ratify both the 1997 Protocol to START II and the 1997 amendments to the ABM Treaty. The US Senate did not approve these agreements.
- **2001:** START I reductions were completed.
- **2002:** The US withdrew from the ABM Treaty citing a need to develop a national missile defence capability in order to combat the emerging threat of 'rogue states' with long-range ballistic missile capabilities. In response, Russia withdrew from START II. These actions marked the

end of both the ABM Treaty and START II, which in turn ended the prospect of negotiation of a successor to START II.³

Following the end of START II, the US and Russia negotiated the *Treaty between the United States of America and the Russian Federation on Strategic Offensive Reductions (SORT)* which requires parties to reduce the number of deployed nuclear warheads to between 1,700 and 2,200 each by 2012. However, SORT differs from past nuclear arms-reduction treaties in a number of ways and has been criticised for its apparently lax approach.⁴

- **2003:** SORT entered into force.
- **2009:** START I is due to expire in December 2009.

The US and Russia agreed to begin negotiations on a successor to START I which would limit delivery vehicles to between 500 and 1,100 each and would limit the associated nuclear warheads to between 1,500 and 1,675 each.⁵

Success of nuclear disarmament agreements between the US and Russia

7.5 Professor Joseph Camilleri argued that bilateral nuclear arms reduction agreements between the US and Russia have been the single most effective method of nuclear disarmament. It was noted that START I resulted in the destruction of approximately 80 per cent of the strategic nuclear weapon stockpiles that were in existence at the time of the Treaty's negotiation.⁶

7.6 The Department of Foreign Affairs and Trade agreed that bilateral disarmament treaties between the US and Russia have led to significant reductions in nuclear weapon stockpiles, particularly through the START I process, and argued that nuclear arms reductions between the two states will continue. The Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office anticipated that under the SORT agreement, US and Russian nuclear arsenals will be reduced to

3 United States Office of the Press Secretary, *Announcement of Withdrawal from the ABM Treaty*, media release, United States Office of the Press Secretary, 13 December 2001, viewed 23 July 2009, <georgewbush-whitehouse.archives.gov>.

4 Canadian Centre for Treaty Compliance, *Submission No. 64*, p. 3; Professor Joseph Camilleri, *Submission No. 66*, p. 13; Women's International League for Peace and Freedom, *Submission No. 65*, p. 8.

5 United States Office of the Press Secretary, *Joint Understanding*, United States Office of the Press Secretary, 8 July 2009, viewed 29 July 2009, <www.whitehouse.gov>.

6 Professor Joseph Camilleri, *Submission No. 66*, p. 12.

one quarter and one third, respectively, of levels that existed at the height of the Cold War.⁷

Deterioration of US-Russian cooperation

- 7.7 Despite the huge reductions in nuclear weapon stockpiles which have been mandated by past disarmament agreements, the Committee was told that the commitment of both the US and Russia to new nuclear-arms reductions has wavered over the last decade.⁸
- 7.8 In particular, critics of SORT argued that the Treaty symbolised a movement away from the enforceable bilateral arms reduction initiatives of the past to a more flexible and less secure approach. Contributors argued that SORT is deficient in a range of ways:
- unlike START II, SORT does not regulate the deployment of multiple warheads on a single delivery vehicle;
 - SORT does not establish a verification mechanism and instead relies on the verification regime of START I (which expires in 2009);
 - SORT does not define which warheads are to be reduced thus permitting states to maintain unlimited warheads in reserve for quick deployment; and
 - the warhead limit takes effect and expires on the same day, thus making any weapons reductions reversible after 2012.⁹
- 7.9 Professor Camilleri argued that following the withdrawal of the US from the ABM Treaty, Russia's withdrawal from START II and the subsequent negotiation of SORT, the cooperative approach to nuclear arms reductions between the two countries seemed to have broken down.¹⁰

7 Ms Jennifer Rawson, *Transcript of Evidence*, 14 May 2009, p. 32; Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 12.

8 Ms Jennifer Rawson, *Transcript of Evidence*, 14 May 2009, p. 32.

9 Professor Joseph Camilleri, *Submission No. 66*, p. 13; Canadian Centre for Treaty Compliance, *Submission No. 64*, p. 3; Women's International League for Peace and Freedom, *Submission No. 65*, p. 8; Arms Control Association, *The Strategic Offensive Reductions Treaty at a Glance*, Arms Control Association, September 2006, viewed 30 July 2009, <www.armscontrol.org>; O B Toon, A Ronock and R P Turco, *Environmental consequences of nuclear war*, *Physics Today*, American Institute of Physics, p. 1, *Exhibit No. 28*.

10 Professor Joseph Camilleri, *Submission No. 66*, p. 13.

Importance of new agreement between the US and Russia

- 7.10 In July 2009, US President Barack Obama and Russian President Dmitry Medvedev signed a Joint Understanding on the negotiation of a successor treaty to START I, which stated:

The President of the United States of America and the President of the Russian Federation have decided on further reductions and limitations of their nations' strategic offensive arms and on concluding at an early date a new legally binding agreement to replace the current START Treaty ...

The Presidents direct their negotiators to finish their work on the treaty at an early date ...¹¹

- 7.11 The Joint Understanding stated, amongst other things, that the Treaty would contain:

A provision to the effect that each Party will reduce and limit its strategic offensive arms so that seven years after entry into force of the treaty and thereafter, the limits will be in the range of 500-1100 for strategic delivery vehicles, and in the range of 1500-1675 for their associated warheads.¹²

- 7.12 A number of contributors argued that a new bilateral nuclear arms reduction treaty that mandates deep and transparent cuts between the US and Russia would be key to re-establishing a cooperative approach on non-proliferation and disarmament issues. It was argued that such a commitment would help to build confidence between the US, Russia and other nuclear armed states, and would add momentum to other areas of the nuclear non-proliferation and disarmament regime.¹³

- 7.13 The Department of Foreign Affairs and Trade told the Committee of the positive effect that the commitment to a new disarmament treaty has already had in the lead up to the 2010 NPT Review Conference:

One of the most encouraging developments on the disarmament front for a long time ... is the commitment of both the United States and Russia ... to negotiate a successor agreement to START

11 The White House Office of the Press Secretary, *Joint Understanding*, The White House Office of the Press Secretary, 8 July 2009, viewed 29 July 2009, <www.whitehouse.gov>.

12 The White House Office of the Press Secretary, *Joint Understanding*, The White House Office of the Press Secretary, 8 July 2009, viewed 29 July 2009, <www.whitehouse.gov>.

13 Professor John Langmore, *Transcript of Evidence*, 25 March 2009, p. 30; Professor Joseph Camilleri, *Submission No. 66*, p. 20; United Nations Association of Australia, *Submission No. 3*, p. 7; International Campaign to Abolish Nuclear Weapons, *Submission No. 70*, p. 9.

before the end of this year. Uncertainty had previously existed about whether the United States and Russia would negotiate an agreement So [this commitment] has been ... extremely positive.

... It is fair to say that the commitment of the US and Russia to a START successor is one of the reasons for [a] much more positive atmosphere, because it reaffirms the commitment of both of them to continue to make significant reductions in their weapons arsenals.¹⁴

- 7.14 During the Committee delegation's visit to the United States, just days after the July agreement was reached, it was evident that the commitment to a successor agreement had been received optimistically. There was, however, some disappointment about the agreed levels, which the delegation was informed represented very little actual reduction.
- 7.15 The Committee considers that the negotiation of a treaty which mandates deep, verifiable and irreversible cuts to US and Russian nuclear arsenals is a key step towards the abolition of nuclear weapons. The Committee is of the view that Australia should take any opportunity to encourage an early conclusion to the negotiation of such a treaty, followed by its prompt ratification and entry into force.

Recommendation 10

The Committee recommends that the Australian Government encourage an early conclusion to the negotiation of a replacement nuclear weapons reduction treaty by the United States and Russia, involving deep, verifiable and irreversible cuts, followed by its prompt ratification and entry into force.

Nuclear weapon free zones

Introduction

- 7.16 Article VII of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) affirms the right of parties to conclude regional treaties that ban

¹⁴ Ms Jennifer Rawson, *Transcript of Evidence*, 14 May 2009, pp. 31-32.

nuclear weapons in their respective territories.¹⁵ Since the negotiation of the NPT, a number of such agreements have been negotiated in different regions throughout the world. These multilateral regional treaties are commonly referred to as nuclear weapon free zones (NWFZs.)

- 7.17 This section of the chapter will examine the benefits of NWFZs, how NWFZs can be strengthened and how NWFZs might be utilised to strengthen the broader nuclear non-proliferation and disarmament regime. Finally, the prospects of a NWFZ in the Middle East will be examined.

Background

- 7.18 A resolution adopted by the UN General Assembly in 1975 defined a NWFZ as a treaty-level agreement that ensures the total absence of nuclear weapons in the zone, and establishes an international system to verify and guarantee compliance with the Treaty's obligations.¹⁶
- 7.19 This resolution also called on nuclear weapon states to refrain from committing acts within the boundaries of a NWFZ that are prohibited to parties of the respective treaty, and to refrain from the use or threat-of-use of nuclear weapons against members of such zones.¹⁷
- 7.20 In accordance with this resolution, NWFZs generally prohibit the testing, stationing, development, and use of nuclear weapons within a designated territory. They also include protocols by which nuclear weapon states can renounce the use and threat-of-use of nuclear weapons against states included in the zone. In some cases, NWFZs may contain restrictions on the trade of nuclear materials and technologies. While NWFZs share common characteristics, it has been argued that the strength of NWFZs differs markedly among the different zones.¹⁸
- 7.21 Currently, there are five specific NWFZs, with the latest zone in Africa entering into force on 15 July 2009. Nuclear weapon free zones now cover

15 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 5.

16 United Nations General Assembly, *Resolution 3472 B (1975)*

17 United Nations General Assembly, *Resolution 3472 B (1975)*

18 Women's International League for Peace and Freedom, *Submission No. 66*, p. 10; Associate Professor Michael Hamel-Green, *Transcript of Evidence*, 25 March 2009, pp. 1,12; Center for Non-proliferation Studies, *Inventory of International Non-proliferation Organizations & Regimes*, Nuclear Threat Initiative, 2009, viewed 6 July 2009, <ww.nti.org>; Professor Joseph Camilleri, *Submission No. 66*, p. 14.

the entire Southern Hemisphere.¹⁹ Figure 7.1 provides a summary of the ratification status of the five currently negotiated NWFZ zones. Australia is a member of the *South Pacific Nuclear Free Zone*, which is also known as the Treaty of Raratonga.²⁰

- 7.22 Additionally, the *Antarctic Treaty*, which aims to guarantee that Antarctica is solely used for peaceful purposes, effectively designates the region as a NWFZ by prohibiting nuclear explosions, radioactive waste disposal and military deployments on the Antarctic continent.²¹
- 7.23 States can also take unilateral action to ban nuclear weapons in their territories. Austria and Mongolia implemented domestic legislation to declare themselves as single-state NWFZs in 1999 and 2000 respectively, while New Zealand and the Philippines have used domestic legislation to complement their existing obligations under the Treaty of Raratonga.²²

Benefits of NWFZs

- 7.24 Contributors to the inquiry argued that NWFZs are an integral part of the nuclear non-proliferation and disarmament regime and represent key building blocks towards more comprehensive commitments.²³ It was argued that NWFZs:
- build confidence among nations;
 - encourage the negotiation of new NWFZ and other treaty initiatives;
 - increase security within the region;
 - exert pressure on nuclear weapon states; and
 - provide a means to implement stricter obligations than exist in other nuclear non-proliferation and disarmament initiatives.

19 IAEA, 'Africa Renounces Nukes', viewed 26 August 2009, <<http://www.iaea.org/NewsCenter/News/2009/africarenouces.html>>.

20 Associate Professor Michael Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 12; Center for Non-proliferation Studies, *Inventory of International Non-proliferation Organizations & Regimes*, Nuclear Threat Initiative, 2009, viewed 3 July 2009, <www.nti.org>.

21 Department of Foreign Affairs and Trade and Australian Safeguards and Non-Proliferation Office, *Submission No. 29*, p. 5; Center for Non-proliferation Studies, *Inventory of International Non-proliferation Organizations & Regimes*, Nuclear Threat Initiative, 2009, viewed 3 July 2009, <www.nti.org>.

22 Mr Nic Maclellan, *Submission No. 36*, p. 4; Parliamentarians for Nuclear Non-proliferation and Disarmament, *PNND Briefing Book*, PNND, 2002, viewed 3 July 2009, <www.gsinsitute.org>.

23 Associate Professor Michael Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 14; Mr Nic Maclellan, *Submission No. 36*, p. 2.

- 7.25 Mr Nic Maclellan told the Committee that NWFZs are important confidence building measures:

Nuclear weapon free zones operate at multiple levels – legal, diplomatic and political – and it seems to me that is a very important element in the package. [NWFZs are] legal treaties and verifiable instruments to enforce nuclear disarmament and nuclear non-proliferation, [and are] a political process and a diplomatic process ... about creating confidence building measures.²⁴

Contributors asserted that NWFZs serve to send a clear message to states outside of the zone regarding member countries' commitments to non-proliferation. It was argued that this message increases confidence in security at an international level.²⁵ This increased confidence can also encourage other regions to conclude such agreements. For example, it was argued that the establishment of the Treaty of Raratonga in 1985 played a key role in stimulating the negotiation of the *Southeast Asian Nuclear-Weapon-Free-Zone Treaty* in 1995.²⁶

- 7.26 Further, such agreements can be tailored to address the unique national security needs of member countries within a certain region, which in turn increases confidence among members.²⁷
- 7.27 Advocates also suggested to the Committee that such zones can limit the reach of nuclear weapon states and prevent them from carrying out nuclear-weapon related activities in the region, such as nuclear-weapon testing.²⁸
- 7.28 The Committee was informed that NWFZs can provide a means to implement stricter obligations on a regional level that may be a step ahead of other nuclear non-proliferation and disarmament agreements. In particular, submitters pointed to the provision under the Treaty of Raratonga which prohibits the provision and acquisition by member
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24 Mr Nic Maclellan, *Transcript of Evidence*, 25 March 2009, p. 14.

25 Associate Professor Michael Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 12; Mr Nic Maclellan, *Transcript of Evidence*, 25 March 2009, p. 15; Medical Association for the Prevention of War (Australia), *Submission No. 61*, p. 11.

26 Associate Professor Michael Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 12; Associate Professor Michael Hamel-Green, *Submission No. 72*, p. 1; Mr Nic Maclellan, *Submission No. 36*, p. 4; United Nations Youth Association of Australia, *Submission No. 35*, p. 5; Mr Adam Dempsey, *Submission No. 24*, p. 1.

27 Professor Joseph Camilleri, *Submission No. 66*, p. 13; Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 13; United Nations Association of Australia, *Submission No. 35*, p. 4.

28 Associate Professor Michael Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 20; Professor Joseph Camilleri, *Submission No. 66*, p. 13.

countries of nuclear materials and technologies, unless they are subject to IAEA safeguards agreements.²⁹

Strengthening existing NWFZ

7.29 Contributors suggested to the Committee a range of ways in which individual NWFZs could be strengthened with particular reference to the Treaty of Raratonga and the *Central Asian Nuclear Weapon Free Zone* (CANWFZ).

South Pacific Nuclear Free Zone (Treaty of Raratonga)

7.30 Submitters to the inquiry argued that, while the Treaty of Raratonga has made a positive contribution towards the elimination of nuclear weapons, there remain a range of shortfalls with the Treaty. Submitters noted that the Treaty of Raratonga does not:

- prevent the transit of nuclear weapons or prevent the launch of nuclear weapons that are transiting the region at targets beyond the zone;
- prevent the land dumping of nuclear waste;
- prevent the threat-of-use of nuclear weapons against members of the zone;
- include any provisions to protect ‘whistleblowers’ who expose breaches of the Treaty;
- extend to northern Pacific states such as the Federated States of Micronesia, the Marshall Islands and Palau; and
- does not, unlike other NWFZs, create a separate enforcement organisation but relies on existing regional bodies which may be unsuitable for the role.³⁰

7.31 Associate Professor Michael Hamel-Green suggested that the Treaty of Raratonga could be further strengthened through applying stronger verification mechanisms and provisions against the theft of nuclear materials.³¹

29 Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 21; Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 20; United Nations Youth Association of Australia, *Submission No. 35*, p. 4.

30 Mr Nic Maclellan, *Submission No. 36*, pp. 5-9; Medical Association for the Prevention of War (Australia), *Submission No. 61*, p. 11; Adjunct Professor Richard Broinowski, *Submission No. 16*, p. 6.

31 Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 13.

Figure 7.1 Status of ratification of nuclear weapon free zones

Name of Treaty (date opened for signature)	Regional members that have ratified	Regional members that have not ratified	NWS that have ratified all protocols	NWS that have not ratified all protocols
South Pacific Nuclear-Free Zone (1985)	Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu, Samoa	Marshall Islands, Micronesia, Palau	China, France, Russia, UK	United States
Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (1967)	Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela	-	China, France, Russia, UK, US	-
Southeast Asian Nuclear-Weapon-Free-Zone Treaty (1995)	Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam	-	-	China, France, Russia, UK, US
African Nuclear-Weapon-Free-Zone Treaty (1996)	Algeria, Benin, Botswana, Burkina Faso, Burundi, Cote d'Ivoire, Equatorial Guinea, Ethiopia, Gabon, Gambia, Guinea, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Swaziland, Togo, United Republic of Tanzania, Zimbabwe	Angola, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Congo (Democratic Republic of the), Djibouti, Egypt, Eritrea, Ghana, Guinea-Bissau, Liberia, Malawi, Morocco, Namibia, Niger, Sao Tome and Principe, Seychelles, Sierra Leone, Somalia, Sudan, Tunisia, Uganda, Zambia	China, France, Russia, UK	US
Central Asian Nuclear-Weapon-Free-Zone (2006)	Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan	-	Protocol not yet open for signature	

Source *Inventory of International Non-proliferation Organisations and Regimes*, Center for Non-proliferation Studies, Nuclear Threat Initiative, 2009, viewed 2 July 2009, < www.nti.org>.

- 7.32 The Committee was informed that, just as the negotiation of NWFZs encourages the negotiation of new zones, the strengthening of the Treaty of Raratonga could encourage other zones to make such improvements or even encourage the negotiation of new NWFZs in other more volatile areas.³²
- 7.33 Contributors to the inquiry argued that the weaknesses of the Treaty of Raratonga could be addressed through convening a conference of Treaty of Raratonga members by which the Treaty could be reviewed and amended. It was noted that there is already provision in the Treaty of Raratonga for a Consultative Committee to consider proposed amendments.³³
- 7.34 Other participants questioned the utility of a review of the Treaty of Raratonga. Ms Martine Letts argued that, while a review of the Treaty of Raratonga could potentially improve and refine the provisions of the Treaty, such a review at this stage may not be helpful to the broader nuclear non-proliferation and disarmament regime. Ms Letts argued that current nuclear-security issues are subjects of global negotiation and that to focus on the specifics of a regional agreement, such as the Treaty of Raratonga, may only cause frustration.³⁴
- 7.35 Another avenue suggested to the Committee for strengthening the Treaty of Raratonga was to encourage the US to ratify the protocols of the Treaty. Mr Maclellan argued that, when the protocols of the Treaty of Raratonga were first open for signature in the 1980s, the US did not ratify due to concerns about restrictions on its expanding deployment of cruise missiles, and the effect on its northern Pacific territories. It was argued that the region has changed substantially over the last two decades which, in addition to the momentum brought about by the change in US administration, may make the US more open to ratification.³⁵

32 Mr Nic Maclellan, *Transcript of Evidence*, 25 March 2009, p. 14.

33 Mr Nic Maclellan, *Submission No. 36*, p. 7; Associate Professor Hamel-Green, *Submission No. 72*, p. 2; Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 13. Mr Nic Maclellan, *Transcript of Evidence*, 25 March 2009, p. 16; Medical Association for the Prevention of War (Australia), *Submission No. 61*, p. 3.

34 Ms Martine Letts, *Transcript of Evidence*, 11 May 2009, p. 21.

35 Mr Nic Maclellan, *Transcript of Evidence*, 25 March 2009, pp. 15, 23-24; Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 23; Medical Association for the Prevention of War (Australia), *Submission No. 61*, p. 11.

Central Asian Nuclear Weapon Free Zone

- 7.36 Upon its implementation in 2006, a resolution welcoming the establishment of the Central Asian Nuclear Weapon Free Zone (CANWFZ) received broad support in the UN General Assembly, however this resolution was opposed by the US, UK and France, and Australia abstained from the vote.³⁶
- 7.37 Associate Professor Hamel-Green argued that Western nuclear powers and Australia have been hesitant to support the CANWFZ since it was established in 2006, and that the US, UK and France may not ratify the additional protocol of the CANWFZ when it opens for signature. The Committee was told that these concerns arise from Article 12 of the Treaty which states:
- This Treaty does not affect the rights and obligations of the Parties under other international treaties which they may have concluded prior to the date of the entry into force of this Treaty.³⁷
- 7.38 Associate Professor Hamel-Green told the Committee that Western nuclear powers are concerned that this Article makes the CANWFZ subservient to the previously negotiated *Charter of the Collective Security Treaty Organization* (CSTO), a 2002 mutual defence treaty between Russia, Belarus, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. It was suggested that Western nuclear powers are concerned that Article 12 of the CANWFZ would permit some members to call upon Russia's nuclear capabilities, despite their obligations under the CANWFZ. These nuclear powers may therefore be hesitant to ratify the additional protocol of the Treaty.³⁸
- 7.39 Associate Professor Hamel-Green considered that this interpretation of Article 12 is unfounded. He argued that the subsequent and largely ignored clause in Article 12 means that any military assistance provided under the CSTO cannot include nuclear weapons.³⁹ He also informed the Committee that there are many reasons to support the CANWFZ. He noted that Central Asian states were extensively involved in the nuclear weapons programs of the former Soviet Union, and that the region still possesses the technology, resources and expertise to develop nuclear
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36 UN General Assembly, *Verbatim Report of General Assembly Session 61 Meeting 67*, 6 December 2006, viewed 6 July 2009, <www.undemocracy.com>.

37 Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 19; Article 12 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia.

38 Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 19; Associate Professor Hamel-Green, *Submission No. 72*, p. 4.

39 Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 20.

weapons. On this basis, he considered that support for a NWFZ in the region is highly important.⁴⁰

- 7.40 Associate Professor Hamel-Green also suggested that concerns about Article 12 should not become an insurmountable obstacle to Western nuclear powers supporting the CANWFZ. In his opinion, if concerns about the operation of Article 12 persist, Western nuclear powers could make a reservation to that effect and still ratify the additional protocol to the CANWFZ.⁴¹
- 7.41 It was also argued that Australia should encourage its Western allies to support and ratify the additional protocol of the CANWFZ by signalling its own support for the Treaty and providing technical assistance to the zone.⁴²

Utilising existing NWFZ

- 7.42 A range of contributors to the inquiry suggested that the five current NWFZs can be utilised to progress the broader nuclear non-proliferation and disarmament agenda.
- 7.43 A common proposal made to the Committee was that formal links be established between all members of NWFZs. It was suggested that such a grouping would comprise over half the membership of the UN and could be extremely influential in advocating nuclear non-proliferation and disarmament issues.⁴³
- 7.44 The establishment of such a coalition would have a range of benefits including:
- providing a forum through which to coordinate and apply global political and diplomatic pressure on nuclear-security issues;⁴⁴
 - strengthening current NWFZs through the exchange of knowledge, experience and technical expertise;⁴⁵ and

40 Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 20; Associate Professor Hamel-Green, *Submission No. 72*, p. 3.

41 Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 20.

42 Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 14; Associate Professor Hamel-Green, *Submission No. 72*, p. 4.

43 Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 14; Mr Nic Maclellan, *Transcript of Evidence*, 25 March 2009, pp. 15-16; Adjunct Professor Richard Broinowski, *Transcript of Evidence*, 26 March 2009, p. 44; Professor Joseph Camilleri, *Submission No. 66*, p. 21.

44 Mr Nic Maclellan, *Submission No. 36*, p. 4.

45 Mr Nic Maclellan, *Transcript of Evidence*, 25 March 2009, p. 16.

- providing an alternative means to build momentum on nuclear non-proliferation and disarmament initiatives that do not rely on the nuclear weapon states.⁴⁶
- 7.45 Submitters informed the Committee that moves to form such linkages had been taken in the past. In 1996, 127 members of the UN General Assembly supported a Brazilian resolution calling for, among other things, the consolidation of NWFZs in the Southern Hemisphere. In 2005, Mexico hosted the Conference of States Parties and Signatories of Treaties that establish Nuclear Weapon Free Zones to discuss nuclear-security issues.⁴⁷
- 7.46 Contributors suggested that Australia should host a conference of NWFZs at which member countries could institutionalise the links between the zones, coordinate their approaches on nuclear-security issues and advocate for full recognition of a southern hemisphere NWFZ. Associate Professor Hamel-Green argued that such a conference should be convened in the short term, before the 2010 NPT Review Conference.⁴⁸

Recommendation 11

The Committee recommends that Australia play a leading role in advocating for full recognition of a southern hemisphere nuclear weapons free zone and in developing formal links between all members of nuclear weapons free zones, and that the Australian Government raise the issue at the 2010 NPT Review Conference and consider hosting a conference on this issue.

46 Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 14; Mr Nic Maclellan, *Transcript of Evidence*, 25 March 2009, p. 25.

47 Mr Nic Maclellan, *Submission No. 36*, p. 4; Mission of Brazil to the United Nations, *Nuclear weapons free Southern Hemisphere and Adjacent Areas*, Mission of Brazil to the United Nations, viewed 14 July 2009, <www.un.int>; Associate Professor Hamel-Green, *Submission No. 72*, p. 3; Center for Non-proliferation Studies, *Inventory of International Non-proliferation Organizations & Regimes*, Nuclear Threat Initiative, 2009, viewed 14 July 2009, <www.nti.org>.

48 Mr Nic Maclellan, *Submission No. 36*, p. 4; Associate Professor Hamel-Green, *Submission No. 72*, p. 3; Associate Professor Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 14; Professor Joseph Camilleri, *Submission No. 66*, p. 21.

A Middle East Nuclear Weapon Free Zone

7.47 During the inquiry the Committee received a range of evidence on the benefits, barriers and prospects for a proposed NWFZ in the Middle East.

Background

7.48 In 1974, Iran and Egypt proposed to the UN General Assembly a resolution, entitled *Establishment of a nuclear-weapon-free zone in the region of the Middle East*, which urged all relevant parties to take measures towards the establishment of a NWFZ in the Middle East. This resolution has been adopted by the UN General Assembly every year since its introduction. Additionally, parties to the 1995 NPT Review Conference adopted the *Resolution on the Middle East*, which again called on all states in the Middle East and all parties to the NPT to take practical steps towards the establishment of a Middle East NWFZ. Despite these repeated calls, there has been no tangible progress towards the establishment of such a treaty.⁴⁹

Benefits of a NWFZ in the Middle East

7.49 A number of contributors to the inquiry argued that the negotiation of a NWFZ in the Middle East is a necessary pre-condition for the global abolition of nuclear weapons. It was argued that establishing such a zone would help to achieve universal adherence to treaties such as the NPT, would increase confidence in the region and would help to address some of the key strategic concerns when it comes to the abolition of nuclear weapons.⁵⁰

7.50 Professor Camilleri argued that the only way to effectively curb proliferation risks is to create conditions where nations are sufficiently confident of their own security that they do not feel the need to pursue nuclear weapons. Professor Camilleri stated that moving towards a NWFZ

49 Associate Professor Michael Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 17; 1995 Review and Extension Conference of the Parties to the NPT, *Resolution on the Middle East*; Center for Non-proliferation Studies, *Inventory of International Non-proliferation Organizations & Regimes*, Nuclear Threat Initiative, 2009, viewed 3 July 2009, <www.nti.org>; M. Spies, *Between Irrelevance and a New Era: Report on the 2008 UN First Committee, Disarmament Diplomacy*, Winter 2008, Issue No. 89; Dr Marianne Hanson, *Transcript of Evidence*, 26 March 2009, p. 64;

50 Women's International League for Peace and Freedom, *Submission No. 65*, p. 5; UN Association of Australia, *Submission No. 31*, p. 11; Senator Bob Graham, *Transcript of Evidence*, 26 March 2009, p. 8; Dr Carl Ungerer, *Transcript of Evidence*, 26 March 2009, pp. 64-65; Dr Marianne Hanson, *Transcript of Evidence*, 26 March 2009, p. 64; Dr Ben Saul, *Transcript of Evidence*, 26 March 2009, p. 66; Pax Christi International, *Statement to G8 Ministers in Hokkaido, Japan*, Pax Christi International, *Exhibit No. 9*.

in the Middle East would reduce the pressure on Iran and other states in the region to pursue nuclear weapons.⁵¹

Barriers and steps towards a NWFZ in the Middle East

7.51 The Committee was told that the main obstacles to the negotiation of a NWFZ in the Middle East are the poor relations and lack of confidence between states in the region.

7.52 Associate Professor Hamel-Green told the Committee that one of the fundamental barriers to the negotiation of a NWFZ in the Middle East is the lack of a peace agreement among states in the region:

Israel said that it will not negotiate [a NWFZ] until there is a peace settlement with its neighbours. Unfortunately the Arab states have taken the diametrically opposite position of saying that they will not consider resolving those issues unless something is done in terms of Israel's nuclear capability. You have a deadlock there.⁵²

7.53 Dr George Perkovich also stated that a major obstacle to the negotiation of such a treaty is the current condition of relations among countries in the region. Dr Perkovich argued that it would be imperative to have all states in the region participate in such a treaty. He noted that some states do not recognise Israel's right to exist, and argued that these states would not participate in any negotiations attended by Israel.⁵³

7.54 Former US Senator Bob Graham saw that Iran's apparent pursuit of nuclear weapons makes the negotiation of a NWFZ in the Middle East even less likely.⁵⁴

7.55 Dr Perkovich also pointed out to the Committee that, even if states could be brought to the table, confidence between the states would be very low. He considered that a major issue between the parties would be whether or not to permit IAEA-monitored uranium enrichment in the region:

I think that in all likelihood in that region it would be a question of States not willing to accept fissile material production under the IAEA safeguards. I think they would actually want it to be a zone free of fissile material production, period. Israel's neighbours would not trust even the IAEA to verify that Israel is operating a reactor but there is no secret plutonium separation going on. And I

51 Professor Joseph Camilleri, *Transcript of Evidence*, 25 March 2009, p. 11.

52 Associate Professor Michael Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 17.

53 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 15.

54 Senator Bob Graham, *Transcript of Evidence*, 26 March 2009, p. 8

do not think that Israel is that keen on Iran, for example, continuing to enrich uranium with safeguards.⁵⁵

- 7.56 It appears therefore that the following steps must precede the negotiation of a NWFZ in the Middle East:
- states must recognise each other's sovereignty and normalise relations;
 - Iran must permit verification that it is not pursuing nuclear weapons; and
 - states in the region must be assured of nuclear fuel supplies in the absence of indigenous enrichment facilities.
- 7.57 Associate Professor Hamel-Green and Dr Marianne Hanson told the Committee that there have been a range of studies and conferences on the feasibility of a NWFZ in the Middle East and on trust-building exercises in conflict situations. They argued that through active diplomacy advocating a phased approach, Australia can take a lead role in building confidence in the Middle East with the aim of establishing a NWFZ.⁵⁶
- 7.58 The issue of a Middle East NWFZ arose frequently during the Committee delegation's visit to Europe and the United States. It was clear to the delegation that this issue is very closely linked with the 2010 NPT Review Conference. The delegation was informed that many Middle Eastern countries are becoming impatient with the lack of progress on this issue despite the resolution at the 1995 NPT Review Conference. Egypt, in particular, was identified as placing considerable importance on progress in 2010. It was suggested to the delegation that the success of the Conference could hinge on a strong reinforcement of this commitment and progress on the resolution, perhaps in the form of establishing talks or an action plan.
- 7.59 This issue is important to a number of Middle Eastern states. The prospects for a nuclear weapons free zone are also linked with Israel's non-participation in the NPT as well as ambiguities surrounding Iran's nuclear program. For example, in a working paper for the 2010 NPT Conference, the Group of Arab States reiterated calls for Israel to accede to the NPT and place all nuclear facilities under IAEA safeguards.⁵⁷

55 Dr George Perkovich, *Transcript of Evidence*, 14 May 2009, p. 15.

56 Associate Professor Michael Hamel-Green, *Transcript of Evidence*, 25 March 2009, p. 17; Dr Marianne Hanson, *Transcript of Evidence*, 26 March 2009, p. 66.

57 Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Arab Working Paper submitted by the United Arab Emirates on behalf of the Group of Arab States, which are States members of the League of Arab States*

While recognising the considerable political and security issues to be addressed, the Committee considers that a Middle East Nuclear Weapons Free Zone would be an important step in addressing both disarmament and non-proliferation challenges. The Committee considers that the Australian Government should use its diplomatic relations with Israel to pursue this issue.