

# JOINT STANDING COMMITTEE ON TREATIES

## INQUIRY INTO NUCLEAR NON-PROLIFERATION AND DISARMAMENT

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**Invited by the Joint Standing Committee Chairman,**  
**Mr Kelvin Thomson MP**

### ***1. Introduction***

The Department of Foreign Affairs and Trade and the Attorney-General's Department will doubtless provide the Committee with comprehensive briefing on the first of the Joint Standing Committee's Terms of Reference. This submission addresses the second, third, fourth and fifth of the Treaties Committee's Terms of Reference.

### ***2. Australia's Non-Proliferation and Disarmament Objectives***

Australia has been involved in international arms control agreements since 1924, when HMAS Australia was scuttled as part of the United Kingdom's capital ships reduction quota under the 1922 Washington Five Power Naval Treaty. While Australia's role was incidental to that of the United Kingdom, the Government of the day – led by Prime Minister Hughes – saw advantage in contributing to international efforts to deliver long-term peace and stability in the Pacific in the aftermath of WW1. More significantly, perhaps, it allowed the Nationalist Government of the day to redirect budget outlays from Defence to more pressing social policy issues such as soldier resettlement and repatriation, as well as debt reduction. While the decision to scuttle HMAS Australia might have delivered some short-term imperial and fiscal policy benefits, it delivered no security benefits at all.

The lesson that post-WW2 Australian Governments learned from PM Hughes's pre-war experience was that arms control and disarmament policy must be consistent with and support national defence and security policy. Indeed, the then-Minister for Foreign Affairs, Mr Andrew Peacock, made this point explicitly in a conversation with me when he delivered the opening statement upon Australia's admission to the Committee on Disarmament in Geneva in January 1979. Mr Peacock's instruction to the delegation was that we were to do nothing in the Committee that might undermine Australia's alliance with the US or the deterrence and intelligence benefits derived from the ANZUS Treaty, and that we should work to establish Australia's *bona fides* as a reliable and responsible

exporter of uranium. The link between disarmament and security was very clear.

Over the past four decades, Australia's participation in international arms control and disarmament efforts has been constant, though the level of enthusiasm of various Governments has fluctuated. The Howard Governments were generally less attracted to the more assertive arms control initiatives of the Hawke and Keating Governments. Two examples will suffice. The International Government-Industry Conference Against Chemical Weapons convened in Canberra in September 1989 was a significant contribution to the 1993 Chemical Weapons Convention. The Howard Governments seemed to be reluctant to follow through on that initiative. The Canberra Commission on the Elimination of Nuclear Weapons was an initiative of the Keating Government, meeting for the first time in Canberra in January 1996. Its final report was presented to the UN General Assembly by then-Prime Minister Howard, and to the Conference on Disarmament by the then-Foreign Minister Alexander Downer. But the initiative sank without trace, and momentum was lost. I shall revert to this problem – maintaining momentum – in part four of this submission.

Successive Australian Governments have pursued five main objectives in their nuclear non-proliferation and disarmament policies.

- The preservation and reinforcement of Australia's national security and defence.
- A real and palpable concern at the global security effects of nuclear weapons proliferation and the proliferation of other weapons of mass destruction.
- Support for global and regional initiatives that enhance the prospects of peace and stability.
- Practical demonstration of Australia's role as a good international citizen, "punching above our weight" as a constructive agent in delivering effective arms control measures.
- Practical demonstration of Australia's role as a responsible, safeguards conscious, and non-proliferation focused major exporter of uranium oxide.

The balance between these objectives has changed from time to time, depending on the specific foreign policy emphases of the Government of the day. This submission deals principally with the first and last of these themes.

### *Security and Defence*

In the two decades following WW2, Australian Governments were ambivalent regarding the desirability or otherwise of Australia's acquiring nuclear weapons. The Menzies Government certainly supported the UK in the development of its nuclear weapons capability by hosting the three nuclear tests at the Monte Bello islands in 1952 and 1956, one test at Emu Field in 1953, and seven tests at Maralinga in 1956-7. In addition to these explosive trials, some 700 minor tests and trials were conducted in Australia between 1953 and 1963. And the Gorton Government continued Australia's flirtation with nuclear weapons when, in 1969, it called for tenders to construct a 500MWe nuclear power generation

plant at Jervis Bay. But the entry into force of the NPT in 1970 and William McMahon's succession to the Prime Ministership in 1971 effectively ended whatever ambitions Australia might have had to acquire nuclear weapons.

No serious Australian strategist would today argue for nuclear weapons as part of Australia's defence capability. But the paradox implicit in Australia's participation in the ANZUS alliance (and consequent support for the US extended nuclear deterrence) on the one hand and its interest in denying nuclear weapons to regional countries through a nuclear non-proliferation treaty on the other impacted directly on Australia's accession to the NPT. During the 60s, it had been the position of the Menzies Government that support for a nuclear non-proliferation treaty would be inconsistent with the ANZUS Treaty, and the position of the US as a nuclear power. As a result of some pressure from the US, Australia agreed to sign the NPT, but with a "declaration" that amounted to qualified support for the treaty. The Hawke Government rescinded the declaration in 1985.

By the time of Australia's admission to the then-Committee on Disarmament in 1979, the apparent contradiction between extended nuclear deterrence and nuclear non-proliferation had been resolved. The Fraser Government's realist approach to the fact of nuclear weapons – the NPT recognition of the five states that had nuclear weapons as Nuclear Weapons States (NWS), the continuing demand for nuclear energy for peaceful purposes, and the desirability of the eventual elimination of nuclear arsenals – was fully reflected in Foreign Minister Peacock's opening statement to the Committee on Disarmament in January 1979. The shift in Australian policy can be traced back to the Whitlam Government, when it became increasingly clear that Australia's security was far better realised in a region where no country (including Australia) had nuclear weapons than in one where a nuclear arms race could introduce substantial political, economic and military distortions. The strategic equation in South East Asia would be radically different today if one or more of the ASEAN members had nuclear weapons.

It is clearly in Australia's defence and security interests that the NPT offers an effective guarantee that the immediate region will remain nuclear weapon free, and that China's status as a NWS is matched by the NWS status of the US, the UK, France and Russia. While the existence of nuclear weapons is a matter for regret, the NPT does afford enormous stability and significant constraints on those NPT members that are NWS. The same benefits derive from the other conventions on WMD. Weapons conventions are important elements in national defence policy, because they establish boundaries beyond which nations are prepared not to go. But, as President Reagan is alleged to have said about SALT 1, "trust, then verify". Verification is an essential part of any arms control treaty, and, fortunately, the NPT is well supported by the IAEA and its safeguards inspectorate regime.

A number of NPT members, however, complain that the obligations undertaken by the Non-Nuclear Weapons States (NNWS) – not to acquire or develop nuclear weapons – have not been matched by the obligations of the NWS to grant adequate access to nuclear engineering for peaceful purposes. With some

justification, the “nuclear club” has been accused of running a technological closed shop, thereby preventing NPT members from developing their own nuclear industries for the production of electricity or radioisotopes for use in medicine and industry. In an age of sensitivity to carbon emissions and the introduction of carbon-constrained energy production, this is an aspect of the NPT that merits some examination and consideration.

A number of NPT member countries of good standing privately acknowledge the inherent contradiction that seems to underpin the belief that the NWS that are permanent members of the UN Security Council can be “trusted” with nuclear weapons while others (such as Germany and Japan, for instance) cannot. This view is widespread among the moderate Islamic states, who suggest *sotto voce* that if the US, the UK, France, China and Russia can turn a blind eye to Israel’s possession of nuclear weapons, what is wrong with Iran having nuclear weapons, too. These same moderate Islamic states tend to see the continued possession of nuclear arsenals by western states as symbolic of the West’s continued domination of global strategic affairs. Without significant and transparent reductions in the nuclear weapons inventories of the NWS, the sincerity of the contract that underpins the NPT is brought into question, and the credibility of the NPT diminished.

While Australia and a number of other NNWS have been constant and active in their support for the NPT, the enthusiasm of the NWS has waxed and waned. Their frustration – especially on the part of the US – at the inability of the treaty to contain nuclear weapons development in India, Pakistan, the DPRK and possibly Iran has undermined their determination to conduct an active and assertive diplomacy both to bring the mavericks into the NPT fold and to encourage the existing membership to continue to meet their obligations. The accession to the NPT by South Africa in 1991 and by Argentina and Brazil in 1995 and 1997 respectively was the result of an intensive diplomatic effort involving principally the US, but also the former Soviet Union, Britain and France. The significance of these states joining the NPT and the associated IAEA inspection regimes cannot be over-estimated. With the assistance of Israel, South Africa had already developed nuclear weapons at the time of its accession to the treaty, Argentina was well advanced in its development of nuclear weapons, with Brazil not far behind.

By the mid-1990s, however, the US was becoming increasingly frustrated by Cuba’s refusal to adhere to the NPT, and by the DPRK’s refusal to allow IAEA inspections of its nuclear plants and its repudiation of the NPT. Consequently, the US initiated a counter-proliferation policy that was originally conceived as a complementary avenue to the non-proliferation approach to arms control, but quickly became an alternative approach to arms control. Essentially, the counter-proliferation policy envisaged the use of armed force (hard power) as the final sanction against rogue states, as distinct from the diplomacy (soft power) required in support of a treaty regime. The counter-proliferation policy impacted directly on the broader credibility of the NPT as the preferred non-proliferation vehicle, and had the unintended consequence of undermining the

credibility of the Treaty. In the view of many commentators, the NPT had reached the end of its useful life, and a new approach was needed.

It is now more than a decade since the counter-proliferation approach was developed, and it is evident that it has failed. India and Pakistan have emerged as nuclear-armed states, the DPRK remains as problematic now as it was then, Israel retains a significant nuclear arsenal – an arsenal that it cleverly exploits in its dealings with the US – and Cuba remains a sideshow. What is now required is that new life be breathed back into the NPT, and that the NPT member states renew their efforts to move towards universal adherence, at the very least, and significant moves to reduce existing nuclear weapon stockpiles. That remains, however, a difficult task.

This will be the core task of the 2010 NPT Review Conference. The treaty must be re-energised, and the key members of the treaty – of which Australia, as a significant supplier of uranium for electrical energy production is one – need to display much more enthusiasm in promoting and strengthening the treaty.

As many commentators note, the problem with the NPT, as with other conventions, is its lack of universality, and the fact that it does not apply to non-state actors (such as terrorist groups). The question is: can such treaties be made more comprehensive and effective?

#### *Australia as a Responsible Uranium Exporter*

As noted earlier, Australia's support for an effective international nuclear arms control and nuclear safeguards regime has been informed, in part at least, by the need to ensure that Australian nuclear exports are applied only to peaceful purposes, and that there is no diversion to nuclear weapons programs. This may become an even more compelling issue as this century unfolds.

As the global community, and Australia for that matter, comes to terms with global warming and searches for ways to be less dependent on carbon fuels, the place of nuclear energy in guaranteeing the availability of base-load energy needs is likely to be given added emphasis. While Australia itself is well placed to exploit renewable sources of energy (mainly solar) and geothermal energy sources (mainly hot rocks), many of the more densely populated and colder countries will almost certainly look to nuclear power production.

As the repository for over one third of the world's readily recoverable uranium and as a major uranium exporter, Australia will itself need to give enormous thought to its role in the nuclear fuel cycle, and in the strengthening of the international safeguards regime. It may well be argued that Australia could make a substantial contribution to both the world's energy needs and its non-proliferation needs by establishing a full nuclear fuel cycle under the IAEA's full scope safeguards regime. This submission is not arguing for a nuclear industry in Australia, or for an energy system in which Australia might benefit from uranium, produce, lease and reprocess fuel rods. But it is important to recognize

now that Australia is well positioned to support and reinforce an effective international safeguards regime as a major nuclear exporter.

### ***3. Making Treaties More Comprehensive and Effective***

There are five key ways by which Australia can inject more life into those treaties that provide real ballast to our national security and defence.

- Re-invest and rebuild the capacity of the Department of Foreign Affairs and Trade (DFAT) to enable it to handle the volume and complexity of the outcomes currently expected of it. This basically means more posts and more diplomatic staff abroad.
- Strengthen the capacities of the specialist areas within DFAT, particularly the International Organisations and Legal Division (ILD) and the International Security Division. This basically means the recruitment of more specialists, and an added emphasis on through-career professional development.
- Leverage our entire skills base by developing a network-centric approach to policy development and policy implementation that allows Government to draw upon the broad expertise within the various departments and agencies and transcend the more narrow parochialism of the individual silos.
- Exploit the opportunities that are offered by the overseas visits of Ministers, Assistant Ministers and Parliamentary Secretaries, as well as Parliamentary delegations, to promote Australia's security interests in the broad, rather than just leaving it to the Prime Minister, Foreign Minister and the Defence Minister.
- Encourage Non-Government Organisations, major non-State actors and religious organisations to declare their support for the NPT and the other major arms control conventions, extending, perhaps, to support for the Geneva Conventions and their associated protocols, as well as specific arms control agreements such as the Ottawa Treaty prohibiting anti-personnel land mines.

#### *Strengthen DFAT*

Diplomacy is hard, unrelenting work. It requires talent, tact and extraordinary patience to create and maintain momentum in order to achieve long-term goals. It also requires consistency in the application of foreign policy settings, and constancy in the allocation of people and resources to the task. Diplomacy is essentially about politics, or, as those Australian diplomats who read Satow as part of their training as diplomatic cadets should know, "diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent states".<sup>2</sup>

Recent decades, however, have witnessed the "politicisation" of foreign policy, where relatively minor adjustments in direction have been dramatised for

domestic political purposes. Australia has not been immune from this phenomenon. There are three areas in which this trend is plainly evident.

First, the strong emphasis accorded to economic reporting by Australia's embassies and high commissions has been at the expense of comprehensive political reporting. The players in the global economic and financial markets are significantly better and quicker at reading market trends (including changes in government policy) and responding to them than are government officials. And, in Australia's case, so-called economic intelligence, even if it is available, offers little capacity to avert difficulties when they do occur, as the global financial crisis has demonstrated.

Second, the emphasis accorded to consular support for Australian travelers has also come at the expense of the constant and comprehensive management of foreign relations between governments. While assistance to nationals is an important part of an embassy's function, Australia has responded to the explosion in private foreign travel by reallocating staff rather than supplementing them and, perhaps, by creating expectations in the travelling public that "the government" will bail them out of any difficulties in which they might find themselves – be they prolonged airport sit-ins such as occurred in Bangkok or floods such as occurred in Fiji.

Third, Australia has mindlessly followed the private sector fad of forcing "efficiency dividends" (though in the private sector these always seem to lead to higher executive remuneration and lower long-term shareholder value) by closing overseas posts and reducing diplomatic staffing levels, imagining that by getting everyone to "work harder" effectiveness will be maintained. The folly of this approach can be seen in Australia's inability to secure the votes necessary for election to the Security Council, due to the fact that we are no longer represented in key countries that determine the consensus decisions in the major voting blocs. Views to the contrary notwithstanding, governments (including those in the Third World) make their decisions in their home capitals, not in New York.

All of this has had the unintended consequence of reducing the effectiveness of Australia's diplomacy, and of substituting the long-term application of intelligence and tact to the conduct of official relations with a reactive, ad hoc approach to day-to-day emergencies. And the blame cannot be laid at the door of Australia's talented and hard-working diplomats: they are among the most dedicated professionals in the world. They are simply over-worked and under-gunned. This must be rectified if Australia is to be able to transact the multilateral diplomatic business that both its interests and its international position require.

### *Retain Specialists*

The generalist has achieved cult status in the Australian Public Service, with the result that domain expertise has declined radically. People move into and out of senior positions on the basis of their intelligence and talent, rather than their

experience and their knowledge. There is nothing wrong with intelligence and talent. But if experience and knowledge are absent, irrelevance is guaranteed and disaster is never far away. To be effective in retaining and managing momentum in relationships and treaties over the long term, Australia needs experts and specialists who are internationally recognised as domain leaders.

In the negotiation of the International Convention on the Law of the Sea, for instance, Singapore's Ambassador Tommy Koh was and remains a leading figure. He has been so for over 30 years. For many years, Mexico was able to play a role in disarmament affairs totally disproportionate to its place in the world through the efforts of Ambassador Alfonso García Robles, who, together with Alva Myrdal, won the Nobel Peace Prize in 1982. Dr Mohamed El-Baradei, a former Egyptian diplomat, attended the second NPT Review Conference in 1980, and is now head of the IAEA. He has an international reputation as an arms control and safeguards expert. In Australia's case, no one who attended the second NPT Review Conference even remains in Government. Quite simply, Australia does not value the long-term effort that generates access and respect, just as, whether because of the "tall poppy syndrome" or some other reason, it refuses to develop and reward specialists. Too often, long-term specialist utility is sacrificed on the altar of short-term political expediency, as was, perhaps, the case with Richard Butler who, his political inclinations notwithstanding, could have been a key Australian voice on arms control and disarmament issues, especially in the period leading up to the Iraq war. But it needs to be recognized that our well-developed capacity for insouciance actually undermines our diplomatic effectiveness.

#### *Leverage our entire skills base*

Australia's policy development and implementation structures are fragmented and silo-ed. Turf warfare remains as characteristic of Australia's public administration – at all levels of government – as ever it was. Yet the dissipation of effort and the opportunity costs this generates constitutes a real brake on progress.

The long-term management of Australia's **membership** of the NPT is evidently a matter for the Minister for Foreign Affairs and his Department. But the long-term management of Australia's **interests** associated with the NPT impacts on the responsibilities of a number of Ministers and their Departments, particularly the Ministers for Defence, Trade, Industry, Technology and Resources, and Science, not to mention the Prime Minister. And the Prime Minister's Department, of course, has a critical coordination role in ensuring that Australia has all the bases covered.

In many respects, policy-making in Australia is a sectarian enterprise, where the various interest groups compete for position and represent views that are insular where they are not self-serving. With respect to the NPT and other treaties and conventions in the field of arms control, Australia will make its greatest contribution and derive the greatest advantage to the extent that it pursues approaches that are truly comprehensive, cohesive and coordinated.



In recent years, military commanders have given considerable emphasis to network-centric warfare to streamline the conduct of operations by leveraging the specific characteristics of military capabilities in situations for which the capability may not have been purpose-built. Network-centric approaches afford the commander greater flexibility in choosing the systems, weapons and weapons platforms best suited to delivering the desired military effect. Governments would be well served by adapting such approaches to the development of public policy. Network-centric approaches to policy development and policy implementation would provide much greater surety to Government that all angles had been taken into account, and that the resultant policy solution was the most appropriate to the circumstances. Where core national goals, whether national security, building social inclusion or growing social capital, impact across a range of portfolios, a systems approach to policy will always deliver the best outcomes.

### *Exploiting Other Connections*

Quite properly, Australia pursues a broad range of relationships and connections in the conduct of its national business. This is the job of Ministers and other members of the Executive, and in a globalised and networked world, Ministers need to travel widely and frequently to create and realise the opportunities available to Australia. But, as with the creation and conduct of policy, so, too, Ministerial business tends to be more narrowly focused on portfolio concerns. Domestically, that is how it should be. But internationally, much more could be done to project the idea of “team Australia”. In the spirit of Cabinet solidarity, it is important that Ministers capture every opportunity to advance Australia’s security and other interests. This means that Ministers need to be across the top half dozen or so core national objectives, of which nuclear non-proliferation and arms control is certainly one. As the next section of this submission will develop, the Parliament – especially Parliamentary delegations travelling overseas – can play an important role, too.

### *Broadening the Support Base*

While it is deeply concerning that a number of states, including states such as Pakistan that are facing crippling internal problems and the DPRK with its Stalinist leadership, remain outside the NPT, the NPT membership seems to totally unable to deal with the new nuclear weapons threat – the possession and use of such weapons by non-state actors, including terrorist groups. Yet this remains a substantial threat to the global community and one that the concert of nations needs to address as a mater of urgency.

This is, of course, a delicate diplomatic problem, since most states that confront armed insurgencies from nationalist and separatist groups are not prepared to do anything that might be seen as tantamount to according them a measure of legitimacy. Yet it is precisely those groups, especially those that are motivated by absolutist ideologies, that could seek to employ WMD, and that already employ anti-personnel devises such as IEDs and land mines that inflict

significantly more injury on the civilian population than on military forces. The international arms control and disarmament community needs to find a vehicle for dealing with such groups, a vehicle that would use a range of techniques to control and eliminate the threat.

Major international organisations like UNHCR, the ICRC and international aid organisations such as World Vision, Care, Caritas and Médecins sans Frontières are also well positioned to exert some influence on the various armed groups they deal with, even if the host state feels that it cannot. But the NGOs cannot be penalised for seeking to leaven the attitudes of insurgents and irredentists. And it is here that the successful democracies can exert particular influence by talking up the need to focus on results and outcomes – the securing of peace and stability – rather than concentrating simply on the legal sensitivities that inevitably colour the attitudes of the states confronting internal dissent.

Respected<sup>i</sup> international organisations such as the International Committee of the Red Cross (ICRC) already have well developed linkages with governments and international organisations. They participate in the review conferences that periodically examine the effectiveness of the major conventions. Those linkages could serve as a useful model for drawing in other organisations whose support could exert a strong influence on the more hardheaded non-state actors. The World Council of Churches, the Organisation of the Islamic Conference (which has over 50 Islamic member states), the OAU and any number of other organisations can be encouraged to declare their active support for the various arms control and disarmament conventions, and for the humanitarian principles that underpin them.

It is particularly important that international Islamic leaders become more part of the fabric of international non-proliferation and arms control activities. Unlike the Christian denominations, most of which have a recognised international spiritual leader, Islam is significantly more distributed, with the result that authority is local rather than centralised. Consequently, there is often no identifiable Islamic voice on matters of great moment, whether the subject is land mines, terrorism or human rights. And many Islamic spiritual leaders are diffident and unused to appearing on the international stage. Yet strong and widely representative Islamic condemnation of nuclear weapons, other weapons of mass destruction, and other means of inflicting massive and random injuries on innocent populations may go some way to dissipating the ideological absolutism of some of the Islamic fundamentalist groups.

In this regard, it may be a constructive initiative for Parliamentary Committees routinely to invite submissions from Australian Islamic groups, just as they do from other relevant organisations and well-placed individuals. On issues that are critical to Australia as a nation – social inclusion, equity, security, prosperity – Parliamentary Committees are in a unique position to create the broad national consensus that is the bedrock of national strength and resilience.

#### ***4. The Role of Inter-Parliamentary Action***

Whether it is called the *Alting*, the Congress or the *Cortes*, the Parliament is the clearing-house of democracy. As one of the oldest parliamentary democracies (though nearly a millennium later than Iceland!), Australia has a strong and active Parliament, the energies and skills of which are often under-employed. One of the best ways to encourage and support representative government in newly emerging democracies (Indonesia is a case in point) is through official exchanges between Speakers and other senior Parliamentary officials such as Chairs of Committees and Committee members. Yet Australia has been curiously reluctant to accord any profile to the role that Parliament might play in securing bipartisan national interests. There may be two reasons for this reluctance.

First, political parties (through the Whips) and the Executive have tended to dominate Parliament in the past half-century or so. This was nowhere more clear than in the pressure that the third Howard Government put on the Senate Legal and Constitutional Affairs Committee to hasten its consideration of the Second Anti-Terrorism Bill in November 2005. The Committee was given two weeks to deal with over 500 submissions. The Committee was unable to conduct more than the most cursory examinations of the Bill, and was unable to interview witnesses who wanted to speak in support of their submissions. The Bill became law with undue haste. As subsequent events relating to the Dr Haneef matter have suggested, aspects of the Second Anti-Terrorism Act may be unsafe. It is the role of the Parliament to scrutinize the actions of the Executive, and, for its part, the Executive is accountable to the Parliament, and ultimately to the people at the ballot box.

It is interesting to note that some part of the national conversation that is building around the proposed Bill of Rights has identified the argument for such a guarantee as a reflection on the decline of Parliament's ability to protect basic rights. This submission does not take a position one way or the other on the proposed Bill of Rights. But there may well be substance to the claim that a re-emphasis on the roles and responsibilities of the Parliament would render the need for judicial oversight of the protection of rights nugatory.

Second, MPs, and to a less extent Senators, do need to concentrate on those matters that affect their electorates. Except for those relatively few "safe" seats, this means that elected representatives necessarily devote a considerable part of their time to the issues raised with them by their constituents, leaving relatively little time for them to develop the expertise necessary to support a representative role internationally. Nonetheless, some Senators and Members do develop considerable subject-matter expertise as a result of their Committee duties, and it is a pity that such expertise is not deployed in support of those issues where there is generally bipartisan support for the Australian national negotiating position.

Some countries include members of their Parliaments on their delegations attending major negotiating conferences and review conferences. Such inclusion may actually be in the interests of the Executive, and would certainly signal the importance of the role Parliament exercises in Australia's national life.

The conduct of relations between Parliaments is usually left to participation in the International Parliamentary Union. That serves some purpose, though the pronouncements of the IPU are usually at the level of such generality that they have little real impact. Real benefit could be derived from the more targeted development of inter-Parliamentary relationships with specific Parliaments, whether for reasons of similarity, substance and congeniality (the Parliaments of New Zealand, the UK, Canada and the US come readily to mind) or for reasons of extending democratic influence and practice (for instance, the development of a relationship with the Parliaments of Indonesia and Iraq could be very significant).

With respect to the NPT and other arms control conventions and treaties, Committees such as the Joint Standing Committee on Foreign Affairs, Defence and Trade, the Joint Standing Committee on Treaties, the Senate Select Committee on Fuel and Energy, and the House of Representatives Standing Committee on Industry, Science and Innovation could play a creative role in complementing the international efforts of the Executive and the public service. The JCFADT in particular enjoys considerable status, and its engagement in the international evolution of policy could be of considerable national benefit.

Parliamentary Committees could also play a significant role by maintaining momentum in important initiatives proposed by a Government of the day, but which might wither as a consequence of a change of Government. Partisan politics should not kill a good idea, and it remains a pity that the Canberra Commission – albeit a late initiative of the Keating Government – was dumped. The Canberra Commission, with its prominent membership, put Australia back on the map as an influential arms control and disarmament player, and it was very much in the national interest that the Commission become a substantial and serious voice on international non-proliferation issues. A more robust approach to such issues by the Committees of the Parliament could serve as an important limit on the more partisan exercise of political power by incoming Governments when the decision to terminate a useful initiative is evidently not in the nation's political or security interests.

Parliament and its Committees are also able to operate more readily in the "parallel universe" of non-government organisations and interest groups than public service agencies are often comfortable with. Parliament and its Committees are, of course, able to listen to such bodies, and to bring their views into consideration as matters of major significance are being considered. This is the usual form of the relationship: in that proper sense, Parliament is able to represent their views. But Parliament is also able to provide its endorsement and support for such bodies in a way that the Executive and the public service agencies are less able to do.

## ***5. Committee and Parliamentary support for the International Commission on Nuclear Non-proliferation and Disarmament***

The establishment of the International Commission on Nuclear Non-proliferation and Disarmament is the most significant Australian initiative in the field of arms control and disarmament since the creation of the Canberra Commission, announced by former Foreign Minister Gareth Evans in early 1996. It is a pity that the term “Canberra” has been lost from the title of the new international commission. It is to be hoped that this body fares better than its predecessor.

It is important that the new commission not be seen as a gimmick, or as a sentimental return to some past structure that failed to thrive. Institutions such as the new commission are important complements to the UN organs in the field of arms control and disarmament, essentially because they are able to attract and deploy expertise and experience not always available through official channels. Moreover, since their memberships are selective rather than representative, they are often able to make progress when representative bodies are stalled by process, procedure or the bloody-mindedness of some of the members.

While it may not be clear how the Joint Standing Committee on Treaties, as distinct from the JCFADT, could be directly involved in the work of the new international commission, the Committee is evidently able to give its full in-principle support as a function of its treaties role with respect to the NPT. The Joint Standing Committee on Treaties is also in an excellent position to support broader Parliamentary involvement in the work of the new international commission. This could in fact be a distinguishing feature of the new international commission – linkages with the Australian Parliament and perhaps the Parliaments of other countries that might have their nationals as members of the commission.

As noted above, Parliamentary support for and participation in the new international commission may help to afford the new body greater durability and longevity than the Canberra Commission enjoyed. Australia needs to demonstrate that it has the “ticker” to follow-through on important international initiatives. Follow-through is important. To allow preferences in what might be termed “style” (e.g. a preference for bilateral diplomacy rather than multilateral diplomacy) to stifle ideas that are actually in the national interest is a high-cost self-indulgence. Australia is indeed fortunate that, on matters impacting significantly on the national interest or the national image, the Parliament is generally bipartisan. It is important that the same characteristic is demonstrated with respect to the new international commission, and the Joint Standing Committee on Treaties would appear to be in an excellent position to encourage that bipartisanship.

Canberra  
31 January 2009

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## Endnotes

<sup>1</sup> As a Foreign Affairs Officer, Allan Behm worked on nuclear safeguards agreements from 1976 to 1979, following the inquiry by Fox J. He also supported the Foreign Affairs inputs into the Integrated Nuclear Fuel Cycle Evaluation (INFCE) undertaken at that time. Subsequently, he was the deputy leader of the Australian delegation to the (then-) Committee on Disarmament, now the Conference on Disarmament, under Ambassador Lloyd Thompson and Sir James Plimsoll, and was a member of the Australian delegation to the second NPT Review Conference. He was senior Advisor (Defence) in the Department of the Prime Minister and Cabinet from 1980 to 1983, with responsibility for advising, *inter alia*, on nuclear policy issues. He was head of the Strategic Policy Branch in the Department of Defence from 1985 to 1990, and then head of the Department's International Policy Division from 1996 to 2000, again with responsibility for advising on nuclear and arms control issues as they affected strategy and national security. He is now a private practitioner advising on strategy, defence and security issues.

<sup>2</sup> Sir Ernest Satow, *A Guide to Diplomatic Practice* (London: Longmans, 4<sup>th</sup> edition, 1957), p. 1