

Submission to Joint Standing Committee on Treaties

Inquiry into Nuclear Non-Proliferation and

Disarmament

By

Social Policy Connections

February 2009

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Introduction

Social Policy Connections is an independent, ecumenical organisation, motivated and informed by Christian social thinking. Our purpose is to expand awareness of social justice issues in Australia and overseas, and to influence public policy for the benefit of all people, especially the most disadvantaged. SPC is not aligned with any political party. SPC was formed in 2007 and our immediate email and mail network consists of over 300 people (though our email is forwarded to several thousand others via social justice networks).. Further information on SPC is on our website <http://www.socialpolicyconnections.com.au/> .

General Statement

Social Policy Connections (SPC) cannot lay claim to specific NPT expertise. However we believe the following is relevant from an ethical, strategic and negotiating viewpoint.

SPC believes nuclear non-proliferation and disarmament are critical global social aims. The consequences of failure to achieve this are simply too horrific. SPC therefore strongly supports the Committee and the Government and their work in the lead up to the renegotiation of the NPT in 2010, both directly and through bodies such as the International Commission. We are concerned that momentum on this critical issue was lost for much of the last decade.

While the work will involve difficult and patient diplomacy over the long term, the end goal justifies the efforts involved.

Australia is not a nuclear power (except to the extent of our large uranium reserves and the consequent export of yellowcake for peaceful purposes). But in negotiations this may be an advantage. Australia can play a role of a non-threatening broker – a middle power with good relations with nearly all involved. As such, we may be able to help to broker outcomes, to offer suggestions, to facilitate, and to carry messages on a bona fide basis on occasion between the parties.

The need for sustained communication was brought out on a recent television program¹ which claimed that because of the mindset in key parts of the then Kremlin, key

¹ 1983: *The Brink of Apocalypse*, shown on ABC1 on 2 February, revealed how Soviet fears of an imminent nuclear attack by the US on November 8, 1983, pushed the world to the brink of war, and how the efforts of double agents on both sides managed to defuse the crisis.

personnel there misinterpreted actions in the West and the world went perilously close to nuclear war. This mindset was not understood in the West at the time. Therefore we support keeping the communication lines open with all relevant parties.

There are a number of treaties to achieve relevant goals, but overall we see the key goals as:-

- Nuclear disarmament, probably by an equivalent stepwise process downwards by all of the relevant players, to the point of total nuclear disarmament
- Prevention of growth of the nuclear club, and in particular preventing the potential of nuclear weapons falling into the hands of terrorists
- Making treaties more effective for these purposes through for example the elimination of loopholes
- Ensuring there is an effective verification program.² Without these the treaties and initiatives have little value and there is no trust
- Ensuring that appropriate sanctions can be set up to punish transgressors
- Continued dialogue is the key modus operandi to achieve these targets
- Establishment of a treaty to prevent the production of fissile material for weapons purposes.

The Treaties

(a) The Non-Proliferation Treaty (NPT)

We expect the NPT to continue to be the central treaty. There are three key aims, although none will be easily achieved:-

- Israel, India and Pakistan to become signatories
- Effective action regarding states such as North Korea and Iran
- The absolute necessity of keeping nuclear weapons away from terrorist organizations.

With regard to Iran and North Korea, Gareth Evans said in October 2008³: *“both of them demonstrate... just how close you can get to actual weaponisation while sheltering under the formal legal provisions of the Non-proliferation Treaty.”* We also understand that India and Pakistan do not fall within the definition in the Treaty of nuclear weapon states. This points to serious weaknesses in the NPT which need resolution. The DFAT website briefing papers note that the International Atomic Energy Agency (IAEA) has “repeatedly confirmed it is unable to verify whether Iran’s nuclear activities are exclusively peaceful”. The website further notes there have been four Security Council Resolutions against Iran. Despite this, Iran’s nuclear intentions remain a serious issue of concern. Elsewhere, it has been noted that *“As George Perkovich and Henry Sokolski*

² It is a sad irony that Saddam Hussein refused to allow UN weapons inspectors to verify that he had no weapons of Mass destruction. By doing this, he only added to the mistaken belief that he had them, and this triggered the Iraq War. Time showed he did not have them. As far as possible we need diplomatic systems in place which discourage this irrational behaviour.

³ International Commission Press Conference, 21 October 2008

have written ‘a state could be fully compliant with the NPT so long as it declared all of its nuclear activities and avoided taking the final step’ which could be as little as weeks to make a bomb”.⁴

These examples point to serious weaknesses in the Treaty.

Both points referred to above - bringing non-signatories into the treaties, and making the treaties more effective - are critical in preventing terrorists acquiring nuclear weapons.

On the basis of Gareth Evans’ comments, and noting the brevity of the Treaty, significant tightening of the text is needed. It is also essential that both effective and credible verification procedures, and a strong sanctions regime be in place.

(b) The Comprehensive Nuclear Test Ban Treaty (CTBT)

The DFAT website briefing notes: *“The CTBT makes a key contribution to both non-proliferation and disarmament. It serves as a practical step toward nuclear disarmament and as an effective non-proliferation measure by limiting the technological development of nuclear weapons.”*

We strongly support the thrust. However we note that nine countries of the 44 listed in Annex II have yet to sign the Treaty, and it is implied that because of this the Treaty has not yet come into effect. The nine non-signatories include USA, Russia, India, Pakistan, North Korea and Israel.

(c) The Strategic Offensive Reduction Treaty

The Strategic Offensive Reduction Treaty (signed in May 2002) commits the United States and Russia to reduce deployed strategic nuclear warheads by nearly two thirds to a level of between 1,700 and 2,200 by December 31 2012.

There appears to have been little activity to take this further. Given that 2012 is only three years away, it seems timely to seek to resurrect talks to take this further. Appropriate action could be for continued equivalent steps down on a like-for-like basis, with the ultimate aim of nuclear disarmament.

As the Canberra Commission notes, this could be extended to other nuclear powers to reduce their arsenals also.

(d) A Fissile Material Cut-off Treaty - FMCT

⁴ Quoted from *Nuclear Power - Cure or Curse?*, a Discussion Paper (p 22) by Luke K Vaughan, 2006, a project commissioned by Catholic Social Services Victoria and the Melbourne Catholic Commission for Justice, Development and Peace, and originally from Henry Sokolski and George Perkovich, ‘It’s called non proliferation’, Wall Street Journal (Eastern Edition), New York, 29 April 2005, p16.

The DFAT/ASNO web briefing notes that fissile material (highly enriched uranium and plutonium) is the central component to the manufacture of nuclear weapons. Whilst there has as yet been no agreement on a negotiating framework within the United Nations Conference on Disarmament, an FMCT would contribute to the environment of confidence necessary for further progress on nuclear disarmament.

This was also advocated by the Canberra Commission.

We support this.

Conclusion

As an ecumenical organisation concerned with these profound global issues, we strongly support Australia – directly and through organizations such as the International Commission – giving momentum to these issues and taking a strong and active diplomatic role.

SPC draws inspiration from the social traditions and activism of the churches, and we attach a summary by Dr Bruce Duncan CSsR of the consistent and principled advocacy by the Catholic Church in particular in support of nuclear non-proliferation and disarmament

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SPC expresses its thanks to Michael Leunig for permission to include this cartoon.

**Addendum to the submission by Social Policy Connections on 20 February 2009 to
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Inquiry into Nuclear Non-Proliferation and Disarmament**

**ADVOCACY BY THE CHURCHES
FOR NUCLEAR NON-PROLIFERATION AND DISARMAMENT**

By Bruce Duncan*

The churches have strongly opposed possession of nuclear weapons for decades, especially on the grounds that use of such weapons violates the just war conditions of proportionality and non-combatant immunity. Such indiscriminate weapons would result in massive killing of innocent people and vast destruction.

Among the many Anglican and Protestant church statements against nuclear weapons, the Sixth Assembly of the World Council of Churches in 1983 stated: 'We believe that that the time has come when the churches must unequivocally declare that the production and deployment as well as the use of nuclear weapons are a crime against humanity and that such activities must be condemned on ethical and theological grounds. Furthermore, we appeal for the institution of a universal covenant to this effect so that nuclear weapons and warfare are delegitimized and condemned as violations of international law.'⁵ In the United States, the National Council of Churches, representing 140,000 Protestant congregations, along with Pax Christi, in 2004 declared nuclear weapons 'inherently immoral'.⁶

US Catholic bishops

The Catholic Church has also firmly opposed the use of nuclear weapons and their proliferation, most importantly the Holy See itself with its specialised agencies, and the US Catholic bishops who have played a significant role in defence policy in the United States.

In their land-mark 1983 document, *The Challenge of Peace: God's Promise and our Response*, the US bishops endorsed the Second Vatican Council's statement: 'The arms race is one of the greatest curses on the human race, an act of aggression against the poor and a folly which does not provide the security it promises' (from *The Church in the Modern World*, #81).

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⁵ 'Interfaith questionnaire on Elimination of Nuclear Weapons: US presidential candidates' responses', in *Disarmament Diplomacy*, 50 (September 2000), at www.acronym.org.uk/dd/dd50/50views.htm.

⁶ Jim Lobe, 'Nuclear Weapons "immoral", say religious, scientific leaders', at www.wagingpeace.org/articles.

The Challenge of Peace denied that nuclear weapons could ever be justly used, but did not condemn outright the policy of nuclear deterrence. However, the US bishops gave it a 'strictly conditioned moral acceptance' of, being prepared to tolerate nuclear deterrence only for a short time to deter aggression until the nation could move toward 'progressive disarmament'. In their 1993 statement, *The Harvest of Justice is sown in Peace*, the Catholic bishops demanded concrete policies moving to nuclear disarmament.⁷

In mid-2008, representatives of the Catholic bishops' conference strongly support the US House of Representatives' Global Security Priorities Act to move to reduce and dismantle nuclear weapons, secure nuclear materials from terrorist threats, and ultimately to eliminate such weapons altogether.⁸

The advent of the new US administration under President Barack Obama promises to set a new direction in US policy on nuclear issues and disarmament, and opens the possibility of making much greater progress towards reducing and eventually eliminating nuclear weapons. It is vital that world leaders of this new moment to consolidate disarmament treaties and measures.

Current alarm

The churches have very grave reasons to be agitated about the nuclear threats. Many people would be shocked to realise how dangerous still is the proliferation of nuclear weapons, with increasing concern arising from the risks of accident, miscalculation or terrorism. Public unrest about the possibility of nuclear war abated with the end of the Cold War 20 years ago. But the threat of a nuclear catastrophe remains very real, not least from terrorism.

On behalf of the Weapons of Mass Destruction Commission, sponsored by Sweden, the former head of the International Atomic Energy Agency, Hans Blix, presented a report to the UN Secretary General in June 2006, *Weapons of terror: freeing the world of nuclear, biological and chemical arms*. He argued that some non-nuclear states feel threatened and argue their security, or status, demands they too acquire such weapons. 'As long as someone possesses nuclear weapons, others will want them. And as long as any such weapons remain, the risk that they will be used, by accident or by design, will be present.'

Blix lamented that a decade had been lost in the effort to reduce the risks from nuclear weapons, and he strongly opposed modernising existing nuclear arsenals and the development of missile 'shields'. 'The global process of arms control and disarmament has stagnated and needs to be revived and pursued in parallel with efforts to prevent the spread of weapons of mass destruction to more states and to terrorist movements.' Blix argued that nuclear weapon states 'should commit themselves categorically to a policy of

⁷ 'A Pax Christi USA sign-on statement on the 25th anniversary of *The Challenge of Peace*', 18 March 2008.

⁸ Bishop Thomas G Wenski, Chairman, Committee on International Justice and Peace of the US Conference of Catholic Bishops, to Hon Howard Berman, chairman of the Foreign Affairs Committee, US House of Representatives, 11 July 2008.

no first use, and the United States and Russia should reciprocally take their nuclear weapons off hair-trigger alert... Russian nuclear weapons should be withdrawn from forward deployment to central storage, and all US nuclear weapons should be withdrawn to American territory'. In addition, 'The production of highly enriched uranium should be phased out.'⁹ Gareth Evans was one of the 14 members of this Commission.

Writing in the *Wall Street Journal* in January 2008, many leading US policy experts supported an article by George Shultz, William Perry, Henry Kissinger and Sam Nunn warning that the world was nearing a 'tipping point' because of the danger from nuclear weapons; 'deterrence is decreasingly effective and increasingly hazardous'.

They called for

- reductions in the numbers of nuclear weapons;
- taking deployed nuclear weapons off hair-trigger alert by increasing warning and decision times before launching nuclear weapons;
- discarding existing plans for massive attacks;
- developing cooperative multilateral ballistic missile defence and early warning systems;
- intensifying security for existing nuclear materials everywhere;
- strengthening the monitoring of the nuclear Non-Proliferation Treaty;
- adopting a process to bring the Comprehensive Test Ban Treaty into effect;
- and managing strictly the nuclear fuel cycle to prevent materials falling into the wrong hands.¹⁰

Despite strenuous efforts by many, little progress has been made towards nuclear disarmament in recent years. The Nuclear Non-Proliferation Treaty opened for signatures in July 1968, when there were nearly 39,000 nuclear weapons. By 1986, the number had reached 70,481 nuclear weapons. It has since dropped to about 26,000 weapons, over 95 per cent in the USA or Russia.

In 2002, George Bush and Vladimir Putin signed the Moscow treaty, agreeing to cut deployed nuclear warheads to between 1700 and 2200 weapons by 2012. But there were no agreed verification procedures put in place, and any number of weapons could be stored – they were not currently deployed – and could be quickly brought back into service.¹¹

The original five states with nuclear arms were the United States, the Soviet Union, United Kingdom, France and China. North Korea withdrew from the Treaty and exploded a nuclear device in 2006. Three other countries did not sign the Non-Proliferation Treaty and later developed nuclear weapons: Israel, India in 1998 and then Pakistan. Four

⁹ Hans Blix, 'Weapons of Terror: the Report of the WMD Commission one year on', in *Disarmament Diplomacy*, 85 (Summer 2007), at www.acronym.org.uk/dd/dd85/85blix.htm.

¹⁰ George Shultz, William Perry, Henry Kissinger and Sam Nunn, 'Toward a nuclear-free world', *Wall Street Journal*, 15 January 2008, www.wagingpeace.org/articles.

¹¹ 'The long, long half-life', *The Economist*, 8 June 2006.

countries have eliminated or removed their nuclear weapons: South Africa, Belarus, Ukraine and Kazakhstan.

Those that signed the Non-Proliferation Treaty committed to finding effective ways to end the arms race ‘at an early date and to nuclear disarmament... under strict and effective international control.’ But the nuclear powers have been very slow to relinquish their nuclear weapons. The United States voted against all 15 disarmament measures put before the 2007 UN General Assembly.¹²

The US under the Bush regime as well as China failed to ratify the Comprehensive Test-Ban Treaty, though all five major nuclear powers had signed it. The USA did support a treaty to cease production of fissile material for making bombs, but without an international verification system. Instead, America began to modernise its nuclear arsenal, including nuclear ‘bunker-busters’ that could penetrate deep underground, and more versatile Reliable Replacement Warheads. This program, entitled Complex Transformation, will cost \$150 billion, including developing a ‘global strike’ capability, able to hit any target on earth.¹³

As various experts warned, the risks from proliferation of nuclear weapons and materials was growing alarmingly.

The Holy See’s moral evaluation

Indicative of the role the churches are playing in helping mobilise public opinion to curtail nuclear proliferation is the advocacy of the Holy See and its agencies. The Holy See had signed the Nuclear Non-Proliferation Treaty in February 1971, and consistently argued its moral position against nuclear weapons, especially through its representatives in UN forums.

The Holy See’s permanent representative at the UN, Archbishop Renato Martino, articulated the growing concern of Church leaders when he told the UN Disarmament Committee in October 1997:

Nuclear Weapons are incompatible with the peace we seek for the 21st century. They cannot be justified. They deserve condemnation. The preservation of the Non-Proliferation Treaty demands an unequivocal commitment to their abolition. This is a moral challenge, a legal challenge and a political challenge.

By 2005 the Non-Proliferation Treaty had been signed by 188 states-parties, but despite many meetings, progress had become stalled, despite all parties in 2000 giving an

¹² David Krieger, ‘The Non-Proliferation Treaty turns forty’, 2 July 2008, at www.wagingpeace.org/articles.

¹³ See ‘A Pax Christi- sign-on statement’.

‘unequivocal undertaking’ to eliminate nuclear weapons through a program of 13 Practical Steps.¹⁴

Speaking to the 7th Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in May 2005, Archbishop Celestino Migliore said:

When the Holy See expressed its limited acceptance of nuclear deterrence during the Cold War, it was with the clearly stated condition that deterrence was only a step on the way towards progressive nuclear disarmament. The Holy See has never countenanced nuclear deterrence as a permanent measure, nor does it today when it is evident that nuclear deterrence drives the development of ever newer nuclear arms, thus preventing genuine nuclear disarmament.¹⁵

Later in September 2005, Archbishop Migliore lamented the failure of the Non-Proliferation Treaty Review Conference, expressing concern that ‘nuclear weapons are becoming a permanent feature of some military doctrines’.

Nuclear deterrence... becomes more and more untenable even if it were in the name of collective security. Indeed, it is threatening the existence of peoples in several parts of the world and it may end up being used as a convenient pretext in building up nuclear capacity.¹⁶

In October, Migliore again regretted that the May Non-Proliferation Treaty Review Conference ‘ended without a single substantive decision’, while world military spending had increased about 20 per cent in two years. Small arms also were killing ‘at least 500,000 people’ a year, and UN conferences had still not produced legally binding agreements on small arms transfers.¹⁷

Scotland’s Catholic bishops in April 2006 applied these moral evaluations to their own nation and called for Britain to scrap its Trident nuclear missiles, saying that it was immoral to use such weapons, and expressing strong moral reservations about even storing them. Their position was endorsed by Cardinal Martino, head of the Pontifical Council for Justice and Peace.¹⁸

The Holy See continued to press vigorously for world disarmament. Its representative at the UN Industrial Development Organisation in May 2007 affirmed that the Nuclear Non-Proliferation Treaty furnished ‘the legal basis not only for international verification

¹⁴ Archbishop Migliore to 7th Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in Zenit, 5 May 2005. ZE05050520.

¹⁵ Archbishop Migliore to 7th Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in Zenit, 5 May 2005. ZE05050520.

¹⁶ Archbishop Migliore at UN, Conference on ‘Facilitating the entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT)’, 22 September 2005.

¹⁷ Archbishop Celestino Migliore, to the First Commission of the UN General Assembly, 3 October 2005, in ‘Holy See’s statement to UN on Disarmament’, Zenit, 14 October 2005.

¹⁸ ‘Martino backs Scottish bishops over UK missile stance’, *CathNews*, 6 September 2006.

on nuclear material, under the auspices of the International Atomic Energy Agency, but also for the elimination of nuclear weapons.’¹⁹ The Holy See also called for the ‘total prohibition’ of cluster bombs, stockpiles of which are held by about 70 countries.²⁰

Pope Benedict’s support

Pope Benedict XVI followed closely in the steps of Pope John Paul II in his advocacy for nuclear disarmament. In his first World Day of Peace Statement in January 2006, Pope Benedict noted ‘with dismay the evidence of a continuing growth in military expenditures and the flourishing arms trade, while the political and juridical process established by the international community for promoting disarmament is bogged down in general indifference.’ He insisted that all governments ‘strive for a progressive and concerted nuclear disarmament’, releasing resources that could benefit the poor in developing countries. Benedict said that ‘International humanitarian law ought to be considered as one of the finest and most effective expressions of the intrinsic demands of the truth of peace.’²¹

In his World Day of Peace Statement for 1 January 2007, Pope Benedict was disturbed that more states sought to acquire nuclear weapons, heightening ‘fear of a possible atomic catastrophe’. He reiterated the declaration at the Second Vatican Council that ‘every act of war directed to the indiscriminate destruction of whole cities or vast areas with their inhabitants is a crime against God and humanity, which merits firm and unequivocal conditions’. Benedict strongly supported not only international agreements for nuclear non-proliferation, but their ‘reduction and definitive dismantling.’²²

On the 50th anniversary of the coming into force of the statute of the IAEA in July 2007, Pope Benedict said:

At the difficult crossroads at which humanity finds itself, the epochal changes which have occurred over the past 50 years demonstrate how ever-relevant and urgent is the commitment to encourage non-proliferation of nuclear weapons, promote progressive and agreed nuclear disarmament, and support the use of peaceful and safe nuclear technology for genuine development, which is respectful of the environment and ever attentive to the most disadvantaged peoples’.²³

Vatican representatives continued to agitate in international forums for action to contain the nuclear threat. Speaking at the Fifth Conference on Facilitating the Entry into Force of the Comprehensive Nuclear Test Ban Treaty in September 2007, Mgr Michael Banach said: ‘Given the risks caused by nuclear tests and weapons, the time has come for a

¹⁹ Monsignor Michael Banach, Holy See’s permanent observer at the UN Industrial Development Organization, in *Zenit*, 18 May 2007, ZE07051806.

²⁰ Archbishop Silvano Tomasi, Holy See’s permanent observer to the UN offices in Geneva, address to parties to the Convention on Certain Conventional Weapons, 26 June 2007.

²¹ Pope Benedict XVI, ‘In Truth, Peace’, World Day of Peace message, 1 January 2006.

²² Pope Benedict XVI, ‘The human person, the heart of peace’ World Day of Peace Statement, 1 January 2007, #15.

²³ Pope Benedict, Angelus, 29 July 2007.

decisive option on the part of the international community for “a culture of life and peace” and for significant nuclear disarmament.’²⁴

In October 2007, Archbishop Migliore reiterated the Holy See’s support for the IAEA, opposed the modernising of nuclear weapons, and said that the ‘nuclear weapons states have a particular responsibility to lead the way to a nuclear weapons-free world.’ He continued that the ‘Holy See has said many times... that nuclear weapons contravene every aspect of humanitarian law’, being able to ‘destroy life on the planet... They must be done away with.’²⁵

Pope Benedict in April 2008 again appealed to states ‘to reduce their military expenditure on weapons and to consider seriously the idea of creating a world fund to finance projects for the peaceful development of peoples.’

‘Today, even more urgently than in the past, the International community is required to make a decisive option for peace... States are called in particular to renew their commitment to respect the international treaties in force on disarmament and the control of all types of weapons, as well as the ratification and consequent entry into force of the instruments already adopted, such as the Comprehensive Nuclear-Test-Ban Treaty, and to the success of negotiations currently underway, such as those on banning cluster bombs, the trade in conventional weapons or fissionable material’, and curtailing the spread of small calibre weapons.

Total war, from being a terrible prediction, risks turning into a tragic reality. Yet war is never inevitable and peace is always possible. .. The time has come to change the course of history, to recover trust, to cultivate dialogue, to nourish solidarity.²⁶

Conclusion

This brief overview indicates that the churches have significant historical and moral resources to draw from in helping consolidate public opinion more broadly in support of efforts to prevent the proliferation of nuclear weapons, and to set clear processes and timetables to eradicate them entirely. However, the churches will need to inform their own congregations more fully about the moral implications arising from the threats the world now faces, and help mobilise public support in support of nuclear disarmament.

²⁴ Mgr Michael Banach, permanent observer of the Holy See to the UN Industrial Development Organization, in Zenit, 5 October 2007.

²⁵ Archbishop Migliore, ‘Nuclear weapons contravene every aspect of humanitarian law’, Zenit, 17 October 2007.

²⁶ Pope Benedict, Message to Cardinal Renato Martino, president of the Pontifical Council for Justice and Peace, 10 April 2008, in Zenit, 7 May 2008. ZE08050702.