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Reinforcing the NPT

CHRIS HAMER*

Former Prime Minister Kevin Rudd reaffirmed Australia's commitment to realising a world free from nuclear weapons. Arguments are presented here that this aim cannot be achieved until the framework of international law and international governance has been substantially strengthened. A more productive aim at the present time would be to fortify the Non-Proliferation Treaty with a 'no first use' declaration by the nuclear-weapon states, so that the non-nuclear-weapon states can rest secure in the knowledge that nuclear weapons will not actually be used again, pending the day when they can safely be discarded entirely.

Keywords: international governance; no first use; non-proliferation; nuclear arms

Recent events have focused attention once again on the Non-Proliferation Treaty (NPT), the centrepiece of the nuclear arms control regime. The former Prime Minister, Kevin Rudd, declared in Kyoto in 2008 that under his new government Australia was 'fully committed to realising a world free from nuclear weapons'. He announced the formation of a new International Commission on Nuclear Non-Proliferation and Disarmament, to be co-chaired by the former Australian Foreign Minister Gareth Evans and the former Japanese Foreign Minister Yoriko Kawaguchi (Rudd 2008). The Commission would be a successor to the Canberra Commission on the Elimination of Nuclear Weapons and the Tokyo Forum for Nuclear Non-Proliferation and Disarmament, which were set up in the 1990s. Its purpose was to develop a possible plan of action for the future and pave the way for the NPT Review Conference in 2010.

An influential article in the *Wall Street Journal* by the prestigious group of George Shultz, William Perry, Henry Kissinger and Sam Nunn attracted a great deal of attention in 2007, reasserting the vision of a world free of nuclear weapons. They called for a major new effort in concrete stages, such as taking deployed nuclear weapons off high alert, the elimination of all short-range nuclear weapons, ratification of the Comprehensive Test-Ban Treaty and

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halting the production of fissile material for weapons (Shultz *et al.* 2007). The British Foreign Secretary, David Miliband, produced a paper entitled 'Lifting the nuclear shadow' with very similar proposals in 2009 (*The Times* 2009).

Finally, President Obama announced in a major speech in Prague that America would commit itself to seek a world without nuclear weapons and would pursue the concrete steps recommended by Shultz *et al.* (Obama 2009). He undertook new talks with Russia to slash their nuclear arsenals down to 1550 nuclear warheads each, in the New START Treaty, successor to the 1991 START Treaty which expired in November 2009.

He also promised to review the National Missile Defense program of the Bush administration, fiercely opposed by Moscow, and eventually dropped proposals to emplace interceptor missiles in Poland and radar stations in the Czech Republic. He views the reduction of arms by the USA and Russia as critical in order to persuade countries such as Iran not to develop their own nuclear weapons, and thus to preserve the NPT.

Current status of the NPT

The NPT has been under a great deal of strain in recent years. Besides India and Israel, which have long been known to possess a nuclear capability, two new nuclear-armed states have emerged, Pakistan in 1998 and North Korea in 2006, and there is strong suspicion that Iran is working towards the acquisition of nuclear weapons. The pre-emptive strike by Israel in September 2007 on a facility in northern Syria indicates that that country may also have been harbouring nuclear ambitions. The examples of North Korea and Iran are particularly dangerous, in that both countries had previously ratified the NPT as non-nuclear-weapon states (NNWS). North Korea formally withdrew from the Treaty altogether in 2003 and Iran has refused the inspection regime of the IAEA regarding some of its facilities. If these countries were freely allowed to flout the treaty, it could lead to a breakdown of the entire arms control regime. For that reason, the USA and others have been putting extraordinarily heavy diplomatic pressure on both countries to give up their nuclear weapon programs.

It appeared at one time that this pressure might have succeeded in the case of North Korea, when they agreed to disable their nuclear weapon facilities in return for nuclear reactor technology and other substantial benefits, but these promises have never been fulfilled. The North Koreans conducted a second nuclear test explosion in April 2009 (*Guardian* 2009) and have continued to develop their ballistic missile program, including the new Taepodong-2 missile, capable of reaching Alaska and possibly the West Coast of the United States (*Los Angeles Times* 2009; *Sydney Morning Herald* 2009b).

In the case of Iran, the situation is still unclear. They have embarked on an independent nuclear enrichment program, leading to suspicions that they may be aiming to produce their own nuclear weapons. They have also recently lofted

a satellite into orbit, to demonstrate their missile capabilities (*Sydney Morning Herald* 2009a). The UN Security Council called on Iran to suspend its nuclear enrichment activities in 2006 and, when Iran refused to do so, imposed sanctions against the country. Mohamed El-Baradei, Director-General of the International Atomic Energy Agency (IAEA), has stated that the agency, while ‘unable to resolve outstanding issues of concern’, has not seen ‘any diversion of nuclear materials ... nor the capacity to produce weapons usable materials’ (IAEA 2007). Nevertheless, concern remains strong. An attempt has been made to sabotage the enrichment program using the ‘Stuxnet’ computer virus, allegedly by the Israeli security agency Mossad. Rumours persist that either Israel or the USA might consider a pre-emptive strike on the Iranian nuclear enrichment facilities at Natanz and elsewhere. This could have disastrous consequences and ignite a third front in the so-called ‘war on terror’, which would surely be to no one’s advantage. The Europeans have been busily trying to calm the situation and settle the issue by negotiation.

The bargain that cannot be fulfilled

Another major issue has been that the nuclear-weapon states (NWS) have made a bargain that they cannot fulfil in the NPT. In return for the pledge by the NNWS that they would not seek to acquire nuclear weapons, the nuclear-weapon states pledged in Article VI of the Treaty that they would ‘pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control’. Since that time, the Cold War has ended and the USA and Russia have been ‘building down’ their arsenals under the INF, START, SORT and New START Treaties towards a level of some 1550 deployed nuclear warheads each. There is no prospect at the present time, however, that they will achieve complete nuclear disarmament as the treaty requires, let alone general and complete disarmament. This last was, in fact, little more than a popular catchphrase used by Nikita Khrushchev in the 1960s.

The nuclear weapon states find themselves caught in a classic dilemma. In each case, if the government were to give up its nuclear weapons entirely, it would be seen as gambling the security of the nation—its core responsibility—upon the good faith of its rivals and/or enemies among the other great powers. From a realistic standpoint, they simply cannot do it. Nuclear warheads are the most powerful and fearsome weapons in their arsenal; they will feel obliged to maintain at least a ‘minimal deterrent’ (in other words, a nuclear force sufficient to inflict unacceptable damage upon any aggressor) against the possibility of some sort of threat or nuclear blackmail from outside. Thus none of the established nuclear states have given any sign of forgoing their independent

deterrents. In 2010, there were still more than 8000 operational nuclear weapons in existence (Arms Control Association 2010).

All five NWS were deploying new nuclear weapons or had announced their intentions to do so in 2007 (SIPRI 2008). The British Parliament in March 2007 approved in principle the expenditure of £15–20 billion on updating their Trident missile forces (BBC News 2007) while simultaneously reducing the missile submarine fleet from four to three, and David Miliband rejected calls that Britain should lead the way to nuclear disarmament by scrapping Trident (*The Times* 2009). Heavy budget pressure has since delayed plans for the upgrade, however, and there have even been calls for Britain and France to amalgamate their deterrents to save money. President Sarkozy has announced that France will reduce its outdated plane-based nuclear arsenal by a third, but insisted that nuclear deterrence remained a ‘life insurance’ in the face of new threats (*Daily Telegraph* 2008). The French nuclear submarine forces are in fact even larger than Britain’s. China was deploying a new generation of submarine-launched ballistic missiles, the JL-2 series, in 2008–10. The Chinese warheads are fewer but much more powerful than those of the other NWS (Kristensen, Norris and McKinzie 2006). The USA and Russia have until recently been building down their enormous arsenals left over from the Cold War, but Russia began rattling its nuclear sabre once more against US plans to establish National Missile Defense sites in Poland and the Czech Republic. In June 2007 it was reported that Russia had tested a new missile ‘able to break the US shield’ (*Daily Telegraph* 2007). Meanwhile, the Bush administration in the USA had been trying to get approval for a new generation of ‘Reliable Replacement Warheads’, although this proposal was eventually defeated in Congress. US military planners still emphasise the need to be able to ‘fight’ and ‘win’ a nuclear war and to preempt or respond to the use of chemical or biological weapons. According to the 2010 *Nuclear Posture Review* (USDS 2010), the USA will maintain a credible nuclear deterrent for the foreseeable future, albeit at reduced force levels, and the National Nuclear Security Administration has drawn up plans for maintaining the deterrent through the year 2030 (NNSA 2008).

India has charged, with reason, that the NWS have given no timetable for complete nuclear disarmament, and have therefore not fulfilled their side of the bargain in the NPT. In forgoing the possibility of themselves acquiring nuclear weapons, the NNWS were entitled to expect that the threat to them represented by the nuclear weapons of the NWS should over time be removed entirely, but this has not happened. Arguably, this dilemma was at the root of the failure of the 2005 NPT Review Conference, where the participants could not even agree on a final communiqué (Hanson 2005). Michael Wesley has even suggested that the NPT should be scrapped, and replaced with a more realistic regime (Wesley 2005).

Some limited progress was made at the 2010 NPT Review Conference (Choubey 2010), where almost 190 participating countries agreed to a final document calling for talks on eliminating nuclear weapons in the Middle East

and supporting the restarting of the Conference on Disarmament in Geneva. The NWS committed to accelerated progress on disarmament, but certainly did not agree to any timetable for negotiating a nuclear weapons convention which would eliminate these weapons entirely.

Requirements for complete nuclear disarmament

Disarmament of any sort, whether nuclear or conventional, is not a process that can be undertaken in isolation. It can only take place as a consequence of, or in tandem with, other processes leading to an improvement in the security environment. The nuclear weapon states will only be able to give up their nuclear weapons, the ultimate deterrent, when they feel it is safe to do so—or, in other words, when it can be guaranteed that international disputes can be settled without recourse to (nuclear) weapons. But this is, unfortunately, an enormous requirement. Ultimately, after all forms of conciliation and mediation have been tried, the peaceful settlement of international disputes can only be guaranteed under some form of arbitration, based upon an effective system of binding international law. The laws themselves would have to be laid down by some more effective system of international governance or global parliament. This is an old argument, which was bluntly summarised in the early days of the nuclear age by Albert Einstein: ‘In my opinion, the only salvation for civilization and the human race lies in the creation of a world government, with security of nations founded upon law’ (Nathan and Nordern 1968). The general principle had been recognised much earlier, by all the major liberal philosophers from Jean-Jacques Rousseau through to Bertrand Russell, and was nicely stated in an essay by William Penn in 1692: ‘Peace is maintained by Justice, which is a Fruit of Government, as Government is from Society, and Society from Consent’ (Penn 1692). Somewhat more recently, the noted nuclear strategist Thomas C. Schelling pointed out that an international military authority, which would be necessary to maintain stability and keep the peace in a disarmed world, ‘implies (or is) some form of world government’ (Schelling 1966).

Thus complete nuclear disarmament is unlikely to be achieved until we have a more effective system of international law and international governance in place, a process which is likely to take many decades. Progress in this direction has been glacially slow since World War II, hindered first by the Cold War and then by the ‘war on terror’ and other factors. Meanwhile, however, the emergence of the European Union has given us an example of what might be done. The gradual evolution of the EU has been going on for 60 years and is still proceeding. The Europeans have still not formed a unified political community or defence community, but already the degree of integration, and the framework of governance and law within Europe, are such that one can predict with reasonable confidence that there will never again be organised warfare between the nations of western Europe (at least). Looking back to the struggles of World

War II, this is a remarkable achievement to the credit of Jean Monnet and his fellow designers of the European experiment. Now we need to find a way to emulate this process in the global arena.

Unfortunately, nobody has yet found the right way to carry out this emulation, despite the best efforts of the UN. The cultural and political chasms between nations and civilisations in the global system are obviously much deeper than within Europe, as discussed by Samuel Huntington (1996). The process of integration between them will take a very long time—although the emergence of new and urgent global problems which also demand better global governance, such as climate change, may accelerate the process. What we need, therefore, is to reinforce the non-proliferation regime in the meantime, by striking a new bargain between the NWS and the NNWS, which all parties can live with more or less comfortably until the conditions are eventually fulfilled whereby nuclear weapons can be eliminated entirely.

An interim bargain—no first use

What should be the terms of such a bargain? The NNWS should pledge not to acquire or seek to acquire nuclear weapons, as at present, but in return they are entitled to demand that the NWS should pledge not to use, or threaten to use, such weapons against them. Any remaining nuclear arms should be maintained solely as a deterrent.

Thus the terms of a supplementary ‘NPT II’ Treaty or Convention should include the following. In the preamble, it should be recognised that:

- First, ‘A nuclear war cannot be won, and must never be fought.’ Nuclear weapons pose an unacceptable threat to mankind and the environment, and must never again be used in warfare. Consequently, the only acceptable function of nuclear weapons is to act as a deterrent against their use by others;
- Second, we look forward to a future time when it will be possible to eliminate nuclear weapons entirely, once the framework of international law and international governance has been strengthened sufficiently to guarantee each nation’s security without such weapons.

Then under the terms of the treaty itself:

- The NNWS should promise not to acquire, or seek to acquire nuclear weapons, as under Article II in the present NPT;
- Furthermore, the NNWS promise to abide by appropriate safeguards under the regulation of the IAEA so as to account for all fissile materials capable of fuelling a nuclear explosion, as under Article III of the present NPT.

In return, the NWS should promise:

- First, to maintain only sufficient nuclear arms to provide a ‘minimal deterrent’ against attack by others;
- Second, never to use, or threaten to use, nuclear weapons against another state party to the Treaty, unless they themselves are threatened with nuclear attack (‘no first use’);
- Finally, all states pledge to work together to build a more effective system of international law and international governance, such that at some future time nuclear weapons can be eliminated entirely.

All parties should be able to live more or less comfortably with such a bargain, secure in the knowledge that any remaining nuclear weapons will never again be used in warfare (barring a total breakdown in the international system), and are maintained only as a deterrent until the global security environment has improved sufficiently to allow them to be discarded for ever. A feasible, albeit long-term, route towards the complete elimination of nuclear weapons would thus be foreshadowed. The ‘new’ NWS such as Israel, India and Pakistan should also be willing to accept such a framework; and the motivation for other states such as Iran to pursue nuclear weapons would be greatly reduced, if they no longer perceive themselves as under a nuclear threat.

A ‘no first use’ agreement will be difficult enough to achieve. Such an agreement would place considerable new constraints upon the nuclear powers. It would mean that their remaining nuclear arsenals would be retained purely as a sort of insurance policy, which hopefully would never be called on. The Western powers, which once relied upon nuclear weapons to deter a conventional attack from the mass armies of the Soviet Union or other potential enemies, will find it particularly hard to accept such an agreement. It would forbid the USA from building nuclear ‘bunker busters’ or any other nuclear weapon that might be used in a conventional conflict, and it would demolish the idea of engaging in a ‘limited nuclear war’ to repel a conventional attack. The Israelis will find it even more difficult, having an even more pressing need for their nuclear deterrent against possible annihilation by their Arab neighbours. These are formidable obstacles to an agreement, but the NNWS are clearly entitled to demand these sacrifices of some hypothetical extra security from the NWS, in exchange for improved common security for everybody.

A very useful review of the ‘no first use’ debate has been given by Feiveson and Hogendoorn (2003). They note that at the NPT Review Conferences of 1995 and 2000, many of the NNWS did in fact argue strongly for legally binding security assurances from the NWS against the use of nuclear weapons (du Preez 2003a; Hanson 2005). The Final Document of the 2000 Conference stated that ‘The Conference agrees that legally binding security assurances by the five nuclear-weapon states to the non-nuclear-weapon states to the Treaty [would] strengthen the nuclear non-proliferation regime. The Conference calls

upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue' (NPT 2000). The same point was again made at the 2003 PrepCom meeting (du Preez 2003b).

Feiveson and Hogendoorn (2003) argue the case for the USA to issue a 'no first use' declaration. They point out that the actual use of nuclear weapons by the USA would have calamitous consequences. It would destroy the taboo against the use of nuclear weapons which has existed since World War II, shatter the NPT and dramatically increase the incentives for NNWS to develop their own nuclear deterrent capability. Conversely, a 'no first use' declaration would strengthen the nuclear taboo, reinforce the NPT and remove the incentive for NNWS to build their own deterrents.

Current positions of the nuclear weapon states

Of the current nuclear powers, only China, India and North Korea have pledged no first use. China has made an outright declaration: 'China undertakes not to be the first to use nuclear weapons at any time or under any circumstances. China undertakes not to use or threaten to use nuclear weapons against any non-nuclear-weapons states or nuclear-weapon-free zones at any time or under any circumstances' (NTI 1995).

The US position is outlined in the 2010 *Nuclear Posture Review* (USDS 2010). It declares that 'the United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the NPT and in compliance with their nuclear non-proliferation obligations'. However, the United States 'is not prepared at the present time to adopt a universal policy that deterring nuclear attack is the sole purpose of nuclear weapons', but 'will work to establish conditions under which such a policy could be safely adopted'. Finally, 'the United States would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners'. In other words, the USA has committed to 'no first use' as regards NNWS, but not the other NWS, and is not yet ready to adopt a 'sole purpose' declaration for its nuclear weapons.

Britain, France and Russia have adopted a very similar form of words. The USA, France and the UK have also signed protocols not to use nuclear weapons against parties to nuclear-weapon-free zones in Latin America, the South Pacific and Africa, although these have not been ratified by the US Senate.

Even these limited or hedged declarations can be called into question, however. The Bush Administration had been actively pursuing research and development of nuclear 'bunker buster' bombs for possible use against covert nuclear facilities such as those in Iran, although the US Congress recently cut off funding for the program. NATO has consistently refused to pledge no first use of nuclear weapons on the grounds that deterrence rested on that very possibility (Freedman 1981). In 1998, when German Foreign Minister Joschka Fisher

proposed that NATO reconsider its Cold War policy of first use of nuclear weapons against a conventional attack on Europe, he was soundly defeated (Boese 1998). A draft US Doctrine for Joint Nuclear Operations prepared by the Department of Defense in 2005 stated that field commanders can ask permission to use nuclear weapons 'to stop potentially overwhelming conventional enemy forces'; 'to rapidly end a war on favourable US terms'; and even 'to make sure US and international operations are successful', which would amount to open slather (USJCS 2005). This document was not officially endorsed by the administration, but throws an interesting searchlight on US military thinking.

Critics of a 'no first use policy' argue that a first-use threat is needed to deter the use of other weapons of mass destruction, such as chemical or biological weapons; that low-yield nuclear weapons such as 'bunker busters' might be needed to pre-empt nuclear weapon development by NNWS; or that nuclear weapons might be needed to defeat an overwhelming conventional attack. They also contend that a 'no first use' declaration is unverifiable. Feiveson and Hogendoorn (2003) consider and refute each of these arguments in turn, and conclude that 'Nuclear weapons may legally and morally be used under such a narrow range of circumstances that contemplating their use is not just pointless, but counterproductive.' Michael Wesley (2005) reaches a similar conclusion:

Most basically, nuclear weapon states must recognize that nuclear weapons have no offensive value, that their threat is too disproportionate to represent a credible aggressive threat, and that the cost of any use of nuclear weapons would far outweigh any benefits.

Nevertheless, we should consider the question from the viewpoint of a state such as Israel, which must be brought inside the tent if the arms control regime is to be stabilised. Israel is known to have developed nuclear weapons, but has never publicly admitted it, and has consequently never declared a position on 'no first use'. Israel has been under constant threat of annihilation from its Arab neighbours throughout its whole existence, a threat which could conceivably become realistic at some time in the future. The Israelis clearly built their nuclear arsenal as a weapon of last resort against this threat; and one can predict that they will never give up the right to use nuclear weapons if the very existence of their state is endangered, even if the threat of such use might be an empty one. That is the essential nature of their deterrent. To accommodate such a position, it might be necessary to agree on a slightly modified, or hedged, 'no first use' declaration, along the lines of 'each NWS pledges not to be the first to use or threaten to use nuclear weapons against any State party to the Treaty, unless the core integrity of that NWS or its allies is endangered'. Of course, the phrase 'core integrity', or whatever equivalent is used, is somewhat vague in meaning, but such a form of words would more accurately reflect the real position of the NWS, while it should still be sufficient to satisfy the NNWS. After all, there is no likely threat to the 'core integrity' of any of the NWS at

present, apart from Israel, and if that pledge were adhered to, we should be able to avoid the actual use of nuclear weapons for the foreseeable future. If Israel should finally be able to reach an accommodation with its neighbours and with the Palestinians, in which the reasonable aspirations of all parties are fulfilled, we may hope that even the last threat will be removed.

Similar conclusions were reached by the International Commission on Nuclear Non-proliferation and Disarmament (ICNND 2009), chaired by Gareth Evans and Yoriko Kawaguchi, in its report *Eliminating nuclear threats: a practical agenda for global policymakers*. A primary theme of the report is the need to 'transform perceptions of the role and utility of nuclear weapons, from occupying a central place in strategic thinking to being seen as quite marginal and ultimately wholly unnecessary'. It acknowledges that 'achieving a nuclear weapon free world will be a long, complex and formidably difficult process' and proposes a two-stage process in the interim. In the short term, the number of nuclear warheads should be minimised, to a proposed level of 500 warheads each for the USA and Russia, and no more than 2000 globally. In the medium term (up to 2025) it is proposed that a 'no first use' doctrine should be agreed and that force deployments and alert status reflecting that doctrine should be implemented. Finally, it suggests rather coyly that 'analysis and debate should commence now on the conditions necessary to move from the minimisation point to elimination, even if a target date for getting to zero cannot at this stage be credibly specified'.

Conclusions

Lawrence Freedman once declared that 'an international order that rests upon a stability created by nuclear weapons will be the most terrible legacy with which each succeeding generation will endow the next' (Freedman 1981: 399). Both Kevin Rudd and Barack Obama pledged to pursue the complete elimination of nuclear weapons. It is now generally recognised, however, that complete abolition will be a long-drawn-out process, taking many decades. President Obama has commented that he may not see the process completed in his lifetime. One cannot simply throw the weapons away, because that would leave behind a highly unstable security environment. We have argued that the complete elimination of nuclear weapons is most unlikely to be achieved until a more powerful and effective system of international law and international governance has been put in place.

Rather than looking for outright abolition, it would be a more useful and productive enterprise for the Australian government to work towards fortifying the NPT regime with a 'no first use' agreement, hedged if necessary. This would allow both nuclear-weapon-states and non-nuclear-weapon states to live with the nuclear deterrent, secure in the knowledge that nuclear weapons will not actually be used again unless there is a catastrophic breakdown in the

international system. We can then look forward with more confidence to the future day when the international regime of common security is strong enough to finally allow the complete abolition of these weapons.

The Australian government has no declared position on ‘no first use’. The problem here is that Australia relies for its nuclear security on the concept of ‘extended deterrence’; in other words, Australia itself is sheltering under the US nuclear umbrella. In response to the ICNND report, Foreign Minister Stephen Smith declared that Australia would be ‘comfortable’ if the USA were to declare deterrence the ‘sole purpose’ of its nuclear weapons, and agreed that their negative security assurances should have fewer caveats, but he could not go so far as to support an unconditional ‘no first use’ declaration (Smith 2010). One of the major tasks of the government should be to find a form of the ‘no first use’ declaration which Australia can support. If it cannot support such a declaration, it would stand accused of abject hypocrisy in asking for complete nuclear disarmament.

As always, progress towards nuclear abolition depends on the leadership of the United States. The present attitude of the USA is outlined in the 2010 *Nuclear Posture Review*. The review enunciates a clear ‘no first use’ declaration as regards NNWS in compliance with the Treaty, but not for other states. It declined to make a ‘sole purpose’ declaration, that its nuclear weapons are retained solely as a deterrent, but acknowledges that such a declaration is indeed desirable, subject to appropriate ‘conditions’. Following the recent declarations of the President, we may hope for continued substantial changes in the US position on nuclear issues, a renewed impetus towards nuclear disarmament and a substantial strengthening of the NPT in the years to come.

References

- Arms Control Association, 2010. *Nuclear weapons: who has what at a glance*, <<http://www.armscontrol.org/factsheets/Nuclearweaponswhohaswhat>>.
- BBC News, 2007. ‘Trident plan wins Commons support’, 15 March.
- Boese, Wade, 1998. ‘Germany raises no-first-use issue at NATO meeting’, *Arms Control Today*, 28 (November–December 1998), <http://www.armscontrol.org/act/1998_11-12/grnd98.asp>.
- Choubey, Deepti, 2010. ‘Understanding the 2010 NPT Review Conference’, Carnegie Endowment for International Peace, <<http://www.carnegieendowment.org/publications/?fa=view&id=40910>>.
- Daily Telegraph*, 2007. ‘Russia tests missile able to break US shield’, 2 June.
- Daily Telegraph*, 2008. ‘France cuts its nuclear arsenal by a third’, 23 March.
- du Preez, Jean, 2003a. *Security assurances against the use or threat of use of nuclear weapons: is progress possible at the NPT PrepCom?*, Center for Nonproliferation Studies, Monterey Institute of International Studies, Monterey, 28 April, <<http://www.cns.miis.edu/research/npt/nptsec.htm>> (accessed 26 September 2008).
- du Preez, Jean, 2003b. *2003 NPT Preparatory Committee: progress towards 2005 or business as usual?*, Center for Nonproliferation Studies, Monterey Institute of International Studies, Monterey, 7 May, <<http://www.cns.miis.edu/research/npt/npt2k3fr.htm>> (accessed 26 September 2008).
- Feiveson, Harold A., and Ernst Jan Hogendoorn, 2003. ‘No first use of nuclear weapons’, *Nonproliferation Review* 10(2).

- Freedman, Lawrence, 1981. *The evolution of nuclear strategy* (New York: St Martin's Press).
- Guardian*, 2009. 'North Korea tests nuclear weapons "as powerful as Hiroshima bomb"', 25 May.
- Hanson, Marianne, 2005. 'The future of the NPT', *Australian Journal of International Affairs*, 59(3): 301.
- Huntington, Samuel P., 1996. *The clash of civilizations and the remaking of world order* (New York: Simon & Schuster).
- IAEA (International Atomic Energy Agency), 2007. 'Director-General briefs press on Iran/DPRK', staff report, 31 July 2006, <http://www.iaea.org/NewsCenter/News/2007/dg_iran-dprk.html> (accessed 26 September 2008).
- ICNND (International Commission on Nuclear Commission on Nuclear Non-proliferation and Disarmament), 2009. *Eliminating nuclear threats: a practical agenda for global policymakers: report of the International Commission on Nuclear Non-proliferation and Disarmament*, chaired by Gareth Evans and Yoriko Kawaguchi, <<http://www.icnnd.org/reference/reports/ent/index.html>> (accessed 14 April 2009).
- Kristensen, Hans M., Robert S. Norris and Matthew G. McKinzie, 2006. *Chinese nuclear forces and US nuclear war planning* (Washington, DC: Federation of American Scientists and the Natural Resources Defense Council), <<http://www.fas.org/nuke/guide/china/Book2006.pdf>> (accessed 26 September 2008).
- Los Angeles Times*, 2009. 'North Korea missile trial may be a test of US', 7 February.
- Nathan, Otto and Heinz Nordern, 1968. *Einstein on peace* (New York: Schocken Books), p. 368.
- NNSA (National Nuclear Security Administration), 2008. *Complex transformation*, <http://nnsa.energy.gov/defense_programs/complex_transformation.htm> (accessed 26 September 2008).
- NPT (Non-Proliferation Treaty), 2000. NPT/CONF.2000/28, quoted in du Preez, *Security assurances*.
- NTI (Nuclear Threat Initiative), 1995. 'China's national statement on security assurances', 5 April, <<http://www.nti.org/db/China/engdocs/npt0495a.htm>> (accessed 26 September 2008).
- Obama, Barack, 2009. Speech, 5 April, Prague, <<http://i.usatoday.net/news/TheOval/Obama-in-Prague-4-5-2009.pdf>> (accessed 12 April 2011).
- Penn, William, 1692. *Essay towards the present and future peace of Europe*, reprinted in B. W. Cook, S. E. Cooper and C. Chatfield (eds), *Peace projects of the seventeenth century* (New York: Garland, 1974).
- Rudd, Kevin, 2008. 'Building a better world together', speech at Kyoto University, 9 June, <http://www.nuclearsecurityproject.org/uploads/publications/SPEECH_RUDD_KYOTO_UNIVERSITY_060908.pdf> (accessed 5 September 2011).
- Schelling, Thomas C., 1966. *Arms and influence* (New Haven: Yale University Press).
- Shultz, George, William Perry, Henry Kissinger and Sam Nunn, 2007. 'A world free of nuclear weapons', *Wall Street Journal*, 4 June.
- SIPRI (Stockholm International Peace Research Institute), 2008. *Yearbook*, Appendix 8A, 'World nuclear forces, 2008', <<http://yearbook2008.sipri.org/08/08A>> (accessed 26 September 2008).
- Smith, Stephen, 2010. 'Australian government's response to the International Commission on Nuclear Non-proliferation and Disarmament (ICNND) report', press release, 3 May.
- Sydney Morning Herald*, 2009a. 'Iran's first satellite tests American diplomacy' 4 February.
- Sydney Morning Herald*, 2009b. 'North Korea missile trial may be a test of US', 6 April.
- The Times*, 2009. 'David Miliband: now is the time to show we're serious about the treaty', 5 February.
- USDS (United States Department of Defense), 2010. *Nuclear posture review*, <<http://www.defense.gov/nprt/>> (accessed 12 April 2011).
- USJCS (United States Joint Chiefs of Staff), 2005. *Doctrine for joint nuclear operations*, 15 March.
- Wesley, Michael, 2005. 'It's time to scrap the NPT', *Australian Journal of International Affairs*, 59(2): 283.