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**Submission to the Joint Standing Committee on Treaties Inquiry on the ‘Treaty’:** *Agreement between the Government of Australia, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the United States of America for the Exchange of Naval Nuclear Propulsion Information* (tabled in Canberra, 22 November 2021).

The Board Members of ICAN Australia (the International Campaign to Abolish Nuclear weapons) presents this submission to the Joint Standing Committee on Treaties. We are a group of professional individuals with considerable collective expertise in the fields of nuclear non-proliferation, international politics and diplomacy, international law, and environmental issues. We are strongly opposed to the AUKUS proposal, on a number of grounds, and we urge this committee to consider carefully the arguments we present here.

We also note that a mere five days’ notice was given for presenting submissions to this Committee. Given the importance of this treaty/agreement for the nuclear non-proliferation regime, for our political, diplomatic and security relations with our near neighbours, and for the broader issue of how we engage with a rising China in a productive way that avoids the possibility of a disastrous war, we consider this an extremely limited time-frame for meaningful public consultation.

Indeed, this limitation on the democratic process further compounds the way in which the AUKUS agreement was devised and announced, with no consultation with the Australian public, our politicians, foreign and defence affairs personnel, our closest neighbours, our allies beyond the UK and US, and the French government. It was an opportunity for the Prime Minister to grandstand and proclaim the alleged benefits of this agreement, with no consideration whatsoever of its strategic, political, diplomatic, and economic costs.

Nonetheless, we submit the following points. We do not comment on the troubling issues of costs, diplomatic fallout with France, and the erosion of democratic deliberation, beyond our statement above. We restrict this submission to alerting you to the primary dangers associated with this deal, namely, its negative effect on efforts to contain nuclear proliferation and to avoid nuclear dangers.

- A. Agreeing to exchange naval nuclear propulsion information is a highly damaging and retrograde step in the broad non-proliferation regime.** We understand that the Prime Minister has claimed that Australia is not seeking to establish a nuclear weapons program. But embarking on this collaboration to exchange naval nuclear propulsion, especially using highly enriched uranium (HEU), is an unprecedented and unwise step. No non-nuclear armed nation has acquired such nuclear-powered submarines. Australian acquisition of these will motivate others to do the same, indeed it already is. AUKUS will embolden other states, like Iran, to claim their prerogative to do the same thing.

Australia has a proud history of supporting nuclear non-proliferation efforts. Embarking on this step makes a mockery of our declarations, and will deal a damaging blow to the nuclear Non-Proliferation Treaty. This is the view clearly expressed by dozens of respected experts in the field, including [Rauf](#) (2021), [Findlay](#) (2021), [Kimball](#) (2021), and [von Hippel](#) (2021). As Kimball states, 'It is one thing to deepen defence cooperation with allies; it's quite another to proliferate sensitive HEU nuclear propulsion technology in contravention of US and global non-proliferation norms.'

**B. Any transfer of nuclear technology and material will present significant difficulties for Australia's reputation within the International Atomic Energy Agency (IAEA).**

Although the Prime Minister argues that Australia can legitimately utilise this material via paragraph 14 of the IAEA's Comprehensive Safeguards Agreement, in reality, this transfer would not be seen as an acceptable 'peaceful use' of nuclear energy. It will most likely be seen as 'non-explosive military use', a result of a 'military to military transfer', and as such would remain outside of safeguards controls. Again, this sets a dangerous precedent for other states that might wish to avert IAEA monitoring.

As with the weakening of the NPT noted above, this deal would present significant difficulties for the IAEA's important goal of restricting sensitive nuclear material and technology. If Australia truly claims to uphold a rules-based international order, it would avoid the highly corrosive impact these actions would produce. The NPT and the IAEA's Comprehensive Safeguards Agreements are carefully constructed and hard-won diplomatic achievements. It would be folly to jeopardise these.

**C. Our final point is that acquiring nuclear-powered attack-class submarines is not a constructive or useful approach to regional security.**

Not only will it tie Australia closely into US naval war-fighting plans and restrict our sovereignty vis-à-vis military decision-making, it has already alienated our Southeast Asian and Pacific Island friends. We have a responsibility to respect their deeply-felt non-nuclear views, and acquiring nuclear-propelled submarines would violate the trust we have built in the region. It also does little to address the real security concerns faced by Australia and the region, such as climate change, and pandemics.

There is no clear and convincing rationale for us to acquire nuclear-powered attack-class submarines. Shorter-range and non-nuclear powered submarines designed for patrolling Australia's borders are much more appropriate for our needs. There is no consensus at all that this proposed submarine deal is the optimum use of our defence resources. It will be seen as a provocative move, whether aimed at China or others. It is important to remember that any escalation of tensions into war will come with massive human costs. Australia already plans to acquire long-range missiles – raising questions about our commitment to yet another global agreement, the Missile Technology Control Regime – and the AUKUS agreement will only add fuel to existing tensions.

Instead of contributing to an arms race in the region, we can utilise our resources to develop dialogue, confidence-building measures, and regional diplomacy that can

help build a constructive Asia-Pacific regional security architecture. Respected nuclear proliferation analyst Hans Kristensen has noted of the submarine deal, that 'it will further intensify the arms race in the region and the dynamics that fuel military competition ... Other than fielding more ... weapons, does anyone have a plan here?'

ICAN Australia Board Members are willing to provide evidence at the JSCOT hearing.

We attach to this Submission a copy of ICAN Australia's Briefing Note on the AUKUS nuclear submarine proposal, and we urge you to consider the following recommendations:

**Recommendations:**

1. **We urge the Committee to reject the agreement to acquire nuclear-powered submarines**, for the reasons we have outlined above. The Committee must apply a rigorous examination to this proposal, ensuring full democratic and parliamentary scrutiny. The very many negative aspects of this deal must be uncovered, and properly examined, before we commit Australia to yet another massively expensive, and in this case dangerous, strategic folly.
2. If the Australian government wishes to reassure the world that we are truly committed to non-proliferation, are sensitive to our neighbours' concerns, and are not moving to acquire nuclear weapons, **Canberra must sign and ratify the United Nations Treaty on the Prohibition of Nuclear Weapons**. We have outlined, [elsewhere](#), how Australia can do this while remaining a key ally of the United States, in a (non-nuclear) alliance.

On behalf of the Board, ICAN Australia:



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