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The Initiative for Peacebuilding

Luck is not a strategy:
it's time to prohibit nuclear weapons

An issue brief in preparation for the UN Summit of the Future 2024

Gem Romuld, Tilman Ruff AO and Melissa Parke

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Australian preparations for the UN Summit of the Future

The Secretary-General of the United Nations, Antonio Guterres, released a seminal document, *Our Common Agenda*, in September 2021. Its purpose was to draw attention to the criticality of improving the way countries cooperate to manage the world's common resources (oceans, land masses, space) and public goods like global health, peace and security, so as to safeguard the planet and its resources for future generations.

In *Our Common Agenda*, the Secretary-General (SG) highlighted the problems that urgently demanded improved international cooperation: climate change on the cusp of no return, biodiversity regressing, complex wars with no end in sight, skyrocketing inequalities notably for women, the struggle for gender equality facing major pushbacks, an unhinged digital world and unprecedented humanitarian and human rights crises. The SG noted a deep paradox in which international cooperation is more necessary than ever, but is frequently more difficult to achieve and embraced more often in the breach than in reality.

Among the recommendations of *Our Common Agenda* was the holding of a Summit of the Future, now planned for 22–23 September 2024. The Summit will see Member States agree on a package of reforms summarised in an outcome document: the Pact for the Future, which is currently under negotiation.

The University of Melbourne's Initiative for Peacebuilding has prepared a series of policy briefs to stimulate discussion of key issues on the agenda for the Summit, with a focus on Australia's role and responsibilities.

The second ISSUES BRIEF in this series is *Luck is not a strategy: it's time to prohibit nuclear weapons* by Gem Romuld, Tilman Ruff AO and Melissa Parke.

The Initiative for Peacebuilding is grateful for permission to publish this summary of a 2024 International Campaign to Abolish Nuclear Weapons (ICAN) publication titled *History is Calling: Australia and the Treaty on the Prohibition of Nuclear Weapons*.

It is available from www.icanw.org.au

Gem Romuld

Gem Romuld is the Director of the International Campaign to Abolish Nuclear Weapons Australia and Director of Quit Nukes. As ICAN Australia Director, she leads the campaign and volunteers working to lobby Canberra to sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.

A graduate in law and communications, Gem has experience working as a radio producer and Outreach Coordinator for Australians for War Powers Reform. She is a recipient of a 2021 Peace Women Award from WILPF Australia (Women's International League for Peace and Freedom) and works across advocacy, community organising, media, writing, design and fundraising.

She is currently working with ICAN Australia to ensure the federal government signs and ratifies the UN Treaty on the Prohibition of Nuclear Weapons. As a Director of Quit Nukes, she campaigns for Australian financial institutions to exclude investments in companies that produce nuclear weapons.

Associate Professor Tilman Ruff AO

Tilman Ruff AO is an infectious diseases and public health physician, with particular focus on the urgent planetary health imperative to eradicate nuclear weapons.

He helped establish the Nossal Institute for Global Health in which he was Associate Professor, and is now Hon Principal Fellow in the School of Population and Global Health, University of Melbourne. Dr Ruff is a board member and was co-president from 2012–2023 of International Physicians for the Prevention of Nuclear War (IPPNW, Nobel Peace Laureate 1985). He is a co-founder and was founding international and Australian chair of ICAN, and serves on the Committee of ICAN Australia.

ICAN was awarded the 2017 Nobel Peace Prize "... for its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its ground-breaking efforts to achieve a treaty-based prohibition of such weapons". ICAN is the first Australian-born Nobel Peace Laureate.

Melissa Parke

Melissa Parke is ICAN's Executive Director, a role she took up on 1 September 2023.

She is a former Australian Minister for International Development and former Member of Parliament for the Australian Labor Party for Fremantle from 2007 to 2016. As an MP, she regularly voiced support for nuclear disarmament, including as a member of a cross-party parliamentary group dedicated to the cause. She has also been an ambassador for ICAN Australia and has served as a patron of the Tom Uren Memorial Fund, which supports ICAN's work.

She began working on nuclear issues in the 1990s when she joined a campaign to oppose the establishment of a global nuclear waste dump in her home state of WA. Her former constituency of Fremantle is a self-declared "nuclear-free zone" and active member of the Hiroshima-based Mayors for Peace network.

Prior to entering the Australian Parliament, Ms Parke served as an international lawyer with the United Nations in Kosovo, Gaza, New York and Lebanon. More recently, she served as a member of the UN Group of Eminent Experts on Yemen.

Melissa has a Masters of Law degree in public international law from Murdoch University, as well as law degree from the University of New South Wales and a Bachelor of Business degree from Curtin University.

Luck is not a strategy: it's time to prohibit nuclear weapons

Gem Romuld, Tilman Ruff AO and Melissa Parke

The world is facing unprecedented danger. The Doomsday Clock stands at 90 seconds to midnight, further forward than it has ever been before. Existential crises collide – the escalating threat of nuclear war and the nature/climate crisis. Both are made by human hands, and can be resolved by urgent collective human action before it is too late.

If they are not eliminated, then nuclear weapons will inevitably be used.

The risks are clear. Escalating brinkmanship, computer, technical or system failure, cyberattack, pressured and poor decision making, disinformation, a desperate or impaired leader, sleep deprivation or groupthink in some isolated bunker – all these pathways to destruction are possible.

Every other weapon ever built has been used. Nuclear weapons have been tested thousands of times, exploded in war twice, threatened countless times and prepared for launch several times.

Humanity has avoided Armageddon simply by luck, and as the UN Secretary-General recently stated, “luck is not a strategy”.

In early 2024, two nuclear-armed states are prosecuting war: Russia in Ukraine, and Israel in occupied Palestine, with repeated nuclear threats and embroiling other nuclear-armed states directly or indirectly. Iran and nuclear-armed Pakistan have traded attacks.

If the threshold of nuclear weapons use is crossed, rapid wholesale escalation is likely. A nuclear war will destroy civilisation, catastrophically damage the biosphere, and risk extinction for humans and many other species. Even two per cent of the current global nuclear arsenal, exploded on cities, would cause ice age conditions overnight, putting over two billion people at risk of starvation.

Yet all nine nuclear-armed states are not disarming but instead wasting vast resources on developing new and more dangerous nuclear weapons (\$US 91.4 billion in 2023). Deployed weapons are increasing again. Hard-won treaties limiting nuclear weapon types and numbers have been abrogated, and nothing is replacing them.

For the first time in decades, the number of available deployed nuclear weapons is increasing.

In this bleak landscape, the 2017 UN Treaty on the Prohibition of Nuclear Weapons (TPNW) is a beacon of promise and opportunity. Like the treaties banning biological and chemical weapons, landmines and cluster munitions, this historic treaty provides the best available pathway for all nations to fulfill their obligation to eliminate nuclear weapons. It is carefully crafted to support, build on and complement existing treaties like the nuclear Non-Proliferation Treaty (NPT).

As well as a comprehensive prohibition, the TPNW contains the only internationally agreed framework to eliminate nuclear weapons, in a time-bound, verified way. It also strengthens nuclear safeguards and contains the first treaty obligations to assist victims and remediate environments harmed by nuclear weapons use or testing.

By early 2024, almost half the world's nations have already joined the TPNW. More will join. And they are getting to serious, practical work implementing the treaty.

Australia is currently the only nuclear-allied state in which the governing party has repeatedly committed to sign and ratify the ban treaty. Under governments both Coalition and Labor, Australia has joined every other treaty banning an inhumane, indiscriminate weapon, but not yet this one banning the worst weapons of mass destruction.

The Australian government's plan to acquire nuclear-powered submarines and increasing rotations and deployment of US and UK forces makes it even more important that Australia join the TPNW, as this is the most effective way to make sure that the planned submarines and foreign deployments do not become a precursor to nuclear weapons being hosted, stationed in, delivered or acquired by Australia.

Australia must step up and do its part to wind back the looming nuclear danger. Let's get on the right side of history, not add to the risk of ending it. It's time Australia joined the Treaty on the Prohibition of Nuclear Weapons.

Key facts

Australia has signed and ratified all multilateral treaties that prohibit inhumane weapons or weapons of mass destruction, except the TPNW.

The Australian Labor Party has committed by policy to sign and ratify the TPNW in 2018, 2021 and 2023.

The Australian Government has taken meaningful steps in support of the treaty and is currently considering signing on.

Time to sign before joining the Peacebuilding Commission

Australia has a proud history of tackling inhumane weapons. It is a state party to the Treaty on the Non-Proliferation of Nuclear Weapons (1968), the Biological Weapons Convention (1972), the South Pacific Nuclear Free Zone Treaty (1985), the Chemical Weapons Convention (1993), the Comprehensive Nuclear-Test-Ban Treaty (1996),¹ the Anti-Personnel Mine Ban Convention (1997) and the Convention on Cluster Munitions (2008).

Australia did not participate in the negotiating conference for the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2017, the first time Australia has ever boycotted a multilateral disarmament negotiation. Australia has also not yet signed or ratified this historic treaty. However, with nuclear weapon numbers, capabilities, threats and dangers escalating, and nuclear-armed states tearing up hard-won disarmament agreements, domestic and international support for the TPNW as our best hope is growing.

No inhumane weapon has been controlled without first being prohibited legally. It is important that Australia signs and ratifies the Treaty before it takes up a seat on the UN Peacebuilding Commission in 2025. We can then join the global majority of nations as signatory to the Treaty on the Prohibition of Nuclear Weapons.

Complementarity with other agreements

The TPNW builds upon, contributes to and complements a diverse disarmament and non-proliferation architecture. In the Vienna Action Plan parties agreed to four actions to “highlight and underscore these complementarities with specific disarmament instruments, particularly the Non-Proliferation Treaty.”²

Key facts

- The Treaty on the Prohibition of Nuclear Weapons complements and reinforces the NPT, contributing to and furthering its aim to achieve the elimination of nuclear weapons.
- Australia does not have to choose between the NPT and TPNW, it can and should be a state party to both of these important multilateral agreements.
- The TPNW reinforces, complements and extends the obligations set out by the NPT, Comprehensive Nuclear-Test-Ban Treaty and regional nuclear weapon-free zones.

Complementarity with the Treaty on the Non-proliferation of Nuclear Weapons (NPT)

The TPNW has been carefully crafted to reinforce, complement and build on the NPT, which from its beginnings in the 1960s stipulated and required the negotiation of further legal measures to achieve nuclear disarmament. The TPNW explicitly affirms the vital role of full and effective implementation of the NPT.

All states parties to the TPNW are also bound by the NPT, and all are members in good standing. Like all other states parties to the NPT, Australia is obligated to pursue “effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament” under Article VI. The world’s highest legal authority, the International Court of Justice, has unanimously agreed that the obligation on all states is not just to negotiate in good faith towards nuclear disarmament, but to bring these negotiations to a conclusion, ie. to achieve nuclear disarmament.

¹ The Comprehensive Nuclear-Test-Ban Treaty was adopted by the United Nations General Assembly in 1996 but it is not yet in force, as this requires a further eight specific nations to ratify it.

² First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons “Vienna Action Plan” First Meeting of States Parties to the TPNW (Vienna, United Nations, 21-23 June 2022), p6.

It was never envisaged during negotiation of the NPT that nuclear disarmament could or would be accomplished solely through the single sentence comprising Article VI, hence its stipulation of “effective measures” to be pursued. Other nuclear arms control and disarmament treaties, including ones supported by Australia, are also regarded as complementary to the NPT and furthering the implementation of its Article VI disarmament obligation. These include the Comprehensive Nuclear Test Ban Treaty and nuclear weapons free zone treaties like the South Pacific Nuclear Free Zone, and yet to be realised measures supported by Australia, such as a treaty curbing the production of fissile materials for nuclear weapons.

The TPNW is the first such multilateral “effective measure” to enter into force in almost 50 years. Far from conflicting with the NPT, the obligations under the TPNW reinforce and advance the NPT’s objects and purpose “to facilitate the cessation of the manufacture of nuclear weapons, ... and the elimination from national arsenals of nuclear weapons and the means of their delivery”.

We recognize the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the disarmament and non-proliferation regime, and deplore threats or actions that risk undermining it. As fully committed states parties to the NPT, we reaffirm the complementarity of the Treaty with the NPT.

We are pleased to have advanced the implementation of the NPT’s Article VI by bringing into force a comprehensive legal prohibition of nuclear weapons, as a necessary and effective measure related to the cessation of the nuclear arms race and to nuclear disarmament.

Declaration of the First Meeting of States Parties to the TPNW, 2022.³

Complementarity with nuclear weapons-free zones

The TPNW works in full complementarity with regional nuclear free zones, recognising the critical role they have played throughout history to formalise the prohibition of nuclear weapons across large areas.

The facilitators of the TPNW’s intersessional work on complementarity with other agreements, Ireland and Thailand, noted “the universalization of the Treaty on the Prohibition of Nuclear Weapons complements a comprehensive web of negative security assurances established by the nuclear-weapon-free zone treaties.”⁴

Australia became a party to the South Pacific Nuclear Free Zone Treaty (SPNFZT), also known as the Treaty of Rarotonga, in 1986. The SPNFZT prohibits the testing, stationing and possession of nuclear weapons within the boundaries of the zone.

As a state party to the SPNFZT, Australia has already long committed to most of the prohibitions contained in the TPNW. However, Australia is the only member of a nuclear weapon-free zone worldwide to claim protection from nuclear weapons and provide assistance for their possible use, practices that must end when Australia becomes a party to the TPNW.

Complementarity with a proposed fissile material treaty

Australia has long called for the negotiation of a new treaty that would ban further production of fissile materials for nuclear weapons. These materials – specifically, plutonium and highly enriched uranium – are the key ingredients for producing nuclear weapons, meaning that their control is critical to non-proliferation and disarmament efforts.

Several countries continue to produce and stockpile large quantities of fissile materials, undermining efforts to achieve a nuclear-weapon-free world. The TPNW goes some way towards addressing the problem of fissile materials by prohibiting its states parties from developing, producing, manufacturing or otherwise acquiring nuclear weapons, including their key components, such as plutonium and highly enriched uranium. Under Article 1 of the TPNW, the production or procurement of fissile materials constitutes a prohibited activity when it is done with the intent to produce nuclear weapons.

³ UN Office of Disarmament Affairs, “Vienna Declaration of the First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons: Our commitment to a world free of nuclear weapons”, First Meeting of States Parties to the TPNW, Vienna, United Nations, 21-23 June 2022, p3.

⁴ Ireland and Thailand, “Report of the informal facilitators to further explore and articulate the possible areas of tangible cooperation between the Treaty on the Prohibition of Nuclear Weapons and the Treaty on the Non-Proliferation of Nuclear Weapons, and other relevant nuclear disarmament and non-proliferation instruments”, Second Meeting of States Parties to the TPNW, New York, United Nations, 27 November–1 December 2023.

Under Article 4 of the treaty, when a nuclear-armed state becomes a party, it must destroy its nuclear weapons and eliminate or irreversibly convert all nuclear-weapon-related facilities, including those used to produce fissile materials for nuclear weapons. Furthermore, the plutonium and highly enriched uranium taken from the dismantled weapons must be placed under safeguards and used only for peaceful purposes or stored safely.

A new treaty specifically addressing the problem of fissile materials in a comprehensive manner (a fissile material treaty) could be an important addition to the global nuclear disarmament and non-proliferation architecture, complementing the NPT and TPNW.

Enforcement and compliance

Regarding enforcement, the TPNW contains mechanisms to promote compliance, including the meetings of states parties and review conferences and measures they may take. Issues may be further raised with the UN General Assembly or the UN Security Council, or resolution sought before the International Court of Justice or the Permanent Court of Arbitration. These mechanisms are imperfect, but are subject to similar, and not greater, constraints than face other international treaties in a world of sovereign states.

Disarmament treaties supported by Australia vary widely in their verification provisions. Australia strongly supports the Biological Weapons Convention, despite it having essentially no verification provisions.

Similarly, while the NPT has well-developed safeguards obligations to verify compliance with its non-proliferation provisions for state parties without nuclear weapons, it has no verification or enforcement provisions nor any other requirements or guardrails for implementation of its nuclear disarmament obligations. In contrast, the TPNW does not permit disarmament which is unverified.

States are able to withdraw from the NPT after giving three months' notice of their intention to do so. Withdrawal from international treaties is infrequent and generally discouraged, but because of the nature of the international system, treaties have provisions for state withdrawal.

The TPNW has higher barriers to withdrawal than the NPT. It requires 12 months' notice, an explanation of reasons, and if the state party is a party to an armed conflict, on expiry of the 12-month notice period, it remains bound by the obligations of the TPNW. It will also remain bound to any additional protocols until it is no longer party to an armed conflict.

Universalisation

International law develops progressively, as more countries join and implement treaties; norms change and become institutionalised; evidence has impact; social, political, economic and moral pressures build. No disarmament treaty has been joined by all states. Often it takes many years for states to join treaties. For example, nuclear-armed China and France joined the NPT only in 1992, 22 years after it entered into legal force. Because of a few hold-out states, the Comprehensive Test Ban Treaty that Australia championed has yet to enter into legal force more than a quarter of a century after it was negotiated.

Key facts

- Australia's ratification of the TPNW will encourage and assist other states to do the same.
- Article 12 of the TPNW compels states parties to work for its universalisation.
- The TPNW has the support of a strong majority of nations worldwide.
- The best way for Australia to walk the talk and pull its weight on nuclear disarmament at this time of great and growing nuclear danger is to become a state party to the TPNW.

The NPT has never been joined by India, Pakistan or Israel (all nuclear-armed), and North Korea gave notice of its withdrawal from that treaty in 2003 to further its pursuit of a nuclear arsenal. Even the treaties which prohibit biological and chemical weapons have not been joined by all states. 33 states have not yet joined the ban on landmines (which entered into force in 1999), 85 states have failed to yet join the ban on cluster munitions (which entered into force in 2010), including the US, China and Russia. Nonetheless, Australia has recognised the normative and legal significance and value of these treaties, has signed and ratified them, and firmly supports all of them, even where major allies like the United States have not yet joined them.

Despite pressure from nuclear-armed states, the TPNW enjoys the support of a clear majority of the world's 193 UN member states. The TPNW was negotiated in 2017 at a conference open to all states, and the treaty was adopted by a vote of 122 to one, with one abstention. Votes in support of the TPNW in UN forums regularly garner over 130 nations. Membership of the TPNW can confidently be expected to continue to grow steadily in coming years, and could grow faster if Australia supports it.

Commendably, Australia has joined all the treaties which prohibit indiscriminate and inhumane weapons, and all applicable nuclear disarmament and non-proliferation treaties, apart from the TPNW. Australia has joined such treaties under both Labor and Coalition governments. We were a leader in the development of the Chemical Weapons Convention, as well as the nuclear test ban treaty. We have joined disarmament treaties because it is the right thing to do for the security of Australians and our world, supporting and strengthening those treaties and the standards and humanitarian norms they enshrine.

Victim assistance and environmental remediation

The TPNW recognises the disproportionate impact of nuclear weapon activities on Indigenous peoples, and enshrines positive obligations to provide assistance for people affected by the use or testing of nuclear weapons, and take measures towards environmental remediation of areas so contaminated. These provisions are directly relevant for people and areas impacted by nuclear testing in Australia and the Pacific, representing an important recognition of past injustices and a pathway forward to address harm done.

Key facts

- The TPNW is the first nuclear weapons agreement to address the harm done by nuclear weapons use and testing.
- Articles 6 and 7 provide for victim assistance, environmental remediation and international cooperation in this work.
- These provisions should guide new efforts by the Australian government, in close collaboration with nuclear survivors and descendants.

The British Government, with the full cooperation of the Menzies Australian Government, conducted 12 major nuclear explosions and over 600 tests of nuclear components and assemblies ("minor trials") from 1953 and 1963 at three sites in WA and SA. An estimated 17,000 Australians took part in the nuclear tests. The total number of Aboriginal people harmed or exposed is unknown.

The 11-year testing program was characterised by negligence and oversights. Exposure and harm to regional communities, Aboriginal people and military personnel were not monitored or systematically ignored. This harm is ongoing for people exposed at the time and their descendants.

Article 6 of the TPNW requires states parties to provide assistance to victims of nuclear use or testing, and take measures towards remediation of areas contaminated by nuclear use or testing. Article 7 requires all states parties in a position to do so to provide assistance to affected states parties and to victims themselves, as well as obligating all states parties to cooperate in this work.

The TPNW's informal working group on victim assistance and environmental remediation, co-chaired by Kazakhstan and Kiribati, is working to address:⁵

- National implementation measures, including encouraging states parties to develop initial "needs assessments" and national plans for implementing Articles 6 and 7.
- Reporting, by encouraging states parties to use voluntary reporting guidelines on the effects of nuclear weapons use and testing, data on affected individuals, types of harm experienced, needs reported by affected communities, etc.
- An international trust fund to provide aid to assist survivors and to support measures towards environmental remediation. It is hoped such a fund will be established by the third Meeting of States Parties.

In June 2023 a delegation of four nuclear test survivors and their descendants visited Canberra to meet with parliamentarians and advocate for Australia's signature and ratification of the TPNW. Karina Lester, second-generation nuclear test survivor said, "this is our truth telling, about the impacts felt by my people, Anangu Pitjantjatjara Yankunytjatjara, the contamination of our traditional lands, the hurt and pain and suffering still felt to this day."⁶

5 Kazakhstan and Kiribati, "Report of the Co-Chairs of the informal working group on victim assistance, environmental remediation, international cooperation and assistance", Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons, New York, United Nations, 27 November–1 December 2023.

6 Rudi Maxwell, "Survivors want PM to sign treaty to ban nuclear weapons" The West Australian, 14 June 2023.

Douglas Brooks served in the Royal Australian Navy during Operation Mosaic at WA's Monte Bello Islands in 1956. He said, "we were virtually used as guinea pigs, stood up with only short-sleeved shirts on the forward part of the ship and copped the full blast of the bomb."⁷

As co-chairs of the Parliamentary Friends of the TPNW, we have no doubt that Australia's timely signature and ratification of the Treaty would be a meaningful contribution to strengthening the nuclear non-proliferation and disarmament regime at a time when that is urgently needed.

This would be in keeping with Australia's history of making such contributions, and it would be appropriate for a nation that has directly suffered the harm of nuclear weapons to human health and our environment through poor governance, misguided subordination to the interests of another country, and shameful disregard for the rights and wellbeing of Indigenous Australians.

Russell Broadbent MP, Senator Jordon Steele-John and Josh Wilson MP, 2023.⁸

How will the ban impact our alliances?

Australia's alliance with the United States need not be a barrier to signing the TPNW. There is nothing in the TPNW which prevents military cooperation with a nuclear-armed state, provided nuclear weapons activities are excluded from such cooperation. There has been no disruption to the ongoing non-nuclear military cooperation between the US and its allies New Zealand, the Philippines and Thailand, all of which have ratified the TPNW. Indeed, military cooperation between the US and the Philippines has only increased since the Philippines ratified the TPNW. Similarly, there are no legal roadblocks for NATO members, Japan or South Korea to join the TPNW while maintaining their alliances.

Australia already holds divergent positions from some of our allies. The Australian Defence Force has had considerable experience in implementing Australia's obligations under the landmines and cluster munitions bans, while cooperating militarily with the US, which has joined neither.

Key facts

- Australia can join the TPNW and maintain military alliances with the United States and other nations.
- Australia's acquisition of highly enriched uranium-fuelled nuclear submarines would gravely challenge the nuclear Non-Proliferation Treaty, however it would not prevent Australia from joining the TPNW.
- In joining the TPNW, Australia would put in place the most effective and enduring commitments to never acquire, host or assist with nuclear weapons, which would be welcomed by the vast majority of Australia's neighbours in the Southeast Asia and Pacific regions, where membership of the TPNW is high.

Australia is already compliant with most of the TPNW's provisions. Australia should sign the TPNW immediately, before undertaking the necessary steps to be in compliance with it, and be able to formally ratify and be bound by the treaty's provisions, including:

- Ending the practice of claiming protection from the US nuclear arsenal. This is outlawed by Article 1.e) of the TPNW which prohibits acts that encourage, assist or induce the possession, use or threat of use of nuclear weapons. This requires a simple declaration by Australia.
- Ensuring joint intelligence facilities like Pine Gap would not participate in assisting with the targeting, command and control, and thereby use, of a nuclear weapon. This would require some negotiated technical adjustments, which can be done without affecting other non-nuclear-weapons-related functions.⁹

The steps required for Australia to comply with the TPNW are feasible and critical, if Australia is genuinely committed to the elimination of nuclear weapons. Australia cannot dismantle the nuclear weapons held by nine other states but it can, and must, end its support for their potential use on its behalf.

It's time for Australia to become part of the solution to the nuclear threat, instead of remaining part of the problem.

7 Douglas Smith, "We could see the bones in our hands: atomic bomb test survivors' fight for ban on nuclear weapons" The Adelaide Advertiser, 18 June 2023.

8 Russell Broadbent MP, Senator Jordon Steele-John, Josh Wilson MP, "Statement by the Parliamentary Friends of the Treaty on the Prohibition of Nuclear Weapons on the visit of British nuclear test survivors and their families to the Australian Parliament", Canberra, 14 June 2023.

9 ICAN Australia, "Choosing Humanity: why Australia must join the Treaty on the Prohibition of Nuclear Weapons", Melbourne, 2019, p23.

Nuclear deterrence theory

Nuclear deterrence is the concept that the possession and/or threat of nuclear weapons provides protection. Deterrence theory has become the key mechanism for nuclear-armed states to justify indefinite retention of their nuclear arsenals. In reality, nuclear weapons do not prevent war, nor do they guarantee the possessor's victory in conflict.

Key facts

- Deterrence theory doesn't account for the growing risk of nuclear weapon use by mistake, miscommunication or miscalculation, which would likely trigger a nuclear response and escalate to all-out nuclear war.
- 86 per cent of Australians believe it is unacceptable for nations to threaten each other with nuclear weapons.
- The TPNW bans the practice of claiming protection from nuclear weapons, under Article 1.e). To become a state party, Australia must cease this practice.

The Second Meeting of States Parties decided to begin a groundbreaking new consultative process to promote scientific evidence and the legitimate security concerns of TPNW states to challenge the security paradigm based on the theory of nuclear deterrence.

The Australian government has consistently voted against UN resolutions that are supported by a large majority of nations that state “that it is in the interest of the very survival of humanity that nuclear weapons never be used again, under any circumstances.”¹⁰

This makes plain that Australian government policy is that the indiscriminate radioactive incineration of millions of civilians is justified in some circumstances. This willingness to unleash nuclear violence is at the heart of nuclear deterrence and is a fundamental obstacle to disarmament. It is immoral, unlawful, deeply disturbing and cannot be the basis of a legitimate national security framework.

Currently Australia subscribes to the concept of “extended nuclear deterrence” by claiming protection from the US nuclear arsenal in our defence posture. The US has not publicly confirmed it would use its nuclear weapons to defend Australia. For the first time, international law prohibits the practice of claiming protection by nuclear weapons in Article 1.e) of the TPNW.¹¹

Speaking during the Second Meeting of States Parties to the TPNW, Patricia Jaworek of the Nuclear Threat Initiative noted that “today's multipolar world is ripe for misconceptions and miscalculations” and that the concept of nuclear deterrence, “at the core of the current nuclear order and which supposedly keeps us safe, is in fact very fragile, and this fragility is amplified by policy makers that choose to brush the consequences aside.”¹²

The Meeting recognised in its closing Declaration that “The perpetuation and implementation of nuclear deterrence in military and security concepts, doctrines and policies not only erodes and contradicts non-proliferation, but also obstructs progress towards nuclear disarmament.”¹³

Public opinion polling demonstrates that 86 per cent of Australians agree that it is unacceptable for nations to threaten each other with nuclear weapons,¹⁴ a practice that is the very basis of deterrence policies. Further, 76 per cent of Australians agreed that Australia should “end any support for nuclear weapons and sign and ratify [the TPNW].”¹⁵

10 United Nations General Assembly, “Humanitarian consequences of nuclear weapons, Resolution A/C.1/78/L.23”, Seventy-eighty session First Committee, New York, United Nations, 9 October 2023.

11 Treaty on the Prohibition of Nuclear Weapons, opened for signature 20 September 2018, A/CONF.229/2017/8 (entered into force 22 January 2021), art 1.e).

12 Patricia Jaworek, presentation to panel discussion “Understanding the humanitarian consequences and risks of nuclear weapons”, Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons, 27 November 2023.

13 United Nations Office of Disarmament Affairs, “Declaration of the Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons: Our commitment to upholding the prohibition of nuclear weapons and averting their catastrophic consequences”, Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons, New York, United Nations, 27 November–1 December 2023, p3.

14 ICAN Australia, “New poll results”, Campaign News, 2022.

15 Ibid.

Far from preserving peace and security, nuclear weapons are used as instruments of policy, linked to coercion, intimidation and heightening of tensions. The renewed advocacy, insistence on and attempts to justify nuclear deterrence as a legitimate security doctrine gives false credence to the value of nuclear weapons for national security and dangerously increases the risk of horizontal and vertical nuclear proliferation.

Declaration of the Second Meeting of States Parties to the TPNW.¹⁶

“The theory of nuclear deterrence is just that – a theory. It is based on an assumption of 100 per cent rationality and predictability of all actors, including one’s enemies, 100 per cent of the time. This theory may provide some psychological comfort but it cannot deter accidents, miscalculations, unhinged leaders, terrorist groups, cyber-attacks or simple mistakes. And as we know there have been many nuclear near-misses over the decades. The fact that we are here today is more a result of dumb luck than good management or inherent system integrity,” according to the Hon Melissa Parke in her statement at the opening of the Second Meeting of States Parties.¹⁷



¹⁶ United Nations Office of Disarmament Affairs, “Declaration of the Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons: Our commitment to upholding the prohibition of nuclear weapons and averting their catastrophic consequences”, Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons, New York, United Nations, 27 November–1 December 2023.

¹⁷ Melissa Parke, “ICAN general debate statement”, Second Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons, 27 November 2023.

Conclusion

As a nation that claims commitment to the international rules-based order, nuclear disarmament and non-proliferation, it is both essential and inevitable that Australia signs and ratifies the UN Treaty on the Prohibition of Nuclear Weapons.

For as long as we remain outside the treaty, promoting a role for nuclear weapons threats in our defence policies, we are contributing to the problem.

The areas of compatibility with the NPT, verification, safeguards, enforcement and the need to seek universalisation are important elements of the treaty. They present no barrier to Australia's ratification. Indeed, Australia's ratification of the treaty will enable our government to contribute to both its effectiveness and universalisation.

All nine nuclear armed states are investing in modernising their arsenals, including with entirely new types of nuclear weapons. None are winding back policies for their use. For the first time in decades, the number of available deployed nuclear weapons is increasing. We do not have the luxury of time or inaction. The TPNW currently provides the best hope for progress on nuclear disarmament and the only bright spot in a bleak and darkening nuclear landscape.

Nuclear weapons are abhorrent, immoral, and illegal under international law. Australia needs to signal its firm agreement and expedite signature and ratification of the UN-TPNW. Australia will take a seat on the UN Peacebuilding Commission in 2025 and this provides a good opportunity to sign the TPNW. Australia is also standing for election to the UN Security Council in 2028 and the campaign for election begins in 2025. Australia will be in a stronger position to be elected and if elected to make a significant contribution, if it demonstrates respect for international law and commitment to nuclear disarmament, peace and human security by signing the TPNW without further delay, and working towards its ratification.



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