ACHIEVING A NUCLEAR FREE WORLD

Address by the Hon Gareth Evans QC, Minister for Foreign Affairs, to the Evatt Foundation, Sydney, 7 February 1996.

On the morning of 6 September 1995, the French Government detonated the first in a series of nuclear explosions - several of them ten times or more the size of the bomb that devastated Hiroshima - beneath the waters of Mururoa lagoon. The shock waves threatened damage of two different types: physical damage to the fragile and precious environment of the South Pacific, and political damage to the fragile and precious global consensus against the proliferation of nuclear weapons.

The potential environmental damage is severe enough. Why else, as we repeatedly asked, were the tests conducted in the South Pacific rather than in the Massif Central of France? Now that France has closed this sorry chapter of nuclear testing, it is appropriate for a competent and well-equipped team to assess if there has been any permanent damage done to the reef or the marine environment. If there is evidence of such damage, then we will be arguing that the French Government must bear the financial consequences of accepting responsibility for it.

But the political damage to the cause of non-proliferation is potentially even more severe - in the scepticism and cynicism generated around the world, especially among developing and threshold states, about the true intentions of the nuclear weapons states. Today I want to talk about ways in which that damage can be addressed - and reversed.

In doing so I want to bring together the different strands of what has emerged over the last decade or so as a significant new priority for Australian foreign policy. Doc Evatt was present at the birth of the nuclear age; under this Labor Government, we have worked hard and effectively to limit the spread of nuclear weapons. But last year we decided that it was time decisively to lift our sights further, and to embark on an effort to achieve the complete elimination of nuclear weapons from the face of the earth.

This Labor Government has a proud record of activism in pressing for improved arms control and disarmament measures. In this we built of course on the Whitlam Government's pioneering role in the 1970s at the head of regional and international protests, which included taking France, at an earlier stage of their nuclear irresponsibility, to the International Court of Justice over its atmospheric tests at Mururoa.

One of the really major legacies of Bill Hayden's time as Foreign Minister was to again

pick up the arms control agenda and carve out a prominent role for Australia in the international peace movement - by championing a Comprehensive Test Ban Treaty (CTBT) despite the strong opposition of the Reagan Administration, negotiating the South Pacific Nuclear Free Zone (SPNFZ), becoming an articulate and effective promoter of the Nuclear Non Proliferation Treaty (NPT), and appointing a Disarmament Ambassador to beat the drum both at home and abroad.

It is worth recalling that SPNFZ, the Treaty of Rarotonga, was only achieved in the face of widespread support from the South Pacific nations, and intense scepticism and the fear-mongering of the coalition parties here in Australia - which speaks volumes about the role and the relevance of the coalition in setting policy in the Asia-Pacific region.

In 1985 John Howard was saying "the Australian Labor Party should totally ban its absurd support for a nuclear free zone in the South Pacific" (HoR, 19/3/85) and in 1987 he was still saying "the Hawke Government claims [SPNFZ] is a foreign policy triumph. Of course it is nothing of the sort." (Press Release, 20/5/87).

As Foreign Minister since 1988, I have tried to maintain Bill Hayden's momentum, in all these peace and disarmament areas, and others as well.

We were very active in the efforts last year to achieve the indefinite extension of the NPT - an essential milestone on the way to a world free of nuclear weapons. It laid down, in perpetuity, the *norm* of nuclear non-proliferation. And it signalled the way forward to the next milestone: a convention to ban the production of fissile material for nuclear weapons, the "Cut-Off" Convention.

We have been assiduous and imaginative in our efforts to improve the effectiveness of the nuclear safeguards of the International Atomic Energy Agency. An active contributor on the IAEA's key safeguards advisory group continuously since the 1970s, we have offered ourselves for trials of new verification arrangements: spot inspections, broad access inspections, and highly sophisticated environmental monitoring designed to catch out would-be proliferators.

In recent years, we have led the debate on and championed measures aimed at the elimination of weapons of mass destruction altogether, notably through the formation of the Australia Group of chemical and biological export suppliers. And Australia played a crucial role in crafting and implementing the endgame to the negotiations for a Chemical Weapons Convention, which had dragged on inconclusively for over twenty years, until the Convention was finally concluded and opened for signature in 1993.

Nor have we neglected the problem of excessive growth of conventional weapon armouries. Australia has for example been a strong supporter of the United Nations

Register of Conventional Arms which was established in 1992 and became operational the following year. Not only are we an active participant in the Register - all information provided to the Register is on a voluntary basis - but we also seek to encourage other countries, particularly from the Asia Pacific region, to participate. Broad participation in the Register will act as an important confidence building measure designed to improve transparency as a means of encouraging security relations between states. Australia has also been very active in the negotiation of the Wassenaar Arrangement which was formally launched in the Hague last December. The Arrangement will promote transparency and facilitate the detection of destabilising trends in transfers of conventional arms and dual-use technology, goods or materiel through information exchange among participating states.

One particular class of conventional weapons, albeit defensive rather than offensive in character, that has in recent times generated more attention than almost any other, is anti-personnel landmines. And it is entirely right that they should be given that attention, given the appalling toll of death and injury that indiscriminately sown mines continue to exact around the world among innocent civilian populations.

Since there seems to be some continuing questioning of the sincerity of the Australian Government's stance on these abhorrent weapons, let me seek to state our position as clearly and unequivocally as I possibly can, in the following terms.

· Under Labor, Australia is committed to, and will work towards, a total ban on the manufacture, stockpiling, use and transfer of anti-personnel landmines, i.e. their total elimination.

· In the period before a global ban is agreed, Australia under Labor will not produce anti-personnel landmines nor transfer landmines to any other country.

- This commitment is consistent with our past and present policies. Not one of the possibly tens of millions of mines left indiscriminately around the world was lain by Australian forces or was manufactured in Australia or was sold by Australia.

· The practical problem that we and like-minded countries face in working towards a global ban, however much we may wish to see an immediate end to the international scourge of landmines, is that an immediate ban is not achievable. At last year's Vienna Conference on strengthening the Inhumane Weapons Convention, when it was clear that there was minimal support for a total ban, Australia pressed hard for interim measures against non-detectable and long-lived anti-personnel mines which are overwhelmingly the greatest cause of civilian deaths. Unfortunately, at this stage there was no consensus even on these steps.

· Our judgement is nonetheless that, as with nuclear disarmament, an incremental approach is the one most likely to be successful. We do not share the view of some critics that, in the absence of a consensus on total elimination, no intermediate objective is worth striving for. We will continue to support and work toward a total ban - but will also support lesser objectives that are worthwhile steps toward that.

Against the background of our longstanding activism in peace and disarmament, especially nuclear, issues, you would have expected that our response to President Chirac's decision last June to break his predecessor's moratorium on nuclear testing would be credible, immediate and strong. And it was. John Howard himself - before he was overcome by the virus of opportunism and mock outrage that now completely debilitates him, agreed that the Government's initial response had been "appropriate": "it's one of those situations that you've got to keep under review...it's never smart in those situations to fire all your shots at once". Certainly, whatever urban myths may continue to circulate about my own immediate reaction to the tests, Australia's voice was, from the outset, heard very loud and clear in Paris and around the rest of the world. President Chirac paid us the compliment - though I'm not sure he would want to characterise it this way - of recognising what he described as our "excessive", "outspoken", and "important" leadership role in the protest.

He was reacting to the strongest, most measured and systematic, and most coherent and sustained campaign mounted by any government against the testing program. Prime Minister Keating immediately deplored the Chirac decision and announced the freezing of cooperation with France in the defence field. We then launched a step-by-step campaign - based from the outset on rational persuasion as much as tap thumping protest - in which we pulled together every resource that we and like thinking governments and people had to try and get the decision changed. I led a South Pacific Forum delegation to Paris in June. My Francophone colleague Gordon Bilney led an all-party parliamentary delegation to key capitals in Europe, which was followed by a delegation led by the President of the Senate, Senator Beahan. The ASEAN Regional Forum applied pressure from the Asia Pacific. South Pacific Environment Ministers meeting in Brisbane unanimously condemned the French tests. The Government raised the issue in every possible regional and global forum: we intervened in support of New Zealand's bid to reopen its 1973 case in the World Court; we provoked some testy times at CHOGM in Auckland before that forum voiced its clear condemnation of the tests; and we brought the campaign to a head with a resolution at the UN General Assembly in December which decisively condemned all nuclear testing.

We were not able to stop the tests - there are few limits to Gallic determination on matters nuclear - but we did limit them. The French reduced the number of tests from eight to six in number; the end of the tests series was brought back four months, from May to January; we elicited a crucial new French commitment not just to sign on the CTBT but to do so on a true zero yield basis; we have got our long overdue commitment at last to sign up to the

SPNFZ protocols, not only from France but simultaneously from the US and Britain; and the French Polynesians are to be financially compensated, it was announced a few days ago, for the loss of income to their Territory from the shutdown of the Mururoa test site. We can, I believe, feel a reasonable sense of vindication about all this, bringing to a final end as it does all nuclear testing in a region which has suffered the ravages of both atmospheric and underground testing over a period of decades.

All that said, there has been a larger risk posed by the French tests which persists even with their conclusion, and that is the risk to the cause of non-proliferation which will

continue to be very serious so long as other countries around the world are not persuaded that the nuclear weapons states are genuinely serious about eliminating their nuclear weapons stocks.

Many ordinary people felt, with good reason, that with the Cold War over and with the rivalry between the two nuclear superpowers replaced by a rational commitment to cut their nuclear arsenals, the risk of nuclear conflict had passed - and with it the rationale for nuclear test programs. The thought that this might not be so - that countries like France and China were actually still in the business of improving their nuclear weapons stock - was and remains profoundly shocking and unacceptable to world opinion.

This public outrage is well founded. The tests challenged the very heart of the principal legal constraint on the proliferation of nuclear weapons: the Nuclear Non-Proliferation Treaty. The NPT is founded on a critical trade-off: the states without nuclear weapons agree that they will not acquire them, in exchange for an undertaking by the five states that had nuclear weapons in 1968, made expressly in Article VI of the NPT, to work towards complete nuclear disarmament. What is becoming increasingly apparent is that, with the breakdown of the Cold War blocs, the NPT trade-off is now more fragile than it was. That is why it was such a tremendous achievement, last year, when - at least in part due to the active pushing and prodding by Australia - the global community agreed to extend the life of the NPT indefinitely. And that is why, in turn, there was a palpable sense of betrayal felt around the world when China and France flouted the whole spirit of the deal by resuming testing as soon as the extension decision was taken - despite their undertaking to exercise "utmost restraint" in respect of nuclear testing.

If in the 1990s the President of a great Western democracy such as France can authorise testing on the grounds that enhanced nuclear capacity represents enhanced security, and if the Prime Minister of the UK can support this action on the same ground, then the terrible fact is that many other countries might seek to mount a similar justification for the acquisition of their own version of a deterrent. Let us not forget the intense reluctance of the Non-Aligned Movement to sign up to indefinite extension of the NPT. Let us not forget that Saddam Hussein's covert nuclear weapons program was at a well advanced

stage when it was stopped by the United Nations Special Commission; or that it has taken enormous diplomatic effort and significant funding of alternative energy to turn North Korea away from the nuclear weapons option; or the press reports of activity at the test site of NPT non-member India. These are all cautionary signs that we will ignore at our peril.

So nuclear proliferation is an issue for the 1990s - a major issue deserving urgent attention. If there is any good to have emerged at all from the whole sorry chapter of the Mururoa and Fangataufa tests, it is that they have reminded the world of that stark fact. But it has also reminded us that mere non-proliferation, as important as it is, is not the ultimate goal. The ultimate goal is the elimination of nuclear weapons - and now is the time to work out how to get there and actively campaign for that result.

One way in which the goal of a nuclear weapon free world might eventually be achieved is by a declaration by the International Court of Justice that nuclear weapons are illegal. That is why last October the Australian Government intervened in the Court's consideration of Requests for Advisory Opinions on nuclear weapons submitted by the World Health Organisation and the United Nations General Assembly. We felt it vital to ensure the argument for illegality was fairly and squarely before the Court. You have seen the text of my argument, which you have kindly reprinted in the Evatt Papers.

A case of this kind is however something of a double-edged sword. In the event that the Court should not be moved by this argument, and indeed is persuaded by the Nuclear Weapons States that possession and use of nuclear weapons is in some circumstances perfectly legal (other than just during the period of phase-down to zero), then the risk would be that, far from being advanced, the cause of a nuclear weapons free world would be significantly set back. This is why Australia hedged its substantive argument with a preliminary procedural plea suggesting it might be appropriate for the Court to stop short of addressing the substantive issue at all. But as many observers of the Court's procedure have acknowledged, there should be no doubt about the passion with which we then argued the case for illegality itself.

Indeed, it is because we feel so strongly that the larger goal of elimination had to be addressed - rather than limiting ourselves to arguing just for steps like the CTBT and the NPT - that we embarked upon the enterprise of the Canberra Commission on the Elimination of Nuclear Weapons announced by the Prime Minister. Its tasks are essentially two-fold: to make a compelling intellectual case for the desirability of elimination not merely on moral grounds but on security and strategic grounds; and to provide practical and serious ideas about how elimination can be achieved, focusing in particular on problems of verification, maintaining stability during the transitional period, and avoiding "breakout" thereafter.

The Commission brings together an outstanding group of seventeen eminent statesmen, scientists, disarmament experts and military strategists from a spread of nuclear, non-nuclear, developing and developed countries. They are practically minded and they hold a range of views about whether nuclear disarmament is possible. But they are united - and this was very clear in the first meeting held in Canberra last month, and the statement they issued at the end of it - in the assessment that the world faces an unprecedented opportunity, and necessity, not just to reduce but to eliminate nuclear weapons.

No one should be under any illusions about the size of the task of nuclear disarmament which lies ahead. More than 40,000 nuclear warheads exist in the world today, with a total destructive power around one million times greater than that of the bomb that flattened Hiroshima. Under START I the United States and Russia have agreed to nuclear reductions which have seen each country dismantle some 2,000 warheads annually, but even when these reductions are achieved, this will leave in place some 20,000 nuclear warheads. Under START II, which is yet to be ratified by Russia, both parties have agreed to further deep cuts, but even if the dismantlement schedules can be maintained, the five nuclear weapons states by 2003 would still have around 12,000 warheads between them (about 1,000 in the possession of the UK, France and China, the rest with the USA and Russia).

On the path to nuclear weapons elimination, there are four broad agendas that will need to be pursued more or less simultaneously, involving respectively the whole international community, regional groupings, the nuclear weapons states, and the threshold and undeclared states.

Without trying to anticipate the findings and recommendations of the Canberra Commission, it has seemed to me that the milestones that would need to be reached over the years ahead if we are to achieve a nuclear weapons free world include, in each of those four areas in turn, the following.

First, in the global multilateral arena, the next steps will need to be the CTBT and the "Cut-Off" Convention to which I have already referred; followed by a fissile material stocks accountability regime; strengthened IAEA-based safeguards regimes; and cooperative strategies to develop further verification regimes, anti-"breakout" defences and probably also some strategies to deal with the risk of acquisition of major conventional weapons capability.

Secondly, at the regional level, some specific steps that would contribute greatly would be the expansion and development of the current network of nuclear weapon free zones, particularly in areas such as South Asia and the Middle East where tensions run deep and

have nuclear overtones. I am also attracted to the psychological and symbolic impact of an entire Southern Hemisphere free of nuclear weapons. This could be achieved through the creation of formal linkages between existing or potential nuclear free zones in the South Pacific, South East Asia, Latin America and Africa. There will also need to be continued careful management of the agreement reached between the US and North Korea.

Thirdly, the US and Russia, as by far the largest nuclear weapons possessors will, following the major reductions they are already committed to under the START agreements, need to reach further reductions treaties, including, as early as possible, a START III. Further down the track, these two nuclear superpowers will need to be joined by the other declared nuclear weapons states in five-power negotiations.

The fourth - probably most difficult of all element - will be to secure universal adherence to the NPT, including by those states which are currently outside the treaty and which directly challenge it. States can step back from threshold and undeclared status - as South Africa, Brazil and Argentina have demonstrated, but it needs, among other things, a serious addressing of the individual security concerns.

In all this, it needs to be understood that the elimination of nuclear weapons - like their acquisition - will not take place in a political or strategic vacuum. Elimination is only conceivable in the context of a newly enhanced global and regional security environment, one in which all states feel that their security will not only not be threatened by the elimination of nuclear weapons but that it will actually be enhanced. The arguments are there, and we have assembled some of the best strategic thinkers in the world in the Canberra Commission to put them, but the task of winning acceptance for a zero nuclear world will obviously not be easy.

The Canberra Commission report will be the first governmental report of its kind. As such, it will have a status which previous papers on this subject - from NGOs, think-tanks and the like, however serious and cogent in themselves - have lacked. Australia will submit the Commission's recommendations to the UN General Assembly in September this year, and to the Conference on Disarmament in Geneva after that. A major task would then follow of ensuring that the report does get the attention it deserves from the key players. I have already identified this as a major priority of a reelected Labor Government.

The Opposition's reaction to the Canberra Commission already disqualifies it from an effective performance of that task if they were to be in office. Alexander Downer's reaction was to say that the Commission was "nothing more than a political stunt" (Ch. 7, 17/12/95). The ever smooth and controlled Tim Fischer declared in January (SMH 13/1/96) that the Howard Government's first step would be to "scrap the 'save the world' talkfest", just days after Alexander Downer, no doubt with a wet finger in the air again, said that the coalition, if elected, would let it run its course. Mr Fischer also attacked one

Commission member Commission member, the former US Defence Secretary Robert MacNamara, for admitting the US had been wrong in the Vietnam War. The point is, of course, that neither Mr Fischer nor Mr Downer has displayed any of the sensitivity or subtlety necessary to make of this Commission what it is worth. What kind of a case could they mount around the world for nuclear weapons elimination when their whole approach so far has been one of cynicism and self-contradiction?

On the thinly veiled suggestions that have also been made by Messrs Fischer and Downer that the Canberra Commission is some sort of attack on the US alliance, I want to make it very clear that one important credential that we have for this task is precisely our close relationship with the United States. The US will clearly be the most important country to convince of the viability of the Canberra Commission blueprint, and I believe we are more likely to be listened to and taken seriously in Washington on such an issue than most. I made it clear at the International Court of Justice, and elsewhere, that elimination will only take place in the context of continued strategic deterrence, at progressively lower levels. So the Canberra Commission cannot in any sense be regarded as a weakening of the US alliance; certainly the US does not see it as such.

I was also disturbed to hear some commentators dismiss the Canberra Commission on the grounds that if the idea was worth doing, some other country would already have done it! Apart from displaying an embarrassing and anachronistic cultural cringe, such a reaction profoundly and comprehensively ignores the dynamics of international negotiations and the effective role which countries like Australia - the very few countries like Australia - can play. Energetic, resourceful, creative, persistent, a middle power largely untrammelled by the historical and ideological baggage of more exalted friends, Australia has demonstrated in many contexts - the Cairns Group, the Antarctic Treaty, the Chemical Weapons Convention, the Cambodia settlement, the NPT Review and Extension Conference, and the CTBT negotiations among these - our ability to build bridges, break down polarisations, suggest ways through impasses and generally achieve results. Self-praise is no praise at all, you will tell me, but the results are there for all to see.

I began by recalling the dreadful error of judgement that led the French Government to resume nuclear testing. One of the most insensitive aspects of that decision was that it came so soon after the world had observed the 50th anniversary of the devastation of Hiroshima and Nagasaki at the end of the Second World War. If anything could and should have reminded us all of the urgency of achieving, not a world which consolidates the existence of nuclear weapons, but one that eliminates them, it should have been that anniversary. I do not, and will never, underestimate the complexity of the task of achieving a nuclear weapons free world. But I am proud that Australia has made a start. And I hope and I believe that we will be celebrating that achievement long before we commemorate the centenary of the Hiroshima and Nagasaki attacks.