

ICAN SUBMISSION TO THE IPAN INQUIRY

The Board of the International Campaign to Abolish Nuclear Weapons (ICAN) Australia, is pleased to make this submission to the IPAN Inquiry on the implications and impact of the US–Australia alliance. Because of the specific nature of ICAN, we have chosen to focus here only on two areas covered by IPAN’s Inquiry: Military and Defence, and Foreign Policy.

We nonetheless acknowledge that ANZUS and Australia’s support of nuclear weapons, including its claim to be under the US ‘nuclear umbrella’, as well as the history of British nuclear testing in Australia, has consequences for several other areas examined by IPAN, especially Impacts on First Nations Peoples, Social and Community, Political (including democratic rights), Environment and Climate Change, and Economic.

SUMMARY AND RECOMMENDATIONS:

The ANZUS treaty, and the alliance more generally, have been used by Australian governments to rationalize their support for America’s often ill-advised security and foreign policies, and are used as justification for why Canberra cannot sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons. While there is support among Australians for the ANZUS alliance to continue, many believe that Australia should nonetheless develop and implement a more independent voice in international affairs, one based on the values of humanity, the peaceful resolution of disputes, multilateralism, and international law.

A renunciation of any role for nuclear weapons should form a core component of such policies. Should we wish to remain in the ANZUS alliance and also sign the Treaty on the Prohibition of Nuclear Weapons, we can do so, as long as we renounce any affiliation with nuclear weapons and specify that the alliance is a non-nuclear one.

Recommendation 1:

The Australian government must sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons, and re-commit to work actively towards the complete elimination of all nuclear weapons.

Recommendation 2:

Australia should undertake an overhaul of its US nuclear-related activities at Pine Gap as part of its accession to the Treaty on the Prohibition of Nuclear Weapons; this can constitute the starting-point of an independent Australian foreign and defence policy, while not foreclosing the option to retain the US as a key ally.

Recommendation 3:

Australia should develop a more independent and responsible voice in international affairs, whether it remains in the ANZUS alliance or not. It must work towards fostering

peace globally by working for the complete, verified, abolition of nuclear weapons; by practising responsible, peaceful, and ethical relations with our neighbours and the global community more generally; and by replacing the current domestic emphasis on military force and greater defence budgets with a focus on addressing genuine threats to our security.

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Introduction: Who we are.

ICAN was launched in Australia in 2007, and is now present in over 100 states, working with a coalition of non-governmental organisations. For its “work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons” – the most destructive of all weapons of mass destruction - and its “ground-breaking efforts to achieve a treaty-based prohibition of such weapons”, ICAN was awarded the Nobel Peace Prize in 2017. This is the first time that an Australian-born organisation has received the Nobel Peace Prize.

ICAN Australia is focused on promoting adherence to and implementation of the UN Treaty on the Prohibition of Nuclear Weapons (TPNW), a landmark global agreement adopted in New York on 7 July 2017, which outlaws nuclear weapons on the basis of their inhumane characteristics. The treaty entered into force in January 2021.

Within Australia, ICAN has more than 75 partner organisations, including faith-based, union, Indigenous, public health, environmental, peace, and student groups. We also have an extensive cross-party *‘Parliamentary Friends of the Treaty on the Prohibition of Nuclear Weapons’* group, and work with hundreds of Federal and State politicians who have taken the Parliamentary Pledge to work for our government to sign the TPNW.

ICAN also works closely with Local Government Associations, and 36 of these have signed onto ICAN’s *Cities Pledge*. At its 2021 National General Assembly, the Australian Local Government Association unanimously passed a motion calling on the Australian government to sign and ratify the TPNW.

ANZUS is not a nuclear alliance.

The ANZUS alliance commits its parties to consult in the event that a threat is posed to either party, but it does not guarantee any military support to Australia. Even if military support were to be given to Australia by the United States in the event that a threat was posed, this is not likely to be in the form of using nuclear weapons to defend Australia.

Neither would such an option be desirable, precisely because of the inhumane nature of nuclear weapons, and the catastrophic consequences attendant on any use of these weapons. ANZUS provides no unqualified security assurances to Australia, and certainly not any promise of extended nuclear deterrence.

Despite this, governments in Australia have projected a view that ANZUS is a nuclear alliance, and especially since the 1994 *Defence White Paper*, have explicitly imported an alleged nuclear promise into the ANZUS treaty. Even if the treaty could be seen as ambiguous at best, regarding the provision of military support to Australia, Canberra has insisted that it includes a nuclear umbrella as an unquestioned certainty.

That this assertion was made in a *Defence White Paper* just three years after the Cold War had ended, and with no nuclear threat in sight, remains a troubling issue. It unnecessarily aligned Australia closely with nuclear weapons, and furthered a view that we depend on the US alliance and its assumed nuclear umbrella for protection.

It has also reinforced the practice of our country assisting US nuclear activities at Pine Gap and elsewhere, which makes us vulnerable as a target in any potential nuclear war.

In sum, while we do not take a formal position on whether ANZUS and the alliance should continue, we do believe that this history has furthered an unnecessary dependence on an assumed nuclear umbrella. Moreover, this interpretation of ANZUS has been used, unreasonably, to allege that Australia cannot join the Treaty on the Prohibition of Nuclear Weapons, a treaty based firmly on international humanitarian law and one which Australia would otherwise join (in the same way that Australia has championed other treaties outlawing inhumane weapons such as landmines, chemical weapons and biological weapons).

Australia stands at risk of losing its independent voice because of its close alignment with ANZUS, and the United States more broadly

While some Australians support the ANZUS alliance, there is significant concern about the extent to which Australia unquestioningly follows US foreign policy and especially about Canberra joining in America's ill-advised 'wars of choice' (including Vietnam, Afghanistan, and Iraq). Recognising the extent to which we remain pliant to American demands, former Prime Minister Malcolm Fraser called on Australia to withdraw from ANZUS, and many Australians feel similarly.

We believe that our foreign and security policies should not be driven so heavily by US interests, especially when it comes to nuclear weapons, which are now classified as inhumane, immoral, and illegal under international law.

ICAN Australia therefore endorses the creation of independent Australian foreign, security, and defence policies.

Significant changes need to be made to existing practices. Carefully considered policies must address the real threats to Australia (including climate change, the likelihood of further pandemics, and growing inequality) and the provision of human security more generally. They must invest in diplomatic and peacebuilding programs in our region and around the world as a way of acting responsibly, which in turn helps to reinforce our own security.

While China and other rising states suggest new global dynamics and a lessening of US influence, these challenges can be met constructively and without recourse to military force.

ICAN Australia also believes that the growing budgets allocated to defence and the procurement of weapons in recent years must be lowered. These resources should be diverted to meet the many pressing social and community needs in Australia. We do not agree with the government's proposal that Australia should become one of the top-10 arms exporters in the world.

Should it wish to do so, Australia can continue to have an alliance with the US, based on conventional weapons.

Australia can sign the TPNW and not have to withdraw from being an ally of the United States.

If there is strong support for continuation of the ANZUS alliance, this must become an alliance based on mutual and genuine interests; it must conform to the principles enshrined in the United Nations Charter, and only employ armed force when this is strictly in accordance with international law. This armed force, were it deemed to be legitimately necessary, must respect international humanitarian law and be limited to the use of conventional weapons.

Any use of, or reliance on, weapons of mass destruction must be ruled out expressly.

ICAN and several analysts believe that it is quite compatible for Australia to continue to hold an alliance with the United States, and to sign and ratify the Treaty on the Prohibition of Nuclear Weapons.¹

Australia must renounce any reliance on or identification with nuclear weapons, and amend its policies and practices accordingly. This will include ceasing some of the activities conducted at Pine Gap and elsewhere in Australia jointly with the United States.² As noted, continuing to allow US nuclear-related activities in Australia increases the risk of our country being targeted in the event of any nuclear war involving the United States.

Removing ourselves from any association with nuclear deterrence, modifying our joint facilities, and signing the TPNW is likely to result in initial resistance and disapproval

¹ See Harvard International Human Rights Clinic, 2018. *Australia should join nuclear weapons ban treaty*, <https://hrp.law.harvard.edu/arms-and-armed-conflict/report-australia-should-join-nuclear-weapons-ban-treaty/>

² ICAN Australia, 2019. *Choosing Humanity: why Australia must sign the Treaty on the Prohibition of Nuclear Weapons*. <https://icanw.org.au/wp-content/uploads/Choosing-Humanity-ICAN-Report.pdf>; Richard Tanter, 'An Australian Pathway through Pine Gap to the Nuclear Ban Treaty', John Menadue: Pearls and Irritations (Blog Post, 5 August 2019) <https://johnmenadue.com/richard-tanter-an-australian-pathway-through-pine-gap-to-the-nuclear-ban-treaty/>

in Washington. This need not, however, mean the end of the alliance. In time, any US censure placed on Australia is likely to thaw.

It will be in Washington's interest to retain Australia as an ally in the region and the two states are likely to mend their relations. A number of US allies – notably Ireland, the Philippines, Thailand, and New Zealand - have already signed the TPNW, with no adverse impacts. Even the governments of some NATO states are considering signing the TPNW; they too will have to reject any reliance on nuclear weapons and undergo a disentanglement from NATO's nuclear-related activities, remaining within NATO but as non-nuclear partners.

In sum, non-nuclear alliances with the United States are feasible, and ANZUS should not prevent the Australian government from exercising the clear will of its own citizens, where 71-79% of people polled are in favour of abolishing nuclear weapons.³

RECOMMENDATIONS

In accordance with the above, ICAN firmly believes that Australia's security and well-being rest on re-conceptualising the nature of security, and rejecting outdated views on the utility of military force which have prevailed for several decades. ICAN Australia strongly recommends the following actions:

1. The Australian government must sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons, and re-commit to work actively towards the complete elimination of all nuclear weapons.
2. Australia should undertake an overhaul of its US nuclear-related activities at Pine Gap and elsewhere as part of its accession to the TPNW; this can constitute the starting-point of an independent Australian foreign and defence policy, while not foreclosing the option to retain the US as a key ally.
3. Australia should work towards fostering peace and goodwill globally, by working for the complete, verified, abolition of nuclear weapons; by practising responsible, peaceful, and ethical relations with our neighbours and the global community more generally; and by replacing the current domestic emphasis on military force and greater defence budgets with a focus on human security.

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³2018, 2020 IPSOS opinion polling of support for Australia joining the TPNW.



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