“In the National Interest”: Australia’s Proliferation Strategy in a Changing International Environment

Michael Clarke
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Executive Summary

The “Australia–China Nuclear Material Transfer Agreement and Nuclear Cooperation Agreement” signed on 4 April 2006 raises a number of important questions regarding not only Australia’s relationship with the People’s Republic of China (PRC) but also Australia’s attitude toward the existing non-proliferation regime represented by the pillars of the Non-Proliferation Treaty (NPT) and the International Atomic Energy Agency (IAEA). In the context of the ongoing international debate concerning the efficaciousness or otherwise of the NPT and IAEA in preventing or managing nuclear proliferation, Australia’s undertaking to enter a nuclear cooperation agreement with the People’s Republic of China (PRC), once identified as a “strategic competitor” of Australia’s major alliance partner the United States (US), suggests that the Howard government’s approach to proliferation issues is being re-evaluated. This paper argues, utilising an analysis of the relationship between the evolving US approach to nuclear issues and Australian policy, that the Howard government’s evolving approach to nuclear issues (particularly in relation to proliferation) can be characterised as an attempt to balance the competing imperatives of maintaining Australia’s reputation as a nuclear non-proliferation standard bearer, regional strategic and economic considerations and the weight of the Australia–US alliance.

In effect, the Howard Government’s emergent approach to nuclear proliferation appears to be part of a broader foreign policy strategy of “discriminate engagement” of the region’s great powers, China and the US. This paper suggests, however, that this particular approach in the context of the international debate and controversy over the future of the nuclear non-proliferation regime is fraught with a number of significant dangers for Australia. The major questions that form the major focus of the paper concern issues that the Howard Government itself has identified as being critical to the domestic debate regarding nuclear energy. In particular, the expansion of destinations for Australian uranium, as indicated in the Australia–China Nuclear Agreement, has important implications for domestic and international security, Australia’s approach to non-proliferation, and Australia’s relations with China and the US.

Three major questions stemming from the recent agreement impinge on these broad areas of concern for Australian foreign policy and security. First, what is Australia’s current non-proliferation strategy and how does it relate to changing international approaches to nuclear proliferation? Second, what are the implications of the agreement’s content for Australia’s non-proliferation strategy? Third, where does the Howard Government’s approach to nuclear issues position Australia in relation to its chief alliance partner, the US, and major economic and regional power, China? The paper will begin by placing the Howard government’s non-proliferation strategy in historical context and examine its relationship to Australia’s broader foreign policy agenda. Particular emphasis will be placed upon the impact of evolving international debates, especially the evolution of US policy, and policy toward nuclear proliferation on Australian policy since 1996. In this regard, the evolution of the US approach in the post–Cold War era will be examined with a focus on identifying the factors generating change. In particular, a brief analysis of the recent US–India agreement and its implications for the international non-proliferation regime will provide an instructive counterpoint for the subsequent discussion of the Australia–China nuclear agreement’s impact and potential implications for the Howard Government’s non-proliferation strategy. This discussion will include some analysis and speculation as to where the agreement and its policy implications leave Australia in the context of its two most important Asia–Pacific relationships with the US and China.
1. Introduction

The “Australia–China Nuclear Material Transfer Agreement and Nuclear Cooperation Agreement” signed on 4 April 2006 raises a number of important questions regarding not only Australia’s relationship with the People’s Republic of China (PRC) but also Australia’s attitude toward the existing non-proliferation regime represented by the pillars of the Non-Proliferation Treaty (NPT) and the International Atomic Energy Agency (IAEA). In the context of the ongoing international debate concerning the efficaciousness or otherwise of the NPT and IAEA in preventing or managing nuclear proliferation, Australia’s undertaking to enter a nuclear cooperation agreement with the PRC, once identified as a “strategic competitor” of Australia’s major alliance partner the United States (US), suggests that the Howard government’s approach to proliferation issues is being re-evaluated. Moreover, development of “nuclear relations” between Australia and China comes will no doubt also raise questions regarding China’s proliferation record and whether measures and assurances are embodied in the agreement regarding proliferation risks/threats. In a broader sense the agreement’s emphasis on the sovereign responsibilities of the supplier and recipient of nuclear materials and technologies is suggestive of the Bush Administration’s evolving counter-proliferation strategy. Indeed, these developments highlight the emerging nexus between Australia’s evolving role in facets of the international nuclear fuel cycle and the contemporary challenges facing the international community in attempting to maintain and construct effective non-proliferation mechanisms.

This paper argues that the Howard government’s evolving approach to nuclear issues (particularly in relation to proliferation) can be characterised as an attempt to balance the competing imperatives of maintaining Australia’s reputation as a nuclear non-proliferation standard bearer, regional strategic and economic considerations and the weight of the Australia–US alliance. In effect, the Howard Government’s emergent approach to nuclear proliferation appears to be part of a broader foreign policy strategy of “discriminate engagement” of the region’s great powers, China and the US. This paper suggests, however, that this particular approach in the context of the international debate and controversy over the future of the nuclear non-proliferation regime is fraught with a number of significant dangers for Australia. The major questions that form the major focus of the paper concern issues that the Howard Government itself has identified as being critical to the domestic debate regarding nuclear energy.1 In particular, the expansion of destinations for Australian uranium, as indicated in the Australia–China Nuclear Agreement, has important implications for domestic and international security, Australia’s approach to non-proliferation, and Australia’s relations with China and the US.

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The Australia–China Nuclear Agreement thus raises a number of questions regarding the nexus between Australia's role in the nuclear fuel cycle and the future of the existing non-proliferation regime that will be the focus of this paper. Recent statements by the Foreign Minister Alexander Downer on proliferation issues, Australia's participation in emerging counter-proliferation measures such as the Proliferation Security Initiative (PSI), and Prime Minister Howard's call for a national debate on the possible advantages of an expanded role for nuclear energy in Australia, combined with the conclusion of a nuclear cooperation agreement with China, are indicative of a transformation of Australia's "traditional" approach to nuclear issues. But what has been Australia's "traditional" approach to nuclear issues and do such developments as those noted above represent a distinct change in Australia's stance, particularly in relation to nuclear proliferation? As the subsequent discussion will demonstrate there has been a change in the Howard government's non-proliferation strategy since 2001 that represents re-evaluation of preceding Australian government policy.
2. Australia’s Approach to Nuclear Proliferation, 1972–96

Since the 1970s the Australian government’s position regarding nuclear proliferation has largely been characterised by a bi-partisan consensus that the nuclear non-proliferation regime, based on the Nuclear Non-Proliferation Treaty (NPT), provides the best instrument to prevent the spread of nuclear weapons in the international system. Like many other states, Australia went through a period of serious debate regarding the advantages and disadvantages of becoming a nuclear weapons state prior to eventually acceding to the NPT in 1973 under the Whitlam government. Subsequent developments illustrated that both sides of federal politics accepted the “grand bargain” between the Nuclear Weapons States (NWS) and the non-Nuclear Weapons States (NNWS) embodied in the NPT which stipulated that the NWS in return for the forswearing of the nuclear option by the NNWS would facilitate the exchange and development of the “peaceful” applications of nuclear technology. The Whitlam government, for its part, drew a link between the behaviour of the NWS regarding proliferation and that of the NNWS parties to the NPT, in effect arguing that proliferating restraint on the part of the NWS would result in similar restraint on the NNWS in seeking nuclear weapons. The subsequent Fraser government’s decision in 1977, on the basis of the findings of the Ranger Uranium Inquiry, to approve large-scale uranium mining and export required greater clarification of Australia’s position regarding the existing non-proliferation regime. Interestingly, the three major issues that Fraser charged the inquiry with investigating – the implications of the mining and export of uranium for the existing non-proliferation regime, potential contribution of nuclear energy to world energy security and the economic potentialities of uranium mining – bear a striking resemblance to those identified by Prime Minister Howard as constituting the focus of his “Uranium Mining, Processing and Nuclear Energy Review”. The decision to approve uranium exports was made, argued Prime Minister Fraser, on the basis that it would be done under “strictly controlled” conditions. This entailed Australia only export uranium to those states who were members of the NPT and whose domestic nuclear industry was subject to the “full-scope” safeguards overseen by the IAEA. Establishing what would become a bipartisan orthodoxy toward uranium exports and proliferation, Fraser clearly articulated the argument that only by becoming involved in the nuclear fuel cycle could Australia hope to have any significant influence on the evolution of the non-proliferation regime:

The export of Australian uranium will decrease the risks of further proliferation of nuclear weapons and will support and strengthen the non-proliferation treaty. It will help to make a safer world. The advent of Australia as a major supplier of uranium will make certain that Australia’s voice on this most vital problem of international affairs – nuclear weapons proliferation – will be heard and heard with effect.

The Acting Foreign Minister, Ian Sinclair, then articulated the “four cornerstones” of Australia’s policy: adherence to the NPT, support of the IAEA, bilateral agreements between Australia and importing countries and Australian participation in multilateral efforts to strengthen safeguards and the non-proliferation regime. Therefore, the Fraser government’s policy established the bipartisan position that Australia would couple a commitment to the NPT as the centrepiece of the international non-proliferation regime with an increasingly activist role in multilateral non-proliferation regimes. Perhaps more importantly was the sentiment expressed in Fraser’s justification of the government’s decision, which highlighted the normative and activist qualities that successive Australian government’s were to imbue Australian involvement in issues of non-proliferation with:
The government has taken its decision with a deep sense of international responsibility. I venture to say that were it not for that sense of responsibility, were it not for our wish to strengthen Australia's voice in the moves against proliferation of nuclear weapons...we would not have decided to export uranium.12

Moreover, this can be seen as the further embedding of the self-identification of the country as "an enlightened and responsible middle power" in Australian foreign policy.13

The Hawke–Keating governments (1983–96) further elucidated and pursued this notion of Australian foreign policy as being guided by a "middle power" activism. Thus, these years witnessed the development of a broad foreign policy agenda that sought to establish Australia as an independent and regionally engaged "middle power", which was expressed in a greater focus on relations with Asia.14 Such an orientation was also felt in Australia's foreign policy in the context of non-proliferation. These Labor governments built on the Fraser government's implicit articulation of Australia's approach to these issues as being guided by what the Hawke–Keating years dominant Foreign Minister Gareth Evans would term "good international citizenship". As such the Hawke–Keating governments' approach to proliferation demonstrated significant continuity with that of the Whitlam and Fraser years. Like these previous governments, the Hawke–Keating governments placed emphasis on the exemplary role that Australia could play in upholding the NPT while maintaining Australia's right to benefit from the "peaceful" uses of nuclear technology.15

The Hawke–Keating governments thus placed importance on reinforcing the safeguards and pre-conditions of uranium supply, especially the pre-requisite of NPT membership, in order to be strategically placed to encourage other states to do so. Moreover, this was coupled with the investment of considerable diplomatic resources to raise Australia's profile and role in international, UN-sanctioned non-proliferation processes, such as the five-year NPT review conferences.16 Australia's commitment to the NPT during this period was also demonstrated by its active lobbying for the indefinite extension of the treaty in the early 1990s. The underlying assumption of the Hawke–Keating approach was that only by the NPT parties (both NWS and NNWS) displaying a unified purpose regarding proliferation would it be possible to persuade states outside of the treaty to accede.17

Another aspect of Australia's approach to the existing non-proliferation regime during these years, especially during Gareth Evans' tenure as Foreign Minister, was a rhetorical commitment to see the NWS move toward the goal of nuclear disarmament as outlined in Article VI of the NPT, and expressed in the convening of the “Canberra Commission on the Elimination of Nuclear Weapons” in January 1996.18

Australia's approach to nuclear proliferation from the Whitlam to Keating governments outlined above was also of course shaped and influenced by different external conditions. The dominant externality for Australian governments to consider when developing an approach to nuclear proliferation from 1972 until 1991 was ultimately the strategic and security climate of the Cold War. Within the constraints of the bipartisan commitment to the US alliance as a security "insurance policy" during the Cold War, both Coalition and Labor governments had limited scope for policy innovation. However, it can be argued that across the Whitlam to Keating government's Australia's approach to nuclear proliferation was essentially locked-in to a certain pattern due to accession to the NPT in 1973. Importantly, concerted Australian advocacy of disarmament, for example, took place after the collapse of the Soviet Union in 1991 when the international climate regarding the issue of nuclear disarmament was far more receptive to such arguments.19 Indeed, it should be noted that the Hawke government's strong support for the establishment of a "South Pacific Nuclear Free Zone" (SPNFZ) amongst the countries of the South Pacific Forum, concluded by the Treaty of Raratonga in 1985, enabled Australia to have its cake and eat it too in terms of balancing the US alliance with anti-nuclear concerns.20 That is to say, the SPNFZ was structured in such a way as to enable Australia to garner the international kudos of a establishing a "nuclear free zone" while not jeopardising Australia's close security relationship with the US or irritating its key ally through advocacy of nuclear disarmament.21 As former Prime Minister Hawke noted in his memoirs:
US transit and overflight of the high seas remained uninhibited in the SPNFZ. The right of US naval forces to visit our ports, possibly with nuclear-powered ships, remained. And under the treaty South Pacific Forum countries retained their unqualified sovereign rights to decide for themselves their security arrangements and what access they gave to their ports and airfields for vessels and aircraft of other countries. The SPNFZ was not a diplomatic booby-trap which would lead to a domino-like toppling of the US navy’s access rights to strategically vital ports...22

Thus it could be argued that Australia had a certain amount of room in which to manoeuvre during the latter stages of the Cold War regarding nuclear proliferation and disarmament issues. However, this room for manoeuvre was ultimately limited by the strategic and security imperatives of maintaining a close Australia–US alliance. Indeed, further examples from the Hawke-era, such as the domestic political controversy over US MX missile testing in 1985 and the hosting of US–Australia joint facilities demonstrate this.23

In the context of nuclear proliferation issues, however, the various changes in policy from government to government could be characterised as re-evaluation of the means of resolving the apparent contradiction, particularly within the context of domestic politics, of a commitment to prevent further nuclear proliferation while simultaneously exporting uranium.24 Indeed, the recognition of this apparent contradiction can be seen in Prime Minister Fraser’s discussion and justification of his government’s decision to export uranium in 1977. Since that time successive governments, both Labor and Coalition, have justified Australia’s role as a supplier of uranium on legal, strategic and normative grounds. The impact of the conclusion of the Ranger Inquiry in 1977 that Australia, in the event of deciding not to export uranium, would not only be in breach of Article IV of the NPT but also be likely to “adversely affect its relation to countries which are parties to the NPT” has guided Australian policy since.25 As highlighted by the comments and actions of the Fraser and Hawke–Keating governments, Australia’s approach toward uranium export and the NPT has been viewed by it’s architects as not only legally correct but also strategically and normatively correct, as well as being economically advantageous to Australia. The notion, initially expressed by Prime Minister Fraser, that only by becoming and remaining involved in the nuclear fuel cycle could a NNWS such as Australia exert any influence on the direction and strategic implications of the non-proliferation regime has remained a constant theme in Australia’s approach to nuclear issues. Across the 1972 to 1996 period the cornerstones of Australia’s policy toward nuclear proliferation remained constant – adherence to the NPT, support for improving IAEA safeguards, bilateral agreements between Australia and importing countries and Australian participation in multilateral efforts to strengthen international export controls and the non-proliferation regime more broadly – with different governments emphasising certain aspects of this four-pronged approach in response to domestic and external pressures.

In an early effort to repudiate the Keating–Evans charge during the 1996 election that a Howard–led government would result in the deterioration of Australia’s standing in Asia, the new Foreign Minister Alexander Downer, asserted that:

...there is a national consensus on the importance of Australia’s engagement with Asia and there is a strong recognition that no side of Australian politics “owns” the Asia vision.26

This apparent bipartisan consensus within Australian foreign policy also applied to the new government’s approach to the substance, though not necessarily to the style, of Australia’s nuclear proliferation strategy. At the Foreign Minister’s first address to the General Assembly of the UN in September 1996, for example, Australia reaffirmed the four basic cornerstones of its approach to nuclear proliferation and disarmament – upholding the NPT, support for the IAEA, bilateral agreements with other states party to the NPT and involvement in the multilateral non-proliferation regime. An important expression of the continuity between the new government and its predecessors was its commitment to, and promotion of, a Comprehensive Test Ban Treaty (CTBT) that was passed by an overwhelming majority of the UN General Assembly (UNGA) on 12 September 1996.27 The new government, however, placed far less emphasis than their predecessor’s on the promotion of disarmament as a “practical” goal of Australia’s foreign policy. This was undoubtedly in line with the express commitment given by Prime Minister Howard to upgrade the bilateral relationship with the US, as the Hawke–Keating promotion of nuclear disarmament had been seen as a point of some contention in an otherwise smooth Australia–US relationship. Further evidence of the Howard government’s less than enthusiastic embrace of Labor’s disarmament legacy was the Coalition’s lukewarm promotion of the report of the Canberra Commission. Although Foreign Minister Downer did present it to the UNGA in September 1996, there was no move to have the report formally adopted as a resolution at the 30 September meeting of the UNGA.28 This was followed by Foreign Minister Downer’s presentation of the report of the Canberra Commission to the Conference on Disarmament (CD) in January 1997. According to Hanson and Ungerer, Australia’s waning support for the notion of nuclear disarmament under the Howard government was amply illustrated by the Foreign Minister’s performance:

After listing the Report’s various recommendations, Downer merely urged the CD to give the Report “careful consideration” and hoped that it would “stimulate international thinking and discussion”. Reflecting the Coalition’s arm’s-length approach to the entire initiative, his speech did not contain any specific proposals for how each of the Report’s recommendations might be progressed. Under different circumstances, it might have been expected that the sponsoring government would have had the Report adopted as a document of the Conference and used it as the basis for a resolution calling for the establishment of a committee to discuss nuclear weapons elimination. In the end, the Australian government did neither.29

Between 1997 and 2000 the Howard government, despite its rhetoric emphasising the limitations of multilateral diplomacy and regimes in achieving “realistic” outcomes in securing the “national interest”, exhibited continuity with its predecessors approach to non-proliferation, especially regarding the importance of the NPT, but also a clear
disjuncture with previous governments regarding the issue of nuclear disarmament. Nonetheless, Australia continued to elucidate its "unwavering" support for the NPT through ongoing engagement with such multilateral UN-sanctioned forums as the Conference on Disarmament and the NPT Review Conference of 2000. Indeed, Foreign Minister Downer on a number of occasions between 1997 and 2000 clearly articulated Australia's ongoing commitment to the NPT and its associated multilateral forums, demonstrating continuity with the Howard government's predecessors. In particular, the Foreign Minister's address to the Conference on Disarmament on 3 February 1998 presented an agenda for multilateral disarmament focused on achieving the conclusion of a fissile-material "cut-off" treaty – a recommendation of the maligned Canberra Commission – highlights further the theme of continuity. The centrality of the NPT to Australia's non-proliferation strategy was also demonstrated by the government's reaction to India and Pakistan's detonation of nuclear devices in May 1998, with Australia suspending official visits, bilateral defence links and non-humanitarian aid. Although both states were not NPT signatories their tests were viewed by Australia as weakening the international non-proliferation regime. The government also bolstered Australia's non-proliferation reputation by becoming the first state to ratify the IAEA's Additional Protocol on nuclear safeguards in 1997, which commits states to more rigorous safeguards including surprise inspections of nuclear facilities by international monitors. Further evidence of the Howard government's accordance of priority to the NPT as the centrepiece of its non-proliferation strategy can be found in the Foreign Minister's address to the 2000 NPT Review Conference. In his address, the Foreign Minister continued to advocated Australia's "Anzac Day" six-point plan to promote "progress" in nuclear arms control and disarmament, which included a call for the early entry into force of the CTBT, "universal adherence" to the IAEA Additional Protocol and NPT. However, a number of the Foreign Minister's speeches and statements from 1998 to 2000, including some of those cited above, also contained sentiments of disappointment at the lack of progress made on some key aspects of the international non-proliferation regime, such as the CTBT and the ongoing inability of the IAEA to effectively monitor and prevent proliferation activities of states such as Iraq and North Korea.

In summary, the Howard government's approach to nuclear proliferation between 1996 and 2000 manifested key continuities with that of its predecessors, both Labor and Liberal/Coalition, but also some themes of divergence toward the close of this period. As such Australia pursued a strategy built around the pillar of the NPT, bilateral agreements, and advocacy and activism in multilateral forums. As we have seen this resulted from 1996 in some successes for Australia's non-proliferation strategy, such as the UNGA passing the CTBT in 1996 and the progress of the IAEA's Additional Protocol. Thus, although there was a slight movement toward a more critical assessment of the achievements and relevance of the international non-proliferation regime there was no indication within the Howard government's actions that this entailed a definitive break with Australia's "traditional" approach, with Foreign Minister Downer closing his address to the 2000 NPT Review Conference asserting that, "The NPT remains the world's best defence against the spread of nuclear weapons... As such it delivers major security benefits to all states, be they nuclear weapons states, non-nuclear weapons states, or even the four states yet to join the NPT". However, before addressing the Howard governments approach since 2001, it is necessary to examine the evolving approach of Australia's major alliance partner, the US, to nuclear proliferation. As will emerge from the subsequent discussion, the evolving US approach continues to have a major impact on the Howard government.

The end of the Cold War, and with it US and Soviet nuclear confrontation, prompted many analysts, and the international community more generally, to claim that nuclear disarmament was achievable. The trajectory of the structural transformation of the international environment induced by the collapse of the Soviet Union, however, would make such sentiments somewhat presumptuous. The most immediate symptom of the changing structure of the international order, and perhaps one of the more dramatic, was the Iraqi invasion of Kuwait and subsequent first Gulf War that it precipitated. In this instance a relatively weak regional state challenged the remaining security architecture of the Cold War. Although Iraq was ultimately and rapidly overwhelmed by the US-led coalition forces, the disclosure of Iraq's clandestine nuclear weapons program thereafter alerted the sole remaining superpower, the US, that one of the major threats of the emerging “new world order” would be the proliferation of nuclear weapons (and other WMDs) to developing or “third world” states. One observer has argued, however, that the issue of Iraq's nuclear weapons program was merely one element in the advent of the “second nuclear age” whose defining feature “is the spread of atomic weapons to countries for reasons having nothing to do with the first nuclear age, the Soviet–American rivalry of the Cold War.” \(^{39}\) Bracken identifies six features of this “second nuclear age” that distinguish it from the first:

1. it is an \(n\)-player game,
2. nuclear weapons are linked to state-building,
3. nuclear aspirants confront existing non-proliferation architecture,
4. it has broadly Asian roots,
5. the cost of acquisition has decreased and
6. second nuclear age aspirants have a “second-mover” advantage.\(^{40}\)

Since 1991 there have been numerous developments in the realm of nuclear proliferation (and other WMDs) – such as Iraq's clandestine nuclear program, the ongoing saga of North Korean nuclear proliferation, India and Pakistan's nuclear tests of 1998 and the contemporary international debate over Iran's nuclear ambitions – whose characteristics conform to this set of features. Thus, it can be argued that US approaches to the issue of nuclear proliferation have both been attempting to confront such challenges to the existing international non-proliferation order and been shaped by them. Although much has been made of the Bush Administration's initiation of “revolutionary” changes in US policy in this regard, the subsequent brief analysis of the US approach to nuclear proliferation since 1991 will demonstrate that much of the groundwork for these changes was already laid. Moreover, such change was initiated gradually and in response to the conditions of the “second nuclear age”.

The US response to the dynamics of the “second nuclear age” was in retrospect relatively swift, at least in terms of identifying the salience of some of its characteristics. Even prior to the first Gulf War, as it became apparent that the threat from the Soviet Union's nuclear arsenal was diminishing, the US, under George H.W. Bush's Administration identified Third World states as potential WMD proliferators and threats to the US.\(^{41}\) The evaluation that states such as North Korea, Iraq, Iran or Syria could pose a credible WMD threat to the US and its interest played a major role in informing the George H.W. Bush Administration's counter-proliferation rationale. Between 1990 and 1992 this administration, in response to initial anti-nuclear weapons sentiment after the Soviet collapse, linked the maintenance of the US nuclear arsenal to its counter-proliferation strategy. As such, the administration argued that the US should retain and develop its nuclear capabilities as a deterrent to the acquisition and/or use of WMD (nuclear, chemical or biological) by Third World states.\(^{42}\)
Indeed, by 1993 this logic of nuclear weapons as part of counter-proliferation was entrenched in the US approach:

The expansion of nuclear strategy to counter the proliferation of weapons of mass destruction was officially enshrined as military doctrine in April 1993 when the JCS [Joint Chiefs of Staff] issued its “Doctrine for Joint Nuclear Operations”. The document...concluded unambiguously that the purpose of US nuclear weapons is to “deter the use of weapons of mass destruction, particularly nuclear weapons”. This, it said, “should be the first priority” in regional contingencies. The document advocated the development of low-yield precision-guided nuclear weapons for possible retaliation use in regional wars to “avoid destabilizing the conflict”.43

Significantly, the administration of George H.W. Bush, like the preceding Reagan Administration, also had vocal proponents of the establishment of the emerging concept of “national missile defense” (NMD) that, if implemented, would jeopardise US commitment to the Anti-Ballistic Missile Treaty (ABM). Although President Reagan’s “Strategic Defense Initiative” (SDI) or “Star Wars” program was effectively dead as a concept by the end of the 1980s, the more limited notion of NMD, combined with the enshrinement of US nuclear capabilities as a key element in its counter-proliferation strategy suggests that if he had been re-elected, George H.W. Bush may have pre-empted elements of his son’s emerging nuclear and counter-proliferation strategy.44

The victory of Democrat Bill Clinton in the presidential election of November 1992 initially augured a change in approach from the White House given the natural predilections of the new president toward what could be termed the “Liberal Internationalist” discourse of post-war US foreign policy.45 Moreover, President Clinton’s early focus on economic issues at home and abroad also suggested to some that strategic and security issues such as nuclear posture and counter-proliferation were lesser priorities than for previous administrations.46 President Clinton did, however, initiate the 1994 Nuclear Posture Review (NPR), completed in September that year, which despite Administration claims to the contrary, endorsed and expanded the role of nuclear weapons in US counter-proliferation of WMDs and US strategic posture more generally.47 The 1994 NPR delineated five basic themes of US nuclear strategy for the post-Cold War era:

- Nuclear weapons were playing a “smaller role in US security than at any other time in the nuclear age”.
- The US, “under present circumstances”, required a smaller arsenal of nuclear weapons.
- The changing and uncertain security environment since the end of the Cold War required the US to “hedge against this uncertainty” by maintaining a credible nuclear deterrent.
- The US “does not have a purely national deterrent posture; it extends the deterrent protection of its nuclear arsenal to allies. A very progressive aspect of US nuclear posture is that it is, in part, an international nuclear posture”.
- The US “will continue to set the highest international standards of stewardship for nuclear safety and security”.48

The Clinton Administration, like its predecessor, also identified the proliferation of WMDs to states other than a “hostile superpower” to pose the “greatest security risk”.49 The US National Security Strategy, cited by Secretary of Defense Perry in this report, not only maintained that nuclear weapons remained an “essential” part of US power but also exhibited the linkage of US nuclear capabilities to deterrence of WMD proliferation:

We will retain strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests and to convince it that seeking a nuclear advantage would be futile. Therefore we will continue to maintain nuclear

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forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders.50 Such an approach constituted a hedging strategy for US foreign and security policy predicated on the primacy of nuclear weapons, and was identified as such by the administration with a section in Secretary of Defense Perry’s report concerning the NPR titled, “Context: Lead but Hedge”.51

From 1994 onward both domestic politics and international developments intervened to gradually push the Clinton Administration toward a more thorough re-evaluation of US nuclear posture. Domestically, the Republicans achieved landslide victories in both houses of Congress in November 1994. This “Conservative Revolution” and its conservative, domestically oriented policy agenda, “Contract with America” had a major impact on the Clinton Administration’s foreign policy. The agenda presented in “Contract with America” had implicit foreign policy cognates that revolved around ensuring two major themes: ensuring maximum US freedom of action and an “isolationist” and conservative unilateralism.52 Such a posture was reflected in the Republican’s renewed advocacy for the development of NMD, with the Republican dominated Congress passing legislation in 1995 mandating the deployment of a limited NMD by 2003.53 Under such pressure President Clinton committed his administration to embark upon a “technology readiness program” for a prospective NMD strategy. Simultaneously, the administration maintained that the US remained committed to the ABM Treaty and that it remained a “cornerstone of stability”. The administration’s counter-proliferation strategy meanwhile, demonstrated continuity with its position established in the 1994 NPR and the preceding George H.W. Bush administration by continuing to identify states such as North Korea, Iran, Iraq and Syria as potential WMD threats and maintaining US nuclear capabilities as a counter-proliferation tool.54 In the shadow of the 1996 presidential election, however, President Clinton jumped on the NMD bandwagon announcing the Administration’s upgrading of its “technology readiness program” to a “3 plus 3” program whereby it would be possible to develop and deploy a NMD system in two phases of three years each.55

Following Clinton’s victory in the 1996 presidential election, a number of mainly international developments intervened to change US threat perceptions and the US approach to the proliferation of WMD. These events were, in chronological order, the Indian and Pakistani nuclear tests of May 1998, the North Korean test firing of its Taepo Dong 1 missiles on 31 August 1998 and Iran’s test firing of its Shahab 3 missile late in 1998.56 Domestically, the bipartisan “Commission to Assess the Ballistic Missile Threat to the US”, also known as the Rumsfeld Commission after its chairman, delivered its report in July 1998 that concluded that either North Korea or Iran could develop effective Inter-Continental Ballistic Missile (ICBM) capabilities within five years.57 The major threats to US security identified in the George H.W. Bush and Clinton administrations’ assessments of the post–Cold War era (and not incidentally the two great bogeys of the Republican advocates of NMD) – “rogue” states acquiring ICBM capability and nuclear proliferation – were thus seen to have converged with these developments. In response President Clinton considerably expanded his administration’s commitment to NMD increasing its funding in the budget in 1999 from $4 billion to $6.6 billion over five years.58 This budget was presented to Congress in February 1999 and overwhelming majorities in both houses subsequently passed a bill, signed by President Clinton in July 1999, declaring it US policy to deploy a NMD as soon as “technologically feasible”.59 The resurgence of the NMD concept and its apparent acceptance by the Clinton Administration, suggested that it would be simply a matter of time before the US walked away from the ABM Treaty.60 Bill Clinton, however, in the twilight of his presidency decided not to decide on the deployment of a limited NMD in September 2000, maintaining that it should properly be considered by his successor.61 These events, coupled with the US Senate’s rejection of the ratification of the CTBT in 1999 suggested that the US approach to the international non-proliferation regime and disarmament norms was undergoing a fundamental transformation.
From 1995 onward, however, the international nuclear arms control regime faltered somewhat, prompting one observer to call this period in nuclear arms control history “the great frustration”. Although the NPT was indefinitely extended in 1995, subsequent years saw a number of setbacks for other aspects of nuclear arms control such as the Russian government’s failure to ratify the second Strategic Arms Reduction Treaty (START II), India’s refusal to join the CTBT, the inability to begin negotiations in the Conference on Disarmament on a Fissile Material Cut-off Treaty (FMCT) and the Pakistani and Indian nuclear tests in 1998. Walker offers two explanations for this stalling of the international nuclear disarmament regime:

One is that increased utility came to be attached (and was allowed to be attached) to nuclear weapons in most if not all of the eight states with active nuclear weapon programmes. Nuclear Weapons did not regain the central roles ascribed to them during the Cold War – this was not back to square one – but they began to gain fresh importance in certain political and military contexts. In consequence, some arms control measures that entailed further restraint on nuclear powers became more elusive. The second broad explanation is that nuclear arms control objectives and processes became tangled and confused, partly out of deliberate intent and partly because states found themselves confronted with dilemmas to which there were no ready solutions.

As we have seen, elements of both of these explanations were exhibited in the US approach to nuclear proliferation and nuclear strategy from 1990 onward. In particular, nuclear weapons not only retained their pride-of-place in US strategic posture but also became a prominent element in US counter-proliferation strategy. Moreover, the US confronted a changing external environment that induced a gradual re-evaluation of its nuclear posture. Thus, the interaction between the dynamics of the “second nuclear age” and domestic politics had produced a perceptible shift in US policy toward a more unilateralist and critical posture toward issues of nuclear proliferation and nuclear strategy. The “tipping point” in this transformation, however, was only to come during the terms of Clinton’s successor in the White House, George W. Bush.

As we have seen in the preceding discussion, the George H.W. Bush and Clinton Administrations had considerably altered the US’ approach to nuclear issues, most particularly counter-proliferation and security, particularly in regard to US operational approaches embodied in such documents as the 1994 NPR. Over the same period, however, it could be argued that emerging changes in US operational approaches – for example the emergence of nuclear deterrence as a counter-proliferation tool – were not accompanied by a parallel movement regarding US declaratory approaches. As we have seen, for example, it was only under significant domestic political pressure that the Clinton administration began to move toward an open questioning of the continued relevance of the ABM Treaty. During the terms of George W. Bush, however, this transformation has achieved a clear level of consistency over both operational and declaratory approaches. Indeed, the new President came to office as the inheritor, in broad strategic and security terms, of his father and President Reagan’s administrations. A development that was not especially surprising given the presence in the new administration of such Reagan and Bush Senior era individuals as Donald Rumsfeld, Paul Wolfowitz and the vice-president, Dick Cheney. In the realm of US nuclear and counter-proliferation strategy, George W. Bush’s Administration exhibited an intellectual lineage with these previous administrations. As such President George W. Bush and his senior lieutenants elucidated a particular view of not only the international environment confronting the US but also of how to best exercise US power in that environment. Even prior to 11 September 2001 this worldview placed emphasis on four major themes or guidelines for US foreign policy:
● A Manichaean division between “good” and “evil” states
● The US should use its pre-eminent military, economic and political power to transfer the globe
● A preference for unilateral action and an emphasis on the prevention rather than containment of threats
● A willingness to demonstrate US credibility through direct action (military, economic or political).  

However, in relation to nuclear posture and counter-proliferation, the new President’s approach sounded remarkably schizophrenic, blending elements of previous approaches with an emergent one informed by the themes noted above:

...this is still a dangerous, a less certain, and less predictable world. More nations have nuclear weapons and still more have nuclear aspirations. Today’s world requires a new policy, a broad strategy of active proliferation, counter-proliferation and defenses...We need a new framework that allows us to build missile defenses to counter the different threats of today’s world. To do so, we must move beyond the constraints of the 30 year old ABM treaty. This treaty does not recognize the present, or point us to the future. It enshrines the past. No treaty that prevents us from addressing today’s threat, that prohibits us from pursuing promising technology to defend ourselves, our friends and our allies is in our interest or in the interest of world peace. This new framework must encourage still further cuts in nuclear weapons. Nuclear weapons still have a vital role to play in our security and that of our allies.  

The new President thus demonstrated his commitment, made during the 2000 election, to implement a NMD system. However, while simultaneously demonstrating continuity with preceding administrations’ emphasis on the continued strategic importance of maintaining US nuclear primacy and the variegated threats of the post-Cold War era, he also broke with precedent by intimating that US security could be strengthened via “a broad strategy of active proliferation”.

Subsequently, the terrorist attacks of 11 September 2001 intervened to “trigger” the further elucidation and clarification of the administration's approach to these issues. Almost immediately post-11 September, President Bush formally withdrew the US from the ABM in December 2001 and directed the Department of Defense to accelerate the testing and deployment of NMD capabilities in January 2002. Since then the Bush Administration’s evolving approach to nuclear (and other WMD) proliferation has placed emphasis on the “exercise of national sovereignty” and “sovereign responsibilities” of states as forming the basis of “alternative mechanisms” to deal with proliferation. Such “new thinking” is embodied in President Bush’s “Proliferation Security Initiative” that was launched in Poland on 31 May 2003 and has 15 participating states. The PSI has been described by its proponents as an “activity” or a “results oriented” initiative aimed at closing the “loopholes” in existing national and international export controls that have permitted a “thriving black market in WMD components, technologies, and production materials” such as that of the recently exposed A.Q. Khan network. In essence the purpose of the PSI is to prevent, “The increasingly aggressive efforts of proliferators to stand outside or to circumvent existing non-proliferation norms” through impeding the:

...shipment of WMD, delivery systems, and related materials flowing to and from states and non-state actors of proliferation concern, consistent with national legal authorities and relevant international law and frameworks, including the UN Security Council.  

President Bush expanded further on his Administration’s strategy to augment the existing non-proliferation regime in an address to the National Defense University on 11 February 2004 that had seven major points:
● Expansion of the PSI
● Calling for all states to strengthen the laws and international controls governing proliferation, and to criminalise proliferation
● Expansion of nuclear threat reduction assistance
● Proposing that the Nuclear Suppliers Group should refuse sale of enrichment and processing equipment/technology to any state that does not already have an existing and functioning enrichment and processing capability
● Restriction of the import of equipment for civilian nuclear programs to those states that implement the IAEA Additional Protocol
● Establishment of a special committee of the IAEA Board of Governors focused on safeguards and verification
● Prohibition of any state under investigation for violation of non-proliferation obligations from serving on the IAEA Board of Governors.

As one observer has noted, there are two major themes in this approach that impact on the nuclear fuel cycle. First, the Bush Administration perceives some nations as being “safer” than others for nuclear fuel cycle technologies and second, it is seeking to compel compliance through the enforcement of tighter controls. Moreover, the PSI in particular, not only embodies the notion of the “exercise of national sovereignty” through its emphasis on pooling the sovereign power of cooperating states to interdict WMD proliferation but also the notion of “sovereign responsibilities”. Not only do states have the right to take action against threats (state and non-state) to its territory/interests but they also have the corollary responsibility to do so when such threats emanate from their own territory. The implications of failure to adhere to this logic has already found expression in the Bush Administration’s framing of its global “war on terror” prior to the invasion of Afghanistan in late 2001, and also more recently prior to its invasion of Iraq. The Bush Administration declared that Afghanistan, through the Taliban’s abetting of Osama bin Laden’s activities, had shared sovereign responsibility for the attacks on the US. Meanwhile Iraq, by its failure to uphold its non-proliferation obligations and alleged collusion with terrorist groups, constituted such a threat to international security that it had to be compelled to surrender part of its sovereignty. Critics of the Bush Administration’s approach have suggested that there are two major problems or difficulties with it. First, there is an evident conflict between the “inalienable right” to free nuclear trade under the Article IV of the NPT and the imperative to prevent such trade when members of the PSI deem there to be a proliferation threat or risk. Second, there is limited national and international legal scope for PSI-initiated pre-emption.

The discriminatory application of non-proliferation standards embodied in the Bush Administration’s approach was confirmed, in the eyes of some critics, by the conclusion of the US–India Joint Statement of 18 July 2005. The importance of this development for nuclear proliferation stems primarily from the fact that it “reverses more than a quarter-century of US declaratory policy”. Significantly for the existing non-proliferation regime, the statement committed the US to not only modify US law and policy but also international regimes:

President Bush conveyed his appreciation to the Prime Minister over India’s strong commitment to preventing WMD proliferation and stated that as a responsible state with advanced nuclear technology, India should acquire the same benefits and advantages as other such states. The President told the Prime Minister that he will work to achieve full civil nuclear energy cooperation with India as it realizes its goals of promoting nuclear power and achieving energy security. The President would also seek agreement from Congress to adjust US laws and policies, and the United States will work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation of fuel supplies for safeguarded nuclear reactors...
As one observer has noted, this statement suggests that there are four major assumptions regarding proliferation underpinning the Bush Administration’s approach:

- Nuclear proliferation is inevitable; at best it can be managed, not prevented
- There are good and bad proliferators
- Multilateral mechanisms to prevent the nuclear weapons proliferation are ineffectual
- Regional security and economic considerations out-weigh those of non-proliferation.80

This deal, finalised during President Bush’s visit to India in March the following year, opens the Bush Administration to criticism on three major counts.81 First, the deal weakens the NPT by being seen to reward a non-NPT member for its perceived “good record” of proliferation to third countries. Second, it compromises the efforts of the Nuclear Suppliers Group (NSG) to strengthen the conditions of nuclear supply by legitimising supply to a non-NPT member that also has refused to have its nuclear facilities subject to “full-scope” safeguards or implement the IAEA Additional Protocol. Third, the deal may raise doubts amongst other states, particularly non-proliferation “stalwarts”, about the Bush Administration’s commitment to the NPT regime, inducing them to reconsider their own commitments and implementation of non-proliferation standards.82 However, it should be noted that the agreement must overcome a number of significant obstacles before coming into effect. For example, the agreement requires full Congressional support in the US, while India must accede to IAEA inspections of civilian nuclear facilities.83 As such the US–India deal could be seen as the “thin end of the wedge” in the context of the future of existing international non-proliferation regime, whereby other states may in the future simply either petition/lobby to join the “nuclear club” and be recognised as such by the US or attempt to demonstrate the “exceptionality” of a prospective nuclear partner. As a recent account of the US–India deal notes, “...the agreement reflects the administration’s belief that India is a special case as a nuclear power and should be recognised as such in receiving nuclear benefits, regardless of the source”.84 What, then, has been the impact of this evolving US approach to nuclear issues, such as proliferation, on the Australian government?
5. Following the Leader?
The Second Half of the Howard Government’s Approach to Proliferation, 2001–06

Although the events of 11 September 2001 arguably reinforced a number of tendencies within the Howard government’s foreign policy – in particular an emphasis on strengthening the bilateral alliance with the US – it was also a point of departure from Australia’s “traditional” approach to nuclear proliferation. As noted above, the Howard government had maintained and built upon the legacy of its predecessors in this particular realm of Australian foreign policy between 1996 and 2000. Until the events of 11 September 2001, Australia’s continued support for the pillars of the international non-proliferation regime remained undimmed. The impact of the New York and Washington terrorist attacks on Australia’s foreign policy was immediate with the Prime Minister invoking the ANZUS Treaty three days after, subsequently committing Australian personnel to US-led military action in Afghanistan and Central Asia. The Bush Administration’s subsequent definitive turn toward an assertive, unilateral foreign policy manifesting an overt disdain for institutionalised multilateralism and a preference for bilateral relations/alliances and “coalitions of the willing” to address the challenges posed by the post-9/11 world, has had a perceptible impact on Australia’s subsequent strategic and foreign policy.

Indeed, Australian policy and action since 2001 regarding Afghanistan, Iraq, the related issue of international terrorism, and concurrent strengthening of the US–Australia alliance demonstrate the convergence of the Howard government and Bush administration’s worldview as to the pre-eminent strategic and security issues of the post-9/11 era. Australia’s approach to nuclear proliferation has not been immune from these influences. The Howard government’s post-9/11 direction on this issue has come to resemble that of the Bush Administration’s, which questioned the effectiveness of the existing international non-proliferation regime. It is apparent that the crux of the Bush Administration’s critique of the existing regime concerns its non-discriminatory nature. For the US, nuclear weapons are not in themselves the problem, but rather that “bad guys” could obtain them. One observer thus argues that:

Rejecting the fundamental premise of the NPT, these officials seek not to create an equitable global regime that actively devalues nuclear weapons and creates conditions for their eventual elimination, but rather to eradicate the bad guys or their weapons while leaving the “good guys” free of nuclear constraints.

Has the Howard government too initiated a similar move away from the commitment to the tenets of Australia’s “traditional” approach to nuclear proliferation since 9/11?

A clear indication of the Howard government’s changing approach to the existing international non-proliferation regime was its public statements in the lead-up to the “coalition of the willing” military invasion of Iraq in March 2003. Australia’s commitment to this endeavour was for a significant part justified on the basis of the government’s belief that Iraq’s weapons of mass destruction (WMD) capabilities posed an immediate threat to international security, either through Iraq’s possible use of them or their purposeful or accidental transfer into hands of a terrorist organisation. However, it also carried the implication that the Australian government now subscribed to the Bush Administration’s discriminatory application of non-proliferation standards. The Prime Minister clearly
elucidated this position in address to the National Press Club on 14 March 2003, stating that:

We believe that is very much in the national interest of Australia that Iraq have taken from her chemical and biological weapons and denied the possibility of ever having nuclear weapons. Not only is it inherently dangerous for a country such as Iraq with its appalling track record to have these weapons but if Iraq is allowed to get away with it other rogue States will believe they can do the same. And as these dangerous weapons spread so the risk that they may fall into the hands of terrorists will multiply. And if terrorists ever get their hands on weapons of mass destruction that will, in my very passionate belief and argument, constitute a direct, undeniable and lethal threat to Australia and its people, and that would be the ultimate nightmare not only for us but for other peoples in other nations. That, more than anything else, is the reason why we have taken the stance we have and it’s the reason why we believe that Iraq should be effectively and comprehensively disarmed.91

Moreover, this address was also imbued with a profound scepticism of the ability of the NPT and its UN-sanctioned multilateral mechanisms to not only discipline Iraq but also other states suspected of violating their non-proliferation responsibilities under the NPT such as North Korea and Iran.92 This incidentally converged with the rhetoric utilised by the Bush Administration in justifying its actions against Iraq.93 Subsequent government statements and actions indicated further that Australia was utilising the “trigger” of 9/11 to re-evaluate long-held policy positions, such as the priority given to the NPT, in relation to nuclear proliferation. Foreign Minister Downer, for example, while maintaining that “The mainstay for stopping the spread of WMD remains the system of treaties, export control regimes and other instruments built up over several decades” simultaneously argued that the international community, “should be open to new methods and new thinking. The non-proliferation agenda is too important to be bound by rigid dogma”.94 Perhaps symbolic of the Howard government’s movement way from Australia’s traditional approach was its failure to respond to the Bush Administration’s refusal to ratify the CTBT a treaty that, as we have seen, had been deemed a priority for Australia’s non-proliferation diplomacy to prior to 2001.95

It appears from recent statements and actions by the Howard government that Australia has embraced this conception of non-proliferation. According to an address by the Foreign Minister to the Lowy Institute in 2004, Australia will focus its counter-proliferation efforts in three areas: the PSI, ballistic missile defence and “practical measures to strengthen the global counter-proliferation architecture”.96 The Foreign Minister echoed President Bush’s familiar refrain regarding the ineffectiveness of multilateral non-proliferation mechanisms asserting that, “The challenge is to go beyond the constraints imposed by consensus decision making to lift the standards of compliance and enforcement in these regimes”.97 Moreover, Australia now shared the Bush Administration’s desire to limit the importation of nuclear materials and technologies to those states that implement the IAEA Additional Protocol and for all states to criminalise proliferation.98 Indeed, this address echoed in substance President Bush’s arguments outlined in his February 2004 speech cited above, while the three focus points for Australia’s counter-proliferation strategy mirror those of the Bush Administration. Since these pronouncements the Australian government has given further evidence of both it’s warming to the Bush Administration’s strategy of seeking alternative non-proliferation mechanisms beyond those of the NPT and the US wider strategic imperatives. At the 2005 NPT Review Conference, the Foreign Minister’s statement further eroded the government’s tenuous commitment to Australia’s “traditional” approach toward the NPT. In particular, the goal of disarmament was clearly on the backburner, while Australia’s prior emphasis that the onus was on both the NNWS and NWS to uphold the NPT and further its goals had clearly shifted to a position close to that of the Bush Administration. Thus, Foreign Minister Downer observed:
Australia believes that the progress on nuclear disarmament is a core NPT obligation, vital to the Treaty’s political strength and vitality. We acknowledge progress in reducing nuclear arsenals, but expect further steps by the nuclear weapons states. But we do not accept that movement on nuclear disarmament should be a precondition for improvements to the non-proliferation regime. Such an approach puts at risk the security benefit all NPT parties derive from assurances that nuclear programs in non-nuclear weapons states are peaceful.

Such a position dovetails with current US strategic imperatives of preventing Iran (an NPT party) and North Korea (until recently an NPT party), from utilising Article IV of the NPT in order to pursue the acquisition of nuclear weapons. Moreover, the notion that the NWS should not have to show further progress on the question of disarmament as a quid pro quo for the NNWS adherence to non-proliferation standards also accords with the US renunciation of the CTBT and wish to further develop its nuclear arsenal.
6. The Australia–China Nuclear Agreement: Testing the Waters in the Bush Nuclear Revolution?

As we have seen, although the Howard government has maintained a rhetorical attachment to Australia's traditional position on nuclear proliferation, since 2001 Australia's position has increasingly been aligned with that of the Bush Administration. The Howard government's response to the US–India agreement has done little to alter this assessment. The day after the finalisation of the agreement between President Bush and Prime Minister Singh in New Delhi, Foreign Minister Downer asserted that Australia welcomed it and believed that it was a "good agreement" as it "draws India into the mainstream of the international community".\(^{101}\) Prime Minister Howard meanwhile concurred with the Foreign minister's summation, viewing the agreement as "a very positive development".\(^{102}\) Both, however, also maintained that Australia would stand by its long time position of only exporting uranium to NPT parties and thus not enter an agreement to sell uranium to India.\(^{103}\) Subsequently, the Foreign Minister proffered a stronger statement of support for the US–India agreement on 16 March 2006, asserting that:

> Australia absolutely supports the arrangements that have been made between President Bush and Prime Minister Singh. We think it's an important step forward. It has been a difficult negotiation and there are very difficult issues – but we certainly support the logic of what the United States administration has done there.\(^{104}\)

Foreign Minister Downer did not subsequently explain what that logic entails, although in the context of the changing Australian and US approaches to nuclear proliferation discussed above, two aspects of the logic behind the US position deserve discussion. One is what could be termed the political logic of the agreement in the context of the Bush Administration's approach to proliferation, while the other concerns the wider strategic logic of the agreement in the context of global US foreign policy. The political logic of the agreement obviously stems from the Bush Administration's perception that one of the chief problems of the NPT is its non-discriminatory nature in its treatment of NNWS. That is to say the existing regime permits an NPT party such as Iran to engage in proliferation activities while enjoying the right to import nuclear materials and technologies for "peaceful purposes", while a non-party such as India, that is deemed to have a "good" proliferation record, is not permitted the same right. The strategic logic of the agreement is also clearly expressed in the major statements of the Bush Administration in relation to the agreement. President Bush and Secretary of State Rice's comments, for example, continually refer to the "shared values" of the US and India, an obvious reference to their democratic traditions.\(^{105}\) Moreover, the agreement's effective acceptance of India as a legitimate nuclear power has a major impact on the regional and international environment. The talk of a "strategic partnership" between Washington and New Delhi, that encompasses not only the nuclear agreement but also increased military, security and economic relations, is illustrative of a wider strategic agenda to maintain a balance between the rising powers of China and India, and the US.\(^{106}\)

The Howard government's position on only selling uranium to parties to the NPT has also shown recent signs of a possible shift. Foreign Minister Downer in reference to the US–India agreement, mused that:

> In relation to nuclear policies in India, look, we don't have any plans to change our current policy...But, having said that, we have some legal issues there, of course, in relation to obligations we have, but we think that the
United States’ deal that they have done with India is a good deal... Is it perfect? I don’t know that you could put together a perfect deal. Maybe the answer is that a perfect deal would be for India to give up its nuclear weapons program and sign up to the NPT. But no matter how idealistic and passionate we may be about that, that’s a dream. That’s actually not going to happen any time soon – if ever.107

Moreover, Prime Minister Howard in answering a question about whether Australia would consider a change in nuclear export policy to enable the conclusion of an Australia–India deal similar to the US one, noted that “you never say never”.108 Less than a month after these comments Australia concluded two agreements with China regarding the transfer of nuclear material and nuclear cooperation. These agreements commit the parties (Australia and China) to “cooperate in the peaceful uses of nuclear energy” which entails under the terms of the agreements the, “collaboration in the transfer of nuclear material” and the “transfer of material, equipment, components, and technology, research and development, exchange of information and projects of mutual interest”.109 As both states are parties to the NPT, however, the agreements are consistent with the government’s position stated position of only undertaking to export uranium to NPT signatories. It should also be noted that China has ratified the IAEA Additional Protocol along with other NWS Britain and France, while both the US and Russia are yet to do so.110

The question that must be asked at this juncture is: If China satisfies Australia’s requirements regarding safeguards of nuclear material why had not such a deal been concluded prior to 2006? Two preliminary answers could be suggested. First, given that prior to the conclusion of the Australia–China agreements, Australia had 19 bilateral safeguards agreements covering some 36 countries,111 it could be a matter of timing in terms of China’s accession throughout the 1990s to a number of multilateral nuclear agreements. According to China’s 2005 White Paper, “China’s Endeavors for Arms Control, Disarmament and Non-Proliferation”, since 1990 China has acceded to six nuclear-related treaties or conventions.112 Most importantly, China acceded to the NPT in 1992, signed the CTBT in 1996 and signed an agreement with the IAEA in 1998 regarding application of the Additional Protocol safeguards to its nuclear facilities, which entered into force in March 2002.113 Second, it appears from the discussion above and the comments by Prime Minister Howard and Foreign Minister Downer that the answer to this question does not necessarily lie exclusively in the realm of the Howard government’s changing approach to nuclear proliferation, but in the broader dynamics of the US–Australia alliance and regional concerns. Australia’s decision to enter into a nuclear transfer and cooperation agreement with China has been the result of a convergence of political, strategic and economic considerations. First, as the above discussion regarding Australia’s increasing alignment with the US on non-proliferation strategy suggests, the Howard government has invested considerable political and diplomatic capital in demonstrating that it is possible to go beyond the existing non-proliferation regime. Moreover, Prime Minister Howard has often boasted since 11 September 2001, that the Australia–US relationship is closer under his government than any time in history.114 Simultaneously, Australia has developed a relationship with China based upon, from Australia’s perspective, a clear calibration of economic, political and strategic interests. Although Prime Minister Howard has baulked at describing the Sino–Australian relationship as “special”, his recent comments on the issue seem to indicate that Australia can develop its relations with China without jeopardising Australia’s security and strategic relationship with Washington. For example, Prime Minister Howard, in commenting on the Sino–Australian relationship into the twenty-first century, expressed such sentiment:

The best way to build the relationship further is to continue doing what China and Australia do best and that is to understand our fundamental differences, to be realistic about those differences, but nonetheless focus on those areas of common interest where we can fully cooperate...115
In this light, it is possible to perceive the conclusion of the Australia–China agreements as an attempt to ease the possible irritant value, in the context of Sino–Australian relations, of Australian closeness to Washington’s nuclear proliferation and counter-proliferation approach.

Strategically, the US and Australia share some common perceptions as to the potential threats of WMD and ICBM proliferation, particularly in the Asia–Pacific. Thus, as noted earlier, the Bush and Howard governments’ positions regarding North Korea’s presumed nuclear proliferation and aspirations are almost indistinguishable. Yet some of the strategic implications of the Bush Administration’s counter-proliferation approach may also cause Australia some significant headaches in the region. Most particularly, the logic of the Bush Administration’s two emerging counter-proliferation pillars – the PSI and NMD – has the potential to conflict with Chinese strategic interests. Given Australia’s close relations and alignment with the US and increasingly close relations with China, the potential for Australia to be caught between the conflicting imperatives of these two great powers appears to be quite real. China’s response to the PSI to date has been rather ambivalent. On the one hand it has expressed its understanding of the concerns of PSI participants regarding the proliferation of WMD and their delivery systems, and agreement with the PSI's objectives and principles. China’s 2003 White Paper on non-proliferation, for example states that, “China holds that the fundamental purpose of non-proliferation is to safeguard and promote international and regional peace and security, and all means to this end should be conducive to attaining this goal”. Simultaneously, however, the White Paper clearly questions the legitimacy not only of the PSI, but also the wider logic of the Bush Administration’s counter-proliferation strategy and approach to nuclear issues:

China maintains that a universal participation of the international community is essential for progress in non-proliferation. To gain an understanding and support of the overwhelming majority of the international community, it is highly important to ensure fair, rational and non-discriminatory non-proliferation regime. Either the improvement of the existing regime or the establishment of a new one should be based on the universal participation of all countries and on their decisions made through a democratic process. Unilateralism and double-standards must be abandoned, and great importance should be attached and full play given to the role of the United Nations.

Thus China, although agreeing with the objectives of the PSI, believes that it should be institutionalised in some manner, a process which chief PSI proponents such as the US and Australia are categorically against. Moreover, this statement clearly illustrates China’s opposition to the Bush Administration’s discriminatory application of non-proliferation standards. Another source of Chinese ambivalence may also stem from concerns regarding its own proliferation record and activities. It has been a long-standing charge by successive US administrations since the 1980s that China is involved in a lucrative weapons trade with states of proliferation concern for Washington such as Libya, Iraq, Iran, Sudan, Syria, and North Korea. In relation to nuclear proliferation, bilateral Sino-US relations were complicated on a number of occasions in 1990s by US allegations of Chinese sales of nuclear materials or technologies to Iran and Pakistan. Indeed, although China’s recent White Paper on non-proliferation states categorically that China opposes proliferation of WMD and their means of delivery, the issue nonetheless remains a point of contention in its relations with Washington. Such a concern, however, does not appear to be overtly shared by Canberra, with the Prime Minister stating in reference to the terms of the agreements that he was, “satisfied that the safeguards that are there will be enforced and it’s on that basis that the agreements have been signed.” Indeed, although Article IX of the, “Agreement between the Government of Australia and the Government of the People’s Republic of China for the Cooperation in the Peaceful Uses of Nuclear Energy”, states that “material, equipment, components and technology subject to this agreement” are not be transferred to a third party unless it has implemented IAEA safeguards and...
“adequate measures of physical protection” and obtains the consent of the supplier (i.e. Australia), this is consistent with Australia’s other bilateral nuclear agreements.125

The other emergent strategic disjuncture between the US, China and Australia concerns the Bush Administration’s ongoing endeavours in the realm of NMD and Theatre Missile Defense (TMD). As noted previously, Foreign Minister Downer stated in 2004 that Australia’s counter-proliferation efforts would primarily be focused on the further expansion of the PSI and ballistic missile defence.126 Australia’s commitment to NMD and cooperation with the US in this regard places it in a difficult position regionally given China’s great sensitivity to the implications of NMD for its security. Regionally, the US has not only engaged Australia in regard to the development and deployment of NMD in Asia–Pacific theatres, but also Japan.127 For China, these developments hold two implications, one strategic and one particular. Strategically, the development of NMD systems in the region, book-ended by Japan and Australia, suggest a US plan to negate China’s nuclear deterrent, a process with implications for an issue of particular concern for Beijing – Taiwan. From Beijing’s perspective the advent of NMD systems, particularly if they cover Taiwan, counters its capability to resort to a coercive, military option to resolve the Taiwan issue in its favour.128 Although Australia–China relations in recent years have been smooth and constructive it is useful to recall, in the context of the implications of NMD for China’s security, that the Taiwan issue (during the Taiwan Straits crisis of 1996) was responsible for generating the most significant downturn in relations under the Howard government.129 A recent account of Australia’s role in Sino–US relations thus concludes that:

The issue of missile defence in Sino–Australian relations is clear: as long as missile defence capabilities are not transferred to Taiwan or deployed by others proximate to it, China will reserve judgement on their ultimate impact on its own national security. Australia has not endeared itself to Beijing, however, by pursuing this dimension of alliance relations with the US.130
7. Conclusion: The Howard Government’s Approach to Proliferation – Advancing Australia Where?

Since the election of the Howard government in March 1996, Australia’s approach to nuclear proliferation has undergone two distinct phases of development. As demonstrated above, across the 1996 to 2000 period, the Howard government exhibited substantive continuity with that of its predecessors, both Labor and Liberal. Australia in this period continued to uphold the four cornerstones of its “traditional” approach: Adherence to and promotion of the NPT, support of the IAEA, bilateral agreements with other states party to the NPT and Australian activism in the international, multilateral non-proliferation regime. Thus, despite some of the early Howard and Downer rhetoric about weaning Australian foreign policy away from an unrealistic reliance on international, multilateral forums and agreements, the trajectory of Australian nuclear diplomacy manifested a linear development from that which preceded it, especially in regard to the NPT. However, as we have seen, the Howard government’s lack of commitment to the nuclear disarmament legacy of its predecessor was immediately apparent, while toward the close of the 1996 to 2000 period Australian statements in forums such as the CD and NPT Review conferences exhibited a more critical approach to the international non-proliferation regime. The terrorist attacks of 11 September 2001, however, exerted a profound affect not only on Australia’s foreign policy but acted as a catalyst for a more thorough re-evaluation of its approach to nuclear proliferation and counter-proliferation strategy. In this regard, the major catalyst in inducing change in Australian policy has clearly been the close alignment with the US under President George W. Bush. The force of this impact has been such in regard to nuclear proliferation and counter-proliferation that the US and Australian approaches have converged to such an extent to be almost indistinguishable. As the discussion of Australia’s reaction to the US–Indian agreement demonstrated, for instance, Australia has been drawn into the wake of the Bush Administration’s example.

However, this has not been without potential complications for Australia. In particular, Australia’s commitment to the emerging pillars of the Bush Administration’s nuclear and counter-proliferation strategy – the PSI and NMD – place it in a potentially difficult position in the context of the Asia-Pacific, especially in respect to Sino–Australian relations. Moreover, the Australia–China nuclear agreement is not only important in and of itself in the context of bilateral Sino–Australian relations, but also as to what it tells us about the future directions of Australia’s nuclear policy. Given the preceding discussion and analysis of the US and Australia’s evolving approaches to nuclear proliferation and counter-proliferation, it is possible to suggest that the Australia–China agreement is in some ways a cognate of the US–India agreement. Although the Bush Administration’s conclusion of its agreement with India could be seen as “acting in character”, due to the administration’s predilection to go beyond existing international agreements and/or norms, Australia’s position in contrast is more nuanced.

It is a final speculation of this paper, that the Australia–China agreement represents a characteristic Howard government “testing of the water” or establishment of the limits of the possible. This is suggested by the fact that the Australian agreement and the events surrounding it, in contrast to the US–India agreement, contain elements of both continuity with and change from past Australian policy. Thus, for instance, Australia has maintained its position of only entering nuclear agreements with other NPT parties, while simultaneously leaving the door open for future agreements with non-NPT parties. As this paper has demonstrated, Australia’s nuclear policy both in respect to nuclear proliferation
and counter-proliferation is in the process of being re-made, with its ultimate destination unknown. Yet, the combined weight of government words, actions and signals since 2001 hint at a certain direction – toward a hedging strategy between the pull of the Bush Administration’s approach and the residual force of Australia’s “traditional” approach. In this respect it is perhaps fitting to conclude by noting Prime Minister Howard’s comments earlier this year in response to a question regarding the impact of the US–India agreement on Australian nuclear policy:

Well we have a settled policy. We are willing to sell uranium to countries with a nuclear non-proliferation treaty, if they’re part of that process. Nothing automatically follows from the agreement between the United States and India. That’s a matter for those two countries, we will make our own judgement about what we do. We will obviously consider any request for uranium exports which are consistent with our policy and our policy is that there are certain safeguards and there is a requirement in relation to the non-proliferation treaty but having said that we quite welcome the development between the United States and India...That’s all very positive but naturally we will make our own decisions against the background of our own policy.\textsuperscript{131}
Notes


7 For the Fraser government’s response to the Ranger Inquiry see Commonwealth Parliamentary Debates (House of Representatives, 2nd Session of the 13th Parliament, 2nd Period), 16 August to 8 November 1977, pp. 645–60.


12 Commonwealth Parliamentary Debates (House of Representatives, 25 August 1977, p. 646.


20 South Pacific Forum countries were Australia, New Zealand, Cook Islands, Fiji, Kiribati, Nauru, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Western Samoa.


22 Hawke, The Hawke Memoirs, p. 221.


Smith, “Perspectives on Australia’s Foreign Policy 1998”, p. 205.


Downer, “Speech by the Minister for Foreign Affairs, NPT Review Conference”.


33 Smith, “Perspectives on Australia’s Foreign Policy 1998”, p. 205.


36 Downer, “Speech by the Minister for Foreign Affairs, NPT Review Conference”.


38 Downer, “The NPT – Future Challenges and Outlook for the 2000 Review Conference”.


40 Bracken, “The Structure of the Second Nuclear Age”, pp. 403–8. He also asserts that this “second nuclear age” did not begin at the end of the Cold War but before, suggesting that the Chinese test of 1964 or that of India in 1974 could be viewed as points of departure.


42 Kristensen and Handler, “The USA and Counter-Proliferation”, p. 389.

43 Kristensen and Handler, “The USA and Counter-Proliferation”, p. 390.

44 Kristensen and Handler, “The USA and Counter-Proliferation”, p. 390.

45 Kristensen and Handler, “The USA and Counter-Proliferation”, p. 390.


47 Kristensen and Handler, “The USA and Counter-Proliferation”, pp. 390–91.

Perry, US Secretary of Defense, *Annual Report to the President and the Congress*.


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Perry, US Secretary of Defense, *Annual Report to the President and the Congress*.

My emphasis.

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Cited in Perry, US Secretary of Defense, *Annual Report to the President and the Congress*.

My emphasis.

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Perry, US Secretary of Defense, *Annual Report to the President and the Congress*.

My emphasis.


86 For post–9/11 US strategic and foreign policy direction see, John Inkenberry, “America’s Imperial Ambition”, Foreign Affairs, vol. 81, no. 5 (2002), pp. 44–60 and Andrew O’Neill, “American Grand Strategy: The Quest for Permanent Primacy”, in Martin Griffiths and Brendan O’Connor (eds), The Rise of Anti–Americanism (London: Routledge, 2006), pp. 140–54. Although as we have seen such tendencies were present in the Administration prior to 9/11.


90 Perkovich, “Bush’s Nuclear Revolution”, p. 3.


92 Howard, “Transcript of the Prime Minister the Hon John Howard MP Address to the National Press Club”. As noted above these concerns had also been expressed for some time prior to 9/11.


95 The US Senate rejected ratification of the CTBT in 1999 and the Bush Administration has maintained that it does not support the treaty and will not bring another vote forward, Joseph, “The Exercise of National Sovereignty”, p. 378.


97 Downer, “The Threat of Proliferation”.

98 Downer, “The Threat of Proliferation”.


100 Article IV of the NPT states, “1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles
l and ii of this Treaty. 2. All Parties to the Treaty undertake to facilitate, and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapons States Party to the Treaty, with due consideration for the needs of the developing areas of the world.” IAEA, Information Circular, “Treaty on the Non-Proliferation of Nuclear Weapons”, 22 April 1970.


103 Downer, “Transcript of the Foreign Minister the Hon Alexander Downer MP, Doorstop Interview, Hyatt Hotel, Adelaide, 3 Mach 2006” and Howard, “Transcript of the Prime Minister the Hon John Howard MP, Doorstop Interview, Taj Mahal Hotel, Delhi, 5 March 2006”.


105 See for example, White House, Office of the Press Secretary, President, Prime Minister Singh Discuss Growing Strategic Partnership, 2 March 2006; and Downer, “Joint Press Conference Between Foreign Minister Alexander Downer and US Secretary of State, Condoleezza Rice, 16 March 2006”.


111 See DFAT, “Nuclear Exports and Safeguards: Australia’s Network of Nuclear Safeguards Agreements”, <http://www.dfat.gov.au/security/nuclear_safeguards.html>. The agreements listed on this website are with the Republic of Korea, UK, Finland, US, Canada, Sweden, France, Euratom (the atomic energy agency for the EU), Philippines, Japan, Switzerland, Egypt, Russian Federation, Mexico, New Zealand, Czech Republic, US “covering supply to Taiwan”, Hungary and Argentina.

112 Information Office of the State Council, China’s Endeavors for Arms Control, Disarmament and Non-Proliferation, March 2005< http://english.xinhua.cn>.

113 Information Office of the State Council, China’s Endeavors for Arms Control and Wendy Frieman, China, Arms Control and Non-Proliferation (London: RoutledgeCurzon, 2004).


119 Information Office of the State Council of the PRC, China’s Non-Proliferation Policy and Measures, pp. 3–4. My emphasis.


123 The White paper states early on that, “China does not support, encourage or assist any country to develop WMD and their means of delivery”, Information Office of the State Council of the People’s Republic of China, *China’s Non-Proliferation Policy and Measures*, p. 2.

124 See Howard, “Transcript of the Prime Minister, the Hon John Howard, MP, Joint Press Conference with His Excellency Mr Wen Jiabao”.


126 See Downer, “The Threat of Proliferation”.


