

29 October 2021

To: The Defence Review

Public Submission by Mr David J Noonan B.Sc., M.Env.St, Sole Trader Consultant.

Re: The Review must act in accordance with Australia's commitment to Sign the 'Ban Treaty', AND should be transparent on the implications for Australia as a target in a war with China.

While preparing for war, the Defence Review should appraise these propositions, consider the Questions raised (p.3-4) and the Recommendations made (p.7), and provide a response toward transparency on the consequences for Australia as a target in an escalating conflict with China.

The ALP has "**acknowledged the centrality of the US Alliance**" and importantly made formal policy commitments to: "**sign and ratify the Ban Treaty**" (In: [ALP National Platform](#) 2021, p.117).

Australia has taken an important initial step to [no longer oppose the Ban Treaty](#) at the UN.

This Defence Review should act in accordance with a path for Australia to Sign the "Treaty on the Prohibition of Nuclear Weapons" (TPNW, the 'Ban Treaty') in this term of federal office.

Anthony Albanese MP, "[Changing the World](#)" Speech, ALP National Conference 18 Dec 2018, stated:

"We have on our side the overwhelming support of the Australian people. ... Our commitment to sign and ratify the nuclear weapons ban treaty in government is Labor at our best"

Recommendation: The Defence Review should act in accordance with Australia's commitment to Sign the 'Ban Treaty' and not seek to compromise that path by accepting roles in nuclear warfare.

Australia must evolve our US Alliance to end our roles in US nuclear war fighting capabilities AND end Australia's so called defence reliance on US nuclear deterrence and 'weapons umbrella'.

The [ICAN](#) Report "[Choosing Humanity](#)" (July 2019) best sets out the case for Australia to Sign and Ratify the UN "[Treaty on the Prohibition of Nuclear Weapons](#)".

The US nuclear umbrella is a threat to use nuclear weapons in Australia's defence policy – a threat that has long been contrary to International Humanitarian Law and which is now illegal since the TPNW came into force as a permanent part of International Law from 22 January 2021.

Australia must evolve the roles and operations of the [Pine Gap](#) and potentially other bases in light of the **TPNW Article 1 Prohibitions** on nations to "*never under any circumstance*":

(d) Use or threaten to use nuclear weapons or other nuclear explosive devices;

(e) Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty;

To come into future compliance with the TPNW, Australia's military inter-operability with US forces must evolve to exclude nuclear military related operations or reliance.

The TPNW Article 1 Prohibitions apply equally across Australia's nuclear weapons state allies: the US, the UK and France, and prescribe nations to never under any circumstance:

(a) Develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;

The Federal Government should set out a path toward Signing the TPNW and can do so through a Referral to the [Joint Standing Committee on Treaties](#) (JSCT) as a proposed treaty action, as provided for under a [Resolution of Appointment](#) in both houses of Parliament over 26-27 July 2022.

The JSCT Inquiry can be conducted before legal obligations arise on Australia through Signing the TPNW and can serve to take account of matters cited for address in the ALP Platform commitment (a JSCT Inquiry is required as part of the process of treaty ratification in any case).

The ALP has also made a platform commitment to re-establish a **Canberra Commission of Inquiry** *“to make a significant contribution to promoting disarmament”* (ALP Platform, 2021, p.98) and can do so after a JSCT Inquiry & after Signing the TPNW, so as to advance nuclear disarmament globally.

Australians have a right to know the risk exposure we face in peace time and in war:

Australians have a right to know the risk exposure we face and the consequences for Australia as a potential target in an escalating conflict between the US and China.

Recommendation: The Defence Review must consider and report on the scenarios, risks, and consequences of a nuclear or conventional attack by China or Russia on bases in Australia amid an escalating conflict. The Review must be transparent on the consequences of potential attacks on a range of Australian facilities and bases that have been cited as potential targets in war.

The Weekend Australian Editorial on 10th Sept 2022 affirmed Pine Gap as a "priority target of Russia and China" and refers to the "danger facing our region, including the nuclear threat".

"Nuclear War risk Greater than Ever" (The Australian 7 Sept 2022) reports the ASPI view that Pine Gap (& therefore Alice Springs) is a high-level nuclear target for both Russia and China, stating:

"We need to understand what the implications would be for Alice Springs, which is a town of 32,000 people only 18 kilometres from the base."

The lead author of the ASPI Report, Paul Dibb states ***“the risk of nuclear war is now higher than at any time since the Cold War”*** (in [“Pine Gap a target as Ukraine invasion raises nuclear war risk, Australian defence expert warns”](#) The Guardian 7 Sept 2022):

‘A humiliated Russia could be driven closer to China in a ‘grand coalition’, former Joint Intelligence Organisation director says.

Australia could become a nuclear target due to its hosting of a US military base at Pine Gap in the Northern Territory, one of Australia’s leading defence strategists has warned. ...

Australia should not feel its geographic distance from the epicentre of the conflict affords it any significant protection, Dibb argued.

“We need to plan on the basis that Pine Gap continues to be a nuclear target, and not only for Russia. If China attacks Taiwan, Pine Gap is likely to be heavily involved,” he said.’

The ASPI Report [“The geopolitical implications of Russia's invasion of Ukraine”](#) (7 Sept 2022) policy recommendations for Australia arising out of this report include No.1 **“The risk of nuclear war”**:

“... in our current threatening strategic circumstances. This should include gaining a better understanding of how Russia sees Australia as a nuclear target. In both the Cold War and more recently, Russian authorities have made it clear that Pine Gap is a priority target. We need to understand what the implications would be for Alice Springs, which is a town of

32,000 people only 18 kilometres from the base. It has long been supposed that major Australian cities—such as Sydney and Melbourne—wouldn't be targeted."

The Defence Review must address this priority target risk of nuclear attack on Australia and report on the consequences to the population of Alice Springs, and on what steps can now be taken to inform the population and to prepare to respond to the potential resultant health calamity.

In **"Thinking the Unthinkable. What would a Chinese invasion of Taiwan mean for Australia?"** (The Weekend Australian, 8-9 May 2021), Greg Sheridan, Foreign Editor, set out Australian military facilities and forces that afford a raft of targets to China in a conflict with the US over Taiwan.

Including: the "Joint Defence Facility" at Pine Gap; the "North-West Cape" communications facility (for submarines); the Geraldton signals intelligence facility; the over-the-horizon "Jindalee Operational Radar Network" (JORN comprises three radar sites, near Alice Springs, near Laverton WA & near Longreach Qld); Australian submarines at sea; the Stirling submarine base south of Perth; and RAAF aircraft operating with US forces and out of US & other allied bases in the Pacific.

No doubt Australia acquiring nuclear powered attack submarines and visits or basing US and or UK nuclear subs at Stirling escalates the risk profile we face as a target in an escalating conflict.

Potential [War with China](#) is out in open debate. [The Lowy Institute's 2020 poll](#) showed that only a third of Australians support the idea of joining the US in a war over Taiwan or in the South China Sea.

Both China and Russia's priority & capacity to attack US bases in Australia has long been recognised.

The [Nautilus Institute for Stability and Security](#) has referenced key understandings that Australia is a nuclear target in war, "[Possibilities and effects of a nuclear missile attack on Pine Gap](#)" (2013) states:

"Pine Gap ... remains a likely priority target for a Chinese missile strike in the event of a major China – United States conflict, both because of its role as a remote ground station for early warning satellites ... and its larger role as a command, control, downlink, and processing facility for US signals intelligence satellites in geo-stationary orbit."

(See Richard Tanter [The "Joint Facilities" revisited – Desmond Ball, democratic debate on security, and the human interest](#), Special Report, Nautilus Institute for Security and Sustainability, 12 Dec 2012.)

Ex-Defence Minister Kim Beazley told a parliamentary committee seminar that:

"We accepted that the joint facilities were probably targets, but we accepted the risk of that for what we saw as the benefits of global stability." (Seminar on the ANZUS Alliance, Joint Standing Committee on Foreign Affairs, Defence and Trade, 11 August 1997)

Paul Dibb, a former Deputy Secretary of Defence, ("*America has always kept us in the loop*", *The Australian*, 10 Sept 2005) has stated in regard to Russian ICBM's targeting Australia:

"We judged, for example, that the SS-11 ICBM site at Svobodny in Siberia was capable of inflicting one million instant deaths and 750,000 radiation deaths on Sydney. And you would not have wanted to live in Alice Springs, Woomera or Exmouth — or even Adelaide."

A classified **Force Posture Review** prior to the 2009 Australian Defence White Paper, as reported in [The Kingdom and the Quarry](#) **David Uren's** 2012 book on our relationship to China (p.128), cites:

“defence thinking is that in the event of a conflict with the United States, China would attempt to destroy Pine Gap.”

[Pine Gap](#) (2020) is still a target in war. **Richard Tanter’s** [“The Joint facilities”](#) (2012, p.42) concluded:

Consequently, attacking Pine Gap almost certainly remains a plausible and lucrative way of degrading or destroying the US geosynchronous signals intelligence capability – the “ears” of nuclear war-fighting capacity.

China modernising its nuclear arsenal [“Chinese nuclear forces”](#) (Dec 2020) increases options for use.

The **head of U.S. Strategic Command** considered China could strike first in a war with the US [“Would China Use Nuclear Weapons First in a War with the United States?”](#) (The Diplomat, April 2020).

[“China threatens Australia with missile attack”](#) (**Paul Dibb**, ASPI, 26 July 2021) reports the editor-in-chief of Beijing’s *Global Times* newspaper, which generally reflects the views of the Chinese Communist Party, [threatened Australia](#) (07 May 2021) with ‘retaliatory punishment’ with missile strikes ‘on the military facilities and relevant key facilities on Australian soil’ if the Australian military coordinates with the US in a war over Taiwan, including that:

*“China has a strong production capability, including producing additional long-range missiles with **conventional warheads that target military objectives in Australia** when the situation becomes highly tense.”*

Darwin and NT RAAF bases are arguably also potential targets in an escalating conflict: *“The arena of hostilities for any such conflict would be mostly confined to East Asia, with the possible exception of strikes against US forces using Darwin as a rear-area staging base”* (Lowy [paper](#), 09 August 2021).

Questions on Australia’s risk exposure to a strike by China in an escalating conflict with the US:

Noting the Defence Review is aware of commentary by senior academics and by former senior Australian officials, including ex-Defence Minister Kim Beazley, that key US bases in Australia are a nuclear target in war and multiple Australian facilities are at least potential conventional targets:

Q: What are the risks and scenarios in which China could launch a nuclear or a conventional strike on the Pine Gap or “North-West Cape” US bases in Australia during an escalating conflict with the US?

Q: What are the consequences for Australia and for the Australian population in a nuclear or a conventional strike by China on the Pine Gap or “North-West Cape” US Bases, or on an Australian facility - including potentially on Darwin Harbour in an escalating conflict with the US?

Q: What civil defence plans & emergency health responses – if any, has Australia made for the population near Pine Gap and other potential target bases and facilities – including Darwin Harbour?

Q: Has the Federal Government ever made a serious attempt to explain to populations living in proximity to target US bases the dangers that they face in a nuclear strike by Russia or by China?

Q: In addition to the “Joint Defence Facility” at Pine Gap, what other Australian military facilities, communications & intelligence facilities, and key infrastructures (for instance Darwin Harbour) are considered potential targets for China to attack in an escalating conflict with the US?

Noting that [Australia banned sale of uranium to Russia](#) in 2014, with then Prime Minister Tony Abbott stating *“Australia has no intention of selling uranium to a country which is so obviously in breach of international law as Russia currently is”*:

Q: Why does Australia still sell uranium to China – the only country (in addition to Russia) that is considered likely to attack Australia with nuclear weapons in an escalating conflict with the US?

China’s unacceptable proliferation record, expanding nuclear arsenals and assertive military rise:

The Defence Review must recognise China’s record and take action to reduce our risk exposure. China’s has an unacceptable record of proliferation of nuclear & missile technology and weapons know-how, [modernisation of its nuclear arsenal](#), and an increasingly assertive military posture.

China’s nuclear proliferation was central to Pakistan’s nuclear weapons program (“[Deadly Arsenals](#)” Report 2nd Ed., J Cirincione et al, Carnegie Endowment for International Peace, July 2005).

China’s state-run corporations trafficked illicit nuclear & missile technology to Pakistan, Iran, North Korea and Libya, despite China commitments to uphold non-proliferation regimes (Deadly Arsenals).

Chinese nuclear weapon designs were available from the [A Q Kahn nuclear smuggling network](#) out of Pakistan and are reported to have turned up in a number of countries.

China has also threatened to use nuclear weapons to destroy US cities over Taiwan (“[Chinese general warns of nuclear risk to US](#)”, The Guardian, July 2005):

The “[An illusion of Protection](#)” report by MAPW & ACF (Oct 2006) discussed China’s flawed non-proliferation record to Pakistan and to Iran and the potential for nuclear conflict with the West.

Despite China’s flawed record & risky profile, Australia signed up to sell uranium into China in 2006.

By 2007 China pushed nuclear supply deals to Pakistan in breach of Nuclear Supplier Group embargoes and continues to do so.

China is a destabilising influence in a number of potential conflict flash points, in India, in Hong Kong and Taiwan, and is considered a rising military threat to countries interests in the Pacific.

The military assertive rise of China across the South & East China Sea has lead [Japan to urge a boost in our naval presence](#) (Jan 2021). Tension with Japan over the Senkaku Islands continues to simmer, with a [record number of incursions](#) into Japanese territorial waters during 2020.

Concerns over China’s interference, subversion and espionage also feature in “[Australia to toughen export controls over fears technology could fall into hands of foreign armies](#)” (The Guardian, 2021).

Nuclear weapons, *insecurity* and Human Rights abuses are reasons to end uranium sales to China:

China [is in breach of](#) their “[Nuclear Non-Proliferation Treaty](#)” (NPT) Article VI nuclear disarmament obligations and are unacceptably expanding their nuclear arsenals and delivery systems. Australia must not continue to be complicit in support of - and in uranium sales to - so called ‘[civil](#)’ [nuclear programs with clear military links](#) in nuclear weapon states - [including China](#).

China should face disqualification as a recipient of Australian uranium sales given China’s severe breaches of Human Rights and International Humanitarian Law and protections.

Australia has no leverage on China through our uranium sales and must exit that risky exposure.

I have campaigned on a range of public interest issues regarding China, see an Opinion in The Age & SMH newspapers “[Uranium policy a hypocrisy](#)” (5 Oct 2009) - which raised Human Rights cases.

“Australian uranium will effectively disappear off the safeguards radar on arrival in China, a country whose military is inextricably linked to the civilian nuclear sector and where nuclear whistle-blowers and critics are brutally suppressed and jailed. This alone is reason to disqualify China from acquiring Australian uranium.”

Transparency is a core pre-requisite to any ‘trust’ in nuclear issues and is sorely lacking in China.

South Australia is now the only State or Territory conducting uranium mining & milling, with BHP’s Olympic Dam copper-uranium mine by far the primary corporate driver of uranium in Australia.

BHP uranium sales are under scrutiny: see [“Risky Business: BHP, Rio Tinto given carte blanche to export uranium to global hotspots - Michael West”](#) (17 March 2021) and [Australian uranium fuelled Fukushima \(theecologist.org\)](#) (9 March 2021), joint author Dr Jim Green, FOE Australia.

Uranium sales to China fuel nuclear insecurity and should be a public interest and defence issue in Australia’s foreign policy, see Briefer: [Aust-U-sales-fuel-insecurity-Noonan-2021.pdf \(foe.org.au\)](#)

In the 2020’s the Department of Foreign Affairs and Trade warns Australians are *“at risk of arbitrary detention”* in China - yet uranium sales continue to non-transparent China.

BHP’s vested interests in marginal uranium sales to China run counter to public interests. Overall, the influence, \$ value and level of mine production of Australian uranium are in multi-year decline.

Uranium sales to China were contrived through Australian Safeguards and Non-proliferation Office’s (ASNO) five-fold inflated projection of the dollar value and tonnage of uranium to China, with BHP and Olympic Dam mine operations solely carrying this deal into the 2020’s.

BHP uranium sales to China are a defence issue and should be addressed by this Defence Review.

At best, the sale of Australian uranium frees up China to divert its own limited supply of uranium reserves to use in its military related nuclear regime, at worst, it directly contributes to weapons.

It will not be credible for this Defence Review to claim Australian uranium is accounted for in *non-transparent* China, or that Australia can trust in and rely on the conduct of the one-party state authoritarian nuclear regime in China.

As to my background: I served 16 years as Australian Conservation Foundation (ACF) environment campaigner 1996-2011 including on uranium and nuclear public interest issues, as lead author of ACF nuclear issues submissions to Joint Standing Committee on Treaties (JSCT) Inquiries, and as an ACF witness in JSCT Hearings on uranium sales issues with China and with Russia.

As an individual, I later gave evidence as a witness before the JSCT Inquiry on UAE uranium sales, provided input to the JSCT Inquiry on Ukraine uranium sales, and am quoted in both JSCT Reports.

Please feel free for review members and staff to contact regarding any aspect of this public submission, by Mobile, Text or E-Mail (my contacts are provided in an E-mail cover note).

Yours sincerely

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Recommendations

- The Defence Review should act in accordance with Australia's commitment to Sign the 'Ban Treaty' and not compromise that path by accepting roles in nuclear deterrence and warfare.
- Australia must evolve the US Alliance to [end roles in US nuclear war fighting capabilities](#) AND end claimed defence reliance on US nuclear deterrence and the nuclear weapons 'umbrella' – which is an illegal *threat to use* nuclear weapons in Australia's defence policy.
- The Federal Government should sign the "*Treaty on the Prohibition of Nuclear Weapons*" within this term of office. [ALP commitments](#) to sign & to ratify the Ban Treaty are welcome.
- Australians have a right to know the extent of our risk exposure with the US & with China in peace & in war. The Defence Review should be transparent on the extent of the risk profile.
- The Defence Review must consider and report on the scenarios, risks, and implications of a nuclear or conventional attack by China or Russia on Pine Gap or on an Australia facility amid an escalating conflict. The Review must be transparent on the consequences of potential attacks on a range of Australian facilities and bases that have been cited as targets in war, including [Darwin Harbour](#).
- [Nuclear weapons](#) arsenals, states causing *insecurity*, severe Human Rights abuses, and breaches of international law are all public interest reasons and defence reasons to apply sanctions, including to disqualify a country from receiving Australian uranium sales.

Noting that [Australia banned sale of uranium to Russia](#) in 2014, with then Prime Minister Tony Abbott stating "*Australia has no intention of selling uranium to a country which is so obviously in breach of international law as Russia currently is*":

- Australia should take action to end uranium sales to China as a nuclear weapon state [in breach of their "Nuclear Non-Proliferation Treaty" \(NPT\) Article VI nuclear disarmament obligations](#) and expanding their nuclear arsenals and delivery systems.
- [China must face disqualification](#) as a recipient of Australian uranium sales given China's severe breaches of Human Rights and International Humanitarian Law against the Uyghurs and Tibetans. What degree of Human Rights abuses can China impose before Australia acts?
- In any case, the routine "*substitution*" of Australian uranium in China, and the [Illusion of Protection](#) in ASNO safeguards, warrant disqualification of China as a recipient of uranium.
- Australia should also take action in response to China's involvement in unacceptable and illegal [large scale cyber-attacks on Australia](#) and cease uranium sales to China.
- BHP had to accept an end to uranium sales to Russia and now has [an onus to end uranium sales to China](#) in response to China's nuclear weapons, severe Human Rights breaches and *insecurity* issues. BHP must be required to properly assess and instigate a '[No Uranium Sales](#)' feasible alternative project configuration for the Olympic Dam copper-uranium mine.
- Australia should now belatedly act on the Recommendation of the [UN Secretary General's Nuclear Safety and Security Report](#) (Sept 2011, p.14) following the Fukushima nuclear disaster, for "*an in depth assessment of the net cost impact*" of uranium mining.
- Australia [must not sell uranium into global hotspots](#) to suit BHP's vested mining interests. A full "[Nuclear Events Risk Analysis](#)" is needed to appraise the uranium sector and BHP's 'social license' issues as the only company selling uranium to China out of Australia.