



RESEARCH ARTICLE

The AUKUS Alliance and its Implications on the Non-Proliferation Treaty

Sikandar Azam Khan¹

Research Officer, Balochistan Think Tank Network (BTTN), Quetta.

Article Info

Abstract

Article History:

Received:

September 15,
2022

Revised:

October 11, 2022

Accepted:

November 16,
2022

Keywords:

The Asia-Pacific,
Arms Race,
the NPT,
Nuclear
Proliferation,
Security Risk,
the AUKUS

A new three-pronged security pact was signed in September 2021 between the United States, the United Kingdom, and Australia, allowing Australia to acquire nuclear-propelled submarines and advance technological sharing on a variety of fronts, including the most recent sharing of related hypersonic technology. The AUKUS agreement appears to violate the Non-Proliferation Treaty as well as the US decades-long commitments to reduce highly enriched uranium stockpiles in non-nuclear weapon states. The United States has abandoned its commitment to non-proliferation in favour of a deal that is more strategic in nature and driven by national interests. The AUKUS agreement carries significant security risks and will add fuel to the Asia-Pacific nuclear non-proliferation debate and arms race. In this context, this study seeks to investigate the effects of AUKUS on the Non-Proliferation Treaty (NPT). This study contends that the NPT's future is bleak and remains in the shadow of major powers' interests; smaller states are unlikely to comply with existing nuclear treaties due to the dichotomous nature that major powers hold against them. It also sheds light on the future of non-nuclear armed states in relation to existing treaties such as the NPT.

¹Sikandar Azam Khan is a Research Officer in BTTN, at BUISTEMS Quetta.

Introduction

The US has attempted every tactic possible to combat China's expanding influence and uphold its global hegemony during the past 20 years. China is a rising force that is extending its power and influence throughout the world, especially in Asia. A new paradigm shift has taken place in reaction to China's expanding influence in the area. Australia, the United States, and the United Kingdom all signed the AUKUS security treaty in 2021 to restrict Beijing's expanding presence in the South China Sea. The leading officials of the states will decide on the best course of action for Australian conventionally armed nuclear-propelled submarine capabilities later in 2023. By offering nuclear-powered submarines, the AUKUS programme seeks to improve military capabilities in the Asia-Pacific region. Through a network of security partnerships, the United States is attempting to strategically restrict China's rise. The deal shows both a change in British foreign policy and a renewed focus by the United States on the Asia-Pacific area. Additionally, the pact permits the three countries to exchange sensitive military technologies, including cyber, quantum, and nuclear propulsion, as well as information.¹ In order to maintain regional stability, it enables strategic partners to share cutting-edge technologies. For the first time, the United States and the United Kingdom will aid Canberra in building at least eight nuclear-powered submarines by sharing sensitive nuclear submarine technology with it.²

Following that, the three countries will thoroughly examine the entire set of requirements that strengthen nuclear stewardship. To that end, Australia will establish a nuclear-powered submarine in its Defense Department.³

¹ The White House, "FACT SHEET: Implementation of the Australia, United Kingdom, United States Partnership (AUKUS)," *Statements and Releases*, 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/05/fact-sheet-implementation-of-the-australia-united-kingdom-united-states-partnership-aucus/#:~:text=When%20AUKUS%20was%20announced%20in,%2C%20nuclear%20powered%20submarine%20capability>.

² Melissa Zhu, "AUKUS alliance: what is it, what does it have to do with China, and why is France angry?" *South China Morning Post*, October 10, 2021. <https://www.scmp.com/news/china/diplomacy/article/3151700/AUKUS-alliance-what-it-what-does-it-have-do-china-and-why>.

³ Minister for Women Australian Minister for Foreign Affairs, "AUKMIN 2022 Joint Statement," Australian Minister for Foreign Affairs Minister for Women, Joint Statement, 2022. <https://www.foreignminister.gov.au/minister/marise-payne/news/aukus-does-not-turn-our-back-asia-it-about-building-our-relationships>.

Nuclear-powered submarines, unlike conventional submarines, do not have the same restrictions on weapon storage, speed, and endurance. They have the ability to remain completely submerged for several months, making detection difficult.⁴ The agreement is viewed negatively by the NPT, whose primary goal is to prevent the spread of nuclear weapons and nuclear technology.⁵ Furthermore, it represents a significant shift in the US foreign policy, as well as a breach of decades-old commitments to reduce highly enriched uranium stockpiles in non-nuclear weapon states.

The AUKUS agreement represents the US strategic initiatives to work with like-minded nations in an effort to counter China's expanding influence and safeguard in the Asia-Pacific that is free and open. The arrangement, however, has raised concerns about the viability of the nuclear non-proliferation regime because it will be the first time in history that a non-nuclear weapon state will be given such a substantial amount of weapon-grade fissile material outside the international safeguards. This nuclear technology was shared by the US and the UK in a contract in 1958. Thus, this agreement raises concerns regarding the NPT's promises and its effects on the non-proliferation regime. The effects of the AUKUS agreement on the non-proliferation regime are not adequately covered by any studies in the body of existing literature. Therefore, this study aims to close the knowledge gap and further explore the AUKUS deal and its effects.

The available literature on this topic covers different aspects of the NPT. However, the implications of AUKUS on the NPT remain unexplored and need further investigation. Hence, this research is an attempt to fill the highlighted research gap. For this research, a qualitative method has been employed. This research article attempts to address the key research questions: What are the key factors that contributed to the formation of AUKUS and what will be the implications of AUKUS on the NPT?

⁴ “Australia to pursue nuclear-powered submarines through new trilateral enhanced security partnership”, *Prime Minister of Australia*, September 16, 2021. <https://www.pm.gov.au/media/australia-pursuenuclear-powered-submarines-through-new-trilateral-enhanced-security>.

⁵ James. M Acton, “Why the AUKUS Submarine Deal Is Bad for Nonproliferation—And What to Do About It,” *Carnegie Endowment for International Peace*, 2021. <https://carnegieendowment.org/2021/09/21/why-AUKUS-submarine-deal-is-bad-for-nonproliferation-and-what-to-do-about-it-pub-85399>.

Furthermore, what will be the impacts of the AUKUS deal on the future of the non-proliferation regime?

An Alliance, Curtailing China

China's influence in the area has increased recently. China's containment strategies are being pursued by the US and its allies. The AUKUS accord also seeks to restrict Chinese influence in the area, particularly in the South China Sea and its surrounding waters. Even though China was explicitly left out of the joint US-UK-Australia declaration on the deal, the pact was designed to restrain China's military strength, particularly the new type of nuclear attack submarine that has alarmed the West.⁶ Initially, Australia's economic dependence on China prevented it from entering a defense pact with any major state. However, Australia joined the deal in an effort to boost its counterbalancing strategy by moving closer to two mighty western nuclear states.⁷ Before agreeing, Australia cancelled a multi-billion dollars' worth of submarine procurement contract with France.⁸ [The contract that took place in 2016 required France to build 12 diesel-electric-powered submarines. The alliance has caused anger in France, which had described its deal with Australia as the "deal of the century." Also, the French Foreign Ministry described the deal as "a stab in the back."](#)⁹

Furthermore, the QUAD, which comprises of the United States, Japan, Australia, and India, may be revitalized by the AUKUS alliance. These two defence agreements suggest US geopolitical intentions to form regional alliances with allies to confront China. Australia will become a potential player in projecting undersea power out of Oceania and closer to China's territorial waters in the Asia-Pacific because of the nuclear-powered submarines. The US appears to be more concerned with its economic ties to

⁶ Grant Wyeth, "China and AUKUS," *Australian Foreign Affairs*, 2022. <https://www.australianforeignaffairs.com/afaweekly/china-and-aukus>.

⁷ Jagannath Panda and Niklas Swanstrom, "AUKUS: Resetting European Thinking on Indo-Pacific," *Institute for Security and Development Studies*, October, 2021,182, <https://isdpeu/content/uploads/2021/10/AUKUS-Resetting-European-Thinking-on-the-Indo-Pacific-25.10.21.pdf>.

⁸ Tiffanie Turnbull, "Aukus: Australia's New PM Vows 'reset' with France after Submarine Row," *BBC News*, 2022. <https://www.bbc.com/news/world-australia-61919761>.

⁹ Patrick Wintour, "What is the AUKUS alliance and what are its implications?" *The Guardian*, September 16, 2021. <https://www.theguardian.com/politics/2021/sep/16/what-is-the-AUKUS-alliance-and-what-are-its-implications>.

Asia and its strategic rivalry with China. The present US government continues to place a high priority on strategic goals, notably Taiwan, when analyzing the great-power conflict in Asia. Senior US official stated that, "Washington should maintain its forward presence, but it also needs to cooperate with other nations to disperse US soldiers across Southeast Asia and the Indian Ocean. This would lessen American reliance on a select group of East Asian facilities that are vulnerable. To balance and deter China, the US should explore bespoke or ad hoc entities focused on specific issues rather than creating a broad coalition that addresses all issues. AUKUS and the QUAD appear consistent with that prescription."¹⁰

AUKUS and the NPT

Australia has been actively engaged in the NPT to ensure a peaceful and nuclear-free world. Similarly, Australia, in collaboration with Japan, and 12 other countries formed a regional group of the Non-Proliferation and Disarmament Initiative (NPDI). The main aim of such an initiative was to ensure and implement the 2010 NPT's 64-point action plan.¹¹ The NPDI stepped up its efforts to advance non-proliferation and disarmament measures enshrined in the NPT while remaining in compliance with the NPT's guidelines. Meanwhile, Australia's carrying the peace flag in the realm of non-proliferation and disarmament is the opposite of what the AUKUS alliance portrays. What are the varied interests being encapsulated in that agreement? It is not very clear whether Australia, after receiving the nuclear submarines, will choose the path of weaponization.

According to a realist perspective, which propagates national interests as its top priority, Australian national interest concerns will push the country to acquire much more than nuclear-propelled submarines. The inclusion of the hypersonic agenda in the cooperation has proved the above stated argument that this trilateral partnership will do whatever risks are involved to secure the ambition of major powers to contain the rise of another. Similarly, another

¹⁰ Samir Puri, "Land and Sea: The Evolving Great-power Contest in Asia," *Survival: Global Politics and Strategy*, Vol 64, Issue 1, February 4, 2022, pp. 227-236.

<https://www.tandfonline.com/doi/full/10.1080/00396338.2022.2033008>.

¹¹ Australian Government, "Treaties and Initiatives, Australian Government Department of Foreign Affairs and Trade," *Department of Foreign Affairs and Trade*, February 10, 2022.

interest that drives Australia is China's expansion in the Pacific, which some analysts see as a threat to Australia and its allies.¹²

Article III of the NPT states that the states must adhere to the rules and regulations laid out in the treaty and comply with the International Atomic Energy Agency (IAEA) inspection safeguards. Furthermore, the fissile material for peaceful uses must remain under safeguards and according to the limits prescribed by the IAEA. Naval nuclear submarines require 50% fuel enrichment to actively work.¹³ Although the enrichment for peaceful use is limited to 3.5%, enrichment guidelines standards by the IAEA, the nuclear propelled submarine manufacturing again violates the guidelines being specified by the IAEA.

When the NPT was brought back to the table in 1968, the major states were to ratify and come to terms with the articles charted in the treaty.¹⁴ It was the most celebrated and successful treaty of the time, and nearly 191 countries have signed and ratified it to this day. However, the success is overshadowed by the pitfalls the treaty poses. Especially under Article X of the treaty, which is claimed to be the escape clause by academia and professionals, several countries like North Korea and Iran took that leverage and started enrichment above the standard guidelines, i.e., 3.5% enrichment. As the treaty aims to stop proliferation, implement arms control, and only allow nuclear material to be used for peaceful purposes, states seem unlikely to follow the stipulated guidelines. Furthermore, the IAEA's existence as a watchdog to further the NPT ambition is solely for the purpose of maintaining inspection of countries that have been granted permission to use nuclear facilities for peaceful purposes only.

The IAEA is an autonomous body that monitors only the facilities to which it has access if the country allows the IAEA to inspect its nuclear facilities. The NPT's successive results are due to the Non-Nuclear Weapon States (NNWS') adherence to further non-proliferation. As the successful treaty

¹² Andrea Molle, "Perspectives on the AUKUS Partnership," *Start Insight*, 2021. <https://www.startinsight.eu/en/perspectives-on-the-aukus-partnership/>.

¹³ IAEA, "IAEA INFCIRC/153 - The Structure and Content of Agreements Between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons," 1972. https://www.iaea.org/sites/default/files/publications/documents/infcircs/1972/inf_circ153.pdf.

¹⁴ United Nations Office for Disarmament, "Treaty on the Non-Proliferation of Nuclear Weapons (NPT) – UNODA," *United Nations*, 2018. <https://www.un.org/disarmament/wmd/nuclear/npt/>.

claimed by academia, the treaty has been enforced, with only five countries remaining non-signatories. North Korea is one of the countries that agreed to allow the IAEA inspection team to visit in 2004 as part of an agreement with the US. The inspection team inspected its Nyongbyong sites that were operational at that time. These sites in the city were built with the help of the Soviet Union at the end of the 1950s. Furthermore, in the 1960s, 1970s, and 1990s, the indigenous process of building nuclear site buildings included reprocessing units. Later, when North Korea withdrew from the NPT in 2003, the inspection of its site by the IAEA was halted.¹⁵

Similarly, North Korea, a signatory to the NPT, withdrew from the agreement and started developing nuclear weapons despite significant resistance and pressure from the major power US. The NPT was sidelined by North Korea's actions, and they later conducted nuclear enrichment tests. Although it is difficult to comprehend the shock and apprehension that the major nations experienced, implementing the sanctions was the proper course of action in the given circumstances. Iran is a prime example, whose nuclear programme was exposed in 2002. The Joint Comprehensive Plan of Action (JCPOA), which was put forth in July 2015 in response to the major nations' severe pressure to halt their programme. When the US President Donald Trump withdrew from the accord, he claimed that Iran was not abiding by the provisions of the deal. This sparked a controversy regarding why Iran began to enrich more uranium than was necessary for peaceful use, i.e., 3.5%.¹⁶ Therefore, it was unclear why agreements that had restrained nations from developing nuclear weapons for than 50 years had now become enriched.

That being noted, it reflects the notion that the NPT, the bedrock of nuclear non-proliferation, is losing its essence on the grounds that it is only serving the interests of major powers. Despite the treaty's staunch adherence to non-proliferation, many countries that are the NPT signatories are in treaties and agreements with the recognized nuclear weapon states, the QUAD, the AUKUS, and the India, Israel, United Arab Emirates, and the United States (I2U2, known as the New Quad) alliances are the most prominent in this realm. Over the last three decades, the NPT has shown its limits because

¹⁵ Min Hyung Kim, "Why Nuclear? Explaining North Korea's Strategic Choice of Going Nuclear and Its Implications for East Asian Security:," *Journal of Asian and African Studies*, Vol 56, No. 7, November 11, 2020, 1488–1502.

¹⁶ Eric Brewer, "Iran's Evolving Nuclear Program and Implications for U.S. Policy," *Centre of Strategic and International Studies*, 2021. <https://www.csis.org/analysis/irans-evolving-nuclear-program-and-implications-us-policy>.

numerous countries have shared the path of nuclear proliferation. Iraq, Libya, and South Africa sought to build nuclear weapons despite the NPT being in place during the Cold War era. These states opting for nuclear proliferation have undermined the treaties, especially the NPT. According to international law, there are certain considerations and limits to a treaty when it comes to the applicability of the treaty. Some prominent cases, like the Intermediate-Range Nuclear Force (INF, 1987 treaty) and the Budapest Memorandum (1994), lost their effects after being in place for so many years.

Additionally, the United States and the Soviet Union agreed to the Anti-Ballistic Missile Treaty (ABM) in May 1972 to establish a national defence system against ballistic missiles as well as a freeze on ballistic missile launchers. Surprisingly, despite being a treaty that both sides had signed and ratified, there was no resolution to the questionable character of the agreement and rigorous adherence to ballistic defence requirements. As a result, the Bush administration withdrawal from the treaty in 2002 was justified by the assertion that some proposed revisions would be tabled, although they were never done.¹⁷

First, the above-mentioned treaties or any specific treaty that does not involve the parties compliant with the said agreements loses its effects. Second, the treaties hit a threshold when the parties do not identify the rules-based system to adhere to. The earlier discussed treaties, the INF, the ABM, and the Budapest Memorandum, lost their importance because either one or both scenarios were applicable to the treaty. The same is true about the NPT, where the treaty's-chartered rules and regulations have either reached their limit or the states signatories to the NPT are in breach, believing their rights are unprotected. With the longstanding stature that the NPT has enjoyed, the changing environment poses numerous technological innovations, and the black market for nuclear fissile material and theft cases are beyond the NPT's jurisdiction.¹⁸

¹⁷ Adam Garfinkle, "The Failure of the ABM Treaty," *Foreign Policy Research Institute*, 2001. <https://www.fpri.org/article/2001/05/the-failure-of-the-abm-treaty/>.

¹⁸ John Carlson, "Challenges to the Nuclear Non-Proliferation Regime, and Implications for Nuclear Disarmament," Australian Government, *Department of Foreign Affairs and Trade*, 2008. <https://www.dfat.gov.au/about-us/publications/Pages/challenges-to-the-nuclear-non-proliferation-regime-and-implications-for-nuclear-disarmament>.

Furthermore, there is lessening commitment by the states to non-proliferation. States like Libya, Syria, Iran, and North Korea among the few states that have been found violating the NPT and its essence. To a certain extent, there is a possibility that such states are directly or indirectly involved in nuclear proliferation matters. The AUKUS is designed to include the varied interests of the states cooperating. According to a joint statement from the Ministry of Australian Affairs, the Minister of Women, Hon Marise Payne, praised the trilateral partnership of the AUKUS for serving the interests of Australia. The Minister also said that the domains covered by the partnership (AUKUS) will indeed provide Australia with much assistance and enhance its capabilities in a variety of areas.¹⁹

Indeed, the deal itself imitates the changing strategic environment, keeping in view the global rise of China, however, the same deal involves various risk in propagation. The deal that serves the Australian interest in cyber security, artificial intelligence, deep-sea maneuverability with nuclear-propelled submarines and the recently added hypersonic agenda into the cooperation will further Australia's desire to move beyond the peaceful uses if it feels threatened and finds its national interest at stake in the future. Similarly, the Australian government tends to be compliant with the NPT in its essence, yet the acquired nuclear submarines have put into question their compliance with the treaty. Furthermore, other states see it as a violation of their security and right to be compliant parties to the NPT and may consider concluding the same cooperation in the changing global political dynamics.²⁰

Arms Race in the Asia-Pacific

There has been a mixed reaction observed from different nations in the Asia-Pacific. The majority of them expressed concerns about AUKUS as a partnership that would spark an arms race in the region. To this extent, the region is witnessing an increase in the intensity of the arms race, as Indonesia recently signed a deal with France to purchase Rafael jet fighters. The agreement calls for the purchase of 42 Rafael jet fighters, the first six of which will be purchased. Furthermore, other states like the Philippines, Malaysia,

¹⁹ Minister for Women Australian Minister for Foreign Affairs, "AUKMIN 2022 Joint Statement, "Australian Minister for Foreign Affairs Minister for Women," Joint Statement, 2022. <https://www.foreignminister.gov.au/minister/marise-payne/media-release/aukmin-2022-joint-statement>.

²⁰ "A Dangerous Conspiracy: The Nuclear Proliferation Risk of the Nuclear-Powered Submarines Collaboration in the Context of AUKUS," the China Arms Control and Disarmament Association, 2022. <https://www.atominfo.com.cn/zhzhghyzy/yjbg/1236792/index.html>.

Indonesia, and China are weary of this partnership between Indonesia and France. The future of the Asia-Pacific, seen pragmatically, is threatened by a clash of countries' security interests. Most of the countries have responded negatively to the formation of AUKUS, and interestingly, many of them are allies of the US. Similarly, the Chinese response is very pragmatic in respect to AUKUS. According to the statement issued by China's Foreign Ministry spokesperson, Zhao Linjian, he said, "the agreement (AUKUS) will intensify arms race in the region and will further aggravate the non-proliferation compliancy efforts by the major states with whom the partnership has been made."²¹ Moreover, building a defence mechanism as stated by the Prime Minister, Boris Johnson, is troublesome in plenty of ways.²² First, the defence mechanism portray that an imminent threat is already existing and the security parameter is unbalanced. To certain degree, the presence of China is seen as the main boogie man in the situation.

Second, with a nuclear-propelled submarine, not nuclear-armed as claimed by the parties, its tendency and maneuverability surpass the required threshold for a liberal democracy like Australia. So, the question remains intact of what is the purpose of nuclear-propelled submarines if they do not involve or have the capability to carry nuclear arms? The agreement is built upon strategic and security lines that keep China under check. If there is an escalation of conflict in the region in the future, the nuclear-powered submarines will be rendered ineffective. Contrary to that, there is likely a situation that these nuclear propelled submarines will be nuclear armed in case of any conflict in the region or Australia's national interests at stake. Third, Australia's uranium depository and production is among one of the top uranium producing countries.²³ A more likely scenario would be that countries such as the United States and the United Kingdom would use and exploit the uranium sites while also assisting Australia through the AUKUS partnership.

²¹ Zhao Linjian, "Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on October 8, 2021," *The Office of Charge D Affairs of the People Republic of China in the Republic of Lithuania*, 2021. http://lt.china-embassy.org/eng/fyrth/202110/t20211008_9559835.htm.

²² 10th Downing Street Prime Minister's Office, "UK, US AND Australia Launch New Security Partnership," *UK*, 2021. <https://www.gov.uk/government/news/uk-us-and-australia-launch-new-security-partnership>.

²³ World Nuclear Association, "World Uranium Mining," *World Nuclear Association*, 2019. <https://world-nuclear.org/information-library/nuclear-fuel-cycle/mining-of-uranium/world-uranium-mining-production.aspx>.

Furthermore, Kazakhstan and Canada also have the largest reserves of uranium, and there is no denying the fact that CANDU nuclear reactors were given to India for peaceful uses by Canada. However, it was later uncovered that India had weaponized back in the day, using the same nuclear sites built for energy purposes.²⁴ Similar incidents may escalate if the Australian government secretly goes the way of nuclear weaponization rather than the peaceful nuclear energy sites that they are going to build indigenously with the help of the US and UK. Australia's compliance with the NPT will deteriorate when further chronicles are made under the AUKUS.

Conclusion

The AUKUS accord and its effects on the non-proliferation regime were examined in the study. The study's major finding is that the agreement has severe and grave ramifications. With the agreement, Australia will become the first country without nuclear weapons to run nuclear-powered submarines. The agreement will also allow Australia to remove radioactive material from the IAEA's inspection system, creating a dangerous precedent. Additionally, this precedent might make it easier to use naval reactor programmes as a front for the creation of nuclear weapons. The flexibility required by agreements like AUKUS, which entail the major countries providing technological and diplomatic support, must be ensured in order to prevent any errors that could lead to new confrontations and jeopardize the NPT.

AUKUS has many areas of joint partnership, among which the most prominent one is aimed at countering China's growing influence in the region, which will push not only China, but also the other Asia-Pacific states into the corner. The arms deal that has been sought with France by Indonesia is crucial in this manner. Other countries, like Malaysia and Taiwan, might also take the same road that Indonesia has taken. Besides, as a broadly acclaimed treaty by the non-nuclear armed states, the NPT must amend the treaty articles in a resolution sense rather than proclaiming the weak and becoming silent over the powerful state's actions. Specifically, the clauses must be revised and amended, like Article X of the NPT, in accordance with the latest developments and trends. Treaties that tend to remain stagnant ultimately lose their significance after many years.

²⁴ J. E. S. Stevens R. J. Graham, "Experience with CANDU Reactors Outside Canada," 1974. <https://inis.iaea.org/collection/NCLCollectionStore/Public/06/160/6160925.pdf>.

The deal has raised concerns about the future of the nuclear non-proliferation regime and caused the international community to question the legitimacy of the regime. The agreement will make it more challenging for the international community to find a solution to the nuclear problems involving Iran and the DPRK. Additionally, it will present dangers while bearing negative impact on global security. The deal has created a risky precedent that could jeopardise the NPT's core objectives and increase its level of ambiguity.