

10 May 2013

TO:/ Sanctions and Transnational Crime Section
Department of Foreign Affairs and Trade
R.G. Casey Building
John McEwen Crescent
Barton ACT 0221 Australia

Re: Iran – Public consultation on new autonomous sanctions

I am pleased to accept your invitation to comment on an exposure draft of the 'Autonomous Sanctions Amendment Regulations 2013' concerning the Islamic Republic of Iran ("Iran").

Taking note of Senator Bob Carr's statement on 10 January 2013 as Australia Minister for Foreign Affairs:

"These sanctions further increase pressure on Iran to comply with its nuclear non-proliferation obligations and with UN Security Council resolutions and to engage in serious negotiations on its nuclear program".

I propose a series of six alternate steps that would leave open the possibility of Australian-led attempts at "dialogue" with Iran,¹ as opposed to the immediate imposition of sanctions a mere three (3) days after assuming the role of Chair of the Iran Committee on the UN Security Council.²

Additionally, I draw your attention to a growing academic literature on the imprecision and inexactness of economic sanctions in changing state behaviour. For instance, recent scholarship into the sanctions levied during the 20th century has found that they caused more deaths than have biological, nuclear and chemical weapons combined throughout their entire history.³ This is certainly also true of the 2003 invasion of Iraq.

¹ For a full exposition of a dialogical approach to broader Middle East disarmament, see: N.A.J. Taylor, Joseph A. Camilleri and Michael Hamel-Green, 'Dialogue on Middle East biological, nuclear and chemical weapons disarmament: Constraints and opportunities', *Alternatives: Global, Local, Political*, Vol.38 No.1, 2013, 78-98, accessed at http://www.academia.edu/2459774/Dialogue_on_Middle_East_biological_nuclear_and_chemical_weapons_disarmament_Constraints_and_opportunities on 8 May 2013.

² I have more forcefully and fully developed this argument. See: N.A.J. Taylor, 'The decay of Australia's nuclear ethic', *Al Jazeera English*, 26 January 2013, accessed at <http://najtaylor.com/?p=6038> on 8 May 2013.

³ See: John Mueller and Karl Mueller, 'Sanctions of mass destruction', *Foreign Affairs*, May/June 1999, accessed at <http://www.foreignaffairs.com/articles/55009/john-mueller-and-karl-mueller/sanctions-of-mass-destruction> on 9 May 2013, as cited in Ramesh Thakur, 'Sanctions do more harm than good', *The Australian*, 4 January 2012, accessed at

Unquestionably, economic sanctions of the nature proposed have the capacity to cause widespread harm and suffering to the peoples of Iran, as well as to the diaspora community resident in Australia. Whilst likely unintended, the imposition of such harm is less than satisfactory – both morally and operationally.

Instead the imposition of autonomous sanctions must be considered as an extreme measure to be taken only if Australian efforts in support of regional as well as Iranian denuclearisation (such as those I've outlined below) come to fail, or the imminence of Iranian nuclear weapons proliferation, as opposed to the attainment of a "break-out" capacity, demands an immediate response by the Australian government over and above those taken by the UN Security Council.

The autonomous sanctions being circulated arguably respond to neither of these circumstances. Australia's autonomous sanctions against Iran are a swift "alignment" of Australian policy with that of the United States, Britain and European Union, as reasoned by Senator Carr on 10 January.

In sum, my contention is that the longstanding regional proposal to establish a Middle East nuclear-weapon-free zone – incidentally first put forward at the UN General Assembly by Iran in 1974 – must not, and cannot, be decoupled from Iranian proliferation concerns.

Background: the importance of the Middle East to Australia, and of regional disarmament to peace and security

Following nearly 40 years of pre-negotiations, at the 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference, the United States, Britain and Russia committed to work together with the UN secretary general to convene a regional conference in 2012 to discuss "a Middle East zone free of nuclear and other weapons of mass destruction and their means of delivery".⁴ It was also agreed that these four parties would identify a government willing to facilitate and host such a conference. With Finland agreeing to take on this role, it was widely expected that the conference would be held in December 2012.

Regrettably, this important step has yet to materialise. Last November, the US unilaterally announced that the initiative would

<http://www.theaustralian.com.au/opinion/world-commentary/sanctions-do-more-harm-than-good/story-e6frg6ux-1226235874470> on 8 May 2013.

⁴ Attachment 1 to this submission is a report on an academic initiative held in Athens, Greece, in November 2012, in support of the Helsinki process. The author of this submission was a co-investigator and facilitator of that initiative and co-author of that report. For more information: <http://www.latrobe.edu.au/dialogue/research/projects/policy-development/middle-east-weapons-of-mass-destruction-free-zone>

be postponed for lack of agreement among regional parties on acceptable conditions for the holding of such a conference. It was widely understood that Israel was the holdout state, unofficially citing as the reason lack of progress on the settlement of key conflicts in the Middle East. Nonetheless, while acquiescing to US pressure, the other three co-conveners issued statements calling for the conference to be held at the earliest possible date in 2013.

In all of this, Australia has remained strangely silent. Yet, Australian governments, including the present one, have repeatedly pointed to Australia's exemplary conduct in support of arms control treaties, notably the Comprehensive Test Ban Treaty and the Chemical Weapons Convention. The silence is all the more puzzling given Australia's recent success in gaining a seat on the United Nations Security Council - the result of a long and costly campaign in which Australia consistently argued that it was uniquely qualified to make a significant contribution to building a more secure international order.

How, then, are we to make sense of this glaring contradiction?

One explanation, often implied though seldom clearly stated, is that the Middle East is a long way from Australia, and that what happens there does not engage Australia's primary national interests. This is hardly a compelling line of argument - historically or in the present strategic, economic or political context.

The Middle East has in fact been critical to Australia's security and foreign policies during the entire post-1945 period. Australian governments have committed military and police personnel to numerous UN peace operations in the Middle East,⁵ including the UN Truce Supervision Organisation (1956) and specific taskforces and commissions relating to Lebanon (1958); Yemen (1963-1964); Israel-Syria and the Golan Heights (1974 to present); Egypt-Israel (1973-1979, 1982-1986, and then 1993 to present); the Iran-Iraq War (1988-1991); Saddam's invasion of Kuwait (1991); persecution of Kurd's in Eastern Turkey and Northern Iraq (1991); Iraq (1991-1998); Kuwait (1998); and most recently, Australia's involvement in the US-led war in Iraq (2003-2009).

In addition, the Middle East has assumed increased economic significance for Australia, with merchandise exports to the region rising annually by over 5 per cent in the five-year period from 2005 to 2010. In 2011, two-way merchandise trade with Saudi Arabia was over \$2.1 billion and with the United Emirates, just under \$6 billion. It is thought likely that in the next few years

⁵ Australian Peacekeeper and Peacemaker Veterans' Association, 'Operations List', accessed at <http://www.peacekeepers.asn.au/operations.htm#operations> on 8 May 2013.

Australia will acquire increasing importance for Gulf States as they develop their food security and educational development strategies.

Finally, it is worth mentioning that Australia has been host to significant migration from the Middle East, in particular from Lebanon, Iran, Iraq, Egypt and Turkey. Many of these Australians are following events in the Middle East with apprehension, providing whatever help they can to relatives and friends whose lives are at risk.

The Middle East clearly does matter to Australia.

How, then, are we to explain Australia's relative inaction when it comes to supporting moves to denuclearise the Middle East? The only plausible explanation is the close relationship with the United States. Australia's political leaders appear unwilling to say or do anything that might be construed in Washington as conflicting with US priorities and preferences.

An alternate proposal: six steps in support of an Australian-led dialogical approach

What might a more independent Australia do to promote a Middle East zone free of biological, nuclear and chemical weapons as well as their means of delivery? Six modest but important initiatives suggest themselves.⁶ The first would be a prime ministerial statement strongly supporting the establishment of such a zone and explaining how this objective is in line with Australia's security and economic interests.

Secondly, Australian diplomacy could use the various channels available to it to encourage the convenors of the Helsinki Conference (on the establishment of a WMD free zone) and regional states to work together in good faith to ensure the conference is held this year.

Thirdly, government funding could be made available to academic, intergovernmental and civil society initiatives in support of this goal. Fourth, a progress report should be presented to Parliament outlining steps already taken and further steps contemplated as preparations get underway for the 2015 NPT Review Conference.

A more adventurous set of steps would extend Australia's activities to include comprehensive disarmament and nuclear material controls, not just pertaining to the region but internationally. Steps

⁶ The first four proposals were developed jointly by Joseph A. Camilleri and NAJ Taylor of La Trobe University's Centre for Dialogue. See: Joseph A. Camilleri and N.A.J. Taylor, 'Australia should speak up about the nuclear Middle East', *ABC*, 11 April 2013, accessed at <http://najtaylor.com/2013/04/australia-should-speak-up-about-the-nuclear-middle-east/> on 8 May 2013.

five and six could therefore be taken concurrently as opposed to following the four aforementioned steps.

Fifth, Australia should reaffirm its longstanding condemnation of the continued failure of nuclear weapons states – including allies such as the United States – to fully meet their treaty obligations under Article VI the NPT of 1967, which obligates those states to comprehensively disarm their nuclear arsenals in tandem with nonproliferation efforts. This applies particularly, though not exclusively, high alert arsenals that may be deployed within 15 minutes or less. Such assurances and actions by nuclear weapons states will be central to the level of trust and cooperation necessary to bring about the desired progress in Middle East disarmament – as it is for all of the existing nuclear-weapon-free zones.

And lastly, both Australian political parties must seriously rethink their policies of selling uranium to states with a nuclear weapons capability regardless of whether those states are inside and outside of the NPT – as occurred with the India deal in December 2011. Such a measure would restore Australia’s international status as a principled and sophisticated leader in developing, monitoring and enforcing arms control, nonproliferation and disarmament measures.

In all it does, Australia will need to act in concert with like-minded governments and through appropriate international forums, especially but not only the UN Security Council. Care should also be taken to consult with and involve countries in our region - in particular countries including China, Japan, India that can wield significant influence, but also the ASEAN countries that can share their knowledge and experience in establishing the Southeast Asian Nuclear Weapons Free Zone.

It is time for Australia’s political leaders to seize a unique opportunity to respond to one of the defining challenges of our time. Autonomous sanctions against Iran, and the continual raft of sanctions imposed by the UN Security Council and others, are not the humane way forward for which Australia should be a part.

Attachments

I append to this brief submission two supporting documents (by way of hyperlinks):

- i. a [policy report](#) of an academic initiative that I co-convened and facilitated along with a number of other prominent Australian academics in Athens, Greece, in November 2012. The full report has been translated in full into multiple languages – including Farsi, Hebrew and Arabic – and has

- been widely distributed online and in hardcopy beginning in February 2013; and
- ii. an [academic journal article](#) which makes the general case for dialogue in order to advance the long-standing proposal for a Middle East free of biological, nuclear and chemical weapons as well as their means of delivery. The article was published in February 2013.

I would be pleased to answer any questions arising from this submission and to develop in greater detail any of the ideas and proposals it contains.

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