

AUSTRALIA - THE NON-PROLIFERATION TREATY:

Under Article 11 of the Treaty on the Non-Proliferation of Nuclear Weapons, 1968, (1968) 7 ILM 811 Australia as a non-nuclear-weapon state party undertakes, inter alia, not to manufacture or otherwise acquire nuclear weapons or other nuclear devices. The document entitled The Strategic Basis of Australian Defence Policy published in the National Times, 30 March 1984 at 23, acknowledges this and says, in an argument apparently based on the concept of a clausula rebus sic stantibus -

"This commitment assumes the efficacy of the non-proliferation regime...

Developments relating to nuclear capability in countries within Australia's neighbourhood should be monitored in order to ensure that the lead time for Australia could be matched with developments in other countries should government so decide."

The authenticity of the document as an official government document has not been expressly admitted - the Minister for Defence will neither "confirm or deny" this. However its status as a statement of government policy has been expressly disavowed by the Attorney General (Sydney Morning Herald, 30 March, 1984 at 1) in these words:

"I can state categorically that the Government has never made any decision to acquire or develop nuclear capability, whether in the short, medium or long-term, or in response to any particular contingency."

"Nor has the Cabinet or any Cabinet Committee even discussed the question."

This disavowal was confirmed by the Prime Minister, the Hon. R.L.J. Hawke, on 2 April 1984.