

An Unworkable Pact? The Problems with AUKUS

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The following article considers the implications of the AUKUS security pact for Australia, noting obstacles to implementing the tripartite security alliance involving the deployment of nuclear technology and the expansion of the current US military presence in Australia. The paper argues that the efforts to implement AUKUS in various ways face three fundamental obstacles, thereby challenging Australia's militarisation. The first involves challenges in acquiring a nuclear-propulsion submarine fleet both in terms of constructing a new design and purchasing existing models from the US. The second considers the growing unpopularity of AUKUS and efforts to militarise and garrison Australia as a US satellite. The third considers the complexities and challenges of storing nuclear waste arising from the vessels. To that end, the paper concludes that the objectives of the alliance may prove unworkable on several levels.

KEY WORDS: AUKUS, nuclear submarines, sovereignty, waste storage, activism

Introduction

In his pugnacious 15 March 2023 address to the National Press Club in Canberra, former Labor Prime Minister Paul Keating expressed sharp displeasure at the conduct of two ministers of the Albanese government. Both Foreign Minister Penny Wong and Defence Minister Richard Marles had, he charged, embraced the US military industrial complex without qualification, seeing it as indispensable for Canberra's security in the face of an ascendant China. 'The Albanese Government's complicity in joining with Britain and the United States in a tripartite build of a nuclear submarine for Australia under the AUKUS arrangements represents the worst international decision by an Australian Labor government since the former Labor leader, Billy Hughes, sought to introduce conscription to augment Australian forces in World War One' (Keating 2023).

While Keating expressed dismay at the decision, he could take heart from the political and operational challenges facing the implementation of the agreement. While AUKUS has assumed a degree of mythic status, acquiring the label of being 'too big to fail', the contention may well prove to be false (Childs 2023). To that end, the following discussion examines the AUKUS agreement and the various challenges it faces in being implemented. After considering the available details about the AUKUS agreement and what it entails for Australia, the paper considers three distinct areas that have been, and will continue to be, challenging for its effective implementation. The first lies in the difficulties of submarine acquisition and problems with how such a fleet will operate. The second considers domestic opposition to the measure in Australia, from

the perspective of surrendering sovereignty to an increasingly militarised forward defence posture steered by the United States. Finally, Australia faces a problem to which the Commonwealth has yet to find an answer: identifying a permanent site for nuclear waste storage in the face of a historically successful, robust community campaign.

Commentary at the time pointed to the power pretensions and challenges posed by the People's Republic of China, with its territorial aspirations in the South China Sea and an extensive conventional arms buildup warningly described as the most aggressive since the Second World War. Since then, questions loomed about acquisition, construction and delivery of the nuclear-propelled submarines.

What AUKUS entails

On 15 September 2021, the trilateral security arrangement between Australia, the United States and the United Kingdom was announced (White House 2021). What was unusual about it was the promise by two nuclear powers to share nuclear-propulsion technology with a non-nuclear power. Costing in the order of A\$368 billion over three decades, the Royal Australian Navy would receive up to eight nuclear-powered submarines. This constituted a radical departure from Canberra's 2016 Defence Strategy, which envisaged A\$80 million for 12 conventional attack submarines built with the cooperation of the French manufacturer Naval Group (Australian Government 2016). The plan envisages the initial acquisition by the Royal Australian Navy of between

three to five US-manufactured nuclear submarines of the Virginia class, the proviso being that Australian funding will be made to US shipyards to cover any shortfall of submarine construction for the US Navy.

During this time, it is also proposed that the designing and construction of a new submarine dubbed the SSN-AUKUS, building on existing work undertaken by the UK on replacing the Astute-class submarines, will take place. It will be, according to the White House (2023), 'based upon the United Kingdom's next generation SSN design while incorporating cutting edge US submarine technologies, and will be built and deployed by both Australia and the United Kingdom.'

The provision of nuclear technology, dubbed the first pillar, is only one aspect of the AUKUS agreement. The second pillar focuses on the sharing of technology in such fields as artificial intelligence, technological development, and space technology (Jackett 2022).

The agreement comes with another significant proviso: the de facto garrisoning of Australia by US and, to a lesser degree, UK personnel. The Biden administration promises visits by US nuclear submarines to Australia in 2023; Australian personnel joining US crews for reasons of 'training and development', with the UK conducting similar rounds in 2026. The following year, a UK-US 'Submarine Rotational Force-West' (SRF-West) will be established at HMAS Stirling near Perth in Western Australia.

A number of benefits for Australia were touted. The US-funded security thinktank, the Australian Strategic Policy Institute, described AUKUS as 'the golden chalice' in furnishing Australia not only with 'a capability exercised by few countries worldwide' – nuclear powered submarines – but 'a seat at the top table in exploring the potential of a range of cutting-edge technologies' (Lyon 2023). Much the same view was expressed by the US-funded United States Studies Centre based at the University of Sydney, with one report stressing the 'transformative potential of AUKUS' in strengthening 'defence innovation and the industrial base of all three countries' (Jackett 2022: 2).

The Prime Minister Anthony Albanese praised the prospect of a burgeoning workforce numbering 20,000 over three decades (Albanese 2023), including 4,000 workers responsible for construction of necessary infrastructure in South Australia's Osborne site; 5,500 workers to build the submarines in the South Australian yard; and 3,000 workers tasked with making improvements to the HMAS Stirling base in Western Australia (Australian Submarine Agency 2023).

The AUKUS announcement received a chorus of approval from a number of industry advocates keen to be part of a newly announced military industrial complex. The Chief Executive of the national employer association Ai Group, Innes Wilcox, praised 'the profound flow-on impacts the AUKUS trilateral security partnership can deliver for Australian industry and supply chains' (Ai Group 2023). It would 'contribute to skills development on a massive scale. Tens of thousands of jobs will eventually be created requiring upskilling as skill sharing among our AUKUS partners' (Ai Group 2023).

Submarine acquisition: a plagued history

The procurement and acquisition of submarines is often costly, cumbersome, and even strategically questionable (Kampmark 2022). That the RAN envisages not only acquiring Virginia-class vessels from the United States, but also a specifically designed and built SSN-AUKUS as part of the agreement utilising a British design with US technology, suggests a remarkable degree of optimism in an industry plagued with cost, construction and delivery problems. Australia's history with submarines, typified by the innumerable problems of the Collins Class program and the tangle of the now terminated SEA 1000 Future Submarine Program with the French Naval Group, leaves little room for optimism. But such problems tend to evaporate before, as Dobell puts it, 'the bipartisan consensus on defence'. It does not take long for that love to quickly transmute to 'agony and angst when we turn to building them' (Dobell 2020).

The Collins Class project, commenced in 1987, was a venture marred by poor planning and organisational dysfunction within the defence establishment, leaving Australia with a more diminished capacity than that provided by the previous Oberon fleet (Georgiou 1999). Even at its finest operational stage, two-thirds of the Australian fleet of six submarines was unable to operate at full capacity. Nor were crews available in sufficient numbers to run the vessels. Yet it still boasts a sentimental following (Yule and Woolner 2008).

The SEA 1000 Future submarine program, envisaging the construction of 12 Shortfin Barracuda Block 1A submarines, was intended to 'deliver a quantum leap in the capability delivered to the Royal Australian Navy and its submarine service by leveraging technology and capabilities developed for nuclear submarines, implemented on a conventional submarine' (Kuper 2020). But the program came to be questioned by an eclectic array of critics, from the Australian National Audit Office (ANAO) to Gary Johnson of Submarines for Australia, who noted that the Australian–French contract was based on 'dumbing down a nuclear submarine by removing the whole basis of its superior capability, and

then charging at least twice as much for a far less capable submarine' (Johnson 2020). The ANAO's January 2020 report noted how the Department of Defence was unable 'to demonstrate that its expenditure of \$396 million on design of the Future Submarine has been fully effective in achieving the program's two major design milestones to date' (ANAO 2020).

The problems of cost, timeliness and workforce challenges also remain chronic in submarine construction, even for countries versed in the highly sophisticated technology that accompanies nuclear propulsion. Construction delays were frequent with the US and UK navies regarding the building of their respective Virginia and Astute fleets, notwithstanding their knowledge of nuclear technology and shipbuilding (Dean et al. 2023). Both countries have faced similar impairments in their workforce capabilities, given a lack of constancy in policy. 'As the enthusiasm for nuclear power has waxed and waned, gaps have arisen in both countries' workforces around key competencies' (Dean et al. 2023).

The acquisition of submarines under AUKUS is further complicated by US domestic politics, a feature left largely underexamined in Australian press and political analysis. In December 2022, members of Congress were already keen to impress the Biden administration about concerns that the agreement to furnish the RAN with US nuclear powered vessels posed risk to Washington's own capabilities. A co-authored December 21 letter to President Joe Biden from Democratic Senator Jack Reed and outgoing Republican Senator James Inhofe raised concerns 'about the state of the US submarine industrial base as well as its ability to support the desired AUKUS SSN [nuclear sub] end state.' Current circumstances required 'a sober assessment of the facts to avoid stressing the US submarine industrial base to the breaking point' (Katz 2023).

On 22 May 2023 a Congressional Research Service report outlined with clarity the issues facing US politicians regarding the transfer of the Virginia boats. Should, for instance, Congress 'approve, reject, or modify DOD's AUKUS-related legislative package for the FY2024 NDAA [National Defense Authorization Act] sent to Congress on May 2, 2023'? (Congressional Research Service 2023: 18). Would the transfer of three to five such boats 'while pursuing the construction of three to five replacement SSNs for the US Navy' have a 'net impact on collective allied deterrence' (Congressional Research Service 2023: 19)? Then came that nagging question: Would Australia unequivocally commit to deploying US-supplied vessels in a conflict with China?

In July 2023, Mississippi Senator Roger Wicker, a ranking member of the Senate Armed Services

Committee, emphasised the requirement for the accelerated production of Virginia-class submarines. 'As it stands, the AUKUS plan would transfer US Virginia-class submarines to a partner nation even before we have met our own Navy's requirements' (Wicker 2023). That same month, twenty-three Republican lawmakers, including Republican Senate leader Mitch McConnell, penned a missive to Biden warning that the transfer of the Virginia-class boats would, under the current plan, 'unacceptably weaken the US fleet even as China seeks to expand its military power and influence'. The signatories, in recapitulating Wicker's points, also noted that the production rate would have to lift to 2.5 submarines per year from the current rate of 1.2 per annum. 'The administration and Congress need to be willing to make the necessary investments into the US submarine industrial base that will advance the security of the United States, Australia, and the United Kingdom' (Lagrone 2023).

The subsequent passage by Congress of the 2024 NDAA in December 2023 authorised the transfer of three Virginia class submarines to the RAN but also grants considerable benefits to the US military, including the maintenance of US submarines by Australian personnel, and the provision of Australian funds to the US submarine industrial base (Australian Government 2023b).

The legislation, reciprocated by Australian statutes, also subordinates the transfer of 'controlled goods and technology', which can now take place without a license, to the dictates of the US State Department control regime. This notable feature ostensibly freeing Australia from licensing requirements led Bill Greenwalt, a notable figure behind the drafting of US defence procurement rules, to issue a stark warning: 'Whenever it cooperates with the US [Australia] will surrender any sovereign capability it develops to the United States control and bureaucracy.' Australia would get 'nothing except the hope that the US will remove process barriers that will allow the US to essentially steal and control Australian technology faster' (Greene 2023).

Opposing AUKUS in Australia

The broad cathedral of US and Australian strategic opinion extolling the merits of AUKUS is at odds with a growing opposition to the sagacity and value of the agreement to Canberra (Larison 2023). The AUKUS agreement has galvanised an increasingly vocal civil protest movement in Australia and a growing number of voices in parliament questioning the cost and security implications of the project for Australian security and sovereignty. The political spectrum of dissent is considerable: veterans within the governing Australian Labor Party; branches within the ALP itself, and universal

opposition from the Greens, all are expressing concern about the extent Australian territory is being coopted into US strategic calculations in the Indo-Pacific.

The response from the ALP has been telling. While Keating's salvos against AUKUS were largely dismissed by the Albanese government as the angry ruminations of a retired politician entitled to anachronistic opinions, the former prime minister was far from the only Labor stalwart concerned about the pact. Kim Carr, a previous occupant of ministerial positions in industry and defence material, found it 'particularly strange' that Australia was now adopting 'a revamped forward defence strategy'. 'Given the historic patterns that have seen Australia participate in so many regional conflicts since the 1950s, the questions remain as to how our national interest is served by locking Australia into the strategic priorities of the United States for the next 50 years, regardless of regime changes in the United States, the United Kingdom or our national interests' (Carr 2023).

Carr also expressed concerns about the reliability of the security rationale being advanced by Australia's own security and intelligence community for a deeper alliance with the United States. The Iraq War, one based on the acceptance of 'spurious intelligence briefings on weapons of mass destruction', continued to cast a long, oppressive shadow. 'In light of that experience, we know that it pays to reflect critically on what we are being told by security agencies' (Carr 2023).

Former Labour Foreign Minister Gareth Evans was also troubled by a set of questions posed by the security pact. Three sprung to mind: whether the submarines are actually fit for purpose under the program's remit; whether Australia retained genuine sovereignty over the boats in their possession; and, were that not the case, 'whether that loss of agency is a price worth paying for the US security insurance we think we might be buying' (Evans 2023). While accepting the valuable role of nuclear submarines in general defence planning, Evans wondered whether 'the 20 or more sons-of-Collins we could buy for the same price' might be a better investment if the 'primary purpose' of the AUKUS fleet was to guard continental Australia and its Indo-Pacific sea-lanes from possible attack (Evans 2023). Keating went even further, suggesting anywhere between 40 to 50 Collins Class submarines to police the Australian coastline rather than having nuclear powered submarines lying in wait off the Chinese shoreline.

Universal opposition to AUKUS from the Greens has been characterised by regular statements by their defence party spokesman, Senator David Shoebridge. The pact constituted a '\$368 nuclear-powered raid on

public education, health, housing, First nations justice that will starve core services for decades to come' (Shoebridge 2023). As a testament to such concerns, prominent members of the ALP, the Greens and two former Defence personnel – former Chief of the Air Force, Air Marshal Ray Funnell, and former Dep. Commander of the UN Peacekeeping Operation in East Timor, Major General Michael Smith – called for a parliamentary inquiry into AUKUS calling the assumptions behind the pact 'ill-defined', with others 'unsupported by argument or evidence' (Australia Institute 2023).

While the thinktank ecosystem in Australia did sport hearty encouragement for the agreement, most notably the US-funded Australian Strategic Policy Institute, the left-leaning Australia Institute demurred from the unabashedly pro-Washington stance, sceptical about the broader utility of such vessels, suggesting that AUKUS agreement had a large element of 'political theatre' that lacked 'both legal enforceability and a wealth of practical detail'. For Allan Behm, the institute's director of its International & Security Affairs Program, 'The question should be whether strategic policy requires nuclear submarines, not how policy should accommodate them because of their availability' (Behm 2023: 4).

Civil society groups have also been vocal in advocating against implementing AUKUS, many grouped under the auspices of the Australian Anti-AUKUS Coalition. The umbrella association comprises groups as diverse as the Independent and Peaceful Australia Network, doctors from the Medical Association for Prevention of War, legal figures from Lawyers for Peace and Sydney Criminal Lawyers, along with various religious bodies (Melbourne Unitarian Peace Memorial Church, Pax Christi Victoria). The Coalition, according to its statement of principles, makes its opposition clear on several points, including 'the AUKUS military alliance', 'the acquisition and stationing of nuclear-powered submarines and the establishment of new nuclear reactor technical facilities in Australia or the Pacific' and 'foreign military bases and troops on Australian soil and visits by foreign warships likely carrying nuclear weapons' (Australian Anti-AUKUS Coalition 2022). Concerned academics and scholars have also followed suit (China Daily 2023).

Nuclear waste storage: problems of site

Storing nuclear waste arising from functioning reactors has presented insuperable logistical problems for all states with nuclear powered facilities and assets. The World Nuclear Association makes the remarkable point that the nuclear industry has yet to identify a solution to the 'waste problem' (World Nuclear Association 2022). Under the AUKUS security pact, the Commonwealth offered, with little hesitation, to host the resulting high-

level waste that would issue from the future nuclear-propelled submarine fleet. This is no small affair, given the need to dispose of the 'small hatch-back' of spent fuel and 'four-wheel drive' reactor components. As former submariner and Australian senator Rex Patrick writes, 'This needs to be stored in a special facility set up to take waste and store it ... forever. Used fuel requires isolation and containment from the environment for at least 100,000 years' (Patrick 2023a). W.L. Lenneman, who ran the Waste Management Section within the Division of Nuclear Safety and Environmental Protection within the IAEA, noted the 'most distinctive feature' of high-level waste is its need for 'special handling and considerations, such as thick biological shielding and engineered cooling systems' given the 'radioactivity heat load' (Lennemann 1979: 2).

Australia's experience in the field of storing high-level nuclear waste is non-existent. To date, it is confined to the temporary storage of smaller quantities of low-level waste and intermediate-level waste, largely arising from the country's small nuclear medicine industry, the use of radioactive materials in scientific research along with laboratory items (gloves, plastic, paper and filters), and any relevant industrial and agricultural uses. Even with low-level waste, Australian governments have been singularly unable to 'resolve its waste issues despite the tiny amount of material actually involved, and the large and sparsely populated nature of the country' (James et al. 2011: 2).

Despite these limitations, the Australian Defence Department was cavalier in promising 'sophisticated security and safety architecture' around the nuclear-powered submarine program, building 'on our 70-year unblemished track record of operating nuclear facilities and conducting nuclear science activities' (Australian Government 2023a). The department admits that the storage and disposal of such waste and spent fuel will require dedicated facilities and trained personnel, appropriate transport, interim and permanent storage facilities and 'social license earned and sustained with local and regional communities'. To achieve this, the United States and the UK would 'assist Australia in developing this capability, leveraging Australia's decades of safely and securely managing radioactive waste domestically'.

The Australian Defence Department has, to date, been coy about a possible site. To date, Defence Minister Richard Marles has appointed a former Deputy Secretary of Defence Estates, Steve Grzeskowiak, to identify an appropriate site. Costing \$396,000, the measure was an incongruous one, given that the same individual had previously conducted an analysis of over 200

Defence sites in terms of suitability for low-level waste management, finding none to be appropriate (Patrick 2023a).

Domestically, the identification of a nuclear waste repository also promises to remain a contentious issue between the Commonwealth and the various state governments unenthused to host it. State Premiers, wary of community opposition, have readily expressed their reservations about that aspect of the AUKUS undertaking. Queensland promptly declared that 'under no circumstances' would it permit nuclear waste to be stored within its borders. Any nuclear material arising from the agreement, argued the former Victorian Premier Dan Andrews, should 'go where all the jobs are going', namely, South Australia (ABC News 2023).

Western Australia's former Premier Mark McGowan took the view that such a location would have to be 'somewhere remote, somewhere with very good long-term geological structure that doesn't change or move and somewhere that is defence lands'. It followed that the small South Australian site of Woomera would be ideal (Hastie 2023). This view received nodding approval from a former industry and science minister in the Howard government, Nick Minchin. Minchin recalled formidable opposition, largely from the Defence Department, against the Woomera suggestion, given the 'stigma associated with nuclear waste' (Coorey and Tillett 2023). The best way of sidestepping the problem of State disagreement, he argued, would be to locate the facility on Commonwealth land to 'avoid the states playing politics' (Coorey and Tillett 2023). Woomera had, in his words, been 'previously assessed', satisfying such requirements as 'remoteness, stability and space.' It also made good sense given South Australia's status as the country's chief producer of uranium, and the state which will host the assembly site for the proposed SSN-AUKUS submarine.

Nuclear waste storage: community opposition

Ignoring the relevant stigma about storing nuclear waste as Minchin is keen on doing, can come at a considerable cost. Governments at all levels risk legal suits from members of the community unenthusiastic about hosting the National Radioactive Management Waste Facility. Opposition has been successful in a number of instances against site proposals for low-level nuclear waste, notably Woomera itself and Muckaty in the Northern Territory (Power 2016). Much of this, it has been argued in the literature, stems from the Commonwealth's refusal or inability to engage public opposition to such projects in any meaningful and consultative way, thereby investing in 'social license' (Holland 2002; Morsley 2017; Rublee 2023).

Subsequent deliberations for a proposed site recently turned to Napandee near Kimba in South Australia. In 2021, the Coalition Resources Minister Keith Pitt promoted the site as a developmental opportunity, promising 45 permanent local jobs (Lim 2023). An economic assessment impact report by the Commonwealth also concluded that such a project would result in returns of \$95 million to Kimba and the Flinders Ranges in the first three decades (Lim 2023). The means of securing public approval for the venture involved efforts to secure consent via a voluntary nomination process, a process that has been seen as an effort to manufacture consent (Morsley 2017: 81). A local postal ballot was duly held, involving 734 respondents and a favourable return of 62 per cent for the project (Briggs 2019). The vote, however, only extended to local ratepayers, and had the effect of excluding the traditional owners by virtue of them possessing native title.

Opposition to the project was forthcoming from agricultural and indigenous groups. Local farmer Peter Woolford emphasised the broader agricultural and environmental risks of such a storage facility. 'We just can't understand why you would expose this great agricultural industry we have here in grain production to any potential risk at all by having a nuclear waste dump here' (Ward 2023). A legal Federal Court challenge against the Commonwealth's decision was also initiated by the Barngarla Determination Aboriginal Corporation (BDAC). Barngarla Traditional Owner Harry Dare focused on the ancestral heritage at risk from such a storage site: 'We're actually fighting for a seven sisters and women's dreaming site and we're fighting for a vote in our local governance' (Richards 2023).

The legal argument pivoted less on a matter of cultural significance than the claim of predisposed bias on the part of the resources minister. In the arguments of the plaintiffs, Pitt had already made up his mind that the Napandee site would be used. According to Justice Natalie Charlesworth, Pitt had evinced an 'apprehended bias' and shown a tendency towards 'pre-judgment' in making his decision (Charlesworth 2023). The judge took special note of relevant statements made by the minister and his predecessor Senator Matt Canavan. While Pitt declared Napandee to be the selected site in November 2021, it had already interested Canavan the previous year. '[Pitt's] statements demonstrated unswerving dedication to achieving a factual outcome for the benefit of those persons in Kimba who favoured the facility being located at Napandee, whilst at the same time displaying a dismissive attitude to its key opponent, the Barngarla people' (Charlesworth 2023).

The justice rejected the contention by the Commonwealth that 'a finding of apprehended bias would have the

consequence that ministers responsible for the administration of statutes could never participate in robust political discourse with respect to the subject matter of their statutory powers or with respect to the repeal or amendment of the law'. The court ruling has the effect of making any ministerial decision on selecting an appropriate site for nuclear waste storage, whatever its concentration, vulnerable to successful public interest litigation.

Where this sits in the context of other decisions to store nuclear waste arising from nuclear-powered submarines, notably those from the Submarine Rotational Force-West (SFR-West) based at HMAS Stirling in Western Australia, remains an open question. As the Australian Submarine Agency notes, 'The rotational presence of United Kingdom and United States SSNs in Western Australia as part of the Submarine Rotational Force – West (SRF-West) will provide an opportunity to learn how these vessels operate, including the management of low-level radioactive waste from routine sustainment' (Patrick 2023a). The agency goes on to claim that, 'All low and intermediate radioactive waste will be safely stored at Defence sites in Australia' with the storage facility 'being planned as part of the infrastructure works proposed for HMAS Stirling to support SRF-West' (Patrick 2023a). Doing so effectively circumvents community consultation.

Concluding remarks

This paper has chosen to focus on specific areas of concern that will impair the success of AUKUS. Despite being roundly endorsed by the Anglosphere mandarins centred on Washington, London and Canberra, the neglect by the three powers regarding the formidable obstacles of submarine acquisition and shipbuilding in Australia, ignorance of the limitations imposed by the US Congress, a failure to appreciate the obstacles to storing nuclear waste, and political opposition in Australia, risk making the agreement weak, if not ineffectual. What remains to be seen is how a new US administration will approach the agreement, and whether the increasingly comprehensive seizure of Australian sovereignty by the US military-industrial complex will continue despite the agreement's other failings.

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