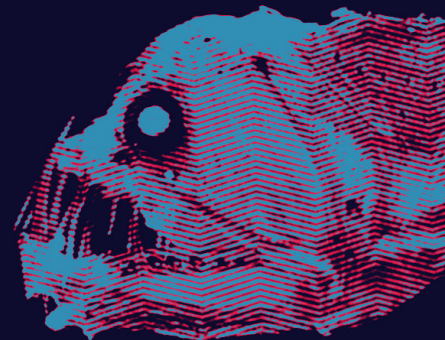


# PEACE UNDER-SEA SIEGE: HYPER-MILITARISATION OF THE PACIFIC OCEAN, ABANDONMENT OF NAVAL DISARMAMENT AND UNDERMINING OF 'PEACEFUL USE AND PURPOSES'

Maureen Penjueli &  
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Maureen Penjueli & Mereoni Chung

A DAWN /PANG POLICY BRIEF



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# Peace Under-Sea Siege: Hyper-Militarisation of the Pacific Ocean, Abandonment of Naval Disarmament and Undermining of ‘Peaceful Use and Purposes’

**Maureen Penjueli & Mereoni Chung**

In 1985, a landmark report by the UN Secretary General for the General Assembly titled “Study of the Naval Arms Race” was released with high expectations that important aspects would be taken forward with the entry into force of the United Nations Convention of the Law of the Sea (UNCLOS). These included ‘naval nuclear disarmament efforts within the overall objective of halting and reversing the arms race in general, and how the navy can contribute towards ocean governance for the *peaceful use* of the seas and its resources, including for future generations and for the benefit of (hu)mankind.’<sup>1</sup> In this policy brief we explore and surface how 40 years later naval and defence interests have accelerated to occupy and carve up the ocean, turning it into a hyper-militarized and securitized space and spurred on a nuclear arms race, with little public awareness, much less scrutiny in public discourses on effective disarmament measures in the ocean where future warfare will primarily take place.

Today, the dominant interpretation of UNCLOS by military as well as naval and defence experts in relation to military activities in the ocean is that all states have an absolute right under international law to conduct military activities

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1- Naval Arms race - on naval forces and naval arms systems, including maritime nuclear-weapons systems, as well as on the development, deployment and mode of operation of such naval forces and systems, all with a view to analysing their possible implications for international security, for the freedom of the high seas, for international shipping routes and for the exploitation of marine resources, thereby facilitating the identification of possible areas for disarmament and confidence-building measures. The reports 2 objectives: first, the achievement by negotiation of effective measures of nuclear disarmament at sea within the overall objective of halting and reversing the arms race in general, and second, the investigation of possible ways in which naval organization, capabilities and experience may make positive contributions to the establishment of improved and more effective ocean management policies for the peaceful uses of the world's seas in the years ahead, so that future generations may use to the best advantage the resources of the sea for the benefit of all mankind. <https://digitallibrary.un.org/record/98493?ln=en&v=pdf>

beyond their own territorial waters, including in the EEZs of other States. In Areas Beyond National Jurisdiction (ABNJ) militaries of all states have unfettered rights, albeit with some general restrictions which we outline in this paper. Notably only 17 states<sup>2</sup> have sought to expand their control over their Exclusive Economic Zones (EEZs) by imposing restrictions on foreign military operations and other activities such as (1) prior notice or prior consent to conduct military activities; (2) application of domestic environmental laws (resource-related concerns); (3) restrictions on military collection of marine data (military surveys) and hydrographic surveys; and (4) restrictions on non-peaceful purposes, such as intelligence, surveillance and reconnaissance operations.<sup>3</sup> Such sovereign actions have been deemed illegal by the most powerful states in the world, primarily the US.

This dominant interpretation of UNCLOS provides a glimpse of the scale (from the high-seas all the way into EEZs) and scope (from the sub-soil of the deep-ocean right through the water-column to the surface of the ocean) of the carve out for military and defence interests, and the abandonment of any interest in pursuing discussions around ‘peaceful use and peaceful purposes’, much less any consideration of disarmament. This interpretation has effectively captured the ocean for a zero-sum game of mega-geopolitical rivalry and great power projection to ensure hegemonic dominance.

It is beyond the scope of this brief to look at the broader naval arms race which involves naval forces and naval arms systems including maritime nuclear weapons. However, in this brief, we examine two threats in the water column of the High Seas: (a) an emerging research agenda of weaponizing biodiversity for military and defence purposes in light of the third (and newest) Implementation Agreement under UNCLOS on the Conservation and Sustainable Use of Marine Biological Diversity of ABNJ (BBNJ Agreement);<sup>4</sup> and (b) the intensification of

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2- Bangladesh, Brazil, Burma, Cape Verde, China, India, Indonesia, Iran, Kenya, Malaysia, Maldives, Mauritius, North Korea, Pakistan, Portugal, Thailand and Uruguay.

3- <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=2944&context=ils>.

4- <https://www.un.org/bbnjagreement/en>

undersea great-power competition in nuclear-powered and nuclear-armed submarines and other Unmanned Underwater Vehicles (UUVs) including lethal autonomous weapons systems (LAWS), with a particular focus on the Pacific Ocean. Under UNCLOS the legal status of unmanned autonomous vessels and technology remains uncertain, but given the voracious appetite to develop these technologies for warfare, in our view it warrants additional urgent attention<sup>5</sup>.

We argue that whilst UNCLOS does not encompass disarmament<sup>6</sup> per se, it does explicitly state that the high seas shall be reserved for peaceful use and peaceful purposes. We show how the two threats identified above undermine the UNCLOS principle of ‘peaceful purposes’ and ‘peaceful use of our oceans’<sup>7</sup> and threaten human security. Through an appraisal of what has been revealed about the use of Australian bases by US and UK nuclear-powered (and potentially nuclear armed) submarines under the terms of the trilateral defence agreement among Australia, the UK and the US (AUKUS), we assess how it violates the spirit and intent of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga). We also take a brief look at Pillar 2 of AUKUS on cooperation in the development of next generation military capabilities across a range of conventional and non-conventional arms, through the exchange of advanced military technologies. Our concerns are with its likely impacts on the already accelerated arms race including nuclear arms race, and the further security risks it may pose to Pacific Island States, communities and the environment.

We conclude by raising pertinent questions about the absence of international governance of high seas military activities in peace-time, and whether the vast carve-outs in UNCLOS with some general restrictions for military activities are today appropriate, or wise. We raise these questions in the contexts of growing geo-political tensions between the US and China and seeming preparation for

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5- The legal status of naval vessels under UNCLOS varies widely depending on whether a navy operates its ships as warships, non-commercial government vessels, or accessories to conventional warships. The legal status of unmanned vessels remains uncertain under UNCLOS. <https://cimsec.org/unmanned-maritime-systems-and-warships-interpretations-under-the-law-of-the-sea/>

6- Disarmament measures are found in the Non-Proliferation Treaty; and the Seabed Arms Control along with regional treaties such as the Raratonga Treaty. <https://opil.ouplaw.com/display/10.1093/law/epil/9780199231690/law-9780199231690-e1453#>

7- The term “peaceful uses” or “peaceful purposes” is used in the 1982 UNCLOS in the Preamble, and Articles 88, 141, 143(1), 147(2)(d), 155(2), 240(a), 246(3), and 301. Among these, only the Preamble and Article 301 (in the title) use the term “peaceful uses”, rather than “peaceful purposes”. There appears to be no substantial difference in the purpose of these two terms.

a third world war; a roll back on nuclear disarmament and renewed calls for re-armament including acceleration of weapons manufacturing and production by governments; and the power of the military-industrial complex, the driving force behind and primary beneficiary of defence spending and the manufacture of weapons of war. We end with some recommendations on how to strengthen global disarmament efforts, referencing the Treaty of Rarotonga in light of the rise of nuclear warfare states and war-mongering, and their implications for BBNJ.

## **Weaponizing Biodiversity for military and security defence systems**

As we have argued in the previous policy paper in this series on Peace Under-Sea Siege, while UNCLOS does not provide for disarmament measures nor explicitly regulate military activities in EEZs or the high seas, it does stipulate that ‘The high seas shall be reserved for peaceful purposes’ (art 88); that ‘The Area shall be open to use exclusively for peaceful purposes by all States (art 141); and that ‘Marine scientific research in the Area shall be carried out exclusively for peaceful purposes and for the benefit of mankind as a whole, in accordance with Part XIII’ (art 143). To these ends, UNCLOS prohibits any non-peaceful uses of the Area (art 88). We argue that peaceful uses of the High Seas require peaceful uses of its resources, including marine genetic resources, as well as peaceful uses of the ocean itself.

After World War 2, naval research agendas have been quietly shaping the tools, technologies, including unmanned vessels, and tactics that give each naval power maritime advantage. Their peace-time research mission has remained constant –aimed at giving war-fighters the technological edge, stealth and superiority needed in anticipation of under-sea war. In this section we take a closer look at naval research agendas which seek to weaponize biodiversity in naval defence systems.

## **The BBNJ Agreement - a Contradiction in Terms?**

The BBNJ Agreement, adopted in 2023, is a landmark international treaty aimed at the ‘conservation and sustainable use of marine biological diversity’

in the high seas. It is a package deal that includes provisions on Marine Genetic Resources (MGRs) and the fair and equitable sharing of benefits from their use. The agreement's core objective<sup>8</sup> is to ensure that these resources, many of which exist in areas considered the common heritage of mankind, are utilised for the benefit of all humanity.

However, the BBNJ includes a significant carve-out that mirrors the broader challenges with UNCLOS. Article 2 explicitly states that the agreement does not apply to any warship, military aircraft, or naval auxiliary. This provision creates a legal loophole, potentially permitting military powers to circumvent one of the treaty's core principles. Specifically, it creates a huge governance gap, leaving the door open for non-peaceful uses of MGRs without international oversight or accountability.

## **The Weaponisation of MGRs**

When military research seeks to genetically modify marine organisms, it directly undermines the BBNJ's goals. The treaty defines MGRs in Article 1 Para 8 as "any material of marine plant, animal, microbial or other origin containing functional units of heredity of actual or potential value." Military Defence research is actively seeking to harvest this potential value for non-peaceful purposes.

While BBNJ is technically silent on military activities, its spirit and core objective of conservation and sustainable use for the long-term benefit of humanity are directly undermined by research with the intended end-use of military activities like biological warfare or enhanced naval surveillance in war. Beyond genetically engineering common marine microbes to act as biological sensors (also known as 'living tripwires'), it could include the development of new bioweapons from potent marine toxins, advanced camouflage materials inspired by marine life, or bio-integrated detection sensors for defence surveillance<sup>9</sup>. An example of research into advanced materials for military use is the study of the

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8- BBNJ ref to PREAMBLE, Art 7 General Principles, benefit sharing under Part II

9-<https://www.baesystems.com/en-pl/story/adativ-cloak-of-invisibility>, <https://nextgendefense.com/squid-camouflage-soldiers-sensors/>, <https://www.proengin.com/en/product/13/cbrn-solutions-for-navy-ships?page=1> <https://pmc.ncbi.nlm.nih.gov/articles/PMC12281610/>

scaly-foot snail found in the hydrothermal vents of the Indian Ocean. Its unique three-layered shell, composed of an outer iron sulphides layer, a thick organic middle layer, and a hard inner layer, is being studied to inspire the design of better armour for soldiers, vehicles, and naval platforms<sup>10</sup>. This research, which has been funded by the U.S. Army and Department of Defence, highlights how the unique adaptations of marine life are being repurposed for military advantage, rather than for the benefit of humanity as a whole<sup>11</sup>.

Discussions during the BBNJ negotiations did not explicitly focus on military research programs such as that on the scaly-foot snail. However, there were concerns raised by some UN member states and NGOs regarding the broader issue of military activities and their relationship to MGRs. This included concerns about widespread data-sharing of MGRs. A key component of the BBNJ is equitable benefit sharing, but widespread data sharing of MGRs could inadvertently give rise to novel genetic information being weaponised. Without clear governance, this presents a significant security risk.

There were also concerns by some member states and NGOs<sup>12</sup>, particularly from developing countries, that the military activities exception (Article 2), specifically the carve out for military vessels'/crafts' activities, could result in no sources of MGRs, and none to regulate under BBNJ. The provision that the agreement does not apply to warships or naval auxiliaries could allow military powers to conduct research and development on MGRs for military purposes without being subject to the BBNJ treaty's regulations on benefit-sharing, environmental impact assessments, or conservation measures.

Some debates over MGRs were highly polarised, with developing states arguing for the inclusion of a common heritage of mankind principle<sup>13</sup>. They raised

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10- Yao, H., Dao, M., Imholt, T., Huang, J., Wheeler, K., Bonilla, A., Suresh, S., & Ortiz, C. (2010). Protection mechanisms of the iron-plated armor of a deep-sea hydrothermal vent gastropod. *Proceedings of the National Academy of Sciences*, 107(3), 987-992. <https://doi.org/10.1073/pnas.0912988107>

11- <https://www.innovations-report.com/engineering/materials-sciences/unusual-snail-shell-a-model-armor-146748/#:~:text=Copying%20various%20aspects%20of%20the,MIT's%20Institute%20for%20Soldier%20Nanotechnologies>.

12- TWN, PANG, DAWN. 2023. BBNJ CSO Internal Briefing Paper to Pacific States, 'Some Red Flags of Updated draft BBNJ text'.

13- Statement on behalf of the Group of 77 and China by Ambassador Yri Gala López, Change D'Affaires A.I. of the Permanent Mission of Cuba to the UN, IGC 5, 2023 <https://www.g77.org/statement/getstatement.php?id=231205b#:~:text=In%20a%20similar%20way%2C%20it,seas%2C%20including%20scientific%20research%20activity>.

concerns about a form of “scientific colonialism” or “biopiracy”<sup>14</sup> resulting, where developed nations with the capacity to access these deep-sea resources would privatise them through patents, without sharing the benefits with the global community. The military use of MGRs would fall in this category, as it would be an example of advanced states extracting and developing a marine resource for their own exclusive, non-peaceful use.

While specific instances of military biomimicry were not the focus of the BBNJ, shrinking deliberations within the negotiations on military activities and accountability in Areas Beyond National Jurisdiction (ABNJ) highlighted concerns that advanced military and security interests could exploit marine resources in ABNJ, undermining the treaty’s core objectives of conservation, sustainable use, and equitable benefit-sharing. As seen already, the naval research agenda is attempting to turn the ocean’s biodiversity from a shared global heritage into a strategic resource for military advantage. This fundamentally contradicts the spirit of UNCLOS and the new BBNJ Agreement, both of which were crafted to ensure the high seas are used exclusively for peaceful purposes and for the benefit of all humankind.

## **A High-Seas Nuclear Highway**

In the water column of our ocean a threat has emerged - a rapidly expanding high-seas nuclear highway that ironically operates under the ‘right to peaceful passage’. According to the International Institute for Strategic Studies, 42 states have at least 485 military submarines valued at \$37.3bn in 2024<sup>15</sup> – mostly diesel-electric powered. Of these 42 states, six have nuclear-powered submarines.<sup>16</sup> The US operates the largest fleet of nuclear submarines with around 66, followed closely by Russia with 30 and China with 12 vessels. Under a new security pact (AUKUS), the United States and United Kingdom will enable Australia to become the seventh to acquire nuclear submarines in response to growing anxieties over China’s rapid military expansion in the Pacific Ocean,<sup>17</sup> although there are now fresh doubts on whether the submarines will be delivered.

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14- <https://opiniojuris.org/2024/03/29/governance-of-mgrs-in-abnj-and-interests-of-developing-states-a-move-away-from-scientific-colonialism/#:~:text=While%20several%20issues%20of%20special,origin%20containing%20functional%20units%20of>

15- According to Global Data’s Global Submarine Market Forecast 2024 – 2034 report. <https://ads.globaldata.com/Analysis/details/the-global-submarine-market-forecast-2024>

16- The six countries with nuclear-powered submarines are: US, Russia, China, UK, France and India

17- <https://www.aljazeera.com/news/2021/9/21/infographic-how-many-submarines-does-each-country-have-interactive>

Announced in 2021, AUKUS is a consolidation of a colonial matrix of power into a comprehensive trilateral security pact that covers a re-configured geographical area – the ‘Indo-Pacific’- that extends across and includes the Indian Ocean, South East Asia, the South China Sea and the Pacific Ocean. The goal of AUKUS is twofold: first, it seeks to “strengthen the ability of each government to support their security and defence interests”, and second, it aims to “develop and provide joint advanced military capabilities” in order to promote “security and stability in the Indo-Pacific region”.

## **AUKUS Pillar 1: Questionable purchases and increased movement of nuclear powered and armed submarines**

AUKUS is organised around two Pillars. The first Pillar of the pact promises to (1) rotationally deploy four Virginia U.S. class nuclear powered attack submarines (SSNs) and one UK SSN out of HMAS Stirling in Western Australia; (2) more significantly, sell between three to five Virginia-class SSNs to Australia starting in 2032 and thereafter build three to five replacement SSNs for the U.S. Navy; and (3) have the United States and UK provide assistance to Australia for an Australian effort to build an additional three to five SSNs of a new UK-Australian SSN design to complete a planned eight-boat Australian SSN force.<sup>18</sup> The joint ambition of this Pillar is to achieve a two-fold increase in the number of nuclear submarines West of the International Dateline. It is possible that by 2039, there will be twenty-five allied SSNs on permanent or rotational deployment in Hawaii, Guam, and Perth, Australia, making this one of the most significant nuclear force posture initiatives<sup>19</sup> which will dramatically escalate the strategy of containment and strategic denial vis-a-vis China, and supposedly enhance the collective security of AUKUS partners.

However, AUKUS Pillar 1 hit its first snag in June this year when the Pentagon announced that it was reviewing the AUKUS pact to ensure it aligned with the Trump Administration’s ‘America First’ agenda. US Secretary of Defense, Pete

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18- <https://sgp.fas.org/crs/weapons/RL32418.pdf>

19- <https://carnegieendowment.org/posts/2023/03/the-aukus-submarine-deal-highlights-a-tectonic-shift-in-the-us-australia-alliance?lang=en>

Hegseth, made clear in his statement that this meant, “ensuring the highest readiness of our servicemembers, that allies step up fully to do their part for collective defence, and that the defence industrial base is meeting our needs. This review will ensure the initiative meets these common sense, America First criteria.”<sup>20</sup> A month later in July at a Congressional hearing, the US Navy’s nominee for Chief of Operations, Admiral Daryl Caudle, told Congress<sup>21</sup> that the US was not going to be able to meet its AUKUS commitment to sell Virginia-class nuclear submarines to Australia, without having to double its production rate, because the US is already not meeting its production needs for its own defence. AUKUS legislation prohibits the US from selling Australia any submarine if that would weaken the US’s own naval strength.<sup>22</sup>

The message is clear that while the nuclear-powered attack submarines intended for Australia might be built at the expense of the Australian taxpayer, the US could decide to never hand them over, instead retaining them in US Navy service to be operated along with the other five US and UK submarines that are already planned to be operated out of Australia.<sup>23</sup> Like a trusted ally, Australia has already paid up US\$500m (AUD\$790) to the US, the first instalment in a total of US\$3bn pledged in order to support America’s shipbuilding industry.<sup>24</sup> In an interview with the Guardian newspaper former Prime Minister Malcolm Turnbull called the Pillar 1 deal a “catastrophe” from conception, and its liabilities “becoming more apparent every day”. He went on to further suggest that the government had sacrificed Australia’s honour, sovereignty and security.<sup>25</sup> Since the announcement in 2023, the enmeshed integration of nuclear submarine and industrial bases and inter-operability of naval forces has been ramping up with Australian military and civilian personnel embedded in

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20- <https://news.usni.org/2025/06/11/defense-department-conducting-review-of-aukus-security-pact>

21- [https://www.armed-services.senate.gov/hearings/to-consider-the-nomination-of-admiral-daryl-l-caudle-usn-for-reappointment-to-the-grade-of-admiral-and\\_to-be-chief-of-naval-operations](https://www.armed-services.senate.gov/hearings/to-consider-the-nomination-of-admiral-daryl-l-caudle-usn-for-reappointment-to-the-grade-of-admiral-and_to-be-chief-of-naval-operations)

22- <https://www.theguardian.com/world/2025/jul/28/aukus-australia-nuclear-submarines-us-sub-navy-admiral>

23- <https://www.theguardian.com/world/2025/jul/28/aukus-australia-nuclear-submarines-us-sub-navy-admiral>

24- <https://www.theguardian.com/world/2025/mar/07/surface-tension-could-the-promised-aukus-nuclear-submarines-simply-never-be-handed-over-to-australia>

25- <https://www.theguardian.com/australia-news/video/2025/apr/01/malcolm-turnbull-get-off-your-knees-and-stand-up-for-australia-when-dealing-with-trump-video>

the US and Royal UK navy as well as in the submarine industrial bases of both countries.

One of the other key concerns is the expected increase in the number of port visits of nuclear-powered submarines with little to no public information on whether these will be nuclear-armed. Attempts to gain clarity over the issue of potentially nuclear-armed submarines (or other nuclear technologies including nuclear armed bombers, or platforms capable of deploying tactical nuclear cruise missiles) have proved futile and the Australian government remains none the wiser. An Australian government official in an interview maintained that it will not seek information on whether US bombers in Australia will carry nuclear weapons to maintain deniability in line with the US policy of neither confirming nor denying the presence of nuclear weapons,<sup>26</sup> suggesting that Australia expects that both the UK and the US submarines and other technologies will be nuclear-armed.

The US Navy presently has three types of submarines - nuclear-powered attack submarines (SSNs), nuclear-powered cruise missile submarines (SSGNs), and nuclear-powered ballistic missile submarines (SSBNs) all of which are nuclear-powered. But only one type carries nuclear weapons – Ohio Class - Ballistic Missile Submarines (SSBNs).<sup>27</sup> According to USNI News<sup>28</sup> there have already been 4 port-visits to Australia since the announcement of AUKUS – USS *North Carolina* (SSN-777) conducted the first visit in August 2023, USS *Annapolis* (SSN 760) visited in March 2024 and USS *Hawaii* (SSN 776) visited HMAS Stirling in Western Australia in August through September 2024. USS *Hawaii* (SSN-776) pulled in to HMAS Stirling for the first ever maintenance overhaul of a nuclear-powered boat on foreign soil. Two additional, publicly-announced port-visits in 2025 at the time of the writing of this policy brief brings the number of known port-visits to 6 in total. In February this year a Virginia-class fast attack submarine was in Perth, while significantly in July USS *Ohio* (SSGN-726), one of four former nuclear

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26- <https://www.abc.net.au/news/2023-02-15/defence-wont-confirm-if-us-bombers-carry-nuclear-weapons/101978596>

27- \*Ballistic Missile Submarines (SSBNs)- armed with nuclear warheads; Guided Missile Submarines (SSGNs) and Fast attack submarines.

28- <https://news.usni.org/2024/08/23/u-s-attack-sub-pulls-into-australia-in-early-aucus-step>

ballistic missile submarines that had been converted to field 154 Tomahawk Land Attack Missiles,<sup>29</sup> arrived for a port-visit in Brisbane.<sup>30</sup> Movements of the SSGNs are highly classified, but in recent years the Navy made occasional note of their presence near military hotspots, to send a message of deterrence in this case to China.

## **AUKUS Pillar 2: Military Integration and Sharks in the water**

Pillar 2 of AUKUS is intended to collaboratively develop advanced military capabilities such as AI, cyber, quantum and hypersonics, to enhance regional stability and interoperability.

In October 2024, the Indo-Pacific Command Centre announced in a press statement that AUKUS partners had successfully completed Pillar 2 ‘of [testing] several autonomous network systems during a three-week maritime experimentation called Autonomous Warrior 24 in Australia. The event was part of the Maritime Big Play (MBP) initiative, a key part of AUKUS Pillar 2 efforts to improve maritime awareness through network autonomy, decision advantage and enhanced strike’. According to the Indo-Pac Com statement, the technologies tested during the October event supported operations from deep under water to the edge of space. This included software-defined acoustic modems, multi-model autonomous underwater and surface vessels, and low-cost unmanned surface vehicles.<sup>31</sup> To complement Pillar 2, the Australian Government announced an eye watering \$1.7bn dollar deal to acquire a fleet of an ‘unconfirmed’ number of Ghost Shark submarines for the Royal Australian Navy. The Ghost Shark is an extra-large, extra stealthy, autonomous underwater vehicle (AUV) that will be designed and built in Australia and be in service from January 2026. The investment comes as militaries across the world pour vast resources into the development of unmanned, autonomous underwater technologies – which will characterise the future of warfare.<sup>32</sup>

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29- Each can carry 154 Tomahawks with a high-explosive warhead of up to 1,000 pounds, and a range of about 1,000 miles.

30- <https://www.pam.mil/Media/NEWS/News-Article-View/Article/4257829/uss-ohio-ssgn-726-arrives-in-brisbane/>

31- <https://www.pacom.mil/Media/NEWS/News-Article-View/Article/3945868/aukus-partners-complete-successful-tests-of-autonomous-and-networked-systems-in/>

32- <https://www.theguardian.com/australia-news/2025/sep/10/ghost-shark-submarine-drone-australian-navy-explainer>

Implications of ‘sacrifice, loss of sovereignty and security risks’ are not limited to Australian domestic considerations. AUKUS contains provisions that reinforce the domination of US’s hegemonic military power projection deep into the Pacific Ocean, extending all the way from mainland US, Hawaii, through Guam and the compact-states<sup>33</sup> (Marshall Islands, Palau and the Federated States of Micronesia) and further down south to Australia. Australia’s implicit role as a proxy-base for the US is being further assured through a network of criss-crossing defence and security agreements<sup>34</sup> confirming it is the partner of choice with island neighbours to consolidate the US ‘tip of the spear<sup>35</sup> - nuclear deterrence architecture’.

The build-up in the Indo-Pacific has not gone unnoticed by China. Earlier this year, 3 Chinese naval vessels conducted two live-fire drills in international waters between Australia and New Zealand, prompting a direct warning to commercial flights and causing flight diversions. As recently as August this year, Russia and China conducted their first joint submarine patrol in the Pacific, with media reports that the Russian sub travelled some 2000 miles from Volkhov base.<sup>36</sup> These incidents highlight the growing projection of power and military capability far beyond their shores into the Pacific Ocean by both the Peoples Republic of China (PRC) and allies such as Russia, prompting increased surveillance by Australia, the US and its allies. In a region that has quietly become a stage (yet again) for great power competition and power projection. China has also established security agreements with a few Pacific Island Countries, namely the Solomon Islands and Kiribati, furthering the expanding network of defence and security agreements criss-crossing the Pacific Ocean.

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33- The agreement has direct security benefits for the United States as it allows for unilateral U.S. defense access across the north Pacific.

34- Prianka Srinivasan and Virginia Harrison, “Mapped: the Vast Network of Security Deals Spanning the Pacific, and What It Means,” The Guardian, July 9, 2024, <https://www.theguardian.com/world/article/2024/jul/09/pacific-islands-security-deals-australia-usa-china>.

35- <https://www.pacificsecurityhub.org/2025/08/13/the-labyrinth-of-pacific-islands-policy-under-trump/>

36- <https://edition.cnn.com/2025/08/28/asia/russia-china-joint-submarine-patrol-intl-hnk-ml>

## Australia is Breaching its Commitments to the Pacific

The proliferation of nuclear submarines and nuclear weapons through AUKUS has raised significant concerns including amongst Pacific Island political and civil society leaders that Australia as a state party to the Treaty of Rarotonga is breaching the ‘spirit and intent of the treaty’. The South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) was adopted in 1985 and is regarded as the region’s first collective security achievement, contributing to the global nuclear non-proliferation obligation. Numerous commentators and Pacific Island leaders have argued that AUKUS breaches the Rarotonga Treaty in several important ways, including by dramatically escalating the military capabilities of Australia, one of America’s closest allies, thereby exacerbating great power competition. As indicated above, AUKUS has already escalated military tensions between China and US allies by seeking to place 8 sophisticated military submarines, each capable of attacking the Chinese mainland, which has been matched by China’s rapid military expansion.

As pointed out by the Prime Minister of the Cook Islands, the Rarotonga Treaty’s intent was to try and de-escalate cold war tensions between superpowers. In the context of deepening US Military inter-operability, there is a very real possibility that Australia will undermine and even contravene Article 5 of the Treaty prohibiting the stationing of nuclear weapons, through the facilities offered to US nuclear submarines and other nuclear technologies via AUKUS. At present, Australia and the US continue to operate under a model of strategic ambiguity, exploiting a lack of clarity regarding the act of stationing in the Treaty and the US policy of neither confirming nor denying the presence of nuclear weapons on submarines, ships or in ports. In addition to undermining existing treaties in the Pacific, AUKUS is facilitating the militarisation of the water column through submarines and UAVs, under the cover of ‘peaceful passage’.

The rapid military build-up of military assets including nuclear arsenals in the Pacific region is at odds with Pacific Leaders’ recently adopted ‘Ocean of Peace’ Declaration which is silent on this military build-up and its risks.<sup>37</sup> The ‘Ocean of

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37- Kant, R., Wheeler, V., & Chung, M. (2025). The Pacific Ocean of peace: a promise or a paradox? *Australian Journal of International Affairs*, 79(3), 520–530. <https://doi.org/10.1080/10357718.2025.2488791>

Peace' vision is rendered meaningless by Pacific Island States turning a blind eye to the hyper-militarisation of our Ocean, driven by escalating Big Power rivalry and security pacts, calls by the US for increased national defense spending and the expanded consolidation of nuclear and military architecture in the Ocean. All of these developments undermine regional security and demonstrate the emptiness of mere rhetoric in effectively defending our region from the threat of becoming the theatre of a third world war.

## **Conclusion**

Today the ocean itself is viewed as a zero-sum resource where great power rivalry and power projection by the military takes place through a research agenda that weaponizes biodiversity and turns the water column into a nuclear and naval weapons highway. Calls for naval disarmament efforts, which include the need to halt and reverse the arms race, has fallen by the wayside as nations with naval power race to ramp up weapons development including autonomous underwater technology. The build-up of military assets including nuclear weapons in the oceans have laid siege to an ocean of peace.

We conclude that urgent consideration must now be given by the UN General Assembly to the substantive broadening of naval disarmament which is indirectly but clearly related to the UN Convention on the Law of the Sea, if the principle integrated throughout the Convention on the 'peaceful uses and peaceful purposes' of the Ocean and its resources are to be implemented effectively. To that end we make the following calls:

### **At the international level:**

- (a) For urgent updated research pursuant to the 1985 'Study of the Naval Arms Race, Naval Forces and Naval Arms Systems' with a view to further progress the objectives of (i) nuclear disarmament within the overall objectives of halting and reversing the present dangerous arms race; and (ii) establishing a platform for dialogue on how to progress naval disarmament given the escalating geo-political climate
- (b) For an urgent International Agreement on the legal status of unmanned vessels to establish the legitimacy of naval operations deploying them today.

(c) For relevant UN bodies such as the ISA and the newest treaty BBNJ to establish working groups to deal with the end-use of resources for non-peaceful purposes and to report back to the General Assembly.

**At the regional level:**

(d) For the strengthening of the Rarotonga Treaty to consider the new forms of nuclear threats posed to the region through AUKUS and the other security and defence treaties and agreements that are being signed across the region

(e) For a standing agenda item at Pacific Leaders' Meetings on AUKUS – for the Australian government to provide updates to Pacific Leaders to allow assessment and discussion on the growing threat posed by AUKUS to the region.

(f) For disarmament discussions to be held within the region involving both States and Non-governmental Organisations and for a re-commitment to a nuclear free and independent Pacific by Pacific Island States.

