



Australian Government

Australian Government response to the
Joint Standing Committee on Treaties' report:

Report 137

Treaty referred on 15 January 2014: *Agreement between
the Government of Australia and the Government of the
United Arab Emirates on Cooperation in the Peaceful
Uses of Nuclear Energy*

November 2014

**Government Response to
Report 137 of the Joint Standing Committee on Treaties:
Australia-UAE Nuclear Cooperation Agreement.**

The Government thanks the Committee for its consideration of the *Agreement between the Government of Australia and the Government of the United Arab Emirates on Cooperation in the Peaceful Use of Nuclear Energy*, done at Abu Dhabi on 31 July 2012 (“the Nuclear Cooperation Agreement”), which was tabled on 18 March 2014. Binding treaty action was completed on 14 April 2014 in Abu Dhabi. The Government provides the following responses to the Committee’s recommendations.

Recommendation 1

The Committee recommends that, prior to ratification of the proposed Treaty, the IAEA undertake physical inspections of UAE facilities that will handle Australian obligated nuclear materials.

The United Arab Emirates (UAE) has a Comprehensive Safeguards Agreement and Additional Protocol on strengthened safeguards in force with the International Atomic Energy Agency (IAEA). These two agreements provide the IAEA with reporting and access to facilities necessary to verify the UAE’s compliance with its commitment to use nuclear energy solely for peaceful purposes. Under these two agreements all nuclear material and facilities will be subject to IAEA safeguards verification.

The IAEA will have early and thorough inspection oversight at nuclear power plants in the UAE well before any Australian uranium is potentially supplied. However, given the construction of the first nuclear power plant at Barakah has not yet reached a stage where design features relevant to IAEA safeguards are installed the IAEA has not yet commenced inspections. The Barakah Nuclear Power Plant is scheduled for completion in 2017 and the first IAEA inspections will likely commence in 2015 or 2016. In the meantime the IAEA is receiving good cooperation from the UAE national regulator in preparing for inspections. The following summarises current and planned activities in the UAE in relation to nuclear regulation:

The UAE has received the following IAEA review and appraisal missions:

- Integrated Nuclear Infrastructure Review in January 2011
- Integrated Regulatory Review Service (IRRS) in December 2011.

The UAE has committed to the following further review and appraisal missions:

- International SSAC (state systems of nuclear accountancy and control) Advisory Service in May 2014
- IRRS Follow-up Mission in February 2015
- Emergency Preparedness Review Service in March 2015.

The UAE has foreshadowed that it will request an International Physical Protection (i.e. nuclear security) Advisory Service visit in 2016, and has agreed on an integrated work plan

with IAEA for the period 2013-2017, under which are arranged expert missions and training workshops in safety, security and safeguards.

The Government is satisfied that the IAEA inspection regime will be sufficient to provide assurances on the peaceful use of Australian uranium, and nuclear material derived from its use. The UAE has displayed a high level of transparency and cooperation with the IAEA, and has entered into binding treaty commitments with regard to nuclear safeguards and security.

Recommendation 2

The Committee recommends that the Government report to the Parliament on what action it has taken to implement the recommendations of the United Nations System Wide Study on the Implications of the Accident at the Fukushima Daiichi Nuclear Power Plant.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has considered the UN System-Wide Study on the Implications of the accident at the Fukushima Daiichi nuclear power plant and is supportive of its recommendations. Australian approaches to nuclear safety are consistent with the recommendations of the report in relation to the protection of people and the environment.

The Australian Nuclear Science and Technology Organisation (ANSTO) has taken a number of actions in the area of nuclear safety and emergency preparedness in response to post-Fukushima accident analysis. ANSTO has submitted to ARPANSA a preliminary assessment of the implications of the Fukushima accident for the Open Pool Australian Lightwater (OPAL) reactor. The OPAL post-Fukushima safety and emergency preparedness action plan is currently being evaluated by ARPANSA.

ANSTO is currently finalising a Safety Reassessment of OPAL in the light of the Fukushima Daiichi Accident, which is based on the IAEA guidance contained in *Safety Reports Series No.80: Safety Reassessment for Research Reactors in the light of the Accident at the Fukushima Daiichi Nuclear Power Plant*, which was published earlier this year.

ARPANSA, ANSTO and local and national emergency organisations routinely review and exercise emergency preparedness and response arrangements for adverse events for the OPAL reactor, including relevant scenarios drawn from the Fukushima accident.

Recommendation 3

The Committee recommends that the Government explore and report to Parliament on mechanisms to strengthen the resourcing of the IAEA.

In recognition of the IAEA's crucial role in verifying state compliance with safeguards commitments in the Nuclear Non-Proliferation Treaty (NPT) and facilitating nuclear cooperation, Australia has always worked in support of an IAEA which is appropriately funded and which has the full cooperation of all States.

Australia has a track record of strong engagement with the IAEA. As a long-standing member of the Board of Governors, Australia supports the Director-General's and Board's efforts continually to strengthen the effectiveness and efficiency of IAEA safeguards and its other programs.

Australia has always paid its assessed contribution, and provides additional extra-budgetary contributions and in-kind support. We pay our Technical Cooperation Fund (TCF) contribution, and encourage other States to do the same. In addition, Australia continues to provide specialists from our nuclear-related agencies to the IAEA and to hold a range of meetings with regional counterparts, as part of bilateral cooperative agreements and IAEA projects.

Australia recently provided an extra-budgetary contribution of \$2 million in support of the P5+1/Iran Joint Plan of Action which is seeking to resolve international concerns about Iran's nuclear activities. At the 2014 Nuclear Security Summit, the Minister for Foreign Affairs, the Hon Julie Bishop MP, also announced a contribution of \$1 million to the IAEA's Nuclear Security Fund – specifically for activities focused in Australia's region.

Given the above, Australia, as one of the IAEA's most active members, will continue to work closely and cooperatively with the IAEA and other like-minded member States, including in regard to helping ensure the agency has the necessary resources and support in order to undertake effectively its nuclear non-proliferation, safeguards and security activities.

Recommendation 4

Subject to the above recommendations, the Committee supports the Agreement between the Government of Australia and the Government of the United Arab Emirates on Cooperation in the Peaceful Uses of Nuclear Energy and recommends that binding treaty action be taken.

In light of the strong IAEA oversight and cooperation outlined in the response to Recommendation 1, the Government made the decision to bring the Agreement into force before the first IAEA inspections take place. Binding treaty action was completed on 14 April 2014 in Abu Dhabi when the Minister for Trade and Investment, the Hon Andrew Robb MP, provided written notice to the UAE Minister for Foreign Affairs, HH Sheikh Abdullah bin Zayed Al Nahyan, that the Australian Government had completed the necessary domestic procedures for the Agreement to enter into force. The Agreement has value for the bilateral relationship, and provides certainty to Australian uranium producers who operate in a competitive international environment.