

R Walker answer to Question on notice from the JSCOT Chairman:

“As succinctly as you can, what do you think we are we trying to achieve and what principles do we need to uphold?”

The answer is in two parts: the overarching principles of established government policy for all our uranium exports and India-specific objectives

Overarching principles	Comment
Our treaties and the arrangements for implementing them should ensure that uranium exported from Australia is not used to make nuclear weapons.	The text of the proposed treaty with India does not meet this criterion. If the treaty texts and implementation do not achieve this, they also damage the second principle.
Our treaties and the arrangements for implementing them should contribute to building up the international nuclear non-proliferation regime.	The NIA conveys the impression that this is an Australian government objective in concluding the agreement with India. On the contrary, according to expert witnesses it harms that regime, threatens it with unravelling thorough knock-on effects and reduces Australia’s ability to contribute to strengthening it.

Page 2 of this reply addresses Implementation of the overarching principles and the scope for innovative ways of doing so.

India-specific objectives:

There have been many statements, but for me the top 5 are:

Remove an obstacle India has raised to a closer, economic, political and strategic relationship between the 2 countries.

Open up the potential Indian market for Australian uranium

Assist India’s economic development by not only supplying nuclear fuel for electricity but also opening up India to external technology and general interaction with the outside world (breaking down decades of isolationism and inwards-looking policies and practices)

Specifically bring it into the global multilateral nuclear controls regime (of which non-proliferation is only a part)

Not harm our relationships with other countries or our other broader interests.

These 5 are to a degree interdependent and none should take priority over the others.

Implementation of the overarching principles and the scope for innovative ways of doing so.

The way announced government policy over the past 40 years has sought to give effect to these principles is through a set of treaty-level commitments from importing countries (details available from public sources), together with a set of implementing procedures known as “safeguards” (detailed and complex, but Mr Carson has given an insight into some high points).

These carefully devised and extensively debated treaty and safeguards requirements are intellectually, philosophically and practically coherent and effective. They have a record of success, the more remarkable for having endured 40 years, through all the hurdles and evolving circumstances. They have

- o received strong bi-partisan support
 - thereby giving stability to our uranium industry and to our international partners
- o been effective in terms of the stated objectives
- o shown themselves to be compatible with the commercial concerns of the nuclear industry in Australia and abroad.
- o shown themselves to be politically sustainable in terms of international relations
- o done much to give Australia status and influence in nuclear non-proliferation but also more broadly as a serious actor on the international scene and a powerful negotiator.

This scheme has not only benefitted from 40 years’ experience of practical implementation but the way in which the principles are pursued has been updated through innovations (such as the use of “side letters “ instituting legally binding interpretations or elaboration and the “via-USA” arrangements for exports to Taiwan).

There will be other cases calling for other innovations in the ways in which effect is given to the principles (notably the case of India and its particularities), but to compromise the principles (as I believe the text of the proposed agreement with India would –as it stands) would have far reaching negative consequences for our national interests and objectives.