

**House of Representatives Industry and Resources Committee: Questions on NPT issues**

1. What were the reasons for the failure of the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons?

Lengthy and disruptive procedural debates about the agenda, allocation of work and the establishment of subsidiary bodies to the Main Committees led to there being insufficient time to negotiate a final document. In addition, some delegations had little or no interest in working for an agreed outcome. Some also held much-needed progress on measures to strengthen the non-proliferation regime hostage to movement on other NPT issues such as nuclear disarmament. When it became apparent that an agreed final document was not in prospect, there was little pressure on those taking hardline positions to be more flexible.

While no agreed outcome was possible the Review Conference was not without value. One positive was that NPT parties for the first time debated the issue of NPT withdrawal. There was solid support for stronger disincentives to withdrawal. This served to put on record that many NPT parties regard NPT withdrawal as an issue of the highest concern.

It is important to recognise that that NPT's future does not hinge on the outcome of the 2005 Review Conference. The failure of the Review Conference to produce a final document was disappointing but was not a fatal blow. Several previous Review Conferences have also failed to produce final documents. The overwhelming majority of states continue to support the NPT and value highly the security benefits it delivers.

2. What negotiations, if any, have occurred since the Conference?

NPT Review Conferences are just one of many avenues for promoting Australia's non-proliferation objectives. These issues are also pursued in forums such as the IAEA Board of Governors and IAEA General Conference, the Nuclear Suppliers Group, the UN General Assembly First Committee and the Proliferation Security Initiative.

The IAEA Board of Governors – of which Australia is a member – since the NPT Review Conference has continued vigorous discussion of the Iran nuclear issue. At its 4 February 2006 meeting the Board decided to report Iran's non-compliance with its safeguards obligations to the UN Security Council.

The Nuclear Suppliers Group held its annual plenary meeting in Oslo, Norway in June 2005. The NSG *inter alia* discussed the current proliferation challenges of North Korea and Iran and the strengthening of national nuclear export controls.

While agreement on measures to strengthen IAEA safeguards was not possible at the NPT Review Conference, the IAEA Board of Governors in June 2005 decided to establish a special committee on safeguards and verification to examine ways to further strengthen IAEA safeguards. In addition, the IAEA's Standing Advisory

Group on Safeguards Implementation meets regularly to consider improved nuclear safeguards approaches.

A diplomatic conference in July 2005 agreed on amendments to the Convention on the Physical Protection of Nuclear Material (CPPNM) to extend its application. The amendments to the CPPNM significantly strengthen its contribution to global nuclear security.

In the lead up to the UN summit in September 2005 negotiations were held among UN members in New York on possible non-proliferation and disarmament outcomes for the Summit.

Parties to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) met in New York in September 2005 to identify ways to accelerate entry into force of the CTBT. The conference declaration confirmed the strong and near-universal support for the CTBT and called upon all States which have not yet done so to sign and ratify the Treaty without delay, in particular those States whose ratification is required for entry into force.

The UNGA First Committee in September/October 2005 considered a wide range of resolutions on disarmament, arms control and non-proliferation issues. The Conference on Disarmament in Geneva, while still unable to agree a work program, is conducting a series of thematic discussions on disarmament issues.

3. Where does the Australian Government see future negotiations on the key issues at stake in relation to nuclear non-proliferation as heading?

Following the inability of the 2005 NPT Review Conference to reach consensus on measures to address the compliance and verification challenges facing the NPT Australia has focussed its near-term efforts on bodies such as the IAEA Board of Governors and the Nuclear Suppliers Group. We are also active in bilateral and regional efforts to strengthen the non-proliferation regime.

Multilateral treaty regimes and supporting measures such as export controls are important defences against nuclear proliferation and the threat of nuclear or radiological terrorism but of themselves are not enough to stop determined proliferators or terrorists. The Proliferation Security Initiative (PSI) has quickly proved its worth as a means of strengthening governments' ability to disrupt illicit trade in WMD materials and their delivery systems. Over 70 countries now support the PSI.

4. What role is the Australian Government playing in progressing negotiations?

Australia will maintain its strong support for the NPT. The Treaty remains of strong normative value as a near-universal instrument setting the benchmark for nuclear non-proliferation and disarmament. Australia is recognised for its role in chairing the Vienna-based Group of 10 countries who are like-minded on the NPT's vital security benefits. The Group meets informally prior to each NPT meeting.

Australia participated in the NSG plenary meeting in June 2005. The plenary adopted measures to further strengthen national nuclear export controls including procedures for suspending nuclear transfers to countries that are non-compliant with their safeguards agreements; measures to evoke fall-back safeguards if the IAEA can no longer undertake its safeguards mandate in the recipient state and making export controls in the recipient state a criterion of supply. The NSG plenary agreed to continue discussions of the Additional Protocol as a condition of supply and on further strengthening of the NSG guidelines with respect to enrichment and reprocessing technologies.

Australia has taken a leading role in advocating firm action by the IAEA against safeguards non-compliance. Australia has consistently supported resolutions in the IAEA Board of Governors on Iran's nuclear program and has urged Iran to comply with these resolutions. Australia supported the Board's 4 February 2006 resolution reporting Iran's safeguards non-compliance to the UN Security Council.

Australia is working to strengthen verification of NPT non-proliferation commitments. Australia strongly supported establishment of the IAEA Board's safeguards and verification committee and is participating actively in its work. The Director General of the Australian Safeguards and Non-Proliferation Office, Mr John Carlson, chairs the IAEA Standing Advisory Group on Safeguards Implementation.

Australia is working to secure wide application of the IAEA safeguards strengthening Additional Protocol, consistent with the prominent role we played in development of the IAEA's strengthened safeguards system. Australia is working with the IAEA and other countries to increase the number of Additional Protocols in force, in particular through outreach and assistance to states in our region.

Australia is a strong advocate of the Convention on the Physical Protection of Nuclear Material (CPPNM) and was an active contributor in the negotiations in Vienna on amendments to the CPPNM to extend its application. Australia chaired the main committee at the July 2005 diplomatic conference to amend the CPPNM. We are increasing our efforts to encourage countries in our region to accede to the amended CPPNM.

On 26 July 2005 Mr Downer joined with the Foreign Ministers of Chile, Indonesia, Norway, Romania, South Africa and the United Kingdom in issuing a joint declaration on nuclear non-proliferation and disarmament. The aim of this initiative was to stimulate a strong outcome on these issues at the UN Summit in September. Australia chaired the consultations in New York on the non-proliferation and disarmament component of the 2005 UN Summit draft outcomes document. Regrettably, the Summit was unable to reach agreement on these issues. The seven-country group is considering possible further initiatives on these issues.

Australia continues to work for the CTBT's entry into force. In September 2005, Mr Downer chaired a conference of CTBT parties in New York on ways to accelerate entry into force. As the current coordinator of CTBT parties' efforts to promote entry into force, Australia has a special role in urging countries in our region and elsewhere to ratify the CTBT as soon as possible. Australia welcomed Vietnam's recent ratification of the CTBT.

Australia is making a significant contribution to the establishment of the CTBT's International Monitoring System to verify that CTBT parties comply with their commitments. In addition to the 21 IMS facilities Australia will host, we contribute to the work of the CTBT PrepCom in Vienna on development of the IMS. An Australian is currently Task Leader for the elaboration of the CTBT On-Site Inspection Operational Manual.

At the 2005 UNGA First Committee Australia supported key nuclear non-proliferation and disarmament related resolutions. In particular, Australia worked closely with Japan on its nuclear disarmament resolution and was an original sponsor of this resolution. Other nuclear related resolutions supported by Australia included on the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and on the negotiation of a Fissile Material Cut-off Treaty (FMCT) to end the production of fissile material for nuclear weapons.

Australia is currently undertaking a three-year regional program to increase our engagement with regional countries on WMD counter-proliferation. This program tailors practical assistance to local needs, including advice on the development of export control legislation and control lists, the conduct of industry outreach and licensing and enforcement training for officials.

Australia continues to strongly support the PSI. A priority for Australia, and for other PSI participants, is to maintain and refine capabilities for interdicting WMD-related trade. Australia will host its second multi-nation PSI exercise in Darwin in April 2006 focusing on air/ground interdiction. Australia hosted the first ever PSI exercise in 2003 and has also hosted two major PSI meetings.