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**FIFTH AGREEMENT TO EXTEND THE 1987 REGIONAL COOPERATIVE  
AGREEMENT FOR RESEARCH, DEVELOPMENT AND TRAINING RELATED  
TO NUCLEAR SCIENCE AND TECHNOLOGY (Bali, 15 April 2011)**

**Submission to Joint Standing Committee on Treaties**

**ICAN Australia**

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**INTRODUCTION**

We note that the proposed extended agreement covers the Governments of Australia, Bangladesh, the People's Republic of China, India, Indonesia, Japan, the Republic of Korea, Malaysia, Myanmar, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand and Viet Nam.

We note that the Regional Cooperative Agreement (RCA) has not changed since its establishment in 1987, and that projects under the RCA are implemented under the auspices of the Technical Cooperation Programme administered by the International Atomic Energy Agency (IAEA).

**INTERNATIONAL CAMPAIGN TO ABOLISH NUCLEAR WEAPONS OVERVIEW**

The International Campaign to Abolish Nuclear Weapons (ICAN), established in Australia in 2007, aims to galvanize worldwide public and government support for multilateral negotiations on a Nuclear Weapons Convention without further delay. Such a treaty would outlaw the production, testing, possession and use of nuclear weapons, and establish the mechanisms needed to eliminate them within an agreed timeframe.

ICAN is a broad, community based campaign with hundreds of organisational partners internationally and currently 54 diverse organisational partners in Australia, including the largest environmental organisations, major churches, the United Nations Association, Oxfam Australia, trade unions, professional associations, local government, peace and social justice organisations. ICAN was initially hosted by International Physicians for the Prevention of Nuclear War (Nobel Peace Prize 1985) internationally, and by the Medical Association for Prevention of War in Australia and is now a separate entity.

ICAN argues that abolition of nuclear weapons is necessary, urgent and feasible. Building on the experience of effective nuclear disarmament treaties, and treaties to outlaw biological and chemical weapons, landmines and cluster munitions; ICAN advocates that the best way to achieve and sustain the abolition of nuclear weapons is through a comprehensive, binding, irreversible, verifiable treaty – a Nuclear Weapons Convention (NWC). ICAN co-ordinated the 2007 updating and publication of a model NWC described by UN Secretary-General Ban Ki Moon as “a good point of departure” to achieve nuclear disarmament.

## **NUCLEAR POWER AND WEAPONS-USABLE FISSILE MATERIALS**

ICAN’s considered position is that the challenging but achievable goal of a world free of nuclear weapons will be more readily achieved and sustained in a world in which nuclear power generation is being or has been phased out. This is because the material and capacity to produce nuclear power *intrinsically* involves the capacity to produce fissile material usable for nuclear weapons.

Fissile materials – highly-enriched uranium (HEU) and plutonium - are the key ingredients in nuclear weapons, and their control is critical to nuclear disarmament, halting the proliferation of nuclear weapons and ensuring that non-state organisations do not acquire nuclear weapons. This requires verifiable cessation of the production of fissile materials, whether for military or ostensibly civilian purposes; elimination of current fissile material stocks wherever possible; and securing the remainder under strict international control.

There are presently no effective international restrictions on states possessing or acquiring the capacity to enrich uranium, which inevitably creates the capacity to enrich uranium beyond reactor-grade to weapons-grade; or on the reprocessing of spent nuclear fuel to extract plutonium. In these circumstances, the capacity to generate nuclear power cannot be separated from the capacity to build nuclear weapons. The promotion and facilitation of the use of nuclear power is therefore inconsistent with the goal of preventing further states or non-state entities acquiring nuclear weapons, preventing nuclear-armed states from increasing or modernising their arsenals, and obstructs the abolition of nuclear weapons supported by all political parties represented in the Australian parliament.

As the authoritative International Panel on Fissile Materials has stated:  
“Even with stringent new and equitable rules to govern nuclear power, its continued operation and certainly any global expansion will pose serious proliferation risks in the transition to nuclear disarmament. A phase-out of civilian nuclear energy would provide the most effective and enduring constraint on proliferation risks in a nuclear-weapon-free world.”<sup>1</sup>

## **THE IAEA TECHNICAL COOPERATION PROGRAMME**

This IAEA programme aims to support nuclear applications in agriculture, health, water resource management, environmental monitoring, nuclear safety and security, and sustainable energy development. Included under this programme is technical cooperation in relation to establishing and supporting nuclear power programs. In our view, this embodies at least two serious concerns. Firstly, there is nothing sustainable about nuclear power generation. It utilises a non-renewable resource; poses a real risk of accidents and attacks involving catastrophic, uncontrolled, indiscriminate global dispersal of harmful radioactive fallout; and creates a serious transgenerational problem of strictly isolating large amounts of highly radioactive and weapons-usable waste from the environment on geological timeframes, way beyond the longevity of any conceivable human institutions.

Secondly, nuclear power generation creates material and capacity which can be turned at any time to fuel proliferation of the most destructive weapons ever invented, which already pose an acute global health and survival threat of unprecedented magnitude.

## **INDISCRIMINATE COOPERATION SUPPORTING NUCLEAR POWER UNDERMINES THE ALREADY FAILING NUCLEAR NON-PROLIFERATION REGIME**

A cornerstone of the international nuclear disarmament and non-proliferation regime is the nuclear Non-Proliferation Treaty (NPT). This treaty and the associated nuclear safeguards administered by the IAEA are deeply flawed and inadequate instruments. The standards of non-proliferation (and disarmament) embodied in the NPT desperately need strengthening, not undermining. Australian governments have consistently reiterated their support for the NPT.

Hence, we are particularly concerned about Australian cooperation with nations that have not signed the NPT, and which are in fact increasing and modernising their arsenals outside any disarmament constraints. We note that the countries included in the RCA include not only the nuclear-armed China, but also India and Pakistan, both of which used nuclear materials and technology provided for ostensibly peaceful purposes to develop and test nuclear weapons.

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<sup>1</sup> <http://fissilematerials.org/library/gfmr09.pdf>

By any consistent standard, such nations as India, Pakistan, Israel and North Korea have foregone any “right” they may have had to nuclear cooperation or trade with other nations. By signing international nuclear cooperation agreements with such nations, in this case India and Pakistan, the Australian government is facilitating the advancement of their domestic nuclear industries and expertise, nuclear fuel chain capacities and the production of weapons grade fissile materials, and thereby their nuclear weapons programs, which pose a global threat, including to Australia and all Australians.

## PAKISTAN

Pakistan is assessed to be increasing and modernising its nuclear arsenal. The Stockholm International Peace Research Institute (SIPRI) estimates that Pakistan possesses up to 110 nuclear weapons, up from two in 1998 when Pakistan detonated its first nuclear weapon.<sup>2</sup> Pakistan is currently increasing its nuclear arsenal faster than any other state.

Pakistan is heavily investing in its domestic nuclear power industry and capability. It currently has plans to build or is building a total of five new nuclear power plants that would use both highly enriched uranium and plutonium. Several of its current nuclear power reactors are known to supply the Pakistani military with plutonium.<sup>3</sup>

A recent report from Reaching Critical Will has detailed Pakistan’s modernisation of its nuclear weapon arsenal and its civilian nuclear industry. Pakistan “is producing highly enriched uranium and plutonium—the key ingredients for nuclear weapons—and is increasing its capacity to produce plutonium by building new production reactors.”<sup>4</sup>

Pakistan has an appalling record on non-proliferation. Apart from itself acquiring nuclear weapons, the Pakistan-based AQ Khan illicit nuclear smuggling network operated with impunity for many years, involved manufacturers and partners in over 30 countries, and sold uranium enrichment centrifuge designs and equipment, and Chinese nuclear weapons designs, to at least Iran, Libya and North Korea.

Renewing the nuclear cooperation agreement could potentially aid Pakistan’s domestic nuclear power industry and contribute to the modernisation and growth of the Pakistani nuclear arsenal.

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<sup>2</sup> <http://www.sipri.org/research/armaments/nbc/nuclear>

<sup>3</sup> <http://www.world-nuclear.org/info/inf108.html>

<sup>4</sup> <http://www.reachingcriticalwill.org/images/documents/Publications/modernization/pakistan.pdf>

## INDIA

India is estimated to possess 80-100 nuclear weapons of varying types and configurations.<sup>5</sup>

India is also increasing investment in its domestic nuclear power industry, with seven nuclear reactors planned or under construction. Many of its current reactors and ones under construction are not under IAEA safeguards or inspection.<sup>6</sup>

In addition, India is in the process, spurred by regional tensions with Pakistan, of upgrading its military nuclear forces. Physicist expert MV Ramana of Princeton University has argued that “current Indian policy, on the other hand, has encouraged continuous upgrading, ie, modernization, of nuclear weapons and missiles.”<sup>7</sup>

The relationship between India’s military nuclear program and its domestic nuclear power industry are unclear, in part because the India government does not release official information on its nuclear programs. This fact makes it further unclear how cooperation on nuclear matters is aiding India.<sup>8</sup>

Renewing this nuclear cooperation agreement could potentially aid India’s domestic nuclear power industry and contribute to the modernisation and growth of the India’s nuclear arsenal.

The inclusion of India and Pakistan as parties to this nuclear cooperation agreement undermines the stated position of the Australian government’s support for the NPT.

### **RECOMMENDATIONS REGARDING THE 1987 REGIONAL COOPERATIVE AGREEMENT FOR RESEARCH, DEVELOPMENT AND TRAINING RELATED TO NUCLEAR SCIENCE AND TECHNOLOGY**

By renewing this nuclear cooperation agreement in its current form, Australia is supporting the growth and modernisation of nuclear power within our region, fuelling nuclear weapons modernisation and increasing the risk of nuclear proliferation. In order to outlaw the production, testing, possession and use of nuclear weapons worldwide, Australia should not be aiding nations that are not part of the NPT, and further should not be encouraging the spread of proliferation-prone nuclear technology and expertise.

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<sup>5</sup> <http://www.sipri.org/research/armaments/nbc/nuclear>

<sup>6</sup> <http://www.world-nuclear.org/info/inf53.html>

<sup>7</sup> <http://www.reachingcriticalwill.org/images/documents/Publications/modernization/india.pdf>

<sup>8</sup> <http://www.reachingcriticalwill.org/images/documents/Publications/modernization/india.pdf>

The International Campaign to Abolish Nuclear Weapons recommends in relation to the RCA:

- Australia should undertake nuclear cooperation with other countries only in ways which improve nuclear safety and security and enhance nuclear disarmament and non-proliferation, and in no way could contribute to nuclear weapons or the capacity to produce fissile materials.
- Australia should not cooperate with the nuclear-armed states of China, India and Pakistan in relation to any aspect of nuclear materials or technology which could in any way support nuclear reactor operation, nuclear power generation or uranium enrichment, all of which could contribute to nuclear weapons.
- Australia should not undertake nuclear cooperation which assists or promotes the use of nuclear power, which inevitably increases proliferation dangers.
- Australia should wherever possible, in its domestic nuclear activities as well as in international nuclear cooperation, invest in and support the development and use of nuclear technologies only where they offer clear and unique advantages over other technologies.
- In civilian applications where nuclear technologies have unique and demonstrable advantages, such as in certain medical applications, wherever possible, Australia should invest in and support production of isotopes using accelerators rather than nuclear reactors. Accelerators involve none of the security, terrorist, accident, waste and proliferation risks which are associated with nuclear reactors. There is now good evidence from Canada that the most important and widely used medical isotope, technetium- 99m, can be produced in commercial accelerators which are already deployed in major hospitals.<sup>9</sup> Australia should be investing in and promoting accelerator-based isotope production wherever feasible both domestically and in its international nuclear cooperation programme.

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<sup>9</sup> <http://www.triumf.ca/sites/default/files/NR-Isotopes-20-Feb-2012-vFINAL.pdf>