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The Secretary
Joint Standing Committee on Treaties
House of Representatives
PO BOX 6021
Parliament House
Canberra ACT 2600

11 June 2008

Dear Secretary

Re: International Campaign to Abolish Nuclear Weapons (ICAN) submission on the proposed Agreement between the Government of Australia and the Government of the Russian Federation in the Use of Nuclear Energy for Peaceful Purposes.

The International Campaign to Abolish Nuclear Weapons (ICAN) welcomes the opportunity to contribute to this Inquiry by the Joint Standing Committee on Treaties. The question of a nuclear agreement between the Russian Federation and Australia warrants rigorous scrutiny.

The International Campaign to Abolish Nuclear Weapons (ICAN) was launched in 2007 as a central campaign of the International Physicians for the Prevention of Nuclear War (IPPNW), of which the Medical Association for Prevention of War (MAPW) is the Australian affiliate. With IPPNW affiliates in 60 countries around the world, this campaign is growing exponentially and has received endorsement from a number of experts and world leaders, such as Hans Blix and the Dalai Lama. In Australia, the campaign has been endorsed or supported by many organisations and individuals, including former Prime Minister Malcolm Fraser, former Minister for Foreign Affairs, Gareth Evans and the current Attorney-General, Robert McClelland MP.

ICAN Australia works to strengthen efforts both in Australia and internationally to promote the abolition of nuclear weapons. The core objectives of ICAN are to create a groundswell of public opinion in countries across the globe on the urgent imperative to abolish nuclear weapons, building political will towards a Nuclear Weapons Convention to achieve this. A Nuclear Weapons Convention would be a comprehensive, binding international legal instrument that fulfils the disarmament commitments made within the Nuclear Non-Proliferation Treaty.

While ICAN recognises that the previous 1990 agreement between the Government of the Union of Soviet Socialist Republics and Australia is outdated and increasingly obsolete, the new proposed treaty is deeply flawed and unsupportable for a range of reasons.

We briefly outline our key concerns with this treaty in the attached pages, but would appreciate an opportunity to appear before a public hearing of the JSCT Inquiry to discuss these matters in greater detail.

For any further information on issues raised in this ICAN submission please contact Dr Bill Williams (0428 616 245 or email bill.williams@mapw.org.au), Assoc Prof Tilman Ruff (after 22 June on 0438 099 231 or email: tar@unimelb.edu.au) or Dimity Hawkins (0422 612 702 or email dimity@icanw.org).

Thank you for your consideration of these matters; we look forward to discussion of these issues with the Committee.

Yours sincerely,

Associate Professor Tilman Ruff
Australian Chair

Dr Bill Williams
Australian Board Member

Dimity Hawkins
Australian Board Member

ICAN Australia submission

on the proposed Agreement between the Government of Australia and the Government of the Russian Federation in the Use of Nuclear Energy for Peaceful Purposes.

11 June 2008

Australia must be a leader in nuclear disarmament

In a major foreign policy speech in March 2008, the Prime Minister Kevin Rudd committed the Labor Government to an “activist Australian international policy in areas where we believe we may be able to make a positive difference.” One of the areas Mr Rudd cited was nuclear non-proliferation. More recently, during his visit to Japan (June 2008) Prime Minister Rudd spoke of the people of the world aspiring to a world free of nuclear weapons and of his intention to establish an international Nuclear Non-proliferation and Disarmament Commission co-chaired by former Foreign Minister Gareth Evans, to progress the elimination of all nuclear weapons.

Australia has in the past played a crucial role in advancing nuclear disarmament. Australia hosted the Canberra Commission, which reported in 1996, and has been an active player in negotiations around the nuclear Non-Proliferation Treaty (NPT), the Comprehensive Test Ban Treaty (CTBT) and other international instruments. ICAN Australia welcomes Mr Rudd’s announcements and advocates for Australia to take a more active and distinctive role in international diplomatic and practical efforts to bring the vision of a world free from nuclear weapons into reality.

As Gareth Evans said on Tuesday 10 June on Radio National when being interviewed about the new Commission of which he is Co-Chair, “By virtue of our uranium resources we have a particular responsibility to get right the way in which those resources are used, and to ensure that they ... never ever get diverted into horrific weapons of mass destruction”.

In particular, ICAN Australia urges the Government to consider the model Nuclear Weapons Convention first submitted to the United Nations in 1996, and up-dated and submitted to both the NPT Preparatory Committee meeting and the United Nations General Assembly in 2007 (see Appendix One: “*Securing Our Survival: the case for a Nuclear Weapons Convention*”, 2007).

This Joint Standing Committee has both the mandate and the opportunity to reject an Agreement that would further enmesh Australia in the increasingly hazardous international nuclear industry. There are inherent contradictions in being a world supplier of the raw material of the nuclear fuel chain whilst also aspiring to be a leader on disarmament and non-proliferation. There are no obligations for Australia to proceed with ratification of this Agreement, and given the hazards that it would entail, ICAN Australia urges this Committee not to approve this Nuclear Cooperation Agreement with the Russian Federation.

Russia is in clear breach of its NPT obligations

Russia is the nuclear weapon state (NWS) with the largest stockpile of nuclear weapons. Currently the estimated Russian stockpile is 15,000, with around 2,500 on high alert, launch-on-warning status.

38 years after the entry into force of the nuclear Non-Proliferation Treaty (NPT), like other nuclear weapon states, Russia is in clear breach of its NPT obligations by investing in new nuclear weapons and failing to disarm.

Article VI of the NPT states:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control.

It is unacceptable for Australia to export uranium to a nuclear weapon state which is not fulfilling its obligations under the NPT. All nuclear weapon states, including Russia, are clearly failing to meet their obligations under the NPT and subsequent commitments such as the 13 Practical Steps universally agreed to at the 2000 Review Conference of the NPT (see Appendix Two: “*Understanding the nuclear Non-Proliferation Treaty*”, produced by the Medical Association for Prevention of War Australia, 2007).

The inherent links between peaceful and military nuclear technologies

Nuclear weapons elimination will be more difficult in a world where nuclear power reactors and the nuclear fuel chain are operating on a massive scale. The inextricable links between the civilian nuclear industry and the military nuclear industry mean that there are always risks that so-called peaceful technology will be diverted to military applications.

As early as 1946, “A report on the international control of atomic energy” authored by Dean Ascheson and David Lilienthal, noted:

“The development of atomic energy for peaceful purposes and the development of atomic energy for bombs are in much of their course interchangeable and interdependent.”

This early observation of the difficulty of maintaining meaningful segregation between peaceful and military uses of nuclear materials has been proven correct time and again in subsequent years, with four countries now standing outside of the NPT, all of whom developed nuclear weapons from previously ‘peaceful purpose’ facilities. These countries are Israel, India, Pakistan and North Korea.

Nuclear power: A false environmental justification

It is noted in the National Interest Analysis [2008] ATNIA 14 for this Treaty, that

“Russia is proposing at least a two-fold increase in its nuclear energy output by 2020. ... Although Russia currently sources most of its uranium from domestic stocks, it will need to import uranium to fuel its expansion. ... Currently Russia has 31 operating nuclear power plants providing about 16% of its electricity demand. By 2020 overall electricity demand in Russia is projected to double, which Russia plans to meet in part by building up to 40 new nuclear power plants – more than doubling the total electricity generating capacity of nuclear power.”

It is proposed that this deal would allow Russia to reduce greenhouse gas emissions and atmospheric pollution through the use of nuclear power.

These proposals do not take into account the considerable risks of accidents, terrorist attack, inadequate waste disposal options, and the slow, costly, non-renewable and far from greenhouse-neutral nature of nuclear power generation. The question of the broader impacts and environmental and human costs of uranium mining and the risks of export of these materials have not been adequately addressed in the proposed agreement. It is a false environmental justification for a highly risky and short term nuclear ‘solution’.

Risks associated with enrichment and reprocessing

The most proliferation sensitive aspects of the nuclear fuel chain are enrichment and reprocessing. Until uranium exports are phased out, their associated proliferation dangers could be dramatically reduced by:

1. Australia not allowing Australian Obligated Nuclear Materials (AONM) to be enriched in new facilities and by requiring all facilities enriching AONM to be under international monitoring and control; and
2. not allowing reprocessing - which essentially cannot be effectively safeguarded - of spent nuclear fuel containing AONM

According to the 2007 Global Fissile Material Report of the International Panel on Fissile Materials, Russia holds an estimated stockpile of 985 tons of highly enriched uranium – directly usable in nuclear weapons. This is well over half the global stockpile, and sufficient for 39,400 nuclear weapons. Despite extensive United States (US) and European Union (EU) supported efforts over a number of years to adequately secure both nuclear weapons and fissile materials in Russia and other parts of the former USSR, this task is far from being completed. Russia also still has 71 of the world’s 140 research reactors which are fuelled by highly enriched uranium (HEU), and does not have a policy of domestic clean-out of HEU and closure of such reactors, or their conversion to low enriched uranium, which cannot be directly used in nuclear weapons. Fifty-four of these Russian reactors are civilian, and in total 30 tons of HEU are estimated to be stored at these many, often poorly secured, civilian facilities.

Russia also holds an estimated 186.2 tons of *separated* plutonium – also directly usable in nuclear weapons. The US has declassified the fact that four kilograms of weapons grade plutonium are sufficient for a high-yield nuclear weapon – the current Russian stockpile is therefore sufficient for 47,000 nuclear weapons.

Managing these vast quantities of fissile materials, and the radioactive waste that may be generated, as safely as possible for essentially the indefinite future is a major challenge, without exacerbating the problem.

The Russian proposal for a multinational enrichment plant at Angarsk, that will be open to International Atomic Energy Agency (IAEA) safeguards, is a step in the right direction of minimising the inherent proliferation dangers associated with uranium enrichment capacity. However, by itself this is insufficient to remove the risk of AONM contributing to nuclear weapons proliferation, as Russia has three other enrichment plants which have not been offered for application of IAEA safeguards.

It is also a positive step that the proposed treaty with Russia stipulates that AONM will not be enriched to 20% or more U-235 or reprocessed without prior written consent of the supplier Party. This is a modest improvement on the previous such treaty, with China, which embodied blanket ‘programmatic’ approval for reprocessing.

However, these requirements are essentially toothless and unenforceable. To the best of our knowledge, Australia has never rejected a request to reprocess AONM.

The inadequacy of the international safeguards system

IAEA safeguards – inadequate as they are - are severely limited in their application to nuclear weapon states including Russia, and cannot be relied upon to prevent diversion of AONM to nuclear weapons. If such diversion did occur, it would be very difficult to detect, and highly likely that this would never be known. If it were detected, there is very little if anything Australia could do apart from suspend further supply.

Nuclear weapon states can choose which facilities are eligible for safeguards. Russia limits IAEA safeguards to several nuclear power stations and nuclear research reactors, thereby placing Russia's extensive fuel cycle, including enrichment and reprocessing plants, outside the scope of its voluntary offer agreement with the IAEA, except for its recent offer regarding the Angarsk plant. Russia has the most limited application of IAEA safeguards of any of the nuclear weapon states. According to the authoritative International Panel on Fissile Materials, a uranium storage facility removed from Iraq pursuant to Security Council Resolution 687 was the subject of *the only* actual IAEA inspection of a nuclear facility undertaken by the Agency since Russia's voluntary offer was concluded in 1985.

As recommended by the International Panel, to be consistent with the NPT and the decisions of the 1995 and 2000 NPT Review Conferences, the regulation of fissile materials in all states should be approached as if the world is preparing for complete nuclear disarmament. This implies a commitment to a treaty on fissile materials and to the extension of international safeguards to all nuclear facilities and materials in the nuclear weapons states, as elsewhere.

ICAN supports the findings of the 2006 *"An Illusion of Protection: the unavoidable limitations of safeguards on nuclear materials and the export of uranium to China"* report produced by the Medical Association for Prevention of War Australia and the Australian Conservation Foundation. ICAN Australia commends this report to the Committee (see Appendix Three: *"An Illusion of Protection: The unavoidable limitations of safeguards on nuclear materials and the export of uranium to China"*, 2006).

Nuclear security in Russia

Despite major international collaborative efforts continuing over a number of years, the security of nuclear facilities, materials and weapons in Russia remain of profound concern. Dr Mohamed ElBaradei has recently estimated that only half of nuclear materials have been reasonably secured. Russia and states of the former USSR have been involved in the large majority of documented instances of nuclear smuggling (1,346 instances on the IAEA Illicit Trafficking Database between 1993 and 2007). The Oxford Research Group has estimated that a total of 40kg of weapons-usable uranium and plutonium had been stolen from poorly guarded facilities in the former Soviet Union by 2002.

The precise numbers of nuclear weapons produced in the USSR is not known, exacerbating the difficulty of ensuring that all such weapons are secure from the well-organised and resourced international terrorist networks such as Al Qaeda, which have repeatedly expressed both the desire and undertaken efforts to acquire nuclear weapons or fissile materials.

The legacy of environmental contamination and exposure of both nuclear power and nuclear weapons workers, and downwind and downstream communities, to hazardous radioactivity and chemical contamination is worse in Russia than in any other country.

A number of reactors of the inherently accident-prone RKMB type, similar to the Chernobyl reactor, which was involved in the world's worst non-weapons related nuclear disaster, still operate in Russia.

ICAN Australia asserts that providing further nuclear material to Russia will exacerbate the terrorist, environmental and health risks associated with Russian nuclear facilities and materials.

LIST OF ATTACHMENTS

Appendix One attached:

Securing Our Survival (SOS): the case for a Nuclear Weapons Convention
International Physicians for the Prevention of Nuclear War (IPPNW) et al
2007

Online: icanw.org/securing-our-survival

Appendix Two attached:

Understanding the nuclear Non-Proliferation Treaty
The Medical Association for Prevention of War (Australia)
September 2007

Online: www.mapw.org.au/download/understanding-nuclear-non-proliferation-treaty

Appendix Three attached:

An Illusion of Protection: The unavoidable limitations of safeguards on nuclear materials and the export of uranium to China
The Australian Conservation Foundation and the Medical Association for Prevention of War Australia
October 2006

Online: www.mapw.org.au/link/illusion-protection