

Women's International League for Peace and Freedom
Ligue internationale des femmes pour la paix et la liberté
Liga Internacional de Mujeres por la Paz y la Libertad
Internationale Frauenliga für Frieden und Freiheit

Consultative Status with United Nations ECOSOC, UNCTAD and UNESCO

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25th February 2009

The Secretary
Joint Standing Committee on Treaties
PO Box 6021, Parliament House
Canberra ACT 2600

Dear Secretary

Please find attached our organisation's submission to the Joint Standing Committee on Treaties' Inquiry into Nuclear Non-proliferation and Disarmament. This submission is made on behalf of the national and international levels of our organisation.

Noting that the date for submissions was January 31st, 2009, we thank you for the extension of time in which to submit our comments and appreciate that the final date for our submission is today, Wednesday 25th February 2009.

Appended to our submission is an important annex entitled "The Relevance of Gender for Eliminating Weapons of Mass Destruction". This paper which was presented to the Blix Commission was authored by Carol Cohn with Felicity Hill and Sara Ruddick. It explores the question of how gender has been inadequately addressed to date in the conduct of debates worldwide on issues of WMD including nuclear disarmament and non-proliferation. Because women have been inadequately represented in these debates, we implore the JSCT to look to gender balance in issuing invitations to persons to give evidence in the Committee's hearings when they are scheduled. Ray Acheson, Director of our organisation's Reaching Critical Will project, is based in New York and would be pleased to make herself available by video-link to speak to our submission. We sincerely hope that we will have the opportunity to speak to our submission and supply greater detail.

Yours sincerely

Cathy Picone and Ruth Russell
Joint National Coordinators, Australian Section



**Submission from the Women's International League for
Peace and Freedom**

**to the Joint Standing Committee on Treaties'
Inquiry into Nuclear Non-proliferation
and Disarmament**

Submission prepared for WILPF by
Ray Acheson, Cathy Picone and Celeste Salter
February 2009

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Introduction

This submission is made on behalf of the national and international levels of the Women's International League for Peace and Freedom (WILPF), the world's oldest women's peace organisation.

Established in Europe in 1915 during World War I by 1300 women leaders that gathered in The Hague, from the outset WILPF called for disarmament, for equality between women and men and among nations, for a world institution that would provide continuous machinery to mediate arising conflicts to prevent them from growing into war. WILPF has been working ever since to study, make known, and abolish the causes of war. Internationally and locally, WILPF works for nuclear disarmament, social, racial and environmental justice, for human rights and an end to wars as a means of dealing with human conflict.

Total and universal disarmament has been one of the goals of WILPF since its inception in 1915.

Prior to the establishment of the United Nations, WILPF was particularly active around the League of Nations, organising a global petition signed by over 9 million people to bring pressure to bear on the Disarmament Conference of 1932-33. That particular conference saw the first precedent in diplomatic history of non-governmental organisations addressing governmental delegates. The first speakers in this first NGO presentation to governments were women. The 15 Women's Organisations, including WILPF, had a membership of forty-five million. It was calculated that the entire panel of speakers and their organisations represented more than a thousand million members, a constituency in 1932 of almost half the human race, and more than half the adults, who were basically ignored by their governments.

Our organisation has worked actively against nuclear weapons since they were invented. Because of the inextricable link between nuclear reactors and nuclear weapons, as well as for the documented proliferation, economic and health impacts, our organisation is opposed to nuclear energy.

WILPF was in the first group of non-governmental organisations to receive consultative status with the United Nations' Economic and Social Council (ECOSOC) in 1948 and later with UNESCO. From its inception, WILPF has witnessed the extent to which the sovereignty-defying nuclear weapon, occurring simultaneous to the sovereignty-based United Nations, has both marked and undermined the political structures of our times, and has influenced and affected the United Nations, particularly the radioactively contaminated Security Council.

WILPF has played an active role in the Special Sessions on Disarmament, in the Non Proliferation Treaty conferences, and in the Conference on Disarmament. Providing an NGO draft document during the negotiation of the NPT, ours is the only non-governmental organisation to have attended every single Review Conference and Preparatory Committee of the nuclear Non-Proliferation Treaty (NPT). Since 1984, WILPF has worked with other NGOs to organise a seminar linking 8 March – International Women's Day – with disarmament, peace and security issues. Each year, a report and statement from the NGO conference has been read into the record of the Conference on Disarmament (CD), the only official oral statement from NGOs to this body.

In 1999, WILPF established the [Reaching Critical Will](#) project to enhance the preparation and participation of non-governmental organisations in the work of disarmament diplomacy, decoding the technical language and providing ongoing reporting of what governments are saying and doing. WILPF maintains that empowering women to participate in this work is necessary given the extreme gender asymmetry resulting in a democracy deficit in disarmament decision making.

Our Reaching Critical Will website (which places all speeches and draft resolutions and working papers online from the NPT, the Conference on Disarmament and the General Assembly First Committee) is widely used by diplomats, Foreign Ministries and non-governmental organisations around the world.

Australia in the Current Context

WILPF warmly welcomed the visit of the Prime Minister to Hiroshima, and was proud that he was the first serving western leader to do so. The organisation also welcomed the establishment of the joint Australia-Japan Commission, as well as this present opportunity to convey our concerns to the Joint Standing Committee on Treaties regarding the current state of the global disarmament and non-proliferation machinery and Australia's performance and potential in disarmament and non-proliferation diplomacy.

Described as rusty through lack of use by Kofi Annan, the global disarmament machinery could equally be described as flaccid due to lack of exercise, while simultaneously brittle with frustration. Due to lack of good faith negotiations on disarmament, many countries grow exceedingly frustrated with the NPT, the CD and the General Assembly. Hopes are high that the election of President Obama will remove the obstacles to forward movement, but it should be recalled that while the Bush Administration was a huge obstacle to evolution on disarmament, many states support them in their efforts, including Australia, and other states that do not want progress hid behind the US.

The Bush Administration led "war on terror" has been used to strongly emphasise the dangers of nuclear proliferation (the spread of nuclear weapons to new states) over disarmament (the elimination of existing nuclear arsenals as per treaty obligations), and has provided new political, doctrinal and operational pretexts for the possession of nuclear weapons, and the development of new weapons systems. The Howard government was a willing accomplice in the war on terror, and the work of our diplomats in disarmament fora over the last eight years has been constrained and, in many respects, unhelpful. The perception of Australia and our diplomats has fallen, dramatically, despite the high calibre of the rare individual, such as Ambassador Millar.

Repeatedly, high-level reports, the Canberra Commission and many others, including most recently the report "Weapons of Terror" from the UN Weapons of Mass Destruction Commission chaired by Hans Blix, have affirmed the inextricable links between non-proliferation and disarmament. Former UN Secretary-General Kofi Annan, and former senior US officials Robert McNamara, George Schultz, William Perry, Henry Kissinger and Sam Nunn have all recognised that **it is only when nuclear weapons are seen to have reduced security utility and symbolic power that others will not seek them.**

Over decades, WILPF has vigorously supported the obvious idea, outlined by many governments in numerous multilateral forums and through agreed documents, that reducing the role of nuclear weapons in security policies is an important step towards nuclear disarmament.

Australia's security policies continue to involve us in doctrines that support the ongoing existence (even the first use) of nuclear weapons through our involvement in the US alliance. Rather than giving a reduced role for nuclear weapons which has long been understood as a vital step towards disarmament, Australia endorses nuclear terror by sending a message that nuclear weapons have security utility and symbolic power. Australia's diplomatic efforts towards nuclear disarmament have a dramatically reduced credibility or hope of success while this remains our policy.

As an ally of the US, Australia has a contribution to make. Australia has an opportunity to stop lending bases, ports and infrastructure for the US nuclear war fighting apparatus, while also lending weight and credibility to the idea that nuclear weapons bring security. Until Australia adopts a non-nuclear defence posture, thereby ceasing to rely on nuclear weapons, our government will continue to send contradictory messages to the international community and play a less than constructive role in nuclear disarmament diplomacy.

WILPF members believe that middle powers like Australia can play an important role in efforts to reinvigorate international efforts for nuclear disarmament and non-proliferation. The New Agenda Coalition – which Australia finally supported in 2008 – has demonstrated that there is an important role for middle-ranking powers, especially when they act in coalition with other states. This may serve as a model for Australia to emulate.

Indiscriminate Weapons are Illegal

The advisory opinion of the International Court of Justice of 8 July 1996 supports the view that “the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.”¹

Since international humanitarian law prohibits the targeting of non-combatants, and since nuclear weapons (with very few exceptions²) are, by their very nature, intended as weapons of mass destruction (WMD) against civilians living without combatant status, we believe that there exists a moral as well as a legal obligation on the nuclear-weapon States (NWS) to proceed “in good faith” as per Article VI of the NPT to nuclear disarmament.³

Because nuclear weapons are the ultimate indiscriminate weapons, military postures that envisage the use of nuclear weapons, including against conventional attack or attacks with other WMDs as the US government’s current posture states, violate international humanitarian law. Thus, we believe that the Australian government has a moral obligation to assist all efforts to move towards a world free of nuclear weapons.

Australia's Proximity to the United States – An Opportunity to Advance the Agenda

Since our ally, the United States of America still holds the world’s most powerful arsenal of nuclear and conventional weaponry, it is essential to bring the US along for any disarmament and non-proliferation efforts to succeed. Obama and Biden have both clearly stated their goal of a world without nuclear weapons, and their intentions to pursue it. According to the White House website they will, “take several steps down the long road toward eliminating nuclear weapons. They will stop the development of new nuclear weapons; work with Russia to take U.S. and Russian ballistic missiles off hair trigger alert; seek dramatic reductions in U.S. and Russian stockpiles of nuclear weapons and material; and set a goal to expand the U.S.-Russian ban on intermediate-range missiles so that the agreement is global.”

The Obama Administration's Nuclear Posture Review: In addition to sending the signal that Australia wishes to denuclearise the US Alliance, Australia should encourage the Obama Administration's Nuclear Posture Review to depart dramatically from the Bush/Cheney NPR which greatly expanded the role of nuclear weapons, in particular, to address chemical, biological and conventional weapons. Rather than working towards “a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination”⁴, the Bush Administration outlined a new nuclear security doctrine whereby the use of nuclear weapons was put front and centre: nuclear weapons could be used both strategically and non-strategically. In addition, the 2002 NPR took the US away from any undertaking of “no-first-use”, all of which should be reversed.

Efforts towards ratification of the Comprehensive Test Ban Treaty: Our colleagues in Washington DC indicate that the Obama Administration will require strenuous, consistent and high level encouragement to build towards US ratification of the Comprehensive Test Ban Treaty. The Article 14 conference in September this year focused on Entry Into Force should be attended at the highest level from Australia, and our diplomats should be signaling that the US should be represented at the highest level by the Secretary of State.

Nuclear Non-Proliferation Treaty: At this time, although under grave threat, the Nuclear Non-Proliferation Treaty (NPT) remains the centrepiece of the international machinery for the achievement of nuclear disarmament. The 2007 and 2008 Preparatory Committees for the 2010 Review Conference faced some

¹ American Law Society of International Law: <http://www.asil.org/insight5.cfm>

² Under the Nuclear Posture Review of the Bush Administration, some small number of the US nuclear arsenal is intended for use as battlefield weapons. The point still remains that the great majority of these weapons are WMD.

³ Article VI, NPT: Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to 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.

⁴ From the Thirteen Steps of the 2000 NPT RevCon

procedural hurdles that reminded participants of the challenges in 2005. Of course, substantive issues are at the heart of procedural ones. The continued debate between non-proliferation first or disarmament first, the tensions between those accused of non-compliance with their obligation to disarm and those accused of non-compliance with their commitment to not develop or acquire nuclear weapons, and the overwhelming non-implementation and regression from the 13 practical steps to nuclear disarmament have resulted in a substantive stalemate.

Many diplomats and civil society activists have faith that the new US administration will take a different line on the NPT and on nuclear disarmament. President Obama's promise to work toward nuclear abolition is encouraging; however, his Defense Secretary's passion for renewing the US arsenal through the Reliable Replacement Warhead program is not promising. Thankfully, the US economic stimulus bill adopted in February did not include the Senate-proposed \$1 billion for nuclear warhead spending,⁵ however, this merely retained the status quo rather than making ground toward abolition.

Participants can and should, however, expect a greater commitment to multilateralism from the US delegation at the NPT. It is difficult to imagine a regime more hostile toward international law, treaties, and multilateralism than the Bush administration. If nothing else, a spirit of cooperation and respect from the US delegation at the next PrepCom would go a long way to smoothing the road to progress at the Review Conference.

There are some key opportunities for progress at the 2009 PrepCom and the 2010 Review Conference that WILPF urges Australia to take up. Over the course of the first and second PrepComs, several delegations made substantial, concrete proposals on specific issues related to strengthening and implementing the NPT. Some of these proposals have generated broad interest, momentum, or convergence, suggesting they are or could be ripe for action by the 2010 Review Conference. These include:

Revitalising the “practical steps” to nuclear disarmament: The overwhelming majority of delegations have argued that the 13 practical steps, unanimously adopted at the 2000 Review Conference, still constitute the roadmap for implementing Article VI. Many delegates reiterated the need for the steps to be recommitted to, reported on, and implemented. Some suggested the steps could be updated or “refreshed” to reflect changes since 2000.

Implementing the 1995 resolution on the Middle East: To some states, establishment of a nuclear weapon free zone in the Middle East constitutes a fourth pillar of the NPT. This goal is at the heart of the bargain to extend the Treaty indefinitely in 1995; it is bound to a related, identified goal of states parties—achieving the Treaty's universality; and it has implications for global security concerns, including the Middle East peace process.

Increasing transparency through reporting: A number of delegations increased their calls for a standardized reporting mechanism as a means to creating “an environment more suitable for nuclear disarmament” by raising the level of transparency, accountability, and trust among NPT states parties.

Establishing a standing NPT secretariat: Several delegations spoke in favour of a standing secretariat to coordinate and manage the NPT's meetings and processes. A secretariat would provide consistency throughout review cycles: it would be able to focus year-round on implementing the Treaty's provisions; keeping track of, standardising, and assessing proposals and reports; providing outreach to member states; and increasing transparency and balance of the implementation of all three pillars. It could, in essence, actually become a framework for achieving the objectives of the NPT. The US delegation has said that a standing secretariat would not be useful, but the majority appear willing to consider an institutional framework for the NPT.

⁵ See the Los Alamos Study Group for more information. www.lasg.org

International Atomic Energy Agency Safeguards

In recent years, the nuclear industry lobby has used the cover of debate around climate change and global warming to press their case for increased use of uranium in energy programs around the world. Their substantial propaganda and lobbying efforts appear to have been successful.⁶

As global warming takes hold and in light of the likelihood of a greatly increased use of nuclear materials in civilian nuclear reactors, and of an increased number of civilian nuclear reactors around the world, there will be a much higher risk of accident. The question therefore as to whether civilian nuclear activities are compatible with nuclear disarmament must be examined with renewed vigour. We believe the two are not compatible. We believe that there is an inextricable link between civilian and military nuclear applications.⁷ However, assuming that the increases predicted for civilian nuclear programs do eventuate as the nuclear industry wishes and predicts, in light of a future increased rate of activity, improvements are urgently required in the International Atomic Energy Agency (IAEA) safeguards.

Dr Mahamed El Baradei, Director General of the IAEA, has been quoted as saying that the basic safeguards system of the IAEA is “fairly limited” and efforts to improve it have been “half hearted” because of the IAEA’s “shoestring budget.”

As well as an increased budget to allow it to do its work effectively, improvements to IAEA safeguards are needed such as:

- The mandate of the IAEA needs to be expanded to include searching for evidence of weaponisation;
- The frequency of IAEA inspections needs to be increased;
- All yellowcake and other nuclear materials such as neptunium-237 need to be placed under the safeguards;
- The safeguards need to be redesigned to enable detection of violations of smaller amounts of nuclear material;
- The safeguards need to be redesigned to give timely warning and convincing evidence of a violation including spot checks of all states parties including NWS⁸; and
- Closer cooperation between the IAEA and national intelligence agencies would likely increase the acceptability of evidence of violation.⁹

In addition, although in the short to medium term, stocks are likely to be adequate to meet the anticipated increases in world demand for uranium ore, in the long term, uranium could be depleted if there is rapid growth of demand. Depleted uranium is an extremely dangerous substance with severe health impacts¹⁰ and would raise additional issues.

⁶ For instance, Sweden very recently announced that it would backtrack on previous bans on civilian nuclear power in announcing a new wave of nuclear reactor construction.

⁷ The five declared nuclear-weapon States - the US, the UK, Russia, France, and China - routinely transfer personnel from their “peaceful” nuclear programs to their WMD programs. Nuclear power plants can easily be adapted to process their residual material for military purposes including nuclear propulsion for military non-nuclear applications, and munitions, including depleted uranium munitions.

⁸ For instance, it is well known that China as an NWS is reticent to divulge any nuclear accidents. In 2005 – a Level 2 accident was revealed one year after it occurred. It was only revealed when China could no longer avoid reporting it.

⁹ From *Abolishing Nuclear Weapons*, Adelphi Paper 396, by George Perkovich and James M Acton, International Institute of Strategic Studies, London, August 2008

¹⁰ See the testimony of US veteran Doug Rokke, an expert on depleted uranium and himself a sufferer of its deleterious and carcinogenic impacts: <http://www.mindfully.org/Nucs/2003/Rokke-Depleted-Uranium-DU21apr03.htm>. Depleted uranium is now used by the US military as a heavy metal in some artillery but as it vapourises upon impact with its contents becoming airborne, it can be inhaled. In this form, it has been associated with an increasing rate of leukemia and other cancers among children in Iraq, for instance. For more detail, see: *Children of the Gulf* war photographic exhibition: <http://www.wilpf.org.au/latenews.html>

Bilateral Agreements between United States and Russia: START Agreement/s

Concluded in 1991, the Treaty on the Reduction and Limitation of Offensive Arms (START I) obligated the United States and the Soviet Union/Russia to each reduce their total number of strategic nuclear delivery vehicles to no more than 1600 total and to reduce their associated nuclear warheads to no more than 6000. The Treaty provided for phased reductions, with the final phase to be completed by 5 December 2001. Both fulfilled their commitments under the Treaty. The US and Russia subsequently agreed that START I would remain in force. It is set to expire on 5 December 2009.¹¹

The US and Russian governments have both expressed interest in negotiating a follow-on treaty to START. High-level talks have been ongoing since 2007. In December 2008, a team of US policy and technical experts went to Moscow to discuss replacements for START. Russia's Deputy Foreign Minister Sergei Ryabkov said the consultations were useful but that serious differences remain. US negotiator John Rood, Under Secretary of State for Arms Control and International Security, stressed that Moscow and Washington were in agreement on reaching a new accord to replace START, though differences in scope and many elements of a new treaty still remain. Reportedly, the US has submitted a draft treaty for Russian consideration, which the Russians have responded to with comments for US consideration. Both sides seem fairly confident they will be able to negotiate a follow-on treaty before START expires, though it is still very unclear what the treaty might look like.

It is also important to consider what fulfillment of these reductions actually means. For example, while the United States has "reduced" to about 2200 deployed warheads, which is the goal of the Strategic Offensive Reductions Treaty (SORT), it still maintains over 5000 weapons in reserve, available for deployment at any time. An additional 3000–4000 are widely considered to be waiting dismantlement. Furthermore, the reductions were not transparent, irreversible, or verifiable.

The Australian government should encourage the United States and Russia to negotiate a verifiable, transparent, irreversible treaty that reduces each side's nuclear weapons to zero. Preferably, this step could be included in the negotiation of a comprehensive Nuclear Weapons Convention, which would ensure that other nuclear-weapon States would also eliminate their nuclear weapons.

The Situation between India and Pakistan

Nuclear issues in South Asia centre around nuclear-armed India, which tested its first nuclear explosive device in 1974, and Pakistan, which tested its first nuclear explosive in 1998. After the 1974 Indian test, Pakistan proposed a South Asian nuclear weapon free zone in the UN General Assembly. Since 1976, the General Assembly has repeatedly passed resolutions calling for the establishment of such a zone, although, after 1998, both India and Pakistan have opposed these calls. Neither country is party to the NPT and both have refused international calls to accede to the Treaty as non-nuclear-weapon States. Nuclear arms control efforts in South Asia have been limited to minor confidence-building measures primarily intended to reduce the risk of accidental nuclear war, culminating in a 1999 memorandum of understanding, which established a framework for future measures. Despite these minor steps, both states have vowed to retain their nuclear arsenals as "necessary deterrents," absent progress toward global nuclear disarmament by the other nuclear-weapon States. Although both countries declared moratoria on further nuclear testing in 1998, each reserves the right to continue testing and neither has signed the Comprehensive Test Ban Treaty. Both continue to produce fissile material for nuclear weapons.

In July 2005, US President Bush and Indian Prime Minister Singh announced a proposal under which the US would restore full civil nuclear cooperation with India in order to facilitate India's acquisition of advanced nuclear technology and development of nuclear power. In the joint statement, President Bush undertook to change US law and policies and international regimes to achieve this goal. In exchange, Prime Minister Singh agreed India would identify and separate its civilian and military nuclear facilities and programs, placing its

¹¹ Overview taken from *Arms Control Reporter Volume 26: 2007*, a joint publication of WILPF and the Lawyers' Committee on Nuclear Policy.

civilian facilities under comprehensive IAEA safeguards and the Additional Protocol (which India has now signed but not ratified); continue its unilateral moratorium on explosive nuclear testing; work to conclude an FMCT; support international efforts to constrain the further spread of uranium enrichment and plutonium reprocessing; and adhere to nuclear and missile technology export control guidelines.

There has been extensive criticism of the deal from both inside India and the United States and internationally. Within India, opposition has come from the Communist Party and from top nuclear scientists, who claim the deal provides the US too much control over India's nuclear program and that it could harm the country's nuclear deterrent capacity by exposing its nuclear capabilities. US lawmakers and Pakistani government officials, along with NGOs, claim the deal risks causing a destabilising South Asian nuclear arms race. NGOs have also asserted that it weakens the NPT by providing India with benefits applicable only to states that are party to the NPT.¹²

In December 2006, US Congress approved legislation changing US law to allow US exports of civilian nuclear fuel and technology to India for the first time in 30 years. The approval was granted, however, with the conditions that the US and India conclude a formal nuclear cooperation agreement, that India and the IAEA conclude a nuclear safeguards agreement, and that the deal is approved by the Nuclear Suppliers Group. In July 2007, an operating agreement adopted by Bush and Singh, known as the 123 agreement, sought allowances for India to reprocess spent nuclear fuel under IAEA safeguards. Under this agreement, the US would also support the creation of an "Indian strategic fuel reserve" and allow India access to the international fuel market.

The 45-member Nuclear Suppliers Group met on 22 August 2008 to discuss whether or not the Group would lift a ban on nuclear trade with India. The Group had to agree to allow nuclear fuel and technology exports to India for its civilian atomic energy program to help seal the US-India Deal. However, the meeting ended inconclusively after several delegations, including Austria, Ireland, the Netherlands, New Zealand, Norway, and Switzerland raised concerns about the deal undermining the nuclear Non-Proliferation Treaty (NPT), which India has not joined.

At the August meeting, Australia voted in support of the US-India deal and was even rumoured to have been lobbying other countries to approve it. Almost half the suppliers' group membership proposed about 50 amendments to the US draft for a waiver that would allow India to do business with the cartel. The amendments reportedly seek to impose three main conditions on the exemption for India: periodic review of India's compliance with non-proliferation commitments; explicit exclusion of uranium enrichment and reprocessing of spent-fuel technologies from what can be exported to India; and no more nuclear trade with India if it conducts another nuclear weapon test. The Group met again on 4-6 September to discuss the matter further. After intense pressure from the United States, the six hold-out governments capitulated and approved the waiver.¹³

Nuclear Weapon Free Zones

Nuclear Weapon Free Zones (NWFZs) prohibit the testing, stationing, development, and use of nuclear weapons inside the designated territory. These zones can range from single states to geographical regions or international areas. Within these zones, countries may only use nuclear energy for peaceful purposes. Their establishment is recognised by Article VII of the nuclear Non-Proliferation Treaty, and the UN General Assembly outlined the criteria for NWFZs in 1975. With NWFZs, countries can establish preventative disarmament measures without the cooperation of the nuclear-weapon States and can thus establish a common security system.

NWFZs currently exist in Latin America and the Caribbean, the South Pacific, Southeast Asia, Africa, and Central Asia, as well as in single states including Mongolia, New Zealand, Austria, and the Philippines. Discussions are currently ongoing for creating NWFZs in the Middle East, South Asia, Northeast Asia, and Central Europe. These regions are unique in that they include or are next to de facto or declared nuclear-weapon

¹² Overview taken from *Arms Control Reporter Volume 26: 2007*, a joint publication of WILPF and the Lawyers' Committee on Nuclear Policy.

¹³ For more information, see <http://www.reachingcriticalwill.org/legal/usindia.html>

States, a move that signals a switch from passive to active disarmament. The existence and success of the NWFZs is widely considered to be a positive step towards the goal of a nuclear-weapon-free world.

The Australian government should support the establishment of NWFZs across the globe and should seriously consider declaring itself a Nuclear Weapon Free State.

Australia's Uranium Exports

Australian exports of uranium ore have increased over the last decade from 5,989 tonnes in 1998 - 99 to 10,151 tonnes in 2007 – 08. Australia exports to the following countries: the United States, Japan, the countries of the European Union, the Republic of Korea, Taiwan, Canada and, more recently, to China as well¹⁴.

Although Australia operates an IAEA safeguards system with the stated intention of ensuring that Australian uranium ore is used only for civilian purposes, because NWS are not compelled under the IAEA inspections regime to undertake spot checks¹⁵, it is impossible to guarantee that Australia's exports are not used to cover the diversion of indigenous and other supplies to military applications.

Tagging of uranium in order to identify its origin is impossible; it all looks the same. Indigenous supplies of uranium from those NWS countries to which Australia now exports can be diverted to produce an increased amount of nuclear weapons material since the newly increased quantities of imported Australian material can be substituted for the purpose of non-military energy production where the indigenous supply may once have been dedicated.¹⁶ In short, it is beyond dispute that the import of Australian uranium into countries such as China simply makes easier the reallocation of increased supplies of uranium for military purposes.

In addition, the nuclear industry has found no safe means of dealing with its waste products.¹⁷ Uranium mining is inherently dangerous to human life and to the total human gene pool. The nuclear industry will leave a legacy of toxic waste for all future generations.¹⁸

The current Global Nuclear Energy Partnership (GNEP) agreement to which Australia is signatory also raises additional concerns for the export of Australian uranium. While, under this agreement, Australia currently has exemption from the requirements to deal with the products of uranium processing (nuclear waste), there is no guarantee that this will remain so into the future. We consider that, with regard to our generation's obligations to future generations, ethical and moral considerations regarding the long-term implications of nuclear waste material generated from Australian uranium must be given precedence over any other considerations. Counter arguments on the part of the nuclear lobby making the claim that nuclear power is "the way forward" for the planet at this time of climate change and global warming are morally circumspect, and need to be called into question. Alternative energy strategies that have less impact on the planet and on humanity's survival should be considered ahead of so-called solutions proffered through the nuclear cycle.

In light of these considerations, the Australian government has a clear obligation not to place the uranium mining lobby's interests (which will generate wealth only for a relative few) above the interests of the whole community.

¹⁴ In 2006, a bilateral agreement was agreed with China for the export of Australian uranium.

¹⁵ See section above on "International Atomic Energy Agency Safeguards".

¹⁶ For instance, according to the *Taipei Times* of January 21, 2006: "Whether or not Aussie uranium goes directly into Chinese warheads - or whether it is used in power stations in lieu of uranium that goes into Chinese warheads — makes little difference. Canberra is about to do a deal with a regime with a record of flouting international conventions."

¹⁷ Long-term nuclear waste remains radioactive and toxic to all life for millions, even billions of years: U-234 has a half-life of 244,000 years. U-235 has a half-life of 714 million years. U-238 has a half-life of 4.5 billion years.

¹⁸ As U-238 breaks down over centuries, it creates protactinium-234, which radiates potent beta particles that may cause cancer as well as mutations in body cells that can lead to birth defects. As Drs Rosalie Bertell and Helen Caldicott have long since stated, these mutations in the human gene pool, unlike cancers which affect individual persons, affect the whole future of the human species as these mutations are permanent and unchangeable for future generations.

The Australian government has a responsibility both to protect the international nuclear disarmament machinery as well as the safety and long-term health of the whole Australian population, and to ensure the Australian environment is not diminished. Thus, we believe that the Australian government should move to halt all exports of Australian uranium.

Nuclear Weapons Convention

The model Nuclear Weapons Convention (NWC) was first launched in 1997 by a coalition of groups including International Physicians for the Prevention of Nuclear War. In 2007, the International Campaign to Abolish Nuclear Weapons (ICAN) released an updated version.¹⁹ The NWC was drafted by a group of lawyers, scientists, physicians, former-diplomats, disarmament experts and activists.

From WILPF's Reaching Critical Will website:

The purposes of the model Nuclear Weapons Convention include demonstrating the feasibility of a framework approach to the elimination of nuclear weapons, and encouraging governments to enter into nuclear disarmament negotiations. Another purpose is to educate and engage the public in the progress towards nuclear disarmament. The process of designing and debating a nuclear weapons convention is useful in a number of ways:

1. It can help identify policies that are inconsistent with the goal of nuclear disarmament;
2. It can help overcome some of the barriers that make nuclear abolition appear utopian;
3. It can help prepare societies for the day when political will to begin negotiations emerges.²⁰

The Australian government lent crucial support to the development of the Chemical Weapons Convention and should also participate in the advancement and negotiation of a Nuclear Weapons Convention (NWC). An NWC would help to fulfill the promise of the NPT in a timely fashion by establishing a timetable for the verified elimination of nuclear weapons. It would also put in place the mechanisms required to maintain a nuclear-weapon-free world.

With more and more states speaking of the need to abolish nuclear weapons, it is timely to look at the complementary legal frameworks needed to achieve that goal. Until now, most states have talked only about the need for a new arms reduction treaty between the US and Russia and a fissile material cut-off treaty. We must convince them to look beyond such preliminary measures.

In October 2008, UN Secretary-General Ban Ki-moon included an NWC in his five-point plan for nuclear disarmament, describing the model NWC prepared by NGOs as "a good point of departure" for negotiations. The NWC provides the best way to overcome the artificial divide between incremental and comprehensive approaches to a nuclear weapon free world and the time is ripe for its negotiation.

Disarmament Education

The fact that many "ordinary" people do not speak in their day-to-day lives of their concerns about nuclear weapons ought not to be taken as an indication of their lack of concern or interest in the subject. On the contrary, there is widespread and vital interest among the citizenry of nations around the globe. What is lacking is: accurate information; reduction of stress to allow citizens the opportunity to engage; provision of opportunities to engage with other people and with governments on the issues; and good analysis on the linkages between

¹⁹ See <http://www.icanw.org/nuclear-weapons-convention>. The NWC was enthusiastically examined by NGOs and diplomats. It was submitted by Costa Rica to the United Nations General Assembly and the NPT RevCon as an official document.

²⁰ Reaching Critical Will website: <http://www.reachingcriticalwill.org/legal/nwc/nwcindex.html>

nuclear issues and other issues that people see as priorities for their daily lives—the economy, employment, energy, etc.

The creation of political will requires an informed citizenry. For many years, NGOs such as IPPNW, Medical Association for the Prevention of War, United Nations Associations, WILPF and ICAN have been working for a world free of nuclear weapons. Many efforts have been undertaken for this work: from submission and letter writing; the setting up websites; organisation of protest actions, vigils; organisation of conferences and a variety of other assorted community education events. Much remains to be done. These non-governmental organisations now need and deserve financial support from governments to undertake community education on a much wider scale than has been possible to date.

In 2002 the [UN Expert Group on Disarmament and Non-Proliferation Education](#) made 34 recommendations that were endorsed with a unanimous resolution of the world's governments at the General Assembly.

Governments agreed that there has never been a greater need for education in the areas of disarmament and non-proliferation, especially with regard to weapons of mass destruction, but also in the field of small arms and international terrorism.

In recent years, changing concepts of security and threat have demanded new thinking. Such new thinking will arise from those who are educated and trained today.

Governments, including the Australian government should be delivering disarmament education in schools, as well as supporting NGO's to generate and distribute information and disarmament educational materials.

Conclusion and recommendations

Following the unique damage perpetrated during the time of the Bush administration, some analysts have wondered if it is possible to retrieve and repair the international nuclear disarmament and non-proliferation machinery already in existence. We in WILPF believe that it is important to take advantage of this rare and precious moment that now presents itself.

We believe that increased amounts of financial assistance from the Federal Government are needed to allow NGOs to undertake the necessary community education on issues relating to nuclear disarmament and non-proliferation.

In addition to signaling that the government does not value or use nuclear weapons in security policies, WILPF also believes that the Australian government should move to phase out as quickly as possible the uranium mining and export industry. Finally, Australia should not be involved in any aspect of US Missile Defence. Australia should join international efforts to urge the cessation of all research and development on this project.