

**SUBMISSION: from PEOPLE FOR NUCLEAR DISARMAMENT
(WESTERN AUSTRALIA)**

TO: JOINT STANDING COMMITTEE ON TREATIES

RE: INQUIRY INTO AUSTRALIA'S NUCLEAR AGREEMENTS

People for Nuclear Disarmament (W.A.) welcomes this opportunity to submit to JSCT on this matter at the centre of our members' concerns – that is to address the question, How can Australia best contribute to ridding the world of nuclear arms? We thank the Committee for considering our views and recommendations.

We also take this moment to again congratulate and thank the Rudd Government on establishing the **Commission on Nuclear Non-proliferation and Disarmament** that will continue the essential work of the **Canberra Commission on the Elimination of Nuclear Weapons** under Paul Keating's administration. It is our hope that the new Commission will position Australia to make a strongly positive contribution to the NPT's next Review Conference in 2010, leading it towards a supremely important new instrument of international humanitarian law, a **Nuclear Weapons Convention**.

The Nuclear Non-Proliferation Treaty

The Nuclear Non-Proliferation Treaty (NPT) which came into force in 1970, is the most important international treaty in terms of nuclear disarmament that the world has. It is the only international agreement committing its members to work, in good faith, towards disarming themselves of nuclear weapons if they possess them and if they do not, committing them not to develop them (Article VI). Australia, like 187 other states, is a member of the Nuclear Non-Proliferation Treaty (NPT). Only Israel, India and Pakistan are non-signatories – and North Korea withdrew its membership before conducting its first nuclear test in 2006. Iran is a signatory and as such, under Article IV, has the right to develop peaceful nuclear power. This means it can engage in enrichment via its numerous cyclotrons, but this capacity also gives Iran the capacity to enrich to weapons-grade material, and a great deal of international suspicion that it is doing so. This illustrates a fundamental problem with the NPT's linkage of nuclear power for peaceful and military uses – and needs to be addressed.

China became a nuclear weapons State (NWS) in 1964 and this new status was a strong stimulant to the drafting of the NPT which became signable in 1968. The five original NWS were permitted to sign the Treaty. All other states could only sign on as non-NWS. The three hold-out states, Israel, India and Pakistan, which all subsequently developed their own nuclear weapons-capacity, thus have a legal obstacle which denies them membership. They cannot be officially recognised as NWS under the Treaty as they did not achieve that status prior to 1 January 1969. South Africa had a clandestine nuclear weapons development program – despite its membership of the NPT – but has divested itself of these weapons. There are clearly means of getting around that Treaty.

PND (WA) recommends that the NPT be revised to enable Israel, India and Pakistan to become members of the Treaty so that it can become universal. Strong international encouragement should be applied then to convince these hold-out states to come within the NPT fold. As they would be unlikely to divest themselves of their nuclear arsenals before joining the NPT, some special provision might be drafted to allow them to join as NWS – with the strong commitment for irreversible, phased, transparent, verified reduction in concert with other NWS under strong international control. Progress in that direction would need to begin quickly and continue strongly – Otherwise other states could use the precedent to develop their own nuclear weapons, while remaining within the NPT fold.

Australia could play an important role in universalising the NPT. This would be a more plausible role for us if we refused to stay under the US nuclear umbrella, and PND (WA) recommends that Australia becomes proudly independent of that in the near future.

The NPT has become dated. For instance, permitted threshold levels of enriched nuclear materials are now outdated by advances in nuclear weapons technology. Sub-critical nuclear tests enable NWS to get around certain NPT prohibitions. Please see *An Illusion of Protection*, a publication by Medical Association for Prevention of War, for further data on such shortcomings of the NPT.

PND (WA) recommends that the NPT be revised to ensure that its technical provisions adequately cover all obstacles needed to stop advances in nuclear weapons research and development.

The NPT relies on an **International Atomic Energy Agency** to monitor the nuclear behaviour of all NPT member states. Its safeguards system is supposed to stop uranium for civilian nuclear power being diverted into any nuclear weapons program. IAEA's head, Dr Mohamed El Baradei, has many times stated his concerns about the serious limitations of these safeguards and the serious underfunding of the IAEA.

PND (WA) applauds Labor Government policy that states that it "will strengthen export control regimes, and the rights and authority of the IAEA, and tighten controls on the export of nuclear material and technology." The policy further positively asserts that Labor will "only allow export of Australian uranium to countries which observe the NPT and which are committed to non-proliferation and nuclear safeguards."

These policy positions are very encouraging, and PND (WA) most strongly urges the Rudd Government to implement them. The decision to refuse exports to India is to be applauded. Uranium exports to China would be an outcome of both the Howard Government and the Rudd Government if allowed to start up this year (2009). However, PND (WA) urges the new Government to take a fresh view of this contract and reverse the previous decision on Australian uranium exports to China, which has a poor record of exporting certain nuclear military technologies. Russia would be another unsafe destination for Australian uranium, and PND (WA) recommends that the Rudd Government take heed of JSCOT's inquiry into Australian uranium exports to Russia, tabled in Parliament on 18 September 2008. It recommended with good reason that we do not engage in uranium trade with that country. We will keenly watch for the Government's response which should be tabled in Parliament this year.

Further, PND (WA) recommends that

- *Australia increases its contribution to the meagre budget of the IAEA.*
- *Australian exports uranium to no country that fails to observe its obligations under the NPT. This includes Russia, the US, the UK, France and China, the original 5 NWS who have failed for decades to honour the NPT's Article VI.*
- *Australia remains steadfast in its refusal to deny its uranium to Russia. Prime Minister Putin, when President, announced that Russia was researching new nuclear weapons and widening their reach through more advanced missiles and the country's submarines and bombers. Such advances are prohibited under the NPT. The collapse of the Warsaw Treaty and the increasing spread of NATO including states once held within Russia's sphere of influence, and US plans for a missile defence system based in Poland and Czech Republic, are of concern to Russia. Its response to the situation in South Ossetia/Georgia and the more recent cutting off of Russian gas supplies to Ukraine are examples of Russian determination to hold power against the advances of the West. President Medvedev has announced that Russia will strengthen its military capacity, adopt new types of weapons, and continue to test traditional ballistic missiles in service. He stated that these missiles remained effective and "that our shield is in order." (The Australian, 13.10.08)*
- *maintains its stance of no uranium exports to India, a non-member of the NPT. PND (WA) notes that Australia joined other members of the IAEA Board of Governors in approving an IAEA-India safeguards agreement on 1 August 2008 on the grounds that it would strengthen nuclear non-proliferation efforts and was consistent with the non-proliferation objectives of the NPT. It seems to PND (WA) that this position was closely linked to the US and India's strategic considerations. For instance, the conditions imposed on India seem to allow many of its nuclear reactors to be exempted from IAEA inspection. While this might well be an expansion of international safeguards to India's civilian nuclear facilities, this advance is from a lowly base, and PND (WA) judges it to be highly inadequate. This is especially the case, given the worsening India-Pakistan relationship.*
- *Australia refuses further uranium supplies to Japan until it stops accumulating enriched uranium and plutonium. Japan, having been the one country to experience the nightmare of nuclear attack, has, via various politicians over decades since then, and despite the country's pacifist constitution, expressed some interest in developing its own nuclear arsenal. Some of Japan's growing MOX reserves will be sourced from Australian uranium. These reserves cause unease among some of Japan's regional neighbours. Australia should not contribute to that insecurity, especially as it could stimulate a regional nuclear arms race. Instead, Australia should encourage Japan's growing ability to harvest renewable energy.*

Comprehensive Test Ban Treaty

The CTBT is an essential support treaty to the NPT as it aims to stop nuclear testing forever. While the US has signed it, it has not ratified this important treaty. It has used "sub-critical" tests and simulation techniques to maintain its nuclear stockpile – and has developed "mini-nukes" and bunker busters. Australia has tried in the past to convince its powerful ally to take the step of ratifying the CTBT. With Barack Obama as President, such efforts might well have more success.

Russia is advancing its nuclear arsenal with “new weapons” and could well be in breach of its NPT and CTBT obligations by engaging in subcritical testing.

PND (WA) urges the Rudd Government

- ***to energetically pursue the objective of US ratification of the CTBT with the Obama administration.***
- ***to urge the Russian Government to observe to the letter and intent of the NPT and CTBT by ceasing to research and develop new nuclear weapons.***
- ***to engage with wisdom and enthusiastic commitment in forwarding the steps needed for the CTBT to realise its objective.***

Fissile Material Cut-off Treaty

The FTCT remains only a proposal, despite being “on the books” for many years and with much international support for its existence. Its aim would be to prohibit the reprocessing and separation of weapons-usable fissile materials as a key step towards stopping the production of fissile materials forever.

PND (WA) recommends that the Rudd Government add considerably to the momentum towards establishing the FMCT, a crucially important support treaty for an effective NPT. Once in existence, and if well-supported by a strengthened IAEA, the FMCT would be a most powerful instrument in preventing obtainment of fissile material for production of new nuclear weapons.

Prevention of Arms Race in Outer Space

PAROS is another treaty-in-the-wings, despite efforts for decades to bring it into existence, and a very great deal of international support. Its purpose would be to prevent the placement of weapons in outer space. If achieved, this would build significantly on arms transparency and become a powerful confidence-building measure.

While China and Russia have submitted a draft PAROS treaty, both have used their past space research and development capacity to explore military advances in space, claiming that this has been in response to US leadership in that direction. Russia’s Sputnik back in 1956 goaded the US to pour vast additional resources into space exploration. For most of the world’s people, these actions were interpreted as having military purposes (among other more benign objectives.)

The appalling wastage of resources in the race to dominate military use of space could be stymied if PAROS could become a reality under a trusted and effective international inspection and verification regime. The despairing prospect of a future war (involving nuclear weapons, lasers, electronic jammers and so on) on Earth using space would fade from our minds as space research would be confined to building multilateral cooperation for peaceful uses of outer space.

PND (WA) recommends that the Rudd Government explore the possibilities of forwarding a PAROS treaty as part of its commitment to nuclear non-proliferation and disarmament.

Other strategies to advance nuclear disarmament

The NPT was supposed to have achieved its aims of preventing nuclear proliferation and achieving nuclear disarmament in its first 25 years. At the 1995 RevCon, it became devastatingly clear that this timetable was not to be met. Since then, the NPT has undergone a Review Conference every five years. At the Conference of 2000, there was reason to hope as its final resolve was that countries make an unequivocal commitment to thirteen practical, incremental, verifiable steps leading to absolute nuclear disarmament. The 2005 Review Conference was deeply disappointing, failing to agree to move forward on these 'steps' and indeed going backwards.

PND (WA) recommends that Australia strongly advocate that the global community moves towards establishing a NUCLEAR WEAPONS CONVENTION (NWC) with the closest attention to promoting all the intermediate steps that will increase international trust and confidence towards that end. The NPT Review Conference 2010 will be a great platform for this advocacy. Before it and beyond it, there will be plenty of need for diplomatic work related to advancing this great cause and we want Australia, freshly 'armed' by the recommendations of its Commission on Nuclear Non-Proliferation and Disarmament, to take a powerful leadership role in that. The NPT's Preparatory Committee meeting 2009 will also be very important. Throughout these processes, Australia should relentlessly urge implementation of the 13 Step action plan that arose from the NPT RevCon 2000. These steps include the "unequivocal undertaking by the NWS to accomplish total abolition of their nuclear arsenals."

Briefly the Steps are:

1. The signing and ratification of the CTBT for its entry into force.
2. A moratorium on nuclear weapons tests while the above is being achieved.
3. Effective negotiations via the UNCD to achieve the FMCT.
4. Through the UNCD, establishing a body with a mandate to deal with nuclear disarmament.
5. Establishing the principle of irreversibility in nuclear disarmament measures.
6. An unequivocal undertaking by the NWS to accomplish total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under NPT Article VI.
7. Early and full implementation of START II and conclusion of START III while preserving and strengthening the Anti-Ballistic Missile Treaty. (*Note - Since then the ABMT which was a bilateral treaty between the US and old Soviet Union ailed to survive the advances in ballistic missile defence planned or achieved by the US and Russia. As BMD research and development continues, it is highly necessary for an ABMT to be re-established.)
8. Completion and implementation of the Trilateral Initiative between the USA, the Russian Federation and the IAEA.

9. Based on principle of undiminished security for all, steps must be taken by all NWS leading to total nuclear disarmament so that international stability is promoted. This will require increased transparency by the NWS to build confidence. Concrete measures must be undertaken to reduce operational status of nuclear weapons systems. (*Note. PND (WA) values Australia's vote in favour of removing nuclear weapons from high alert status recently through the UN.)
10. NWS must place fissile materials no longer to be used in military programs, under IAEA control, or other relevant international verification, and arrangements must be made for disposition of such materials for peaceful purposes.
11. General and complete disarmament processes under effective international control must be affirmed by States parties.
12. Regular reports within the NPT framework, on implementation of Article VI by all States parties.
13. Further development of verification capabilities needed to provide assurance of compliance with nuclear disarmament agreements to achieve and maintain a nuclear weapons-free world.

The **NWC** would prohibit the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons. Hence it would provide powerful support for the ailing NPT. The model NWC was accepted in 1997 as a United Nations discussion draft document. In 2007, the International Physicians for Prevention of Nuclear War and partner organisations launched a revised edition of the Model Nuclear Weapons Convention. Please see their publication, **Securing Our Survival: The Case for a Nuclear Weapons Convention**. It is available online, www.ican.org/securingoursurvival

PND (WA) is very encouraged by the existence of this draft **Model Nuclear Weapons Convention**. Also encouraging is other international law banning other weapons of mass destruction – the Chemical Weapons Convention, the Biological Weapons Convention and the Landmines Ban Treaty. (Anti-Personnel Landmines can be regarded as WMD in slow motion.) Nuclear weapons are far more harmful to life on Earth than any of these in terms of scale and time. The need for a NWC is greater than all other weapons ban treaties and creating an effective, transparent, verifiable NWC is one of the greatest and most urgent tasks the world faces now. PND (WA) is proud to be part of ICAN, the International Campaign to Abolish Nuclear weapons, and believes that achieving nuclear disarmament is possible with enough international will and cooperation.

PND (WA) notes that in 2006 Kevin Rudd, then Shadow Minister for Foreign Affairs stated that “the NPT disintegrates before our very eyes ... the current non-proliferation regime is fundamentally fracturing. The consequences of the collapse of this regime for Australia are acute.” This view of our Prime Minister we trust will translate into Australia's energetic and effective promotion of non-proliferation and nuclear disarmament through an updated, revised version of the NPT. Much has moved on in nuclear weapons R&D since that Treaty was first drafted. It must be remade to effectively address these changes in nuclear weapons technology. For instance, the amounts of

fissile material and the percentage of enrichment necessary now required to build a nuclear bomb is very significantly less than the thresholds of the 1960s when the NPT was drafted.

PND (WA) recommends an updating of the NPT to address advances in nuclear weapons technology, and in other ways to ensure that the Treaty can be more effective both in preventing proliferation and in advancing disarmament.

Australia's uranium exports

Australia has **bilateral agreements** with each country receiving Australian uranium. How secure are these agreements in terms of separating Australian Obligated Nuclear Materials (AONM) from military uses?

If signatories of the NPT faithfully honoured their obligations under the Treaty, and it could be proved that they did so, we could be confident that no AONM would be used for their military nuclear weapons programs. However, this is not the case. Civilian nuclear power reactors have been used time and time again in clandestine programs to obtain fissile materials for military purposes. Furthermore, it is too difficult for the under-resourced IAEA to ensure that safeguards are adhered to.

At the Australian end of this international trade in uranium, we have the **Australian Safeguards and Non-proliferation Office (ASNO)** which oversees our uranium exports and produces audits. The receiving country is also supposed to provide records of these transactions and report regularly (but if it is engaged in a clandestine weapons program, it is unlikely to be transparent about any AONM being diverted to that – or if obtaining the AONM is releasing other nuclear material for that purpose.) Receiving countries are supposed to guarantee that no AONM will be transferred to a third country without Australia Government consent; also that no AONM undergo reprocessing or enrichment above a certain percentage without that consent. Making this effective depends on eternal vigilance on the part of Australian authorities, and absolute honesty and transparency on the part of receiving countries. These high standards are not always attainable – and when not achieved, the consequences, more nuclear weapons, can have the direst consequences for life on Earth.

There are Additional Protocols of the Strengthened Safeguards Program, but it has been difficult to get NPT signatories to sign onto these. The bottom line unfortunately seems to have more to do with cost cutting than the need to strengthen the safeguards system.

PND (WA) recommends that the Rudd Government strongly supports the Additional Protocols on the grounds of their necessity for separating civilian and military uses of AONM. On this we can take the high moral ground, especially if we step out from the US nuclear umbrella. Australia must show that it is unwilling to be protected or defended by nuclear weapons of an ally, that it will make no contribution to the nuclear arsenals of other countries, and that it has no intention of developing its own nuclear weapons program.

Article 4 of the NPT presents a major obstacle to nuclear non-proliferation and disarmament. It gives an “unalienable right” to develop enrichment and reprocessing technologies, assuming that

these capacities are separate from developing nuclear weapons. History has demonstrated otherwise. No country without nuclear power has been able to develop nuclear weapons, and that is due to nuclear reactors being the source of fissile materials if enrichment takes place to weapons-grade material.

All these problems have their genesis when uranium mining takes place. Nuclear power is an unforgiving and failed technology too dangerous to be relied upon for civilian energy generation, and too intrinsically linked to nuclear weapons capacity. No more of its radioactive wastes must be bequeathed to future generations. Its linkage to nuclear weapons is irrefutable and the only sane way to deal with nuclear power is to close it down.

PND (WA) recommends that the Rudd Government lend strong support to Dr El Baradei for his proposal for a five-year moratorium on the construction of new enrichment and reprocessing facilities, and also to develop options for multinational control of sensitive nuclear facilities. Currently, there are many such facilities beyond the capacity of the IAEA to inspect.

PND (WA) recommends that the Rudd Government properly address the problem of ASNO's past underfunding to ensure it can properly perform its required function. It is supposed to monitor about 80 tonnes of Australian-obligated plutonium, enough to build around 8000 nuclear weapons. It should have resources to match this need.

Material Unaccounted For (MUF) is a global problem arising from the impossibility of effectively monitoring all nuclear materials. Russia has a particularly problematic record in this regard – and this is yet another reason not to export Australian uranium to that country. Neither is the UK free of criticism regarding MUF. In 2005, 29.6 kg of Sellafield's plutonium stock could not be accounted for.

How can AONM be tagged? This is an unresolved problem, with the result that when nuclear materials go missing, it can simply be claimed that it was not Australian-sourced uranium. The quantity and near-global spread of nuclear materials makes tracking it extremely difficult. It matters a very great deal what happens to that material because it provides the building blocks of nuclear weapons.

Therefore, PND (WA) recommends that Australia helps to close down the nuclear power industry by reducing and finally stopping its uranium exports. This strategy would have to be supported by Australian efforts to encourage the use of renewable energy sources domestically and internationally, and enhance the global capacity for enhanced energy conservation and efficiency measures.

This submission was prepared by Judy Blyth for People for Nuclear Disarmament (WA)

Address: 5 King William Street, Bayswater WA 6053