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Submission to the Joint Standing Committee on Treaties

Agreement between the Government of Australia and the Government of the United Arab Emirates on Co-operation in the Peaceful Uses of Nuclear Energy

The Medical Association for Prevention of War (Australia) is a national association of doctors, nurses and other health care professionals which works for the elimination of all weapons of mass destruction and the prevention of armed conflict.

SUMMARY

MAPW (Australia) has grave concerns about the proposed sale of uranium to UAE. Providing further nuclear material to UAE will further destabilize an already unstable region. To increase the availability of nuclear technology not only undermines arguments about the removal of Iranian nuclear capacity, but also contributes to towards a build up of nuclear technology across the region. It will exacerbate the terrorist, environmental and health risks associated with nuclear facilities and materials. It will make the creation of a Middle East Nuclear Weapons Free Zone considerably harder.

The abolition of nuclear weapons is an imperative that is widely recognised by the most authoritative bodies and individuals in the world, and, very pleasingly, by the Australian government. This goal will be much more difficult, if not impossible, to achieve in a world with nuclear power reactors and the nuclear fuel chain operating on an even larger scale than currently.

The UAE has a poor record on human rights including freedom of speech and association. Whistleblowers form an important part of the detection of illicit activity. They must be given legal protection. The UAE has a poor record in observing existing treaty obligations, particularly in human rights, and the human rights situation worsened in 2012.[1]

Safeguards cannot prevent Australian uranium from being used for nuclear weapons.

The disposal of nuclear waste remains an insoluble problem The UAE has abundant existing energy resources. It is rich in oil, gas and sunshine, and is a leader in solar technology. Solar power has much lower emissions, is safer and has no long term toxicity.

Acquiring the more expensive nuclear technology will enable the UAE to develop nuclear weapons much more easily in the future.



RECOMMENDATIONS

MAPW (Australia) recommends

1. Uranium exports and nuclear power should be phased out while real solutions to climate change are implemented.
 2. If, despite the risks inherent in doing so, the Australian government persists with plans to sell uranium to UAE, the following bare minimum conditions should be fulfilled before any such sales:
 - a) Human rights and treaty obligations are consistently observed
 - b) More stringent and enforceable non-proliferation and export controls are in place
 - c) Australian origin nuclear materials are prohibited from reprocessing under any circumstances
 - d) Whistle blowers will be provided with legal protection from prosecution
 - e) The agreement is reviewed in 10 years, with renewal conditional on documented observance of the above issues.
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INTRODUCTION

MAPW has grave concerns about the proposed sales of uranium to UAE. There are several distinct problems that the proposed sales would either create or intensify, and they are problems that go to the heart of our security as a nation and our national interest.

This agreement must be seen in its current context. That context is a world threatened by two overwhelming forces, each of which has the power to drastically alter the world as we know it. They are climate change; and a global stockpile of 17,300 nuclear weapons. Australia's greatest priorities must be to remove these two threats. Other threats to our national interest are relatively minor by comparison.

The abolition of nuclear weapons is an imperative that has been recognised as such by many of the most authoritative bodies and individuals in the world, and, very pleasingly, by the Australian government, with bipartisan support reaffirmed earlier this year. However the goal will be much more difficult, if not impossible, to achieve in a world with nuclear power reactors and the nuclear fuel chain operating in even more countries than currently.

As MAPW's primary goal is the abolition of nuclear weapons, this submission will principally address the ways in which the proposed Agreement will undermine that goal. However we note also that, in relation to prospects for tackling climate change, the mantra of nuclear power as part of the solution is nothing more than wishful thinking.

Nuclear power is far too slow, too carbon intensive in every stage except the operation of the reactors, prohibitively expensive[2], too catastrophic when it goes wrong (as all technologies do on occasion), produces permanent toxic waste that no-one wants (including Australians, with Northern Territorians being no exception); and is inextricably bound up with production of the most terrifying weapons in existence.

Australia's interest in finding solutions to global warming is greatly undermined by feeding a possible resurgence of an energy source that stagnated in Western nations decades ago. Such action on our part merely distracts research, funding and attention from real solutions, and wastes scarce time.

These matters will now be addressed in more detail.

Middle East Stability and Nuclear Weapons Free Zone

The majority of current nuclear weapons states began with "peaceful" nuclear powered reactors. The UAE's nuclear program will be perceived (correctly) in the region as increasing the likelihood that the UAE will develop nuclear weapons. This is likely to stimulate further nuclear programs in the region - not only reinforcing Iran's perceived need for a nuclear program but also in states such as Saudi Arabia. The creation of a Nuclear Weapons Free Zone will be more difficult due to the UAE's nuclear power generators.

The second point in the preamble of draft agreement:

*“ **REAFFIRMING** their commitment to ensuring that the international development and use of nuclear energy for peaceful purposes will further the objective of the non-proliferation of nuclear weapons”*

is a ridiculous assertion.

It ignores the evidence that for the majority of current nuclear weapons states, “peaceful” nuclear energy technology was a first step in their development of nuclear weapons. The more countries that have nuclear power plants, the greater the likelihood that there will be nuclear weapons developed, either overtly or in secret.

In addition, the political situation can change in a relatively short space of time. In the 1960s the US supplied Iran with its first nuclear research reactor. After ratifying the NPT in 1970, Iran signed contracts for reactor construction and supply of nuclear fuel with the US, Germany and France. Several decades on, the Iranian leadership has changed and tensions are much greater, but the nuclear material and technology remains. Iran’s nuclear program, initiated with major help from the West, is now the source of much uncertainty and concern, even leading to calls for war from some quarters. Nuclear power may be seen as a useful source of trade revenue for uranium-rich countries such as Australia, but unless we can guarantee political stability and goodwill indefinitely – for the geological timeframes of uranium and plutonium - then the wisdom of such sales can sour quickly. We have a responsibility to current and future generations to spare them any more inherited problems from our own short-sightedness. Given the rapid recent political changes recently in this region, it is clear supplying uranium to the UAE is contradictory to the Australian Government’s policy supporting the NPT mentioned above.

The UAE has ample oil and gas supplies and is a leader in solar energy. In March this year they opened the largest solar power station in the world. Nuclear power is more expensive to produce than either of these sources of energy, once insurance, decommissioning and waste storage costs are included [2]. So why would the UAE choose this much more expensive option? It seems naïve to assume that the UAE does not have an interest in nuclear technologies for possible future weapons development.

NUCLEAR POWER IS NOT SAFE

The third last point in the preamble states;

*“ **REAFFIRMING** their commitment to the safe use of nuclear material and facilities and the protection of people and the environment from the harmful effects of ionising radiation; the importance to the international community of ensuring that the use of nuclear energy is safe, well regulated and environmentally sound; and the importance of bilateral and multilateral cooperation for effective nuclear safety arrangements, and for enhancing such arrangements;”.*

This statement again ignores the reality. The nuclear disaster at Fukushima demonstrated once more that nuclear power is not safe, even in a highly technologically advanced country like Japan. The poor reactor design, reactor damage and subsequent significant irradiation of 8% of the Japanese land mass was found by the Japanese Diet Investigation to be a result of corruption and poor regulation[3]. Over 150,000 people remain unable to return to live in their homes, due to excessive radiation levels. It is likely these people will be unable to return for at least a generation, if ever. There are also several hundred thousand living with increased levels of radiation in their environment, which has long term adverse health effects. Technological and human failures at Chernobyl, Three Mile Island and many other locations demonstrate nuclear power is not safe.

Nuclear power stations have the potential to be attacked, becoming effectively “Dirty Bombs”. The risk of this happening is higher in the Middle East than in other more politically stable areas in the world. The targeting of nuclear power stations in either nuclear or conventional war would in the former case significantly increase the radiation burden for survivors, and in the latter case, convert it into a nuclear war.

ENRICHMENT AND REPROCESSING

The most proliferation sensitive aspects of the nuclear fuel chain are uranium enrichment and fuel reprocessing. To make a nuclear weapon, either enriched uranium or plutonium is needed. Acquiring either of these materials is generally the greatest barrier to producing a nuclear weapon.

MAPW is pleased to note that, according to the Agreement, AONM will not be enriched to 20% or more, or reprocessed, without Australia's prior written consent. However even these stipulations are not sufficiently strong. Australia should require that facilities enriching AONM be under international monitoring and control.

In relation to reprocessing, we note that Australia has not ever rejected a request to reprocess AONM. A far more effective stipulation would be a prohibition on reprocessing of AONM under any circumstances.

ABILITY TO DELIVER ON SAFEGUARDS

The respected Washington based Nuclear Threat Institute in its UAE profile notes that the UAE does not currently have the institutional capacity to meet its commitments on nuclear non-proliferation[4]. The Institute further notes the UAE's past role in illicit transactions including as a hub for the AQ Khan network.

It states:

"With its many voluntary commitments, the UAE has set a positive nonproliferation example for other nuclear newcomer states. However, the UAE will need considerable foreign assistance and time to follow through on the nonproliferation pledges it has made. Without these, experts caution a "commitment-compliance gap" may emerge, whereby the UAE lacks the institutional capacity to fully adhere to its commitments. This is of particular concern in the area of nonproliferation export controls, as the UAE only passed its first comprehensive nonproliferation export control legislation in 2007, and historically has been a major transit point for illicit transactions involving Iran and other neighboring countries. The UAE has pledged its support for the Nuclear Suppliers Group's export control guidelines, and cooperated with efforts to bar shipments of sensitive technologies to Iran. However, historically the UAE has reportedly housed "hundreds of front companies and foreign trading agencies that actively procure dual-use items for entities in countries under sanction." Dubai's territory was a known hub for the A.Q. Khan network, which illicitly supplied nuclear technology to countries such as Iran, Libya, and North Korea. While the UAE is making good-faith efforts to crack down on illicit trafficking, the development of robust export controls, border security, and related legal infrastructure requires significant time and resources."

We are told that safeguards prevent the diversion of our uranium to weapons. And yet the facts are irrefutable and include the following:

- Safeguards rely primarily on book-keeping entries at nuclear facilities. They are simply not capable of detecting the diversion of the very small quantities of fissile material (such as 3-4 kilograms of plutonium) required to make a weapon.
- Safeguards are not even designed to prevent diversion of fissile material, but simply to detect it after the event.
- Safeguards do not operate during the transport phase of the nuclear chain—the phase particularly vulnerable to sabotage or theft

VIOLATION OF THE AGREEMENT

We are assured that if the UAE violates its commitments to the Agreement, Australia can suspend its uranium sales. By definition, it is too late then. Our uranium could have, by then, been diverted to a purpose or location for which it was not intended. In any event, if such diversion did occur, it would be very difficult to detect, and highly likely that this would never be known.

WHISTLEBLOWERS

An important aspect globally of the detection of illicit nuclear activities is the role of whistleblowers. Scientists and others who become aware of illegal activities at nuclear facilities must be not only

assured of their personal safety if they report such activities, but they should also in fact be encouraged to do so. Nothing in the current political climate in the UAE gives hope that this will occur. In addition to the worsening human rights situation noted in the 2012 annual report by Human Rights Watch[1], Amnesty International recently (3 April 2013) documented restrictions on freedom of association and contravention of international law[5].

The inclusion of a clause in the Agreement to the effect that whistleblowers must be protected would help to strengthen claims that illicit activities will be detected. However it should be noted that the UAE rate poorly on the Global Integrity analysis of legal frameworks and their implementation[6], so any protections would need to be transparent and monitored to be sure they are effective.

AUSTRALIAN URANIUM WOULD ADD TO WASTE, SAFETY AND ENVIRONMENTAL CONTAMINATION PROBLEMS

Most nuclear proponents wish to ignore the intractable problem of nuclear waste. There are still no long term nuclear waste facilities anywhere in the world. This waste has to be stored for millennia, to keep the ionizing radiation out of the general environment.

While the UAE's nuclear waste might seem irrelevant to Australia's national interest, the health of the planet that we all share cannot be simply addressed along national lines. Australia has great potential to promote sustainable technologies to address climate change rather than technologies that bring their own set of intractable problems. In addition some commentators state that Australia has a moral duty to accept nuclear waste from countries that have bought our uranium. While that claim is debatable, increasing our uranium sales it is likely to place additional pressure on Australia to become a nuclear waste dump, which would be totally and directly contrary to our national interest.

In conclusion, MAPW believes the sale of uranium to the UAE is not in Australia's national interest. Nuclear power reactors play a significant role in the proliferation of nuclear weapons. The sale of uranium into one of the least politically stable regions in the world will materially worsen the chances of a Middle East Nuclear Free Zone being established, and reduce the prospects of nuclear disarmament in general. The human rights and treaty record of the UAE bodes ill for its ability to observe the treaty and the mandated safeguards.

Nuclear power is expensive, inherently unsafe, and there are no tested and secure methods for the long-term disposal of nuclear waste. The sale of uranium to UAE is clearly contrary to the Australian Government's stated goals of nuclear non proliferation and the creation of a nuclear weapons convention.

We would be happy to appear before the Committee to provide further information. This submission has been prepared by MAPW Vice-President, Dr Margaret Beavis MBBS FRACGP MPH.

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