To: Katie Ellis
Acting Inquires Secretary
Joint Standing Committee on Treaties
Parliament House, Canberra
Katie.Ellis.Reps@aph.gov.au

Submission of the International Campaign to Abolish Nuclear Weapons (ICAN) to the Joint Standing Committee on Treaties in relation to the 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 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 United Arab Emirates and Australia warrants rigorous scrutiny.

Introduction

The International Campaign to Abolish Nuclear Weapons (ICAN) is a global campaign coalition working to mobilise people in all countries to inspire, persuade and pressure their governments to negotiate a treaty banning nuclear weapons. ICAN Australia is at the forefront of global efforts to outlaw and eliminate nuclear weapons. With more than 60 diverse partner organisations nationwide, we aim to raise public awareness about the catastrophic humanitarian harm caused by nuclear weapons and put nuclear disarmament squarely on the Australian political agenda.

Building on the experience of effective nuclear disarmament treaties, and treaties to outlaw biological and chemical weapons, landmines and cluster munitions, ICAN advocates that the best way to achieve and sustain the abolition of nuclear weapons is through a comprehensive, binding, irreversible, verifiable treaty. The abolition of nuclear weapons is achievable – the majority of UN member states call for the negotiation of an abolition treaty, which would prohibit the development, production, testing, deployment, stockpiling, transfer, threat, or use of nuclear weapons.

ICAN, uranium and proliferation

ICAN opposes any commercial or technological development that can lead to the proliferation of nuclear weapons anywhere in the world.

ICAN's considered position is that the challenging but achievable goal of a world free of nuclear weapons will be more readily achieved and sustained in a world in which nuclear power generation is being or has been phased out. This is because the material and capacity to produce nuclear power *intrinsically* involves the capacity to produce fissile material usable for nuclear weapons. ICAN concludes that the world's so-called 'peaceful' uses of nuclear technology have in the past,

and continue today, to contribute to the spread of nuclear weapons. Irradiated nuclear fuel can be used in nuclear weapons, and uranium can be enriched for civil or military use – the process is the same.

These proliferation dangers are central to ICAN's mission. The body of evidence on the proliferation dangers associated with nuclear power generation is vast and compelling. Two authoritative recent statements which encapsulate this threat include:

> *'In the eight years I served in the White House, every weapons proliferation issue we faced was linked with a civilian reactor program.'*
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> *Al Gore, Guardian Weekly 2006(25): 17-8 (9 June 2006)*

> *'Proliferation is largely driven and greatly facilitated by nuclear power's flow of material, equipment, skills, and knowledge, all hidden behind its innocent-looking civilian disguise. … moving on to secure, least-cost options for global development would unmask and penalize proliferators by making bomb ingredients harder to get, more conspicuous to try to get, and politically costlier to be caught trying to get. This would make proliferation far more difficult, and easier to detect in time by focusing scarce intelligence resources on needles, not haystacks.'*
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> *Lovins AB, Sheikh I, Markevich A. Forget nuclear. Rocky Mountains Institute. Solutions. Spring 2008; xxiv(1): 23-7*

Inadequacy of 'safeguards'

It is becoming increasingly difficult to track uranium in its many forms through the intricate international nuclear chain. When he handed down his recommendations on the dangers of exporting Australian uranium, Mr Justice Fox observed in October 1976 that the nuclear power industry was unintentionally contributing to an increased risk of nuclear war, and that this was the most serious hazard of the industry. When on 24 May 1977 Prime Minister Malcolm Fraser converted the Fox recommendations into a strict bilateral safeguards formula, he stipulated careful selection of countries to which uranium could be sold.

These excluded countries not signatories to the Nuclear Non Proliferation Treaty, or those which either had in the past, or could in the future, entertain the acquisition of nuclear weapons, despite these providing no durable future guarantee against nuclear weapons production over the geological lifespan of fissile materials. Over the years since the Fraser safeguards became law, these far from failsafe Australian safeguards have been further attenuated in the interests of commercial sales. China and Russia are now customers, and so, soon, will be India, although it is not a signatory to the NPT. But all are claimed to be 'responsible' countries which have given us written assurances that Australian uranium will not be used in nuclear weapons programs.

Australian uranium and UAE

Is the United Arab Emirates a responsible and safe client for Australian uranium?

The UAE is a federation of seven absolute hereditary monarchies with a combined population of just under eight million people, 85% of whom are Sunni Muslims, and nearly 15% are Shia. Sharia Law is applied. The UAE is bordered by Saudi Arabia to the south, Oman to the east, and the Arabian (Persian) Gulf and Iran to the north. Financed by oil and gas exports, ambitious construction and infrastructural advances have been made, especially in the Emirates' two most populous states, Dubai and Abu Dhabi. The UAE has close cultural and religious ties to Pakistan, and extensive economic ties with Egypt, its closest investment partner.

It is true that some nuclear infrastructure is in place in the Gulf. In November 2007, an umbrella organisation, the Gulf Cooperation Council, completed a preliminary feasibility study for the introduction of a collective Gulf nuclear program, and by July 2009, the first stage of a power grid capable of handling vast amounts of nuclear power had been completed between Kuwait, Bahrain, Saudi Arabia, the UAE and Qatar. But the UAE, like all the Gulf states, is a neophyte when it comes to nuclear power. None of these states have yet developed the legal structures or practices either for power sharing, or more importantly, for nuclear security and safety.

In September 2011, UAE Minister of Energy Mohammed bin Dha'en Al Hamili declared that the Emirates needed nuclear power, a strategy undeterred by the disaster at Fukushima. The Korean company KEPCO won the bid, and in December 2011 a A$20.4 billion contract was signed for the construction of four 1400 MW generation III advanced pressurised-water reactors on a turn-key basis, to be run by Korean technicians over 20 years.

They, or the UAE authorities, will no doubt hire a very large workforce of unskilled or semi-skilled foreign workers to construct the reactors. If normal practices in the UAE are followed, these non-unionised workers will be subject to harsh work conditions, including long hours and fierce daily temperatures of 50 degrees Celsius or more. Such weather conditions, usually censored in the Emirates' media, are inimical to the kind of detailed accuracy required in reactor construction. Even with close supervision, mistakes are likely to occur. Even in industrially sophisticated countries like Japan, reactors have suffered construction errors, including at the Fukushima Daiichi complex, where the operator, TEPCO, concealed problems arising from such errors from the government and public.

ICAN's objections to selling uranium to the UAE:

1. **Safety culture:** As observed by Dr Trevor Findlay in *Australia's Uranium Trade, the Domestic and Foreign Policy Challenges of a Contentious Export* (Ashgate 2011), the UAE lacks most of the requisite national laws and regulations, agencies and practices, trained and experienced personnel and an appropriate safety culture to safely host a nuclear plant. If Japan, one of Australia's most sophisticated nuclear customers, could not foresee or manage a nuclear disaster that closed down the six nuclear reactors at Fukushima Daiichi in March 2011, how much less competent would a country such as the United Arab Emirates be in dealing with similar problems.

2. **Infrastructure:** The name of the bilateral Treaty is misleading. Couched in the language of cooperation, it is in reality a one-way agreement to sell Australian uranium to the UAE. The implication of reciprocity is not appropriate in that the UAE has little if any expertise in nuclear matters that could possibly be of benefit to the Australian Nuclear Science and Technology Organisation, or other nuclear-related organisations in Australia. Its nuclear plans envisage the construction of nuclear power reactors on a turn-key basis by foreign supplier companies. These will be managed, serviced and run by expatriate workers.

3. **Proliferation:** ICAN is deeply concerned about the possibility of nuclear weapons proliferation in the Middle East, one of the world's least stable regions. The most likely scenario envisages Iran suddenly announcing that it has developed nuclear weapons. As a former United States Ambassador to Israel, Martin Indyk, observed at the Lowy Institute in Sydney on Thursday 2 May 2013, Iran's acquisition of nuclear weapons would have a most powerful proliferation effect on the region.

   First to follow suit would probably be Saudi Arabia, which fears what it sees as expansionary tendencies of Iran, and which has publicly stated that if Iran got the bomb, it would acquire its own the following day. The Saudi bomb would, according to Indyk, very likely be supplied by Pakistan. Also likely to acquire an 'Islamic bomb', also from Pakistan, would be Egypt and possibly Turkey. In such a situation, the UAE could be expected to supply plutonium from its Australian-fuelled nuclear reactors for either a Saudi or Egyptian bomb, or even develop one of its own. The Middle East would rapidly become a most dangerous nuclear-fuelled area of the world, and it could be Australian uranium doing the fuelling.

   Even with comprehensive IAEA safeguards, an Additional Protocol and a bilateral safeguards agreement in place, it is simply not possible to exclude or reliably prevent the possibility at some future time of a political decision being made by the government of UAE, or a succeeding governing entity in the future, to build nuclear weapons, utilising any accessible enrichment plant to produce weapons grade, rather than reactor grade, uranium; or plutonium extracted from spent nuclear fuel.

Recommendation

In all these circumstances, ICAN strongly recommends that Australia's clear responsibility is not to supply uranium for a UAE nuclear reactor program. To do so would plainly signal to the international community that this country is more interested in commercial gain (paltry though such gains would be compared to the value of other exports) than in pursuing its often-professed aim of furthering global nuclear non-proliferation and disarmament.

Contact Adjunct Professor Richard Broinowski

Board Member, ICAN Australia