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Report 106

Nuclear Non-Proliferation and Disarmament

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Canberra

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Contents

Foreword	ix
Membership of the Committee	xiii
Terms of reference	xv
List of abbreviations	xvi
List of recommendations	xx
Inquiry process	xxv
Referral of the inquiry	xxv
Conduct of the inquiry	xxv
Context of the inquiry	xxvi
Structure of the report	xxvii
1 Introduction	1
Australian contributions	5
The Canberra Commission	6
Australian objectives	8
International objectives	8
Challenges to the non-proliferation and disarmament regime	10
Geo-political issues	11
Non-state actors	14
An expansion of nuclear facilities	15
Nuclear doctrine	16
Extended nuclear deterrence	16

2	Comprehensive Nuclear-Test-Ban Treaty.....	21
	Introduction	21
	Background	21
	The Treaty	22
	Verification regime	23
	Importance of the CTBT	26
	Importance of US ratification of the CTBT	28
	Barriers to US ratification.....	29
	Towards entry into force of the CTBT	33
3	Fissile Material Cut-Off Treaty	35
	Introduction	35
	What are fissile materials?	35
	History of the Treaty	37
	Objective of the Treaty	39
	Importance of the Treaty	39
	Issues to be addressed	42
	Scope of the Treaty	42
	Verification	43
	Pre-existing stocks	45
	Conclusions.....	47
4	The NPT and IAEA safeguards	49
	Introduction	49
	Treaty on the Non Proliferation of Nuclear Weapons (NPT).....	49
	Challenges to the NPT	52
	Perceived lack of progress on disarmament	52
	A double standard	57
	Non-compliance	58
	Withdrawal	60
	Not universal	63
	The International Atomic Energy Agency	65
	The IAEA Statute	65

Conflict between preventing proliferation and promoting peaceful uses	65
Safeguards and the Additional Protocol	67
The Additional Protocol as a condition of uranium supply	69
IAEA resources	70
5 Fuel cycle multilateralisation	77
Introduction	77
Proliferation implications of the global expansion of nuclear power	78
Proliferation-sensitive nuclear technologies	81
Uranium enrichment	83
Plutonium separation (reprocessing of used fuel)	85
Proposals to limit the spread of sensitive technologies	88
Sensitive technology export controls — the role of the Nuclear Suppliers Group	89
The rationale for fuel cycle multilateralisation	91
The historical context to multilateral proposals	92
The Twelve Proposals	95
Support for fuel cycle multilateralisation proposals	101
Issues and challenges for multilateralisation proposals	104
Conclusion	110
6 Nuclear Weapons Convention	113
Introduction	113
Background	113
Benefits of a Nuclear Weapons Convention	115
Opportunities for the negotiation of a Nuclear Weapons Convention in the short term	117
Barriers to the negotiation of a Nuclear Weapons Convention	120
Towards the negotiation of a Nuclear Weapons Convention	122
7 Other treaties	125
Introduction	125
Nuclear arms control agreements between the United States and Russia	125
Introduction	125
Background	126

Success of nuclear disarmament agreements between the US and Russia	128
Deterioration of US-Russian cooperation	129
Importance of new agreement between the US and Russia	130
Nuclear weapon free zones	131
Introduction	131
Background	132
Benefits of NWFZs	133
Strengthening existing NWFZ	135
Utilising existing NWFZ	139
A Middle East Nuclear Weapon Free Zone	141
8 Iran and North Korea	145
Introduction	145
Iran	146
History of Iran's nuclear program	146
Iran as an example of the limitations of the current non-proliferation regime	151
Democratic People's Republic of Korea (North Korea)	155
History of North Korea's nuclear program	155
Reasons for North Korea's actions.....	160
Implications of North Korea's nuclear program	160
Conclusions.....	161
9 The Conference on Disarmament.....	163
Introduction	163
Background	163
Work program.....	164
10 International Commission on Nuclear Non-proliferation and Disarmament.....	167
Introduction	167
Australia's diplomatic capacities.....	170

11	2010 NPT Review Conference.....	173
	Introduction	173
	Previous NPT Review Conferences	173
	2010 NPT Review Conference	176
	Issues for the 2010 NPT Review Conference	178
	Disarmament.....	180
	Additional Protocol	182
	13 Practical Steps	183
	Middle East Nuclear Weapon Free Zone	184
	The involvement of parliamentarians in the 2010 NPT Review Conference	185
	Conclusion	186
12	The role of Parliamentarians.....	187
	Introduction	187
	The global challenge for parliamentarians	187
	Engaging parliamentarians	189
	Parliamentary organisations.....	189
	Australian parliamentary delegations	190
	Regional involvement.....	191
	Comprehensive Nuclear-Test-Ban Treaty.....	192
	Support for the International Commission on Nuclear Non-proliferation and Disarmament	193
	Engaging civil society	194
	Parliamentary resolutions and other declarations.....	195
	Appendix A — Submissions	199
	Appendix B — Exhibits.....	203
	Appendix C — Witnesses	211
	Thursday, 26 February 2009 - Canberra.....	211
	Wednesday, 25 March 2009 - Melbourne	211
	Thursday, 26 March 2009 - Sydney	212
	Thursday, 7 May 2009 - Darwin	212

Monday, 11 May 2009 - Canberra.....	213
Thursday, 14 May 2009 - Canberra	213
Appendix D — Delegation program.....	215
Appendix E — Nuclear Non-proliferation and Disarmament Treaties	221
Appendix F — Enrichment plants.....	231
Appendix G — Reprocessing plants	235
Appendix H — Current multilateralisation proposals.....	237



Foreword

The road to nuclear hell is paved with defensive intentions. The United States developed nuclear weapons after it was attacked during the Second World War by Japan, and both the United States and Russia developed nuclear weapons as a defensive strategy during the Cold War.

Because they had nuclear weapons China, which at various times during the nuclear age has had poor relations with both America and Russia, developed nuclear weapons as well. Because China had nuclear weapons, India felt threatened and developed nuclear weapons. Because India developed nuclear weapons, Pakistan felt threatened and developed nuclear weapons. And the strength of religious fundamentalist terrorist groups in Pakistan has created an ever present and alarming risk that nuclear weapons could fall into the hands of non-state actors – terrorist groups who have no respect for human life and will take no notice of doctrines of ‘deterrence’ and ‘mutually assured destruction’ in the way governments might reasonably be expected to.

We must do all that we can to try to break every link in this dangerous nuclear chain. Every one of us has a responsibility to help re-energise the international political debate, against a background of really a decade or more in which the international community has been sleepwalking when it comes to both non-proliferation and especially disarmament.

While concern about nuclear non-proliferation and disarmament has existed for as long as nuclear weapons themselves, the Committee’s inquiry has come at a particularly opportune time. It is clear that in 2009 the world has again engaged with this issue and reaffirmed the importance of the abolition of nuclear weapons. Significantly, world leaders such as President Obama have set out a vision of a world without nuclear weapons. Others too share this vision. In the last few months we have seen more progress on these issues than has been witnessed in many years.

Nevertheless, threats to the nuclear non-proliferation regime are more pressing than ever: the Democratic People’s Republic of Korea claims to have withdrawn

from the Treaty on the Non-proliferation of Nuclear Weapons (NPT) and in May this year detonated a second nuclear device; and Iran remains non compliant with United Nations Security Council resolutions and hinders full inspections access by the International Atomic Energy Agency (IAEA).

The focus of this inquiry – the treaties that underpin the nuclear non-proliferation and disarmament regime – is critically important. Much emphasis has been placed upon not only strengthening the NPT, but also bringing the Comprehensive Nuclear-Test-Ban Treaty into force and negotiating a Fissile Material Cut-Off Treaty. For some people, a Nuclear Weapons Convention that would bring together many of the elements of other treaties, is the best way forward.

What is clear is that we are at a point where concrete action must be taken.

The Committee has focussed upon the 2010 NPT Review Conference as one international milestone in this process. We must do all we can to break down the divisions between the ‘haves’ and ‘have nots’ in the nuclear world. This Conference presents an ideal opportunity for the world to reaffirm its support for the abolition of nuclear weapons and recommit to the undertakings given as parties to the NPT and in previous NPT Review Conferences. It is important to remember that in 2000, the nuclear weapons states committed to an ‘unequivocal undertaking’ to eliminate their nuclear arsenals. Many countries now consider that it is time to make good on that commitment.

It is also time to build confidence between nations by de-emphasising the role of nuclear weapons in security policies. Rather than modernising and replacing these weapons, states need to reduce their role and salience in nuclear doctrine.

The steps that need to be taken are clear and have been on the table for some time. What is needed now is the political will to make them a reality. While the Committee does not underestimate the challenges presented by countries’ security concerns and their varying geopolitical contexts, it sees no reason why action cannot be taken.

There is an existing moratorium on nuclear testing being observed by the nuclear weapon states. It is time to turn that moratorium into a legally binding commitment through the Comprehensive Nuclear-Test-Ban Treaty.

The NPT nuclear weapon states are no longer producing fissile materials. We now need to convince the few states that are engaged in production to agree to progress a Fissile Material Cut-Off Treaty. Like the CTBT, this Treaty is a critical mechanism to bring those countries that are not part of the NPT into the non-proliferation and disarmament regime.

Discussions between the United States and Russia on a replacement nuclear weapons reduction treaty for START are welcome progress on disarmament. It is

America and Russia who have the vast majority of the world's nuclear weapons, so other countries can hardly be expected to disarm if there is no leadership coming from these countries. But the efforts of America and Russia alone will not make the world safe from nuclear attack, far from it. They must be complemented by steps taken by the other nuclear powers to also disarm.

We need to reinforce our support for the work of the International Atomic Energy Agency, particularly if it is to be the verification agency for a Fissile Material Cut-Off Treaty. Its responsibilities are enormous, yet it struggles with a budget inadequate for the task. We must support the IAEA to implement the best possible verification and safeguards regime that can be achieved.

We should also look at ways to ensure that peaceful uses of nuclear energy do not contribute to the proliferation of nuclear weapons, and this report examines fuel cycle multilateralisation as one of these mechanisms.

And we need to address non-compliance issues that are undermining the NPT.

The Committee expresses its strong support for the International Commission on Nuclear Non-proliferation and Disarmament. The opportunity is right for the Commission's work to be taken up and promoted by Governments.

The Committee also sees that there is an important contribution that parliamentarians can make as well. Parliamentarians occupy a unique position that can be utilised to build political will and a commitment to a global approach to nuclear non-proliferation and disarmament issues.

I want to thank my fellow Committee members, not just for the hard work involved in producing a 230 plus page report, but for the attitude of cooperation and determination to say something significant and worthwhile with which they approached this task.

The Treaties Committee has members from the Labor Party, Liberal Party, Nationals and Greens, with very different perspectives on a range of nuclear and foreign policy questions. But each member of the Committee has wanted to play their part in protecting people from the nuclear threat. Each member of the Committee has wanted to ensure that Australia's voice is heard loud and clear around the world on these matters. And so we have worked through the issues until we achieved an agreed outcome, a platform for progress.

For, borrowing a little from the late, great, Edward Kennedy, the dream of a world without nuclear weapons is a dream that must never die. We must never accept that it is alright to live in a world where some people have the power to kill tens of millions of their fellow human beings, and make the planet uninhabitable, in a heart beat. That must never be acceptable.

I wish to place on the record my great appreciation for the mighty work done by the Committee Secretariat, in particular Inquiry Secretary Julia Searle and Committee Secretary Jerome Brown, in enabling this Report to happen. I urge my colleagues here in Australia and in other Parliaments, and ordinary Australians and citizens of other countries, to read it, think about it, and make a world free of nuclear weapons a reality.

Kelvin Thomson MP
Chair



Membership of the Committee

Chair	Mr Kelvin Thomson MP	
Deputy Chair	Senator Julian McGauran	
Members	Hon Kevin Andrews MP (until 10/11/08)	Senator Simon Birmingham
	Mr Jamie Briggs MP (from 11/11/08)	Senator Michaelia Cash
	Mr John Forrest MP	Senator Don Farrell
	Ms Jill Hall MP	Senator Scott Ludlam
	Ms Julia Irwin MP (from 6/2/09 until 12/3/09)	Senator Louise Pratt
	Hon John Murphy MP (from 13/3/09)	Senator Dana Wortley
	Ms Belinda Neal MP	
	Ms Melissa Parke MP	
	Mr Luke Simpkins MP	
	Ms Maria Vamvakinou MP	

Committee Secretariat

Secretary	Jerome Brown
Inquiry Secretary	Julia Searle
	Sonya Fladun (until 17/4/09)
Research Officer	Geoff Wells
Administrative Officers	Heidi Lushtinetz (from 19/1/09)
	Dorota Cooley



Terms of reference

The Committee is to inquire into and report on:

- The international treaties involving Australia which relate to nuclear non-proliferation and disarmament.
- How these treaties advance Australia's objectives in this field.
- How the treaties might be made more comprehensive or effective.
- How inter-parliamentary action can assist in strengthening treaty-based aspects of the nuclear non-proliferation and disarmament regime.
- How the Committee and the Parliament can contribute to the work of the International Commission on Nuclear Non-proliferation and Disarmament.



List of abbreviations

ABM Treaty	Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems
AONM	Australian obligated nuclear material
APM Convention	Convention on the Prohibition of Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction
APPF	Asia-Pacific Parliamentary Forum
CANWFZ	Central Asian Nuclear Weapon Free Zone
CD	Conference on Disarmament
CNIC	Citizen's Nuclear Information Center
CSTO	Charter of the Collective Security Treaty Organization
CTBT	Comprehensive Nuclear-Test-Ban Treaty
CWC	Chemical Weapons Convention
DPRK	Democratic People's Republic of Korea
EU	European Union
EURATOM	European Atomic Energy Community
FAS	Federation of American Scientists

FCO	UK Foreign and Commonwealth Office
FMCT	Fissile Material Cut-Off Treaty
GCI	Global Communications Infrastructure
GIF	Generation IV International Forum
GNEP	Global Nuclear Energy Partnership
HEU	Highly enriched uranium
IAEA	International Atomic Energy Agency
ICNND	International Commission on Nuclear Non-proliferation and Disarmament
IDC	International Data Centre
IMS	International Monitoring System
INF Treaty	Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles
INFCE	International Nuclear Fuel Cycle Evaluation
INPRO	International Project on Innovative Nuclear Reactors and Fuel Cycles
IPU	Inter-parliamentary Union
IUEC	International Uranium Enrichment Centre
LEU	Low enriched uranium
MESP	Multilateral Enrichment Sanctuary Program
MNA	Multilateral nuclear approaches
NAM	Non-aligned Movement
NGO	Non-government organisation
NNWS	Non nuclear weapon states

NSG	Nuclear Suppliers Group
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NTI	Nuclear Threat Initiative
NWC	Nuclear Weapons Convention
NWFZ	Nuclear Weapon Free Zone
NWS	Nuclear weapon states
OECD-NEA	Organisation for Economic Co-operation and Development Nuclear Energy Agency
PrepCom	Preparatory Committee for the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
Pu	Plutonium
PUREX	Plutonium and Uranium Recovery by Extraction
RCA	Regional cooperative agreement
SALT I	Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with Respect to the Limitation of Strategic Offensive Arms
SALT II	Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms
SEANWFZ	Southeast Asian Nuclear-Weapon-Free-Zone Treaty
SILEX	Separation of Isotopes by Laser Excitation
SNT	Sensitive nuclear technologies
SORT	Treaty between the United States of America and Russian Federation on Strategic Offensive Reductions
START/ START I	Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms

	(also known as the Strategic Arms Reduction Treaty)
START II	Treaty between the United States of America and the Russian Federation on Further Reductions and Limitation of Strategic Offensive Arms
UK	United Kingdom
UN	United Nations
UNIDR	United Nations Institute for Disarmament Research
US	United States
USEC	United States Enrichment Corporation
USSR	Union of Soviet Socialist Republics
WMD	Weapons of Mass Destruction
WNA	World Nuclear Association



List of recommendations

2 Comprehensive Nuclear-Test-Ban Treaty

Recommendation 1

The Committee recommends that the Australian Government promotes and supports efforts to achieve ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by the United States Senate, including by making clear that United States ratification of the CTBT would be positively received by Australia and other countries, and that Australia seeks a world without nuclear weapons.

Recommendation 2

The Committee recommends that the Australian Government pursue diplomatic efforts to encourage ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by the remaining Annex II states whose ratification is required to achieve entry into force of the Treaty, and seek undertakings from these countries that they will not be the impediment to the CTBT entering into force.

3 Fissile Material Cut-Off Treaty

Recommendation 3

The Committee recommends that the Australian Government continue to pursue vigorous diplomatic efforts to promote negotiation of a verifiable Fissile Material Cut-Off Treaty, as well as measures for safeguarding the vast existing stockpiles of weapons usable fissile materials.

Recommendation 4

The Committee recommends that the Australian Government ensure that adequate resourcing is made available to diplomatic staff in Geneva and,

where appropriate, in other missions to enable Australia to take an active and involved role in negotiations for a Fissile Material Cut-Off Treaty.

4 The NPT and IAEA safeguards

Recommendation 5

The Committee recommends that the Australian Government encourage all other uranium exporting countries to require that the countries to whom they export uranium have an Additional Protocol in place.

Recommendation 6

The Committee recommends that the Australian Government abandon its zero real growth policy on the International Atomic Energy Agency's (IAEA) budget and work with other states to strengthen the IAEA's funding base.

5 Fuel cycle multilateralisation

Recommendation 7

The Committee recommends that the Australian Government investigate further the potential merits and risks of fuel cycle multilateralisation proposals, including through:

- discussion of such proposals at the 2010 Non-Proliferation Treaty Review Conference;
- advocating within the Nuclear Suppliers Group for the development of restrictive criteria for the supply of sensitive nuclear technologies; and
- engaging in dialogue with those countries in South-East Asia proposing to develop a nuclear energy industry.

6 Nuclear Weapons Convention

Recommendation 8

The Committee recommends that the Australian Government make clear in international fora its support for the adoption of a Nuclear Weapons Convention.

Recommendation 9

The Committee recommends that the Australian Government allocate research and consultation resources to the development of a Nuclear

Weapons Convention with a clear legal framework and enforceable verification.

7 Other treaties

Recommendation 10

The Committee recommends that the Australian Government encourage an early conclusion to the negotiation of a replacement nuclear weapons reduction treaty by the United States and Russia, involving deep, verifiable and irreversible cuts, followed by its prompt ratification and entry into force.

Recommendation 11

The Committee recommends that Australia play a leading role in advocating for full recognition of a southern hemisphere nuclear weapons free zone and in developing formal links between all members of nuclear weapons free zones, and that the Australian Government raise the issue at the 2010 NPT Review Conference and consider hosting a conference on this issue.

9 The Conference on Disarmament

Recommendation 12

The Committee recommends that the Australian Government undertakes strong diplomatic efforts to progress the work program of the Conference on Disarmament.

10 International Commission on Nuclear Non-proliferation and Disarmament

Recommendation 13

The Committee recommends that the Australian Government continue to actively support the work of the International Commission for Nuclear Non-proliferation and Disarmament.

Recommendation 14

The Committee recommends that the Australian Government seeks to build the adequacy and the continuity of the resources allocated to diplomatic and expert capabilities in disarmament and nuclear non-proliferation within the Department of Foreign Affairs and Trade.

11 2010 NPT Review Conference

Recommendation 15

The Committee recommends that the Australian Government seeks to promote agreement to the Comprehensive Nuclear-Test-Ban Treaty and the Fissile Material Cut-Off Treaty at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recommendation 16

The Committee recommends that the Australian Government seeks to promote universalisation of the Additional Protocol to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) at the 2010 NPT Review Conference.

Recommendation 17

The Committee recommends that the Australian Government pursue, in conjunction with the Indonesian Government, an event for parliamentarians at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2010 NPT Review Conference) designed to encourage more active parliamentary involvement in these issues.

12 The role of Parliamentarians

Recommendation 18

The Committee recommends that the Presiding Officers agree to all outgoing official parliamentary delegations being briefed on nuclear disarmament and non-proliferation issues, with a mandate to raise these issues during discussions with other parliamentarians as appropriate.

Recommendation 19

The Committee recommends that the Presiding Officers agree to the Parliament's outgoing delegation program for 2010 being arranged so that the regular bilateral visit to the United States coincides with the 2010 NPT Review Conference, thus allowing parliamentarians an opportunity to participate in this Conference.

Recommendation 20

The Committee recommends that the delegation to the 121st Inter-Parliamentary Union Conference in October 2009 takes this report to that conference to promote further discussion of nuclear non-proliferation and disarmament issues.

Recommendation 21

The Committee recommends that the Parliament adopt a resolution on the Parliament's commitment to the abolition of nuclear weapons.

Recommendation 22

The Committee calls on parliaments around the world to support similar actions to those contained in recommendations 18, 19, 20 and 21.



Inquiry process

Referral of the inquiry

The Prime Minister, the Hon Kevin Rudd MP, wrote to the Joint Standing Committee on Treaties on 13 October 2008 asking it to undertake an inquiry into the nuclear non-proliferation and disarmament treaties involving Australia. The Committee was asked to consider how these treaties advance Australia's objectives, how they might be made more comprehensive or effective, and how inter-parliamentary action can contribute to strengthening the treaty-based aspects of this regime.

The Committee was also asked to look at how the Committee and the Parliament can contribute to the work of the International Commission on Nuclear Non-proliferation and Disarmament. The terms of reference are at page xv of the report.

Conduct of the inquiry

A media release announcing the inquiry was issued on 12 November 2008. The Committee's terms of reference were advertised and written submissions invited in the *Australian* on 26 November 2008.

The Committee wrote to 59 companies, organisations and individuals inviting them to make submissions to the inquiry. This included expert organisations and individuals overseas as well as the relevant committees in a number of other parliaments. The Committee also invited submissions from all state and territory governments and relevant Commonwealth government departments.

The Committee received 87 written submissions and 8 supplementary submissions, which are listed at Appendix A. The Committee also received 92 exhibits, which are listed at Appendix B.

Public hearings were conducted by the Committee in Melbourne, Sydney, Darwin and Canberra from February to May 2009. The dates and locations of the hearings, together with the names of the witnesses who appeared before the Committee are at Appendix C.

Access to the published submissions to the inquiry, transcripts of evidence taken at public hearings and an electronic copy of the report is available on the internet from the Committee's web site:

www.aph.gov.au/house/committee/jsct/nuclearnon_proliferation/index.htm

A delegation of the Committee also travelled to Geneva, Vienna, Washington and New York from 30 June to 15 July 2009 where it met with representatives of key international organisations in the nuclear non-proliferation and disarmament regime as well as expert individuals and organisations. A copy of the delegation program is at Appendix D.

Context of the inquiry

This inquiry has been undertaken within the context of significant work by the International Commission on Nuclear Non-proliferation and Disarmament (ICNND) in the lead up to the 2010 NPT Review Conference¹.

The ICNND was announced by the Prime Minister, the Hon Kevin Rudd MP, on 9 June 2008 in Japan. The two year mandate of the Commission is to:

- reinvigorate global debate on the need to prevent further spread of nuclear weapons;
- advance the goal of nuclear disarmament; and
- strengthen the Treaty on the Non-proliferation of Nuclear Weapons (NPT).

The Commission seeks to accomplish this through global consensus in the lead up to the 2010 NPT Review Conference and beyond. The Commission will also look at ways in which the non-NPT nuclear capable states might be brought into the global non-proliferation and disarmament system, and examine how to minimise proliferation risks arising from expanded use of civil energy due to climate change and energy security concerns.²

¹ Article VIII of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) provides for a conference of the parties to review operation of the treaty every five years. The next conference, the 2010 NPT Review Conference, will be held in May 2010.

² Letter from the Hon Kevin Rudd MP, Prime Minister, to Mr Kelvin Thomson MP, Committee Chair, 13 October 2008.

The ICNND, co-chaired by former Australian foreign minister Gareth Evans and former Japanese foreign minister Yoriko Kawaguchi, is made up of 15 Commissioners from around the world. It is expected to issue its final report prior to the 2010 NPT Review Conference.

Structure of the report

Australia is party to many nuclear related treaties, both multilateral and bilateral. A list of these treaties, a brief summary of their purpose and the date that the treaty entered into force for Australia is at Appendix E.

This report does not address all of these treaties but instead focuses upon those treaties that were seen by participants in the inquiry as key to progressing nuclear disarmament and strengthening the non-proliferation regime. This includes treaties that have not yet been negotiated, such as a Fissile Material Cut-Off Treaty and Nuclear Weapons Convention.

The report commences with two treaties considered fundamental to the abolition of nuclear weapons: the Comprehensive Nuclear-Test-Ban Treaty (Chapter 2) and a Fissile Material Cut-Off Treaty (Chapter 3). These chapters identify a number of issues that will need to be resolved at a political level to progress these treaties.

The report then looks at the key existing treaty of the non-proliferation regime, the NPT, and examines some of the issues arising from that treaty and the International Atomic Energy Agency's responsibilities, including the safeguards regime (Chapter 4).

Chapter 5 examines the control of proliferation sensitive technology through fuel cycle multilateralisation, including fuel supply assurances.

Proposals for a Nuclear Weapons Convention are discussed in Chapter 6 and other treaties, including the Strategic Arms Reduction Treaty (START) and nuclear weapon free zones, in Chapter 7.

Chapter 8 consider two particular case study countries that are undermining non-proliferation efforts: Iran and North Korea.

The world's multilateral disarmament forum, the Conference on Disarmament is examined in Chapter 9 and the work of the ICNND in Chapter 10.

Chapter 11 examines the issues that are likely to arise at the 2010 NPT Review Conference.

The final chapter of the report examines the role that Parliament and parliamentarians can play in progressing these issues. The Committee makes a number of recommendations for parliamentary action.