

Submission 6.2
TT 14 May 2008

Further evidence in response to questions on notice, August 25, 2008

**JSCOT hearing on Agreement between the Government of Australia and the
 Government of the Russian Federation on Cooperation in the Use of Nuclear Energy for
 Peaceful Purposes**

Dr Sue Wareham, President, Medical Association for Prevention of War (Australia)

1. (Hansard page TR 5)

Chair – Simply in terms of arguing for information to be exchanged and supplied, is there anything in the agreement that could be pointed to as giving Australia some rights or an opportunity to argue that point [in the event that there is suspicion of information being withheld as “state secrets” without proper justification] ?

In our view, there is nothing in the agreement that ensures that Australia has access to all necessary information on which to assess whether diversion of Australian-origin uranium to military facilities has occurred or might occur. Article XV of the treaty refers to the rights of the supplier party to suspend or cancel further transfers if the receiver party does not comply with the provisions of the treaty. As MAPW has argued elsewhere in our submission however, it may be too late then, because diversion of nuclear material to a weapons program may have already occurred.

2. (Hansard page TR 5)

Chair - On the question of Russia's compliance or non-compliance with other international treaties such as the European Convention for the Protection of Human Rights and Fundamental Freedoms, do you have a view about that or any evidence concerning that?

MAPW's strong view is that the Russian Government commits serious violations of human rights and fundamental freedoms. Such violations did not finish with the end of the Cold War.

The situation was summarised by Human Rights Watch in its World Report 2007, which stated:

¹⁸ The murder of journalist Anna Politkovskaia profoundly shocked the human rights movement in Russia and internationally and symbolized the further deterioration of the human rights situation in Russia. Meanwhile, the Kremlin has tightened its grip on human rights organizations and other independent institutions.

Grave human rights abuses persist in Chechnya, including torture, abductions, and forced disappearances, and the conflict threatens to spill over into other regions of the northern Caucasus

International scrutiny of Russia's human rights record was grossly inadequate at a time when Russia assumed leadership of two international bodies in 2006, resulting in a lost opportunity to press Russia to improve its record. Russia took over chairmanship of the Committee of Ministers of the Council of Europe in May and held the presidency of the Group of Eight, hosting the organization's summit in St Petersburg in July.....

Nongovernmental organizations (NGOs), activists, and independent journalists working on human rights issues, particularly the war in Chechnya, faced increasing administrative and judicial harassment. In some cases, these individuals also endured persecution, threats, and physical attacks.

In October 2006 an unidentified gunman murdered Novaya Gazeta journalist Anna Politkovskaia. Known for her independent reporting, particularly about abuses committed in the war in Chechnya, Politkovskaia was a fierce critic of the Kremlin and the pro-Russian Chechen government. There seemed little doubt she was killed because of her work. Also, there was a rise in the number of death threats against prominent human rights defenders.....

In January President Vladimir V. Putin signed into law new regulations that impose burdensome reporting requirements on all NGOs and grant registration officials unprecedented authority to interfere with or restrict the work of NGOs. Under the law, officials may, without a court order, demand any document at any time from an NGO and order an intrusive inspection of an NGO's office. The law requires foreign NGOs to submit annual and quarterly work plans and permits government officials to ban planned projects or activities that conflict with Russia's national interests. All foreign NGOs had to re-register by mid-October; hundreds had to suspend their operations for weeks while their applications were pending.¹¹

The Environmental Foundation Bellona, based in Oslo, reports that violations of the rights of individuals and environment groups is "becoming a regular practice in modern Russia".¹

3. (Hansard page TR 6)

Senator Farrell – Can you tell us, if you know, what other countries supply uranium to Russia?

MAPW cannot provide a full answer to that question. However we note from information supplied by the Department of Foreign Affairs and Trade that Russia has concluded, or is negotiating, nuclear cooperation agreements with a number of countries, including Canada and the United Kingdom. The United States has put on hold a nuclear agreement with Russia in response to the war in Georgia.

4. (Hansard page TR 6)

Senator Pratt - Your submission raises some significant issues in relation to how whistleblowers might effectively be treated. What, as far as you are aware, is the history of people who have tried to blow the whistle on poor practice in the nuclear industry in Russia?

There are a number of examples that can be cited:

- Alexander Nikitin was a nuclear engineer who, in 1994, reported nuclear accidents on board Russian nuclear submarines. He was charged with espionage and state treason, and was adopted by Amnesty International as a prisoner of conscience. After years of persecution, he was finally acquitted by the Russian Supreme Court in 2000.

¹ http://www.bellona.org/subjects/Legal_issues

- Grigory Pasko, a journalist working for the Russian Pacific Fleet's newspaper, published material focussing on nuclear safety issues in the Pacific Fleet. He was arrested in 1997 and accused of treason. He was convicted and served two-thirds of a four-year term of hard labour before being released on parole. Amnesty International stated in 2002 that his prosecution appeared to be "motivated by political reprisal for exposing the practice of dumping nuclear waste".
- Sergey Kharitonov worked at the spent fuel storage facility at Leningrad nuclear power plant. When he complained in the year 2000 that the plant was unsafe, he was sacked.
- Igor Sutyagin, a researcher at the Institute of US and Canada Studies of the Russian Academy of Sciences, worked with academics from the US, in particular the Carnegie Endowment for International Peace, in publishing works on nuclear weapons development, production and disarmament. In 1999, he was accused of passing classified information to a Western company, despite never having had a security clearance or access to any classified information. Sutyagin was sentenced to 15 years in hard labour for treason.
- In the wake of the Chernobyl catastrophe in 1986, Professor Yuri Bandashevsky, head of the Gomel State Medical Centre in one of the most contaminated areas of Belarus, conducted research into the effects of internal radiation. For this he received an 8-year prison sentence. Amnesty International adopted him as a prisoner of conscience, believing that his conviction was "related to his scientific research into the Chernobyl nuclear reactor catastrophe...and his open criticism of the state authorities".

5. (Hansard page TR 8)

Senator Birmingham – *If you could provide copies of that correspondence [with the IAEA], that would be helpful.*

MAPW 's correspondence with the IAEA is attached.

Sue

From:
To: -
Cc: sue@iaea.org
Sent: Thursday, 21 August 2008 9:35 PM
Subject: FW: information please

Dr. Dr. Wareham,

Thank you for your email. We had recently a similar query and put together this reply below. I think it covers your questions as best we can:

The IAEA has applied safeguards in Russia during recent years under its voluntary offer agreement for specific facilities (see 1994 AR below). You might also like to check earlier safeguards statements contained in the Annual Reports that are on our website <http://www.iaea.org/Publications/Reports/Anrep2006/index.html>

The Annual Report safeguards statement for 1994 says:

"Voluntary-offer agreements were in force with the five nuclear-weapon States and safeguards were applied pursuant to these agreements at designated facilities in all nuclear-weapon States. Safeguards activities in nuclear-weapon States also continued where other obligations existed, e.g. INFCIRC/66/Rev.2-type agreements."

<http://www.iaea.org/Publications/Reports/Anrep94/anr9412.html>

The Non-Proliferation Treaty (NPT) was negotiated and agreed upon at the end of the 1960s. It accepts five nuclear weapons states and obliges all the other members of the treaty to refrain from acquiring nuclear weapons and allow the IAEA to verify this compliance, while at the same time benefiting from exchanges of peaceful nuclear technology. You can learn more about the NPT and the role of the Agency here <http://www.iaea.org/NewsCenter/Focus/Npt/index.shtml>. Under the NPT and its statute, the Agency implements a system of Safeguards in order to verify the compliance of the member states. You can learn more about the IAEA safeguards here <http://www.iaea.org/OurWork/SV/Safeguards/index.html>.

The five states which had exploded a nuclear weapon prior to 1 January 1967 (Russia, US, GB, France and China) are recognized under the NPT as nuclear weapons states. India, Pakistan and Israel never joined the treaty.

North Korea joined the treaty, left it, developed nuclear weapons, tested in the winter of 2006, yet after negotiations, it seems to be rolling back its program and might be rejoining the NPT.

Russia is a recognized Nuclear-Weapon State under the NPT and the Agency is not entrusted with the monitoring of other obligations Russia has under the NPT, as for example under Article 6 concerning disarmament (http://www.nti.org/e_research/official_docs/inventory/pdfs/aptnpt.pdf).

For one reactor, the BN-600 Beloyarsk-3, Russia has voluntarily accepted IAEA safeguards, so as to give working experience of such units to IAEA inspectors but this facility does not appear on the list of safeguarded facilities http://www.iaea.org/Publications/Reports/Anrep2007/table_a28.pdf. To learn more about Russia's Nuclear Energy Sector, please see the World Nuclear Association (<http://www.world-nuclear.org/info/inf45.html>).

The short answer is that we do not inspect weapons states the same way we do other NPT states.

6/09/2008

Their military sites are off limits, and only some of their civilian sites are placed on what's called a "voluntary offer" list. Also under safeguards would be facilities where safeguarded material is placed. See the recent Australian-Russian uranium talks
<http://www.dfat.gov.au/GEO/russia/treaties/faq.html>

If you have any further questions, don't hesitate to contact us again.
Best regards,

Elizabeth Dobie-Sarsam
Division of Public Information
IAEA

Visit IAEA's Internet Web Pages: <<http://www.iaea.org/>>

From: Sue [mailto:warehams@ozemail.com.au]
Sent: Wednesday, 20 August 2008 15:56
To: Official Mail - IAEA Mail address
Subject: information please

IAEA Information Office

Dear Sir / Madam,

I am writing to request information regarding the extent and nature of IAEA inspections in the major nuclear weapons states, particularly Russia.

Could you please inform me as to what inspections have taken place in Russia in recent years, that is, what facilities have been inspected, when those inspections took place, and the results.

In addition, could you please provide a summary of the IAEA policy in relation to inspections in nuclear weapons states that are party to the NPT (Russia, the US, China, France and the UK) ?

With thanks
Sincerely
Dr Sue Wareham

Dr Sue Wareham OAM
President, Medical Association for Prevention of War (Australia)
Member, Australian Management Committee, International Campaign to Abolish Nuclear Weapons

This email message is intended only for the use of the named recipient. Information contained in this email message and its attachments may be privileged, confidential and protected from disclosure. If you are not the intended recipient, please do not read, copy, use or disclose this communication to others. Also please notify the sender by replying to this message and then delete it from your system.