

**Submission to:
Joint Standing Committee on Treaties
Inquiry into Nuclear Non-proliferation and Disarmament**

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"The nuclear non-proliferation treaty continues to fracture. And there has been little if any progress on nuclear arms reduction – let alone nuclear disarmament."

Kevin Rudd

5 July 2007 – Lowy Institute.

"[T]he Nuclear Non-proliferation Treaty 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, including the outbreak of regional nuclear arms races in South Asia, North East Asia and possibly even South East Asia."

Kevin Rudd

19 September 2006 - Sydney Institute.



INTRODUCTION

Friends of the Earth, Australia (FoEA) requests the opportunity to address a hearing of the Joint Standing Committee on Treaties (JSCT) to elaborate on issues raised in this submission and, if requested, to discuss other nuclear non-proliferation and disarmament treaties involving Australia. Indeed it is imperative that FoEA be given an opportunity to appear before a JSCT hearing given the recent experience of FoEA providing crucial information to the Committee on the non-existence of safeguards in Russia - information which Department of Foreign Affairs and Trade (DFAT) representatives, and Australian Safeguards and Non-proliferation Office (ASNO) representatives, conspicuously failed to provide to the Committee.

This submission focusses on treaties related to Australia's uranium exports - primarily the NPT and bilateral uranium export and nuclear cooperation agreements. Other treaties are also discussed briefly insofar as they relate to uranium exports - e.g. the pattern of successive governments of allowing uranium sales to states refusing to accede to, or blocking progress on, the Comprehensive Test Ban Treaty, the proposed Fissile Material Cut-Off Treaty, etc.

FoEA asks the JSCT to recommend the cancellation of all of Australia's uranium export treaties, or to recommend major revision of those treaties, because of the flaws and limitations of the 'safeguards' arrangements addressed in this submission and the unacceptable risk of Australia's uranium exports contributing to nuclear weapons proliferation.

While it is not further discussed in this submission, FoEA strongly endorses submissions promoting a lead role for Australia with respect to a Nuclear Weapons Convention to outlaw and bring about the elimination of nuclear weapons - to prohibit the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons. More information is available at <www.icanw.org/nuclear-weapons-convention>.

One final introductory comment. Australia's alleged commitment to nuclear disarmament is a fraud. An Australian government committed to nuclear disarmament would first and foremost extricate Australia from the 'extended nuclear deterrence' of the US nuclear arsenal ... and lead an international campaign to persuade other 'umbrella' states to do the same. As IAEA Director General Mohamed ElBaradei noted in 2007: "Why, some ask, should the nuclear-weapon States be trusted, but not others - and who is qualified to make that judgment? Why, others ask, is it okay for some to live under a nuclear threat, but not others, who continue to be protected by a 'nuclear umbrella'?" <www.wagingpeace.org/articles/2007/05/24_ElBaradei_Preventing_Nuclear_Catastrophe.htm>

CIVIL NUCLEAR MATERIALS AND FACILITIES CAN BE AND HAVE BEEN USED FOR WMD PRODUCTION

"For eight years in the White House, every weapons-proliferation problem we dealt with was connected to a civilian reactor program. And if we ever got to the point where we wanted to use nuclear reactors to back out a lot of coal ... then we'd have to put them in so many places we'd run that proliferation risk right off the reasonability scale."
Al Gore, 2006.

Uranium is the only energy source with a direct and repeatedly-demonstrated connection to the proliferation of Weapons of Mass Destruction.

Of the 60 countries which have built nuclear power or research reactors, over 20 are known to have used their 'peaceful' nuclear facilities for covert weapons research and/or production. Of the 10 countries to have built nuclear weapons, five acquired the necessary nuclear facilities and materials through their 'civil' nuclear programs (India, Pakistan, Israel, South Africa, North Korea)

There is also overlap between civil nuclear programs and WMD programs in the five 'declared' nuclear weapons states (US, Russia, UK, France, China). It is no coincidence that these five states account for almost 60% of global nuclear power output.

The extensive overlap between civil and military nuclear programs is detailed in papers posted at <www.foe.org.au/anti-nuclear/issues/nfc/power-weapons>.

THE LIMITATIONS OF SAFEGUARDS

"It is clear that no international safeguards system can physically prevent diversion or the setting up of an undeclared or clandestine nuclear programme."

IAEA, 1993, Against the Spread of Nuclear Weapons: IAEA Safeguards in the 1990s.

ASNO Director General John Carlson states that: "All the nuclear activities in the countries we export to and the Australian uranium they use is under IAEA safeguards and that's the foundation of our system."

(Quoted in Has anybody seen Australia's uranium?, Jason Koutsoukis, AFR, 9/11/2002.)

The International Atomic Energy Agency (IAEA) has no mandate to prevent the use of 'civil' nuclear facilities and materials for weapons production, and no capacity to prevent weapons production. At best, the IAEA's safeguards system detects misuses/diversion and then the matter is handballed to the UN Security Council and to the realms of international diplomacy more generally. Numerous examples illustrate how difficult and protracted the resolution (or attempted resolution) of such issues can be, e.g. North Korea, Iran, the Japan MUF saga discussed below.

Meanwhile, there is no resolution in sight to some of the most fundamental problems, e.g. countries invoking their right to pull out of the NPT and developing a weapons capability as North Korea has done.

The cornerstone of IAEA safeguards involves inspections of nuclear plants and materials stockpiles. These inspections are at best periodic and partial and at worst (e.g. Russia) non-existent.

The uranium industry and its promoters (e.g. ASNO's John Carlson) routinely claim that safeguards "ensure" that Australian Obligated Nuclear Materials (AONM - primarily uranium and its derivatives such as plutonium) will not be used in nuclear weapons. The JSCT should explicitly reject that falsehood.

The Director-General of the IAEA, Dr Mohamed El Baradei, is remarkably frank about the limitations of safeguards. In speeches and papers in recent years, Dr El Baradei has noted that the IAEA's basic rights of inspection are "fairly limited", that the safeguards system suffers from "vulnerabilities" and "clearly needs reinforcement", that efforts to tighten the system have been "half hearted" and that the IAEA safeguards system runs on a "shoestring budget ... comparable to a local police department." (Statements posted at: <www.iaea.org/NewsCenter/Statements/index.html>.)

In addition to resource constraints, issues relating to national sovereignty and commercial confidentiality have also adversely impacted on safeguards. In a 2004 paper, Harvard University academic Matthew Bunn points to the constraints enshrined in the IAEA's basic safeguards template, "INFCIRC 153":

"INFCIRC 153 is replete with provisions designed to ensure that safeguards would not be too intrusive. They are to be implemented in a manner designed "to avoid hampering" technological development, "to avoid undue interference" in civilian nuclear energy, and "to reduce to a minimum the possible inconvenience and disturbance to the State". The IAEA is not to ask for more from the state than "the minimum amount of information and data consistent with carrying out its responsibilities", and specific upper bounds are placed on the number of person-days of inspection permitted at various types of nuclear facilities."

THE SCOPE OF SAFEGUARDS ACROSS THE NUCLEAR FUEL CYCLE

Application of IAEA safeguards should be extended to fully apply to mined uranium ores, to refined uranium oxides, to uranium hexafluoride gas, and to uranium conversion facilities, prior to the stages of enrichment or fuel fabrication.

FoEA supports the JSCT's previous recommendation that "the Australian Government lobbies the IAEA and the five declared nuclear weapons states under the NPT to make the safeguarding of all conversion facilities mandatory."

MATERIAL UNACCOUNTED FOR

Nuclear accounting discrepancies are commonplace and inevitable due to the difficulty of precisely measuring nuclear materials. The accounting discrepancies are known as Material Unaccounted For (MUF). As ASNO notes: "Every year inventory reports involving bulk material will include a component of MUF."

This problem of imprecise measurement provides an obvious loophole for diversion of nuclear materials for weapons production. In a large plant, even a tiny percentage of the annual through-put of nuclear material will suffice to build one or more weapons with virtually no chance of detection by IAEA inspectors. For example, the Rokkasho reprocessing plant in Japan will have the capacity to separate about eight tonnes of plutonium from spent nuclear fuel each year. Diverting just 1% of that amount of plutonium would be very difficult for the IAEA to detect against the background of routine accounting discrepancies, yet it would be enough to build at least one nuclear weapon per month.

Australia's uranium has resulted in the production of over 114 tonnes of plutonium - sufficient for over 11,000 nuclear weapons. If just 0.1% of this plutonium is written off as Material Unaccounted For, that is sufficient for 11 plutonium bombs similar to that which destroyed Nagasaki. Government agencies refuse to release MUF figures; for plutonium, it may well be significantly greater than 0.1%.

MUF discrepancies occur in either direction - the recorded quantity may be higher or lower than the expected amount. Unfortunately, even if the recorded quantity is greater than the expected quantity, or exactly the same as the expected quantity, the possibility of diversion/misuse cannot be discounted. A key problem here is the source of the information. To a large extent, Australia is reliant on customer countries for information on nuclear materials accounting, which raises the obvious problem that any state diverting AONM for WMD production is hardly likely to own up to the fact.

As ASNO notes, a particular accounting discrepancy is not proof of diversion/misuse of nuclear materials. The problem is that of imprecise measurement provides an obvious loophole - one which is difficult or impossible to rectify.

ASNO refuses to publicly release information about MUF involving AONM, even aggregate, non-country-specific information. Certainly there have been incidents of large-scale MUF in Australia's uranium customer countries such as the UK and Japan.

An example is given in the 'Atoms in Japan' publication. In 2003 it was discovered that of the 6.9 tons of plutonium separated at the Tokai reprocessing facility in the period from 1977 to 2002, the measured amount of plutonium was 206kg less than it should have been. Given that the IAEA defines a "significant quantity" of plutonium as 8kg, this means that since the Carter Administration agreed to let Japan operate the Tokai Reprocessing Facility, enough plutonium has gone missing to make about 26 bombs. After further investigations, the Japanese government claimed that it could explain where some of the missing plutonium had gone and reduced the figure to 59kg, but that is still enough for 7 bombs.

(Japan Atomic Industrial Forum, "Better Accounting of Plutonium Urged at JNC's Tokai Reprocessing Plant", Atoms in Japan, May 2003, pp.19-20.)

At this point in the debate ASNO disputes whether 'reactor grade' plutonium can be used in weapons. There is not a single, credible, independent scientist in the world who supports ASNO's position. The issue of reactor-grade plutonium is addressed in the following papers:

* Physicist Dr Alan Robert's contribution to Briefing Paper #19 at <www.energyscience.org.au>. Dr Roberts explicitly debunks ASNO's misinformation.

* FoE briefing paper <www.foe.org.au/anti-nuclear/issues/nfc/power-weapons/rgpu>

ASNO claims that: "To date, reported MUF involving AONM has been explained to ASNO's satisfaction." ASNO further states that: "In many cases MUF can be attributed to unavoidable measurement differences, but where the size of the MUF is outside the expected range further investigation is undertaken." However, ASNO refuses to provide any information on the number of occasions that it has undertaken "further investigation", which countries were involved, what the "investigation" involved, or what reasons were proffered by the country in question.

FoEA supports the recommendation in JSCT report #94 that: "Further consideration is given to the justification for secrecy of Material Unaccounted For." FoEA also supports that JSCT's statement that "assurances of safety must override commercial interests".

However FoEA asks the JSCT to make a stronger recommendation; namely, that all MUF information, past, present and future, is promptly reported publicly and that this is done on a country-by-country and facility-by-facility basis. FoEA understands that other countries (e.g. Japan) release MUF data.

There is no legitimate justification for the secrecy surrounding MUF. ASNO has done no better than to cite 'commercial confidentiality'.

ASNO appears to favour a semantic 'solution' to this problem by doing away with the term Material Unaccounted For and replacing it with a term such as "inventory difference".

THE SCALE OF THE SAFEGUARDS CHALLENGE IS EVER-INCREASING

The scale of the safeguards challenge is ever-increasing. Of course, the scale of the safeguards challenge does not increase in direct proportion to the tonnage of nuclear materials to be safeguarded, but it increases nonetheless.

In its 2007-08 Annual Report, ASNO provides the following information on AONM held overseas as at 31/12/07:

Depleted Uranium (EU, Japan, South Korea, USA) 87,249 tonnes

Natural Uranium (Canada, EU, Japan, South Korea, USA) 21,475 tonnes

Uranium in Enrichment Plants (EU, Japan, USA) 18,217 tonnes

Low Enriched Uranium (Canada, EU, Japan, Mexico, South Korea, Switzerland, USA) 12,110 tonnes

Irradiated Plutonium (Canada, EU, Japan, Mexico, South Korea, Switzerland, USA) 113 tonnes

Separated Plutonium (EU, Japan) 1.3 tonnes

TOTAL: 139,165 tonnes

The following table shows the increase in AONM overseas:

DATE	31/12/02	31/12/03	31/12/04	31/12/05	31/12/06	31/12/07	Average annual increase	Increase over 5 years
Total AONM (tonnes)	96,988	105,245	113,531	122,326	130,756	139,165	8,435	43%
Total Australian-obligated plutonium (tonnes)	70.0	78.6	86.4	95.4	103.7	114.3	8.86	63%
Separated plutonium *	0.6	0.6	0.4	0.4	0.7	1.3	0.14	217%
Total plutonium sufficient for xyz nuclear weapons. **	7,000	7,860	8,640	9,540	10,370	11,430	886	63%

All data from ASNO Annual Reports: <www.asno.dfat.gov.au/annual_reports.html>

* Separated plutonium can be used directly in nuclear weapons. Plutonium in irradiated forms, e.g. in spent nuclear fuel, would first have to be separated by reprocessing for use in weapons.

** Assuming 10 kgs per nuclear weapon.

IAEA SAFEGUARDS ARE UNDER-RESOURCED

The IAEA lacks the resources to effectively carry out its safeguards role. For more than 15 years, the IAEA's verification program operated under conditions of zero real growth. Then in 2004, the budget was increased by 12.4%, with a further 3.3% increase in 2005.

In 2004, Dr El Baradei stressed the seriousness of the funding problem in a speech to an International Safeguards symposium in Vienna:

"Financial resources are another key issue. Our budget is only \$130 million; that's the budget with which we're supposed to verify the nuclear activities of the entire world. Reportedly some \$1 billion was spent by the Iraq Survey Group after the war in that country. Our budget, as I have said before, is comparable with the budget of the police department in Vienna. So we don't have the required resources in many ways to be independent, to buy our own satellite monitoring imagery, or crucial instrumentation for our inspections. We still do not have our laboratories here in Vienna equipped for state-of-the-art analysis of environmental samples."

AUSTRALIA'S BILATERAL URANIUM AGREEMENTS

In addition to IAEA safeguards, countries purchasing Australian uranium must sign a bilateral agreement. However there are no Australian inspections of nuclear materials stockpiles or facilities using Australian uranium – Australia is entirely reliant on the partial and underfunded inspection system of the IAEA.

The most important provisions in bilateral agreements are for prior Australian consent before Australian nuclear material is transferred to a third party, enriched beyond 20% uranium-235, or reprocessed. However no Australian government has ever refused permission to separate plutonium from spent fuel via reprocessing (and there has never been a request to enrich beyond 20% U-235). Even when reprocessing leads to the stockpiling of plutonium (which can be used directly in nuclear weapons), ongoing or 'programmatic' permission has been granted by Australian governments. Hence there are stockpiles of 'Australian-obligated' separated plutonium in Japan and in some European countries.

Globally, the amount of separated 'civil' plutonium has increased to an obscene level - about 270 tonnes, enough for about 27,000 nuclear weapons. The resolution to this problem could hardly be simpler - suspending or reducing the rate of reprocessing to draw down civil stockpiles of separated

plutonium. But commercial imperatives come first. Australia could take a lead role by tying uranium export approvals to the draw-down of separated plutonium stockpiles ... but commercial imperatives come first and ASNO is always there to defend the indefensible.

AUSTRALIA DOES NOT REQUIRE THAT ALL NUCLEAR FACILITIES PROCESSING AONM BE SUBJECT TO IAEA INSPECTIONS

Australia allows the processing of AONM in facilities which are not covered by IAEA safeguards at all. While AONM is meant to be subject to IAEA safeguards from the enrichment stage onwards, ASNO is willing to make exceptions; for example ASNO has recommended that the Australian government agree to the processing of Australian uranium in an unsafeguarded enrichment plant in Russia.

The JSCT may like to press ASNO for detailed information on the number of non-safeguards-eligible facilities which can process AONM under the terms of bilateral agreements.

Given that key bilateral provisions (e.g. reprocessing) have never once been invoked, and given that Australia allows AONM to be processed in non-safeguards-eligible facilities, and given that Australia allows uranium sales to nuclear weapons states and states which are otherwise compromised (see immediately below), the claim that Australia's safeguards provisions are better than those of other uranium exporting countries cannot be sustained. Other claims made in support of such claims are just silly - for example it is of little consequence that Australia was the first state to conclude and bring into force the IAEA additional protocol given that Australia is a nuclear umbrella state of the US (in other words, a nuclear weapons state *by proxy*).

AUSTRALIA EXPORTS URANIUM TO COUNTRIES WITH UNACCEPTABLE PROLIFERATION / DISARMAMENT RECORDS

According to ASNO's John Carlson, "One of the features of Australian policy ... is very careful selection of our treaty partners. We have concluded bilateral arrangements only with countries whose credentials are impeccable in this area."

(21/12/98, <www.aph.gov.au/hansard/joint/commtee/j2022.pdf>)

Carlson's statement can only be regarded as a try-on. Australia has uranium export agreements with:

- * four of the 'declared' nuclear weapons states (USA, UK, China, France), none of which has fulfilled its disarmament obligations under the NPT;

- * countries with a history of weapons-related research based on their civil nuclear programs (such as South Korea and Taiwan)

- * countries blocking progress on the Comprehensive Test Ban Treaty (e.g. the USA) and the proposed Fissile Material Cut-Off Treaty.

Coalition/Labor support and approval for uranium sales to China set another precedent: uranium sales to undemocratic, secretive states with appalling human rights records.

The federal Labor government has not ruled out (and the Coalition supports) uranium sales to Russia despite the fact that there have been no IAEA safeguards inspections in Russia since 2001; Russia is undemocratic and secretive and human rights abuses are widespread; incidents of theft/smuggling from Russian nuclear sites are common; and Russia is in violation of its disarmament obligations under the NPT.

If the JSCT is not willing to recommend against the further export of uranium to nuclear weapons states, it might at least progress that issue by suggesting a time limit for nuclear weapons states to meet their disarmament obligations. Will Australia, for example, still consider the nuclear weapons states to be NPT-compliant if they have not disarmed 40-45-50 years after then NPT came into force 39 years ago, in 1970?

The JSCT is also urged to reaffirm Australia's policy of refusing to allow uranium sales to non-NPT states such as India and to urge a reversal of Australian support for the US-India deal. The US-India

deal sets an unacceptable precedent - non-weapons states can now develop nuclear weapons with the reasonable expectation that they can cut a deal just as India has done. It is a recipe for horizontal proliferation.

Australia should use all our influence to bring the Comprehensive Nuclear Test Ban Treaty (CTBT) in to effect - including withdrawal of uranium sales from countries such as China and the US that have failed to ratify the CTBT; and Australia should also require verifiable closure of all nuclear test sites.

South Korea is another major customer of Australian uranium with less than impeccable credentials. In 2004, South Korea disclosed information about a range of activities which violated its NPT commitments – uranium enrichment from 1979-81, the separation of small quantities of plutonium in 1982, uranium enrichment experiments in 2000, and the production of depleted uranium munitions from 1983-1987. Australia has supplied South Korea with uranium since 1986. It is not known – and may never be known – whether Australian-obligated nuclear materials were used in any of the illicit research.

REPROCESSING AND PLUTONIUM SEPARATION

*"Reprocessing provides the strongest link between commercial nuclear power and proliferation."
US Congress, Office of Technology Assessment
Nuclear proliferation and safeguards. June 1977: p. 12.*

*"A ban on reprocessing - that really goes to an article of faith by antinuclear campaigners who consider that reprocessing is a substantial proliferation risk."
John Carlson, ASNO, JSCT hearing 1/9/08*

Japan, a major customer of Australian uranium, has developed a nuclear 'threshold' or 'breakout' capability - it could produce nuclear weapons within months of a decision to do so, relying heavily on facilities, materials and expertise from its civil nuclear program. An obvious source of fissile material for a weapons program in Japan would be its stockpile of plutonium - including Australian-obligated plutonium. In April 2002, the then leader of Japan's Liberal Party, Ichiro Ozawa, said Japan should consider building nuclear weapons to counter China and suggested a source of fissile material: "It would be so easy for us to produce nuclear warheads; we have plutonium at nuclear power plants in Japan, enough to make several thousand such warheads."

Japan's plutonium program increases regional tensions and proliferation risks. Diplomatic cables in 1993 and 1994 from US Ambassadors in Tokyo describe Japan's accumulation of plutonium as "massive" and questioned the rationale for the stockpiling of so much plutonium since it appeared to be economically unjustified. A March 1993 diplomatic cable from US Ambassador Armacost in Tokyo to Secretary of State Warren Christopher, obtained under the US Freedom of Information Act, posed these questions:

"Can Japan expect that if it embarks on a massive plutonium recycling program that Korea and other nations would not press ahead with reprocessing programs? Would not the perception of Japan's being awash in plutonium and possessing leading edge rocket technology create anxiety in the region?"

Yet Australia continues to provide open-ended ('programmatic') approval for Japan to separate Australian-obligated approval. The JSCT should recommend the termination of uranium export agreements with countries that are amassing large stockpiles of separated civil plutonium.

At the very least, the JSCT should recommend a reversal to the previous Australian policy of requiring approval for plutonium separation / reprocessing on a case-by-case basis.

It is frequently claimed that the "stringent" conditions placed on AONM encourage a strengthening of non-proliferation measures generally, and that the more uranium exported from Australia the better because it means that a significant proportion of the world's uranium trade is covered by Australia's "stringent" conditions. However, by permitting the stockpiling of plutonium the Australian government

is not 'raising the bar' but setting a poor example and encouraging other uranium exporters to adopt or persist with equally irresponsible policies. (The Australian government does not have the authority to prohibit stockpiling itself, but it does have the authority to permit transfers and reprocessing and could therefore put an end to the stockpiling of Australian-obligated plutonium.)

AUSTRALIA'S URANIUM EXPORTS ARE SHROUDED IN SECRECY

Some example is indefensible secrecy by ASNO include the refusal to publicly release:

- * country-by-country information on the separation and stockpiling of Australian-obligated plutonium;
- * 'Administrative Arrangements' which contain vital information about the safeguards arrangements required by Australia; and
- * information on nuclear accounting discrepancies (Material Unaccounted For) including the volumes of nuclear materials, the countries involved, and the reasons given to explain accounting discrepancies.

Incredibly, the quantities of AONM held in each country are confidential and ASNO acquiesces to that situation. ASNO states: "The actual quantities of AONM held in each country, and accounted for by that country pursuant to the relevant agreement with Australia, are considered by ASNO's counterparts to be confidential information."

www.asno.dfat.gov.au/annual_report_0102/asno_annual_report_2001_2002.pdf

FoEA supports the recommendation in JSCT report #94 that: "Further consideration is given to Article IX of the Agreements, 'State Secrets', and the Government is confident that this article will not undermine the intent of relation to Russian nuclear material being stolen, have now been addressed satisfactorily."

FoEA asks the JSCT to ask ASNO to provide the Committee with details on all secrecy clauses contained in all bilateral uranium agreements.

THE BENEFITS OF THE URANIUM INDUSTRY ARE OVERSTATED.

Uranium accounts for about one-third of 1% of Australia's export revenue (0.32% in 2005, 0.25% in 2006, and an estimated 0.35% in 2007).

The industry makes an even smaller contribution to employment in Australia - much less than 0.1%. In 2007 the Department of Trade and Industry's website put the number of jobs in the uranium industry at just 800 - presumably making the reasonable assumption that few of the jobs at Olympic Dam are dependent on uranium mining.

Claims about the greenhouse 'benefits' of nuclear power typically ignore more greenhouse-friendly renewable energy sources and the use of several types of renewables to supply reliable base-load power (e.g. geothermal, bioenergy, solar thermal with storage, and sometimes hydro). For example, nuclear power is three times more greenhouse intensive than wind power according to the 2006 Switkowski / UMPNER report.

THE AUSTRALIAN SAFEGUARDS AND NON-PROLIFERATION OFFICE

ASNO has established a track record of making demonstrably false claims and otherwise behaving unprofessionally. Further information is contained in submission #18 to the JSCT inquiry into the Howard/Putin uranium agreement, posted at:

www.aph.gov.au/house/committee/jsct/14may2008/subs.htm.

In 2008, ASNO misled the JSCT with claims that safeguards will "ensure" that Australian uranium is not used for weapons production in Russia even though there have been no safeguards inspections in Russia since 2001 (a fact which ASNO conspicuously failed to provide to the Committee).

ASNO's falsely claims that nuclear power does not present a weapons proliferation risk; that Australia sells uranium only to countries with "impeccable" non-proliferation credentials; and that all AONM is "fully accounted for".

The Joint Standing Committee on Treaties should recommend an independent public inquiry into ASNO's unprofessional behaviour as per the recommendation of the EnergyScience Coalition (<www.energyscience.org.au>, Briefing Paper #19):

"The authors of this paper believe there is a compelling case for major reform of ASNO as a matter of urgency. An alternative course of action would be for the Australian government to establish an independent public inquiry. Such an inquiry should have a broad mandate to review all aspects of ASNO's structure and function, should be adequately resourced, and should have powers similar to those of a Royal Commission to access witnesses, documents and other evidence.

Such an inquiry should be carried out independently of ASNO. It should also be carried out independently of the Department of Foreign Affairs and Trade (DFAT), given that the current relationship between ASNO and DFAT is arguably one of the areas in need of review. DFAT has declined a request to review a paper detailing numerous inaccurate statements made by ASNO (letter to NGOs, 28 May 2007, available on request).

Such an inquiry should address the competence and performance of ASNO; its scientific and technical expertise; whether its current management, organisation, structure and relationships best serve its mandate; any conflicts of interest; the implications of ASNO's structural connection to DFAT (whether it has sufficient independence or operates as a 'captured bureaucracy'); and options for reform including consideration of organisational models in other countries.

ASNO's previous responses to criticism have included angry and dismissive attacks on its critics, assertions that an entire document can be dismissed on the basis of questionable challenges to just one or two points (see for example ASNO, 'Reactor Grade Plutonium', <www.asno.dfat.gov.au>), and a conspicuous failure to address the substance of a large majority of the criticisms. We sincerely hope that the multiple serious concerns raised in this paper will prompt serious consideration by government and parliamentarians, and responses which are substantive and constructive."

MORE INFORMATION ON NUCLEAR SAFEGUARDS

Friends of the Earth <www.foe.org.au/anti-nuclear/issues/oz/u/safeguards>

Medical Association for Prevention of War <www.mapw.org.au/nuclear-chain/safeguards>

Who's Watching the Nuclear Watchdog? A Critique of the Australian Safeguards and Non-proliferation Office, Prof. Richard Broinowski et al., 2007, EnergyScience Coalition Briefing Paper #19, <www.energyscience.org.au/factsheets.html>.

Medical Association for the Prevention of War and the Australian Conservation Foundation, 2006, An Illusion of Protection: The unavoidable limitations of Australia's safeguards on nuclear materials and the export of uranium to China. On the web at: <www.mapw.org.au/Illusion%20of%20Protection%20index.html>

Professor Richard Broinowski, "Fact or Fission? The Truth About Australia's Nuclear Ambitions", Melbourne: Scribe, 2003.

Non-Proliferation Policy Education Centre, Feb 2008, "Falling Behind: International Scrutiny of the Peaceful Atom", <www.npec-web.org>.

Nuclear Power Joint Fact Finding Dialogue, June 2007, "Final Report, Nuclear Power Joint Fact-Finding", <www.keystone.org/spp/energy07_nuclear.html>