

Australian Conservation Foundation submission re the extension of the  
1987 Regional Cooperative Agreement for Research, Development and  
Training related to Nuclear Science and Technology

April 2012



**Introduction:** The Australian Conservation Foundation (ACF) is committed to inspiring people to achieve a healthy environment for all Australians. For over 40 years, we have been a strong voice for the environment, promoting solutions through research, consultation, education and partnerships. We work with the community, business and government to protect, restore and sustain our environment.

ACF welcomes this opportunity to comment on the 1987 Regional Cooperative Agreement (RCA) for Research, Development and Training related to Nuclear Science and Technology. ACF has a continuing interest and active engagement with the uranium and nuclear sector in Australia.

As a significant uranium supplier with a stated commitment to best international standards and processes, Australia needs to ensure that all related policy decisions are based on best practice, robust review and contemporary evidence.

ACF notes the unresolved concerns raised about the performance of the Australian uranium industry by a 2003 Senate Inquiry which found the sector characterised by a pattern of underperformance and non-compliance, an absence of reliable data to measure the extent of contamination or its impact on the environment, an operational culture that gives greater weight to short term considerations than long term environmental protection and which concluded that changes were necessary in order to protect the environment and its inhabitants from 'serious or irreversible damage.'<sup>1</sup>

Uranium is also the principal material required for nuclear weapons. Successive Australian governments have attempted to maintain a distinction between civil and military end uses of Australian uranium exports, however this distinction is more psychological than real. No safeguards can absolutely guarantee Australian uranium is used solely for peaceful purposes.

According to the former US Vice-President Al Gore, "in the eight years I served in the White House, every weapons proliferation issue we faced was linked with a civilian reactor program."<sup>2</sup> Despite Government assurances that bilateral safeguard agreements ensure peaceful uses of Australian uranium in nuclear power reactors, the fact remains that by exporting uranium for use in nuclear power programs to nuclear weapons states, other uranium supplies are free to be used for nuclear weapons programs. In reality, the primary difference between a civilian and military nuclear program is one of intent.

In this context ACF believes that any move to extend the RCA should be coupled with explicit mechanisms that seek to assess and address the reality of the nuclear industry in 2012. The continuing Fukushima nuclear emergency has led to a significant global reappraisal and review of the role and safety of nuclear energy – the lessons of which are not adequately reflected in the 'business as usual' approach that underpins much of this treaty and the accompanying National Interest Analysis (ATNIA 9).

The ATNIA makes repeated reference to the importance of the RCA in advancing the aspirations and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). ACF notes

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<sup>1</sup>Senate ECITA Committee: Regulating the Ranger, Jabiluka, Beverley and Honeymoon uranium mines, October 2003, p. iv.

<sup>2</sup> Al Gore, *Guardian Weekly*, 167 (25), 9-15 June 2006.

that India is a party to the RCA and yet is not a signatory to the NPT and is actively engaged in the development and deployment of nuclear capable weapons and delivery platforms. To fail to reflect this fact in the ATNIA is a serious deficiency, especially given that Australia is currently advancing the proposed sale of uranium to India. It is not credible to promote the extension of the RCA as 'an important means' of NPT compliance in this context.

ACF seeks clarification on what mechanisms has the Australian government or agencies used to address unresolved concerns related to the uranium and wider nuclear industry in order to provide clear and contemporary evidence to help inform the Committee's consideration.

Following the Fukushima nuclear crisis the UN Secretary General initiated a comprehensive review of international nuclear safety, security and safeguards. The *United Nations system-wide study on the implications of the accident at the Fukushima Daiichi nuclear power plant, September 2011* makes numerous recommendations to address identified short comings in nuclear cooperation, monitoring, safety, security and assessment regimes.

It is deficient that a detailed assessment and operational analysis of this has not been provided with the accompanying ATNIA to assist in the Committee's deliberations.

ACF seeks clarification on what guidance has been provided to the Committee on the outcome of the UN review process and what advice or action has been undertaken during or following the review period by the Australian government or agencies.

Section 12 of the ATNIA maintains that 'a significant expansion in nuclear power production is underway or under consideration by a number of countries in our region'. Whilst ACF contests this view in the post Fukushima context it is deeply inadequate for the ATNIA to advance this premise but makes no reference to the implications of the UN report. The failure to acknowledge and address one of the key reviews of the international nuclear regime is a further case of 'business as usual' rather than robust analysis.

ACF has long maintained that Australian uranium sales to nuclear weapon states (NWS) are fundamentally inconsistent with Australia's stated position on nuclear non-proliferation. The voluntary safeguard arrangements that NWS have with the International Atomic Energy Agency are partial and inadequate. They do not provide confidence in the existing regime or facilitate momentum towards disarmament.

ACF maintains that the NWS are failing to comply with their international treaty obligations under the NPT, most particularly with their obligation to have a definite timetable for the abolition of their nuclear weapon stockpiles and disarmament.

ACF notes that the recent UN system wide study has reaffirmed that:

*Nuclear science and technology can also be used to develop nuclear weapons. Compliance with international legal instruments, such as the Treaty on the Non-Proliferation of Nuclear Weapons, other bilateral and multilateral non-proliferation agreements and safeguards agreements with the IAEA, is therefore an essential element of the responsible use of nuclear power (18)*

There are three NWS that are party to the RCA: China, India and Pakistan. If a key rationale for the extension of the RCA is to advance nuclear non-proliferation ACF seeks clarification on what assessment has been made of the NPT compliance status of China and what assessment has been made of the non-proliferation options and leverage points for those two non NPT signatory nuclear weapons states – India and Pakistan.

ACF maintains that there has been inadequate consultation and detail in the process to date. The issues, reports and processes raised in this submission require comprehensive inter agency attention and responses. It would be reasonable to assume that a credible whole of government approach in the shadow of Fukushima would require input from the Office of the Supervising Scientist, ASNO, DRET, ARPANSA, ONA and others. The approach taken in the current process is complacent and provides no basis for confidence in the assurances made in relation to advancing non-proliferation or nuclear safety outcomes.

### **Conclusion and recommendation:**

The significant number of new studies, analysis and critiques that have followed the Fukushima nuclear emergency have not been adequately identified and addressed in the ATNIA. This means a significant international opportunity for Australia to play a leading role in actively advancing regional non-proliferation and nuclear safety outcomes is in danger of being wasted.

**ACF urges the Committee to not approve this Treaty action on the basis of the evidence provided and to seek further agency advice and assessment on specific review and compliance mechanisms to could be linked with the RCA in order to effectively enhance regional non-proliferation and nuclear safety outcomes in the post Fukushima nuclear landscape.**

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