



ANAWA

ANTI-NUCLEAR ALLIANCE

OF WESTERN AUSTRALIA

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Submission by the Anti-nuclear Alliance of Western Australia to the Joint Standing Committee on Treaties in relation to;

AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON THE TRANSFER OF NUCLEAR MATERIAL

AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA FOR COOPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY.

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The most obvious question to ask when assessing the threats posed to Australia's national interest by exporting uranium to the People's Republic of China (PRC) is has that country adhered to its obligations under international arms control and non-proliferation treaties?

In an attempt to answer this question the Anti-Nuclear Alliance of Western Australia (ANAWA) considered recent assessments by the United States Congressional Research Library and the United States Department of Defence and compared this evidence to statements made by the Department of Foreign Affairs and Trade (DFAT).

The DFAT website has a Q and A section in relation to uranium exports to China.

The simple question is posed, "Is the Government satisfied with China's nuclear non-proliferation record?"

A government agency, fully informed of all relevant facts and free from political or corporate influence should be able to make a categorical answer to such a straight forward question. The answer should surely be a simple yes or no.

The DFAT website does not provide an answer to this question. Instead it lists the treaties and agreements that China has either ratified or signed.

"China joined the Nuclear Non-Proliferation Treaty (NPT) in 1992. Like the United States, China has signed but not yet ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT). In 2002 China ratified the Additional Protocol (AP) on strengthened IAEA safeguards, the first nuclear weapon state to do so (the UK and France have since ratified the AP, the US and Russia have signed but not yet ratified). In 2004 China joined the main nuclear export controls group, the Nuclear Suppliers Group. China has strengthened its domestic controls on the export of WMD-related items and further developed its enforcement procedures. Australia maintains a regular dialogue with China on arms control and non-proliferation issues."

An attempt to answer this simple question based on information accessed from governmental sources in the United States would probably lead any rational person to answer with a definitive no.

In 2003 and 2005 the US Department of State issued reports titled "Adherence to and Compliance with Arms Control, Non-proliferation and Disarmament Agreements."

In launching the 2003 report Paula A. DeSutter, assistant secretary of State for Verification and Compliance said;

"While there are many buyers in the market for WMD (weapons of mass destruction) and missiles there are only a handful of states with the capability to be dealers in that market. China's sophistication with many of these technologies has made it possible for Chinese entities to become key exporters of WMD and missile technology."¹

The 2005 report found that;

- China maintains some elements of an offensive biological weapons capability in violation of its Biological Weapons Convention (BWC) obligations
- China is in violation of its Chemical Weapons Convention (CWC) obligations, China has

1 Paula A. DeSutter, Assistant Secretary for Verification and Compliance, Testimony Before the U.S.-China Commission, Washington, DC, July 24, 2003
<http://www.usconsulate.org.hk/uscn/state/2003/072403.htm>

not acknowledged past transfers of chemical weapons and it may not have declared the full extent of its CW related facilities

- The United States remains concerned about the effectiveness of Chinese nuclear export controls and China's compliance with its NPT Article I nuclear non-proliferation commitments²

To consider the significance of this final statement it is worth reminding oneself of the exact text of Article I of the NPT;

“Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.”

Further investigation of China's proliferation history using US government analysis reveals evidence suggesting Chinese involvement in the WMD programmes of most of the worlds most dangerous regimes.

- Assisted Pakistan's nuclear weapon program by supplying a nuclear weapon design and nuclear materials technology, including the design of a clandestine reactor for plutonium production
- Assisted Pakistan's ballistic missile program by providing entire missile systems, missile components and missile production capacity
- Supplied dual-use missile-related items to Libya and North Korea
- Supplied Iran's chemical weapon program with poison gas ingredients as well as poison gas production equipment
- Sold Iran missile components and ingredients for missile fuel as well as complete anti-ship cruise missiles
- In February 2003, an anti-Iranian opposition group alleged publicly that Chinese experts were continuing to work at Iran's Saghand uranium mine as supervisors

The report “China and Proliferation of Weapons of Mass Destruction and Missiles: Policy Issues” produced by the Congressional Research Service, US library of congress (April 5th 2005) finds that;

- On 14 occasions, the Bush Administration has imposed sanctions on PRC entities for transfers of WMD technology (related to ballistic missiles, chemical weapons, and cruise missiles)

² CRS Report for Congress, “China and Proliferation of Weapons of Mass Destruction and Missiles: Policy Issues.” Updated August 2, 2006. Shirley A. Kan, Specialist in National Security Policy, Foreign Affairs, Defense, and Trade Division.

The consequences of these breaches have been evident recently.

In August this year it was widely reported in the media that it was a C802 missile of the type sold by China to Iran which Hezbollah used in an attack on an Israeli naval ship last week.³

Questions have also been raised about China's role in allowing Pakistani, North Korean, and Iranian ships and planes to use its ports airspace and airfields.

China has not joined the Proliferation Security Initiative and questioned the legality of the military interception of ships on the high seas.

ANAWA would like to highlight an additional, obvious failure of the PRC to meet its NPT commitments under Article VI which states;

"Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control."

Without independent verification is it impossible to know how many nuclear weapons exist in PRC armouries. Estimates vary between hundreds and thousands.

Successive Australian governments have claimed a commitment to upholding the objectives of the Nuclear Non-proliferation treaty. Yet ANAWA has not seen any recent evidence or suggestions that the Australian Government is doing anything to exert pressure or influence upon the PRC to adhere to its obligations under the NPT, ratify the Comprehensive Test Ban Treaty (CTBT) nor advance dialogue on the Fissile Material Cut-off Treaty (FMCT).

The reality is that international arms control agreements and treaties have failed to prevent the spread of WMD technology, and have failed to achieve global nuclear disarmament.

ANAWA holds no confidence in the ability of existing non-proliferation regimes to halt the spread of nuclear weapons, fissile materials or dual use technologies.

In support of this position ANAWA would like to draw the inquiries attention to comments made by Mr. John Dauth, Australia's former Ambassador to the United Nations.

In his opening address to the third preparatory committee meeting for the 2005 Nuclear Non-proliferation Review conference in April 2004, Mr Dauth stated, "our fears that existing methods were insufficient to stop determined proliferators have been confirmed."⁴

What confidence can be held in effectiveness of the Nuclear Non-proliferation Treaty when the institution upon whose strength it relies is the United Nations (UN)?

In a lecture given to the Centre for International and Public Law at the Australian National University in May 2005 Mr. Dauth said of the UN, tasked with enforcing treaty obligations;

"Why do I still find that the institution is in serious trouble? The short answer is that while a lot of the flesh of this particular Big Apple is still crisp and juicy, the core of the apple is rotten. And in recent years the rottenness at the core has started to show on the skin."⁵

3 <http://www.bloomberg.com/apps/news?pid=20601087&sid=aMrliCQRWnMo&refer=home>
http://www.strategycenter.net/research/pubID.117/pub_detail.asp

4 J. Dauth, Opening Address to the Third Preparatory Committee for the 2005 NPT Review Conference, Department of Foreign Affairs and Trade website,
http://www.dfat.gov.au/security/statements/npt_statement_040526.html

In a radio interview this year Mr. Dauth said of the UN that the General Assembly is defunct and that "no debate there carries with it any practical action or decision or agreement or compromise."⁶

Concern over the threats posed by the nuclear weapons are by no means unique to ANAWA. In a speech to the Lowy Institute in February 2004, the Minister for Foreign Affairs Alexander Downer said, "the Government is deeply concerned by the threat from the proliferation of weapons of mass destruction. The threat is real; it exists now, not just in some theorist's apocalyptic vision of the future."⁷

Not only has the PRC failed to dismantle its existing nuclear weapons as per its NPT obligations, the *US Nuclear Posture Review*, leaked in 2002, refers to China's "ongoing modernization of its nuclear and non nuclear forces" and envisages nuclear attacks on China in the event of a confrontation over Taiwan.⁸

It has been reported that Madame Fu Ying, China's ambassador to Australia, told a Melbourne Mining Club luncheon in December 2005 that China has insufficient uranium for both its civil and military nuclear programs, which raises the concern that by providing uranium for its civil programmes Australia frees up China's limited domestic uranium reserves for military use.

ANAWA believes that the export of uranium to China will undermine long term prospects for peace and security in our region and be detrimental to Australia's national interest.

In light of the failure of international non-proliferation regimes, ANAWA believes that this inquiry should oppose the export of Australian uranium to China and call for an immediate halt to the expansion of the nuclear industry in this country. This inquiry should recommend that the Australian Government set an example to other countries by developing alternative energy production methods using renewable technologies that do not pose proliferation risks.

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5 Ambassador John Dauth LVO, Public Lecture, 23 May 2005 "The UN in 2005 - Letter from New York Reform at the United Nations: Prospects and the Australian Interest."
http://law.anu.edu.au/CIPL/Lectures&Seminars/05%20Dauth_Transcript.pdf
6 <http://www.abc.net.au/pm/content/2006/s1571863.htm>

7 The Hon. Alexander Downer, MP MINISTER FOR FOREIGN AFFAIRS, AUSTRALIA, Speech to the Lowy Institute, Sydney, 23 February 2004 "The Threat of Proliferation: Global Resolve and Australian Action." http://www.foreignminister.gov.au/speeches/2004/040223_lowy.html

8 <http://www.globalsecurity.org/wmd/library/policy/dod/npr.htm>