



AUSTRALIAN CONSERVATION FOUNDATION

Australian Conservation Foundation submission to the Joint Standing Committee on Treaties on the Regional Co-operative Agreement for Research, Development and Training related to Nuclear Science and Technology

March 2017

Key findings

- This Regional Co-operative Agreement is the oldest RCA in the International Atomic Energy Agency's framework. It pre-dates Chernobyl, Fukushima and a series of highly significant industry events. This extension application provides an overdue opportunity for review.
- While many of the specific research collaborations and exchanges that occur under the RCA framework are non-controversial, this is an important opportunity to review the adequacy, compliance status and effectiveness of domestic and international regulatory architecture.
- The National Interest Analysis (ATNIA 2) is selective in its analysis of the Nuclear Non-Proliferation Treaty and lacks adequate detail and evidence on key aspects of the rationale in support of the treaty action.
- The NIA's claim that non-acceptance of the RCA 'would diminish Australia's standing in international arms control fora' is absurd – especially in the context of Australia's failure to actively engage in current UN nuclear weapons abolition initiatives.
- The RCA should not be granted an 'unlimited' extension – there should be no blank cheque.
- The proposed treaty action should not be advanced in the absence of a meaningful Australian government and agency response to the Fukushima nuclear accident – a continuing nuclear crisis directly fuelled by Australian uranium – and a wider review of Australia's domestic and international nuclear role and responsibilities.
- ACF welcomes JSCOT's attention to this important issue and any opportunity to explore the issues raised in this paper in person before the Committee.

Introduction

The Australian Conservation Foundation (ACF) has been committed to inspiring people to achieve a healthy environment for all Australians for more than 50 years. We work with the community, business and government to protect, restore and sustain our environment.

ACF has a long interest and active engagement with the Australian uranium and wider nuclear sector and welcomes this opportunity to comment on the Regional Co-operative Agreement.

As an international nuclear industry actor and a significant uranium supplier with a stated commitment to best international standards and processes Australia must ensure that policy decisions are based on best practice and review, rather than on pro-forma assurances.

It is a responsibility of both government and our national Parliament to actively and regularly review and update the regulatory frameworks to ensure they are adequate and effective. This RCA extension application provides an important opportunity to do this and ACF urges the Committee to avail of this.

ACF would welcome the opportunity to further explore the issues raised in this submission in person before the Committee.

Nuclear Non-Proliferation Treaty (NPT) representation in the NIA

ACF notes that the National Interest Analysis makes repeated reference to the importance of the Nuclear Non-Proliferation Treaty and advances this as a key reason for Australia agreeing to the unlimited extension of the RCA.

ACF notes while the NIA is clear about the Article IV right of NPT member states to facilitate the development of 'peaceful' nuclear technology, it fails to clearly outline the Article VI obligation for Nuclear Weapons States 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."

Aside from the fact that all the NPT Nuclear Weapons States are in breach of this obligation, ACF rejects the primary assertion that this RCA is a pivotal part in realising Australia's disarmament aspirations or in halting nuclear weapons proliferation.

ACF particularly rejects the argument put forward in the NIA (point 11) that non-acceptance of the RCA 'would diminish Australia's standing in international arms control fora'.

If this were a criteria of Australia's foreign policy positioning – and it should be – it would be better realised by active Australian engagement in the current UN process around the development of a nuclear weapons ban treaty. Instead Australia has spurned this pivotally important initiative and is refusing to participate.

If Australia is serious about its international standing, our representatives would be sitting at the table in New York.

Presenting a treaty to facilitate medical, industrial and agricultural technologies as the cutting edge of arms control and weapons abolition when Australia is spurning a leading global initiative is absurd.

Further, ACF would welcome clarity on the clear tension between the position put forward in the NIA that the NPT 'is the centrepiece of the non-proliferation regime' and the planned sale of uranium to

India, a non-NPT signatory – against the advice of a previous JSCOT Committee recommendation. ACF believes this apparently contradictory stance requires explanation and examination.

Role of the Australian Nuclear Science and Technology Organisation (ANSTO)

The Australian Nuclear Science and Technology Organisation has a key role as Australia's designated RCA contact point.

While a range of ANSTO's work is non-controversial, an important body is not. There is continuing contest to ANSTO's operations and assumptions, especially with the move to expand nuclear medicine exports, a key driver in the current National Radioactive Waste Management Project.

Nuclear issues can be areas of contested public policy with complex security and safety implications. Given this, and the lack of confidence that many community stakeholders have in ANSTO, procedural transparency, clear reporting and accountability are very important and should be made explicit.

Treaty duration

Unlike earlier periodic extensions to this RCA, it is now being proposed that 'the 2017 RCA is of unlimited duration'. ACF believes this blank cheque approach is not consistent with the practise of periodic review and continual improvement. Accordingly, any nuclear co-operation agreement should have a defined duration and include regular, formal and transparent reviews.

Nuclear safeguards

Successive Australian governments have attempted to maintain a distinction between civil and military end uses of exported Australian uranium, however this distinction is more psychological than real. No amount of safeguards can absolutely guarantee Australian uranium will be used solely for peaceful purposes. According to 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."¹

Despite successive federal government assurances that bilateral safeguard agreements ensure peaceful uses of Australian uranium in nuclear power reactors, the primary difference between a civilian and military nuclear program remains one of intent.

In 1993 the International Atomic Energy Agency stated: *It is clear that no international safeguards system can physically prevent diversion or the setting up of an undeclared or clandestine nuclear programme.*

Domestic impacts of uranium mining

ACF notes the unresolved concerns raised about the performance of the Australian uranium industry more than a decade ago in a 2003 Senate Inquiry which found the sector characterised by a pattern of underperformance and non-compliance and an absence of reliable data to measure the extent of contamination and its impact on the environment. The Inquiry further identified an operational culture that gives greater weight to short term considerations than long term environmental

¹ Al Gore, *Guardian Weekly*, 167 (25), 9-15 June 2006.

protection and concluded that changes were necessary to protect the environment and its inhabitants from 'serious or irreversible damage.'²

In the years since there has been little improvement in the fundamentals of the uranium sector and ACF urges JSCOT to seek a formal briefing on the status of the recommendations made in the 2003 report before further advancing this proposed treaty action.

Economic benefits of uranium mining

ACF maintains the Australian uranium sector's employment and economic contribution is consistently exaggerated.

The Australian uranium industry remains a contested and controversial sector that lacks a secure social license. The industry's economic and employment contribution is small in relation to its significant domestic and international risks and legacies. There is an urgent need for an independent cost-benefit analysis and a comprehensive and transparent assessment of Australia's uranium trade. Uranium is a small contributor to Australian export revenue and employment. From 2002 to 2011, uranium sales averaged \$627 million annually and accounted for only 0.29 per cent of all national export revenue.

The industry's contribution to employment is also underwhelming. The World Nuclear Association estimates 1,760 jobs in Australia's entire uranium industry. That is the highest of all estimates yet it represents just 0.015 per cent of the jobs in Australia.

Small industrial sectors can play an important economic role, but the unique properties and risks of uranium mining relative to any benefits is a cause for enhanced scrutiny.

Nuclear policy post-Fukushima

The Fukushima nuclear emergency – a continuing crisis directly fuelled by Australian uranium – has led to a significant global reappraisal and review of the role and safety of nuclear energy that is not adequately reflected in the current 'business as usual' approach.

In October 2011, there was formal confirmation from the Australian Safeguards and Non-Proliferation Office (ASNO) that *Australian obligated nuclear material was at the Fukushima Daiichi site and in each of the reactors.*

The UN Secretary General initiated a comprehensive review of international nuclear safety, security and safeguards following the Fukushima nuclear crisis. Much of this review – the *United Nations system-wide study on the implications of the accident at the Fukushima Daiichi nuclear power plant – September 2011* – has relevance for the Australian uranium sector and, regrettably and unacceptably, many of its concerns and recommendations still require active attention and action.

In relation to uranium mining the review recommended that:

To help countries to evaluate the potential contribution of nuclear energy to sustainable development, an in-depth assessment of the net cost impact of the following is needed....

²Senate ECITA Committee: Regulating the Ranger, Jabiluka, Beverley and Honeymoon uranium mines, October 2003, p. iv.

Local Impacts of mining: There are concerns regarding the impacts of mining fissionable material on local communities and ecosystems (section 70)

ACF seeks clarification on what information has been provided to the Committee on action taken by the Australian government/agencies or by Australian uranium producers to give effect to this clear recommendation.

IPPNW Basel Congress resolution

The resolution of the International Physicians for the Prevention of Nuclear War's (IPPNW) 2010 Basel Congress concluded that:

Uranium ore mining and the production of uranium oxide (yellowcake) are irresponsible and represent a grave threat to health and to the environment. Both processes involve an elementary violation of human rights and their use lead to an incalculable risk for world peace and an obstacle to nuclear disarmament.

The International Council of IPPNW therefore resolves that: IPPNW call for appropriate measures to ban uranium mining worldwide.

This unequivocal position from a highly regarded, Nobel Prize winning, medical body illustrates growing international expert concerns over the human health and wider adverse impacts of uranium mining and requires, at minimum, a measured assessment and public response from uranium producing and exporting nations. This is particularly the case given successive Australian governments' claims of strict conditions and best practice in relation to uranium mining and export.

ACF seeks detail on what steps Australian producers, agencies or regulators have taken to assess the health impacts of uranium mining and export subsequent to the Basel resolution and the Fukushima nuclear accident.

JSCOT's role re the proposed treaty action

ACF welcomes the Committee's attention to this important treaty action. We maintain there is a clear need for less promotion and more scrutiny of Australia's role in the global nuclear industry. We urge this Committee to recommend a wider review of the adequacy of Australia's domestic and international regulatory framework and the nuclear sector's compliance with previous and extant JSCOT recommendations and conditions on uranium sales and nuclear cooperation agreements.

Conclusion

As a significant uranium supplier with a stated commitment to best international standards and processes Australia must make sure nuclear policy decisions are based on best practice and review, rather than on pro-forma assurances.

It is a responsibility of government and our national Parliament to actively and regularly review and update the regulatory frameworks to ensure they are adequate and effective. This RCA extension application provides an important opportunity to do this. ACF urges the Committee to avail itself of this.

In this context ACF notes the view expressed by a 2012 JSCOT review of this RCA (Report 127) which stated (2.29)

...on the next iteration of the agreement some of the non-proliferation and safety issues canvassed by the ACF could be reviewed by the agreement's parties.

This time is now. ACF urges the Committee not to approve this treaty action unless and until the government moves to strengthen Australia's stated commitment to advancing nuclear safety and non-proliferation outcomes by (inter alia)

- supporting a dedicated cost-benefit analysis and public inquiry into the domestic and international implications of Australia's uranium sector, as requested by the UN Secretary-General's office
- formally addressing all the recommendations of the 2011 United Nations' system-wide study on the implications of the accident at the Fukushima Daiichi nuclear power plant
- exploring mechanisms to enhance the capacity of the monitoring and compliance division of the International Atomic Energy Agency – including consideration of a levy on Australian uranium producers to resource this
- supporting increased transparency in the reporting and operations of the Australian Nuclear Science and Technology Organisation
- seeking a briefing on the implementation status of the 2003 Senate Inquiry recommendations into the adequacy of domestic uranium regulation
- reviewing compliance status with previous JSCOT conditions and recommendations on uranium sales and nuclear cooperation Agreements
- gathering further advice on the range of actions available to the Australian government to best advance nuclear safety and non-proliferation outcomes
- promoting, strengthening and actively engaging with enhanced international non-proliferation and compliance efforts – especially the current UN initiative for legal ban on nuclear weapons – along with the Comprehensive Nuclear Test Ban Treaty, the Nuclear Non-Proliferation Treaty (NPT) and a Fissile Materials Cut-Off Treaty.

ACF contact person: Dave Sweeney on 0408 317 812 or dave.sweeney@acf.org.au