

NATIONAL INTEREST ANALYSIS: CATEGORY A TREATY

SUMMARY PAGE

Third Agreement to Extend the 1987 Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology, done in Vienna, on the 1st day of October 2001

Date of Proposed Treaty Action

1. 15 October 2002

Nature and Timing of Proposed Treaty Action

2. It is proposed that Australia accept the Third Agreement to Extend the Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (“1987 RCA”), which expired on 11 June 2002, for a further five-year period (“the Third Extension Agreement”). The 1987 RCA entered into force on 12 June 1987, and was subsequently extended for five-year periods on 12 June 1992, and 12 June 1997.

3. The Third Extension Agreement entered into force on 12 June 2002. The Third Extension Agreement will enter into force for Australia on the date of receipt by the Director General of the International Atomic Energy Agency (IAEA) of the notification of Australia's acceptance.

4. It is expected that Australia's acceptance will be lodged as soon as practicable after Parliamentary tabling requirements have been met and Executive Council approval received.

Overview and National Interest Summary

5. Extension of the 1987 RCA for a further five years will have important benefits for Australia from a security, economic and political perspective. As a regional agreement sponsored by the IAEA, the 1987 RCA is an important mechanism in fulfilling the technical co-operation provisions of the Nuclear Non-Proliferation Treaty (NPT). Our participation helps contribute to a non-proliferation regime which has kept our region free of nuclear weapons for the past half-century. The 1987 RCA also allows Australia to participate in international collaborative projects and to maintain and extend a national capacity in cutting-edge nuclear technologies. Finally, the 1987 RCA facilitates Australian technical and political co-operation with 16 regional countries in nuclear science and technology, which in turn contributes to maintaining and improving bilateral and multilateral relationships in the Asia-Pacific region.

Reasons for Australia to take the proposed Treaty Action

6. The 1987 RCA is based on an Agreement of the same name concluded in 1972 (1972 RCA) and subsequently extended in 1977 and again in 1982. The provisions of the 1987 RCA follow closely those of the 1972 RCA. The purpose of the 1987 update was to enhance overall coordination and supervision of co-operative projects carried out under RCA arrangements. The 1987 RCA was extended in 1992, and then again in 1997. RCA activities are conducted under the auspices of the Technical Co-operation Programme administered by the IAEA.

7. Australia became a party to the RCA in 1977. The other participants are: Japan, New Zealand, Bangladesh, China, India, Indonesia, the Republic of Korea, Malaysia, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand, Vietnam, Mongolia and Burma. Pursuant to Article 1 of the Third Extension Agreement, the 1987 RCA continues in force from 12 June 2002. As of 27 June 2002, 13 states had accepted the Third Extension Agreement.

8. Australia has important national interests in maintaining its membership of the 1987 RCA. IAEA-sponsored regional cooperation agreements such as the 1987 RCA provide an important means of fulfilling the technical co-operation provisions of the NPT. The NPT is the centrepiece of the non-proliferation regime which, for over a quarter of a century, has helped to keep Australia's immediate strategic environment free of nuclear weapons. Under the NPT, Non-Nuclear Weapon States have foresworn nuclear weapons and have accepted comprehensive nuclear safeguards to verify compliance with this commitment, but they specifically retain the right to research, develop and use nuclear energy for peaceful purposes. As a party to the NPT, Australia has given an undertaking "...to facilitate ... the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy." Continued membership of the 1987 RCA is therefore one way for Australia to meet its obligations to co-operate with other Parties in the peaceful uses of nuclear energy under the NPT.

9. The 1987 RCA contributes towards effective social and economic development in the region. Through projects which strengthen regional regimes governing the safety and security of radioactive materials, the 1987 RCA also assists in preventing potentially dangerous material and technical know-how from being utilised by terrorist organisations.

10. The 1987 RCA also helps Australia maintain and extend its national capacity in leading-edge nuclear technologies, which enables our industries to remain competitive in the global economy. Examples include environmental and advanced material technologies. Through its membership of the 1987 RCA, Australia will continue to engage in valuable international collaborative projects that apply nuclear techniques to agriculture, medicine, industry, and energy planning - key target areas of the RCA programme. The Australian Nuclear Science and Technology Organisation (ANSTO) is the designated point of contact for Australia's participation in the 1987 RCA.

11. Over the past thirty years, the RCA has evolved to become an important vehicle for Australia's co-operation with regional countries in nuclear science and

technology. It has enabled Australia to participate in mutually beneficial research and training related to nuclear science and technology with 16 countries in the Asia-Pacific region. Such co-operation has had a positive flow-on effect on our bilateral and multilateral relationships in the region, with significant political benefits for Australia.

Obligations

12. The 1987 RCA places a number of obligations on government parties, which are to be implemented within the framework of their national laws. In particular, the 1987 RCA requires that the Parties:

- promote and co-ordinate co-operative research, development and training projects in nuclear science and technology through their appropriate national institutions (Article I);
- attend meetings to consider, approve or evaluate co-operative projects (Article II);
- make available the necessary scientific and technical facilities and personnel for the implementation of co-operative projects (Article V);
- take reasonable and appropriate steps for the acceptance of scientists, engineers or technical experts designated by other participating governments or by the IAEA to work at designated installations for the purpose of implementing cooperative projects (Article V);
- ensure that the IAEA's safety standards and measures are applied to relevant co-operative projects (Article IX.1); and
- ensure that any assistance provided to them under the RCA would be used only for peaceful purposes, in accordance with the statute of the IAEA (Article IX.2).

13. Australia's obligations remain those accepted in the 1987 RCA. There are no new obligations imposed on Australia by the Third Extension Agreement.

Implementation

14. No legislation is required to give effect to the obligations contained in the Third Extension Agreement. Neither the 1987 RCA nor the First or Second Extension Agreements required legislation to give effect to them - both were implemented by way of administrative action. The obligations continuing by virtue of the Third Extension Agreement will be implemented in that manner.

15. No changes to the existing roles of the Commonwealth or the States and Territories will arise as a consequence of implementing the Agreement.

Costs

16. As a party to the RCA, Australia has the option of contributing financially and 'in-kind' to facilitate the effective implementation of co-operative projects, usually on a case-by-case basis. Australia's financial contributions to the RCA are provided through the Australian Agency for International Development (AusAID).

17. Specific funding provided by AusAID will be dependent on project proposals put before it. Based on past experience, indicative figures for planning purposes could be an average of AUD 300,000 per year over the five year term of the extension, subject to Australian budget considerations.

18. Australia's contributions 'in-kind' are given through: the placement of RCA fellowship awardees for study in Australia; the provision of courses and experts to provide assistance to the IAEA or to individual RCA Member States on behalf of the IAEA; and the hosting of RCA meetings sponsored by the IAEA. These costs are met by relevant agencies from their existing resources.

Consultation

19. Information on the proposed Third Extension Agreement has been provided to the States and Territories through the Commonwealth-State Standing Committee on Treaties' Schedule of Treaty Action.

Regulation Impact Statement

20. No Regulation Impact Statement is required for the proposed treaty action.

Future Treaty Action

21. The Third Extension Agreement does not provide for the negotiation of future related legally-binding instruments such as protocols or annexes. Given this is the third time that the 1987 RCA has been extended, it is likely that a further extension of five years will be proposed. If this were to occur, Australia would need to consider the merits of agreeing to a fourth extension.

Withdrawal or Denunciation

22. The Third Extension Agreement does not contain express provisions dealing with withdrawal or denunciation.

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