

Australian Conservation Foundation submission the Joint Standing
Committee on Treaties consideration of the Agreement between the
Government of Australia and the European Atomic Energy Community
(Euratom) for Co-operation in the Peaceful Uses of Nuclear Energy

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Introduction: The Australian Conservation Foundation (ACF) is committed to inspiring people to achieve a healthy environment for all Australians. For 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 Agreement between the Government of Australia and the European Atomic Energy Community (Euratom) for Co-operation in the Peaceful Uses of Nuclear Energy. ACF has a long and continuing interest and active engagement with the uranium and nuclear sector in Australia. ACF believes the uranium and wider nuclear industry is unsustainable and provides no net benefit to Australia. 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.'¹

Uranium is 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 amount of safeguards can absolutely guarantee Australian uranium is used solely for peaceful purposes. According 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."² 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 has deep concerns over the intention to renew this Agreement on the terms outlined at this time. 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 20).

As a major uranium supplier with a much stated commitment to best international standards and processes Australia needs to ensure that policy decisions in relation to such contested and far reaching areas as the provision of uranium are based on best practice, robust review and are evidence rather than assumption based. ACF is deeply concerned this treaty process has to date lacked the rigor and independent integrated analysis required in order to have credibility in the repeated *best practice* and *stringent safeguards* claims repeatedly made in the ATNIA.

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

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

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

provide clear and contemporary evidence to help inform the Committee's consideration of this Treaty action.

(i) 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 medical body demonstrates a strengthening of international expert concern about 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, especially given successive Australian governments mantra of *strict conditions* and *best practice* in relation to uranium mining and export. ACF seeks clarification of what extra steps have any Australian producers, agencies or regulators taken to assess the health impacts of uranium mining and export subsequent to the Basel resolution.

(For further detail on the Basel resolution see: http://www.nuclear-risks.org/fileadmin/user_upload/pdfs/Resolution_Uranium_ban_final.pdf)

(ii) Existing European Parliament resolution on uranium mining

In January 1998 the European Parliament passed a comprehensive resolution with direct relevance to the Australian uranium sector (*Resolution on the protection of the aboriginal people of Australia – B4-0078/98*).

This called, inter alia, for the European Commission *to have an independent study drawn up into the uranium imports of the European Union analysing the impact of uranium mining and processing on health and the environment, on the rights of indigenous peoples, and the waste produced by the mining operations in the respective country of origin.*

ACF strongly supports such a study as a fundamental part of any evidence based export regime and notes that this issue remains a matter of concern to the European Parliament and featured in the deliberations of the 2011 EP Mission to Australia. ACF would welcome clarification of what steps have been taken by Australian governments and agencies, in concert with European partners or unilaterally, to address the issues identified in this resolution.

(iii) United Nations system-wide study on the implications of the accident at the Fukushima Daiichi nuclear power plant – September 2011

Following the Fukushima nuclear crisis the UN Secretary General initiated a comprehensive review of international nuclear safety, security and safeguards. It is deeply disappointing that a detailed assessment and operational impact analysis of this process has not been provided with the accompanying ATNIA or to assist in the Committee's deliberations as much of this review has a relevance to the Australian uranium sector.

In particular, in relation to uranium mining the review recommends 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....

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 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.

This is particularly important given that, as noted in section 6 of the ATNIA, this is Australia's first nuclear co-operation agreement to include specific provisions on nuclear safety. Such an approach is long overdue and it is important that such provisions are rigorous and informed by the best contemporary international thinking and advice available.

(iv) Nuclear Weapons States and compliance

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 and the ATNIA s.14 statement that countering *nuclear proliferation is a matter of high priority for Australia*. 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)

The potential consequences from nuclear proliferation are a matter of major concern in the international community (70) and that In order to properly address nuclear security, the

international community should promote universal adherence to and implementation of relevant international legal instruments (99)

ACF seeks clarification on what assessment has been made of the NPT compliance status of the two NWS – France and the United Kingdom – that would be parties to this Treaty action.

(v) Consultation and costs:

ACF maintains that for such a significant treaty – covering at least three decades and thirty per cent of the Australian uranium export market there has been inadequate consultation and detail in the process to date.

ACF notes that the ATNIA states that the proposed Agreement would not have any general impact on businesses or Commonwealth Government agencies in Australia and that the only costs arising would be the travel to Europe of ASNO officers to facilitate nuclear material accounting. This approach and allocation lacks any sense of a credible integrated assessment or rigor. 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 to such a significant treaty, being nominally reviewed 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 Australia's uranium sector and exports.

Conclusion and recommendations:

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 current materials or the ATNIA. If approved this Treaty would set a framework for uranium exports for at least thirty years – accordingly it should be based on a detailed assessment of the best evidence and this has not been in evidence in the process to date.

ACF urges the Committee to seek further advice and assessment and to not approve this Treaty action at this time or on the basis of the evidence provided.

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