



# THE AUKUS NUCLEAR-POWERED SUBMARINE PATHWAY

A PARTNERSHIP FOR THE FUTURE

## AUKUS AND NON-PROLIFERATION

The leaders of Australia, the United Kingdom and the United States have made clear that Australia's acquisition of conventionally-armed, nuclear-powered submarines will be carried out in a manner that sets the highest non-proliferation standard whilst protecting classified information, sets the strongest precedent for others who may follow and strengthens the global nuclear non-proliferation regime.



### Fundamental elements underpinning the nuclear non-proliferation approach for Australia's nuclear-powered submarine program

Australia is pursuing a nuclear non-proliferation approach for its conventionally-armed, nuclear-powered submarine program within the framework of Australia's Comprehensive Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency (IAEA).

Australia has committed to the following key elements that provide further assurance to the IAEA and the international community that Australia will maintain its impeccable nuclear non-proliferation record:

- As a non-nuclear-weapon state, Australia does not have and will not seek to acquire nuclear weapons.
- Australia's SSN program will occur within the framework of Australia's Comprehensive Safeguards Agreement and Additional Protocol with the IAEA.
- Australia will declare all nuclear materials and activity to the IAEA as required under its Comprehensive Safeguards Agreement and Additional Protocol.
- Australia intends to negotiate an arrangement with the IAEA under Article 14 of Australia's Comprehensive Safeguards Agreement.
- AUKUS partners will continue working with the IAEA to develop a suite of safeguards and verification measures that will enable the IAEA to meet its technical objectives throughout the submarines' lifecycle and provide assurance that Australia remains in compliance with its

obligations under its Comprehensive Safeguards Agreement and Additional Protocol.

- Australia will not enrich uranium or reprocess spent fuel as part of this program.
- To reduce the risks associated with handling nuclear fuel, and limit the possible ways in which this fuel could be misused, Australia will not produce nuclear fuel for its SSNs.
- The UK and the US intend to provide Australia with nuclear material in complete, welded nuclear power units that will not require refuelling during their lifetime. This removes the need to routinely access the fuel element, reduces the amount of spent fuel produced and avoids the need to maintain a stockpile of fresh fuel.
- Removing nuclear material from these units is highly complex – requiring specialised equipment, facilities and workforce – and doing so would render the power unit, and the submarine, inoperable.
- The nuclear fuel Australia receives cannot be used in nuclear weapons without further chemical processing, requiring facilities that Australia does not have and will not seek.

These commitments will allow AUKUS partners to pursue cooperation on nuclear-powered submarines in a way that sets the highest non-proliferation standard, whilst protecting classified and controlled information, and builds confidence with the international community.

# WHAT IS NUCLEAR NON-PROLIFERATION?

## What is nuclear non-proliferation?

Nuclear non-proliferation is a term often used to describe efforts to limit the spread of nuclear weapons and associated materials and technology. The Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the global nuclear non-proliferation regime. The Treaty on the Non-Proliferation of Nuclear Weapons entered into force in 1970. All three AUKUS partners are States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and were key advocates for its extension in 1995. Under the Treaty, non-nuclear-weapon States (including Australia) are obligated to not manufacture or otherwise acquire nuclear weapons. Correspondingly, nuclear-weapon States are obligated not to transfer nuclear weapons to any recipient, and not in any way to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons.

## Is naval nuclear propulsion permitted under the Treaty on the Non-Proliferation of Nuclear Weapons?

Naval nuclear propulsion is not prohibited under the Treaty on the Non-Proliferation of Nuclear Weapons regime and was envisaged at the Treaty's inception.

It has always been anticipated that a non-nuclear-weapon State might seek to acquire a naval nuclear propulsion capability and that the IAEA may need to develop arrangements to cover this activity.

Article 14 is the legal mechanism envisaged in the IAEA model Comprehensive Safeguards Agreement for use by non-nuclear-weapon States like Australia that might pursue naval nuclear propulsion.

## Who ensures States are meeting their obligations?

The IAEA is the international organisation that underpins global nuclear non-proliferation. Among other things, it is responsible for providing assurance that there is no diversion of nuclear material, no undeclared nuclear material or activities and no misuse of nuclear facilities by non-nuclear-weapon States, and ensuring States remain in compliance with their international safeguards obligations.

## What does the International Atomic Energy Agency do?

The IAEA works with its Member States worldwide to promote the safe, secure and peaceful use of nuclear technologies. A key IAEA objective is to deter the proliferation of nuclear weapons by detecting early the misuse of nuclear material or technology and by providing credible assurances that States are honouring their safeguards obligations. The IAEA is empowered to agree and apply safeguards.



## What are safeguards?

Safeguards include verification and inspection measures that apply to nuclear material and activities under States' international agreements with the IAEA. IAEA safeguards are the technical means by which the IAEA provides assurance to the international community that nuclear material, nuclear facilities and other items subject to safeguards are not used by non-nuclear-weapon States for proscribed purposes, such as a nuclear weapons program. The application of safeguards enables the IAEA to meet its technical objectives of confirming no diversion of nuclear material, no undeclared nuclear material or activities and no misuse of nuclear facilities.

## Australia's nuclear non-proliferation record and safeguards agreements

Australia has a proud record of leadership in the international nuclear non-proliferation regime. Under the Treaty on the Non-Proliferation of Nuclear Weapons, Australia has committed to not seek, and to prevent the spread of, nuclear weapons. Australia has long championed nuclear-weapon-free zones, and was a founding member of the Treaty of Rarotonga (South Pacific Nuclear Free Zone Treaty). Australia remains a driving force in support of the Comprehensive Nuclear-Test-Ban Treaty.

Australia has outstanding non-proliferation credentials underpinned by two safeguards agreements with the IAEA. These are a Comprehensive Safeguards Agreement, as required by the Treaty on the Non-Proliferation of Nuclear Weapons, and an Additional Protocol. Australia has robust reporting and access obligations to the IAEA under both of these instruments.

Australia concluded its Comprehensive Safeguards Agreement pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons in 1974, and in 1997 was the first country to conclude an Additional Protocol. The Additional Protocol is an instrument which includes provisions for the IAEA to obtain information about, and access to, all parts of a country's nuclear fuel cycle. This enables the IAEA to make more robust conclusions on Australia's compliance.

The combination of a Comprehensive Safeguards Agreement and an Additional Protocol has become the de facto standard for achieving the safeguards objectives of the Treaty on the Non-Proliferation of Nuclear Weapons. For a State with a Comprehensive Safeguards Agreement and Additional Protocol, the IAEA is able to draw the 'broader conclusion' that, in effect, there is no indication of the diversion of declared nuclear material and that there are no undeclared nuclear material or activities. Australia was the first State to receive this 'broader conclusion' in 2000, and has received it every year since.



## How will Australia's acquisition of nuclear-powered submarines be consistent with AUKUS partners' respective non-proliferation obligations?

Australia, the UK and the US have been working with the IAEA to ensure that Australia's acquisition of conventionally-armed, nuclear-powered submarines is undertaken in full compliance with the AUKUS partners' respective nuclear non-proliferation obligations and commitments. This cooperation will continue to focus on the development of verification measures in line with Australia's Comprehensive Safeguards Agreement and Additional Protocol with the IAEA. We are committed to being open and transparent regarding our consultations with the IAEA, while protecting classified and controlled information.

Australia, the UK and the US remain steadfast in our support of the global nuclear non-proliferation regime and its cornerstone, the Treaty on the Non-Proliferation of Nuclear Weapons.

Australia's credentials on nuclear non-proliferation are impeccable. Australia's acquisition of conventionally-armed, nuclear-powered submarines is consistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons regime and will be implemented in a way that sets the highest non-proliferation standard, while protecting classified and controlled information

## Will Australia use Article 14 of its Comprehensive Safeguards Agreement?

Australia will commence negotiations on an arrangement under Article 14 of Australia's Comprehensive Safeguards Agreement with the IAEA as part of the non-proliferation approach for Australia's nuclear-powered submarine program. Article 14 is the mechanism under the Comprehensive Safeguards Agreement by which a non-nuclear-weapon State, like Australia, and the IAEA may make an arrangement to govern the use of nuclear material in a non-proscribed military activity, such as naval nuclear propulsion.

Australia is committed to setting the strongest precedent for other states seeking to use Article 14, including by ensuring the Article 14 arrangement includes a robust package of verification measures to be applied while nuclear material is subject to the Article 14 arrangement.

Australia's approach will enable the IAEA to meet its technical objectives at all times while protecting classified and controlled information. These objectives are to confirm: no diversion of nuclear material, no undeclared material or activity and no misuse of nuclear facilities.

