

Nuclear Proliferation and the NPT

by Ilkka Pastinen

Upon its conclusion in 1968, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was acclaimed as the most important international agreement in the field of disarmament since the nuclear age began and a major success for the cause of peace.

The Treaty was achieved by the efforts of the Eighteen Nations' Disarmament Committee (ENDC now the CCD) in Geneva after years of tough and protracted negotiations. An overwhelming majority of the members of the United Nations commended the Treaty for signature and ratification by States at the resumed session of the XXII UN General Assembly in spring 1968, and after the requisite number of ratifications, the NPT entered into force on 5 March 1970.

As stipulated in Article VIII of the NPT, a Review Conference of the Parties was held in Geneva from 5 to 30 May 1975 to "review the operation of the Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty were being realized". At the time of writing, altogether 100 States have either ratified the NPT or acceded to it – the last one to do so being Japan. In number of contractual parties, the NPT is second only to the Moscow Test Ban Treaty among international arms control agreements.

These then are the bare facts and figures in the life of the NPT. However bare, they do bear testimony to the fact of the NPT as the most significant multilateral arms control agreement yet concluded and as a cornerstone in the efforts of the international community to contain the threat posed by the very existence of nuclear weapons. But in political terms, the NPT has assumed a dimension which transcends its importance as a major arms control measure. By its genesis and its impact on political relations between States, the NPT has become an integral part of detente, whether we take this to mean a general relaxation of international tensions, the normalization of relations between the major powers or the incipient period of mutual understanding and co-operation in Europe, to which the leading statesmen pledged their nations at the third stage of the Conference on Security and Co-operation in Europe a little more than a year ago in Helsinki.

It is no exaggeration to say that as a means to avert the danger of nuclear war, the NPT serves the general interest of the international community as a whole. In fact it remains the best available instrument for promoting that interest. The main result of the Review Conference was the reaffirmation by the Parties to the Treaty of their faith in the continued validity of this overriding objective and the demonstration of their unity of purpose to

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strengthen the non-proliferation regime. More than ever, the NPT thus can be seen today as a part of the Law of Nations – as a fundamental norm of international life – which benefits all nations, party and non-party alike.

And yet the NPT is still far from universality. A considerable number of States have stayed outside it – many as an act of deliberate policy. Some of those States try to justify their position by levelling criticism against the Treaty. So do a number of individuals, some of them genuinely interested in disarmament. The detractors of the NPT depict the Treaty as “discriminatory”, “unbalanced”, “serving the interests of some States only”, “having failed to fulfill the pledges about further progress on disarmament”, etc. Admittedly the NPT is not a perfect instrument – far less “the ultimate word of human wisdom”. But what the NPT clearly amounts to, is that it is the best instrument for guarding against the dangers of further proliferation of nuclear weapons, if only because it is the only instrument available to the international community for this purpose. It follows that most of the criticism levelled against the NPT is either self-serving, intended to disguise ulterior motives which have nothing to do with the NPT as such or – at best – is based on a misunderstanding of the basic character of the NPT or on a basic lack of understanding of its overriding political significance. It is therefore important to underscore these “basics” without which the NPT can not be seen in its proper context or judged for its intrinsic value.

The Basic Character of the Non-Proliferation Treaty

The Treaty on the Non-Proliferation of Nuclear Weapons is what the name indicates: an international, multilateral treaty, the main purpose of which is to restrict the ownership of nuclear weapons to the five powers – China, France, the United Kingdom, the USSR and the United States of America – which had exploded a nuclear device before 1 January 1967; in other words, to prevent the spread of the ownership of nuclear weapons to other States. The first two paragraphs in the preamble to the Treaty provide the rationale for this goal: “Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples; and believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war...”

These words clearly express a goal that is in the general interest of the international community as a whole. If the “general interest” is too vague an expression, then let us say that the aim also corresponds to the basic security interests of every State. The NPT remains the best instrument at the disposal of the international community for the promotion of these interests.

The main obligations of the Parties to the Treaty are included in Articles I and II of the Treaty and in the IAEA safeguards system stipulated by Article III. It is perhaps somewhat extreme, but not unreasonable to claim that a non-proliferation treaty that included only these three articles would still be in the interest of a vast majority of States.

However, the Treaty also includes other articles which make it more complete and more balanced. But it is important to constantly keep in mind the main purpose of the Treaty. The NPT contains provisions on co-operation in the peaceful uses of nuclear energy, but this does not make it “a treaty on the peaceful uses of nuclear energy”. The Treaty speaks about peaceful nuclear explosions, but that does not make it “a treaty about peaceful

nuclear explosions". Article VI of the Treaty calls for the continuation of disarmament negotiations, but this does not make it "a treaty on disarmament".

Particularly with regard to disarmament negotiations, there has been a certain tendency to see the NPT as a sort of institutional framework for bargaining. Many non-nuclear-weapon States seem to feel that they have made a basic concession by giving up the so-called nuclear option, a concession for which the nuclear-weapon States must continually pay, for instance, with concessions in the field of disarmament. This in itself is, of course, neither wrong nor unjustified. But bargaining of this kind can become as dangerous as it is based on the belief that the NPT is solely in the interest of the nuclear-weapon States. This ignores the fact that it was the non-nuclear-weapon States who originated the idea of a NPT. It also ignores the fact that the Treaty is, in terms of security interests, of perhaps greater importance to the non-nuclear-weapon States. It is not unreasonable to contend that the nuclear-weapon States would be able to take care of themselves also in a world in which there were some twenty nuclear-weapon States, i.e. the situation which the NPT was designed to prevent. The non-nuclear-weapon States, however, would be more gravely exposed to the perils of such a situation.

The Political Significance of the Non-Proliferation Treaty

Neither the Non-Proliferation Treaty nor disarmament negotiations in general can be viewed in isolation. Disarmament negotiations are a part and parcel of international politics. They are subject to the same forces and influences as international politics in general.

This article has already made the point that the Non-Proliferation Treaty has become an integral part of the relaxation of international tensions, i.e. of *détente*. One can go even further and claim that the whole process of *détente*, particularly in the relations between the USA and the USSR, first took shape at the Geneva disarmament negotiations in the aftermath of the Cuban Missile Crisis. The first important result of the negotiations was the Moscow Test Ban Treaty of 1963. But their most significant achievement to date is the 1968 Treaty on the Non-Proliferation of Nuclear Weapons.

The political significance of the Treaty for relations between the major powers stands in even clearer light when we bear in mind that the talks were brought to a successful conclusion in an international situation burdened by armed conflicts in Viet-Nam and the Middle East. But the political focus of the Treaty was then on Europe. Particularly in Europe, the Treaty was a major contribution to *détente*, the results of which were consecrated at the Conference on Security and Co-operation in Europe. Would Brandt's "Ostpolitik" have been possible without the NPT? Would there have been agreements between the Federal Republic of Germany and the USSR, between the Federal Republic of Germany and Poland, and an agreement about Berlin? Would the normalization of relations between the two Germanys have been achieved and their international status settled? Would there have been a Conference on Security and Co-operation in Europe and the MFR talks in Vienna? The conclusion seems obvious and hindsight does not detract from its value.

In assessing the political significance of the NPT, one also has to keep in mind that the SALT negotiations are a direct outgrowth from Article VI of the NPT. In addition to the agreements already achieved and those to be expected on the limitation of strategic nuclear

arms and associated measures, the continuing strategic dialogue at the SALT-negotiations has a vital political importance for the relations between the USSR and the USA in the context of détente.

NPT Review Conference

As stipulated in Article VIII of the Treaty, the Conference to review the operation of the NPT was held in Geneva in May 1975. Those critical of the Treaty have tried to make much of the fact that only 58 of a total of 96 States Party to the NPT at the time of the Conference attended it. They fail to point out however, that all the Parties with significant nuclear activities were among those 58 in attendance.

The Review Conference had been carefully prepared through the three sessions of its preparatory committee. Its work was characterized by the intensity of interest which the Parties bring to the NPT, and by the unity of purpose, which found its expression in the Final Declaration of the Conference adopted by consensus. In this context, the rôle of the President of the Conference, Inga Thorsson, the State Secretary for Foreign Affairs of the Swedish Government, deserves a special tribute.

The main purpose of the Review Conference was to strengthen the Treaty and to ensure its better implementation. In this respect, the Conference achieved what it realistically could be expected to achieve.

The Final Declaration of the Conference is essentially a political document. Its main thrust is the reaffirmation by the Parties of their strong support for the NPT and their continued dedication to its principles and objectives. Yet it is also a document of considerable substantive content and simultaneously an action programme for the future. It embodies in fact, not only an assessment of the Parties on how the Treaty so far has performed its rôle, but gives also rather precise and detailed guidelines on how it can be better implemented in the future.

The conclusions and recommendations included in the Final Declaration of the Review Conference cover the whole spectrum of the provisions of the NPT. The following effort at an analysis, however, concentrates on essential non-proliferation problems: the question of the so called "threshold countries", and the question of safeguards in the context of the international trade in nuclear materials. These questions are closely interrelated.

The Problem of the "Threshold Countries"

The central provisions of the NPT are contained in its Articles I and II. In these, the nuclear-weapon States agree not to transfer their nuclear weapons to the ownership of non-nuclear-weapon States, and the non-nuclear-weapon States agree not to produce or otherwise acquire them.

As regards the performance of the Treaty on this crucial question, the Conference was able to confirm that Articles I and II had been faithfully observed by all Parties. The Conference expressed as its conviction that the continued strict observance of these Articles remains central to the shared objective of averting the further proliferation of nuclear weapons.

If all the States of the world were Parties to the Non-Proliferation Treaty, guarantees would already exist that the ownership of nuclear weapons would be restricted to those five

countries which are also permanent members of the Security Council and which, in that capacity, have a special responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations. This, however, is not in fact the case. At present the Parties to the NPT include three nuclear-weapon States (the UK, the USSR and the USA) and more than 90 non-nuclear-weapon countries. About 15 other non-nuclear-weapon States have signed the Treaty, but not yet ratified it. While the Review Conference was instrumental in bringing forward a considerable number of new and important adherents – among them five Euratom countries and Japan – the Treaty is still far from universal and this naturally reduces its effectiveness.

Of the nuclear-weapon States, China and France are outside the Treaty, though France has made a public declaration that it shall refrain from action which would contribute to the proliferation of nuclear weapons. France has also co-operated with other major suppliers of nuclear materials and equipment with a view to devising common guidelines to regulate exports of these materials in the interest of nuclear non-proliferation. On political grounds, however, France and China have taken a negative attitude toward the NPT.

Another weakness of the NPT is that many so-called threshold States, i.e. those with a level of research and industry in peaceful applications of nuclear energy which would make the production of nuclear weapons possible, are not Parties to the Treaty. This is the case with States like Argentina, Brazil, India, Israel, Pakistan and South Africa. With the spread of the need for nuclear energy and its application for peaceful purposes the number of such threshold countries is likely to increase. This entails a growing risk for proliferation of nuclear weapons or equivalent nuclear explosive capacity unless the threshold countries can be persuaded to join the NPT or, failing this, unless other means can be found by the present Parties to the Treaty to put effective restraints on the emergence of new threshold countries or on the refinement of the explosive capacities of the present ones.

Until 18 May 1974, it could be said that the Non-Proliferation Treaty had fulfilled its central task. Proliferation of nuclear weapons to new States had not in fact occurred. But on that day the Indian Atomic Energy Commission announced the detonation by India of a peaceful nuclear explosive. India's announcement set off a wave of protest, particularly from those States that have most actively supported the Non-Proliferation Treaty. This concern was not dispelled by the assurances of the Indian Government that the explosion was solely for peaceful purposes and that India had no intention of producing nuclear weapons. The explosion carried out by India was termed a serious setback to the Treaty and to attempts to prevent the proliferation of nuclear weapons in general.

In assessing these reactions to the Indian explosion, it must be kept in mind that the Non-Proliferation Treaty makes no distinction between nuclear weapons and other nuclear explosives. The Treaty bans both. The technology involved in both is the same; a State which has developed a peaceful nuclear explosive also has a nuclear weapon in its hands. The difference is only in intentions.

This is the situation in terms of the Non-Proliferation Treaty. India, who is not Party to the Treaty is, of course, under no obligation to accept this interpretation. She can just as well demand understanding for her own point of view, according to which a peaceful nuclear explosion does not mean the proliferation of nuclear weapons. In any case, India's explosion raises anew the entire problem of peaceful nuclear explosions.

Safeguards in the Context of International Trade in Nuclear Materials

In its Final Declaration, the Review Conference recognized that the accelerated spread and development of peaceful applications of nuclear energy will, in the absence of effective safeguards, contribute to further proliferation of nuclear explosive capacity. This rather flat statement defines in a nutshell the basic dilemma of nuclear proliferation, to wit: How to satisfy the legitimate aspirations of nations to benefit from nuclear energy for peaceful purposes while guarding against the dangers of putting its enormous destructive potential in the hands of an evergrowing number of States? This is the very dilemma that the NPT proposes to solve. One of the major tools by which the NPT proposes to solve it, is the control mechanism provided for in Article III of the Treaty.

Article III, which provides for the IAEA safeguards system, has in fact created the most extensive international control mechanism ever to result from disarmament talks. Control is directed at the nuclear energy industry of the non-nuclear-weapon States. Its purpose is to guarantee that peaceful nuclear energy is not diverted to nuclear weapons or other nuclear explosives. The Article requires the non-nuclear-weapon States that are Parties to the Treaty to conclude a separate bilateral agreement with the IAEA for implementing the safeguards. These agreements have been negotiated within the framework of a model agreement drawn up by the IAEA.

There is no doubt that the experience of the functioning of the IAEA safeguards has been one of the most successful features of the operation of the Treaty. While there is room for improvement in the technical application of safeguards, on the whole the control functions satisfactorily in the countries which are subject to it, i.e. Parties to the NPT. But the problem lies elsewhere. It stems from the fact that all countries are not Parties to the NPT and therefore not subject to the comprehensive control system it provides. The so-called threshold countries, discussed previously are a case in point. And yet even these countries continue to receive nuclear supplies from NPT-countries "in the absence of effective safeguards" which according to the very words of the Review Conference cited above "contribute to further proliferation of nuclear explosive capacity".

The only satisfactory solution to this problem of the so-called supply policies would seem to be the one advocated by the Director General of the IAEA, Dr. Sigvard Eklund, and by an overwhelming majority of the States at the Review Conference. According to it, NPT Parties exporting nuclear materials and equipment should require membership of the NPT *or other arrangements involving the application of safeguards to the complete nuclear fuel cycle of the importing countries as a condition for supply*. The enforcement of such a condition would guarantee that Parties to the NPT do not contribute either by commission or omission to the spread of nuclear explosive capacity in contravention to the spirit of the NPT. It would be one of the means by which the present Parties to the Treaty could put effective restraints on the emergence of new threshold countries or on the refinement of the explosive capacities of the present ones.

It is the contention of this writer that Parties to the NPT have an incontrovertible obligation to act in this manner and that they are so obligated not only by the spirit of the NPT but indeed by its letter. In Article I of the NPT, the nuclear-weapon States that are Parties to the Treaty undertake not in any way to assist, encourage or induce any (that means whether Party to the NPT or not) non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over them. As fast as

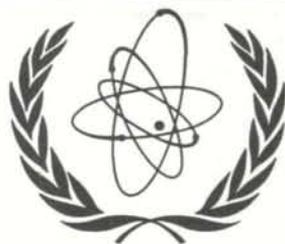
supply policies are concerned, a further specification of this basic obligation is contained in Article III:2 which enjoins all Parties to the Treaty to supply nuclear materials and equipment only subject to IAEA safeguards required by this Article (i.e. NPT safeguards covering the complete nuclear fuel cycle of the recipient).

So much for the legalities of the situation. Practice, however, has been different and has in fact allowed the emergence of the threshold countries. But it is still not too late to try to plug the loopholes, which a shortsighted laxity in observance of the NPT commitments has permitted to develop.

The first steps towards a tightening up of controls in connection with supplies of nuclear materials and equipment have already been taken. In 1974 the so-called Zangger Committee made recommendations about uniform supply policies which were accepted by a number of important supplying States within the framework of the IAEA. In the aftermath of the NPT Review Conference seven most important supplying States started a series of meetings in London. As a result of this work, a set of common guidelines concerning the application of safeguards in connection with exports of nuclear materials and equipment have been agreed upon and have been put in practice as a matter of national policy. The so-called London group has been recently enlarged by the participation of a number of smaller, yet important exporting States. It is to be hoped that its work, which also covers aspects of the so-called physical protection of nuclear materials, will in time lead to results which will effectively contribute to non-proliferation purposes.

This is as yet not the case. The measures agreed upon so far are – what is called in technical parlance – “facility oriented” – i.e. while safeguarding a particular delivery, installation, technique and technology, they fall short of the requirement of full cycle control as a condition of supply. Yet the enforcement of this requirement presents the only satisfactory solution to the problem of supply policies and was recommended by the Review Conference as such. In absence of full cycle controls, a recipient country X – non-party to the NPT – can continue to develop its peaceful nuclear industry drawing on safeguarded foreign deliveries while concentrating all its indigenous resources and skills on developing a nuclear explosive capacity in unsafeguarded installations.

Why then has it been so difficult to agree on nuclear supply policies which would leave no loopholes for proliferation of nuclear weapons? The most obvious reason are the economic interests involved in nuclear trade, and the commercial competition between different suppliers provide at least part of the answer. The question is simply whether the major nuclear suppliers will be able to recognize their own overriding security interests in preventing proliferation of nuclear explosive capacity, be it at the expense of an immediate, but transient commercial interest. In order to equalize the situation in this regard and to give an economic incentive to supplier States to act in the interest of non-proliferation, the Finnish Government has put forward a suggestion that common export requirements recommended by the Review Conference be complemented by common import requirements. According to this suggestion, Parties to the NPT could consider committing themselves not to import nuclear materials and nuclear equipment from countries which are not Parties to the NPT, or which have not accepted full cycle safeguards or which have not otherwise shown that they follow responsible nuclear export policies. If effected, this suggestion would eliminate any element of distortion of competitive market conditions. It would put a premium those suppliers which act in the interest of non-proliferation. The democratic



IAEA PHOTOSTORY

The First Years...

Meeting of the 54th Session of the Preparatory Commission (the first Session of the Preparatory Commission to be held in Vienna) in the Ratsaal of the Musikakademie on 9 September 1957.





This picture was taken at the 63rd Session of the Preparatory Commission in Vienna on 25 September 1957. In the foreground from left to right: Carlos Bernardes, President of the Preparatory Commission; L. Zamyatin, Chief of the USSR Mission to the Preparatory Commission; Pavel Winkler, CSSR Ambassador and Vice-President of the Preparatory Commission; and James J. Wadsworth, US Ambassador to the Preparatory Commission.

Before the first General Conference of the IAEA, the Austrian Foreign Minister, Leopold Figl, paid a visit to the offices of the General Conference. Here he is seen examining plans in the office of Paul R. Jolles, Executive-Secretary of the Preparatory Commission.

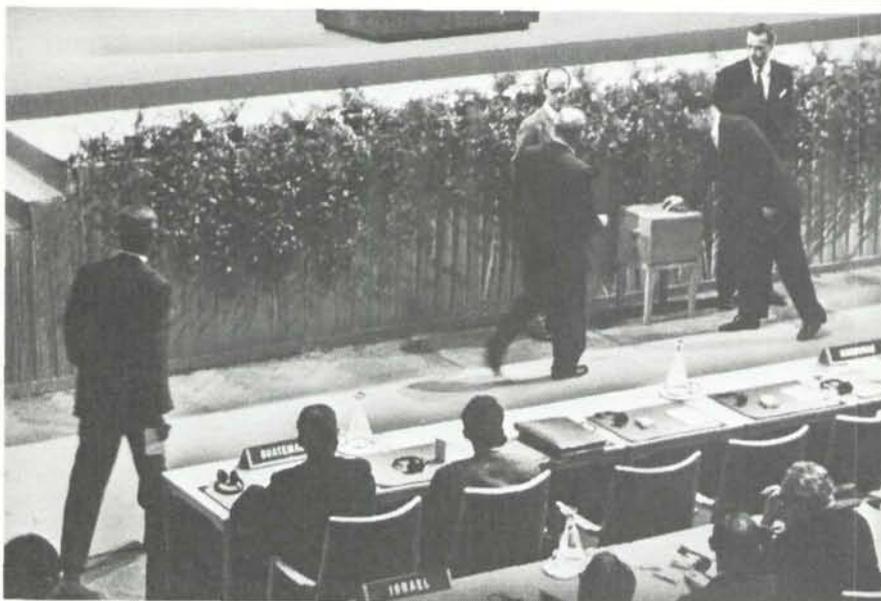




The Austrian Foreign Minister, Leopold Figl (left) and Paul R. Jolles, Executive-Secretary of the Preparatory Commission of the IAEA (right) shake hands following the conclusion of the ceremony which marked the handing over of the Konzerthaus in Vienna to the IAEA General Conference, including extra-territorial rights.

The Austrian Foreign Minister, Leopold Figl (right), and IAEA Director General, Sterling Cole (left) shake hands after an exchange of notes in Vienna on 26 February 1958, by which the Headquarters Agreement became formally effective as of 1 March 1958.



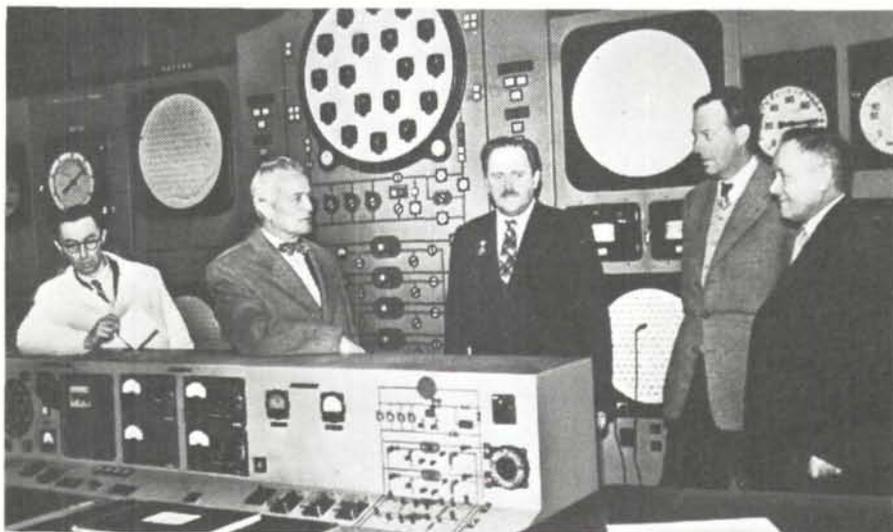


Voting for the first IAEA Board of Governors on 3 October 1957. Here, the USSR delegate is seen voting, while the delegates from USA and the United Kingdom are about to vote.

First meeting of the IAEA Board of Governors on 3 October 1957, following the appointment of Mr. Sterling Cole as Director General of the Agency. At the chairman's table from left to right: Vice-Chairman Hirro Furuuchi, Japan; Director General Sterling Cole; Chairman Pavel Winkler, CSSR; and Vice-Chairman M.H. Wershof Canada.



...Around the World



A delegation from the IAEA headed by Director Sterling Cole (second from left) at the Joint Nuclear Research Institute of Dubna, USSR, in April 1958.

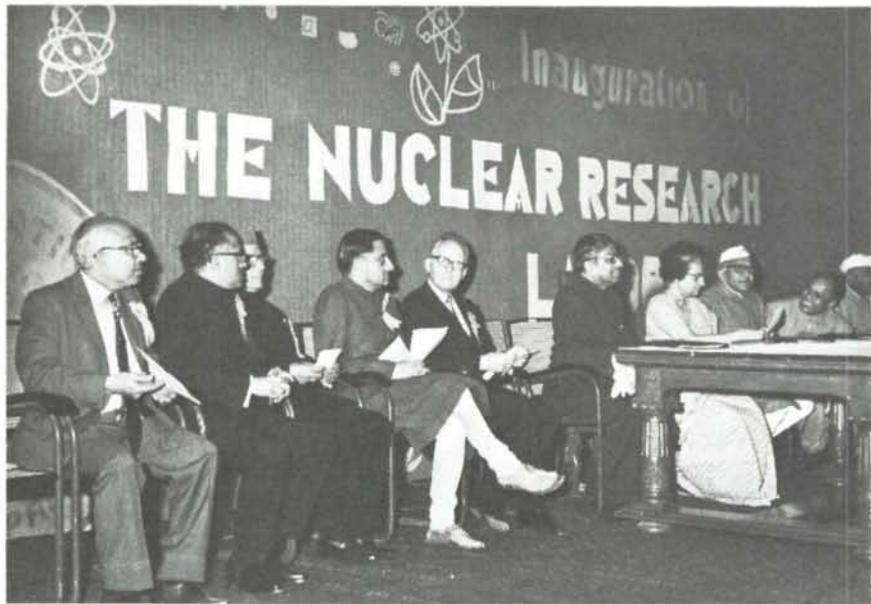
The IAEA hosted several meetings of United Nations Committees. Here, UN Secretary-General U Thant arriving for the 39th Session of the UN Administrative Committee on Co-ordination in April 1965, being welcomed at Vienna airport by Director General Dr. Sigvard Eklund and the then Austrian Minister of Foreign Affairs Dr. Bruno Kreisky.





Visit by Director General Dr. Sigvard Eklund to the Australian Atomic Energy Research Establishment at Lucas Heights, Australia, in the autumn of 1966.

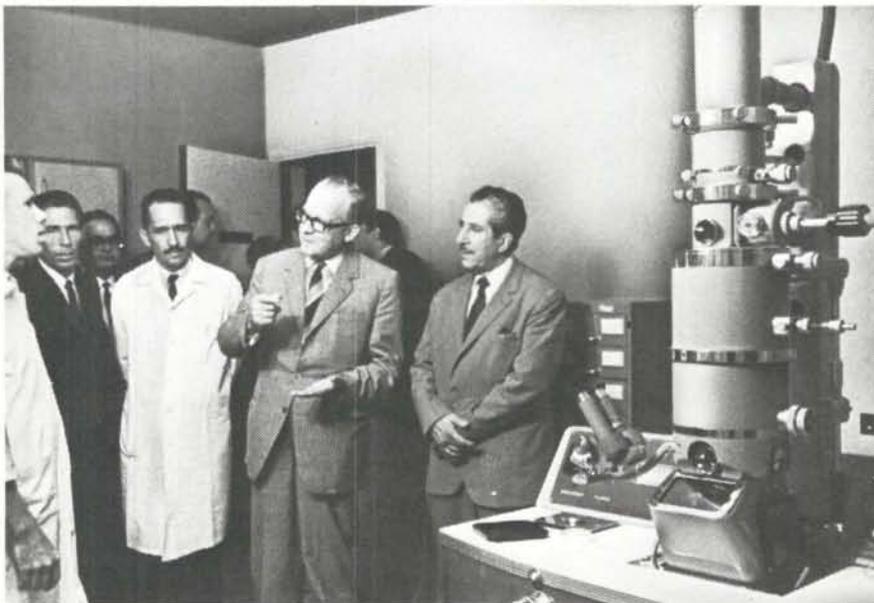
Inauguration Ceremony of the Nuclear Research Laboratory, on 29 November 1971, at the Indian Agricultural Research Institute at Pusa near New Delhi. The laboratory was established with IAEA assistance.

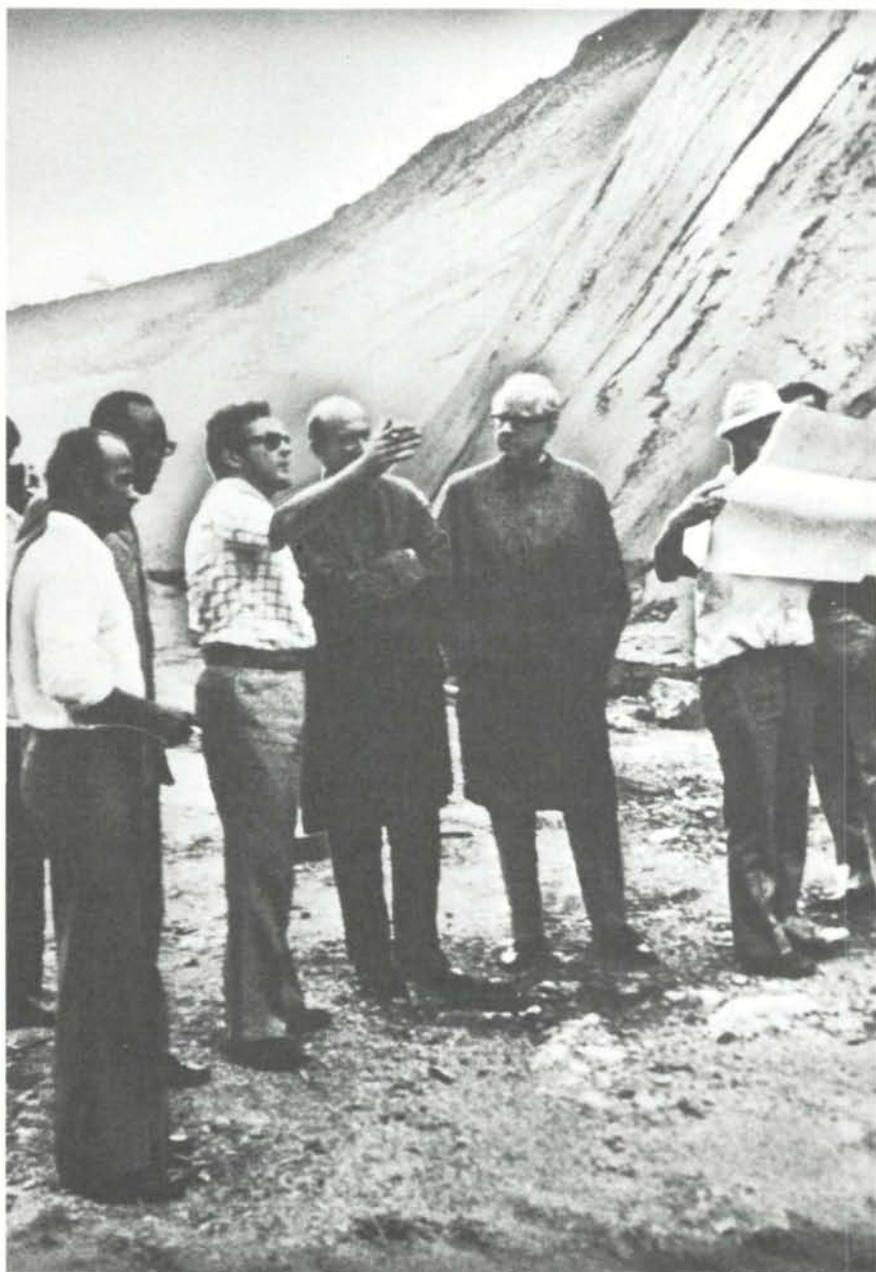




During a visit to the Republic of Argentina in November 1963, Dr. Sigvard Eklund (left) is seen in front of the model of the Ezeiza Atomic Centre which is situated near Buenos Aires.

In August 1971 the Director General of the IAEA paid a visit to Cuba.





In June 1975 the Agency organized, in cooperation with the Gabon Government and the French Atomic Energy Commission, an International Symposium on the Oklo Phenomenon. The photo shows Director General, Dr. Sigvard Eklund, and Dr. Bertrand Goldschmidt, IAEA Governor from France (third and fourth from right), in the Oklo quarry, which had been a natural nuclear reactor 1800 million years ago.

candidate in the United States presidential elections, Governor Jimmy Carter, in a speech given on 13 May 1976, gave a very succinct assessment of the Finnish proposal. He said i.a. the following: "The recent initiative of the Finnish Government along these lines deserves commendation. The Finns have urged a compact among the purchasers of nuclear fuel and technology to buy only from suppliers who require proper safeguards on their exports.

This proposal would convert the alleged advantages to a supplier of breaking ranks and offering "bargains" in safeguards into a commercial disadvantage. Instead of broadening his market by lowering his standards, the supplier would narrow it. There would be fewer purchasers for his dangerous merchandise than if he maintained a common front on safeguards with other suppliers. There would be competition to offer to buyers the safest product at the best price."

The risks of nuclear weapon proliferation inherent in peaceful applications of nuclear energy have been heightened by the prospective spread of technologies relating to particularly sensitive parts of the nuclear fuel cycle, i.e. enrichment and reprocessing. The latter provides a direct source for the main raw material for nuclear weapons – plutonium. Furthermore, the known sales of reprocessing plants would seem to have little, if any justification in economic terms. The NPT Review Conference clearly recognized the dangers involved and also recommended a sensible solution to the problem: the establishment of regional or multinational nuclear fuel cycle centres. This recommendation, which has been under intensive study by the IAEA, makes sense not only from the point of view of non-proliferation but also in economic terms. It has been calculated that in order to be economically profitable, a reprocessing plant would need to serve about 40 power reactors of a 1000 MW each – far exceeding the capacity that any non-nuclear-weapon country is planning in a foreseeable future.

Regional nuclear fuel centres would also facilitate the so-called physical protection of nuclear materials. With the spread of peaceful nuclear energy, attention has been recently focused on the risk that fissionable material might get into wrong hands, i.e. organized crime, terrorist groups, etc. Such groups might obtain or claim to have obtained enough fissionable material for an atomic weapon to use it for blackmail. Again, the Review Conference urged the IAEA to elaborate concrete recommendations on the physical protection of nuclear materials, a question on which the London group has also taken action.

Since the NPT Review Conference, the Finnish Government has been actively pursuing the goal of the strengthening of the NPT safeguards regime in order to institute international co-operative action to guard against the risks of nuclear weapon proliferation involved in the international trade in nuclear materials. Bilateral consultations on the Finnish suggestion that common export requirements be complemented by common import requirements have been conducted with approximately forty Governments including both major suppliers and receivers of nuclear materials.

In June 1976, the Finnish Government conveyed its views on the subject to the Board of Governors of the IAEA in the form of an official memorandum (*see annex*).

At the 31st session of the General Assembly of the United Nations, the Finnish Delegation introduced a draft resolution on the subject of the strengthening of the IAEA safeguards

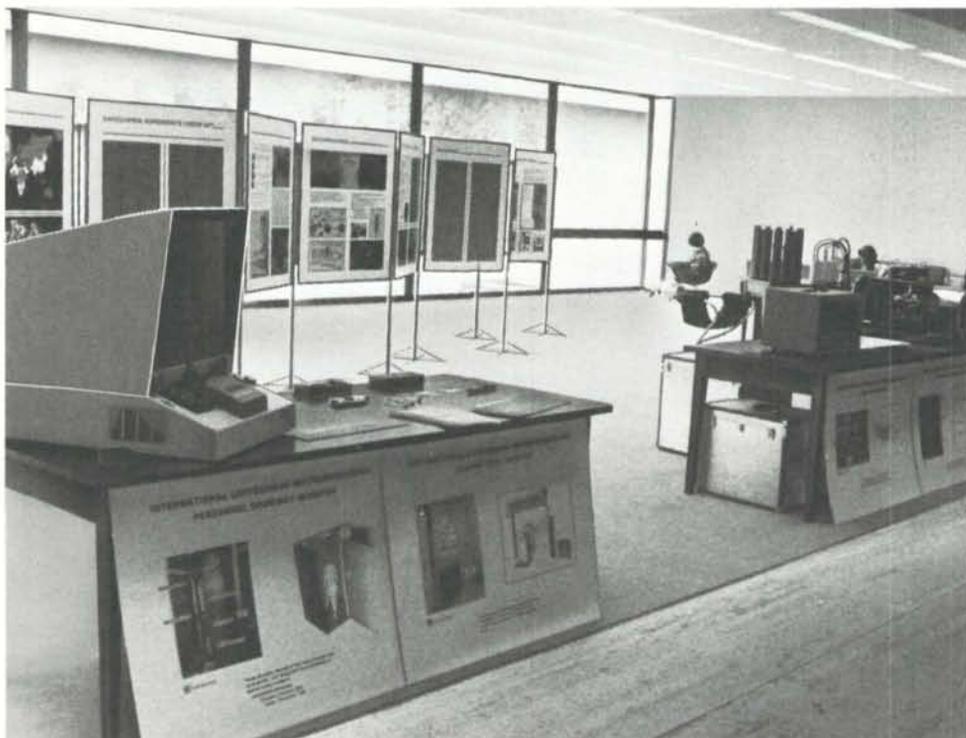


Exhibit of IAEA Safeguards Equipment during the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in Geneva in May 1975.

subsequently co-sponsored by the delegations of Denmark, Iceland and Norway. The General Assembly approved the resolution by 106 votes for, 2 against (Albania, China) and 22 abstentions (i.a. Argentina, Brazil, France, India, Mexico, Pakistan, Romania, Yugoslavia).

After recognizing the increased danger of proliferation of nuclear weapons involved in the accelerated spread and development of peaceful applications of nuclear energy in the absence of an effective and comprehensive safeguards system, the resolution i.a.:

- *Recognizes* that States accepting effective non-proliferation restraints have a right to enjoy fully the benefits of the peaceful uses of nuclear energy and underlines the importance of increased efforts in this field, particularly for the needs of the developing areas of the world;
- *Requests* the International Atomic Energy Agency to give special attention to its programme of work in the non-proliferation area, including its efforts in facilitating peaceful nuclear co-operation and increasing assistance to the developing areas of the world within an effective and comprehensive safeguards system;
- *Further requests* the International Atomic Energy Agency to continue its studies on the questions of multinational fuel cycle centres and an international regime for plutonium storage as effective means to promote the interests of the non-proliferation regime;

- *Calls upon* the International Atomic Energy Agency to give careful consideration to all relevant suggestions aiming at strengthening the safeguards regime that have been presented to the Agency;
- *Requests* the International Atomic Energy Agency to report on the progress of its work on this question to the General Assembly at its thirty-second session.

Because of its context and its timing, this resolution can be seen as an expression of the political will of the overwhelming majority of the international community to endorse the goals that the NPT is seeking and to do whatever can be done in order to strengthen the non-proliferation regime particularly in the crucial field of safeguards administered by the IAEA.

A N N E X

Permanent Mission of Finland to the IAEA

MEMORANDUM

STRENGTHENING OF THE AGENCY'S SAFEGUARDS ON A COMPREHENSIVE BASIS

1. Various measures have recently been undertaken, or are under active consideration within the framework of the Agency and other international forums, designed to support efforts to prevent further proliferation of nuclear weapons, which is in the common interest of the international community as a whole. The application of the safeguards of the Agency is of crucial importance for the success of these efforts. It is the view of the Finnish Government that ways and means should be found by which, in accordance with the overall objectives of the Agency, the safeguards of the Agency could be strengthened on a comprehensive basis, in particular by seeking the application of safeguards to the complete nuclear fuel cycle of all the non-nuclear-weapon States.
2. The Finnish Government views the consideration of this question at this particular time as not only necessary but urgent. The accelerating spread of nuclear power technology, facilities and material, the increasing commercialization of the application of nuclear power, and the rapid growth of international trade in fissionable material and nuclear equipment – while welcome as such – have heightened the risk of proliferation of nuclear weapons. The spread of technologies relating to particularly sensitive parts of the nuclear fuel cycle, i.e. enrichment and reprocessing, adds a qualitatively new dimension to this risk.
3. The statutory objectives of the Agency are to promote peaceful applications of nuclear energy, while ensuring that they are not used in such a way as to further any military purpose. The establishment and application of the Agency's safeguards are a functional means of

attaining these objectives. It is the view of the Finnish Government that the functions of the Agency in this regard are not only technical in character but imply also an overall responsibility for the Agency to act in furtherance of its fundamental objectives.

4. The value of the present safeguards of the Agency, whether applied in accordance with agreements based on the Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968)¹ or with agreements pursuant to Article III.1 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)², based on the material reproduced in the booklet on the structure and content of agreements between the Agency and States required in connection with NPT³, is universally recognized. It is recognized, furthermore, that such application of safeguards does not hamper the economic, scientific or technological development of States or international co-operation in peaceful nuclear activities. It is also considered that the existing safeguards and the experience acquired by the Agency in applying them offer an appropriate technical basis for the application of safeguards over the whole nuclear fuel cycle. The document setting out the possible content of safeguards agreements between the Agency and States interested in arranging for Agency safeguards on all their nuclear activities, which the Board of Governors requested the Director General to prepare⁴, will obviously be useful in this regard.

5. While it is obvious that there is room for the technical improvement of the present safeguards as applied by the Agency, their main weakness does not reside in the technical application. The crucial problem is not the technical aspect but the coverage, i.e. the fact that the safeguards are not applied universally to the whole nuclear fuel cycle in all the non-nuclear-weapon States. As long as that situation is permitted to persist, the existing safeguards have only limited value from the point of view of guarding against the risks of the further spread of nuclear weapons. There is a growing awareness that the only truly effective safeguards would be the one whereby the Agency's safeguards were applied to all nuclear activities in all the non-nuclear-weapon States.⁵

6. The Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT Review Conference) in one of its major recommendations urged that:

- “(a) in all achievable ways, common export requirements relating to safeguards be strengthened, in particular by extending the application of safeguards to all peaceful nuclear activities in importing States not Party to the Treaty;
- (b) such common requirements be accorded the widest possible measure of acceptance among all suppliers and recipients;
- (c) all Parties to the Treaty should actively pursue their efforts to these ends.”⁶

7. Recently various measures have been taken, or are now being effectively pursued, with a view to the strengthening of the application of Agency safeguards in connection with the exports of fissionable material and special nuclear equipment. In 1974 a group of actual and potential supplier States reached a common understanding on the procedures to be followed for the supply of such items.⁷

More recently a decision has been taken by a number of nuclear exporting countries to adopt as a matter of national policy certain standards concerning safeguards and other related controls associated with peaceful nuclear exports. This development is a significant step in

the direction recommended by the NPT Review Conference with respect to extending safeguards coverage.

8. In support of these measures and recommendations, the Finnish Government has pursued, in consultation with a number of other Governments, a suggestion that common export requirements be complemented by common import requirements, i.e. that Parties to NPT could also consider committing themselves to import nuclear material or other equipment only from countries which are Parties to NPT, or which have accepted full cycle safeguards, or which have otherwise shown that they follow responsible nuclear export policies including the application of the Agency safeguards to their nuclear exports. The idea of import requirements is ancillary to the efforts to institute common export requirements. It is designed to support those efforts by way of eliminating any element of distortion of competitive market conditions which might hamper such efforts.

9. The Finnish Government has reason to believe that its conviction of the usefulness of a constructive search for ways and means by which the Agency safeguards could be strengthened on a comprehensive basis is widely shared among Members of the Agency.

References:

¹ INFCIRC/66/Rev.2.

² Reproduced in document INFCIRC/140.

³ INFCIRC/153 (Corrected).

⁴ By the resolution reproduced in document GOV/DEC/88 (XIX) under number (11).

⁵ See, for example, paragraph 41 of the statement by the Director General at the nineteenth regular session of the General Conference in document GC(XIX)/OR. 176.

⁶ NPT/CONF/35/I, Annex I, Review of Article III.

⁷ See documents INFCIRC/209 and Add. 1 to 8.