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NON-PROLIFERATION OF NUCLEAR WEAPONS*

Report of the Preparatory Committee for the Conference of Non-Nuclear-Weapon States

Rapporteur: Mr. Peter S. LAI (Malaysia)

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* Item 28 (b) of the provisional agenda.

I. TERMS OF REFERENCE AND ORGANIZATION OF
THE COMMITTEE'S WORK

1. By resolution 2153 B (XXI) of 17 November 1966, the General Assembly decided to convene a conference of non-nuclear-weapon States (hereafter referred to as the Conference) to meet not later than July 1968 to consider the following and other related questions: "(a) How can the security of the non-nuclear States best be assured? (b) How may non-nuclear Powers co-operate among themselves in preventing the proliferation of nuclear weapons? (c) How can nuclear devices be used for exclusively peaceful purposes?" By the same resolution, the General Assembly requested its President immediately to set up a preparatory committee (hereafter referred to as the Committee), widely representative of the non-nuclear-weapon States, to make appropriate arrangements for convening the Conference and to consider the question of associating nuclear-weapon States with the work of the Conference, and report thereon to the General Assembly at its twenty-second session.
2. In accordance with the resolution, the President of the twenty-first session of the General Assembly, after extensive consultations with all sections of the membership, announced on 20 December 1966 (1500th plenary meeting of the General Assembly) that the Committee would be composed of: Chile, Dahomey, Kenya, Kuwait, Malaysia, Malta, Nigeria, Pakistan, Peru, Spain, United Republic of Tanzania.
3. The Committee held ten meetings at United Nations Headquarters, on 2 February, 9 March, 5 and 6 July, 17, 22 and 28 August, 7 and 15 September 1967 (A/CONF.35/PC/SR.1-10).
4. At its first meeting, on 2 February 1967, the Committee unanimously elected its officers, as follows:

<u>Chairman:</u>	Mr. Burudi Nabwera (Kenya)
<u>Vice-Chairman:</u>	Mr. Manuel Aznar (Spain)
<u>Rapporteur:</u>	Mr. Peter S. Lai (Malaysia)

5. The members of the Committee were represented as follows:

<u>Chile</u>	Mr. José Piñera Mr. Javier Illanes Mr. Uldaricio Figueroa
<u>Dahomey</u>	Mr. Maxime-Léopold Zollner Mr. Virgile-Octave Tevoedjre

Kenya

Mr. Burudi Nabwera
Mr. O.A. Fakihi El Kindy
Mr. Peter Maragia Nyamweya
Mr. Japhet Gideon Kiti

Kuwait

Mr. Rashid Al-Rashid
Mr. Soubhi J. Khanachet
Mr. Sami Jacoub Shammass
Mr. Zaim Imam

Malaysia

Mr. Raja Aznam
Mr. Peter S. Lai

Malta

Mr. Arvid Pardo
Mr. Victor J. Gauci

Nigeria

Mr. J.T.F. Iyalla
Mr. A.A. Mohammed
Mr. E.N. Eyo

Pakistan

Mr. Syed Amjad Ali
Mr. Agha Shahi
Mr. S.A. Pasha
Mr. Naseem Mirza

Peru

Mr. Carlos Mackehenie
Mr. Jaime Cáceres
Mr. Manuel F. Boza

Spain

Mr. Manuel Aznar
Mr. Jaime de Piniés
Mr. Pedro Temboury
Mr. Fernando Arias Salgado

United Republic of
Tanzania

Mr. John W.S. Malecela
Mr. Idi Hamisis Mtingwa
Mr. M.A. Foum

6. Mr. Aleksei E. Nesterenko, Under-Secretary of the Department of Political and Security Council Affairs, and, in his absence, Mr. M.A. Vellodi, Deputy to the Under-Secretary, represented the Secretary-General. Mr. O. Frey, Associate Chief of the Disarmament Affairs Division, acted as Secretary of the Committee.
7. In the course of its meetings, the Committee, in conformity with its mandate to make appropriate arrangements for convening the Conference and to examine the question of associating nuclear-weapon States with the work of the Conference, considered the following substantive matters:

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- (a) Provisional agenda for the Conference.
- (b) Question of associating nuclear-weapon States with the work of the Conference.
- (c) Draft rules of procedure for the Conference.
- (d) Place and time of the Conference.
- (e) Documentation for the Conference.
- (f) Cost estimates.
- (g) Adoption of the report.

II. PROVISIONAL AGENDA FOR THE CONFERENCE

8. The Committee devoted a considerable part of its time to the drafting of a provisional agenda for the Conference that would reflect and, at the same time, develop the questions raised in the first operative paragraph of General Assembly resolution 2153 B (XXI).

9. At its third and fourth meetings, on 5 and 6 July 1967, the Committee discussed an outline, informally submitted by its officers, pertaining to an agenda for the Conference. As a result of this discussion, it adopted a tentative outline, subject to subsequent review by the Committee.

10. On 17 August, Pakistan submitted a Working Paper (A/CONF.35/PC/L.6) which took into consideration the previous outline as well as other suggestions, and put it forward as a basis for further discussion by the Committee. The latter, after considering the Working Paper, decided that the Chairman should appoint a number of representatives to form, together with the other officers of the Committee, a Working Group to prepare a draft provisional agenda for the Conference, taking as a basis the existing outlines before the Committee. The Chairman appointed the representatives of Chile, Nigeria and Pakistan to join the officers as members of the Working Group.

11. On 28 August, the Working Group submitted a draft provisional agenda for the Conference (A/CONF.35/PC/L.9*), which was adopted by the Committee with minor changes.

12. For record purposes, on 1 September a revised text of the Working Paper by Pakistan (A/CONF.35/PC/L.6/Rev.1) was submitted by the delegation of Pakistan.

13. The provisional agenda for the Conference, as recommended by the Committee (A/CONF.35/PC/L.11*), is annexed to this report (annex I).

14. At the ninth meeting, the Rapporteur submitted, in relation to the work of the Committee, two papers, "Security guarantees in the context of measures to prevent the spread of nuclear weapons" and "The peaceful uses of nuclear energy in the context of measures to prevent the spread of nuclear weapons", issued as documents A/CONF.35/PC/L.14 and A/CONF.35/PC/L.15, respectively (see annexes IV and V).

III. QUESTION OF ASSOCIATING NUCLEAR-WEAPON STATES WITH THE WORK OF THE CONFERENCE

15. Under paragraph 2 of General Assembly resolution 2153 B (XXI), the Committee was to consider the question of associating "nuclear States" with the work of the Conference.

16. The question was raised by some representatives at the second meeting and again discussed by the Committee at its fifth meeting. Representatives appreciated the importance of the co-operation of nuclear-weapon States for the success of the Conference, and the Committee agreed that nuclear-weapon States should be invited to attend from the outset with full rights of participation except the right to vote. This voting rule results from the specific nature of the Conference.

17. Consequently, the Committee decided to recommend that nuclear-weapon States should be invited to participate in the Conference with full rights except the right to vote.

IV. DRAFT RULES OF PROCEDURE FOR THE CONFERENCE

18. At the request of the Committee, draft rules of procedure were prepared by the Secretariat (A/CONF.35/PC/L.8), on the basis of those used by similar United Nations conferences. While these draft rules derive essentially from the rules of procedure of the General Assembly, they incorporate changes made to reflect the differences between the General Assembly, which meets annually and has very wide terms of reference covering many fields, and a conference of the nature here concerned, which is not a continuing body and which is convened to consider only one specific field; to provide the greatest possible flexibility, clarity and

simplicity; and to take account of certain practices which have developed in giving actual effect to particular rules.

19. The Committee decided to recommend the rules prepared by the Secretariat, as amended during the debate. Certain points arising out of the draft rules received particular attention.

20. Concerning voting rights (rule 33), the Committee, after due consideration of this important question, and mindful of its previous decision on associating nuclear-weapon States with the work of the Conference, decided to recommend a draft rule specifying that each non-nuclear-weapon State represented at the Conference should have one vote; and nuclear-weapon States participating in the Conference should have all rights, except that of voting.

21. The Committee agreed that, in addition to a general committee and a credentials committee, the Conference should establish "two or more" main committees, as it deemed necessary for the performance of its functions (rule 45).

22. Regarding the official and working languages of the Conference, the Committee, in view of the participants in the Conference, agreed that (a) Chinese, English, French, Russian and Spanish should be the official languages of the Conference, while English, French, Russian and Spanish should be the working languages (rule 52); (b) speeches made in any of the official languages should be interpreted into the other official languages (rule 53); (c) important documents of the Conference should be made available in the official languages, while other documents and summary records should be made available in the working languages of the Conference (rule 56).

23. The Committee also agreed (rule 60) that observers from the competent specialized agencies and the International Atomic Energy Agency might participate, without the right to vote, in the deliberations of the Conference and its main committees, on questions within the scope of their activities.

24. The draft rules of procedure for the conference, as recommended by the Committee (A/CONF.35/PC/L.12), are annexed to this report (annex II).

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V. PLACE AND TIME OF THE CONFERENCE

25. The Committee was bound by the time-limit fixed in General Assembly resolution 2153 B (XXI), according to which the Conference was to meet not later than July 1968. As to the place of the Conference, the Committee, after considering various issues involved, decided to recommend Geneva as the venue of the Conference as being the most suitable.

26. As to the duration of the Conference, the prevailing view was that at least four to five weeks would be needed if it was to fulfil its task as set out in the provisional agenda.

27. The Secretariat, after consulting the United Nations Office at Geneva, informed the Committee that, taking into account the schedule of other United Nations conferences planned for the first part of 1968, the only suitable date for holding the Conference in Geneva, was from 11 March to 10 April 1968. The Committee, in the circumstances, accepted the dates and recommends that the Conference be held at the United Nations Office in Geneva from 11 March to 10 April 1968.

VI. DOCUMENTATION FOR THE CONFERENCE

28. The Committee discussed documentation at several meetings and agreed that adequate pre-Conference documentation, closely related to the draft agenda, would be needed, especially as the Conference would be dealing with complex subjects and would be attended by some countries not having first-hand experience of all the implications of nuclear technology.

29. It was felt that some papers should be prepared by the Secretariat with the help of consultants, if necessary.

30. The Committee considered, at first, the possibility of making specific recommendations to the General Assembly as to the subjects on which papers should be prepared prior to the Conference. Following a suggestion by the Rapporteur, it then decided to recommend that, upon the adoption of the provisional agenda for the Conference, the General Assembly should ask the Secretary-General to provide adequate and comprehensive documentation on the various items on the agenda of the Conference.

VII. COST ESTIMATES

31. In considering the cost of the Conference, the Committee had before it tentative cost estimates prepared by the Secretariat on the basis of various assumptions concerning the duration of the Conference, the number of meetings per day, the number of official and working languages and the extent of the documentation (A/CONF.35/PC/L.4 and Add. 1 and 2).

32. At the Committee's request, further estimates (A/CONF.35/PC/L.4/Rev.1) were submitted by the Secretariat after the Committee had taken decisions on the foregoing questions.

33. Based on the assumptions made throughout this report, and summarized in paragraph 1 of document A/CONF.35/PC/L.4/Rev.1 (annexed to this report as annex III), the revised estimates deal with the following main categories of expenditures: temporary substantive and secretarial staff and consultants; pre-Conference documentation; Conference servicing costs; and preparation and reproduction of the final report of the Conference.

34. The Committee was at all times conscious of its responsibility to ensure strict economy in the arrangements for the Conference, even though it felt that the effectiveness of the Conference must be the overriding concern.

VIII. ADOPTION OF THE REPORT

35. At its tenth meeting, held on 15 September 1967, the Committee adopted its report, as revised and amended during the discussion.

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ANNEX I

PROVISIONAL AGENDA FOR THE CONFERENCE OF
NON-NUCLEAR-WEAPON STATES RECOMMENDED BY
THE PREPARATORY COMMITTEE

1. Methods of assuring the security of non-nuclear-weapon States
 - (a) Conclusion of an international convention under which nuclear-weapon States undertake not to use or threaten the use of nuclear weapons against States which have unconditionally renounced the production, acquisition and use of nuclear weapons
 - (b) Security guarantees through international agreements against a threat or use of nuclear weapons against a non-nuclear-weapon State which has renounced the production, acquisition and use of nuclear weapons
 - (c) Establishment of nuclear-free zones
 - (d) Declaration by nuclear-weapon States, jointly or severally, to protect the non-nuclear-weapon States which have renounced the production, acquisition and use of nuclear weapons against threat or use of nuclear weapons
 - (e) Other methods
 - (f) Procedure for implementing these measures and invoking such guarantees
2. Implications of production and acquisition of nuclear weapons by non-nuclear-weapon States
 - (a) Security implications
 - (b) Economic implications
3. Prevention of the proliferation of nuclear weapons through co-operation among non-nuclear-weapon States
 - (a) The question of the renunciation of the production, acquisition and/or use of nuclear weapons by non-nuclear-weapon States in the context of non-proliferation
 - (b) Co-operation among non-nuclear-weapon States in avoiding the presence of nuclear weapons on their territory, including the establishment of nuclear-free zones

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- (c) Consideration of an international convention by non-nuclear-weapon States to undertake the prevention of the production, acquisition and use of nuclear weapons
 - (d) Reciprocal inspections on a bilateral basis and multilateral inspections by an international agency, of nuclear establishments for peaceful purposes, in the territory of non-nuclear-weapon States and safeguards against industrial espionage through such inspections
 - (e) The question of nuclear explosions for peaceful purposes by non-nuclear-weapon States and the possibility of misuse of such technology for the production of nuclear weapons
 - (f) Submission of periodic reports by countries, to an international agency, on the nature and the extent of nuclear technical assistance and fissionable material supplied by them to non-nuclear-weapon States for peaceful purposes
4. Programmes for the peaceful uses of nuclear energy
- (a) Access for non-nuclear-weapon States which have renounced the production, acquisition and use of nuclear weapons to technology for peaceful uses of nuclear energy
 - (b) Assistance to non-nuclear-weapon States which have renounced the production, acquisition and use of nuclear weapons in the implementation of programmes of peaceful uses of nuclear energy
 - (c) The question of peaceful explosions for the benefit of non-nuclear-weapon States
5. Implementation of Conference decisions

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ANNEX II

DRAFT RULES OF PROCEDURE FOR THE CONFERENCE OF
NON-NUCLEAR-WEAPON STATES RECOMMENDED BY THE
PREPARATORY COMMITTEE

CHAPTER I

REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Conference shall consist of and no more than four representatives and such alternate representatives and advisers as may be required.

Alternates or advisers

Rule 2

An alternate representative or an adviser may act as a representative upon designation by the chairman of the delegation.

Submission of credentials

Rule 3

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the Conference, if possible not later than twenty-four hours after the opening of the Conference. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

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Credentials Committee

Rule 4

A Credentials Committee shall be appointed at the beginning of the Conference. It shall consist of nine members, who shall be appointed by the Conference on the proposal of the President. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation in the Conference

Rule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled provisionally to participate in the Conference.

CHAPTER II

OFFICERS

Elections

Rule 6

The Conference shall elect a President and four Vice-Presidents, and such other officers as it may decide. The Vice-Presidents shall be elected after the election of the Chairmen of the Main Committees provided for in rule 45. These officers shall be elected on the basis of ensuring the representative character of the General Committee. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

President

Rule 7

The President shall preside at the plenary meetings of the Conference.

Rule 8

The President, in the exercise of his functions, remains under the authority of the Conference.

Acting President

Rule 9

If the President is absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.

Rule 10

A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 11

If the President is unable to perform his functions, a new President shall be elected for the duration of the Conference.

The President shall not vote

Rule 12

The President, or Vice-President acting as President, shall not vote, but shall appoint another member of his delegation to vote in his place.

CHAPTER III

GENERAL COMMITTEE

Composition

Rule 13

There shall be a General Committee which shall comprise the President and Vice-Presidents of the Conference and the Chairmen of the Main Committees which the Conference may set up in accordance with rule 45. The President of the Conference or, in his absence, a Vice-President designated by him shall serve as Chairman of the General Committee.

Substitute members

Rule 14

If the President or a Vice-President of the Conference finds it necessary to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote in the Committee. The Chairman of a Main Committee shall, in case of absence, designate the Vice-Chairman of that Committee as his substitute. A Vice-Chairman shall not have the right to vote if he is of the same delegation as another member of the General Committee.

Functions

Rule 15

The General Committee shall assist the President in the general conduct of the business of the Conference. It shall assist the President in drawing up the agenda for each plenary meeting and in determining the priority of its items. Subject to the decisions of the Conference, it shall ensure the co-ordination of its work in accordance with the provisions of rule 48.

CHAPTER IV

SECRETARIAT

Duties of the Secretary-General, the Executive Secretary of the
Conference and the Secretariat

Rule 16

1. The Secretary-General of the Conference shall be the Secretary-General of the United Nations. He, or his representative, shall act in that capacity in all meetings of the Conference and its committees.

2. The Secretariat shall receive, translate, reproduce and distribute documents, reports and resolutions of the Conference; interpret speeches made at the meetings; prepare and circulate records of the public meetings; have the custody and preservation of the documents in the archives of the United Nations;

publish the reports of the public meetings; distribute all documents of the Conference to the participating Governments and, generally, perform all other work that the Conference may require.

Statements by the Secretariat

Rule 17

The Secretary-General or any member of the staff designated by him for that purpose may make oral or written statements concerning any question under consideration.

CHAPTER V

CONDUCT OF BUSINESS

Quorum

Rule 18

A quorum shall be constituted by the representatives of a majority of the States participating in the Conference.

General powers of the President

Rule 19

In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the Conference; direct the discussions at such meetings; accord the right to speak; put questions to the vote and announce decisions. He shall rule on points of order and, subject to these rules of procedure, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers or the closure of the debate. He may also propose the suspension or the adjournment of the debate on the question under discussion.

Speeches

Rule 20

No person may address the Conference without having previously obtained the permission of the President. Subject to rules 21 and 22, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Precedence

Rule 21

The Chairman or Rapporteur of a committee, or the representative of a sub-committee or working group, may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee, sub-committee or working group.

Points of order

Rule 22

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Time-limit on speeches

Rule 23

The Conference may limit the time to be allowed to each speaker and the number of times each representative may speak on any question. When the debate is limited and a representative has spoken his allotted time, the President shall call him to order without delay.

Closing of list of speakers

Rule 24

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. He may, however, accord the right of reply to any representative if a speech delivered after he has declared the list closed makes this desirable.

Adjournment of debate

Rule 25

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The President may limit the time to be allowed to speakers under this rule.

Closure of debate

Rule 26

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote. If the Conference is in favour of the closure, the President shall declare the closure of the debate. The President may limit the time to be allowed to speakers under this rule.

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Suspension or adjournment of the meeting

Rule 27

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated but shall immediately be put to the vote. The President may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Order of procedural motions

Rule 28

Subject to rule 22, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

Proposals and amendments

Rule 29

Proposals and amendments before the meeting shall normally be introduced in writing and handed to the Executive Secretary of the Conference, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President, however, may permit the discussion and consideration of amendments or motions as to procedure, even though these amendments or motions have not been circulated or have only been circulated the same day.

Decisions on competence

Rule 30

Subject to rule 22, any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal or amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Withdrawal of motions

Rule 31

A motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any representative.

Reconsideration of proposals

Rule 32

When a proposal has been adopted or rejected it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on the motion to reconsider shall be accorded to only two speakers opposing the motion, after which it shall be immediately put to the vote.

CHAPTER VI

VOTING

Voting rights

Rule 33

1. Each non-nuclear-weapon State represented at the Conference shall have one vote.
2. Nuclear-weapon States participating in the Conference shall have all rights, except that of voting.

Required majority

Rule 34

1. Decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.
2. Decisions of the Conference on matters of procedure shall be taken by a majority of the representatives present and voting.
3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall immediately be put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.

Meaning of the expression "representatives
present and voting"

Rule 35

For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

Method of voting

Rule 36

The Conference shall normally vote by show of hands, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President.

Conduct during voting

Rule 37

After the President has announced the beginning of voting, no representatives shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. The President may permit representatives to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations.

Division of proposals and amendments

Rule 38

A representative may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given to only two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Voting on amendments

Rule 39

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Voting on proposals

Rule 40

If two or more proposals relate to the same question, the Conference, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

Elections

Rule 41

All elections shall be held by secret ballot unless otherwise decided by the Conference.

Rule 42

1. When one person or one delegation is to be elected and no candidate obtains a majority of votes of the representatives present and voting in the first ballot, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If, in the second ballot, the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, their number shall be reduced to two by lot, and the balloting, restricted to them, shall continue in accordance with the preceding paragraph.

Rule 43

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining a majority of votes of the representatives present and voting in the first ballot shall be elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places. The voting, however, shall be restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that after the third inconclusive ballot votes may be cast for any eligible person or delegation. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled. The three ballots thereafter shall be unrestricted, and so on, until all the places have been filled.

Equally divided votes

Rule 44

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

CHAPTER VII

COMMITTEES

Creation of committees

Rule 45

In addition to the General Committee and the Credentials Committee, the Conference shall establish two or more Main Committees as it deems necessary for the performance of its functions. Each committee may set up sub-committees or working groups.

Representation on Main Committees

Rule 46

Each State participating in the Conference may be represented by one representative on each Main Committee. It may assign to these Committees such alternate representatives and advisers as may be required.

Drafting Committee

Rule 47

The Conference may appoint, on the proposal of the General Committee, a Drafting Committee. This Committee shall give advice on drafting as requested by other committees and by the Conference and shall co-ordinate and review the drafting of all texts adopted.

Co-ordination by the General Committee

Rule 48

1. The General Committee may meet from time to time to review the progress of the Conference and its committees and to make recommendations for furthering such progress. It shall also meet at such other times as the President deems necessary or upon the request of any other of its members.

2. Questions affecting the co-ordination of their work may be referred by other committees to the General Committee, which may make such arrangements as it thinks fit, including the holding of joint meetings of committees or sub-committees and the establishment of joint working groups. The General Committee shall appoint, or arrange for the appointment of, the chairman of any such joint body.

Officers

Rule 49

Except in the case of the General Committee, each committee and sub-committee shall elect its own officers.

Quorum

Rule 50

A majority of the representatives on a committee or sub-committees shall constitute a quorum.

Officers, conduct of business and voting in committees

Rule 51

The rules contained in chapters II, V and VI above shall be applicable, mutatis mutandis, to the proceedings of committees and sub-committees, except that decisions of committees and sub-committees shall be taken by a majority of the representatives present and voting. In the case of a reconsideration of proposals or amendments, however, the majority required shall be that established by rule 32.

CHAPTER VIII
LANGUAGES AND RECORDS

Official and working languages

Rule 52

Chinese, English, French, Russian and Spanish shall be the official languages of the Conference. English, French, Russian and Spanish shall be working languages.

Interpretation from an official language

Rule 53

Speeches made in any of the official languages shall be interpreted into the other official languages.

Interpretation from other languages

Rule 54

Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation given in the first working language.

Summary records

Rule 55

Summary records of the plenary meetings of the Conference and of the meetings of the Main Committees of the Conference shall be kept by the Secretariat. They shall be sent as soon as possible to all representatives, who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made.

Language of documents and summary records

Rule 56

Important documents of the Conference shall be made available in the official languages of the Conference. Other documents and summary records shall be made available in the working languages of the Conference.

CHAPTER IX

PUBLIC AND PRIVATE MEETINGS

Plenary meetings and meetings of committees and sub-committees

Rule 57

The plenary meetings of the Conference and the meetings of committees and sub-committees shall be held in public unless the body concerned decides otherwise.

Meetings of working groups

Rule 58

Meetings of a working group shall be held in private unless the body concerned decides otherwise.

Communiqués to the Press

Rule 59

At the close of any private meeting a communiqué may be issued to the Press through the Executive Secretary.

CHAPTER X

OBSERVERS

Observers for specialized agencies

Rule 60

1. Observers for the competent specialized agencies and the International Atomic Energy Agency may participate, without the right to vote, in the deliberations of the Conference and its Main Committees, upon the invitation of the President or Chairman, as the case may be, on questions within the scope of their activities.

2. Written statements of such agencies shall be distributed by the Secretariat to the delegations at the Conference.

ANNEX III

REVISED COST ESTIMATES

Note by the Secretary-General

1. These revised cost estimates have been prepared taking into account the recommendations already adopted by the Preparatory Committee for submission to the General Assembly at its twenty-second session and are based on the following assumptions:

(a) The Conference will be held at the United Nations Office at Geneva from 11 March to 10 April 1968.

(b) Four meetings will be held daily, i.e., no more than two in the morning and two in the afternoon.

(c) The languages of the Conference for interpretation purposes will be Chinese, English, French, Russian and Spanish; summary records will be in English, French, Russian and Spanish; documentation will be in English, French, Russian, Spanish and, for important documentation, to an amount of approximately fifteen pages a day, also in Chinese.

(d) Pre-Conference documentation will be approximately 350 pages.

(e) In-session documentation, in addition to summary records, will be approximately 700 pages.

(f) The final report of the Conference will not exceed forty pages.

(g) Participation in the Conference will comprise States Members of the United Nations, of the specialized agencies, or of the International Atomic Energy Agency, and such others as may be decided by the General Assembly.

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2. Revised cost estimates

(a) Temporary substantive and secretarial
staff and consultants

\$Pro memoria

The extent to which temporary assistance
and consultants' resources will be required
will be determined only after the scope of
the provisional agenda has been defined by
the General Assembly.

(b) Pre-Conference documentation

\$ 29,700

(350 pages in English, French, Russian
and Spanish)

Translation \$ 10,500

Typing \$ 3,500

Reproduction \$ 15,700

(c) Conference servicing costs

\$322,300

(i) Travel and subsistence of six
substantive staff from Headquarters

\$ 6,800

(ii) Temporary Conference and other
servicing staff

a. Salaries and wages, and, where
applicable, subsistence allowance

22 interpreters, 65 translators,
23 revisers, 94 stenographers,
3 calligraphers \$219,200

10 secretaries 6,000

2 meetings service officers 2,700

ushers, sound-recording technicians 3,500

b. Travel of Chinese language staff
from New York 7,800

c. Travel of non-local Conference staff 14,200

Sub-total (ii) \$253,400

(iii) Document reproduction and distribution \$ 36,000

(iv) General expenses

Cables, freight, etc. \$ 5,000

(v) Public information services

a. Travel and subsistence of staff from Headquarters (2 radio and 1 visual service)	\$ 3,300
b. Contractual services and rental of equipment (film unit, \$2,400 photographer and laboratory costs, \$800 telecommunications, \$1,600)	4,800
c. Supplies (film stock and magnetic tapes)	1,500
d. Printing of booklet on the Conference (in four languages)	10,000
e. Other costs, such as cables, postage, etc.	1,500
<u>Sub-total (v)</u>	<u>\$ 21,100</u>

(d) Preparation and reproduction of final report of the Conference

\$ 3,000

(40 pages in English, French, Russian, Spanish and Chinese)

GRAND TOTAL

\$355,000

3. The total of the above estimates exceeds the estimates contained in document A/CONF.35/PC/L.4/Add.1 by an amount of \$76,300. This difference is attributable to the following:

- (a) The estimated cost of providing Chinese language services \$14,600
- (b) The costs of translation, typing and reproduction of 350 pages pre-Conference documentation \$29,700
- (c) The cost of production of the final report of the Conference \$ 3,000
- (d) The additional cost involved in the extra days of servicing required (the original estimate was based on twenty-eight days, whereas the period from 11 March to 10 April 1968 covers thirty-one days). \$29,000

ANNEX IV

SECURITY GUARANTEES IN THE CONTEXT OF MEASURES
TO PREVENT THE SPREAD OF NUCLEAR WEAPONS

Paper by the Rapporteur

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SECURITY GUARANTEES IN THE CONTEXT OF MEASURES
TO PREVENT THE SPREAD OF NUCLEAR WEAPONS

Paper by the Rapporteur

1. Introduction

The search for measures to prevent the spread of nuclear weapons has highlighted once more the need for collective action to promote international security. Since 1965 the question has arisen mainly in the context of the discussion on a treaty on the non-proliferation of nuclear weapons, a treaty whose avowed aim is to help to ensure a greater degree of security for all States, nuclear and non-nuclear alike, and, in the words of General Assembly resolution 2028 (XX), "be a first step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament".

The question is of paramount importance for the non-nuclear-weapon States which, under a non-proliferation treaty, would undertake not to manufacture, control or acquire nuclear weapons in any way. It is generally felt by the non-nuclear-weapons States that, as a counterpart to this commitment, they should receive from the nuclear-weapon Powers appropriate and valid security guarantees against the use or threat of use of nuclear weapons.

On many occasions, the States not possessing nuclear weapons have called attention to the question of security guarantees, as exemplified by the following wide range of statements, made in the context of a non-proliferation treaty.

Brazil

"We deem it a necessity that the nuclear-weapon Powers contemplate a system of guarantees aimed at ensuring the security of the non-nuclear-weapon countries against nuclear attack or the threat thereof." (ENDC/PV.293)

"... This necessity is magnified by the prospect that the future non-proliferation treaty might not be signed by all the nuclear-weapon Powers." (A/C.1/PV.1437)

Burma

"The question of ensuring security is an indispensable element of a non-proliferation treaty." (ENDC/PV.250)

Canada

"As an essential corollary to a non-proliferation agreement... the nuclear Powers and the United Nations should urgently consider ways of extending

meaningful guarantees to non-nuclear-weapon States who have forgone the right to acquire nuclear weapons.... Such States should have assurances for their security against nuclear attack or the threat of it." (A/PV.1413)

Chile

"Those points concerning the establishment of effective guarantees to protect non-nuclear States from the nuclear threat by any great Power are of particular importance.... This is an aspect that cannot be neglected if we do not wish to make it more difficult for the largest possible number of countries to adhere to the treaty." (A/C.1/PV.1442)

India

"When we are talking about a treaty which will require countries to take certain steps for the prevention of proliferation of nuclear weapons, the question of security and security guarantees will be paramount." (ENDC/PV.321)

"... The very facts of political life today demand that nations, and particularly a nation like India which is exposed to nuclear blackmail, take full account of the needs of national security." (ENDC/PV.298)

Italy

"An ideal non-proliferation treaty should... safeguard the security of countries which voluntarily renounce nuclear weapons...." (ENDC/PV.321)

Kuwait

"Truly non-nuclear States... must receive the necessary assurances that the monopoly over nuclear weapons to be retained by a few will not be used as an instrument of pressure, intimidation or blackmail." (A/C.1/PV.1438)

Malta

"The great value of a non-proliferation treaty... could be somewhat impaired, should the political basis on which agreement is achieved not take sufficiently into account the vital security interests of some countries...." (A/C.1/PV.1434)

Netherlands

"The logical counterpart... of the acceptance of non-proliferation by non-nuclear countries would be an assurance that they shall not themselves become the victims of nuclear attack." (A/C.1/PV.1438)

Nigeria

"An indispensable element of any non-proliferation measure is a firm undertaking with adequate guarantees by the nuclear Powers not to use nuclear weapons against non-nuclear Powers under any circumstances whatever or threaten to use them." (ENDC/PV.235)

"It would be unfair to call on any responsible Government to adhere to an arrangement which did not provide fair and adequate safeguards against potential threats." (ENDC/PV.292)

Peru

"Some formula can be devised to enable the nuclear Powers to guarantee those Powers which accede to the treaty against any attack or nuclear threat. /In spite/ of the enormous implications of such an obligation from the political point of view... we cannot be indifferent, nor can we allow those countries which have worked, and continue to work, for peace, to become victims of either a nuclear threat or a nuclear attack." (A/C.1/PV.1438)

Romania

"It is... necessary that, until the existing nuclear weapons are completely eliminated, States not possessing nuclear weapons should enjoy guarantees of security.... It is beyond dispute that the effectiveness and power of attraction of a non-proliferation treaty depend upon the extent to which it will offer to all the signatory States an enhanced degree of security." (ENCD/PV.320)

Tanzania

"/A/ category of actions likely to hinder the conclusion of a non-proliferation treaty would be the failure of all nuclear Powers to guarantee not to use nuclear weapons against States which have renounced the use of nuclear weapons...." (A/C.1/PV.1434)

United Arab Republic

"It is inconceivable that the non-nuclear States, which under the treaty would renounce nuclear weapons, would agree by the same act to reserve to the nuclear Powers the privilege of threatening them or of attacking them with those same weapons. Moreover, the non-nuclear States... would have greater interest in respecting and maintaining a treaty if it contained an obligation incumbent upon the nuclear Powers not to use or to threaten to use nuclear weapons against non-nuclear States." (ENDC/PV.294)

United Kingdom

"States that are members of alliances which include a nuclear Power can already count on the protection of that Power's nuclear weapons if their security should be threatened by nuclear blackmail or nuclear attack. It is rather the non-aligned States which feel themselves to be at permanent disadvantage by signing a treaty promising not to acquire nuclear weapons.... It is for them to reflect on how best their legitimate needs can be met...." (ENDC/PV.250)

For their part, the major nuclear-weapon Powers have paid considerable attention to this important issue, although using somewhat different approaches. (See sections 6 and 8 below.)

2. A balance of mutual obligations

As a rule, non-nuclear-weapon States envisage security guarantees as part of a balance - in the words of General Assembly resolution 2028 (XX), "an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers". This view is reflected by the following typical statements.

Brazil

"The nuclear-weapon States should take into account the balance of obligations set forth in resolution 2028 (XX), and thus recognize that it would be neither fair nor realistic for the non-nuclear-weapon Powers to surrender their nuclear option, without any foreseen counterpart...." (A/C.1/PV.1437)

Mexico

"An... acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers... reflects the legitimate anxiety of the non-nuclear Powers when they ask how they are to be assured that they will not be the victims of nuclear attack once they have absolutely renounced the possession of such weapons.... Hence this question of balance... implies... the... question of... guarantees which the non-nuclear Powers must unquestionably receive." (ENDC/PV.242)

Spain

"A balance must be established in respect of the sacrifices imposed on all groups of States signing the treaty which require adequate guarantees." (A/C.1/PV.1440)

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3. Security against the nuclear threat

The nuclear threat appears to be the main concern of non-nuclear-weapon States when considering the possible consequences of a non-proliferation treaty. As to the possible ways of countering such a threat, a number of suggestions have been made. These suggestions, as shown in the following sections, are not uniform and reveal some differences of approach, particularly between the aligned and non-aligned non-nuclear-weapon Powers. As Sweden has stated (ENDC/PV.243), at least three different types of situation can be envisaged: "... nuclear-free countries within alliances where a guarantee of nuclear protection is already functioning and in any event applicable"; (b) "... non-aligned countries, within or outside a nuclear-free zone, which might want... a pledge from the nuclear parties to the treaty not to use nuclear weapons against countries which have forgone... such weapons"; (c) "... non-aligned countries [which] perceived a threat from some nuclear Power not a party to the [non-proliferation] treaty".

4. Alliances and other defence agreements with nuclear-weapon Powers

The non-aligned non-nuclear-weapon Powers have in general made clear their objection to any provision in a non-proliferation treaty or elsewhere which would prejudice their position as non-aligned countries (see section 5 below). On the other hand, several aligned non-nuclear-weapon Powers have stressed that their acceptance of a non-proliferation treaty should in no way exclude legitimate defence agreements with a nuclear Power, not entailing the spread of nuclear weapons.

Thus, Japan, for instance, held that "proliferation should not be interpreted in such a way as to prevent non-nuclear States from taking such measures as they might consider necessary to guarantee their security against possible nuclear attack, or the threat thereof, by concluding or maintaining with a nuclear State bilateral or multilateral agreements, provided that such agreements would not entail the acquisition of nuclear weapons" (A/C.1/PV.1439). Other countries, including Australia (A/C.1/PV.1439), Belgium (A/C.1/PV.1435), China (A/C.1/PV.1436), Netherlands (A/C.1/PV.1438), Philippines (A/C.1/PV.1436), have taken similar views.

This is a question that has been debated at great length in the past, particularly in the ENDC, during 1966. The USSR and the United States and their

respective allies have widely contributed to this debate. The non-aligned non-nuclear-weapon Powers, on the other hand, have generally taken the view that this was a problem which fell mainly within the field of competence of the major nuclear-weapon Powers and their allies (see, for instance, the "Joint Memorandum on Non-Proliferation of Nuclear Weapons" by Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic (ENDC/178 of 19 August 1966)). It would seem that since 1966 many of the difficulties concerning this question have been dispelled by the major nuclear-weapon Powers in consultation with their allies.

5. Guarantees by nuclear-weapon Powers

The question of security guarantees by nuclear-weapon Powers, outside the context of alliances, presents many different aspects, as evidenced by the following statements.

Burma

"We are receptive to any guarantee against nuclear attack that would not compromise our standing as a non-aligned country." (ENDC/PV.250)

Ethiopia

"It favoured a multilateral guarantee by all the nuclear-weapon Powers, or failing that, at least by the major nuclear-weapon Powers, for the security of non-nuclear-weapon States against a nuclear threat." (A/C.1/PV.1435)

India

"Whether or not one includes relevant paragraphs on security guarantees in the non-proliferation treaty, or how they are included, is a different matter, but those considerations will be paramount in the minds of the people in considering any draft placed before them." (ENDC/PV.321)

Kenya

"We would like all non-nuclear States to be protected against nuclear blackmail by a non-proliferation treaty accepted by all the five nuclear Powers." (A/PV.1422)

Kuwait

"Truly non-nuclear States... should be allowed to maintain their non-alignment, which has been a most potent factor in the maintenance of international peace and security." (A/C.1/PV.1438)

Lebanon

"The existing nuclear Powers should give support on a collective and multilateral basis to a non-nuclear country which, because it had forsworn nuclear weapons, is exposed to threats of the use of such weapons. Such support would be in conformity with the Charter of the United Nations which prohibits the threat or use of force." (A/C.1/PV.1436)

New Zealand

"There are two kinds of proposals intended to provide a greater measure of security for the States which undertake not to exercise or develop their capacity to make nuclear weapons: undertakings by nuclear Powers not to use these terrible weapons against States which do not possess them; and proposals for guarantees by nuclear Powers of the security of non-nuclear-weapon States." (A/C.1/PV.1441)

Nigeria

"The idea of a 'separate bilateral' agreement involving 'one or more of the nuclear Powers' is not consistent with the non-aligned status of the non-nuclear-weapon States.... What is probably more suitable is that all nuclear-weapon States parties to the treaty on non-proliferation should agree to provide the guarantees and that this should be written into the treaty." (ENDC/PV.262)

Pakistan

"An assurance of the security of non-nuclear-weapon States from nuclear attack can have little value if it is not given by all existing nuclear Powers...." (A/C.1/PV.1434)

Philippines

"The principal nuclear Powers must be specific as to the form of nuclear guarantee they are willing to undertake. We would not be content with a broad and general declaration of support in case of nuclear attack, and must insist on definite and clear treaty obligations." (A/C.1/PV.1436)

Tunisia

"If the non-nuclear States agree to a renunciation... the nuclear States, all the nuclear States, must make a corresponding guarantee, that of collective security...." (A/C.1/PV.1446)

It would appear from these statements that the main aspects of the question of security guarantees are the following: (a) nature of the guarantees to be given by the nuclear-weapon States; (b) the guarantor Powers; (c) States whose security is to be guaranteed; (d) question of non-alignment; (e) form of guarantees; (f) question of inclusion of guarantees in a non-proliferation treaty.

(a) Nature of guarantees to be given by the nuclear-weapon States

As indicated, for instance, in the above statement by New Zealand, two forms of security guarantees may be envisaged: (i) an undertaking by nuclear-weapon States not to use or threaten to use nuclear weapons against States which have renounced nuclear weapons; (ii) an undertaking by nuclear-weapon States to protect the non-nuclear-weapon States against nuclear threats. (See section 6 below.)

(b) The guarantor Powers

Here again two possible alternatives have been considered: (i) a guarantee given by all the nuclear-weapon Powers; (ii) by only some of them. Some of the statements in question give a clear indication of the preferred solution ("the nuclear-weapon Powers", "all the nuclear-weapon Powers", "the major nuclear-weapon Powers", etc.).

(c) States whose security is to be guaranteed

Generally, reference is made to guarantees for "the non-nuclear-weapon Powers" or "all the non-nuclear-weapon Powers". However, in some cases, not all the non-nuclear-weapon States might be considered to qualify for guarantees. (See, for instance, section 6 below.)

(d) Question of non-alignment

While favouring guarantees which could effectively enhance their security, the non-aligned non-nuclear countries appear to have objections to any formula

that would force them into a degree of alignment (see, for instance, the above statements by Burma, Kuwait and Nigeria). On this aspect the USSR said: "The non-aligned States give particular importance to the point that what is required is not guarantees to a non-nuclear State on the part of one or more nuclear States but a multilateral agreement which would not affect the status of independence and neutrality which the non-aligned States enjoy" (ENDC/PV.273).

(e) Form of guarantees

Some reference is made in the above statements to "treaty obligations" as against a "general declaration of support", "support on a collective and multilateral basis", "assurances" of security, etc. No firm views have, however, emerged so far on this complex subject.

(f) Question of inclusion of guarantees in non-proliferation treaty

Often it is stated that a non-proliferation treaty should explicitly provide for security guarantees. Consideration has also been given, however, to the possibility that such guarantees might be provided by a separate instrument. India, as quoted above, thought this could be done, and in its view this was not a question as important as that of the guarantees themselves. Pakistan held that a non-proliferation treaty was "not a final answer to the question of the safeguarding of the security of non-nuclear countries" (A/C.1/PV.1442). Canada held that "it would be very difficult to incorporate effective guarantees in a simple treaty on non-proliferation" and suggested that, perhaps, only an article "setting out in general terms the principle that nuclear Powers were responsible for ensuring against nuclear attack or threats of it the safety of non-aligned nations which agreed to abstain from acquiring nuclear weapons" could be included in the treaty. However, "such an article could serve as a basis for separate bilateral or multilateral agreements..." (ENDC/PV.245. See also ENDC/PV.319 and 321). The United Kingdom held that "to try to write security guarantees of any formal sort into a non-proliferation treaty might delay agreement beyond the point of safety...", and that this could be done (see section 9 below) in another framework (ENDC/PV.288. See also ENDC/PV.299 and 326).

Views are being exchanged by the USSR and the United States (see section 8) on various possible solutions.

6. Guarantees offered by the USSR and the United States

In his message dated 27 January 1966 to the ENDC Conference, President Johnson stated:

"... So that those who forswear nuclear weapons may for ever refrain without fear from entering the nuclear arms race, let us strive to strengthen United Nations and other international security arrangements. Meanwhile, the nations that do not seek the nuclear path can be sure that they will have our strong support against threats of nuclear blackmail." (ENDC/165)

In his message dated 1 February 1967 to the same Conference, Chairman Kosygin stated:

"In order to facilitate agreement on the conclusion of a /non-proliferation/ treaty, the Soviet Government declares its willingness to include in the draft treaty a clause on the prohibition of the use of nuclear weapons against non-nuclear States parties to the treaty which have no nuclear weapons in their territory." (ENDC/167)

These proposals have been discussed at length both in the ENDC and the General Assembly. The Assembly, at its twenty-first session, took the action that is described in the following section.

7. General Assembly resolution 2153 A (XXI)

By this resolution, which was adopted on 17 November 1966, by 97 votes to 2, with 3 abstentions, the General Assembly inter alia (a) called upon all nuclear-weapon Powers to refrain from the use or the threat of use of nuclear weapons against States which may conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories; (b) requested the ENDC Conference to "consider urgently the proposal that the nuclear-weapon Powers should give an assurance that they will not use, or threaten to use, nuclear weapons against non-nuclear-weapon States without nuclear weapons on their territories, and any other proposals that have been made or may be made for the solution of this problem".

8. Submission of identical draft treaties on non-proliferation by United States and USSR

The identical draft treaties tabled by the United States and the USSR in the ENDC, on 24 August 1967, contain a preambular paragraph which reads as follows:

"Noting that nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories...". As to the specific question of security guarantees, the Co-Chairman of the ENDC made the following statements.

In tabling the United States draft treaty, Mr. Foster said:

"We recognize that the problem of security assurances, which is of concern to some non-aligned countries, remains to be considered. The United States maintains the view that this is a matter which, because of its complexity and the divergent interests involved, cannot be dealt with in the treaty itself. We are, however, exploring various possible solutions, including action which could be taken in the context of the United Nations, whose primary purpose is the maintenance of peace and security. We expect that the Co-Chairmen will be exploring this problem further with a view to presenting recommendations to this Committee in the course of our consideration of the treaty." (ENDC/PV.325)

Similarly, in tabling the USSR draft treaty, Mr. Roschin stated:

"The Soviet Union... attaches great importance to the question of guarantees of security for the non-nuclear-weapon States which will assume the obligation not to manufacture and not to acquire nuclear weapons. It is well known that... in 1966 the USSR proposed the inclusion in the treaty of a provision that the nuclear Powers should undertake not to use nuclear weapons against the non-nuclear-weapon States which have no nuclear weapons on their territories. In submitting the draft treaty the Soviet delegation is acting on the basis of the understanding reached between the Co-Chairmen to continue the exchange of views on the guarantees of security for the non-nuclear-weapon States in order to find a positive solution of this urgent and important problem." (ENDC/PV.325)

9. United Nations and other collective security systems

A number of countries have dealt explicitly with this aspect of the problem as exemplified by the following statements.

Canada

"One way to state the right to security against attack by nuclear weapons for those countries which are willing to forgo... them... might be by way of a resolution of the United Nations General Assembly but that probably would have to be reinforced by other assurances. We would call to mind... the fact that the nuclear Powers are also the permanent members of the Security Council, and... that... they have a particular responsibility for seeing that the peace is kept and that the less powerful countries within the United Nations can live without the fear of being 'atomized' so to speak." (ENDC/PV.319)

Ireland

"Armed resistance to aggression by individual States or by limited group alliances is ceasing to give them the assurance of permanent security against attack by a great nuclear Power. This assurance... can only be given in the nuclear missile age with the maximum of credibility by a world-wide system of collective security based on a United Nations peace-guarantor force composed of lightly armed troops drawn from the non-nuclear Members, and back by a combined force supplied by the nuclear Powers who have bound themselves to oppose aggression by a nuclear Power on a non-nuclear State." (A/C.1/PV.1441)

Nigeria

"We should sponsor provisions in the [non-proliferation] treaty for an international deterrent system against nuclear blackmail of any signatory of the treaty." (ENDC/PV.292)

Pakistan

"We have to look ahead and evolve a collective system whereby the security from nuclear attack of one country can be made the security of all." (A/C.1/PV.1442)

Philippines

"The ideal guarantee, of course, remains one given through the authority of the United Nations." (A/C.1/PV.1436)

Poland

"Security is obviously of universal concern.... A global threat should be coped with by a global effort, preferably through the United Nations, which was set up primarily for that purpose." (ENDC/PV.302)

Senegal

"The only guarantee, the only valid and durable security, will be that created and maintained under the auspices of the United Nations through a multilateral treaty which will constitute a true universal alliance having as its primary objective the survival of mankind." (A/C.1/PV.1444)

USSR

"The idea of a multilateral guarantee is of undoubted interest and great importance. If, for example, all States at present possessing nuclear weapons were here and now to agree never in any circumstances to use these

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weapons, such an agreement would be an important step towards the complete prohibition of nuclear weapons.... It would be a step, the importance of which it is hard to over-estimate, towards ensuring the security of non-nuclear States." (ENDC/PV.273)

United Kingdom

"If... any country signing a non-proliferation treaty feels the need for assurances of its security - and this applies, of course... more specifically to the non-aligned countries - then it is up to the nuclear Powers which sign the treaty to provide in some form or another, possibly through the existing machinery of the United Nations, the assurances that are called for." (ENDC/PV.299) (See also ENDC/PV.288 and ENDC/PV.326.)

United States

"Action by the General Assembly can be a useful part of security assurances for non-nuclear-weapon States." (ENDC/PV.268)

* * *

It would appear from the above that some progress has already been made, in the United Nations and the ENDC debates, in clarifying the basic concepts of security guarantees. As a result of the submission of the identical draft treaties on non-proliferation by the USSR and the United States, on 24 August, this question is bound to receive increased attention.

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ANNEX V

THE PEACEFUL USES OF NUCLEAR ENERGY IN THE CONTEXT OF
MEASURES TO PREVENT THE SPREAD OF NUCLEAR WEAPONS

Paper by the Rapporteur

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Introduction

The problem of reconciling measures to prevent the spread of nuclear weapons with the need to ensure full access to the peaceful benefits of nuclear energy appears to have first attracted significant attention in 1966, chiefly in the context of the possible use in the future of nuclear explosions for civil engineering purposes. Only later was discussion focused also on the need to ensure that currently exploited civilian applications of nuclear energy would not be hampered by non-proliferation measures.

The drafting of treaty language for various international agreements designed to prevent the spread of nuclear weapons - whether in the form of nuclear-free zones or a more general non-proliferation treaty - gradually posed problems of definition in the attempt to draw an unambiguous distinction between countries possessing nuclear weapons and countries not possessing them, in spite of overlapping areas of civilian and military nuclear technology. A brief chronology of the evolution of the relevant treaty language is instructive.

I. Chronology of Treaty Language

1965. The United States and USSR draft non-proliferation treaties submitted on 17 August and 24 September respectively did not draw any explicit technological distinction between nuclear-weapon States and non-nuclear-weapon States. The United States draft proscribed the acquisition by "non-nuclear States" of "nuclear weapons". A nuclear State was defined as one "possessing independent power to use nuclear weapons" as of an unspecified date; any other State was defined as a non-nuclear State. "Nuclear weapons" were not defined. The Soviet draft proscribed the acquisition of "nuclear weapons" by "parties not possessing nuclear weapons" but provided no definitions.

However, more explicit definitions were provided in the preliminary draft treaty articles approved by the Preparatory Commission for the Denuclearization of Latin America on 31 August. "Nuclear weapons" were proscribed, a nuclear weapon being defined essentially as "any weapon" designed to use nuclear fuel or radioactive isotopes (a definition based on the modified Brussels Treaty of 23 October 1954). The explosion of "nuclear devices for peaceful purposes" was specifically authorized under regulations designed to ensure that military advantages would not be secured.

1966. The United States amendment to its draft non-proliferation treaty, submitted on 21 March, included a phrase "'nuclear weapon' means ... [definition to be supplied]". The proposals for a draft treaty "endorsed" by the Preparatory Commission for the Denuclearization of Latin America on 3 May still proscribed "nuclear weapons" but contained a revised definition of a nuclear weapon as "any device which is capable of releasing nuclear energy in an uncontrolled manner and is intended to be used for military purposes". "Explosions of nuclear devices for peaceful purposes - including explosions which involve devices similar to those used in nuclear weapons" were permitted under strict regulations as before.

1967. The Treaty for the Prohibition of Nuclear Weapons in Latin America signed on 14 February, proscribed "nuclear weapons". A nuclear weapon was now defined as "any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes". Provisions for peaceful nuclear explosions were similar to those of the draft of 3 May 1966.

The identical texts of the Draft Treaty on the Non-Proliferation of Nuclear Weapons submitted by the USSR and the United States in the Eighteen-Nation Disarmament Commission on 24 August proscribed, in articles I and II, the acquisition by non-nuclear-weapon States of "nuclear weapons" or "nuclear explosive devices", but did not define either expression. A nuclear-weapon State was defined as "one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967". Article IV emphasized "the inalienable right" of all parties "to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II...".

II. Country Attitudes

A. Debate on Peaceful Nuclear Explosions at the Twenty-First Session of the General Assembly, 1966

(a) Antecedents

In 1965, references to problems of the civilian use of nuclear energy were not widespread or typical of later attitudes. Pakistan, in the First Committee of

the General Assembly in fact expressed concern that civilian uses of nuclear energy might foster dissemination:

"The secrets of manufacture of nuclear weapons are fast being discovered by a progressively increasing number of States, notably through expanding civil programmes of peaceful uses of atomic energy. The existing nuclear reactors of various types, some forty-five of them, it is said, located in every continent can be turned from peaceful uses to programmes of weapons production.

"... though the world community has been alive to this danger a non-proliferation agreement has yet to be concluded. We have succeeded only in defining the essential conditions for achieving this goal. One of these essential conditions is that atomic establishments should be open to effective international control." (A/C.1/PV.1369)

The following year, however, the question of nuclear explosions for peaceful purposes was actively discussed. Then on 9 August 1966, speaking in the Eighteen-Nation Disarmament Commission in Geneva, the United States representative spoke on "one inescapable technological fact" related to a non-proliferation treaty:

"This inescapable fact is that a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use. Moreover, the technology of making nuclear explosive devices for peaceful purposes is essentially indistinguishable from the technology of making nuclear weapons." (ENDC/PV.280)

There was a dilemma:

"All of us here, I am sure, believe that any possible future beneficial uses of peaceful nuclear explosive devices should be available to all States, whether or not they possess nuclear weapons. On the other hand... any non-proliferation treaty would be ineffective indeed if it permitted the development by non-nuclear-weapon States of the nuclear explosive devices which are necessary for nuclear explosions for peaceful purposes." (ENDC/PV.280)

"A State, no matter how pure its motives, could not possibly develop the capability of detonating nuclear devices for peaceful purposes without, by so doing, acquiring the capability of detonating nuclear bombs. Thus, the development of nuclear explosives for any purpose by a State which does not now possess nuclear weapons would inevitably involve the acquisition by that State of a nuclear weapons capability." (ENDC/PV.280)

The United States had been studying the peaceful application of peaceful explosions for many years:

"However, we still have several difficult technical problems to solve before we shall be able to demonstrate applications which are both technically sound and economically feasible." (ENDC/PV.280)

"The projects which appear to be of the greatest interest - nuclear earth-moving projects, such as digging canals or building dams - can be feasible only if highly sophisticated thermonuclear devices are used." (ENDC/PV.280)

Fission-type explosions were uneconomic for these projects and gave rise to too much radioactivity. United States experience showed that it would be uneconomic for a nuclear-weapon State to develop peaceful explosives, in particular for excavations:

"It seems to us, therefore, that the development of nuclear explosives for peaceful applications by a State not already possessing nuclear weapons could hardly be accepted by the world as involving peaceful purposes only. Such a development would not be consistent with the purposes of a treaty designed to prevent the spread of nuclear weapons. Therefore the restrictions of any non-proliferation treaty which is negotiated should be applicable equally to nuclear weapons and to nuclear explosives for peaceful purposes." (ENDC/PV.280)

The United States then put forward proposals for making available peaceful nuclear explosive services:

"The United States believes that, if and when peaceful applications of nuclear explosives that are permissible under test-ban treaty limitations prove technically and economically feasible, nuclear-weapon States should make available to other States nuclear explosive services for peaceful applications. Such a service would consist of performing the desired nuclear detonation under appropriate international observation, with the nuclear device remaining in the custody and under the control of the State which performs the service.

"This would make available any possible future benefits of peaceful nuclear explosions to non-nuclear-weapon States at a cost far below that at which they could develop and produce such devices for themselves. It would eliminate the desire for such benefits as a reason for taking action which would involve the spreading of nuclear-weapon capabilities." (ENDC/PV.280)

Before the Eighteen-Nation Disarmament Commission adjourned on 25 August 1966, the United States proposals were commented on only by the United Kingdom and Canada who gave them general support.

(b) Debate in the twenty-first session

In the First Committee, the United States reiterated the thesis it had earlier advanced in the Eighteen-Nation Disarmament Commission: that the technology of nuclear explosions for peaceful purposes was inseparable from that of nuclear weapons. It again urged that a non-proliferation treaty should prohibit the proliferation of peaceful nuclear explosives as well as nuclear weapons, and as before, proposed that:

"... if and when peaceful nuclear explosions that are within test ban treaty limitations are technically and economically feasible, we believe nuclear States should make available to other States nuclear explosive services for such peaceful applications. Such services might consist of performing the desired detonation under appropriate international observation, the nuclear device remaining in the custody and control of the State performing the service. That would, of course, be far less expensive to non-nuclear States than developing and producing their own devices." (1431st meeting)

(i) Question of the technological identity of nuclear weapons and peaceful nuclear explosives

This United States contention was explicitly supported by seven other countries, most of whom accepted the United States corollary that a non-proliferation treaty should ban the proliferation of peaceful nuclear explosives:

Belgium

"Lastly, as the technology of nuclear explosions is no different in the case of explosions for peaceful or military purposes, in the view of the Belgian delegation, this question should also be included in the treaty on non-proliferation." (1435th meeting)

Canada

"Since it is impossible to distinguish between the technology required for nuclear explosions for military purposes and that required for peaceful purposes, Canada considers that countries not possessing nuclear weapons should give up the right to conduct nuclear explosions for any purpose whatsoever." (1433rd meeting)

Malaysia

"... I did not hear the critics of this proposal challenge the validity of the thesis presented by its protagonist that

'the technology of nuclear explosives for peaceful purposes is inseparable from that of nuclear weaponry.'

"...So we either have non-proliferation without any loop-holes or no non-proliferation at all. My delegation is therefore entirely in favour of the prevention of such knowledge being made available to non-nuclear weapon Powers." (1440th meeting)

Mexico

"...the nuclear devices that might be used for peaceful explosions call for the same production technology as and are basically identical with nuclear weapons." (1447th meeting)

Netherlands

"There is no gainsaying the fact that the technology of nuclear explosives for peaceful purposes is indistinguishable from that of nuclear weapons. In fact, they are one and the same thing, and the development of such techniques would run counter to Article II of both the United States and the Soviet draft treaties stipulating that non-nuclear States shall not in any way engage in the testing or manufacture of nuclear weapons." (1438th meeting)

New Zealand

"The central fact at issue, however, has not so far been challenged: that it has not proved possible to separate research techniques directed towards governing explosions for peaceful uses from those of military explosions. In all fundamentals, it seems, a nuclear explosion is a nuclear explosion, whatever may be the objective to which it is directed and whatever advances there may be in future in harnessing those explosions to particular tasks of science or engineering." (1441st meeting)

Pakistan

"...there is the unchallengeable fact mentioned, for example, by Ambassador Goldberg in his statement of 20 October to the effect that the technology of nuclear explosives for peaceful purposes is inseparable from that of nuclear weapons. These questions therefore arise: Should a treaty prohibiting the dissemination of nuclear weapons also prohibit the manufacture by non-nuclear weapon States of peaceful nuclear explosives?" (1434th meeting)

India, however, without denying the assertion that the technology of peaceful nuclear explosions and nuclear weapons was identical, did not accept the corollary that a non-proliferation treaty should cover peaceful explosives:

"There is full justification for preventing proliferation in weapons, but this is the first time it is suggested that there should be non-proliferation in science and technology. It is true, of course, that science and technology can be used for destructive purposes, but that has never been seriously used as an argument to deny the benefit of science and technology to the developing nations of the world. If that argument were valid, no developing nation would have got steel technology or aircraft technology or even have learnt nuclear physics for such technology could also be used for weapons. Technology in itself is not evil, it is the will of the nation which possesses the technology that decides how it will use the knowledge." (1436th meeting)

Somewhat similar, if less explicit, views were expressed by eight countries:

Indonesia

"On the question of relations between non-proliferation of nuclear weapons and dissemination of nuclear science and technology, my delegation, consistent with the policy of my Government, wholeheartedly endorses what was stated by the representative of India, Ambassador Trivedi, ... Yes, technology in itself is not an evil. Technology is progress. Modern technology and modern science is a progressive evolution in itself. But the evil will of that part of any nation with vested economic and political interest in suppression and exploitation of man by man, exploitation of class by class, exploitation of nation by nation, is responsible for the narrow-minded idea of non-proliferation in science and technology, and for the dangerous idea of proliferation of nuclear weapons." (1442nd meeting)

Brazil

"... we want to have the certainty that the non-proliferation treaty will be followed by an acceleration in the transfer to the less developed countries of nuclear technology for peaceful purposes. As of today, nuclear technology, in view of its cost and highly sophisticated techniques, is in the hands of only a few countries. The treaty should bring about a proliferation of the peaceful exploitation of atomic energy.

"As Ambassador Trivedi of India so rightly pointed out here this morning:

'Knowledge and learning, science and technology are meant to be disseminated and must be disseminated.' (A/C.1/FV.1436)" (1437th meeting)

Ceylon

"I have one remaining point, and this was also raised by the representative of India. It arises from a part of the statement made by Mr. Goldberg, dealing with the necessity in the future of controlling peaceful nuclear explosions, thereby giving rise to the possible fear that there may have to be some kind of control over the use of nuclear technology even for peaceful purposes. In this connexion, I sincerely hope that we shall not endeavour to draw a red herring across the trail and place any difficulty on the path to concluding a treaty by raising this question. I only wish to say that I think there should be no restriction on the advance of science and technology, even if it is in the nuclear field. It is not beyond the ingenuity of man, with the exercise of good will and common sense, to see to it that this technology and scientific advance are used and controlled purely for peaceful purposes." (1445th meeting)

Jamaica

"A non-proliferation agreement must not create a bottleneck in the transfer of the benefits of nuclear technology to the developing world. It is for us, the non-nuclear States, to ensure that this bottleneck is not created, and the sooner we get down to the task of examining how best this problem, peculiar to all non-nuclear States, can be solved without any inroads being made into our independence and sovereignty, the better it will be for all of us." (1445th meeting)

Kuwait

"The representatives of India and the Lebanon have touched upon the subject of non-proliferation in science and technology. We are fully in agreement with their statement that science and technology must be disseminated for the benefit of all mankind. The developing countries, which are lagging behind in that field, cannot accept any argument which is designed to exclude them from any branch of knowledge and learning. We believe that the system of safeguards provided by the International Atomic Energy Agency is sufficient to prevent the resources of science and technology from being abused." (1438th meeting)

Lebanon

"Thirdly, there is a problem of ensuring the benefits of the peaceful uses of atomic energy for all countries and at the same time preventing the abuse of facilities designed for peaceful purposes and their diversion to the production of nuclear bombs. The solution of this problem would lie in the application of an effective system of inspection to make sure that atomic energy in the non-nuclear countries is used exclusively for peaceful purposes." (1436th meeting)

Sierra Leone

"Before concluding, I would invite the Committee's attention to a point raised by the representative of India in his statement in this Committee yesterday. I refer to his argument that non-proliferation of nuclear weapons should not be interpreted to entail a denial to non-nuclear-weapon Powers of the benefits of the peaceful uses of nuclear energy. In our struggle for a better and fuller life, we are aware of the great benefits that could be derived from nuclear technology if properly applied to the needs of developing countries." (1446th meeting)

Zambia

"Nevertheless, it must be pointed out that the dissemination and exchange of scientific knowledge and advances must not be confused with the proliferation of nuclear weapons, but must be shared by great and small Powers alike. The use of nuclear power for peaceful purposes must be shared by all for the good of mankind." (1439th meeting)

The need to disseminate knowledge and to ensure full access for all countries to the peaceful uses of nuclear energy in general, or peaceful nuclear explosions in particular, was stressed also by five countries who supported, or did not oppose, the United States proposals for peaceful nuclear explosions; some mentioned the need for safeguards or the risks accompanying the dissemination of peaceful nuclear activities:

Australia

"Even if we wish to, we cannot isolate scientific thought or engineering developments into a sort of cage. What we learn about nuclear theory, nuclear developments in the peaceful field inevitably creates capacity in the military field. Nor can our scientists, our philosophers, our thinkers, generally, in developing countries or in non-nuclear countries, cut themselves off from the highest and most developed thinking elsewhere in the world in the nuclear field..." (1439th meeting)

Mexico

"... the non-nuclear States could not allow themselves to be condemned to a permanent state of inferiority and deprived of the priceless benefits which may result from this new technique." (1447th meeting)

Netherlands

"The ceaseless quest for knowledge should indeed remain unfettered and man's thoughts cannot and should not be controlled..." (1446th meeting)

Pakistan

"Third, a non-proliferation treaty is not expected to fulfil the vital concern of the non-nuclear countries with the employment of nuclear technology for purposes of economic development. This is a three-fold concern. It implies (a) that the non-nuclear countries are not deprived of the fruits of nuclear science; (b) that, for the enjoyment of these fruits, they do not remain dependent on one or two individual nuclear Powers; and (c) that they will provide themselves with an insurance against any diversion of nuclear technology to military purposes ... the need is inescapable for the non-nuclear countries to come together and evolve agreed decisions about the peaceful uses of nuclear technology." (1442nd meeting)

United Kingdom

"It is also clear to me that nothing in a treaty should prevent or inhibit the right of all nations to participate to the full in the economic benefits of nuclear technology, including peaceful nuclear explosions, if and when technical progress makes these useful. (1432nd meeting)

(ii) Peaceful nuclear explosive services

The United States proposals received full or partial support from five countries:

Canada

"... give some international body, such as the International Atomic Energy Agency, the responsibility for working out appropriate machinery for examining the feasibility of proposed projects, establishing the appropriate price to be charged for the nuclear explosion service and acting as an intermediary between the recipient country and the nuclear Power which would actually provide the necessary explosive device or devices. In this way, no country would have to be beholden to another country bilaterally. Instead, it would deal with a competent and impartial international body which would handle the necessary

arrangements. This would include supervising the project to ensure that the explosion was in fact exclusively for peaceful purposes. The only monopoly which the nuclear States would retain would be that of the actual technology involved in exploding a device, which is also the technology of the nuclear weapon." (1444th meeting)

Malaysia

"... we find it rather difficult to understand why this offer of having nuclear power for peaceful activities being made available -- within and under appropriate international control -- should be resisted in terms that appeared to us, at all events, less persuasive than passionate." (1440th meeting)

Mexico

"If this solution is deemed acceptable, it should not be too difficult to extend the powers and functions of the Vienna Organization. The International Atomic Energy Agency, with respect to certain concrete tasks to be carried out under its authority and control, could request the co-operation of one or another of the nuclear Powers. If it was considered indispensable to avoid proliferation, those aspects most directly connected with the nuclear device itself could be entrusted to a group made up of restricted composition in the same way as the military Staff Committee is provided for in the Charter of the United Nations." (1447th meeting)

Netherlands

"... we consider the United States proposal a most timely suggestion dictated by common sense. It in no way deprives the developing countries, or any other non-nuclear countries, of the benefits of this specialized and very costly technique, as has already been pointed out by the representatives of Canada and New Zealand. I fully agree with them that all non-nuclear countries would be well advised to accept the services of the nuclear Powers -- at least on an interim basis -- pending the establishment of reliable and acceptable international machinery. In this connexion I would suggest that article XI of the Statute of the International Atomic Energy Agency, setting forth the conditions for so-called 'Agency projects', may provide a possible basis for working out the required international procedures." (1446th meeting)

New Zealand

"The eventual provision of such peaceful services by the major nuclear Powers, through some appropriately costed and internationally supervised arrangement would, therefore, surely bring to others maximum returns for a minimum outlay." (1441st meeting)

/...

An alternative proposal was put forward by Jamaica:

Jamaica

"... if a non-nuclear State should wish to undertake a major physical development project which can best be achieved by a nuclear detonation, it is to an international agency that it should be encouraged to turn and not to one or other of the nuclear Powers. In a few years, technological advances may disclose many areas in which nuclear power can be applied to development and other projects and there should be no great difficulty in providing either a new or existing international agency with the know-how and authority to make these benefits fully available to the non-nuclear and, particularly, the developing world." (1439th meeting)

B. Debate in the Eighteen-Nation Disarmament Commission
(up to 22 August)

On the re-convening of the ENDC on 21 February 1967, discussion of the peaceful uses of nuclear energy in the non-proliferation context became more complex. The USSR and United States were now adopting a similar position: that a non-proliferation treaty should prevent the proliferation of both nuclear weapons and nuclear explosive devices, but should not restrict other nuclear technology, which should be subject to international safeguards in non-nuclear-weapon countries. In the discussion attention was paid to the need to ensure full and non-discriminatory access for all to the peaceful applications of nuclear energy in general particularly reactor technology. Peaceful nuclear explosions were dealt with both in connexion with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the proposed Non-proliferation Treaty. The discussion can be conveniently analysed under the headings "Peaceful applications of nuclear energy not restricted by the USSR and US draft non-proliferation treaty", and "peaceful nuclear explosions".

(a) Peaceful applications of nuclear energy not restricted by the USSR and United States draft non-proliferation treaty

Speakers were unanimous in declaring that a non-proliferation treaty should not hamper full access to knowledge and technology concerned with the peaceful uses of nuclear energy other than explosions. Some maintained that a treaty would facilitate such access:

Brazil

"... its solution must not be sought in the renunciation of the sovereign right of unrestricted development of the new sources of energy. ... To sum up, the Brazilian Government considers that the risks arising from the peaceful utilization of nuclear energy and from the free application of pacific nuclear technology should be eliminated through adequate systems of control that do not hinder scientific development or entail industrial espionage. What we cannot accept is the adoption of measures that might involve the imposition upon our countries of the permanent status of technological underdevelopment." (PV.297)

Bulgaria

"... the use of nuclear energy for peaceful purposes and the economic development which must normally follow will be possible only in conditions of peace. Yet it would be impossible to create such conditions in an atmosphere of what might be described as a permanent proliferation which would exist in the absence of a non-proliferation treaty. ... only the existence of a non-proliferation treaty will have the effect, amongst others, of concentrating all efforts and all resources upon improving nuclear technology and harnessing the latter to the needs of the economy." (PV.300)

Burma

"It would be appropriate to ensure that industrial and commercial interests of non-nuclear weapon countries do not suffer as a result of their renunciation of nuclear weapons and if in the future a technological break-through of a great dimension is achieved which might necessitate revision of the provisions of the treaty on non-proliferation one would expect that such revision would follow as a matter of course." (PV.295)

"... we feel strongly that we must resist all attempts to restrict nuclear knowledge to certain nations or groups of nations and thereby revive again the chain of evils, suspicion and distrust which would inexorably lead to a new armaments race. Hence in supporting strongly the principle of non-proliferation of nuclear weapons, we are motivated by a desire for the elimination of those weapons altogether and the opening of the secrets of nuclear technology for peaceful development of all nations." (PV.295)

Canada

"It goes without saying, of course, that a non-proliferation treaty should not place any inhibitions whatever on research or development of advanced peaceful nuclear technology." (PV.289)

Czechoslovakia

"No activity in the field of peaceful research, or in industrial and commercial uses of nuclear energy on a national or international scale, would be affected in any way by the non-proliferation treaty. On the contrary, we think that the treaty would open new avenues to broad international co-operation in the field of peaceful uses." (PV.298)

Italy

"We even believe that peaceful nuclear co-operation, on an organized international basis, should make new strides, making available to all the peoples the advantages created by science." (PV.289)

Mexico

"Regarding the provisions on the peaceful uses of nuclear energy that should be included in the treaty, we think the appropriate place for these is an article, not the preamble. ...a general declaration that no provision of the treaty should be interpreted as detracting from the right of the contracting parties to use nuclear energy for peaceful purposes... for instance, that (a) the benefits resulting from the use of nuclear energy for peaceful purposes shall be available to all parties on a basis of absolute equality and equity; (b) the parties must share all the knowledge and benefits that may be derived from future progress in nuclear technology for peaceful purposes, and may continue in their respective territories to develop that technology; (c) the nuclear States shall make their effective co-operation available to the non-nuclear States without any discrimination for the promotion of that development." (FV.295)

Nigeria

"The political implications of the treaty apart, we have to ensure that its provisions do not prevent Member States which have the means from developing and acquiring nuclear technology for their economic, social and cultural development." (FV.292)

Poland

"... the treaty on non-proliferation would promote the peaceful uses of nuclear energy even further by opening up new vistas for world-wide co-operation and making available the scientific and technical achievements of some to all. We shall certainly insist on including in the text of a future treaty on non-proliferation a provision to that effect. For once the treaty is concluded the present mistrust and uncertainty over the use some countries may make of the technical information, material and equipment received will be dispelled, at least in relation to those who have signed or adhered to it." (PV.302)

Romania

"The treaty should not limit the utilization by all of nuclear energy for peaceful purposes; it should, on the contrary, ensure unlimited rights and possibilities for all States, on the basis of equality and without any discrimination, to undertake research in this field and to use the conquests of nuclear science for their peaceful development." (PV.320)

USSR

"... the solution of the non-proliferation problem is one of the most important conditions that would ensure for the non-nuclear countries the most rapid and successful development of their peaceful atomic industry.

Renunciation by the non-nuclear countries of military ways of using atomic energy would enable them to concentrate all their scientific, technical and material resources on the peaceful utilization of the achievements of nuclear physics, which would undoubtedly widen their potentialities in that field.

... the Soviet Union has advocated, and continues to advocate, the principle of general access to the benefits of the use of nuclear technology for peaceful purposes, both for nuclear and for non-nuclear countries." (FV.297)

United Arab Republic

"(a) A non-proliferation treaty must not preserve in the hands of the nuclear Powers the monopoly of the development of atomic energy for exclusively peaceful purposes;

"(b) A non-proliferation treaty must not, broadly speaking, constitute an obstacle to such development of nuclear energy for exclusively peaceful purposes as the non-nuclear countries would wish to carry out." (FV.294)

United Kingdom

"I was much impressed by the arguments of the representative of Poland in his statement at the meeting of 6 June (in) which ... (he) suggested that, because of the need to concentrate limited resources of money, material, and skilled manpower, the first casualty of a new weapons programme in any State would be that State's peaceful nuclear development programme ...

He also made the point, with which I agree, that the conclusion of a non-proliferation treaty should make possible a much freer exchange of nuclear technology, materials and equipment than has been possible up to now ..." (FV.307)

United States

"The non-proliferation treaty will not impede peaceful uses of atomic energy by the developing countries. In fact it should further stimulate the full development of the peaceful uses of the atom." (FV.303)

Reference was also made to the need to ensure that any knowledge with peaceful applications derived from research on nuclear explosives ("spin-off") should be made available to non-nuclear-weapon countries. Some countries maintained that such knowledge was very slight, and that the peaceful nuclear energy programmes of countries which had chosen not to produce nuclear explosives had not suffered thereby:

Burma

"And if there is truth in the 'spin-off' theory that there are concrete scientific and technological benefits of industrial and commercial value accruing from a nuclear-weapon research and development programme, then those benefits should be made available to all nations on a non-discriminatory basis." (PV.295)

Canada

"We are not convinced that such 'spin-off' is significant, but we note again that President Johnson has assured us that not only peaceful explosive services but also any technological 'spin-off' from them will be available to non-nuclear-weapon States." (PV.289)

Mexico

"... we are very much impressed by the experience of Sweden and Canada, undoubtedly two of the States without nuclear weapons which have achieved a more advanced degree of nuclear technology. We understand that their decision not to manufacture atomic weapons has not affected to any important degree their research, development and production in the field of the technology of reactors and in other related fields ...

We gather that the authors of the draft treaty would agree to the benefits of the peaceful use of nuclear technology, including the technological spin-off resulting from the development of nuclear weapons and devices, being made available to all the parties for peaceful use.

... the juridical obligation to share this knowledge could be established. If the non-nuclear countries forego certain activities and experiments as a contribution to peace, it is only fair that in exchange they should receive, as an authentic right, the scientific and technical benefits that result from such experiments." (PV.304)

Poland

"... we cannot accept the assertion that the countries which have forsworn nuclear weaponry are handicapped in developing peaceful nuclear technology, or even that the balance in that field would for ever remain tipped in favour of the nuclear-weapon Powers. Actually, as was stated here a few days ago by you Madam Chairman (Sweden) — and as was proved by the experience of your own country and of Canada, India and Czechoslovakia, not to speak of others — research development and production in reactor technology and in similar fields have not been hampered by lack of knowledge obtained through the manufacture of nuclear weapons." (PV.302)

Sweden

"It should have become evident already from statements made in this Committee, and based on qualified expert advice, that the fears in relation to 'spin-off'

and 'industrial espionage' have been exaggerated. Relying on our own experience, my delegation is convinced that research, development and production in reactor technology and similar fields would not have to be hampered by lack of the knowledge obtained through manufacture of nuclear weapons." (PV.300)

United Arab Republic

"... even if military programmes gave rise to such an advantage that would not be sufficient to justify its mention in any form in a treaty on the non-proliferation of nuclear weapons ..." (PV.294)

United Kingdom

"... I am convinced that there is in fact very little, if any. ... Is it suggested that the civil nuclear Powers — which have with commendable restraint not developed nuclear weapons although they had the ability to do so for several years — should now make nuclear weapons, with all the political consequences of such a decision, simply because of the possible by-products in the civil field? ... if there is any significant 'spin-off', or if any should emerge in the future, then it is only right that we should devise a way to share it equally among nuclear-weapon Powers and the rest." (PV.288)

United States

"More generally, we recommend that the treaty clearly state the intention of its signatories to make available the full benefits of peaceful nuclear technology — including any benefits that are the by-product of weapons research." (ENDC/187)

The Italian Minister for Foreign Affairs made a specific proposal concerning the supply of fissile material by nuclear-weapon Powers to other parties to a non-proliferation treaty:

"This proposal could be independent of the treaty, linked with or even incorporated in it according to circumstances; it could consist of an agreement under which the nuclear Powers would transmit periodically to the non-nuclear States signatories to the treaty an agreed quantity of the fissile materials they produce. The principle motivating such an agreement has already met with the approval of the United States and the Soviet Union when they examined in 1964 the well-known proposal for a 'cut-off' (ENDC/120) — that is, a discontinuance of the production of fissile materials for nuclear weapons —; but it was not followed up because of the difficulties encountered in connexion with the question of control. ...

"An agreement of this kind would indirectly subject the production of nuclear weapons by the militarily-nuclear States to a brake consisting in the

necessity of allocating part of their fissile materials to non-nuclear countries for peaceful uses.

"Within the same context, the non-nuclear countries to which the fissile materials transferred by the nuclear Powers would be assigned should pay a reduced price compared to the market value. Whereas part of this price would go to the nuclear producing Powers, the other part could be paid into the United Nations funds for the progress of the developing countries.

"The agreement thus proposed could also lay down the principles of the distribution of fissile materials among the beneficiary countries. As for control, one could refer to the provisions of the non-proliferation treaty."
(FV.318)

(b) Peaceful nuclear explosions

As in 1966 the United States introduced this subject, re-asserting its position:

that the technology of nuclear weapons and peaceful nuclear explosives is identical and possession of peaceful nuclear explosives would be tantamount to possession of nuclear weapons;

that a non-proliferation treaty should ban the proliferation of peaceful nuclear explosives;

that if and when peaceful nuclear explosions become technologically and economically feasible, they should be available to all.

The United States elaborated its proposals for making explosive services available, which are in line with the ninth paragraph of the preamble to the draft non-proliferation treaty tabled on 24 August 1967:

United States

"I am sure we all agree that a non-proliferation treaty should not contain any provisions that would defeat its major purpose. The treaty must, therefore, cover nuclear explosive devices for peaceful as well as military purposes. The technology is the same. A peaceful nuclear explosive device would, in effect, also be a highly sophisticated weapon. (FV.287)

First, if and when peaceful applications of nuclear explosives that are permissible under the test ban Treaty prove technically and economically feasible, nuclear-weapon-States should make available to other States nuclear explosive services for peaceful applications. Such a service would consist of performing the desired nuclear detonation under appropriate international observation with the nuclear device remaining under the custody and control of the State which performed the service.

Second, there should be a means provided for non-nuclear-weapon States wishing to do so to request nuclear explosive services from the nuclear-weapon States through an international body in which the non-nuclear-weapon States would participate. The international body might consider such matters as the feasibility of requested projects, priority among such requests, and necessary safety precautions. The purpose of these arrangements would be to make clear that once the participating nuclear Powers are prepared to undertake practical applications of peaceful nuclear explosives they will not withhold nuclear detonation services to others because of extraneous considerations.

... One possibility is that the International Atomic Energy Agency might be the international organization through which such requests could be made and such matters considered as mentioned above - that is, the feasibility, priority and safety of projects. However, if this should prove impractical, we would be willing to consider alternative international mechanisms.

Third, costs to non-nuclear-weapon States for peaceful purpose detonations by nuclear States would be kept as low as possible. They should not, for example, include the costs of research and development.

Fourth, there should be full consultation among nuclear and non-nuclear parties to the limited test ban Treaty about any amendment of that Treaty required in order to carry out feasible projects.

And fifth, the conditions and procedures for international collaboration in accomplishing peaceful nuclear explosive projects would be developed in full consultation with the non-nuclear-weapon States." (PV.295)

(i) Restrictions on peaceful nuclear explosives

It was unanimously agreed that the technology of nuclear weapons and peaceful nuclear explosives was identical. The majority held that proliferation of peaceful nuclear explosives should be prohibited by a non-proliferation treaty:

Burma

"If my delegation understands the situation correctly, it is agreed among all the nations with the necessary nuclear technological experience that in the present state of development the characteristics of nuclear devices for peaceful purposes could not be distinguished too clearly from those of nuclear devices for military purposes. If that is the case there can be no two views on this point. My delegation considers that we must observe the 'no loophole' criterion of United Nations resolution A/RES/2028 (XX) in its correct spirit." (PV.295)

Canada

"In our view, a treaty permitting non-nuclear-weapon States to conduct, on a national basis, nuclear explosions for peaceful purposes, would contain a substantial loophole." (PV.289)

"We believe that it is impossible to distinguish between the technology required in nuclear explosions for peaceful as against military purposes, and that a non-nuclear-weapon Power which detonated a nuclear explosive device, no matter for what purposes, would in effect have taken a decisive step towards the production of nuclear weapons." (PV.289)

Czechoslovakia

"... the question of the manufacture of nuclear explosives for such purposes should be covered by the non-dissemination treaty fully and without reservation. A number of delegations have already adduced indisputable facts testifying to the necessity of such a solution. The crux of the problem lies in the fact that from the technological point of view any State manufacturing nuclear explosives at the same time manufactures nuclear weapons, whether wittingly or not." (PV.316)

Mexico

"...unless technological progress one day makes it possible to distinguish clearly between nuclear explosives for peaceful purposes and nuclear explosives for warlike purposes - which in the opinion of all the experts whom we have been able to consult so far... does not appear to be definitely possible at present - it will be necessary to seek a solution which precludes the spread of nuclear weapons and at the same time enables the non-nuclear States to obtain without difficulty and without discrimination the incalculable benefits which their economic development might derive from such explosions." (FV.295)

Poland

"The technology of producing nuclear explosives for peaceful uses is analogous to that for manufacturing nuclear weapons. Nobody here, or elsewhere, has provided evidence to the contrary. Hence such explosives would have to be covered by an international ban on proliferation. We agree that the use people make of their skill and, for that matter, of the explosives that they invent is a matter of will. But, within the context of disarmament, objective capability counts for more than subjective will. All States would readily declare, I am sure, that the weapons they possess are not intended for aggressive aims. Would that be a satisfactory substitute for destroying those weapons?" (PV.302)

Sweden

"Particularly to those of us who agree - on the basis of expert advice - with the view of the nuclear weapon Powers that the process for production of nuclear explosives is, at least for the present, in practice one and the same, whether the explosives are to be used for peaceful purposes or not, it becomes necessary that some international order be instituted to control both the production and the use of peaceful nuclear explosives." (PV.288)

"We then face a dilemma: how to design the rules so as to prohibit the manufacture but permit the use of nuclear explosives.

"As far as I can see nobody has argued for the necessity per se of independent manufacture of them. If assurances of these rights of equitable use - I repeat, rights of equitable use - could be given and codified, a prohibition in a non-proliferation treaty, or for that matter in a cut-off treaty, which said, in these or similar words, that 'to manufacture nuclear devices which might be used as nuclear weapons' was forbidden ought to be acceptable to all. It would seem to be quite sufficient that the ban in this way implicitly covers all manufacture." (PV.302)

USSR

"The crux of the problem lies in the fact that any device for carrying out nuclear explosions for peaceful purposes in no way differs in principle from devices having military importance. This fact is beyond dispute.

"... If we wish to have a really effective treaty on the non-proliferation of nuclear weapons, one which would leave no loopholes or chinks for States that wished to get hold of nuclear weapons, it is indispensable that this treaty should also cover the non-proliferation of any nuclear explosive devices." (PV.313)

United Kingdom

"As far as technique or technology is concerned, peaceful explosive devices are different in kind from all other peaceful uses of nuclear energy because they depend on uncontrolled fission, or uncontrolled fission and fusion and are like in kind to military devices ... the arguments put forward against the prohibition of peaceful nuclear explosion by non-nuclear-weapon States seem to me unconvincing

"Let us just picture the reaction in one of such a pair of [antagonist] States if, even with the most blameless motives in the world the other conducts - or even is known to be preparing - the explosion of a so-called peaceful nuclear device. The General Staff of the first country will testify that from a military point of view, the other State has, for all practical

purposes, perfected or is perfecting a nuclear weapon, and urge that their own Government should follow suit. The political results, as regards relations between those two States, and tension in the area, will be exactly the same - I repeat, the political results will be exactly the same - as if one State had carried out a military nuclear explosion. That is why, if you want a non-proliferation treaty to have the slightest chance of success, it is essential to lump all nuclear explosive devices together." (PV.288)

Three countries, however, although conceding the technological identity of nuclear weapons and peaceful nuclear explosives, drew different conclusions:

Brazil

"There is no difference at the present time between nuclear weapon technology and technology for peaceful purposes:

The development of research in the field of nuclear energy inevitably includes at a certain stage, the use of explosions; to bar access to explosions would amount to hindering the development of the peaceful uses of nuclear energy;" (PV.293)

"Brazil does not intend to acquire nuclear weapons either by receiving or manufacturing them; but we shall not waive the right to conduct research without limitation and eventually to manufacture or receive nuclear explosives that will enable us to perform great engineering works, such as the connexion of hydrographic basins, the digging of canals or ports - in a word, the re-shaping of geography, if necessary, to ensure the economic development and the welfare of the Brazilian people." (PV.297)

Ethiopia

"It is ironical that nuclear technology for weapon purposes and the technology for nuclear devices for peaceful purposes are one and the same thing. We have heard it said repeatedly in this Committee that a nation reaching the stage of technology which permits the production of nuclear explosive devices for peaceful purposes can no more be classified as a non-nuclear Power than a nuclear Power with nuclear weapons - the contention being that the same explosive devices for peaceful purposes could be used equally as weapons of destruction. True as that statement may appear to be, it does not fail to arouse legitimate concern and apprehension in the minds of many people. ... we are greatly disturbed at the proposal that the non-proliferation treaty, to which we attach great importance, should also cover nuclear devices for peaceful purposes." (FV.323)

India

"The Indian delegation does not deny that the technology involved in the production of a nuclear weapon is the same as the technology which produces a peaceful explosive device, although a weapon has many characteristics which are not present in a peaceful device. Moreover, as far as fission technology is concerned, it is known to a large number of countries." (PV.298)

"I think it is wrong to say that no nation can develop peaceful nuclear devices unless it develops very sophisticated technology for thermonuclear devices ... And fission devices are important. In fact, underground fission devices today are to some extent, particularly for many countries, better because they avoid many problems of radioactivity.

"It is a question of what a country would like to do in its economic interests. In this country, Switzerland, for example, which is a very developed country, they do not manufacture motor-cars. ... That does not mean that Switzerland would like to sign away the right to manufacture motor-cars if it is considered economically desirable for Switzerland. Well, we would much rather import peaceful nuclear devices. But that would be our own decision and not because of any prohibition." (PV.303)

Four countries gave interpretations of the Treaty for the Prohibition of Nuclear Weapons in Latin America, three of them maintaining that the Treaty prohibited the production of peaceful nuclear explosives:

Mexico

"An objective definition (Article 5), for the purpose of the Treaty, of 'nuclear weapons' - from which the Preparatory Commission deleted at its fourth session the subjective element of intention which had been included in the draft prepared at its third session - guarantee effectively and adequately that the relevant provisions of the Treaty [for the Prohibition of Nuclear Weapons in Latin America] may not be overtly or covertly violated and in particular that it will be impossible, under the pretext of carrying out nuclear explosions for peaceful purposes, to attempt to test or manufacture nuclear weapons." (FV.295)

USSR

"The connexion between the aforesaid provisions of the Latin American Treaty has the significance that devices for the carrying-out of nuclear explosions for peaceful purposes, as I have already stated, are no different in principle from the devices used in nuclear weapons. This circumstance closely links the question of the use of nuclear explosions for peaceful purposes with the question of preventing the further proliferation of nuclear weapons. The Treaty for the Prohibition of Nuclear Weapons in Latin America, so we understand, is to be directed against such proliferation." (FV.293)

United States

"Clearly the treaty must prohibit the acquisition or testing of any nuclear explosive device by contracting parties, or it will contain a large loophole. In our view, articles 1 and 5 of the Treaty contain such a prohibition." (PV.291)

One country, however, maintained the contrary:

Brazil

"Article 18 permits the contracting parties to the Treaty to carry out explosions of nuclear devices for peaceful purposes - including explosions which involve devices similar to those used in nuclear weapons - or to collaborate with third parties for the same purpose. As representatives know, this permission is accorded subject to a thorough system of control; article 18 itself and other provisions of the Treaty, particularly articles 1 and 5, establish the conditions to be fulfilled by the contracting parties to carry out such explosions." (PV.293)

(ii) Peaceful nuclear explosive services

There was considerable discussion of the United States proposals for making peaceful nuclear explosive services available to non-nuclear weapon countries. Some countries stressed that non-discriminatory access to peaceful nuclear explosions was an important principle; some regarded the practical application of peaceful nuclear explosives as a distant and occasional prospect; some insisted that arrangements for peaceful nuclear explosive services should be the subject of agreements separate from a non-proliferation treaty, possibly linked to a comprehensive test-ban:

Brazil

"No doubt we shall accept such international co-operation as may be offered to us for the conduct of those undertakings. In this context we envisage several forms of collaboration, starting with the creation of a Latin-American atom community, as proposed by President Costa e Silva at the recent meeting of Heads of State of our Continent in Punta del Este. We do not exclude but rather look forward to the co-operation of the nuclear Powers - military or not - in technical assistance, in contracts for actual detonation services, or in the manufacture of explosive devices. Such co-operation could even be institutionalized by the establishment of a new international agency or the reorganization of existing ones." (PV.297)

Bulgaria

"... this question (peaceful nuclear explosions) is far from being topical from either the technical or the economic point of view. Furthermore, in view of the specific nature of the question, which has been stressed on several occasions, we consider that it should be the subject of separate studies." (PV.300)

Canada

"The studies and experiments relating to such use of nuclear explosives have not been developed to the point where a practicable and economical technology exists. However, it is expected that some day practical means of using such nuclear explosives may become available. Canada, among other countries, wishes to be assured that if that happens it will not be handicapped in their use because it has signed a non-proliferation treaty. ... there should be a firm commitment on the part of the nuclear Powers to act, so to speak, as contractors for nuclear explosions and to provide at low cost the nuclear explosive devices - which are really weapons - which would be required for use in civil engineering or for other peaceful purposes.

"... there is agreement among the great nuclear Powers that this right to participate in the technology of peaceful nuclear explosions for engineering purposes and the like could be ensured in a separate agreement.

"Canada would like to see some reference to this undertaking contained in the draft treaty, and we should also like to see a draft of a convention or declaration of the nuclear Powers which would commit them to supplying nuclear explosive devices for this purpose. Of course, any such arrangement should be under proper international safeguards. It might be that it would be advisable for the whole procedure to be carried out under the direction and control of the International Atomic Energy Agency, unless it should be found better to set up some other international agency for this specific purpose." (PV.319)

Czechoslovakia

"A point of departure for an acceptable solution, which might take the form of a special international arrangement, should be the fact that a possible use of nuclear explosions for the purposes of peaceful economic development of the non-nuclear weapon States is not conditional upon the manufacture of nuclear explosives by those States. Under an appropriate procedure these explosives might be provided by the nuclear-weapon Powers. It seems indisputable that attempts at autarchy in the field of nuclear explosives for peaceful purposes would be of no advantage to the non-nuclear-weapon States from the economic point of view. Moreover, as a consequence, the country in question would lag behind in the field of the peaceful uses of nuclear energy." (PV.316)

Ethiopia

"We are not unmindful of the promises of the nuclear Powers to provide, on favourable terms and under appropriate international control, peaceful nuclear devices whenever the need for them is justified. Again, we wonder to what extent a nation relies on such promises, considering the present international realities. Above all, we wonder how long an international treaty could prohibit the normal peaceful technological advancement of a nation. In that regard, we hope that some other ways to give satisfaction to all concerned will be found." (PV.323)

India

"We, in fact, have suggested complete regulation, complete control over the process, which is not at the moment something which the nuclear-weapon Powers want for their own nuclear weapons. We do not want any proliferation. We want to regulate. We do not want a stockpiling of nuclear devices. We want peaceful nuclear devices controlled, regulated - before manufacture, during manufacture and after manufacture. Their use should be controlled and a proper system should be devised which would ensure that a particular peaceful nuclear explosive device is used for peaceful explosive purposes." (PV.303)

Mexico

"... we believe that the developing countries would not be able to forego carrying out in the future, when it is technologically and economically possible, gigantic civil engineering works, such as excavation for canals and ports, by means of nuclear explosions. What we do not understand, however, is why such explosions have to be carried out precisely by the State concerned, with its own technical resources ... If most of the countries in the world import large dredges to excavate ports and canals, I do not see why they should not have to import the nuclear devices they would need for this purpose." ...

...

"These tasks could be entrusted to the International Atomic Energy Agency (IAEA) -- either under its present statutes or possibly by enlarging its competence either alone or associated with another body. On the other hand, in view of the link between this matter and peace and security, one could also conceive of giving an essential role to a political organ of the United Nations, advised, of course, by the technical service of the Agency. One or more international organizations could be used, simply as clearing houses or as pools - existing or potential - for nuclear devices." (PV.304)

Poland

"It is hard to believe that an issue which is at present of more theoretical than practical value, and which may remain so for many years

to come, would in any way obstruct or even delay the signing of a non-proliferation agreement by any country. True, one cannot predict all the potentialities of the atom. But one would have to stretch one's imagination very far indeed to consider nuclear explosions as an industrial device or a daily occurrence. It is the opinion of people who are well acquainted with the subject that if we finally succeeded in some distant future in harnessing atomic energy for peaceful explosions - which is not at all sure, given the requirements of safety - such explosions would be very uncommon events, and that even then they would be impracticable in most of the inhabited lands." (PV.302)

Sweden

"May I offer the following suggestions for constructive thinking. The first is that we seriously consider the advisability of taking the heat out of this issue in connexion with the non-proliferation treaty by simultaneously assuring its place in another set of agreements. Of course, the manufacture of explosive devices would be covered by a non-proliferation treaty. But for the wider purpose, the use of such devices, we must do two things: (a) find a formula for prohibiting nuclear explosions in the context where we think it rightly belongs, in a comprehensive test-ban, and (b) work out a separate agreement for allowing exemptions from this ban for peaceful explosions under specific rules as to international management and control."

"The right of decision to allow explosions for peaceful purposes should be granted to an international organ. This would assure the equitable use of such explosions. Perhaps the International Atomic Energy Agency (IAEA) might be given this right, as suggested by Mr. Foster in the statement I have already cited. (ENDC/PV.295, para. 75). Out of concern for the disarmament effect, i.e. to avoid any risk of proliferation of nuclear arms, the stocks of explosives will have to remain with the nuclear-weapon Powers. But for economic reasons, as well as for health reasons, no private or national discretionary power should be allowed to give the final permission for the employment of explosives. Thus, their use by the nuclear-weapon Powers should also be the object of a licensing procedure. This is the ideal situation that I would like us to strive for." (PV.302)

USSR

"... it should not infringe upon the interests of States which would wish in the future to use nuclear explosive devices in order to carry out some particular project in the field of economic development. We consider that this problem, including the procedure and conditions for carrying out nuclear explosions for peaceful purposes, could be settled on the basis of a separate international agreement." (PV.313)

United Arab Republic

"The non-proliferation treaty must -

"(a) Empower the International Atomic Energy Agency to deal with this question in order to ensure, under its control and on a non-discriminatory and objective basis, the use of nuclear explosives for the development of the non-nuclear States;

"(b) Require the nuclear States to supply these explosives without political conditions to non-nuclear States which request them and to do so through the Vienna Agency." (FV.294)

United Kingdom

"... But it does not seem at all likely that the uncontrolled use of nuclear energy - and this is what peaceful explosions amount to - will ever constitute an every-day industrial technique. It is likely to be hazardous - at least above ground - expensive, and of strictly limited application ... If this is true, it should be the easier to devise workable arrangements, possibly of an international kind, to make the technique available if and when it is developed without any strings at all to the non-nuclear-weapon States who find that they need it. I believe that it is right and fair that such a provision should be made in or along with a non-proliferation treaty." (PV.288)
