Thirty-seventh session

REPORT OF THE PREPARATORY COMMITTEE FOR THE UNITED NATIONS CONFERENCE FOR THE PROMOTION OF INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY

Third session

(27 October-2 November 1982)

* This document is a mimeographed version of the second part of the report of the Committee to the General Assembly at its thirty-seventh session. The full report will be issued as Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 48 (A/37/48).
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I. INTRODUCTION

1. The General Assembly, in resolution 35/122 of 5 December 1980, decided to convene in 1983 a United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy, and established a Preparatory Committee for the Conference, composed of 70 Member States and, on an equal footing, other Member States which might express their interest in participating in the work of the Committee, and requested the President of the Assembly to appoint the members of the Committee, in accordance with the principle of equitable geographical representation.

2. In its resolution 36/78 of 9 December 1981, the General Assembly decided that the Conference would be held at Geneva from 29 August to 9 September 1983 and endorsed the recommendation of the Preparatory Committee contained in the annex to its report on its first session, 1/ including its programme of work. In paragraph 5 of that resolution, the General Assembly recognized that the Preparatory Committee, in order to advance its work, might need to extend the duration of its second session, to be held at Vienna in 1982, and also to hold a further session of appropriate duration in 1982.

3. The Preparatory Committee held its first session at the Vienna International Centre from 3 to 5 August 1981 and its second session from 21 to 30 June 1982. It held its third session at the Vienna International Centre from 27 October to 2 November 1982.
II. ORGANIZATION OF THE THIRD SESSION

A. Opening and duration of the session

4. At its third session, the Committee held five meetings (19th to 23rd meetings). It also held a number of informal meetings during that period.

B. Membership and attendance

5. In accordance with General Assembly resolutions 35/112 of 5 December 1980 and 36/78 of 9 December 1981, the following 64 Member States have been appointed by the President of the General Assembly as members of the Preparatory Committee.

Algeria
Argentina
Australia
Austria
Belgium
Brazil
Bulgaria
Byelorussian Soviet Socialist Republic
Canada
Chile
China
Colombia
Costa Rica
Cuba
Czechoslovakia
Denmark
Ecuador
Egypt
Finland
France
German Democratic Republic
Germany, Federal Republic of
Ghana
Greece
Guatemala
Hungary
India
Indonesia
Iraq
Ireland
Italy
Ivory Coast

Japan
Libyan Arab Jamahiriya
Malaysia
Mauritania
Mexico
Morocco
Netherlands
Niger
Nigeria
Norway
Pakistan
Peru
Philippines
Poland
Romania
Senegal
Spain
Sri Lanka
Sweden
Syrian Arab Republic
Thailand
Turkey
Ukrainian Soviet Socialist Republic
Union of Soviet Socialist Republics
United Arab Emirates
United Kingdom of Great Britain and Northern Ireland
United Republic of Cameroon
United States of America
Uruguay
Venezuela
Yugoslavia
Zaire
6. The following members of the Committee were represented at the third session:

Algeria
Argentina
Australia
Austria
Belgium
Brazil
Bulgaria
Byelorussian Soviet Socialist Republic
Canada
Chile
China
Colombia
Cuba
Czechoslovakia
Denmark
Ecuador
Egypt
Finland
France
German Democratic Republic
Germany, Federal Republic of
Greece
Hungary
India
Indonesia
Iraq
Ireland
Italy
Japan
Libyan Arab Jamahiriya
Malaysia
Mexico
Morocco
Netherlands
Nigeria
Norway
Pakistan
Peru
Philippines
Poland
Romania
Spain
Sweden
Syrian Arab Republic
Thailand
Turkey
Ukrainian Soviet Socialist Republic
Union of Soviet Socialist Republics
United Arab Emirates
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Venezuela
Yugoslavia
Zaire

7. The following States also participated as observers at the third session:

Iran
Kenya
Panama
Saudi Arabia
Switzerland
Tunisia

8. The following specialized agencies were also represented:

International Labour Organization
Food and Agriculture Organization of the United Nations
United Nations Educational, Scientific and Cultural Organization
World Health Organization

9. The International Atomic Energy Agency was also represented.
10. The following United Nations bodies were represented:

Economic Commission for Europe
Economic and Social Commission for Asia and the Pacific
United Nations Office at Geneva
United Nations Conference on Trade and Development
United Nations Industrial Development Organization

11. The Office of the Director-General for Development and International Economic Co-operation was also represented.

12. The following intergovernmental organization was also represented:

European Economic Community

C. Officers of the Committee

13. The officers of the Committee, as elected by the Committee at its 1st, 2nd, 3rd, 8th and 17th meetings, on 3, 4 and 5 August 1981 and 21 and 30 June 1982, are as follows:

Chairman: Mr. Novak Pribicević (Yugoslavia)

Vice-Chairmen: Mr. F. K. A. Allotey (Ghana)
Mr. Augusto Arzubiaga Rospigliosi (Peru)
Mr. Essam El-Din Hawas (Egypt)
Mr. L. A. Olivieri (Argentina)
Mr. Miroslav Oplň (Czechoslovakia)
Mr. B. Skala (Sweden)
Mr. Suror Merza Mahmoud (Iraq)
Mr. Frans J. A. Terwisscha van Scheltinga (Netherlands)

Rapporteur: Mr. Dalindra Aman (Indonesia)

D. Adoption of the agenda

14. At its 19th meeting, on 27 October, the Committee adopted the following agenda for the session, as contained in document A/CONF.108/PC/7:

1. Adoption of the agenda and organization of work.

2. Preparation of the Conference: report of the Secretary-General.


5. Documentation for the Conference.
6. Schedule and provisional agenda of the fourth session of the Committee.

7. Adoption of the report of the Committee.

E. Documentation

15. The Committee had before it the following documents:

(a) Report of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy (A/37/48 (Part I));

(b) Note by the Secretariat on the draft provisional rules of procedure of the Conference (A/CONF.108/PC/5);

(c) Provisional agenda for the third session (A/CONF.108/PC/7);

(d) Note by the Secretariat on the draft rules of procedure of the Conference (A/CONF.108/PC/III/CRP.1);

(e) Note by the Secretariat on documentation for the Conference (A/CONF.108/PC/III/CRP.2 and Add.1);

(f) Draft report of the Committee on its third session (A/CONF.108/PC/L.4).

F. Adoption of the report

16. At its 23rd meeting, on 2 November, the Committee adopted the draft report of the Committee (A/CONF.108/PC/L.4 and Add.1), as orally revised by the Rapporteur. At the same meeting, the Committee also authorized the Rapporteur to finalize the report by incorporating the proceedings and decisions of the Committee at its 22nd and 23rd meetings, on 2 November.
III. WORK OF THE COMMITTEE AT ITS THIRD SESSION

A. Opening statements

17. The Chairman, in his opening statement, recalled that the Preparatory Committee at its last session had dealt with issues essential for the success of the Conference, such as the provisional agenda for the Conference, its rules of procedure and its documentation. Regrettably, the results which all had wished and worked for had not been achieved and time was now running short. However, if an understanding were to be reached at this session of the Committee, past efforts to explain points of view and identify common goals would have not been in vain. The Committee must therefore try to do its utmost for a successful outcome of its current deliberations. The Chairman believed that the Committee should not consider again arguments and positions which had been advanced on previous occasions. Rather, it should concentrate on an attempt to overcome the remaining differences and adopt decisions acceptable to all parties concerned. He was confident that, if that spirit were to prevail, the Committee would succeed in its task and lay the foundations for a constructive and fruitful Conference.

18. The Secretary-General of the Conference, in his opening statement, stressed that it was vitally important that the Conference is well prepared; indeed, thorough preparations were indispensable for the success of the Conference. He referred to his contacts with the International Atomic Energy Agency, specialized agencies and other relevant organizations in the United Nations system concerning their contributions to the preparations for the Conference as partners in a joint endeavour. As reflected in the documentation before the Committee, the response had been generally encouraging and he saw it as a promising basis for inter-agency co-operation in the preparatory work for the Conference. However, in his various contacts and consultations with the organizations, two serious constraints had been pointed out to him, namely, difficulties in identifying subjects for contributions relevant to the Conference without knowing the precise content and substance of its agenda and insufficient time available for the preparation of substantive contributions.

19. General Assembly resolution 36/78 had also urged Member States to provide information on their achievements and practical experience in the peaceful uses of nuclear energy. A sizeable amount of relevant technical material was produced for the International Conference on Nuclear Power Experience recently convened by the International Atomic Energy Agency (IAEA), but as information was also needed concerning the national priorities and projected needs and activities of Member States, the Secretary-General would bring specifically paragraph 9 of the above-mentioned resolution to the attention of all States and invite them to provide the necessary information as soon as possible.

20. The Secretary-General outlined a possible public information programme in support of the Conference. The programme would include, for example, the production of a brochure, a quarterly newsletter and a press information kit, radio programmes, a forum-type journalists' encounter and various other activities at the national level. Considering the special significance of the Conference, he felt additional efforts were called for to promote interest and understanding for the Conference through regular press briefings and close contacts with the media. He also attached
special importance to convening regional meetings and experts group meetings, which could be extremely useful in promoting thorough preparations for the Conference as well as stimulating the widest possible participation in it.

21. The Secretary-General recalled that the Conference was less than 10 months away; accordingly, the time available for preparations was extremely short with much work to be completed. He pointed out the various constraints of time faced by all concerned, including Member States which also needed time for adequate preparations for the Conference. In conclusion, he briefly touched upon the question of the structure and organization of the Conference secretariat, noting that new budgetary estimates for 1983 would have to be submitted to the current session of the General Assembly shortly after the conclusion of the session of the Committee. The Secretary-General assured the Committee that the Conference secretariat would spare no efforts within the scope of its competence to assist the Committee in the fulfilment of its mandate.

B. Documentation for the Conference

22. At its 21st meeting, on 1 November, the Committee exchanged views on the documentation for the Conference. For its consideration, the Committee had before it two conference room papers reproducing the information provided by IAEA, specialized agencies and other United Nations organs on their relevant activities and proposed inputs to the documentation for the Conference (A/CONF.108/EC/III/CMP.2 and Add.1). In addition, the Committee heard statements by some representatives of United Nations entities concerned.

23. The International Labour Organisation was particularly concerned with the issue of radiation protection, especially with regard to the protection of workers. The representative of the Food and Agriculture Organization of the United Nations (FAO) mentioned the main activities being carried out by the Joint FAO/IAEA Division of Isotope and Radiation Applications of Atomic Energy for Food and Agricultural Development. The representative of the International Atomic Energy Agency (IAEA) briefed the Committee on the Agency's proposed contribution to the Conference and on developments which had taken place at the last session of the IAEA Board Committee on Assurances of Supply. The Secretariat of the Economic and Social Commission for Asia and the Pacific envisaged a contribution to the Conference dealing with the role of nuclear energy in electric power developments in developing countries in Asia and the Pacific, while the representative of the Secretariat of the Economic Commission for Europe referred to the work being conducted by the Commission on energy forecasts. The representatives of the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, and of the United Nations Industrial Development Organization also briefed the Committee on the activities of their organizations in the area of international co-operation in the peaceful uses of nuclear energy. They joined their colleagues in expressing the readiness of their organizations to co-operate in the preparations for the Conference.

24. At the same meeting, the representative of India expressed concern over the contents of some of the documentation submitted to the Committee under item 5 (see annex III F).
25. At the same meeting, the representative of Argentina stated that he fully shared the remarks made and the concern expressed by India with regard to the document submitted by IAEA and that the necessary modifications to the document should be made.

26. The representative of the United States of America was convinced that the purposes and activities of IAEA were accurately reflected in the documentation before the Committee. Noting that the Conference was to deal with international co-operation in the peaceful uses of nuclear energy, he expressed the view that a discussion on nuclear weapons would fall outside its scope and would hamper the work of the Committee.

27. At its 23rd meeting, on 2 November, the Committee took note of the note by the Secretariat on documentation for the Conference (A/CONF.108/PC/III/CRP.2 and Add.1) and expressed the hope that the relevant organs, organizations and bodies of the United Nations system would continue to contribute to the preparation of the Conference (see annex I, decision 3 (III)).

C. **Draft provisional agenda of the Conference**

28. At its 19th meeting, on 27 October, the Committee decided to establish an informal contact group to take up the consideration of the draft provisional agenda of the Conference.

29. At its 22nd meeting, on 2 November, the Chairman informed the Committee of the development of the consultations held during the session and submitted to it the following report of the Contact Group on its negotiations concerning the draft provisional agenda of the Conference:

   "1. The Preparatory Committee decided to set up a Contact Group with the aim of an exchange of views and the negotiation of matters relating to the Preparatory Committee's agenda. The Group met from 27 October to 1 November under the chairmanship of the Chairman of the Group of 77 (Mexico). The following countries participated in it: Argentina, Australia, Bulgaria, China, Czechoslovakia, Egypt, France, German Democratic Republic, India, Italy, Japan, Mexico, Netherlands, Philippines, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia.

   "2. The Chairman of the Group of 77 submitted a draft agenda for the Conference. The representative of the United States of America, on behalf of the United States and other countries, in turn submitted a draft agenda for the Conference. The United States representative added that the inclusion of principles and ways and means was inextricably linked to the question of consensus. The representative of the Socialist Group referred to the draft agenda for the Conference of that Group contained in annex III of document A/37/48 (Part I), and requested that the words 'in accordance with universally accepted principles of non-proliferation' should be added at the end of item 5 of the draft provisional agenda of the Group of 77."
"3. In the light of the discussion by the members of the Contact Group, and as a result of exchanges of views among participants in the Group, a package of proposals on the draft provisional agenda of the Group of 77 was discussed. The package was: firstly, acceptance of the item on principles and ways and means for international co-operation with the inclusion of a phrase, following the words 'nuclear energy' in item 5 of the Group of 77 draft to read: '"... including those that might be formulated in the IAEA Committee on Assurances of Supply (CAS) ..."'; and secondly, acceptance of a footnote to the draft provisional agenda reading: 'It was agreed by the Preparatory Committee that the Conference's decision on all aspects under item 5 will be taken by consensus'.

"4. The Group of 77 was not averse to the inclusion of a reference to CAS, but reiterated that the footnote on consensus could not be accepted; however, it was prepared to make every effort toward consensus at the Conference. Representatives from the Western European and Other States stated that the elements of the package were inextricably linked and that they could not accept a solution which did not include acceptance of the whole package. China stated that, since it is not a member of IAEA, it cannot commit itself to any principles emanating from the Committee on Assurances of Supply of IAEA. The Socialist Group then indicated that the following phrase should be inserted at the end of item 5 of the draft in question: 'in accordance with universally accepted principles of non-proliferation'. The Group of 77, for its part, indicated that any mention of 'non-proliferation' should be followed by the words 'of nuclear weapons'. China stated that it is not against non-proliferation, but that its stand on the non-proliferation treaty should be taken into account.

"5. The Group of 77 proposed that its draft provisional agenda, with item 5 and the proposed footnote enclosed in square brackets, should be submitted to the Preparatory Committee for consideration so as to enable the secretariat to proceed with the preparations for the Conference. The proposal was not accepted on grounds that a partial agenda would not adequately reflect the discussions within the Contact Group."

30. At its 22nd meeting, on 2 November, the representative of Mexico, on behalf of the Group of 77, made a statement (annex III A) and submitted a proposal on the draft provisional agenda of the Conference (see annex II A) that was discussed in the Contact Group. The representative of the Union of Soviet Socialist Republics made a statement (annex III D) and submitted an amendment on behalf of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, the German Democratic Republic, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics to item 5 of the Group of 77's proposal on the draft provisional agenda of the Conference (annex II F). At the same meeting, the representative of the Netherlands made a statement (see annex III B) and submitted on behalf of Australia, Canada, Denmark, Germany, the Federal Republic of, Ireland, Japan, the Netherlands, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America a proposal on the draft provisional agenda of the Conference (annex II B). He stated that this proposal reflected the position taken by Western representatives in the Contact Group, inter alia, with regard to an agenda item on "universally acceptable principles for international co-operation in the peaceful uses of nuclear energy" and with regard to a provision
on consensus, as well as their mutual linkage. The representative of the United States made a statement (annex III C) and, on behalf of its delegation and that of the United Kingdom of Great Britain and Northern Ireland, submitted a proposal on the draft provisional agenda of the Conference (annex II C).

31. At its 23rd meeting, on 2 November, the representative of the Group of 77 pointed out that the draft agenda introduced on 21 November by the Netherlands, on behalf of the United States and some Western countries, differed from the draft agenda introduced by the United States on 27 October in the Contact Group (para. 2 of the report of the Contact Group) which had formed the basis of the work and negotiations of that group. It should be noted that the original version of item 7 read as follows:

"Ways and means for the promotion of international co-operation in peaceful uses of nuclear energy, and universally accepted principles in accordance with the IAEA Committee on Assurances of Supply, on which that co-operation should be based."

Furthermore, it should be noted that the original version of the footnote read as follows:

"Agreement by Preparatory Committee members to this draft agenda is contingent upon the understanding that all decisions of the Conference on substantive matters will be by consensus."

It was also noted that the United States and the United Kingdom had proposed two draft agendas for the Conference to the Committee on 2 November, and that these were in addition to the earlier draft which they had introduced in the Contact Group.

32. At the same meeting, the representative of the United States stated that his delegation regretted very much that one group of countries, participating apparently in good faith in the Contact Group, had seen fit through a procedural device to put on formal record in this meeting a working paper - or parts of a working paper - submitted by his delegation on his behalf and on behalf of a number of other countries in an effort to meet the concerns of that group. He stated that it would certainly be very difficult for his delegation to attempt in the future to meet such concerns in a spirit of compromise if every effort to do so would then be put on formal record by such procedural devices. He could record a number of suggestions made in good faith by various members of the Group of 77 during the meetings of the Contact Group which were then repudiated by the Group of 77. He did not think it useful or productive to follow the regrettable path followed in this session by the Group of 77. To do so would simply make it even more difficult than they had already done to conduct negotiations on an informal and friendly basis. He made it clear that the United States working paper, parts of which had been quoted by the Group of 77, did not represent the preferred position of the United States nor of the other countries that sponsored the document. It did represent a real effort to meet the wishes of the other side. The document which the United States on its behalf and on behalf of the United Kingdom tabled at the 22nd meeting represented their preferred position. However, subject to confirmation from his Government, his delegation was prepared to support the draft proposed by the delegate of the Netherlands on their behalf and that of a number of other
countries. He however stated that the attitude of his delegation on such a compromise approach would have to take into account the actions of the speaker just before him and the group he represented. He further expressed regret that this effort to try and reach some compromise in which they for their part engaged in very good faith, had ended on such a divisive and distasteful note. It was certainly not his delegation nor his group that brought this about.

33. At the 23rd meeting, on 2 November, the Committee decided to incorporate into its report the report of the Contact Group as presented by the Chairman of the Committee.

34. At the same meeting, the Committee decided to annex to its report the proposals on the provisional agenda of the Conference submitted by Mexico, on behalf of the Group of 77 (annex II A), the Netherlands, on behalf of Australia, Canada, Denmark, Germany, the Federal Republic of, Ireland, Japan, the Netherlands, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States (annex II B) and the United States, on behalf of the United Kingdom of Great Britain and Northern Ireland and the United States (annex II C), as well as the amendment to item 5 of the proposed provisional agenda of the Conference of the Group of 77, submitted by the Union of Soviet Socialist Republics, on behalf of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics (annex II D). The Committee also decided to annex to its report statements made by the representatives of Mexico, on behalf of the Group of 77, the Netherlands, the United States, the Union of Soviet Socialist Republics, China, India and the Philippines (annex III).

D. Schedule and provisional agenda of the fourth session of the Committee

35. At its 23rd meeting, on 2 November, the Committee decided to recommend to the General Assembly to make the necessary arrangements concerning the future programme of work of the Committee, including the schedule, venue and provisional agenda of the fourth session of the Committee at its current session, in the context of its consideration of the reports of this Committee (annex I, decision 4 (III)).

E. Closing statements

36. At the 23rd meeting, on 2 November, the Secretary-General of the Conference noted that the Preparatory Committee had not been able to reach agreement on the outstanding issues at this session. He sincerely hoped that further consideration by the General Assembly would make it possible to resolve those issues, as the Conference was fast approaching and the time available for completing the preparatory work was extremely short. He invited attention to the questions which were essential to the preparations for the Conference and on which the secretariat needed guidance. He said that there was an urgent need to submit to the current session of the Assembly budgetary requests related to the staffing of the Secretariat and other preparatory activities. Such proposals must take into account the conclusions to be reached on the agenda for the Conference. In the same context, guidance was needed on future meetings of the Preparatory Committee.
and on a possible public information programme in support of the Conference. Consideration must also be given to regional activities and to the role of regional commissions in the preparations for the Conference, as well as to meetings of expert groups. A clear guidance was also required in order to enable various entities of the United Nations system to contribute their inputs to the documentation for the Conference. He stressed that the ability of the Secretariat to ensure adequate preparations for the Conference would depend in large measure on the guidance provided by Member States, besides the severe constraints of time available for the preparatory work.

37. The Chairman of the Committee, in his closing statement, appealed to all members of the Committee to make all possible efforts, in a spirit of goodwill and mutual understanding, to reach an agreement on the draft provisional agenda of the Conference, as well as on other matters relating to the preparation of the Conference, as soon as possible. He further expressed the hope that the Assembly would be able to take the necessary decisions concerning the preparation of this important Conference.

Notes

ANNEX I

Decisions adopted by the Prepartory Committee at its third session

3 (III). Documentation for the Conference

The Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy took note of the note by the Secretariat on documentation for the conference (A/CONF.108/PC/III/CRP.2 and Add.1) and expressed the hope that the relevant organs, organizations and bodies of the United Nations system would continue to contribute to the preparation of the Conference.

4 (III). Schedule and provisional agenda of the fourth session of the Committee

The Preparatory Committee decided to recommend that the General Assembly should make the necessary arrangements concerning the future programme of work of the Committee, including the schedule, venue and provisional agenda of the fourth session of the Committee at its current session, in the context of its consideration of the reports of this Committee.
ANNEX II

Proposals on the draft provisional agenda of the Conference and an amendment submitted thereto

A. Mexico (on behalf of the Group of 77)

Draft provisional agenda

1. Opening of the Conference.

2. Election of the President of the Conference.

3. Organizational matters:

(a) Adoption of the rules of procedure;

(b) Adoption of the agenda;

(c) Organization of work;

(d) Election of officers other than the President;

(e) Credentials of representatives to the Conference;

   (i) Appointment of the members of the Credentials Committee;


4. General debate.

5. Principles universally acceptable for international co-operation in the peaceful uses of nuclear energy, and appropriate ways and means for the promotion of such co-operation.

6. Role of nuclear power for social and economic development.

7. Role of other peaceful applications of nuclear energy, such as food and agriculture, health and medicine, hydrology, industry, etc., for social and economic development.

8. Adoption of concluding document(s).

B. Netherlands (on behalf of Australia, Canada, Denmark, Germany, Federal Republic of, Ireland, Japan, the Netherlands, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America)

Draft provisional agenda*

1. Opening of the Conference.

2. Election of the President of the Conference.

3. Organizational matters:
   (a) Adoption of the agenda;
   (b) Adoption of the rules of procedure;
   (c) Organization of work;
   (d) Election of officers other than the President;
   (e) Credentials of representatives to the Conference:
       (i) Appointment of the members of the Credentials Committee;

4. General debate.

5. Role of nuclear power for social and economic development:
   (a) Planning for development of nuclear power;
   (b) Nuclear power technology;
   (c) Developing nuclear power capability.

6. Role of other peaceful applications of nuclear energy:
   (a) Nuclear applications in food and agriculture;
   (b) Nuclear applications in health and medicine;
   (c) Nuclear techniques and applications in hydrology and geophysics;
   (d) Application of nuclear technology in industry.

* Agreement by Preparatory Committee members to this draft agenda is contingent upon agreement that all decisions of the Conference on substantive matters will be by consensus.
7. Universally acceptable principles for, and appropriate ways and means of promoting international co-operation in the peaceful uses of nuclear energy in accordance with mutually acceptable considerations of non-proliferation and the deliberations of the Committee on Assurances of Supply of IAEA.

8. Adoption of concluding documents(s).


C. United States of America (on behalf of the United Kingdom of Great Britain and Northern Ireland and the United States of America)

Draft provisional agenda*

1. Opening of the Conference.

2. Election of the President of the Conference.

3. Organizational matters:
   (a) Adoption of the agenda;
   (b) Adoption of the rules of procedure;
   (c) Organization of work;
   (d) Election of officers other than the President;
   (e) Credentials of representatives to the Conference:
      (i) Appointment of the members of the Credentials Committee;

4. General debate.

5. International co-operation in the applications of nuclear energy in economic and social development.

   A. In food and agriculture:
      (i) Overview of current nuclear techniques and those under development most relevant to problems in food and agriculture, especially in developing countries;

* This draft provisional agenda is proposed for adoption by the United States and the United Kingdom in the event that it is not possible to reach agreement on the proposed draft provisional agenda contained in annex II B, co-sponsored by a number of countries, including those which are proposing this agenda.
(ii) Resources needed for applications of present and potential importance in comparison with other techniques;

(iii) National experience;

(iv) International programmes in education, training and other technical assistance;

(v) Conclusions and identifications for future actions.

B. In health and medicine:

(i) Overview of current nuclear techniques and those under development relevant to the most prevalent problems of health and medicine, especially in developing countries;

(ii) Resources needed for their application and comparison with other techniques;

(iii) National experience;

(iv) International programmes in education, training and other technical assistance;

(v) Conclusions and identifications for future actions.

C. Hydrology and geophysics:

(i) Overview of current nuclear techniques and those under development most relevant to problems in hydrology and geophysics, especially in developing countries;

(ii) Resources needed for applications of present and potential importance in comparison with other techniques;

(iii) National experience;

(iv) International programmes in education, training and other technical assistance;

(v) Conclusions and identifications for future actions.

D. Industrial uses:

(i) Overview of current nuclear techniques and those under development relevant to industrial uses especially in developing countries;

(ii) Resources needed for applications of present and potential importance in comparison with other techniques;

(iii) National experience;
(iv) International programmes in education, training and other technical assistance;

(v) Conclusions and identifications for future actions.

E. Planning for development of nuclear power:

(i) Methodologies of determining the role of nuclear power in overall national energy supply planning, especially for developing countries;

(ii) Resources needed for long-term planning of energy needs and supply;

(iii) National experience;

(iv) International programmes in education, training and other technical assistance;

(v) Conclusions and identifications for future actions.

F. Nuclear power technology:

(i) Overview of experience of nuclear power programmes in developing countries and of current or future technology and equipment for small and medium-sized nuclear reactors;

(ii) Role of research reactors in stimulating progress in nuclear technology;

(iii) National experience;

(iv) International programmes in education, training and other technical assistance;

(v) Conclusions and identifications for future actions.

G. Developing nuclear power capability:

(i) Developing resources for nuclear power including international supply of technology, equipment and material (taking into account the results of the IAEA Committee on Assurances of Supply);

(ii) Infrastructure requirements including financing and manpower/training requirements;

(iii) International safeguards;

(iv) Regulatory structure, including national legal framework, safety authority and environmental factors, including waste management;

(v) National experience;
(vi) International programmes in education, training, and other technical assistance;

(vii) Conclusions and identifications for future actions.

6. Adoption of concluding documents.

7. Closure of the conference.

* * *

Rules of procedure on decision-making:

Rule 30. (a) The conference will make every effort to operate on the basis of consensus.

(b) All decisions of the conference on substantive issues shall be by consensus.

D. Union of Soviet Socialist Republics (on behalf of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, the German Democratic Republic, Hungary, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics)

The above-mentioned countries proposed that the words "in accordance with universally accepted principles of non-proliferation" should be added at the end of item 5 of the draft provisional agenda of the Group of 77.
ANNEX III

Statements which the Committee decided to annex to its report

A. Mexico (on behalf of the Group of 77)

[Original: Spanish]

1. On the basis of the results of the second session of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy, it is clear that the Group of 77, on one hand, and the other groups on the other hand take completely opposite approaches to the nature of the Conference.

2. Everything depends on the interpretation given to the very title of the Conference.

3. The Group of 77, on the basis of the resolutions adopted by consensus at various sessions of the General Assembly, and particularly resolution 32/50, lays stress on the wording of the title of the Conference in which reference is made to the "promotion of international co-operation" in the peaceful uses of nuclear energy; that is to say, it includes, from the outset, the question of "principles" in its proposals for the provisional agenda.

4. In its latest proposal, which I am requesting you, Mr. Chairman, to circulate as a working paper of this Committee, in item 5 of its draft provisional agenda, using the actual language of resolution 32/50 which establishes the General Assembly's mandate for a subsidiary organ such as this Committee, the Group of 77 uses the terms "universally acceptable principles for international co-operation in the peaceful uses of nuclear energy". In the same item the question of the means for their application is added.

5. We have also borne in mind operative paragraph 4 of resolution 32/50, which invites all States to convene, at an appropriate stage, "an international conference or conferences, under the auspices of the United Nations system, aimed at promoting international co-operation in the peaceful uses of nuclear energy in accordance with the objectives of the present resolution".

6. At the beginning of the negotiations at the current session of the Committee, the Western Group submitted, as a counterproposal, a draft provisional agenda, in which technical matters are placed in the forefront on the grounds that these matters should be considered first, and in the light of these discussions the question of means for the promotion of international co-operation in the peaceful uses of nuclear energy would be taken up. Only then is the concept of "universally acceptable principles" mentioned, but subject, what is more, to the Committee on Assurances of Supply, and in addition with the insertion of the following: "on which this co-operation should be based".

7. A footnote was inserted into this document which aimed at introducing into the United Nations system the practice of taking all decisions on matters of substance by consensus.
8. The draft of the socialist countries, on the other hand, does not even mention the question of principles, nor the problem of the mechanism for adopting decisions, raised by the industrialized countries, despite the fact that in the course of the negotiations concerning item 5 of the draft submitted by the Group of 77, i.e. the matter of principles, the thesis of absolute consensus was espoused.

9. The socialist group has also raised the question of non-proliferation.

10. Everyone is aware of the insuperable difficulty of attempting, within the space of a few days, to devise a new formula acceptable to all sides on the subject of non-proliferation.

11. We respect the socialist group's concern with this question; I am absolutely sure that they are perfectly well aware that we share that concern; we share it as strongly as they do themselves, or even more so.

12. This concern, which we might describe as universally unacceptable but accepted, is fully reflected in the United Nations resolutions previously mentioned and specifically in 32/50; I must reiterate that these are resolutions that have been adopted by consensus and they speak clearly of "preventing the proliferation of nuclear weapons".

13. The Group of 77 found it unacceptable that the socialist group should attempt to impose unilateral interpretations of the Non-Proliferation and Tlatelolco Treaties, thereby giving the impression that they practically wish to reconsider them, under the pretext of discussing the agenda of the Conference with which we are concerned.

14. In a spirit of co-operation and with a view to solving the thorny problem of including the term "non-proliferation" in item 5 of the agenda, the Group of 77 accepts the proposal of the group of Western European and other States that it should be replaced by a reference to what might emerge from the Committee on Assurances of Supply of the International Atomic Energy Agency.

15. We have been told that the inclusion of the matter of principles, which, as we have seen, is mandated, I would say, by the General Assembly, in the provisional agenda of the Conference is a concession by the industrialized countries in these negotiations.

16. But in fact it is not a concession, not only because of the mandatory nature of the principles, as we have seen, but also because, at the same time as they agree to this, they imposed the sine qua non of absolute consensus.

17. During its second session this Committee examined thoroughly the possibility of finding a formula satisfactory to all parties regarding the mechanism for the adoption of decisions of the Conference with respect to principles and means of their application.

18. In a spirit of compromise, the Group of 77 made a supreme effort to reach agreement on a formula which could be adopted by all.
19. However, all these efforts have come to nought, and during this third session of the Committee not only are we facing the same problem but it has worsened as a result of the extension of the concept of absolute consensus to all substantive decisions of the Conference.

20. We have reiterated, and we reiterate again, that the very wording "universally acceptable" (I repeat, "universally acceptable") "principles" implies that, in order to be valid, decisions need a consensus among all parties.

21. Nevertheless, and against all the established practices of the United Nations system, while consideration of the Rules of Procedure of the conference is pending, an endeavour is being made to peremptorily impose the rule of absolute consensus.

22. We have proposed, and continue to propose the democratic principle prevailing in the United Nations system of making every endeavour to achieve a consensus, but we cannot agree, through the concept of absolute consensus, to give the power of veto to a single delegation, large or small, however praiseworthy its intentions.

23. The Group of 77, in a further effort not to hamper still further the preparatory work of the Conference - and, if the mandate given this Committee by the General Assembly had been adhered to, that work would now be very far advanced - proposed that its draft provisional agenda should, after discussion of the remaining items 6-8, items 1-4 and 9 being of a procedural nature, be accepted to enable the preparatory work to continue, particularly as regards documentation.

24. Item 8 might possibly have some decisive significance as regards the nature of the Conference, although as drafted in the text of the Group of 77 it represents a concession to the group of industrialized countries, but items 6 and 7 are essentially technical in nature and should be taken up whatever the results of future negotiations on the question of principles.

25. This proposal was also rejected.

26. Furthermore, already at the last session it was agreed that the question of principles and means of application was closely linked to that of the mechanism for adoption of decisions, and therefore that acceptance of wording for one item would inevitably entail acceptance of the wording found for the second item.

27. When this last proposal, which would have allowed the preparatory work for the Conference to continue, was rejected it was stated that negotiation on the draft provisional agenda of the Conference constituted a single element for negotiation, thus closing the door on any attempt to make further progress or arrive at a compromise.

28. Mr. Chairman, I request that this statement and the draft provisional agenda submitted by the Group of 77 be circulated as a working paper of the Committee.
B. Netherlands

1. I have listened very attentively to the statements made by the representative of Mexico, speaking on behalf of the Group of 77, and to the statement of the distinguished representative of Venezuela. No doubt we will have to study both statements and reflect on their contents. You will certainly understand, Mr. Chairman, that for the moment I must refrain from commenting on both statements in more detail. I, for my part, am not inclined to go into the history of the deliberations in the Contact Group during the last days. However, I want to state that we certainly regret that no agreement has been reached in the contact group on a draft agenda for the conference on the peaceful uses of nuclear energy. It is my firm belief that we have all tried constructively to contribute to a successful outcome of the deliberations in the Contact Group with regard to a draft agenda. In particular, it is my firm belief that the representatives of the Western European and Other States in the Contact Group have shown to what extent they were prepared to move towards agreement on the draft agenda. It is for that reason that I have to reject with force the allegation that on our side the political will has been absent to reach agreement on the draft agenda of the Conference.

2. The Group of 77 wishes to have its draft agenda annexed to the report of our meeting. A number of Western European and Other States feel that their view with regard to an agenda for the Conference should be duly reflected in the report. The following countries have worked out a draft agenda to be attached to our report, namely Australia, Canada, Denmark, Germany, Federal Republic of, Ireland, Japan, the Netherlands, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

3. Mr. Chairman, the purpose of that draft agenda is our wish to have reflected, on the one hand, a maximum of understanding reached during this Preparatory Committee, in particular in the Contact Group and, on the other hand, our firm position on two main points, i.e., firstly the consensus provision and secondly the mentioning of non-proliferation and the linkage with the IAEA Committee on Assurances of Supply in the appropriate agenda item.

C. United States of America

1. My delegation is deeply disappointed that this Preparatory Committee has been unable to agree to an agenda for the Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy. For our part, we, both here and in Washington, have done a great deal of serious preparatory work to seek to make the prospective conference a success. We have identified aspects of the application of nuclear energy which we believe would be most helpful to the process of economic and social development. We have offered suggestions of topics that would be responsive to the needs of the widest possible number of participants, including the least developed nations, and we have suggested ways to explore the development potential of nuclear power production for those countries which are seeking new sources of energy for the future. In making these suggestions, we have
attempted to take full advantage of the contributions of international organizations dealing with the peaceful uses of nuclear energy, primarily the International Atomic Energy Agency, without duplicating work already done or currently under way, and we have sought to focus Conference discussion on the practical benefits of nuclear energy, especially with developing countries. It is in this way, Mr. Chairman, that we feel the Conference could be of maximum benefit to the largest number of participants.

2. We have had reservations from the very beginning on the wisdom of asking the Conference to develop universally acceptable "principles" of international co-operation in the peaceful uses of nuclear energy beyond those already agreed to internationally. This is a very difficult task, one that would produce divisive argument within the Conference and one that would prevent the Conference from realizing its full potential in furthering the practical applications of nuclear energy in the developing world. We note, for example, that the Treaty on the Non-Proliferation of Nuclear Weapons does contain principles and undertakings on international co-operation. That treaty has 118 adherents, but even it is not universal. I would also note that the difficult and very important subject of principles is currently being considered in the Committee on Assurances of Supply of the International Atomic Energy Agency (IAEA), and it would be inappropriate for the Conference to duplicate this work or to interfere in its progress.

3. However, we have tried very hard throughout the deliberations on this Conference to accommodate the views of others and I would join the previous speaker in firmly rejecting any assertions to the contrary. We know that there are many who believe that the Conference should address the subject of universal "principles", although, as I noted, we believe that the outcome of the Conference should be practical benefits; it should avoid divisive confrontation on these important issues. We expressed a willingness to accept an agenda including an item on universal "principles" and ways and means of furthering international co-operation but only if this were balanced by considerations of non-proliferation and by provisions requiring that Conference decisions be reached by consensus. We take some satisfaction from the fact that drafts submitted by the Group of 77 included a reference to non-proliferation through the device of a reference to the IAEA Committee on Assurances of Supply. However, we cannot accept language which would suggest, even indirectly, that our concerns regarding non-proliferation are restricted to the development of nuclear weapons. We believe that nuclear explosive devices pose problems no less real for global security.

4. It seems self-evident to us, Mr. Chairman, that no meaningful principles can be decided by majority vote. It is self-contradictory to suggest, as have representatives of the Group of 77, throughout these negotiations, that it is essential to provide for the adoption of what are described as universally acceptable principles by majority vote. This attempt to leave the door open for the adoption of principles by vote is one of the critical problems that has led to our failure to develop an agenda. Mr. Chairman, principles regarding international co-operation in nuclear energy touch on matters of grave national policy. No country will abide by principles unless it finds them acceptable. Such principles would simply not be meaningful unless suppliers and customers generally agreed to them. It is for that reason that we felt that any meaningful decisions of the Conference must be reached by consensus and that this, to our minds self-evident, fact should be reflected in the results of our deliberations.

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5. Mr. Chairman, like the previous speaker, I would not want, or think it productive, to go into the history of the negotiations in the Contact Group. We spent a good part of All Saints' Day developing an agreed report of that Contact Group, a report which, while succinct, does to my mind, adequately reflect the deliberations in that Group. Were I to give a résumé from my point of view of the negotiations in that Group, I would have to point out that both now, and indeed in June, those on our side of the table were constantly making efforts to meet the concerns of those on the other side of the table, even after having made major concessions at the beginning of the negotiations. Informal efforts, repeatedly seemed to bring agreement within our grasp, but then fell apart when they were referred to the Group of 77.

6. Mr. Chairman, I would like to record my Government's support for the agenda submitted by the representative of the Netherlands on behalf of several countries, including my own. I very much hope that agreement can be reached on an agenda of that kind. At the same time, Mr. Chairman, I think it would be useful for this Committee, and indeed for the General Assembly, if a somewhat different approach, were included in the record of our deliberations. I am therefore tabling and asking that the secretariat circulate an agenda which covers the topics on which, it seemed to us, the Preparatory Committee was in full agreement. This agenda focuses on the substantive aspects of the applications of nuclear energy for economic and social development with special importance given to the needs of developing countries. It is proposed in the event that it is not possible to reach agreement on a text which includes "principles" and ways and means.

7. This agenda would have participants in the Conference provide national views on the general subject of international co-operation in the peaceful uses of nuclear energy. It would include the substantive topics of greatest concern to developing countries. It would survey the current state of nuclear technology most relevant to problems of economic and social development, to its utility in comparison with other techniques, to the resources needed for it, to national experience, and to international programmes and education, training and other technical assistance.

8. Mr. Chairman, the non-power applications of nuclear energy have not been addressed by any major conference since the United Nations Conference on the Peaceful Uses of Nuclear Energy held at Geneva in 1971 - 11 years ago. Much new experience has been gained since that time. On the nuclear power side, we suggest that the Conference address the developmental aspects not covered by the IAEA Conference on Nuclear Power Experience which has just concluded, including energy planning and technology and developing nuclear power capabilities.

9. The technical, economic, social and, as appropriate, legal and political aspects of each topic would be covered. There would be an opportunity to draw conclusions and suggestions for further action under each topic. Appropriate concluding documents could be prepared on each topic. Here again, in conformity with what I have said before, we would envisage all decisions of the Conference on matters of substance being taken on the basis of consensus. We are submitting this agenda on our own behalf and on behalf of the United Kingdom and a number of other countries.
10. My Government, Mr. Chairman, is prepared to make a major contribution to a conference of this type. We have already done a great deal of serious work on it, and we would hope and expect other interested Governments would also be willing to contribute significantly. However, it is clear that further preparation for such a conference, and indeed for any conference on international co-operation in the peaceful uses of nuclear energy, is dependent on an agreement on an agenda.

11. We feel it is extremely regrettable that this Committee must now refer our deliberations to the General Assembly without an agreed agenda. Delegations in New York will continue to seek general agreement in a manner reflective of the importance of this issue for universal welfare and global security, and taking into consideration the views of all countries, large and small, suppliers and consumers. Our delegation in New York, for its part, will take an active, co-operative and flexible approach to such negotiations. But it is clear that the positions of principle that we have outlined here would continue to guide us in the deliberations in New York. And I hope it would also be clear, Mr. Chairman, that an unbalanced agenda forced on any group by majority vote would only remove the incentives for many to continue to contribute to the preparations for the Conference, or, indeed, to the Conference itself.

D. Union of Soviet Socialist Republics

[Original: Russian]

1. The Soviet delegation considers it necessary to make a number of observations on the results of the work of the third session of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy.

2. The Soviet delegation notes with great regret that the Committee has once again been unable to resolve the basic questions of formulating a draft agenda and the rules of procedure of the Conference. This Conference, like other United Nations conferences, is a forum in which many of the States Members of the United Nations customarily take part. These States are awaiting the results of our work, and that places a great responsibility on the Committee's endeavours. The Committee has already spent considerable time on the preparations for the Conference, which, as we all know, is scheduled for August and September 1983. The lack of significant progress in this task arouses serious concern, especially as the time factor is now becoming increasingly pressing for the work of the Committee. Moreover, the results of this session of the Committee must be submitted to the United Nations General Assembly for consideration at its current thirty-seventh session.

3. The Soviet Union and the other socialist countries, in conformity with their fundamental policy on questions of international co-operation in the field of the peaceful uses of nuclear energy, have shown flexibility at the meetings of the Committee and have actively sought the adoption of mutually acceptable decisions. We accordingly believe that the agenda and rules of procedure of a conference such as the one for which we are now preparing should take into account the positions of all the groups of States that will take part in it.
4. The Soviet Union also believes that there are questions of principle which must without fail be reflected in the formulation of the Conference agenda. The USSR advocates broad international co-operation in the field of the peaceful uses of nuclear energy. We are in favour of the forthcoming Conference giving additional impetus to the further development of co-operation in this field. At the same time, we wish to stress that truly broad co-operation in the field of the peaceful uses of nuclear energy is impossible unless arrangements for the non-proliferation of nuclear weapons are further strengthened.

5. Comrade L. I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union and President of the Presidium of the Supreme Soviet of the USSR, said in his message to the participants at the twenty-sixth session of the General Conference of IAEA that a further strengthening of the arrangements for the non-proliferation of nuclear weapons was the paramount condition for the development of broad international co-operation in the field of the peaceful uses of nuclear energy. As has been repeatedly pointed out by the representatives of the USSR at various international forums, including the sessions of the United Nations General Assembly and of the General Conference of IAEA, international nuclear exchanges must not become a channel for the proliferation of nuclear weapons or other nuclear explosive devices.

6. This position of principle which we uphold does not derive from the interests of the Soviet Union alone, for a consistent policy of ensuring the non-proliferation of nuclear weapons is in the interests of all States, both great and small. It is our profound conviction that the forthcoming Conference should formulate measures for the further development of international co-operation in the field of the peaceful uses of nuclear energy, taking into account the task of strengthening the arrangements for the non-proliferation of nuclear weapons. The Soviet delegation was guided precisely by this position of principle when, speaking on behalf of the group of socialist countries, it proposed an amendment to the draft agenda for the Conference submitted by the group of non-aligned States.

7. The Soviet delegation and the delegations of the other socialist countries consider the draft agenda for the Conference submitted by the group of non-aligned States to be for the most part acceptable. We feel, however, that the formulation of the very important item in this draft - "Principles universally acceptable for international co-operation in the peaceful uses of nuclear energy, and appropriate ways and means for the promotion of such co-operation" - should be supplemented by the words "in accordance with the universally accepted principles of non-proliferation".

8. For the purpose of ensuring the success of the Conference, the delegations of the USSR and the other socialist countries consider that IAEA should take an active part in preparing for the Conference and conducting it. The Agency is the principle international organ ensuring co-operation among States in the field of the peaceful uses of nuclear energy. In our opinion, other international organizations of the United Nations system whose activities are to some degree connected with questions of the peaceful uses of nuclear energy should also make their contribution to the preparation and holding of the Conference. In this connection, we welcome the statements by the representatives of IAEA and a number of other international organizations at this session, in which questions of the participation of those organizations in preparations for the Conference were dealt with.
9. In connection with the participation of IAEA and other international organizations in the preparations for the Conference, the Soviet delegation considers the following observations to be in order. These international organizations will, of course, be required to submit reports to the Conference on their activities connected with the peaceful uses of nuclear energy. We assume that these organizations will themselves determine the content and direction of such reports. It would, in our opinion, be improper for the Preparatory Committee to bring any kind of influence to bear on the international organizations in the preparation of those reports.

10. In this connection, particular attention should be drawn to the reports prepared by IAEA. The IAEA secretariat has already prepared a report which reflects the Agency's multifaceted activity in regard to guarantees under the Treaty on the Non-Proliferation of Nuclear Weapons. In our opinion, this activity of IAEA is in complete accord with its Statute. The Agency's important monitoring role has frequently been mentioned at the sessions of its governing body, the General Conference of the Board of Governors, and also at the sessions of the principal organs of the United Nations, more specifically in connection with the question of the military attack on Iraq's nuclear centre.

11. The Soviet delegation considers that one other question also merits attention, the problem of nuclear disarmament. As will be recalled, the question of the so-called "vertical" proliferation of nuclear weapons was discussed in the course of our Committee's deliberations, and our delegation would like to make the following comments in that regard.

12. A matter of the most serious concern in the Soviet Union has been the failure thus far of the efforts to halt and reverse the nuclear arms race. We are convinced that this concern of ours is shared by the peoples of every country in the world. The USSR is doing everything possible to promote the adoption of measures to avert the threat of nuclear war, which, to our very great regret, continues at the present time to grow.

13. Five years have already passed since a proposal was put forward by the Soviet Union for negotiations aimed at reducing nuclear arsenals to the point where they would be completely eliminated.

14. The USSR has recently put forward a number of other proposals aimed at limiting the nuclear arms race and reducing the threat of nuclear catastrophe. I shall refer to only a few of these. The unilateral obligation undertaken by the Soviet Union not to be the first to use nuclear weapons, which was announced at the second special session of the United Nations General Assembly devoted to disarmament, is of paramount importance. At the current thirty-seventh session of the United Nations General Assembly, the USSR has again advanced a number of important proposals. It has submitted for consideration a proposal for the general and complete cessation and prohibition of nuclear-weapons tests, accompanied by the text of a related treaty. The USSR has also proposed consideration of the question of a multiplication of effort in order to reduce the threat of nuclear war and to ensure the safe development of nuclear energy.

15. The Soviet Union will continue in future to take all possible steps to limit the nuclear arms race and avert nuclear catastrophe. This corresponds to the fundamental interests of all States and peoples of the world.
E. China

1. The third session of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy is drawing to a close. Despite the tremendous efforts made by the Chairman of the Preparatory Committee, the Chairman of the Contact Group and many delegations, it is regrettable that this session has made no substantial progress. Now, on behalf of the Chinese delegation, I wish to express our views on some of the questions discussed at this session.

2. We hold that principles governing international co-operation in the peaceful uses of nuclear energy are extremely important and they should constitute one of the major agenda items to be considered at the Conference. However, some delegations insisted on linking principles with consensus. Naturally, consensus should not be neglected if future conference decisions are to be implemented. But the problem lies in the fact that certain delegations simply refuse to take into consideration the reasonable suggestions put forward by other countries. This position of theirs has, therefore, led people to doubt whether they really cherish a spirit of goodwill for the successful conclusion of the Conference.

3. When discussing principles governing international co-operation, some delegations attempted to introduce the principles to be spelt out by the IAEA Committee on Assurances of Supply. We think that the conference for the peaceful uses of nuclear energy is a conference under the auspices of the United Nations, not a conference under the auspices of IAEA. Besides, quite a number of countries are not even members of IAEA. Moreover, principles governing international co-operation in the peaceful uses of nuclear energy should be examined and established by the participating countries of the Conference.

4. At this session, some delegations also make the discussion of the principles of international co-operation conditional on the agreement to the so-called "universally accepted principles of non-proliferation". The Chinese delegation does not believe that there exist any "universally accepted principles of non-proliferation". If certain delegations have the principles of the non-proliferation treaty in mind, it is known to everyone that China is not a party to the treaty, though it is not against non-proliferation, and that the treaty has not so far been generally endorsed by all countries.

5. The Chinese delegation cannot, therefore, subscribe to this point of view. This is our position on the proposal put forward by the group of western countries and on the amendment made by the Soviet Union to the proposed draft agenda of the Group of 77. If the Preparatory Committee should decide to attach all delegations' speeches to its report as an annex, we wish the same rule to apply also to my speech.

6. The Chinese delegation will continue its efforts, together with other delegations, to make the future Conference a success.
F. India

[Original: English]

1. It was not our intention to take the floor at this stage. However, as we have discussed documentation, although not in depth nor in detail, and as we have also seen one or two documents, we must indicate how concerned we feel. Even in this preliminary documentation there is a tendency to manipulate facts and verities and to promote myths and falsehoods. History teaches us that whenever there is a decline of ethics and philosophy, a society has to go through a period during which false theology and mythology are made instruments for building up new, decadent, hypocritical and self-serving myths.

2. The question is, are we witnessing such a decadence in our global society, especially in the field of international co-operation for using nuclear energy exclusively for peaceful purposes, on the basis of a non-discriminatory régime and ground-rules, as enshrined in the statute of the International Atomic Energy Agency (IAEA)?

3. Are we witnessing attempts by some high, and some not so high, priests and theologians, within the secretariat, to change all this, and to build up new and tendentious myths?

4. I must confess that even our first and cursory glance at A/CONF.108/PC/3/CRP.2 has disappointed and dismayed us.

5. Annex I of this document gives us an outline of what the IAEA secretariat would propose to present to the conference on the peaceful uses of nuclear energy, whenever it is held. What is said here reflects a total lack of understanding of the statute of IAEA, and under it the legal responsibilities of the Agency in relation to safeguards. We cannot ignore the fact that the secretariat is an inescapable instrument for the implementation of these safeguards. We must, therefore, ensure that the secretariat, and every part of it, remains faithful to the essentials.

6. Let me give you but a few illustrations of the inaccuracies and myths contained in this document:

   (a) Paragraph 2 (a) of this annex I characterizes safeguards agreements based on INF.CIRC/66/Rev.2 as being "for States which are not Party to the Treaty on the Non-Proliferation of Nuclear Weapons." This is totally inaccurate and wrong. INF.CIRC/66/Rev.2 is the Agency's safeguards system and is available for all, I repeat all, members of IAEA. In fact, as we are all aware, several States parties to the non-proliferation treaty have also based their agreements on INF.CIRC/66/Rev.2.

   (b) The first paragraph on page 4 suggests - perhaps more than merely suggests - that the purpose, nature and function of Agency safeguards have changed with the so-called "advent" of the non-proliferation treaty. Surely, it is well-known to all of us that this is not so. The obligations under IAEA safeguards (INF.CIRC/66) do prohibit the use of safeguarded material for any military purpose, as this is what the statute demands.
(c) Page 5 of the document describing the coverage and objective of Agency safeguards misrepresents the situation totally. Not too subtly here, an attempt is made to introduce a concept of "full-scope safeguards". Perhaps these could better be called "not-so-full-scope safeguards", as their coverage is limited, and designed to exclude from safeguards precisely those military uses of nuclear material which humanity feels pose the real and ever-present threat of annihilating it, either by design or by accident. All of us realize that this concept of so-called full-scope safeguards has no basis in the statute, has never been endorsed by either the Board of Governors of IAEA or the General Conference. Indeed, this specious concept goes against the letter and spirit of article XII of the IAEA statute. This document (CRP.2) thereafter proceeds to describe, selectively, the coverage of Agency safeguards. From the point of view of the objectives of the Conference, it would be appropriate, and honest, for this document to reflect with accuracy and precision what indeed exists in our world. It could and should give data regarding the percentage of all nuclear activities (both military and peaceful) in all States members of the Agency which are currently under safeguards. It is possible that the IAEA secretariat may throw up their hands in mock horror and plead that they should not be expected to have any information or knowledge about military activities as they are not the International Atomic Disarmament Agency. In that case, one could legitimately ask them what is the use of their giving percentages of peaceful nuclear activities that are under safeguards, when these latter are such an insignificant proportion of the military nuclear activities. Even in the limited context of peaceful activities in States members of IAEA, why is the secretariat so chary of giving us data about the percentage of peaceful nuclear activities in nuclear weapons States which are not under safeguards. As far as we can make out, the IAEA statute recognizes no distinction between member States on the basis of whether or not they possess nuclear weapons.

(d) Paragraph 5 on page 5 describes the objective of safeguards under the non-proliferation treaty. This is obviously a case of functioning beyond the call of their duty as prescribed under the IAEA statute. The IAEA should and indeed must discuss whatever lies within the ambit of its own system, the Agency safeguards system prescribed and defined in document INF.CIRC/66. They are not responsible for implementing, reviewing or revising the non-proliferation treaty. Several of those who subscribe to the IAEA statute do not subscribe to the treaty. This paragraph goes on to suggest that document INF.CIRC/66 should be brought in line with document IN.CIRC/153 and makes a statement that must be called fantastic on the subject of what it is pleased to call the basic undertaking under the Agency's safeguards system.

(e) Paragraph 8 on page 7 says "the Agency must continuously be able to verify that there has been no diversion of nuclear material and provide the required assurances." One might ask what these assurances are, and who has required them from anyone. The Agency's legal obligations under the safeguards agreements, in conformity with its own system of safeguards, do not include any such requirement for assurances being provided. The agreements themselves are clear. It is the secretariat's task to implement them, not to add subjective judgements, which can only be far from the factual and the truthful, if based on the totally erroneous understanding of safeguards that is reflected in this document.
7. In sum, whoever in the IAEA secretariat attempted this document obviously deliberately has chosen to forget that safeguards are voluntary, derived from the IAEA statute, and not from a treaty external to the Agency, a treaty to which not all members of the Agency, whether wielding nuclear weapons or not, are equal. Every State has the right to choose the nature of its safeguards obligations. For the parties to the non-proliferation treaty, this could be based on whatever document they agree to. But as far as we are concerned, the Agency cannot be called the handmaiden of the non-proliferation treaty. It is what its Statute defines it as, and has made it. For safeguards to prevent proliferation of nuclear weapons they must be universal, non-discriminatory and functional, and not biased as annex I of document CRP.2 would suggest.

8. We must make it clear that my delegation cannot accept as proper or legitimate the many erroneous, specious and false assertions, statements and innuendoes included in this most peculiar document.

9. India's general approach to the question of proliferation of nuclear weapons was made clear in the message from my Prime Minister, Mrs. Indira Gandhi, to the second special session of the General Assembly devoted to disarmament where she proposed a concrete programme consisting of a binding convention on the non-use of nuclear weapons; secondly, as a first step towards the eventual cutting of existing stockpiles, there must be a freeze on nuclear weapons, providing for the total stoppage of any further production of nuclear weapons, combined with a cut-off in the production of fissionable material for weapons purposes; thirdly, there must be immediate suspension of all nuclear-weapons test; fourthly, disarmament negotiations must once again revert to the task of achieving a treaty on general and complete disarmament within an agreed time-frame; and fifthly, the United Nations and its specialized agencies should take the lead in educating the public on the dangers of nuclear war and the harmful effects of the arms race on the world economy.

10. Mr. Chairman, the concept of non-proliferation is rooted in the history of disarmament. The distortions in document CRP.2, just described by me, have set us thinking. These are important and fundamental questions all of us need to ponder. We regret that this document is indicative of an attempt by some to see in a totally inverted, perhaps perverted, manner the goals of the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy. It is just as well we agreed that the Conference be held within the framework and under the aegis of the United Nations.

11. We have been struck also by the marked contrast between this contribution from the IAEA secretariat and the meaningful one that could be expected from the Department of Political and Security Council Affairs promised in CRP.2/Add.1. One can only assume that many of the statements and innuendoes contained in annex I of document CRP.2 were made in the hope that the big lie, repeated often enough, may acquire for some a certain semblance to the truth. Madison Avenue techniques, we feel, do not fit in with the preparatory work being done by the Preparatory Committee of a serious United Nations Conference for the Promotion of International Co-operation in Peaceful Uses of Nuclear Energy.
12. With all its ill intent, annex 1 to document CRP.2 may perhaps have had some beneficial result. Some of us may now see the how and why of the tortuous and tortured process that the last two sessions of the Preparatory Committee have been subjected to. We cannot but confess that there has been a refusal to agree to a meaningful agenda, a refusal to discuss the non-proliferation of nuclear weapons and an attempt to hold up agreement on procedural aspects of our work. We have all seen a lack of political will, much as in the case of the second special session devoted to disarmament, to move towards constructive, co-operative effort. The effort seems to be to move towards a conference without adequate preparation, without appropriate documentation and without an agreed or meaningful action agenda. There seems to be an urge to insist that we be forced into holding a conference from which would emerge not significant decisions and meaningful programmes, but only empty speeches and hollow consensus-constrained vacuous resolutions. Indeed, the real losers in this process will be those developing countries that need the fruits of nuclear technology and energy for their own social and economic development. It is worth reiterating that there is no iota of doubt about their pacific intentions in the use of nuclear energy. It must also be stated that none of the developing countries have ever used, or declared the intention to use, atoms for war. Even so, we are admonished to ensure that this conference should concern itself with further measures to prevent the hypothetical danger of horizontal proliferation. The real threat of vertical proliferation, it is implied in all this, should not be discussed, or even mentioned by us.

13. Where do we go from here, is the question. It appears to us that little progress is possible in this Preparatory Committee unless we can see a clear display of political will and interest in the conference on the part of those that have attained technological, military and economic pre-eminence in our world.

14. We also face the question of what recommendation should emanate from this session of the Preparatory Committee to the thirty-seventh session of the General Assembly, which is the last regular session of the Assembly before the dates currently scheduled for the conference. Mr. Chairman, in this particular endeavour, your task is difficult, indeed unenviable. We have constraints of time. There is no agreement on the agenda for the conference. We have to make a judgement on whether we should suggest to the Assembly that it allow us a greater flexibility in determining the timing of the Conference in the hope that we could, even at this stage, endeavour to ensure a well prepared and meaningful conference. We could build up documentation and make other preparations for the conference, especially on those portions of the agenda which are broadly, even though at this stage, informally, agreed to by all sides in the Preparatory Committee.

15. I have made this statement, Mr. Chairman, with a heavy heart. Not in anger but in anguish and sadness. I have not wished to criticize or hurt anyone. I appeal only for greater forthrightness, greater charity, and a display of a co-operative, constructive spirit.
1. Mr. Chairman, I had not intended to take the floor this morning, on this particular item. But, after having listened to the statements that have been made, I feel that there is a need for clarification of certain issues.

2. I certainly would not say that the lack of progress in the negotiations is a demonstration of the absence of political will to hold this particular conference. I think that the major problem here is the approach of making any progress towards the conference hostage to the acceptance of a whole set or package of proposals by one group. And I refer in particular, Mr. Chairman, to the proposal for consensus-type decision-making machinery in the conference by the Western European and Other States. Of course, we know that as far back as June, a definite linkage has been made between the acceptance of that decision-making formula and the inclusion of an item on principles and ways and means for international co-operation in the peaceful uses of nuclear energy.

3. This morning, we have heard the distinguished representative of the United States of America give his arguments why consensus should be the only formula for decision-making. We have been informed that the Treaty on the Non-Proliferation of Nuclear Weapons deals with the principles related to international co-operation in the peaceful uses of nuclear energy and that the Treaty has 118 parties. This is true, Mr. Chairman. However, those of us who are parties to the Treaty are fully aware that the principles enunciated in that Treaty are general principles and that the details of these principles still have to be worked out, in particular, because of the Second Review Conference of the Parties to the Treaty that collapsed in Geneva a few years ago. We have to remember that, even among parties to the Treaty, countries that share the same view on the peaceful uses of nuclear energy, consensus has not been adopted as the only decision-making machinery in their review conferences.

4. In the review conferences there was agreement to exert every effort to take decisions by consensus. Yet, the possibility of voting was preserved, even in a conference of very like-minded States. It is also well known, Mr. Chairman, that during the last review conference that did not succeed no vote was taken. This is a demonstration that States are responsible, that they will assert optimum efforts to take decisions by consensus on important issues.

5. We have also been informed, and our attention has been called to the fact, that principles related to international co-operation in the peaceful uses of nuclear energy are currently being discussed in the Committee on Assurances of Supply of IAEA. Yet, we know that in that Committee the rules and procedures permit taking decisions by voting in accordance with the rules of procedures of the Board of Governors of IAEA. If principles and ways and means can be discussed, and if decisions can be taken in that particular Committee by methods other than by consensus, why then is it not possible to apply the same decision-making formula to a conference on the same subject, but perhaps with only more participants? I am unable to understand the arguments for this position. Perhaps, again, it is because we are in the process of negotiations. But, hopefully, we shall come to the right conclusion - if not here, in the General Assembly. It has been argued that since
principles and ways and means for international nuclear co-operation in the peaceful uses of nuclear energy are now being discussed in the Committee on Assurances of Supply of IAEA, these should no longer be considered in the conference. The consideration of these items in that Committee should not preclude the possibility of considering the same in this conference. Many States are not members of IAEA and therefore do not have the possibility of participating in the work of the Committee. Those who are proposing the consensus formula should in fact favour the participation of as many States as possible in considering principles and ways and means related to international co-operation in the peaceful uses of nuclear energy, and this participation is possible in the conference.

6. Mr. Chairman, I think the Preparatory Committee has to pay some attention to the problem related to the preparation of documents. The report of the Contact Group does not contain any indication whether United Nations agencies that are expected to prepare documents are being given the go-signal to prepare documents. Of course, the recommendations do not also imply that they may not. The Group of 77, as it is seen in paragraph 5 of the Contact Group report, proposed having a provisional agenda to enable the secretariat to proceed with the preparations for the conference. That proposal was not accepted on grounds that partial agenda would not adequately reflect the discussions within the Contact Group. I, myself, Mr. Chairman, fail to see the logic of this argument. The distinguished delegate of the United States of America informed us only this morning that the report of the Contact Group fully reflects negotiations in the Contact Group. How can the group of Western European and Other States argue that a partial agenda would not adequately reflect the discussions within the Contact Group? If necessary, discussions within the Contact Group can always be covered by additions to the report of the Contact Group. But perhaps the real problem here is the negotiating approach of the Western European and Other States of making any progress towards the conference hostage to the acceptance of the consensus formula.

7. Mr. Chairman, I think that the attention of the General Assembly has to be drawn to that particular problem related to the decision-making process and whether they would wish to have another session of the Preparatory Committee to resolve this particular issue. I would also suggest that the United Nations bodies which are expected to prepare documents related to the Conference should be encouraged to proceed in preparing documents because the different draft provisional agenda submitted by different groups have provided enough information for the preparation of documents.

8. With respect to item 5, in particular that fine distinction between what is being proposed by the Group of 77 and the others, it may be dealt with later, perhaps in an addendum to the documents submitted by whichever agency in the United Nations is expected to deal with this particular topic.

9. Mr. Chairman, there is another question that comes to my mind and that is the difficulty which some delegates seem to have in accepting the term "nuclear weapons" after "non-proliferation". I think that for parties to the non-proliferation treaty, this particular problem should never arise, because the treaty defines "nuclear weapons" clearly and, in fact, safeguards agreements that have been concluded with the Agency subsequent to document INF.CIRC/153 have clearly defined what is meant by nuclear weapons. And that particular concern expressed this morning concerning the ambiguity of the term "nuclear weapon" should not in any case arise.
10. Now, finally, Mr. Chairman, we must recall that the General Assembly is now preparing standard rules of procedures for United Nations conferences. These are contained in document A/36/199 and Corr.1 dated 28 September 1981. We are hoping that the General Assembly will take a decision on this issue this year. If we should adopt now or accept a decision-making formula, which in fact is contrary to what is included in this particular document, then such acceptance may be misinterpreted as a rejection of the recommendations contained in document A/36/199. This possible misinterpretation, makes it more difficult for many countries to accept the proposals made by the Western European and Other States in relation to consensus as the only decision-making process for the conference.