Thirty-first session
FIRST COMMITTEE
Agenda item 116

IMPLEMENTATION OF THE CONCLUSIONS OF THE FIRST
REVIEW CONFERENCE OF THE PARTIES TO THE TREATY
ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Letter dated 27 October 1976 from the Permanent
Representative of Finland to the United Nations
addressed to the Secretary-General

On instructions from my Government I have the honour to ask you to be good
enough to have the enclosed memorandum, submitted to the Board of Governors of the
International Atomic Energy Agency in June 1976 and containing the views of the
Finnish Government on the strengthening of the IAEA safeguards on a comprehensive
basis, circulated as an official document of the First Committee of the General
Assembly under agenda item 116, "Implementation of the conclusions of the first
Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear
Weapons".

(Signed) Aarno KARHILO
Permanent Representative of
Finland to the United Nations
Enclosure

MEMORANDUM ON THE STRENGTHENING OF THE AGENCY'S SAFEGUARDS ON A COMPREHENSIVE BASIS SUBMITTED BY THE GOVERNMENT OF FINLAND

1. Various measures have recently been undertaken, or are under active consideration within the framework of the Agency and other international forums, designed to support efforts to prevent further proliferation of nuclear weapons, which is in the common interest of the international community as a whole. The application of the safeguards of the Agency is of crucial importance for the success of these efforts. It is the view of the Finnish Government that ways and means should be found by which, in accordance with the over-all objectives of the Agency, the safeguards of the Agency could be strengthened on a comprehensive basis, in particular by seeking the application of safeguards to the complete nuclear fuel cycle of all the non-nuclear-weapon States.

2. The Finnish Government views the consideration of this question at this particular time as not only necessary but urgent. The accelerating spread of nuclear power technology, facilities and material, the increasing commercialization of the application of nuclear power and the rapid growth of international trade in fissionable material and nuclear equipment - while welcome as such - have heightened the risk of proliferation of nuclear weapons. The spread of technologies relating to particularly sensitive parts of the nuclear fuel cycle, i.e., enrichment and reprocessing, adds a qualitatively new dimension to this risk.

3. The statutory objectives of the Agency are to promote peaceful applications of nuclear energy while ensuring that they are not used in such a way as to further any military purpose. The establishment and application of the Agency's safeguards are a functional means of attaining these objectives. It is the view of the Finnish Government that the functions of the Agency in this regard are not only technical in character but imply also an over-all responsibility for the Agency to act in furtherance of its fundamental objectives.

4. The value of the present safeguards of the Agency, whether applied in accordance with agreements based on the Agency's Safeguards System (1965, as provisionally extended in 1966 and 1968) 1/ or with agreements pursuant to article III.1 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), 2/ based on the material reproduced in the booklet on the structure and content of agreements between the Agency and States required in connexion with NPT, 3/ is universally recognized.

1/ INFCIRC/66/Rev.2.
2/ Reproduced in document INFCIRC/140.
3/ INFCIRC/153 (corrected).
It is recognized, furthermore, that such application of safeguards does not hamper the economic, scientific or technological development of States or international co-operation in peaceful nuclear activities. It is also considered that the existing safeguards and the experience acquired by the Agency in applying them offer an appropriate technical basis for the application of safeguards over the whole nuclear fuel cycle. The document setting out the possible content of safeguards agreements between the Agency and States interested in arranging for Agency safeguards on all their nuclear activities, which the Board of Governors requested the Director-General to prepare, 4/ will obviously be useful in this regard.

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

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

"(a) in all achievable ways, common export requirements relating to safeguards be strengthened, in particular, by extending the application of safeguards to all peaceful nuclear activities in importing States not Party to the Treaty;

"(b) such common requirements be accorded the widest possible measure of acceptance among all suppliers and recipients;

"(c) all Parties to the Treaty should actively pursue their efforts to these ends." 6/

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

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

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

6/ NPT/CONF/35/I, annex I, review of article III.

countries to adopt, as a matter of national policy, certain standards concerning safeguards and other related controls associated with peaceful nuclear exports. This development is a significant step in the direction recommended by the NPT Review Conference with respect to extending safeguards coverage.

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

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