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GENERAL AND COMPLETE DISARMAMENT

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith to the members of the General Assembly the text of a letter dated 18 August 1975 addressed to him by Mr. Ilkka Pastinen, Secretary-General of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, pursuant to paragraph 4 of General Assembly resolution 3261 D (XXIX) of 9 December 1974.

* A/10150.

ANNEX

Letter dated 18 August 1975 from the Secretary-General of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons addressed to the Secretary-General

1. By letter dated 18 December 1974 you brought to the attention of the Preparatory Committee for the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons General Assembly resolution 3261 D (XXIX), dealing with the question of peaceful nuclear explosions. In paragraph 4 of that resolution, the General Assembly expressed the hope that the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to be held at Geneva in May 1975, would also give consideration to the role of peaceful nuclear explosions as provided for in that Treaty and would inform the General Assembly at its thirtieth session of the result of its deliberations.

2. The Review Conference, which was held at Geneva from 5 to 30 May 1975, duly considered the role of peaceful nuclear explosions as provided for in the Treaty on the Non-Proliferation of Nuclear Weapons and this was recorded in the Final Document of the Conference, as follows:

"The Conference considered the role of peaceful nuclear explosions as provided for in the Treaty, in connexion with its general review of the operation of the Treaty. The subject was discussed, in particular, as part of the review of the operation of article V and preambular paragraphs 6 and 7 of the Treaty, also keeping in mind General Assembly resolution 3261 D (XXIX). The results of the deliberations of the Conference on the subject are reflected in the Final Declaration of the Conference." (NPT/CONF/35, part I, para. 28)

3. The parts of the Final Declaration of the Review Conference dealing with the question of peaceful nuclear explosions are two paragraphs of the preamble and the section on the review of article V of the Treaty. The texts of these parts are quoted in the appendix to the present letter.

4. It should also be recalled that the Final Declaration was adopted by consensus and that a number of delegations, while not objecting to the consensus, submitted interpretative statements in connexion with the Declaration. As one draft resolution of the Conference dealing with peaceful nuclear explosions (NPT/CONF/C.II/L.1) is specifically referred to in one of these interpretative statements, as well as in paragraph 32, part I, of the Final Document, its text is also quoted below.

5. With reference to paragraph 4 of resolution 3261 D (XXIX) mentioned above, you may wish to bring to the attention of the members of the General Assembly this letter, together with the annexed extracts from the Final Document of the Review Conference, as the information envisaged therein.

(Signed) Ilkka PASTINEN
Secretary-General

of the Review Conference of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons /...

APPENDIX

Extracts from part I of the Final Document of the Review Conference
of the Parties to the Treaty on the Non-Proliferation of Nuclear
Weapons (NPT/CONF/35/I)

A. Paragraph 28 of the Final Document

"The Conference considered the role of peaceful nuclear explosions as provided for in the Treaty, in connexion with its general review of the operation of the Treaty. The subject was discussed, in particular, as part of the review of the operation of article V and preambular paragraphs 6 and 7 of the Treaty, also keeping in mind General Assembly resolution 3261 D (XXIX). The results of the deliberations of the Conference on the subject are reflected in the Final Declaration of the Conference."

B. Ninth and twelfth preambular paragraphs of the Final Declaration

"Recognizing that the accelerated spread and development of peaceful applications of nuclear energy will, in the absence of effective safeguards, contribute to further proliferation of nuclear explosive capability,"

"Reaffirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty,".

C. Section of Final Declaration entitled "Review of article V"

"The Conference reaffirms the obligation of Parties to the Treaty to take appropriate measures to ensure that potential benefits from any peaceful applications of nuclear explosions are made available to non-nuclear-weapon States Party to the Treaty in full accordance with the provisions of article V and other applicable international obligations. In this connexion, the Conference also reaffirms that such services should be provided to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used should be as low as possible and exclude any charge for research and development.

"The Conference notes that any potential benefits could be made available to non-nuclear-weapon States not Party to the Treaty by way of nuclear explosion services provided by nuclear-weapon States, as defined by the Treaty, and conducted under the appropriate international observation and international procedures called for in article V and in accordance with other applicable international obligations. The Conference considers it imperative that access to potential benefits of nuclear explosions for peaceful purposes not lead to any proliferation of nuclear explosive capability.

/...

"The Conference considers the IAEA to be the appropriate international body, referred to in article V of the Treaty, through which potential benefits from peaceful applications of nuclear explosions could be made available to any non-nuclear-weapon State. Accordingly, the Conference urges the IAEA to expedite work on identifying and examining the important legal issues involved in, and to commence consideration of, the structure and content of the special international agreement or agreements contemplated in article V of the Treaty, taking into account the views of the Conference of the Committee on Disarmament (CCD) and the United Nations General Assembly and enabling States Party to the Treaty but not Members of the IAEA which would wish to do so to participate in such work.

"The Conference notes that the technology of nuclear explosions for peaceful purposes is still at the stage of development and study and that there are a number of interrelated international legal and other aspects of such explosions which still need to be investigated.

"The Conference commends the work in this field that has been carried out within the IAEA and looks forward to the continuance of such work pursuant to United Nations General Assembly resolution 3261 D (XXIX). It emphasizes that the IAEA should play the central role in matters relating to the provision of services for the application of nuclear explosions for peaceful purposes. It believes that the IAEA should broaden its consideration of this subject to encompass, within its area of competence, all aspects and implications of the practical applications of nuclear explosions for peaceful purposes. To this end it urges the IAEA to set up appropriate machinery within which intergovernmental discussion can take place and through which advice can be given on the Agency's work in this field.

"The Conference attaches considerable importance to the consideration by the CCD, pursuant to United Nations General Assembly resolution 3261 D (XXIX) and taking due account of the views of the IAEA, of the arms control implications of nuclear explosions for peaceful purposes.

"The Conference notes that the thirtieth session of the United Nations General Assembly will receive reports pursuant to United Nations General Assembly resolution 3261 D (XXIX) and will provide an opportunity for States to discuss questions related to the application of nuclear explosions for peaceful purposes. The Conference further notes that the results of discussion in the United Nations General Assembly at its thirtieth session will be available to be taken into account by the IAEA and the CCD for their further consideration."

D. Draft resolution sponsored by Ghana, Mexico, Nigeria, Peru, the Philippines, Romania, the Syrian Arab Republic and Yugoslavia (NPT/CONF/C.II/L.I)

"The Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

"Reaffirming the provisions of article V of the Treaty on the Non-Proliferation of Nuclear Weapons, according to which non-nuclear-weapon States

Party to the Treaty shall be able to obtain the 'potential benefits from any peaceful applications of nuclear explosions' under the favourable conditions described therein,

"Recalling that the same article provides for the obtainment of such benefits 'pursuant to a special international agreement or agreements' and that 'negotiations on this subject shall commence as soon as possible after the Treaty enters into force',

"Taking into account the authoritative interpretation which, at the 1577th meeting of the First Committee of the United Nations General Assembly, held on 31 May 1968, the representatives of the Union of Soviet Socialist Republics and the United States of America gave to the above-mentioned provisions, as evidenced in Conference document NPT/CONF/14 of 24 February 1975,

"Noting that, although five years have elapsed since the Treaty entered into force, the pertinent negotiations have yet to begin,

"Urges the Depositary Governments of the Treaty on the Non-Proliferation of Nuclear Weapons to initiate immediate consultations with all of the other States Party to the Treaty in order to reach agreement on the most appropriate place and date for holding a meeting of the Parties in order to conclude the basic special international agreement contemplated in article V of that Treaty."
