

May 2, 1972

NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES

Guidelines for international observation by the Agency

Memorandum by the Director General

1. The Board may recall that the Working Group on International Observation of Peaceful Nuclear Explosions which met in November 1970 recommended that the Agency should draft a "comparatively brief general IAEA Document" on the manner in which the IAEA would exercise the appropriate international observation, and that the document should be "somewhat like the Inspectors Document" 1).
2. The Board further agreed in February 1971 2) that such a document should be based on the Group's report which should be circulated to Member States for possible comments. This was done on 10 March 1971 and acknowledgements have been received from Ireland, Guatemala, New Zealand, Panama, Philippines, Poland, Thailand, Vietnam and the Republic of Zaire. Argentina, Denmark, the Federal Republic of Germany, Pakistan, South Africa and Switzerland submitted comments or suggested related topics for future discussion by the Agency. These can be found in Annex A.

1) See INFCIRC/39

2) See GOV/1433

3. The Director General has prepared in Annex B a draft document which takes into account those comments which are within the narrow scope of international observation. The purpose of this document is to set forth the general guidance under which appropriate international observation would be provided by the Agency /^{in respect of} nuclear explosions carried out for peaceful purposes by a Nuclear-Weapon State or States in accordance with the provisions of Article V of the Non-Proliferation Treaty or with provisions in other international agreements calling for such observation.

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4. In order to implement these guidelines a specific agreement for observation should be concluded for each peaceful nuclear explosion project among the supplier Nuclear-Weapon State, the Non-Nuclear-Weapon State or States in whose territory or territories the nuclear explosion or explosions would be carried out, and the Agency, or in the case of Agency participation and/or assistance in connection with a peaceful nuclear explosion project in a Nuclear-Weapon State, between that State and the Agency.

5. The observation agreement should be concluded as far in advance as circumstances permit and should include inter alia:

- a. specific arrangements for observation during the peaceful nuclear explosion project;
- b. the purpose of the project, including a general description thereof;
- c. the location and approximate date of the planned explosion;
- d. the rights and obligations of the IAEA and the Parties in carrying out the observation function.

6. Provisions of the attached document that are relevant to a particular peaceful nuclear explosion project will become legally binding only upon the entry into force of an observation agreement and to the extent that they are incorporated therein.

7. Appropriate provisions of the attached document may also be incorporated in bilateral or multilateral arrangements between Member States and/or non-Member States, including all those provisions that provide for the transfer to the Agency of responsibility for providing observation. The Agency will not be able to assume such responsibility unless such arrangements are essentially consistent with this document.

8. It is understood that the provisions set forth in this document shall be subject to review and may be modified in the light of experience as peaceful nuclear explosion science, technology and management develop.

9. The Director General accordingly recommends that the Board approve the guidelines set forth in Annex B and that they be circulated for the information of Member States and transmitted along with the Agency's annual report to the United Nations General Assembly.