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INTERNATIONAL ATOMIC ENERGY AGENCY CONFERENCE

History of IAEA Negotiations

Attached is a draft account of the development of IAEA negotiations up to the Working Level Meeting of February 27, 1956, which may be useful as background information in connection with the Conference on the IAEA Statute. The developments of the Working Level Meeting have already been covered by other documents. Any corrections or suggested improvements would be welcomed and may be sent to Mrs. Puckett in S/AE.

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CONFIDENTIAL

HISTORY OF IAEA NEGOTIATIONS

I N D E X

	Page
I. The President's Proposal of December 8, 1953	1
II. Bilateral Negotiations with the Soviet Union on the IAEA	3
III. Multilateral Negotiations on the IAEA draft Statute	12

CONFIDENTIAL

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HISTORY OF IAEA NEGOTIATIONS

I. THE PRESIDENT'S PROPOSAL OF DECEMBER 8, 1953

President Eisenhower's address entitled "Atomic Power for Peace," delivered before the United Nations General Assembly on December 8, 1953, was the genesis of the International Atomic Energy Agency. After dwelling upon the "fearful potentials" of the danger threatening the world as a result of the discovery and development of atomic energy for military uses, the President pointed out that the United States no longer possessed "a monopoly of atomic power," knowledge concerning which would eventually be widely shared. In this connection, the United States would not accept as final the application of this power for purposes of mass destruction only. The United States, he said, wished to be constructive --not destructive. To substantiate this assertion, he cited the record of American efforts on behalf of world peace and security.

The President then stated that there was a new avenue of peace suggested by the United Nations General Assembly Resolution of November 18, 1953, recommending the establishment of a Disarmament Commission subcommittee consisting of the powers "principally involved" which in private should seek an acceptable solution of the world's disarmament problems. The United States was "instantly prepared" to participate in this effort and to carry into private talks a new conception. Thus the United States would seek more than the "mere reduction or elimination of atomic materials for military purposes"; it would strive to make possible the rapid development of peaceful uses of atomic energy for the benefit of all mankind and to hasten the day when fear of the atom would begin to disappear from the minds of people and the governments of East and West. To this end he wished to make the following proposal as a pathway "out of fear and into peace."

First, the Governments principally involved should begin to make joint contributions from their stockpiles of normal uranium and fissionable materials to an International Atomic Energy Agency to be established "under the aegis of the United Nations." Of those "principally involved," the Soviet Union would have to be one. Details concerned with these contributions should be worked out in private negotiations.

Secondly, the proposed International Atomic Energy Agency (IAEA) would be responsible for the impounding, storage, and protection of the contributed fissionable and other materials in a bank, which the President was confident scientific ingenuity would be able to protect against surprise seizure.

Thirdly, a more important responsibility of the Agency would be to devise methods of allocating these materials to serve the peaceful pursuits of mankind, especially that of providing abundant electrical energy in power-starved areas of the world.

CONFIDENTIAL

DECLASSIFIED
Authority 11ND4677

CONFIDENTIAL

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Authority 11N D4677

- 2 -

Although the President anticipated that initial contributions to the Agency would be small in quantity, he said the proposal had the great virtue that it could be undertaken without "the irritations and mutual suspicions incident to any attempt to set up a completely acceptable system of world-wide inspection and control."

The President then enumerated four objectives that the Agency should seek to serve if it were to have United States support:

(1) To encourage world-wide investigation into the most effective peacetime uses of fissionable material and to assure the availability of material needed for conducting all appropriate experiments.

(2) To "begin to diminish the potential destructive power of the world's atomic stockpiles."

(3) To demonstrate to the peoples of the world that the Great Powers, both of the East and West, are more interested in human aspirations than in building up armaments of war.

(4) To open up a new channel of peaceful discussion and initiate a new approach to the many difficult international problems that must be solved if the world is to make positive progress toward peace.

In conclusion, the President dedicated the United States to "devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life."

At the time it was made, the President's proposal served several purposes:

(a) As a bold, imaginative appeal to world opinion, it helped to counteract the considerable success achieved by the Soviet Union's propaganda campaign to ban nuclear weapons. Thus it was hailed with genuine world-wide enthusiasm and generated for the United States an unusual degree of international goodwill.

(b) It reflected a genuine humanitarian desire of the American people to contribute to the welfare of the peoples of the world by developing the peaceful uses of atomic energy through international cooperation.

(c) In the face of a continuing deadlock over the control of atomic energy for military purposes, it offered a possible means of reducing nuclear materials available for weapons by siphoning them off into an international pool.

The President did not explicitly refer to the problem of safeguards. A basic theme of his address, however, was the diversion of nuclear materials away from military to peaceful uses. The need for safeguards, therefore, to prevent the reversal of this flow, was at least implicit in his proposal.

CONFIDENTIAL

II. BILATERAL NEGOTIATIONS WITH THE SOVIET UNION ON THE IAEA

In following up the President's speech, Secretary Dulles conferred with the Soviet Ambassador in Washington on January 11, 1954, and handed him an aide memoire containing a suggested approach for the discussion of atomic energy problems, including the proposed IAEA. In the note, the United States proposed that conversations should be initially conducted through diplomatic channels but with any participant reserving the right to propose shifting the deliberations to the United Nations pursuant to the UN Resolution of November 1953 referred to in the President's speech. Initially, the U. S. believed that procedural talks should be limited to the USSR and the United States, with participation of the other nations "principally involved" to be determined in the light of the subject matter to be discussed. The United States expressed its willingness to consider any proposal that the Soviet Union wished to make with reference to nuclear weapons, but believed that the first effort should be on a modest basis. The United States, therefore, urged an early private discussion of the President's IAEA proposal of December 8, 1953.

The Soviet Government responded on January 19, 1954, in a note delivered by the Soviet Ambassador to Secretary Dulles. Commenting on the statement that the United States was willing to consider Soviet proposals regarding nuclear weapons, the Soviet Government stated that it was proceeding on the assumption that during the course of the negotiations consideration would be given to the proposal of the Soviet Union for an international agreement containing an unconditional obligation not to make use of nuclear weapons. At an appropriate stage, the Soviet Government believed consideration should be given to including in the negotiations all Powers bearing "the chief responsibility for maintaining peace and international security."

Furthermore, the Soviet Government conditioned its agreement to enter into IAEA negotiations on American acceptance of the principle of rotation, by which one meeting would be devoted to considering the IAEA and the next meeting to consideration of the ban on nuclear weapons.

Secretary Dulles and Foreign Minister Molotov took advantage of the Berlin Conference in January and February 1954 for further atomic energy discussions. On January 30, Mr. Molotov handed Secretary Dulles the draft of a declaration in which the Soviet Union suggested that the Governments of the United States, United Kingdom, France, the "Chinese Peoples Republic" and the Soviet Union issue agreeing to the unconditional renunciation of the use of nuclear weapons. In the course of this meeting, Mr. Molotov stated that he considered that the five Powers named in the declaration should be the ones invited to participate in subsequent negotiations on atomic problems in view of their primary responsibility for the maintenance of peace and international security. In the course of further exchanges, Canada and Belgium were suggested by the United States, and Czechoslovakia by the Soviet Union as possible participants.

CONFIDENTIAL

DECLASSIFIED
Authority ANN D4677

- 4 -

In a letter to Mr. Molotov of February 16, 1954, Secretary Dulles stated that he had not actually proposed that Canada and Belgium join the negotiations as important source material producers, but that at such time as talks might shift from a bilateral to a multilateral basis, consideration should be given to the problem of what countries should participate. Furthermore, he wished to reiterate a statement he had made repeatedly in Berlin that the United States was not prepared to participate in any conference with the Chinese Communist regime on the theory that it had or shared any special responsibility for the maintenance of peace and international security.

On March 10, 1954, the Soviet Government replied to Secretary Dulles' letter in a memorandum given to Acting Secretary Bedell Smith by the Soviet Ambassador in Washington. The Soviet memorandum noted that the United States Government did not consider it expedient at present to define which countries should be invited to participate in subsequent atomic energy talks. The Soviet Government, however, expressed its willingness to continue to discuss atomic problems on a bilateral basis and to resume the question of future participants at such time as it was decided to expand the negotiations. The memorandum concluded with a statement that the Soviet Government continued to favor the participation of the Chinese Peoples Republic in any expanded negotiations.

On March 19, 1954, Secretary Dulles gave the Soviet Ambassador in Washington a memorandum outlining in some detail the type of an international atomic energy agency envisaged by the United States. Its objectives would be (1) to encourage world-wide research into the development of peaceful uses of atomic energy by assuring that the engineers and scientists of the world had sufficient materials for conducting such activities and by fostering the exchange of information; (2) to furnish nuclear materials to meet the needs of agriculture, medicine, and other peaceful activities including the eventual production of power.

The three broad functions of the Agency would be (1) the receipt and storage of atomic materials, (2) the allocation of these materials, and (3) the fostering of exchange of information and extension of technological services.

The facilities of the Agency would include installations for the receipt, storage, and issuance of nuclear materials; control laboratories for analysis and verification of receipts and inventory control of nuclear materials; and those other facilities as might eventually be necessary for such purposes as education and training, research and development, and fuel fabrication and chemical processing.

Regarding the relationship of the Agency to the United Nations and other international bodies, it was proposed that the Agency should submit reports to the United Nations Security Council and the United Nations General Assembly when requested by either of these organs. The Agency should also consult and cooperate with other United Nations bodies the work of which was related to that of the Agency.

CONFIDENTIAL

CONFIDENTIAL

- 5 -

In Geneva, on April 27, 1954, Mr. Molotov handed Secretary Dulles an aide memoire, supposedly replying to the United States Government's Memorandum of March 19 outlining details of the proposed IAEA. The Soviet Memorandum, however, for the most part ignored the outline and was devoted primarily to reiterating the Soviet demand for an international agreement banning the use of atomic weapons. On the alleged assumption that the President's IAEA proposal was primarily a disarmament measure, the Soviets first declared that the comparatively small amounts of atomic materials that States might allocate to the IAEA from their stocks would not, in fact, diminish the amount of atomic materials being devoted to the production of nuclear weapons. By creating the impression that it was fulfilling this function, the proposal might lead the world to ignore the more pressing problem of prohibiting the use of nuclear weapons.

In addition, the Soviets asserted that producing electricity from atomic energy on an industrial scale also produced increased amounts of weapon materials as a by-product. Thus by fostering the peaceful uses of atomic energy, the amount of fissionable materials would actually be increased without any limitations.

As a second argument, the Soviets claimed that the President's proposal completely evaded the problem of the "inadmissibility" of the use of nuclear weapons and hence justified their conclusion that the proposal failed to meet its basic purpose--elimination of the threat of atomic war.

The Soviet Memorandum concluded with an ardent avowal of Soviet devotion to the cause of the peaceful uses of atomic energy, coupled with a declaration, however, that it was necessary for Governments first to accept the Soviet proposal for repudiating the use of atomic weapons before pursuing negotiations on peaceful uses.

The United States Government contained its rebuttal in an informal memorandum Mr. Dulles gave to Mr. Molotov on May 1, 1954, in Geneva and in a more formal memorandum of July 9, 1954, handed to the Soviet Ambassador in Washington. The United States pointed out that the IAEA proposal was not intended as a measure for the control of atomic weapons nor as a solution for the problems mentioned in the Soviet memorandum. Rather its purpose was a more limited one of initiating international cooperation in one area of the atomic energy field, peaceful uses, and on a basis which would avoid many of the obstacles which had blocked agreement in the past. In this way, the proposal could produce an improved international atmosphere in which the more difficult problems of atomic disarmament would be more susceptible to solution.

Concerning the Soviet assumption that any form of peaceful utilization of atomic energy would necessarily increase stocks of weapon materials, the United States pointed out that ways could be devised to safeguard against diversion of materials from power reactors and that there were cases of peaceful utilization in which no question of weapon grade material arose.

CONFIDENTIAL

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CONFIDENTIAL

- 6 -

DECLASSIFIED
Authority ANN DKG 77

Since the United States felt that States with knowledge regarding the constructive uses of atomic energy had an obligation to make such knowledge available for promoting the welfare of peoples generally, the United States considered itself free to go ahead with plans for an agency with other interested nations without Soviet participation, which, however, would always be welcome.

Referring to the Soviet demand for an unconditional ban on the use of atomic weapons, the United States stated that a mere paper promise not to use such weapons would not only fail to reduce the chances of war but tend to increase them on the grounds an aggressor might be tempted to initiate an attack in the hope that the ban would prevent or delay the use of nuclear weapons in the defense of the victim.

The Soviet Government delayed its reply until September 22, 1954, when Ambassador Bohlen was given an aide memoire by Mr. Gromyko in Moscow. In the aide memoire, the Soviet Government reiterated its arguments in favor of an international agreement banning the use of nuclear weapons and implied that if the Soviet Union agreed to accept the United States position, it would, in fact, be tantamount to approval of the continued production of atomic weapons.

The Soviet Government, however, referred to the United States Government's statement that ways could be found to guarantee against the diversion of fissionable materials from peaceful to military uses and stated it was prepared to examine the American views on this question.

The Soviets also stressed the importance of attempting to reconcile the conflicting positions of the United States and the Soviet Union with reference to questions of the military and peaceful utilization of atomic energy and expressed their willingness to consider these questions in an effort to arrive at an appropriate agreement.

For the first time, the Soviets then outlined certain points they considered should not be overlooked in considering the IAEA. With reference to the structure and governing bodies of such an agency, the Soviet Government stated an important principle was that there should be no privileged position for any one State or group of States which would permit them to enforce their will on other States. Secondly, an agency with sufficiently wide authority to be effective, should not at the same time exercise its powers to the detriment to the security of any of its members. Thirdly, the Soviet Government agreed with the United States that such an agency should report on its activities to the Security Council and the General Assembly of the United Nations, and that any questions having to do with the security of Member States, should be considered by the Security Council in connection with its responsibilities for maintaining peace and international security.

In conclusion, the Soviet Government reiterated its willingness to continue negotiations to examine proposals of both the Soviet and the United States Governments and suggested that the exchange of notes which had taken place up to that time be made public.

CONFIDENTIAL

 **CONFIDENTIAL** 

- 7 -

The United States agreed to this suggestion in a letter from Ambassador Bohlen to Mr. Gromyko of September 23, 1954. On the same day, Secretary Dulles also announced the American consent to publication of the exchange of notes in an address to the United Nations General Assembly. In this talk, he stated that the plan for the IAEA which the United States had submitted for Russian consideration could not hurt anyone nor were its initial provisions of such a nature as to affect the military capability of the Soviet Union. Hence there was no apparent reason for its rejection. It had the merit above all of being "a practicable, easily workable plan not depending upon an elaborate surveillance." Nevertheless, the Soviet Government had refused to participate in the implementation of the President's proposal except on the condition of an international agreement to renounce a use of atomic energy which provided the free nations with their strongest defense against aggression. The Secretary stated that in its last note of September 22, 1954, the Soviet Union, after five months of silence, had affirmed its willingness to talk further but gave no indication that it had receded from its negative position. Although the United States remained ready to negotiate with the Soviet Union, it was unwilling to suspend its efforts to establish an IAEA in close partnership with other interested countries.

In this connection, the Secretary stated that the United States would propose an agenda item for the General Assembly which would enable the United States to report on the efforts it planned to make in fostering the peaceful uses of atomic energy, including (1) the creation of an IAEA, (2) the convening of an international scientific conference on peaceful uses under the auspices of the United Nations, (3) the opening in the United States of a reactor training school for foreign students in peaceful uses, and (4) an invitation to a substantial number of medical and surgical experts from abroad to participate in the work of American cancer hospitals using atomic energy techniques.

In the course of the United Nations debate on disarmament in September and October, 1954, the Soviet Union indicated that it had modified its insistence that a ban on the use of nuclear weapons would also have to precede negotiations concerning an international weapons control system.

The United States in its reply of November 3, 1954, to the Soviet aide memoire of September 22, referred to this apparent shift of policy and stated it assumed that the Soviet Union had also modified its earlier position that a ban on the use of nuclear weapons should be a condition precedent to agreement on international cooperation in the peaceful uses of the atom.

The United States reply again stressed the point that the President's proposal of December 8, 1953, was not a disarmament plan but an expression of America's sincere desire for a new international climate in which the problems of disarmament might find a readier solution. The United States Government believed that cooperative measures to push the peaceful uses of atomic energy should parallel continuing disarmament negotiations. The cause of humanity should not be prejudiced, however, by deferring the

CONFIDENTIAL

 **CONFIDENTIAL**

- 8 -

DECLASSIFIED
Authority NDK/77

international development of atoms-for-peace until the difficult problems of disarmament were solved. As a good starting point for the continuation of United States-Soviet negotiations in the peaceful uses field, the United States suggested that a study be made by experts from the two countries of the problems of diversion of fissionable materials from atomic power installations to military uses.

With reference to the peaceful application of atomic energy not requiring weapons grade material, the United States stated that Soviet participation at the International Conference on Peaceful Uses (subsequently held in Geneva) would no doubt justify the belief of the United States that great benefits could be derived from this field.

The Soviet Government replied in an aide memoire dated November 29, 1954, in which it reiterated the important principles which would have to be taken into account in considering the question of international cooperation in peaceful uses. The Soviet Government claimed that one of these principles--that the IAEA should submit reports to the United Nations Security Council and the General Assembly--had been contradicted by the action of the United States in sponsoring a resolution in the United Nations General Assembly that the IAEA should be a specialized agency not responsible to the General Assembly or, in appropriate instances, to the Security Council. Accordingly, the Soviet Government requested that the United States eliminate this alleged contradiction in its position.

Although the Soviet Government again pressed for "a solemn and unconditional pledge" not to use nuclear weapons and cited United States opposition as the principal obstacle to the achievement of this so-called peace step, it agreed that negotiations on international cooperation for peaceful uses should not be conditioned on prior agreement on such a pledge.

The Soviet Government claimed that it was necessary to draw the attention of the United States Government for the third time to the fact that the peaceful uses of atomic energy were associated with the possibility of increasing the quantity of fissionable materials available for expanding the world's atomic weapon stocks. In this connection, however, the Soviet Government stated that it would have no objection to a joint study of this problem as originally proposed by the United States and expressed belief that there would be no difficulty in reaching agreement as to the time and place for a meeting of experts on this matter.

The United States replied on April 14, 1955, to the Soviet aide memoire of November 29, 1954, in a memorandum which first pointed out that although the United States was willing to discuss the "principles" enumerated by the Soviet Union as basic to the establishment of the IAEA, such willingness should not be regarded as American agreement with these principles.

The United States then referred to negotiations on an IAEA draft Statute which meanwhile had been initiated with seven other nations "principally involved." The Soviets were informed that when the draft was completed, a copy would be made available to them upon request.

CONFIDENTIAL

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- 9 -

The memorandum further stated that the United States Government had been encouraged by the affirmative vote of the Soviet Union in the 1954 United Nations General Assembly on the Atoms-for-Peace Resolution, in view of which the United States desired to renew the President's proposal of December 8, 1953 that the powers principally involved commence and continue to make joint contributions to the proposed IAEA from their stockpiles of nuclear materials, thus creating an international pool for peaceful uses. In that event, the United States stated that the IAEA should be responsible for the storage and protection of the contributed materials.

In conclusion, the United States noted Soviet agreement in principle to a study by experts of diversion problems and enclosed a proposed agenda for such a meeting which it was suggested could commence at any time after May 1, 1955, in Washington, D. C. The agenda, entitled "Safeguarding Peaceful Uses of Atomic Energy," listed for discussion safeguarding techniques connected with possible IAEA assisted uses of atomic energy, especially with reference to the design, construction and operation of reactors; allocation and preparation of critical materials; and the processing of irradiated materials.

On July 18, 1955, the State Department received a Soviet memorandum in reply to the United States note of April 14 in which the Soviet Government, claiming to be guided by the desire to guarantee utilization of atomic energy for peaceful purposes only, stated that it was prepared to participate in IAEA negotiations and expressed its readiness to contribute 50 kilograms of fissionable materials to the IAEA as soon as agreement could be reached on its creation. A few days earlier, Premier Bulganin had announced in Geneva during the "Summit Meeting" that the Soviet Union would be willing to contribute fissionable materials but did not specify the amount.

In commenting on the nature of the IAEA's activities, the memorandum seemed to indicate that the Soviets were advocating a "clearing house" rather than a "pooling" function for the IAEA. Thus the Soviet Government stated that the IAEA should render aid of a "consultative" character; that fissionable materials and special equipment should be made available by supplying States directly to requesting States on the basis of agreements sponsored by the IAEA and with responsibility for the safekeeping and utilization of the fissionable materials received being borne by the requesting State; that the IAEA should encourage the exchange of technical and scientific information and be responsible for the broad dissemination of data at its disposal.

With reference to a conference of experts to study diversion problems, the Soviet Union accepted the agenda proposed by the United States and suggested that the meeting take place in Geneva immediately after the International Peaceful Uses Conference around the end of August 1955.

In conclusion, the memorandum stated that the Soviet Union was already rendering bilateral assistance to certain countries which were initiating

CONFIDENTIAL

CONFIDENTIAL

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- 10 -

peaceful uses programs and that it was the intention of the Soviet Union to broaden the circle of States with which it was willing to cooperate and assist in this field.

The United States promptly replied in a note dated July 29, 1955, in which the United States took note of the willingness of the Soviet Government to participate in IAEA negotiations and enclosed a copy of the draft IAEA Statute which had been negotiated by the United States and the seven other interested States. The comments of the Soviet Government on the draft were requested and hope expressed that the Soviet Union would be one of the States sponsoring the proposed agency.

On August 17, 1955, the United States informed the Soviet Union of the intention of the eight negotiating States to circulate their draft IAEA Statute on or shortly after August 22 to all Members of the United Nations or its Specialized Agencies. On August 22, the State Department, acting on behalf of these negotiating Governments, distributed the draft Statute to diplomatic missions in Washington for comment.

The United States also informed the Soviet Union of its willingness to participate in a meeting of experts to study the diversion problem at the time and place proposed by the Soviet Union but suggested that experts from the United Kingdom and Canada be invited. The United States expressed the view that the meeting should be preliminary in nature and limited to five days with a possibility of calling a second meeting if necessary at a later date. In a further exchange of notes it was agreed that the United Kingdom, Canada, France, and Czechoslovakia should participate in the meeting.

Between August 22 and 27 experts from these six countries met in Geneva to consider safeguarding techniques for preventing the diversion of fissionable materials from peaceful to military uses. Dr. Rabi, head of the United States Delegation at these talks stated in his report of August 27 to Secretary Dulles, that at no point during the discussions was there any indication that the Soviet Union would not join the IAEA although no special enthusiasm was shown for the idea of an agency. Similarly, while the Soviets did not deny the possibility of effective inspection and control, they showed no affirmative enthusiasm for it. Dr. Rabi also thought there were indications that the Soviet Union might prefer an agency the functions of which would be restricted to policing bilateral agreements.

Although the Soviets never committed themselves in the matter, a general impression was gained that they were now willing to admit the possible feasibility of a control system for safeguarding peaceful uses.

On October 1, 1955, before the opening of the United Nations General Assembly discussion on the peaceful uses item, the Soviet Union delivered an aide memoire containing its comments on the draft Statute of August 22, 1955. These comments were of special interest as indicative of what appeared to be a radical change in Soviet thinking concerning the functions

CONFIDENTIAL

of the IAEA. Apparently in the period between its July 18 and October 1 memoranda, the Soviet Government decided to support the idea of an agency which would take actual custody of fissionable materials and exercise controls against diversion. The safeguard talks in Geneva may have been influential in effecting this change.

In its October 1 aide memoire, the Soviet Government stated that it considered the draft Statute, with certain amendments, could be used as a basis for drawing up an IAEA charter, in connection with which the Soviet Government wished to make six points.

(1) The IAEA should be established within the framework of the United Nations and report upon its activities both to the Security Council and the General Assembly. This was necessary, it claimed, in view of the existing close connection between the peaceful and military uses of atomic energy and of the fact that IAEA activity would be closely connected with the use of dangerous fissionable materials. The IAEA charter, therefore, should provide for control over the use of fissionable materials contributed to the Agency in order to assure that such materials would be used for peaceful uses only. Accordingly, it was appropriate that a representative international organ, such as the United Nations, should ensure the proper observation and control over the work of the IAEA.

(2) On the ground that there should be no privileged position for any country or group of countries and that all countries should have equal access to IAEA assistance, initial IAEA membership should not be denied any State even though not a member of the United Nations or a specialized agency.

(3) It would be appropriate for the permanent members of the Security Council to be permanent members of the IAEA Board of Governors and that India, Indonesia, Egypt, and Rumania serve on the First Board. It was also considered desirable that the number of members on the Board of Governors should be increased.

(4) In view of the necessity of broad control both over the expenditure of dangerous fissionable materials given to the IAEA and over their use by States receiving aid, the IAEA should have an appropriate staff of inspectors for the investigation of atomic installations projected by the receiving States and also the verification of the use of fissionable and other materials received from the IAEA. These functions should be carried out by the "inspectorial apparatus of the agency."

Provision should also be made, however, to assure that such controls were accomplished with "due observation of sovereign rights" and within the framework of an agreement between a given State and the IAEA.

(5) Financial decisions should be made both by the General Conference and the Board of Governors as a result of three-fourths vote.

(6) The jurisdiction of the International Court of Justice in disputes concerned with the interpretation or application of the IAEA charter should be voluntary rather than compulsory.

In the final paragraph of its note, the Soviet Government proposed calling a meeting of experts to examine questions connected with the working out of an IAEA charter. It was suggested that experts should attend from the United States and the seven other States working on IAEA problems as well as from the USSR and Czechoslovakia. The Soviet Union made this note public in the course of the discussions in the recent United Nations General Assembly on the IAEA. In order to prevent the Soviet Union from taking the initiative in calling the proposed meeting, the United States issued invitations on October 21, 1955 to the seven members of the original IAEA negotiating group and to the USSR, Czechoslovakia, India, and Brazil, to attend a meeting at a working level for giving further consideration to the draft Statute. With the Soviet acceptance of this invitation and their participation at the Preparatory Meeting of the enlarged negotiating group in Washington on November 14, 1955, the United States-Soviet bilateral IAEA negotiations became merged with the multilateral negotiations on the draft Statute itself.

III. MULTILATERAL NEGOTIATION OF IAEA DRAFT STATUTE

In the summer of 1954 when it became apparent that Soviet intransigence was blocking negotiations for establishing the IAEA with Soviet participation, the United States decided to go ahead without the Soviets, if necessary. The United States first contacted the British and Canadians with whom relationships had been closest on subjects of atomic energy. By agreement with them, France and the two chief producers of uranium, Belgium and Union of South Africa, were added to the Negotiating Group. Subsequently, Australia and Portugal were added to the Group in order to include all countries outside the Iron Curtain producing substantial quantities of uranium. A revision of the outline for an Agency statute, previously furnished the Soviets in our memorandum of March 19, 1954, was submitted on an informal basis to the negotiating States for their comment. This draft which emphasized the Agency acting more in a brokerage capacity than as an atomic pool, was never published. Prior to any extended consideration of the draft, the situation was changed through consideration by the United Nations General Assembly of the peaceful uses item introduced by the United States.

Secretary of State Dulles, in his opening statement to the General Assembly on September 23, 1954, announced the intention of the United States to press for the creation of an IAEA, which it was hoped would start its work as early as the following year. The IAEA was discussed by the General Assembly in the course of the debate on the peaceful uses item. In the resolution on this item, which was unanimously passed, the United States took note of the efforts of the Negotiating Group and expressed the hope that the IAEA would be established without delay.

CONFIDENTIAL

- 13 -

On November 4, 1954, the President appointed Mr. Morehead Patterson, with the rank of Ambassador, to "implement the policy of the United States looking toward the establishment of an International Atomic Energy Agency," a subject which was described by the President as "vital and of deep concern to the United States and to the peace of the world." Ambassador Patterson's office was established in the State Department in close association with the Office of the Special Assistant to the Secretary on atomic energy matters, which continued to have responsibility for the bilateral negotiations with the Soviet Union on the subject of the Agency.

Shortly after the appointment of Ambassador Patterson, some consideration was given to enlarging the Negotiating Group to include Brazil and India on the grounds they had achieved a special status in atomic energy matters through their inclusion on the Advisory Committee of the Secretary General of the United Nations, which was planning for the Geneva Conference. In informal discussions within the Department, it was recognized that the composition of the existing Negotiating Group raised serious problems in the United Nations. There was no representative either of Latin America or of Asia or Africa aside from Australia and the Union of South Africa in the case of the latter two areas. It was recognized that the decisions of the Group would receive much greater support among other prospective Agency members if the Group were so enlarged. However, a number of considerations militated against an enlargement of the Group, including the feeling that even a group of eight countries was somewhat large for the type of drafting work that had to be done.

A basic problem was how to bring the IAEA into being as promptly as possible and at the same time cope with the variety of complicated and troublesome details connected with drafting an Agency statute. The approach adopted by Ambassador Patterson was to evolve a statute embodying a broad constitutional framework and statement of general principles under which the IAEA, once it was established, could work out solutions of the more detailed problems that might otherwise delay the Agency's coming into being if dealt with in the Statute. Among the problems which it was felt the IAEA itself might consider later were such questions as the location of IAEA headquarters and the spelling out of functions which the IAEA might assume under its broad grant of authority.

Meanwhile, the United States, the United Kingdom, and Canada constituted themselves as an informal drafting committee of the Negotiating Group. Work first started on the basis of a British draft which, like the earlier American draft, looked to the IAEA more as a clearing-house for the exchange of information than as a depository for and distributor of atomic energy materials. As a result of extensive tripartite negotiations, a draft emerged which combined the possibility for both of these functions. Although provision was made in broad terms for some inspection and control over assistance extended by the IAEA, this activity was not specifically named as one of the declared functions of the proposed IAEA.

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-14-

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Authority 11/14/67

This draft was made available to the other members of the Negotiating Group in March, 1955, with a request for their views. The next several months were spent in revising the Statute to accommodate their suggestions to the extent possible.

The composition and selection of the Board of Governors was the issue which evoked the greatest amount of discussion among members of the Negotiating Group at this stage. Since it was clear that for a number of years the IAEA would secure its fissionable and source materials as well as other forms of assistance from a small number of states, it was considered unrealistic to disregard this situation in developing a formula for the Board. A number of methods for meeting the problem were considered. One possibility was to provide a system of weighted voting dependent upon the size of contributions. This approach was abandoned, however, upon the advice of experts to the effect that technical difficulties of evaluating contributions were too great.

Consideration was also given to naming certain countries with the most advanced atomic energy programs as permanent members of the Board, which would have been Canada, France, United Kingdom, and the United States. This approach was considered undesirable for two reasons. Over a period of years quite a number of additional states were likely to develop important atomic energy programs and secondly the possibility existed that a state designated as a permanent member would fail to make a substantial contribution to the Agency. Furthermore, all eight members of the Negotiating Group wished to be named as permanent members which was too large a number, especially if countries like the U.S.S.R. and India should join the IAEA.

The formula eventually incorporated into the draft Statute of August 22, 1955, was a compromise which attempted to combine a flexible and functional approach with due representation for the interests of both contributing and recipient members.

With reference to the general question of IAEA management, the eight members of the Negotiating Group were in agreement that the Board and not the membership as a whole represented in the General Conference should exercise the final operating authority in the IAEA. The Board was, therefore, given broad authority for making binding managerial decisions. On the other hand, the membership as a whole would maintain its general control over the Board through election of a number of its members and through the power of the purse, i.e., requiring the budget to be approved by a two-thirds vote of the General Conference. The intent of this provision was to be further clarified in subsequent drafts.

On August 22, 1955, the Negotiating States made the draft statute they had been working on available for comment to the then 84 members of the United Nations or its Specialized Agencies. The Department of State, on behalf of the negotiators, made the actual distribution through the Embassies in Washington. As previously mentioned, a copy of the draft Statute was given to the Soviets on July 29, 1955. The United States kept the other members of the Negotiating Group fully informed of its bilateral exchanges on the IAEA with the Soviets.

CONFIDENTIAL

CONFIDENTIAL

-15-

It was originally hoped that the Group would be able to study the requested comments with a view toward incorporating into the Statute as much of them as possible. Countries interested in membership would then be requested to accede to the Statute, which provided that the IAEA should come into existence after eight countries (three of which would have to be the United States, the United Kingdom, U.S.S.R., Canada, or France) ratified the Statute.

In the course of the General Assembly discussion of the atoms-for-peace item in October and November 1955, it became apparent that there was considerable opposition to this procedure on the grounds that it did not give prospective members a sufficient voice in the drafting of the Statute and the management of the IAEA once it was established. In an effort to meet this criticism, the Negotiating Group announced its intention to invite all prospective IAEA members to participate in an international conference on the final text of the Statute. It was at this time that the United States took the initiative to invite the Governments of Brazil, Czechoslovakia, India, and the U.S.S.R. to join the Negotiating Group at a Working Level Meeting to consider the draft Statute.

The U. N. General Assembly Resolution on Peaceful Uses of Atomic Energy, which was unanimously adopted on December 3, 1955, welcomed the announced intention of the Governments sponsoring the IAEA to call an international conference as well as the expansion of the Negotiating Group to include Brazil, Czechoslovakia, India, and the U.S.S.R. In addition, the resolution noted with satisfaction that substantial progress was being made toward the negotiation of a draft Statute establishing the IAEA and recommended that the Governments concerned should take into account the views expressed on the IAEA during the General Assembly session as well as the comments transmitted directly by Governments, and that all possible measures be taken to establish the IAEA without delay. The resolution also requested that the Secretary General of the United Nations, in consultation with his Advisory Committee, study the question of the relationship of the IAEA to the United Nations and to transmit the results of the study to the sponsoring Governments before the international conference. Finally, the resolution requested that these Governments report to the General Assembly as appropriate and suggested that the IAEA, when established, should consider the desirability of arranging for an international periodical devoted to the peaceful uses of atomic energy. The latter was originally a Soviet suggestion.

On November 14, 1955, a meeting of the newly expanded Negotiating Group was held in the Department of State in preparation for the Working Level Meeting. Only procedural matters were discussed on this occasion, at which on January 23, 1956, was set the opening date for the Working Level Meeting to be held in Washington, D. C. Agreement was also reached on provisional rules of procedure and on a suggested approach for the discussions. It was decided that the Meeting would

CONFIDENTIAL

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Authority ANN D46177

consider proposed changes involving matters of substance, or new provisions, in the order in which the Article, to which the proposal related, appeared in the draft Statute. The United States also promised to furnish members of the Group with copies of notes containing comments of interested Governments on the draft Statute by December 15.

On November 30, 1955, Ambassador Morehead Patterson submitted his resignation as United States Representative for International Atomic Energy Agency Negotiations.

To prepare a United States position for the Working Level Meeting, a joint working group was formed composed of representatives of the Department of Defense, the Atomic Energy Commission, and the Department of State. Upon examination of the problems involved, agreement was reached in principle among the members of this group that the control and inspection functions of the IAEA to assure against diversion of materials from peaceful to military uses should be more clearly defined and expanded. In close cooperation with the Atomic Energy Commission, an administrative system of safeguards was formulated for incorporation into the draft Statute. This system contained the minimum measures considered necessary to permit the United States to support the IAEA with fissionable materials and other forms of assistance.

Meanwhile, at the suggestion of India, the Negotiating Group agreed to postpone the convening of the Working Level Meeting until February 23, 1956, in order to allow more time for adequate preparation. The joint working group profitably employed this period carefully to scrutinize the August 22 draft in the light of the comments received from other Governments and its own recommendations for strengthening the authority and increasing the usefulness of the IAEA. These preparations were facilitated by the appointment on January 26, 1956, of Ambassador James Wadsworth, Deputy United States Representative at the United Nations, to serve also as the United States Representative for Atomic Energy Agency Negotiations.

After extensive consultations with representatives of the British and Canadian Embassies, a revised United States staff level draft of the Statute, dated February 10, 1956, was produced which contained the changes the United States hoped to see adopted at the Working Level Meeting, including the recommended minimum safeguard provisions. This draft was made available to the other members of the Negotiating Group as a guide to possible United States proposals to be made at the Meeting but not as a substitution for the draft Statute of August 22, 1955, the basic conference working document. The Working Level Meeting convened as scheduled on February 23, 1956, in the State Department Conference Suite at 1776 Pennsylvania Avenue, thus opening a significant new phase in IAEA negotiations.



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