Chapter II

SOVIET RUSSIA'S ROLE IN INTERNATIONAL COOPERATION FOR PEACEFUL USE OF ATOMIC ENERGY

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A. Introduction

The U.S.S.R. Council of Ministers announced on June 30, 1954, that the world's first industrial power station using atomic energy had begun producing electrical current for industry and agriculture in the Soviet Union.¹ Development of atomic energy for peaceful purposes was emphasized in the Soviet Union Communist Party's directives on the Sixth Five-Year Plan ² and soon after the publication of these important directives the Council of Ministers issued a decree establishing a new body, the Chief Administration for Use of Atomic Energy, to direct atomic research, develop atomic reactors for electric power installations, and "further cooperation in the peaceful utilization of atomic energy between the U.S.S.R. and other nations."³ By mid-1957 a report prepared for the United States Congress by staff experts of a subcommittee of the Joint Economic Committee predicted a possible Soviet victory over the United States in the "first round" of the atomic-energy "kilowatt race."⁴ While kilowatts provide only one measure of progress, the consistency and magnitude of the Soviet effort in the whole area of peaceful utilization of atomic energy cannot be denied.

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³ Pravda, Feb. 26, 1956, pp. 2-7. These directives specified five areas in which the use of atomic energy for peaceful purposes was to be "considerably expanded": electric power, transportation, agriculture and industry, medicine, and scientific research. Since then the Soviet press has been full of reports on new atomic power plants (one with a capacity of 420,000 kw.), an atomic-powered icebreaker (the Lenin), new nuclear research institutes, etc.

⁴ N.Y. Times, July 11, 1957, p. 2. The Soviets feel that the victory is already theirs. A. N. Nesmeyanov, President of the U.S.S.R. Academy of Sciences, declared in late 1955 that the Soviet Union had attained full supremacy in the field of atomic energy. Pravda, Dec. 31, 1955, p. 2. In his report to the Jubilee Session of the U.S.S.R. Supreme Soviet on Nov. 6, 1957, Khrushchev said, "I shall limit myself to reminding you that our country leads the world in the peaceful uses of atomic energy . . ." (New Times, No. 46 (Nov. 14), Supplement, p. 12 (1957)).
The Soviet Union undoubtedly is facing a host of legal problems relating to the peaceful uses of atomic energy: problems in administrative law, torts, patents, and insurance law. Other areas, such as labor law and trade union legislation, may likewise be affected by atomic energy developments in the U.S.S.R. Although discussions of such problems have been published by the dozen in American periodicals, the Soviet Union has not yet seen fit to publish any legal materials on these subjects. The paucity of information on Soviet domestic legal problems connected with peaceful uses of atomic energy would lead one to believe that such information is considered secret because it affects state security. If this is the case, the reason may perhaps be found in the oft-repeated Soviet view that atomic energy's peaceful uses are inextricably interwoven with its military uses and that complete exchange of information and data on atomic energy cannot be expected between nations until nuclear weapons have been outlawed.

Liability for radiation injuries is one example of the kinds of legal problems which have not received attention in available Soviet materials. Presumably, the imposition of liability is governed by Article 404 of the Soviet Civil Code which reads:

Individuals and enterprises whose activities involve increased hazard for persons coming into contact with them, such as railways, tramways, industrial establishments, dealers in inflammable materials, keepers of wild animals, persons erecting buildings, and other structures, and the like, shall be liable for the injury caused by the source of increased hazard, if they do not prove that the injury was the result of an irresistible force or occurred through the intent or gross negligence of the person injured.

Note: The period within which actions based on this section may be filed against governmental agencies shall be limited to two years and shall be computed from the day of the injury.

The period shall be suspended, aside from the general grounds for the suspension and extension of periods of limitations (Sections 48 and 49) from the day that the injured person or, in the event of his death, persons theretofore supported by him, apply to the proper agency of social insurance, until the

Several such incidents have been reported in Great Britain, Canada, and the United States in the last year. That Soviet scientists and doctors, if not lawyers, have been concerned with such cases is seen from such titles as Two Cases of Acute Radiation Sickness in Man and Labor Hygiene in Conditions of Ionizing Radiations—titles of Soviet papers delivered at Geneva in 1955. Atomic Industrial Forum, Inc., World Development of Atomic Energy 156-160 (1955).
day when the pension is either awarded or refused (as amended December 27, 1926, R.S.F.S.R. Laws 1927, text 3). 6

Is an atomic installation "an enterprise whose activity involves increased hazard" in the terms of the code? It seems likely to be so considered, in view of Soviet judicial practice, which has been to extend the increased hazard concept to automobiles, sea and river vessels with motors, various types of production in which mechanical motors are used, loading operations, chemical factories, and the like. 7 A commentator on Soviet civil law has explained that the term "sources of increased hazard" refers to properties of things or of natural forces which, at the present level of technological development, are not completely subject to human control and, as a result, create a likelihood of harm to human life and health, as well as to property. 8

Assuming the doctrine of increased hazard is involved, when is a radiation injury the result of an "irresistible force," relieving the defendant of liability? The most common examples of "irresistible force" are such external forces as floods or earthquakes which act on the source of increased hazard and cause it to manifest its dangerous properties. But Soviet law also recognizes as an "irresistible force" one "which cannot be prevented by a given person but by a given society in general." 9 Another question is: What is the effect of the plaintiff's status? Soviet materials indicate that a defendant enterprise might not be held "responsible without fault" for injuries to an employee despite the seemingly unequivocal language of the code. 10 Still other questions are: What type of conduct manifests the necessary "intent" or "gross negligence," i.e., contributory negligence, to relieve from liability? Are there any exceptions to the two year period within which tort suits must be brought? In view of the delayed effect of some radiation injuries, the two year period is not realistic. What will be the nature of the damages? The customary damages in cases of injuries caused by a "source of increased hazard" amount to the difference between the injured plaintiff's social insurance benefits and his wages at the time of injury. 11 But would such a scale of damages be considered adequate in the case of radiation injuries? What damages are awarded

7 II Bratus (ed), Sovetskoe Grazhdanskoe Pravo 309 (1951).
8 Ibid.
9 I Gsovski, supra note 6 at 508 and sources therein cited.
11 Id. at 236.
if the plaintiff is uninsured—for example, a minor? This problem has arisen in other cases involving injuries from “sources of increased hazard,” and Soviet courts have handled it in various ways.12 Who must bear the economic loss if the “source of increased hazard” was being operated by some one other than the “holder” or “owner” (Russian vladelets) at the time of injury, as, for example, under a contract? Soviet law would presumably hold both the “holder” and the contracting party responsible to the injured person.13 The “holder,” however, apparently has rights of recovery against his own agent, if the latter is proved to have been negligent, to the extent permitted by labor legislation. The agent may, in addition, be held criminally liable if his actions displayed “signs of socially-dangerous activity.” 14

These are only a few of the legal questions that may demand solution in connection with the peaceful uses of atomic energy in the Soviet Union. Any answers can only be conjectural until such time as Soviet “atomic law” is made available to legal scholars throughout the world.

In contrast to the area of domestic Soviet “atomic law,” in the area of international cooperation for peaceful uses of atomic energy the Soviets have published several documents and commentaries.15 Therefore this paper will be limited to a survey of three forms which Soviet activity has taken in the international sphere that have been discussed in Soviet sources: the Soviet-sponsored Joint Nuclear Research Institute, the U.S.S.R.’s relations to the International Atomic Energy Agency, and bilateral agreements which the Soviet Union has concluded with a number of states both inside and outside the Communist bloc.

B. The Joint Nuclear Research Institute

Soviet jurists contend that there are two basic types of organization for possible cooperation between European states in the peaceful use of atomic energy. One of these types—bitterly assailed by the U.S.S.R.—is the “closed grouping of several states on the basis of existing military blocs in Europe,” as primarily exemplified by EURATOM. The other—Soviet-approved—type is the “intergovernmental regional organiza-

12 Id. at 240-41.
13 Bratus, supra note 7 at 310.
14 Ibid.
15 This paper is based primarily on Soviet sources. Considerations of time and space have not permitted extensive use of East European materials. The English titles of dozens of articles dealing with international cooperation in peaceful uses of atomic energy which have been published in East European countries may be found in the Library of Congress’ East European Accession List, published monthly.
tion open to participation by all interested European states." The latter method of international cooperation, according to Soviet legal writers, has been outlined in the Soviet government's proposals for all-European cooperation in peaceful utilization of atomic energy. They add, in this context, that a "model multilateral agreement for peaceful utilization of atomic energy by means of an organized international scientific research center for study in the field of nuclear physics and peaceful uses of atomic energy may be seen in the Charter of the Joint Nuclear Research Institute, founded on March 26, 1956, on the Soviet Union's initiative." ¹⁶

On that date delegates from eleven Communist states signed an agreement making their respective countries "equal members" of an organization called the Joint Nuclear Research Institute (ob'edinennyi institut iadernykh issledovanii).¹⁷ The Soviet press at the time paraphrased certain passages of the agreement, emphasizing that the new institute was to be devoted exclusively to the peaceful utilization of atomic energy.

The full text of the Agreement to establish the Joint Nuclear Research Institute, published on July 11, 1956, specified that the Institute's activities would be conducted in accordance with a separate Charter, which was to be prepared by the Institute's management and approved by the governments of the member states. This Charter was officially adopted, along with a Personnel Statute, at a conference of member states held on September 23, 1956, at Dubna, near Moscow. The Institute itself is located at Dubna.

¹⁶ Malinin, "Pravovye formy mezhdunarodnogo sotrudnichestva v oblasti mimogo ispol'zovaniya atomnoi energii," Sovetskoe Gosudarstvo I Pravo, No. 7 (July) 122-27 (1957). For texts of the Soviet government's proposals, see Appendix B, Item 3. Malinin's mention of the Joint Nuclear Research Institute in connection with the Soviet proposals for an intergovernmental regional organization open to participation by all European states, as opposed to "closed military groupings," is misleading. For one thing, the Joint Nuclear Research Institute itself resembles one of the "closed groupings of several states on the basis of existing military blocs" so vigorously condemned by Soviet writers, inasmuch as its membership thus far consists exclusively of Communist states which have concluded military alliances with the U.S.S.R. Another Soviet writer also mentions the Joint Nuclear Research Institute as a model of "regional atomic cooperation," whose equipment is much more modern and complete than that of the European Organization for Nuclear Research (C.E.R.N.), organized in 1953 and "just getting started" (Larin, Mezhdunarodnoe Agентство Po Atomnoi Energii 10-12 (1957)). Like Malinin, Larin cites the two Soviet proposals for all-European cooperation in peaceful use of atomic energy.

¹⁷ Pravda, Mar. 15, 1956, p. 3. The document signed at that time will be called the Agreement in this paper, as distinguished from the Charter.
The texts of the Agreement 18 and the Charter, 19 which is doubtless regarded as subordinate to the Agreement and an implementation of it, and a considerable body of secondary sources dealing with the Joint Nuclear Research Institute are now available, and problems relating to membership in the organization, its functions, facilities, structure, basic operational procedures, and its relation to other international atomic research organizations have become quite clear.

According to the Agreement, the Joint Nuclear Research Institute is to be "an international scientific-research organization" with the "rights of a juridical person." 20 The Charter also defines the Institute as a legal entity and adds that it shall possess the capacity and status necessary to achieve its aims and functions "according to the laws of the country wherein it is situated" 21—in other words, the laws of the Soviet Union.

These generally-worded provisions, restated in more specific terms, would appear to mean that the Institute, in addition to managing and disposing of its property according to the terms of its Charter, may, in its own name, make contracts and enter into other formal negotiations and relationships with such Soviet organizations as the Chief Administration for Use of Atomic Energy 22 or the All-Union Ministry of Medium Machine Building (to which the Chief Administration for Use of Atomic Energy is supposedly subordinated), 23 as well as with other Soviet organizations engaged in supplying the Institute with materials or designing and constructing new equipment for it. 24

18 The text of the Agreement is reproduced as Appendix B, Item I.
19 The text of the Charter is reproduced as Appendix B, Item 2.
20 Article 2.
21 Article 3.
22 The Soviet Council of Ministers' decree setting up this body was published in Pravda, Apr. 19, 1956, p. 3. Its functions include "furthering cooperation in the peaceful uses of atomic energy between the U.S.S.R. and other nations." V. S. Emelianov was appointed its Director in September, 1957; Izvestiya, Sept. 8, 1957, p. 6.
23 E. P. Slavskii, the former Director of the Chief Administration for Use of Atomic Energy, succeeded Mikhail Pervukhin as Minister of Medium-Machine Building. The All-Union Ministry of Medium-Machine Building is believed to be in charge of over-all atomic energy development. For the report of Slavskii's promotion and Western hypotheses regarding the role of the Ministry of Medium-Machine Building, see the N.Y. Times, July 25, 1957, p. 1.
24 See the Soviet legal provisions pertaining to "legal entities" in Article 13 of the Soviet Civil Code. A detailed study of Soviet legal entities may be found in Bratus, Yudidicheskie Litsa v Sovetskom Grazhdanskom Prave 124 and 140-152 (1947). A scholar of Soviet law in this country has declared that Soviet legal entities are in fact "sham entities and their mutual contracts are sham contracts." (I Gsovski, Soviet Civil Law 392 (1948).)
would also appear to give the Institute the capacity, in case of disputes with these organizations, to sue or be sued in Soviet courts and tribunals—for example in the Gosarbitrazh (State Arbitration System) which handles hundreds of disputes between Soviet enterprises yearly.  

Both the Agreement and the Charter further stipulate that the Institute may deal with other national and international scientific-research organizations and other organizations in the development of nuclear physics and the exploration of new possibilities for peaceful uses of atomic energy. The Institute’s relations to organizations of this type will be examined in another context, later in this chapter.

A comparison of the Institute’s Charter with the basic documents of certain other international organizations devoted to peaceful utilization of atomic energy reveals some similarities, but there are also fundamental differences.

The Charter of the Joint Nuclear Research Institute specifies that the “Institute will concern itself exclusively with the development of peaceful uses of atomic energy to benefit all mankind” and authorizes five closely-related functions: (1) coordination of atomic research among member-states; (2) exchange of experience and research results among member-states; (3) communication with national and international organizations devoted to the peaceful use of atomic energy; (4) training (on all levels) of member-state personnel; and (5) announcement of results of the Institute’s work in publications, reports to members, or in conferences.

Such aims and functions, as far as they go, coincide largely with those of the International Atomic Energy Agency and EURATOM (both frequently contrasted with the Joint Nuclear Research Institute by Soviet writers) and, most of all, the European Organization for Nuclear Research (about which the Soviets have had much less to say). However, the basic documents of these organizations (especially

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25 A study in the English language on the Soviet arbitration system has been made by Yaresh, Arbitration in the Soviet Union (1954). This work discusses the types of conflicts handled by Gosarbitrazh and the scope of its activities. The role of Gosarbitrazh in handling disputes between the Institute and other organizations, at least those within the Soviet Union, is made the more likely by the absence in the Charter of any specific machinery to handle such litigation.

26 Article 2.

27 Article 4.

28 Ibid.

29 Compare the aims and functions of the Joint Nuclear Research Institute with those of the European Organization for Nuclear Research (C.E.R.N.) as stated in Atoms for Peace Manual, 549 ff. One notes other similarities between the Joint Nuclear Research Institute and C.E.R.N.: both originally had eleven members, then added a
of the International Atomic Energy Agency and of EURATOM) are far more detailed than the Joint Nuclear Research Institute’s Agreement and Charter, and contain considerably more implementing provisions. The Institute’s Charter, for example, fails to prescribe any machinery for handling disputes among member-states and is silent on the subject of formal contracts or “project agreements” between the Institute and organizations in member-states, although as a “legal entity” it theoretically has the capacity to conclude such agreements. There is no mention in the Charter of guaranteeing the “sovereignty” of member-states or of making Institute assistance independent of “political, economic and military considerations”—conditions which the Soviet delegates insisted on including in the Statute of the International Atomic Energy Agency. Nowhere in the Joint Nuclear Research Institute’s Charter will one find any clauses giving the Institute powers of inspection and control—functions so strongly opposed by the U.S.S.R. in the final draft of the International Atomic Energy Agency Statute. Moreover, no health and safety standards are prescribed.

The Joint Nuclear Research Institute is, as its name would indicate, primarily a research organization and an educational or training center, encouraging the “comprehensive development of creative capacities of the member-states’ scientific-research cadres.” As such, it has a far more limited range of functions than those which the International Atomic Energy Agency and EURATOM are expected to perform. Its functions do not include supplying fissionable materials or designing and equipping atomic installations. Because it is a collective research body, rather than an atomic “bank” or distributor of fissionable materials, there was doubtless less need to include in its Charter any clauses setting up safeguards against diversion of fissionable materials from

twelfth; the Institute has four laboratories, and C.E.R.N. has four basic “study groups” (but only one laboratory); the documents of both organizations carefully define the scale of payments each member-state must make to meet the costs of organizational activities (in the case of C.E.R.N., the scale of payments from Yugoslavia and Greece were eventually reduced to 35%); both organizations have “open” membership, at least in theory.

80 The statute of the International Atomic Energy Agency, on the other hand, provides for such machinery in its Article XVII, and EURATOM has its own “court of justice”; see Section IV in Secretariat of the Interim Committee for the Common Market and EURATOM. Treaty establishing the European Atomic Energy Community (EURATOM) (Brussels, 1957) (hereinafter called the “EURATOM treaty”).


82 For a description and analysis of International Atomic Energy Agency functions, see Bechhoefer and Stein, supra.
peaceful to military uses, although the Soviet Union has always insisted that atomic energy's peaceful and military uses are inseparably interrelated.

Could the danger of diversion—of materials or techniques—even arise in connection with the activities of the Joint Nuclear Research Institute? Would it be possible, for example, for a member-state such as China to use Institute materials, or techniques developed at the Institute, for military projects without the knowledge and approval of the U.S.S.R. and other Institute members? Such a development seems highly unlikely, at least in the case of materials. One might speak of two types of protection against diversion of this type. One of them could be called "external security"—the fact that the Institute and all its installations are physically located in the Soviet Union, eliminating such difficulties and problems as "infringement of sovereignty" which arise in connection with the enforcement of the inspection and control clauses contained in the International Atomic Energy Agency statute or the EURATOM treaty. The second type of protection might be termed "internal security," being afforded by the structure and operational procedures (which we shall presently examine) of the Institute itself. The requirement that all the Institute's undertakings be planned (or known to and approved) by the management, the Scientific Council, and the Finance Committee, as well as the collective character of these undertakings, would seem to rule out the possibility of serious diversions of materials by individual member-states for unauthorized military purposes. It would, of course, be virtually impossible to limit the application of techniques to the physical confines of the Institute.

The Soviet Union has provided impressive facilities for the Institute. These include four laboratories: a laboratory of nuclear physics, which has a synchrocyclotron with proton energy of 680 megelectron volts (formerly the Nuclear Problems Institute of the U.S.S.R. Academy of Sciences); a high-energy physics laboratory which has a proton synchrotron with proton energy of 10,000 megelectron volts (formerly the Electrophysics Laboratory of the U.S.S.R. Academy of Sciences); a theoretical physics laboratory, and an electron physics laboratory. Both the Agreement and the Charter provide for other experimental installations and laboratories.\(^{33}\) Some of the world's top nuclear physicists—men like Topchiyev and Veksler of the U.S.S.R.—work for the Institute.

There were eleven original signatories of the Agreement to establish

\(^{33}\) Article 4 of the Agreement; Article 28 of the Charter.
a Joint Nuclear Research Institute: Albania, Bulgaria, Hungary, East Germany, China, North Korea, Mongolia, Poland, Rumania, the U.S.S.R., and Czechoslovakia. The original Agreement specified, in its third article, that any other states wishing to take full part in the Institute's work should declare their concurrence with the provisions of the Agreement and that they could become members of the Institute by the decision of a majority of the member-states. A somewhat different procedure, however, was followed in the case of the only new member to date, Viet Nam, which joined the Institute on September 20, 1956, upon the "invitation" of the member-states.

Membership qualifications as set forth by the Charter remain substantially the same as those in the Agreement. An additional clause declares that the amount of participation in the Institute's maintenance and construction costs allotted to newly-joined member-states shall be decided by the Institute's Finance Committee and approved by the governments of the member-states. The Charter's sixth article states that all members of the Institute shall participate equally in its scientific work and management.

Soviet writers on the Joint Nuclear Research Institute have made a great deal of this "open-doors-to-all" membership policy, while criticizing EURATOM as a "closed grouping" and condemning the "discriminatory" policy of the United States and others who have insisted that only members of the United Nations or its specialized agencies should be members of the International Atomic Energy Agency. Such a policy is held to be "illegal" and "in contradiction to the principle of universality and of truly extensive international cooperation in the peaceful use of atomic energy."

A condition of membership in the Institute is the payment of a specified percentage of the Institute's expenditures for construction and maintenance. The share borne by Albania, Mongolia, and North Korea, on the one hand, is only 0.05 percent apiece; the Soviet Union, on the

84 The order of listing is according to the Russian alphabet, as followed in all documents.
86 Article 5.
87 Trud, Sept. 14, 1956, p. 3. The article goes on to denounce the exclusion of the German Democratic Republic, the Mongolian People's Republic, the Korean People's Democratic Republic and China from membership in the Agency. These states, it will be noted, were among those signing the original agreement to set up the Joint Nuclear Research Institute. See also New Times, No. 8 (Feb. 21), 11 12 (1957) and numerous sources cited in our chapter on the Soviet Union and the International Atomic Energy Agency.
other hand, pays 47.25 percent. The Agreement declares that the share of a member-state's contribution cannot be a factor bearing on the degree of its participation in the Institute's scientific work or administration. "Unless this principle were observed," writes a Soviet jurist, "membership in the Institute would be impossible for many states, and 'open doors for all' would remain an empty declaration of policy." 39

The Agreement's seventh article, and article 8 of the Charter, state that any member-state may withdraw from the Institute by having its plenipotentiary give the Institute's Director written notice of its intention to withdraw not later than three months before the end of the current fiscal year. This would necessitate a revision of the percentage shares of the remaining member-states in meeting Institute expenses—a procedure outlined in Article VI of the Agreement.

The Charter's seventh article creates a type of guest membership for scientists from non-member states, enabling them to work in the Institute. Scientists from non-member states are encouraged to visit the Institute and to participate in its activities, and we frequently read of such visits and participation in Institute activities by foreign scientists, including scientists from the United States.40

The present charter membership in the Joint Nuclear Research Institute is exclusively Communist. This membership fails, however, to include one important Communist state, Yugoslavia. Yugoslavia was not among the original signatories of the Agreement to organize a Joint Nuclear Research Institute, nor is there any record of its being "invited" to join the Institute, as in the case of Viet Nam. Detailed speculation on the reasons for Yugoslavia's non-membership could hardly be justified in this paper, although a number of possible explanations come to mind. First, Yugoslavia may have been deterred from joining by considerations of its relations with the West. Second, Marshal Tito may have been reluctant to rush into joining a potential atomic Cominform in view of Yugoslavia's banishment from the political Cominform in 1948. Third, Yugoslavia's membership as the only Communist state in the twelve-member European Organization for

39 Article VI of the Agreement.
38 Lebedenko, supra note 31 at 117. For a similar description of the "open doors" policy, see Kapryin, "V Dubne, pod Moskvoi," Pravda, Jan. 4, 1957, p. 4.
Nuclear Research (CERN) may have been held against it by some of the states in the twelve-member Joint Nuclear Research Institute. Until the spring of 1958, Yugoslavia's absence from the Institute membership rolls did not seem to make much difference. A bilateral agreement had been concluded with the Soviet Union, on what appeared to be highly advantageous terms, for "cooperation in the use of atomic energy for peaceful purposes." 

A Yugoslav scientist who visited the Joint Nuclear Research Institute was most impressed by its facilities and regretted that, so far, the Soviet Union and Yugoslavia had not exchanged scientific personnel—professors and research students. The scientist stressed, however, that the Soviet-Yugoslav bilateral agreement was especially satisfactory because "both from a political and a scientific viewpoint" it constituted "an arrangement between equal parties." 

The Communist-bloc attacks on Tito in 1958 would appear to lessen the likelihood of Yugoslavia's joining the Institute and may result in serious curtailment of over-all Soviet atomic aid to Yugoslavia. 

The Joint Nuclear Research Institute is headed administratively by a Director and two Deputy Directors, elected by a majority of the member-states (through their plenipotentiaries) from among scientists of those states. The Director is elected for a term of three years. A Soviet professor, D. I. Blokhintsev (corresponding member of the Ukrainian Academy of Sciences) is the present Director. Deputy Directors serve

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41 The general terms of this agreement were outlined in a Tass communiqué from Belgrade, dated Jan. 28, 1956. The actual text of the agreement has not yet been published.

42 Juric, "Nuclear Research in Yugoslavia," New Times, No. 23 (May 31), 20-21 (1956). Yugoslav spokesmen have criticized the Soviet Union as well as Great Britain and the United States for keeping atomic data secret: "The Russians... kept silent about their work and only revealed their final results: the explosion of atomic and hydrogen bombs and the setting in operation of a nuclear power plant... In spite of all attempts of the big powers to keep [atomic information] to themselves, humanity will not be checked from progressing along its road." Popovic, "International Cooperation and Nuclear Energy," 6 Review of International Affairs, No. 126-128 (July-Aug.) 28 (1955). Yugoslav scientists and statesmen have called for the banning of atomic tests and have accused the U.S.S.R. (as well as Britain and the U.S.) of endangering world health by conducting nuclear tests. See statement by Academician Pavle Savic to Borba, "Extremely Harmful Consequences of Nuclear Explosions for the Whole World," Information Service Yugoslavia (n.d.) and statement by Tito on May 15, 1957, Information Service Yugoslavia (n.d.).

43 During the crisis of mid-1958, Poland appeared to be the most reluctant of the Communist-bloc states to criticize Yugoslavia, and some Poles were inclined to hold China (rather than the U.S.S.R.) primarily responsible for the attack on Tito. Interestingly enough, a Polish-Yugoslav agreement for cooperation in peaceful uses of atomic energy through 1959 was reported by the Polish press on May 31, 1958; N.Y. Times, June 2, 1958, p. 10.
two-year terms. The current Deputy Directors are Professor Vaclav Votruba (of Czechoslovakia) and Marian Danysz (of Poland). The three together form the “management” or “Board of Directors” (direktsiia) of the Institute. They formulate the all-important plans for Institute activities and present the budget. The Agreement and Charter make this Board responsible to the governments of the member-states and oblige it to submit regular reports to those governments. The Board’s role in amending the Charter will be discussed later.

The Director acts as the Institute’s plenipotentiary in relations with appropriate institutions in the member-states on all questions pertaining to the Institute’s work. Professor Blokhintsev, for example, would represent the Institute in its dealings with the Polish Academy of Sciences on research projects of mutual interest. He also serves as chairman of the Scientific Council (uchenyi soviet), which considers and approves the Institute’s scientific research programs, examines the results of completed programs (and also the results of individual studies), and considers “other questions concerning the scientific work of the Institute.” The Charter requires this body to meet not less than twice a year.

Acting in his dual capacity of management head and chairman of the Scientific Council, the Director obviously wields great power, both executive and administrative. The Charter also confers on him the right to hire and discharge employees according to the Personnel Statute (the text of which has not yet been made public), to establish or alter the wages of all employees within the official wage limits approved by the Financial Committee, and to initiate individual pay raises of up to fifty percent for highly-skilled workers. The Director is the formal manager-in-chief of all the Institute’s assets. He also appoints the deputy, or “Administrative Director,” who is in charge of construction and business affairs of the Institute.

The policy-making importance and supervisory powers of the Scientific Council are clear from the above-outlined provisions of the

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44 Article V of the Agreement; Articles 20, 23, and 25 of the Charter.
45 Article V of the Agreement; Article 21 of the Charter.
46 Article 18 of the Charter. Member-states’ representation in this body is more “equal” (three scientists from each state) than in the corresponding organs of the International Atomic Energy Agency or EURATOM; see Article 118 of the EURATOM treaty and Article VI of the Agency statute. Each member-state of C.E.R.N. has one vote in the Council; Atoms for Peace Manual 550.
47 Article 27 of the Charter.
48 Article 26 of the Charter.
49 Articles 33-35 of the Charter.
Charter. The relative brevity of this Charter and its paucity of detail means that most of the Institute's activities are determined by the Scientific Council. Minutes of the Scientific Council's first session give some additional information on the Institute's program and provide insight into procedures within the Council itself. These procedures display unmistakably Soviet characteristics. We learn, for example, that a five-year plan for further Institute development was approved in the first session of the Council. Elections for laboratory directors' posts were also held. First, the list of candidates was presented by the Board of Directors, and after this list was "discussed," three Soviet scientists were "chosen by secret ballot." Two of these laboratory directors (Veksler and Dzhelepov) immediately delivered addresses, apparently well-prepared, which furnished thorough and detailed "explanations" of the tasks to be undertaken by their respective laboratories. The Institute Director "suggested" a number of basic plans for constructing or acquiring new installations and equipment and for training specialists from member-states, after which a "lively discussion" took place. During this discussion "many questions were clarified, remarks studied, and certain legislative enactments were adjusted." There were "some differences of opinion," but the session closed with the "unanimous conclusions" which one has come to expect in Soviet organizational procedures.\textsuperscript{50}

To what degree is the Institute's Board dependent upon the Finance Committee? The Charter's twenty-first article declares that the Board of Directors shall be guided exclusively by the decisions of the Scientific Council and the Finance Committee. While the Director presides over the former, he would appear to have no formal influence over the activities of the latter. The Finance Committee is made up of representatives of all member-states (one representative from each state), appointed directly by the governments of these states. The chairmanship of this body rotates among its members. It meets at least once a year, and its decisions are made by a majority of not less than two-thirds of the votes cast by its members. Its approval is formally required for a wide range of expenditures,\textsuperscript{61} and the Charter states that the Finance

\textsuperscript{50} Votruba, "The First Session of the Joint Nuclear Research Institute's Scientific Council," 2 Atomnaya Energiya, No. 1, 72-74 (1957) (each issue of this periodical is translated into English by Consultants Bureau, New York). Another reference to the single plan governing all Institute research may be found in Karnaukh, "Foreign Scientists in Dubna—International Center of Nuclear Research," 2 Atomnaya Energiya, No. 4, 482 (1957).

\textsuperscript{61} Article 10 of the Charter.
Committee shall "generally control all financial affairs of the Institute." Thus the budget which the Board of Directors prepares must be submitted to it, and the Committee determines the amount of money (in Soviet currency) to be expended by the Institute for "equipment, instruments and technical scientific literature or periodicals from states not belonging to the Institute." It is the Finance Committee's function to establish "the manner of computing the value of equipment, materials and instruments supplied by the member-states, as well as the value of individual work accomplished according to Institute laws." 

Yet it probably would be erroneous to regard the Finance Committee as holding the purse strings and seeking to curtail, or otherwise actively interfere with, the plans of the executive. Since the members of the Joint Nuclear Research Institute are all states firmly committed to "planned economy," it seems likely that the Finance Committee's chief function is to work out practical financial arrangements in order that the plans of the Director and the Scientific Council may be carried out as effectively as possible. Its role is probably not to challenge any plans on their merits, beyond deciding on their economic feasibility. That the Committee operates largely in a "rubber stamp" manner seems clear from the aforementioned report on the Scientific Council's first session. The minutes note simply that "after the Scientific Council had finished its work, the first meeting of the Finance Committee took place; the Committee confirmed the tentative budget presented by the Institute's Directors for 1956-57 and thus guaranteed the completion of plans for the development of the Institute and of scientific-research problems approved by the Scientific Council." Nevertheless, the Institute appears to follow strict accounting procedures. Each state's percentage share in the Institute's expenditures is credited with the value of equipment and materials which it delivers in accordance with orders placed by the Institute. Credit is also given for the value of research done by individual scientists working on Institute assignments and for sums which are withheld or deducted from members' salaries in form of taxes by the states of which they are citizens.

We have already described the four laboratories which are attached to the Institute. Each laboratory has its own director, whose appointment by the Board (from among scientists of member-states) must, accord-

52 Article 12 of the Charter.
53 Article 13 of the Charter.
54 Ibid.
55 Votrubas supra note 50 at 72.
56 Lebedenko, supra note 31 at 117.
ing to the Charter’s twenty-ninth article, be approved by the Scientific Council. Apparently the “secret ballot” procedure described earlier applies to the selection of four directors from a larger list of candidates, or represents a failure to observe the exact procedure provided for by the Charter. In this writer’s opinion it makes little difference which method is followed; the laboratory directors appear in any event to be selected by the Board. Each laboratory, under its director, is charged with preparing programs for the scientific research work assigned to it and with examining the results of this work as well as of studies made by individual scientists in the laboratory. The laboratories each have their own Scientific Council, which must be approved by the Institute’s Scientific Council, and each laboratory contains a number of departments and “sections” (sektory) which may be altered by the Institute Board. The laboratories have the right to confer learned degrees, including the degree of “doctor” of physico-mathematical sciences, upon students at the Institute. Each laboratory may also consider “other questions concerning the scientific work of the laboratory.”

The Charter declares that all members of the Institute staff are employees or associates (sotrudniki) of the international scientific organization and are obliged to carry out its purposes and tasks. A Soviet jurist speaks of some members being “dispatched” or “ordered” (komandirovannye) by their governments to work at the Institute for periods of not less than a year, while others have a considerably shorter tour of duty. The rights and obligations of staff members are regulated in detail by a Personnel Statute (polozhenie o personale) which is appended to the Charter. (This statute is mentioned in the thirty-eighth article of the Charter, but its text has not yet been made public.) Its norms are said to correspond to the “basic principles of labor legislation” of the various member-states. The Charter specifies that Institute personnel shall be “subject to the laws of the country in which the Institute is located”—i.e., the laws of the U.S.S.R.

Are the member-states all equal participants in the Institute’s scientific research activities? Legally, yes. At least, the Charter’s sixth article says that they are. Do member-states enjoy equality in determining and administering Institute policy? Here the legal answer is less clear. A Soviet jurist has hailed the “democratic nature” (demo-

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57 Articles 28 and 42 of the Charter.
59 Lebedenko, supra note 31 at 118.
60 Ibid.
61 Article 38.
kratichnost') of the Charter provisions.62 These provisions make the Institute's Board of Directors responsible for Institute activities to the collective governments of the member-states and require the Board to submit periodic reports to these governments.63 In its twenty-second article the Charter also makes clear that the Institute's Board shall not undertake to carry out the instructions of any individual member-state, but shall be guided exclusively by decisions of the Scientific Council and the Financial Committee, in which all member-states enjoy equal representation. We have already noted that a member-state's percentage share in the Institute's expenditures and maintenance is supposed to have no bearing on that state's degree of participation in Institute research or activities. Thus, on the surface at least, member-states are equals when it comes to administering the Institute and shaping its policies, as well as participating in its research activities.

Yet the Charter contains other passages whose legal effect would appear to increase the Soviet Union's influence over the Institute to the point of giving the Institute a Soviet character rather than an international one. We have already noted that the Joint Nuclear Research Institute is a Soviet "legal entity" whose rights—and obligations—are determined by Soviet law. This is in contrast to EURATOM whose legal personality is subject to separate definition under the respective municipal laws of the member-states.64 We have likewise noted that, while the Personnel Statute's regulations allegedly conform to the "basic principles" of labor legislation in member-states, the Institute's staff is specifically made subject to Soviet law. There is no passage in the Institute's Charter dealing with privileges or immunities of personnel, as is to be found in the fifteenth article of the International Atomic Energy Agency statute. Problems of conflicts of laws, in which jurisdiction and disposal of cases involving Institute personnel would be at issue, could hardly arise under the Institute Charter's provisions. The member-states' property rights in Institute installations have never been defined, but the Charter acknowledges the Soviet Union's reversionary rights in these installations in the event of the Institute's dissolution, with the other member-states to receive monetary reimbursement proportionate to the amount of their participation and monetary contributions. The installations include "all Institute equipment and all . . . buildings." 65

62 Lebedenko, supra note 31 at 117.
63 Article 22.
64 Cf. Articles 184 and 185 of the EURATOM treaty.
65 Article 40.
Although the Charter makes no mention of it, we must assume that the ultimate source of authority over matters affecting the Joint Nuclear Research Institute is the Communist Party of the U.S.S.R. Whatever the Joint Nuclear Research Institute may have in common with other international organizations devoted to peaceful uses of atomic energy, this political feature of subordination to a single national political party—the Soviet Union's Communist Party—sets the Joint Nuclear Research Institute apart.

There are other considerations which lead one to doubt that the U.S.S.R. has only one vote in twelve in shaping Institute policy and controlling its administration. Without the guiding impetus and tremendous material contributions of the Soviet Union, the Institute could never have become the impressive organization that it is today. It might well continue to function effectively if one or more of the other member-states withdrew, but what would become of the Institute if the U.S.S.R. chose to exercise its right of withdrawal? It is difficult to imagine the success of any Institute project if that project met the opposition of the Soviet Union. Questions of formal status aside, the U.S.S.R. remains the scientific and economic "big brother" to the other members. Representatives of the smaller states are the first to recognize this fact. Professor Andrzej Soltan, Director of the Polish Academy of Sciences' Nuclear Research Institute, has hailed the creation of the Joint Nuclear Research Institute as "above all a manifestation of international scientific cooperation . . . a great step forwards in the development of atomic nuclear physics research, which permits scientists of small countries to achieve work which they could not carry out by themselves. We will use not only the experience of the Soviet scientists, but also their equipment." Lajos Janosi, a member of the Hungarian Academy of Sciences, concedes that "such a small state as Hungary would not be in a position to construct and equip such an institution by its own means. And it would not be expedient, anyway. The problem has been resolved

66 The Soviet Communist Party's complete power over all national organizations within the U.S.S.R. is unquestioned. Does the Joint Nuclear Research Institute's status as an "international organization" make a difference here? We believe not. It is an international organization of Communist states run by Communist parties, among whom the Soviet Communist Party continues to play the directing role. The Soviet Union's dominant position in international affairs between Communist states (with the much-publicized exception of Yugoslavia) appears unaltered at this date. Even without considering the Charter provisions which favor the Soviet Union, we see no reason to expect any of the other Institute member-states to object to, or in any way challenge, the factual domination of that body by the U.S.S.R. and the Soviet Communist Party.

67 Izvestiya, April 4, 1956, p. 3.
correctly: the Institute was set up in a large country which has the necessary equipment at its disposal, while other lands are given the opportunity to participate in its work and to benefit by common experience." 68

The Institute's Charter sets up a simple procedure for amendment of its provisions. Proposals for amending the Charter may be submitted by Institute members to the Board of Directors. The Board, in turn, has the right to introduce amendment proposals on its own initiative. In either case, the amendments take force when adopted by a majority of the member-states. 68

The Charter provides for the liquidation of the Joint Nuclear Research Institute, but tells us only that this may be done "by agreement of the member-state's governments." 70

The Institute's relations to other organizations and programs for peaceful utilization of atomic energy were highlighted by a visit which Sterling Cole, Director-General of the International Atomic Energy Agency, paid to the Joint Nuclear Research Institute in the spring of 1958. 71 The Institute Charter's fourth article provides that one of its purposes shall be to maintain communication between national and international scientific research organizations for the peaceful use of atomic energy, and in the future some cooperation between the International Atomic Energy Agency and the Joint Nuclear Research Institute may be realized. For example, the Institute would appear to be the logical institution to which students and specialists from Agency member-states would come for training under the Soviet program outlined in letters to Sterling Cole just before his trip to the U.S.S.R. 72

The record shows a fundamental difference, however, in the Joint Nuclear Research Institute's relations with the various organizations devoted to the peaceful use of atomic energy. It is hardly surprising that the Institute cooperates most closely with organizations in the Soviet bloc. Its Charter specifies that it shall coordinate the theoretical and experimental research of member-state scientists, 73 and the Agreement's second article states that it shall cooperate in its work with the

68 Pravda, Jan. 4, 1957, p. 4.
69 Section XII of the Charter. We are not told whether the majority in question refers to a meeting of the Scientific Council or to some sort of general vote of members.
70 Article 40.
71 Pravda, April 11, 1958, p. 6; Izvestiya, April 11, 1958, p. 4; Izvestiya, April 12, 1958, p. 3; Pravda, April 15, 1958, p. 6.
72 Pravda, April 4, 1958, p. 5.
73 Article 4.
appropriate institutes and laboratories in the territories of member-states. The member-states, as we have seen, are placing great hopes in this arrangement. The director of the Polish Academy of Sciences' Nuclear Research Institute, for example, has declared that he is counting on the closest cooperation between the Institute and his organization.\textsuperscript{74}

The Institute’s relations with the U.S.S.R. Academy of Sciences are intimate. The Academy’s Nuclear Problems Institute and Electrophysics Laboratory have become laboratories of the Joint Nuclear Research Institute, and the Academy’s greatest scientists are working for the Institute. We have no information on the Institute’s ties with the U.S.S.R. Ministry of Medium Machine Building or the Chief Administration for Use of Atomic Energy, but there can be little doubt that such ties are fully exploited. The lavish expressions of gratitude for Soviet assistance on the part of scientists of smaller states should not obscure the fact that the U.S.S.R. itself stands to benefit considerably from the results of the joint scientific research conducted by the Institute. According to a West German scholar, the Soviets expect valuable contributions from scientists of Poland, China, and Czechoslovakia in particular.\textsuperscript{75} Further evidence of the advantages which the U.S.S.R. will enjoy by virtue of its Institute membership is seen, curiously enough, in a letter from a Rumanian scientist expressing thanks for Soviet assistance to his country. Commenting on the atomic energy program in the Soviet Union’s own five-year plan, this Rumanian scientist adds that “in carrying out the scientific part of this program, a part will be played by the Joint Nuclear Research Institute, and Rumanian physicists are proud that they will be able to work at this Institute.”\textsuperscript{76}

With reference to non-Communist atomic organizations and agencies, however, the Institute’s attitude assumes a political and diplomatic significance of a special type. The Institute’s historical and political background reveal a pattern which must be considered quite apart from problems of research on peaceful uses of atomic energy. On the day following the announcement of the Agreement to organize the Joint Nu-

\textsuperscript{74} Izvestiya, April 4, 1956, p. 3. See also Wspolpraca ze wszystkimi narodami, I Polska, No. 41, 6-7 (1958), which mentions bilateral agreements between Poland and Yugoslavia, and Poland and East Germany, in addition to Polish participation in the Joint Nuclear Research Institute.

\textsuperscript{75} Huber, Internationale Ordnung Der Friedlichen Verwendung Der Atomenergie 51 (1956).

\textsuperscript{76} Sanielevich, “Aid Accorded to Atomic Scientists Coming from People’s Democracies,” 2 Atomnaya Energiya, No. 1, 98-99 (1957).
clear Research Institute, the Soviet government came out with a bitter attack against EURATOM, a “narrow and closed group of West European states” whose American and West European sponsors “intend to bypass the Paris Agreement clauses which prohibit West Germany from producing and stockpiling atomic and hydrogen weapons.” 77 Shortly after the full text of the Agreement to organize the Joint Nuclear Research Institute was published (on July 11, 1956), EURATOM was again denounced—this time in a statement by the Soviet government on general European cooperation in the peaceful uses of atomic energy.78 Once again, the twin facts that EURATOM was a “closed grouping” and that West Germany was to be one of its members drew Soviet criticism. It was pointed out that several states within this “closed grouping” were also members of closed military blocs, and the fear was expressed that EURATOM’s creation would in effect lead to the removal of any restrictions on the production of atomic energy in West Germany. “This,” in the words of the statement, “would permit revenge-seeking West German circles to organize in their country production of atomic weapons, which would create a serious threat to the cause of peace in Europe.” The statement went on to describe, by way of contrast, the “open” character of the Joint Nuclear Research Institute and the purely peaceful purposes for which it was being organized.

Any doubt that the Joint Nuclear Research Institute had been organized as the Communist bloc’s answer to atomic research organizations sponsored by the West must have been dispelled when a Soviet jurist wrote early in 1957 that “C.E.R.N. is a closed organization which does not admit states of the Socialist camp into its membership. This has compelled a number of states to create their own international research organization. With this purpose in mind, a conference was held in Moscow, in March, 1956. . . .” 79

On March 17, 1957, in a declaration concerning the plans to create EURATOM and a Common Market, the U.S.S.R. Ministry of Foreign Affairs warned:

The entire activity of EURATOM and the “common market” will be subordinated to the aims of NATO, whose aggressive character is widely known. Under such conditions the fulfillment of plans to create EURATOM and the “common market” will inevitably lead to a further deepening of the division which splits Europe, to the increase of tensions in

77 Izvestiya, March 28, 1956, p. 3.
78 See Appendix B, Item 4.
79 Lebedenko, supra note 31 at 116.
Europe. It will greatly complicate the establishment of economic and political cooperation on an all-European basis; it will bring into being new difficulties in solving the problems of European security.\textsuperscript{80}

The declaration cautioned those who believed that the creation of EURATOM would lessen their countries' economic dependence on the United States:

On the contrary, their dependence on the U.S.A. will only increase, to the detriment of the national sovereignty of the countries participating in this grouping, since the United States—and nobody attempts to conceal this fact—will in reality control EURATOM, acting in the capacity of chief supplier of fissionable materials and of equipment for atomic production in the EURATOM countries.\textsuperscript{81}

In place of EURATOM, the Soviet government proposed an all-European organization for peaceful utilization of atomic energy, "bearing in mind that this organization would be a regional division or department of the International Atomic Energy Agency." Just what advantages such a "regional division" of the International Atomic Energy Agency would offer over the Agency itself was not disclosed.

The International Atomic Energy Agency has suffered greatly by comparison with the Joint Nuclear Research Institute in the Soviet press. During the New York conference which began on September 20, 1956, for examination and confirmation of the International Atomic Energy Agency's statute, Soviet publications were filled with articles drawing distinctions between the Agency and the Communist-sponsored Joint Nuclear Research Institute.\textsuperscript{82} These articles emphasized that membership in the Joint Nuclear Research Institute was open to all, even to non-Socialist states, but that membership in the International Atomic Energy Agency was denied, quite illegally, to such states as the German Democratic People's Republic, the Korean People's Democratic Republic, the Mongolian People's Republic, and China. All member-states in the Joint Nuclear Research Institute were said to enjoy full legal equality. The draft statute of the International Atomic Energy Agency was condemned for its failure to include any clearly-formulated provision that the sovereign rights of its member-

\textsuperscript{80} See note 16, supra.

\textsuperscript{81} Ibid.

\textsuperscript{82} Some examples may be found in Trud, Sept. 14, 1956, p. 3; Izvestiya, Sept. 21, 1956, p. 1; Pravda, Sept. 27, 1956, p. 4 and Sept. 28, 1956, p. 6; Izvestiya, Sept. 29, 1956, p. 4.
states must be observed in all activities of the Agency. With respect to the Joint Nuclear Research Institute, the articles claimed that member-states have equal participation rights and equal use of the Institute's facilities, regardless of their financial share in meeting its expenses. The statute of the International Atomic Energy Agency was denounced as financially discriminatory, providing in essence that countries which obtain aid from the Agency should not only pay for this aid, but should also ensure that the Agency have the income which it needs to construct or acquire its own plants, laboratories, and other installations. The argument was advanced that the financial arrangements naturally discriminated against the smaller, or economically undeveloped, countries. In addition, the articles charged that the capitalist countries producing atomic raw materials and fissionable materials in quantity were intent upon using the International Atomic Energy Agency as a marketing channel. Finally, the equipment and facilities of the Agency and of EURATOM were described as lagging far behind those donated by the Soviet Union to the Joint Nuclear Research Institute, the finest in the world, and a number of which were already in operation.

From comparisons of this sort, one must conclude that the Joint Nuclear Research Institute serves not only as an international research organization, but also as an instrument of Soviet diplomacy and propaganda.

C. The Soviet Union and the International Atomic Energy Agency

The Soviet position with regard to the International Atomic Energy Agency, since Moscow's first published reaction to President Eisenhower's proposal of December 8, 1953, deserves serious study. If we are to understand the Soviet approach to international cooperation in the peaceful uses of atomic energy, the Soviet role in the history of the International Atomic Energy Agency cannot be ignored.

Two closely-related propositions form the ostensible basis of Soviet policy in international cooperation for the use of atomic energy. Without a consideration of these two tenets any discussion of the subject is viewed by the U.S.S.R. as fruitless. Repeatedly raised and emphasized in all the channels of communication available within the Soviet Union, the propositions amount simply to this: (1) at present the peaceful uses of atomic energy are inextricably interwoven with its military uses; and (2) effective cooperation in peaceful use of atomic energy cannot be fully achieved until an international agree-
ment to prohibit the manufacture, storage, and use of nuclear weapons is reached. The author of a recent Soviet volume on the International Atomic Energy Agency warns that the basic efforts of all states will inevitably be concentrated on the military, rather than the peaceful, uses of atomic energy until atomic weapons have been outlawed. Although American scientists and officials have repeatedly praised the personal goodwill and cooperative spirit of Soviet scientists at international congresses and other gatherings, Igor V. Kurchatov, director of the Soviet Academy of Sciences' Atomic Energy Institute has admitted that "full candor" in relations between Soviet and Western scientists cannot be expected until atomic and hydrogen weapons have become a thing of the past.

In the following pages the Soviet position with regard to the International Atomic Energy Agency, as presented to the reader of Soviet materials on the subject, is surveyed. It should be emphasized that the Soviet views reach an enormous public, both inside and outside the U.S.S.R.

A Soviet legal scholar has enumerated four basic juridical forms of organization for international cooperation in the peaceful uses of atomic energy. One of these forms is the bilateral agreement concluded directly between interested nations. Another is created through so-called intergovernmental "regional organizations." A third is the organization of international scientific-research centers based on multilateral agreements between states situated in various parts of the globe. The fourth form is the international organ created within the framework of the United Nations and (the Soviets insist on this) based upon the "principle of universality."

What is the place of the International Atomic Energy Agency in this juridical scheme? In answering this question, the Soviet scholar has offered the following description of the Agency's relationship with the United Nations. First, the Agency was created within the framework of the United Nations, which ensures the proper observation and control of the Agency's work. Secondly, the United Nations Security Council and General Assembly have the right to demand reports from the Agency. They may criticize these reports, give the Agency in-

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83 Larin, supra note 16 at 46. Larin's book is especially important because it is the only Soviet monograph on the International Atomic Energy Agency to appear thus far. The book was edited by S. B. Krylov, the prominent Soviet specialist in international law.

84 Pravda, Feb. 28, 1958, p. 3.

85 Malinin, supra note 16 at 122.
instructions resulting from their discussion of the reports, and may demand an accounting of the Agency's fulfillment of these instructions. Third, the Agency may not decide on questions falling under the exclusive jurisdiction of the Security Council. Therefore, any instructions of the Security Council which concern the ensuring of states' security are binding upon the Agency and its organs. These three characteristics of the Agency, taken together, show that the International Atomic Energy Agency's statute provides for a closer relation between the Agency and the United Nations than that which exists between the United Nations and its specialized agencies. The specialized agencies, having been created by intergovernmental agreements, are in fact outside the United Nations. Their activity is merely related to, or coordinated with, the activity of the United Nations.86

In contrast to the specialized agencies, the author reminds us, the Agency was placed in a definite relationship to the United Nations from the outset. This relationship was based, not on Article 63 of the United Nations Charter (which pertains to special agreements of the type used by the specialized agencies and the United Nations), but on the provisions of the Agency's own statute. The statute's sixteenth article, to be sure, requires an agreement between the Agency and the United Nations concerning Agency reports to the United Nations, and concerning the Agency's consideration of resolutions adopted by various United Nations organs on the subject of the Agency. But such agreements, as seen from the sixteenth article itself, merely pursue the practical aim of making more precise certain general provisions contained in the Agency statute.

Further distinctions between the International Atomic Energy Agency and United Nations specialized agencies can be found in the Agency's statute which define its relation to the United Nations and which emphasize that it was created within the framework of the United Nations.

At the same time, the author points out, the Agency cannot be regarded as an auxiliary organ of the Security Council (such as the United Nations Disarmament Commission), created in accordance with Article 29 of the United Nations Charter. Such organs are set up to ensure the performance by the Security Council of its immediate functions, which clearly cannot be turned over to a body like the International Atomic Energy Agency. Furthermore, such organs are created by the Security Council itself, whereas the Agency was created

86 Id. at 126.
on an intergovernmental basis. Again, the organs created in accordance with Article 29 of the United Nations Charter are completely subordinated to and exclusively controlled by the Security Council, while the Security Council's control over the Agency is limited to guarding the security of states and maintaining international peace.

Thus the Soviet scholar concludes that the Agency, in its juridical position, differs both from a specialized agency and from an organ created in accordance with Article 29 of the United Nations Charter. In the author's opinion, the Agency is "a new international mechanism, created by intergovernmental agreement, albeit within the framework of the United Nations, and placed in direct relation to its chief organs—the Security Council and the General Assembly." 87

Turning to the historical background of the International Atomic Energy Agency, the first step taken by the Soviet Union was to discount the United States' role in creating the Agency. President Eisenhower's proposal of December 8, 1953, to create an international agency for peaceful uses of atomic energy was (and still is) dismissed as a "face-saving measure," one designed to cover up the Americans' refusal to outlaw nuclear weapons. Furthermore, the Communists state that the President's proposal was much more limited in scope than claimed by the "bourgeois press" which had hailed it as an unprecedented step in the development of peaceful use of atomic energy. Actually (say Soviet spokesmen), Eisenhower's plan completely ignored the problem of removing the threat of atomic warfare. Providing merely that a small portion of atomic materials be set aside for peaceful purposes, the proposal tacitly assumed that the main mass of these materials would, as before, be directed toward the production of newer and more destructive nuclear weapons. 88 This, according to the Russians, was confirmed by American sources themselves; the United States' memorandum of January 11, 1954, and Secretary Dulles' informal paper to Molotov at Geneva on May 1, 1954, explained that the American proposal was merely a "first effort" on a "modest basis," naturally not conceived as a measure for bringing atomic weapons under control. Furthermore, it is argued that the United States was in no sense the initiator of international cooperation in peaceful uses of atomic energy. The claim is advanced that the Soviet Union had stood for such cooperation long before Eisenhower's proposal. 89

87 Ibid.
88 See Larin, supra note 16 at 17.
89 Id. at 18-19. See also the Soviet Aide-Memoire of April 27, 1954; Atoms for Peace Manual 269-274. The reader of such passages might well conclude that the
Before completion of the first draft of the International Atomic Energy Statute in July, 1955, the Soviet government presented a number of points which it declared should be basic principles of the new Agency. These points were contained in a pair of memoranda, the first issued on September 22, 1954 and the second on July 18, 1955. The second (and more important) of these documents, in addition to certain broad and general suggestions (that the Agency should be created within the framework of the United Nations, and that it should encourage the exchange of scientific and technical information, establish research establishments, and maintain a number of specialists to assist states receiving help from the agency, etc.) contained some demands which proved to be sources of great discord in the subsequent history of the International Atomic Energy Agency. These demands included the principle that membership in the Agency should be open to all states, that there should be no privileged status for any state or group of states in the Agency, and that the Agency should never be used “for security purposes of any states.”

These principles became issues almost immediately. The U.S.S.R. was not represented among the powers responsible for preparing the first draft of the International Atomic Energy Agency statute, and when it received this draft at the end of July, 1955, it criticized the document for three major reasons. First, no close ties were established between the Agency and the United Nations. Secondly, it was “undemocratic,” in that it gave all power to the Board of Governors, leaving the

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Soviet Union stood for an international agreement to prohibit nuclear weapons, but that the United States would hear of no such thing. The Soviet account fails to mention other highly pertinent passages in the American documents. Point 4 of the January 11 note, for example, states that “The United States is prepared to consider any proposal that the Soviet Union sees fit to make with reference to atomic, hydrogen and other weapons of destruction.” Point 5 goes on: “However, the United States believes that the first effort should be to proceed on a modest basis which might engender the trust and confidence necessary for planning of larger scope.” Atoms for Peace Manual 262. In the informal paper of May 1, 1954, Dulles declared (in point 3) that “the US cannot concur in the view of the Soviet Union that creation of an international agency to foster the use of atomic materials for peaceful purposes would not be useful in itself.” In point 5 of the same paper, the American statesman repeated that “The US proposal of March 19 was, of course, not intended as a substitute for an effective system of control of atomic energy for military purposes. The US will continue, as heretofore, to seek means of achieving such control under reliable and adequate safeguards.” Atoms for Peace Manual at 274. In contrast to the Soviets, Yugoslav spokesmen have freely recognized Eisenhower's initiative in international cooperation for peaceful uses of atomic energy; Damjanovic, “Toward an International Atomic Agency,” VII Review of International Affairs, No. 156 (Oct. 1), 11 (1956).

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General Conference with merely consultative functions, and it limited membership in the Agency to states which were members of the United Nations or its specialized agencies. Thirdly, by failing to define the dimensions of the budget, the draft statute would impose uncertain financial obligations on Agency members.

In a memorandum devoted to the draft statute, dated October 1, 1955, the Soviet Union raised the following seven points. The first stressed the necessity for control provisions; since the Agency would be dealing with dangerous fissionable materials, and because the production of atomic energy for military and peaceful purposes was closely connected, it would be necessary to observe and control the activity of the Agency through some representative international organ such as the United Nations. Secondly, there must be no "privileged groups" in Agency membership. The statute must be based on recognition of the principle that no single country or group of countries be accorded a privileged position. In addition, the Agency's assistance was never to be made conditional on political, economic, or military considerations, or on any other considerations which were incompatible with the "sovereign rights" of states. Third, the statute's provisions dealing with the Agency's inspection and control powers must be in keeping with the "sovereign rights" of states receiving assistance from the Agency. Fourth, any state, regardless of whether or not it was a member of the United Nations or its specialized agencies, must have the right to be included among the founders of the International Atomic Energy Agency. Fifth, the first Board of Governors must include India, Indonesia, Egypt, and Rumania. Sixth, the statute must provide for a three-fourths majority vote in both the General Conference and the Board of Governors for approval of the budget and for establishing the scale of payments made by individual member-states. Seventh, the International Court of Justice was to have jurisdiction of cases involving the interpretation or application of the statute's provisions if the interested parties consented to its jurisdiction.91

By the time of the negotiations for creating the International Atomic Energy Agency in the fall of 1955, the Soviet position was clear to everyone. At the tenth session of the United Nations General Assembly, the Soviet delegate (Kuznetsov) repeated the demand that membership in the Agency be open to all. It was "unfair and unjust" that

91 Larin, supra note 16 at 22-23. We shall presently see, in discussing Soviet bilateral agreements with states outside the Communist bloc, that the Soviet Union was soon to conclude agreements with Egypt and Indonesia, and was offering aid to India.
Communist China and the German Democratic Republic had been excluded from the Geneva conference that summer; no state should be barred from international cooperation in the peaceful uses of atomic energy. The inevitable appeal was made for an agreement prohibiting nuclear weapons. The Soviet delegation submitted a resolution that the General Assembly: (1) call upon all states to continue their efforts to reach such an agreement; (2) call for the creation of an international agency for peaceful uses of atomic energy within the framework of the United Nations; (3) call a conference of experts from various governments for joint consideration of problems relating to the drafting of a statute for the Agency; (4) recognize as desirable the periodic convocation of conferences on exchange of experience in the peaceful use of atomic energy in various fields (science, industry, agriculture, health, etc.), and authorizing the General Assembly to take steps for calling such a conference not later than 1957; and (5) decide on an international publication of works by scientists on problems of peaceful uses of atomic energy by 1956. The Soviet account would lead one to believe that all these suggestions originated with the Soviet delegation and adds that most of them were included in the final text of the resolution unanimously adopted by the General Assembly on December 3, 1955.92

According to the Soviet version, the Washington conference on drafting the International Atomic Energy Agency statute was subjected, from the outset, to tremendous pressure by the United States. The Americans gave all to understand that the U. S. policy toward the Agency would depend on the extent to which American wishes were followed.93 The U.S.S.R., supported by Czechoslovakia, India, and others, posed as a defender of the United Nations against the American machinations. Upon the insistence of these powers, a provision was included in the statute requiring the Agency to present reports to the General Assembly and, in necessary cases, to the Security Council and other United Nations organs. The Agency was to examine the resolutions of these organs with respect to Agency activities, and was to submit reports on measures taken by it after consideration of these resolutions; “thus closer ties were set up between the Agency and the

92 Larin, supra note 16 at 27.
93 Larin, supra note 16 at 28-29. Once again, it is interesting to contrast the Soviet point of view with that of Yugoslav spokesmen who praised the “flexibility shown by the United States representatives towards the criticism of the attitude formulated in the original draft statute,” which “made it possible to broaden the platform on which the Agency would be created.” Damjanovic, supra note 89 at 12.
But these powers condemned the limitation of membership in the Agency to states which are members of the United Nations or its specialized agencies as "discrimination" contradicting the very concept of international cooperation in peaceful utilization of atomic energy. The U.S.S.R. and Czech delegates also attacked a provision in the draft statute which would have enabled the Agency's organs (the Board of Governors and the General Conference) to determine whether a given state would be capable of carrying out its obligations according to the United Nations Charter. They also argued that such powers belong to the United Nations' General Assembly and that the provision in question would lead to the "absurd result" that the Agency could pass on whether a particular state, already a member of the United Nations, could fulfill obligations contained in the United Nations Charter. According to Soviet reports, although the United States and other nations "stubbornly defended this provision," a new, changed formula was finally adopted.

The most controversial problem to arise at the conference concerned the composition of the Agency's Board of Governors. Here again, the Soviet delegation came out as a defender of "democracy" and "fair representation" against the alleged attempts of the Anglo-American bloc to subvert these principles. First, the Soviets proposed that the number of members on the Board be increased from sixteen to twenty-four. Secondly, procedures for election to the Board of Governors should be changed: nine member-states (including the five constant members of the United Nations Security Council) would be Board members by virtue of their advanced atomic technology and/or abundance of atomic resources. Fifteen other Board members would be selected by the General Conference according to geographical distribution (three members of American states, three from West Europe, two from East Europe, three from the Near East and Africa, and four from Southeast Asia and the Far East). These selections were to be made on the basis of two principles: (1) the guarantee of representation of members receiving benefits from the Agency, not contributing to it; and (2) "the offer of services, equipment, and information enabling the Agency to achieve its aims and fulfill its functions." The Soviet Union also demanded that Communist China be represented on the Board of Governors. Throughout the conference the U.S.S.R. maintained that the supreme organ of the International

Larin, supra note 16 at 30.
Atomic Energy Agency should be its General Conference, with decisions binding upon the Board of Governors. 95

The Soviet delegation recognized the danger that fissionable materials obtained from the Agency might be used for military purposes rather than peaceful ones, but insisted that there should only be as much control as was "really necessary," and that the "sovereignty" of member-states should always be "strictly observed." The statute should therefore provide that the Agency's activities never be made subject to conditions of economic, political, or military character—or in any way "incompatible with the sovereignty" of the recipient state. The United States-British insistence on strong inspection and control provisions, and their failure to accept the Soviet proposals for weakening these provisions, were denounced as "a refusal to accept the Soviet proposals to safeguard the sovereign rights of states making use of Agency assistance." 96

In budgetary matters the U.S.S.R. sought to guarantee the fulfillment of the Agency's "true function"—assistance of underdeveloped countries in practical application of atomic energy for peaceful purposes. The U.S.S.R. suggested that all decisions on financial questions be made by a three-fourths majority vote, rather than two-thirds as provided in the original draft of the statute. It also proposed that the maximum contribution of any single state not exceed fifteen percent. It recommended that the Agency provide nuclear materials to underdeveloped countries at especially low prices, and in some cases entirely free. The Western powers were censured for rejecting this proposal, and for insisting that the Agency be given the right to acquire or construct atomic plants, laboratories, and other equipment. According to Soviet spokesmen, this would require enormous expenses, which would of necessity fall upon Agency members, even when they considered such construction and acquisition unnecessary. 97

Representatives of states attending the New York conference which opened on September 20, 1956, to draft a statute for the International Atomic Energy Agency were strongly reminded of the Soviet stand on most of the points raised earlier. Bulganin dispatched a telegram to the conference, repeating that only with prohibition of atomic and

95 Id. at 31-32. In this instance the Soviet view (on the relation of the Board of Governors to the General Conference) is supported by Yugoslavia. Arnejc, "Conference for the International Atomic Agency," 7 Review of International Affairs, No. 155 (Sept.), 9 (1956).
96 Larin, supra note 16 at 33.
97 Id. at 37.
hydrogen weapons could the most favorable conditions exist for peaceful use of atomic energy. Other familiar problems emerged in the course of discussions: the participation of the Chinese People's Republic and other Communist states in the Agency, the Agency's general tasks and aims, membership policy, composition and powers of the Board of Governors, and the Agency's inspection and control functions. There was little new in what the Soviet delegates said, but some fresh arguments were presented in support of their position.

On the question of Communist China's participation the Soviets have pointed out that such "states" as Monaco and the Vatican were invited to attend the conference, but the "great Asiatic power, the Chinese People's Republic"; yet China's contribution could be a valuable one. Outstanding Chinese scientists were said to be devoting themselves to problems of peaceful utilization of atomic energy. The Soviets also claimed that considerable deposits of fissionable materials have been discovered in China and that the Chinese government is giving a high priority to atomic research. China has a twelve-year plan in science and technology which envisages the achievement by 1967 of a level in atomic energy research equal to that of the most advanced countries. The Soviet Union's position is that the Chinese People's Republic must sooner or later be admitted into the Agency and that the present "short-sighted and discriminatory policy" can only harm the Agency, undermining its influence and authority.

At the conference G. N. Zarubin, the Soviet delegate, declared that the tasks and aims of the Agency must not be confined to serving the interests of a narrow group of highly-developed industrial powers; cooperation in peaceful uses of atomic energy can only be effective under conditions of equality of all participating states, with strict observance of their sovereignty and the principles of the United Nations. "In its foreign policy, the U.S.S.R. always adheres strictly to the principles of equality and observance of the sovereign rights of all people, great and small, highly-developed or backward," declared Zarubin (hardly a mouth before the tragic events which were to take place in Hungary that year), and he again emphasized that international cooperation in the peaceful uses of atomic energy could not be truly effective or complete until an international agreement was reached outlawing atomic and hydrogen weapons and until these weapons were removed from the arsenals of all states.88

The American-British insistence on strong inspection and control

88 Id. at 45-47.
provisions was interpreted by the Russian representative as an effort to acquire control of the atomic industry in other lands. Paragraph D of the statute's third article was seen as "making sovereignty dependent upon carrying out the provisions of the Agency statute," constituting a violation of the United Nations Charter itself. The Soviets insisted that a danger lies in the fact that whether or not the statute and agreements made in accordance with its provisions have been observed is a question of interpretation. The interpretation may differ widely, according to who is doing the interpreting, and what considerations guide the interpretation. One delegate from the Soviet Union claimed that "there will always be those who are ready to accuse a state of failing to comply with the provisions of the statute or the agreements in order to use this as a pretext to interfere in the internal affairs of that state." According to the Soviet view, there are other means which are quite adequate for bringing pressures to bear on states guilty of violating statute provisions or otherwise failing to carry out their obligations. It was pointed out in this connection that the Agency statute provides sanctions, including withdrawal of Agency assistance from offending states, and expulsion of these states from the Agency.

Raising the question of Agency membership anew, the U.S.S.R. protested the exclusion of "certain states whose sociopolitical structure does not please the Western powers: the German Democratic Republic, the Mongolian People's Republic, the Korean People's Democratic Republic and the Democratic Republic of Viet Nam." Claiming that the United States could offer no justification for its discriminatory policy, the U.S.S.R. advanced two arguments against the American position. One was that the wording of the statute's fourth article dealing with membership contradicted the second and third articles. The second article spoke of the Agency's efforts to attain a broader and more rapid use of atomic energy for peace, health and welfare throughout the whole world; the third article envisaged the Agency's contributions to scientific research in atomic energy, and practical application of atomic energy for peaceful purposes, over the entire earth. Such provisions made the Agency's aims and tasks clear to the Soviets: the Agency must be a body open to all states desiring to make a contribution to, or to benefit from international atomic cooperation. In other words, the Agency must possess a truly universal character, embracing all states without exception. In the opinion of the U.S.S.R. the dis-

\(^9\) Id. at 47.

\(^{100}\) The Charter provision in question is point 7 of Article 2.
criminatory membership terms contained in the fourth article clearly contradicted such a universal character. The second Soviet argument was based on alleged inconsistencies in the American position. The Soviet representatives stated that originally the United States had no discriminatory policy. It was pointed out that the United States memorandum of March 19, 1954, in which basic principles for a treaty establishing the International Atomic Energy Agency were proposed, declared that "all states signing the treaty" would be Agency members. Furthermore, they alluded to the statement of Secretary Dulles, at the plenary session of the United Nations General Assembly on September 23, 1954, emphasizing the fact that the United States had no intention of excluding any states whatever from participation. It was claimed that it was only in the spring of 1956, at the Washington conference, that the United States "came out against its own idea."

In discussions concerning the composition and powers of the Board of Governors, the U.S.S.R. upheld the view that the General Conference should be the general policy-making body. The Western insistence that the Board of Governors have sufficient powers to make frequent decisions on important matters, without constantly being compelled to turn to the General Conference, was attacked on two grounds. First, it abrogated the principle of the "sovereign equality of all the Agency's members"—the principle that all interested countries should participate in deciding fundamental problems of Agency activity. Secondly, the Western position was not based on considerations of expediency in the sense of making rapid, effectual decisions. This, to be sure, was the argument of certain Western powers, but in the Soviet view the real objective was to occupy a dominant position on the Board of Governors and to make the Board independent of the General Conference, where "the distribution of forces might sometimes be unfavorable to the Western powers."

101 The text of this memorandum may be found in Atoms for Peace Manual 266-269.
102 Id. at 283-285. Secretary Dulles' words were that "I would like to make perfectly clear that our planning excludes no nation from participation in this great venture. As our proposals take shape all nations interested in participation and willing to take on the responsibilities of membership will be welcome to join with us in the planning and execution of this program." The Secretary of State apparently had the U.S.S.R. itself specifically in mind when he made these remarks, for he points out earlier in the address that "to date the Soviet government has shown no willingness to participate in the implementation of President Eisenhower's plan except on this completely unacceptable condition [a prior agreement outlawing nuclear weapons]. Yesterday when it was made known that I would speak on this topic today, the Soviet Union broke a five months' silence by affirming its readiness to talk further. But the note still gave no indication that the USSR had receded from its negative position."

103 Larin, supra note 16 at 55-57.
The Soviet arguments proved somewhat successful on the point because the U.S.S.R. and other opponents of the Western (particularly American) position were able to secure a number of amendments at the New York conference which broadened the powers of the General Conference to a limited extent.104

The Agency’s inspection and control functions were the most severely criticized by representatives of the Soviet Union who raised a series of objections and consistently used these provisions for attacking the United States. The inspection and control provisions contained in Article XII, first of all, conformed to the terms in the bilateral agreements which the United States had concluded with other countries for assistance in peaceful uses of atomic energy. The terms of inspection and control in these bilateral agreements were not merely denounced as harsh by the Soviets, but they were described as “violations of sovereignty.” 105 The United States, however, insisted upon retention of these provisions in the International Atomic Energy Statute. In essence, the American position at conferences for drafting the statute was characterized by the Soviets as follows: “If you wish the United States to make its contribution, do not change these provisions.” 106

What were the motives underlying the American insistence on rigid inspection and control provisions? According to the Soviet view, the United States and “certain other Western powers” hope to occupy a dominant position in the Agency, and once the Agency has acquired broad powers of inspection and control, the Western bloc will be able to use these powers for its own ends: to control the development of atomic industry in lands obtaining assistance from the Agency. The Soviets charged that the Western bloc further was seeking to place under Agency control all bilateral agreements for cooperation in peaceful use of atomic energy without exception, and thus to extend its influence and control to the atomic industries of all lands of the earth. The United States was alleged to be desirous of using the Agency’s control powers to hinder free development of atomic energy in other lands, because such development would mean the undermining of American influence there. Furthermore, Soviet representatives stated that the United States was attempting to transform the Agency into an “international policeman,” thereby contradicting the entire concept of

104 Id. at 57.
105 The correspondence between the U.S. and the U.S.S.R. on the question of inspectors and other controls was published in a special supplement to the Soviet periodical New Times, No. 42 (Oct. 11) (1956).
106 Larin, supra note 16 at 60.
international cooperation in atomic energy development on the basis of equality and respect of the sovereign rights of states.\textsuperscript{107}

Soviet spokesmen did not deny the necessity of certain specific security measures in the handling of fissionable materials. They claimed, however, that the control mechanism which the United States suggested was worthless. American claims that strict measures were necessary in the interests of peace and security were denoted as "false and hypocritical." The Soviet delegates stated that if the Western powers were sincerely interested in such aims, they would support the Soviet proposal for prohibiting the production, storage, and testing of nuclear weapons and rid humanity of the threat of atomic war. The Soviet view was that only when such prohibition has been effected will strict international control be fully justified; thereafter international control could be extended to all states and could be successfully directed toward the use of nuclear energy for exclusively peaceful purposes if all existing supplies of nuclear weapons were destroyed.

The Soviets argued that the Agency statute provided no controls over the United States, Britain, the U.S.S.R., or other states whose atomic energy development is highly developed because these powers will not be seeking help from the Agency; on the contrary, they will be rendering assistance, through the Agency, to other states. Furthermore, they stated that the Agency can have no control, regardless of strict provisions in its statute, over states possessing adequate technical and material resources for carrying on their own program in peaceful utilization of atomic energy without help from the Agency. If such states were to undertake the costs involved, they would be able to produce nuclear weapons on their own. According to the Soviet view, those nations which are sufficiently developed technologically to carry out their own atomic programs could make use of the Agency's assistance and still manage to evade control by the Agency.\textsuperscript{108}

The Soviets concluded with the following line of argument. Those states to whom the control provisions would apply are precisely the states least likely to produce atomic weapons in the first place; namely, the weakly-developed backward states whose need for Agency assistance is the greatest. We are thus confronted with a paradox: those states having no atomic installations or dangerous fissionable materials, and who need help from the Agency, are expected to submit to inspection and control at any time and any place. They can literally take no step

\textsuperscript{107} \textit{ld.} at 61.

\textsuperscript{108} \textit{ld.} at 63; the author does not elucidate.
in the development of their atomic industry without the Agency's knowledge and permission. On the other hand, such states as the United States, which possess huge supplies of dangerous fissionable materials and are constantly manufacturing atomic and hydrogen bombs, remain completely outside the sphere of Agency control.\textsuperscript{109}

In view of their conclusion regarding this paradoxical situation, and because no general agreement has been reached outlawing nuclear weapons, the Soviet Union felt that the promise of recipient states not to use Agency-furnished fissionable materials for military purposes, along with the statute's requirements for accounting and reports, should prove sufficient safeguards. At the New York conference, however, the "unnecessary" inspection and control clauses were adopted. The Soviet proposals, made to "protect the sovereignty of states," found some reflection, however, in the Agency statute to the extent that the Agency cannot make its aid contingent upon political, economic, military, or other conditions which are incompatible with the Agency's rules, and that the Agency's activities with respect of fulfillment of control functions must be agreed upon between the Agency and the recipient states.\textsuperscript{110}

Despite its dissatisfaction with many provisions of the International Atomic Energy statute, the Soviet Union was the first great power to ratify the statute, "thereby demonstrating once again its desire for broad international cooperation in promoting peaceful uses of atomic energy."\textsuperscript{111} However, the same familiar issues were immediately raised by the Soviet Union at the general conference of the International Atomic Energy Agency in October, 1957. In a telegram to the chairman of the first session, K. Voroshilov (Chairman of the U.S.S.R. Supreme Soviet Presidium) declared that the Soviet Union attached great significance to the new international organization and had taken an active part in its creation, seeking to "ensure for it the most democratic character possible, and to ensure the broad participation and equal treatment of all countries participating in its work." He reminded the conference delegates that the U.S.S.R. had been the first great power to ratify the Agency's statute. He repeated the plea for an international agreement prohibiting atomic and hydrogen weapons and stressed that the Soviet Union was ready to conclude such an agreement. "How-

\textsuperscript{109} Id. at 64.
\textsuperscript{110} Article III.
ever, the Soviet Union's proposals to prohibit atomic and hydrogen weapons have unfortunately not met with support from the Western powers." 112 The U.S.S.R. and Czechoslovakia renewed their efforts to admit Communist China into the Agency,113 and the Soviet embassy in Washington dispatched a note to the U. S. State Department insisting that the "Kuomintang (Nationalist China) has no right to represent China in the International Atomic Energy Agency. The Soviet Union again reaffirms its position and declares that it does not recognize the legality either of the Kuomintang's signature on the statute nor the Kuomintang's ratification of this Statute, since it does not represent China." 114

So far, according to Soviet sources, the tone of the general conference had been "normal" and "business-like." But suddenly an attempt was made to "poison the atmosphere and bring back the cold war spirit," when the United States delegation, "for no apparent reason," introduced a resolution questioning the authority of the delegation representing the Hungarian People's Republic. "Of course, the American delegate was unable to provide any reasonable explanation of this provocative resolution." The Soviets also expressed strong disapproval of the American insistence on procedures "which have become standard for the United Nations and other international organs" because these procedures blocked a proposal to exclude Nationalist China and prevent the admission of Communist China into the Agency. In general, the United States opposed Soviet proposals, which flowed from "the principle of the Agency's universality" (the apparent exception from this "universality" was Nationalist China), and the Soviet "efforts to create a healthy setting for the Agency's practical activity." The Soviet Union's spirit of cooperation and good will was claimed to have been shown in the appointment of the Agency's General Director. Although the U.S.S.R. would have preferred a representative of a "neutral state" for this post, the U. S. A. "stubbornly insisted" that Sterling Cole be named director, and the Soviet delegation "refrained from objecting" to Cole's candidacy.115

The "bourgeois press" made a great deal of the American offer "to supply Uranium 235 on a commercial basis." Some Western newspapers went so far as to proclaim the Agency an "enterprise subsidized

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112 The text of this telegram was published in Pravda, Oct. 2, 1957, p. 2.
by America," but all these "fantasies died a quick death" on October 10, 1957, when V. S. Emelianov, the Soviet representative, gave a speech outlining the U.S.S.R.'s aid program. This program included placing fifty kilograms of enriched uranium at the disposal of the Agency.116 While recognizing the importance of supplying the Agency with an adequate amount of fissionable material, the U.S.S.R. claimed that the more urgent problem was how to utilize the material. The heart of the problem lay in training national cadres of scientists and specialists in underdeveloped countries. Thus a particularly strong impression was created when the Soviet delegate spoke of the Soviet Union's readiness to offer Agency member-states assistance in training scientific cadres in the technology necessary for manufacturing heat-generating elements for reactors. The U.S.S.R. was ready to take fifty or one hundred students from member-states to study in Soviet institutes of higher learning and to grant fifty scholarships to students from underdeveloped countries. It was moreover prepared to train specialists from member-states in the use of radioactive isotopes in science, industry, medicine, and agriculture. It would also be willing to design the atomic power and experimental projects and installations which were to be built by the Agency in prospecting for uranium and in mining uranium deposits. The Soviet account also stated that the American, British and French delegates made a "general statement that they were prepared to share their own atomic knowledge and experience with the Agency. Unfortunately, they did not specify any concrete form in which this aid might be rendered." 117

The specter of American domination was raised again at this time. Far from having any desire to help underdeveloped countries in the peaceful use of atomic energy, the United States (according to the Soviet account) is interested only in using the Agency to control the work which scientists of other states are doing in the field. "These

116 Izvestiya, Oct. 18, 1957, p. 4. This report fails to mention Sterling Cole's expressed hope that the Soviet Union would increase its contribution to the Agency's stocks of fissionable material. The Soviet contribution was only a hundredth of the pledge made by President Eisenhower; N.Y. Times, Oct. 17, 1957, p. 11. Here again the Yugoslav position is worth noting. With reference to Eisenhower's promise of 5,000 kilograms of uranium 235, a Yugoslav writer notes that this offer "has enabled the Agency to take steps for atomic research and for the realization of energy programs without delay." Arnejc, "Positive Prospects," 7 Review of International Affairs, No. 158 (Nov.) 9 (1956).

117 Izvestiya, Oct. 18, 1957, p. 4. Another statement that the U.S.S.R. regards the Agency's chief aim to be in creating "national cadres of specialists and local production bases in underdeveloped lands" may be found in a short article by Podkliuchnikov, Pravda, Oct. 1957, p. 4.
motives, in particular, explain why the American delegation spent its whole effort in getting Sterling Cole, former chairman of the U. S. Congress' joint committee for atomic energy, appointed as the Director-General of the Agency." It was no accident that the United States had "no concrete proposals for rendering aid to underdeveloped countries through the International Atomic Energy Agency." The "ruling circles of the United States" want the Agency to be their subservient organ so that the United States may control every step of the Agency's members. 118

In April, 1958 Sterling Cole received three letters from L. M. Zamyatin, U.S.S.R. Deputy Permanent Representative to the International Atomic Energy Agency. The first of the letters contained the information that the Soviet Union would appoint twenty to thirty advisers and consultants for temporary aid to Agency member-states and that the Soviet government would bear all expenses connected with the assignments of these specialists, who were to be sent by the Agency to various countries to assist in setting up national scientific and technical programs for the peaceful use of atomic energy. The other letters stated that the U.S.S.R. was prepared to accept forty to forty-five students in the academic year of 1958-59 for a period of from five to six years of instruction in basic atomic specialties. The Soviet government would assume the maintenance and tuition costs for twenty-five of these students. In addition, the Soviet Union would be willing to accept fifty scientists and specialists from Agency member-states for three-to-six-months "refresher courses" with the Soviet government bearing the expenses of twenty of these specialists. 119

Such have been the views, as presented to the reader of Soviet publications, of the International Atomic Energy Agency, some of the provisions of its statute, and the role played by various states in the Agency. These published views appear to bear out a remark made by John Foster Dulles (in the early stages of negotiations for creating the Agency) that "negotiations publicly conducted with the Soviet Union tend to become propaganda contests." 120 American readers will quickly recognize the extent to which the United States' role in the Agency has been distorted and may be puzzled by certain inconsistencies in the Communists' own position. The active Soviet role in international cooperation for peaceful uses of atomic energy is stressed, and one is

118 Podkliuchnikov, supra note 117.
119 Pravda, April 4, 1958, p. 5.
120 Atoms for Peace Manual 283.
repeatedly reminded that the U.S.S.R. was the first major power to ratify the Agency statute, despite the Soviet Union's originally negative attitude toward the project of such an Agency.\textsuperscript{121} Voroshilov's telegram in 1957 described the U.S.S.R. as a "disinterested member" and claimed that the Soviet Union was striving for the greatest degree of international cooperation, employing a completely objective and harmonious approach to the Agency and its operations, yet almost in the next breath he expressed satisfaction that the Agency's headquarters were in a "neutral state" (Austria).\textsuperscript{122} In bemoaning the election of an American rather than some "representative of a neutral state" to the post of Director-General, the Soviet press makes it clear that, come what may, America remains in the "enemy camp."\textsuperscript{128}

There is more political expediency than logical consistency in the Soviet view on the Agency's relations to the United Nations. On one hand, the U.S.S.R. has always insisted that the Agency be within the framework of the United Nations and strictly accountable to it, and Soviet jurists have defined the Agency's ties to the United Nations as considerably closer than those of the specialized agencies to the United Nations.\textsuperscript{124} On the other hand, the Soviets have denounced American insistence on following United Nations procedures\textsuperscript{125} and have insisted that the statute's membership provisions are discriminatory and unacceptable because they exclude states not members of the United Nations. Whereas the U.S.S.R. at one time called for a strong control mechanism, with inspectors investigating atomic installations of recipient states,\textsuperscript{128} it became satisfied with minimum safeguards, (excluding inspection or control within the recipient state), ostensibly because inspection and control provisions make no sense in the absence of an over-all prohibition of nuclear weapons and because such provisions would result in violations of the recipient states' sovereignty by the United States (not the U.S.S.R.).

Early in 1958 the United States proposed international inspection teams to implement a general agreement to outlaw nuclear weapons—the very type of agreement which the Soviets have constantly advocated. The American position was that no agreement to outlaw nu-

\textsuperscript{121} Supra notes 89 and 102.
\textsuperscript{122} Supra note 112.
\textsuperscript{123} Izvestiya, Oct. 10, 1957, p. 4.
\textsuperscript{124} Supra notes 86 and 87.
\textsuperscript{125} Supra note 115.
\textsuperscript{126} Dept. of State Press Release No. 527, Oct. 6, 1956, p. 23; see Bechhoefer and Stein, supra at note 77.
clear weapons could have meaning without concrete implementation of this type.\textsuperscript{127} The initial Soviet response was disappointing,\textsuperscript{128} but U.S. officials later saw hopes that an accord might be reached.\textsuperscript{129} It remains to be seen whether the U.S.S.R. will agree to effective measures implementing a general agreement to ban nuclear weapons,\textsuperscript{130} and how such an agreement will affect the Soviet attitude towards the International Atomic Energy Agency and other forms of international cooperation for peaceful use of atomic energy.

D. Bilateral Agreements on the Peaceful Use of Atomic Energy in the Communist Bloc

Primary sources for studying bilateral agreements pertaining to the peaceful use of atomic energy within the Communist bloc are meager. The Soviet press periodically reports such agreements between the U.S.S.R. and other states, and the Soviet government has published a number of “joint declarations” concerning its negotiations with other states for cooperation in peaceful utilization of atomic energy. Passing references are made to bilateral agreements between other Communist states,\textsuperscript{131} but so far the actual texts of bilateral agreements in the Communist bloc have not been made public. The testimony of former citizens of the Communist states who have defected to the West has provided some additional information not found in Communist-bloc publications, but it is apt to be heavily biased and must be read with caution.

According to some reports, the U.S.S.R. has been furnishing radioactive isotopes to Communist-bloc states since 1951 and was approached by China with a request for assistance in constructing atomic laboratories in March, 1954.\textsuperscript{132} It was not until January, 1955, however,

\textsuperscript{127} The text of Eisenhower’s arms inspection proposal was published in the N.Y. Times, April 8, 1958, p. 10. For concrete data on the proposed inspection teams, see N.Y. Times, April 16, 1958, p. 9.
\textsuperscript{128} The text of Khrushchev’s reply was published in Pravda and Izvestiya, April 24, 1958, p. 2.
\textsuperscript{130} It has been suggested that the Soviet Union would enjoy important strategic advantages if all nations stopped testing nuclear weapons without guarantees of real world-wide disarmament; Kissinger, “Missiles and the Western Alliance,” 36 Foreign Affairs, No. 3 (April) 383-401 (1958) and Sulzberger, “Nuclear Tests and Soviet Strategy,” N.Y. Times, April 9, 1958, p. 32.
\textsuperscript{131} See, for example, Wspolpraca ze wszystkimi narodami, I Polska, No. 41, 6-7 (1958) and N.Y. Times, June 2, 1958, p. 10, for references to bilateral agreements between Poland and Yugoslavia and Poland and East Germany.
\textsuperscript{132} Huber, supra note 75 at 41.
that the Soviet Union embarked on a vast program of extending scientific, technical, and industrial aid to other states for the establishment of "experimental scientific centers to develop atomic energy for peaceful purposes." In the original announcement of this program, the Soviet government promised five states—China, Poland, Czechoslovakia, Rumania, and East Germany—that it would aid them in designing and supplying equipment for the construction of "experimental atomic piles," with a capacity of up to five thousand kilowatts, and for the construction of accelerators of elementary particles. The U.S.S.R. was to furnish these five countries with necessary quantities of fissionable materials for their atomic piles and scientific research work. Means of extending the number of countries to be aided were considered. Recipient states were to supply "appropriate raw materials" to the U.S.S.R. in return for Soviet aid.

This program was inaugurated very rapidly. At the beginning of March, 1955 a Czech government committee for research and use of atomic energy for peaceful purposes met to discuss problems of carrying out the Soviet proposals. By early June bilateral agreements had been drafted and signed with the five states named in the original Council of Ministers announcement, and similar aid was promised to Hungary and Bulgaria in the near future. Agreements to aid Hungary and Bulgaria were reported a week later.

Although the texts of these bilateral agreements have not been published, their main features have been summarized in the Soviet press. The Soviet Union was to supply the other states with experimental reactors and accelerators designed in the U.S.S.R. and to provide free scientific and technical documentation concerning them, as well as assigning Soviet specialists to aid in assembling and placing

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183 This announcement appeared on the front page of both Pravda and Izvestiya on Jan. 18, 1955, the day after its issuance by the Council of Ministers.

184 Some revision in these figures was supplied in a report in Pravda, Aug. 29, 1955, which stated that Poland, Czechoslovakia, Rumania, Hungary and the German Democratic Republic would have reactors with a capacity of 2000 kilowatts and cyclotrons with up to 25 million electron volts of energy. China, on the other hand, was to acquire a similar cyclotron, but a reactor of 6500 kilowatts thermal capacity. A United Press dispatch from Tokyo on Mar. 7, 1958, announced the completion of a 7000 kilowatt reactor "with Soviet assistance."

185 Pravda, Mar. 12, 1955, p. 2.

186 Pravda, April 30, 1955, p. 2.


188 Pravda, April 30, 1955, p. 2. This issue summarized the agreements with China, Czechoslovakia, Poland, Rumania, and East Germany, stating that similar agreements would be concluded with Hungary and Bulgaria.
them in operation. The Soviet Union was to make available to these states the necessary amount of fissionable and other materials, and the U.S.S.R. was to deliver necessary amounts of radioactive isotopes until the experimental reactors went into operation. The agreements further declared that scientists and engineers from these states would receive training in the Soviet Union in nuclear physics, radiochemistry, use of isotopes, and reactor technology.

By mid-July of 1955, top-ranking scientists of Poland, Czechoslovakia, and East Germany were referring gratefully to the atomic "assistance agreements" between their states and the U.S.S.R., and it was reported that Poland and Czechoslovakia were reorganizing their over-all atomic energy programs (combining existing laboratories into single research institutes and establishing national committees to coordinate their research efforts) in order to take full advantage of Soviet aid.¹⁸⁹

A Soviet-Yugoslav protocol on economic and scientific-technical co-operation was signed in Moscow on September 1, 1955. On January 28, 1956, a Soviet-Yugoslav Agreement on Cooperation in the Use of Atomic Energy for Peaceful Purposes was signed in Belgrade.¹⁴⁰ This agreement provided for "general cooperation and experimental exchange in the field of atomic energy" and for Soviet scientific and technical aid in constructing a reactor for Yugoslavia. The type of reactor was to be based on the Yugoslav program and specifications. The Soviet Union promised to supply the equipment and nuclear fuel necessary to ensure the uninterrupted operation of the reactor. Prices for materials and nuclear fuel were to be set according to "prices in the world market." In addition to the agreement itself, supplementary protocols setting forth "technical and commercial details" were to be signed.¹⁴¹

¹⁴⁰ Pravda, Jan. 29, 1956, p. 6. According to Huber, this agreement would have been concluded in 1955, but Yugoslavia was bound under an agreement with the World Bank not to accept new credits until the end of 1955; Huber, supra note 75 at 53.
¹⁴¹ Talks were held in Belgrade during practically the entire month of May, 1956, to "implement" the January agreement; Izvestiya, May 27, 1956, p. 3. The Soviet press reported early in 1957, in a very brief communique, that a new protocol to the agreement of Jan. 28, 1956, had been signed, providing for further cooperation between Soviet and Yugoslav organizations and scientific institutes in the field of nuclear physics research and use of atomic energy for peaceful purposes. In the words of the communique, "the negotiations took place in a spirit of mutual understanding and desire to cooperate further in this field"; Izvestiya, Feb. 13, 1957, p. 12. A United Press dispatch of April 30, 1958, quoted Tanjug, the official Yugoslav news agency, to the effect that Yugoslav scientists had successfully tested a nuclear reactor and that the reactor would go into
In 1956 the Joint Nuclear Research Institute was also organized. The Institute has figured prominently in some of the later "joint declarations" between the Soviet Union and individual Communist states. Four states which are members of the Institute (Albania, North Korea, Viet Nam, and Mongolia) have not yet concluded bilateral agreements with the U.S.S.R. A possible explanation is that these states lack the necessary technical personnel.

An agreement between the Soviet Union and Egypt for cooperation in the peaceful use of atomic energy was signed in Cairo on July 12, 1956. Its terms appear to be very similar to those of the bilaterals concluded between the U.S.S.R. and states in the Communist bloc.

Later in July a "statement of the results of negotiations between government delegations of the Soviet Union and the German Democratic Republic" reported a new bilateral agreement. The statement limited itself to a description of the benefits which East Germany was to enjoy under the agreement; no terms favorable to the U.S.S.R. (for example, shipment of East German uranium ore to the Soviet Union) were listed. The U.S.S.R. was to assist in designing an East German atomic power plant with a capacity of up to 100,000 kilowatts, and the Soviet government undertook to supply the German Democratic Republic with the necessary equipment and materials.

In a general agreement between the U.S.S.R. and Indonesia, signed on September 15, 1956, the parties agreed, inter alia, to cooperate in

operation in early May, 1958. It remains to be seen what effect the ideological conflict between Yugoslavia and the U.S.S.R. which was resumed in 1958, will have on Soviet atomic assistance to Yugoslavia.


143 Pravda, July 15, 1956, p. 5.

144 Pravda, July 18, 1956, p. 4. A joint statement over the signatures of Bulganin and Grotewohl in January, 1957, restricted itself to remarks on the desirability of a "general European organization for the peaceful application of atomic energy, which both parties ardently support," and concluding that "utilization of atomic energy for peaceful purposes would bring the European working people higher living standards." New Times, No. 3 (Jan. 17) 36 (1957). For a description of the administration of East Germany's atomic energy program, see Huber, supra note 75 at 44-46. Pravda for Mar. 15, 1957, p. 6, reported negotiations between Soviet and East German delegations on payments for the products of the Wismuth Aktiengesellschaft (a Soviet-controlled corporation which administers uranium mining in East Germany), but the report was couched in such general terms that it adds nothing to our knowledge of Soviet-East German relations in the atomic energy field. Construction on East Germany's first atomic power station started on October 8, 1957. New Times, No. 42 (Oct. 17) 32 (1957).
peaceful uses of atomic energy, particularly in the use of radioactive isotopes in medicine, science, and technology, and in the training of Indonesian specialists in the use of atomic energy.\footnote{145}

Shortly after the Polish unrest and the Hungarian uprising of late 1956, a series of “joint declarations” between the U.S.S.R. and other Communist states were published. Some analysts believe that the Soviet Union was induced by the events in Poland and Hungary to make concessions (including concessions in the field of atomic energy) which were reflected in these declarations.\footnote{146} The declarations were extremely broad in scope, and several of them touched upon the question of cooperation in peaceful uses of atomic energy. Those involving Czechoslovakia, Bulgaria, and Hungary deserve particular attention.

In the Joint Soviet-Czechoslovak Declaration of January 29, 1957, the two governments agreed that the Czechoslovak Republic would continue to supply uranium ore to the Soviet Union. The declaration emphasized that Czech uranium ore was being sold to the U.S.S.R. at a “fair and mutually-advantageous price which makes possible the continued development of mining and refining of this raw material.” The Soviet Union undertook to provide Czechoslovakia with the necessary assistance for the construction of an atomic power plant and a nuclear physics institute. It promised close cooperation with Czechoslovakia in problems of peaceful application of atomic energy. The declaration concluded with references to the two countries’ active part in the work of the Joint Nuclear Research Institute.\footnote{147} It contained one other important statement which will be discussed later in a different context.

\footnote{145} Izvestiya, Sept. 18, 1956, p. 1. See N.Y. Times, Jan. 16, 1958, p. 53, for Indonesian plans to earmark special funds to finance the Soviet aid program.

\footnote{146} According to Soviet sources themselves, these bilateral talks were based on a Soviet government declaration issued on October 30, 1956, “On the Principles of Development and Further Strengthening of Friendship and Cooperation between the Soviet Union and Other Socialist States”; Pravda, July 14, 1957, p. 5.

\footnote{147} New Times, No. 6 (Feb. 7) 42 (1957). The Czech government committee for research and use of atomic energy for peaceful purposes met early in March, 1955, to discuss problems concerning the Soviet government's proposal to grant Czechoslovakia scientific, technical and production assistance in setting up scientific bases for developing research in nuclear physics and the peaceful use of atomic energy; Pravda, Mar. 12, 1955, p. 3. A national committee for the study of peaceful uses of atomic energy was established shortly afterwards, to “coordinate research effort,” and it was hoped that the Soviet-built reactor and cyclotron would be in operation before the end of 1956; New Times, No. 30 (July 21) 14 (1955). (According to later reports, the first Czech atomic reactor started operations on Sept. 25, 1957; Pravda, Sept. 26, 1957, p. 3). According to a former member of the Ministry of Foreign Affairs in Prague, a Czech-Soviet treaty was concluded in 1945 (but kept secret until late in 1947) in which Czechoslovakia agreed to deliver its entire stock of uranium ore, and its
In respect to the declaration on negotiations between the governments of the U.S.S.R. and Bulgaria, it was announced that "together with the other Socialist countries, Bulgaria will take an active part in the work of the Joint Nuclear Research Institute, both in theoretical research and experimentation." It was further agreed that the Bulgarian People's Republic would continue to supply the Soviet Union with uranium ore "at a fair and mutually advantageous price that will enable the further development of the mining of uranium ore." 148

Bulganin and Kadar signed a "Declaration of the Governments of the Soviet Union and Hungarian People's Republic" on March 28, 1957. This declaration listed four points of cooperation between the U.S.S.R. and Hungary in the peaceful utilization of atomic energy. First, both states would continue to participate in the work of the Joint Nuclear Research Institute. Second, the Soviet Union would continue to render Hungary economic and technical assistance in the geological survey of uranium deposits and to supply equipment and instruments. Third, the U.S.S.R. would aid Hungary in constructing atomic power plants and in obtaining fissionable material necessary for their operation. Fourth, after "reorganization of the mining of uranium ore," Hungary would sell the Soviet Union surplus ore "not required by her own economy" at a "fair and mutually advantageous price." 149

entire production thereof, to the Soviet Union. Mining and shipping of uranium were to be under Soviet direction. The terms of payment were left undefined, the treaty stating simply that Soviet payments would be based on "expenses incurred in mining the ore." Since vast quantities of ore were already on the surface, in pit heaps, these "expenses" amounted to very little. It would have been far more to Czechoslovakia's advantage to sell the ore at world market prices. The Czechs were obliged to supply capital for new investments, which were made on an enormous scale. The Soviet demands became so "cynical and ruthless," however, that finally the Czech Communist premier (Gottwald) had to dispatch an envoy to Moscow to try to negotiate more favorable terms. The Russians finally consented to appraise the pit heaps on the basis of the market price of uranium and to refund investments financed by Czechoslovakia. Kasperek, "Soviet Russia and Czechoslovakia's Uranium," 10 Russian Review, No. 4 (Oct.) 97-105 (1951).


149 New Times, No. 14 (Apr. 14) Supplement, p. 8 (1957). The formation of an "All-Hungarian Atomic Energy Committee" was reported in early 1956; Pravda, Jan. 22, 1956, p. 5. But all was apparently not well. The Hungarian scientist Lajos Janosi (the same Lajos Janosi whose enthusiastic approval of locating the Joint Nuclear Research Institute was cited earlier in this paper) reportedly complained in November, 1956, that the Soviet authorities had zealously guarded everything connected with uranium and had kept the Hungarian experts—including himself (he was...
The Soviet Union's joint declarations with Poland and Rumania contained no clauses on cooperation in peaceful utilization of atomic energy although both those countries are known to possess uranium deposits. It has been reported that Gomulka brought up the question of Polish uranium mines when in Moscow in late 1956, and Poland may have received Soviet agreement on a similar arrangement to that which the U.S.S.R. has worked out with Czechoslovakia and East Germany. But the Joint Statement on Soviet-Polish Talks, signed by Khrushchev, Bulganin, Gomulka, and Cyrankiewicz in Moscow on November 18, 1956, made no mention of atomic energy. The Soviet press reported that a reactor was commissioned in Rumania in early August of 1957, but little else is known about Rumanian-Soviet relations in this area. According to one source, Soviet geologists discovered important uranium deposits in Rumania several years ago and established a corporation (Sovromquartz) in charge of uranium mining and export. This same source cites a Soviet-Rumanian agreement of October 22, 1956, under which the Rumanians acquired the right to buy up the Soviet share in this corporation "under advantageous conditions." G. Ionescu, an anti-communist Rumanian economist, claims that Sovromquartz was working exclusively on Soviet army requirements and not on peaceful uses of atomic energy. Nothing pertaining to peaceful uses of atomic energy was to be found in the Statement on Soviet-Rumanian Negotiations signed by Bulganin and Stoica on December 3, 1956.

Vice-Chairman of the "All-Hungarian Atomic Energy Committee")—completely in the dark; See Stolte, "Moscow's Current Hungarian Policy," IV Bulletin of the Institute for the Study of the U.S.S.R., No. 7 (July) 27 (1957) and sources therein cited. A former Soviet economist has summarized the role which the issue of Hungarian uranium-mine control played in that country's tragic uprising in 1956. He reports that the uranium mines had been controlled by the Soviet Union since the end of the second World War, in accordance with a secret treaty which gave the U.S.S.R. the exclusive rights to Hungarian uranium for twenty-five years without compensation. When the Hungarian revolt broke out, the revolutionaries demanded that the terms of the secret agreement be made public and that the mines be returned to Hungary. Failing this, they threatened to seize the mines by force, and as the revolution progressed the mines were so badly damaged that Hungarian uranium production came to a standstill. In early 1957, Kadar announced that the Soviet-Hungarian uranium agreement would be 'reexamined'; Levitsky, supra note 148 at 40-41, and sources therein cited. The declaration we have quoted followed soon thereafter.

150 Levitsky, supra note 148 at 40.
153 Levitsky, supra note 148 at 40.
An agreement for Soviet assistance to Poland in the peaceful uses of atomic energy was signed on January 22, 1958. The account of negotiations preceding the agreement discloses that both sides “discussed” a number of problems of technical assistance, including: the construction and equipping of a second experimental reactor in Poland; the design and construction of Poland’s first atomic-powered electric plant; problems of uranium prospecting, mining and processing; the organization of Polish production of equipment and apparatus necessary for experimental work and equipment of nuclear physics and chemistry laboratories; further development of research and preparation of specialist cadres for peaceful utilization of atomic energy; and the organization of work in radiology. Technical assistance was to be carried out by: transmission of specialized literature and technical documents; delivery of special materials and equipment for nuclear physics and chemistry laboratories and also of equipment and apparatus which could not be produced by Polish industry; the assignment of Soviet specialists to Poland for advising and consulting; the training of Polish specialists in technology and production methods in the Soviet Union; education of Polish students in Soviet institutions of higher learning; and the assignment of teachers from Soviet institutions of higher learning to Poland for lecturing and consultation. The Soviet technical assistance to Poland was to be paid for according to the terms of a trade agreement which had been concluded earlier between the two countries.\footnote{Pravda, Jan. 23, 1958, p. 4. Poland’s first nuclear reactor went into operation on June 14, 1958. It will be used in research work in medicine, physics, chemistry and biology and will produce isotopes of iodine, gold, coal and cobalt. Most of the equipment was purchased from the U.S.S.R., but Poles did most of the assembly work. The Poles report plans for another, larger nuclear plant which they hope to build themselves. N.Y. Times, June 16, 1958, p. 9.}
The Polish delegation visited the Joint Nuclear Research Institute after the signing of the agreement, and V. Billig (the head of the Polish delegation) declared there that this new agreement, along with Polish participation in the Institute “in which the number of Polish associates is increasing,” gave Poland a “firm basis for further successful solution of our problems in the field of peaceful utilization of atomic energy.”\footnote{Pravda, Jan. 28, 1958, p. 6.}

As in other areas of international cooperation in the peaceful uses of atomic energy, Soviet writers have contrasted the activities of the U.S.S.R. and the Western powers in the field of atomic bilateral agreements. The American and British agreements with other lands have been denounced as “incompatible with the principles of sovereignty and
equality of states' rights'; the "ruling circles of imperialist states," writes one Soviet jurist, "seek to use such bilateral agreements to dictate their will to the other contracting parties, to seize sources of atomic raw-material and to interfere in the internal affairs of those states. The aid which the Soviet Union, on the other hand, is rendering through its bilateral agreements is in full harmony with the principles of the United Nations Charter, being based on complete equality of rights between states. It is not accompanied by any political, economic or military conditions whatsoever which would in any degree affect the independence of states." 188 The jurist also emphasized that although it had cost the U.S.S.R. vast sums to develop and construct atomic reactors and accelerators, the necessary scientific and technical documentation and experience was furnished other lands free of charge. The aided countries pay only the actual costs of making the equipment which is to be delivered to them. 189

We are handicapped through our lack of the texts of the bilateral agreements. Although they are said to be "in full harmony with the principles of the United Nations," they have not yet been registered with the United Nations. It appears beyond question, however, that the agreements serve important political and diplomatic purposes. The timing of the U.S.S.R. Council of Ministers' first announcement on the atomic aid program, for example, is highly significant. This announcement, described earlier, was published on January 18, 1955, at the very moment when a United Nations consultative committee was meeting in New York to prepare for the International Conference on Peaceful Uses of Atomic Energy. On the day following the Council of Ministers' announcement, Pravda carried a front-page editorial contrasting the "two policies and two paths" followed by the Soviet Union and the West in using atomic energy. The editorial repeated some of the Soviet views on Eisenhower's proposal of December, 1953, which were discussed in connection with the International Atomic Energy Agency, and then added:

It must be clear to everyone that two policies and two paths arose long ago concerning the use of atomic energy. The

188 See Malinin, supra note 16 at 122-123, referring to U.S. treaties (with Turkey, South Korea and Latin American states) and the British treaty with Germany. A particularly violent attack on U.S. bilateral agreements with other states was made in connection with the U.S.-Swiss agreement of June 21, 1956. In an article appearing in Izvestiya, Sept. 4, 1956, p. 4, it was claimed that the terms of this treaty gave the United States the right to control the activity of all Swiss scientific institutes and enterprises which were to receive American supplies and information.

189 Larin, supra note 16 at 8.
Soviet Union is struggling consistently to free mankind forever from the danger of war and to pave the way for the most extensive peaceful use of atomic energy. In contrast to the American government, which prefers to make verbal statements on the peaceful use of atomic energy and in practice to prepare for atomic war, the Soviet government is furthering by concrete practical measures the use of atomic energy for peaceful purposes.

Subsequent events have made it difficult to agree with this important editorial. It seems more likely that the Soviet Union, far from feeling genuine contempt for America's "verbal statements" on the peaceful uses of atomic energy, had become alarmed at the progress of the American aid program and negotiations for creating the International Atomic Energy Agency. It may have felt impelled to launch its atomic aid program and to include as many states in this program as possible before the American aid program had progressed further and the International Atomic Energy Agency could start operations. Bilateral agreements with Communist states were quickly concluded. The Joint Nuclear Research Institute was created. Atomic aid treaties were made with the important "uncommitted" countries of Egypt and Indonesia. Libya and Sweden received Soviet offers of assistance. An offer was made to India, but that state concluded a treaty with Great Britain three weeks after the Soviet offer.\textsuperscript{160} According to E. P. Slavskii, then Director of the Chief Atomic Administration of the U.S.S.R., an agreement could have been reached between the Soviet Union and Switzerland "had the latter referred this question to us."\textsuperscript{161}

The political and diplomatic aspects of atomic energy negotiations and agreements were likewise apparent in the various "joint declarations" made in late 1956 and early 1957. Cooperation in peaceful use of atomic energy was merely one of many points covered in these declarations. All of them stressed the solidarity and "everlasting friendship" of states in the "socialist camp"; they uniformly condemned the United States and Western "warmongers" and went to great lengths to justify Soviet actions during the revolt in Hungary.

The U.S.S.R. has constantly emphasized the peaceful purposes of its atomic aid program. Some observers, however, might wonder whether the Soviet aid program has exclusively peaceful uses of atomic energy in mind. Two days after announcing the atomic aid program, the

\textsuperscript{160} Huber, \textit{supra} note 75 at 55-56.

\textsuperscript{161} Pravda, Sept. 7, 1956, p. 2.
Soviet press explained why the U.S.S.R. had been engaged in producing atomic and hydrogen bombs:

Although the Soviet Union has had to produce atomic and hydrogen weapons in order to defend the peaceful life and labor of its peoples, Soviet scientists and engineers have been working persistently and purposefully to utilize atomic energy for peaceful purposes.\(^{162}\)

Some of the raw materials for these bombs doubtless comes to the U.S.S.R. from states with which it has concluded pacts for cooperation in the "peaceful" uses of atomic energy. In the words of the Joint Soviet-Czechoslovak declaration of January 29, 1957:

The parties declare that the Czechoslovak uranium ore is being sold to the Soviet Union at a fair and mutually-advantageous price which makes possible the continued development of mining and refining of this raw material. But it is not only a matter of economic advantage. The Czechoslovak people fully realize that in the hands of the Soviet Union nuclear energy is a powerful instrument of the peace and security of nations against the atomic threats and provocations of the international forces of aggression.\(^{168}\)

Such a declaration as this adds new significance to the Soviet program of atomic assistance to other countries, at least those countries which are loyal "satellites" within the Communist bloc. From the "joint declarations" on this program, and from the little that has been published concerning the bilateral agreements which implement it, one can say that it embraces frankly political and diplomatic aims, as well as economic and technological ones. The Joint Soviet-Czech declaration appears quite clearly to show that the Soviet aid program for "peaceful" use of atomic energy has important military objectives as well.


\(^{168}\) See supra note 147. Emphasis added.