

TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS, 1968

While the issue of the prevention of the spread of nuclear weapons had arisen in the general discussions on disarmament since the early days of the United Nations, it was not until 17 October 1958, during the thirteenth session of the General Assembly, when Ireland introduced a draft resolution in the First Committee of the Assembly, that nuclear non-proliferation emerged as a distinct topic (A/C.1/SR.953). The draft resolution, adopted by the First Committee on 31 October 1958 would have established an *ad hoc* committee to study the dangers inherent in the further dissemination of nuclear weapons (A/C.1/L.206). The General Assembly did not adopt any resolution on the issue during its thirteenth session. However, pursuant to a request by Ireland (A/4125), the General Assembly included on the agenda of its fourteenth session the item "Prevention of the wider dissemination of nuclear weapons". At its fourteenth session, in 1959, following the recommendation of the First Committee (A/4286), to which the item had been allocated, the General Assembly adopted resolution 1380 (XIV) on 20 November 1959. By this resolution, the General Assembly suggested that the Ten-Nation Disarmament Committee (TNDC), a body operating outside the United Nations system established by France, the Union of Soviet Socialist Republics (USSR), the United Kingdom (UK) and the United States of America (USA) and further comprising Bulgaria, Canada, Czechoslovakia, Italy, Poland and Romania, consider appropriate means to avert the danger of an increase in the number of States possessing nuclear weapons, including "the feasibility of an international agreement, subject to inspection and control, whereby the Powers producing nuclear weapons would refrain from handing over the control of such weapons to any nation not possessing them and whereby the Powers not possessing such weapons would refrain from manufacturing them". The TNDC met between 15 March and 28 June 1960 in Geneva, but did not consider the issue of nuclear non-proliferation.

The General Assembly reiterated its call for a permanent agreement on the prevention of the wider dissemination of nuclear weapons at its fifteenth and sixteenth sessions, in resolution 1576 (XV) of 20 December 1960 and resolution 1665 (XVI) of 4 December 1961. At the sixteenth session, under the title "Question of disarmament", the General Assembly further adopted resolution 1664 (XVI) of 4 December 1961, by which it requested the Secretary-General to make an inquiry into the conditions under which countries not possessing nuclear weapons would be willing to enter into specific undertakings to refrain from manufacturing or otherwise acquiring such weapons and to refuse to receive nuclear weapons in their territories on behalf of any other country. Having sought the views of Member States on this question, the Secretary-General transmitted on 2 April 1962 his report on the inquiry (DC/201 and Add.1-3) to the Chairman of the United Nations Disarmament Commission, a body comprising all Members of the United Nations that had been created by General Assembly resolution 502 (VI) of 11 January 1952.

By General Assembly resolution 1722 (XVI) of 20 December 1961, the General Assembly endorsed the establishment by the USA and the USSR of the Eighteen Nation Disarmament Committee (ENDC), the successor of the TNDC, to negotiate "general and complete disarmament under effective international control". The ENDC consisted of the ten original TNDC members and eight additional countries, namely Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic (the "non-aligned" States). From 14 March 1962 to 26 August 1969, the ENDC met regularly in Geneva. On 15 March and 18 April 1962, the USSR and the USA, respectively, presented draft treaties on general and complete disarmament, both of which included provisions on the prevention of the further spread of nuclear weapons (ENDC/2 and ENDC/30 and

Corr.1). In 1962 and 1963, the ENDC and the General Assembly continued to discuss the prevention of the dissemination of nuclear weapons in the context of the debates on general and complete disarmament. Pursuant to a request by India on 10 October 1964 (A/5758), the General Assembly included the item “Non-proliferation of nuclear weapons” on the agenda of its nineteenth session, in 1964, but did not consider the issue at that session.

By a letter addressed to the Secretary-General dated 31 March 1965, the USSR requested a meeting of the United Nations Disarmament Commission, which subsequently convened from 21 April to 16 June 1965 (DC/210). At its 102nd meeting on 15 June 1965, the Disarmament Commission adopted a resolution by which it, *inter alia*, recommended the ENDC to reconvene as early as possible and to “accord special priority to the consideration of the question of a treaty or convention to prevent the proliferation of nuclear weapons” (DC/225). During the subsequent Conference of the ENDC, held between 27 July and 16 September 1965, the USA introduced a draft treaty to prevent the spread of nuclear weapons. (ENDC/152, 17 August 1965), the first treaty proposal solely dedicated to nuclear non-proliferation. At the same Conference, Italy proposed a draft unilateral declaration of non-acquisition of nuclear weapons, on 14 September (ENDC/157), and on 15 September 1965 the eight non-aligned States submitted a joint memorandum on non-proliferation of nuclear weapons (ENDC/158). On 24 September of the same year, the USSR submitted a draft treaty on the non-proliferation of nuclear weapons to the twentieth session of the General Assembly (A/5976).

In 1965, during the twentieth session of the General Assembly, the First Committee of the Assembly devoted considerable attention to the issue. Both the USSR and the USA submitted draft resolutions (A/C.1/L.337 and A/C.1/L.338), but the First Committee adopted a proposal submitted by the eight non-aligned ENDC members (A/C.1/L.339), which was subsequently adopted by the General Assembly in resolution 2028 (XX) of 19 November 1965. The resolution called upon the Conference of the ENDC to give urgent consideration to the question of non-proliferation of nuclear weapons and, to that end, to reconvene as early as possible with a view to negotiating an international treaty to prevent the proliferation of nuclear weapons.

During the meetings of the Conference of the ENDC held between 27 January to 10 May and 14 June to 25 August 1966, the ENDC gave urgent consideration to the question of negotiating a treaty on non-proliferation of nuclear weapons. On 21 March 1966, the USA submitted to the ENDC amendments to its draft treaty of 17 August 1965 (ENDC/152/Add.1). During the same period, Canada submitted a tabular comparison of the USA draft treaty to prevent the spread of nuclear weapons and the USSR draft treaty on the non-proliferation of nuclear weapons (ENDC/175), the eight non-aligned States presented another joint memorandum on non-proliferation of nuclear weapons (ENDC/178), and Italy tabled a memorandum concerning the draft treaties of the USA and the USSR on non-proliferation (ENDC/179).

The General Assembly, during its twenty-first session, in 1966, adopted a number of resolutions relating to the question of the non-proliferation of nuclear weapons. Under the item “Renunciation by States of actions hampering the conclusion of an agreement on the non-proliferation of nuclear weapons”, included in the agenda on a request of the USSR by a letter dated 23 September 1966 (A/6398), the General Assembly adopted resolution 2149 (XXI) of 4 November 1966, by which it urgently appealed to all States to take all necessary steps to facilitate and achieve at the earliest possible time the conclusion of a treaty on the non-proliferation of nuclear weapons, and to refrain from any actions conducive to the proliferation of nuclear weapons or which might hamper the conclusion

of such an agreement. On 17 November of the same year, the General Assembly adopted resolutions 2153 A and B (XXI), entitled “Non-proliferation of nuclear weapons”. Resolution 2153 A (XXI) called upon the ENDC to give high priority to an early conclusion of a nuclear non-proliferation treaty. By resolution 2153 B (XXI), the General Assembly decided to convene a conference of non-nuclear-weapon States to consider, *inter alia*, how non-nuclear Powers could co-operate among themselves in preventing the proliferation of nuclear weapons. It also requested the President of the General Assembly to set up a preparatory committee, composed of representatives of the non-nuclear-weapon States, to make appropriate arrangements for convening such a conference.

The Conference of the ENDC reconvened in Geneva from 21 February to 23 March and from 18 May to 14 December 1967, and gave primary attention to the negotiation of a treaty to prevent the proliferation of nuclear weapons (A/6951-DC/229). On 24 August 1967, identical but separate draft treaties were introduced by the USA (ENDC/192) and the USSR (ENDC/193). These discussions did not, however, result in the adoption of a final draft. During the General Assembly’s twenty-second session in 1967, the First Committee discussed the interim report of the ENDC (A/6951-DC/229) and the report of the Preparatory Committee for the Conference of Non-Nuclear-Weapon States. Based on its discussions, the First Committee recommended two resolutions to the General Assembly (A/7016), which were subsequently adopted as resolutions 2346 A and B (XXII). By resolution 2346 A (XXII) of 19 December 1967, the General Assembly called upon the ENDC to urgently continue its work towards preparing a draft international treaty to prevent the proliferation of nuclear weapons and to submit a full report to the General Assembly on the treaty negotiations with pertinent documents and records. On the same day, by resolution 2346 B (XXII), the Assembly approved the recommendations of the Preparatory Committee for the Conference of Non-Nuclear-Weapon States and decided to convene the Conference of Non-Nuclear-Weapon States in Geneva from 29 August to 28 September 1968. The Conference took place accordingly and by resolution 2456 (XXIII) of 20 December 1968, the General Assembly endorsed the Declaration of the Conference of Non-Nuclear-Weapon States and took note of the fourteen resolutions containing various recommendations adopted by the Conference.

On 18 January 1968, the Conference of the ENDC reconvened in Geneva and devoted its time exclusively to the negotiation of a treaty on the non-proliferation of nuclear weapons. As the Conference commenced, the USA and the USSR submitted identical revised drafts of the non-proliferation treaty, which had been first submitted to the ENDC on 24 August 1967 (ENDC/192/Rev.1 and ENDC/193/Rev.1, respectively). Further revisions were made during the subsequent negotiations. On 11 March 1968, the USA and the USSR submitted a joint draft treaty. This text, which was not explicitly adopted by the ENDC, became Annex I of the report of the Conference to the General Assembly and the Disarmament Commission (DC/230 and Add.1). The report also included, in Annex II, a draft resolution on security assurances to non-nuclear weapon States for consideration by the Security Council, as proposed by the USSR, the UK and the USA on 7 March 1968. The Security Council adopted this text on 19 June 1968 as resolution 255 (1968).

At its twenty-second session, in 1968, the General Assembly resumed its consideration on the agenda item “Non-proliferation of nuclear weapons: report of the Conference of the Eighteen-Nation Committee on Disarmament”. The First Committee considered the item between 26 April and 10 June 1968 and ultimately recommended to the General Assembly a draft resolution that contained the revised text of the 11 March draft treaty on the non-proliferation of nuclear weapons (A/7016/Add.1). On 12 June 1968, the General Assembly adopted resolution 2373 (XXII), in which it commended the Treaty

on the Non-Proliferation of Nuclear Weapons, which was annexed to it, and requested the Depositary Governments (the USSR, the UK and the USA) to open the Treaty for signature and ratification at the earliest possible date.

On 1 July 1968, the Treaty on the Non-Proliferation of Nuclear Weapons was opened for signature in London, Moscow and Washington D.C. That day, the UK, the USSR, the USA and more than fifty other States signed the treaty. In accordance with its article IX, paragraph (3), the Treaty entered into force on 5 March 1970 after the Depositary Governments and forty other States had deposited their instruments of ratification.

In line with article VIII of the Treaty on the Non-Proliferation of Nuclear Weapons, five years after the entry into force of the treaty, a Conference of the Parties to the Treaty was held in Geneva, from 5 to 30 May 1975, in order to review the operation of the treaty. Subsequent Review Conferences have been held at intervals of five years since that meeting, in Geneva, from 11 August to 7 September 1980, from 27 August to 21 September 1985 and from 20 August to 14 September 1990, and in New York from 17 April to 12 May 1995, from 24 April to 19 May 2000, from 2 to 27 May 2005 and from 3 to 28 May 2010. At the 1995 Review and Extension Conference, the Parties to the Treaty agreed, by consensus, to extend indefinitely the Treaty's duration, which had initially been set to 25 years by article X, paragraph (2).