

TREATY ON THE NON-PROLIFERATION
OF NUCLEAR WEAPONS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS, SIGNED IN WASHINGTON ON JULY 1, 1968, ON BEHALF OF THE UNITED STATES OF AMERICA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND 53 OTHER STATES



JULY 9, 1968.—Treaty was read the first time and, together with the message and accompanying papers, was referred to the Committee on Foreign Relations and ordered to be printed for use of the Senate

U.S. GOVERNMENT PRINTING OFFICE

LETTER OF TRANSMITTAL

THE WHITE HOUSE, July 9, 1968.

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Treaty on the Non-Proliferation of Nuclear Weapons.

This treaty was opened for signature on July 1, 1968 in Washington, London and Moscow. Ninety-five members of the United Nations had voted to commend it, and to request that it be opened for signature and ratification at the earliest possible date.

On July 1 it was signed in Washington by the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and 53 other states. Many others have indicated their intention to sign it promptly.

I consider this treaty to be the most important international agreement limiting nuclear arms since the nuclear age began. It is a triumph of sanity and of man's will to survive.

The treaty takes a major step toward a goal the United States has been seeking for the past twenty-two years. Beginning with the McMahon Act in 1946, our statutes have forbidden the transfer of our nuclear weapons to others.

In the Executive branch, efforts to prevent the spread of nuclear weapons have complemented those of the Congress. Ever since the Baruch Plan of 1946, we have sought to achieve an international consensus on this subject.

In making the first United States test ban proposal, President Eisenhower noted that his purpose was to curtail the uncontrolled spread of nuclear weapons.

When President Kennedy announced the successful negotiation of the Nuclear Test Ban Treaty in 1963, he expressed the hope that it would be the opening wedge in a campaign to prevent the spread of nuclear weapons. He pointed out that a number of other nations could soon have the capacity to produce such weapons, and urged that we use whatever time remained to persuade such countries not to follow that course.

In 1964, in the first message I submitted to the Geneva Disarmament Conference, I proposed an agreement that nuclear weapons not be transferred to non-nuclear countries, and that all transfers of nuclear materials for peaceful purposes take place under international safeguards.

In 1966, the United States Senate clearly showed its support for negotiations toward a non-proliferation treaty. Ninety-nine Senators declared themselves in favor of the Pastore resolution (Senate Resolution 179). It commended serious and urgent efforts to negotiate international agreements limiting the spread of nuclear weapons. It

supported additional efforts by the President which were appropriate and necessary for the solution of nuclear proliferation problems.

The treaty I am submitting to you today is the product of these efforts by the legislative and executive branches. Its provisions are described in detail in the accompanying report of the Secretary of State.

Its central purpose is to prevent the spread of nuclear weapons. Its basic undertaking was deliberately patterned after United States atomic energy legislation, which forbids transfers of our nuclear weapons to others. The treaty not only makes such a prohibition binding on all nuclear powers; it reinforces the prohibition by barring non-nuclear countries from receiving them from any source, from manufacturing or otherwise acquiring them, and from seeking or receiving any assistance in their manufacture.

The treaty, however, does more than just prohibit the spread of nuclear weapons. It would also promote the further development of nuclear energy for peaceful purposes under safeguards.

This is the goal of the International Atomic Energy Agency (IAEA), which resulted from President Eisenhower's "Atoms for Peace" plan. The IAEA is charged with the primary responsibility for safeguards under the non-proliferation treaty. It already has considerable experience in applying safeguards under international agreements for cooperation in the civil uses of nuclear energy.

I believe that this treaty will greatly advance the goal of nuclear cooperation for peaceful purposes under international safeguards.

It will require that all parties which export nuclear materials and equipment to non-nuclear-weapon states for peaceful purposes make sure that such materials, and those used or produced in such equipment, are under international safeguards.

It will require all non-nuclear parties to accept international safeguards on *all* peaceful nuclear activities within their territories, under their jurisdiction, or carried out under their control anywhere.

It will help insure cooperation in the field of peaceful uses of nuclear energy, and the exchange of scientific and technological information on such peaceful applications.

It will enable all countries to assist non-nuclear parties to the treaty with their peaceful nuclear activities, confident that their assistance will not be diverted to the making of nuclear weapons.

It obligates the nuclear-weapon parties to make potential benefits from any peaceful applications of nuclear explosions available—on a non-discriminatory basis, and at the lowest possible cost—to parties to the treaty that are required to give up the right to have their own nuclear explosives.

By 1985 the world's peaceful nuclear power stations will probably be turning out enough by-product plutonium for the production of tens of nuclear bombs every day. This capability must not be allowed to result in the further spread of nuclear weapons. The consequences would be nuclear anarchy, and the energy designed to light the world could plunge it into darkness.

But the treaty has a significance that goes beyond its furtherance of these important aspects of United States nuclear policy. In the great tradition of the Nuclear Test Ban Treaty, it represents another step on the journey toward world peace. I believe that its very achieve-

ment, as well as its provisions, enhances the prospects of progress toward disarmament.

On Monday, July 1—as this treaty was signed on behalf of the United States—I announced that agreement had been reached with the Soviet Union to enter into discussions in the nearest future on the limitation and reduction of both offensive nuclear weapons systems, and systems of defense against ballistic missiles. Thus there is hope that this treaty will mark the beginning of a new phase in the quest for order and moderation in international affairs.

I urgently recommend that the Senate move swiftly to enhance our security and that of the entire world by giving its consent to the ratification of this treaty.

LYNDON B. JOHNSON

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, July 2, 1968.

The PRESIDENT,
The White House:

I have the honor to submit to you, with the recommendation that it be transmitted to the Senate for its advice and consent to ratification, a certified copy of the Treaty on the Non-Proliferation of Nuclear Weapons, signed in Washington on July 1, 1968, on behalf of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and 53 other states. It is open for signature by all other states, many of which have expressed their intention to sign it.

Since introducing the Baruch Plan in 1946, the United States has endeavored to prevent the spread of nuclear weapons. Beginning with the McMahon Act in that same year, United States legislation has consistently forbidden the transfer of such weapons to others.

In the spring of 1966, after extensive hearings by the Joint Committee on Atomic Energy, a broad consensus of the Senate was reached in support of negotiations toward a nuclear non-proliferation treaty under which other countries would be bound to follow this same policy. Senate Resolution 179, which was sponsored by Senator Pastore and co-sponsored by 58 other Senators, was adopted by a bipartisan vote of 84-0, with all absent Senators but one declaring themselves in favor. Since that time the negotiations of the treaty have been closely followed by the Congressional advisers to the Eighteen Nation Disarmament Committee, and have been the subject of annual reports to the Congress and numerous hearings. They were discussed at hearings held in May and June 1966 by the Subcommittee on National Security and International Operations of the Senate Committee on Government Operations; in June 1966 by the Committee on Foreign Relations; in February and March 1967 by that Committee's Subcommittee on Disarmament; and in February 1968 by the House Committee on Foreign Affairs.

International concern on the subject of proliferation was demonstrated on December 4, 1961 when the General Assembly of the United Nations unanimously approved a resolution calling on all states to conclude an international agreement to prevent the wider dissemination of nuclear weapons.

In a message to the Eighteen Nation Disarmament Committee (ENDC) on January 21, 1964, you proposed that there be agreement "to stop the spread of nuclear weapons to nations not now controlling them" and "that all transfers of nuclear materials for peaceful purposes take place under effective international safeguards".

On June 15, 1965, the United Nations Disarmament Commission passed a resolution by a vote of 83-1 (with 18 abstentions) urging that

the ENDC give priority attention to a treaty to prevent the further spread of nuclear weapons. On August 15, 1965, after consultations within the Atlantic Alliance, the United States submitted to the ENDC a draft of such a treaty. The Soviet Union presented its version of a draft treaty at the Twentieth Session of the United Nations General Assembly in September 1965.

After almost two years of negotiations, including extensive consultations with our allies, the United States and the Soviet Union presented to the ENDC identical drafts of a treaty on August 24, 1967. The article on safeguards was left blank because of inability to reach agreement on a formulation that was acceptable to all. In the ensuing months, further efforts were made to reach agreement, and consideration was given to various proposals put forth by members of the Committee.

On December 19, 1967, the United Nations General Assembly adopted, by a vote of 112-1 (with 4 abstentions), a resolution calling upon the ENDC to resume negotiations of the treaty on an urgent basis, requesting submission of a full report to the General Assembly on or before March 15, 1968, and recommending resumption of the 22nd General Assembly to consider the treaty upon receipt of such report.

When the ENDC reconvened on January 18, 1968, the United States and the Soviet Union submitted a complete treaty draft, including an article on safeguards which had been formulated in light of the extensive consultations in the North Atlantic Council. The January 18 draft also contained new articles and revisions which addressed concerns raised by various non-nuclear-weapon states.

On March 11, 1968, the ENDC Co-Chairmen presented a revised treaty draft, responsive to additional suggestions made by non-nuclear-weapon states, which was reported to the United Nations General Assembly.

On April 24, 1968, the United Nations General Assembly reconvened to consider the new treaty draft. Following thorough debate in the First Committee, in which further suggestions were made by non-nuclear-weapon states for improving the draft text, the United States and the Soviet Union presented a final draft on May 31, 1968; the changes in the text were directed especially at strengthening provisions relating to the peaceful use of nuclear energy.

On June 10, 1968, a resolution commending the treaty draft was approved in the First Committee of the United Nations General Assembly by a vote of 92-4 (with 22 abstentions). On June 12, 1968, the General Assembly in plenary session approved the same resolution by a vote of 95-4 (with 21 abstentions).

On July 1, 1968, the treaty was signed in Washington by 56 states.

The treaty consists of a preamble and eleven articles, the first seven of which contain its principal substantive provisions.

In broadest outline, the treaty is designed to (a) prevent the spread of nuclear weapons (Articles I and II); (b) provide assurance, through international safeguards, that the peaceful nuclear activities of states which have not already developed nuclear weapons will not be diverted to making such weapons (Article III); (c) promote the peaceful uses of nuclear energy to the maximum extent consistent with the treaty's other purposes and provisions (Articles IV and V); and

(d) give recognition to the determination of the parties that the treaty should lead to further progress toward arms control and disarmament (Articles VI and VII).

The preamble has twelve paragraphs expressing the consensus of the parties. The first three reflect the importance and urgency of preventing nuclear proliferation; the next two express support for international safeguards on peaceful nuclear activities and for improvements in safeguards techniques; the next two deal with the principle of sharing the benefits of peaceful applications of nuclear energy, and of making technological by-products of work on nuclear explosives available for peaceful purposes; the next four express the urgent need for further progress toward disarmament and limitations on the nuclear arms race; and the last reaffirms the principles of the United Nations Charter regarding the use of force and threats of force in international relations. It should be noted that Article VIII of the treaty provides for review conferences, the first of which is to be held five years after the treaty enters into force, to review the operation of the treaty "with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized."

Articles I and II contain the basic undertakings to prevent the proliferation of nuclear weapons.

Article I deals with the obligations of parties that are nuclear-weapon states, which are limited to those that had manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967 (Article IX, paragraph 8). First, such states undertake not to transfer nuclear weapons, or control over them, to any recipient whatsoever. This provision deliberately parallels United States atomic energy legislation, which has always prohibited such transfers. Second, nuclear-weapon states must not assist non-nuclear-weapon states to manufacture or otherwise acquire nuclear weapons. Third, these prohibitions apply not only to nuclear weapons but also to other nuclear explosive devices. Inclusion of the latter was necessary because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use, and because the technology for making such devices is essentially indistinguishable from that of making nuclear weapons. But while Article I covers all such devices, it will not deprive non-nuclear-weapon parties of the potential benefits from any peaceful applications of nuclear explosions, which are dealt with in Article V.

Article II deals with the obligations of all parties that are not nuclear-weapon states as defined above. Such non-nuclear-weapon states undertake first, not to receive the transfer of nuclear weapons or other nuclear explosive devices, or control over them, from any transferor whatsoever. Second, they must not manufacture or otherwise acquire such weapons or devices or seek or receive assistance in such manufacture.

Articles I and II were the first substantive articles to be included in their present form in the treaty text. Before any of the other substantive articles had been added, these two articles prompted several questions from our NATO allies. The questions, and the answers given by the United States, are enclosed.

Article III provides for verification of compliance with the treaty by means of international safeguards designed to insure that nuclear

energy is not diverted from peaceful uses to nuclear weapons or other nuclear explosive devices.

The first paragraph of Article III provides that such safeguards shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory, jurisdiction or control of non-nuclear-weapon parties. Such parties undertake to accept safeguards on such material for the exclusive purpose of verification of the fulfillment of their obligations under the treaty. The safeguards are to be as set forth in agreements to be negotiated and concluded with the International Atomic Energy Agency (IAEA) in accordance with the Statute of the IAEA and the IAEA safeguards system.

The second paragraph of Article III prohibits the provision by any of the parties of (a) source or special fissionable material or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon state for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by Article III.

The third paragraph of Article III prescribes that the safeguards be implemented so as to comply with Article IV of the treaty—which deals with furthering the peaceful uses of nuclear energy—and to avoid hampering the economic and technological development of the parties or international cooperation in the field of peaceful nuclear activities.

The fourth paragraph of Article III permits the agreements with the IAEA to be concluded by non-nuclear-weapon parties either individually or together with other states in accordance with the Statute of the IAEA. The remainder of the paragraph provides schedules for commencing negotiations of safeguards agreements, as well as for their entry into force. In effect, they provide a transition period after the treaty's entry into force within which the detailed arrangements for the safeguards required by the treaty can be worked out and put into operation.

An integral part of the negotiating history of Article III is the statement of principles enumerated by the United States Co-Chairman of the Eighteen Nation Disarmament Committee when the Article was first publicly presented on January 18, 1968, and reiterated by Ambassador Goldberg when the treaty was presented to the First Committee of the United Nations General Assembly on May 31, 1968. These principles regarding the safeguards, and the safeguards agreements, called for by Article III, are as follows:

"1. There should be safeguards for all non-nuclear-weapon parties of such a nature that all parties can have confidence in their effectiveness. Therefore safeguards established by an agreement negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system must enable the IAEA to carry out its responsibility of providing assurance that no diversion is taking place.

"2. In discharging their obligations under Article III, non-nuclear-weapon parties may negotiate safeguards agreements with the IAEA individually or together with other parties; and, specifically, an agreement covering such obligations may be en-

tered into between the IAEA and another international organization the work of which is related to the IAEA and the membership of which includes the parties concerned.

"3. In order to avoid unnecessary duplication, the IAEA should make appropriate use of existing records and safeguards, provided that under such mutually agreed arrangements the IAEA can satisfy itself that nuclear material is not diverted to nuclear weapons or other nuclear explosive devices."

Adherence to these principles should facilitate the timely conclusion of safeguards agreements meeting the requirements of the treaty by all non-nuclear-weapon parties, including those which are subject to Euratom safeguards.

Article III does not require nuclear-weapon states to subject their peaceful nuclear activities to international safeguards. This fact led to criticism of the treaty as being discriminatory, and charges that it gave the nuclear-weapon states an unfair commercial advantage unrelated to the basic purpose of the treaty. It was in this context that you stated on December 2, 1967 that the United States was not asking any country to accept safeguards that we were unwilling to accept ourselves. Thus you announced that "when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance." A parallel announcement was made by the United Kingdom.

Article IV insures that nothing in the treaty will be interpreted as affecting the right of all parties, without discrimination, to use nuclear energy for peaceful purposes in conformity with Articles I and II. It also contains an undertaking by all parties to facilitate, and affirms their right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Finally it requires those parties in a position to do so to cooperate in contributing to the further development of peaceful applications of nuclear energy, especially in the territories of non-nuclear-weapon states and with due consideration for the needs of the developing areas of the world.

Article V is designed to compensate for the undertaking by non-nuclear-weapon parties in Article II not to acquire nuclear explosive devices even for peaceful purposes. It provides assurance to such parties that they will not lose, by such renunciation, the potential benefits from peaceful applications of nuclear explosions. It is also designed to assure them there would be no economic incentive for them to try to develop their own nuclear explosive devices for such purposes. Specifically, the parties to the treaty undertake to take appropriate measures to insure that the potential benefits of such peaceful applications will be made available to non-nuclear-weapon parties on a non-discriminatory basis and that the charge to such parties for the explosive devices used will be as low as possible and exclude any charge for research and development. The article requires that such benefits shall be made available in accordance with the treaty—which would preclude non-nuclear-weapon states from acquiring the nuclear explosive devices themselves or control over them. Thus the devices would remain under the custody and control of a nuclear-weapon state, which would in effect provide a nuclear explosion service. The Article re-

quires that such explosions be carried out under appropriate international observation and through appropriate international procedures. It contemplates that non-nuclear-weapon states will be able to obtain such services pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon states. It provides that negotiations on this subject shall commence as soon as possible after the treaty enters into force. But it preserves the option of obtaining nuclear explosion services pursuant to bilateral agreements.

Article VI is an undertaking by all parties to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Article VII makes clear that nothing in the treaty affects the right to conclude regional treaties establishing nuclear-free zones.

Article VIII establishes the procedures for amending the treaty. Paragraph 1 is derived from the Nuclear Test Ban Treaty. It requires the Depositary Governments to convene a conference to consider a proposed amendment if requested to do so by one-third or more of the parties to the treaty. Paragraph 2 provides that for an amendment to enter into force it must be ratified by a majority of all parties to the treaty, including all nuclear-weapon parties and all other parties which, on the date the amendment is circulated, are members of the Board of Governors of the IAEA. No amendment will enter into force for any party that does not ratify it.

Article VIII also provides for a conference, five years after the treaty enters into force, to review the operation of the treaty. Further review conferences, at five year intervals thereafter, will be held if requested by a majority of the parties.

Article IX designates the United States, the United Kingdom and the Soviet Union as Depositary Governments and provides that the treaty shall enter into force upon the deposit of instruments of ratification by those states and forty other signatory states. It specifies how other states may become parties and contains provisions of a formal nature relating to ratification, accession, and registration with the United Nations, all derived from the corresponding provisions of the Nuclear Test Ban Treaty.

The provisions for signature and accession have been designed to permit the widest possible application of the treaty. At the same time adherence to the treaty will in no way imply recognition or change in status of regimes the United States does not now recognize. Nor will it in any way result in according recognition or change in status to any regime not now recognized by any other party.

Article X provides a right of withdrawal upon three months notice if a party finds that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interests. This provision is the same as the withdrawal provision in the Nuclear Test Ban Treaty except that it requires notice of such withdrawal to be given to the United Nations Security Council as well as to the other treaty parties and requires the notice to include a statement of the extraordinary events involved.

In addition, Article X provides for a conference, to be held twenty-five years after the treaty enters into force, at which a majority of the

parties will decide whether the treaty shall continue in force indefinitely, or be extended for an additional fixed period or periods.

Article XI provides that the English, Russian, French, Spanish and Chinese texts of the treaty are equally authentic, and deals with the deposit of the original treaty instruments and transmittal of certified copies to signatory and acceding states.

In the course of the negotiation of the treaty, a number of non-nuclear-weapon states, including especially non-aligned states, expressed the need for some form of assurance with respect to their security that would be appropriate in light of their renunciation of the right to acquire nuclear weapons. While there is no provision on this subject in the treaty, a resolution on this subject was adopted by the United Nations Security Council on June 19, 1968 by a vote of 10-0 (with 5 abstentions). The United States, the United Kingdom, and the Soviet Union each issued substantially identical declarations in explanation of their votes for such resolution. Copies of the resolution, and of the declaration by the United States are enclosed.

The signing of this treaty is, I believe, an event of unique significance. Wide adherence to it will greatly reduce the threat of an increasing number of states with nuclear weapons at their disposal, and will thus enhance the security of the United States, its allies, and the rest of the world. At the same time, it will give new impetus to international cooperation in the peaceful uses of nuclear energy and to further efforts toward disarmament.

Because of the great interest shown by so many nations in this historic effort as well as its significance to world peace, I sincerely hope that the United States will be in a position to ratify this treaty as soon as possible.

Respectfully submitted.

DEAN RUSK.

(Enclosures: (1) Certified copy of treaty; (2) questions asked by U.S. allies and answers given by the United States; (3) United Nations Security Council Resolution 255 (1968); and (4) declaration of the Government of the United States of America.)

TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

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

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty

on general and complete disarmament under strict and effective international control.

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and IV of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

ARTICLE V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the

Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to article 102 of the Charter of the United Nations.

ARTICLE X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

ARTICLE XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate, at the cities of Washington, London and Moscow, this first day of July one thousand nine hundred sixty-eight.

QUESTIONS ON THE DRAFT NON-PROLIFERATION TREATY ASKED BY U.S. ALLIES TOGETHER WITH ANSWERS GIVEN BY THE UNITED STATES

1. Q. What may and what may not be transferred under the draft treaty?

A. The treaty deals only with what is prohibited, not with what is permitted.

It prohibits transfer to any recipient whatsoever of "nuclear weapons" or control over them, meaning bombs and warheads. It also prohibits the transfer of other nuclear explosive devices because a nuclear explosive device intended for peaceful purposes can be used as a weapon or can be easily adapted for such use.

It does not deal with, and therefore does not prohibit, transfer of nuclear delivery vehicles or delivery systems, or control over them to any recipient, so long as such transfer does not involve bombs or warheads.

2. Q. Does the draft treaty prohibit consultations and planning on nuclear defense among NATO members?

A. It does not deal with allied consultations and planning on nuclear defense so long as no transfer of nuclear weapons or control over them results.

3. Q. Does the draft treaty prohibit arrangements for the deployment of nuclear weapons owned and controlled by the United States within the territory of non-nuclear NATO members?

A. It does not deal with arrangements for deployment of nuclear weapons within allied territory as these do not involve any transfer of nuclear weapons or control over them unless and until a decision were made to go to war, at which time the treaty would no longer be controlling.

4. Q. Would the draft prohibit the unification of Europe if a nuclear-weapon state was one of the constituent states?

A. It does not deal with the problem of European unity, and would not bar succession by a new federated European state to the nuclear status of one of its former components. A new federated European state would have to control all of its external security functions including defense and all foreign policy matters relating to external security, but would not have to be so centralized as to assume all governmental functions. While not dealing with succession by such a federated state, the treaty would bar transfer of nuclear weapons (including ownership) or control over them to any recipient, including a multilateral entity.

UNITED NATIONS SECURITY COUNCIL RESOLUTION 255 (1968)

**ADOPTED BY THE SECURITY COUNCIL AT ITS 1433RD MEETING
ON 19 JUNE 1968**

The Security Council,

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weap-

ons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

DECLARATION OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA

(Made in the United Nations Security Council in explanation of its vote for Security Council Resolution 255 (1968))

The Government of the United States notes with appreciation the desire expressed by a large number of States to subscribe to the treaty on the non-proliferation of nuclear weapons.

We welcome the willingness of these States to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

The United States also notes the concern of certain of these States that, in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons, appropriate measures be undertaken to safeguard their security. Any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States.

Bearing these considerations in mind, the United States declares the following:

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression

in accordance with the United Nations Charter, which calls for taking “* * * effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace * * *”. Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

The United States affirms its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

The United States reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The United States vote for the resolution before us and this statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council which are nuclear-weapon States and are also proposing to sign the treaty on the non-proliferation of nuclear weapons, and that these States have made similar statements as to the way in which they intend to act in accordance with the Charter.

