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LOOKING BACK: The Nuclear Nonproliferation Treaty Then and Now

[George Bunn and John B. Rhineland](#)

Less than a year after dropping nuclear bombs on Hiroshima and Nagasaki in 1945, the United States adopted a statute prohibiting the transfer of its nuclear weapons to any other country. It was not until 23 years later, however, that countries began signing an international treaty that prohibited the transfer of nuclear weapons by a country that had them to any other country, indeed “to any recipient whatsoever.”^[1] On July 1, 1968, the United States, the Soviet Union, the United Kingdom, and many other countries signed the nuclear Nonproliferation Treaty (NPT) at ceremonies in Washington, Moscow, and London. Subsequently, nearly 190 countries have signed and ratified the treaty aimed at preventing the spread of nuclear weapons from the few countries that then had them to the many that did not and at reducing and eventually eliminating nuclear weapons from the world.

The 40th anniversary of the NPT provides an opportunity to re-examine the history of the treaty’s negotiation and ask what lessons it offers for today.

The NPT’s Negotiating History

The NPT’s history really began in 1946. That year, the Department of State and some of the scientists who had made the bomb drew up the Acheson-Lilienthal Report, which, with major revisions, became a formal U.S. proposal to the United Nations known as the Baruch Plan. It proposed that the United States turn over control of all its enriched uranium, including that in any nuclear weapons it had, to a new UN body (over which the United States and the other permanent members of the Security Council would have a veto) and that all countries in the world should be prohibited from possessing their own nuclear weapons. The Soviet Union opposed this plan, and the UN committee created to consider it got nowhere.^[2]

The next stab at controlling nuclear weapons proliferation came in 1953 when President Dwight Eisenhower proposed to the UN General Assembly the negotiation of a treaty that would seek to control nuclear activities around the world and prevent, if possible, the spread of nuclear weapons to additional countries. This led to negotiations that finally produced a useful treaty, though one that fell short of what Eisenhower had proposed. This treaty, the Statute of the International Atomic Energy Agency (IAEA) of 1956, authorized creation of the IAEA and gave it the responsibility for providing information and assistance to countries seeking to use nuclear energy for peaceful purposes and for performing inspections of their nuclear facilities to ensure that the operators did not divert from peaceful purposes to weapons production the uranium fuel used to run nuclear reactors and the plutonium that was produced in such reactors.^[3]

The NPT negotiations themselves really got started after the unanimous approval of a 1961 UN General Assembly resolution on negotiation of a treaty that would ban countries without nuclear weapons from acquiring them and that would require the inspections that the IAEA treaty only authorized. In particular, the resolution asked the countries “possessing nuclear weapons” to “undertake to refrain from relinquishing control of nuclear weapons and from

transmitting information necessary for their manufacture” to nations not possessing nuclear weapons. Second, it recommended that states not possessing nuclear weapons “undertake not to manufacture or otherwise acquire control of such weapons.” It urged nuclear-weapon and non-nuclear-weapon states to “cooperate to those ends.”[4]

The same year marked another step that had an important but indirect effect on the creation of the NPT. At President John Kennedy’s request, Congress approved legislation establishing the Arms Control and Disarmament Agency (ACDA) to replace the State Department in the research, planning, and negotiation of arms control and disarmament treaties. Soon after the ACDA’s creation, its leaders sought authority from Secretary of State Dean Rusk and Kennedy to negotiate with the Soviets an agreement intended to prevent the spread of nuclear weapons to additional countries. This authority was granted after negotiations within the U.S. government and with U.S. allies produced a modified draft treaty.

By forming an institution separate from the State Department that would handle negotiations regarding a treaty such as this, Kennedy also created a means to sidestep opposition in Foggy Bottom to the NPT and win support from others in the executive branch and Congress. The State Department had long supported establishment of a multilateral force (MLF) composed of ships owned by several NATO countries, including the United States, armed with U.S. nuclear weapons and manned by officers and sailors from the United States and other participating NATO countries. Some State Department officials had insisted that U.S. officers and sailors on MLF ships would retain control of the U.S. nuclear weapons. However, other State Department officials and some allies felt that the MLF effort would be endangered if a new treaty prohibited transfer of control of nuclear weapons to any other entity, such as an MLF ship with officers and sailors from countries not having nuclear weapons or that had an MLF “board of directors” that included many allies that did not have nuclear weapons.

In 1962, Rusk showed Soviet Foreign Minister Andrei Gromyko a simple U.S. draft nonproliferation agreement based on the 1961 General Assembly resolution, which the Soviets had not opposed. The draft did not mention the MLF but would not have prohibited it. Gromyko rejected Rusk’s proposal without even consulting Moscow. How much this action was based on Gromyko’s knowledge that NATO members were considering the MLF proposal was not clear, but there had been many private discussions about the MLF proposal among NATO members. Leaks to representatives of non-NATO countries seemed likely.

At the Disarmament Committee that followed this Rusk-Gromyko meeting, Gromyko focused on a broad Soviet proposal for “general and complete disarmament,” including complete nuclear disarmament, not on the General Assembly nonproliferation resolution.[5] Given Gromyko’s reaction and the interest of West Germany and others in the MLF proposal, negotiations to implement the 1961 General Assembly resolution calling for an NPT stalled for several years, but so did NATO-country negotiations to create an MLF armed with nuclear weapons.

After the 1962 Cuban missile crisis, U.S.-Soviet tensions relaxed somewhat, and serious negotiations to produce a ban on nuclear weapons tests produced U.S.-Soviet agreement on the Limited Test Ban Treaty of 1963 (limited because it did not ban nuclear weapons tests underground). Still, the possibility of a successful negotiation of an MLF agreement with U.S. allies seemed likely to make successful negotiation of an NPT with the Soviets impossible. ACDA officials were concerned that the United States would get neither an MLF nor an NPT unless some way to break this stalemate could be found.

Indeed, it took three years of failure both in the MLF negotiations and the NPT negotiations to produce a U.S. decision to give up on an MLF and pursue an NPT alone. Then, the ACDA was authorized to try to negotiate with the Soviets a draft NPT with a provision prohibiting the five nations then having nuclear weapons (China, France, the Soviet Union, the United Kingdom, and the United States) from transferring control over any of their nuclear weapons to anyone. As finally negotiated, this provision also called on these five nations not to “assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear explosive weapons, or control over such weapons or explosive devices.” Moreover, the nations not having nuclear weapons that joined the treaty had to agree not to receive or manufacture or “otherwise acquire nuclear weapons...and not to seek or receive any assistance” in their manufacture.[6]

With this new U.S. formula in hand, U.S.-Soviet negotiations over a draft NPT finally began in earnest in Geneva.

Later, Rusk and Gromyko met in New York to discuss further NPT negotiation possibilities, and it became clear that the Soviets were now interested in such talks. In September 1966, a U.S.-Soviet working group, which included one of the authors of this article, came up with three possible drafts of an NPT prohibition on the transfer of nuclear weapons that the Americans and the Soviets could present to their governments.

President Lyndon Johnson also authorized ACDA negotiators to present a draft no-transfer treaty provision to the West German government, probably the most important U.S. ally in Western Europe that the NPT would ban from having nuclear weapons. Johnson had good reason to be concerned about the reaction of the West Germans. They had already done considerable work related to building nuclear power reactors, and some in the West German government appeared to support research into nuclear weapons production, given that U.S. nuclear weapons were stationed with U.S. troops on West German territory. The British and the French already had nuclear weapons and would be accepted as NPT nuclear-weapon states in the U.S.-Soviet staff-proposed drafts. No other U.S. allies then seemed both seriously interested in and clearly capable of making nuclear weapons.

Fortunately, after further prolonged negotiations with the United States as well as with other NATO allies, the West Germans finally came around. They signed the NPT as a non-nuclear-weapon state, thus obligating themselves not to acquire nuclear weapons. Without West Germany's NPT promise not to acquire nuclear weapons, the Soviets would not have accepted an NPT. The Soviets had already complained about U.S. nuclear weapons deployed with U.S. forces in West Germany, weapons that were guarded by U.S. troops. The Soviets were not about to agree to a treaty permitting West Germany to control any nuclear weapons.

These further negotiations with the West Germans and other U.S. allies produced a consensus on a U.S. proposal to submit to the Soviet negotiators. With changes resulting from further negotiations both with the Soviets and our interested allies, we produced a final draft of the NPT to present at the Geneva-based Eighteen Nation Disarmament Committee and the UN General Assembly in 1968. This included provisions recommended by the eight nonaligned countries represented at the Geneva disarmament conference, including India, such as Article IV, which provides that the NPT "shall" not be interpreted as "affecting the inalienable right" of all NPT parties "to develop research, production and use of nuclear energy for peaceful purposes without discrimination."

The NPT Today

The 1968 NPT permitted the five states that had tested nuclear weapons to keep these weapons for the time being but obligated them under Article VI to negotiate to reduce and ultimately eliminate them. The treaty also prohibited other states-parties from acquiring nuclear weapons.^[7] Forty years after the signing of the NPT, it is a worldwide treaty joined by more than 180 countries that do not have nuclear weapons as well as the five that had tested them by 1968. Russia has taken the place of the Soviet Union as one of the five nuclear-weapon states, and the 14 other former Soviet republics that became independent have become non-nuclear-weapon states-parties to the NPT.

Today, the most important NPT provision that has not been well observed is Article VI, the obligation of the five nuclear-weapon states "to negotiate in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament."

In 2007, when she was the United Kingdom's foreign minister, Margaret Beckett called for negotiators to take additional steps toward nuclear disarmament. She said, "The judgment we made 40 years ago [at the NPT's signing] that the eventual elimination of nuclear weapons was in all our interests is just as true today as it was then. For more than 60 years, good management and good fortune have meant that nuclear arsenals have not been used, but we cannot rely just on history to repeat itself."^[8]

It is true that on occasion nuclear-weapon states have taken advantage of NPT treaty review conferences to reiterate their intention to seek nuclear reductions. Yet, no serious nuclear-weapon reductions have taken place that include all five states permitted by the NPT to possess nuclear weapons. The Bush administration has been no exception. Unlike previous administrations, the current administration has made only a small effort to negotiate nuclear weapons reductions with Russia at a time when the two countries still control more than 95 percent of the nuclear weapons in the world. The U.S.-Russian nuclear reduction treaty (the Strategic Offensive Reductions Treaty) signed by the

presidents of the two countries during the Bush administration calls for the removal from active deployment of some nuclear warheads, but it does not require their elimination.

Instead of negotiating agreed nuclear weapons reductions, the Bush administration has announced a wide range of potential uses for nuclear weapons, greater than any past U.S. administration seems to have announced.^[9] In addition, the administration did not accept prior commitments by earlier U.S. administrations that limit the use of nuclear weapons against non-nuclear-weapon countries, including commitments that the United States will not use nuclear weapons against countries that have agreed that they will not acquire nuclear weapons.^[10] In brief, the Bush administration has done little to carry out the U.S. obligation to pursue “nuclear disarmament” mandated by Article VI.

Early this year, Congress passed legislation calling for the executive branch to conduct a thorough review of U.S. nuclear weapons policy by the end of the first year of the next administration. This review, Congress said, must describe the new U.S. administration’s “assessment of the role of nuclear forces in military strategy”; its “objectives...to maintain a safe, reliable and credible nuclear posture”; and its views of the “relationship among U.S. nuclear deterrence policy, targeting strategy, and arms control.” This would mark the first such re-examination since the Bush administration’s 2002 Nuclear Posture Review, which stated a new U.S. policy of relatively free use of nuclear weapons against countries that are hostile to the United States even though they do not have nuclear weapons.^[11]

In addition, three important states (India, Israel, and Pakistan) refused to join the NPT in 1968 when it was opened for signature, and they eventually produced nuclear weapons. Despite its refusal to join the NPT and its acquisition of nuclear weapons, India has been rewarded by the Bush administration by a proposed U.S.-India agreement that, if implemented, would appear to violate current U.S. law and be inconsistent with agreed international guidelines.

North Korea did join the NPT as a non-nuclear-weapon state but later withdrew and tested a nuclear weapon that appeared to be in part the product of its nuclear weapons research activities conducted while it was an NPT state-party. Several countries, most prominently South Africa, abandoned their nuclear weapons-making efforts and joined the NPT.

Negotiations to persuade North Korea to give up its nuclear weapons began in the Clinton administration and, after a long pause, were taken up again by the Bush administration. Several preliminary agreements have been signed. However, North Korea has not yet carried out its promise to eliminate its nuclear weapons. Iran, while a member of the NPT, has a uranium-enrichment program that began in secrecy 20 years ago and remains ambiguous as to its purpose: weapons, peaceful uses, or both. Negotiations with Iran remain stalemated.^[12]

Conclusion

The nuclear nonproliferation regime is at a crossroads. If it is to be saved and reinvigorated, the next U.S. president must take the lead at the start of his administration, January 20, 2009.

First, the president should outline a plan to strengthen the nuclear nonproliferation regime to Congress, to the U.S. public, and to foreign leaders. We hope he will include the Shultz-Perry-Kissinger-Nunn proposals in the Wall Street Journal calling for deep cuts in nuclear weapons around the world.^[13] This is, of course, one vision of what serious planning and successful negotiation of a nuclear weapons reduction agreement pursuant to Article VI could produce.

Second, the next U.S. president should propose early concrete steps for U.S.-Russian cooperation and nuclear reductions. The United States should propose additional reductions beyond SORT and the continuation of START verification measures. It is self-evident that positive relations between the United States and Russia will be central both to specific near-term actions and to the vision of a world free of nuclear weapons.

Third, the next U.S. president should extend these talks to include the other nuclear-weapon states. At a time that U.S.-Russian arms reduction talks have effectively stalled out, it may seem disingenuous for the two countries that control more than 95 percent of the nuclear weapons in the world to invite the “Three” (China, France, and the United

Kingdom) to join their occasional nuclear weapons reduction negotiations. However, early agreements between Russia and the United States and then among the five nuclear-weapon states on steps toward nuclear disarmament are essential to satisfy the non-nuclear-weapon NPT members that these two countries are complying with their Article VI obligations. Significant compliance with this obligation is important to forestall further proliferation by non-nuclear-weapon countries and to keep some of them from withdrawing from the NPT.

Fourth, the United States should establish a serious dialogue with China on nuclear weapons issues. This is essential to steps that China and the United States, joined by others, should take in pursuit of nuclear disarmament.

Fifth, the next president should appoint a nonproliferation “czar” before inauguration day. The czar would work with the president-elect on his policy positions and be the leader of the president’s effort to enact legislation creating a new agency to focus on nonproliferation and arms reduction negotiations. In the Kennedy, Johnson, Nixon, Carter, Reagan, and Clinton administrations, the ACDA led the U.S. effort to negotiate an NPT and other important treaties to limit nuclear arms. The ACDA was separate from the State Department but under the general direction of the secretary of state (but not the rest of the State Department) as well as the president.

Unfortunately, conservatives in Congress during the last years of the Clinton administration succeeded in abolishing the ACDA and placing its employees back in the State Department. This meant that the personnel responsible for negotiations to prevent the spread of nuclear weapons were more likely to be influenced by State Department personnel responsible for specific regions of the world. State Department personnel focused on other subjects than preventing the spread of nuclear weapons and on other regions than those where that spread is a matter of particular concern. This happened in the case of the recent U.S.-Indian agreement that was to provide major nuclear assistance to India despite its pursuit of nuclear weapons, a pursuit which earlier U.S. administrations had tried hard to prevent and then slow. In negotiating the U.S.-Indian agreement, State Department officials overrode or ignored established arms control concerns in their eagerness to reach an unsound agreement.

Sixth, the 2006 U.S.-Indian nuclear agreement should be set aside. It seems to be stalled now by political opposition within India, and it will not likely come before the U.S. Congress for approval this year. If it went into force one day, it could help undermine the NPT regime. Instead, India should become a key actor in pursuit of the goal of a world free of nuclear weapons, a goal that former Prime Minister Rajiv Gandhi urged so eloquently at the UN.

In conclusion, it should not be forgotten that the NPT has been the primary rulemaker that has prevented the spread of nuclear weapons around the world. Many countries have nuclear research reactors and a sufficient industrial base to at least begin pursuing nuclear-weapon activities. Without joining the NPT, India, Israel, and Pakistan have become nations with nuclear weapons. North Korea, not well developed industrially, produced fissile material for nuclear weapons and then withdrew from the NPT. Libya, although a member of the NPT, started development of nuclear weapons but, with efforts by other countries to enforce the norm of the NPT and some financial assistance, was persuaded to stop that effort. In the Middle East, we saw Iraq pursuing nuclear weapons in the 1980s and 1990s. It took a UN-Iraq war to stop that effort. Subsequently, the existence of the NPT made it possible for the UN Security Council to demand strict disarmament requirements in a post-war cease fire. We have seen what may be nuclear weapons-making efforts in Iran and Syria. Additional NPT members in that region of the world, where non-nuclear sources of energy such as oil are readily available, have expressed interest in building nuclear power reactors. Does their nuclear interest go beyond power reactors?

What would the world look like if there were no NPT? It has provided the standard that has restrained many countries from pursuing nuclear weapons. Without it, would there be 20 or 30 countries with nuclear weapons or pursuing nuclear weapons?

Corrected online September 3, 2008. See [explanation](#).

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ENDNOTES

1. Treaty on the Non-Proliferation of Nuclear Weapons (July 1, 1968), art. I (hereinafter NPT).
2. See, e.g., Lenice N. Wu, "The Baruch Plan," in *Encyclopedia of Arms Control and Disarmament*, ed. Richard Dean Burns (New York: Charles Scribner's Sons, 1993), pp. 771, 774-783; George Bunn, *Arms Control by Committee: Managing Negotiations with the Russians* (Stanford: Stanford University Press, 1992), pp. 59-61.
3. Bunn, *Arms Control by Committee*, pp. 85-92.
4. UN General Assembly Resolution 1665, December 4, 1961 (the "Irish Resolution").
5. See Bunn, "The Nuclear Nonproliferation Treaty: History and Current Problems," *Arms Control Today*, December 2003, p. 5.
6. NPT, arts. I and II.
7. Bunn, *Arms Control by Committee*, pp. 87-103; U.S. Arms Control and Disarmament Agency, *Arms Control and Disarmament Agreements: Texts and Histories of Negotiations* (1980), pp. 82-83.
8. Margaret Beckett, Keynote address at Carnegie International Nonproliferation Conference, Washington, D.C., June 25, 2007.
9. Amy F. Woolf, "Nuclear Weapons in the U.S. National Security Policy: Past, Present, and Prospects," CRS Report for Congress, October 29, 2007, p. 10.
10. Over the years, several presidents have made commitments not to use nuclear weapons against non-nuclear-weapon states party to the NPT, for example the nuclear nonuse protocol to the Treaty for the Prohibition of Nuclear Weapons in Latin America of 1967, which the United States signed and ratified before the NPT. Similar treaties exist for several other regions of the world. The protocols to these treaties have been signed but not ratified by the United States. See, e.g., George Bunn, "The Legal Status of U.S. Negative Security Assurances to Non-Nuclear Weapon States," *Nonproliferation Review*, Spring-Summer 1997, p. 1.
11. See David Holloway, "Deterrence, Preventive War, and Preemption," in *U.S. Nuclear Weapons Policy/Confronting Today's Threats*, eds. George Bunn and Christopher Chyba (Washington, D.C.: Brookings Institution Press and CISAC, 2006), p. 34; Roger Speed and Michael May, "Assessing the U.S. Nuclear Posture," in *U.S. Nuclear Weapons Policy/Confronting Today's Threats*, p. 248; George Bunn and Christopher Chyba, "U.S. Nuclear Postures for a New Era," in *U.S. Nuclear Weapons Policy/Confronting Today's Threats*, p. 297.
12. See William J. Broad, "Look Who's Tough on Iran Now," *The New York Times*, News of the Week in Review, June 1, 2008, p. 1.
13. George P. Shultz, William J. Perry, Henry Kissinger, and Sam Nunn, "A World Free of Nuclear Weapons," *The Wall Street Journal*, January 4, 2007, p. A15; George P. Shultz, William J. Perry, Henry Kissinger, and Sam Nunn, "Toward a Nuclear-Free World," *The Wall Street Journal*, January 15, 2008, p. A13. See interview with Sam Nunn,

“World Free of Nuclear Weapons,” *Arms Control Today*, March 2008, p. 6.

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