A comprehensive study of official proposals or declarations made and decisions taken by the General Assembly on the procedure of unilateral or negotiated moratoria as a provisional measure for the prohibition of nuclear-weapon tests, as well as their application by any state

Working paper prepared by the Secretariat

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INTRODUCTION

1. By its resolution 31/189 of 21 December 1976, the General Assembly decided to convene a special session devoted to disarmament, to be held in New York in May/June 1978. It further decided to establish a Preparatory Committee for the Special Session of the General Assembly Devoted to Disarmament, composed of 54 Member States appointed by the President of the Assembly on the basis of equitable geographical distribution, with the mandate of examining all relevant questions relating to the special session, including its agenda, and to submit to the Assembly at its thirty-second session appropriate recommendations thereon.

2. The General Assembly also requested the Secretary-General to render the Preparatory Committee all necessary assistance, including the provision of essential background information, relevant documents and summary records.

3. At its 14th meeting on 20 May 1977, the Preparatory Committee requested the Secretariat to prepare certain working papers. Included among them was "A comprehensive study of official proposals or declarations made and decisions taken by the General Assembly on the procedure of unilateral or negotiated moratoria as a provisional measure for the prohibition of nuclear-weapon tests, as well as their application by any State".

4. In response to this request of the Preparatory Committee, the Secretariat has prepared this working paper, which draws mainly on the publication The United Nations and Disarmament, 1945-1970 and its supplement The United Nations and Disarmament, 1970-1975 and other United Nations documents.

MORATORIA FOR THE PROHIBITION OF NUCLEAR-WEAPON TESTS

1. Voluntary suspension of testing 1958-1961

5. In 1957, nuclear testing reached a higher level of activity than in any previous year. The United Kingdom and the United States completed a programme of tests in November and early December of that year, while the Soviet Union concluded a series of tests at the end of March 1958.

6. On 31 March 1958, the Supreme Soviet of the Soviet Union adopted a decree unilaterally suspending nuclear testing, and on 4 April, Premier Khrushchev wrote to President Eisenhower drawing attention to the Soviet decision and calling on the Western Powers to suspend nuclear testing also, but reserving the right to resume testing should the Western Powers do so. In his reply of 8 April, President Eisenhower observed that the forthcoming United States programme of testing had been announced for a long time; he proposed that technicians from both sides should study the specific control measures which would be necessary if an agreement were ever to be reached on the limitation or suspension of testing. At the end of the month, the United Kingdom and the United States resumed testing.

7. During the thirteenth session of the General Assembly in 1958, the United Kingdom and the United States announced their intention to suspend tests for one year from 31 October 1958, when test ban negotiations among the three nuclear
Powers were to begin in Geneva, provided the Soviet Union did not resume nuclear testing. They further offered to extend the suspension on a year-by-year basis provided that the inspection system to be established during the first year of a test ban treaty was working effectively and that "satisfactory progress" was being made in other fields of disarmament.

8. On 4 November 1958, the General Assembly adopted resolution 1252 A (XIII), by which the General Assembly, inter alia, urged the parties involved in negotiations on the suspension of nuclear-weapon tests not to undertake further testing of nuclear weapons while these negotiations were in progress.

9. On 31 October 1958, the Soviet Union transmitted to the United Nations a statement in connexion with the Conference on the Discontinuance of Nuclear Weapon Tests. 1/ Observing that the United States and the United Kingdom had intensified their nuclear-weapon testing programme after the USSR had unilaterally suspended testing on 31 March, the Soviet Union declared its right to continue test explosions on a "one-to-one ratio" to the combined number of explosions carried out by the two Western Powers since 31 March.

10. On 7 November the United States transmitted the text of a statement by President Eisenhower 2/ noting that the Soviet Union had continued the testing of nuclear weapons despite the opening of negotiations in Geneva on 31 October and despite the General Assembly’s adoption of resolution 1252 A (XIII) on 4 November. President Eisenhower said that the United States would, nevertheless, continue the suspension of tests, and hoped that the Soviet Union would do the same. In fact, the United Kingdom suspended nuclear tests after 23 September 1958, the United States after 30 October and the Soviet Union after 3 November.

11. At the fourteenth session of the General Assembly, in 1959, India submitted a draft resolution, co-sponsored by 23 other countries, 3/ whereby the General Assembly would appeal to the States concerned in the Geneva discussions to continue their present voluntary suspension of tests, and to other States to desist from such tests. It was adopted as resolution 1402 B (XIV).

12. Austria, Japan and Sweden also submitted a draft resolution, 4/ by which the Assembly would urge the States concerned to continue their voluntary discontinuance of the testing of nuclear weapons. It was adopted as resolution 1402 A (XIV).

13. The Western Powers considered that the unilateral undertaking to suspend nuclear-weapon tests had expired on 1 December 1959 when President Eisenhower had issued the following statement:

"Although we consider ourselves free to resume nuclear-weapons testing, we shall not resume nuclear-weapons tests without announcing our intention in advance of any resumption. During the period of voluntary suspension of nuclear-weapons tests, the United States will continue its active program of weapons research, development and laboratory-type examination."

14. On 3 January 1960, Premier Khrushchev stated that the Soviet Union would not resume testing unless the Western Powers did so.
15. At the Geneva conference in March 1960, the Soviet Union proposed that a treaty should ban tests in the atmosphere, in outer space, under water, and underground to a seismic threshold of 4.75 and should be associated with a moratorium on all testing below the threshold of 4.75. Following the meeting between President Eisenhower and Prime Minister Macmillan at the end of March, the Western Powers agreed to the Soviet proposal, provided that a co-ordinated regional programme to improve detection procedures was instituted forthwith and that the moratorium on testing below the threshold was for a fixed term only.

16. At the fifteenth session of the General Assembly, in 1960, a draft resolution was submitted by Austria, India and Sweden 2/ that urged the States concerned in the Geneva negotiations to continue their present voluntary suspension of the testing of nuclear weapons and to seek a solution to "the few remaining questions". Another draft resolution, a 26-Power text, 5/ requested also other States to refrain from undertaking such tests.

17. The Soviet Union supported both draft resolutions, noting that the 26-Power draft had the merit of also appealing to other States to refrain from carrying out such tests.

18. The United States explained that it would abstain on both the three-Power and 26-Power draft resolutions. The United States had reservations about the requests in both drafts for the continuance of the present voluntary suspension of nuclear-weapon testing. The policy of the United States Government remained that the moratorium had ended on 31 December 1959. Though the United States would not resume nuclear-weapon tests without stating in advance its intention of doing so, it was concerned lest the possibility of the indeterminate extension of voluntary suspension of nuclear testing came to be regarded as an acceptable alternative to a safeguarded agreement on nuclear testing.

19. On 20 December 1960, the Assembly adopted the three-Power text as resolution 1577 (XV) and the 26-Power text as resolution 1578 (XV). 7/

20. At the Geneva conference between March and May 1961, the United States and the United Kingdom submitted new proposals, among others, extending to three years the moratorium on underground testing below the 4.75 seismic threshold.

21. On 30 August 1961, the USSR Government declared that, faced with the increasing aggressiveness of the NATO military bloc, it had been compelled, in order to strengthen its security, to take a number of steps, including the carrying out of experimental nuclear-weapon explosions. 8/

22. The President of the United States declared on the same day that the USSR's unilateral decision obliged the United States to decide what its own national interests required. From 1 September to 4 November, the Soviet Union conducted a series of tests, mostly thermonuclear and all but one in the atmosphere. The United States resumed underground testing on 15 September and announced several underground explosions before the end of 1961. 9/
2. Proposals for moratoria in the 1960s

23. On 23 October 1961, a draft resolution on the continuation of the suspension of nuclear and thermonuclear-weapon tests, submitted to the General Assembly by Ethiopia, Ghana, India, Nepal, the United Arab Republic and Yugoslavia, urged the States concerned to refrain from further test explosions pending the conclusion of necessary internationally binding agreements in regard to tests.

24. The six-Power draft resolution was opposed by all the nuclear Powers - France, the Soviet Union, the United States and the United Kingdom. The United Kingdom and the United States declared that they would not accept another uncontrolled moratorium because it had failed in the past and had permitted secret preparations owing to the lack of controls.

25. On 6 November, the Assembly adopted the non-aligned draft as resolution 1640 (XVI).

26. Upon the resumption, on 20 November 1961, of the Geneva Conference, the Soviet Union put forward a draft agreement on the discontinuance of nuclear-weapon tests in the atmosphere, in outer space and under water, which provided for supervision of the ban to be carried out through the existing national means of detection and also for a moratorium on underground tests until a control system had been developed as part of a system of control over general and complete disarmament.

27. The United Kingdom and the United States opposed the proposal for another uncontrolled moratorium.


29. At the 1962 session of the ENDC, Brazil proposed the suspension of tests in the atmosphere, in outer space and under water, accompanied by a limited moratorium - for example, six months - pending an agreement on underground tests.

30. At the seventeenth session of the General Assembly, the Soviet Union reiterated its position that it would agree to a partial treaty on the understanding that underground tests should not be carried out while negotiations continued and until agreement was reached. The United Kingdom and the United States rejected any form of an uninspected moratorium.

31. On 6 November 1962, the Assembly adopted a non-aligned draft resolution as resolution 1762 A (XVII) by which the Assembly recommended that if, against all hope, the parties concerned do not reach agreement on the cessation of all tests by 1 January 1963, they should enter into an immediate agreement prohibiting nuclear-weapon tests in the atmosphere, in outer space and under water, accompanied by an interim arrangement suspending all underground tests.

32. At the Moscow talks on a limited test ban treaty in July 1963, the Soviet Union did not insist on its previous demand that a partial test-ban must be accompanied by a moratorium on underground testing. Agreement was reached on a text of a Treaty banning nuclear-weapon tests in the atmosphere, in outer space and under water.
33. At the ENDC in 1965, the United Arab Republic suggested that agreement be reached on a partial underground test ban covering events of seismic magnitude of 4.75 and above, coupled with a moratorium on underground testing below that magnitude.

34. At the twentieth session of the General Assembly, the Soviet Union reiterated its support for the United Arab Republic's proposal, made in the ENDC, that an underground ban should cover tests above a threshold of 4.75 seismic magnitude provided that there was a moratorium on tests below that threshold.

35. At the 1966 session of the ENDC, the United Arab Republic recalled its proposal in the ENDC, in 1965, for a treaty banning underground tests above the "threshold" of seismic magnitude 4.75 and a moratorium on tests below the "threshold". Burma urged consideration of a voluntary test suspension with verification by challenge.

36. On 17 August 1966, the eight non-aligned countries tabled a "Joint Memorandum on a Comprehensive Test Ban Treaty", 12/ in which they called on the nuclear Powers to discontinue nuclear-weapon tests pending conclusion of a comprehensive test-ban treaty.

37. In the discussion at the twenty-first session of the General Assembly, in 1966, the USSR reiterated its acceptance of the United Arab Republic's proposal for a "threshold ban" with an indefinite moratorium. A number of other countries favoured banning underground tests above a "threshold", but without a moratorium on tests below the suggested threshold. Others urged that the threshold should be progressively lowered as monitoring techniques improved.

38. On 5 December, the General Assembly adopted resolution 2163 (XXI), by which the General Assembly, among others, called upon all nuclear-weapon States to suspend nuclear-weapon tests in all environments. This call was reiterated in resolutions 2343 (XXII), 2455 (XXXIII), 2604 B (XXIV), 2663 B (XXV), 2934 A (XXVII) and 3257 (XXIX).

3. Recent development in the 1970s

39. At the twenty-sixth session of the General Assembly in 1971, Saudi Arabia submitted a draft resolution by which the General Assembly would appeal to the nuclear Powers to desist from carrying out further nuclear tests of any kind. The General Assembly adopted the draft as resolution 2828 B (XXVI). The USGR voted in favour, France, the United Kingdom and the United States abstained. China voted against.

40. Another draft resolution was submitted by Australia, Austria, Belgium, Canada, Denmark, Ethiopia, Finland, Ghana, Ireland, Japan, Morocco, the Netherlands, Nigeria, Norway and Sweden, and subsequently joined by Iran. The draft resolution was adopted as resolution 2828 C (XXVI). France, the United Kingdom, the United States and the Soviet Union abstained and China voted against. The resolution urged that all States that had not yet done so adhere without further delay to the Treaty and meanwhile refrain from testing in the environments covered by the Treaty. This urging was reiterated in resolution 2934 A (XXVII).
41. The resolution also called upon all Governments that had been conducting nuclear-weapon tests, particularly those of parties to the Partial Test Ban Treaty, immediately to undertake unilateral or negotiated measures of restraint that would suspend nuclear-weapon testing or limit or reduce the size and number of nuclear-weapon tests, pending the early entry into force of a comprehensive ban on all nuclear-weapon tests in all environments by all States. This call was reiterated in resolution 2934 B (XXVII).

42. At the 1972 session of the CCD, Canada suggested a commitment by the United States and the USSR to reduce significantly the size and number of their nuclear-weapon tests, or alternatively, an agreed moratorium of a fixed duration. Any extension of the moratorium beyond the agreed duration would be conditional on the adherence of all nuclear-testing Powers to it or on their participation in substantive negotiations towards a comprehensive nuclear-test ban.

43. A draft resolution sponsored by Mexico and 14 other Latin American members, and along the general lines of resolution 2828 A (XXVI) sponsored by a similar group at the twenty-sixth session, was adopted as resolution 2934 C (XXVII). Albania, China, France and Portugal voted against. The USSR and other Eastern European countries, the United Kingdom and United States abstained. This resolution urged the Governments of nuclear-weapon States to bring to a halt all nuclear-weapon tests at the earliest possible date, and in any case not later than 5 August 1973, either through a permanent agreement or through unilateral or agreed moratoria. This urging was repeated in resolution 3078 A (XXVIII).

44. At the Review Conference of the Treaty on Non-Proliferation of Nuclear Weapons in 1975, Mexico, supported by a number of non-aligned States parties to the Treaty, submitted a draft resolution with a working paper containing a draft additional protocol to the Treaty regarding nuclear-weapon tests, 13 which read as follows:

"Article 1. They [the Depositary Governments of the Treaty] undertake to decree the suspension of all their underground nuclear-weapon tests for a period of 10 years, as soon as the number of Parties to the Treaty reaches 100.

"Article 2. They undertake also to extend by three years the moratorium contemplated in the preceding article, each time that five additional States become parties to the Treaty.

"Article 3. They undertake to transform the moratorium into a permanent cessation of all nuclear-weapon tests, through the conclusion of a multilateral treaty for that purpose, as soon as the other nuclear-weapon States indicate their willingness to become parties to said Treaty."

45. While no decision was taken at the Conference on the draft resolution 14 and the working paper annexed to it, they were reproduced in full in Annex II of the Final Document of the Conference at the request of Mexico, on behalf of the Group of 77.

46. The inclusion of the draft resolution and the draft additional protocol into the final document of the Review Conference was noted in a preambular paragraph of
resolution 3466 (XXX) adopted at the thirtieth session of the General Assembly.
The Assembly also noted in another preambular paragraph that the desire was expressed
by a considerable number of delegations at the Conference that the nuclear-weapon
States parties to the Treaty should enter into an agreement to halt all
nuclear-weapon tests for a specified time, whereupon the terms of such an agreement
would be reviewed in the light of the opportunity at that time to achieve a
universal and permanent cessation of all nuclear-weapon tests. In an operative
paragraph the Assembly called upon all nuclear-weapon States to bring to a halt
all nuclear-weapon tests through an agreed suspension subject to review after a
specified period, as an interim step towards the conclusion of a formal and
comprehensive test-ban agreement. China voted against the resolution 3466 (XXX),
and France, the Soviet Union, the United Kingdom and the United States abstained.

47. At the 1976 session of the CCDB, Mexico reiterated 15/ the proposal of a
moratorium indicated in the draft additional protocol to the Non-Proliferation
Treaty mentioned above end in General Assembly resolution 3466 (XXX).

48. At its thirty-first session, the General Assembly adopted resolution 31/66
by which the Assembly called again upon all nuclear-weapon States to suspend the
testing of nuclear weapons by agreement, subject to review after a specified period,
as an interim step towards the conclusion of a formel and comprehensive test-ban
agreement.
NOTES


2/ Ibid., document A/3985.


4/ Ibid., para. 5 (A/C.1/L.236/Rev.1).


7/ Ibid., Plenary Meetings, 960th meeting.


10/ Ibid., Sixteenth Session, Annexes, agenda items 73 and 72, document A/C.1/L.283/Rev.2 and Add.1.

11/ Ibid., Plenary Meetings, 1047th meeting.


13/ NPT/CONF.35/1, annex II, p. 4.

14/ Ibid., p. 2.

15/ CCD/PV.688.