

The Nuclear Non-Proliferation Treaty (NPT)

A briefing by BASIC

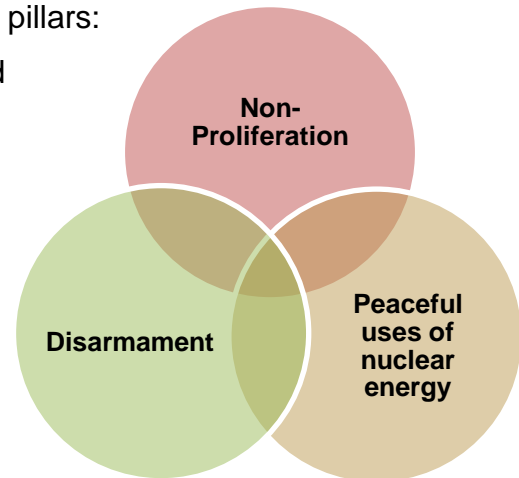
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What is the NPT?

The Nuclear Non-Proliferation Treaty is an international legally binding treaty that is generally interpreted as being based upon three main pillars:

- **Non-proliferation:** preventing of the further spread and/or transfer of nuclear weapons and weapon technologies;
- **Disarmament:** furthering the goal of achieving nuclear, and general and complete disarmament;
- **Peaceful uses of nuclear energy:** recognizing the inalienable right of sovereign states to use nuclear energy for peaceful purposes, and promoting international cooperation on these uses.



The NPT is the established foundation for global efforts to constrain nuclear weapons and to achieve a world free from nuclear dangers.

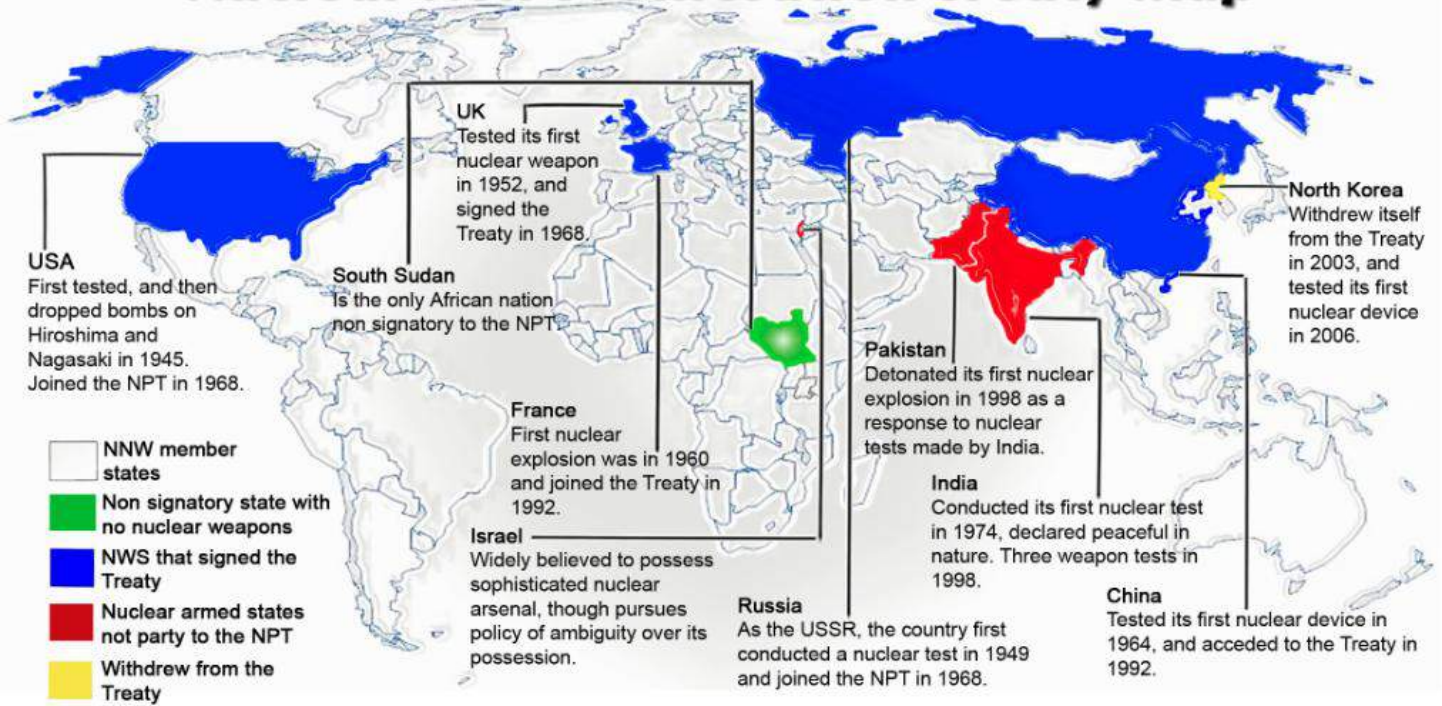
What states are signed up to the NPT?

- 190 states are Parties to the Treaty. This is more nations than any other international treaty.
- The States Parties are split between non-nuclear weapon states (NNWS) and nuclear weapon states (NWS).
- The Treaty recognizes five NWS: United States, United Kingdom, Russia, France, and China (the first three are the depository states). These are the countries that produced or detonated a nuclear explosion before January 1st, 1967 (just before the Treaty came into being).

What states are NOT signed up to the NPT?

- India, Pakistan, and Israel have not signed the Treaty. India and Pakistan openly tested nuclear weapons in 1998. Israel maintains a policy of ambiguity, although is understood to possess a sophisticated nuclear weapons arsenal.
- In 2003, North Korea became the first and remains the only country to withdraw from the NPT. Some member states contest this withdrawal and still consider the country to be party to the NPT. In 2006, North Korea tested its first nuclear device.
- South Sudan, the world's newest state, is the only non-member state without a nuclear weapon program. It is also the only African state outside the NPT.

Nuclear Non-Proliferation Treaty Map



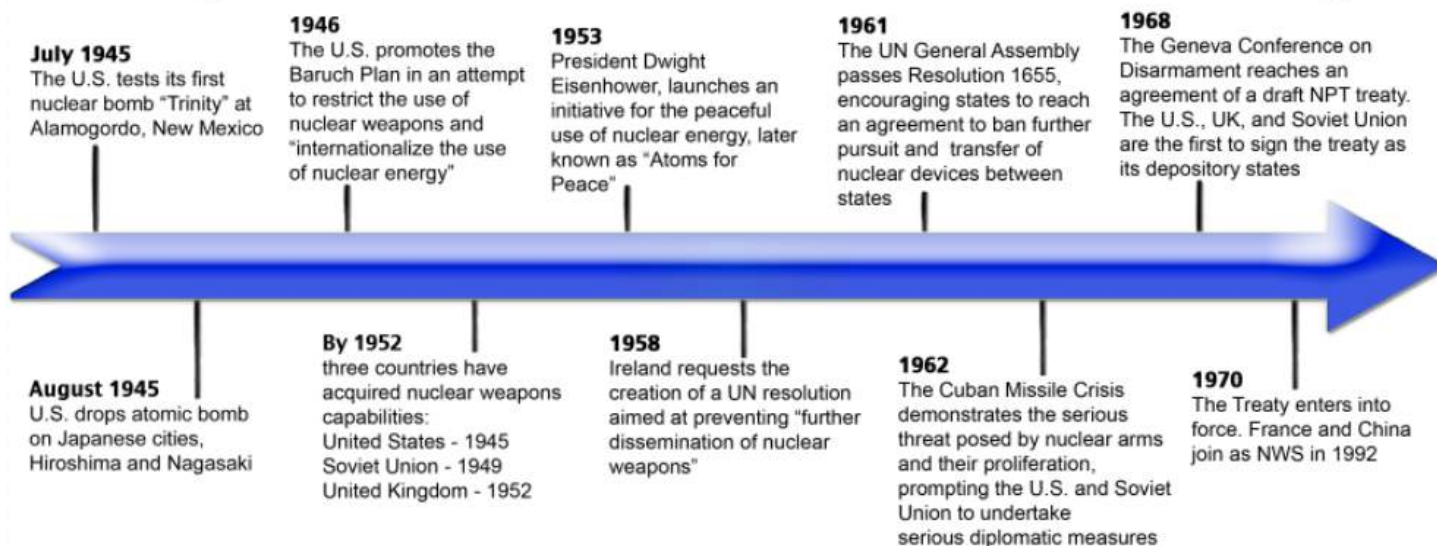
What's in the Treaty?

The text is comprised of 11 Articles, with the most significant being:

Articles I & II	Article III	Article IV	Article VI	Article X
<ul style="list-style-type: none"> Prohibit member states from supplying or receiving nuclear devices, or assisting in their development or fabrication.¹ 	<ul style="list-style-type: none"> Stipulates the IAEA safeguard and inspection responsibilities for NNWS governing their nuclear facilities.² 	<ul style="list-style-type: none"> Recognizes the "inalienable right of NNWS to research, develop and use nuclear energy for non-weapon purposes".³ 	<ul style="list-style-type: none"> Commits member states 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".⁴ Measures on assessing progress towards disarmament are not outlined. 	<ul style="list-style-type: none"> Outlines the right of states to withdraw giving 3 months notice if their supreme interests are under threat relating to nuclear weapons.

How did the NPT evolve?

NPT Origins and Evolution of the Global Non-Proliferation Regime



What are some of the NPT's main challenges?

1. Non-universal nature of the Treaty

- Although the Treaty is nearly universal in its membership, four states with nuclear weapons capabilities remain outside: India, Pakistan, Israel, and North Korea.⁵
- These countries have no legal obligation to work towards nuclear disarmament nor to refrain from assisting NNWS on any nuclear weapons programs.⁶
- As a result, non-universality deeply undermines the efficacy of the Treaty and the sense of security it can afford NNWS.⁷

2. Article VI and the Question of Disarmament

- Disarmament is a core objective of the NPT and the discriminatory nature of the rights and duties of NWS and NNWS was intended to be temporary.⁸ However, the

¹ "The Treaty on the Non-Proliferation Of Nuclear Weapons," May 2005, *Department for Disarmament Affairs, UN*, <http://www.un.org/en/conf/npt/2005/npttreaty.html>

² Kimball, Daryl, "The NPT at a Glance," *Arms Control Association*, April 2012, <http://www.armscontrol.org/factsheets/nptfact>

³ Ibid.

⁴ United Nations Office for Disarmament Affairs, "Treaty of the Non-Proliferation of Nuclear Weapons," *United Nations*, June 1968, <http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml>

⁵ North Korea declared its withdrawal from the NPT in 2003, though the validity of this withdrawal is contested.

⁶ Pakistan serves as an effective example of the dangers posed to non-proliferation by nuclear hold-outs as the country has provided enrichment technologies to both North Korea and Iran. See also Bunn, George, "The Nuclear Nonproliferation Treaty: History and Current Problems," *Arms Control Association*, December 2003, www.armscontrol.org/act/2003_12/Bunn

⁷ Abe, Nobuyasu, "Current Problems of the NPT: How to Strengthen the Non-Proliferation Regime," *Strategic Analysis*, March 2010, p. 215: http://www.idsa.in/strategicanalysis/34_2/TheCurrentProblemsoftheNPT_nabe

⁸ Kmentt, Alexander, "How Divergent Views on Nuclear Disarmament Threaten the NPT," *Arms Control Association*, December 2013, http://www.armscontrol.org/act/2013_12/How-Divergent-Views-on-Nuclear-Disarmament-Threaten-the-NPT

⁸ Muller, Harald, "Between Power and Justice: Current Problems and Perspectives of the NPT Regime," *Strategic Analysis*, March 2010, p. 191: <http://www.tandfonline.com/doi/abs/10.1080/09700160903542740#.U1edkuZdV2A>

NWS have conditioned their disarmament upon major improvements to the international security situation, and continue to modernize their respective nuclear arsenals and retain the centrality of nuclear weapons within their security doctrines. This ensures that the inequalities which existed at the birth of the Treaty persist, constituting a significant grievance for the NNWS—perhaps the greatest source of friction within the Treaty.⁹

- The failure to produce meaningful progress in disarmament is widely understood as a failure of the Treaty itself.
- It may be unlikely that the loss of legitimacy of the NPT—arising from the failures of disarmament—will trigger withdrawals from the NPT, but it has already been compromising the willingness of some NNWS to cooperate in efforts to strengthen non-proliferation. This could weaken their commitment to upholding its provisions, resulting in a slow but devastating weakening of its implementation and testing its provisions at the margins.¹⁰

What are the NPT Review Conferences (RevCons)?

- State Parties convene once every five years to evaluate the implementation of the NPT and to discuss ways in which the Treaty may be strengthened and advanced.
- In the three years prior to each conference, Preparatory Committees (PrepComs) are held in order to facilitate talks and provide an agenda for the RevCon.

State Parties are gathered April 28th – May 9th, 2014 for the third PrepCom preceding the May 2015 Review Conference

The focus will be on:

- Implementation of the 2010 Action Plan;
- Progress on convening the Conference on a WMD-Free Zone in the Middle East;
- The modernization of nuclear arsenals; and
- The humanitarian impacts of the use of nuclear weapons¹¹

⁹ Ingram, Paul, "Can the P5 Process Deliver on Disarmament?," *British American Security Information Council*, April 2014: <http://www.basicint.org/news/2014/week-can-p5-process-deliver-disarmament>.

Dhanapala, Jayantha, "The NPT Regime: External and Internal Challenges," *Carnegie Endowment for International Peace*, January 1999, p. 2: http://www.un.org/disarmament/HomePage/HR/docs/1999/1999Jan11_Washington.pdf;

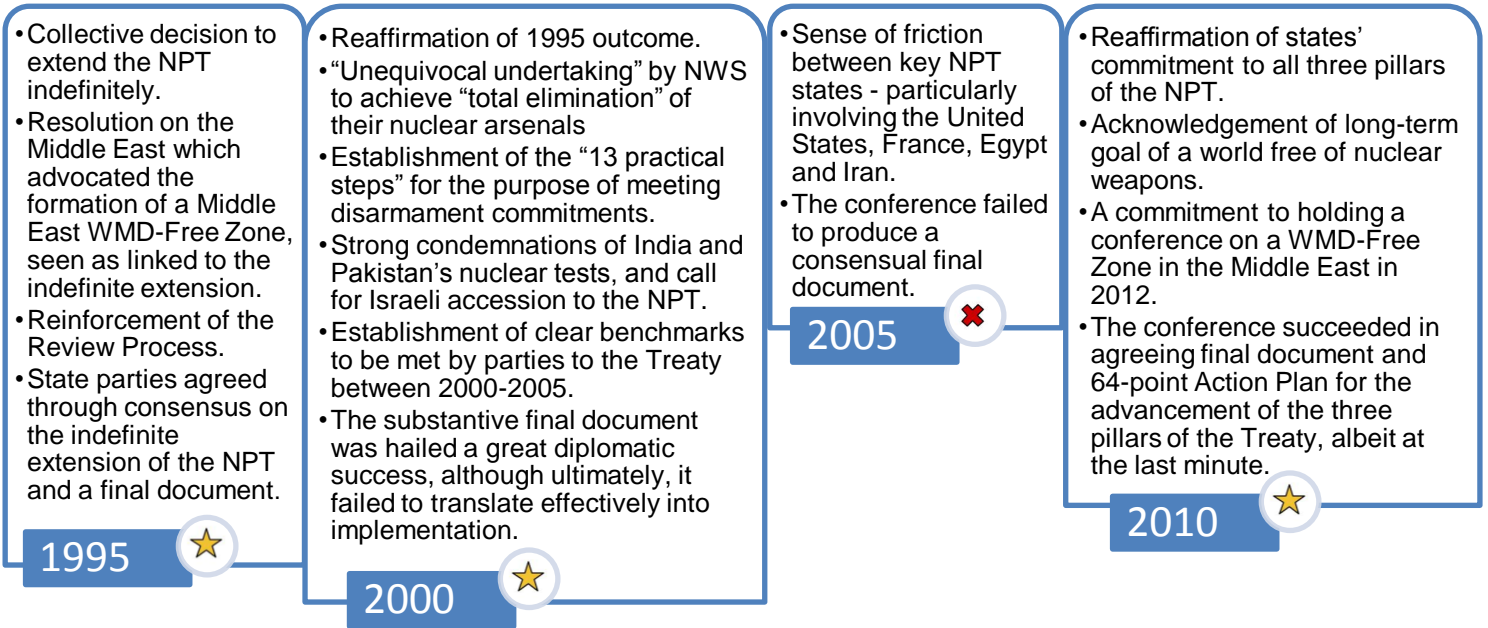
Kuppuswamy, Chamundeeswari, "Is the Nuclear Non-Proliferation Treaty Shaking at its Foundations? Stock Taking After the 2005 NPT Review Conference," *Journal of Conflict and Security Law*, Spring 2006: <http://jcsf.oxfordjournals.org/content/11/1/141.full.pdf>

¹⁰ Muller, Harald, "A Treaty in Troubled Waters: Reflections on the Failed NPT Review Conference," *The International Spectator: The Italian Journal of International Affairs*, 2005, p. 43:

<http://www.tandfonline.com/toc/rspe20/40/3#.U1ei9-ZdV2A>

¹¹ Women's International League for Peace and Freedom, "2014 NPT Preparatory Committee Briefing Book," 2014, *Reaching Critical Will*, http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/RCW_Briefing%20Book_NPT.pdf

NPT Review Conferences: Outcomes 1995-2010



Key Issues of Discussion 1995-2010

