

# The Nuclear Non-Proliferation Treaty (NPT)



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## What is the NPT?

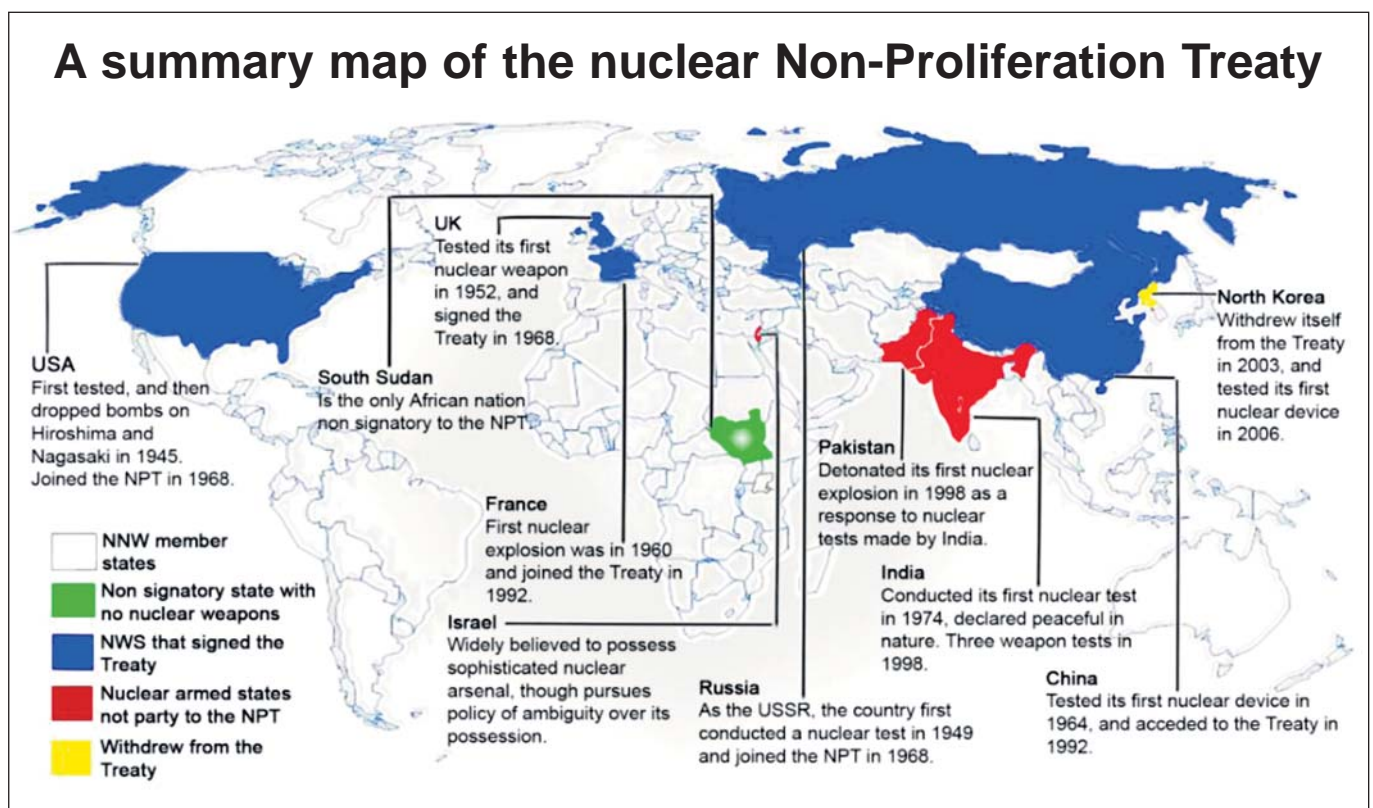
The legally-binding nuclear Non-Proliferation Treaty is generally interpreted as being based upon three main pillars:

- **Non-proliferation:** preventing of the further spread and/or transfer of nuclear weapons and technologies, or the expansion of existing arsenals;
- **Disarmament:** furthering the goal of achieving nuclear, and general and complete disarmament;
- **Nuclear energy:** recognizing the right of states to nuclear energy for peaceful purposes and promoting international cooperation.

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

## Which states are signed up to the NPT?

- 191 states are Parties to the Treaty. The NPT has the most States Parties of any international arms limitation and disarmament 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. These are the countries that detonated a nuclear explosion before January 1st, 1967.



# Which 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 believed to have possessed a nuclear arsenal since the late 1960s, and has thermonuclear warheads.
- 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.

## What's in the Treaty?

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

### Articles I & II

Prohibit member states from supplying or receiving nuclear devices, or assisting others in their development or fabrication.<sup>1</sup>

### Article III

Stipulates the International Atomic Energy Agency (IAEA) safeguard and inspection responsibilities for NNWS governing their nuclear facilities.<sup>2</sup>

### Article IV

Recognizes the “inalienable right of NNWS to research, develop and use nuclear energy for non-weapon purposes”.<sup>3</sup>

### Article VI

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”.<sup>4</sup>

Measures on assessing progress towards disarmament are not outlined.

### Article X

Outlines the right of states to withdraw under three months notice if their supreme interests are under threat relating to nuclear weapons.

## How did the NPT evolve?

**July 1945** - US tests its first nuclear bomb “Trinity” at Alamogordo, New Mexico

**August 1945** - US drops atomic bomb on Hiroshima and Nagasaki in Japan

**1946** - The US promotes the Baruch Plan in an attempt to restrict the spread of nuclear weapons and “internationalise the use of nuclear energy”

**By 1952** - three countries have acquired nuclear weapons capabilities - US, USSR and UK

**1953** - US President Dwight Eisenhower launches an initiative for the peaceful use of nuclear energy later known as “Atoms for Peace”

**1958** - Ireland requests the creation of a UN resolution aimed at preventing “further dissemination of nuclear weapons”

**1961** - UN General Assembly passes Resolution 1655 encouraging states to reach an agreement to ban further pursuit and transfer of nuclear devices between states

**1962** - The Cuban Missile Crisis demonstrates the serious threat posed by nuclear arms and their proliferation prompting the US and the USSR to undertake serious diplomatic measures

**1968** - The Geneva Conference on Disarmament reaches an agreement of a draft NPT treaty. The US, UK and USSR are the first to sign the treaty as its depository states

**1970** - The NPT enters into force

**1992** - France and China acceded to the treaty as NWS

**1995** - States Parties agreed the indefinite extension of the NPT

# 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.<sup>5</sup>
- These countries have no legal obligation to work towards nuclear disarmament or to refrain from assisting NNWS on any nuclear weapons programs.<sup>6</sup>
- As a result, non-universality deeply undermines the efficacy of the Treaty and the sense of security it can afford NNWS.<sup>7</sup>

## 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.<sup>8</sup> However, the 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.<sup>9</sup>
- 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.
- There has been growing support amongst states for the on-going discussion on the humanitarian impacts arising from the use of nuclear weapons. It is unclear where this is going next, but at the latest conference the Austrians pledged to “fill the legal gap for the prohibition and elimination of nuclear weapons” and to work with all relevant stakeholders in those efforts.<sup>10</sup>

## 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.<sup>11</sup>
- At the last RevCon in 2010 States Parties agreed a detailed 64 point Action Plan covering the three pillars of the treaty, to be reviewed at this year's RevCon.
- The next 2015 NPT RevCon will be held between 27 April and 22 May at the UN in New York.

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## Key Issues of Discussion, and Key Outcomes of the NPT RevCons

### 1995

The universality of the Treaty  
Non-proliferation  
Middle East WMD-Free Zone

### 2000

Review of implementation of goals set out by 1995 RevCon  
The state of non-proliferation, particularly in view of nuclear activities of India, Pakistan, Israel and Iraq  
The pace and scope of disarmament  
Delays in the necessary ratifications and entry into force of the CTBT

### 2005

US & French opposition to pick up from 2000, in particular the “13 steps” towards nuclear disarmament  
Lack of progress on the Middle East WMD-Free Zone, leading to Egyptian opposition to final agreement  
Iran’s and North Korea’s nuclear programs, and transparency & withdrawal from NPT  
Bringing the CTBT into force

### 2010

Universality of the Treaty  
Strengthening of oversight and safeguard mechanisms  
The peaceful use of nuclear energy  
Disarmament  
Middle East WMD-Free Zone  
Iran and North Korea

### 1995

Collective decision to extend the NPT indefinitely.  
State parties agreed through consensus on the indefinite extension of the NPT and a final document.

Resolution on the Middle East which advocated for the formation of a Middle East WMD-Free Zone, seen as linked to the indefinite extension.

Reinforcement of Review Process.

### 2000

Reaffirmation of 1995 outcome.

“Unequivocal undertaking” by NWS to achieve “total elimination” of their nuclear arsenals

Establishment of the “13 practical steps” for the purpose of meeting disarmament commitments.

Strong condemnations of India and Pakistan’s nuclear tests, and call for Israeli accession to the NPT.

Establishment of clear benchmarks to be met by parties to the Treaty between 2000-2005.

The substantive final document was hailed a great diplomatic success, although ultimately, it failed to translate effectively into implementation.

### 2005

Sense of friction between key NPT states - particularly involving the United States, France, Egypt and Iran.

The conference failed to produce a consensual final document.

### 2010

Reaffirmation of states’ commitment to all three pillars of the NPT.

Acknowledgement of long-term goal of a world free of nuclear weapons.

A commitment to holding a conference on a WMD-Free Zone in the Middle East in 2012.

The conference succeeded in agreeing final document and 64-point Action Plan for the advancement of the three pillars of the Treaty.

## What should we expect at the 2015 NPT Review Conference?

The four week NPT Review Conference will be full of robust discussion on elements relevant to the continued implementation of the three main pillars of the Treaty. However, there are key points of interest to many of the delegations and observing NGOs that likely to include:

- Fulfilment of the 2010 Action Plan
- The P5 process
- The establishment of a WMD-Free Zone in the Middle East
- The humanitarian impact of nuclear weapons
- Nuclear armed states not party to the NPT (including North Korea's withdrawal)

It is important to remember the context within which the 2015 NPT Review Conference is taking place. The elements that are likely to influence the RevCon and its outcome include:

- The Ukraine crisis
- Strained relations between Russia and the West
- P5+1 negotiations on Iran's nuclear program
- The continuing initiative on the Humanitarian Consequences of Nuclear Weapons

*This report was compiled by Maria Rivas in April 2014 with updates from Kate Chandley in March 2015.*