

THE STATE OF THE NUCLEAR NON-PROLIFERATION REGIME

The NPT and the challenges ahead



Introduction to the NPT

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) aims to prevent the spread of nuclear weapons, regulate access to technology associated with the development of nuclear weapons, and promote cooperation in the peaceful uses of nuclear energy. A parallel objective is disarmament, both general and nuclear: the treaty represents the only legally-binding multilateral commitment by nuclear-weapon states to the goal of nuclear disarmament. The NPT is therefore both the cornerstone of the nuclear non-proliferation regime and the foundation of the global framework for nuclear disarmament.

The treaty was approved and opened for signature in 1968, and entered into force on 5 March 1970. Driving its establishment was the deepening sense of insecurity, particularly in the US and USSR, generated by the 1962 Cuban missile crisis and the acquisition of nuclear weapons by two new states: France in 1960 and China in 1964. The treaty was accordingly fashioned to limit the possession of nuclear weapons to the five states (China, France, Russia, the UK and the US) which had, prior to 1967, manufactured and exploded a nuclear device.

At the core of the NPT is a bargain comprised of three elements:

- non-nuclear-weapon states undertake to forego nuclear weapons;
- nuclear-weapon states undertake to disarm their nuclear arsenals; and
- non-nuclear-weapon states receive assistance in the development and use of nuclear technology for peaceful purposes, while submitting their nuclear facilities and materials to verification and inspection by the International Atomic Energy Agency (IAEA).

The NPT mandates a review of the operation of the treaty every five years. The next Review Conference will take place in 2010.

Successes of the NPT

With 189 states parties - including the five nuclear-weapon states, nearly all of the key industrial countries and the vast majority of developing countries - the NPT enjoys broad support. It has been ratified by more countries than any other arms limitation and disarmament agreement. Only three countries - India, Pakistan and Israel - have never been party to the NPT; India and Pakistan are declared nuclear-weapon states, while Israel is widely believed to possess a nuclear-weapon capacity. In 1995, states parties to the NPT extended the treaty indefinitely.

This strength of support is testament to the NPT's notable successes. Among them:

- The treaty overcame the super-power antagonism of the Cold War to help constrain the nuclear arms race.
- The NPT provided an enabling framework within which South Africa, Ukraine, Kazakhstan and Belarus could voluntarily give up their nuclear weapons, and helped encourage states such as Brazil and Argentina to abandon attempts to obtain nuclear weapons.
- It contributed alongside member states' efforts to exert diplomatic pressure on Libya to persuade it to abandon its nuclear-weapon programme.
- The treaty has contributed to the creation of three nuclear-weapon-free zones: Latin America, the South Pacific and Southeast Asia. Two other nuclear-weapon-free zones, in Africa and Central Asia, have been negotiated but are yet to enter into force.
- In the early 1960s it was predicted that between 15 and 25 states would acquire nuclear weapons within a decade; today, only nine countries are known or thought to have nuclear weapons.

The NPT under strain

These successes notwithstanding, the treaty is under severe strain, and its future is uncertain. In 2004, the UN Secretary-General's High-Level Panel on Threats, Challenges and Change warned, "We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation." Despite the widespread recognition that the NPT is in danger of unravelling, in 2005, governments failed twice - at the NPT Review Conference in May and at the UN World Summit in September - to take any steps to strengthen the treaty and move closer towards the NPT's ultimate objectives. On both occasions the primary obstacle to progress was essentially that nuclear-weapon states and non-nuclear-weapon states could not agree whether to emphasise non-proliferation or disarmament.

Other key sources of stress on the NPT are as follows:

- De facto nuclear-weapon states which are not signatories to the NPT (India, Pakistan and Israel) undermine the treaty.
- With North Korea's renunciation of the NPT in 2003, the treaty suffered the first withdrawal of a state party. In October 2006, North Korea carried out its first successful nuclear-weapon test.
- Iran is widely suspected to be building a nuclear-weapon programme, and has in the past evaded international inspection of its civil nuclear programme.
- The treaty's verification and enforcement procedures are under pressure.
- Over 200 incidents of illegal trafficking in nuclear material have been documented over the last decade, and many stockpiles remain poorly secured and thus potentially vulnerable to terrorist infiltration.
- Article IV of the NPT, which gives states the right to develop nuclear technology for civilian purposes, provides a loophole for the growth of 'latent' nuclear-weapon states having the capacity to re-direct civilian nuclear programmes to weapons production.

Many states have responded to these problems by bypassing the NPT to pursue nuclear objectives, which has in turn further weakened the treaty. The US, for instance, has recently agreed a civilian nuclear cooperation accord with India, a nuclear-weapon state which has refused to sign the NPT.

The future of the NPT

The future of the NPT depends on securing agreement, between nuclear-weapon and non-nuclear-weapon states, that an effective international regime for preventing a nuclear disaster requires a double focus: on both non-proliferation and disarmament. Indeed, as UN Secretary-General Kofi Annan observed in a speech on 28 November 2006, the non-proliferation versus disarmament debate is "sterile, counter-productive and based on false dichotomies". Non-proliferation measures are required to stop the spread of nuclear weapons to additional states and to non-state actors. Equally, nuclear-weapon states need to undertake further disarmament, both to scale down the quantity and quality of nuclear stockpiles, and to re-gain the trust of non-nuclear-weapon states and so shore up the bargain upon which the NPT ultimately rests.

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