

## Nuclear Nonproliferation Treaty: Background and Achievements

### I. The Issues.

#### Background<sup>1</sup>

From the first uses of atomic bombs in Hiroshima and Nagasaki in August 1945, the nations of the world have been concerned about the possible diversion of nuclear materials and technology to military purposes. In 1946, the United States, possessing a nuclear monopoly, proposed the Baruch Plan, under which all nuclear programs and resources would be placed under international control and the U.S. would surrender its nuclear weapons after all other states gave up their nuclear programs. The USSR, however, insisted that the U.S. give up its weapons first, and the plan died.

The Soviet Union detonated its first atomic bomb on August 29, 1949, and the nuclear arms race was on.

President Eisenhower, in a December 8, 1953, address to the UN, proposed that the nuclear powers put quantities of fissile material in the custody of a UN agency that would be charged with devising methods for applying it to peaceful pursuits. This was the genesis of the Atoms for Peace program; and from 1956 through 1962, the U.S. provided nuclear technology, including research reactors, training, and fissionable materials, to 40 nations. In 1957, the International Atomic Energy Agency (IAEA) was established in order to provide a broader basis for promoting peaceful nuclear energy and safeguarding against the diversion of materials and technologies from peaceful to military applications.

In 1952 and 1960, the UK and France, respectively, detonated nuclear devices; and several countries—including, among others, West Germany, Italy, Japan, Sweden, and Switzerland—were engaged in nuclear technology research. There was deep concern in the U.S. and USSR that Germany and other industrial countries not develop nuclear weapons.

In 1961, the UN General Assembly unanimously adopted an Ireland-sponsored resolution that called attention to the dangers of nuclear proliferation and called for measures to prevent it. That same year, President Kennedy proposed a plan that included many elements that ultimately became part of the non-proliferation regime, as well as goals that have not yet been achieved: a comprehensive nuclear test ban; a ban on the production of fissionable materials for use in weapons; the placement of all nuclear weapons materials under international safeguards; a ban on the transfer of nuclear weapons; and deep reductions in existing nuclear weapons and their means of delivery, with the goal of outright elimination.<sup>2</sup>

Eventually, but not before China exploded an atomic bomb in 1964, negotiations led to the creation of the centerpiece of a broad international regime to prevent the spread of nuclear weapons and the materials and technology necessary to build them—the Nuclear Non-Proliferation Treaty (NPT). The NPT was opened for signature on June 12, 1968, and it entered into force on March 5, 1970. Today, 188 states are parties—more have joined this treaty than any other arms limitation or disarmament agreement.<sup>3</sup>

The treaty provisions can be briefly summarized as follows:

### Treaty Provisions<sup>4</sup>

After a preamble containing various declarations and statements of purpose, the body of the NPT imposes the on the parties the obligations briefly summarized as follows:

#### Article I

Prohibits NWS-parties from transferring nuclear weapons or control of them and from helping a non-NWS-party make or acquire them.

#### Article II

Prohibits non-NWS-parties from receiving, making, or otherwise acquiring nuclear weapons or receiving help in acquiring them.

#### Article III

1. To help prevent the diversion of nuclear energy from peaceful uses to nuclear weapons, each non-NWS-party must, in an agreement with the IAEA, accept safeguards for the purpose of verifying the party's compliance with the NPT.
2. No party may provide fissionable (weapons-usable) material, or equipment or material especially designed for making or using fissionable material, to a non-NWS-party for peaceful use unless the fissionable material is subject to safeguards.
3. The safeguards shall be implemented so as to comply with Article IV and to avoid hampering the parties' economic or technological development or international cooperation in peaceful nuclear activities.
4. Non-NWS-parties must enter agreements with the IAEA to meet the requirements of this article.

#### Article IV

1. The treaty shall not be interpreted as affecting the parties' "inalienable right" to peaceful uses of nuclear energy in conformity with Articles I and II.
2. All parties undertake to facilitate, and have the right to participate in, the exchange of materials and technology for the peaceful uses of nuclear energy. Parties must, as they are able, contribute to the further development of peaceful applications of nuclear energy.

#### Article V

Each party must try to ensure that potential benefits from peaceful application of nuclear explosions (PNEs) will be available to non-NWSs. [Note: PNEs, originally thought to have value for civilian activities such as excavating for tunnels and canals, never proved to be economically feasible and are not further discussed in this paper.]

## Article VI

Each party “undertakes to pursue negotiations in good faith on effective measures relating to ... nuclear disarmament” and on a general and complete disarmament treaty.

## Article VII

Groups of States have the right to enter regional treaties to assure the total absence of nuclear weapons in their territories.

## Articles VIII-IX

These articles provide processes for amendments (the NPT has not been amended) and for the conduct of conferences every five years to review the operation of the NPT<sup>5</sup> and define an NWS as a state that had made and exploded a nuclear weapon before 1967 (*i.e.*, the U.S., the USSR, the U.K., France, and China).

## Article X

1. Upon giving 3-months’ notice, a party may withdraw from the NPT if it decides that “extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interests” of the party. The notice must include a statement of those events.
2. After the NPT was in force for 25 years, a conference was to be held to decide whether the treaty should be extended and, if so, for how long. [In 1995, the NPT was extended indefinitely.]

## Bargains Made in Negotiating and Extending the Treaty

Certain tradeoffs were made in the formulation of the NPT. First, the non-NWSs agreed not to seek or be helped to acquire nuclear-weapons capability. Second, the nuclear powers agreed to facilitate the non-NWSs’ access to peaceful nuclear energy; and the non-NWSs agreed to accept safeguards aimed at protecting all countries from any of them diverting peaceful nuclear materials and technology to military applications. Third, the NWSs agreed to negotiate in good faith toward nuclear disarmament.<sup>6</sup>

As noted above, Article VIII provides for “review conferences” to be held every five years upon the request of a majority of the parties to the treaty. The purpose of these conferences is to see that the purposes and provisions of the NPT are being carried out.

Before the 1995 NPT review conference, at which the extension of the NPT was considered, each NWS-party to the NPT provided a “negative security assurance,” *i.e.*, a promise not to use or threaten to use nuclear weapons against a non-NWS that is an NPT party and is not aligned with an NWS in launching an attack against it. These assurances were noted in UN Security Resolution 984, on April 11, 1995.<sup>7</sup>

In addition, at the 1995 conference, the United States and other NWSs, in order to gain the votes of the non-NWSs to extend the treaty indefinitely, agreed to pursue “progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.”<sup>8</sup>

Subsequently, at the 2000 NPT review conference, the states-parties negotiated and adopted by consensus a final document that set forth 13 “practical steps ... for the systematic and progressive efforts to implement Article VI.” These included:

- the entry into force of the Comprehensive Test Ban Treaty,

- the negotiation of a treaty for the terminating the production of fissile material,
- application of the “principle of irreversibility” to arms control measures, and
- an "unequivocal undertaking of the [NWSs] to accomplish the total elimination of their nuclear arsenals.”<sup>9</sup>

These and the other steps have since been either expressly or implicitly rejected by the current Administration or remain unfulfilled.

### Achievements and Shortfalls

In the 1960s, there were predictions of 25 to 30 NWSs by 1980.<sup>10</sup> Instead, nearly 34 years after the NPT took effect, three nations, Israel, India, and Pakistan and possibly a fourth, North Korea, have joined the five NPT-recognized NWSs as nuclear powers. From 1970 to date, the NPT, often in conjunction with other diplomatic measures, has played a role in dissuading up to 23 countries<sup>11</sup> from becoming or remaining nuclear powers. Those that gave up plans to acquire nuclear weapons capability include Brazil, Argentina,<sup>12</sup> Taiwan, and South Korea<sup>13</sup>; and those that relinquished such a capability include South Africa and the three former states of the Soviet Union (Ukraine, Belarus, and Kazakhstan) that gave up their nuclear weapons when the USSR dissolved.

Also, three other members of the NPT—Iraq, Iran, and Libya—have been forced to relinquish their nuclear ambitions.

Before the first Gulf War in 1990, Iraq had pursued an extensive nuclear weapons program despite the presence of IAEA inspectors who were carrying out limited inspections under Iraq’s then-existing safeguards agreement. As a result of that war and subsequent UN and IAEA inspections, the weapons program appears to have been dismantled by 1998 and not reconstituted.<sup>14</sup> Iraq’s conduct of a secret pre-1990 nuclear weapons program led to the development of an Additional Protocol,<sup>15</sup> which provides for more intrusive IAEA inspections than the original safeguard agreements.<sup>16</sup>

Iran, long suspected of conducting a clandestine nuclear weapons program,<sup>17</sup> has admitted to, and been cited by the IAEA Board of Governors for, operating clandestine programs to separate plutonium and enrich uranium and thus to produce materials that could be used in manufacturing nuclear weapons.<sup>18</sup> However, Iran has stated that it will not pursue a nuclear weapons program and has signed the Additional Protocol; and the IAEA Board has promised immediate action to deal with any future Iranian violation.<sup>19</sup> However, ambiguity regarding Iran’s promise to “suspend enrichment activities” has resulted in a dispute as to whether Iran’s renewed production and assembly of centrifuges that can be used to produce HEU violates that promise. Ultimately, issues relating to the centrifuges may be referred to the UN Security Council.<sup>20</sup>

Likewise, Libya recently disclosed its previously clandestine efforts to conduct a nuclear weapons program and invited in IAEA inspectors. Those inspectors have indicated that the Libyan program, now being dismantled, was at “an early stage.”<sup>21</sup>

Pursuant to the agreements called for by Article III of the NPT, the IAEA has under its safeguards program over 100 tons of nuclear material—enough for more than 20,000 weapons—and carries out over 10,000 person-days of inspections each year. This important work is done with only about \$75 million a year.<sup>22</sup>

On the other hand, Israel, India, and Pakistan never joined the NPT and have nuclear weapons; and North Korea, a self-proclaimed nuclear power, has withdrawn, may have a small number of nuclear weapons, and could be in a position to build much larger numbers in the years ahead.<sup>23</sup>

Also, the United States has embarked on a program of research of new nuclear weapons and the modification of existing ones for new purposes, such as the Robust Nuclear Earth Penetrator, and the acceleration of the U.S. capability to conduct weapons testing.<sup>24</sup> These actions have raised concerns about the sparking of a new nuclear arms race and the creation of an incentive for nations who feel threatened by the United States to develop their own nuclear weapons. Thus, some non-NWSs have expressed impatience with the pace at which the nuclear powers are moving toward nuclear disarmament under article VI.<sup>25</sup>

For a discussion of suggestions for strengthening the NPT regime, see the paper in this volume entitled, “Nuclear Nonproliferation Treaty: Proposals for Strengthening.”

## **II. Recent Legislation**

- Section 9001 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) gave the President authority to waive the application of sanctions to India and Pakistan that were imposed by virtue of their possession and detonation of nuclear weapons. This waiver authority (and any waiver granted pursuant to it) will terminate with respect either country whenever it detonates another nuclear weapon.

## **III. Obstacles**

- Concerns about security lead some nations to believe that the deployment of nuclear weapons provides them with an essential deterrent to an attack by an adversary. This is the case with respect to Israel, who fears an attack from its Arab neighbors, and India and Pakistan, who are each concerned about an attack by the other.
- North Korea, which withdrew from the NPT in 2003, may be using a self-proclaimed nuclear capacity as a means of preventing an attack by the United States; or it may be using its nuclear weapons program as a bargaining chip.
- Until the international community can deal satisfactorily with the security concerns of countries that perceive a threat of a possibly overwhelming attack from another state, such countries will have a strong incentive to acquire a nuclear deterrent.
- Some countries also see nuclear weapons as a matter of national pride and are reinforced in that belief by the fact that all five veto-empowered, permanent members of the Security Council are nuclear powers.

## **IV. Q & A**

**Q: What is the relationship between the obligation of non-NWSs under article II of the NPT not to acquire nuclear weapons and the obligation of all NPT parties under article VI to pursue negotiations leading to nuclear disarmament?**

**A:** One of the major understandings in the formulation of the NPT was that the non-NWSs—which obviously include a large number of countries with the kinds of industrial and scientific bases that would support nuclear weapons programs—would forego such programs and would

temporarily, not permanently, allow the NWSs the military advantage of having nuclear weapons. To the extent that the NWSs are perceived as considering their nuclear-power status to be permanent and as feeling free to build out that advantage in new ways, military leaders in the non-NWSs may believe, conversely, that their countries should consider freeing themselves from their obligation to refrain from developing any nuclear weapons.

**Q: In light of the acquisition of nuclear weapons by three non-NPT states—Israel, India, and Pakistan—shouldn't the NPT be considered a failure?**

**A:** In the 1960s, there were predictions of 25 to 30 NWSs by 1980. Those fears did not materialize. Instead, nearly 34 years after the NPT took effect, only three nations, Israel, India, and Pakistan and possibly a fourth, North Korea, have joined the five NPT-recognized NWSs as nuclear powers. Thus, the NPT has to a very great degree succeeded in helping prevent a large-scale proliferation of nuclear weapons states. The challenges that the nonproliferation regime faces today are to stem any further proliferation, deal with the security concerns that can impel a state to seek a nuclear-weapons capability, and undertake serious efforts to bring about nuclear disarmament.

## V. Talking Points

- The NPT has served the nations of the world quite well. Nineteen-sixties' fears that by 1980 there would have been over 20 nuclear powers never materialized. Nevertheless, three countries that did not sign the NPT—Israel, India, and Pakistan—have nuclear weapons and the one that withdrawn from the treaty, North Korea, may also have such weapons.
- The international community needs to stop any further proliferation as it strives to roll back the proliferation that has occurred and work for the goal to which the United States and other countries are committed—nuclear disarmament.
- There are ideas for preventing further proliferation—such as restricting individual non-nuclear weapon states' access to the nuclear fuel cycle and creating market incentives for nations not to operate the fuel cycle by themselves—but refining and implementing these concepts will require strong U.S. leadership.
- America's ability to lead nonproliferation efforts is impaired by current U.S. efforts that are at odds with—or at least very difficult to square with—our commitments under the NPT to work with other nations toward nuclear disarmament. The activities of ours that diminish our moral authority to lead others in the international community away from nuclear capabilities include:
  - moving ahead on research on new nuclear weapons, including those that the head of the National Nuclear Security Administration has described as being not just for purposes of deterrence but for use against new threats;
  - declining to move toward ratification of the Comprehensive Test Ban Treaty;
  - accelerating our ability to renew the testing of nuclear weapons; and
  - failing to incorporate in the Treaty of Moscow the principles of irreversibility and verifiability in any ensuing reductions under that treaty.

## VI. Factoids

- More countries, 188, have joined the NPT, than any other arms control or disarmament agreement.
- The IAEA carries out its NPT safeguard inspections on a budget of less than \$100 million a year—about half a million dollars per NPT member. That is also less than \$10,000 for each ton of nuclear material known to be under its jurisdiction.

## VII. Applicable Treaties, Legislation, and Other International Agreements

- Treaty on the Non-Proliferation of Nuclear Weapons.<sup>26</sup>
- Comprehensive Test Ban Treaty. (The CTBT has been signed by 170 states and ratified by 108, but will not enter into force until all 44 states considered to have substantial nuclear energy activities have ratified it. As of December 2003, 41 of the 44 have signed and 32 have ratified the CTBT. North Korea, India, and Pakistan are the three who have not signed. Among those who have not yet ratified are China, the U.S., Israel, and Egypt.)<sup>27</sup>
- Atomic Energy Act of 1954 (Public Law 83-703), as amended (42 U.S. Code §2011 *et seq.*), in which restrictions were placed on the export of nuclear materials and on information relating to the design, manufacture, and use of nuclear weapons (42 U.S. Code §2161 *et seq.*)
- Energy Reorganization Act of 1974 (Public Law 93-348), as amended (U.S. Code §5801 *et seq.*), divided the Atomic Energy Commission's authorities between two new entities—the Department of Energy (development and production of nuclear weapons and the promotion of nuclear power) and the Nuclear Regulatory Commission (regulation of nuclear energy, not including defense facilities).
- Nuclear Proliferation Prevention Act of 1994 (Public Law 103-236), as amended (U.S. Code §6301) requires sanctions (*e.g.*, termination of assistance and opposition to loans from international institutions) against countries taking specified actions contributing to proliferation.
- Congress has enacted various other laws authorizing or imposing sanctions on nations based on conduct relating to the proliferation of nuclear, biological, and chemical weapons and missiles. For an in-depth discussion and listing of such laws, see Richard H. Speier, Brian G. Chow, and S. Rae Starr, *Nonproliferation Sanctions* (RAND 2001).<sup>28</sup>

## APPENDIX

### Treaty on the Non-Proliferation of Nuclear Weapons

**(Entered into force on March 5, 1970)**

#### PREAMBLE

The States concluding this Treaty, hereinafter referred to as the 'Parties to the Treaty',

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to make measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the consideration of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological byproducts which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water and its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

## Article 1

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

## Article II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

### Article III

1. Each non-nuclear-weapon State party to the Treaty undertakes to accept safeguards, as set forth in agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.
2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.
3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.
4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180 day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

### Article IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all Parties to the Treaty to develop, research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.
2. All the Parties to the Treaty undertakes to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

### Article V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapons States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

## Article VI

Each of the Parties to the Treaty undertakes 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.

## Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

## Article VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depository Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depository Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.
2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapons States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.
3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depository Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

## Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may acceded to it at any time.
2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depository Governments.
3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositories of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon States is one which has manufactured and exploded an nuclear weapons or other nuclear explosive device prior to 1 January 1967.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on that date of the deposit of their instruments of ratification or accession.
5. The Depository Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any request for convening a conference or other notices.
6. This Treaty shall be registered by the Depository Governments pursuant to Article 102 of the Charter of the United Nations.

## Article X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interest of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.
2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty. Article XI This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic shall be deposited in the archives of the Depository Governments. Duly certified copies of this Treaty shall be transmitted by the Depository Governments to the Governments of the signatory and acceding States. IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty. DONE in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight."

## Article XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depository Governments. Duly certified copies of this Treaty shall be transmitted by the Depository Governments to the Governments of the signatory and acceding States.

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<sup>1</sup> Except as otherwise noted, this "Background" section is based on Monterey Institute of International Studies, Center for Nonproliferation Studies, *Tutorial*, "Treaty on the Non-Proliferation of Nuclear Weapons: History," accessed at: [http://cnsdl.miis.edu/npt/npt\\_0/why.htm](http://cnsdl.miis.edu/npt/npt_0/why.htm).

<sup>2</sup> Joseph Cirincione, "Addressing Proliferation Through Multilateral Agreement: Success and Failure in the Nonproliferation Regime," chapter 2 of *Ultimate Security: Combating Weapons of Mass Destruction* (Janne E. Nolan, Bernard I. Finel, and Brian D. Finlay, eds. 2003), p. 50. The September 25, 1961 address of President John F. Kennedy to the UN General Assembly can be accessed at: <http://www.cs.umb.edu/jfklibrary/j092561.htm>.

<sup>3</sup> See the website of the UN Secretariat's Department of Disarmament Affairs, Weapons of Mass Destruction Branch: <http://disarmament2.un.org/wmd/>

<sup>4</sup> The NPT is reprinted in the Appendix and also can be accessed at: <http://disarmament.un.org:8080/TreatyStatus.nsf>.

<sup>5</sup> The next review conference will be held in 2005. Meetings of the Preparatory Committee for the 2005 Review Conference have been held in New York (April 8-19, 2002) and Paris (April 28-May 6, 2003).

<sup>6</sup> Leonard Weiss, "Nuclear Weapon States and the Grand Bargain," *Arms Control Today* (December 2003) p. 21, accessed at: [http://www.armscontrol.org/act/2003\\_12/Weiss.asp](http://www.armscontrol.org/act/2003_12/Weiss.asp). On July 8, 1996, a unanimous International Court of Justice ruled, in an advisory opinion, that NWSs have an "obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control." The opinion, entitled "Legality of the Threat or Use of Nuclear Weapons," can be accessed at: <http://www.icj-cij.org/icjwww/icasess/iunan/iunanframe.htm>

<sup>7</sup> Security Council Resolution 984 can be accessed at: <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N95/106/06/PDF/N9510606.pdf?OpenElement>.

<sup>8</sup> "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," para. 4(c), accessed at: <http://disarmament2.un.org/wmd/npt/1995dec2.htm>.

<sup>9</sup> The Final Document can be accessed at: [http://www.armscontrol.org/act/2000\\_07-08/raufjulaug.asp](http://www.armscontrol.org/act/2000_07-08/raufjulaug.asp). For a discussion of its significance, see Tariq Rauf, "An Unequivocal Success? Implications of the NPT Review Conference," *Arms Control Today*, July/August 2000, accessed at: [http://www.armscontrol.org/act/2000\\_07-08/raufjulaug.asp](http://www.armscontrol.org/act/2000_07-08/raufjulaug.asp).

<sup>10</sup> Thomas Graham, Jr., "Sanctions: Hang Tough," *Bulletin of the Atomic Scientists* (September/October 1998), accessed at: <http://www.thebulletin.org/issues/1998/so98/so98graham.html>. See also George Bunn, "The Nuclear Nonproliferation Treaty: History and Current Problems," *Arms Control Today* (December 2003), accessed at: [http://www.armscontrol.org/act/2003\\_12/Bunn.asp](http://www.armscontrol.org/act/2003_12/Bunn.asp), where the author reasons that, without the NPT, more than 30 countries might have become NWSs by now.

<sup>11</sup> Thomas W. Graham, "Weapons of Mass Destruction: Does globalization mean proliferation?" *Brookings Review* (Brookings Institution, Fall 2001), accessed at: <http://www.brookingsinstitution.org/press/REVIEW/fall2001/tgraham.htm>.

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<sup>12</sup> Carl E. Behrens, “Nuclear Nonproliferation Issues,” Issue Brief (Congressional Research Service, updated April 28, 2003), accessed at: <http://fpc.state.gov/documents/organization/20240.pdf>.

<sup>13</sup> The United States is credited with action to convince Taiwan and South Korea to disband nuclear weapons programs that they were developing. Henry Sokolski, “Nonproliferation: Faking It and Making It,” *The National Interest* (Spring 1998), accessed at: <http://www.npec-web.org/published/faking.htm>.

<sup>14</sup> “Iraq Overview,” Monterey Institute’s Center for Nonproliferation Studies, on the Nuclear Threat Initiative’s website’s *Research Library*, accessed at [http://www.nti.org/e\\_research/e1\\_iraq\\_1.html](http://www.nti.org/e_research/e1_iraq_1.html).

<sup>15</sup> For a discussion of the Additional Protocol, see the paper in this volume entitled “Nuclear Nonproliferation Treaty: Proposals for Strengthening.”

<sup>16</sup> George Bunn, “The Nuclear Nonproliferation Treaty: History and Current Problems,” *Arms Control Today* (December 2003), accessed at: [http://www.armscontrol.org/act/2003\\_12/Bunn.asp](http://www.armscontrol.org/act/2003_12/Bunn.asp).

<sup>17</sup> See, e.g., Andrea Koppel, “U.S. questions Iran nuclear report,” CNN.com, November 13, 2003, accessed at: <http://edition.cnn.com/2003/US/11/12/Iran.nuclear>.

<sup>18</sup> Resolution adopted by the IAEA Board of Governors on November 26, 2003, accessed at: <http://cns.miis.edu/research/iran/pdfs/gov2003-81.pdf>.

<sup>19</sup> U.N. Wire, “Iran Signs Additional Protocol To Nuclear Safeguards Agreement,” December 19, 2003, accessed at: [http://www.unwire.org/UNWire/20031219/449\\_11488.asp](http://www.unwire.org/UNWire/20031219/449_11488.asp).

<sup>20</sup> “Continuing Iranian Centrifuge Production Causes Increasing Concern,” *Global Security Newswire*, January 21, 2004, accessed at: [http://www.nti.org/d\\_newswire/issues/2004\\_1\\_21.html#C2719968](http://www.nti.org/d_newswire/issues/2004_1_21.html#C2719968).

<sup>21</sup> Daniel Williams, “Nuclear Program In Libya Detailed: Research at Early Stage, U.N. Inspectors Report,” *Washington Post* (December 30, 2003), p. A01, accessed at: <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A38591-2003Dec29&notFound=true>.

<sup>22</sup> International Atomic Energy Agency 2002 Annual Report, pp. 65 and 69, accessed at <http://www.iaea.org/Publications/Reports/Anrep2002/safeguards.pdf>. In 2002, the IAEA had under safeguards 82 metric tons of separated plutonium (enough for over 20,570 bombs) and 31.8 metric tons of HEU (enough for over 2,557 bombs)—as well as 732 tons of plutonium in irradiated fuel, which could be converted to weapon-grade material. The computations as to the numbers of weapons that can be fabricated from these nuclear materials is based on the discussion in Matthew Bunn, Anthony Weir, and John P. Holdren, *Controlling Nuclear Warheads and Materials: A Report Card and Action Plan* (Project on Managing the Atom, Belfer Center for Science and International Affairs, Harvard University, 2003), p. 13, accessed at [http://www.nti.org/e\\_research/cnwm/overview/cnwm\\_home.asp](http://www.nti.org/e_research/cnwm/overview/cnwm_home.asp).

<sup>23</sup> See the paper on North Korea in this publication. Whether North Korea has actually succeeded in building nuclear weapons and can soon build many more has been questioned. See Douglas Frantz, “N.Korea’s Nuclear Success Is Doubted,” *Los Angeles Times* (December 9, 2003), accessed at: <http://www.latimes.com/news/nationworld/world/la-fg-norkor9dec09,1,2129745.story?coll=la-home-headlines>.

<sup>24</sup> See the paper in this publication entitled “New Nuclear Weapons.”

<sup>25</sup> For example, on September 23, 2003, the foreign ministers of Egypt, Ireland, Mexico, New Zealand, South Africa, Sweden, and Brazil “expressed their deep concern at the lack of progress to date in the implementation of the thirteen steps on nuclear disarmament to which all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons agreed at the 2000 NPT Review Conference. ... [and] reiterated their deep concern at emerging approaches to the broader role of nuclear weapons as part of security strategies, including rationalizations for the use of, and the development of new types of nuclear weapons. *Declaration issued by the Foreign Ministers of the New Agenda Coalition (NAC), United Nations Headquarters*, accessed at: <http://www.acronym.org.uk/docs/0309/doc20.htm>.

<sup>26</sup> The treaty can be accessed at: <http://disarmament.un.org:8080/TreatyStatus.nsf>.

<sup>27</sup> For detailed information on the CTBT, see website of the Preparatory Commission for the Comprehensive Test Ban Treaty Organization: <http://pws.ctbto.org/>.

<sup>28</sup> This publication can be accessed at: <http://www.rand.org/publications/MR/MR1285/index.html>.