

Critical Study of Non-Proliferation Treaty (NPT)

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Abstract

Since Non-proliferation treaty has entered into force, in many occasions it faces numerous issues regarding its application and this is because of the shortage and flaw that non-proliferation treaty (NPT) has, thus the lack of non-proliferation treaty may allow proliferation of nuclear weapons. This article examines whether non-proliferation treaty should be more strictly enforced, become more stringent and intense, and that nations should face harsh penalties and repercussions when found in violation of the treaty so that the world can be made a better place to live in. It also provides a critical insight into the application of non-proliferation treaty.

KEYWORDS: Non-proliferation treaty, Nuclear Weapons, proliferation of nuclear weapons

In 1964 China claimed the position of being the fifth nuclear weapon state and this changed the dimension of world politics right before us. As power had shifted to the east it therefore created a balance between the east and west, thus china's acquisition of nuclear power led the world powers and victors of the World War II (United Soviet Social Republics, United States of America, United Kingdom and France) to think of formulating an international agreement to prevent the proliferation of nuclear weapons and prevent other countries to acquire nuclear bombs, hereafter the world powers and the permanent members of security council with the support of United Nations formulated an International Non-Proliferation of Nuclear Weaponry Agreement. The motivation behind the creation of the Non-Proliferation Treaty was the mounting concern regarding the future, the safety and well-being of humanity considering the development and spread of nuclear technology and sophisticated nuclear weapons. Apart from this the fear that prevailed was the advancements and growing amounts of nuclear weapons that evidently increased the chance of accidents and the possibilities of these hazardous weapons falling into the wrong hands. The bombings of Hiroshima and Nagasaki had allowed the world to see firsthand devastation that these weapons could incur. In addition, the Cold War between the United States of America and the United Soviet Social Republics served to highlight the danger and terror that the possession of nuclear weapons creates,¹ thus, because of such reasons the superpowers of the world jointly created the Treaty of Non-Proliferation of Nuclear Weapons with the treaty's objectives being, firstly to prevent the spread of nuclear weapons and nuclear technology, secondly to promote co-operation in peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament in general and complete disarmament.² The non-proliferation

¹ Bianchi, Jeanmarie, Buckley, Michael and Kwon, Kiyeon (Nuclear Non-Proliferation Treaty) Available at <http://americanforeignpolicy.com/Nuclear/Non-Proliferation/Treaty.htm>. visited on 11/11/2012.

² Available at <http://www.iaea.org/Publications/Magazines/Bulletin/Bull172/17203580206.pdf>.

treaty opened for signature in 1968 after the United Nations (UN) recommended the signature by a resolution. The Treaty finally entered into force in 1970.³

On the 11th of May 1995, the non-proliferation treaty was extended indefinitely. A total of 190 parties have joined the treaty, including the five nuclear-weapon States: United States of America, Russia, the United Kingdom, France, and China. Countries like India, Pakistan and Israel have not yet signed and ratified the non-proliferation treaty. North Korea acceded to the treaty in 1985, but never came into compliance, and announced its withdrawal in 2003.⁴

At the time non-proliferation treaty was proposed, there were predictions of 25-30 nuclear weapon States within 20 years. Instead, over forty years later, only four states are not parties to the non-proliferation treaty, and they are the only additional States believed to possess nuclear weapons.⁵ Numerous additional actions have been taken to reinforce the non-proliferation treaty and enlarge the nuclear non-proliferation rules ultimately making it hard for States to obtain the capability to manufacture nuclear weapons, including the export controls of the Nuclear Suppliers Group and the enhanced verification measures of the International Atomic Energy Agency (IAEA) Additional Protocol. However, up till now non-proliferation treaty could not put an end to the proliferation of nuclear weapons or the aspiration to acquire them and the reason for this being that the non-proliferation treaty has its own drawbacks.

Enormous dissatisfaction towards the non-proliferation treaty has been widely expressed by States and statesmen as this treaty fails to bind States to turn signatories and ratify it and further provides states with the opportunity to withdraw from the non-proliferation treaty at any given time.

The main reasons behind formulation of non-proliferation treaty was to prevent proliferation of nuclear weapons which was solely in favour of super powers of the world who obviously were the states who possess nuclear weapon, thus, the non-proliferation treaty created a distinction between Nuclear Weapon States(NWS) and Non-Nuclear Weapon States (NNWS). The non-proliferation treaty distinguishes five nations as NWS based on the mere fact that these nations exploded a nuclear device before January, 1967.⁶⁻⁷ The five Nuclear Weapon States Nuclear Weapon States are: France, China, United States of Americas, United Kingdom, and Russia. These nations have been permitted to hold on to their nuclear arsenals, but are forbidden from spreading nuclear weapons or assisting non-Nuclear Weapon States in the development of nuclear weapons. The Nuclear Weapon States also agree to pursue negotiations dealing with disarmament.⁸ Complications arise over India and Pakistan as both states have publicly announced their possession of nuclear capabilities and elite nuclear weapons and have been confirmed as nuclear powers. Neither of these States has signed nor ratified the non-proliferation treaty. Besides India and Pakistan

³www.un.org/disarmament/WMD/Nuclear/NPT.shtml.visited on 10/08/2012.

⁴Available at <http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml>.visited on 01/09/2012.

⁵Graham, Jr., Thomas "Avoiding the Tipping Point", Arms Control Association.2004 available on <http://groups.yahoo.com/group/NucNews/messages/18357?o=1&xm=1&m=p>, visited on 10/12/2012

⁶Bianchi, Jeanmarie, Buckley, Michael and Kwon, Kiyeon (Nuclear Non-Proliferation Treaty) op.cit.

⁷Nuclear Threat Initiative: NPT Tutorial, <http://www.nti.org/h_learnmore/npptutorial/index.html>. visited on 24/11/2012

⁸Bianchi, Jeanmarie, Buckley, Michael and Kwon, Kiyeon (Nuclear Non-Proliferation Treaty) op.cit.

being established as nuclear powers, Israel as well has been confirmed a nuclear power and as of now has refused to sign the non-proliferation treaty. India, Pakistan and Israel are not considered Nuclear Weapon States however, because they did not explode a nuclear device before January of 1967. Due to this distinction between States which has been made by non-proliferation treaty, this treaty is often recognized as unjust and bias. Many Non-Nuclear Weapon States argue that the non-proliferation treaty is unfair because it safeguards vested rights of those states which possess nuclear weapons already. Even Non-Nuclear Weapon States find it crucial to seek nuclear weapons and secure their survival. The idea that Non-Nuclear Weapon States must depend on the Nuclear Weapon States for this technology should be criticized. Non-Nuclear Weapon States claim that the non-proliferation treaty creates a world of "haves" and "have nots" where a selected few nations are able to keep their nuclear power and weapons, and the rest of the world is forbidden from developing and advancing in any similar capacity. Obviously, many Non-Nuclear Weapon States view the treaty as a direct attack on their rights as a sovereign nation.⁹

Also because of this distinction resentment and hostility arises between Nuclear Weapon States and Non-Nuclear Weapon States. In 2003, North Korea resigned from the treaty and stated it would not terminate its nuclear arms program until it gets hold of two light water reactors. India and Pakistan both have refused becoming signatories to the non-proliferation treaty. Taking into consideration that India and Pakistan are enemy neighbours and in a nuclear arms race with one another, the fact that one will not sign the treaty until the other does is not at all surprising. The non-proliferation treaty has created an environment where the spread of nuclear weapons is somewhat controlled, but constant undermining of the articles in the treaty have led many nations to doubt whether being a member is even worthwhile. Thus, as long as one nation possesses these destructive weapons, it has to be expected and understood that other nations are bound to feel that nuclear armaments are necessary from the perspective of security and protection of their respective sovereign state.

On the other hand if we take a close look at the articles of the treaty we can discern that the non-proliferation treaty is flawed, and getting rid of the treaty seems like a bad idea considering it will probably lead to widespread proliferation. Since articles of non-proliferation treaty are easy to circumvent there are some flaws and deficiencies which are as follows:

Article one of the treaty states that "each (Nuclear Weapons States) undertakes not to transfer, to any recipient, nuclear weapons, or other nuclear explosive devices, and not to assist any non-nuclear weapon state to manufacture or acquire such weapons or devices".¹⁰

But this article does not apply to the States which develop indigenous nuclear program. Thus indigenous development on nuclear programs under non-proliferation treaty has not been covered, for example if one non-member state of non-proliferation treaty develop its nuclear program indigenously that time it won't be obligated to non-proliferation treaty, in 2003 north Korea withdraw from non-proliferation treaty and developed its nuclear program without being binding under non-proliferation treaty.

⁹Benjamin K. Sovacool (2011). Contesting the Future of Nuclear Power: A Critical Global Assessment of Atomic Energy, World Scientific, pp. 187-190.

¹⁰Article I of Non-Proliferation treaty available at <http://www.fas.org/nuke/control/npt/text/npt2.htm>. visited on 13/09/2012.

According to some of the critics of this treaty, the “Non-Proliferation Treaty has one giant loophole”: Article IV gives each non-Nuclear Weapon States the ‘inalienable right’ to pursue nuclear energy for the generation of power.¹¹ A “numbers of high-ranking officials, even within the United Nations have argued that they can do little to stop states using nuclear reactors to produce nuclear weapons”.¹² A 2009 United Nations report said that:

“The revival of interest in nuclear power could result in the worldwide dissemination of uranium enrichment and spent fuel reprocessing technologies, which present obvious risks of proliferation as these technologies can produce fissile materials that are directly usable in nuclear weapons”.¹³

Article VI of the treaty which “obligates the Nuclear Weapon States to liquidate their nuclear stockpiles and pursue complete disarmament. The non-Nuclear Weapon States see no signs of this happening”.¹⁴

Since the Nuclear Weapon States have been slow to disarm and comply with their part of the treaty, many non-Nuclear Weapon States doubt whether they should really be held back by the non-proliferation treaty and rightfully so.¹⁵ Some non-Nuclear Weapon States also argue that the Nuclear Weapon States have not fully complied with their disarmament obligations under Article VI of the non-proliferation treaty.¹⁶ There has been disappointment in terms of limited progress on nuclear disarmament, where the five authorized Nuclear Weapon States still have 22,000 warheads between them and have shown a reluctance to disarm further.¹⁷

Also joining the treaty and withdrawing from non-proliferation treaty is easy, states can join and withdraw from it without any restriction or repercussions, Article IX provides: “This Treaty shall be open to all states for signature. Any states which do not sign the treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time”.¹⁸⁻¹⁹ So this article give states right to not join the treaty and any state who desires may develop nuclear program without being bound to the treaty. At the same time Article X significantly lays down: “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 be United Nations Security Council three months in advance”.²⁰ North Korea withdrew from the Treaty in 2003 and the non-proliferation treaty community really could not provide any response or action. Perhaps members should not be allowed to simply resign whenever they feel it

¹¹Thomas C. Reed and Danny B. Stillman (2009). *The Nuclear Express: A Political History of the Bomb and its Proliferation*, Zenith Press, p. 144.

¹²Benjamin K. Sovacool (2011). *Op.cit*, pp. 187-190.

¹³*Ibid* 187-190.

¹⁴Article IV of Non-Proliferation treaty, *op.cit*.

¹⁵Bianchi, Jeanmarie, Buckley, Michael and Kwon, Kiyeon (Nuclear Non-Proliferation Treaty) *op.cit*.

¹⁶Rendall, Steve. "Ignoring the U.S.'s "Bad Atoms"". Available at www.Fair.org. Retrieved 2010-11-25.

¹⁷Benjamin K. Sovacool (2011). *Contesting the Future of Nuclear Power: A Critical Global Assessment of Atomic Energy*, World Scientific, pp. 187-190.

¹⁸Article IX of Non-Proliferation treaty, *op.cit*.

¹⁹U. N. Gupta *International Nuclear Diplomacy and India*, Publisher: Atlantic, (2007) pp.97-98.

²⁰Article X of Non-Proliferation treaty, *op.cit*.

is no longer in their interest and Iran²¹ being another example at many instances threatened to follow the same path chosen by North Korea.

Moreover, the non-proliferation treaty says nothing about the aspects of the nuclear fuel cycle "such as uranium mines and mills, from which terrorists could easily acquire fissile material".²² Dozens of nations remain potential "weak links" in the global defence against nuclear terrorism and tacitly ignore United Nation's mandates on control over fissile material at uranium mines. Niger, a major uranium exporter, and the Democratic Republic of the Congo, the source of uranium for the first atomic bomb, are "among the states falling short in complying with United Nations Security Council Resolution 1540".²³

The non-proliferation treaty has always been attacked and heavily criticized.²⁴ Although the treaty has been somewhat successful in preventing the spread of nuclear weapons, the treaty is inherently flawed. Many critics of the treaty feel that while the treaty may be successful in deterring the development of nuclear weapons, it has failed in the disarmament component.²⁵

The non-proliferation treaty is constantly being undermined. One could rightfully ask why the United States of America has placed heavy pressure on Iraq and Iran over possibly possessing nuclear weapons, and on the contrary, has turned a blind eye towards Israel who possesses nuclear weapons. What kind of message does this send out to the world?,²⁶ When nations such as Israel develop nuclear weapons and the Nuclear Weapons States take no action whatsoever to put an end to Israel's nuclear aspirations thus the non-proliferation treaty cannot be taken seriously by the rest of the world; perhaps it is more beneficial for nations not to be part of the treaty. Clearly one can see that the nations that have refused to sign the treaty have been under less pressure than some who have signed the treaty (Iraq, Iran),²⁷ even though they were possibly believed to be breaking it. In the case of Iraq, the United States of America invaded without very convincing evidence that Iraq possessed nuclear weapons. But, weapons were never found. If the United States of America is willing to invade any nation that they believe possibly poses a security risk, will that increase nuclear weapon development?²⁸ Many states such as Iran and even North Korea may be more than ever determined to build up their nuclear capabilities in order to prevent an American attack. Iran and North Korea both enhanced their nuclear capabilities while they were signatories of the non-proliferation treaty. Some propose that there should be stricter rules and limitations on the spread of enrichment knowledge and technology. Perhaps this would prevent nations from following the same road as North Korea and Iran.²⁹

Furthermore those States which possess nuclear weapons, but are not authorized to do so under the non-proliferation treaty, such as India and Pakistan feel that the non-proliferation treaty serves to hinder their progress and development as a nation and

²¹U. N. Gupta op.cit, pp.97-98

²²Benjamin K. Sovacool (2011). Op.cit, pp. 187-190.

²³Ibid, pp. 187-190

²⁴Bianchi, Jeanmarie, Buckley, Michael and Kwon, Kiyeon (Nuclear Non-Proliferation Treaty) op.cit.

²⁵Ibid

²⁶Ibid

²⁷Ibid

²⁸Bianchi, Jeanmarie, Buckley, Michael and Kwon, Kiyeon (Nuclear Non-Proliferation Treaty) op.cit.

²⁹Ibid.

have not paid a significant price for their pursuit of weapons capabilities. Also, the non-proliferation treaty has been explicitly weakened by a number of bilateral deals made by non-proliferation treaty signatories, notably the United States America.

Last but not least every nation's sovereignty should be respected as well as a State's right to defend itself. If France and Russia can have nuclear weapons to defend it, why can't India, Pakistan, North Korea and Iran? The fact that some states have the weapons and some do not, creates a situation which results in hostility.³⁰

To finish with, it seems obvious that concessions are going to have to be made on both sides. Nuclear Weapon States are going to have to make better attempts at pursuing disarmament talks and reducing their capabilities and Non-Nuclear Weapon States are going to have to give up their rights to develop nuclear weapons all in the attempt of creating a safer and more stable world. Some complain that the non-proliferation treaty should be more strictly enforced, that International Atomic Energy Agency (IAEA) safeguards should become more stringent and intense, and that nations should face harsh penalties and repercussions when found in violation of the treaty so that the world can be made a better place to live in.³¹

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³⁰Ibid.

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