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Assessing the 50th Anniversary of the Nuclear Non-Proliferation Treaty

By John Carlson

INTRODUCTION

2020 is the 75th anniversary of the atomic bombing of Hiroshima and Nagasaki—the first and so far, only use of nuclear weapons. It also marks the 50th anniversary of the Nuclear Non-Proliferation Treaty (NPT), which was concluded in 1968 and entered into force in 1970. These events are closely related: the NPT resulted from international concerns to ensure the horrors of Hiroshima and Nagasaki are never repeated. The NPT is the cornerstone of global efforts to prevent the spread of nuclear weapons to further countries. The treaty also places a legal obligation on the parties to pursue measures for cessation of the nuclear arms race and for nuclear disarmament.

The key provisions of the NPT are:

- Non-proliferation: countries without nuclear weapons—non-nuclear-weapon states—commit not to seek or acquire nuclear weapons and to accept safeguards applied by the International Atomic Energy Agency (IAEA) on all their nuclear material to verify compliance with this commitment. Nuclear-weapon states commit not to transfer nuclear weapons to any recipient, and not to assist any non-nuclear-weapon state in acquiring nuclear weapons. The NPT recognizes as nuclear-weapon states those countries that had nuclear weapons at

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the time the treaty was negotiated, namely, the United States, Russia, United Kingdom, France and China. These countries are also the five permanent members of the UN Security Council.

- Disarmament: all parties—nuclear-weapon and non-nuclear-weapon states—undertake to pursue negotiations in good faith on effective measures for cessation of the nuclear arms race and for nuclear disarmament, and also for general disarmament.
- Peaceful uses: all parties undertake to cooperate in the peaceful use of nuclear energy in conformity with the treaty.

The NPT is complemented by a number of other treaties and arrangements, including:

- IAEA safeguards agreements;
- Nuclear-weapon-free zones—a total of 97 countries are members of these zones, covering Latin America and the Caribbean, the South Pacific, South East Asia, Africa, Central Asia and Mongolia;
- The Comprehensive Nuclear-Test-Ban Treaty (CTBT)—regrettably the CTBT has not yet received all the ratifications needed for entry into force, but the treaty’s International Monitoring System is in provisional operation;
- Bilateral nuclear cooperation agreements;
- National export controls, especially as coordinated by the Nuclear Suppliers Group;
- The Proliferation Security Initiative, aimed at interdiction of shipments relating to weapons of mass destruction (WMD).

The NPT is remarkable for a number of reasons:

- With 191 parties, it is the most universal of all the world’s treaties. There are only five countries outside the NPT: India, Israel and Pakistan which never joined; North Korea which was a party but withdrew in 2003 (the validity of this withdrawal is questioned); and the new country of South Sudan which has yet to join.

- The NPT is the first global treaty to have a rigorous verification system, IAEA safeguards. IAEA safeguards pre-date the NPT but underwent major development to support the treaty. IAEA safeguards have been a key factor in the NPT’s success. The IAEA is firmly established in the public’s mind as the world’s “nuclear watchdog”.
- The NPT was achieved through the close collaboration of the U.S. and the Soviet Union. Even at the height of the Cold War these two countries were able to put aside their differences and work for the common good. The NPT demonstrates what can be achieved when the world’s major powers show leadership and work together.

THE GREAT MAJORITY OF COUNTRIES HAVE HONORED THEIR COMMITMENT TO NON-PROLIFERATION

The NPT has been largely successful in its aim of preventing the spread of nuclear weapons. Before the NPT, many countries thought their national security required them to have nuclear weapons, or at least a nuclear option. It was widely expected that by the 1990s 25-30 countries would have nuclear weapons.

Today there are only four nuclear-armed countries additional to the original five—India, Israel (which does not formally acknowledge its nuclear status), North Korea and Pakistan—a total of nine. Nine too many, but a far cry from the predictions of 25-30. The NPT, through providing confidence that parties are not developing nuclear weapons in secret, has forestalled a general arms race which almost certainly would lead to nuclear war.

Six non-nuclear-weapon states party to the NPT (Iraq, Romania, North Korea, Libya, Iran and Syria)—just under 10 percent of those with nuclear programs—have been found in non-compliance with IAEA safeguards. Only one of these, North Korea, has succeeded in acquiring nuclear weapons. These cases

highlight the importance of countries accepting the IAEA's *additional protocol* which sets out essential measures for strengthening safeguards. It is concerning that a small number of countries, significant in the non-proliferation context, continue to reject the additional protocol.

IN CONTRAST, DISARMAMENT REMAINS AN UNFULFILLED COMMITMENT

When the NPT was negotiated the nuclear-weapon states had not reached agreement on a disarmament process. Accordingly, the NPT left arms reductions and disarmament issues to future negotiations, and requires the parties to pursue such negotiations in good faith. The International Court of Justice, in its 1996 advisory opinion on the legality of nuclear weapons, decided unanimously that the NPT imposes an obligation not only to pursue disarmament negotiations in good faith, but to bring these negotiations to a successful conclusion.

The nuclear-weapon states have simply not taken their disarmament obligation seriously. Today the global total of nuclear weapons is around 15,000. This is substantially lower than the peak of almost 70,000 during the Cold War, but is still enough to destroy the world several times over, and is well in excess of the number required for any rational concept of credible deterrence. Over 90 per cent of these weapons (around 14,000) are held by the U.S. and Russia between them, and the remaining 1,000 plus are held among the other seven nuclear-armed countries.

Despite the NPT obligation to pursue nuclear arms control and disarmament, there have been no multilateral negotiations on nuclear arms reductions, and no negotiations seriously addressing how to achieve nuclear disarmament. The nuclear-weapon states have not shown any commitment to a diminishing role for nuclear weapons and their eventual elimination. On the contrary, it seems they expect indefinite retention of nuclear weapons

and a continuing role for nuclear weapons in their national security policies.

In recent times the situation has deteriorated. The principal arms control agreement between the U.S. and Russia, New START, is due to expire early next year (February 2021). At the time of writing this article the U.S. has not yet agreed to the extension of New START, and no negotiations are in hand for a successor agreement. Worse still, nuclear arsenals are being upgraded, military planners are considering new uses for nuclear weapons, and scenarios for "limited" nuclear war have re-emerged.

THE NPT UNDER STRESS

The lack of any progress on nuclear disarmament has led some critics to question the value of the NPT. Some seem to believe the NPT primarily serves the interests of the nuclear-weapon states, so the latter can be pressured through threatening the NPT—an example being the refusal of a few countries to accept the highest standard of safeguards through the additional protocol. The five-yearly NPT review conferences have become increasingly acrimonious. Many countries fail to see that weakening the NPT can only make the situation much worse.

TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS (TPNW)

In frustration at the intransigence of the nuclear-weapon states, in 2017 some 120 countries negotiated the TPNW. At the time of writing, the TPNW is not yet in force, having 44 of the 50 ratifications required.

While the NPT envisages a stepwise or incremental approach to eliminating nuclear weapons, the TPNW seeks to force the pace of disarmament by prohibiting nuclear weapons outright. This prohibitionist approach has been rejected by all the nuclear-armed countries. The reality is that a prohibition cannot be forced on the nuclear-weapon states against their will.

Because of the near-universality of the NPT, the countries supporting the TPNW are also NPT parties. The TPNW proponents intend the treaty to complement the NPT, but drafting problems in the TPNW make the impact on the NPT uncertain, one reason why the uptake of the TPNW remains low. The division of NPT parties between those that are also TPNW parties and those that are not will be an additional complication for NPT review conferences. It is essential for these two groups to work together in support of the NPT.

One issue highlighted by the TPNW is *extended nuclear deterrence*, that is, the expectation by allies of nuclear-weapon states (so-called *umbrella states*, countries benefiting from a nuclear “umbrella”) that nuclear weapons would be used in their defense. The TPNW implicitly proscribes parties from participating in arrangements for extended nuclear deterrence. Extended nuclear deterrence seems a contradictory position for NPT parties. The NPT requires all parties to pursue nuclear disarmament, but effectively umbrella states are encouraging the retention and possible use of nuclear weapons. An unfortunate example of this contradictory position has been Japan’s opposition to the U.S. considering a *no first use* policy. All non-nuclear-weapon states should be working together in support of the elimination of nuclear weapons.

THE RISK OF NUCLEAR WAR CANNOT BE IGNORED

The failure of the nuclear-weapon states to meet their NPT disarmament commitment is not only a legal and political issue. The current situation should be intolerable to every country because of the great danger nuclear weapons present, not only to the nuclear-armed states themselves but, through the catastrophic climatic effects of a nuclear war (*nuclear winter* due to dust and smoke in the upper atmosphere), to the world as a whole.

Most people believe the risk of nuclear war ended with the Cold War. However, if

anything the risk today is even greater. A deliberate war of annihilation between the U.S. and Russia may be unlikely, but the risk of war by mistake, malfunction, miscalculation or rogue action is still with us. Both countries have continued dangerous practices from the Cold War, particularly keeping nuclear weapons on *launch-on-warning* alert, with the intention of launching them if they *think* they are under attack, and placing the authority to use nuclear weapons in the hands of just one person (the President).

Further factors contributing to an increased risk of nuclear war include: the number of countries with nuclear weapons has grown and some are expanding their arsenals; the end of arms control agreements; the introduction of new types of nuclear weapons; and changing attitudes toward the possible use of nuclear weapons. Perhaps most dangerous of all is the lack of engagement on risk reduction measures among the nuclear-armed countries.

WHAT CAN BE DONE?

Achieving total nuclear disarmament—the elimination of all nuclear weapons—will be a long and difficult challenge, but there are major risk reduction steps that can and should be taken immediately. The U.S. and Russia, having the capability of destroying the world several times over, bear a special responsibility to minimize the risk of nuclear war. Other countries, particularly their friends and allies, must not only encourage them to work together, but must be prepared to do what they can in support of these efforts.

Immediate steps that should be taken include extension of New START, establishing ongoing high-level engagement on strategic stability, and de-alerting of nuclear weapons (removing them from *launch-on-warning* status). It is also essential to strengthen national controls over the authority to use nuclear weapons. A truly game-changing step would be for each nuclear armed country to declare it will not be the first to use nuclear weapons (*no first use*), that nuclear weapons are retained only to deter their use by others.

Another game-changing step would be commitment by the U.S. and Russia to the joint statement of the 1985 Reagan-Gorbachev summit that “a nuclear war cannot be won and must never be fought”. Russia proposed a re-affirmation of this statement two years ago—as with New START, the ball is in the U.S. court.

Further steps include establishment of a serious multilateral negotiating process on working towards disarmament, and bringing the CTBT into force (here too action lies largely with the U.S.) In the context of the NPT, areas requiring attention include universalization of the IAEA’s additional protocol and addressing the risks of national programs in technologies that could be used for producing nuclear weapons (particularly uranium enrichment and reprocessing). Another high priority is pursuit of a WMD-free zone in the Middle East.

A problem for the NPT is that it is now taken for granted. Friends of the NPT should launch a campaign to remind national leaders how vital the NPT is to international security and to the achievement of a nuclear-weapon-free world. The 2020 NPT review conference was scheduled for April-May but has been postponed until January 2021 due to the COVID-19 pandemic. This delay provides the opportunity for the nuclear-weapon states to do something positive ahead of the review conference to show they are listening to the concerns of the rest of the world. It is essential not to waste this opportunity, another failed review conference is in no-one’s interest. Nor can the world afford for the current nuclear risks to remain unaddressed.

The Asia-Pacific Leadership Network for Nuclear Non-Proliferation and Disarmament (APLN) is an advocacy group that aims to inform and energize public opinion, especially high-level policymakers, to take seriously the very real threat posed by nuclear weapons, and to do everything possible to achieve a world in which they are contained, diminished and eventually eliminated.