

### The Nuclear Nonproliferation Treaty at a Glance

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The Nuclear Nonproliferation Treaty (NPT), which entered into force in March 1970, seeks to inhibit the spread of nuclear weapons. Its 189 states-parties are classified in two categories: nuclear-weapon states (NWS)—consisting of the United States, Russia, China, France, and the United Kingdom—and non-nuclear-weapon states (NNWS).<sup>1</sup> Under the treaty, the five NWS commit to pursue general and complete disarmament, while the NNWS agree to forgo developing or acquiring nuclear weapons.

With its near-universal membership, the NPT has the widest adherence of any arms control agreement, with only India, Israel, and Pakistan remaining outside the treaty. In order to accede to the treaty, these states must do so as NNWS, since the treaty restricts NWS status to nations that “manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.” For India, Israel, and Pakistan, all known to possess or suspected of having nuclear weapons, joining the treaty as NNWS would require that they dismantle their nuclear weapons and place their nuclear materials under international safeguards. South Africa followed this path to accession in 1991.

#### Select Treaty Articles

Under Articles I and II of the treaty, the NWS agree not to help NNWS develop or acquire nuclear weapons, and the NNWS permanently forswear the pursuit of such weapons. To verify these commitments and ensure that nuclear materials are not being diverted for weapons purposes, Article III tasks the International Atomic Energy Agency with the inspection of the non-nuclear-weapon states’ nuclear facilities. In addition, Article III establishes safeguards for the transfer of fissionable materials between NWS and NNWS.

Article IV acknowledges the “inalienable right” of NNWS to research, develop, and use nuclear energy for non-weapons purposes. It also supports the “fullest possible exchange” of such nuclear-related information and technology between NWS and NNWS. Article V, now effectively obsolete, permits NNWS access to NWS research and development on the benefits of nuclear explosions conducted for peaceful purposes. As the perceived utility of peaceful nuclear explosions has diminished over time, the relevance of this clause has lost much of its practical value. It is now moot due to the restriction on all nuclear explosions mandated by the Comprehensive Test Ban Treaty—to which all five NWS are signatories.

Article VI commits the NWS 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.” Acknowledging the necessity of intermediate

steps in the process of nuclear disarmament, Article VII allows for the establishment of regional nuclear-weapon-free-zones.

Article VIII requires a complex and lengthy process to amend the treaty, effectively blocking any changes absent clear consensus. Article X establishes the terms by which a state may withdraw from the treaty, requiring three month’s advance notice should “extraordinary events” jeopardize its supreme national interests.

The remainder of the treaty deals with its administration, providing for a review conference every five years and a decision after 25 years on whether the treaty should be extended. The 1995 review conference extended the treaty indefinitely and enhanced the review process by mandating that the five-year review conferences review past implementation and address ways to strengthen the treaty. —Assisted by *Jessica Weiss*

#### ENDNOTE

1. North Korea announced January 10, 2003 that it was withdrawing from the treaty, effective the next day. Although Article X of the NPT requires that a country give three months notice in advance of withdrawing, North Korea argued that it satisfied this requirement because it originally announced its decision to withdraw March 12, 1993, and suspended the decision one day before it was to become legally binding. There is not yet a definitive legal opinion as to whether North Korea is still a party to the NPT.