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14. ABSTRACT
Forty-nine years after the signing of the Nuclear Non-Proliferation Treaty (NPT), I believe the NPT has largely failed to live up to its mandates. This failure can be directed in two areas; the signatories of Nuclear Weapon States (NWS), which have occasionally chosen to ignore or misinterpret the treaty, and the vague verbiage within the NPT. These failures have sparked controversies and confusion among the treaty's signatories, helping to provide justification for those wishing to abandon the treaty or avoid its requirements and perpetrate the proliferation of nuclear weapons.

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TITLE:
REVIVE THE NUCLEAR NON-PROLIFERATION TREATY

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Executive Summary

Title: Revive the Nuclear Non-Proliferation Treaty

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Thesis: The Nuclear Non-Proliferation Treaty will not achieve its desired end state of nuclear non-proliferation because its framework lacks the language to enforce non-proliferation. This has allowed states an opportunity to skirt the articles of the Nuclear Non-Proliferation Treaty.

Discussion: For the last 40 years the International Community has leverage the Nuclear Non-Proliferation Treaty as the backbone of international non-proliferation. This has led to the drafting and signing of several additional treaties in pursuit of this goal. Unfortunately, over time it appears as if this effort has stalled. As a result states have sought to acquire nuclear weapons technology in defiance of the treaty. Failure to address the weaknesses and shortcomings of the treaty may result in the complete abandonment of the treaty. The International Community cannot allow this to occur. Identifying the weaknesses and shortcomings and finding ways to address them may assist in reviving the treaty and its goals.

Conclusion: Despite the weaknesses and shortcomings of the Nuclear Non-Proliferation Treaty it is salvageable and if rewritten can overcome the hurdles presented today and accomplish its overall objective or nuclear proliferation.

DISCLAIMER

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Figure 1. *Nuclear Non-proliferation Treaty Achievements from 1992 - 2011*10

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Preface

In 1968 the world's superpowers took the first of many steps to control the spread of nuclear weapons with the signing of the Nuclear Non-Proliferation Treaty (NPT). The NPT was to become the foundation on which to build, controlling the spread of nuclear technology for peaceful use while preventing the proliferation of nuclear weapons. Forty years later, I believe the NPT has largely failed to live up to its mandates. This failure can be directed in the following two areas, the signatories of Nuclear Weapon States (NWS), which have occasionally chosen to ignore or misinterpret the treaty, and the vague verbiage within the NPT. These failures have sparked controversies and confusion among the treaty's signatories, helping to provide justification for those wishing to abandon the treaty or avoid its requirements.

Unfortunately, over the years the political leaders of NWS have evaded their responsibilities to the international community by ignoring or reinterpreting the articles of the NPT to satisfy their state's agenda instead of working within the NPT to adhere or clarify the articles for all signatories to follow. This has led to the weakening of the treaty and the spread of nuclear weapons. Fortunately, for the international community, it is not too late to reconfirm the treaty and stop the spread of nuclear weapons technology. I am not naïve enough to believe that nuclear weapons will be completely abandoned by the NWS; however, they can be significantly reduced. The lessons learned over the last forty years can assist in updating the NPT to achieve this goal. It is not too late to reaffirm the basics of the NPT, non-proliferation, denuclearization, and peaceful use of nuclear technology, and begin to achieve these goals. I believe reintroducing the importance of the NPT will help spur debate and hopefully lead to further progress in the non-proliferation debate.

I would like to thank, God, for without Him nothing is possible, my advisor (Dr. Brandon Valeriano), for providing guidance on this topic and then giving me the latitude to work, and Conference Group 10. The members of my conference group offered comic relief during the trying time of the course and were always willing to proof read my work, especially Emily Barton. You guys made C&S an enjoyable experience. I will miss the shenanigans and our “yard time”.

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LIST OF ACRONYMS AND ABBREVIATIONS

DPRK	Democratic Peoples Republic Korea
IAEA	International Atomic Energy Agency
INF	Intermediate-Range Nuclear Forces Treaty
NPT	Nuclear Non-Proliferation Treaty
NNPT	Non-Nuclear Proliferation Treaty
NNWS	Non-Nuclear Weapons State
NWS	Nuclear Weapons States
NSS	Non-Signatory States
SALT	Strategic Arms Limitation Talks/Treaty
UN	United Nations

Introduction

Since 1970, the Nuclear Non-Proliferation Treaty (NPT) has been hailed by some in the international community, as a success and the cornerstone of global nuclear non-proliferation.¹ It was expected to bring nuclear proliferation to a halt. However, since its inception, the NPT has been less than successful in achieving its disarmament obligation or preventing states from acquiring the technology to develop nuclear weapons. For example, South Africa, India, Pakistan, Israel, North Korea (DPRK), and Iran have successfully acquired nuclear weapons technology in spite of the NPT. Additionally, even NPT regime members have violated the NPT; specifically, Russia and the United States. Non-proliferation regime members are identified as the five (the United States, the United Kingdom, Russia, France, and China) original states that, according to the NPT, are authorized to possess nuclear weapons. In 1968, these five states were officially recognized by the NPT as Nuclear Weapons States (NWS) because they crossed the nuclear threshold prior to the establishment of the NPT. Coincidentally, they are also the five permanent members of the United Nations (UN) Security Council. With the United States and Russia continually violating various articles of the NPT, and Non-Nuclear Proliferation Treaty (NNPT) signatories acceding to the NPT, the NPT has lost some of its credibility and can no longer be hailed as the bedrock of nuclear non-proliferation. This research paper will demonstrate fundamental issues and pinpoint specific issues within the NPT. It will address the actions of signatories and non-signatories that demonstrate the weaknesses and shortcomings of the treaty and provide potential resolutions to the identified deficiencies of the NPT.

Literature Review

This literature review will cover different viewpoints from various scholars on the successes and weaknesses of the NPT. Some scholars (Kissinger (2009), Liberman (2004), Huntley (2004), and Albright (2015)) have identified the NPT as a groundbreaking treaty aimed at controlling the proliferation of the most powerful weapon known to man. Some argue that the documented success of the NPT is proof that the treaty is working to prevent the proliferation of nuclear weapons technology and denuclearization of states.² Scholars, such as Liberman (2004), Huntley (2004), and Albright (2015), point to the various states that have abandoned their nuclear weapons/program(s) and acceded to the treaty as an indication of the ultimate success of the NPT.

Conversely, scholars, such as Ford (2007), Koplow (1993), and Maerli, & Lodgaard (2007), argue that the NPT is a failure in spite of the states that have abandoned their nuclear weapons programs because of the lack of specificity within the articles, which has allowed NWS to skirt the intent of the treaty. Ford (2007), Koplow (1993), and Maerli, & Lodgaard (2007), assert that the weakness in verbiage has been exploited by the NWS to promote their interests and thus undermine the NPT.³ These scholars have presented powerful arguments for the success and weakness of the NPT. While both sides of the debate have merit, this paper will provide evidence that the NPT has not completely served its intended purpose and needs to be rewritten to effectively achieve its original goal of denuclearization and non-proliferation.

To accomplish this feat, this author believes the international community needs to come together and update the NPT, building on the last forty years of experiences; realigning the treaty's articles addressing its deficiencies; and provide a roadmap that can potentially lead to a significant reduction in the NWS nuclear arsenal in a prescribed timeframe.

There are various articles and publications on the topic of how successful or unsuccessful the NPT is; however, it is difficult to locate publications that thoroughly address both successes and shortfalls. Most publications take a solid stance on either the successes or weaknesses and shortcomings of the treaty. For example, publications from the United States Department of State and author Hochman (2006) address only the positive achievements of the treaty, whereas authors Kuppuswamy (2005) and Maerli, & Lodgaard (2007) focus on the treaty's weaknesses and shortcomings. The debate has proven to be polarizing. The various publications reviewed for this topic provided credible evidence to allow for a determination based on facts. This paper will evaluate the information and determine whether the NPT can be labeled a success or a failure and provide potential recommendation to address the weaknesses and shortfalls of the NPT. We will provide recommendations to address the weaknesses and shortcomings of the NPT.

Creation of the NPT

One of the greatest threats to the international community is the proliferation of nuclear weapons. According to an article written by Henry Kissinger (2009), former United States Secretary of State and National Security Advisor, he highlights the danger of proliferation when he stated "the spreading of nuclear weapons multiples the possibilities of nuclear confrontation; it magnifies the danger of diversion, deliberate or unauthorized."⁴ Fortunately, the international community recognized the severity of this threat early and, in the 1940s, began to collaborate to find a way to address the proliferation of nuclear weapons. In 1945, the United States, the United Kingdom, and Canada called for the creation of a UN entity, which would be charged with preventing the use of atomic energy for destructive purposes.⁵ When Russia, the United Kingdom, France, and China acquired nuclear weapons, between 1949 and 1964, the goal of

achieving non-proliferation and disarmament stalled.⁶ States focused on pursuing nuclear technology as a means to generate energy; however, because this technology could be modified to allow for the development of nuclear weapons. The United States, the United Kingdom, and Canada believed controls were required to assist in restricting the proliferation of the technology.

The dual use of nuclear technology introduced challenges to nuclear non-proliferation. In 1955, the UN, with the urging of the United States, the United Kingdom, and Canada, stood up the Geneva Conference on the Peaceful Uses of Nuclear Energy. This conference was the beginning of the civilian nuclear industry and would assist in the controlling and monitoring of states utilizing nuclear power for peaceful purposes. This mechanism was important because the same process that allows for the enrichment of uranium for the peaceful use of nuclear power is the same process used to produce weapons-grade uranium for nuclear weapons.

In 1957, the Geneva Conference established the International Atomic Energy Agency (IAEA), an autonomous intergovernmental organization, with a mission of promoting the peaceful use of nuclear energy, and verifying that Non-Nuclear Weapons State's (NNWS) nuclear programs did not deviate from the development of energy to weaponry. To maintain control of the nuclear technology in NNWS, the NPT provides incentives to NNWS to discourage them from seeking nuclear weapons technology under Article III subparagraph II.

Article III subparagraph II allows NWS to provide NNWS with material and technology for the construction of nuclear reactors for the manufacturing of nuclear energy for peaceful purposes. In accepting the material and technology, the states agree to the monitoring of all nuclear reactors and storage facilities by the IAEA. This article allows the NNWS to benefit from the peaceful use of nuclear technology while preventing the proliferation of nuclear

weapons. It also provides safeguards against NWS distributing nuclear weapons technology to NNWS.

In 1961, the UN General Assembly drafted the “Irish Resolution,” outlining guidance for states that possessed nuclear weapons technology (NWS).⁷ According to the NPT, a NWS is defined as a state that detonated a nuclear explosive before 1 January 1967. This date was chosen to limit the number of NWS to five.⁸ The resolution prohibited NWS from relinquishing control of nuclear weapon technology or providing assistance to states that did not already possess the technology (NNWS).⁹ This resolution would later become the foundation for the NPT.

The NPT of 1968 – the only treaty that comprehensively addresses non-proliferation– was ratified in 1970 and was an attempt to prevent nuclear proliferation and lower the nuclear threat to the international community.¹⁰ At the time of its ratification, the NPT recognized the five states (the United States, Russia, the United Kingdom, France, and China) that possessed nuclear weapons. All other states that acceded to the treaty were to be labeled as NNWS and forbidden from possessing nuclear weapons technology. If any state acquired or sought to acquire nuclear weapons after 1968, they would be prohibited from participating in the NPT or receiving technological assistance from NWS.

Conversely, NNWS that acceded to the treaty, although prohibited from seeking nuclear weapons technology in the future, would be provided with nuclear technology and materials to establish a nuclear program dedicated to peaceful application, such as energy production, scientific research, and medical services. Built into the treaty was an agreement that the NPT member states would hold a conference every five years, as a method for revalidating the treaty’s goals.

NPT Review Conference

The Review Conference was designed within the NPT as a mechanism to bring together all NPT signatories with the goal of reviewing the treaty's progress and developing a declaration at its conclusion. The declaration would highlight the progress of the NPT and identify steps for further progress. Over the course of the last 45 years, the Review Conference has successfully convened nine times. Over this timeframe only three of the conferences (Conferences 1975, 1985, and 1995) resulted in member states agreeing and adopting a functional final declaration. This demonstrates the complexity and contention within the NPT. Issues introduced during the first conference in 1975 remain as a source of contention to this day. These unresolved issues may be what are preventing the NPT from becoming a complete success (satisfying all the mandates identified within the treaty's articles).

During the first conference (1975), member states presented different views on what conference objectives were, how the NPT provisions were to be implemented, and how to strengthen the provisions. The NWS created the conference as a way to strengthen the treaty by implementing safeguards; other states believed the conference was aimed at determining if all of the NPT provisions were realized and adopting measures to remedy any shortcomings.¹¹ The NNWS argued that the NPT, as written, was slanted against them and favored the NWS. NNWS specifically addressed disarmament, security assurances, and the use of nuclear technology for peaceful purposes.

The nuclear disarmament aspect was specifically directed at the NWS and its responsibility under Article VI of the NPT, which directs NWS to negotiate effective measures for nuclear disarmament. Arguably, this is the most important article of the NPT.

Unfortunately, this discussion persists today while Russia and the United States continue to develop and expand their nuclear arsenal.

According to Kissinger (2009), “Russia and the United States control 90 percent of the world’s nuclear weapons and have the power to reduce reliance on nuclear weapons in their bilateral relationships.”¹² Regrettably, for the international community, instead of reducing stockpiles these two states are continuing to research and develop nuclear weapons. These developments have and continue to raise alarms within the international community.

Although both states have reached several agreements to limit offensive and defensive nuclear weapons, the continued development of them may have negative consequences for the future of the NPT. Fortunately the issue did not affect the 1975 Conference where all members agreed to continue supporting the NPT and concurred on a final declaration, noting that the treaty had not yet achieved universal adherence.¹³ This first test of the international community coming together and negotiating for the continuation of the NPT demonstrated its strength and paved the way for future successes.

NPT Overview

The NPT was created as a temporary treaty with a provision indicating, that after 25 years of implementation, a review would be conducted and it would be decided whether the NPT would be extended or implemented indefinitely. In 1995, the conference convened and the NPT member states agreed to extend the NPT indefinitely, which was hailed as an historic feat.¹⁴ This led Mr. Tariq Rauf, Director of the International Organizations and Non-proliferation Project of the Center for Non-proliferation Studies at the Monterey Institute of International Studies, to proclaim at the end of the conference that “a new era in nuclear non-proliferation and global security has been ushered in to the world.”¹⁵

The NPT, as ratified, contains 11 Articles for the establishment of security, international peace, and disarmament. This paper will focus on Articles I, II, III, IV, VI, and X. These six articles provide the formula for the NPT's three basic goals: non-proliferation (Articles I, II, and III), nuclear weapons disarmament (Article VI), terms for withdrawal from the treaty, and the promotion of the peaceful use of nuclear technology (Article IV and X).¹⁶

While the treaty prohibits the possession of nuclear weapons technology for NNWS, it tolerates the possession from the original five nuclear powers. As written, all states that accede to the NPT agree to the following articles:

Articles I and II, 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 Establishes safeguards for the transfer of fissionable materials between NWS and NNWS. 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 acknowledges the "inalienable right" of states-parties 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 VI commits states-parties 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 X establishes the terms by which a state may withdraw from the treaty, requiring 180-day advance notice should "extraordinary events" jeopardize its supreme national interests. 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 interests 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.*¹⁷

These six articles are the foundation of the NPT and guide the international community in regards to the proliferation and disarmament of nuclear weapons technology. They provide the baseline for states to structure and sign future treaties, policies, and resolutions.

This has led to a variety of measures being added to enhance the effectiveness of the treaty; arms control agreements, security assurances for NNWS (UN Resolutions 984), rules of international nuclear commerce, and export control regulations. Allowing the NWS leverage to keep NNWS from acquiring nuclear technology for weaponry.

A key measure was the security assurance for NNWS adopted in 1995 by the UN Security Council under Resolution 984. Resolution 984 states, “NWS agree to not use nuclear weapons against compliant members of the NPT and to aid any NPT member should they be attacked by an NWS.”¹⁸ This resolution was designed to provide security assurances to NNWS, removing the fear of threats to their sovereignty by a NWS.

Additionally, Russia and the United States drafted and signed the Strategic Arms Limitations Talks/Treaty (SALT) I and II. The SALT I and II call for both countries to limit the development of strategic weapons systems, both offensive and defensive.¹⁹ This has been hailed as an indication that the NPT continues to be successful, in not only preventing the proliferation of nuclear weapons but also remaining on the path of nuclear disarmament. However, these successes on their own cannot and should not be the NPT’s sole measurement of success. Establishing a treaty is only a part of the equation; the real test is in states abiding by established treaties.

Successes of the NPT

Following the Cold War, the NPT scored some major successes. One success of the NPT is the sheer number of states that have joined the treaty. Since its creation, NPT membership has

increased and as of 2018, the NPT had 191 state signatories; making it the largest arms control agreement to be ratified.²⁰ With 191 states acceding to the NPT, the international community has taken a leap forward in ensuring the reduction of the nuclear weapon threat.

The NPT's most significant achievements came in 1991, with South Africa agreeing to accede to the treaty. Two years later they officially denuclearized, destroying six nuclear weapons and dismantling its nuclear weapon's facilities.²¹ Later in 1991, the Argentinean and Brazilian governments agreed to abandon their nuclear weapons ambition and acceded to the NPT.²² After 23 years of diligent work by the international community, the NPT successfully achieved the denuclearization of a state that possessed nuclear weapons as well as the abandonment of nuclear weapon's programs in two other states.

While South Africa was the first state to disarm its nuclear weapons, it was not the last. Following the fall of the Soviet Union in 1991, Ukraine became the third-largest nuclear power; however, it chose to accede to the NPT and relinquish its nuclear arsenal. The Belarus and Kazakhstan governments also followed Ukraine in relinquishing its nuclear arsenal.²³ With these four countries abandoning their nuclear arsenals and acceding to the NPT there was a reason to hail the NPT as a successful treaty. Ten years later in 2003, the Libyan government agreed to abandon its program and relinquish all nuclear equipment.²⁴ It appeared as though the NPT was on a path to meeting its obligation of non-proliferation and disarmament.

In addition to disarmament and abandonment of nuclear weapons from several states, the NPT has been instrumental in the United States and Russia signing follow-on treaties aimed at nuclear arms reduction in accordance with Article VI of the NPT. In 1987, both states signed the Intermediate-Range Nuclear Forces (INF) Treaty, which called for the elimination of ground-launched ballistic and cruise missiles.²⁵ In 1991, following the INF, the United States and Russia

signed The Strategic Arms Reduction Treaty (START) I. The START I called for the reduction of strategic nuclear weapons from 12,000 to a set aggregate limit of 6,000 warheads.²⁶ The START I combined with the INF and the SALT treaties produced results in the nuclear weapons curtailment realm. With these significant advances, it is clear why the UN would label the NPT a success. To its credit, these were not the only achievements that can be claimed by the NPT.

Figure 1, contains additional achievements, by year, that can be accredited to the NPT:

1992	After 22 years the French and Chinese governments acceded to the NPT. Prior to this the Chinese and French government supported the NPT and were labeled as two of the five NWS; however, they were not signatory. These two states were the last of the five recognized NWS to accede to the treaty.
1995	The UN Security Council passed Resolution 984, Security Assurances against the use of nuclear weapons to NNWS that are Parties to the NPT. ²⁷ This resolution ensured NNWS that acceded to the NPT would be protected from a nuclear weapons attack by an NWS. This resolution was a move to reassure NNWS that they were safe and prevent them from seeking nuclear weapons as a means to deter attacks from NWS.
1995	The fifth NPT Review Progress conference was held and all state signatories to the NPT agreed to an indefinite extension of the NPT.
1996	The Comprehensive Test Ban Treaty (CTBT) opened for signature. The CTBT is a global ban on nuclear explosive testing that once signed is legally binding. ²⁸ This treaty has not yet entered into force due to the lack of signatures from all requisite states. The treaty cannot enter into full force until it is ratified by 44 specific states, 8 of which have refused to ratify the treaty (China, India, Pakistan, DPRK, Israel, Iran, Egypt, and the United States). However, the treaty has been signed by 183 states and ratified by 166 of them, which would make this treaty a success.
2003	The Libyan government announced it would dismantle its weapons of mass destruction program, to include its covert nuclear program.
2005	DPRK government agreed to re-enter into the NPT.
2011	A new START entered into effect with France, the United States, and Russia agreeing to reduce its strategic and offensive arms. The treaty specifically limits each state to 1,550 deployed nuclear weapons. This is the first treaty to provide specific numbers of nuclear weapons a state can possess. At the same time the United Kingdom, in keeping with Article VI of the NPT, voluntarily reduced its nuclear stockpile to 120 deployed strategic warheads, with 60 in a reserve status for maintenance management.

Figure 1: NPT Achievements from 1992 – 2011

The evidence proves the NPT has made significant achievements in the realm of non-proliferation and it can be argued that the international community is better off with the NPT and the various other treaties stemming from its creation. Despite these successes, the NPT has

weaknesses and shortcomings, which if not addressed, will fail to achieve its most important obligation: complete disarmament.

Weaknesses and Shortcomings of the NPT

Up into the mid-1990s, the NPT made remarkable strides at curbing the proliferation of nuclear weapons; however, since then nuclear disarmament negotiations have stalled. According to Ford (2007), Koplow (1993), and Maerli, & Lodgaard (2007), the concern from NPT signatories are the ambiguous language of the NPT, the concern from NNWS signatories that the NWS are not doing enough to disarm, Non-Signatory States (NSS) are not obligated to the NPT articles, thus there are limited ramifications in seeking nuclear weapons, and repercussions for treaty violators are absent or inadequate. There is a concern from NPT signatories that this can potentially pose a threat to their sovereignty.

While NSS are not required to adhere to the treaty, they can pursue nuclear weapons without being considered in violation of the treaty. Additionally, the mechanism, which would be leveraged to enforce compliance, appears weak. The non-proliferation regime, although important, are becoming increasingly inadequate due to their inability to leverage the UN Security Council to condemn and sanction violators of the NPT.

For example, in the past, the IAEA twice reported the DPRK to the UN Security Council for censure because of its nuclear program and twice the UN Security Council failed to pass a resolution punishing the DPRK. The UN's inability to levy sanctions on the DPRK was due to China's opposition to the resolution. China's ability to exercise its veto power allowed the DPRK to escape sanctions, thus continuing its nuclear program without significant penalties.

The absence of specific verbiage within the NPT prevented sanctions from being levied on the DPRK. It is this author's belief that if the NPT contained verbiage specifying penalties to

be levied based on various levels of treaty violations the UN Security Council would be able to potentially avoid one of the permanent members from vetoing sanctions against treaty violators.

In addition to the absence of specific penalties, the NPT contains a loophole. This loophole allows for signatory states to break away from the agreement. This can then allow them to develop nuclear weapon technology. Under Article X, any signatory state can choose to abandon the treaty by providing a 180-day notice of its intention to abandon. A state decides for itself and does not have to provide justification to any external authority.²⁹ This is problematic as, physicist and author, Joseph Rotblat, (2007) stated in his book, *A Quest for Global Peace*, “If the militarily most powerful and least threatened states need nuclear weapons for their security, how can one deny such security to countries that feel insecure? The present nuclear policy is a recipe for proliferation. It is a policy for disaster.”³⁰

Article X should be updated with a requirement for signatory states to state the perceived security threat(s) it believes it faces. This can allow the UN Security Council the ability to validate and an opportunity to address the perceived threat(s). This can potentially provide all parties involved an opportunity to correct grievances before they escalate. By allowing NPT signatories the ability to legally withdraw from the NPT, without allowing for the addressing of its grievance the international community risks an escalation of force between states. This escalation can lead states to seek nuclear weapons for the purpose of attacking another nation. This action could jeopardize the international community.

Additionally, it can provide a NNWS the opportunity to legally acquire nuclear technology and material for peaceful purposes, and then covertly pursue nuclear weapons. If discovered, the state can submit a notice of intent to vacate the treaty due to a fictitious threat to its security. It can be argued that a member state could covertly pursue nuclear weapons

technology if Article X did not exist; however, under that circumstance, the state would be breaking the treaty, which would allow for the international community to take action against them via UN Security Council resolutions.

By allowing the vacating state a legal way to exit the treaty, it would not be labeled a treaty violator. The vacating state could garner support from other states within the international community without the supporting state being labeled as supporter of a treaty violator, which would trigger sanctions by the UN Security Council.

The DPRK is an example, as an NPT signatory it has taken advantage of Article X. The DPRK has admitted to violating the treaty and collaborating with NSS to develop nuclear weapons. The DPRK –which acceded the NPT in 1985- received assistance in developing nuclear weapon technology from Pakistan – a NSS.³¹ The DPRK admitted to violating its commitments to the NPT and, in 1993, threatened to withdraw from the treaty. After negotiations with the UN General Assembly, the DPRK agreed to remain in the treaty; however, the DPRK did not discontinue its covert nuclear weapons program, and in 2003 the DPRK expelled the IAEA from the country and officially withdrew from the treaty.³²

In 2005 the DPRK announced it possessed nuclear weapons.³³ Announcing the possession of a nuclear weapon in such a short period of time indicates that the DPRK pursued and built a nuclear weapon while still a signatory of the NPT and under the watchful eye of the IAEA.³⁴ According to nuclear expert Siegfried Hacker (2006), who visited the DPRK’s nuclear facilities, “the extent and sophistication of North Korea’s centrifuge program demonstrates how poorly the NPT and export controls limit a determined proliferator.”³⁵ To date, the DPRK continues its quest to develop and test its nuclear weapons capabilities in defiance of the UN Security Council and the NPT. As a testament to its defiance against the UN Security Council,

in 1998, the DPRK detonate a nuclear device. This defiance if left unchecked risks the proliferation of nuclear weapons. Other states will abandon the NPT and seek nuclear weapons. Henry Kissinger opined during Congressional testimony that "...if the DPRK can pursue and maintain a nuclear capability in the face of international opposition, other countries will feel they can do the same and achieve international prominence."³⁶ Unfortunately, the DPRK is not the only NPT signatory to aspire to acquire nuclear weapons. Iran is also attempting to acquire technology.

Iran, a signatory of the treaty since 1970, also received assistance from Pakistan, a non-signatory state, and has been in non-compliance with the NPT several times. Iran has been in violation of Article II & III and IAEA safeguards and yet it remains a signatory in the NPT.³⁷ Iran is believed to be conducting a clandestine nuclear weapons program under the guise of a peaceful nuclear energy program; however, the IAEA has repeatedly stated Iran is in non-compliance of the NPT.³⁸ Under the auspices of the IAEA, the international community takes steps to monitor Iran's nuclear activities as a result; the UN placed sanctions against Iran. However, these sanctions do not appear to deter Iran from moving forward with the development of its nuclear weapons program.

The UN's inability to prevent or deter signatory states from developing nuclear weapons points to the treaty's shortcomings, and potential faltering because the NWS are not in alignment with what specifically should be done to a NNWS who violates the treaty. Holding states accountable and imposing sanctions via the UN Security Council is difficult when one or more of the UN Security Council members exercises its veto powers.

Another indicator of the NPT's weakness is Article VI's vague language in regard to the NWS disarmament obligation. Article VI's vague verbiage on denuclearization allows NWS to

navigate around the spirit of the treaty and maintain an arsenal in perpetuity.³⁹ According to Dr. Rebecca Johnson (2003), Founder and Executive Director of the Acronym Institute Journal for Disarmament Diplomacy, “NWS have sheltered behind the vagueness of Article VI’s wording and continued with vertical proliferation and a multitude of prevarications.”⁴⁰ Article VI requires NWS to “pursue negotiations”, but does not directly state NWS signatories will denuclearize.

The phrase “pursuit of negotiations” to end the nuclear arms race and disarmament does not mandate or provide a timeline for which to hold NWS accountable.⁴¹ The director of Harvard University’s International Security Program Dr. Steven Miller (2003) highlighted this point during the Athens Conference on Nuclear Proliferation when he stated “merely requiring the pursuit of negotiations, with no requirement for success or even progress in the negotiations, has led to inaction.”⁴²

As long as the NWS continues to discuss denuclearization and cessation, they are considered in compliance with the treaty as written. Without a specified timeframe for denuclearization, the UN Security Council does not have a mechanism to force NWS to adhere to disarmament. However, even if there were mechanisms in place, it is unlikely that a resolution put forth to condemn a NWS who violated the treaty would pass in the UN General Assembly, because the same NWS that are violating the treaty can exercise its veto authority defeating the resolution. The UN is inherently flawed in the organization of its “veto clause”.

The “veto clause” grants each of the five permanent members of the UN Security Council the power to reject a resolution.⁴³ The “veto clause” guarantees any resolution put forth against one of the NWS will be rejected. In 2015, the issue of the “veto clause” was broached in a speech by then French President Francois Hollande’s to the UN General Assembly where he

inquired about the UN's inability to act, "How can the U.N. remain paralyzed when the worst is unfolding in front of our eyes?"⁴⁴ (Tharoor, 2015).

Conversely, states without veto powers are susceptible to sanctions unless one of the permanent members of the UN Security Council exercises its veto power. Because only signatories are bound to the articles of the NPT, all other states do not have to adhere to the parameters set forth under the NPT. Of course, the UN Security Council can recommend sanctions on NSS that pursue nuclear weapons technology; however, these states are not specifically in violation of any laws or treaties.

Non-NPT Signatories with Nuclear Weapons (Pakistan, India, Israel)

Even as the NPT continues to acquire support from within the international community and states accede to the treaty, some states have continued to resist becoming signatories for two specific reasons. First, the state has ambitions of developing a nuclear weapon for security and second, because the state already possesses a nuclear weapon and does not wish to relinquish it.

According to the NPT, no state, except the original NWS, can join the NPT as an NWS, nor can they join as an NNWS unless they abandon its nuclear weapons.⁴⁵ This restriction prevents Pakistan, India, and Israel from joining the NPT because all three possess nuclear weapons and refuse to relinquish them. Although the NPT recognizes the five NWS as being allowed to legally possessing nuclear weapons, it also recognizes India, Pakistan, and Israel's possession of nuclear weapons as not being illegal.

In 1974, India conducted a nuclear explosion, and in early 1998 both Pakistan and India tested nuclear devices.⁴⁶ Although Israel does not acknowledge possessing a nuclear weapon, the international community considers it to be in possession of nuclear weapons.⁴⁷ The possession of nuclear weapons technology by these three states is indicative of how the NPT is

incapable of preventing states from attaining nuclear weapons technology and subsequently developing and testing a nuclear device or forcing states to relinquish them.

According to George Perkovich, the Vice President for Studies at the Carnegie Endowment for International Peace and author of *India's Nuclear Bomb*, a major blow to the NPT's credibility is its recognition of Pakistan, Israel, and India as states who acquired nuclear weapons after 1968 as not being illegal.⁴⁸ This prevents the UN Security Council from voting to leverage sanctions on them as a way to persuade them to relinquish their nuclear weapons. Additionally, some of the NWS, specifically the United States, have taken steps to integrate India into the global non-proliferation regime.

Under President Bush, the United States signed a nuclear pact with India, changing its domestic laws and calling for the change in international rules in favor of India. The United States identified India as a "responsible" nuclear country. This provided India with the benefits of being a NNWS without having to accede to the NPT. As of 2006, India now has the right to import nuclear material and equipment without having to worry about IAEA nuclear safeguards.⁴⁹ The fact that the United States is not willing to do the same for Pakistan and Israel, possessors of nuclear weapons, is troubling. This action can weaken the non-proliferation regime. The United States' decision to acquiesced to Israel and Pakistan's possession of nuclear weapons and allow India to enjoy NNWS benefits is in direct contradiction to the intent of the NPT.

According to the NPT, the NWS should be condemning NNPT states from acquiring and maintaining nuclear weapons not rewarding them. Besides condoning these three nuclear weapon states, the United States went one step further and in 2005, with the support of the United Kingdom, France, the United States, and Russia, attempted to change the law and the

international rules on nuclear commerce in order to benefit India.⁵⁰ The United States' willingness to undermine the global nuclear order in order to accommodate India can be detrimental to the future of the NPT.

This nuclear double standard is clearly and not in keeping with the NPT. By its actions, the United States has signaled to other states that by obtaining a nuclear weapon, there is a possibility they will gain international prominence as a NWS and maintain the benefits of the NPT. However, NNWS who seek to exploit this should be aware that the United States is only willing to tolerate NNPT nuclear weapon states if those states are not in conflict with the interest of the United States.

Conclusion/Recommendations

The NPT was establishment with several goals. The first is non-proliferation, preventing the spread of nuclear weapons throughout the international community. The second, assist in the sharing of nuclear technology and information for peaceful purposes with other states. The UN General Assembly entrusted achieving this goal to the IAEA. The IAEA would be charged with assisting states in acquiring the technology for peaceful nuclear programs and ensuring they do not convert this technology to nuclear weapons. The third goal is complete disarmament of nuclear weapons from all states throughout the international community. Although the NPT has achieved successes in all of these areas it has not achieved universal success within these goals. In order to achieve ultimate success the treaty needs to be updated to address the current and envisioned future international atmosphere. This author believes if the treaty is not updated to reflect the current international atmosphere, then the past successes may not be repeated and the NPT will become obsolete.

It is this author's contention that the five NWS need to come together and re-evaluate the comprehensive agreement drafted in 1968 (the NPT). The basis of the treaty needs to be reconfirmed with incremental steps identified to balance its implementation with politically binding requirements. These requirements need to be specifically identified and provide a realistic timeline for implementation. It is important for the regime not to completely scrap the NPT, as the treaty has experienced successes in non-proliferation and disarmament. However, there may be room for updating the treaty. This step should be looked at carefully.

The NPT lacks a roadmap for achieving its stated goals. The international community needs to build on the last forty years of experiences and realign the treaty's current articles to address three deficiencies within the treaty. The author believes addressing these deficiencies may assist in reviving the NPT and repeating past successes. These deficiencies include the UN Security Council inability to come to an agreement on resolutions aimed at punishing States that violate the NPT. The vague language within the NPT that allows signatories the ability to skirt the intent of the treaty and the lack of a specified timeframe for states to follow to be in compliance with the NPT's stated goals. Addressing these issues should be the international community's main goal if it wants the NPT to experience future success.

The UN Security Councils falters on its responsibilities. The UN Security Councils inability to agree on resolutions put forth to punish treaty violators should not be considered a failure of the NPT per se, but it is a direct hindrance to the enforcement of the NPT. Without an enforcement mechanism to leverage, signatories of the NPT will have little reason to continue to adhere to the treaty. The actions of Iran and the DPRK have demonstrated that when the UN Security Council fails to act states will ignore the treaty and pursue their nuclear ambitions. The UN Security Council's failure to leverage meaningful resolutions against these states has

emboldened these states to pursue nuclear weapons programs in defiance of the treaty.

Continuing to allow these states to develop nuclear weapons programs may embolden other states to abandon the NPT and possibly convert their once peaceful nuclear programs to weapon programs.

To overcome this hurdle the UN Security Council needs to address the veto power system in regards to the NPT. Getting the members of the UN Security Council to relinquish its veto power will be almost impossible so that option should not be broached. No member wants to lose the ability to oppose or truncate a resolution they believe is unfair or unjust and can possibly hinder their national interest in the future. Especially, during times of conflict when deescalating the conflict may not be in the best interest of a states, or that of its allies, for either political, economic or ideological reasons as identified by Palmer and Perkins (2007).⁵¹ However, if an updated NPT contained agreed upon consequences for violations of the treaty prior to a violation then the UN Security Council would not be able to leverage its interest over that of the resolution once a violation has occurred. By removing this hurdle punitive measures can be levied without having the UN Security Council vote to create a penalty. Members would simply levy the punishment dictated within the NPT and avoid a vote on the resolution. This can also be used as a deterrent to NWS and NNWS, by providing them with a list of repercussions they can weigh the benefits of violating the treaty.

While some NWS have also violated the articles of the NPT, because they enjoy their veto powers, they can oppose resolutions drafted to hold them accountable for their non-compliance. The United States and Russia's disregard of for the NPT Article VI – disarmament clause- is a testament to this issue. Both states have failed to meet the intent behind Article VI, which continues to be the most contentious issue during the NPT's Review Conference. In 2005,

the debate of Article VI led to the Review Conference member's inability to agree on a statement of non-proliferation and disarmament for the first time. Unfortunately, the conference's inability to come to an agreement on Article VI will continue to degrade the NPT. It is unrealistic to believe that the political views of the NWS will shift in regards to their nuclear arsenal; however, to save the NPT a possible compromise may be found if an agreement was reached to identify steps to halt the nuclear arms race and significantly reduce NWS nuclear weapons vice complete disarmament.

Utilizing the START I and II treaties as a roadmap can go a long way in identify a step-by-step process accompanied by a timeframe for the reduction of nuclear weapons can prove to be successful. This agreement should identify milestones to gauge compliance and non-compliance and the IAEA should be presented with unfettered access to each NWS' stockpiles to ensure compliance. Any state not in compliance would be sanctioned based on the predetermined penalties agreed upon by the UN Security Council and identified within the updated NPT. The penalties should stipulate reasonable tiered consequences to allow violators the ability to gain compliance and not be completely censured by the international community. Doing so could undermine the treaty by not allowing violators the ability to correct violation.

With the presentation of new problems there are no guarantees the international community would be able to find common ground on an agreement for a new treaty. According to Pilat (1995), "attempts to amend the basic provisions of the treaty can lead to its destruction."⁵² This was evident during the 2005 NPT Conference. It is vital to build upon the existing NPT and exploit any opportunity for incremental changes that will ensure the original treaty is kept active, while bargaining and implementing meaningful changes. These changes should also include the enforcement mechanism tailored around agreed responses to different

degrees of NPT article violations. There needs to also be an agreement on a process to draw in the three NNPT members who possess nuclear weapons (India, Pakistan, and Israel). This would be an opportunity to have them commit to conducting themselves as if they were original members of the NPT. Adding verbiage to an updated NPT would allow the NWS regime the opportunity to address the NNWS (Iran and the DPRK) that are seeking nuclear weapons technology.

The international community should continue to attempt to engage Iran and the DPRK directly and negotiate a political solution to the nuclear issues currently facing the states. Adding protocols for new verification measures into the NPT and extending credible security assurances from the United States would help to bring Iran and the DPRK back to the table and strengthen the regime's credibility in the eyes of the NNWS. As a driving factor, Iran and the DPRK have stated they are developing their nuclear program for peaceful purposes. As an assurance the NWS should allow Iran and DPRK the opportunity to cooperate on uranium enrichment on one of the NWS territory. This would assist in ensuring that Iran and the DPRK are keeping with the mandate to utilize nuclear technology for peaceful purposes. Of course they would also have to agree to the monitoring of all their nuclear sites by the IAEA with little to no notice. The NWS should also immediately begin to ship fuel (oil and natural gas) to the DPRK to assist in providing them energy, as a replacement for nuclear capabilities, while the cooperation is occurring. This would assist in preventing the DPRK from using a lack of fuel as an excuse to withdraw from the treat and pursue developing nuclear technology within its borders and preventing the IAEA from inspecting and monitoring. Implementing the above recommendations may assist in strengthening the NPT and reinstating it as the bedrock of non-proliferation.

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