



## 50 Years of Nuclear Non-Proliferation Treaty (NPT)

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This article is based on “[**email protected**]: **The Genesis of a Flawed Bargain**”. It talks about issues pertaining to Non-Proliferation of Nuclear Weapons Treaty (NPT).

**Year 2020 marked the 50<sup>th</sup> anniversary** of the entry-into-force of the **Treaty on the Non-Proliferation of Nuclear Weapons (NPT)**, a legal instrument treated as the cornerstone of the global nuclear non-proliferation regime.

The treaty institutionalised the non-proliferation norm by de-legitimising ‘proliferation’ (production and transfer) of nuclear weapons, fissile materials and related technology by the **non-nuclear weapon states (NNWS)** while the recognised **five nuclear-weapon states (NWS)** — namely the **US, Russia, the UK, France and China**, can continue to possess nuclear weapons.

The Treaty can be described to have **three objectives of non-proliferation, disarmament and peaceful uses of nuclear energy**. However, NNWS criticised this treaty of having **structural flaws** and viewed it as an imbalanced instrument.

Nevertheless, the treaty has attained a near-universal status with just **four hold-outs — India, Pakistan, Israel and North Korea** and it is widely acknowledged that having a treaty to halt the spread of nuclear weapons was better than having none at all.

### Issues Pertaining to NPT

#### Failure of Disarmament Process

- The NPT is largely seen as a **Cold War era** instrument that has failed to fulfil the objective of creating a pathway towards a credible disarmament process.
- Treaty proposes **no tangible disarmament roadmap, no reference to test ban or to the freezing of production of either fissile materials or nuclear weapons, and omitted provisions for reductions and elimination**.
- It instead allowed sustenance and expansion of arsenals by stipulating **January 1, 1967** as the cut-off date to determine the NWS.

#### System of Nuclear ‘Haves’ and ‘Have-Nots’

- NNWS criticizes the treaty to be discriminatory as it focuses on **preventing only horizontal proliferation while there is no limit for vertical proliferation**.

- In this context, NNWS groupings demand that the NWS should renounce their arsenals and further production in return for commitment of NNWS not to produce them.
- Apart from it, **other reasons for tussle between NWS and NNWS.**
  - NNWS held that Articles I & II of the treaty (prohibition of possessing nuclear weapons) did not prohibit nuclear weapons on allied territory of NWS. For example, NATO countries for the US.
  - NNWS also feels that the restrictions on **Peaceful Nuclear Explosion (PNE)** technology are one-sided.
  - Under International Atomic Energy Agency (IAEA) protocols of nuclear safety, the NWS allowed to maintain 'voluntary' safeguards while the rest were subjected to comprehensive safeguards, which seemed intrusive and discriminatory to the NNWS.
- Due to this tussle, most of the quadrennial **Review Conferences (RevCon)**, the forum that reviews the health and functioning of the treaty, has remained largely inconclusive since 1995.

### **Vertical Proliferation vs Horizontal Proliferation**

- **Vertical proliferation** can be defined as the advancement or modernization of a nation-state's nuclear arsenal, whereas **horizontal proliferation** is the direct or indirect transfer of technologies from one nation-state to another, which ultimately leads to the more advanced development and proliferation of nuclear weapons.
- As there is no explicit obligation on part of NWS to reduce their arsenal, NWS have continued to expand their respective arsenals without any constraints.

### **Peaceful Nuclear Explosions**

- Peaceful nuclear explosions (PNEs) are nuclear explosions conducted for non-military purposes.
- The US proposed to prohibit PNE rights and instead offered to provide the technology on a commercial basis.
- The Indian representatives consistently termed the offer as 'atomic apartheid' and 'commercial super-monopoly,' and insisted that PNE rights need to be integral to all peaceful uses of nuclear energy.
- India conducted its first PNE in 1974 in opposition to this discriminatory principle.

### **Post-Cold War Challenges**

- The treaty's existential challenges began in the post-Cold War setting when the attempts by a few State Parties to break-out or gain nuclear latency led to numerous instances of non-compliance, violations and defiance.
  - For example, the US alleges Iran of building nuclear Weapons of Mass Destruction.
- The NPT's indefinite extension in 1995, while invoking its irreplaceability, also underlined the inability of states to formulate a stand-alone instrument towards the objective of disarmament, as enshrined in the NPT.
- The emergence of non-state actors with declared intent to access weapons of mass destruction and the detection of a global nuclear black-market, has raised concerns on the limitations of the treaty to address the challenges thrown up by the new strategic milieu.

### **India's Stand on NPT**

- **India is one of the only five countries that either did not sign the NPT or signed but withdrew**, thus becoming part of a list that includes Pakistan, Israel, North Korea, and South Sudan.
- India always considered the NPT as **discriminatory** and had refused to sign it.
- India has opposed the international treaties aimed at non-proliferation since they were selectively applicable to the non-nuclear powers and legitimised the monopoly of the five nuclear weapons powers.

## Way Forward

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- Rising energy demands have led to a growing number of countries pursuing nuclear energy, and many countries wish to be energy-independent, in order to ensure a sustainable and dependable domestic energy supply. As clean energy, development, and peaceful coexistence are essential for every country.
- Thus, the challenge for the international community will be to reconcile states' desire for energy independence with their desire to both reduce the intrusiveness of **IAEA** safeguards and diminish the possibility of proliferation.
- Also, NNWS welcomes **New START** and other initiatives, but is anxious to see more concrete actions on reducing the role of nuclear weapons in national security doctrines, reducing alert levels, increasing transparency, and other steps.
- More regions in the world (preferably comprising NWS) should enter into an arrangement of establishing **Nuclear-weapon-free zones**.
- Further, Treaty on the Prohibition of Nuclear Weapons is a step in the right direction for nuclear disarmament.

### **Nuclear-weapon-free zone (NWFZ)**

- A nuclear-weapon-free zone (NWFZ) is a geographical area declared free of nuclear weapons as described
- under Nuclear Non-Proliferation Treaty and in the United Nations Guidelines on Nuclear-Weapon-Free Zones from 1999. As of 2016, there are five such regional treaties in place in populated areas
- of the world: Latin-America and the Caribbean, Africa, Central Asia, Southeast Asia, and the South Pacific.
- In addition, the status of Mongolia as a nuclear-free territory has been recognized by the United Nations General Assembly. Antarctica is also considered nuclear-free, and so is outer space.

| Russia and the U.S.  | Other NPT NWS  | Other NW Possessor States   | NNWS  |
|--|--|---|---|
| Russia and the U.S. possess 95% of the world's nuclear weapons   | Some countries, like China, have supported nuclear disarmament and have stated they will reduce their stockpiles once the U.S. and Russian nuclear arsenals reach their levels | Other possessor states have not given similar pledges   | Welcome New START and other initiatives, but eager to see more concrete actions   |
| Nuclear arsenal reduction treaties have been largely bilateral between the United States and Russia / the Soviet Union                         | China has not officially disclosed the size of its arsenal or indicated whether it has implemented any reductions  | Persuasion of some states such as North Korea, India, and Pakistan will be difficult due to tensions in their regions           | Concern over the New START treaty: "domestic commitments to nuclear weapon modernization undermine the minimal reductions agreed therein" |
| New START was signed 2 February 2011 and will expire 5 February 2018. New START decreases deployed warheads to 1,550                           | France and the United Kingdom have implemented unilateral reductions to their arsenals   | Israel's opacity regarding its nuclear capability remains a large obstacle to its inclusion in nuclear disarmament negotiations | Concern over the lack of progress in the field of nuclear disarmament   |
| In April 2009, U.S. President Obama and Russian President Dmitry Medvedev jointly expressed their commitment to achieve "a nuclear free world" |  | Both India and Pakistan are expanding their nuclear arsenals  |   |

***Drishti Mains Question***

Discuss the issues pertaining to Non-Proliferation of Nuclear Weapons treaty.