



PAPER 3.

NPT AS A CORNERSTONE OF THE NUCLEAR NONPROLIFERATION REGIME. THE THREE PILLARS OF NUCLEAR NONPROLIFERATION

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The Treaty on the Non-Proliferation of Nuclear Weapons, or the Nuclear Nonproliferation Treaty (NPT), is a cornerstone of the international security regime. It is a treaty that survived the Cold War and has been serving the international community, global security, and stability for quite a number of decades. And the NPT is mostly healthy and strong in the current fragile international security environment.

By the late 1950s – early 1960s, there was a feeling among policymakers and security analysts in major capitals that soon there would be a few dozen nations with nuclear weapons. It was called *Kennedy's nightmare*. The US President John Kennedy (1961-1963) was quite outspoken about that. According to the declassified documents of the Central Intelligence Agency (CIA) of those times, he was concerned about such countries as Czechoslovakia, Yugoslavia, and some others. The Soviet Union was no less concerned about potential proliferation. *Moscow's nightmare* was Western Germany. It was after World War II (1939-1945), in which the USSR lost 27 million of Soviet lives; imagining that Western Germany would get nuclear weapons in the late 1950s was a real nightmare for the Soviet Union. Of course, there were other potential players and *newcomers* in nuclear domain. And most of them were very close to the borders of the USSR.

In 1962, the Cuban Missile Crisis took place. Just right after it, the two nations, the Soviet Union and the United States, started working really hard on preventing the proliferation of nuclear weapons through legal means. Before that there were discussions, bilateral and multilateral.





Of course, there was pressure from the non-nuclear-weapon states that were also concerned about potential proliferation and nuclear arms race.

Each treaty is a compromise. It is never something perfect, which satisfies the interests of just one player, because then it would not survive. The good news about the NPT is that it is built on three equal pillars: nuclear nonproliferation, nuclear disarmament, and peaceful uses of nuclear energy. It does not matter which pillar is number one, number two, or number three. What matters is that they all should be equal, not ignored, not exaggerated. If or when one of these pillars is inflated or ignored, then this is a problem for the whole architecture of the nuclear nonproliferation regime.

One of the *founding fathers* of the NPT and of the whole nonproliferation regime was a Soviet diplomat Ambassador Roland Timerbaev (1927-2019) as he participated in drafting the Treaty. Also, he took part in negotiating 1971 Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War between the USSR and the United States; 1972 Treaty on The Limitation of Anti-Ballistic Missile Systems (ABM Treaty); the IAEA safeguards system and many other documents that today form a reliable foundation of the nonproliferation regime. PIR Center honors the memory of Ambassador Timerbaev. In his Memory Gallery¹⁹ developed at PIR Center NONPROLIFERATION.WORLD educational platform some of his articles and books, archival materials, speeches and photographs that talk about his life and work can be found. In 2023, PIR Center also published the book *Anthology of Roland Timerbaev*²⁰, which includes his most outstanding works covering the history of the formation of the international nuclear nonproliferation regime.

THE NUCLEAR NONPROLIFERATION PILLAR

Nuclear nonproliferation is the essence of the NPT and the essence of the entire nuclear nonproliferation regime. Article I as well as Article II mirror reflect the interests of the *haves* and *have-nots*.

“ Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices”.

Article I of the NPT

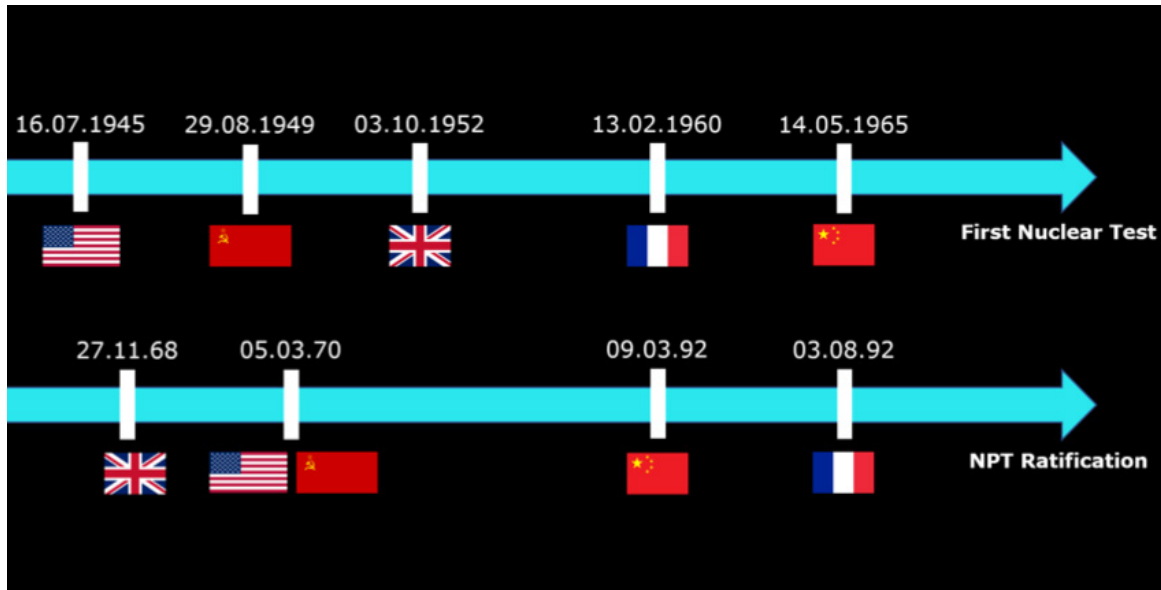
1968

Source: <https://disarmament.unoda.org/wmd/nuclear/npt/text/>

According to the NPT, a nuclear-weapon state is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. Thus, the official nuclear club includes the US (1945), the USSR/Russia (1949), the UK (1952),

¹⁹ Find more: Roland Timerbaev: memory gallery // NONPROLIFERATION.WORLD: PIR Center education & training platform

²⁰ Find more: Тимербаев Р.М. Избранное / ПИР-Центр. Москва: ПИР-Пресс, Издательство «Весь мир», 2023. 304 с.



First nuclear test and NPT ratification timeline

France (1960), China (1964). The US, the Soviet Union and the UK signed the NPT in 1968 as its depository states. France and China did not join the NPT immediately for different reasons. They did it much later, only in the 1992.

“ Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices”.

Article II of the NPT
1968

Source: <https://disarmament.unoda.org/wmd/nuclear/npt/text/>

Article II of the NPT mirrors the interests and the obligations of the *have-nots*, or non-nuclear-weapon states. When the negotiators were working on the Article II and its wording, which now are taken for granted, there were a lot of exchanges between the delegations and their capitals.

Nuclear proliferation happens, but at a very, very low level. We have nuclear-weapon-states that are out of the NPT (the DPRK, India, Pakistan). And we have one nation, South Africa, which used to have nuclear weapons, but later, in 1990s, joined the Treaty after destroying its nuclear arsenal. The special case is Israel. Negotiators pretended that Israel did not have nuclear weapons at the time the NPT was signed. No one wanted to bring Israel to this Treaty for different reasons, neither Soviets nor Americans. Israel did not conduct nuclear explosives, but the country knew how to build nuclear weapons even without nuclear testing. Besides, there is the case of South Sudan: the country has not managed to sign the NPT since its independence in 2011, but it has never refused to accede to it in the future.

**FOOD FOR THOUGHT ²¹**

According to experts, in the 1960s, Israel allegedly developed nuclear weapons program, but the country decided that it would not be the first one to introduce nuclear weapons into the Middle East. In 1981, Prime Minister Menachem Begin (1977-1983) expanded this formula, stating that Israel would also not be the second state to introduce nuclear weapons into the Middle East. There is evidence in American literature that back in the late 1960s Israel reached agreements with the US that it would not join the NPT and would continue to pursue a policy of nuclear ambiguity.

THE PEACEFUL USES OF NUCLEAR ENERGY PILLAR

Any treaty is a compromise, but, of course, for the *have-nots* it is unfair. Why do some five countries have better rights, in particular, rights to possess nuclear weapons, while the rest of the participants to the NPT do not? This is why there are some elements which reflect the interests of the *have-nots* that want to play respectfully to the Treaty.

- “ 1. **Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.**
2. **All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world”.**

Article IV of the NPT

1968

Source: <https://disarmament.unoda.org/wmd/nuclear/npt/text/>

Until country X is caught by the *watchdog* of nuclear nonproliferation, each country has inalienable rights to develop its nuclear energy for peaceful purposes. Even more, all parties to the Treaty undertake to facilitate the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for peaceful uses of nuclear energy.

The *watchdog* of nuclear nonproliferation is the International Atomic Energy Agency (IAEA). It is an international organization serving to promote peaceful uses of nuclear energy throughout the globe. The IAEA, although getting a lot of pressure, has been quite politicized at those times but still keeps a professional way of approaching things whether it is Iran's ad-

²¹ Find more: Smith G., Cobban H. A Blind Eye to Nuclear Proliferation // Foreign Affairs, 1989 (Summer), Vol. 68, No. 3. Pp. 53-70; Evron Y. Israel and the Nuclear Nonproliferation Regime // The Obama Vision and Nuclear Disarmament, 2011 (March). Published by Institute for National Security Studies, Pp. 119-129.



vanced nuclear program, or the situation with the Zaporozhye Nuclear Power Plant (ZNPP), or other quite acute situations with nuclear materials. International inspectors at the IAEA still try to do as good job as possible when the Organization is so much politicized.



International Atomic Energy Agency organizational chart (as of December 31, 2020)

Source: <https://www.iaea.org/sites/default/files/publications/reports/2020/gc65-5-orgchart.pdf>

THE DISARMAMENT PILLAR

The base of the NPT disarmament pillar is Article VI of the Treaty. Some experts call it the *disarmament article*.

“ Each of the Parties to the Treaty undertakes 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”.

Article VI of the NPT
1968

Source: <https://disarmament.unoda.org/wmd/nuclear/npt/text/>



To put it metaphorically, Article VI of the NPT is a bird which has two wings. A bird with one wing is unlikely to fly. Unfortunately, some states tend to read only one part of this Article which refers to nuclear disarmament but ignore the second part devoted to general and complete disarmament. Moreover, each of the parties to the NPT, both *haves* and *have-nots*, undertake to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

FOOD FOR THOUGHT

Do we have an arms race now? The answers can be different. If you speak quantitatively, then there is no arms race today, although there are two out of the five nuclear-weapon states that are increasing their nuclear arsenals. These are not Russia or the US. These are the UK and China. If we speak qualitatively, then there is a nuclear arms race for sure.

The second part of Article VI states that each of the parties to the Treaty, both the *haves* and *have-nots*, undertake to pursue negotiations on a treaty on general and complete disarmament. This is not a typo or a mistake. It may be the case that some most technologically advanced nations produce some new types of weapons which can be much more efficient than nuclear weapons. At that moment they would be the first to call for nuclear disarmament because they have something more effective. But this is a trap. There is still much work to be done. No doubt, at some point we will be in a cycle when arms control is rebuilt. Very importantly, the institutional memory of the previous arms control success stories or failures should not be lost.



Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories”.

**Article VII of the NPT
1968**

Source: <https://disarmament.unoda.org/wmd/nuclear/npt/text/>

One should pay attention to Article VII of the NPT, calling for regional treaties in order to assure total absence of nuclear weapons in the respective territories. Basically, the whole landmass of the Southern Hemisphere is already covered by nuclear-weapon-free zones (NWFZs). Starting from Antarctica, there is also the Treaty of Tlatelolco in Latin America and the Caribbean, the Treaty of Rarotonga in the South Pacific, the Treaty of Pelindaba in Africa, and the Treaty of Bangkok in South-East Asia.

In the Northern Hemisphere, the picture is not so good at all. There is only one real nuclear-weapon-free zone there, which is in Central Asia. Of course, it is critically important to build a zone free of nuclear weapons and other weapons of mass destruction in the Middle East. So far, this is too difficult, but the goal is put right. It would be wise to think of creating nuclear-weapon-free zones in some parts of Europe (maybe a corridor or a zone free of nuclear weapons in Central and Eastern Europe) when tensions are reduced. ■