



CONTENTS

- 1 Introduction
- 2 What is the Non-Proliferation Treaty (NPT)?
- 3 Why is the NPT Important for Africa?
- 4 Key Issues for Africa: Ensuring a Successful 2010 Review Cycle and Conference
- 5 Previous NPT Review Cycle Outcomes
- 6 The 2010 Review Cycle:
The 2007, 2008 and 2009 Preparatory Meetings
- 7 Select Chronology
- 8 Select Glossary of Terms
- 9 References
- 10 Annex A: Treaty on the Non-Proliferation of Nuclear Weapons

PREPARING FOR 2010



INTRODUCTION

PREPARING FOR 2010



INTRODUCTION

The present international security environment sets unprecedented challenges for preventing the spread of weapons of mass destruction (WMD), including nuclear weapons, both globally and in Africa.

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is regarded as the cornerstone of the global nuclear non-proliferation regime. Based on a bargain of three pillars, the NPT was designed to: prevent the spread of nuclear weapons and weapons technology; further the goal of nuclear disarmament; and, promote co-operation in the peaceful uses of nuclear energy.

In 2010, States Parties to the NPT will hold their 8th Review Conference to assess the implementation of each article of the NPT and substantively discuss and plan the way forward.

All too often, African States are perceived as marginal to discussions on progress made in implementing the NPT given that Africa has declared itself a nuclear-weapon free zone. At the same time, African involvement in international WMD disarmament and non-proliferation negotiations has traditionally been minor as the continent strives to cope with what may be regarded as more pressing and immediate concerns, namely: the alleviation of poverty, the provision of educational facilities and health care, and the illicit trade in small arms and light weapons. Yet, African countries cannot afford not to be concerned about nuclear non-proliferation and disarmament issues. The actual use of a nuclear weapon anywhere in the world and even the overt threat of use would significantly impact on Africa's sense of security.

The recent renaissance in the potential use of nuclear technologies for electricity generation also poses both risks and benefits to African States. As David Miliband, the United Kingdom's Secretary of State for Foreign and Commonwealth Affairs, argues, 'Today, we face new risks within a new nuclear context. Nuclear power is one of the energy sources more countries are likely to turn to in order to reduce carbon emissions while meeting rising energy demand. As a result, the technologies and materials for making nuclear weapons may become more widely dispersed, potentially raising the dangers of them falling into the wrong hands.' At the same time, these concerns need to be balanced against Africa's developmental needs as expressed through such agreements as the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), and in particular the intended African Commission on Nuclear Energy (AFCONE). In addition, the imperative to continue and indeed accelerate the process of multilateral nuclear weapon disarmament, in keeping with the bargain expressed in the NPT, needs to be affirmed.

Thus African countries need to engage positively and effectively in international non-proliferation and disarmament forums, in particular the NPT and its 2010 Review Cycle and Conference, in order to:

- Ensure their access to nuclear technologies for peaceful purposes
- Ensure that nuclear materials and enrichment and reprocessing equipment are not diverted for military purposes
- Contribute to the ultimate goal of a world free of nuclear weapons in partnership with the international community

This Guide provides a broad overview of the NPT and the past and present review cycles. It aims to assist African States to fully participate in the debates both during, and in the period leading up to, the 2010 NPT Review Conference and to thereby contribute to a successful outcome of the NPT's current review cycle.



2

WHAT IS THE NON-PROLIFERATION TREATY?

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2

WHAT IS THE NUCLEAR NON-PROLIFERATION TREATY (NPT)?

The Treaty on the Non-Proliferation of Nuclear Weapons, also referred to as the Nuclear Non-Proliferation Treaty (NPT), opened for signature on 1 July 1968, and signed on that date by the United States, the United Kingdom, the then Soviet Union, and 59 other countries. The Treaty entered into force on 5 March 1970.

There are two categories of States Parties to the NPT — nuclear weapon states (NWS) and non-nuclear weapon states (NNWS). Under the treaty, NWS are defined as the five states that detonated a nuclear device before January 1967 (United States, Soviet Union [now the Russian Federation], United Kingdom, France, and China).

India and Pakistan are known to possess nuclear weapons. However, because they did not detonate a nuclear device before January 1967 and have never signed or ratified the NPT they are not considered NWS. Israel has also not signed or ratified the NPT. North Korea joined the treaty as a NNWS in 1985 but, in October 2006, became the eighth country to detonate a nuclear device. It is not clear whether North Korea formally withdrew from the treaty as provided for by Article X.

The NPT is built on three pillars: disarmament, non-proliferation and access to nuclear energy and technology for peaceful purposes.

THE THREE PILLARS OF THE NPT

FIRST PILLAR: NON PROLIFERATION

The five nuclear weapon states (who are also the five permanent members of the United Nations Security Council) agree not to transfer 'nuclear weapons or other nuclear explosive devices' and 'not in any way to assist, encourage, or induce' a NNWS to acquire nuclear weapons (Article I). NNWS parties to the NPT agree not to 'receive,' 'manufacture' or 'acquire' nuclear weapons or to 'seek or receive any assistance in the manufacture of nuclear weapons' (Article II). NNWS parties also agree to accept safeguards by the International Atomic Energy Agency (IAEA) to verify that they are not diverting nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices (Article III).

SECOND PILLAR: DISARMAMENT

The NPT's Article VI urges all States Parties to the NPT, both NWS and NNWS '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, and on a treaty on general and complete disarmament under strict and effective international control.'

THIRD PILLAR: PEACEFUL USE OF NUCLEAR ENERGY

The third pillar allows for the transfer of nuclear technology and materials to NPT signatory countries for the development of civilian nuclear energy and medical programmes in those countries, as long as they can demonstrate that their nuclear programmes are not being used for the development of nuclear weapons. Article IV of the NPT states '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.'

2

KEY PROVISIONS IN THE TREATY

Under Article I and II of the NPT, each NWS undertakes not to transfer nuclear weapons or other nuclear explosive devices to a NNWS or to assist, encourage, or induce any NNWS to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. Each NNWS undertakes not to receive the transfer of nuclear weapons or other nuclear explosive devices or of control over such weapons or devices, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or seek or receive any assistance in the manufacture of nuclear explosive devices.

Article III requires NNWS to accept the implementation of safeguards on all nuclear materials in all nuclear facilities on their territory.

Article IV acknowledges the right of NNWS to develop, research and produce nuclear energy for civilian purposes and to the exchange of equipment, materials, scientific and technological for the peaceful uses of nuclear science.

Article VI commits all States Parties to the Treaty to pursue effective measures relating to the cessation of the nuclear arms race and provides for nuclear disarmament.

Article VII facilitates the establishment of regional Nuclear Weapons Free Zones (NWFZs). A nuclear weapon free zone is a specified region in which countries commit themselves not to manufacture, acquire, test, or possess nuclear weapons. Within these zones countries may use nuclear energy for peaceful purposes. Each NWFZ treaty includes a protocol for NWS to sign and ratify calling on them to respect the status of the zones and not to use or threaten to use nuclear weapons against countries in the Zone. As of late March 2009, five such zones exist, four of which have entered into force.

NUCLEAR-WEAPONS-FREE ZONES

The Treaty of Tlatelolco (Latin America and the Caribbean): Entered into force April 1969

The Treaty of Rarotonga (South Pacific): Entered into force December 1986

The Treaty of Bangkok (Southeast Asia): Entered into force March 1997

The Treaty of Pelindaba (Africa): As of 1 May 2009 has not yet entered into force

Central Asian Nuclear-Weapon-Free-Zone Treaty (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan): Entered into force March 2009

Article VIII, makes provision for the Treaty to be amended by a majority vote of the Parties to the Treaty, including the votes of all NWS and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the IAEA.

Article X establishes the terms by which a state may withdraw from the Treaty.

Articles VIII, IX, X(2) and Article XI address various administrative aspects, including providing for a Review Conference every five years and a decision after 25 years on whether the Treaty should be extended.

[Note: The NPT was originally of limited duration and due to expire after a 25 year period in 1995. The Review Conference in 1995 extended the Treaty indefinitely and enhanced the review process by mandating that five-year Review Conferences should re-examine past implementation and address ways to strengthen the Treaty]

2

THE NPT'S KEY PROVISIONS:

- Forbid countries without nuclear weapons from developing them
- Forbid the five member states with nuclear weapons from transferring them to any other state
- Provide assurance through the application of international safeguards that peaceful nuclear programmes in NNWS will not be diverted for the development of nuclear weapons or other nuclear explosive devices
- Facilitates access to peaceful uses of nuclear energy for all NNWS under international safeguards
- Commits all NPT members to pursue negotiations for achieving nuclear disarmament

SUMMARY

The NPT obliges the five acknowledged nuclear-weapon states not to transfer nuclear weapons, other nuclear explosive devices, or their technology to any non-nuclear-weapon state. Non-nuclear-weapon States Parties undertake not to acquire or produce nuclear weapons or nuclear explosive devices. They are required also to accept safeguards to detect diversions of nuclear materials intended for peaceful activities, such as power generation, to the production of nuclear weapons or other nuclear explosive devices. This must be done in accordance with an individual safeguards agreement, concluded between each non-nuclear-weapon State Party and the International Atomic Energy Agency (IAEA). Under these agreements, all nuclear materials in peaceful civilian facilities under the jurisdiction of the state must be declared to the IAEA, which has routine access to the facilities for periodic monitoring and inspections.



WHY IS THE NPT IMPORTANT FOR AFRICA?

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WHY IS THE NPT IMPORTANT FOR AFRICA?

All African States are party to the NPT, which recognises their determination to ease international tension and to strengthen trust between States. In fact, there has never been any great enthusiasm for nuclear weapons in Africa and various African organisations have passed several resolutions against them, for example against French nuclear tests in the Sahara desert in the early 1960s.

Only Egypt, Libya and South Africa expressed an interest in joining the nuclear club all of which experienced 'nuclear reversals', and abandoned their nuclear ambitions. As the only African country to have developed nuclear weapons, and a full nuclear fuel chain, South Africa, in 1990, after the unbanning of the African National Congress (ANC) and other anti-apartheid organisations dismantled its nuclear weapons capabilities. In July 1991, South Africa became a signatory to the NPT, placing its highly enriched uranium under international safeguard, dismantling its enrichment plants, and opening all facilities to inspection by the IAEA.

However, in the current economic climate uranium extraction in Africa is set to expand and developing countries, including many in Africa, are also considering developing nuclear energy programmes to meet their growing energy needs. This nuclear energy renaissance, which also aims to mitigate global warming and climate change, brings with it new risks and responsibilities – including physical security, the disposal or storage of waste and terrorist actions. Given that signatory states to the NPT are entitled to develop nuclear energy programmes, it remains an important instrument in which to do so whilst at the same time ensuring controls through the IAEA's safeguard system. This is important for many African countries, particularly where security measures over sensitive materials are perhaps not as strong as they ought to be - increasing both the risk of accidents involving nuclear materials and the possible diversion and proliferation of such material to both states and non-state actors in violation of the NPT.

The African Nuclear Weapons Free Zone Treaty (Treaty of Pelindaba) also has an important role in strengthening the objectives of the NPT. The Treaty of Pelindaba not only commits African countries to not manufacture, acquire, test, or possess nuclear weapons but also facilitates the use of nuclear energy for peaceful purposes on the continent. Like other NWFZ treaties, it includes a protocol for the five NWS to sign and ratify and thus to respect the status of the zone as well as to not use or threaten to use nuclear weapons against any African country thereby providing 'negative security assurances.'

In July 1964, the then Organisation of African Unity (OAU) adopted the Declaration on the Denuclearization of Africa [AHG/Res.II(I)]. The final text of the treaty was completed at a meeting of experts in South Africa in 1995, and was approved by African Heads of State on 23 June 1995.

The Pelindaba Treaty declares Africa a zone free of nuclear weapons. As an important step towards strengthening the non-proliferation regime, it provides for the promotion of co-operation in the peaceful uses of nuclear energy; requires complete nuclear disarmament; and enhances both regional and global peace and security. Thus, the Pelindaba Treaty seeks to ensure that nuclear weapons are not developed, produced, tested, or otherwise acquired or stationed anywhere on the African continent or its associated islands.

As of 1 May 2009, all 53 African States, as well as the territory known as the Sahrawi Arab Democratic Republic have signed the Treaty, and 27 countries have deposited their instruments of ratification with the African Union Commission / Authority (the Treaty Depository). One more deposit is needed for the Zone to enter into force.

As members of a nuclear-weapon-free zone, African States Parties to the NPT have a mandate to maintain and enhance global and regional peace and security and have an important role in achieving a world entirely free of nuclear weapons. In general, NWFZs reinforce the commitments by both non-nuclear weapon states (NNWS) and nuclear weapon states (NWS) to the nuclear disarmament and nuclear non-proliferation objectives of the NPT.

The fact that the NPT is built on three pillars: disarmament, non-proliferation and access to nuclear energy and technology for peaceful purposes – all of which are provided for in the Pelindaba Treaty - is of vital importance for Africa given the developmental and security imperatives facing the continent.



4



4

KEY ISSUES FOR AFRICA: ENSURING A SUCCESSFUL
2010 REVIEW CYCLE AND CONFERENCE

PREPARING FOR 2010

KEY ISSUES FOR AFRICA: ENSURING A SUCCESSFUL 2010 REVIEW CYCLE AND CONFERENCE

There is an urgent need to both maintain and strengthen the integrity of the NPT's three pillars. In fact, the NPT is facing a number of challenges: North Korea violated it, then sought to withdraw from the Treaty and carried out a nuclear test; Iran's non-compliance with its safeguards agreement and continued failure to comply with the request through five resolutions of the UN Security Council that it suspends its nuclear sensitive activities; the perceived lack of movement towards general and complete disarmament as well as the recent uncovering of the A.Q. Kahn network implicating a number of citizens of NPT States Parties in spreading nuclear technologies without authorisation.

Based on the outcomes of the 2007, 2008 and 2009, PrepComs, five key areas with the potential for progress in 2010 can be summarised as:

- The need for full compliance with the Treaty, including its nuclear disarmament and non-proliferation provisions
- Balanced discussion of all three pillars of the NPT
- Strengthening nuclear-weapon-free zones, including the implementation of the 1995 Resolution on the Middle East which aims to create a Middle East free of nuclear weapons and their means of delivery
- Entry-into-force of the Comprehensive Nuclear Test Ban Treaty (CTBT); and
- Negotiation (in the Conference on Disarmament) of a verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices (Fissile Material Cut-Off Treaty)

During the 2010 Review Conference, States Parties will discuss a range of important issues, including: ways to achieve universality; reinforcing full compliance of all States Parties with all the provisions of the Treaty; facilitating access of developing countries to the peaceful uses of nuclear energy; operationalising the 1995 Resolution on the Middle East; and, clarifying the process by which a State may withdraw and ensuring that states that do withdraw after having violated their obligations know that they will face certain and serious consequences. They may also discuss whether there is a need to reform NPT institutions and the review process through inter alia, annual general conferences, the establishment of a standing bureau and a NPT Support Officer.

From an African point of view, Ambassador Boniface Chidyausiku, Zimbabwe's Permanent Representative to the United Nations, election to chair the 2009 Preparatory Committee session was of particular significance. This was an important position as the PrepCom was the last process before the 2010 Review Conference and where most of the sensitive issues could be constructively dealt with and where a consensus report containing recommendations to the Review Conference could have been produced. Being chair of the PrepCom also means that the Ambassador will chair the Main Committee 1 of the Review Conference, which deals with nuclear disarmament.

At the 63rd session of the United Nations General Assembly First Committee on Disarmament and International Security (in New York from 6 October – 4 November 2008), a number of African States actively participated in the process of drafting resolutions, and many were lead sponsors especially in relation to nuclear weapons and the trade in arms. Africa's involvement in the 2010 NPT review cycle should be no different.

In the lead up to, and during, the 2010 Review Conference, African States should co-operate in pursuit of common and agreed objectives to strengthen the future implementation of the NPT, or to use the words of the African Unions' Peace and Security Council (PSC), 'to strengthen collective action and solidarity.'

Africa should:

1. Ensure that the African Nuclear Weapons Free Zone Treaty (Treaty of Pelindaba), as an important component of strengthening the objectives of the NPT, enters-into-force.

2. Work constructively with relevant NWS to ensure their early accession to the annexed Protocols of the Treaty of Pelindaba and other NWFZs and in the case of the Treaty of Pelindaba to begin to prepare for the establishment of the African Commission on Nuclear Energy (AFCONE) to be based in South Africa as per the Cairo Declaration adopted on 11 April 1996.
3. Ensure that at a national level, all the necessary laws that enable appropriate national implementation of safeguards agreements with the IAEA to be in place and which also ensure that exported materials are safeguarded in the recipient state. In addition, that domestic criminal laws are enacted which prohibit the following acts: receipt of a nuclear weapon or nuclear explosive device; receipt of control over a nuclear weapon or nuclear explosive device; the manufacture of a nuclear weapon or nuclear explosive device; the seeking of assistance in the manufacture of a nuclear weapon or nuclear explosive device; the receipt of assistance in the manufacture of a nuclear weapon or nuclear explosive device; the trafficking of nuclear material, equipment and items; and, the financing of nuclear proliferation.

In addition, in preparing for 2010, African countries should reflect on and consider their positions in relation to:

1. States not party to the Treaty and whether NPT States Parties should enter into direct discussions with such States towards their accession to the NPT as non-nuclear-weapon States.
2. The progress made by NWS in fulfilling their disarmament commitments (for example, since the end of the Cold War, the explosive power of nuclear arsenals in the UK, US, Russia and France has been reduced by about 75%).
3. Assisting NWS in accomplishing the total elimination of nuclear arsenals.
4. The need for the Conference on Disarmament to urgently commence negotiations on a treaty banning the production of fissile materials for nuclear weapons and other explosive devices (a Fissile Material Cut-off Treaty or FMCT).
5. Their right to the peaceful uses of nuclear energy, taking into account their non-proliferation obligations and recognising that armed non-state actors have a variety of means by which they can engage in nuclear terrorism, including the dispersal of radioactive material by conventional explosives or other means; attacks against or sabotage of nuclear facilities; and, the theft or purchase of fissile material leading to the fabrication and detonation of a nuclear explosive.
6. The proposals made by, for example, the International Atomic Energy Agency (IAEA) on the need for multi-lateral mechanisms and co-operation on the nuclear fuel cycle to resolve the proliferation challenges posed by the foreseen growth in the use of nuclear energy to mitigate against climate change and resolve the world's electricity shortage.
7. The need for a revamped NPT process as an important means to increase transparency, accountability and as a crucial confidence-building measure, including: the possible creation of a standing implementation support unit; annual meetings of States Parties; and, an enhanced and consistent process of submitting standardised reports on treaty implementation.
8. The entry into force of the Comprehensive Nuclear-Test-Ban Treaty (which has been open for signature since September 1996) and the maintenance of unilateral moratoriums on nuclear weapons test explosions until entry into force is achieved.
9. The need to clarify and tighten the conditions under which states may legally withdraw from the Treaty, especially if they have nuclear fuel cycle technologies acquired while they were NPT parties.



PREVIOUS NPT REVIEW CYCLE OUTCOMES

PREPARING FOR 2010

5

PREVIOUS NPT REVIEW CYCLE OUTCOMES

According to Article VIII(3) of the NPT, a conference of States Parties must be held five years after the entry into force of the Treaty, in order to review the operation of the Treaty. This meeting is called a Review Conference (or RevCon). While the NPT is not technically a UN body, it is serviced by the UN Secretariat and meetings are usually held at United Nations' venues.

Since 1995, when the NPT review cycle process was strengthened, there have been regular Preparatory Committee (PrepCom) meetings in the build up to the Review Conferences. The PrepCom is tasked with the logistical and administrative aspects of the RevCons. In line with Decision 1 at the 1995 NPT Review Conference and its improvement at the 2000 Review Conference all procedural arrangements should be finalised at the PrepCom immediately preceding the RevCon, including agreement on the agenda and the production of a consensus report containing recommendations.

The RevCons usually involve three phases of work for delegations:

- Phase I: Heads of Delegations of States Parties make plenary speeches outlining initial positions on the issues they feel should be addressed by the Conference
- Phase II: Themes covering the three pillars of the NPT are divided between Main Committees for detailed consideration and for the negotiation and drafting of a text reporting on the scope of a Committee's deliberations and its conclusions
- Phase III: Attempts are made to integrate Committee reports into a Final Declaration of the Conference with the aim of having it agreed to by consensus

In **1975**, the First NPT Review Conference was held in Geneva. The Final Declaration reaffirmed the strong support of the parties for the Treaty and reflected their agreement that the provisions relating to the fundamental objective of averting the further spread of nuclear weapons had been faithfully observed by all parties.

The Second NPT Review Conference was held in Geneva in **1980**. The Conference participants were however unable to adopt a final declaration. Many NNWS called for the early conclusion of a comprehensive nuclear-test ban.

In **1985**, the Third NPT Review Conference took place with the participation of 131 States Parties to the Treaty. There was agreement that efforts to improve international co-operation in the peaceful uses of nuclear energy should be continued and intensified but concern arose that there had been no concrete progress towards the objective of promoting nuclear disarmament. A substantive Final Declaration was adopted by consensus, which offered recommendations aimed at further strengthening the NPT and declaring States Parties 'continued support for the objectives of the Treaty' and 'their conviction that the Treaty is essential to international peace and security.'

In **1990**, the Fourth Review Conference was held with 140 Parties participating. While no final declaration emerged from the Conference, all States continued to support the non-proliferation regime.

In **1995**, the Review and Extension Conference of the Parties to the NPT convened with an increased membership of 178 States Parties. The NPT was indefinitely extended and decisions on 'Strengthening the review process for the Treaty,' 'Principles and objectives on nuclear non-proliferation and disarmament' and a 'Resolution on the Middle East' were adopted. There was wide agreement that the NPT had played a vital role in promoting international peace and security and that universal adherence to it was the best way to prevent the spread of nuclear weapons.

In terms of Decision 1, 'Strengthening the Review Process for the Treaty,' the States Parties agreed to hold Preparatory Committees (PrepComs) for the Review Conferences in each of the three years preceding a Review Conference. If necessary, a fourth Preparatory Committee meeting could be held in the year of a Review Conference. At the PrepCom meetings, States Parties should consider principles, objectives, and ways to promote the full implementation of the treaty, as well as its universality. PrepCom meetings can also make recommendations for further action to the Review Conference.

With respect to Decision 2, 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament,' was adopted in order to accomplish full realization and effective implementation of all the provisions of the treaty. This decision also called for the full realization and effective implementation of nuclear disarmament. The programme of action included the conclusion of a ban on nuclear weapon testing, a ban on the production of fissile materials for weapons purposes, and systematic and progressive efforts to reduce nuclear weapons, with the 'ultimate goal of eliminating those weapons.'

In terms of Decision 3: Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons decided that, as a majority exists among States party to the Treaty for its indefinite extension, in accordance with Article X, paragraph 2, the Treaty shall continue in force indefinitely.

The resolution on the Middle East called on all states in the region to join the treaty and put all nuclear facilities under IAEA safeguards. The resolution also required all states in the region to work toward a Middle East zone free of nuclear weapons, as well as other weapons of mass destruction, and called on all NPT States Parties, in particular the nuclear weapons states, to support this goal.

The sixth Review Conference of the States Parties to the NPT convened in New York in 2000 with 187 States Parties now members. In the Final Document, the Conference agreed to the adoption of what is now known as the Thirteen Practical Steps Toward Nuclear Disarmament for the 'systematic and progressive efforts' to implement Article VI of the Treaty. This was the first Review Conference since 1985 to adopt a Final Document.

In addition, for the first time, non-member states to the Treaty were named and urged to accede to the NPT and two parties to the Treaty were the subject of allegations of non-compliance – North Korea and Iraq. Parties agreed that NWFZs were an important disarmament and non-proliferation tool, but discussions of global security assurances were limited. The Final Document of the RevCon called upon the next RevCon in 2005 to deal with this issue.

THE THIRTEEN PRACTICAL STEPS:

1. Achieving the early entry into force of the Comprehensive Test Ban Treaty (CTBT).
2. Establishing a moratorium on nuclear test explosions pending the entry into force of the Comprehensive Test Ban Treaty (CTBT).
3. Negotiating a Fissile Material Cut-off Treaty (FMCT) at the Conference on Disarmament.
4. Dealing with nuclear disarmament in the Conference on Disarmament.
5. Implementing the principle of irreversibility with respect to nuclear disarmament measures.
6. An unequivocal undertaking by the NWS to accomplish the total elimination of nuclear arsenals.
7. Working toward the early entry into force of START II and the conclusion of START III as soon as possible, while preserving and strengthening the Anti-Ballistic Missile (ABM) Treaty as a cornerstone of strategic stability and as a basis for further reductions in nuclear weapons.
8. Completing the Trilateral Initiative between the United States, Russia, and the IAEA.
9. Steps by the NWS leading to nuclear disarmament:
 - further unilateral nuclear weapon reductions
 - increased transparency with regard to nuclear weapon capabilities and the implementation of reductions under Article VI
 - further reduction of non-strategic or tactical nuclear weapons
 - concrete, agreed upon measures to further reduce the operational status of nuclear weapons

5

- a diminishing role for nuclear weapons in security policies to minimize the risk of their use and to facilitate nuclear disarmament
 - the engagement of all five NWS, as soon as appropriate, in the process leading to the total elimination of nuclear weapons
10. Arrangements by the NWS to place excess weapon fissile material from dismantled nuclear warheads irreversibly under IAEA or other international verification arrangements to preclude the re-use of such materials for military purposes.
 11. Reaffirmation that the ultimate objective of the disarmament process is general and complete disarmament under international control.
 12. Regular reports within the strengthened review process by all States Parties on the implementation of Article VI and the 'programme of action' outlined in Decision 2 of the 1995 NPT Review and Extension Conference.
 13. Further development of the verification capabilities to assure compliance with nuclear disarmament agreements.

In **2005**, the seventh Review Conference failed to reach any substantive agreement. Although short on substance, the Conference explored new ways to strengthen the Treaty, including ways to enforce compliance and to prevent withdrawals, albeit without conclusion. Issues of common interest were also identified, including:

- The overdue entry into force of the Comprehensive Test Ban Treaty (CTBT)
- North Korea's announced withdrawal and nuclear weapons programme
- Iran's nuclear programme
- The potential for the achievement of a world without nuclear weapons
- The governance deficit of the NPT – the treaty has no secretariat, no systematic reporting mechanism and no way of dealing with urgent matters
- Universality – how to bring India, Pakistan and Israel on board
- Implementation of the decision and agreements of 1995 and 2000 and in particular, the Middle East resolution
- Other measures such as United Nations Security Council Resolution 1540



6



6

THE 2010 REVIEW CYCLE

PREPARING FOR 2010

THE 2010 REVIEW CYCLE

THE 2007 AND 2008 PREPARATORY MEETINGS

The 2007 PrepCom session, chaired by Ambassador Yukiya Amano of Japan, signalled the start of the formal preparations for the 2010 NPT Review Conference. As was expected, this first PrepCom session began to lay the groundwork for the 2010 Review Conference by examining current challenges while also bearing in mind the package of decisions and the resolution adopted in 1995 and the Final Document agreed to in the 2000.

While short on substantial discussion owing to an Iranian objection to an agenda item on ‘the need for full compliance with the treaty,’ the first preparatory meetings can be viewed a success because of an improved atmosphere and largely constructive tone. There were repeated calls on states that have not done so to ratify the Comprehensive Nuclear Test-Ban Treaty so that it can enter into force. There was also broad support for the commencement of negotiations on a treaty to end the production of fissile material for weapons purposes. Nuclear-weapon states argued that nuclear weapons reductions since the end of the Cold War had contributed to many of their disarmament obligations under Article VI, which obliges nuclear-weapon states to pursue negotiations on nuclear disarmament.

The conference also debated whether it was necessary to make it more difficult for states to withdraw from the NPT, and if so, how. A U.S. working paper listed possible measures to dissuade states that have previously violated the NPT from withdrawing, including:

- the use of coercive measures by the UN Security Council;
- continued safeguards or withdrawal of nuclear facilities and technology through the IAEA in cases where such material was acquired during NPT membership; and
- appropriate means to halt the use of nuclear material and equipment previously supplied to the withdrawing state and to secure the elimination of such items or their return to the original supplier.

Responses to this proposal were mixed – with South Africa, for example arguing that any discussion of penalties would require a formal amendment of the treaty. ‘It can be argued that if it had been the intention of the drafters to penalize withdrawal, then it would have been expressly provided for in the NPT.’ Others stated that this perception was wrong and that it was not the intention to curtail the sovereign right to withdraw from the treaty.

In the end, the Chair’s paper was issued as a working paper. This procedural downgrading should not be seen as significant, and no ‘real damage was done by the fact that the chairman’s summary will appear in another section of the conference proceedings.’

During the second session in 2008, the constructive tone continued under the Chairmanship of Volodymyr Yelchenko of the Ukraine, and many of the 106 States Parties present made specific proposals to improve implementation of the NPT, raising the prospect of achieving some consensus going into the 2010 meeting. France urged the United States and China to ratify the Comprehensive Test Ban Treaty (CTBT) and called on all nuclear-weapon states to dismantle nuclear testing sites. The United Kingdom pointed to its work exploring the verification of future disarmament steps. Russia stated that it is necessary ‘to make the process of offensive strategic arms reduction and limitation predictable, transparent, irreversible, and accountable.’

The five NPT nuclear-weapon states issued a joint statement reiterating their ‘enduring commitment’ to the fulfilment of disarmament commitments and noted ‘that these obligations apply to all NPT states-parties.’

The New Agenda Coalition (which consists of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden), suggested a ‘reporting mechanism for national arsenals’ of nuclear weapons, which would require nuclear-weapon states to declare the current status of their nuclear arsenals, future plans for reductions of those arsenals, and measures to reduce the reliance on nuclear weapons.

Against a background of increasing calls for measures to strengthen the Treaty, the European Union called the meeting’s outcome ‘satisfactory’ and praised the chairman for his efforts.

The start of the 2009 (the third and final) session of the Preparatory Committee for the 2010 nuclear Non-Proliferation Treaty Review Conference (under the chairmanship of Zimbabwe's Permanent Representative to the United Nations, Ambassador Boniface Guwe Chidyausiki) was characterized by a positive atmosphere given recent events such as the 5 April 2009 Obama speech in Prague, in which he declared that he would 'seek the peace and security of a world without nuclear weapons;' the joint statement between Obama and Russian Prime Minister Dmitry Medvedev on their commitment to negotiate a new agreement to replace the Strategic Arms Reductions Treaty (START); and, new initiatives by prominent members of civil society such as 'Global Zero.' ('Global Zero' was launched in December 2008, by 100 political, military, business, faith and civic leaders from across political lines to achieve a comprehensive agreement to eliminate all nuclear weapons worldwide through phased and verified reductions.)

This optimism was however also tempered by the continued debate between the non-proliferation first and disarmament first camps; between those accused of non-compliance with their obligation to disarm and those accused of non-compliance with their commitment to not develop or acquire nuclear weapons; and the perceived non-implementation of the 13 practical steps to nuclear disarmament agreed to during the 2000 Review Conference.

Unfortunately, attendance and active participation by African countries was limited. Only the following made opening and/or cluster session statements: Egypt, Algeria, the African Group, South Africa, Tunisia, Nigeria, Republic of the Congo, Kenya, Morocco, Zimbabwe and Namibia. Other African countries attending included: Ghana, Libyan Arab Jamahiriya, Mozambique, Benin and Swaziland.

Based on the general statements however, it seemed that all states were looking for a constructive way forward in achieving the two primary objectives of the PrepCom: setting an agenda and drafting recommendations on substantive issues for next year's Review Conference - multilateralism and compromise seemed to be back in fashion.

This was reflected in the fact that 3 administrative issues were relatively easily dealt with:

- The agenda established for the 2000 Review Conference would be used in 2010
- The election of the Non-Aligned Movement-nominated Ambassador from the Philippines to chair the 2010 RevCon
- The decision to postpone the RevCon to 3 – 28 May 2010

In addition, the Zimbabwe Chair was able to issue draft recommendations by the end of the first week for states to study and hopefully agree on by the end of the second week. A section focused on disarmament, calling for the RevCon to consider adopting an action plan 'setting practical and achievable and specified goals, and measures leading to the elimination of nuclear weapons,' such as the CTBT, FMCT, verified reductions, greater transparency, reducing operational status, refraining from qualitative improvement of nuclear weapons, etc. It also recommended that the RevCon consider 'establishing a uniform, practical and cost-efficient reporting system for the implementation of the Treaty.'

After consultations with various delegations, the Chair released a revised version of the draft recommendations. The sections on non-proliferation and nuclear energy were adjusted to create more balance between the three pillars - with each having an 'action plan.' On 14 May 2009, when the Chair reconvened the Plenary after extensive bi-lateral consultations, he announced that to his regret, it seemed likely that States could not agree to his document. While Iran and NAM accepted the Chair's assessment (as he was best placed to determine this), after pleas by some countries including the UK, South Africa, Nigeria, the Chair decided to have one more go at reaching consensus overnight. However, the next day, the Chair declared that the Committee did not have a sufficient amount of time to reach agreement. The Committee then adopted an entirely procedural report. The recommendations will not even be forwarded to the Review Conference as a working paper or a Chair's paper.



6

Notwithstanding this, most analysts agree that the third and final Preparatory Committee should be considered a success for a number of reasons: the vastly improved atmosphere; the agreement of an agenda for the RevCon (no previous PrepCom has ever adopted substantive recommendations for a RevCon); a vast majority of states could have accepted the first draft, with little or no modifications and with no state entirely satisfied; while the Chair determined that the Committee did not have a sufficient amount of time to reach agreement, he was later quoted as saying that the 'differences were very minor; with time, we could have done it.'

Rather than becoming stuck with an imperfect text, delegations will now have the freedom in 2010 to negotiate and reach agreement with a clean slate.



6



SELECT CHRONOLOGY

PREPARING FOR 2010

7

SELECT CHRONOLOGY

1957

The Statute of the International Atomic Energy Agency (IAEA), opened for signature on 26 October 1956, comes into force. The Agency is established to facilitate the peaceful uses of nuclear energy, while ensuring that the assistance the Agency provides will not be used for military purposes.

1959

The Antarctic Treaty is signed stipulating that Antarctica shall be used for peaceful purposes only.

1960

The United Nations General Assembly adopts resolution 1576 (XV) calling on both nuclear- and non-nuclear-weapon States, to refrain, as a temporary and voluntary measure, from acts that would lead to further proliferation.

1964

Declaration on the Denuclearization of Africa, adopted by the Summit of the Organization of African Unity (OAU) at its first ordinary session, held in Cairo from 17-21 July.

1965

The United States submits a draft nuclear non-proliferation treaty to the United Nations Disarmament Committee. The draft would ban the transfer of nuclear weapons by any nuclear weapon state (NWS) to any non-nuclear-weapon state (NNWS). The NNWS would agree to apply International Atomic Energy Agency or equivalent safeguards to their peaceful nuclear activities.

On the initiative of eight non-aligned States, the General Assembly adopts resolution 2028 (XX), which contains five principles on which negotiation of a non-proliferation treaty is to be based.

1967

The Treaty of Tlatelolco is signed prohibiting nuclear weapons in Latin America.

The United States and the Soviet Union submit separate but identical texts of a draft treaty on nuclear non-proliferation for extensive debate in the United Nations.

1968

The General Assembly commends the draft text of the Treaty on the Non-Proliferation of Nuclear Weapons, which is annexed to Assembly resolution 2373 (XXII).

The United States, United Kingdom, Soviet Union and 59 other countries sign the Nuclear Non-Proliferation Treaty.

1970

The United States and the then Soviet Union deposit their instruments of ratification, bringing the NPT into force.

1975

The first NPT Review Conference is held in Geneva.

1980

The second NPT Review Conference is held in Geneva with a membership of 112 States Parties.

Many NNWS call for the early conclusion of a comprehensive nuclear-test ban.

1985

Eight members of the South Pacific Forum, including Australia and New Zealand, establish a nuclear-free zone in the South Pacific (SPNFZ) that comes into force on 12 December 1986.

The third NPT Review Conference takes place in Geneva. By the time of the Third Review Conference the total number of parties to the Treaty had increased to 131.

7

SELECT CHRONOLOGY

1988

South Africa publicly acknowledges its ability to produce a nuclear weapon.

1990

The Fourth Review Conference is held in Geneva with 140 Parties.

1991

South Africa joins the NPT as a non-nuclear-weapon state. Two years later, on 24 March 1993, then President F.W. de Klerk announces that South Africa had developed 'a limited nuclear deterrent capability' (six fission devices) that were dismantled before South Africa joined the treaty.

1992

The 56th Ordinary Session of the Council of Ministers of the OAU held in Dakar, Senegal, from 22 to 29 June 1992, affirms that the international situation was conducive to the implementation of the Cairo Declaration.

China accedes to the NPT as the fourth nuclear weapon state.

France, a nuclear weapon state, joins the NPT.

1993

On 10 March the Democratic Republic of Korea (North Korea) refuses to accept a special IAEA inspection team and, on March 12, it announces its intention to withdraw from the NPT.

1995

The Review and Extension Conference of the Parties (fifth Review Conference) to the NPT convenes with an increased membership of 178 States Parties. The NPT is indefinitely extended and decisions on 'Strengthening the review process for the Treaty,' 'Principles and objectives on nuclear non-proliferation and disarmament' and a 'Resolution on the Middle East' are adopted without a vote.

1996

The African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) is signed by all OAU members in Cairo, on 11 April 1996.

2000

The sixth Review Conference of the States Parties to the NPT convened in New York. In the Final Document, the Conference agrees to the adoption of what is now known as the Thirteen Practical Steps Toward Nuclear Disarmament for the 'systematic and progressive efforts' to implement Article VI of the Treaty.

2005

The seventh Review Conference explores new ways to strengthen the Treaty, including to enforce compliance and to prevent withdrawals but fails to reach any substantive agreement.

2007

The Preparatory Committee for the 2010 Review Conference of the Parties to the NPT holds its first session from 30 April to 11 May 2007 in Vienna.

2008

The Preparatory Committee for the 2010 Review Conference of the Parties to the NPT holds its second session from 28 April to 9 May 2008 in Geneva.

The UN Security Council unanimously adopts Resolution 1810, extending the mandate of the 1540 Committee for an additional period of three years. The Committee was established by Resolution 1540 of 28 April 2004, which binds all states to refrain from supporting the acquisition of weapons of mass destruction by non-state actors.



SELECT CHRONOLOGY

2009

The Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) held its third session from 4 to 15 May 2009 in New York.

2010

The eighth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) convenes in New York from 3-28 May 2010.





8



8

SELECT GLOSSARY OF TERMS

PREPARING FOR 2010

SELECT GLOSSARY OF TERMS

Atom: The basic building block of matter and which cannot be divided or broken up by chemical means.

CD: See Conference on Disarmament.

Centrifuge: A device used in isotopic enrichment that separates molecules of different masses by spinning them at high speed in a container leaving comparatively heavier molecules on the walls and lighter ones in the centre.

Comprehensive Test Ban Treaty (CTBT): A treaty to prohibit all nuclear testing. The treaty will enter into force after being ratified by a specified list of 44 states.

Conference on Disarmament (CD): The sole multilateral arms control and disarmament negotiating forum, based in Geneva, with a United Nations-provided secretariat.

Contamination: The unwanted presence of radioactive material over an area, equipment or person, particularly where its presence can be harmful.

CTBT: See Comprehensive Test Ban Treaty (CTBT).

Disarmament: Measures that work towards the complete elimination of existing weapons of mass destruction.

Enrichment: The process of increasing the concentration of one material within another. Enrichment is a subtractive process in which unwanted material is removed. It is also the process of manufacturing enriched uranium by gaseous diffusion.

First Committee (of the UN): The Disarmament and International Security Committee which deals with all issues relating to disarmament and international security of interest to the UNGA and makes recommendations in the form of draft resolutions to be taken up by the GA while in plenary session.

Fissile material: Material containing atoms capable of undergoing fission. The three main fissile materials are uranium-233, uranium-235 and plutonium-239.

Fissile Material Cut-off Treaty (FMCT): A proposed treaty, to be negotiated within the Conference on Disarmament, to prohibit new production of weapons-grade fissile material for nuclear weapons. Negotiations on such a treaty have yet to begin.

Fission: A process by which a nucleus of an atom splits into two when struck by a neutron with the release of substantial amounts of energy, such as in a fission-type nuclear weapon.

FMCT: See Fissile Material Cut-off Treaty (FMCT).

Fusion: The formation of a heavier nucleus from two lighter ones. For example fusion of isotopes of hydrogen combine to form a heavy atom with the release of substantial amounts of energy, such as a thermonuclear weapon (hydrogen weapon).

High Enriched Uranium: Uranium that has been enriched above 20% fissile uranium-235 content and is usually enriched to above 90% for use in nuclear weapons.

Horizontal proliferation: The increase in the number of states that possess nuclear weapons.

IAEA: See International Atomic Energy Agency (IAEA).

International Atomic Energy Agency (IAEA): A United Nations agency with responsibilities to implement safeguards on nuclear materials and promote the peaceful uses of nuclear power and to ensure that such uses do not further military purposes.

Low Enriched Uranium: Uranium that has a fissile uranium-235 content less than 20%. Usually 3-5% uranium-235 content for civil reactors and 12 to 19% for research reactors.

NAC: See New Agenda Coalition (NAC).

Negative Security Assurances (NSA): Assurances that nuclear weapons will not be used or threatened to be used against a non-nuclear-weapon state-party to the NPT.

SELECT GLOSSARY OF TERMS

New Agenda Coalition (NAC): A coalition formed in 1998 and composed of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden.

NNWS: See Non-Nuclear-Weapon State (NNWS).

Non-Aligned Movement: A collection of states that have since the late 1950s agreed to formulate their respective policies independently of 'great power conflicts' and that represent the interests and priorities of developing countries.

Non-Nuclear-Weapon State (NNWS): A state that is not a nuclear-weapon state as defined by the NPT, i.e., a state which has not 'manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.'

NPT: See Nuclear Non-Proliferation Treaty.

Non-proliferation: Measures to ensure that weapons of mass destruction do not spread beyond the existing possessors.

NPT Review Conference: A meeting of the States Parties to the NPT that occurs every five years to assess the status of the treaty's implementation.

Nuclear fuel cycle: All operations associated with the production of nuclear energy, including mining, processing and enrichment of uranium, manufacture of nuclear fuel, operation of nuclear reactors (including research reactors), reprocessing of nuclear fuel and storage of waste.

Nuclear Non-Proliferation Treaty (NPT): Signed on 1 July 1968, entered into force 5 March 1970. The treaty's formal title is 'Treaty on the Non-Proliferation of Nuclear Weapons.' It aims to prevent the proliferation of nuclear weapons and promote nuclear disarmament.

Nuclear Suppliers Group (NSG): A grouping of nations that have voluntarily agreed to coordinate their export controls governing transfers of civilian nuclear material and nuclear-related equipment and technology to non-nuclear-weapon states.

Nuclear waste: Radioactive waste that is produced at every stage of the nuclear fuel cycle.

Nuclear weapons: The collective term for atomic and hydrogen weapons of all types and their delivery systems.

Nuclear-Weapon States (NWS): Defined by the Non-Proliferation Treaty or NPT as states, which have 'manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.' The five recognized nuclear-weapon states are China, France, Russia, the United Kingdom, and the United States.

Nuclear-Weapons-Free Zone (NWFZ): A zone, normally established by treaty, which is free of nuclear weapons.

NWFZ: See Nuclear-Weapon-Free Zone (NWFZ).

NWS: See Nuclear-Weapon States (NWS).

P-5: Permanent Five (members of the UN Security Council).

Plutonium: When uranium is used as fuel in a nuclear reactor, the resulting nuclear reactions create a large number of radioactive substances, including plutonium. Other radioactive substances created include caesium, ruthenium, iodine, krypton and strontium. Plutonium requires a sustained nuclear reaction to create it. Plutonium does not occur naturally in the environment.

Positive Security Assurances: A form of security assurance whereby a nuclear-weapon state guarantees to take action in support of a non-nuclear-weapon state in the event of a threat of attack or an actual attack with nuclear weapons.

Preparatory Committee (PrepCom): A conference that meets for two weeks during each of the three years leading up to an NPT Review Conference to prepare and lay the groundwork for the Review Conference.

PrepCom: See Preparatory Committee.

SELECT GLOSSARY OF TERMS

Radioactive material: Any material that contains radioactive atoms.

Reprocessing: The treatment of spent nuclear fuel to separate unused uranium, plutonium and fission waste products.

RevCon: See Review Conference.

Review Conference: Review Conferences are part of the formal review process set up under the NPT, whereby States Parties to the Treaty meet every five years to assess its implementation.

Safeguards: Measures applied to peaceful uses of nuclear energy by the International Atomic Energy Agency to verify that they are not used for military purposes and to prevent the diversion of nuclear materials from nuclear plants.

Security Assurances: See negative security assurances and positive security assurances.

UNGA: See United Nations General Assembly (UNGA).

United Nations General Assembly (UNGA): The main deliberative organ of the United Nations. It is composed of representatives of all member states.

United Nations Security Council (UNSC): The main decision-making body of the United Nations on international peace and security.

Uranium: A radioactive element as found in natural ores.

Vertical Proliferation: An increase in the number and quality of nuclear weapons held by the nuclear weapons States.

Weapons of Mass Destruction (WMD): As defined in 1948 by the Commission of Conventional Armaments, these weapons include atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above.

WMD: See Weapons of Mass Destruction (WMD).

Yellowcake: Solid form of mixed uranium oxide produced from uranium ore in uranium milling.



9

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PREPARING FOR 2010

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10
TREATY ON THE NON PROLIFERATION OF
NUCLEAR WEAPONS (1968)

PREPARING FOR 2010

TREATY ON THE NON PROLIFERATION OF NUCLEAR WEAPONS (1968)

'The States concluding this Treaty, hereinafter referred to as the 'Parties to the Treaty.'

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

Article I

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 II

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.

TREATY ON THE NON PROLIFERATION OF NUCLEAR WEAPONS (1968)

Article III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.
2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.
3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.
4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. 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

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 V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

Article VI

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.

TREATY ON THE NON PROLIFERATION OF NUCLEAR WEAPONS (1968)

Article VII

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 VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.
2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.
3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.
2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.
3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.
6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article X

1. 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.

TREATY ON THE NON PROLIFERATION OF NUCLEAR WEAPONS (1968)

Article X

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

Article XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorised, have signed this Treaty.

DONE in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight.'