

Western States Legal Foundation

Fact Sheet

UNITED STATES DISARMAMENT OBLIGATIONS UNDER THE NUCLEAR NON-PROLIFERATION TREATY (NPT)

The Nuclear Non-Proliferation Treaty (NPT) represents the only binding commitment in a multilateral treaty to the goal of disarmament by the nuclear-weapon States. Opened for signature in 1968, the Treaty entered into force, thus becoming domestic U.S. law, on May 5 1970. As of April 2000, a total of 187 parties had joined the Treaty, including the five nuclear-weapon States. More countries have ratified the NPT than any other arms limitation and disarmament agreement, a testament to the Treaty's significance.

THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (NPT)

**Excerpts: eighth to twelfth preambular paragraphs and Article VI*

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 weapons 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 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.

UNITED STATES DISARMAMENT OBLIGATIONS UNDER THE NUCLEAR NON-PROLIFERATION TREATY (NPT)

The Nuclear Non-Proliferation Treaty (NPT) was signed in 1968 and entered into force in 1970, thus becoming binding U.S. law. Its initial duration was 25 years. In 1995 it was extended indefinitely. The extension decision was coupled with a package containing non-binding Principles and Objectives for Non-Proliferation and Disarmament.

PRINCIPLES AND OBJECTIVES FOR NUCLEAR NON-PROLIFERATION
**excerpts*

4. The achievement of the following measures is important in the full realization and effective implementation of article VI, including the programme of action as reflected below:

(a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint;

b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;

(c) The determined pursuit by the nuclear-weapon States of *systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons*, and by all States of general and complete disarmament under strict and effective international control.

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In July 1996, the International Court of Justice, the judicial branch of the United Nations and the highest and most authoritative court in the world on questions of international law, issued an historic opinion on the illegality of the threat or use of nuclear weapons. The Court delinked the obligation to achieve nuclear disarmament from the obligation, also found in Article VI, to achieve comprehensive (“general and complete”) disarmament. The Court’s analysis is now the authoritative interpretation of Article VI.

OPINION OF THE INTERNATIONAL COURT OF JUSTICE
The Hague, July 8, 1996
**dispositif, Para. 105(2)*

F. *Unanimously,*

There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

UNITED STATES DISARMAMENT OBLIGATIONS UNDER THE NUCLEAR NON-PROLIFERATION TREATY (NPT)

On May 20, 2000, at the close of the first 5-year Nuclear Non-Proliferation Treaty (NPT) Review Conference since the Treaty's indefinite extension in 1995, the United States and the other nuclear weapon states committed to an "unequivocal undertaking... to accomplish the total elimination of their nuclear arsenals." For the first time in the NPT's 30-year history they dropped qualifiers like "ultimate goal" regarding their nuclear disarmament obligation. They also agreed to "a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination." In addition, the U.S. committed to "concrete agreed measures to reduce the operational status of nuclear weapons," meaning it promised to work with Russia to take nuclear forces off hair-trigger alert. And the U.S. agreed that a no-backtracking "principle of irreversibility" applies to "nuclear disarmament."

2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons FINAL DOCUMENT

Review of the operation of the Treaty taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference

**excerpt: Article VI and eighth to twelfth preambular paragraphs*

15. The Conference agrees on the following practical steps for the systematic and progressive efforts to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and disarmament":

- 1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.**
- 2. A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.**
3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
- 5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.**

6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.

7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the Treaty on the Limitation of Anti-Ballistic Missile Systems as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

9. Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

C Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;

C Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament;

C The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

C Concrete agreed measures to further reduce the operational status of nuclear weapons systems;

C A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;

C The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

10. Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

12. Regular reports, within the framework of the strengthened review process for the Non-Proliferation Treaty, by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”, and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.