Efficacy of the Non-Proliferation Treaty on an International Scale

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This paper's objective is to determine the efficacy of the Non-Proliferation Treaty on a global scale. The goal of the Non-Proliferation Treaty is to pursue nuclear disarmament with the hope that the world is a safer, more equitable place, with the goal of total disarmament. I will analyze the Non-Proliferation Treaty's efficacy by assessing its impact on nuclear security and international cooperation, further delineating the treaty's rules, regulations, and oversight mechanisms, as well as the repercussions for non-compliance. I will use the relationship between the United States and the USSR as a case example, emphasizing the relationship during the Cold War. Upon examining the Non-Proliferation Treaty's effects on both members and non-members, I will theorize on the successfulness of the Non-Proliferation Treaty in pursuing nuclear disarmament.

This paper will examine the cause and the effect of the Non-Proliferation Treaty through two theoretical approaches: structural realism and neoliberalism. Kenneth Waltz, a structural realist, argues that law does not make an impact; states will achieve their goals even if it is in opposition to the laws enacted. He argues that nuclear proliferation strengthens world peace if a competent government controls nuclear stocks. Since their first creation, nuclear weapons have been developed and stockpiled, although not necessarily used. States will continue to push their agenda and reinforce their security in secret, as they have done before. What makes this treaty different? In a similar vein, Eric Posner and Jack Goldsmith expand on international law, its shortcomings, and why states deviate from the enacted international law. They claim that states will follow international law so long as it benefits them. Once it stops benefiting them, the state will deviate, break, or remove itself from being constrained by the law. Due to the constraints of the anarchic international system, it forces states to take precautionary security measures to ensure their safety at the expense of any rules or regulations.
Conversely, neoliberal theorists Mary Ellen O'Connor, Louis Henkin, and Robert Keohane argue that systems matter and make states fall in line. They delineate the various benefits of a neoliberal approach—information sharing, benefits conferred, expanding the number of players beyond one v. one, etc. Through these two theoretical lenses, this paper will examine the impetus of the Non-Proliferation Treaty and its effects from 1963 onwards, examining the trends of nuclear players—specifically the United States and Russia, nuclear security, and international cooperation. From there, I will evaluate the success rate in how the states abide by the requirements laid out in the Non-Proliferation Treaty.

Two competing schools of thought seek to explain the impetus for creating the Non-Proliferation Treaty and its efficacy. Structural realism and neoliberalism diverge in many aspects, most predominantly with structural realists believing that states will pursue survival at the expense of all else due to the material structure of the anarchic international system. Conversely, neoliberalism argues that systems matter and states will follow the rules. Paired down, structural realism promotes state-centrism above all else, even at the expense of disregarding rules because it will benefit that state, whereas neoliberalism promotes cooperation because of a collective benefit.

A structural realist lens adopts the approach that states will pursue what they deem to be in their favor. It does not matter what laws, treaties, or norms are enacted. The anarchic international system is the driving force that inevitably leads to the logic of self-help and power politics. (Pashakanlou 3). Behaviour is structured according to the material structure of the anarchic international system. Waltz argues that the social interactions amongst states result from the structural pressure the international system places on them. He argues that such a structure pushes states to pursue moderate power to attain security (1979, 23). Therefore, the limitations
the Nuclear Non-Proliferation Treaty imposes on states have a weaker effect than the creators intended.

Structural realism ascertains that 'For realists, survival within the anarchic international system is paramount. The intentions of states are unknown, and subsequently, state actors are cautious about the gains of others when cooperating; a friend may gain from cooperation one day and use it as a threat the next" (Whyte 2). Categorized within structural realism lies two systems: bipolar and multipolar. Waltz ascertains that a bipolar system provides a more stable world than a multipolar world since "uncertainties about who threatens whom, about who will oppose whom, and about who will gain or lose from the actions of other states acceleration as the number of states increases' (1979, 165). Categorized within a bipolar system lies nuclear bipolarity. Nuclear bipolarity aligns with the military concept of mutually assured destruction, where power distribution is more equal than in a multipolar system. It is that distribution of power that some scholars claim aided in preventing the United States and the USSR from entering into a major war with one another. Essentially, why the Cold War never turned hot.

In a similar vein, Goldsmith and Posner argue that international laws are less effective because states will only follow them so long as they see the benefits of being in line with the law's regulations. Once there is an opportunity, or the state deems a more significant benefit of pursuing an idea, weapon, alliance, etc., that violates the law, they will pursue it above all else.

Conversely, neoliberalism ascertains that systems matter and states will work in conjunction with one another for the greater good to ensure that the international system will continue to function cohesively. Neoliberalists believe that "almost all nations observe almost all principles of international law and almost all of their obligations" (Henkin 47). Neoliberal institutionalists agree that states act in their own interests yet hold a much more optimistic view
on cooperation. Robert Keohane acknowledges that cooperation is not easy and can lead to tension, but states could benefit from cooperative strategies (Keohane 46). Keohane ascertains that cooperation within the constraints of the anarchic system is possible. He utilizes the Prisoners Dilemma game theory to elucidate the argument that while each player can win by individually defecting, when more than one states defect, they all lose. Each player's state-centric, narrow-minded behavior results in an unfavorable outcome for both when they could have avoided a negative outcome by engaging in cooperation.

Neoliberalism works in the belief that systems are the driving factor in motivating states to work together and abide by international law. In a world-centric view rather than a state-centric view, neoliberals stress that prospects for cooperation are constrained by the anarchic system in which the world operates. However, they state that cooperation is not impossible and, instead, maintain a semi-optimistic outlook and hope for future cooperation. In opposition to structural realists, "Neoliberals identify prospects for cooperation, in large part due to the role played by institutions and regimes" (Grieco 117).

Neoliberal variants are concerned with democracy, law, respect, and organizations. For that reason, states are willing to entertain a controversial idea and enter into a treaty to promote cooperation and democracy. While states are not necessarily content with specific components of a particular law or treaty, they will act in relation to the constraints of the law because of the greater benefit. Structural realists are more concerned with power, survival, and security in opposition to neoliberals. They are willing to go to whatever degree necessary to ensure their survival.

When applied to the Non-Proliferation treaty, a structural realist approach explains why it was not as effective as its creators intended it to be in preventing the disarmament of nuclear
weapons systems. States thrive in competition. Therefore, the goal of limiting and prohibiting the spread of nuclear weapons was not going to be largely successful because states will do what is in their best interest to be successful in the international system, despite going against international laws, norms, and structures in place. Conversely, when applied to the Non-Proliferation Treaty, Neoliberalism is optimistic that the states who entered would abide by the rules enacted by the creators of the Non-Proliferation Treaty.

The Treaty on the Non-Proliferation of Nuclear Weapons, more commonly referred to as the Non-Proliferation Treaty (NPT), served as a landmark treaty that first demonstrated overtures of potential peace and disarmament. The United Nations General Assembly first approved the Non-Proliferation Treaty text document on March 11, 1968, and opened for signatures shortly after on June 12, 1968. Once opened for signatures, 62 states signed on, most notably three depositary governments: the United States, the USSR, and the United Kingdom. The Non-Proliferation Treaty entered into force in 1970 and was later extended indefinitely in 1995.

The Non-Proliferation Treaty is historic because it is the first successful treaty to enforce a "... binding commitment in a multilateral treaty to the goal of disarmament by the nuclear-weapon States" (Gibbons and Herzog). Its goal was to prevent the spread of nuclear weapons proliferation and its associated technology while promoting states to cooperate in the harmonious use of nuclear energy. More importantly, it served as an essential milestone in pursuing nuclear disarmament with one day the hopes of complete disarmament.

For the Non-Proliferation Treaty to succeed, its creators premised it on the cooperation of states that possessed nuclear weapons and states who did not. It served as a "cornerstone of global security" and "embodied the international community's efforts to prevent the further spread of nuclear weapons and its aspirations for global disarmament, while also facilitating
cooperation in the peaceful uses of nuclear energy under safeguards" (Claar Lecture). As part of the stipulations of the Non-Proliferation Treaty, states that possessed nuclear weapons— the United States, the Russian Federation, the United Kingdom, France, and China— were allowed to retain their nuclear arsenals on the condition that they did not transfer ownership of nuclear weapons to another state, assist any states who did not possess nuclear weapons to acquire, manufacture or control nuclear weapons. Most importantly, they agreed to commit to pursuing negotiations in good faith towards ending the nuclear arms race held predominantly between the United States and the USSR with the hopes of one day achieving complete nuclear disarmament.

In correlation, by signing the Non-Proliferation treaty, states who did not possess nuclear weapons agreed not to acquire, possess, or build nuclear weapons. They were, however, allowed to produce and utilize nuclear energy for harmonious purposes so long as they accepted all safeguards enacted by the International Atomic Energy Agency (IAEA), such as audits and on-site monitoring to ensure that they comply with the Treaty and not actively using nuclear materials for nefarious purposes. The International Atomic Energy Agency and the Non-Proliferation Treaty are inextricably linked. The Non-Proliferation Treaty does not possess an enforcement mechanism. Therefore it is up to the states to uphold, accept, and hold other states responsible. The IAEA delineates the "trigger list," which was created by the Zangger Committee, that requires IAEA safeguards as "a condition of export" (Davenport).

Internationally prior to the passage of the Non-Proliferation Treaty, states could agree that the expansion of nuclear-powered states was expanding in a much more expeditious manner than anyone wished. It was not only easier to obtain plutonium— which comprised the core of nuclear weapons— but it was also becoming more economical to produce and replicate. As a result, states were worried that many other non-nuclear-powered states could possess such weapons because
they were technologically advanced enough to build them, should they so choose. Nuclear technology was no longer held as a coveted concept; instead, it was published in journal articles and widely available. The rapid spread of nuclear weapons spurred countries to be wary of the threat of nuclear-powered attacks. Therefore there was a greater incentive to devise international laws that would help mitigate the threat of widespread nuclear proliferation, potentially leading to a nuclear war.

In an otherwise unstable world, nuclear bipolarity provides stability within the anarchic international system. It is clearly understood amongst states which two powers are dominant. There are no peripheries. The most evident example of a bipolar system would be the relationship between the United States and the USSR leading up to and during the Cold War. Both entities understood who their most forceful enemy was and who could bring about the most widespread havoc. Exemplifying the concept of mutually assured destruction—each state understood that the other could damage their state to an unrecoverable degree and that no other state could match. In doing so, it solidifies and stabilizes the worldview. Any action or event that involves the leading two entities automatically interests other states' interests.

Moreover, states are reluctant to see such superpowers enter into a central war with one another and, therefore, are willing to enter into more minor conflicts to pursue peace of mind. In a bipolar world, attention is focused on the two major competitors, and while other states will do whatever is necessary to achieve security and good standing on an international stage, the two major competitors are still front and center. Part of the enticement of the Non-Proliferation Treaty is maintaining military advantages, retaining influence over allies, and avoiding entrapment in nuclear wars among weaker states— all reasons why certain superpowers saw the benefits of joining the Treaty (Gibbons and Herzog 8).
When taken from a neoliberal approach, it is plausible and likely that the reason the United States and the USSR were able to agree on the creation of the Non-Proliferation Treaty was to solidify and enhance their status as the two leading superpowers in the world. The Non-Proliferation Treaty served as an example of the five major players who possessed nuclear weapons wanting to restrain the expansion of the nuclear players club. Those in possession of nuclear weapons wanted to restrict horizontal proliferation— the expansion of nuclear weapons to states not currently possessing nuclear weapons— beyond those already in possession (Claar Lecture).

The Non-Proliferation Treaty was one of the few areas where the USSR and the United States found some degree of common ground, but it was common ground based on a security-based approach— exhibiting structural realism ideologies. Neither the USSR nor the United States wanted either state's allies to expand further. The USSR was concerned about the United State's involvement in Taiwan, South Korea, Japan, and Germany as possible avenues for proliferation; whereas the United States was concerned about expansion into other regions of the USSR's satellite states, such as North Korea and Cuba, that were allied to the Soviet bloc. This is one of the few points of agreement that neither side wanted there to be more horizontal proliferation, but at the same time, neither side was willing to give up vertical proliferation. In the Non-Proliferation Treaty, there are no rules about not expanding the stockade further. Instead, it is about sharing the technology and the materials, which works strategically in the five nuclear-powered states' favor.

The Non-Proliferation Treaty remains a historical document that exemplifies the progress and cooperation of states globally to come together in efforts to reduce and prevent the expansion of nuclear weaponry. However, while the treaty was widespread, two major nuclear powers—
France and the People's Republic of China did not sign, in addition to several non-nuclear states. That leaves the possibility for non-nuclear states to acquire nuclear weapons, and it does not constrain the two nuclear powers who chose not to sign, Brazil, Argentina, Pakistan, Israel, South Africa, and Saudia Arabia are all rumored to have either developed or used nuclear weapons.

The Non-Proliferation Treaty has endured difficulties in its goal of achieving nuclear disarmament. While there are only five states officially recognized for possessing nuclear weapons—India and Pakistan, Israel, and Iran all are rumored to possess nuclear weapons but did not sign the Non-Proliferation Treaty. Therefore, those four states are free to pursue and advance their nuclear weapons arsenal without being constricted by the rules of the Non-Proliferation Treaty, which dramatically weakens the efficacy of the treaty.

The Non-Proliferation Treaty is premised on international cooperation between states, i.e., submitting to inspection and following the International Atomic Energy Agency's requirements. However, when it comes to determining non-compliance, it is ambiguous as to what is defined as non-compliance as well as the enforcement mechanisms for non-compliance. Determining whether a state is non-compliant is the International Atomic Energy Agency's safeguard systems responsibility. It is also the only mechanism to determine non-compliance within the Non-Proliferation Treaty. When a state violates the Non-Proliferation Treaty, it violates Article III: "The obligation to accept safeguards on all nuclear material" and potentially Article II: "...the obligation not to acquire nuclear weapons" (Kimball). However, the mechanisms for determining whether a state is non-compliant are ambiguous, thus rendering it difficult to gauge whether or not a state is in actual direct violation of the Non-Proliferation Treaty. While the IAEA has determined that states have directly violated the Treaty on five
separate occasions, there is no definition of non-compliance. In some instances, the lack of a
definition appears advantageous as it allows more breadth for the board to deal with complex
cases; however, it comes at a cost. In this crucial area, the rule's lack of clarity and universality
has adverse consequences for the integrity and validity of the IAEA safeguard systems.

While the Non-Proliferation Treaty was primarily a success, it did have a few state
players withdraw from the Treaty, most notably North Korea. In addition to North Korea,
withdrawing states Libya and Iraq supposedly violated the Treaty, thus highlighting the issue of
non-compliance within the Non-Proliferation Treaty as well abusing membership in the
Non-Proliferation Treaty as an excuse to pursue nuclear technology in the pursuit of developing
nuclear weaponry. That is in direct violation of the terms and stipulations of the
Non-Proliferation Treaty. The United States stressed the importance that verification was not
enough and that there needed to be new ways to ensure compliance, as "...the most airtight
verification regime in the world was worthless if confirmed violations were ignored" (United
States Representative NPT Conference 2005).

Additionally, the Non-Proliferation Treaty failed to include forbidding non-nuclear
weapons states from possessing nuclear weapons. It does not allow non-nuclear-weapon states to
seek acquisitions of said weapons, but theoretically, a state could possess nuclear weapons but
not give up the weapons they already created. Moreover, nothing in the treaty delineates
stipulations about nonweapon states participating in the treaty assisting other nonweapon states
in manufacturing nuclear weapons. In correlation, the IAEA does not require verification of the
nonweapon states' obligation to refrain from receiving assistance in making or producing nuclear
weapons. The treaty has several gaps regarding non-nuclear states who are members of the treaty
interacting and aiding fellow nonweapon states, either members or not of the treaty, in
manufacturing and acquiring nuclear weapons. In the same vein, the treaty does not have
sanctions for violating or withdrawing from the treaty, therefore increasing the difficulty in
enforcing the regulations of the Non-Proliferation Treaty, as demonstrated in North Korea's
withdrawal.

North Korea left the Non-Proliferation Treaty because they saw a higher benefit of
deviating from the international law they had signed onto and pursuing their own end goal in
support of structural realist ideology. This exemplifies structural realist ideologies that states will
only follow laws so long as it benefits them. They claimed their reason for withdrawing from the
Non-Proliferation Treaty was based on the United States' hostile posturing towards their country
and utilized title X of the NPT; however, they had improper grounds for doing so. North Korea
claimed that the United States had directly targeted them with a pre-emptive nuclear attack and
made aggressive posturing with blockades and military punishment. The utilization of Article X
is contentious because Article X allows each party to:

Make its own decision as to whether extraordinary events related to the subject matter of
the NPT have jeopardized its supreme interests. Arguably, customary international law
would impose a good faith requirement on the party deciding that extraordinary events
have jeopardized its supreme interests. However, the NPT does not establish any
mechanism for deciding whether a party has acted in good faith. (Kirgis)

North Korea improperly utilized Article X as a reason for their withdrawal and failed to comply
with the three-month withdrawal requirement. Even if the withdrawal is proper under the
stipulations of Article X, the United Nations Security Council still can deem North Korea's
withdrawal with their intention to resume missile testing, reactivating its nuclear facilities, and
expulsion of IAEA inspectors to prove threat-worthy to the harmonious balance of peace. If they
came to that conclusion, it would be within their power to levy economic, military, or diplomatic sanctions against North Korea in response. The Security Council can either make that determination on their own accord or off the recommendation of the IAEA governing board. Within Chapter VII of the U.N. Charter, the Security Council has that authority, but before any sanctions can be passed, they must be voted on by the permanent Security Council members: the United States, the United Kingdom, Russia, China, and France (Muller and Wunderlich). This then weakens the efficacy of the Security Council because if the five permanent Security Council members deem it in their favor to veto a sanction, then, according to structural realist ideologies, they will do so because it benefits them.

Despite being confined to the rules and regulations of the Non-Proliferation Treaty, it did not prevent the United States and the USSR from entering into a tense stand-off with one another that verged on becoming a full-on hot war. The build-up of nuclear weapons aided in the theory of deterrence and mutually assured destruction between the two states. Both states knew that the other was capable of launching a catastrophic nuclear attack that would render the other state incapacitated but not before the other state struck back. While the Non-Proliferation Treaty did not ultimately prevent nuclear proliferation in total, it did help during the Cold War arms race, where there was mounting concern about the possibility of nuclear war between the United States and the USSR. In the case of the Cold War, the Non-Proliferation Treaty was a tangible demonstration of international cooperation between nuclear states and non-nuclear states working in tandem to prevent widespread horizontal proliferation. Moreover, because of the constraints in place that limited other states from coming into possession of nuclear weapons, it maintained the balance of power between the five nuclear players, emphasizing the United States and the USSR's relationship. Keeping the number of states capable of a nuclear strike limited
allows the doctrine of deterrence to be upheld. Both the United States and the USSR had an extensive stock of nuclear weapons, and therefore, each possessed second-strike capability—the ability to launch a devastating counter-attack after surviving a nuclear attack. This knowledge maintained nervous stability, with neither side willing to risk the consequences of attempting a first-strike attack. If more states, "particularly developing nations that lay on the periphery of the balance of power between the two Cold War superpowers, achieved nuclear capability, this balance risked being disrupted and the system of deterrence would be threatened" (U.S. Dept of State). Additionally, if developing nations with hostile borders came into possession of nuclear weapons and were capable of attacking with them, it exponentially increases the odds of a nuclear war.

Upon examination, I have concluded that the Non-Proliferation Treaty was successful in part. Almost 60 years after the Non-Proliferation Treaty was passed, global nuclear arsenals have decreased exponentially. While there are still significant arsenals, it is one-fifth of what it was in the 1960s. The arsenals of the United States and Russia still represent the most significant portion of warheads, with about 12,000 warheads between the two states. The rest of the nuclear-powered states each possess somewhere between 150 and 300, with Israel possessing a little under 100. Nuclear proliferation still exists, but the fear exuded in the 1960s about many non-nuclear-weapon states creating bombs by the 21st century did not come into being.
There are flaws within the Non-Proliferation Treaty, as with all international laws, which render it less effective, most predominantly the lack of enforcement mechanisms and consequences. Still, it cannot be ignored that the Non-Proliferation Treaty is one of the most prominent treaties to date, with over 190 states as signatories. A worldwide treaty, the Non-Proliferation Treaty bans all members except for the United States, Russia, China, France, and the United Kingdom from possessing nuclear weapons. The treaty created a salient norm and foundation for an international effort to prevent the proliferation of nuclear weapons.

There are aspects of the treaty that can be improved on which would make it more successful, such as strengthening enforcement mechanisms and clearly delineating what qualifies as non-compliance. As evident through the relationship between the United States and the USSR, their cooperation with the Non-Proliferation Treaty was not premised based on a collective benefit. Rather, it was premised that the treaty would enforce their safety as a leading superpower. The Non-Proliferation Treaty supports vertical proliferation, thus allowing the number of nuclear weapons to increase by those states already in possession, thus, according to
Waltz, increasing the stability in the world due to the sheer amount of nuclear weapons available to utilize. Neoliberalism does not support the effects and actions demonstrated by the members and non-members of the Non-Proliferation Treaty. Members chose to operate in line with the treaty so long as it benefitted them; however, when the benefits stopped, they deviated. The efficacy of the Non-Proliferation Treaty was not linear. However, it prevented and minimized the amount of non-nuclear players from entering the nuclear players club. The treaty created a salient norm and foundation for an international effort to prevent the proliferation of nuclear weapons. Moreover, it laid the foundation for non-proliferation and demonstrated an international cooperation effort to achieve a world that was a more harmonious place with less nuclear instability.
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