BRIEFING PAPER

Compliance with the Treaty on the Non-Proliferation of Nuclear Weapons: China

July 2022

Introduction

This Briefing Paper summarises compliance by China with the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), identifying several instances of violation of the Treaty’s provisions. Specifically, China has failed to comply with its international legal obligations to pursue negotiations in good faith to end the nuclear arms race and to negotiate in good faith for nuclear disarmament.

Status as Nuclear-Weapon State under the NPT

Under Article IX(3) of the NPT, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967. China first detonated a nuclear explosive device on 16 October 1964, the last of the five nuclear-weapon States to conduct a nuclear test. Operation 59-6, its atmospheric detonation of a uranium fission weapon, was carried out in Western China at the Lop Nur test site in the Gobi desert of Xinjiang province. Thereafter, China exploded 45 nuclear bombs at Lop Nor. China conducted its last test on 29 July 1996, only two months prior to signing the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

China acceded to the NPT only in March 1992. As of February 2022, China possessed the world’s third largest arsenal of nuclear weapons with an estimated total of 350 warheads, 272 of which are thought to be assigned to operational forces. The remaining 78 warheads are thought to have been produced for the new DF-41 road-mobile intercontinental ballistic

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missile (ICBM), which could reach targets in the United States in less than 25 minutes from launch. China’s arsenal is believed to be expanding rapidly.5

Prohibition on Assisting Non-Nuclear-Weapon States to Acquire Nuclear Weapons

Under Article I of the NPT, each nuclear-weapon State Party to the Treaty undertakes not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. The notion of assistance is broad in scope. Furthermore, Article III(2) obligates every State Party not to provide to any non-nuclear-weapon State source or special fissionable material or related equipment or material unless they are subject to the requisite Comprehensive Safeguards with the International Atomic Energy Agency (IAEA).

Compliant

China is not believed to have assisted any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons.

Prohibition on Transferring Nuclear Weapons to Any Recipient

Under Article I of the NPT, each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices. This is a very broad prohibition that renders illegal the transfer of such devices, not only to non-nuclear-weapon States, but to any State or other entity. At the 2010 Review Conference of the NPT, the five nuclear-weapon States formally “reaffirmed their commitment not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices”.6

Compliant

China is not believed to have not transferred nuclear weapons to another State.

Duty to Negotiate in Good Faith to End the Nuclear Arms Race

The first obligation in Article VI of the NPT obligates every State Party to the Treaty to “pursue negotiations in good faith on effective measures relating to cessation of the

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nuclear arms race at an early date”. A good faith interpretation of Article VI is that no nuclear-weapon State may seek to provoke or act to cause a new nuclear arms race.

Not compliant

China is expanding its nuclear arsenal at a fast rate, perhaps greater than any other nuclear-armed State. On 8 May 2020, the editor-in-chief of the Global Times had called on the regime in Beijing to expand its stockpile to 1,000 nuclear weapons. These should, he said, include 100 DF-41s, which can deliver up to ten MIRVed warheads at hypersonic speeds. This huge total of 1,000 weapons or warheads now appears to be the aim of the Chinese Government by 2030. China is also reported to be building at least three missile fields, which cumulatively will house hundreds of new silos for its ICBMs.7 In its latest report on China's military, known as the China Military Power Report, the United States (US) Department of Defense claims that China is developing new ICBMs that will “significantly improve its nuclear-capable missile forces and will require increased nuclear warhead production”, partially due to the incorporation of MIRV capabilities.8

China’s ICBMs are said to be developed exclusively by China Aerospace Science and Technology (CASC). Nuclear Weapons Spending Report, Squandered, by ICAN published in May 2022. The report puts Chinese nuclear weapons spending at US$11.7 billion in 2021.9 For certain, Chinese industries are reaching out more externally to finance their debt. Outstanding investments for the period 1 January 2019–1 October 2020 are reported to have been almost US$1.37 billion.10

The huge increase in China’s nuclear arsenal is a serious violation of the obligation to end the nuclear arms race. Indeed, through its technological investments in hypersonic missiles China is spurring a new arms race. In July 2021, China became the first State to send a hypersonic weapon fully around the Earth.11 Moreover, the weapon managed to fire a separate missile mid-flight in the atmosphere over the South China Sea, a further technological advance.12

The 2010 Review Conference of the NPT did not address the issue of a new nuclear arms race. No final document was issued at the 2015 Review Conference. The 2022 Review Conference—the Tenth of the Treaty—must address compliance with the obligation by the nuclear-weapon States head on.

China is a signatory but not a State Party to the CTBT. It is one of the Annex 2 States whose ratification is necessary in order to bring the CTBT into force. In its report in preparation for

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7 D. Lamothe, “China accelerates nuclear weapons expansion, seeks 1,000 warheads or more, Pentagon says”, The Washington Post, 3 November 2021, at: https://wapo.st/3HpmhRC.
10 Ibid., p. 34.
11 C. Babb, “US Defense Secretary: China’s Hypersonic Missile Test Drew ‘Concerns’”, Voice of America, 17 November 2021, at: https://bit.ly/3jIgfHr. China has denied it carried out a hypersonic missile test, saying it was testing a reusable spacecraft.
12 D. Sevastopulo, “Chinese hypersonic weapon fired a missile over South China Sea”, Financial Times, 21 November 2021, at: https://on.ft.com/3nYdOgA.
the Tenth Review Conference, China stated that it “firmly supports the purposes and objectives” of the CTBT, and declared that it has made “important progress in domestic preparations for its implementation”. China said further that it has “consistently adhered to a moratorium on nuclear testing, supported the early entry into force of that Treaty and all international efforts to promote its entry into force”. It did not, however, commit to its ratification within any time frame. It should ratify the Treaty without delay.

**Duty to Negotiate in Good Faith for Nuclear Disarmament**

The second obligation in Article VI of the NPT obligates every State Party to the Treaty to “pursue negotiations in good faith on effective measures relating to ... nuclear disarmament”. In the common statement to the Ninth Review Conference of the NPT by the five permanent members of the UN Security Council, these five nuclear-weapon States asserted that there had been “very substantial progress on Article VI. The Cold War nuclear arms race has ended. Global stocks of nuclear weapons are at their lowest point in over half a century as the result of unprecedented efforts on the part of the nuclear-weapon States”. Today, none of these three assertions is correct.

**Not compliant**

The 2015 statement already acknowledged the “need to pursue further efforts in the sphere of nuclear disarmament in accordance with Article VI of the NPT”. But in their common statement, the five nuclear-weapon States declared that: “We continue to believe that an incremental, step-by-step approach is the only practical option for making progress towards nuclear disarmament, while upholding global strategic security and stability.”

China is in violation of its obligations under Article VI of the NPT to pursue nuclear disarmament in good faith. In its individual statement to the 2015 Review Conference, China declared proudly that it had “not taken part in any form of nuclear arms races”. Today, its continuing, significant expansion of its nuclear forces not only violates its own obligations and commitments, but it also impedes efforts by other States to pursue such negotiations. China has refused to take in proposed plurilateral negotiations with Russia and the United States following the demise of the Intermediate Nuclear Forces (INF) Treaty. In June 2020, Singapore’s prime minister Lee Hsien Loong cautioned China and the United States not to  

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15 Ibid., para. 6.  
16 Ibid., para. 4.  
allow their great power rivalry to force Asian countries to choose between them, fearing a new Cold War, played out this time in Asia.\textsuperscript{18}

China voted against UN General Assembly Resolution 75/40 in December 2020 and has continued to be hostile to the TPNW. In the discussions in the First Committee of the Assembly in October 2021, China declared that it would vote against a number of resolutions “because of references to the Treaty on the Prohibition of Nuclear Weapons”.\textsuperscript{19} In December 2021, China voted against the adoption of Resolution 76/34 on the TPNW, which calls upon “all States that have not yet done so to sign, ratify, accept, approve or accede to the Treaty at the earliest possible date”.\textsuperscript{20}

\textsuperscript{19} UN, “Delegates Approve 25 Draft Resolutions, Decisions on Disarmament, Non-Proliferation Issues, as First Committee Begins Action Phase”, UN doc. GA/DIS/3675, 27 October 2021, at: https://bit.ly/3If7WxW.
\textsuperscript{20} UN General Assembly Resolution 76/34, adopted on 6 December 2021 by 128 votes to 42 with 16 abstentions.