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Nuclear World Order and Nonproliferation, II

Strategic Insights, Volume VI, Issue 4 (June 2007)

by [Pervaiz Iqbal Cheema](#)

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Introduction

The last two decades have seen a gradual rise in public concern about strategic weapons proliferation. Smaller nation's interest in acquiring nuclear weapons, which had waned in the late 1980s and early 1990s, is again on the rise. Not only the existence of vast surpluses of usable fissile material in the United States, Russia, Japan and Europe have also further intensified concerns over its possible leakage and theft, but the prospect of terrorist use of nuclear, chemical or biological munitions that was so dramatically highlighted by the Japanese subway sarin attacks of 1995 and London attack of July 2005 on underground tube train is also a source of continuous headaches. Finally, the last five years have also seen the increasing pace of space technology proliferation underscored by ever more advanced Chinese, North Korean, Iranian, Indian and Pakistani missile and satellite launches.[1] This paper initially discusses the NPT theory and then moves on to cases of threshold crossing. Finally it focuses on South Asia.

NPT Theory and Nonproliferation

There are many analysts who believe that there exists a considerable gap between theoretical aspects of the NPT and as it is practiced during the last almost four decades. Some scholars regard the 'gap between theory and practice' is neither true, nor necessary, nor conducive to good policy and good scholarship.' The strategic consequences of nuclear proliferation have been debated almost since the first nuclear weapons were dropped on Hiroshima and Nagasaki.[2] Theories can be strong or weak. Theories are considered strong if they explain a lot of important phenomena with relatively few input requirements, or if they make quite confident and precise predictions, or if the empirical record closely track the expectations of the theory.[3] We can make the case by considering two ongoing academic debates on proliferation: the Optimist—Pessimist' debate, and the closely related 'managing proliferation' debate in political science theory. The Optimist—Pessimist debate concerns whether the spread of nuclear weapons leads to greater geopolitical stability because nuclear weapons are conducive to mutual deterrence (Optimist) or whether the spread of nuclear weapons leads to greater instability because the new nuclear arsenals might be more prone to accidental, unauthorized or even intentional use than were the superpower arsenals (Pessimism).[4]

The debate has been conducted in academic circles for decades, and each new wave earns a new moniker. Pessimists are worried that new nuclear nations might be un-deterrable but Optimists applied the logic of rational deterrence theory to proliferation and argued that minimal arsenals would suffice to deter wars. In a unipolar world, an eminent scholar argues, the

possession of nuclear deterrents by smaller nations can check the disruptive ambition of a reckless superpower. Perhaps that is why he consistently argued “the gradual spread of nuclear weapons is more to be welcomed than feared.”^[5] The only thing a country can do with nuclear weapons is to use them for deterrence purposes, which could be useful for internal stability, peace, and cautious behavior.

The NPT entered into force in 1970, when expectations of the growth of both nuclear energy and nuclear weapons were particularly high. Under the treaty, non-nuclear weapon states agree to give up pursuit of nuclear weapons, but not their pursuit of the peaceful uses of nuclear energy. The main obligations of the non-nuclear weapon states are to forswear nuclear weapons (Article II), submit to IAEA safeguards inspections (Article III), and not supply certain nuclear-related items unless they are under safeguards (Article III). The main obligations of the nuclear weapon states are not to transfer or help non-nuclear weapon states to acquire nuclear weapons (Article I), not to supply certain nuclear related items unless they are under safeguards (Article III), to facilitate the exchange of peaceful nuclear energy technology (Article IV), and to pursue negotiations toward nuclear disarmament (Article VI).

The bifurcation of states into nuclear “haves” and “have-nots” has led, at times, to opposing views on many aspects of treaty implementation. In the area of compliance, some states would like to focus on whether the nuclear weapon states are complying with Articles IV (technical cooperation) and VI (nuclear disarmament) of the treaty. Other states would like to focus on whether the non-nuclear weapon states are complying with Articles II (obligation not to develop or receive nuclear weapons) and III (safeguards).

The NPT itself is silent on how to assess compliance, how to resolve compliance disputes, and what procedures to follow in the event of non-compliance. Specifically, there is no verification of the obligations in Articles I and II not to transfer or receive nuclear weapons.^[6] The treaty contains no language on verification other than to require states to accept nuclear safeguards (Article III). The Director General of the International Atomic Energy Agency (IAEA) reports on safeguards implementation every year, and sometimes on specific compliance issues at Board of Governors meetings. In terms of Articles IV and VI, the treaty offers no definitions or ways of assessing whether states are living up to their obligations. Nuclear weapon states, in the past, have provided information about their nuclear cooperation efforts, their contributions to the IAEA’s technical cooperation program, and descriptions of their efforts toward nuclear disarmament. At the 2000 NPT Review Conference, the parties agreed to what have become known as the “13 Practical Steps” toward disarmament, but the United States has since withdrawn its support for those steps.^[7] NPT member states sought further clarification of obligations in Articles IV and VI at the May 2005 Review Conference but this Conference ended without resolving the question.

Nations acquire nuclear weapons not to menace their neighbors but to protect themselves. For the governments of North Korea and Iran, the primary threat was and is the United States. Now the question rises “If you were making decisions for North Korea or Iran, wouldn’t you be extremely determined to get nuclear weapons, given American capability and American policy?” It would not be out of order that the United States worries as much about being deterred as well as attacked. For example the North Korean had already acquired technology to deliver warhead to U.S. homeland.

One option for the United States would be to play down the importance of nuclear weapons. Washington’s deep and vocal concern over proliferation only enhances the perceived value of such weapons. Ultimately, however, no amount of military might allows a country to wish away the Bomb. Whether or not nuclear weapons make the world a more dangerous place, they certainly make it a more humbling one, and their spread only narrows the options of the world’s sole superpower.

Crossing the Nuclear Threshold

Over the years the NPT regime, by and large, effectively worked until recent times. Recently the spread of nuclear weapons seems to have taken on what might appear to be a wildfire-like quality. North Korea had already declared itself a nuclear power. However, it needs to be mentioned here that it has once again agreed during the last several months to abandon its quest for nuclear weapons in return for economic assistance.[8] Given the past history nobody is sure that history will not repeat itself. Iran is engaged in negotiations to convince United States and Europe that it has no secret weapons program of its own similar to those of the Indians and the Pakistanis as both were working in their active and reactive moulds.[9] The GCC has also decided that the members would set up nuclear energy program for peaceful purposes. Saudi Arabia, the United Arab Emirates, Egypt, Morocco, and Tunisia have declared their intentions to develop civilian nuclear technologies ostensibly for water desalination plants. Each could kick off a regional arms race. North Korea in the past has sold nuclear technology to Libya as well, while Iran is alleged to be sponsoring Hezbollah and Hamas. If the Nuclear Non-Proliferation Treaty, the backbone of nonproliferation efforts for the past 35 years, comes up for review, there will be an increasing sense that it is failing.

Although heads of state, legislators, intelligence officials, and opinion columnists are nearly united in their deep concern over the world's nuclearization, the scholars who spend their time thinking about the issue are in fact deeply divided over the consequences of the spread of nuclear weapons, even to so-called "states of concern."

The problem of "loose nukes" relates to Russia's inability in the years since the Cold War to keep track of all its nuclear materials. This shows that even a country's strong interest in maintaining control of its nuclear weapons is no guarantee that some won't fall into the wrong hands, raising the threat of nuclear terrorism. Increasing pressure on nuclear states because of nuclear terrorism had also created mistrust for the proliferation theory. These mistrusts gave birth to new invisible questions, e.g., Do nuclear states like the United States oppose proliferation simply out of concern for their citizens' safety, or is there something more strategic at work.

Weapons as Bargaining Chips

Weak states that worry about U.S. power projection capabilities, like Libya, might cash in their chips. But Libya is not exactly a role model for the international community. More likely, states that seek the deadliest, indiscriminate weapons for reasons that may or may not have to do with the United States will continue to do so. Options will remain open, while surreptitious advances will continue. In the absence of concerted efforts to strengthen treaties from within, external "fixes" will be compensatory, and not systemic. The net effect of denigrating treaties while seeking to compensate for their weaknesses through coercive measures is likely to be weaker norms and weaker compliance.

Just as a "combined arms" approach increases the likelihood of success on the battlefield, a "combined efforts" approach is needed to strengthen treaty regimes designed to rid the world of the most deadly weapons. The use of force is not widely applicable to proliferation threats, and the pursuit of unfettered dominance corrodes rather than builds international cooperation. The application of power projection may well be necessary, but it usually generates more terrorist threats than it foils. It also places heavy burdens on the U.S. armed forces. The more the strategic concept of dominance is actually demonstrated, the more it exhausts or alienates the countries waging, receiving, and observing its effects. A more balanced approach is needed, but is unlikely as long as the value of diplomacy, alliances, treaty regimes, and verification are denigrated.

The NPT is now in serious trouble. Washington's interest in treaties has declined with the demise of the Soviet Union. The treaty ending nuclear tests that the Gilpatric Committee envisioned was finally negotiated in 1996, but it remains in limbo after the U.S. Senate rejected it. India and Pakistan tested nuclear weapons in 1998, and within three months, tough international sanctions began to erode. Then North Korea broke an eight-year moratorium on testing. Proliferation concerns grew more intense with revelations of underground networks of nuclear commerce and the specter of nuclear terrorism. An ill-conceived and poorly executed war to prevent Saddam Hussein from acquiring weapons of mass destruction weakened Washington's ability to respond to the accelerated nuclear programs of Iran and North Korea. Proliferation seems to have become a lot easier in a uni-polar world than during the Cold War, when the two superpowers acted in concert to keep potential proliferators in line.[10]

Principle Opponent vs. U.S. Monopoly

In September 1998, the United States had refused to ratify the Comprehensive Test Ban Treaty; it also withdrew from the 1972 ABM Treaty, and in 2002, conceived the Nuclear Posture Review policy to prepare itself for a pre-emptive doctrine with the tactical nuclear weapons, including Robust Nuclear Earth Penetrators (RNEPs). This U.S. policy, according to a well-known American Scholar (George Perkovich), is "destined to reduce international cooperation in enforcing nonproliferation commitments rather than enhance it." [11] In addition, in May 2003, the U.S. Senate Armed Services Committee too lifted the ban on the Spratt-Furse Amendments to develop tactical nuclear weapons (TNWs). [12] Reportedly, since November 2003, the United States has started research and development work on the RNEPs and the TNWs, while, the *de jure* NWS have also not implemented one of the "13 practical steps" envisaged in the 2002 NPT Review Conference to achieve nuclear disarmament. [13] This obviously has given the United States an "offensive deterrence" capability as conceived in its *National Strategy to Combat Weapons of Mass Destruction* strategy, in clear contravention to the basic nonproliferation ideals of the NPT. [14]

The Bush administration has fought a preventive war against Iraq to seize its weapons of mass destruction that have yet to be found and may not exist. Meanwhile, the Iranian and North Korean nuclear programs have proceeded ahead, unimpeded by U.S. diplomacy or military options, which have shrunk greatly with the passage of time and as a consequence of the administration's decision to focus on Iraq.

The recent Indo-U.S. Civil Nuclear Deal has also created further complications and problems in the ongoing process of NPT. Not only the Indo-U.S. nuclear deal has irreparably damaged the existing NPT regime but has also provided incentives to aspiring nations to go nuclear by making India as an exception through this deal. The deal has indirectly extended recognition to India's nuclear weapon program by stressing that the deal clearly is applicable only to civilian nuclear program and does not cover its military program. By dividing Indian nuclear program into civilian and military, it agreed to have 16 of Indian nuclear reactors placed under the IAEA safeguards and allowed the 8 military reactors to continue working as they were prior to the deal. Implicitly the deal extended the much desired recognition to India as a nuclear weapon state.

Besides, the deal will have far reaching repercussions on regional and global security environment. It is a violation of U.S. Non-Nuclear Proliferation Treaty laws, which exist between a nuclear power and another, that has pursued nuclearization outside the ambit of the IAEA. This was the reason why India faced sanctions after the May 1998 nuclear tests.

These facts are irrefutable. This side of the U.S. administration's balance sheet weighs very heavily against America's hopes for a safer world. Since the dawn of nuclear diplomacy, no U.S. President has compiled a more negative record, or done more to obstruct multilateral efforts to reduce and eliminate weapons of mass destruction than the incumbent U.S. administration.

The overthrow of Saddam Hussein was deemed to be a far more urgent matter than stopping the North Korean and Iranian nuclear programs. Since January 2003, when Pyongyang announced its withdrawal from the Non-Proliferation Treaty, there have only been three short rounds consisting of 100 hours of multilateral talks designed to stop and reverse the North Korean nuclear program. Surely, this threat deserved a higher priority, but the Bush administration did not formulate and present concrete suggestions in this regard until June 2004—eighteen months after Pyongyang announced its intentions to resume reprocessing of Plutonium. U.S. negotiations and pressure on Tehran to stop its nuclear programme is yet to be finalized.

It's hard to round up help to stop proliferation when the dominant power demands strict compliance of others while rewarding friends and demanding maximum flexibility for itself and also holding verification arrangements in low esteem. If the United States deems it essential to adopt a neutral approach to treaties and norms, others are bound to be guided by their interests and would accordingly formulate policies. The infrastructure of nonproliferation was built during the Cold War, and is performing at less than a satisfactory level during current period of U.S. military dominance. Successful efforts to stop and reverse proliferation face many odds when the world's most powerful country doesn't think highly of treaties and verification. These odds become even more difficult to overcome when veto-wielding members of the UN Security Council like China, Russia and France fail to come to the defense of the treaty.

In the operative international political system the United States is regarded as the world's trendsetter, and at present, the trends for nonproliferation are not very attractive. Dominant U.S. military power is not the primary reason for this state of affairs while there are others who also contributed. However, dominant U.S. military power can't compensate for unwise policies, nor is it sufficient for collective security or unilateral enforcement. Military power can't convince others to adhere to the norms or obligations that Washington itself refuses to accept.

If relaxing the rules of nuclear commerce to help India contributes to a new nuclear future that raises barriers against proliferation, then these changes are worth supporting. If, instead, the new rules are likely to result in more proliferation, the deal is contrary to U.S. national security interests. Therefore the central question the U.S. Congress should have considered whether this deal is good or bad for proliferation. But it seems not many considerations were given to this aspect.

Nuclear South Asian and Nonproliferation

The NPT was designed to avoid precisely dangerous nuclear situations. It was based on the notion that it was in the interest of all countries to limit the spread of nuclear weapons. One had to draw the line somewhere, even if it was arbitrary. Such line drawing implied a degree of 'unfairness', but this was not, however, to last indefinitely. Under the treaty, the five approved nuclear states agreed not only to eliminate their nuclear arms over the course of time, but also to provide non-nuclear states with assistance in the development of nuclear programs for peaceful purposes. Non-nuclear member states agreed not to pursue military, nuclear programs.[15]

Since 1974, Pakistan has been consistently offering India different proposals to establish a nuclear restraint regime in South Asia, if not to completely realize the goal of nuclear disarmament. This, of course, strengthened Islamabad's nonproliferation credentials. The delicate conventional balance between India and Pakistan received a serious setback in May 1974, when India conducted its first nuclear test. One observer stressed, "If mutual suspicion and the security dilemma thus constitute the basic underlying condition in a system of separate, independent power units, one would assume that history must consist of one continual race for power and armaments, an unadulterated rush into unending wars, indeed, a chain of 'preventive wars.'"[16] This is probably true for the South Asian situation where "serious misperceptions, miscalculations" is quite high.[17]

Different Pakistani government had floated the idea of the establishment of a Nuclear Weapons Free Zone (NWFZ) since 1974 somewhat regularly. India not only opposed these proposals but also even refused to talk to Pakistan on the subject. In addition to the NWFZ concept, Pakistan had too floated other proposals in various national and international platforms with a view to check the horizontal nuclear proliferation from India and Pakistan to the other NNWS.[18]

1. Some of these proposals were: Setting up of a NWFZ, in 1974. Pakistan repeated the NWFZ proposals to India in 1976, 1987, 1990, and on May 4, 2003.
2. Pakistan asked India to jointly sign the NPT and bilateral/joint agreements to full-scope safeguards or inspections, in Nov-Dec 1984, June 1985, and July 1987. India rejected all these overtures and continued to call for a universal general and complete nuclear disarmament and non-discriminatory NPT.
3. Renunciation of acquisition and development of nuclear weapons, in 1978.
4. Accession by both India and Pakistan to the NPT, in 1979.
5. Bilateral acceptance of full IAEA safeguards, in 1979.
6. A mutual inspection of each other's nuclear facilities, in 1979.
7. In 1981, Pakistan offered a No War Pact to India that was not accepted by New Delhi.
8. Bilateral signing of a treaty banning all types of nuclear tests, in 1987.[19]
9. Pakistan proposed to India not to manufacture and to explode nuclear weapons, in 1987 and 1991. India did not reply to Pakistan's proposals.
10. Convening of a conference on the issue of nuclear nonproliferation in South Asia, which should be attended by Russia, United States, China, India and Pakistan, in 1992.
11. An idea of South Asian Zero-Missile Zone was again suggested in 1994.

On April 28, 2004, the United Nations Security Council adopted Resolution 1540 to prevent the proliferation of WMD to the non-state actors and terrorist groups.[20] Pakistan's Ambassador to the UN, Munir Akram, during deliberations on the issue reiterated that:

Historically, the proliferation of WMD had occurred when states sought to obtain them. But non-state actors had often been the instruments used for proliferation by states seeking WMD. Recently, Pakistan had dismantled such a proliferation network involving its own nationals and others... Pakistan, a nuclear weapon state, had established effective command and control of its assets, sites and materials. [21]

The Pakistani envoy also rightly apprehended that the Resolution might overpower the national legislatures. "The concerns that arose from the Resolution were with regard to the role of the Security Council, to the ability of the Security Council to legislate for other states, and the fear that the Council wished to impose measures on states that they had not freely accepted." Munir Akram had further dilated that Pakistan would, not accept any demand for access, much less inspections, of our nuclear and strategic assets, materials and facilities." [22]

It needs to be stressed here that Pakistan is abiding by the international rules and obligations in respect of transfer of nuclear technology to NNWS, nuclear safeguards and export controls. In this connection Pakistan has passed legislation prescribing stringent control measures and severe punishment for any one involved in transferring/smuggling nuclear material component from the country. In addition to it Pakistan:

- Stands firmly committed to nuclear nonproliferation and checking the spread of WMD
- Has put in place the most effective and elaborate export control mechanism on nuclear materials, component and technology
- Has established Pakistan Nuclear Regulatory Authority
- Pakistan is also a party to Chemical weapons Convention
- Declared unilateral moratorium on further testing of nuclear devices
- Supports Complete and General Disarmament

Conclusion

Five key factors can cause a country's reversal of nuclear policy and influence the decision makers to opt for the acquisition of hitherto forbidden nuclear weapons. These include the major shift in most powerful nations' (United States) foreign and security policy, a breakdown of the global nonproliferation regime, domestic imperatives, erosion of global and regional security, and increasing availability of technology.[23] A close examination of those states that have already acquired nuclear weapons and those which are engaged in the acquisition of dreaded arsenal clearly reveals that one of the above mentioned factors was operative and heavily influenced the decision makers of particular country. Besides, the discriminatory nature of policy pursuits of certain countries or of a system further paved the grounds for the acquisition of nuclear weapon capability.

It is somewhat intriguing to know that similar mistakes are being repeated in some manner. Instead of seeking a way how to accommodate three known nuclear powers India, Pakistan and Israel, the efforts during the Cold War era were focused to deny them their status. Indeed this was unrealistic to think that India, Pakistan and Israel would eliminate their weapons. Similarly the recent Indo-U.S. deal has reflected not only utter disregard for Pakistani efforts to plug all future illegal nuclear commerce but has also reflected the discriminatory policy pursuits.

While the NPT review conference is held after the passage of every five years, it is somewhat unfortunate that efforts had not been directed to find a way to bring them into the NPT regime but focused on marginalizing them. India, Pakistan, Israel could have been made associate members of NPT accepting obligations under Articles I, III, VI. In return NSG particularly NWS (P5) could have signed a protocol with them for cooperation in the nuclear technology for peaceful purposes.

Not only the discriminatory nature of the NPT system reflected the unrealistic pursuits but the recent Indo-U.S. civilian nuclear deal also reflects its discriminatory nature. Under the agreement the United States is going to make efforts to influence NSG for nuclear commerce in order to facilitate supplies to a non-NPT India.

The nonproliferation theory is currently being viewed as unstable and is in danger of losing its real potential. It was drafted in an earlier Cold War era, before the advent of a single dominant military power but now the world has undergone a complete transformation. Not only the underground networks for nuclear commerce and terrorist cells seeking nuclear weapons and fissile material are active but also the great powers that were once ardent supporters of NPT regime have lost interests. In recent times North Korea had undermined its efficacy by openly building nuclear weapons and in many ways it also became a source of encouragement for Iran to continue working on its nuclear program- both may have been influenced by domestic imperatives as well as the policies of the United States. It appears that the United States has lost interest in key parts of the nonproliferation agenda, while Russia and China sometimes act as if proliferation isn't all that great a concern. On top of this, the Bush administration's efforts to relax the rules of nuclear commerce to help India, risks an invitation to the damaging operative constraints against proliferation. The structural weaknesses of the nonproliferation system go back to its creation. The inability of the NPT regime to have the initial pledge of the nuclear weapon states to get rid of their weapons not only reflected its weakness but even newcomers to the nuclear club also used this excuse.

The game was perhaps more manageable when there were two major nuclear superpowers (U.S. and S.U./Russia) demonstrated common interest in preventing proliferation. Both superpowers supported the two most cherished goals of abstainers—verifiable treaties to end nuclear weapon tests and to end the production of fissile material for bombs. This ground shifted with the demise of the Soviet Union. In a world of U.S. military dominance and unchallenged nuclear superiority, Washington's priorities changed. The Senate rejected the treaty banning nuclear weapon tests

for all time. Treaties and verification became old hat. After 9/11, muscular “counter-proliferation” took center stage. The Bush administration adopted a “good guys/bad guys” approach to nonproliferation. It now seeks one set of rules for responsible or friendly states, and another for evildoers.

The American policies are fast eroding the very rationale of the NPT restraint regime and making the world far more dangerous place than what was the situation during the Cold war days. Whatever one may say there existed some kind of nuclear order during the Cold War whereas in the post Cold War and post 9/11, as some would say, that the nuclear order is rapidly transforming itself into nuclear disorder.

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Dr. Pervaiz Iqbal Cheema is currently the President of the Institute for Policy Research Islamabad (IPRI). He is a well-known academic in Pakistan who also serves as a professor in the International Relations department at Quaid-e-Azam University. He has published numerous books on defense, strategic, and nuclear issues.

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