Competing Theoretical Frameworks to Explain State Behavior Vis-à-vis the NPT: Exploring the Minimal Role of the NPT in Nuclear Decision Making

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ABSTRACT

The impact of the NPT on nuclear decision-making appears to be minimal at best. Competing dominant strands of international relations theory cannot explain the lack of influence the NPT has on the decision to remain nuclear or choosing a path of nuclear forbearance. Dominant strands of international theory including realism, constructivism, and regime theory when considered alone give only shallow explanations for nuclear decision-making. Further, these theories cannot account for the existence of the nuclear taboo and the role it plays in nuclear decision-making. By examining the nuclear choices of the United States, Israel, Iraq, Iran North Korea, India, Pakistan, Libya, South Africa, Argentina, Brazil and Ukraine through multiple strands of political theory it becomes clear that no single theory can account for all the divergent nuclear paths that countries choose.

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INTRODUCTION

The nuclear non-proliferation regime was born out of the ashes of Hiroshima and Nagasaki during the height of the Cold War. While the United States enjoyed a nuclear monopoly from 1945 to 1949, the Soviet Union soon acquired the technology. Both countries realized that a world filled with many nuclear weapons capable countries would loosen their grip on the reins of power. Through a remarkable display of Cold War collaboration the two superpowers designed a system with the purpose of controlling the proliferation of weapons and delivery system technology embodied in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The NPT has since become the cornerstone of the global non-proliferation regime.

The non-proliferation regime is charged with the very admirable task of attempting to halt the proliferation of nuclear weapons technology. For the most part this has been a success. US President Kennedy's nightmare vision of a world with fifteen to twenty-five nuclear powers has not yet become a reality. However, the ultimate aim of the NPT, complete world disarmament, has not be realized, and most analysts agree that this will never be obtained. The world finds itself somewhere in the middle between these two visions.

Currently the non-proliferation regime is suffering from a multiplicity of stresses. The lack of any real movement towards disarmament by the five declared nuclear weapon states, the discovery of wide-spread proliferation networks that were able to evade detection until recently, and the actions of countries like Iran, North Korea and the United States have led many to question the continued relevance of the NPT and the non-proliferation regime in general.

Current dominant strands of international theory cannot explain state decision making vis-à-vis the NPT. The mere existence of the NPT has never been able to halt a truly determined country from acquiring nuclear weapons. What is more surprising is that when countries have

decided to reverse their nuclear stance, the NPT has not been the prime motivating factor. Traditional realist explanations cannot fully account for nuclear-decision making, especially in cases of nuclear forbearance or reversal of nuclear policies towards non-acquisition. Constructivism alone falls short of providing an encompassing theoretical framework to explain nuclear choices. Similarly, regime theory cannot fully explain nuclear-decision making either. Using a combination of all three approaches provides the most explanatory power for nuclear choices.

This paper will explore the ability of dominant strands of international relations theory to explain the nuclear decision-making of several key countries, by first providing the theoretical background of these forms of analysis and then applying them to case studies of nuclear-capable states.

HISTORY OF THE NPT AND THE NON-PROLIFERATION REGIME

In the early days of the atomic age, recognizing that increasing technological advancement would allow for countries to develop nuclear weapons and envisioning the ensuing destabilizing effect nuclear proliferation would have on the international system, the international community realized that something had to be done. Proliferation makes countries vulnerable to nuclear blackmail and serves as a strong incentive for states to acquire their own nuclear capability to counter this type of blackmail and to deter threats. This type of behavior leads to a spiral of proliferation as states rush to protect themselves from other countries with nuclear weapons. The United States and the former Soviet Union recognized that this hypothetical state of affairs would not serve their security interests and both superpowers were

strong supporters of the non-proliferation effort.[1] The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was based on a draft that was submitted by the U.S. and the U.S.S.R.[2]

The NPT forms the centerpiece of the global non-proliferation regime and has more signatories than any other treaty besides the United Nations General Charter. Only four countries lie outside the NPT; India, Pakistan, Israel who have never been signatories to the NPT, and North Korea.[3] The NPT was opened for signature in 1968 and adopted on March 5, 1970. The treaty divides party members into two categories, Nuclear Weapon States (NWS) and Non-Nuclear Weapon States (NNWS). NWS are defined as "those that had manufactured and tested their nuclear weaponry before January 1, 1967."[4] The five NWS are the United States, Russia, the United Kingdom, France and China. Every other country that is member to the treaty is categorized as a NNWS.

The NPT represents a grand bargain between NWS and NNWS. While NWS are allowed to have nuclear weapons, NNWS are not allowed to attempt to acquire nuclear weapons. Article IV of the NPT provides the incentive for NNWS to sign an inherently discriminatory treaty; NNWS were promised access to civilian nuclear technology in exchange for accepting a safeguards system to detect any violations by NNWS. NWS are obligated to work towards total disarmament. Verification of the NPT rests with the International Atomic Energy Agency

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[1] Fidler, David P. "International Law and Weapons of Mass Destruction: End of the Arms Control Approach?" Duke Journal of Comparative & International Law 14 (2004): 39-88. Page 56-57.

[2] Hewitson, Patricia. "Between Empire and Community: The United States and Multilateralism 2001-2003:A Mid-Term Assessment: Arms Control: Non-Proliferation and Reduction of Nuclear Weapons: Risks of Weakening the Multilateral Nuclear Non-Proliferation Norm." Berkeley Journal of International Law 21 (2003): 405-494. Page 479-480.

[3] Ibid. Page 478. While North Korea has said that it has withdrawn from the NPT there is dispute as to when this withdrawal will be considered a legal withdrawal according to Article X of the NPT. Some commentators have suggested that because North Korea was not incompliance with the NPT at the time of that North Korea announced its formal withdrawal the provisions of Article X would not take effect. It is clear that North Korea is not complying with the intent of the NPT and therefore should not be considered a member that is acting to strengthen the nonproliferation regime.

[4] Mierza, Craig T. "The Indefinite Nuclear Non-Proliferation Treaty: Substantial Accomplishments or AmbitiousHopes?" Journal of International Law and Practice 4 (Fall, 1995): 555-569. Page 555.

(IAEA) which was established in 1957 to help promote peaceful uses of nuclear technology.[5] Despite this verification system, an enforcement mechanism for the NPT is noticeably absent from the text of the treaty. To ensure that the objectives of the NPT are being fulfilled the treaty includes a five year review process.[6] The review conference's purpose is to "review the operations of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized."[7] However, this does not specify what should be done if party members are in violation of their treaty commitments. While the IAEA is entrusted with ensuring that states are in compliance with the treaty, it does not have any enforcement measures to fall back on if a country is not in compliance. The IAEA can refer matters to the UN Security Council, but is not obligated to do so by the treaty. The political nature of the Security Council makes it difficult to take multilateral action against an offending state.[8] As a result of the IAEA's reluctance to submit potential violators of the NPT to the Security Council, enforcement of the NPT has traditionally been undertaken by individual states or coalitions resulting in inconsistent application of enforcement against violators.[9]

The NPT includes a fairly easy to implement withdrawal mechanism. Article X of the treaty states that "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 interest of its country."[10] The party that is withdrawing must give three months notice to the UN Security Council and other members of

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[5] Asculai, Ephraim. "Rethinking the Nuclear Non-Proliferation Regime." Jaffee Center for Strategic Studies. 70 (2004).

[6] The Treaty on the Non-Proliferation of Nuclear Weapons, Arts. VI & VIII.

[7] The Treaty on the Non-Proliferation of Nuclear Weapons, Art. VIII.

[8] Dhanapala, Jayantha. "Deadly Weapons and Their Emerging Regimes: Asia's Peril and Promise." Asia-Pacific Review 10:2 (2003): 19-35. Page 15.

[9] Bajema, Natasha and Mary Beth Nikitin. "The Future of International Regimes: Organizations and Practices:Assessing Nuclear Maturity: Determining Which States Should Have Access to What Nuclear Technology." The Fletcher Forum of World Affairs Journal 28 (2004): 157-176. Page 159.

[10] The Treaty on the Non-Proliferation of the Nuclear Weapons, Art. X.

the treaty along with the reasons that it is withdrawing. So far the only countries that have attempted or threatened to utilize Article X of the NPT are North Korea and Iran.

The non-proliferation regime has many more components besides the NPT, though the NPT serves as the bedrock of the regime. These other components include the Nuclear Suppliers Group (NSG) and other export control measures, the multiple verification mechanisms, the Comprehensive Test Ban Treaty (CTBT), the unilateral domestic policies of key exporting countries, and the security assurances given by NWS to NNWS.[11] There are also numerous Nuclear-Weapon-Free-Zones including the Treaty of Tlateloco (1967) which covers Latin America and the Caribbean, the Treaty of Rarotongo (1985) which covers the South Pacific, the Bangkok Treaty (opened for signature in 1995) which covers Southeast Asia, and the Pelindaba Treaty (1996, not yet ratified) which covers Africa. Together, these nuclear-weapon-free-zones include 110 countries in the world, and cover the majority of the landmass of the globe.[12]

THREE THEORETICAL APPROACHES TO INTERNATIONAL RELATIONS

REALISM

Realism has maintained theoretical hegemony to explain international relations until recently.[13] Realists contend that anarchy is the overriding characteristic of the international system and that states are most interested in obtaining power to ensure their security in a system that lacks an overarching order. However, within this system, if a state attempts to acquire too much power, other states will perceive this as a threat and attempt to neutralize this gain in power that leads to the classical security-dilemma.[14] Further, realists contend that states can

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[11] McMorris Tate, Trevor. "Regime-Building in the Non-Proliferation System." Journal of Peace Research 27:4 (1990): 399-414. Page 403.

[12] Shapiro, Adam. "Nuclear-Weapon-Free Zones: A Step Towards Nuclear Disarmament?" UN Chronicle 41:3 (2004): 66-68.

[13] Hopf, Ted. "The Promise of Constructivism in International Relations Theory." International Security 23:1 (1998): 171-200. Page 171.

[14] Davis, Zachary S. "The Realist Nuclear Regime." Security Studies 23:4 (1993): 79-95. Page 80.

never be completely certain of other state's intentions, they seek their own security, and act as rational agents to ensure their survival.[15] Throughout this paper, countries that are seeking to acquire nuclear weapons to ensure their territorial integrity will be referred to as falling within the "security model". This is because their intention to acquire nuclear weapons can most easily be explained through realist theory which is primarily concerned with the security-seeking behavior of states.

CONSTRUCTIVISM

Constructivism holds many of the same tenets as realism. Constructivists view states as rational and as primary actors in an anarchic and unpredictable international system seeking security.16 However, constructivists differ from realists regarding the nature of structural constraints. Realists contend that material capabilities alone constrain and guide state behavior, whereas constructivists contend that material capabilities combined with social structures shape state behavior.17 In other words, material capabilities must be imbued with meaning for their impact to truly be felt. The nuclear weapons of Israel do not frighten the United States, but Iran and North Korea's nuclear bids do cause fear. Examining material capabilities, Israel's nuclear weapons should objectively cause more fear for the United States because their capability is much more advanced; it is suspected that Iran does not have a nuclear weapon yet, and while speculation exists regarding North Korea's actual bomb, they certainly lack a delivery system that could reach the United States.

The difference between Israel, North Korea, and Iran lies in their differing identities. "Identities perform three necessary functions in a society: they tell you and others who you are and they tell you who others are...identities strongly imply a particular set of interests or

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[15] Wendt, Alexander. "Constructing International Politics." International Security 20:1 (1995): 71-81. Page 72.

[16] Ibid, Page 72.

preferences with respect to choices of action."[18] Constructivists thus leave the door open for state identities, and by default, their preferences, to change. If a state's preferences are able to change, the international system could change from a self-help system to a different form. Constructivists recognize, however, that this would be a difficult prospect because relationships and identities become heavily embedded.[19]

Constructivists contend that "the intersubjectively shared ideas that shape behavior by constituting the identities and interests of actors"[20]which leaves room for structure to change, instead of being an objective fact the way realists contend. Instead of structure being ultimately determinate, Alexander Wendt famously stated that "anarchy is what states make of it." Therefore, there is room for countries to change and incorporate lessons that are gleaned from shared discursive practices. Constructivism has three main elements. First, actors share ideas and norms; secondly, these shared ideas and norms shape the way that actors view themselves; lastly, agents are capable of changing structure.[21] This does not discount the power of material forces, but merely opens up room that realists close off for actors to have more agency in the international system.[22] Structural constraints do not determine how a country will internalize a norm: "norms become relevant and causally consequential during the process by which actors define and refine their collective identities and interests."[23]

INTERNATIONAL REGIMES AND INSTITUTIONS

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[17] Ibid, Page 73.

[18] Hopf, Page 175.

[19] Wendt, Alexander. "Anarchy is What States Make of It: The Social Construction of Power Politics." International Organization 46:2 (1992): 391-425. Page 407.

[20] Copeland, Dale C. "The Constructivist Challenge to Structural Realism." International Security. 25:2 (2000): 187-212. Page 187.

[21] Ibid. Page, 189-190.

[22] Ibid. Page 191-193.

[23] Risse, Thomas, and Kathryn Sikkink. "The Socialization of International Human Rights Norms Into Domestic Practices: Introduction." In The Power of Human Rights: International Norms and Domestic Change Edited by Thomas Risse, Stephen C. Ropp and Kathryn Sikkink. Cambridge University Press, Cambridge. 1999. Page 9.

International regimes fill an important role in the international system by providing a forum for sovereign states to discuss and create policy around issue areas that intersect both international and domestic politics. According to Stephen D. Krasner regimes are:

> sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.[24]

Krasner goes on to note that "regimes must be understood as something more than temporary arrangements that change with every shift in power or interests" and that the "purpose of regimes is to facilitate agreements."[25] Utilizing the definition that Krasner provides it seems a logical step that the agreements and arrangements between countries regarding the use, development and deployment of nuclear weapons would characterize a regime. However, Krasner complicates the issue when he elaborates that "It is the infusion of behavior with principles and norms that distinguishes regime-governed activity in the international system from more conventional activity, guided exclusively by narrow calculations of interest."[26] This makes it more difficult to call the arrangements surrounding nuclear weapons a regime, for realists paint a convincing picture of interest-based explanation for every country that chooses to follow the nuclear path or remain non-nuclear. However, a close examination of state behavior surrounding nuclear weapons choices suggests that there is something more than interest alone at work.

Traditional interest-based explanations alone ignore critical features of nuclear behavior in the international system. All countries in the international system are actively seeking to avoid a nuclear confrontation. The incontestable nature of nuclear weapons and the ultimate destruction they produce present a scenario where no single actor would be better off in the aftermath of a nuclear exchange. The non-proliferation regime provides a solution to the

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[24] Krasner, Stephen D. "Structural Causes and Regime Consequences: Regimes as Intervening Variables." International Organization 36:2 (1982): 185-205. Page 186.

[25] Ibid, Page 187.

[26] Ibid, Page 187.

dilemma of common aversion. The non-proliferation regime "establishes rules of behavior that allow actor expectations to converge whenever the dilemma arises."[27] The non-proliferation regime provides a way for countries to predict another country's behavior.

On this point, realists, constructivists and regime theorists coincide; states are actively seeking to reduce uncertainty in the international system. For the purposes of this paper, regime theory will be viewed as a complement to institutional approaches to international relations theory. While the non-proliferation regime has multiple components, the NPT is the cornerstone.[28] This treaty sets the backdrop for the creation of all the norms that help to support the regime, creates a rallying point for anti-nuclear activists, and unites diverse state-interests on nuclear issues. "Institutions create the capability for states to cooperate in mutually beneficial ways by reducing the costs of making and enforcing agreements."[29] The NPT is a strong example of what states can gain by participating in international regimes; along with the benefits articulated in the treaty text itself, states also can reduce their uncertainty towards other state's nuclear behavior. This is because appropriate and inappropriate nuclear behavior is articulated in the treaty. "Even powerful states have an interest, most of the time, in following the rules of well-established international institutions, since general conformity to rules makes the behavior of other states more predictable."[30] Countries that are party to the NPT can be assured that compliant actors will behave in a similar fashion to their own actions. Conversely, countries that break out of the NPT tend to do so in a predictable way, by beginning enrichment activity. For an international institutional to access the benefits of predictability it must have many members and be imbued with a sense of legitimacy.

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[27] Stein, Arthur A. "Coordination and Collaboration: Regimes in an Anarchic World." International Organization 36:2 (1982): 299-324. Page 311.

[28] Lalla, Vejay. "The Effectiveness of the Comprehensive Test Ban Treaty on Nuclear Weapons Proliferation: a Review of Nuclear Non-Proliferation Treaties and the Impact of the Indian and Pakistani Test on the Non-Proliferation Regime." Cardozo Journal of International and Comparative Law 8 (2000): 103-137. Page 106.

[29] Keohane, Robert O. "International Institutions: Can Interdependence Work?" Foreign Policy 110 (1998): 82-96+194. Page 86.

Oran Young notes that "the rise of conventionalized behavior is apt to engender widespread feelings of legitimacy or propriety in conjunction with specific institutional arrangements."[31] The concept of legitimacy is important when the destructive power of nuclear weapons is considered. Any institution that attempted to constrain the spread and use of nuclear weapons would have to be imbued with legitimacy for countries to comply with it and expect others to follow suit. The non-proliferation regime, through the institution of the NPT, creates a universal, clear delineation between acceptable and non-acceptable nuclear behavior; this would not have been possible with the bilateral, ad hoc arrangements between countries. The NPT is a highly legalized version of an international institution, exhibiting three crucial criteria; "the degree to which rules are obligatory, the precision of those rules, and the delegation of some functions of interpretations, monitoring, and implementation to a third party."[32] This degree of legalization within the NPT is necessary to increase the possibility of compliance. Within the international system, according to a realist interpretation of country's motivations:

> ...Each actor's dominant strategy is to cheat. Thus, it is not surprising that arms control agreements are highly institutionalized, for these regimes are continually concerned with compliance and policing. They must define cheating quite explicitly, insure that it be observable, and specify verification and monitoring procedures.[33]

Procedures and rules of international institutions create informational structures that shape actors expectations.[34] These structures and rules are crucial for dealing with countries that breakout of the NPT. The IAEA and the five year Review Conferences create highly structured forums for countries to voice complaints about non-compliant actors. Without these forums, the international response to a non-compliant actor would be highly unsettling due to its non-

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[30] Ibid, Page 86.

[31] Young, Oran R. "Regime Dynamics: The Rise and Fall of International Regimes." International Organization 36:2 (1982): 277-297. Page 278-279.

[32] Goldstein, Judith, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter. "Introduction: Legalization and World Politics." International Organization 54:3 (2000): 385-399. Page 387.

[33] Stein, Arthur A. "Coordination and Collaboration: Regimes in an Anarchic World." International Organization 36:2 (1982): 299-324. Page 313.

[34] Keohane, Robert O. "International Institutions: Can Interdependence Work?" Foreign Policy 110 (1998): 82-96+194. Page 91.

predictable manner. Responses similar to Israel's bombing of Iraq's nuclear facilities at Osiraq could become commonplace, which would actually increase the value of nuclear weapons. If each actor's dominant strategy is to cheat, without an international institution to increase the predictability of behavior and accompanying mechanisms to productively deal with non-compliant actors, the world could become increasingly dangerous as countries rushed to enhance their security by acquiring a nuclear deterrent.

It is thus possible to combine both interest-based conceptions of the international system with institutional dynamics, which in many cases can provide a more complete explanation when examining a country's nuclear-decision making. The unique power of nuclear weapons creates a situation where actors, through rational self-interested calculation forgo independent decision-making in favor of coordinated decision-making.[35] This does not mean that structural constraints are not a major factor; "Great powers can often structure the choices and preferences of minor powers and thus shape regional outcomes."[36] The decision reached by the United States and the former Soviet Union that the international system would be best with very few nuclear capable countries is demonstrative of the weight granted great powers in shaping the behavior of weaker countries.

It is commonly assumed that the NPT served the United States and the former Soviet Union's security interest calculations. While this paper does not attempt to challenge that assumption, it is worth noting that the United States would have preferred maintaining a nuclear monopoly instead of having to resort to an instrument like the NPT. However, as technology became more diffuse, the two superpowers realized that they were no longer able to control the process of nuclear acquisition. Instead of being a top-down imposed regime, the desire to create

[35] Ibid. Page 316.
[36] Ibid. Page 319.

a non-proliferation regime was partially constructed by lesser powers' growing technological prowess.[37]

> Bereft of expectations of progress, the realist interpretation of the nonproliferation regime does not rule out the possibility that norms exist, or that the influence behavior, but reminds us that they accommodate vital security interests. Interest-driven cooperation still reinforces the mutually beneficial norm of nonproliferation without the expectation that such cooperation is necessarily permanent or irreversible.[38]

Recognizing the effect of structural constraints on the international system does not, therefore, remove the need for alternative political theories, indeed it creates the need for differing political theories to explain anomalies that fall outside the realist framework.

There are three reasons an actor might comply with rules "(1) because the actor fears the punishment of rule enforcers, (2) because the actor sees the rule as in its own self-interest, and (3) because the actor feels the rule is legitimate and ought to be obeyed."[39] In other words, an actor will comply because they are coerced, it is in their own self-interest to, and lastly, they feel the rule is legitimate. Legitimacy "refers to the normative belief by an actor that a rule or institution ought to be obeyed."[40] Legitimacy is based solely on the perceptions of individual actors and is a hollow concept absent the social meaning that is attributed to it by the actors.

Most of the literature surrounding compliance with international regimes and institutions suffers from a selection bias, and thus the conclusions of most authors who focus on compliance are difficult to apply to the non-proliferation regime.[41] The majority of treaties that countries sign "require states to make only modest departures from what they would have done in the absence of an agreement."[42] When countries enter into treaties that require them to make deeper sacrifices, as the NPT does, it makes sense that compliance levels will decrease. The NPT

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[37] Smith, Roger K. "Explaining the Non-Proliferation Regime: Anomalies for Contemporary International Relations Theory." International Organization 42:2 (1987): 253-281. Page 268.

[38] Davis. Page 85.

[39] Hurd, Ian. "Legitimacy and Authority in International Politics." International Organization 52:2 (1999): 379-408. Page 379.

[40] Ibid. Page 381.

[41] Chayes, Abram and Antonia Handler Chayes. "On Compliance." International Organization 47:2 (1993): 175-205. The Chayes assert that "Compliance is the normal organizational presumption." Page 179.

[42] Downs, George W; David M. Rocke; Peter N. Barsoom. "Is the Good News about Compliance Good News about Cooperation?" International Organizations 50:3 (1996): 379-406. Page 380.

suffers from lower levels of compliance than other treaties; a contributing factor is that the relative cost of nuclear weapon acquisition has decreased as technology has diffused.[43] Further, if a treaty is plagued by noncompliance coupled with low levels of enforcement this may be a result of the original agreement not adequately addressing all members' interests.[44] However, countries may be continuing to comply with the NPT because "nothing significant has happened to make adherents to the regime believe that continued participation threatens their security."[45]

While the NPT and the existence of the non-proliferation regime are never the sole motivating factor when a country chooses the path of nuclear forbearance, once a state has chosen a non-nuclear path, the value of the NPT and the non-proliferation regime increases. The NPT provides assurances that other member countries will act similarly in nuclear matters. This assurance of similar behavior by other member countries helps to ameliorate the security dilemma and thus diminishes the need for nuclear weapons to ensure the survival of the state. The assumption of similar behavior is bolstered by the IAEA which allows all member countries to monitor each other's nuclear activity or lack thereof. Further, once a country joins the NPT, the assumption is that the exit costs from the treaty will be high enough to prevent countries from choosing that option.[46]

The non-proliferation regime today has undergone many stresses and the continued viability of the non-proliferation regime is not a foregone conclusion. Regime change is not solely a function of changes in distribution of power. Other factors, such as dispersion of knowledge lead to change within a regime, as is aptly demonstrated by the impact the diffusion of nuclear technology has had on the non-proliferation regime. Even with structural changes regimes may remain intact for several reasons. To begin with nations do not continually reassess

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[43] Ibid, Page 398.
[44] Chayes, Page 183.
[45] McMorris Tate, Page 411.
[46] Paul, T.V. Power versus Prudence: Why Nations Forgo Nuclear Weapons. Montreal: McGill-Queen's University Press, 2000. Page 28-29.

the costs and benefits of staying within a regime, in part because once a regime is in place patterns of behavior are established which allow an actor to expect other actors to behave in a similar manner.[47] Further,

> Any shift in interest does not automatically lead to changes in the regime or to its destruction, because there may well be uncertainty about the permanence of the observed changes. The institution may be required again in the future, and their destruction for short-term changes may be very costly in the long run.[48]

Hence, the very existence of regimes changes the calculus of self-interest for actors. Certain regimes that have been in existence for extended periods of time are imbued with both legitimacy and tradition. An actor's self-interest is also a calculation of reputation, and thus an actor may seek to appear to be in compliance with a regime to maintain their international reputation, which lends credence to the constructivists' approach to international relations. The calculation for an actor becomes one of weighing the perceived benefits of defecting from the regime with the subsequent loss in international standing. Lastly, actors can undergo an educational process while being a member of the regime. Where before they may have joined the regime solely out of self-interest, through their membership within the regime, an actor may begin to recognize the benefits of joint decision-making far outweigh the loss of individualism.[49]

NORMS

A major component of the non-proliferation regime and the NPT is the normative function these two serve. Krasner defines norms as "standards of behavior defined in terms of rights and obligations."[50] These are distinct from rules which are "specific prescriptions or proscriptions for actions. Decision-making procedures are prevailing practices for making and

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[47] Stein, Arthur A. "Coordination and Collaboration: Regimes in an Anarchic World." International Organization 36:2 (1982): 299-324. Page 321-322.

[48] Ibid. Page 322.

[49] Ibid. Page 323.

[50] Krasner, Page 186.

implementing the collective choice."[51] Unlike rules, which are clearly laid out in a specific treaty, norms take time to become established. At first the targeted activity is considered partially legitimate but is constrained because of political pressure and bilateral treaties. Later the activity is redefined as a social problem and even though many governments may continue to condone the activity, this government activity is slowly delegitimized. Thirdly, regime proponents begin to agitate for suppression and criminalization of the activity. If regime proponents are successful the targeted activity will become criminalized throughout much of the world and an international prohibition regime will have been formed. After the regime is established, if the norm has become robust, the targeted activity becomes a rare phenomenon.[52] Norm development is partially dependent upon structural factors in the international system. Most robust norms serve the economic and political interests of the dominant players in the international system.[53]

Much of the literature that discusses international regimes and norms does not take into account the unique characteristics of the non-proliferation regime – as such, most of the literature and lessons suggested by the analysis surrounding international institutions and regimes cannot be fully applied to the non-proliferation regime. "The foremost duty of states is to assure the survival and safety of their people. States assure their survival by optimizing national security."[54] Nothing has the ability to challenge the very existence of a state the way nuclear weapons do, and as a result, countries that may be very willing to comply with other international norms will be more hesitant to comply with norms surrounding the non-proliferation regime.

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[51] Ibid, Page 186.

[52] Nadelmann, Ethan A. "Global Prohibition Regimes: The Evolution of Norms in International Society." International Organization 44:4 (1990): 479-526. Page 484-485.

[53] Ibid. Page 524.

[54] Karp, Regina Cowen. "The Continuing Nuclear Challenge." Security with Nuclear Weapons? Different Perspective on National Security. Edited by Regina Cowen Karp. Oxford University Press. New York, 1991. Page 16.

The most obvious unique characteristic of the regime is that of the nature of nuclear weapons. Whereas other international regimes may attempt to halt the spread of transboundary pollution, coordinate communications, or to regulate trade, nuclear weapons cut to the very survival of a state. While the other issues that regimes encompass are important, none attempt to constrain a nation's ability to protect itself in the manner that the non-proliferation regime does. Further, while a country may become annoyed by a neighboring country's upstream factories polluting common waterways, the slightest sign of noncompliance within the regime strikes more fear in all member countries – those that have nuclear weapons capacity and especially those without a nuclear weapons capability. Nuclear weapons are able to deliver amazing levels of destructive power with unparalleled speed and efficiency, and it is virtually impossible to mount an effective defense against them.[55]

The incontestable nature of nuclear weapons necessitates that international action be taken to attempt to halt their spread and use. If introduced into combat there is no way for the other side to contain or limit the impact of nuclear weapons. The "all or nothing" characteristics of nuclear weapons means that the possessor of nuclear weapons would only use them as a last resort, which would only occur if the survival of the state was at risk; luckily such a scenario has yet to present itself.[56]

NORM CREATION

The theoretical power of constructivism is clearly demonstrated when norms surrounding nuclear weapons are examined. The norms surrounding nuclear weapons use, nuclear acquisition and nuclear threats were initially developed by the two superpowers. While many other norms are created as a grassroots movement, notably the norm against slavery which was

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[55] Ibid. Page 3.
[56] Paul, Power versus Prudence, Page 30-31.

aided greatly by domestic religious and liberal groups, the norms surrounding nuclear weapons followed a top-down approach.[57] Therefore it is easy to argue that the powerful states were very intent on pushing norm creation around nuclear weapons to serve their political interests. However, the realist explanation cannot then fully account for the restriction that these norms, once created, placed on NWS' freedom of action to use their nuclear weapons.

The non-proliferation regime's guiding norm "is that the spread of nuclear weapons to more states would pose a serious danger to international security and should therefore be prevented."[58] This is clearly expressed through the NPT. However, the increasing numbers of countries that have or are attempting to acquire nuclear weaponry proves that this is not a fully established, robust norm. Alternatively, the fact that there are only a few countries that are attempting to acquire a nuclear deterrent could be viewed as an incredible achievement, considering the anarchic system states find themselves in. Despite the mixed track record of the NPT and the nonproliferation regime to establish a robust norm against acquisition, a norm seems to have developed around nuclear use.

The norms surrounding nuclear weapons have not remained static since their inception. At the beginning of the nuclear age it was considered a sign of prestige to be able to join the nuclear club, notably by demonstrating membership through testing. However by the end of the Cold War, especially in the mid to late 1990s, international prestige was gained instead by remaining outside of the nuclear club and demonstrating prowess in alternative areas, such as trade dominance or other technological advancements.[59] The change in norms lends credence to the constructivist claim that the international system and state identities are not fixed. However, the existence of the NPT as an institution clearly created the forum for states to safely explore new identities.

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[57] Sagan, Scott D. "Why Do States Build Nuclear Weapons?: Three Models in Search of a Bomb." International Security 21:3 (1996-1997): 54-86. Page 75-76.

[58] McMorris Tate, Page 403.

This shift in norms would have been difficult to obtain without the continued existence of the NPT. Indeed, the NPT provided an alternative way for countries to express technological prowess, through mastering civilian nuclear technology instead of pursuing nuclear arms.[60] This is true for most countries, but for those countries that reject the NPT and the non-proliferation regime in general, nuclear weapons acquisition is still necessary for increasing status: "sophisticated militaries have come to symbolize modernity, efficacy, and independence....Weapons, like flags, are emblems of full sovereign status."[61]

One of the more powerful aspects of the NPT is the clear delineation it creates between acceptable and unacceptable nuclear behavior. The rules of the institution create a strong backbone to the norms of the regime – it is impossible for a NWS to feign ignorance about the acceptability of transferring nuclear weapons to a NNWS. The clear bright line that the NPT creates between appropriate and inappropriate behavior, coupled with the awesome destructive capability of nuclear weapons provides a strong incentive for countries to punish fellow member countries that choose to disobey the rules of the game. The consequences a violator to the regime may face include diplomatic isolation, sanctions of all types, and more dangerous, neighbors choosing to follow suit by obtaining nuclear weapons of their own.[62] However, as will be explored later, there are very few instances of non-compliant states suffering actual consequences.

Another norm that has established itself is the prohibition against testing. "International nonproliferation norms have also inhibited proliferators from conducting full-scale nuclear tests."[63] The international reaction to India's 1974 test can be considered one of the motivating

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[59] Sagan, Page 76.

[60] Suchman, Mark C., Dana P. Eyre. "Military Procurement as Rational Myth: Notes on the Social Construction of Weapons Proliferation." Sociological Forum 7:1 (1992): 137-161. Page 152.

[61] Ibid. Page 139.

[62] Paul, Power versus Prudence, 9-10.

[63] Karl, David J. "Proliferation Pessimism and Emerging Nuclear Powers." International Security 21:3 (1996-1997): 87-119. Page 106.

reasons for other countries to forgo testing until 1998, and it was India that was willing to cross the testing threshold once again.[64] By far, the most powerful norm that has developed around nuclear weapons is the nuclear taboo.

NUCLEAR TABOO

The norm against nuclear use, the nuclear taboo, was not a foregone conclusion. As nuclear weapons were being developed by the United States there was very little discussion attributing nuclear weapons special status – indeed it was thought that nuclear weapons would be merely highly destructive conventional weapons. The special status granted nuclear weapons was a process that took many years to fully establish; and once established the nuclear taboo[65] has helped strengthen the non-proliferation regime and entrench the norms surrounding nuclear weapons. The taboo is applied to all nuclear weapons irrespective of their destructive power – using a tactical nuclear weapon would have as much negative impact on the taboo as dropping a thermonuclear bomb. In the year 2006 for the majority of policymakers the nuclear option simply does not exist. However, the nuclear taboo is not indestructible, and once broken, depending on the international response to the transgression, the nuclear taboo may never be fully repaired.

A realist conception of international politics cannot account for the nuclear taboo and its impact on NWS nuclear decision-making in times of conflict. Nor can realist theory account for decisions of non-nuclear armed countries to initiate conflict against nuclear armed countries. The United States did not use nuclear weapons against the former Soviet Union to ensure a

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[64] Deutch, John M. "The New Nuclear Threat." Foreign Affairs. (1992).

[65] Tattenwald, Nina. "Stigmatizing the Bomb; Origins of the Nuclear Taboo." International Security 29:4 (2005). "The nuclear taboo refers to a de facto prohibition against the first use of nuclear weapons. The taboo is not the behavior (of nonuse) itself but rather the normative belief about the behavior...A taboo is a particularly forceful kind of normative prohibition that is concerned with the protection of individuals and societies from behavior that is defined or perceived to be dangerous. It typically refers to something that is not done, not said, or not touched."

continuing nuclear monopoly, nor did the US use nuclear weapons during Vietnam or during the first Persian Gulf War. Further, nuclear weapons, while supposedly the ultimate deterrent have not stopped non-nuclear weapon capable countries from attacking nuclear armed countries – these examples include China confronting the US during the Korean War, North Vietnam attacking US forces during the Vietnam War, Argentina attacking Britain during the Falkland conflict, and Iraq targeting Israel and the United States during the Persian Gulf War. The third and fourth anomalies are intimately linked. If states are constantly seeking security, the relatively small numbers of nuclear weapon states is not easily explained, nor is their relative security within the international system.[66] However, if the taboo is taken into account, these seemingly odd decisions and conundrums make more sense. Realist conceptions of international politics cannot account for the existence of the nuclear taboo, nor does regime theory. The nuclear taboo took hold more firmly and faster than the change in norms surrounding nuclear acquisition. Constructivist theory can potentially fill this gap. The nuclear taboo was initially developed as a response to public fear regarding the destructive power of nuclear weapons substantiated by the US's desire to self-identify as the benevolent victor of WWII – constructivist theory is the only theory that allows for this type of analysis.

The taboo on nuclear weapons was not a foregone conclusion. The prohibition against nuclear use in every situation has yet to be codified in any international treaty or international law.[67] Following the tenets of realist theory, it would have made more sense for countries to adopt nuclear weapons as another conventional weapon. During the 1950s United States military planners were convinced that nuclear weapons would be successfully added to the United States'

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[66] Tannenwald, "The Nuclear Taboo", Page 433-434.

[67] Paul, T.V. "Nuclear Taboo and War Initiation in Regional Conflicts." The Journal of Conflict Resolution. 39:4 (1995) 696-717. Page 699 and 705. Although the NPT does include prohibitions against nuclear use by NWS against NNWS, there is no universal prohibition of use in the NPT. Although it would go against the nature of the NPT, there is no prohibition against nuclear use between NWS. Despite this, China has a universal no-first-use pledge, and the United States, Britain and France all maintain conditional no-first-use policies. They commit to not initiating a nuclear attack against any member to the NPT, unless one of their allies is the victim of a

useable arsenal. This followed the traditional path of almost all weapons; once a weapon is introduced into an arsenal and proves useful it is fully incorporated.[68] Further in 1945 nuclear weapons did not have the stigma that they do now – the decision to drop the bomb on Hiroshima and Nagasaki seemed merely a continuation of the bombing policies that were already in place in Europe. The US public was a fully behind the decision to use atomic weapons on Japan to end the war – roughly 86 percent surveyed after the war approved of the decision to use Fat Man and Little Boy. Similarly the United States Air Force was excited to add this impressive new weapon to its arsenal, which would increase the relevance of this branch of the military.[69] As reports of radiation poisoning began to leak out of Japan, the United States attempted to muffle this information from reaching the US public for fear that nuclear weapons would become analogous with chemical weapons which were already firmly rejected by the public. The US public and military planners were very concerned about maintaining moral authority when practicing warfare, and reports of the long-term negative consequences of nuclear weapon use would destroy this moral authority.[70] This fits in neatly with the constructivist project, noting the evaluation of identity for actors in the system.[71] If the United States was merely interested in maintaining military superiority over other countries in the world, radiation poisoning would not be problematic; however, the United States believed itself to be and was concerned about being perceived as a benevolent superpower.[72]

The awesome destructive power of nuclear weapons combined with the growing public perception that nuclear weapons should only be used in very rare instances when survival of the

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nuclear attack. The Soviet Union did have a no-first-use pledge, but with the dissolution of the USSR, Russia has adopted a policy more in line with the United States, the UK and France.

[68] Tattenwald, "Stigmatizing the Bomb."

[69] Ibid

[70] Ibid

[71] Ruggie, John Gerard. "What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge. International Organization. 52:4 (1998) 855-885. Page 863.

[72] Strauss, Ira. "Reversing Proliferation." National Interest 77 (2004).

homeland was at stake helped facilitate the beginning of the nuclear taboo.[73] Truman initiated this process in the United States by insisting that nuclear weapons be classified as distinct from conventional weapons. Instead of allowing the military custody of nuclear weapons, control was handed over to the newly created Atomic Energy Commission, a civilian entity that ensured that the US President had sole control over nuclear weapons use. Truman, although ultimately responsible for the decision to drop the bomb on Japan, became deeply troubled by this decision and did not want to repeat it as was evidenced by his refusal to use them during the Korean War.[74] The UN Atomic Energy Commission (UNAEC) created in January 1946 established an international body that would help to stigmatize nuclear weapons on a worldwide scale. The UNAEC was charged with ensuring that nuclear technology would only be used for peaceful purposes.[75] Adding rhetorical weight to the United Nation's push for stigmatizing nuclear weapons, during the 1940s and 1950s the USSR continually called for prohibition on any further use of nuclear weapons. The United States viewed this as merely political on the USSR's part to curry favor with the third world, since the USSR was actively pursuing nuclear weapons itself. However, this push by the USSR increased the international discourse that gave more weight to an emerging taboo against nuclear weapons.[76] By making public calls for an international policy of non-use the Soviet Union was actively attempting to change other actor's perception of it.[77]

Despite the growing widespread appeal of anti-nuclear discourse, most Western powers rejected any declaratory policy against nuclear non-use that was not accompanied by verifiable disarmament.[78] At the same time, the creation of a new class of weapons, "weapons of mass destruction" (WMD), helped to strengthen the growing taboo. This terminology was originally

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[73] Paul, T.V. "Nuclear Taboo and War Initiation in Regional Conflicts." The Journal of Conflict Resolution. 39:4 (1995) 696-717. Page 702.

[74] Tattenwald, "Stigmatizing the Bomb."

[75] Ibid.

[76] Ibid.

[77] Wendt, "Anarchy is What States Make of It", Page 420-421.

[78] Tattenwald, "Stigmatizing the Bomb."

created by a US-UK-Canadian communiqué drafted by a US official in November 1945, calling for an international commission to eliminate WMD from national arsenals. This phrasing was used in the 1946 creation of the UNAEC, and in 1948 the UN formally adopted this language to refer to chemical, biological and nuclear weapons.[79] Creating a new lexicon to draw from when discussing nuclear weapons helped to shape the shared interactions countries had which contributed to the development of the nuclear taboo. By creating a separate class for nuclear weapons to fall within the international community had a new, shared experience that informed all relations. Countries were alerted that using these weapons would be "special" in a negative way.

Following these international institutional moves to stigmatize nuclear weapons, the nascent grassroots anti-nuclear movement began to gather steam. These movements, both against using the bomb in wartime and nuclear testing, were fueled by growing fear of nuclear war and health concerns as the effect of radiation poisoning became more well-known. Many of the demonstrations against nuclear testing received widespread media coverage which helped to shift worldwide public opinion against nuclear testing and no first use of nuclear weapons before many policy makers began to share similar thoughts.[80] While policy makers may not have been as stridently anti-nuclear, they did recognize the potential political disaster they would face, both at home and abroad if they were to make the decision to use nuclear weapons.[81] The anti-nuclear movement contributed to the formation of the nuclear taboo in three ways; it shifted the discourse on nuclear activity, engaged in moral consciousness-raising, and mobilized public support in favor of nuclear restraint. This attached a moral weight to nuclear weapons that is not necessarily attached to conventional weapons. The mobilization of public support in favor of

[79] Ibid.
[80] Ibid.
[81] Paul, "Nuclear Taboo." Page 704.

anti-nuclear policies in turn put pressure on national leaders to change national policies.[82] Changing national policies to reflect an extremely cautious approach towards nuclear weapons indicates that states consider more than relative power gains in the international system.

The United States government actively tried to counter the growing nuclear taboo. In the early 1950s United States military planners recognized a need to reduce the moral stigma attached to nuclear weapons use. During the Korean War, the United States actively considered the use of nuclear weapons, but was constrained from using nuclear weapons by both worldwide and domestic anti-nuclear sentiment, as well as Truman's distaste for the weapons. Recognizing this emerging taboo, the U.S. administrations at the time (Eisenhower) sought to halt this norm from developing.[83] It is worth noting that during the Korean War, the United States' nuclear stockpile was very small and many people in the military did not want to "waste" the bombs in Asia when Europe represented the core security interests of the United States. Further, military planners did not feel there were many useful targets in Korea, and that the use of nuclear weapons might not be enough to win the war.[84] However, while the nuclear option was on the table, the UK's Prime Minister Clement Attlee flew to Washington to urge the Americans to not use the bomb on Korea.[85] Therefore the decision to not use nuclear weapons during the Korean War is most fully explained if one embraces both a realist and norm-based answer. Following the Korean War, the Eisenhower administration started a policy of attempting to "conventionalize" tactical nuclear weapons.[86] Both the United States and Soviet Union recognized that their thermonuclear weapons violated every conception of proportionality; however the prevailing thought in both governments was that the development of smaller yield nuclear weapons could become accepted by their respective populations. Therefore a two-

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[82] Tattenwald, "Stigmatizing the Bomb."

[83] Ibid.

[84] Tannenwald, "The Nuclear Taboo." Page 443-444.

[85] Schelling, Thomas. "The Legacy of Hiroshima." Institute for Philosophy and Public Policy 20:2/3 (2000) 18 November 2005 <http://www.puaf.umd.edu/IPPP/reports/vol20sum00/vol20.html>

pronged approach was taken; the first prong was to devote resources to developing tactical nuclear weapons, the second prong was a public relations effort to convince public opinion that the tactical weapons would not violate any taboo.[87] The precedent of non-use set by the Korean War proved difficult to overcome. To counteract this precedent the US integrated nuclear weapons into military planning without making any distinction between nuclear and conventional weapons and therefore fully established a first use policy. In 1954 NATO established a policy of first use of nuclear weapons against a Soviet Union conventional attack – to implement this strategy the United States stationed many tactical weapons in Europe.[88] The United States' and the Soviet Union's desire to counteract the nuclear taboo demonstrates that the two countries valued their international standing, not just in terms of material capabilities. "...Leaders who value their standing in international society seek to avoid negative social judgments and are likely to violate the norm only if there is room for interpretation of the norm or the situation."[89] The highly institutionalized nature of the NPT destroyed the possibility for interpreting the norms in a way more congenial to the superpowers' interests.

To fight the growing nuclear norms, the United States made a point of having its officials declare in international forums that there was no distinction between nuclear weapons and other arms, and to make it well known that the United States government did not have a no first use policy.[90] This was meant to increase the value of the United States nuclear deterrent and to disengage the moral attributes that the anti-nuclear movement had attached to nuclear weapons. This was crucial for a US president to survive politically making the decision to use nuclear weapons against an adversary. This concern about the growing worldwide disgust at nuclear use was shared by other leaders of Western countries. Western governments attempted to derail

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[86] Ibid.
[87] Tattenwald, "Stigmatizing the Bomb."
[88] Ibid.
[89] Shannon, Vaughn. "Norms Are What States Make of Them: The Political Psychology of Norm Violation." International Studies Quarterly 44:2 (2000): 293-316. Page 294.

peace demonstrations, infiltrated and monitored peace groups and disseminated pro-nuclear propaganda some of it containing knowingly false information.[91] Despite these efforts, by the end of the 1950s, governments admitted defeat – public opinion would not be swayed and therefore an important piece of the taboo was created.

The United States, the Soviet Union and the United Kingdom caved to public pressure, and in 1958 they all adopted a testing moratorium and in 1963 a ban on atmospheric testing. These concessions contributed to the legitimacy of the nuclear taboo, there had never been a ban on testing weapons before, which added to the distinction of nuclear weapons as a "special" class of weapons.[92] During the 1960s and 1970s the United States and the Soviet Union furthered the nuclear taboo by entering into bilateral arms control agreements including the Anti-Ballistic Missile (ABM) treaty which was in a sense a de facto no first use policy between the two countries. During this period the United States and other NWS extended negative security assurances to NNWS. The two superpowers acquiescence to such curtailments on their massive stockpiles was due in part to a strategic stalemate that developed between the two and the shock the 1962 Cuban Missile Crisis produced. The early 1960s also saw the growing influence of the Non-Aligned Movement (NAM) in the UN General Assembly. The NAM was able to pass multiple resolutions that called for a ban on nuclear use and equated nuclear use with crimes against humanity.[93] These resolutions helped institutionalize the taboo on nuclear weapons at the international level and simultaneously produced pressure on the superpowers to show progress on arms control, which in turn led to an increase in the perceived legitimacy of the nuclear taboo as superpowers bowed to it.

Another factor that increased the legitimacy of the nuclear taboo was the democratization of nuclear policy making – which was most pronounced in the United States. By the 1970s

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[90] Tattenwald, "Stigmatizing the Bomb."
[91] Ibid.
[92] Ibid.

instead of nuclear policy being the bastion of the scientific and security elite, enough information had disseminated that civil, environmental and public movements were able to challenge their exclusive hold on information. At the same time, within the United States, more bureaucratic agencies got involved with nuclear decision making which provided a counterweight to the pro-nuclear views that were pushed by the military. An important contribution to the strengthening of the nuclear taboo was the personal views of US Presidents Kennedy and Johnson, who were strongly anti-nuclear.[94] They both occupied an unparalleled position in which to check proponents of nuclear use, especially Kennedy during the early years of the Vietnam War. Johnson made it abundantly clear that he was anti-nuclear use when he publicly declared in September 1964: "Make no mistake. There is no such thing as a conventional nuclear weapon. For 19 peril-filled years no nation has loosed the atom against another. To do so now is a political decision of the highest order."[95] The United States chose to lose the war instead of using nuclear weapons. Unlike the Korean War, many potential targets presented themselves. Similarly to the Korean War, nuclear use was considered by a US administration and ultimately rejected. Using nuclear weapons did present a potential escalatory risk. US military planners were worried that the use of nuclear weapons against North Vietnam might provoke China and in turn provoke the Soviet Union. The risk of escalation was open for debate, and by this time the nuclear taboo was more firmly established which allowed opponents of nuclear use to cite the special status of nuclear weapons as a reason not to use them for fear of jeopardizing US moral leadership in the eyes of US allies.[96] This made very clear that the administration had fully accepted the nuclear taboo. The decision to not use nuclear weapons during the Vietnam War by both Kennedy and Johnson, gave more precedent to non-use by the United States.

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[93] Ibid.
[94] Ibid.
[95] Schelling, Thomas. "The Legacy of Hiroshima." Institute for Philosophy and Public Policy. 20:2/3 (2000) 18 November 2005 <http://www.puaf.umd.edu/IPPP/reports/vol20sum00/vol20.html>.
[96] Tannenwald, "The Nuclear Taboo." Page 451-452.

The aggressive nuclear policies of the Reagan administration gave rise to the largest anti-nuclear movement, which enveloped non-use, testing and widened to include the mere possession of nuclear weapons. This large grassroots movement was joined at the state level by NNWS and non-nuclear weapons states that were not yet member to the NPT. These states continued to put more pressure on the two superpowers to curtail their rapid weapons procurements policies and to enter into stricter arms control agreements.[97]

The United States is not the only NWS that has paid attention to the nuclear taboo. The Soviet Union accepted a humiliating defeat in Afghanistan rather than use nuclear weapons. China did not use nuclear weapons in Vietnam in 1979.[98] This could be also attributed to the realization by NWS that a military victory that had to be secured through the use of nuclear weapons would ring hollow. The enemy's population and territory would be destroyed, the impact of nuclear weapon use may not be contained to just the enemy territory, and radioactive clouds could threaten areas of the globe that were nowhere near the targeted state.[99]

While realist explanations exist for all of the above examples of non-use, the nuclear taboo still played a role, in as much that leaders who were advocates of using nuclear weapons acknowledged the norm against use by arguing against it. Further, despite some administration's strong desire to use nuclear weapons, especially Nixon's against North Vietnam, they ultimately did not use nuclear weapons.[100]

This success of the non-proliferation regime has created a conundrum for Nuclear Weapon States. As the NWS continued to rely on the deterrent effects of nuclear weapons by creating a massive stockpile of increasingly sophisticated nuclear weapons and simultaneously refused to use these weapons, the deterrent value of nuclear weapons against NNWS may have

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[97] Tattenwald, "Stigmatizing the Bomb."
[98] Paul, "Nuclear Taboo." Page 703.
[99] Paul, Power versus Prudence. Page 31.
[100] Tannenwald, "The Nuclear Taboo." Page 462-463.

dropped, as countries began to believe that the NWS would pay more heed to the taboo.[101] As the norms surrounding nuclear weapons matured it became increasingly clear that nuclear weapons were not effective instruments to accomplish political and military goals, and that the only real value nuclear weapons had militarily was to deter other nuclear armed countries from striking first.[102] By the time that tactical nuclear weapons had been developed, which would allow nuclear weapons to be used strategically on the battlefield, the nuclear taboo has become fully ingrained into the strategic culture of all NWS.[103]

The 1982 Falkland War provided more credence for the taboo. Argentina, a non-nuclear capable country, attempted to gain possession of a nuclear-weapons capable territory, Britain's Falkland Islands. Although Britain had not made it clear to Argentina how fiercely it would protect its possession, Argentina should have considered the conventional and nuclear superiority of Britain more closely than it appears to have done. Instead, Argentina's calculations appear to be based on the assumption that Britain would do little to protect far-off territory that provided little economic or strategic value. Argentina did take into account Britain's nuclear capability, but appears to have dismissed the potential of use as unlikely; Britain's homeland was not at stake and the United States and the U.S.S.R would have prevented Britain from using nuclear weapons had it threatened to do so.[104] Argentina was able to assume that the U.S and U.S.S.R had an invested interest in maintaining the nuclear taboo since neither country had chosen to use them when their interests were at stake. It would be very unlikely that either country would allow Britain to break the taboo when the two superpowers had suffered losses in order to maintain it.

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[101] Ibid, Page 463-464.

[102] Brito, Dagobert L, Michael D. Intriligator. "The Economic and Political Incentives to Acquire Nuclear Weapons." Security Studies. 2:3/4 (1993): 287-306. Page 290.

[103] Ibid. Page 290.

[104] Paul, "Nuclear Taboo." Page 709-711.

As the Cold War came to an end the nuclear taboo seemed firmly entrenched, at least in declared nuclear powers. The strength of the taboo has, luckily, yet to be tested. It is next to impossible to tell if the taboo has become internalized within a country or is merely a rational self-interested decision to abide by it. One way of attempting to make a distinction between adherence to the taboo as a result of belief in the taboo or merely a self-interested calculation is to examine the domestic debates surrounding nuclear behavior. When discussions invoke normative and moral arguments, it can be argued that the nuclear taboo is in effect, not merely a tradition of non-use. Further, actors themselves discuss being constrained by the taboo, which lends credence to the taboo.[105] However the taboo cannot be fully robust, since nuclear armed countries are constantly preparing to break it by building up their stockpiles. In a world where a fully robust nuclear taboo existed, there would be complete disarmament. However, recognizing that as a near impossibility given the current structural constraints, the nuclear taboo can be considered as fully developed as any normative constraint against nuclear weapons could be in the status quo.[106]

CASE STUDIES

The previous discussion of international theories sets the stage to apply this analysis to actual case studies. By examining individual state's nuclear decision-making it becomes clear that no single theory provides a truly compelling framework for all nuclear decisions to fit within. Even within an individual state, a single theory cannot provide enough explanatory power.

The following twelve countries (the United States, Israel, Iraq, Iran, North Korea, India, Pakistan, Libya, South Africa, Argentina, Brazil, and Ukraine) were chosen for the challenges

[105] Tattenwald, "Stigmatizing the Bomb."
[106] Ibid.

they pose to the three theoretical approaches explored in this paper. While some countries fit well within one framework, there is not a single theoretical model that can explain all twelve countries nuclear decision making adequately.

THE UNITED STATES

The United States was the first country to develop nuclear weapons, the only country to use nuclear weapons in wartime, and one of the main architects of the non-proliferation regime. The United States has traditionally been the leader in non-proliferation efforts, starting with the creation of the NPT. The United States cannot escape this legacy, nor does it desire to. The United States has long relied on arms control measures and the non-proliferation regime to facilitate its national security.[107]

At the end of World War II, the United States was the undisputed leader in regards to nuclear weapons and related technology. During this time the United States attempted to create a system of international ownership of all nuclear material and facilities through the 1946 Baruch Plan, which was a predictable failure. The United States then did its best to maintain a nuclear monopoly. However, by 1952, both the United Kingdom and the Soviet Union had established themselves as nuclear powers without direct assistance from the United States. Recognizing the inevitability of continued nuclear acquisition by more states, the United States attempted to control proliferation through controlled cooperation by establishing the 1953 Atoms for Peace program which centered on manipulating incentives; in exchange for nuclear know-how for peaceful purposes, countries would agree to a safeguard system to verify compliance. The hope of the United States was that by providing nuclear technology Washington would gain influence

[107] Scheinman, Lawrence. "Nuclear Policies and Nuclear Disarmament Policies of the United States." ." Nuclear Disarmament in the Twenty-first Century. Edited by Wade L. Huntley, Kazumi Mizumoto and Mitsuru Kurosawa. Hiroshima Peace Institute. Hiroshima, 2004. Page 79.

over and cooperation with participating countries. However, the Atoms for Peace program did not have any injunctions. While the United States had participants in the program pledge that they would not use the proffered technology for military means, there was no retribution if this technology was routed into a weapons program.[108]

The NPT created an international arrangement that clearly defined acceptable and unacceptable behavior that coincided with US security interests. The moral arguments generated by the nuclear taboo debate coupled with the highly ideologically charged nature of the Cold War gave the United States yet another angle to compel states to join the treaty. Further, the United States' position as the only country capable of challenging the Soviet Union, left countries who did not wish to join the Warsaw Pact few options; either join forces with the United States or attempt to remain unaligned. The United States used its preeminence to compel numerous countries to join the NPT, including South Korea, Egypt, Taiwan, and Saudi Arabia.[109] The United States has attempted to make the cost of weapons acquisition high. Along with supply-side barriers which substantially raise the cost of weapons material and technology, the

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[108] Smith, Roger K. "Explaining the Non-Proliferation Regime: Anomalies for Contemporary International Relations Theory." International Organization 41:2 (1987): 253-281. Page 264-266.

[109] Einhorn, Robert. "Will the Abstainers Reconsider? Focusing on Individual Cases." In The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices. Edited by, Campbell, Kurt M., Robert J. Einhorn, Mitchell B. Reiss. Brookings Institution Press, Washington DC. 2004. Page 35. "South Korea and Taiwan, for example, long ago had an active interest in acquiring a nuclear capability, but they were pressured by the United States to abandon such plans and have been compliant with the NPT ever since." Einhorn, Page 51. Egypt decided to confirm its non-nuclear posture when it realized that there was no option to obtain civilian reactor technology without US support which was dependent upon Cairo joining the NPT. Lippman, Thomas W. "Saudi Arabia: The Calculations of Uncertainty." In The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices. Edited by, Campbell, Kurt M., Robert J. Einhorn, Mitchell B. Reiss. Brookings Institution Press, Washington DC. 2004. Page 116-117. Saudi Arabia signed the NPT to assuage the United States which was upset about a Saudi Arabian missile deal with the Chinese. Pollack, Jonathan D and Mitchell B Reiss. "South Korea: The Tyranny of Geography and the Vexations of History." In The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices. Edited by, Campbell, Kurt M., Robert J. Einhorn, Mitchell B. Reiss. Brookings Institution Press, Washington DC. 2004. Page 263. "Washington brought both indirect and direct pressure to bear upon Seoul to forsake its nuclear weapons ambitions. It intervened with Paris, Brussels, and Ottawa to head off any sales of sophisticated nuclear technology to South Korea. The United States pressed Seoul to ratify the Non-Proliferation Treaty, and it threatened to terminate all civilian nuclear energy cooperation with the ROK. Even more fundamentally, the United States threatened to end the bilateral relationship with the ROK." Mitchell, Derek. "Taiwan's Hsin Chu Program: Deterrence, Abandonment, and Honor." In The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices. Edited by, Campbell, Kurt M., Robert J. Einhorn, Mitchell B. Reiss. Brookings Institution Press, Washington DC. 2004. Page 293. "Faced with strong pressure from the United States and the

US has long championed the use of economic sanctions to punish countries suspected of not complying with the NPT.[110] The United States has long viewed the NPT as key to its national security. In 1995 the NPT was set to expire unless a consensus was reached and members to the treaty agreed to extend it permanently.

In 1995, at the Review Conference to determine the fate of the NPT, the United States pursued an intense lobbying effort to ensure that the NPT would be extended indefinitely.[111] The United States' interests had and would continue to be served admirably by the NPT. The United States had long been a promoter of non-proliferation goals and it was closely identified with the NPT. Therefore, at the 1995 Review Conference nothing short of indefinite extension of the NPT would have been viewed as a success by the US. Further, the permanent extension of the NPT would reinforce the global non-proliferation norm and make it easier to pressure states that remained outside the NPT to join the Treaty.[112] Most importantly the NPT provided:

> a scale of assurance, a powerful and near-universal legal and political norm, and a degree of verification that are simply not achievable without ongoing, concerted multilateral efforts....It is uniquely important as the collective means of furthering a critical national security objective of all states: that of minimizing the proliferation of the most dangerous weapons in existence.[113]

The United States' security interests had been uniquely served by the end of the Cold War. The continuation of the NPT ensured that the US nuclear weapons capability could not be matched in terms of quality. Further, the US conventional military remained the most advanced. If the NPT were allowed to expire, the United States would have to face an increasing number of states with nuclear capabilities as well as the increasing potential of nuclear weapons falling into the hands of non-state actors. The US wished to remain the hegemon without challengers in sight.

International Atomic Energy Agency (IAEA) throughout the 1970s and 1980s, Taiwan finally renounced its nuclear program in 1988."

[110]Quester, George H, and Victor A. Utgoff. "Toward an International Nuclear Security Policy." The Washington Quarterly. 17.4. (1994).

[111] Smith, R. Jeffrey. "Permanent nuclear treaty extension may be approved by consensus vote; Most nations on record in support after effort by U.S. and allies." The Washington Post A7. May 8, 1995.

[112] Reiss, Mitchell. "The Last Nuclear Summit." The Washington Quarterly 17:3 (1994).

The Clinton administration began the lobbing effort for the permanent extension of the NPT early on targeting key states which could have acted to block the extension, including South Africa and Mexico. Washington told South Africa that if it only supported a 25-year extension instead of a full extension, its non-proliferation credentials would be called into question and its right to gain membership to the Nuclear Supplies Group would be threatened, a particularly compelling threat considering Pretoria's recent revelation of a secret nuclear program that had been in direct violation of the NPT. The US also forcefully reminded Mexico that it had just provided the country with a bailout package that rescued the Mexican economy.[114] The United States lobbying effort was successful and the NPT was indefinitely extended in 1995.

Soon after securing the permanent extension of the NPT in 1995, the United States approach towards non-proliferation efforts underwent a dramatic change that coincided with the Republican takeover of Congress in the mid-1990s. The US Senate rejected the Test Ban Treaty in 1998 and in 1999 the National Missile Defense Act was passed.[115] This trend towards favoring unilateral over multilateral approaches to non-proliferation was hastened with the arrival of George W. Bush. With Congressional support, the Bush administration pursued an unabashedly unilateral approach towards non-proliferation and simultaneously sent signals that it was reconsidering the norms surrounding the nuclear proliferation regime, particularly in regards to preemption and nuclear use.[116]

Despite the United States' military preeminence in the post-Cold War world, Washington has continued to rely on its nuclear arsenal. The Nuclear Posture Reviews (NPR), components of which are made public, make it exceedingly clear how the United States plans on utilizing its substantial nuclear arsenal. While the 2002 NPR confirmed that there was a sharp reduction in

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[113] Hewitson, Page 406-407.

[114] Smith. R. Jeffrey.

[115] Walker, William. "Nuclear Order and Disorder." International Affairs 76:4 (2000): 703-724. Page 713, 715.

[116] Hewitson, Page 489-490.

actual nuclear arms, this was not cause for celebration, as the remaining nuclear forces moved to the forefront of US defense planning.[117] This sends a clear message to the rest of the world that the United States, the country with the most advanced conventional military, with no clear challenger in sight, continues to rely heavily on nuclear weapons. This in turn signals the importance of nuclear weapons possession to the remaining non-nuclear countries, and suggests to nuclear-weapons capable countries that they, too, should increase their reliance on strategic arsenals. The effects of declaratory policies are also seen when countries resort to nuclear threats to achieve political outcomes:

> Using nuclear weapons threats to coerce weaker states in regional contexts does not merely retain a post-Cold War role for nuclear weapons; it makes reliance on nuclear use threats and scenarios even more prominent – and more 'thinkable' – than during the Cold War.[118]

This creates a feedback loop where unarmed countries view nuclear weapons as an attractive option to both avoid coercion by more powerful countries and as a means to achieve regional security goals by threatening their unarmed neighbors.

The United States' declaratory policies bear the most weight on the international system because "US power preeminence today extends through so many dimensions – military, economic, and cultural – that states such as North Korea, China, India, and Pakistan, and even Russia, are now essentially *reactive* to US initiatives."[119]

The United States' moves towards nuclear testing impacts the non-proliferation regime and the NPT as well. The United States' non-proliferation credibility is severely damaged when it takes steps to increase the readiness of its nuclear arsenal. While a unilateral nuclear testing moratorium was put into place in 1992, there are signs that the United States is moving towards restarting testing. The Department of Energy, which is responsible for the maintenance of the nuclear weapons stockpiles, has increased spending on the nuclear arsenal despite the end of the

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[117] Huntley, Wade L. "Toward Regional Disarmament: East Asian Implications of US Strategic Policies." Nuclear Disarmament in the Twenty-first Century. Edited by Wade L. Huntley, Kazumi Mizumoto and Mitsuru Kurosawa. Hiroshima Peace Institute. Hiroshima. 2004. Page 358.

Cold War. This is partially a result of the decision in 1995 to pursue virtual testing of the nuclear arsenal. This would hypothetically increase reliance on the existing nuclear arsenal without having to perform nuclear explosions. Instead new facilities would be constructed that allowed for three-dimensional recreations of the explosion would be created. However, this has proven to be enormously costly and has been criticized for exacerbating the proliferation of nuclear weapons knowledge.[120]

The Bush administration was not content with the results of the virtual testing program, so they added a Science Campaign whose purpose is to improve US capabilities for predicting the performance of existing weapons. However, included in this account are funds to reduce the amount of time necessary to resume underground testing at the Nevada Test Site from three years to eighteen months. Further, there are additional funds devoted to the Microsystems and Engineering Sciences Application Complex. This complex is supposed to develop new microelectronic machine components that will ensure that the US nuclear arsenal is still useable and provide parts for nuclear weapons components that are no longer operational. This complex also includes the Weapons Integration Facility that has visualization facilities that can design new weapons components.[121]

Washington has also allocated $4 billion to the Modern Pit Facility, which would be able to produce 250-900 pits per year. Pits are the plutonium core of a nuclear weapon. This would increase the United States ability to produce nuclear weapons.[122] The Modern Pit Facility is particularly dangerous because "such bomb-making abilities don't just knock the moral-political props out from under efforts to stem bomb programs in North Korea, Iran, India, and Pakistan.

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[118] Ibid. Page 362.
[119] Ibid. Page 363.
[120] Paine, Christopher. "Coddling the Nuclear Weapons Complex." Arms Control Today (2004).
[121] Paine, "Coddling.."
[122] Paine, Christopher. "It really is the pits." Bulletin of the Atomic Scientists 59:5 (2003).

They're a felonious frontal assault on the Nuclear Non-Proliferation Treaty itself."[123] The Bush administration has said that it is currently not planning on testing, but that it will maintain the option to do so in the future. Ari Fleischer in January 2002 stated:

> The President has said that we will continue to adhere to the no-testing policy. If that would change in the future, we would never rule out the possible need to test to make certain that the stockpile, particularly as it's reduced, is reliable and safe. So he has not ruled out testing in the future, but there are no plans to do so.[124]

The credibility of the United States as a proponent of non-proliferation is severely damaged by all of the activities to maintain its nuclear arsenal and increase the readiness of the weapons to be used.

After securing the permanent extension of the NPT in 1995, the United States has been moving away from relying on multilateral and bilateral arms control measures. The non-proliferation regime and the NPT are specifically damaged by the current unilateral approach the United States is taking towards arms control measures.

The first indication that the United States was moving away from relying on traditional arms control measures was Washington's unilateral withdrawal from the Anti-Ballistic Missile Treaty (ABM). In 1999 the US adopted the National Missile Defense Act which authorized the implementation of a national missile defense (NMD) system that could protect the country from a limited ballistic missile attack. It is suspected that then-President Clinton was motivated to sign the bill because of Congressional Republican pressure and the knowledge that if he had vetoed the bill his veto would have been overridden. When Clinton met with President Putin of Russia, Putin informed him that any unilaterally deployed NMD system would violate the ABM.[125]

Even before Bush entered office, Donald Rumsfeld stated that the US was committed to a NMD system regardless of opposition from Russia, China, or Europe. On December 13, 2001

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[123] Ibid.

[124] Fleischer, Ari. "Press Briefing by Ari Fleischer." The White House: Office of the Press Secretary. January 9, 2002. 26 March 2005 <http://www.fas.org/nuke/control/ctbt/news/010902a.htm>

Bush announced the US withdrawal from the ABM Treaty which became effective June 13, 2002. While the ABM did allow either of the countries to withdraw from it as long as extraordinary events occurred, the United States explanation of its withdrawal failed to highlight anything unique in the international system.[126] Instead the United States focused on the proliferation of WMD and missile technology, something that had been occurring for decades. Further, the United States justified its position by stating that the ABM had been an agreement between the U.S. and the U.S.S.R. and that it was no longer applicable because the relationship between the U.S. and Russia was much more amicable than the previous relationship had been.[127]

The ramifications for the decision to unilaterally withdraw from the ABM are enormous. NMD destroys nuclear deterrence, which is based on the option of having a second-strike ability - in short, if Country X launched on Country Y, Country Y would have the ability to inflict unacceptable damages upon Country X in retaliation, and therefore Country X would be loathe to strike Country Y. With a missile defense shield, this situation is destroyed because even if Country Y did have the capability to strike back, Country X would have the ability to protect itself from this retaliatory strike. Therefore Country X could strike first with impunity. In this case, Country X is the United States, and though there are serious questions about the technological feasibility of the NMD system, the potential that it could work is having serious repercussions. NMD creates the impetus for both horizontal and vertical proliferation. Horizontal proliferation being either an increase in the numbers of weapons a nuclear-capable

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[125] Hewitson, Page 415-416.

[126] Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems. Moscow May 26, 1972. <http://www.state.gov/www/global/arms/treaties/abm/abm2.html> Article XV:2. "Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests."

[127] Ibid. Page 417-420.

has, or an increasing number of non-nuclear states becoming nuclear-capable. Vertical proliferation is increasing the sophistication of the stockpiles of countries that already have nuclear-capabilities. It creates the impetus for vertical proliferation, as states that already have a nuclear capability seek to modernize their capability in such a way that it would be able to overcome an NMD system. NMD systems create horizontal proliferation in two ways. NWS seek to increase their stockpiles so they would have a sheer numerical superiority to overwhelm an NMD system. This coupled with the modernization of their forces that could also occur would prompt their neighbors to pursue a nuclear weapons capability as well.[128]

Further, the unilateral withdrawal from the ABM Treaty sets a dangerous precedent for other countries to withdraw from non-proliferation treaties, such as the NPT. Indeed, the two times that North Korea announced its withdrawal from the NPT it followed strikingly similar logic to the Bush administration withdrawal from the ABM. North Korea cited the refusal of the United States to offer it a security guarantee as the rational for withdrawal. Both of the withdrawals have threatened to set a precedent that the provisions within the arms control treaties are meant to be used regardless of the opinions of the other Parties to the treaties.[129] If the NPT becomes a treaty that one joins and leaves at will, the ability of the NPT to curb nuclear proliferation will diminish greatly with the result that global security is threatened as the bedrock of the global non-proliferation regime crumbles.

The ABM is not the only treaty the United States is moving away from. The Fissile Material Cut-Off Treaty (FMCT) is a product of the U.N. Conference on Disarmament and is designed to ban production of highly enriched uranium and plutonium for weapons. It is meant

[128] Kampani, Guarav. "How a US National Missile Defense will Affect South Asia." CNS Reports. (2000) 26 March 2005 <http://cns.miis.edu/pubs/reports/usmslsa.htm>

[129] Hewitson, Page 430-434.

to bolster the NPT by imposing restraints on existing members of the NPT and also imposing restrictions on India, Pakistan and Israel who operate outside of the constraints of the NPT.[130]

In 2000, the Clinton administration had agreed to pursue negotiations for the treaty. However, in 2003 when negotiations were beginning, the Bush administration reiterated that they continued to support the treaty, but would not be willing to support a verification mechanism within the treaty. This follows suit with the Bush administrations opposition to the creation of an inspections regime for the Biological Weapons Convention, and the conclusion of a treaty with Moscow to reduce nuclear arsenals that similarly does not include any way to verify that the reductions are actually being achieved. The Bush administration's continued rejection of verification mechanisms for countries' weapons of mass destruction complexes makes it exceedingly difficult to convince India and Pakistan to open up their nuclear facilities to oversight.[131]

A global nuclear test ban has been a security objective of the international community since 1954. In 1996 negotiations for the Comprehensive Test Ban Treaty (CTBT) were concluded and the treaty was open for signature. The CTBT prohibits nuclear explosions of any kind and aims to constrain qualitative improvement to existing weapons and is a necessary move towards achieving the disarmament goals of the NPT.[132] While many countries, including the United States, have testing moratoriums in place, these domestically imposed moratoriums do not carry the same weight as if these decisions were bound by an international treaty because countries could decide to reverse their decisions at any time.

The United States signed the CTBT on September 24, 1996, and Clinton submitted it to the Senate for ratification. However, the treaty was held up for two years by Jesse Helms, the

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[130] Linzer, Dafna. "U.S. Shifts Stance on Nuclear Treaty: White House Resists Inspections Provision." The Washington Post. A1. July 31, 2004.

[131] Ibid.

[132] Johnson, Rebecca and Daryl Kimball. "Who Needs the Nuclear Test Ban?" Disarmament Diplomacy. 59 (2001) 26 March 2005 <http://www.acronym.org.uk/dd/dd59/59ctbt.htm>

Senate Foreign Relations Committee Chairman. As the CTBT made its way to the floor it was clear that the treaty would be rejected by the Senate, which it did on October 13, 1999. Then-President Clinton continued to rebut international criticism with the claim that he would continue to push for Senate ratification of the CTBT and that the US would maintain its moratorium on testing. Clinton's term ended without the US ratifying the CTBT and the Bush administration has been adamant in its opposition to the treaty. While Bush has not formally removed the treaty from consideration by the Senate, the administration has made it clear that it will not push for ratification by the Senate. To emphasis this point, the administration has limited the amount of support the United States has given to the preparatory work for the CTBT, including decreasing funds available for the verification system of the CTBT.[133]

The United States has continued to ask countries to maintain their moratoriums on testing. However, the failure of the United States to ratify the CTBT sends a mixed message to the international community. Many countries are using the US refusal to ratify the CTBT as justifications to follow suit, including China.[134] While the United States continues to modernize its weapons facilities and refuses to rule out the potential that it may resume testing, it seems ludicrous to assume that other countries would not follow suit.

Along with reversing stances on multilateral arms control measures, the United States has adopted a policy of treating states differently, which makes it exceedingly difficult to maintain the legitimacy of the NPT, already long-criticized for being hypocritical. The United States went to war in Iraq claiming a preemptive right of self-defense, utilizing what later turned out be bad intelligence that falsely indicated that Iraq had a WMD program. However, at the same time that the United States was contemplating a war with Iraq because of their potential WMD capabilities, North Korea had brazenly stated that it did indeed possess nuclear weapons but

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[133] Hewitson, Page 449-457.

[134] Cohen, Avner and Thomas Graham Jr. "An NPT for non-members." Bulletin of the Atomic Scientists. 60:3 (2004).

would be willing to enter into negotiations with the United States to resolve this dilemma. Currently Iran also has some limited nuclear capabilities; however, whether this is a weapon capability remains to be seen. The United States' approach towards global non-proliferation is currently guided by strategic and political factors primarily and only secondarily by norms of international security.[135]

The United States' differential policy towards proliferating countries can clearly be seen in the approach used towards North Korea and Iran. The two countries have differed in their approach towards the international non-proliferation regime; Iran has been working with the IAEA whereas North Korea forced nuclear inspectors out of the country and withdrew from the NPT. Further, North Korea's assertions that it has nuclear weapons are very credible. Complicating the matter, North Korea has a very large standing army, and thousands of artillery tubes that hold Seoul hostage, decreasing the credibility of using force to make North Korea comply with non-proliferation goals.[136]

A particularly glaring example of the United States' differential treatment of proliferating states is Pakistan. As early as 1979 Pakistan was helping Libya acquire nuclear technology. In 1988 Pakistan began giving nuclear assistance to Iran. It began increasingly difficult for the United States to maintain plausible deniability regarding Pakistan's own growing nuclear capabilities in the early 1990s. US assistance to Pakistan continued throughout this entire period, but was briefly strained in the late 1990s when Pakistan tested their bomb. The United States imposed sanctions, and then quickly removed them because of domestic consideration around agriculture exports. The sanctions on military items continued until after September 11, 2001

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[135] Muhula, Raymond. "Rogue Nations, States of Concern, and Axes of Evil: Examining the Politics of Disarmament in a Challenging Geopolitical Context." Mediterranean Quarterly. 14.4 (2003): 76-95. Page 83-84.

[136] Epstein, Gady A. "Nuclear talks with Iran could aid N. Korea thaw; Experts say Pyongyang is watching negotiations with eye towards U.S. aims." The Baltimore Sun 12A. November 19, 2004.

when the Bush administration decided that Pakistan would be more helpful as an ally to help fight Al Qaeda and the Taliban in Afghanistan.[137]

A.Q. Khan was the developer of Pakistan's nuclear weapons program and a widely successful proliferator of WMD technology and components. The discovery of the A.Q. Khan network dealt a threatening blow to the global non-proliferation regime. This proliferation ring operated for more than two decades on four continents and helped provide assistance to the nuclear programs of Iran, Iraq, North Korea, and Libya. With the discovery of the A.Q. Khan network, Pakistan was under intense diplomatic pressure to shut down the Khan network. However, Pakistan initially resisted arresting Khan. After a discussion between then-Secretary of State Colin Powell and President General Pervez Musharraf, Khan was arrested and confessed to his proliferating activities but stated that he had worked alone. The claim that A.Q. Khan had no help by the Pakistani government is met with skepticism by most experts. Khan was pardoned, and although many others have been detained by the Pakistani government, no others have been prosecuted.[138] Given that the current US policy is to dissuade proliferation, its lax approach to the Khan network and Pakistan's suspected involvement proves that the United States is more concerned with short-term strategic factors than promoting a global non-proliferation norm.

Increasing incentives for other countries to acquire a nuclear deterrent, the United States' new approach towards non-proliferation is counterproliferation, a strategy which is "built on selective multilateralism, in which the United States and its friends and allies may employ a flexible mix of supply-side export controls, deterrence, coercive diplomacy, global military

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[137] Weiss, Leonard. "Pakistan: It's déjà vu all over again. Pakistan liked, stole, and conned its way to becoming a nuclear power. Now it's doing the same as a nuclear broker. Will the United States do anything about it?" Bulletin of Atomic Scientists 60:3 (2004).

[138] Albright, David and Corey Hinderstein. "Unraveling the A.Q. Khan and Future Proliferation Networks." The Washington Quarterly 28:2 (2005): 111-117.

superiority, and the preventive use of military force."[139] This is reflected in the administration's rejection of the foundation of the international legal order, a high degree of skepticism in the value of arms control treaties, and an absolute determination to maintain the highest degree of flexibility for US nuclear forces.[140]

Made public by President Bush's speech to the West Point graduating class of 2002, the Bush Doctrine is the articulation of the strategic use of preemption.[141] While the United States had contemplated preemptive action during the Cold War, it never became part of United States military doctrine until the National Security Strategy.[142] What makes the Bush Doctrine particularly frightening is when it is viewed in context with the Nuclear Posture Review (NPR). The NPR which was submitted to Congress on December 31, 2001, highlights an increased reliance by the United States on its nuclear weapons. Further, the NPR has contingency plans to use nuclear weapons against seven named countries, five of which are NNWS.[143]

The United States new foreign policy approaches formulated under the Bush administration undermine the effectiveness of the NPT. The United States' insistence that it be able to consider all options in foreign policy, including the use of nuclear weapons, sends a chilling signal to the rest of the international community about the continued effectiveness of global non-proliferation regime. If the longtime champion of non-proliferation questions the usefulness of the regime, countries that were never part or who were coerced into the regime will be much more likely to break out of the NPT.

The United States' approach to nuclear weapons impacts the international community more than any other country's actions. Realism explains many of Washington's actions; the

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[139] Stanley, Richard and Michael Ryan Kraig. "The NPT: Can this treaty be saved?" Bulletin of the Atomic Scientists 59:5 (2003).

[140] Hewitson, Page 408-409.

[141] Falk, Richard. "The New Bush Doctrine." The Nation. June 27, 2002. 26 March 2005 <http://www.thenation.com/doc.mhtml?i=20020715&s=falk&c=1>

United States seems intent upon maintaining its position as the undisputed hegemon at almost all costs. However, the very actions the United States is taking to ensure its position as the hegemon may be actively undermining its power. By creating more uncertainty about how it will act towards other countries, the United States may be pushing other countries towards nuclear weapons to ensure their security, which ultimately undermines US security. Realism alone cannot fully explain US actions; it is not rational for the United States to take actions that decrease security for other states dramatically.

As one of the main architects of the NPT and the non-proliferation regime, the United States' identity has been inextricably tied to the goal of non-proliferation. The permanent extension of the NPT solidified both domestic and international perception that the United States was intent on remaining a benevolent superpower and a firm supporter of non-proliferation. However, recent US actions have sent conflicting signals to the international community about America's intentions. Using constructivist theory it is possible to explore the idea that the United States is actively attempting to change its international identity. It remains to be seen how unsettling the United States' conflicting messages regarding non-proliferation will be on the international system.

ISRAEL

Israel is not a declared nuclear weapons state, though all of its neighbors, as well as the international community, are well aware of Israel's nuclear capability. Israel has been in constant conflict with its Arab neighbors since its inception as a state. Israel's nuclear capability is best thought of in terms of a security model.

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[142] Graham, Jr., Thomas. "Is International Law Relevant to Arms Control?: National Self-Defense, International Law, and Weapons of Mass Destruction." Chicago Journal of International Law 4 (2003): 1-17. Page 2-3.

[143] Hewitson, Page 471-472.

Israel began its nuclear program in the early 1950s with help from the United States and France. Israel never attempted to deny that it was seeking nuclear weapons capability, and France was more than willing to facilitate Israel's quest to obtain a nuclear deterrent. The 1967 Six-Day War accelerated Israel's desire for a full-scale nuclear deterrent. Israel has maintained a deliberate policy of "nuclear ambiguity" to appease the West. If Israel were an overt nuclear power it would be very difficult to restrain other Middle Eastern countries from following suit, a position that would be extremely unsettling for Russia, Europe and the United States. Israel will not sign the NPT, nor accept IAEA safeguards and constantly rejects calls to create a nuclear-weapon-free zone in the Middle East, but it has signed the Partial Test Ban Treaty.[144]

Israel is also very concerned about maintaining its nuclear monopoly in the Middle East and has gone to extreme measures to ensure that no Arab country can challenge this supremacy. The attack on Iraq's Osiraq nuclear facility in June 1981 is the most dramatic example of the steps that Israel is willing to take. However, other than Iraq in the past and Iran in the present, very few Middle Eastern countries have attempted to counter Israel's nuclear ability – instead they have adapted their conventional military plans to circumvent the Israel's nuclear deterrent.[145] Indeed, the numerous attacks against Israel since it gained a nuclear capability, ranging from conventional to asymmetric, raises serious questions about the deterrent value of nuclear weapons for Israel. The 1973 Middle East War, initiated by Egypt and Syria, two non-nuclear countries, proves that in the case of Israel, nuclear weapons do little to deter attacks. By 1973 Israel was assumed to have 20 to 25 nuclear weapons, as well as the necessary delivery mechanisms, and had made implicit nuclear threats against its neighbors.[146] Egypt was aware of Israel's nuclear capability, and made the gamble that Israel would not break the nuclear taboo unless its very survival was threatened. Egypt had limited objectives with its offensive that did

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[144] Paul, Power, Page 137-138.
[145] Ibid, Page 139.

not include the ultimate destruction of Israel, but merely to regain the Sinai and push Israel back to its pre-1967 borders. Egypt was also depending on superpower intervention to restrict Israel from using the nuclear option.[147] Despite Egypt and Syria not being deterred by Israel's nuclear capability, it can be assumed that if Israel's very existence was in doubt, Israel would be willing to use its nuclear capability. It appears that Israel's neighbors are also aware of this.

Israel has kept a policy of nuclear ambiguity for multiple reasons. Declaring its nuclear capability would strain its relationship with the United States, which is of exceeding importance to Israel; the United States not only provides massive economic and military assistance, it stands behinds Israel's policies in international forums. Israel informed Iraq that it would face "massive retaliation" if Iraq used WMD against Israel. It can be presumed that Iraq understood this to mean Israel was willing to use its nuclear capability. The ballistic missiles that Iraq did launch into Israel during the Gulf War did not create enough damage to justify Israel becoming an overt nuclear power. The tests by India and Pakistan in 1998 did not change Israel's immediate security concerns as long as Pakistan refrains from overtly transferring nuclear technology to any of Israel's adversaries. Further, if Israel were to declare its nuclear capability this would provide justification for other Middle Eastern countries to acquire a nuclear capability as well.[148]

Despite not being an overt nuclear power, in international forums, especially the Review Conferences of the NPT, Israel's nuclear weapons become a major point of contention. During the 1995 Review Conference where the permanent extension of the NPT was decided, Egypt futilely insisted that it could not support a permanent extension until Israel joined the NPT. During the 2000 Review Conference, Israel's nuclear weapons were brought up again. Israel's neighbors are very adamant that Israel gives up its nuclear capability; they use Israel's refusal to

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[146] Paul, T.V. "Nuclear Taboo and War Initiation in Regional Conflicts." The Journal of Conflict Resolution. 39:4 (1995) 696-717. Page 706.

[147] Ibid, Page 707-708.

become a member of the NPT as justification to not sign other non-proliferation treaties. However, Israel remains convinced that the NPT and the non-proliferation regime are insufficient to halt proliferation, and in the case of the NPT may provide cover for countries seeking a nuclear capability.[149] The discoveries of secret WMD facilities in Iraq after the 1991 Gulf War may have only heightened these fears by Israel.

Israel's desire to keep its nuclear capability can be most easily explained by realist theory. Israel flatly rejects the idea that normative concerns or the constraints of an international institution will halt a country intent on acquiring a nuclear capability. Having fought several wars since its inception, Israel is not in a position to test the validity of alternative theories.

> Israel believes that massive conventional attack or a WMD attack by the Middle Eastern Islamic states would cause certain annihilation since its military is numerically inferior, it lacks strategic depth, and its population and industries are concentrated around just a few areas.[150]

Israel has never vocally opposed the NPT or the non-proliferation regime, nor declared that its nuclear weapons increase its international status. Further, Israel has never used its nuclear weapons as a way to gain domestic political support.[151] Even though it has one of the most advanced conventional militaries in the region, Israel will not leave its national security dependent on conventional means alone. What remains to be seen is if Israel will reverse its policy of nuclear ambiguity and become a declared nuclear weapon state.

IRAQ

Iraq is the only country that has been forcibly disarmed. In 1981 Israel bombed Iraq's Osiraq nuclear facility before it had been completed; following its defeat in the Gulf War, the

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[148] Tosaki, Hirofumi. "Nuclear Weapons Issues in the Middle East." Nuclear Disarmament in the Twenty-first Century. Edited by Wade L. Huntley, Kazumi Mizumoto and Mitsuru Kurosawa. Hiroshima Peace Institute. Hiroshima, 2004. Page 186-187.

[149] Ibid, Page 188-190.

[150] Ibid, Page 191.

[151] Ibid, Page 191.

United Nations Security Council passed Resolution 687 to destroy any WMD capability that Iraq may have had.[152]

The 1991 Gulf War between Iraq and an UN-backed coalition led by the United States poses an interesting dilemma for proponents of deterrence. Iraq did not have a nuclear deterrent at this time and underestimated the strength of the international reaction to their invasion of Kuwait. However, when Iraq did begin to see the international reaction with a massive troop buildup Saddam may have continued to underestimate the power imbalance between Iraq and the US-led forces. The lesson the international community learned from Vietnam was that if enough US casualties could be produced, the US would pull out of a conflict; perhaps Saddam thought Iraq was capable of inflicting enough damage early enough to force the US out of the conflict. Further, the US demand to Saddam was to simply pull out of Kuwait with the threat of military defeat in Kuwait but no threat to continue pursuing Saddam to Baghdad. Saddam may have thought that a US imposed retreat would have destroyed his political support in Iraq. Perhaps if the demand had been to pull out of Kuwait completely or face regime change, Saddam would not have continued to pursue his territorial acquisition.[153] The United States nuclear arsenal and the massive troop buildup before the actual military confrontation was not enough to convince Saddam that he should not continue in his territorial conquest. Iraq did not believe that US would use nuclear weapons to defend Kuwait, which demonstrates the continued efficacy of the nuclear taboo.

The United Nations Special Commission on Iraq (UNSCOM) was charged with destroying any remaining WMD facilities or capabilities and to ensure continued Iraqi compliance with nonproliferation agreements. The discovery of nuclear-related facilities, uranium, uranium enrichment research and development, plutonium reprocessing research and

[152] Ibid, Page 185.
[153] Blechman, Page 14-15.

development, and plans to produce a nuclear devise by 1991 reduced confidence in the NPT and the IAEA. Iraq had been a member to both and the IAEA had not detected any noncompliance.[154] This led to serious doubts about the continued viability of the NPT and the IAEA safeguards system. Instead of destroying the non-proliferation regime, the noncompliance of Iraq actually acted as a rallying point for the creation of the IAEA Additional Protocol.[155]

Iraq had several motivations for acquiring a nuclear capability, the majority of which were based upon security concerns, which falls within the realm of realist theory. One was to increase its military superiority vis-à-vis Iran and other countries in the region. Another strong motivation was to ensure its security, and deter invasion. The ability to effectively deter Israel and take a hostile attitude toward it required nuclear weapons. If Iraq had acquired nuclear weapons not only would it have been able to deter Israel, this ability would have most likely resulted in an increased leadership role among Islamic states in the region. Nuclear weapons would also have been a way to increase domestic support, although Saddam's hold on power was not solely dependent on public opinion.[156]

Iraq's strong focus on security left little room for the NPT to change its motivations. Iraq seems to have become a member to the NPT and the IAEA in order to acquire a nuclear deterrent with more ease. Iraq utilized the promise of Article IV that ensures NNWS have access to civilian technology and diverted this acquired expertise and technology into a weapons procurement program. The safeguard system that was in place lulled the international community into a false sense of security about Iraq's intentions. Saddam did not change his focus away from security after joining the NPT. However, Saddam did recognize the importance of appearing to abide by international norms. If Iraq had remained outside the NPT countries concerned about non-proliferation would have paid more attention to Iraq's activities. Iraq's

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[154] Tosaki, Page 185.
[155] Murphy, Page 609.
[156] Tosaki, Page 192-193.

desire to become a regional leader can be explained by constructivism as well as realism. Iraq was clearly in a high-conflict zone, having been attacked by Israel and been in a long war with Iran. However, Iraq's desire to be the one country in the region to be in a position to challenge Israel, appears to be more closely linked to concerns about identity rather than just security. Iraq's security would have been more easily guaranteed by not provoking Israel. Further, if Iraq were solely concerned with security, invading Kuwait, which carried the definite possibility of international involvement, would not have been an option. Instead, Iraq appeared to be creating a very aggressive identity for itself in the region.

IRAN

Prior to the Islamic revolution of 1979, Iran was developing a nuclear capability with the support of the West. After the revolution, Iran turned to Russia and China for nuclear assistance. Iran has long claimed that it wants to develop a nuclear energy capability in order to continue selling oil on the international markets.[157] If Iran's domestic energy needs could be all fulfilled through civilian nuclear energy, it would allow all of its oil production to be put into the international market. The West has remained very suspicious of these claims.

Iran has multiple motivations beyond diversifying its energy sources for acquiring nuclear weapons. Many of Iran's motivations overlap with those of Iraq; to create a deterrent against the United States, to increase their leadership position within the Middle East by being able to take an overtly hostile approach to Israel, and to increase domestic support.[158]

Iran has other motivations for building nuclear weapons. The idea that Iran needs nuclear energy is not laughable; despite having large oil and natural gas reserves, the eight year war with Iraq in the 1980s decimated its economy. After the war with Iraq, Iran's population

[157] Ibid, Page 186.
[158] Ibid, Page 192-193.

mushroomed, with over 70 percent of its population under the age of thirty, necessitating massive job growth. Further, Iran has legitimate security concerns; it is surrounded by four of the eight nuclear weapons capable countries –Pakistan, Israel, India and Russia.[159] The United States' involvement in Iraq exacerbates Iran's security concerns.

Iran is a member of the NPT and correctly asserts that it is within in rights as a NNWS to control the entirety of the fuel cycle.[160] However European powers and the United States are concerned about this; once the nuclear fuel cycle is mastered it is a small matter to reprocess plutonium or enrich uranium to weapons grade material. Once the nuclear fuel cycle is mastered a country is less susceptible to supply-side constraints. This would leave little incentives for the NWS to use for bargaining purposes.[161]

A country in Iran's position, that of a threshold state that does not have favorable relations with the West, has very little bargaining chips if it wishes to change its international trading position or security concerns. For the most part, Western democracies are the countries that are in a position to provide the economic concessions or security guarantees that threshold states may be seeking. While most countries would prefer to pursue these changes through normal diplomatic channels, a country such as Iran does not have these channels available to it. What Iran can attempt to do is trade away uranium enrichment capability in exchange for the security guarantees and economic concessions it desires. This is similar to what North Korea attempts to do through crisis diplomacy. Since the Iranian revolution in 1979, Iran's international diplomatic standing has been crippled. While Iran has been attempting to do diplomatic repair work with European counties, the United States is the only country that can provide the security guarantees that Iran desires.[162] The impact of Iran's nuclear bid is not

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[159] Azaran, Amir. "NPT, Where Art Thou? The Nonproliferation Treaty and Bargaining: Iran as a Case Study." Chicago Journal of International Law 6 (2005): 415-425. Page 422-423.

[160] "Russian fuel, European carrot, American Stick." The Economist. 374.8415. February 26, 2005.

[161] Azaran, Page 416.

[162] Ibid, Page 423.

contained between the West and Iran. "Jerusalem is on record that it will not allow Iran to become a nuclear weapons state."[163] Israel's past preemptive strike against Iraq to destroy that country's nuclear program lends significant credibility to this threat. Further, the potential of another Middle East crisis adds increased incentives to the Europeans and the United States to meet Iran's demands.

While North Korea and Iran have often been compared in recent years, there are several key differences between the two country's motivations for nuclear weapons that have important policy implications. The most obvious difference is that North Korea already has nuclear weapons whereas Iran is a few years away from obtaining this capability. Further, North Korea's security concerns override its economic worries, while the reverse is true for Iran, which makes it more likely that Iran would be willing to trade away its enrichment capability whereas North Korean will not.[164]

Iran's nuclear decision making appears to be guided by security concerns, which can be explained using realism. The United States cut off diplomatic relations with the country after the revolution in the 1970s. After being diplomatically isolated, Iran had to endure a crippling war with Iraq. Following the war with Iraq, the United States invaded Iraq twice and has expressed continued displeasure with Iran's activities and type of government. Not wanting to face another prolonged conflict, it would make sense for Iran to pursue nuclear weapons.

NORTH KOREA

Since its inception, North Korea (DPRK) has felt that its security was severely threatened by the United States. A failed reunification attempt resulted in North Korea being pushed north

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[163] Ramberg, Bennett. "Defusing the Nuclear Middle East." Bulletin of the Atomic Scientists. 60.3. May/June 2004.

[164] Azaran, Page 424.

of the 38th parallel by the United States. The Armistice Agreement was signed between the two countries in 1953 which has never been replaced with a formal peace treaty; technically the two countries are still at war.[165] United States troops have remained on the Peninsula since the Armistice Agreement was signed and on July 15, 1957 U.S. Army officials suggested that U.S. forces would be able to wage an atomic war from South Korea.[166] This was not the end of the United States' nuclear activity in South Korea. Nuclear weapons were brought into South Korea by the United States in January 1958, which was a direct violation of the Armistice Agreement, exacerbating North Korean fears. The United States and South Korea conducted joint exercises that involved moving these nuclear weapons to the edge of the demilitarized zone (DMZ). These weapons were finally removed from South Korea in the early 1990s.[167] Adding to North Korea's security fears is its inability to challenge South Korea. South Korea's population is twice the size of North Korea's. The GNPs of the two countries reveal a sharp disparity; by 1970 North Korea's GNP was $3.98 billion, and the South's was $7.99 billion. North Korea quickly fell behind in terms of defense spending as well. While the North spends a greater percentage of its GNP on defense spending, absolute numbers are minor compared to South Korea.[168] In 2002 North Korea spent $5.2 billion on their military, while South Korea spent $13 billion.[169] As of 2005, North Korea's estimated GDP was $40 billion, and South Korea's GDP was $965.3 billion. In 2005 it is estimated that South Korea's military spending was $21.06 billion, 2.6% of its GDP. The latest figures available for North Korea's military spending are from 2002. It is a fair estimate that South Korea is still outstripping North Korea's military spending.[170]

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[165] Moxley Jr., Charles, "The Sword in the Mirror – The Lawfulness of North Korea's Nuclear Weapons." Fordham International Law Journal 27 (2004): 1387-1489. Page 1399-1403.

[166] Ibid, Page 1411-1412.

[167] Bleiker, Roland. "A rogue is a rogue is a rogue: US foreign policy and the Korean nuclear crisis." International Affairs 79:4 Volume 79, Issue 4. Pages 719-737. Page 725-726.

[168] Kang, David C. "International Relations Theory and the Second Korean War." *International Studies Quarterly*. Volume 47. 2003. Pages 301-324. Page 305.

[169] Moxley, Page 1418.

[170] CIA, World Factbook, available at: http://www.cia.gov/cia/publications/factbook/geos/kn.html#Econ, and http://www.cia.gov/cia/publications/factbook/geos/ks.html

North Korea has been involved in nuclear activities since the 1960s. It is believed that the DPRK weapons program began in earnest in the mid-1970s. In the early 1980s satellites detected construction of a nuclear reactor at Yongbyon which prompted a flurry of diplomatic activity between the United States, the Soviet Union and North Korea. The first non-proliferation deal was finalized in 1985. North Korea signed the NPT in exchange for Russia's agreeing to sell North Korea light-water reactors. However, in 1993 North Korea blocked IAEA inspections and announced it was withdrawing from the NPT.[171]

As a result of North Korea's stated intention to withdraw from the NPT, the United States and North Korea held talks in Geneva, where they drafted and agreed upon stipulations under the Agreed Framework.[172] There were four main areas covered by the Agreed Framework: 1. The replacement of the DPRK's graphite-moderated reactors with light-water reactors, 2. Full normalization of political and economic relations, 3. Moves towards peace and security on a nuclear free Korean peninsula, and 4. Moves to strengthen the international nonproliferation regime.[173] However the Agreed Framework was soon besot by problems as all parties involved failed to live up to the dictates of the Framework. The light-water reactors were four years behind schedule, and the United States failed to provide North Korea with any formal security assurances.[174] This can at least partially be attributed to domestic changes in the United States. Merely a few weeks after the Agreed Framework was signed Republicans took control of Congress and denounced the deal as appeasement. Not willing to fight the Republican majority, U.S. President Clinton backed away from implementation.[175]

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[171] Sokolski, Henry. "Contending with a Nuclear-Armed North Korea." *Joint Forces Quarterly*. Autumn 2002. Pages 35-40. Page 35-36.

[172] "Agreed Framework between the United States of America and the Democratic People's Republic of Korea." Geneva, October 21, 1994. Available at: http://www.kedo.org/pdfs/AgreedFramework.pdf.

[173] "Agreed Framework between the United States of America and the Democratic People's Republic of Korea." Geneva, October 21, 1994. Available at: http://www.kedo.org/pdfs/AgreedFramework.pdf.

[174] Cha, Victor D., David C. Kang. Nuclear North Korea: A Debate on Engagement Strategies. Columbia University Press. New York. 2003. Page 136-137.

[175] Sigal, Leon V. "North Korea is no Iraq: Pyongyang's negotiation strategy." Arms Control Today 32 (2002):8-13.

However, North Korea learned an important lesson from the two previous diplomatic interactions with the United States –crisis diplomacy works.[176] In an attempt to change the status quo that North Korea finds unacceptable, North Korea undertakes attention-getting behavior in order to draw the desired party into talks. When the party is brought to the bargaining table and North Korea attempts to create a new status quo that is more favorable.[177] Kim Jong Il has stated that he is well aware that his regime is not capable of winning a military challenge against the United States, but he knows that he must threaten America so that the United States will pay attention to North Korea. Kim Jong Il stated in the summer of 2000:

> The missiles cannot reach the United States, and if I launch them, the U.S. would fire back thousands of missiles and we would not survive. I know that very well. But I have to let them know I have missiles. I am making them because only then will the United States talk to me.[178]

North Korea's recent missile tests have been read as a bid to bring the United States back to the negotiating table. North Korea may feel that the United States is ready to bargain because of the recent change in stance towards Iran's nuclear program.[179]

North Korea has not benefited from the international non-proliferation regime. The first international agreement the DPRK entered into as a way to ameliorate its security threats, the Armistice Agreement, was blatantly violated by the United States when Washington brought nuclear weapons to the Peninsula. North Korea has utilized the non-proliferation regime as another tool to use in crisis diplomacy. It agrees to enter into various non-proliferation agreements such as the NPT and Agreed Framework as concessions to the West. However, it can be assumed from the past actions of North Korea that these agreements hold very little normative weight for the DPRK – indeed it appears that these agreements are seen in a purely utilitarian sense by North Korea. Being so diplomatically and economically isolated, North

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[176] Crisis diplomacy is also referred to as blackmail and coercive bargaining.

[177] Cha & Kang, Nuclear North Korea, Page 72.

[178] Cha, Victor. Interviewed by Ben Wattenberg for "North Korea: Desperate and Dangerous." Public Broadcasting Station. February 13, 2003. <http://www.pbs.org/thinktank/transcript1104.html>

[179] Marquand, Robert. "Why Missile Tests Worked for Kim Jong Il." The Christian Science Monitor (2006):1.

Korea has very little to lose in terms of international prestige or economic ties, if it reneges on an agreement. Indeed, North Korea's defiant statements in response to the United Nation Security Council Resolution that was passed as a reaction to the DPRK's missile tests, highlights how isolated the country feels.[180] North Korea's security fears are so heightened that it cannot risk destroying its deterrent to become a "responsible" nuclear player and abiding the NPT. The changing international environment and the United States' new approach to non-proliferation are providing more justification for North Korea to maintain its nuclear weapons.

North Korea is not completely isolated. China has traditionally been an ally of the DPRK. China's shared border with North Korea and a long history creates a special relationship between the two countries. China and North Korea's modern alliance was formalized in 1961 with the creation of a mutual defense treaty.[181] China appreciates the role that North Korea plays as a buffer state between Russia and China and the United States' military presence in the region.[182] China is very concerned about maintaining a coherent North Korean state that is able to accommodate change peacefully. A conflict on the Peninsula or a collapse of North Korea would be a disaster for China. Not only would there be a surge of refugees coming over the border which would strain China's economic resources, but a new regime may not be as amenable to China's desires for the Peninsula. At the same time, China does not want an overt nuclear North Korea. North Korea's verifiable acquisition of nuclear weapons could set off an arms race in the region, forcing China to expend more resources on its arsenal.[183] Thus, China will circumvent any attempts to crush the regime, allowing North Korea to survive its nearly

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[180] "North Korea is Defiant Over U.N. Council Nuclear Resolution." The New York Times A3 July 17, 2006. "North Korea said Sunday that It was not bound by a United Nations Security Council resolution imposing weapons-related sanctions on it, and insisted that it would 'bolster its war deterrent' in every way."

[181] Mansourov, Alexandre. "North Korea is Poised to Cross the Nuclear Rubicon: Will the Canary Die in the Mine?" International Journal on World Peace 10:3 (2003): 17-28.

[182] Savage, Timothy L. "China's Policy Towards North Korea." International Journal on World Peace 10:3 (2003): 28-35. Page 33.

[183] Ibid. Page 31-32.

complete diplomatic and economic isolation imposed by the United States in an attempt to get the Kim Jong Il regime to collapse.[184]

Realist theory provides the majority of explanatory weight when examining the North Korea case. North Korea sought and maintains its nuclear weapons to alleviate its security fears. However, it is not just material capabilities alone that explain North Korea's behavior. Constructivism adds more depth to the realist argument by highlighting the shared history of extreme mistrust between the United States and the DPRK which means that any attempts at reconciliation between the two countries will not be taken at face value. Despite North Korea's recent withdrawal from the NPT, the treaty continues to impact North Korea. The existence of the NPT created a clear bright line between acceptable and unacceptable nuclear behavior. This delineation of acceptable nuclear behavior made it easier to create a coalition that was willing to support punitive actions against North Korea when it violated the codes of acceptable behavior. Further, North Korea recognizes the importance of these norms to the rest of the world, even if it does not internalize them, when it signals that it would be willing to abide by such norms and agreements in exchange for economic and security concessions. North Korea has responded in a positive, although extremely guarded, manner when it has been party to a nonproliferation agreement, as long as it did not feel that its security was threatened.

INDIA

India's relationship with the non-proliferation regime has been troubled. A one-time firm supporter of the NPT, India became one of the treaty's most vocal critics when it became clear that the NWS were not going to live up to their disarmament commitments under the NPT, and has never become a member to the Treaty.[185] In 1974 India exploded a nuclear device. After

[184] Ji, You. "China and North Korea: A Fragile Relationship of Strategic Convenience." Journal of Contemporary China 10:23 (2001):387-398. Page 391-395.

[185] Paul, Power, Page 125.

that test India had maintained a policy of nuclear ambiguity – it did not conduct anymore nuclear tests nor openly acquire nuclear arms. In May of 1998 this policy of nuclear opacity was replaced with an open declaration of nuclear prowess when it tested five nuclear weapons.[186]

India's nuclear decision making has been guided by regional security concerns coupled with its aspirations to become a major international player. In 1962 India fought a war with China, who acquired nuclear weapons two years later in 1964.[187] Between 1947 and 1964, India vocally demanded universal disarmament.[188] The change in India's nuclear stance was not a direct result of feeling immediately challenged by China. Had that been the case, India would have likely started a crash weapons program. This did not happen, although India's advanced civilian nuclear capability could have produced a weapon by the mid-1960s instead of 1974.[189] If India did not want to pursue nuclear weapons independently it could have sought them from the United States, the Soviet Union or one of the other nuclear powers. There was no consensus among New Delhi officials on how to respond to the Chinese test. Pursuing security guarantees would force India to give up its non-aligned status, and India would not consent to having foreign bases on its soil in exchange for nuclear devices.[190] The clearest result of the Chinese nuclear tests was a prolonged bureaucratic battle in India between proponents of India acquiring a nuclear deterrent and those that wished India to maintain its stance as a firm supporter of non-proliferation goals.[191]

India's decision to test in 1974 was guided by domestic political concerns and regional security concerns. Prime Minister Gandhi's decision was not informed by military and foreign affairs officials, instead a small circle of personal advisors and nuclear scientists were who she turned to when making the decision. Military officials were not informed of the decision to test

[186] Ibid, Page 126.
[187] Ibid, Page 126.
[188] Ibid, Page 126.
[189] Sagan, Page 65.
[190] Ibid, Page 65-66.

until 10 days before the explosion, and they were not asked how military plans would be impacted by nuclear weapons. The Foreign Minister was only alerted 48 hours before the test. Had security concerns been the paramount driving force behind the decision to test, the military would have been more heavily involved, as would have the foreign affairs department. Further, the lack of follow-up policies to the test suggests the decision to test was made in haste; indeed India was taken by surprise when Canada cut off nuclear assistance immediately following the test. Most telling, support for the Gandhi administration was at all time low.[192] Indeed the domestic rewards of the nuclear test were telling:

> The overall result was that public support for Mrs. Gandhi increased by one-third in the month after the nuclear test...leading...to conclude that 'both she [Gandhi] and the Congress Party have been restored to the nation's confidence'.[193]

The realist theory provides more context to India's nuclear decision-making. While India was not immediately threatened by China's nuclear test, the subsequent 1971 war with Pakistan coupled with the entry of the U.S. 7th fleet into the Bay of Bengal, indicating to India that the US was heavily favoring Pakistan in the conflict, was a very immediate threat to India.[194] The domestic factors merely added more impetus to the timing of the test.

The 1974 test by India galvanized international non-proliferation efforts, which resulted in stricter export controls imposed by supplier countries. Between 1974 and 1998 India maintained a "recessed deterrent capability" under a policy of nuclear ambiguity. India had the ability to develop nuclear weapons quickly, but did not conduct any more tests until 1998. By the early 1990s India had acquired advanced delivery mechanisms that could reach all points in Pakistan and some points in China and the Middle East.[195] The 1998 tests destroyed India's policy of nuclear ambiguity and resulted in international sanctions. The tests also qualitatively

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[191] Ibid,. Page 66.
[192] Ibid, Page 67-68,
[193] Ibid, Page 68.
[194] Paul, Power, Page 127.
[195] Ibid, Page 128.

changed India's deterrence against Pakistan and China from an implied one to an overt deterrent.[196]

The decision to test in 1998 was motivated by several factors. India felt much external pressure in the early 1990s from NWS to sign the NPT. The permanent extension of the NPT in 1995 without any real moves towards disarmament by the NWS added credibility to the popular sentiment in India that the nonproliferation regime and the NPT specifically were instruments utilized by the NWS to maintain their nuclear monopoly.[197] In the early 1990s India had been "rushing" to test a nuclear bomb before the non-proliferation regime was tightened with the permanent extension of the NPT and the possibility of the CTBT becoming international law, in the same way that China and France 'rushed' to test before the NPT was finalized. However the permanent extension of the NPT in 1995 closed this option to India.[198] India deeply resented what it viewed as hypocritical regime with racist undertones; "We don't want to be blackmailed and treated as oriental blackies," a Bharatiya Janata Party (BJP) spokesman said in 1993. "Nuclear weapons will give us prestige, power and standing. An Indian will talk straight and walk straight when we have the bomb."[199] Between 1996 and 1998, India was still ready to test, but domestic politics prevented a single government from having enough power to conduct the test without facing opposition from other political parties. In the 1998 mid-term elections, the BJP had already formed a coalition government before it took office, and was ready to push for the test.[200] Opinion polls immediately following the May 1998 tests showed overwhelming approval for the nuclear tests; however, this approval did not translate into electoral support for

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[196] Ibid, Page 129.

[197] Ibid, Page 129-130.

[198] Yoshida, Osamu. "Nuclear Development in South Asia." Nuclear Disarmament in the Twenty-first Century. Edited by Wade L. Huntley, Kazumi Mizumoto and Mitsuru Kurosawa. Hiroshima Peace Institute. Hiroshima, 2004. Page 170-171.

[199] Perkovich, George. "Nuclear Proliferation." *Foreign Policy*. No. 112. Autumn 1998. Pages 12-23. Page 16.

[200] Yoshida, Page 171-172.

the BJP.[201] Therefore the idea that India tested in 1998 merely as means for the domestic ruling coalition to gain power is unsubstantiated; instead the decision to test can be viewed as both a national rejection of the hypocritical nonproliferation regime and a general push towards nationalism.

Immediately after the 1998 test, Jaswant Singh, the Indian Senior Advisor on Defense and Foreign Affairs, published an article outlining the Indian case for testing. Included among the reasons cited for testing the hypocritical stance of the NWS towards nuclear weapons, and the unchanged Indian security environment; further Singh noted the lack of real progress on the non-proliferation regime left India with no choice but to rely on nuclear weapons to preserve its security instead of relying on failing international agreements.[202] Singh also cited the continued nuclear collaboration between India and Pakistan, with tacit approval by the United States, as a reason to become an overt nuclear state. In this statement, Singh made clear that the reason India became an overt nuclear power was security and not a result of domestic politics.[203] India's regional security concerns are Pakistan and China. India sees nuclear weapons as having a deterrent impact on Pakistan and also views them as a way to stop a Pakistani assault. India views nuclear weapons as a means to create a viable challenge to China in the fight for regional dominance, and as a deterrent against their large neighbor.[204]

India's 1998 tests can also be read as a mechanism to increase India's international prestige.

> The Indians believe that they need a nuclear capability as a prerequisite for assuming a global role, a feasible and required role for India...In the words of an Indian political analyst, the international system will develop into a multi-polar system in the twenty-first century in which India can claim its rightful place as a major power.[205]

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[201] Paul, Power, Page 130.

[202] Singh, Jaswant. "Against Nuclear Apartheid." *Foreign Affairs*. 1998. Page 41.

[203] Singh

[204] Brew, Kevin M., "The Re-Emergence of Nuclear Weapons as 'the Coin of the Realm' and the Return of Nuclear Brinksmanship in South Asia: The Nuclear Sword of Damocles Still Hangs by a Thread." Naval Law Review 52:177 (2005): 178-238. Page 185-186.

[205] Ibid, Page 185.

Further, India felt that it needed nuclear weapons to ensure its freedom of action in a world that is not moving towards nuclear disarmament.[206]

The international response to India's nuclear tests in 1998 was muted. Sanctions were imposed surrounded by a vocal outcry, but by 2000 US President Clinton made a trip to India to express that India was the United States' primary partner in South Asia. In October 2000, Russian President Putin visited India and agreed to supply low enriched uranium for India's nuclear reactors, and in 2001 the two countries agreed on a sale of two Russian reactors to India, all of which was in violation of the Nuclear Suppliers Group guidelines that calls for no cooperation for a country that does not have IAEA safeguards on its nuclear facilities.[207] In 2001, following the September 11 attacks against Washington and New York, the United States lifted sanctions from both Pakistan and India expecting cooperation from the two countries. This essentially legitimized the two countries nuclear acquisition.[208] In 2005 the United States announced that it wanted to make India a strategic partner in the coming century. The US, to prove its commitment to India, is preparing to sell space and civilian nuclear technology, as well as support India's bid to become a permanent member of the United Nations Security Council.[209]

Realist theory alone cannot account for India's nuclear decision-making. While India certainly felt a need to ensure its security through a nuclear deterrent, if this had been the sole motivation, India would have developed nuclear weapons much faster after China's test; waiting eleven years to meet China's challenge does not make strategic sense. Further, if India was merely concerned with possessing nuclear weapons for their deterrent value, it would not have maintained an ambiguous posture for so long – an overt nuclear stance provides more deterrent value than a suspected deterrent. This is because with an ambiguous deterrent adversaries may convince themselves that attacking may be worth it on the off-chance that a fully robust nuclear

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[206] Yoshida, Page 177.
[207] Ibid, Page 177-178.
[208] Ibid, Page 179.

capability does not exist. With an overt deterrent there is no room for guesswork and as such, adversaries are much less likely to attack. Regime theory does not explain India's nuclear-decision making either. For seventeen years India expressed loud support for the non-proliferation regime and the NPT, the existence of the regime and the treaty were not enough to prevent India from eventually acquiring a nuclear deterrent. Further, starting in 1974 India began to criticize the non-proliferation regime, their dissatisfaction with the regime being most loudly expressed in 1998 with the nuclear tests.

India's changed stance can be more easily explained by constructivism. India was hoping that the NPT would change the international system, a concept that realism does not entertain, and when the treaty failed to, India's identity changed. This process took a considerable amount of time and was heavily informed by the actions of NWS that refused to disarm.

India was seeking the political power and international status that nuclear weapons capability appeared to grant the five NWS when it tested in 1998. India does not think it is an accident that the NWS are also permanent members of the UN Security Council. However, despite India's nuclear acquisition, the 1998 tests did not result in India gaining the same level of status that the five NWS have; "India would not be able to accrue the political and diplomatic advantages it seeks through nuclearization – unless...the major powers decide to grant such a status to it."[210] From 1998 until 2004 it did not appear that India's bid for major power status was going to work. However, on July 18, 2005 the India-U.S. Joint Statement, which among other things, outlined full civilian nuclear energy cooperation and trade between the two countries, was released, which appeared to be the first move of the United States granting India

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[209] Brew, Page 224-225.

[210] Gupta, Amit. "India's Third-Tier Nuclear State Dilemma: N Plus 20?" Asian Survey. 41:6 (2001): 1044-1063. Page 1048.

more international status.[211] India may have taken the correct approach towards achieving major international status in becoming an overt nuclear power. While the Joint Statement does not formally recognize India as a nuclear weapon state, the overall impression is that the United States is treating India as it treats all other NWS.[212] India is much closer to achieving the international position it desires than it was before it became an overt nuclear power. Therefore, examining the symbolic value of nuclear weapons provides the most explanatory power when looking at India's nuclear decision making.

PAKISTAN

Pakistan followed India's lead in 1998 and tested six nuclear weapons becoming an overt nuclear power. While the international community had long suspected Pakistan's nuclear capability and many countries knew of Pakistan's nuclear capability, it was no longer possible to maintain plausible deniability.

Pakistan has one main motivation for developing a nuclear weapons capability –India. India is Pakistan's main external threat; the two countries have fought three wars (1947, 1965, and 1971), and Pakistan has lost each conflict. The 1971 conflict resulted in Pakistan losing territory, which increased Pakistan's hostility towards India. This defeat was the impetus for a serious push by Pakistan to acquire nuclear weapons. The Indian test in 1974 further increased Pakistani efforts to obtain a nuclear deterrent.[213] After the 1998 tests, Prime Minister Sharif stated "today we have evened the score with India."[214] Pakistan's motives for becoming an overt nuclear power were merely a response to India's nuclear test; an attempt to come up with a

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[211] Potter, William C. "India and the New Look of U.S. Nonproliferation Policy." Center for Nonproliferation Studies: CNS Research Story. August 25, 2005. 14 October 2005 <http://cns.miis.edu/pubs/week/050825.htm>

[212] Potter.

[213] Brew, Page 186-187.

[214] Paul, Power, Page 133.

strong alternative reason is difficult.[215] Adding to the desire to counter India could also be Pakistan's attempts to increase its international status and to extend its sphere of influence.[216] Importantly, Prime Minister Sharif was fighting for political survival in 1998 – had he decided not to respond to India's first test in 24 years, Sharif would have been politically dead.[217]

Pakistan's nuclear activity prior to the test did not go unnoticed by the international community. In April 1979, the United States imposed economic and military sanctions on Pakistan after it was discovered that they had stolen nuclear technology plans. However, in December 1979 Afghanistan was invaded by the Soviet Union and the United States' desire to fight the Soviet Union overrode the US's concerns about Pakistan's nuclear proliferation.[218] The United States publicly accepted Pakistan President Zia ul-Haq's declaration that Islamabad's nuclear activity was solely for civilian purposes. In 1983, a year before the United States publicly accepted Pakistan's statement that it was not pursuing nuclear weapons the US State Department had issued a memo which stated that the United States "had unambiguous evidence that Pakistan is actively pursuing a nuclear weapons development program."[219] After the Soviet Union's withdrawal from Afghanistan in 1990, the United States curtailed its aid to Pakistan and called more adamantly for Pakistan to end its nuclear program. Despite this curtailment in aid, 40 F-16s were delivered that Pakistan had already paid for which were then modified to carry nuclear arms.[220] The decrease in US support actually increased Pakistani desire for nuclear weapons to ensure its security and it turned to China for nuclear help.[221] However, following

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[215] Yoshida, Page 172.
[216] Brew, Page 187.
[217] Yoshida, Page 172-173.
[218] Brew, Page 194-195.
[219] Weiss
[220] Ibid.
[221] Paul, Power, Page 134.

September 11, 2001, the United States lifted sanctions against Pakistan (which had been reinvigorated following the 1998 tests) and India.[222]

After the 1998 tests, India proposed a no-first-use agreement between the two countries, which Pakistan rejected, insisting that it needed to keep a first-strike policy to maintain its nuclear deterrent against India, given India's superior conventional capabilities. This demonstrates that Pakistan's nuclear decision-making is ruled primarily by regional security concerns, specifically as a response to India, which fits the realist mold. Pakistan tested its nuclear weapons as a response to India's tests and refuses to sign any non-proliferation agreement unless India agrees to as well. The nuclear policies of the five NWS have little impact on Pakistan's nuclear decision-making. Nuclear weapons are viewed as the great equalizer in Pakistan's relationship with India which is superior in size and conventional capability.[223] Regime theory does not provide much explanatory weight when examining Pakistan's nuclear decision making. Pakistan has ignored nonproliferation norms and continues to do so – the treatment of A.Q. Khan demonstrates this fully. Pakistan has faced very few long-term negative consequences for ignoring the NPT and the non-proliferation regime. After the 1998 tests, draconian sanctions were imposed on Pakistan by the United States, but all of the non-military sanctions were lifted shortly. Following September 11, 2001, the United States lifted the remaining military sanctions.[224] Instead, the United States has found it very useful to grant Pakistan many concessions in order for the United States to pursue its regional aims. Therefore there is no incentive for Pakistan to join the NPT and it suffers very little negative repercussions for remaining outside the non-proliferation regime. Further, the very real security concerns that India poses for Pakistan would be very hard to overcome with any benefits being a member to the non-proliferation regime may provide.

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[222] Yoshida, Page 179-180.
[223] Paul, Power, Page 136-137.
[224] Weiss.

LIBYA

Libya presents a conundrum for students of non-proliferation. For decades Libya was a true international outlaw, openly sponsoring terrorist activity and transparently pursuing a WMD program. Then seemingly overnight, Libya changed its policies, approached the West, and said it was ready to broker a deal. In December 2003, Muammar Qaddafi decided

> to break with his past proliferation activities, renounce Libya's nuclear and chemical weapons programs, disclose and dismantle them, and forswear missiles that do not conform to 1987 Missile Technology Control Regime (MTCR) guidelines.[225]

This change was preceded by major steps in Libya to change its international isolation. Libya wanted to finally join the global diplomatic and economic system. One of the most important steps was taking responsibility for the 1988 Lockerbie bombing and agreeing to pay financial compensation to the families of the victims. As a reward for denouncing terrorism, taking responsibility for past actions, and agreeing to abide by the norms and rules of the non-proliferation regime, the decade-long sanctions that were imposed by the United Nations were lifted and the West quickly reinstated normal diplomatic relations.[226]

What makes the Libyan case unique among all other countries that sponsor terrorism and pursue a WMD capability is the unified international response to the country. Not only did French, Scottish and German courts all convict individuals associated with Libyan terrorist activity, the Libyan government has taken responsibility for these actions and paid compensation to the victims families. Further, the Security Council imposed economic and diplomatic sanctions against Libya that were estimated to cost Libya $26.5 billion.[227]

Perhaps as a result of the economic losses, Libya has been attempting to rejoin the international community since the late 1990s. Libya's case was ironically helped dramatically

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[225] Braun, Chaim & Christopher F. Chyba. "Proliferation Rings: New Challenges to the Nuclear Nonproliferation Regime." International Security. (2004).

[226] Ibid

by the September 11, 2001 attacks. Libya took the opportunity to publicly condemn the attacks, crack down on terrorists within its borders and share intelligence with the West on al-Qaeda.[228]

In December 2003, Libya announced that while in the past it had been seeking an unconventional capability, it had decided independently to give up this quest, and eliminate any traces of the program. Libya stated that it did not believe that unconventional arms served its security or enhanced the security of the region. To change its position from international outlaw to welcome member of the international community Libya initiated talks with the UK and the US in March 2003.[229]

Libya then opened itself up fully to inspections and cooperated fully with international bodies that helped to verify compliance. Inspectors from the Organization for the Prohibition of Chemical Weapons confirmed that Libya had destroyed its chemical weapons facilities and was in full compliance with the Chemical Weapons Convention (CWC), which Libya signed in 2004. There was no evidence of a biological weapons program.[230]

Libya ratified the NPT in 1975. However, starting in the early 1980s continuing through 2003, Libya was importing nuclear material and conducting numerous nuclear related activities. Despite the best efforts of Libya, it was ultimately dependant upon foreign assistance, as it did not have extensive indigenous expertise or materials. Secondly, Libya's nuclear program did not come close to matching the extensiveness of North Korea or Iran's nuclear programs; this was most likely a result of the effectiveness of international sanctions. In 2003 when Libya renounced its WMD capability, it was a long way from acquiring a true deterrent.[231] In return for Libya's acquiescence to the nonproliferation regime Libya's isolation has ended, both

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[227] Ibid. Page 46-47.
[228] Ibid. Page 47.
[229] Ibid. Page 48.
[230] Ibid. Page 48-49.
[231] Ibid. Page 49.

diplomatically and economically. Libya's vast natural gas and oil reserves are welcome news to an increasingly needy international market.[232]

A realist explanation alone does not explain the Libya model particularly well. Libya was originally a promoter of "global radicalism and regional rejectionism"[233], and while Libya may have sought a nuclear capability to serve as a deterrent against Western countries retaliation for Libyan support of international terrorism, Libya's suspected CBW capability did little to deter retaliatory strikes from the West. It seems more likely that Libya originally sought a nuclear deterrent as a direct challenge to the nuclear monopoly the NWS enjoyed. If Libya was willing to support international terrorist strikes against the West, the ability to challenge the NWS through nuclear acquisition would hold large symbolic meaning for Libya. Therefore, both realism and constructivism can explain Libya's search for nuclear weapons.

Libya's decision to reverse its WMD stance and join the non-proliferation regime can be explained through constructivism and a regime-based theory. In the case of the Libya the international community was willing to dedicate the political will to ensure that the economic sanctions and diplomatic pressure against Libya remained in force for over ten years. This universal condemnation of Libya with tangible negative economic consequences created a powerful incentive for Libya to not only reverse its course but undergo a transformation of identity. Libya was totally isolated in the world. For this reason, the lessons of Libya are unique, North Korea has the backing of China and South Korea and Iran is supported by Russia and China. Libya was completely alone. The argument that the United States' invasion of Iraq convinced Libya to recant its WMD stance is spurious – Libya had been attempting to rejoin the international community starting in the late 1990s. Therefore, the case of Libya can be counted as a success for the international nonproliferation regime; however, the normative power of the

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[232] Ibid. Page 54-55.

[233] Jentleson, Bruce W., Christopher A. Whytock. "Who 'Won' Libya?" The Force-Diplomacy Debate and Its Implications for Theory and Policy." International Security. (2005/2006).

regime is not the only motivator for Libya to comply. It was the economic concessions Libya was in desperate need of by the late 1990s that changed Libya's stance.

SOUTH AFRICA

South Africa's nuclear experience is unique among countries. After successfully building seven nuclear weapons, South Africa independently decided to reverse its nuclear path. South Africa is the only example in the world of a country that has completely and voluntarily rolled back its nuclear program after having obtained nuclear weapons. The decision to reverse its nuclear status cannot be fully explained by realist theory. Had South Africa chosen to remain nuclear its ability to influence the region and its impact on the global stage would have been much greater.

South Africa's nuclear program began in the 1970s with preliminary research conducted by the Atomic Energy Corporation (AEC) which was approved by Prime Minister John Vorster. An initial quantity of highly enriched uranium (HEU) was produced by 1978, though it was only enriched to 80 percent – most weapons designers attempt to enrich uranium to 90 percent. South Africa had a crude nuclear device by November 1979.[234]

The motivations for South Africa's nuclear program appear odd to outsiders. Southern Africa has never been at the crossroads of international conflict or an area of intense superpower competition during the Cold War the way that the Middle East and Asia have been. South Africa's apartheid policy had long been the subject of international criticism and during the 1970s the white ruling elite began to feel increasingly isolated and threatened. In 1975 South Africa was facing an openly hostile neighbor in Angola who had support from Cuba in the form of 50,000 troops on the ground. To the north, Mozambique was also being ruled by a pro-Soviet

[234] Reiss, Mitchell. Bridled Ambition: Why Countries Constrain Their Nuclear Capabilities. Woodrow Wilson Press. Washington DC. 1995. Page 7-8.

Union regime. Further, the United States, the UK, France, Canada and West Germany formed a group to force South Africa's withdrawal from what is now Namibia. Complicating matters, the IAEA removed South Africa from the Board of Governors, and the United Nations Security Council insisted that the once voluntary arms embargo against South Africa become universal. Domestically, South Africa was facing massive riots. Pretoria viewed this combination of international criticism and economic and military pressures as a plot devised by Moscow to enter into total war with South Africa. In response, South Africa tripled its defense budget and doubled the size of its armed forces. Believing that it would receive no outside assistance if it were to be attacked, South Africa accelerated its nuclear program.[235]

As Pretoria was making preparations for a 'cold test', Soviet spy satellites spotted the activity and warned Washington. The United States confirmed the preparations to test and threatened South Africa with severe repercussions if it were to continue with its testing plans. France, Germany and Britain joined in admonishing South Africa. South Africa had been forced by economic concerns to leave all of its preparations open because it was too expensive to attempt a covert test. As a response to the warnings from the West, South Africa halted its testing efforts.[236]

South Africa's nuclear strategy was never based on offense – it was instead designed to elicit help from the West. The nuclear strategy was composed of three phases. Phase one's goal was to maintain nuclear ambiguity. If this nuclear ambiguity was not enough to halt a military threat, phase two involved Pretoria quietly revealing its nuclear capability to the West in an effort to provoke the United States to intervene on South Africa's behalf. South Africa believed that the United States would be so upset by the prospect of nuclear use in Africa and the resulting impacts on the nonproliferation regime that Washington would be compelled to help South

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[235] Reiss, Bridled, Page 8-9.

[236] Ibid. Page 10. "The AEC planned a fully instrumented 'cold test' using a depleted uranium 'pit' to show the behavior of uranium metal under the conditions expected when exploding a nuclear weapon."

Africa in a military conflict. The third phase involved a loud declaration of South Africa's nuclear capability, either through a test or an official proclamation. This phase was also meant to force the United States to intervene on South Africa's behalf.[237] Pretoria was banking on the United States' desire to maintain the nuclear taboo, a strategy whose efficiency will never be known.

South Africa was never militarily threatened to the extent that it felt it had to enter into the multiple phases of its nuclear policy and in an astonishing reversal of policy formally joined the NPT on July 10, 1991 after the entire nuclear program had been completely dismantled. When South Africa signed safeguard agreements with the IAEA, Pretoria gave the IAEA unprecedented access and was remarkably cooperative. South Africa wanted to ensure that the international community did not think that it still harbored nuclear ambitions.[238]

In President de Klerk's March 24, 1993 speech to Parliament when the reversal of the secret nuclear program was acknowledged, he cited specific changes in the military threats that South Africa had been facing: a cease-fire had been negotiated in Angola; an agreement granting Namibia independence had been reached in 1988; and the Cold War was over.[239] Further, the key bureaucratic personalities that had been instrumental in starting the nuclear program were retired or did not have the influence they once had. The impact of F.W. de Klerk as the head of state was crucially important as well– de Klerk was insistent upon South Africa joining the international community. This participation was dependent upon normalizing relations with other countries by abolishing apartheid and entering into a dialogue with the black majority of South Africa. Destroying the nuclear program was part of this larger strategy or normalizing international relations.[240] South Africa's nuclear program prevented improved relations with the West, especially the United States, and stood as a barrier to joining the NPT which South Africa

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[237] Ibid. Page 15-16.
[238] Ibid. Page 19.
[239] Sagan, Page 60-61.

needed to do in order to gain access to peaceful nuclear technology and in order to insure that South Africa would be able to continue to sell uranium to foreign governments. A more pessimistic explanation for South Africa's decision to give up its nuclear weapons when it did was the prospect of nuclear weapons in the hands of the African National Congress. The idea of a black government having nuclear weapons disturbed the white elite.[241]

Given this, it is still unclear why South Africa dismantled at the exact time it did. By the early 1990s the international sanctions had been in place for some time. Moreover, the black majority, not the ruling white elite, carried the brunt of that hurt. Additionally, international attention was being focused on the collapse of the Soviet Union. The agreements on the withdrawal of Cuban troops from Angola and the cease-fire on the northern border with Namibia, South Africa was arguably the strongest country on the continent. The benefits of the NPT had existed before and would continue to exist in the future. There is nothing that points to 1989 being the key time for South Africa to disarm. The only unique factor was the election of F.W. de Klerk, who seized the opportunity and decided on a path that was dramatically different from any of his predecessors.[242]

The world, and the majority of de Klerk's domestic constituents, became aware of South Africa's nuclear program and subsequent dismantlement on March 24, 1993 when he announced in a national radio broadcast in front of a joint session of the South African parliament "At one state South Africa did develop a limited nuclear deterrent capability...of seven nuclear fission devices...Early in 1990, final effect was given to decisions that all nuclear devises should be dismantled and destroyed."[243]

It seems reasonable to assume that several factors played a role in de Klerk's decision to delay the announcement. During 1989 and 1990 South Africa was going through dramatic

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[240] Reiss, Bridled Ambition, Page 20.
[241] Ibid. Page 20-21.
[242] Ibid. Page 21.

domestic upheaval. If de Klerk had announced a nuclear rollback at this point the Conservative Party and white extremists would have fought to keep the program and made it more difficult to make the transition to black rule. Further, in the wake of the first Gulf War South Africa watched as international inspectors combed Iraq and demolished Saddam Hussein's WMD programs. South Africa did not want to be linked in the international community's mind to Iraq. Nearing the end of 1992 the international press started reporting on South Africa's past nuclear activities; this coupled with growing pressure from the ANC for the AEC to come clean about the nuclear past, may have forced de Klerk's hand.[244]

The example of South Africa clearly demonstrates both that the NPT was unable to contain Pretoria's desire for nuclear weapons, and that the NPT was not the prime motivating factor leading to South Africa dismantling its nuclear program. Realist explanations are similarly shallow when attempting to explain South Africa's decision; had South Africa maintained its nuclear weapons, it would have remained somewhat isolated from the international community, but it would have been able to exert massive influence on the continent. As the examples of Iran and North Korea have recently taught the international community, keeping a nuclear capability would have ensured that Pretoria had a means to dialogue with the West. What sheds more light on Pretoria's nuclear decision-making is examining the domestic political changes that were changing South Africa's identity.

After suffering decades of domestic unrest and international pressure, South Africa was moving towards a more democratic form of government by the late 1980s. With the removal of the security rationale for nuclear weapons, Prime Minister de Klerk took full advantage of the opening up of government to destroy what had been a secret nuclear program. De Klerk was very interested in South Africa rejoining the international community as a leader in nuclear and

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[243] Ibid. Page 7.
[244] Ibid. Page 22-23.

space technology and knew that this would be impossible while suspicions remained regarding South Africa's nuclear intentions; "Pretoria saw that the solutions to South Africa's problems lay in the political rather than the military arena and that the nuclear deterrent, along with strategic ambiguity, was becoming a burden rather than a benefit."[245] After de Klerk, members of the African National Congress (ANC) who gained control of the South African parliament, were strongly anti-nuclear and had visions of Pretoria joining the international community as a leader in non-proliferation efforts.[246] Thus the NPT and the non-proliferation regime was able to exert some influence after domestic politics had changed dramatically. However, it was this initial change in state identity, combined with external pressure that led to South Africa reaching a point where it could join the non-proliferation regime.

The NPT and the non-proliferation regime did not prevent South Africa from going nuclear. However, when Pretoria decided independently that it would reverse its nuclear course, the benefits associated with being a member of the NPT including the status granted to countries that made "responsible" nuclear decisions, held enough power to be an attractive alternative for South Africa. This outweighed the option of remaining nuclear and being able to influence regional politics through sheer military prowess; South Africa chose to gain regional influence by playing by the rules of the nonproliferation game.

ARGENTINA/BRAZIL

Argentina and Brazil's nuclear decision-making should be discussed in tandem as the rationale and motivating factors for their nuclear programs are similar and inextricably linked. Both

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[245] De Villiers, J.W., Roger Jardine, Mitchell Reiss. "Why South Africa Gave Up the Bomb." *Foreign Affairs*. November/December 1993.

[246] Paul, Power, Page 116-117.

countries initially rejected the NPT as an inherently discriminatory treaty intended to protect superpower military superiority and curtail the development and independence of lesser powers. Although regional rivals, the two countries joined forces to take a common stance against the non-proliferation regime, and at the same time both countries had unsafeguarded nuclear facilities with military potential. While neither country ever achieved full weapons-capability, both countries were pursuing that path. Like India, both Argentina and Brazil took a very vocal stance against the non-proliferation regime, but the similarities with India end there; both countries eventually joined the NPT and began an active endorsement of the non-proliferation regime.

Brazil and Argentina have long been competitors for South American leadership and the region's export markets. In the 1960s, each country's civil nuclear programs merely added another dimension to a relationship that although not outright acrimonious, was not completely peaceful either. The prime motivation for the pursuit of civil nuclear technology was "development, modernization, and industrialization, with the military element as important but secondary."[247]

Argentina has an abundant supply of uranium and in the 1950s it launched a civilian nuclear energy program, the Comision Nacional de Energia Atomica (CNEA), which attempted to master the entire fuel cycle. There were multiple motivating factors; an attempt to reverse Argentina's relative decline from a rich, trading country in the 1940s to the isolated, poor position it found itself in the 1950s; a bid for status in an attempt to master the cutting-edge technology of the day; and a way to secure Argentina's independence, both economically and militarily from foreign dictates.[248] As successive military regimes gained control of Argentina, both civilian and military nuclear technology, were increasingly viewed as one of the few means

[247] Redick, John R., Julio C. Carasales, and Paulo S. Wrobel. "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." The Washington Quarterly. 18:1 (1995).

[248] Paul, Page 103-104.

available for a small country to confront an unequal international system.[249] This view was buttressed by a rivalry with Brazil and fear of a possible US-Brazil alliance. Competition with Brazil was the main reason for a military component to the nuclear program. Argentina's fear of Brazil was fueled by Brazil's massive population and economic growth, along with a growing international recognition of Brazil as the South American leader. Argentina did not fear outright military confrontation with any of its neighbors; however, it did want military parity with Brazil to maintain a balance of power in the region.[250]

Brazil's desire for nuclear technology was spurred by competition with Argentina to be the first to master nuclear technology and gaining international status that was proportionate to its geographic and population size.[251] Unlike Argentina, Brazil's nuclear quest was hampered by continuous change in domestic politics. Brazil's foray into nuclear technology was endorsed by the United States, when as early as 1945 the two countries entered into nuclear cooperation agreements, which was followed by the US supplying Brazil with three research reactors under the Atoms for Peace Program.[252] Following the 1964 military coup, Brazil declared that having a nuclear energy capability was a permanent national objective and one crucial to Brazil's national security.[253] The increased desire for a nuclear capability was motivated by several factors:

> it saw technological autonomy as an important component of its national security; technology would spur economic development, which in turn would enhance the overall security of the state....Further, because it imported 80 percent of its oil, Brazil believed that it needed energy security, especially after the...OPEC 1973 'oil shock'. Nationalism played a role too.[254]

Argentina and Brazil's decisions to reverse their nuclear programs did not happen overnight. During the 1970s and 1980s both countries faced huge disincentives to acquire actual nuclear

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[249] Reiss, Bridled, Page 45.
[250] Paul, Page 104.
[251] Reiss, Page 48-49.
[252] Paul, Power, Page 107.
[253] Ibid, Page 107.
[254] Reiss, Bridled, Page 49-50.

weapons. Neither country wanted to engage the other in an arms race. Argentina did not want to provoke Brazil which was larger and wealthier, nor did Argentina want to expend their economic resources on a weapons buildup when there were far more important goals to attain, mainly increasing socioeconomic progress. Argentina was not as politically stable as Brazil either. Brazil, while enjoying the advantage of size, did not want to engage in an arms race with Argentina which had the potential to reverse Brazil's position of strength. More importantly there was no real conflict between the two countries; they had fought their last war in 1828 and since then had never viewed each other as enemies, merely rivals.[255]

Instrumental to Argentina changing its nuclear course was its defeat by Britain in the Falklands/Malvinas conflict. This defeat delegitimized military rule, which paved the path for a civilian government to take power in December 1983. During the Falklands War, the Brazilian position, while officially neutral, slanted in favor or Argentina, which Argentina received positively. The defeat also created the opportunity for introspection by the Argentinean elite; the conflict-oriented worldview that the military held which had not proven successful when faced with an actual conflict was discredited. It was replaced with a more cooperative approach, helped by progress towards settlement of the Beagle Channel dispute with Chile. This change in external security pressures, helped to end Argentina's feeling of encirclement, which paved the way for a more cooperative approach towards Brazil.[256] It may also have been the realization that Argentina could never challenge Brazil effectively; even if Argentina developed nuclear weapons first, Brazil was in a much stronger position to develop a similar capability and eventually neutralize any Argentinean nuclear advantage.[257]

Brazil's nuclear quest can be most easily conceived of as a reaction to Argentina's nuclear policy; when Argentina reversed its stance, the prime motivation behind Brazil's program was

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[255] Ibid, Page 52.
[256] Paul, Page 106-107.
[257] Ibid, Page 106.

lost. Brazil never faced any serious external security challenges and held conventional superiority over all major regional countries. However, Argentina's pursuit of nuclear technology was worrisome to Brazil, and possessing nuclear weapons would increase Brazil's international status. However, Brazil was very wary of provoking an arms race with Argentina, who had a lead in mastering nuclear technology. Despite Brazil's larger size and economic resources, doubt remained as to whether Brazil would be able to establish superiority over Argentina. Further, an arms race would harm Brazil's external security environment.[258]

The nuclear rapprochement the two countries entered into was facilitated by several other events in their shared past. During the 1960s the two countries had a shared position on the Tlatelolco Treaty which was contrary to the majority of Latin American countries which supported the treaty. The Tlatelolco Treaty is formally known as the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. It creates a nuclear weapons free zone in the region and entered into force on April 25, 1969.[259] Argentina and Brazil rejected the restrictive elements of the Tlatelolco Treaty and fiercely protected the independent nature of their nuclear programs. Both countries rejected the nonproliferation regime. As a nuclear deal between West Germany and Brazil was facing increased pressure from the United States, Argentina supported Brazil. In January 1977 the two countries, in a vocal rejection of the non-proliferation regime, issued a joint statement calling for substantial nuclear collaboration between both countries nuclear energy commissions. This occurred during a period when both countries where under military rule and it was before the contentious issue of water rights in the River Plate area had been resolved. The two countries, despite sharing some suspicions of each other's nuclear energy programs, felt that it was more important to assume a common rejection

[258] Ibid, Page 109-110.

[259] Treaty for the Prohibition of Nuclear Weapons in Latin America (Tlatelolco Treaty). Available at: http://www.iaea.org/Publications/Documents/Treaties//tlatelolco.html

of the nuclear non-proliferation regime.[260] In 1980 the two countries formally agreed to coordinate their nuclear policy at the international level.[261] The joint approach towards nuclear decision making can be most easily explained by constructivism, which highlights the importance of the intersubjective nature of international relations.

The return of civilian rule to Argentina in 1983 with the election of Rafil Alfonsin was accompanied by worsening economic conditions:

> On the eve of Alfonsin's inauguration, the president of the Argentine nuclear energy commission...announced the development of a gas diffusion enrichment facility...This was greeted in the United States...as a wake-up call and led to increased diplomatic and economic pressure on both Argentina and Brazil.[262]

Brazil too was faced with terrible economic conditions as it switched to civilian rule in 1985.[263] Both civilian leaders chose to shift control of their respective countries' nuclear commissions from military to civilian; while they each allowed the other to inspect their nuclear facilities. On December 28, 1990 the two countries signed the Joint Declaration of Common Nuclear Policy at Iguazu – each country agreed to only use nuclear energy for peaceful purposes, create formal bilateral inspections, and forsake the right to peaceful nuclear explosions. Further each country agreed to accept IAEA safeguards on all of their nuclear facilities, thereby lining up the nuclear policies of Argentina and Brazil with the nonproliferation regime.[264]

The reversal of Argentina and Brazil's stance on the non-proliferation regime was the result of several interconnected factors. Both countries recognized that mutual security would be achieved if they were no longer nuclear competitors and removing this source of competition would free up much needed cash since both countries were facing economic hardship in the mid-1980s. While nuclear rapprochement had begun during period when both countries were under military rule, the return of civilian leadership helped to facilitate and strengthen nuclear

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[260] Redick, John R., Julio C. Carasales, and Paulo S. Wrobel. "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." *The Washington Quarterly*. Volume 18, Number 1. Winter 1995.

[261] Ibid.

[262] Ibid.

[263] Reiss, Bridled Page 54.

cooperation and eventual acceptance of the non-proliferation regime. This change in leadership coincided with changed development goals – Argentina and Brazil were both looking to attract foreign investment, a very difficult task while the repercussions of staying outside of the nonproliferation regime were being felt. During the late 1980s and early 1990s significant progress was being made in the non-proliferation regime which increased the legitimacy of the regime and in turn made it easier for the two countries to change their approaches towards it.[265]

A purely realist explanation of nuclear decision making by Argentina and Brazil remains inadequate. While the United States and other nuclear powers should have been able to compel both countries to comply with the non-proliferation regime, "In the case of Brazil, U.S. officials admit that American pressure had little or no influence...In the case of Argentina, U.S. and German pressure was constant but was not decisive in the country's nuclear about-face."[266] The recognition that mutual security would be best served by a reversal in nuclear stance, could explain the change in Argentina and Brazil's policies, but this could also be accomplished by maintaining bilateral nuclear agreements; there was no need to actually join the non-proliferation regime to reduce security fears between the two countries.

A regime-based explanation is also unconvincing. It was the unequal and discriminatory nature of the non-proliferation regime and the NPT that originally drew the two countries to coordinate their nuclear policies. Neither the regime nor the NPT changed, yet the two decided to join both, despite their earlier objections having never been addressed. The two only joined the NPT and the regime after they decided to become non-nuclear and set up an independent monitoring system.[267]

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[264] Ibid, Page 58-59.

[265] Redick, John R., Julio C. Carasales, and Paulo S. Wrobel. "Nuclear Rapprochement: Argentina, Brazil, and the Nonproliferation Regime." *The Washington Quarterly*. Volume 18, Number 1. Winter 1995

[266] Reiss, Page 70.

[267] Paul, Page 100.

However, examining the two countries through a constructivist lens may provide more clarity. The two countries in an effort to modernize and liberalize their economies realized that this would be difficult task because negative economic repercussions were associated with staying outside the regime. It was not the regime itself, whose discriminatory nature had initially thrown the two countries together as the coordinated opposition to it, that changed Argentina and Brazil's nuclear stance, but the benefits that could be accrued by becoming a member. These benefits were a direct result of the political will of the United States and other countries behind the maintenance of the regime.

UKRAINE

Ukraine was "born nuclear" with more than 4,000 nuclear weapons on its soil following the collapse of the Soviet Union in 1991. By November 1994 Ukraine's parliamentary body, the Rada, voted to join the NPT as a non-nuclear state, and all weapons were removed by June 1996.[268]

Ukraine presents a difficult case for realist theory to explain. Russia's history of expansionist behavior and tensions between the two countries over the Crimea presented enough of an external security threat to justify maintaining possession of the nuclear weapons.[269] Additionally, Russia was perceived as the main external security threat to Ukraine.[270] On the other hand, a purely domestic model does not explain the decision to revoke the nuclear weapons; in the early 1990s there was growing public support for keeping the nuclear weapons, prominent public figures lobbied heavily for keeping them and the Prime Minister at the time, Leonid Kuchma, was pro-nuclear.[271]

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[268] Sagan, Page 80.

[269] Ibid, Page 80.

[270] Dorussen, Han. "Mixing Carrots with Sticks: Evaluating the Effectiveness of Positive Incentives." Journal of Peace Research. 38:2 (2001): 251-262. Page 259.

[271] Sagan, Page 80.

Several factors impacted Ukraine's decision to eliminate its nuclear arsenal. At the time of independence, Ukraine's immediate problems "were economic development and consolidation of independence, and it required external assistance for fulfilling both of these objectives."[272] Ukraine did not feel that a military confrontation with Russia was imminent; it was acutely aware of its economic dependence on Russia. "Russia still supplies 70 per cent of Ukraine's gas and 85 per cent of its oil and constitutes the biggest market for Ukrainian products."[273] The Ukrainian military felt its country's economic strain and the majority of the armed forces favored the elimination of the nuclear arsenal in return for economic benefits which would allow for increased spending on conventional forces. The military correctly perceived that the maintenance costs of nuclear weapons would eat up the minimal resources available; providing support for the conventional armed forces took precedence over keeping a nuclear deterrent.[274]

At the same time Russia was very determined to regain control of the nuclear weapons. Ukraine was aware of Moscow's eagerness and leveraged its position in an attempt to extract greater concessions from Russia and the United States. Russia had very little diplomatic options to pursue; attempting a coercive strategy would increase Ukraine's insecurity which would increase Kiev's desire to retain control of the weapons.[275] Both Washington and Moscow were willing to grant security assurances and economic concessions in exchange for the nuclear weapons.

The US and Russia were concerned enough about Ukraine becoming the third-largest nuclear power in the world that they were willing to back up the NPT and the non-proliferation regime with massive influxes of money and specific security assurances to Ukraine. A nuclear-armed Ukraine would have threatened the NPT and the United States and Russia were not willing to see what impact a nuclear armed country that remained outside the NPT would have

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[272] Paul, Page 119.
[273] Ibid. 118.
[274] Ibid. 119.

on the treaty regime, nor were they willing to risk amending the NPT to allow Ukraine to enter the NPT as a NWS. Further, neither Moscow nor Washington wanted to deal with a country that was in a position to challenge either of them militarily, though this was more of an immediate concern for Russian than the US. It was more expedient to entice Ukraine into the NPT. The United States and NATO allies assured Ukraine that it would face severe economic difficulties if it attempted to remain a nuclear state.[276] The non-proliferation regime had enough adherents at this time that countries attempting to acquire nuclear capabilities, such as Iraq, Iran and North Korea, were labeled "rogues" and Ukraine did not want to be associated with those countries. Instead, Kiev recognized that the best way to increase its international prestige would be to join the group of "responsible" nuclear decision makers.

Kiev viewed ascension to the NPT as a way to assert its independence from Moscow; however it was not prepared to do so without security assurances. Ukraine exchanged the ultimate guarantee of security in exchange for diplomatic assurances and aid. Ukraine's decision poses an extreme challenge for realist theory to explain. While retaining control of the weapons would have provoked Russia, it seems unlikely that Russia would have attempted to get the weapons back through military means, because of the political chaos Moscow was facing as it was confronting the demise of the its once-mighty holdings. If Ukraine had kept the nuclear weapons it would have been the third-largest nuclear armed country in the world. While Kiev did not have the resources to adequately utilize the full scope of deterrence these weapons would have provided, it seems likely that the sheer number would have granted Ukraine more prestige and attention on the international stage than it is receiving today. Further, regime theory alone does not explain Ukraine's decision. Kiev was not prepared to give up the weapons until it had

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[275] Reiss, Bridled, Page 123-124.
[276] Sagan. 81-82.

extracted as many concessions as possible from Washington and Moscow. The norms of the regime were not enough on their own to convince Ukraine to give up their nuclear weapons.

CONCLUSION

The NPT and the norms associated with it, including the nuclear taboo, are clearly unable to constrain the most dedicated states from acquiring a nuclear deterrent. However, the power of the NPT and the nuclear taboo cannot be easily dismissed. A purely realist explanation of international relations does not adequately explain the remarkable examples of nuclear forbearance and nuclear rollback that have occurred. Constructivism adds needed context to explaining and augmenting, both theories.

The creation of the NPT, which serves as the cornerstone of the non-proliferation regime, has been able to shape countries' perception of nuclear technology, transforming the acquisition of nuclear weapons from a positive status marker to an activity that remains in the realm of "rogue" nations. Also, the NPT created a clear bright line between acceptable and unacceptable nuclear behavior, which has facilitated coalition-building in order to punish a violator of the treaty. Further, the nuclear taboo has acted as a powerful restraining mechanism on nuclear-armed countries' force options during conflict.

The United States is inextricably tied to the NPT and the nonproliferation regime, not only because it was one of the architects of the NPT, but also because of the preeminence of the United States in all world affairs. The United States has long acted as a proponent of nonproliferation goals, but after the permanent extension of the NPT, which secured the United States' nuclear dominance, Washington's approach began to change. No longer a supporter of multilateral arms control measures, the United States actively prevented multiple nonproliferation treaties from entering into force. Further, the United States continued its

reliance on nuclear weapons, moving them to the forefront of Washington's war planning. This increased role for nuclear weapons coupled with the United States' new policy of preemption have all acted as powerful threats to the nonproliferation regime and the NPT. The United States does not need nuclear weapons to insure its survival; the continued relevance of nuclear weapons for the United States may be a matter of status. However, the United States has remained constrained by the nuclear taboo it helped to create and continues to play lip-service to the NPT.

Israel's desire for nuclear weapons is most easily explained by realist theory. Israel feels threatened by its overtly hostile neighbors. Israel's opaque nuclear-capability is designed to maintain its relationship with the United States and to insure that its Arab neighbors do not have a clear-cut justification to pursue nuclear weapons themselves. Israel does not believe that the NPT or the nonproliferation regime would be able to insure its security.

Similarly, Iraq was not swayed by the security benefits of joining the NPT. Instead it used Article IV of the NPT to acquire nuclear technology with the intention of threatening its neighbors, increasing its prestige in the region, and to act as a deterrent. Iraq was disarmed before it had obtained a nuclear-capability. The NPT did prove useful in dealing with the aftermath of the 1991 Gulf War. It is possible that absent the NPT the United Nations would not have been able to get the political backing to create the UNSCOM body to disarm Iraq. Further, Iraq reinvigorated the NPT and increased attention to problem of weak export controls and the need for a more stringent safeguards system.

Iran is proving difficult for the international community to deal with. Asserting its rights under Article IV to reprocess uranium for its civilian nuclear reactors, the West does not believe that Iran's intentions are sincere. While the issue of Iran has yet to be resolved, it appears that the West and the United States in particular, may be willing to back up the NPT with economic concessions to ensure that Iran stays within the treaty. Iran feels threatened and isolated from the

United States and may be using uranium reprocessing as a way to increase dialogue with the United States in the same manner that North Korea has done.

North Korea feels threatened by the United States, the lack of resolution to the Korean War coupled with the United States new policy of preemption, heightens this sense of insecurity. North Korea appears intent upon keeping its nuclear deterrent. The DPRK enters into crisis diplomacy using its nuclear program as a way to force the United States to the table. It appears unlikely that North Korea will ever be a sincere member of the NPT and the nonproliferation regime. The benefits of joining the NPT do not outweigh the very real security concerns North Korea feels it has.

India, does not feel as acutely threatened as North Korea. However, it rejects the hypocritical nature of the NPT and desperately seeks the status of a major power. India was a strong proponent of nonproliferation until it realized that the NWS were not going to make substantial moves towards disarmament. India's nuclear acquisition, while facing some international condemnation, seems to have paid off with the recent deal between itself and the United States.

Pakistan's nuclear policy has been reactive to India which it perceives as a major threat; the three wars the two countries have fought have all resulted in Pakistan's defeat. Pakistan obtained its nuclear capability with the help of China and A.Q. Khan, who started one of the most pervasive proliferation rings discovered to date. Pakistan will not become a member of the NPT or sign any nonproliferation agreement until India does. Pakistan has not suffered any tangible consequences from remaining outside the regime.

Libya, which is a member of the NPT, did not live up to any of the obligations under the treaty until very recently. The international community punished the country and was able to isolate the country both diplomatically and economically for over a decade. The economic

repercussions of being a member in poor standing to the NPT seem to have convinced Libya that it would be in its best interests to become a more responsible member of the treaty and the nonproliferation regime.

South Africa was also diplomatically isolated during its successful bid for nuclear-weapons capability. While its desire for nuclear weapons was ultimately dependent upon security fears, Pretoria never planned on actually using the weapons in an offensive manner. Instead South Africa was counting on the West being concerned enough about the strength of the NPT and the nonproliferation regime that it would intervene on Pretoria's behalf if it was acutely threatened. When the threats South Africa perceived dissipated, Pretoria renounced its nuclear program in order to gain the economic benefits of being a member of the NPT and the nonproliferation regime.

Argentina and Brazil rejected the NPT as a discriminatory treaty. The two countries, while never enemies, were rivals for regional hegemony. This rivalry spurred their nuclear programs, but ultimately, the two countries abandoned their nuclear quest for domestic reasons that were only partially influenced by the NPT. The need to revitalize their economies coupled with a change of governments from military to civilian rule all proved to be motivating factors to joining the NPT.

Ukraine gave up its nuclear birthright for economic concessions and security assurances from Moscow and Washington. It did not have a strong desire to maintain a nuclear deterrent and recognized that it was not facing acute external security concerns, but it did need influxes of economic aid to insure that it did not face internal security concerns. The United States and its NATO allies made it very clear that joining the NPT would provide economic benefits and staying outside the treaty would result in economic penalties.

The NPT clearly cannot change a country's nuclear choices if the country is facing acute

external security threats. However, if the country is not acutely challenged, the NPT can provide the added incentives for the decision that are ultimately driven by domestic concerns. This appears to be not because of the power of the regime by itself, but the symbolic weight that the treaty is granted when powerful countries back it with tangible benefits, such as economic rewards.

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