Elementary Aspects of Noncompliance in the World of Arms Control and Nonproliferation

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I. Introduction

Noam Chomsky tells a story that he attributes to St. Augustine: A captured pirate was brought before the emperor Alexander the Great; "How dare you molest the sea?" asked Alexander. "How dare you molest the whole world" replied the pirate, who continued, "Because I do it with a little ship only, I am called a thief; you, doing it with a great navy, are called an emperor."1

In a number of ways, as Chomsky notes, the story of the pirate and emperor can serve as a powerful analogy for some of the major contests over international power and privilege of the past fifty years. It offers a framework for understanding questions of compliance with laws and norms of conduct that is particularly significant because it puts the "pirate" and the "emperor" in the same frame. The more common practice has been to take for granted the idea of a "pirate" who has somehow to be disciplined by a lawful authority whose own role and conduct, by definition, is effectively beyond scrutiny or judgement. The tale does this by revealing a key similarity between the pirate and the emperor: their shared recourse to force in pursuit of self-interest, albeit on very different scales. With this firmly in mind, any difference in the professed motives of pirates and emperors makes little difference and both can be judged.

The pirate and emperor story serves as a useful point of departure for an assessment of compliance with international arms control, nonproliferation and disarmament treaties and with the larger set of expectations of how states should behave on these issues. It serves to link very directly the questions of identifying and dealing with noncompliance with a particular arms control agreement (or any other agreement for that matter) with the questions of who decides, and how, about what are the treaty obligations or expectations to be complied with, and what constitutes noncompliance. The significance of such an approach becomes apparent if one asks, for instance, why is there no convention banning nuclear weapons despite the United Nations having called for "elimination from national armaments of atomic weapons and of all other weapons of mass destruction" in the very first General Assembly resolution, on 24 January 1946? Or, more pointedly, why is proliferation of nuclear weapons now presented as a more significant threat to global security than continued possession of these weapons?

This essay will focus on the United States and its compliance with arms control and nonproliferation agreements. An important reason for this choice is that the United States is implicated in many of the major problems over the past decade involving both long-standing and recent nuclear arms control agreements. Of particular importance are concerns about its compliance with the 1968 Nuclear Nonproliferation Treaty, the multilateral agreement to restrict the further spread of nuclear weapons and to eliminate existing ones, the 1972 Anti-Ballistic Missile Treaty, the Cold War era bilateral superpower pact banning defenses against ballistic missiles, and the 1996 Comprehensive Test Ban Treaty, which seeks to ban all nuclear weapons tests. The future of some of these treaties is now in doubt. Agreements on other types of weapons of mass destruction are in jeopardy also; the U.S. has imposed conditions on its ratification of the 1993 Chemical Weapons Convention, including the right to refuse inspections of U.S. facilities,

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that are seen as violating the treaty. It has also recently rejected the draft protocol on verification of the Biological Weapons Conventions.

There are several other reasons. Firstly, the United States has had a dominant position in international relations for many decades. This position has become even more powerful with the end of the Cold War. The U.S. now dominates the global economy; it has a pervasive cultural presence; it has a conventional military capability far greater than that of any other state; it has a stockpile of over 10,000 nuclear warheads; it has an almost overwhelming presence in international institutions. These sources of power enable the U.S. to strongly shape the context and the conduct of government policy in other states. This includes determining the nature of international negotiations, the resulting agreements, and the interpretation of commitments therein. This is particularly important at a time when the United States believes that it should enter into treaties only "when they carve American interests in stone." Secondly, there is the fact that for many years U.S. military planners, strategic and arms control analysts, and associated academics have sought to find means to identify and deal with noncompliance with international agreements by other states. By and large, this search has been through the lens of U.S. national interests and thus, not surprisingly, less scrutiny has been given to the U.S. record of noncompliance. Thirdly, with a view to formulating a normative perspective on compliance, it seems reasonable to insist that existing and proposed mechanisms for establishing compliance with international agreements and expectations ought to be judged by how well they can work when applied to the most powerful state in the system.

A similar focus has been suggested by Harald Muller, who argues that the "most powerful state in the world has slowly but visibly moved away from embracing multilateralism, international law, and international organization as central components of national policy." He argues, therefore, that rather than international organizations or the treaties dealing with arms control and disarmament, "today's problems lie in the actors" and thus any remedy must address "the actor problem." Put bluntly, the 'actor problem' is the American problem.

It may seem presumptuous to make the United States the focus of an assessment of compliance. The United States, by and large, prides itself on the seriousness with which it takes its international commitments and the efforts it makes to protect and enhance freedom and security for all. But others have made similar claims in the past. As the story of the pirate and the emperor reveals, emperors claim legitimacy for their exercise of power by justifying it as being for the "common good," in this case protection of the law-abiding against pirates. The fact that emperors have to seek some kind of larger legitimacy indirectly registers the presence of the invisible majority, who are neither pirates nor emperors and may feel beset by both pirates and emperors. While the pirate may not care, the emperor faces more prevalent, enduring, and demanding needs to justify the empire and seek consent for imperial authority or keep facing challenges any of which may in time become a problem.

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2 John Gee, the deputy director general of the Organization for the Prohibition of Chemical Weapons, the body charged with implementing the treaty observed that the U.S. conditions on its ratification appear "prima facie to be contrary to the provisions of the convention." "The CWC at the Two-Year Mark: An Interview with Dr. John Gee," Arms Control Today, April/May 1999, p.8.


Before proceeding further, the implicit question of whether the United States is an imperial power needs to be made explicit. Michael Doyle has argued that 'empire' is not about territoriality as much as a relationship where one state uses force, or other forms of power, to control the exercise of sovereignty by another state. The evidence of such action by the United States is painfully clear and all too familiar to many states and people in the global South. The United States has a long history, going back to its founding, of intervening, often violently and with appalling effect, in other countries. The major study of the use and threat of use of force by the United States between 1946 and 1975 lists 215 incidents in which U.S. armed forces were used "as part of a deliberate attempt by the national authorities to influence, or to be prepared to influence, specific behavior of individuals in another nation without engaging in a continuing contest of violence." The list excludes actual wars. The familiar examples of U.S. intervention include the overthrow of the governments of Guatemala and Iran, its efforts to overthrow the government of Cuba, the war against Vietnam, the bombing of Cambodia and Laos, and the destabilization of Nicaragua. The end of the Cold War brought little change. A follow-up study looking at the use and threat of use of force between 1989 and 1998 observed that "unencumbered by Cold War fears of sparking confrontation with the powerful Soviet Union, American policy makers turned frequently to threats and the use of force." Matching the history of U.S. imperial attitudes and practices is an equally long tradition of claims to noble intent and denial of its imperial practice. William Appleman Williams has pointed out that this has become worse with time, noting that for U.S. policy makers and the larger elite "transforming the realities of expansion, conquest, and intervention into pious rhetoric about virtue, wealth, and democracy reached its culmination during the decades after World War II." As the Vietnam war raged and the United States unleashed the largest aerial bombardment in history, Noam Chomsky pointed out: "it is an article of faith that American motives are pure, and not subject to analysis... Although it is nothing new in American intellectual history -- or, for that matter, in the general history of imperialist apologia... The long tradition of naiveté and self-righteousness that disfigures our intellectual history, however, must serve as a warning to the Third World, if such a warning is needed, as to how our protestations of sincerity and benign intent are to be interpreted." The Cold War and nuclear weapons played a role in this system of imperial apologia. The U.S. amassed a vast nuclear arsenal, with weapons deployed around the world, and described it, as a 'defense' against an implacable opponent determined to take over the world. The Soviet Union did the same and offered the same justification. As a result, each was able to manage domestic

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6 "Empire... is a relationship, formal or informal, in which one state controls the effective political sovereignty of another political society. It can be achieved by force, by political collaboration, by economic, social or cultural dependence. Imperialism is simply the process or policy of establishing or maintaining empire." Michael Doyle, Empires (Ithaca, NY: Cornell University Press, 1986), p.45.
11 Williams, op. cit., p. ix.
opinion and build support for its interventions around the world. The end of the Cold War seems only to have left the old justifications in tatters rather than stripped them away altogether. New, benign, reasons for imperial intervention and keeping nuclear weapons keep emerging.13

With these considerations in mind, the essay begins with a discussion of legitimacy, fairness, and justice. These ideas underlie the presumptions of community that make possible consensual international agreements – the alternative being the imposition of an arrangement, with compliance becoming a synonym for obedience. It then introduces briefly the criteria for legitimacy and fairness in international law and institutions offered by Thomas Franck and the idea of justice as a process advanced by John Rawls. These ideas serve to establish a context for judging the institutions, processes and outcomes associated with the origin, nature, and enforcement of arms control and nonproliferation agreements.

The following section looks at the origins and development of nuclear arms control and its place in the policies of the superpowers, especially the United States, in the Cold War. Arms control emerged as a narrow, mistrustful, but mutually necessary superpower effort to manage and sustain their mutual nuclear deterrence while limiting other possible threats to themselves and their interests, as well as placating public fears of nuclear war. The essay focuses on how the ideas, values, agreements, and practices of arms control were linked to changing perceptions and circumstances of power and of the role of those bureaucratic institutions most responsible for the conduct of the Cold War.

The absence of any clear countervailing capacity, international or domestic, able to contain an imperial United States has thrown the arms control process into possibly terminal crisis. To get a sense of the dynamics of the crisis, the chapter looks at the example of the 1972 Anti-Ballistic Missile (ABM) Treaty, once seen as a cornerstone of superpower arms control and now dismissed by leading U.S. policy makers as a cold war relic. It addresses how this bilateral superpower treaty sought to stabilize and regulate the threats of mutually assured destruction, how a specific model of compliance grew around it, and how it has been affected by the end of the Cold War. In particular, the chapter considers the current efforts by the United States to deploy a national missile defense, even though this would violate the Treaty, as well as U.S. threats to withdraw from the Treaty.

In the aftermath of the Cold War, U.S. concerns about noncompliance – its own noncompliance notwithstanding – have come to focus heavily on the nuclear nonproliferation regime, in particular the 1968 Nuclear Nonproliferation Treaty (NPT). The chapter therefore looks in detail at the NPT, its origins, and the pattern of its enforcement, especially over the past decade. As cases, the paper addresses how the weapons states have avoided complying with their commitments, despite efforts by the international community, and how they have dealt with noncompliance by Israel, Iraq, North Korea, India and Pakistan. The most notable feature in all these cases of noncompliance is not so much inconsistency in the international response as the determining role played by particular U.S. interests in these states and their respective regions. It is clear an imperial standard has been at work in determining and punishing noncompliance with the NPT.

Turning to recent multilateral arms control agreements, the chapter sees the 1996 Comprehensive Test Ban Treaty as an example of how inequality can be built into an arms control treaty. This

case illustrates how great powers limit opportunities for claiming they are not in compliance by writing into the norms and treaties only those measures that do not unduly restrict their policy options. Moreover, they ensure the treaties have no means to enforce their compliance.

The overall argument of the chapter is that even elementary criteria of legitimacy, justice, and fairness are hard to find in either the origins, content, or enforcement of international arms control and nonproliferation agreements. It is argued that the degree of noncompliance by the emperor – as created by domestic imperatives, economic interests, state institutions such as the scientific-military-industrial complex, and the imperial ideal – is so systemic as to dwarf anything a pirate could possibly conceive. But even this structural noncompliance is not the real issue. Compliance is not the ultimate goal that the international community (states and people) seeks, it is merely an instrument. The goal is peace and justice, and for that much stronger transnational institutions for participatory democracy and a disposition for justice are required.

II. A Prelude On Legitimacy, Fairness, and Justice

Arms control agreements do not spring fully formed into a waiting world. They are the result of struggles, sometimes intense and long fought, which have pitched states against each other, and have involved bitter, drawn out battles within and between national bureaucracies, politicians, and publics. They carry the marks of these struggles in their timing, text, and operation. It is important therefore to attend to the politics, diplomacy and context of treaties as much as their actual text.

In an interesting and useful characterization, Oran Young has demarcated three forms of international regimes.14 The notion of regime here includes treaties, i.e. specific international legal instruments, as well as the sensibilities or norms shared by the international community about how states should properly act. First are “spontaneous regimes” which serve to codify previous informal rights and rules and understandings, themselves the result of bargains arrived at in the past. Second, there are “imposed regimes,” whereby one state either coerces or entices other states to accept its preferred institutional arrangements. And, third, “negotiated regimes” are the products of explicit bargains between states, each capable of affecting the outcome of the negotiations.

According to Young, the emergence of any regime follows a process of agenda formation, negotiation, and operationalisation. Agenda formation refers to the process through which an issue initially makes its way onto the international agenda, is framed for consideration, and becomes readied for negotiation. This includes who suggests and supports this idea, who is allowed to participate in the process, who refuses, who obstructs, etc. as well as the issue's timing and international political context. The negotiation phase covers the explicit bargaining and signing of a treaty. The operationalisation phase involves the establishment of the regime, beginning with ratification, the creation of international machinery, and the domestic national actions required under it. These can, of course, overlap.

Young's description makes clear that judgements about the processes by which these three kinds of regime are arrived at and the character of the resulting regimes are bound to vary. For instance, where a regime is imposed, there may be disagreement about basic issues, while a negotiated

regime, in which all states feel they participated as equals at every stage, is more likely to reflect shared perceptions. Such judgements, in turn, reinforce conceptions of particular regimes as legitimate, fair, and just.

This is important because agreements are constrained by the need to command some degree of support, and to conform with certain presumptions about how they are to be properly arrived at and what they should look like. That is, they must appear to be "lawful" to be seen as legitimate. The recourse to law is significant. While the economic and military resources of the great powers may be expressed through problematic international law, it is important to note that law, like other social institutions, has its own characteristics, history, and logic. It requires a certain autonomy if it is to function. In particular, law inherently must orient itself towards standards of universality and equity. As the historian E. P. Thompson noted, "If the law is evidently partial and unjust, then it will mask nothing, legitimate nothing, contribute nothing to ... hegemony." It will instead require unending enforcement, perhaps of ever greater severity.

There are long standing differences over the legitimacy, fairness, and justice of international law, institutions and conduct. The sense that current international processes are marked by injustice and unfairness runs deep among many in the global South and among the less self-interested in the North. One need look no further than judgements about the processes and agreements that are supposedly focussed on organizing collective international action to preserve the future well being of humanity and the planet. For instance, writing about the 1992 United Nations Conference on Environment and Development (UNCED), otherwise known as the Earth Summit, Tariq Banuri argues that, "whereas Northerners see UNCED as a welcome unfolding of collective action to save humanity, many Southerners, government functionaries as well as non-governmental organizations activists, albeit for different reasons, fear in it the emergence of a new imperialism, of new conditionalities, and of new obstacles to the alleviation of poverty and oppression."

Considerable scholarly attention has been devoted to clarifying questions of justice and fairness in international negotiations and institutions. It is worth reviewing some of this briefly and using it as a guide to the subsequent discussion of arms control, nonproliferation and noncompliance. In a very influential interpretation, Thomas Franck argues that the two discourses that now dominate international relations are those of legitimacy and justice. Franck suggests that crucial to legitimacy is “right process”, i.e. that a particular law or institution come into being through a mechanism that is in accord with generally accepted notions of what is the right way to create such things. The characteristics of a legitimate agreement, once it is arrived at, Franck suggests, are determinacy, validation, coherence, and adherence. Determinacy refers to the extent to which the particular law is seen as clear about what is permitted and what is not. Validation refers to the ways and means by which the international community indicates its satisfaction or otherwise with the method by which the agreement was arrived at. The requirement for coherence is simply that the rule should be applied systematically to the situations where it is meant to apply, i.e. it treats like cases alike. Lastly, adherence is the larger contextual requirement that an agreement fits properly within the broader principles and expectations shared by a community rather than being simply an ad hoc response to a particular situation.

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While Franck has identified some key principles that can be used to judge international conduct and agreements, there are some important qualifiers. Four observations can be made about Franck's argument. First, it is unhistorical, leaving open the possibility that the most powerful states permit no alternatives to the processes that they dominate and so, by default, existing practice becomes in time "due process". Second, it is statist, treating legitimacy as a matter only for states and formal policy judgements by government officials. This omits both the crucial role of bureaucracies and institutions, which is where contests over legitimacy often take place, and the role of publics and civil society, which is where judgements over legitimacy are also made, even though they may not immediately prevail. Third, judgements over legitimacy, no matter where and by whom they are made, are structured by both persuasion and coercion. Moreover, these instruments of communicative, economic, and military power are profoundly unequally disposed. Fourth, Franck's description of legitimacy seems to presume that justice is not in itself a key requirement for legitimacy, and it leaves open the possibility of the practice of legitimacy hindering the pursuit of justice.

However, justice has received attention in its own right. A notable and widely regarded example is John Rawls’ theory of justice, which presents the idea of ‘justice as fairness’. Briefly, Rawls suggests that judgement, to be just, should be made from "the original position of equality," that is a situation where "no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength; Rawls describes this as judgement behind a “veil of ignorance.” In effect, justice as fairness requires that those who participate in the judgement should propose or acknowledge only that which they would accept if they were in the same situation as any other members of the community and had to make a binding commitment. There are obvious implications for the conduct of states in international affairs and in particular their dealings in collective institutions and in negotiations intended to provide mutual security and well being.

This brief discussion of legitimacy and justice can be combined and applied to an example concerning the United Nations, an institution now widely regarded as the legitimate site for the international community to deliberate and arrive at collective decisions on agreements, as well as for it to judge and respond to noncompliance by individual states. The example deals with the veto power of some members of the United Nations Security Council and has direct relevance for our concern here about compliance and noncompliance with arms control agreements. The origins of the veto usefully illuminate some of the structural issues that need to be considered when looking at compliance by the great powers, and in particular "the American question".

The United Nations Charter gives the Security Council "primary responsibility for the maintenance of international peace and security". The Security Council is empowered to use sanctions and military force to this end. The U.S., Russia, Britain, France and China, as well as being the major nuclear weapons states, are the only permanent members of the Security Council and are alone in having the power of veto over Council decisions. At the founding conference of the United Nations in San Francisco in 1945, fifty nations met to draw up the Charter. A history of the veto notes that: "Major disagreements arose between Great Britain, the Soviet Union, and

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the United States on the one hand, and the other smaller and less powerful nations on the other."

The major powers insisted that the Charter give them power to veto actions by the Security Council, and the less powerful states resisted. The history records that, "At one point during the conference,... several delegations of smaller nations became somewhat unruly in their opposition to the veto", whereupon one of the U.S. delegates, Senator Tom Connally, "told them that they could go home from San Francisco if they wished and report that they had defeated the veto but they could also report that they had torn up the Charter." In short, no veto, no UN. The U.S. and the other victors of World War II prevailed.

This arrangement has important implications for the practice of fairness and for perceptions of the legitimacy of any institutional arrangements for compliance that are reliant on the Security Council. With their veto in place, it is difficult to imagine any circumstance in which the Security Council could 'legitimately' act against one of the permanent members. The permanent members in effect can authorize the use of force and sanctions against others while ensuring they remain immune. It is worth noting that the permanent members have done just this by repeatedly ignoring the UN Charter's Article 27(3), which requires that in the Security Council "a party to a dispute shall abstain from voting."

This situation rightfully raises questions about the legitimacy and justice of such a process and outcome. The U.S. Secretary of State, Edward R. Stettinius, Jr., in a radio address in May 1945 noted that the veto "has been criticized both here and elsewhere as giving a privileged position to the large nations," but justified it by claiming that the veto was "not a question of privileges, but of using the present distribution of military and industrial power in the world for the maintenance of peace." The onset of the Cold War quickly left such justifications behind. There was little peace to be found as the United States and Soviet Union intervened in other states and clashed in proxy wars around the world. The Soviet Union and the United States liberally used the veto.

The controversies at San Francisco over the legitimacy and justice of the rules and structures of the United Nations and its Security Council prefigured a larger failure when it came to dealing with issues of disarmament and peace. Article 26 of the United Nations Charter declares that: "In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating... plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments."

There has only been one plan that came close to meeting any reasonable criteria for regulating armaments and thus for meeting the obligations of Article 26. Issued by the United States and the Soviet Union on September 20, 1961, this was "The Joint Statement of Agreed Principles for Disarmament Negotiations". These principles, known as the McCloy-Zorin agreement after its U.S. and Soviet authors, were subsequently adopted unanimously by the United Nations General Assembly on December 20, 1961. The goal of disarmament negotiations, the joint statement declared, was general and complete disarmament, which "shall ensure that States have at their

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disposal only such non-nuclear armaments, forces, facilities, and establishments as are agreed to be necessary to maintain internal order and protect the personal security of citizens”. The road map was explicit: the disarmament program should be implemented in an agreed sequence, in stages, until it is completed, with each measure and stage carried out within specified time-limits. The goals were:

a) disbanding of armed forces, the dismantling of military establishments, including bases, the cessation of the production of armaments, as well as their liquidation or conversion to peaceful uses;

b) the elimination of all stockpiles of nuclear, chemical, bacteriological, and other weapons of mass destruction, and the cessation of the production of such weapons;

c) the elimination of all means of delivery of weapons of mass destruction;

d) the abolition of organizations and institutions designed to organize the military effort of States, the cessation of military training, and the closing of all military training institutions; and

e) the discontinuance of military expenditures.

The McCloy-Zorin principles for disarmament are now almost completely forgotten, even in the arms control community. Instead, in the year 2000, there are over 30,000 nuclear weapons in the world; with the U.S. having some 10,500 and Russia about 20,000, while China has about 400 weapons, France has 450, and the United Kingdom 185. World military spending in the aftermath of the Cold War; for the period 1992 to 1999, amounted to $5,941 billion (in 1995 dollars). By far the largest share of this spending was by the United States with the other permanent members of the Security Council taking up four out of the next five places. The subversion of Article 26 could not be clearer.

III. The Career of Nuclear Arms Control

The question of international control over atomic weapons was raised as soon as they were created. Having built and used the atomic bomb, the U.S. quickly adopted a policy of monopoly and exclusion to keep what was called its “winning weapon.” Its early efforts to think about some form of control through the newly formed United Nations sought to preserve the U.S. monopoly on nuclear weapons until the final stage of a lengthy plan, while ensuring no other state would or could build them. The Baruch plan, presented by the United States to the UN in 1946, has rightly been described as an arrangement that “did not differ in substance from an ultimatum the United States might have given Russia to forswear nuclear weapons or be destroyed.” The Soviet Union refused to support it and within a few years had tested its own nuclear weapons. The U.S. goal of maintaining a nuclear capability while seeking to deny it to others was eventually shared by the

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23 The McCloy-Zorin Agreement is not even mentioned in recent work, e.g. Allan S. Krass, The United States and Arms Control: The Challenge of Leadership (Westport, CT: Praeger, 1997).
27 Ibid., p. 171.
Soviet Union and in time by the other nuclear weapons states and underlies the 1968 Nuclear Nonproliferation Treaty.

The second effort at nuclear arms control can be traced to the mid-1950s and to the Soviet offer of a plan for nuclear disarmament, reductions in conventional forces, and a system of inspections. Matthew Evangelista's study of these talks argues that, even though it had earlier supported these principles, the United States eventually rejected the Soviet plan because of opposition from the U.S. military and the U.S. Atomic Energy Commission, which "exercised effective veto power over U.S. disarmament policy." The U.S. preference for continuing the arms race was not, however, confined to these institutions, McGeorge Bundy claims that "what [U.S. Secretary of State] Dulles feared about proposals for disarmament in 1955 was simply that they might lead to agreement". The reasons are instructive. Bundy suggests that Dulles "did not fear the nuclear arms race, because he had confidence the Russians could not keep up.

Within a few years, however, it became apparent the Soviet Union could keep up and arms control emerged out of the recognition that open conflict between the U.S. and Soviet Union would be mutually ruinous and that something needed to be done. As Thomas Schelling observed in a 1961 essay laying out some of the earliest thinking on arms control: "our present military policies and prospects... cannot promise security from a major thermonuclear war; and even modest improvements achieved through cooperation with the Soviets would be welcome." Schelling was also very blunt about what such "cooperation" was intended for. Arms control was, he argued, "designed to preserve a nuclear striking power," and it was "an open question whether we ought to be negotiating with our enemies for more arms, less arms, different kinds of arms, or arrangements superimposed on existing armaments." Disarmament had now become "an open question," and peace seemingly unimaginable.

From this arms control perspective, the U.S. and Soviet Union should agree to manage their conflict and to find ways to stabilize and regulate the relationship of mutual assured destruction that the vast nuclear arsenals of the superpowers had created. As Schelling put it, the need was to "tranquilize relations... while hating and distrusting." Thirty years later, he stood by those earlier perceptions arguing that "the purpose of arms control was to make deterrence work." Marcus Raskin has drawn out this darker aspect of arms control, arguing that arms control talks by their nature "eschew essential moral, legal and criminal questions" and that "there is a necrophiliac quality to the technical expertise which calculates one missile against another, as diplomats become brokers in charred bodies." Inevitably, Raskin suggests, "when such negotiations are divorced from the fundamentally criminal nature of the weaponry or strategies under discussion,

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30 Ibid.
33 Ibid., p. 893.
34 Ibid., p.895.
arms control talks are reduced to narrow quibbles between state representatives on the character and size of mutually genocidal forces. The first two decades of the arms control era brought a series of agreements. The first of these was the 1959 Antarctic Treaty, which recognised the emergence of possible territorial disputes (the U.S. and Soviet Union did not recognize the claims of other governments) and prohibited military activity there. It codified the status quo. Given public fears and mobilization against nuclear weapons and testing, compounded during the 1962 Cuban missile crisis with the fear of nuclear war, it was no great surprise that the first substantial superpower agreements came soon thereafter, in 1963, with the "Hotline" agreement establishing direct emergency communications between leaders in Washington and Moscow, and the Limited Test Ban Treaty, which prohibited atmospheric nuclear testing. These were followed by the 1967 Outer Space Treaty, which banned nuclear weapons from space, and then the 1968 Non-Proliferation Treaty (this is discussed at length later in this essay). 1971 saw the Seabed Arms Control Treaty, prohibiting nuclear weapons from the seafloor, the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War, and the "Hotline" modernization agreement. The following year saw both the Biological Weapons Convention, outlawing biological weapons, and the Incidents At Sea Treaty. But the most significant agreements that year were the Anti-Ballistic Missile Treaty, and the Interim Agreement (SALT I), which for the first time limited offensive nuclear arms. The culmination of the process can be said to be the 1973 Prevention of Nuclear War agreement, in which the superpowers committed themselves to "make every effort" to avoid nuclear war.

The superpowers brought distinct perspectives to these management efforts. Robin Ranger argues that it is possible to distinguish U.S. from Soviet arms control thought and practice, where "the Western, especially the American view... has stressed the idea of arms control as a means of securing apolitical, technical solutions to the threats to strategic stability", (which he labels "technical arms control"). The Soviet Union on the other hand "sought to provide political counters to threats to strategic stability", and so preferred "political arms control." The two perspectives have important consequences. The emphasis on science and technology rather than politics serves to privilege the United States even among the nuclear weapon states, and more particularly those institutions within it which command the appropriate expertise. Thus the military and the weapons laboratories have played a crucial role in arms control talks; they have been key to determining what and when treaty talks are possible, and to shaping the eventual treaty. Their role also extends into the surveillance and regulatory functions that constitute verification, and so ultimately into determining questions of compliance and noncompliance. The influence of such institutions seems to have been more limited in the Soviet Union, Matthew Evangelista suggests, because of the "high centralization of the system and the enormous personal power and authority concentrated in the Politburo and in the person of the general secretary." The influence of the U.S. military and the weapons complex underlies a key problem with arms control, identified by Allan Krass as the fact that "Arms control agreements are limited instruments which regulate only relatively narrow aspects of the military and political

competition. It is assumed that the competition continues unabated in all areas not covered by the agreement. Anything not forbidden is permitted. In this situation, verification is a crutch for arms control agreements in that it is supposed to detect and warn of potential violations of an agreement, deter such violations, and build public confidence in the viability of the agreement. But verification also serves to institutionalize distrust; Krass calls this "the self-fulfilling nature of distrust." It is not surprising then to read the damning indictment of arms control in January 2000 offered by General Lee Butler, who retired in 1994 as Commander in Chief of the U.S. Strategic Command; "The traditional arms control process... is not just stalled but dysfunctional. It is freighted with psychology, language, assumptions, and protocols that perpetuate distrust, constrain imagination, limit expectations, and prolong outcomes."

The urge "to tranquilize relations... while hating and distrusting" that underlies arms control, to use Schelling's description, proved itself vulnerable to political forces that sought to embrace their hate and distrust rather than manage it. In his history of U.S.-U.S.R negotiations in the 1980s, Strobe Talbott has identified how under President Reagan "the arms control enterprise came into the hands of a group of people who were extremely critical of the results of that enterprise as it had been conducted by the three previous administrations. These people differed... from their predecessors – in their world outlook, their view of America’s adversaries in Moscow, their own conception of their own opportunities and obligations. According to Talbott, “The president and his men had been determined as much as possible to wipe out the vestiges of the old regime. This meant altering if not scrapping the diplomacy that had held sway since the 1950s, discrediting if not discarding the agreements that earlier administrations had signed." This impulse towards the untrammeled exercise of U.S. power was also evident in increasingly aggressive interventions and invasions in the Third World, for example in Nicaragua, El Salvador, Angola, Libya, and Grenada.

Over the past decade, U.S. policy makers have seen Soviet disintegration followed by Russia's economic and political collapse and now find themselves spending hundreds of millions of dollars each year to secure Russian nuclear weapons and fissile materials as part of an effort to stop its nuclear weapons complex from hemorrhaging. So even though Russia retains thousands of nuclear weapons, it is no longer perceived as a state at par with the U.S.. As the perception of parity has eroded, so arms control seems to have fallen deeper into crisis.

There is certainly a sharpening sense of crisis in nuclear arms control. Jonathan Schell, the author of the classic warning about the dangers of nuclear weapons, *The Fate of the Earth*, has recently observed that "Ten years after the collapse of the Soviet Union, the startling fact is that nuclear arms control is faring worse in the first days of the twenty-first century than it did in the last days of the Cold War. He is by no means alone in his judgement. Rather, he articulates a more

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prevalent concern. A 1997 study of the United States and its arms control policies suggested "the rate of progress in virtually all areas of arms control and nonproliferation has slowed noticeably since 1993... its continued progress is by no means guaranteed." A grimmer picture still was painted in "The Nuclear Turning Point", a collaborative volume by leading independent academic experts and proponents of nuclear arms control. It argued that "nuclear arms control is at a crossroads" and warned that "the present arms control regime could unravel."

The changing fortunes of arms control, when looked at in detail, show the impact of domestic political circumstances, especially the political and bureaucratic dynamics of national security policy making and the role of the institutions set up to wage the Cold War. There are certainly some, such as former U.S. Secretary of State Henry Kissinger, who have welcomed the possible end of arms control and support the rethinking of U.S. policy. Arms control has served its purpose, argues Kissinger, because "the end of the Cold War has transformed global strategic conditions". Echoing Kissinger's argument that the collapse of the Soviet Union demands rethinking U.S. policy, David Gompert, Vice President of the Rand Corporation, has suggested that, "now predominant and unthreatened, the United States is no longer a status quo power." Gompert explains that, "because the main current of change – globalization – promotes its interests and ideals, the United States no longer seeks to freeze the international situation." In short, the end of the Cold War released the U.S. from needing to constrain or regulate its military capabilities, and as an uncontained superpower it should now actively further its interests. The emphasis on globalization makes clear that an important interest is to facilitate access and profits for U.S. capital in a global market.

It is also clear that at work are a set of ideas about America's place and role in the world, its self-conception as the "indispensable nation," a term used most recently by both Secretary of State Madeline Albright and President Clinton, and its relationship to other states. President Clinton's 1999 report, "A National Security Strategy For A New Century," announces that, "at this moment in history, the United States is called upon to lead — to marshal the forces of freedom and progress; to channel the energies of the global economy into lasting prosperity; to reinforce our democratic ideals and values; to enhance American security and global peace." It is ideas such as this, of a nation bound or destined to lead while others follow, which go towards constituting American identity and which are used to mark itself off from other nations. These ideas serve to shape domestic politics and bureaucratic processes, and to create institutional cultures. These

53 This is the theme of much of the recent literature on globalization, see for instance Richard Falk, Predatory Globalization: A Critique (Malden, MA: Polity Press, 1999).
ideas, reflecting and shaping economic interests and military capabilities, and the efforts to resist them will determine whether or how the U.S. complies with existing international obligations and norms and how it deals with possible new ones.

IV. The Anti-Ballistic Missile Treaty

The most vivid evidence for the changes taking place in U.S. policy on arms control and its approach to compliance is the ongoing U.S. effort to develop and deploy an anti-ballistic missile system. The program is being pursued even though it is clear that the deployment of an anti-ballistic missile system would violate the 1972 U.S.-Soviet Anti-Ballistic Missile (ABM) Treaty, which forbids such systems. The assault on the ABM Treaty runs counter to the long and widely held belief among arms controllers that the Treaty is the foundation of superpower arms control -- a decade ago it was offered by Thomas Schelling as proof of “the doctrinal victory of arms control in this country.”

As noted earlier, the U.S.-Soviet/Russian arms control treaties were the result of an arms race, strategic parity, massive overkill, and public fears. It was recognised for instance in 1970 by General Bruce K. Holloway, Commander in Chief of the Strategic Air Command, that "the central fact of our time... is the present relative equality of the U.S. and Soviet strategic military power… this power is the foundation of all diplomacy as well as war." The recognition of this balance of terror and the need for some kind of discipline on the part of both superpowers (at least with regard to each other) also entailed that coercion and other means to enforce compliance would have been fruitless and even counterproductive. Not surprisingly, superpower treaties contain no provisions for enforcing compliance, whether through sanctions or other means. Instead, the task of ensuring compliance with these arms control agreements has been predominantly one of negotiation and “regime management.”

In keeping with its larger assault on arms control, the Reagan administration launched in March 1983 its Star Wars program to develop space-based missile defenses. For U.S. military planners, Janne Nolan has reported, "security based on traditional nuclear weapons had reached an upper limit, that it was no longer technically challenging or strategically advantageous to keep adding more warheads to nuclear arsenals." Space beckoned as a new arena for the pursuit of military advantage. To legitimise its research, development and testing of new anti-ballistic missile systems, the Reagan administration even presented a new interpretation of the ABM Treaty. The prospect that the U.S. was on course to violate the Treaty elicited further criticism, from the


57 For details of the compliance management provisions in the various superpower treaties see the chapter by Feiveson and Shire. A model of compliance as a management problem has been advanced by Abram and Antonia Handler Chayes, The New Sovereignty: Compliance with International Regulatory Agreements (Cambridge: Harvard University Press, 1995), who claim it is not “willful disobedience but the lack of capability or clarity or priority” that is the primary source of noncompliance (p.22).

public, the arms control community, Congress, and U.S. allies. Under pressure, the Star Wars program eventually was restricted to research. The obvious violation of the spirit of the ABM Treaty elicited less concern.

The collapse of the Soviet Union offered an even stronger test of U.S. commitment to its ABM Treaty obligations. In 1995, the U.S. Congress mandated the deployment of a national missile defense system by 2003, and a year later the Clinton administration announced that it would develop over the next three years and then prepare to deploy an NMD system within a further three years. In early 1999, the U.S. Senate voted 97-3 for a bill calling for the "United States to deploy as soon as is technologically possible an effective National Missile Defense system". This vote stands in stark contrast to what was described as the "extraordinary level of Senate support for the ABM Treaty" when it was signed by the U.S. Similarly, former Secretary of State Henry Kissinger, who was national security adviser to President Nixon when the Treaty was signed, has supported scrapping the ABM Treaty, arguing that the situation has changed since the treaty was negotiated.

However, under domestic and international pressure, especially from its traditional allies, rather than simply violate the treaty or announce its withdrawal, the U.S. again sought to unilaterally reinterpret the treaty and its protocols. In June 2000, U.S. government lawyers determined that limited work could begin on building the radars associated with the NMD system. It was explained that this new interpretation, permitting work previously seen as violating the treaty, was the result of "better lawyers." The final decision to begin work, however, was again delayed. The failure of some of the tests of the NMD system may have contributed to this decision in the last days of the Clinton administration. However, President Bush, who is more enthusiastic about missile defense, declared in July 2001 that the U.S. would proceed with its NMD plans no matter what. It was only a matter of time till the conflict between this U.S. policy and the ABM Treaty would become too great to avoid and the Pentagon's Compliance Review Group determined that present U.S. NMD plans would conflict with (a euphemism for violate) the ABM treaty in 2002. Recognising this, on December 13, 2001, President Bush announced formal withdrawal of the United States from the ABM Treaty.

The justification that is offered for the prevailing U.S. attitude towards the ABM Treaty is that the U.S. is seeking only to defend itself and that NMD poses no threat. In short, there is an appeal to good intentions and a denial of any larger significance. An appropriate perspective on this can be gained by recalling the certainly accurate judgement by Chayes and Chayes of how the U.S.

60 Craig Cerniello, "Senate, House Approve Bills Calling for NMD Deployment," Arms Control Today, March 1999. President Clinton signed the bill the following day.
would have responded if the Soviet Union had violated the ABM treaty: "transgression of such a
fundamental engagement would trigger not a limited response but an anxious and hostile reaction
across the board, jeopardizing the possibility of cooperative relations between the parties for a
long time to come. Outrage when solemn commitments are treated as 'scraps of paper' is rooted in
U.S. history. Recent events would suggest these roots are not very deep and do not extend in all
directions. There seem few indications of "outrage" among U.S. policy makers or the larger
policy elite about "solemn commitments" when it is the U.S. which is treating a treaty as a "scrap
of paper". With no state able to effectively challenge it, and little domestic dissent, the U.S. seems
now to see very clearly where advantage may lie and be willing to pursue it when the
circumstances permit.

V. The Comprehensive Test Ban Treaty

The history and present crisis over the Comprehensive Test Ban Treaty offer an important insight
into the fairness and justice of international arms control negotiations. It shows how the United
States has tried and to some measure succeeded in delaying and shaping key arms control treaties
so that its own capacity to maintain and develop its nuclear weapons remains relatively
unfettered. To recall the formulation used by John Rawls, the U.S. has steadfastly refused 'the
original position of equality' or to don the 'veil of ignorance' and thus abandon its pursuit of
advantage. This example illustrates an old adage about arms control: one never gets arms control
when it would make a difference. It also adds to it that when there is agreement on an arms
control treaty, the U.S. will make sure it makes no difference at least as far as the U.S. is
concerned.

In 1954, the radioactive fallout from the United States “Bravo” thermonuclear explosion affected
hundreds of inhabitants of the Marshall Islanders and the Japanese fishermen in the Lucky
Dragon, causing the death of at least one. This led Indian prime minister Jawaharlal Nehru to
propose a nuclear test ban in 1954. It also triggered public protests against the health and
environmental effects of radioactivity from U.S. and Soviet atmospheric testing of nuclear
weapons. By creating domestic pressure to end nuclear testing, the protests spurred efforts to
reach the first significant superpower arms control treaty, the 1963 Limited Test Ban Treaty,

67 Abram and Antonia Handler Chayes, op.cit., p.9.
68 Thus principle underlies the conspicuous absence of significant international agreements on
conventional weapons. The failure to control these weapons is in large measure to be found in the military
production industries and the governments in the United States and Western Europe. The combined arms
sales of the largest 100 arms manufacturers in the OECD countries and the developing countries in 1998
amounted to $154.5 billion, with the U.S. having a 56% share, and its Western European allies responsible
for another 36% (i.e. a total of 92% of arms sales); these sales reflect the fact that 39 out of these top 100
arms producers, and 7 out of the top 10, are U.S. corporations, while another 38 of these top companies are
Western European (see Elisabeth Skons and Reinhilde Weidacher, Arms Production, SIPRI Year Book
Further, as John Harvey has noted: "international trade in military aircraft between industrialized and
developing countries nations is well established, pervasive and lucrative... it is no wonder then that the
western nations have achieved some success in establishing the Missile Technology Control Regime, but
have not attempted even to seek, much less reach, agreement on the desirability of discouraging sales of
advanced strike aircraft" (John R. Harvey, Regional Ballistic Missiles and Advanced Strike Aircraft:
69 See George Perkovich, India’s Nuclear Bomb (University of California Press, 1999), and George Bunn,
70 Lawrence S. Wittner, The Struggle Against The Bomb, Volume Two, Resisting The Bomb – A History of
forbidding nuclear explosive testing in the atmosphere, space, and under water. The United States nuclear weapons laboratories were a major obstacle to this Treaty, but there were also other opponents; Paul Nitze records that "the Joint Chiefs of Staff, when they realized that President Kennedy was indeed serious about concluding a test ban treaty with the Soviet Union, raised a storm of protest, as did the AEC laboratories." Herbert York has noted that in order to get support for ratification of the Limited Test Ban Treaty, President Kennedy agreed to a "vigorous" nuclear weapons development program, supported by underground nuclear testing. The development and testing of nuclear weapons continued apace.

The public pressure for a ban on all nuclear testing faded but did not disappear. By the late 1970s, President Carter decided that a Comprehensive Test Ban was both possible and necessary, could be verified, and was in the United States national interest. Herbert York, who was the U.S. chief negotiator at the subsequent CTBT talks in 1979-1980, recalled that the talks came within six months of a final treaty. The talks failed, according to York, because "most of the military, including the Joint Chiefs of Staff and, essentially, the entire permanent civilian nuclear staff, opposed it openly and strongly." The opposition to the CTBT among U.S. officials hardened in the early 1980s under the Reagan administration. While doubts were often couched in terms of verification of any possible treaty, a senior U.S. official admitted in 1986 that: “even if we could verify compliance with a comprehensive test ban at this time, it would not be in our interest or the interest of the world to undertake such a ban.” Thus, when the UN General Assembly voted 143-2 for a test ban in December 1987, there were 8 abstentions, and the United States and France opposed the resolution. Another resolution, calling for a halt to all nuclear explosions, was supported 137-3, with the United States, France and UK opposed. A year later, in December 1988, the vote was 146-2.

In the 1990s however, with the end of the Cold War and growing concerns about the proliferation of nuclear weapons, the United States began to change its position on the CTBT. In 1992, the United States Congress voted for a moratorium on nuclear testing and called for a Test Ban by 1996. The treaty was negotiated at the Conference on Disarmament in a relatively brief period between 1993-1996. This treaty had almost universal support, the General Assembly in 1996 voting 158-3 to approve the treaty prohibiting all nuclear test explosions in all environments for all time. The U.S. was the first state to sign, and the Treaty now has 160 signatories.

In 1999, Kissinger notes that “six former secretaries of defense, four former national-security advisors and four former CIA directors opposed ratification, while four former secretaries of state, myself included, refused to endorse it.” On October 13, 1999, the United States Senate refused to ratify the Test Ban. In contrast, Russia, the UK, and France have all signed and ratified the CTBT - like the United States, China and Israel have signed but not ratified, while

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73 Ibid., p. 288
76 Henry Kissinger, “Arms Control to Suit a New World,” op. cit.
India and Pakistan have not signed. The non-ratification adds to pressures already at work to interpret the terms of the CTBT as permitting the development of new kinds of nuclear weapons.

The U.S. had a different official perception of the CTBT even while it was being negotiated. Secretary of State Madeline Albright argued that the treaty created a major U.S. advantage: "Under the CTBT, America would gain the security benefits of outlawing nuclear tests by others, while locking in a technological status quo that is highly favorable to us. We have conducted more than 1,000 nuclear tests--hundreds more than anyone else. We do not need more tests to protect our security. Would-be proliferators or modernizers, however, must test if they are to develop the kind of advanced, compact nuclear weapons that are most threatening." This was a far cry from the intention and expectation of the majority of states involved in negotiating the Treaty. The U.S. ambassador to the CTBT negotiations explained that: "It is important to recognize that the motivation of the 38 countries that joined together in this negotiation is not the same. The majority believes, as I understand it, that the banning forever of all nuclear tests in all environments will bring about, and bring about rapidly, the deterioration and decay of all existing nuclear weapons stockpiles. As I understand it, all five nuclear weapons states believe that without testing we can nevertheless maintain for the foreseeable future the viability, the safety and the reliability of our nuclear stockpiles."

The difference in perception extends beyond the larger purpose and hopes for the Treaty. It includes the meaning of the Treaty's language. The declared rationale of the CTBT is that "the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and nonproliferation in all its aspects." However, according to the official U.S. interpretation of the CTBT, this "does not imply that the Treaty prohibits the development of new types of nuclear weapons, or the improvement of existing weapons."

Of particular concern are U.S. Department of Energy plans for "all" the nuclear weapons in the U.S. stockpile to be replaced with either "modified versions or with entirely new weapons." Some U.S. nuclear weapons designers already seem to be pushing for new designs. Stephen Younger, Associate Laboratory Director for Nuclear Weapons at Los Alamos National Laboratory, has argued that in the post-Cold War world, the U.S. needs new kinds of low-yield nuclear weapons because it faces "new threats" and the continued U.S. "reliance on high-yield strategic [nuclear] weapons could lead to self-deterrence, a limitation of strategic options, and consequently a lessening of the stabilizing effect of nuclear weapons." This is by no means the first time such suggestions have come from U.S. weapons laboratories. In 1970, Harold Agnew, Director of Los Alamos National Laboratory, suggested that "if people would prepare the right

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79 Andrew Lichterman and Jacqueline Cabasso, A Faustian Bargain: Why Stockpile Stewardship is Incompatible With the Process of Nuclear Disarmament (Oakland, California: Western States Legal Foundation, March 1998).
spectrum of tactical weapons, we might be able to knock off this sort of foolishness we now have in Vietnam and the Middle East or anywhere else.84

An early sign of support for efforts towards new weapons, despite the Test Ban, is the 2001 U.S. Defense Authorization Bill, which includes a provision for a study and "limited research and development" on the "defeat of hardened and deeply buried targets." The sponsors of this provision in the U.S. Senate have argued that it is meant to make possible research and development on low-yield nuclear weapons (circumventing a 1994 ban).85 It is hard to see this as being consistent with the declared intent of the CTBT.

The U.S. is able to evade this basic goal of the CTBT because of a long list of conditions that were attached to the treaty when it was submitted to the U.S. Senate for ratification. These conditions were explicitly intended to permit the maintenance and modernization of the U.S. nuclear arsenal for the indefinite future, and retaining nuclear weapons laboratory facilities and programs as well as the capability to resume nuclear testing.86 In addition, under the 1994 Nuclear Posture Review and the 1997 Quadrennial Defense Review, there is a requirement from the Department of Defense to the Department of Energy, which has responsibility for managing the nuclear weapons complex, that it "maintain the capability to design, fabricate, and certify new warheads."87 Knowledgeable U.S. analysts argue that these conditions and the multibillion dollar new experimental and computational facilities being developed in the weapons laboratories show that "the U.S. government clearly intends to maintain under the CTBT, and indeed significantly enhance, its scientific and technical capabilities for undertaking the development of advanced new types of nuclear weapons."88 The CTBT apparently offers no significant obstacle. The compulsion to conduct explosive tests of new nuclear weapons before introducing them into the arsenal may eventually lead the United States to withdraw from the Treaty. The recent decision to consider how to reduce the time required to resume testing from two to three years to three to four months may be the first sign of such a step.89

There is little that the CTBT can do to deal with U.S. noncompliance, in any case. It is generally understood, though not specified, that under the CTBT, as with other treaties, the concerns about noncompliance could be brought to the attention of the UN Security Council if questions of international peace and security are involved. This arrangement by its very nature leaves the nuclear weapons states outside any restrictions, given their veto. This makes it all the more ironic that concerns about the CTBT's lack of compliance enforcement measures, what was called a lack of teeth, figured significantly in the U.S. ratification debate, including in the Senate.90 Rather than

some general principle of equality, the concern was whether the CTBT that had been negotiated permitted sufficient scope for the United States to enforce compliance by other, less powerful states. The Treaty was, it seems, not unequal enough.

VI. The Nuclear Nonproliferation Treaty

The growing crises over the ABM treaty and the CTBT stem from a pattern of U.S. policies that compromise its compliance with these agreements and show how little impact the international community has had in closing this compliance gap. The compliance battles over the 1968 Nuclear Nonproliferation Treaty reinforce this perception, and at the same time show how the U.S. deals with instances of noncompliance by other states when it comes to the international system of controls over nuclear weapons. An appropriate framework for looking at the origin, content, compliance, noncompliance and enforcement of the NPT is again Rawls' ideas of justice and fairness and the question whether the nuclear weapons states have approached the issue of nonproliferation from 'the original position of equality', i.e. as if they did not have nuclear weapons and did not seek to maintain them. And, adopting Franck's argument about legitimacy, asking whether judgement about noncompliance and efforts at enforcement have been consistent.

The first discussions of controlling the spread of nuclear weapons came in 1947, when the Soviet Union proposed a disarmament agreement at the UN Atomic Energy Commission (UNAEC). Bertrand Goldschmidt, the former head of the French Atomic Energy Commission and a participant in those talks, has argued that "if the UNAEC – in 1948... at a time when there was still only a single nuclear weapon state possessing a small stock of bombs - had agreed [to the proposed treaty]... the nuclear arms race and its tragic acceleration probably could have been slowed down considerably or even avoided." The U.S. and its allies rejected the Soviet plan. Goldschmidt argues "if the ...arguments, which we then put forward, had been applied 20 years later to the NPT they would indubitably have led to the rejection of this treaty which is now the main pillar of our nonproliferation regime.

The history of the NPT can be traced to an Irish resolution introduced in 1958 to the UN's First Committee, which called on nuclear weapon states not to transfer control of nuclear weapons to non-nuclear weapon states, and on non-nuclear weapons states not to produce such weapons. The U.S. opposed it. In 1964, China tested nuclear weapons for the first time. A year later, the superpowers had become sufficiently concerned about the need to restrict the possible spread of nuclear weapons that they presented separate draft treaties on nuclear nonproliferation to the Eighteen Nation Disarmament Conference (the forerunner of the Conference on Disarmament). The treaty drafts envisioned not a universal set of prohibitions, but rather a two-tier system in which the five states that had tested nuclear weapons would retain them and not share them, while other countries would agree not to acquire nuclear weapons. The drafts made no mention of arms control and disarmament except in the preambular paragraphs.

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*Scientists*, January/February 2000, pp. 44-46. For a further discussion, see the chapter by Feiveson and Shire in this volume.

92 Ibid., p. 63.
Peter Clausen, a historian of the NPT, has noted that for the U.S. the timing of this initiative was linked to its pursuit of its interventionist policies and global interests: "it was no accident that the period of the treaty negotiations corresponded to the high water mark of America's postwar global activism... the spread of nuclear weapons in a region of vital interest to the United States could increase the risks of containment and threaten American access to the region." The Soviet interest in nonproliferation stemmed from concerns about possible U.S. sharing of nuclear weapons with its NATO allies, in particular West Germany, the emergence of a nuclear China and (as with the U.S.) the need to limit possible threats in regions where it may choose to intervene. These concerns were well founded. During the late 1960s, the U.S. had deployed thousands of nuclear weapons and their components to other countries, including Canada, Cuba, Greenland, Iceland, Japan, Morocco, Philippines, Puerto Rico, South Korea, Spain, Taiwan, Belgium, Greece, Italy, Netherlands, Turkey, UK, and West Germany. At that time, the U.S. had a stockpile of over 32,000 nuclear warheads, and the Soviet Union over 6,000.

In 1967, the U.S. and Soviet Union submitted identical treaty drafts. The draft contained no treaty article dealing specifically with disarmament. Instead, the superpowers proclaimed their good intentions in a non-binding preambular paragraph. They were:

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control.

It was eventually Mexico that proposed including an article on disarmament in the treaty, which eventually became the final Article VI, and commits all parties "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament."

It was clear early on that even this limited obligation was not welcomed by the nuclear weapons states and would not be readily met. "Under the pressure of the non-aligned states as well as from some of their own allies," Mohammed Shaker notes in his history of the NPT, "the two superpowers merely accepted in the NPT to undertake to pursue negotiations in good faith, but not, as pointed out by one American negotiator, 'to achieve any disarmament agreement, since it is obviously impossible to predict the exact nature and results of such negotiations.' Even this evidence of the intention to not take the treaty seriously suggests some limited good faith that was not there. Bill Epstein, a veteran United Nations official in the area of arms control and disarmament, records that "one of the American negotiators conceded privately that the NPT was 'one of the greatest con games of modern times.'"

The scale of the 'con' has become starkly apparent. The nuclear weapons states were able to ensure that there were no compliance provisions applicable to them. They were bound only by "good faith". If they chose not to exercise it, who could make them do otherwise? Thus, thirty

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years after the NPT was opened for signature, there remain five nuclear weapon states which between them possess tens of thousands of nuclear weapons.

For their part, the non-nuclear weapons states have sought to hold the weapons states to their Article VI obligations to disarm. Their efforts have been treated as little more than attempts to plead and to cajole. The fact that many non-nuclear states were dependent on, and often simply clients of, the major powers has meant that other political and economic interests mute the demands they are willing or able to make. The only feature of the NPT that could serve as leverage on the nuclear weapons states is for individual states to withdraw from the treaty, or to agree collectively to either amend or to bring about the end of Treaty. The NPT came with a 25-year lifetime and a requirement for a conference of the signatories at that time to determine whether to extend it and for how long. In principle, the non-nuclear weapon states could have demanded that the nuclear weapons states either comply with their Article VI obligation to disarm or face the end of the NPT bargain by allowing the Treaty to lapse. But, despite their frustration, the non-nuclear weapons states have not been interested in bringing down the NPT, either individually or collectively – no state has ever withdrawn from the Treaty (although North Korea threatened to do so).

The opportunity for the non-nuclear weapons states to bring the Treaty to an end came at the 1995 NPT Review and Extension Conference. But, as the President of the Conference, Jayantha Dhanapala, observed: "It was clear from the very beginning that all delegations did want to extend the Treaty." The real issue at the Conference was that among a large number of delegations "there was a desire for an indefinite extension plus"; the plus being "further commitments towards nuclear disarmament in terms of concrete action." In short, the demand was for the nuclear weapons states to take seriously and fulfill their Treaty commitments. It was not to be.

The United States, the other nuclear powers, and some U.S. allies worked for and got an indefinite extension without conditions or commitments on disarmament. Miguel Marin Bosch, Mexico's Ambassador to the conference, explained that the final decision indefinitely extending the NPT "was what the five permanent members of the Security Council wanted and secured in order to continue being the nuclear haves in a world of overwhelmingly nuclear have-nots". Bosch went on to apportion responsibility among the nuclear weapons states, observing that "It is a unipolar 1946 world - there is only one superpower."

While the links between the outcome of the NPT Review and Extension Conference and the interests it served are important, it is also necessary to attend to the way the decision was arrived at. The evidence suggests the 'diplomacy' was far from meeting even elementary criteria for fairness and justice. According to Indonesia's ambassador, the 1995 decision was arrived at "simply by the use of pressure tactics against smaller countries...many countries complained to us

99 Using the amendment provision in the NPT to transform the treaty into one abolishing nuclear weapons has been proposed; see Zia Mian “NGO Remarks to NPT Delegates”, NPT Review Conference Prepcocm 2000, New York, 1997; and Zia Mian and M.V. Ramana, “Diplomatic Judo:Using the NPT to Make the Nuclear Weapons States Negotiate the Abolition of Nuclear Weapons,” Disarmament Diplomacy, April 1999, pp.7-10.


101 Miguel Marin-Bosch, “Nuclear Disarmament on the Eve of the Twenty-First Century: Is This as Good as it Gets?” Disarmament Diplomacy, April 1999, pp. 5-6.

102 Walsh, op. cit., p. 7.
about pressure with conditionalities and other types of pressure. Other representatives of states from the South expressed similar concerns about the coercive private diplomacy. The Venezuelan ambassador, when asked why his state had supported indefinite extension, explained that "there had been too much pressure... applied in all directions," adding that "most of the developing countries are going through difficult times, including my own." More directly, the Venezuelan ambassador complained "this decision has been extracted by force." Iran's ambassador made the connection between the means used to arrive at the indefinite extension decision and the implications for its legitimacy; he noted that "a lot of pressures...promises and sometimes threats were put on non-aligned countries...by certain nuclear weapons states, in particular the United States, as well as certain Western countries... this might call into question the method by which the indefinite extension was reached."

It was noted earlier that validation (the signals of support or dissatisfaction with an agreement) and adherence (how an agreement fits into the larger set of shared principles and institutions) are important contributors to an agreement's legitimacy. The judgement of key non-nuclear weapons states makes clear that the 1995 Conference added significantly to the growing crisis of legitimacy of the NPT. The crisis became even more acute when, in a 1996, ruling on a case brought before it by the United Nations General Assembly, the International Court of Justice gave its unanimous advisory opinion that under the NPT nuclear weapon states have "an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects". The U.S. Ambassador to the United Nations Conference on Disarmament, Robert Grey, was dismissive: “Our own view is very clear: we don't think it helpful or useful to discuss nuclear disarmament or negotiate nuclear disarmament in a multilateral context."

In the light of the Court's judgement, the continued refusal by the nuclear weapon states to even permit negotiations on the elimination of nuclear weapons may be read as non-compliance with the NPT. The ICJ judgement and the lack of subsequent progress have given rise to recurring resolutions at the General Assembly demanding action. In December 1999, a paragraph recalling the Court’s ruling was put to the vote and adopted by 156 to 3 - the U.S., Russia, and France voted against, while the UK, Israel, and Bulgaria abstained. This demand from an overwhelming majority of the international community was simply ignored by the nuclear weapons states. They did not open negotiations on how to comply with the Court's judgement.

The non-nuclear weapons states have persisted in their efforts to seek full compliance with the NPT by the nuclear weapons states. Building on the World Court and General Assembly resolutions, the nuclear weapon states were placed under pressure by demands for nuclear disarmament from the ‘New Agenda Coalition’ states (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden). At the April 2000 Review Conference of the NPT, the weapons states responded by including in the final document an "unequivocal undertaking... to

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103 Ibid., p. 6.
104 Ibid., p. 9.
105 Ibid., p. 9.
106 Ibid., p. 13.
107 John Burroughs, *The (Il)legality of Threat or Use of Nuclear Weapons*, International Association of Lawyers Against Nuclear Arms (Munster, Lit Verlag, 1997).
109 *Disarmament Times*, volume XXII, No. 5, December 1999
accomplish the total elimination of their nuclear arsenals. The seriousness of this "undertaking" became evident soon thereafter. While international newspaper reports declared "5 Atom Powers Agree to Scrap Arsenals" (International Herald Tribune), Ambassador Robert Grey suggested that there were "different evaluations of what has been achieved" and other U.S. officials explained that the agreement "did not represent a significant shift in United States policy". Ambassador Gray was a little more blunt later, saying the declaration "will have no more impact than its had in the past. It's more of the same."

VII. Enforcing the NPT

While the most powerful states have limited their compliance with the NPT to the narrowest interpretation of certain specific obligations and refused compliance with other parts of the treaty, they have insisted that others comply with all the rules. Part of the problem lies in the structure of the treaty itself, the way in which it plays to power, and in particular the role given to the International Atomic Energy Agency and its Board of Governors, whose membership is determined in such a way that the nuclear weapons states are permanent members. The Board is supposed to report noncompliance to the Security Council and General Assembly of the United Nations.

It is worth looking briefly at how the IAEA and its Board and its General Conference works in practice. One particularly illuminating example was provided by the events following the 1981 Israeli attack on Iraq's Osirak nuclear reactor. The Director General and Board of Governors of the IAEA strongly condemned Israel's action and asked the General Conference of the IAEA to consider suspending Israel from the exercise of its rights and privileges. The General Conference stopped short and voted only to suspend all technical assistance to Israel. The following year, the General Conference considered a resolution to refuse Israel's participation in the meeting. When the vote went against Israel, the U.S. demanded an appeal, and when this was lost the official history of the IAEA records that "the delegations of the United Kingdom and the U.S.A walked out of the conference hall, followed closely by most other Western delegations. Before withdrawing from the General Conference, the U.S. delegate announced his government would reassess its policies regarding United States support for and participation in the IAEA and its activities. In short, the U.S. would pull out of the IAEA or at least severely undermine its function – the history notes that the U.S. has been and remains the largest contributor to the IAEA budget and its technical assistance programs. It came as no surprise when, a few months later, the IAEA Director General and its Board declared that Israel remained a full member of the IAEA, and the U.S. resumed its relationship with the IAEA.

Given this background, it is worth comparing the responses of the NPT machinery, the United States, the Security Council and the larger international community to the pursuit of nuclear

111 Ibid., p.15.
113 For the details of the NPT's formal mechanisms for establishing and responding to noncompliance see the chapter by Feiveson and Shire in this volume.
115 Ibid., p.107.
weapons by Israel, Iraq, North Korea, India and Pakistan. In each case, the U.S. took the lead, at times supported by and at other times resisted by other Security Council powers and the larger international community. Given the international role played by the United States and the importance the U.S. has attached to nonproliferation, it is important to frame this discussion by recalling how the U.S. officially describes its interests in each case.

**Proliferation: Threat and Response**, a report from the Office of the Secretary of Defense, proclaims that for the Middle East, U.S. goals and interests include "maintaining a steadfast commitment to Israel's security and well-being" and "building and maintaining security arrangements that assure the stability of the Gulf region and unimpeded commercial access to its petroleum reserves." In the case of North East Asia, the report declares U.S. interests are "to seek a stable and economically prosperous region". For South Asia, the interests are more security oriented, namely "preventing another Indo-Pakistan war, enhancing regional stability, and stemming the proliferation of weapons of mass destruction." It will become clear that for the U.S., nuclear nonproliferation is in fact subordinate to its specific national economic and military interests.

**Colluding with Israel**

Israel has the biggest and most successful nuclear weapons program outside of the five major nuclear weapons states. It has not signed the NPT and is believed to maintain a stockpile of at least 100 and perhaps several hundred nuclear weapons and to possess ballistic missiles with a range up to 4000 km (Jericho-2), as well as aircraft capable of delivering nuclear weapons and submarine launched nuclear cruise missiles. The reporting, analysis and concern about Israel's nuclear weapons capabilities and of the role played by the United States have not been proportionate. This reflects the privileged position Israel holds not just in U.S. policy but also in much of the U.S. arms control and nonproliferation community.

United States support for Israel, especially among the policy making community, has been unaffected by actions which if taken by any other state would have been seen as completely unacceptable. These actions include Israel's being prepared to use nuclear weapons in its 1973 war, its 1982 invasion of Lebanon, in which almost 20,000 people were killed and many more injured, its subsequent occupation of South Lebanon until early 2000, its policy of assassinations and bombings directed against Palestinian leaders in third countries, most notably in 1985 in Tunisia, to say nothing of its widespread violation of international law as part of its

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illegal occupation of the Palestinian West Bank and Gaza. It takes far less for any other state to be dubbed a "rogue state" and subject to censure and punishment by the U.S. and its allies.

The U.S. has never tried to restrain Israel's nuclear weapons program. This has been despite occasional Israeli fears that the program might become an issue. According to Avner Cohen, when President John F. Kennedy met with Israeli Prime Minister David Ben Gurion in May 1961, they discussed Israel's nuclear weapons ambitions and capability for perhaps fifteen minutes and "Kennedy did not try to extract a promise that Israel would not develop a nuclear weapons capability in the future [and] exerted no new pressure and Ben Gurion had no need to use all the arguments he had prepared."[122] Cohen reports that Ben Gurion "felt relieved". By 1968, as the NPT was being negotiated, President Lyndon Johnson was content simply to tell Israel that while its accession to the NPT was important to the United States, the U.S. would provide military assistance to Israel nonetheless.

Military support for Israel deepened even further under President Richard Nixon, who pledged "to keep Israel strong."[123] Subsequently, the U.S. and Israel have developed increasingly close military cooperation, concluding in 1970 an agreement known as the Master Defense Development Data Exchange, which gave Israel access to information on a range of military technologies.[124] The degree and quality of cooperation between the U.S. and Israel has grown markedly over time and now extends far beyond the supply of military technology. In 1987, the Director of Defense Research and Development for Israel's armed forces noted that the two countries had a "dynamic array of joint R and D projects, weapons evaluations, exchange of lessons learned in war, and sharing of test results for weapons systems... [which] has transformed the concept of cooperation into a fantastic process benefiting both nations."[125] Israel may even have had access to U.S. and French nuclear weapons design and test expertise.[126] The U.S. has underpinned its cooperation through the provision of $70-80 billion dollars of military and economic aid to Israel over the past two decades, and presently provides well in excess of $3 billion a year; it has been noted that "as stunning as these amounts are, they substantially underestimate the magnitude of [U.S.] assistance... they do not reflect the numerous special privileges being accorded to Israel."[127]

This strategic interdependence shows every sign of becoming even tighter. In 1997, an amendment to the United States Defense Authorization Act barred U.S. companies from taking or selling high resolution satellite pictures of Israel.[128] It is the only state with this protection. In 1998, the U.S. signed a Memorandum of Agreement with Israel committing it to "enhancing Israel's defense and deterrent capabilities" and "upgrading the framework of the U.S.-Israel strategic and military relationship, as well as the technological cooperation between them".[129] The agreement included a U.S. commitment to providing "ways and means of assuring and increasing

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122 Avner Cohen, *Israel and the Bomb*, op. cit., p. 111, 156.
123 Ibid., p. 316 and p. 326.
124 For a history of U.S.-Israel military cooperation see Stephen Green, *Living By the Sword: America and Israel in the Middle East 1968-1987* (Boston, MA: Faber and Faber, 1988).
125 Ibid., p. 222.
Israel's deterrent power by supplies of modern technology and weapons systems. This was followed in 1999 by reports of plans to link Israel's Arrow-2 anti-ballistic missile system to U.S. radar systems and the planned sale of up to 110 U.S. F-16 jets. In February 2000, another agreement was signed giving Israeli scientists access to "limited nuclear information" from the U.S. nuclear weapons laboratories – such access had previously been restricted because of Israel's refusal to sign the NPT. In making the announcement, U.S. Secretary of Energy Bill Richardson pointed out that Israel "is not treated in a similar fashion as others on our list of sensitive countries." The 'sensitive countries' list is the familiar gallery of pirates, including India, Pakistan, Iran, Iraq, and North Korea.

The U.S. is not alone in heaping favors on Israel. France provided the Dimona facility to Israel for making weapons grade plutonium and a reprocessing plant for recovering it, as well as helping with the Jericho missile program. Germany has agreed to pay most of the $900 million cost of the three Dolphin submarines it is building for Israel, which are capable of firing long-range nuclear-capable cruise missiles. Israel is reported to have tested such missiles in May 2000 to a range of almost 1500 km.

There have been repeated demands from the international community that Israel should give up its nuclear weapons and accede to the NPT. It is the only state in the Middle East that is not a party to the Treaty, making it impossible for the Middle East region to become a nuclear weapon free zone. Demands for such a zone have repeatedly been made by states within the region and by the larger international community through UN General Assembly Resolutions, as well as in review conferences of the NPT parties. The 1995 NPT agreement on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" encouraged all NPT States parties to exert "every effort" to universalize membership of the Treaty. In December 1998 the UN General Assembly voted 158-2 in support of a resolution that "calls upon the only state in the region that is not a party to the NPT to accede without further delay and not to develop, produce, test or otherwise acquire nuclear weapons." Only Israel and the U.S. voted against the resolution. The U.S. chose to support Israel rather than comply with its obligations under the NPT and respect the wishes of the international community.

The Harrowing of Iraq

In sharp contrast to sustained U.S. military, economic and political support for Israel has been its ruthless and unprecedented use of force and sanctions after the 1990-1991 Gulf War to compel Iraq's compliance with arms control agreements. Again, context and precedent are important. While Iraq's invasion of Kuwait in 1990 led to a massive U.S. military intervention and the U.S.-Iraq Gulf war, Iraq's 1980 invasion of Iran merited no comparable U.S. effort to defend Iran. Rather, in the Iran-Iraq war, the U.S. actively sided with Iraq. To see why, it is worth recalling that the Iran-Iraq war came soon after the Iranian revolution, which had overthrown the U.S. backed regime of the Shah of Iran. The other, perhaps more important, factor was the enduring

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134 Howard Diamond, op. cit.
136 A/RES/53/80, Risk of Nuclear Proliferation in the Middle East.
U.S. interest in the Middle East region, described by the U.S. Secretary of Defense as "building and maintaining security arrangements that assure the stability of the Gulf region and unimpeded commercial access to its petroleum reserves." Iraq threatened U.S. interests in attacking Kuwait, a U.S. client, but not when it attacked revolutionary Iran.

The Gulf War, the efforts to disarm Iraq of its weapons of mass destruction, and the use of sanctions were undertaken under the cover of the Security Council. The justification given for all these actions was that they were a response to Iraq's invasion of Kuwait. But barely a year earlier the U.S. had invaded Panama. The UN General Assembly denounced as a "flagrant violation of international law." A similar resolution brought before the U.N. Security Council had the support of all members except for the United States and its traditional nuclear armed allies (and former colonial powers) Britain and France, and one other member, Canada (Finland abstained).

In 1991, as part of the cease-fire ending the Gulf War, the United Nations Security Council created the United Nations Special Commission (UNSCOM) and mandated it to discover and destroy Iraq's chemical and biological weapons, ballistic missiles, and related production infrastructure. The IAEA was separately charged with uncovering and destroying Iraq's nuclear weapons complex. These weapons programs were a clear breach of Iraq's international treaty commitments, including the NPT. Considering the failure of the Security Council to act in the case of Israel, it is almost perverse that the UN resolution on Iraq justified its harsh measures in part by "recalling the objective of the establishment of a nuclear-weapons-free zone in the region of the Middle East... and the need to work towards the establishment in the Middle East of a zone free of such weapons".

UNSCOM was a new initiative in the history of both the UN and arms control. Its Executive Chairman reported directly to the Security Council, not to the UN Secretary General. In addition to its chairman, the Commission consisted of 20 members; from the United States, the Russian Federation, the United Kingdom, France, China, Germany, Japan, Canada, the Netherlands, Australia, Austria, Belgium, the Czech Republic, Finland, Italy, Norway, Poland, Venezuela, Nigeria, and Indonesia – in other words, the permanent members of the Security Council, 12 states that could be classed as U.S. allies, along with one state each from Latin America, Africa and Asia. No Arab country was a member.

UNSCOM was staffed not by UN civil servants, but by experts provided by and for the most part paid by their respective governments. The U.S. had a significant presence. UNSCOM was also supported by unprecedented intelligence sharing and cooperation by the United States, including a dedicated U-2 spyplane, equipment, and weapons experts for inspection teams. It was later revealed that U.S. intelligence agencies were using agents disguised as UNSCOM inspectors to monitor Iraqi military activity and collect information used for planning U.S. air attacks.

In an effort to compel cooperation with UNSCOM, Iraq has been repeatedly bombed by U.S. and British planes, including a 70 hour bombing campaign across the country in December 1998.

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140 For details, see the UNSCOM website at http://www.un.org/Depts/unscom/unscom.htm.
There has been limited international support for this use of military force as a tool for forcing compliance, with no state willing to join the U.S. and UK in these bombing missions. This may be because they appear to have a larger purpose, with U.S. officials seeing the bombing as a tool to "contain and degrade the Iraqi military, humiliate Saddam Hussein, and perhaps generate opposition to his rule." The Bush administration has pursued more vigorously earlier efforts to bring down the Saddam Hussein regime, which have included a 1998 U.S. law authorizing $98 million in military aid and equipment for armed insurgents in Iraq attempting to topple the government.

Accompanying the inspections and the use of military force is a set of wide-ranging, severe and destructive sanctions imposed on Iraq at the outset of the Gulf War in 1990. Official U.S. estimates are that by 1998 the sanctions had cost Iraq more than $120 billion. This massive economic impact has created a humanitarian tragedy. A UNICEF survey of child mortality in Iraq estimated that during the same eight year period, 1991-1998, there had been an additional half million deaths of children under five in the country as a whole.

There should be no doubt that the government and the larger elite of Iraq carry a major responsibility for the suffering of Iraq's people. However, the Security Council, and especially the United States, must accept its own share of the burden; Human Rights Watch has correctly argued to the UN Security Council that in the case of Iraq "in deploying instruments of coercion, including non-military instruments such as an embargo, the Council must be governed by the core humanitarian principle of minimizing threats to life and bodily harm of innocent people who bear no responsibility for the government policies being sanctioned."

The humanitarian impact of the sanctions regime has raised great disquiet among many, including those charged with dealing with their terrible consequences; UN Assistant Secretary General Denis Halliday, the first UN Humanitarian Coordinator in Iraq, resigned in October 1998 to protest what he called the "genocidal impact" of economic sanctions, while his successor, Hans von Sponeck, resigned a year later voicing similar concerns. Despite this, when U.S. Secretary of State Madeleine Albright was asked in a television interview "We have heard that over half a million children have died. I mean, that's more than died in Hiroshima. And, you know, is the price worth it?" To which she replied "I think this is a very hard choice. But the price – we think the price is worth it." It is a breath-taking judgement.

The original Security Council resolution on Iraq stated explicitly that sanctions "shall have no further force or effect" once Iraq complied with the weapons inspection regime contained in the resolution. There are indications that the U.S. has interpreted complete disarmament of Iraq to be a necessary but not sufficient condition to lift sanctions. In 1998, Russia, France, and China

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148 CBS News, 60 Minutes, May 12, 1996.
urged the Security Council to recognize the completion of Iraq's nuclear disarmament, but the move was opposed by the United States. However, increasing international oil prices, which would be increased further should Iraq choose to stop producing oil, seem to have muted U.S. and UK responses to the growing erosion of the sanctions regime and backtracking from earlier Security Council demands. 

The difference between the treatment of Israel and that meted out to Iraq could not be more stark. It is not unreasonable to conclude from these cases that when it comes to nuclear proliferation, broadly speaking, U.S. and thus much of international policy on noncompliance and its consequences can be defined by the degree of noncompliance with U.S. objectives and interests.

Bargaining with North Korea

In March 1993, North Korea became the first state to announce its intention to withdraw from the NPT. The crisis that led up to this and its subsequent resolution offers another instance of noncompliance and a set of reactions very different from those evident in the cases of Israel and Iraq.

North Korea initiated a nuclear research and development program with Soviet support in the late 1950s, receiving training for nuclear scientists and engineers and, in 1965, a research reactor. This was in keeping with similar efforts underway around the world; in 1953, President Eisenhower had launched the Atoms for Peace Program in part as an effort to cultivate influence among developing countries and provoked a competition with the Soviet Union to supply nuclear know-how. Over the next few decades it began to build the infrastructure that could support a nuclear weapons program (as did South Korea, a U.S. ally, for that matter). However, in December 1985, under Soviet pressure North Korea joined the NPT, as South Korea had done a decade earlier.

For a number of reasons, the deadline for North Korea to sign the obligatory safeguards agreement with the IAEA only came in 1988 and it was missed by North Korea in part because it sought some larger benefit from its signature. These included the removal of U.S. nuclear weapons from South Korea and an assurance that the U.S. would not use nuclear weapons against it. In 1991, the United States announced the removal its nuclear weapons from South Korea, albeit as part of larger set of unilateral measures coordinated with the Soviet Union to withdraw all tactical nuclear weapons from overseas (the goal was to ensure that the collapse of the Soviet Union would not leave any of its tactical nuclear weapons in any of the successor states except Russia). In December 1991, North and South Korea agreed on a Joint Declaration on a Non-Nuclear Korean Peninsula, which committed the two states to "not test, manufacture, produce, introduce, possess, store, deploy, or use nuclear weapons" and to "not possess facilities for

154 Sigal, op. cit.
nuclear reprocessing and uranium enrichment. In January 1992, North Korea signed the safeguards agreement.

Matters soon took a turn for the worse. The IAEA and North Korea began to negotiate the inspections that underpin safeguards. The U.S. government, a dominant player in the I.A.E.A., "was urging the I.A.E.A. to tighten up its monitoring procedures" and at the same time "pressing South Korea to insist on elaborate and intrusive inspections of its own." U.S. policy regarding North Korea at this time has been described as one of "using the I.A.E.A. to pry open access to North Korea's nuclear facilities, in an effort to constrain its nuclear program without offering anything in return." The I.A.E.A., still flinching from its failure to detect Iraq's clandestine nuclear weapon program, began to become more assertive, seeking special inspections at nuclear sites in North Korea. As the two neared agreement, Lee Sigal reports, the Director of the U.S. Central Intelligence Agency, other hard-liners in the U.S. national security institutions, and their allies in the nonproliferation community began to claim that North Korea was a few months or at most a few years away from having nuclear weapons and was hiding its real nuclear capability.

North Korea resisted and in March 1993 announced that, as allowed under the NPT, it would withdraw after ninety days. Matters came to a head in April 1993, when the IAEA’s Board of Governors voted to refer the matter to the UN Security Council. A week later, the Security Council passed a resolution urging "all member states to encourage the DPRK to respond positively to this resolution and encourages them to facilitate a solution." The United States, for its part, began to consider military action, including possibly attacking North Korea's nuclear facilities. The U.S. did, however, begin high level talks with North Korea, and North Korea suspended its withdrawal from the NPT.

The whole saga has been summed up as one where "from 1988 until late 1993, even when the United States entered into talks, it did not negotiate... Even then, the breakthrough came as a result of a private initiative – Track II diplomacy by former President Jimmy Carter... backed by a handful of nongovernmental organizations." However, even during the negotiations, the U.S. was prepared to coerce. For example, in early 1994, U.S. Defense Secretary Perry announced that he had ordered military preparations and warned that the U.S. was looking at "grim alternatives." As Lee Sigal notes, North Korea needed little reminder of the history of U.S. nuclear threats (most notably during the Korean War, when Eisenhower issued such threats) or the massive U.S. military presence in South Korea, and now "bristled at every threat." Eventually, in October 1994, the United States and North Korea arrived at a deal, dubbed the Agreed Framework. Its elements were very similar to what North Korea had proposed and the United States rejected a year earlier.

The U.S. eventually decided another Korean war would have been a hard and costly option, and not worth it. But this episode raises a larger question: why was the U.S. so reluctant to negotiate and so inclined to coerce? A detailed study of the politics of the North Korean crisis concludes

156 Ibid., p. 239.
157 Ibid., p. 42.
158 Ibid. p. 48.
159 Ibid. op. cit., p.40.
161 Sigal, op. cit., p. 60-61.
162 Ibid., p.8.
164 Sigal, op. cit., p.229. The U.S. nuclear threats against Korea during the Korean war are described in
Bundy, op. cit., pp. 238-245.
that the U.S. foreign policy establishment "reflexively favored coercion," because "it is eager to assert American global leadership" and "tends to view engagement [with the world] with a willingness to intervene militarily and it deplores the consequences for American credibility of an inability to make and carry out threats."165

In the case of North Korea, threats seem to have failed in part because China was willing to stand by North Korea, warning the United States that should North Korea be attacked then China would retaliate — the diplomatic language China used was that "every action has an equal and opposite reaction".166 This was combined with a larger unwillingness on the part of other Security Council members and important regional states and important U.S. allies such as Japan and even South Korea to authorize either sanctions or military force against North Korea. A war against North Korea, possibly bringing in China, along with a large number of casualties would have had enormous and unpredictable consequences for larger U.S. interests in the region, which as noted earlier were "to seek a stable and economically prosperous region."

Containing India and Pakistan

A final example of efforts to bring about compliance with the international norms and agreements on nuclear arms control deals with the acquisition and testing of nuclear weapons by India and Pakistan. While the former three cases were all areas of U.S. interest, South Asia is a case of noncompliance in a region seen as being of little enduring strategic importance, and having limited economic significance, over much of the past fifty or so years, but beginning to gain in significance because of the end of the Cold War, changes in the U.S. economy, the expansion of international markets as part of globalization, and the new role being ascribed to China in U.S. national security policy. It also illustrates the use of sanctions as a way to prevent proliferation and for seeking compliance, and how tightly such sanctions are tied to other U.S. interests.

India began laying the base for its nuclear energy and nuclear weapons program soon after its independence in 1947.167 Its early progress was facilitated by the U.S. Atoms for Peace Program, which permitted India to train over 1,300 nuclear scientists and engineers in the United States between 1955 and 1977.168 India's first major research reactor was acquired from Canada in a 1955 deal, and both Canada and the U.S. supplied power reactors. India early on adopted a strategy for keeping its nuclear weapons option. U.S. ambivalence to India acquiring nuclear weapons at that time is evident in a 1961 memo to then Secretary of State Dean Rusk that suggested the U.S. help India acquire a nuclear weapon and conduct a test, so that a "friendly Asian power beat Communist China to the punch".169 The idea was not taken up and China tested first, in 1964. India's first nuclear test came in 1974 using plutonium from a Canadian supplied research reactor.

Pakistan, a close Cold War ally of the U.S. in Asia, mostly watched as India developed its nuclear infrastructure but tried to stay in the game. Like India, it acquired a Canadian power reactor and

165 Sigal, op. cit. p.252.
166 Ibid. p. 118.
169 Perkovich, op. cit., p. 52.
refused to sign the NPT. Pakistan launched a serious effort to build nuclear weapons starting in 1972, and increased the urgency of the program after India's 1974 test. While India had built its own plutonium reprocessing plant, Pakistan, recognizing its more limited capabilities, sought to purchase one from France.

Following India's 1974 nuclear test and with evidence of Pakistan's efforts to follow suit, the United States proposed the formation of a Nuclear Suppliers Group (NSG). The initiative sought to limit proliferation by managing the international trade in key nuclear technologies. It also provided a means of involving France, which was not a party to the NPT and thus was not bound by the treaty's restrictions on requiring full-scope safeguards on nuclear sales. The NSG has gradually tightened its restrictions on nuclear and dual use trade.

The U.S. also resorted to direct sanctions, but only against Pakistan. These were applied to Pakistan in 1977 to dissuade it from working on a plutonium reprocessing capability, and again in 1979 because of its efforts to procure uranium enrichment technology. In 1981, following the Soviet invasion of Afghanistan and Pakistan's willingness to support the U.S. against the Soviet Union, the sanctions were systematically waived each year for six years. Instead, the U.S. delivered several billion dollars of economic and military aid to Pakistan and chose not to make an issue of its nuclear weapons program. Similarly, in 1985 the United States Congress passed the Pressler Amendment, which requires the President to certify each year that Pakistan does not possess a nuclear device before any economic or military aid can be given. For several years, such certification was given even though there was mounting evidence that Pakistan had acquired a nuclear weapons capability. It took the end of the Afghan war and the collapse of the Soviet Union before the sanctions were finally imposed on Pakistan. By then, Pakistan, with help from China, had acquired nuclear weapons.

In May 1998, first India and then Pakistan tested nuclear weapons. In a unanimous June 1998 resolution condemning the tests, the Security Council called on both states "immediately to stop their nuclear weapon development programs, to refrain from weaponisation or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard." It also urged "India and Pakistan, and all other States that have not yet done so, to become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear Test Ban Treaty without delay and without conditions". The resolution made it clear that "in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons, India or Pakistan cannot have the status of a nuclear-weapon State." In effect, the Council determined that India and Pakistan should disarm and join the NPT as non-nuclear weapons states. No action was taken; the U.S. applied sanctions to both states which were quickly

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relaxed for domestic political and economic reasons. These sanctions were imposed only because legislation required them to be, and U.S. policy makers went through the motions.

Neither India or Pakistan has signed the CTBT or NPT; the only conditions that seem to have been met to date are for no further nuclear tests, no deployment of weapons, and commitments not to export nuclear weapon related technologies. This appearance of compliance may be short-lived. The Security Council had also urged "India and Pakistan to exercise maximum restraint and to avoid threatening military movements, cross-border violations, or other provocations in order to prevent an aggravation of the situation," yet the two soon fought an eleven week war in Kargil, Kashmir, in the spring of 1999. The Security Council took no action.

A different set of imperatives came into view when, in spring 2000, President Clinton made the first visit to South Asia by a U.S. President since 1978. Earlier differences on nuclear weapons were set aside. He made it clear that the United States was willing to engage with India on new terms. A joint statement declared that "India and the United States will be partners in peace, with a common interest in and complementary responsibility for ensuring regional and international security." India in effect agreed to 'complement' the exercise of U.S. interests in return for the U.S. making a place for India in the international arena. One early expression of this was India's unprecedented support for President Bush's plan to deploy a National Missile Defense. The U.S. has begun to lift its remaining sanctions on India, which have stood in the way of a burgeoning military cooperation. The lifting of the sanctions is intended to permit greater joint military planning, joint military operations, and U.S. supply of weapons and military technology to India. This has included stronger links with Israel, the key U.S. ally in the Middle East; India has signed a $2 billion dollars deal for Israeli military hardware, and officially discussing what are described as "similar strategic concerns", about issues including "nuclear nonproliferation, stability in West Asia and the Persian Gulf as well as the spread of extremism and terrorism."

The new relationship with India is being built more on its potential as a market for U.S. products, as a supplier of cheap high-tech workers for its software sector and its readiness to treat China as strategic adversary than any engagement on security and proliferation issues.

U.S. relations with Pakistan have not seen a similar transformation. Pakistan has been under military rule since a coup in October 1999 and the United States has demanded a return of democracy. This demand, like that for progress on meeting the terms of the Security Council resolution, is muted by concern over Pakistan's growing economic and political crisis, which is marked by a spiraling debt burden, a growing balance of payments problem, and increasingly militant islamist groups (linked to Afghanistan and participating in what is in effect a Pakistani proxy war for independence in Indian Kashmir). Some in Washington fear that putting pressure on Pakistan could hasten its collapse. As General Anthony C. Zinni, Commander in Chief of U.S. Central Command (which encompasses Pakistan) cautioned, "If Pakistan fails we have major

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problems... hardliners could take over, or fundamentalists or chaos.\footnote{181} The implicit concern is that victory for radical islam or chaos in Pakistan may lead to the transfer of nuclear weapons to groups inimical to U.S. interests in the oil rich regions of the Middle East, or elsewhere. The goal has become to prevent this danger by saving Pakistan from collapse.

The United States and the larger international community have found ways to "cope" with noncompliance by India and Pakistan. This is despite the widespread belief that there is a real prospect for war and even nuclear war in South Asia. Since the nuclear capabilities of the two states are still limited and focussed basically on each other, and do not yet threaten great power interests, even those of China, India's neighbor, the issue does not warrant a stronger response.

VIII. States and Peoples

Despite its great power, systemic noncompliance, involvement in many acts of noncompliance by chosen states, and its success in confronting challenges to compliance (read as U.S. interests) over the past several decades, there is anxiety among policy makers in the United States about a crisis of compliance. This has led to a search for approaches to hone mechanisms that it can use to more effectively discipline other less powerful states and so to compel greater obedience. These include the unilateral use of force, expanded UN enforcement, sharper sanctions, and directly barring individuals from work on weapons of mass destruction.\footnote{182} These approaches presume there is no need to assure that treaties and norms of international behavior are derived by a process seen universally as fair, legitimate, and equitable. The issue is simply one of finding sufficiently sharp 'teeth' that can ensure compliance by others with the agreements that already exist. These 'teeth' are most obviously sanctions and direct military action (counterproliferation), instruments that are particularly suited to U.S. strengths and that could not be used against it. Naturally, from this perspective, there is no question of finding ways to bring about compliance by the United States. It should be free to pursue its interests, which are, by definition, benign.

For the international community, recent experience with U.S. policy on the ABM, CTBT, NPT and Chemical and Biological Weapons Conventions has raised what Harald Müller politely called 'the actor problem', and in this chapter has been put more directly as 'the American problem.' How is the world to deal with the United States in its role as the most powerful state in the international system, given that it fits any meaningful definition of an imperial power and has a long history of imperial thought, practice and apologetics?

There are two options. The first is to use collective international action through international institutions. One variant calls for an enhanced role for the United Nations. Since the issue is one of compliance with agreements dealing with international peace and security, enforcement would in the final analysis depend on the use of sanctions or military force and it would be the Security Council that would become the final arbiter of compliance. The past behavior of the Security Council offers little basis for hope. James A. Paul, in a summary of the debate within the United Nations about the role of the Security Council, noted that “UN members are especially concerned that the Council operates inconsistently, that it often does not enforce its own resolutions and that it sometimes ignores or even violates international law." Even if the Security Council were to try to act, as noted earlier in this essay, the veto power stands in the

\footnote{182} For a discussion of these, see the chapter by Feiveson and Shire.
way. The United States would be able to prevent action. Moreover, when it comes to compliance with the NPT obligation to nuclear disarmament, the United States may be able to rally the other nuclear weapons states, which are also the only other permanent members of the Security Council.

Developing a mechanism to bypass the Security Council and empower the General Assembly would certainly permit greater equity and fairness into decision making on questions of compliance and permit appropriate international responses to noncompliance by the United States. There is an existing procedure which may serve as the basis for collective action by the larger international community. The "Uniting for Peace" resolution adopted by the General Assembly in November 1950 allows the Assembly to take action if the Security Council, because of a lack of unanimity of its permanent members, fails to act in a case where there appears to be a threat to the peace, breach of the peace or act of aggression. The Assembly is empowered to make recommendations which can include, in the case of a breach of the peace or act of aggression, the use of armed force to maintain or restore international peace and security. It is likely however that should recourse be made to this power, the U.S. would most likely seek to block such an effort. An alternative path to empowering the General Assembly would involve amending the United Nations Charter. But, the permanent members of the Security Council have a veto power over amendments. Moreover, it has to be recognized that even in its present largely ineffectual role, the General Assembly, its members, and the United Nations as an institution are subject to great pressure by those able to exercise it. The struggle over U.S. insistence on UN reforms as a condition for payment of its UN dues being a case in point. If General Assembly resolutions were to be allowed to carry significantly greater weight, U.S. pressures on the institution and UN members would no doubt become more severe.

If international institutions are too easily prone to imperial influence, then what is left? In an earlier study of compliance with arms control regimes, Harald Müller concluded that "the more regime compliance issues become a matter of domestic discourse, the better the chances of compliance with regime rules." [184] This is an important observation in that it emphasizes the role of citizens and domestic political institutions in shaping state policy and government attitudes towards international treaties and obligations. This is what is missing from the story of the pirate and the emperor. The analogy, for all its power, personalizes the confrontation. It fails to make explicit that the sources and conduct of policies and the interests underlying them are located in the politics of the empire. It is there where pressure must be brought to bear.

Transforming U.S. politics when it comes to international issues is no easy matter. Experience has shown that the U.S. government and its policy elites are often able to powerfully shape public sensibilities about particular issues, creating in effect a common sense that supports official positions which are inclined to be coercive and imperial.[185] This is by no means a radical observation. In the case of the United States, the baleful influence of the infamous 'military-industrial-scientific complex' has been well known at least since President Eisenhower's famous 1961 warning of the "conjunction of an immense military establishment and a large arms industry.. [whose] total influence -- economic, political, even spiritual -- is felt in every city.

every State house, every office of the Federal government." He went on to argue that "in the
councils of government, we must guard against the acquisition of unwarranted influence, whether
sought or unsought, by the military industrial complex." To this can be added the other
economic interests that rely on this military complex to protect markets and ensure a ready and cheap supply of raw materials. The struggle for compliance, in its essence, must confront the very
nature of the economic, social and political system of the United States.

There is a long history of efforts by the international anti-nuclear peace movement to incite action
by citizens for nuclear disarmament. The movement has had significant successes, even if it
remains on the margins of much conventional academic discussion of the history of arms control.
Mass mobilization by peace movements against the threat of nuclear war and the dangers of
radioactive fallout from atmospheric nuclear testing in the 1950s led to the first ban on nuclear
testing. In the 1960s, it helped lay the basis for the ABM Treaty; in the early 1980s, Western
Europe saw the largest political mobilization by citizens in decades, with hundreds of thousands
of people demanding nuclear disarmament by the U.S. and U.S.SR. Similarly, in June 1982,
almost a million people joined a protest in New York City for an end to the nuclear arms race.
These led to the Intermediate Nuclear Forces Treaty. The effectiveness of such public action is
recognised in Joseph Nye's observation that among the "crucial political roles" of arms control,
"the first is to reassure the publics".

Civil society initiatives have been able to be effective in the post Cold War period. A notable
example was a six-year campaign by Parliamentarians for Global Action (a New York-based
nongovernmental organization with over 1000 members who are in legislatures in 80 countries),
to call a conference of the signatories of the 1963 Partial Test Ban Treaty to consider an
amendment to the Treaty that would serve to turn it into a comprehensive ban on all nuclear tests.
The campaign succeeded and the conference was called in 1991 in New York, with almost 100 of
the 119 signatories present. But, just before the conference began, the U.S. announced that if the
amendment were voted on, it would exercise its right of veto as one of the three depository states
(the others are the UK and Russia) and so prevent it coming into force. The UK supported the
U.S., while Russia was willing to accept the amendment and an end to nuclear testing. During the
conference itself NGOs played a major role, and an assessment of the process and the outcome
has suggested that a combination of NGOs and smaller states was able to confront and expose the
U.S. on the issue of nuclear testing. The initiative, and the possibility that it would be repeated,
is credited with helping create the pressure which led the Conference on Disarmament to agree on
a negotiating mandate for the CTBT two years later.

A more recent example is the campaign for a Nuclear Weapons Convention, a treaty to eliminate
nuclear weapons. This emerged from a 1995 study by the International Network of Engineers and

186 This well known speech informs some arms control literature, for example Steven E. Miller, "Politics
Over Promise: Domestic Impediments to Arms Control", International Security, vol. 8, no. 4, Spring 1984,
pp. 67-90.
187 see Lawrence S. Wittner, The Struggle Against The Bomb, Volume One, One World or None – A History
of the World Nuclear Disarmament Movement Through 1953 (Stanford, CA: Stanford University Press,
1993) and Volume Two, Resisting The Bomb – A History of The World Nuclear Disarmament Movement
1954-1970 (Stanford, CA: Stanford University Press, 1997), and also David Cortright, Peace Works: The
189 The success of civil society in creating the 1999 Landmines Convention is discussed in Feiveson and
Shire.
190 John Burroughs and Jacqueline Cabasso, “Confronting the Nuclear Armed States in International
Scientists Against Proliferation (INESAP), "Beyond The NPT: Toward A Nuclear Weapon Free World," and from the founding of Abolition 2000, a global network to eliminate nuclear weapons. The latter now has over 2,000 member organizations in more than 90 countries. These led to a project by the International Physicians for the Prevention of Nuclear War, the International Association of Lawyers Against Nuclear Arms, and INESAP to produce a Model Nuclear Weapons Convention. In 1997, Costa Rica submitted the Model Convention as an official UN document, describing it as "a work in progress setting forth the legal, technical and political issues that should be considered to obtain an actual nuclear weapons convention." These efforts have garnered support from governments of non-nuclear weapons states, which have used UN General Assembly resolutions to call for such a Convention annually for the past several years, and there have been efforts to discuss it in various parliaments.

The determined efforts of civil society and the non-nuclear weapons states to achieve nuclear disarmament and to seek compliance by the weapons states with their NPT obligations can be read as an instance of what has been called "rightful resistance", i.e. a popular contestation mounted by the relatively powerless, through an innovative use of laws, policies, and other officially promoted values, working within and at the boundaries of existing official institutions, with the powerful presented as 'disloyal' to their own norms. Recent scholarship and experience shows strongly that transnational coalitions of civil society groups, which share an identity and operate across state boundaries, can serve as "teachers of norms" within and between states.

There is clearly a need for new kinds of international institutions, where civil society can more effectively organize and represent the aspirations of people outside the context and confines of nation states and become a more significant force in the international system. Richard Falk and Andrew Strauss have proposed a Global People's Assembly as a way to meet this need. In particular, they have stressed that it would serve as forum where "the ability to opt out of collective efforts to protect the environment, control or eliminate weapons, safeguard human rights, or otherwise protect the global community could be challenged."

The challenge of compliance becomes how to build civil society and more specifically peace movements that can impose compliance on states from within and without. This may be the only hope to achieve compliance by the most powerful. This task may be made more less difficult.

192 Security and Survival: The Case For A Nuclear Weapons Convention, International Physicians for the Prevention of Nuclear War, the International Association of Lawyers Against Nuclear Arms and the International Network of Engineers and Scientists Against Proliferation, Cambridge, MA, 1999.
195 Kevin J. O'Brien, "Rightful Resistance," World Politics, vol. 49 (October 1996), pp. 31-55. This analysis builds on an important literature on resistance that is legitimized by an appeal to norms put in place by those with power within a community, see especially James C. Scott, Domination and the Arts of Resistance (New Haven, CT: Yale University Press, 1990).
198 Ibid., p. 216.
depending on the way the goal and the path are understood. For much of the past fifty or so years, the peace movement has been focussed on the bomb. It has relied on the devastating destructive power of nuclear weapons, the risk of nuclear war by design or by accident, the high economic costs of nuclear weapons, and the profound environmental consequences associated with the production of nuclear weapons to mobilize public concern. The soaring nuclear arsenals and bitter, crisis-ridden confrontation of the Cold War provided fuel for such efforts. But the dwindling of public fears in the United States after the end of the Cold War has served to emphasize Mahatma Gandhi’s observation after the destruction of Hiroshima that it would be a mistake to believe that the bomb's destructive power would so disgust the world as to make it forswear nuclear weapons. The answer to the bomb has to be found elsewhere.

In the final analysis, compliance with arms control and disarmament and an anti-nuclear peace movement while important are not the real issues. Adopting Spinoza's dictum that "Peace is not an absence of war", it should be obvious that a peaceful and just world is much more than one where all states are compliant and where no state has nuclear weapons. The struggle for peace and justice requires transforming the institutions, economies, cultures, and ways of thinking that are the social and economic engines of competition, exploitation, hostility, and conflict, and putting in place institutions that are oriented towards participatory democracy and that cultivate a disposition for justice.