Nuclear Proliferation and International Order – The Reform of the Non-Proliferation Regime

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Executive Summary

The nuclear non-proliferation regime is in a crisis, but it is definitely not as severely damaged as proponents of the liberal arms control school are suggesting. Their main argument is that contractual breaches (first and foremost) by the nuclear weapon states as well as by non-nuclear weapon states (Iran, North-Korea; Iraq and Libya in the past) and the ongoing abstentions of India, Israel and Pakistan from the regime are the main causes for the pending collapse. It is argued here that the main factor in preserving the nuclear non-proliferation regime has been the relative success of the rule of non-use of force in interstate relations and that the NPT is part of the overall international order that helps to maintain the non-use of force between states. It is more important to see to that this rule will be maintained than in making assumptions whether there was a basic deal between nuclear weapon states and non-nuclear weapon states on disarmament. In this regard, it is imperative to solve the problem cases of Iran and North Korea in a way that the basic content of the NPT – no erosion of international security as a consequence of nuclear proliferation – will be safeguarded. If the debate is tilting too much towards disarmament an erosion of the whole regime might set in.

Introduction

Concerns about the nuclear programs of North Korea and Iran, along with the controversies surrounding the Indian-American Nuclear Agreement of 2005 have generated a deep pessimism about the prospects of the nuclear non-proliferation regime. Assertions that the regime is broken and world order itself is in danger have become increasingly frequent. But it is nonetheless not yet clear just how serious the crisis is and how the different cases are interconnected. At present at least three different interpretations can be identified as to why and how gravely nuclear non-proliferation policy is endangered and what the consequences for world order will be:

- First, the widespread theory of the liberal school of arms control cites three threats to the nuclear non-proliferation regime: (1) the failure of nuclear states to disarm, (2) the continued existence of loop-holes in the regulations of the Nuclear Non-Proliferation Treaty (NPT) of 1968 as well as (3) the danger of terrorism. The liberal school of arms control assumes that all arms represent a risk and that nuclear arms are particularly menacing[1]; it emphasizes the dangers of arms races and considers the greatest risk potential to originate with nuclear weapon states that have set a bad example for the others by refusing to reduce their own arsenals. Proponents of this school argue that the nuclear and non-nuclear weapon states entered into a firm agreement on nuclear disarmament in the sixties and that since the non-nuclear-weapon states have renounced nuclear weapons of their own, it is now high time that the nuclear powers completely destroy their stockpiles. They consider the difficulties in dealing with actual or presumptive treaty breakers to be primarily a consequence of the misguided policy of those states with nuclear weapons, in particular the USA.[2]

- The opposite view is being held by the “realistic” school. Its adherents proceed from the assumption that the non proliferation regime was an anomaly: they argue that states cannot be permanently denied the right to maintain their se-

[1] For a typical example of this school, see the report of the Weapons of Mass Destruction Commission (chairman: Hans Blix): *Weapons of Terror: Freeing the World of Nuclear, Biological, and Chemical Arms*, Stockholm June 2006, f.i. pp. 62 66.

[2] William Walker: *Weapons of Mass Destruction and International Order.* London (IISS – Adelphi Paper 370) 2004; and “Nuclear Enlightenment and Counter-Enlightenment,” International Affairs, Vol. 83, No. 3 (May 2007), pp. 431-453.

curity by whatever means they deem to be necessary. According to their assessment a world with many nuclear weapon powers was, in principle, more stable than one in which only a few have such weapons.[3] The present nuclear non-proliferation regime reflected the hegemonial role of the USA in the international system. And should this hegemony be called into question, the non-proliferation regime would automatically collapse.

- A third school of thought, a view shared among many experts of the strategic community, asserts that the nuclear non-proliferation regime is in principle viable but that it is confronted with numerous challenges that can no longer be adequately mastered with the classical means of multilateral diplomacy. On the contrary: the established mechanisms of multilateral, global diplomacy can often actually pose obstacles, since debates in this context tend to circle endlessly around relatively insignificant problems while the true issues are left practically unaddressed.[4] Unilateral or multiple measures should, therefore, also be undertaken, up to and including military intervention and where necessary preventive measures.

All of these schools contain a kernel of truth, but they all remain ultimately unsatisfactory. The arguments of the first school of thought are weak, because they are based on the assumption that a natural division exists between those states with and those without nuclear weapons that determined their respective security interests. But in reality no state can base its security strategy principally on its membership in the one of these groups. It is, rather, more likely that their strategies will depend on how they perceive their situation, its risks and threats at any given time. Hardly any cases (with the possible exception of India) exist in which states were motivated to acquire nuclear weapons because of the supposed bad example of the five original nuclear weapon states. It would be equally difficult to identify states that assume they have a

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[3] Kenneth N. Waltz: *The Spread of Nuclear Weapons: More May be Better*, London (IISS Adelphi Paper) 1981.

[4] Joseph F. Pilat (ed.): *Atoms for Peace. A Future after Fifty Years?* (Baltimore, MD: Johns Hopkins University Press, 2007); Brad Roberts, *Weapons proliferation and world order: after the Cold War* (The Hague, London and Boston: Kluwer, 1996); Council on Foreign Relations: *Nuclear Proliferation: Confronting the New Challenges, Report of an Independent Task Force on Nuclear Proliferation, sponsored by the Council on Foreign Relations*, Stephen J. Hadley, Chairman, Mitchell B. Reiss, Project-Director (New York: Council on Foreign Relations, 1995); Lewis A. Dunn: *Containing Nuclear Proliferation* (London, I.I.S.S. Adelphi Paper 263, Winter 1991).

fundamental right to nuclear arms and are only waiting for the non-proliferation regime to collapse or for the nuclear weapon powers to offer them something as compensation for continuing to renounce nuclear weapons. The overwhelming majority of states do not wish to acquire nuclear weapons – a fact that would appear to contradict the theoretical assumption of the realistic school. Moreover, most states accept the more or less permanent inequality between states that possess nuclear weapons and those that do not – at least as long as no tangible disadvantages arise for their security interests. Furthermore, many states have in the past perceived and continue to view the nuclear weapon potential of the USA as the guarantor of their security, as was certainly the case in the Federal Republic of Germany during the East-West conflict. Granted, the voting behaviour of many of the non-nuclear-weapon states during the Review Conferences on the NPT would seem to corroborate the thesis that there are various camps. But it does not reveal the existence of any united front of non-nuclear-weapon states. Even those governments that were the most radical critics of the nuclear-weapon-states during these conferences (Mexico, Malaysia, and Nigeria) did not imply that their discontent over the behaviour of the nuclear weapon powers would lead them to seek their own nuclear weapons. The few states that are actually suspected of developing secret nuclear weapon programs usually kept a low profile during such debates.

Why has Nuclear Non-Proliferation Succeeded?

In understanding the nature of the crisis one first has to ask for the reasons for the successes of the nuclear non-proliferation regime during the past 35 years. The fact that so many states that were supposed to have become nuclear weapon states rather have chosen the non-nuclear-weapon status still has to be registered as an outstanding success. Why have the 182 non-nuclear-weapon states that signed the NPT – with few exceptions – been satisfied with the nuclear status quo in the past? To understand this one has to overcome the conventional wisdom of nuclear non-proliferation.

The conventional wisdom states that the NPT was the result of a big deal between two groups of states involving technological assistance and disarmament:

> "In essence, the NPT is an agreement between the non-nuclear-weapon states (the have-nots) and the five nuclear-weapon states (the haves): In exchange for an undertaking to refrain from trying to obtain nuclear weapons the

> have-nots receive technical assistance in developing their nuclear industry and an undertaking by the nuclear-weapon states to disarm."[5]

This contention is wrong on both instances. The "technical assistance" vaguely referred to in Paragraph 2 of Article IV of the NPT should rather be called technology transfer. However, it has never been invoked to a substantial degree by the countries of the developing world. Rather, the most important technology transfers in the civilian nuclear field took place prior to the entering into force of the NPT (as a consequence of the Atoms-for-Peace policy of US President Eisenhower). Many non-nuclear weapon states joined the NPT after they had mastered critical technology advances in the civilian nuclear field. Many did this in order to put more legitimacy to their respective civilian nuclear programmes and to enable their industry and scientist to cooperate in the further development of their civilian nuclear programmes. For them paragraph 1 of Article IV of the NPT was the most important one. Most non-nuclear-weapon states (more than 120) have never asked for substantial technical assistance in the civilian nuclear field, because they had neither the intention nor the capacities to embark on the nuclear technology path.

How important the aspect of international legitimacy is for the continuation and further development of civilian nuclear programmes can be inferred from the cases of India, Israel and Pakistan, the only states that have refused to join the NPT. They all had to accept major repercussions for their civilian nuclear programme. India is the most conspicuous case in kind. The price for pursuing the nuclear weapons option was that India had tremendous difficulties in fully developing its civilian programme and still has. Pakistan and Israel have both chosen the military path in the field of nuclear energy and, thus had to do without a viable civilian nuclear programme.

Similarly, the contention that the NPT was in essence a treaty on the elimination of nuclear weapons is not borne out by the relevant documents of the negotiations within the Eighteen Nations Disarmament Committee (ENDC) in the 1960s.[6] The

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[5] Advisory Council on International Affairs: *The Nuclear Non-Proliferation Regime. The Importance of an Integrated and Multilateral Approach*. (The Hague: ACIA, 2006), p. 7.

[6] The negotiations and their results are analysed by William Epstein, *The last chance: nuclear proliferation and arms control* (London: Collier Macmillan, 1976). There is a detailed documentary analysis of the negotiations from a Non-Aligned perspective in Mohamed Shaker, *The nuclear Non-Proliferation Treaty: origin, and implementation, 1959–1979* (New York: Oceana, 1980), esp. ch. 9 (pp. 555–648); another detailed

Non-Aligned states and, in particular, neutral Sweden, wanted the NPT to become a disarmament treaty, but they did not succeed. They were joined, rhetorically at least, by the Soviet Union; but after the Soviet Union and the United States had presented identical draft treaties in August 1967 and in January 1968, the attempt to anchor binding obligations on nuclear weapons disarmament in the treaty was given up. In her statement to the ENDC on 8 February 1968, the Swedish minister for disarmament, Alva Myrdal, conceded that it had become impossible to arrive at legally binding obligations requiring the nuclear-weapon states to eliminate their nuclear weapons.[7]

The case of the Non-Aligned states had been weakened by disagreement among themselves. The chief point of contention was the issue of peaceful nuclear explosions, an option that Brazil and India had voiced a conspicuously strong interest in preserving. But there was also disagreement on how far the Non-Aligned should go in blocking the conclusion of the NPT for the sake of disarmament. Some shared the Western position that the NPT was an important element of stability that could further the prospects for nuclear disarmament — a position in principle shared by the Soviet Union — and were more or less content with language that politically committed the nuclear-weapon states to negotiations in good faith towards nuclear weapon disarmament; others, such as Sweden, wanted to make the signature and ratification of the NPT by the Non-Aligned states contingent upon the conclusion of parallel treaties banning nuclear weapon tests and the production of nuclear weapon material. The Swedish position was strongly influenced by Myrdal, who fought an almost personal battle against the superpowers, which she said were acting irresponsibly and irrationally and needed to be controlled by the "world community".[8]

The eventual wording of the NPT remained vague with regard to disarmament obligations.[9] Article VI is directed towards all states parties to the NPT. While

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analysis of the ENDC (Eighteen Nations Disarmament Committee) negotiations can be found in Erhard Forndran, *Probleme der internationalen Abrüstung. Die Bemühungen um Abrüstung und kooperative Rüstungssteuerung 1962–1968* (Frankfurt: Metzner, 1970).

[7] See ENDC/PV/363 (8 Feb. 1968).

[8] See Alva Myrdal, *The game of disarmament: how the United States and Russia run the arms race* (New York: Random House, 1976).

[9] According to Article VI: 'Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear

imposing a specific political commitment on the nuclear-weapon states to negotiate in good faith towards the cessation of the nuclear arms race at an early date, it does so in the context of broad and vague formulations according to which nuclear disarmament (which is not necessarily tantamount to complete nuclear weapons elimination) should be the subject of negotiations, and makes clear that negotiations on general and complete disarmament under strict and effective international control are also part of that commitment. The delegations of Sweden, Brazil, India, Italy, Egypt, Nigeria, Ethiopia, Romania and Burma were dissatisfied with this language, and expressed their reservations. The draft treaty was unreservedly accepted on 14 March 1968 by only eight of the seventeen members of the Eighteen Nations Committee.[10] These facts do not support the contention that the bargain of the NPT was in fact a unanimous agreement on a phased elimination of nuclear weapons.

In looking at the different groupings of states involved directly or indirectly in the negotiations, there is also no clear distinction to be made out between have-nots and haves. On the contrary, among the nuclear-weapon-states only the US was really interested in a multilateral agreement, the others were sceptical or inimical to the whole concept (most conspicuously France and China). Most developed non-nuclear-weapon states were less concerned about acquiring nuclear technology than about becoming disadvantaged in the civilian industry application of nuclear energy (most conspicuously the Federal Republic of Germany, Japan and Italy). There also was a group of Non-Aligned threshold states (such as India, Brazil, Argentine) that wanted to keep their own nuclear weapon options open. For them a strong disarmament commitment of the nuclear-weapon-states was important since it could give them a pretext later for their own nuclear armaments efforts (a path which India actually pursued). This group was quite small, but very vocal and influential within the Non-Aligned Movement. Asides these small but influential groups of states basically sceptical against the idea of the NPT, there was a silent majority of states that for different reasons — often rooted in their limited human, economic and technological resources — could not even ponder nuclear weapon options of their own and for

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arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.'

[10] France had absented itself from the negotiations; hence the Eighteen Nations Committee had become in fact a Seventeen Nations Committee.

whom any effective non-proliferation regime promised to be a boon.[11] The main deal was mainly made between the United States (supported by Russia, which at that time only wanted to prevent West-Germany from any control over nuclear weapons) on the one hand and the groups of doubtful states on the other hand, who grudgingly accepted the end result. The states of the silent majority remained more or less outside the negotiations; their hour came after the treaty was laid out for signature and ratification. Despite the many reservations expressed and unilateral declarations made, and despite the abundant criticism voiced against the NPT, it was promptly signed by more than 60 states and later became the most nearly universal multilateral agreement in the security field. The true bargain — the deal that has kept the NPT together — was the coalition between, on the one hand, the United States (as the only major power interested in nuclear non-proliferation) and, on the other, the silent majority of states who were happy to see a freeze put on nuclear proliferation. Most states in the other two groups were brought into the regime one by one — with the exception of Israel, India and Pakistan. In most cases, US security guarantees and special arrangements in the field of technology transfer were the keys to overcoming security concerns.

One might argue that while during the times of the negotiations there had been no consensus on nuclear disarmament, such a consensus has come about later within the international community.[12] It might be true that in terms of declaratory politics the disarmament aspect has been highlighted, in particular since 2000. But does this really explain adherence to the NPT? It still remains difficult to explain that the biggest increase in membership of non-nuclear-weapon states took place during the 1980s, i.e. at a time when the Soviet and U.S. nuclear arms build-up was at its top.

In order to understand the mechanism that has kept together the NPT, one has to start from more differentiated assumptions. The basic point that has to be made in this regard is that the NPT is mainly a security treaty and to a lesser degree a treaty dealing with technology distribution. The NPT's main function – besides to legitimize civilian nuclear programmes and thus to enable international cooperation – has been to freeze the status quo of nuclear-weapon possession, and it is this function which

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[11] This argument has been developed in more detail in Joachim Krause: "Enlightment and Nuclear Order", *International Affairs*, Vol. 83, Nr. 3 (May 2007), p. 483-499.

[12] See William Walker: "International Nuclear Order: A Rejoinder", Internationale Affairs, Vol. 83, No. 4 (July 2007), pp. 747-756 (750).

has provided for its attractiveness among the many non-nuclear-weapon states. It came at the right time, i.e. when the number of nuclear-weapon-states was small enough, and when the interest of the US and of many weak states in preventing any further proliferation was strong enough to seal an international consensus on this freeze. The NPT is unjust and unfair, but this is exactly what has made this treaty successful. It has found broad support because the huge majority of states know that without this treaty their security would be diminished.

How could such a consensus be feasible despite the anarchic nature of international relations? In order to understand this acceptance of the inequality between states with nuclear weapons and those without we have to look at two structural developments that have shaped the past decades: respect for the principle of the prohibition of the use of force between states and the occurrence of structural changes within the states of the developed, western countries and the threshold countries of Asia and Latin America, i.e. those states that were technologically capable of being candidates for nuclear proliferation.

The prohibition of the use of force between states was established in the UN Charter and, judging by the last 60 years, it can be considered to have been relatively successful. But the continuous decrease in the use of force between states cannot be explained by the UN Charter alone. It was and is much more crucial that there are institutions and states that take responsibility for ensuring that this principle is upheld. In the more than 60 years since the UN was founded it has typically been the US rather than the UN Security Council that successfully committed itself to uphold this principle, either through multilateral diplomacy, through NATO, in cooperation with allies or as sole intermediary, as guarantor of peace agreements or of the security of its allies. US advocacy of the prohibition of the use of force marks a fundamental difference to the period between the two World Wars when there was no power willing and capable of guaranteeing the international order of collective security. Without American security guarantees and the repeated endeavours of Washington to solve conflicts in a preventive, diplomatic manner, to intervene in crisis situations and if necessary apply massive pressure in order to bring regional wars (such as in the Middle East or Southern Asia) to a quick conclusion, the renunciation of force proclaimed in the UN Charter would have had no more effect than the Briand-Kellog Treaty of 1928. That is, without the effectiveness of the prohibition of the use of force the nuclear non-proliferation regime could never have been successful.

The other development that decisively has contributed to the success of this regime was the structural change in the nature of the state in western industrial countries as well as in the industrial and threshold countries of Asia and Latin America. As the new international order emerged after World War II, a shift occurred in the functions of the state toward more intervention in the economy and modernization of infrastructure, as well as expansion of the welfare state and redistribution of wealth. Political success was no longer defined in categories of territorial expansion and security, but rather by measures such as creation and securing of employment, through the ability to compete in international markets and through greater social security. In the wake of globalization, this model calling for a primarily economic role for the state aimed at satisfying domestic needs has become attractive to other states outside the western world. The British political scientist, the late Susan Strange, attributed this trend to the influence of the USA which used its pre-eminence in the international system after World War II to define the rules of the international economic system and brought the states of Western Europe and Northern Asia into the fold of a free trade economy. This movement has since developed such momentum that the power of the states has begun to recede as impersonal market dynamics gained sway.[13]

These functional changes and the resultant loss of power of the state have repercussions on nuclear proliferation: States that assign great value to a functioning economy, where economic well-being depends on access for their firms to international markets and their capacity to attract foreign investors can today no longer afford to acquire nuclear weapons. In the 1990s Erwin Häckel and Karl Kaiser presented an analysis of opportunity costs of a hypothetical nuclear option for the Federal Republic of Germany. Their conclusion was clear: the political and economic opportunity costs were so high that they clearly precluded such a decision.[14]

Similar calculations can surely be made for almost every state – around 50 today- with appreciable nuclear capabilities. There a few exceptions, but they tend to confirm the rule. This applies not only to those countries that have not joined the NPT

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[13] Worth reading in this context is Susan Strange: *The Retreat of the State. The Diffusion of Power in the World Economy* (Cambridge 1996) as well as Philip Bobbit: *The Shield of Achilles. War, Peace, and the Course of History* (New York 2003).

[14] Erwin Häckel and Karl Kaiser: „Kernwaffenbesitz und Kernwaffenabrüstung. Bestehen Gefahren der nuklearen Proliferation in Europa?“, in: Joachim Krause (ed.): *Kernwaffenverbreitung und internationaler Systemwandel* (Baden Baden 1994), pp. 239-262.

(Israel, India, Pakistan) but to those that have broken the treaty as well. Israel is one of the few countries that actually have a massive security problem; nuclear weapons represent an existential guarantee for its survival. India is the only country to follow the example of the USA, China, France and Great Britain in an effort to underline its pretensions as a world power in the manner the liberal arms control theory has described. But as India has become more aware of its increasing interdependence within the world economy, it has adopted a more reserved approach. The conclusion of the treaty on cooperation in the field of civilian nuclear energy with the USA suggests that New Delhi has come to recognize the signs of the times. Pakistan, on the other hand, became a nuclear weapon power because it saw no other way of dealing with the India's superior power. Iraq (under Saddam Hussein), Libya and Iran are rentier-states that share the advantage of oil producers that do not necessarily have to worry about cooperative standards. The regular flow of gigantic revenues has made it possible for adventurers, criminal family clans, religious fanatics and eccentrics to maintain power there. These states with huge assured incomes can become potential buyers of nuclear weapons should they channel internal problems into international aggressiveness or seek to avoid international sanctions or interventions.

Being not a rentier-state, North Korea represents the special case of a state that has gone bankrupt due to its international isolation and believes that it can overcome – or at best put off – the crisis through nuclear blackmail.

Nuclear Order and the Prohibition of the Use of Force

Thus one might be tempted to agree with the third school of thought that the world nuclear order is not facing such a fundamental threat after all. It will, indeed, remain secure as long as the principles of the international political order sketched above (continued prohibition of the use of force either through the UN Security Council or the USA as well as the primacy of economic and welfare considerations) are upheld. There is some question, however, whether or not nuclear non-proliferation could be eroded anyway as a consequence of the erosion of the prohibition of the use of force. And in the past 15 years a number of developments have arisen that suggest that this principle of prohibition is in crisis. There appear to be two main reasons:

- The increasing level of violence in domestic social conflict observable primarily in failed states has become a real factor in politics today. In most cases the universally valid principles of international law that constrain the use of force

are being violated on a massive scale without triggering any appreciable intervention by the community of states.

- The failure of the central organ of collective security, the Security Council of the UN, in the face of the international crises of the past 15 years (Bosnia-Herzegovina, Kosovo, Rwanda, Congo, Sudan, Iraq, North Korea, Middle East) has contributed in a major way to the erosion of the prohibition of the use of force in various regions of the world. Africa is the most prominent example. Where ever the USA, NATO or other alliances of western states did intervene, with or without a mandate from the UN, this erosion was stopped.

Furthermore, the increasing acceptance of the incendiary slogans of political Islam in the Islamic world should be cause for considerable concern. If they were ever to become an integral part of the political programs of existing governments, they could potentially become a fundamental threat to the international prohibition of the use of force. Just how closely the nuclear order and the international political order are interconnected becomes apparent when one considers that if representatives of radical political Islam were to gain control of nuclear weapons the entire prohibition of the use of force regime could be overturned. If, for instance, Iran were to acquire nuclear arms and the otherwise rhetorical threat of eradicating Israel became a real option, nuclear conflict in the Middle East would become a distinct possibility: Given its small size, Israel could be “eradicated” with a relatively small number of nuclear explosions.

The Precarious Role of the USA

Without the repeated US advocacy (alone or together with the Europeans and other states of the western world) for the prohibition of the use of force and adherence to the NPT, both the international political order as we know it and the non-proliferation regime would be barely existent today or limited to the western world. In this sense the argument of the proponents of the third school of thought that the USA is the guarantor of the nuclear non-proliferation regime and the international prohibition of force is logical. There is, however, one problem: The more the USA is willing to compensate for the deficits of multilateral institutions, the more resistance it generates to its efforts.

There are two reasons for this resistance: first, unilateral action on the part of a super power like the USA – no matter how justified — often triggers counter movements that develop out of a general defensive stance and an instinct to resist that reflects

prejudices and animosity vis à vis that larger power. Second, American policy has never been without flaws and imponderabilities, and strong doubts as to the quality and professionalism of those acting in the name of the USA have often been justified. This was and is the case in other fields as well,[15] but the problem has never been as clear as under the present administration. The dilettantism with which it prepared and executed the invasion of the Iraq War (that was supposed to restore the authority of the UN Security Council but was then substantiated in detail with hair-raisingly false assertions) and the catastrophic diplomatic style and PR policy of the Bush Administration have caused many countries to view the USA as a greater threat to international security than Iran with its nuclear ambitions. This clearly demonstrates the fundamental dilemma involved in upholding the international political order (defined as the prohibition of the use of force) and the nuclear non-proliferation regime. The more the weakness of multilateral institutions causes the USA to take over these tasks, the harder it gets to win international acceptance. On the contrary: the more the USA acts unilaterally, the stronger the resistance becomes, thus creating a situation that opens up undreamt of opportunities for those states that are mounting a massive challenge to this very order.

The Iranian leadership has recognized this opportunity and is exploiting the situation to create the capabilities necessary to get as close as possible to building a nuclear weapon. Most remarkably, after the exposure of its secret enrichment programs in 2002, Iran chose the political offensive and became a vocal advocate of the right of all Third World states to nuclear enrichment. The Islamist Mullah regime in Tehran has used the divisions that surfaced between the USA and its allies since 2003 to stage a confrontation with the USA and the UN. This, in turn, has helped it shore up its domestic power base. The leadership of North Korea has taken a similar tactic, which suggests that it shares this assessment of the international situation.

The battle over nuclear non-proliferation and the international order could be lost, if this trend is allowed to continue. No less an authority than the former US Secretary of State, Henry Kissinger, has warned that both crises could mark an historical turning point. As in the 1930’s, the entire international order could collapse, if those powers responsible for its preservation no longer support it. "A failed diplomacy,” Kissinger

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[15] See Susan Strange: “Reaganomics, the Third World and the future”, in: Altaf Gauhar (ed.): *Third World Affairs* (London 1986) pp. 65 – 72

asserts with regard to Iran and North Korea, "would leave us with a choice between the use of force or a world were restraint has been eroded by the inability or unwillingness of countries that have the most to lose to restrain defiant fanatics."[16]

The case of North Korea might show that there are avenues possible. In looking back at the 1990s, the impression was that North Korea could not be prevented from acquiring a nuclear-weapon capability because the Security Council could not find the resolve needed to stand up against the leadership in Pyongyang. In fact, any attempt to even pass a resolution condemning North Korea met heavy Chinese resistance at that time. Today, things are different. During the past two years it seems that China was ready to assume much more responsibility in this field. After having called the North Korean nuclear programme a "bilateral US-North Korean problem" for many years, Beijing has since 2005 played an increasing positive and constructive role in convincing the North Korean leadership that it has to back up from their nuclear weapons programme. Today the odds are better than ever before in the past 15 years that the North Korean crisis might be solved. This is indicating a new sense of responsibility for upholding international order shared by another member of the UN Security Council than just the US. If this is continuing, we might see a renewed role of the UN Security Council in the future.

Outlook

In dealing with the crisis of nuclear non-proliferation, a paradigm shift is needed. The dominant scholarly paradigm – the liberal arms control school – is not (or no longer) helpful in addressing nonproliferation issues. On the contrary, it has become part of the problem we face in dealing with problematic states. Their proponents' main concern is disarmament but not security under given circumstances with lesser nuclear weapons. Their understanding of the mechanics holding together the NPT is flawed. The main problem is that the more their arguments are being circulated around and the more the multilateral diplomacy is echoing their advice, the nuclear non-proliferation regime is edging towards a slippery slope. The dangers inherent in the dominance of the traditional paradigm become obvious when one looks at how much their arguments are already being used by challengers of the regime – such as the

[16] Henry A. Kissinger: "A Nuclear Test for Diplomacy", in: *Washington Post* 16 May 2006, page A 17.

Iranian president – in order to further their case. These challengers basically want to defy an international order that has been based on US stewardship.

What is often overlooked is that without that stewardship the order of the non-use of force between states would collapse as well as the nuclear non-proliferation order. Hence, the stakes are higher than just nuclear non-proliferation. However, the problem is not just being posed by the challengers; it is also how the US is living up to its stewardship. The past years have been marked by growing doubts as to the ability of the current US administration to meet this goal. In this regard it is of growing importance whether and how the US is supported or even substituted in its stewardship role by the member states of the European Union. It is also important to see states like China or Russia assuming responsibility for international peace by taking an active role within the United Nations or within the framework of back-channel negotiations, as has been the case with the 6-Parties talks on the North Korean nuclear programme. To date, they seem to see their main role in balancing the US within the United Nations Security Council. This, however, is not in conformity with the overall task of the Security Council, i.e. having the prime responsibility for international peace.

The inequality between nuclear-weapon states and non-nuclear weapon states will continue – and it will most likely pose no major problem as long as it does not go along with tangible security disadvantages for non-nuclear-weapon states. Indeed, many non-nuclear-weapon states do not consider the nuclear weapons option because they are under some nuclear umbrella or under a broader security guarantee given by a nuclear weapon state or because a nuclear threat is too remote to be counted as a real threat. The danger of a collapse of the nuclear non-proliferation regime is there; but it is closely related with the way non-nuclear-weapon states perceive their respective security environment and how strongly they are trusting existing mechanism of guaranteeing the rule of the non-use of force in international relations.

In the long perspective, the most likely danger for the nuclear non-proliferation regime is the combination of a political ideology that is defying the norm of non-use of force with the quest for nuclear weapons. In this regard, the most likely danger comes from extremist versions of the ideology of political Islam (Islamism). Radical Islamism is adamantly opposed to the norm of non-use of force. In case the current

radical Islamist leadership of Iran would be in possession of nuclear weapons, the main problem would not be the emergence of a nuclear arms race, but the outbreak of a nuclear war in the Middle East. A similar danger is associated with Pakistan, where a takeover by Islamist forces might result in a severe international crisis with the danger of a nuclear war. For this contingency, a functioning and effective system of collective security is crucial. We are still far away from this, but it seems that some progress has been made in that direction.