

Viewpoint

Compliance Politics: A Critical Analysis of Multilateral Arms Control Treaty Enforcement

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At the height of the Cold War, most analysis of security cooperation focused on bilateral US-Soviet arms control. Today, more of the focus has shifted to multilateral agreements; this makes it important to determine the circumstances under which compliance with these agreements can be assured. This viewpoint sketches out some ideas about the factors that foster and impede compliance, and uses these ideas to identify some areas where policy change is needed to improve the chances for success in multilateral arms control.

This viewpoint starts by recalling what useful purposes arms control, disarmament, and nonproliferation agreements may serve in the post-bilateral world. This section also defines the meanings of the terms “compliance” and “enforcement” as they will be used in the subsequent analysis. The next section then identifies a set of conditions that affect the chances of achieving a successful compliance policy for multilateral arms control agreements, and it delineates variables in the international environment that in turn affect these conditions. In the following section, the viewpoint then applies this framework to the present situation in order to assess the possibilities for an effective compliance policy at the present time and in the near future. This viewpoint concludes by identifying the necessary steps that must be taken to improve the prospects for arms control in the future.

The key conclusion is that the problems facing multilateral arms control, disarmament, and nonproliferation today do not rest primarily in flaws in the structures of the existing agreements (though improvement is, of course, necessary and recommended). The current difficulties emerge primarily from the policies of actors, especially the major powers. Of greatest concern is the shift in US policy towards unilateralism; this has the potential to undermine the fabric of international agreements that must form the basis of any viable compliance policy.

THE UTILITY OF ARMS CONTROL, DISARMAMENT, AND NONPROLIFERATION AFTER BIPOLARITY

Among the detractors of arms control nowadays, we can distinguish between two groups. One group has been against this instrument of security policy from the outset. “Arms control does not control arms” is the brief and determined formula on which these opponents rely.² The other skeptics admit the utility of arms control in the bipolar world, when it served the goal of stability and helped prevent a nuclear catastrophe. But since this world and its antagonism have been relegated to the ash heap of history, they doubt whether the instrument serves any useful purpose in the present era.

In this author's view,³ at least four distinct missions continue to make arms control, disarmament, and non-proliferation agreements useful, even indispensable parts of a stable and reliable world security structure:

- As long as the risk of great power rivalry and competition exists—and it exists today—constructing barriers against a degeneration of this competition into major violence remains a pivotal task of global security policy. Things may be more complicated than during the bipolar age since asymmetries loom larger and more than one pair of competing major powers may exist. With overlapping rivalries among these powers, arms races are likely to be interconnected, and the stability of any one pair of rivals might be affected negatively by developments in other dyads. Because of this greater risk of instability, the increased political complexity of the post-bipolar world calls for more rather than less arms control. For these competitive relationships, stability or stabilization remains a key goal, and effectively verified agreements can contribute much to establish such stability.
- Arms control also has a role to play in securing regional stability. At the regional level, arms control agreements can create balances of forces that reassure regional powers that their basic security is certain, and help build confidence in the basically non-aggressive policies of neighbors. Over time, a web of interlocking agreements may even create enough of a sense of security and confidence to overcome past confrontations and enable transitions towards more cooperative relationships.
- At the global level, arms limitation or prohibition agreements, notably in the field of weapons of mass destruction, are needed to ban existential dangers for global stability, ecological safety, and maybe the very survival of human life on earth. In an age of increasing interdependence and ensuing complex networks that support the satisfaction of basic needs, international cooperation is needed to secure the smooth working of these networks. Arms control can create underlying conditions of security and stability that reduce distrust and enable countries to commit themselves to far-reaching cooperation in other sectors without perceiving undesirable risks to their national security. Global agreements also affect regional balances and help, if successful, to reduce the chances that regional conflicts will escalate. Under opportune circumstances, the normative frameworks that they enshrine may engender a feeling of community and

shared security interests that help reduce the general level of conflict and assist in ushering in new relations of global cooperation.

- Finally, one aspect that is rarely discussed in the arms control context is arms control among friends and partners. It takes the innocent form of military cooperation; joint staffs, commands, and units; common procurement planning; and broad and far-reaching transparency. While these relations serve at the surface to enhance a country's military capability by linking it with others, they are conducive as well to creating a sense of irreversibility in current friendly relations, by making unthinkable a return to previous, possibly more conflictual times. European defense cooperation is a case in point.⁴

Whatever the particular mission of a specific agreement, it will serve these worthwhile purposes only if it is implemented appropriately and, if not, means are available to ensure compliance. In other words, the enduring value of arms control rests very much on the ability to assure compliance.⁵ Despite the reasons given above for the continuing utility of arms control, the skeptics may still have the last word if agreements are made empty shells by repeated breaches and a lack of effective enforcement.

In this analysis, compliance policy means the totality of efforts that parties to a multilateral arms control agreement undertake to deal with cases where it appears possible that another party does not abide by the prescriptions and proscriptions of that agreement, or even definite that a breach of that agreement is occurring. Enforcement means that set of activities aimed at bringing a reluctant or even resistant party back into compliance when more cooperative attempts at ensuring compliance have failed, and increasing evidence is available that the party is effectively in noncompliance with its obligations; in extremis, enforcement may even entail the use of military force.

THE CONDITIONS FOR SUCCESSFUL COMPLIANCE POLICY

Treaties are rarely if ever self-implementing. They rely on the active participation of the parties. Compliance policy, in its first and most important meaning, relates to the acts faithful parties conduct in order to discharge their agreed obligations. Part of this involves providing adequate information and engaging in sufficient communication about these acts to enhance the level of mu-

tual confidence and thereby add to the motivation to continue with compliant behavior. There are, however, two more problematic situations where compliance policy assumes a more crucial and “other-related” meaning. First, there are situations in which a party’s behavior is ambiguous and there is the possibility or suspicion that it violates some treaty stipulations. In these situations, clarification and eventually remedial action are called for. Then there are clear and evident breaches of treaty undertakings, which require even more urgent and decisive corrections to avoid harm to the established norm and the interests of other parties.

Compliance policy as exerted by a collective of states parties, and each treaty member individually, is more problematic, difficult, and risky in these latter two situations. Several conditions must be fulfilled for success to be likely. The three conditions are:

- treaty community coherence,
- leadership, and
- great power cooperation.

Unless these conditions are met, compliance policy will have to travel down a very bumpy road.

Coherence of the Community of Treaty Parties

Multilateral arms control agreements create a community of parties. They may be motivated by different interests to enter an agreement. They may also have different priorities with regard to different parts of the agreement, as is vividly seen in the context of the nuclear Non-Proliferation Treaty (NPT): while the nuclear weapon states emphasize nonproliferation, the non-aligned countries emphasize disarmament. However, there must be a common core of shared objectives among the parties; otherwise they would not be willing to bind themselves by the same rules (or, in the case of the NPT, different rules for different type of actors under the umbrella of the same legal instrument).⁶ While, in exceptional cases, a party may enter into a commitment with a firm intention to cheat, in the overwhelming number of cases a state accedes because it sees this step as being in its own interest, or it feels a moral obligation to follow the rule. The latter motivation should not be shrugged off.⁷ Notions of moral obligation can be found, for example, in the discourses of non-nuclear weapon state parties to the NPT and of the prime movers behind the Ottawa Convention on anti-personnel landmines. It is also widely accepted that such motivations played a role in the prohibition of chemical weapons.

Whatever the motivation might have been in the individual cases, the newly established treaty community is the basis for compliance. Rule-bound behavior was voluntarily undertaken, and compliance thus rests—similar to domestic law effectiveness—not on the eternal fear of forceful enforcement, but on the vast majority of parties abiding voluntarily by the rules in good faith. The use of pressure, of whatever kind, against rule-breakers is an exceptional instrument to bolster the rules. If a majority of parties were poised to violate an arms control treaty’s prescriptions, the treaty in question would be doomed, whatever sanctions the compliant minority might threaten to apply or actually applied.⁸

Parties will behave in conformity with treaty rules when they feel their motivations are being satisfied. The treaty must serve their interests and/or support their moral values. If either is the case, the cohesion of the treaty community will increase over time. This cohesion, in turn, is the precondition for dealing successfully with the most problematic compliance issues: ambiguities in state behavior that require clarification, and unambiguous breaches of treaty obligations that require a response.

In either case, the noncompliance of a treaty party has to be exposed. It is crucial that the agent authorized to take the necessary steps, such as an international organization charged with monitoring compliance with the treaty, has the unequivocal support of the treaty community. The information that must be collected in cases of alleged noncompliance may be extensive. If steps are to be taken to coerce the deviant party into compliance, the perpetrator should have no chance to hide behind the solidarity of other parties; if, however, there are other parties that harbor heavy grievances, insufficient coherence will result and “hiding” may well become possible. The information that must be revealed may be less damaging to a potentially noncompliant party in the case of ambiguities where the charged party still profits from the benefit of the doubt. It goes without saying, however, that remaining trust evaporates the longer the ambiguity remains unclarified; the point will be reached when the other parties are inclined to assess the situation as a breach of obligations.

Until this point, a party charged with ambiguous behavior that is in reality innocent must, in turn, be able to rely on the fairness of its fellow treaty parties. Otherwise, it might feel compelled to quit the treaty altogether out of frustration and alienation. The trust that this exercise of fairness would require, again, would have to

rest on a feeling of commonality and solidarity, built upon the common experience of cooperation within the framework of the agreement; this feeling will not emerge without coherence among the parties.

Antonia and Abram Chayes, in their excellent treatment of the compliance issue, have reminded us how much of successful compliance policy falls into the realm of cooperating with the charged party, through the use of persuasion, incentives, and empathy. They have shown how rare and risky the cases of coercive compliance policy are. Their work has clearly proven and correctly emphasized that compliance processes must be embedded in a coherent treaty community if they are to work satisfactorily.⁹

The parties' motivations—interest and morality—are just one of two pillars of coherence. The other one is found in the way the treaty works in practice and how it shapes relations between the parties. Independent of the subject matter of a treaty, parties must develop a sense that there is general fairness in the treaty's application, an opportunity to participate in important decisionmaking, and an appropriate level of effort in the implementation behavior of all parties.¹⁰ If these conditions are not met, at least some parties will feel uneasy and aggrieved, their commitment to the treaty will decline, and so will community cohesion.

Leadership

Most arms control treaties establish a principle of legal equality with regard to the subject matter of the treaty. In political reality, of course, states are not equal. It behooves states with either disproportionate power, or disproportionate commitment, to lead the treaty community in the difficult situations emerging from compliance problems.¹¹ Leadership in compliance issues has to follow three requirements in order to maintain (or even strengthen) community cohesion:

- Leadership must be transparent—the fellow treaty parties must know what leaders are doing to help restore compliance, both individually and in support of the authorized monitoring agent/agency if there is one.
- Leadership must be accountable—it must justify actions, listen to proposals and possible objections, and coordinate with other community partners who wish to support actively the compliance policy underway.
- Leadership must be rule-bound and rule-related—if the treaty contains rules and procedures for compliance policy, the leaders' policy should reflect these

prescriptions. If it does not, compliance behavior should be compliant with other international rules and permit feedback from and accountability to the treaty community.

Great Power Cooperation

A third very crucial condition is a sufficient commonality of interest and commitment among the major powers with regard to both the treaty in general and the compliance issue in question in particular. The great powers act on the basis of a multiplicity of interests, commitments, and orientations. If the major powers' broader political, economic, and security concerns turn out to be contradictory or even antagonistic, a non-multilateral compliance action by one or more of them becomes more likely. Such action outside the multilateral context will affect the great power relationship and, in turn, the prospects for continued institutionalized cooperation.

In short, power relations do not develop in an ahistorical and context-free way, following quasi-natural laws. They depend rather on habits, conventions, and perceptions that are shaped by experience. The constraints and relations in the international system are thus not immutable, but rather malleable.¹² When a treaty regime creates expectations of multilateral compliance policies, unilateralist behavior can thus cause one of two difficulties:

- It may push other powers (and possibly their followers, proxies, allies, and partners) to rally around the accused party. This may occur either because the accused party is a close ally, or to deter the power(s) acting unilaterally from further unilateral actions out of fear that such actions may lead to an adverse change in the balance of power. Such a course of events would seriously diminish the chances for pursuing further the road towards a world order based on cooperative security,¹³ rather than balance of power principles. Moreover, such confrontations include a risk of escalation, which could lead to another confrontation like the Cuban missile crisis, by far the most dangerous event so far in the nuclear age.
- Alternatively, the aggrieved powers may abstain from a direct confrontation out of concern for these risks, but freeze their cooperation in the arms control field as a sort of reprisal. Such a development, while less dangerous on the surface, would risk the erosion of multilateral arms control and nonproliferation in

the long run. Would-be rule-breakers could be tempted to play off great powers against each other, making it possible for them to pursue their rule-breaking activities with less risk and a greater likelihood of getting away unscathed with their deviant course of action.

In either mode, arms agreements suffer, the prospects of cooperative security policy as an ordering principle of world politics decline, and the risk of a major confrontation among great powers increases. This trajectory is a reflection of the pivotal role of treaty community cohesion. Because of the particular importance of major powers within that community—the presumption of legal equality notwithstanding—antagonisms among them are particularly likely to sunder that community and prevent it from maintaining and strengthening the treaty when it is challenged by deviant behavior.

INTERNATIONAL FACTORS THAT AFFECT COMPLIANCE POLITICS

Compliance politics, shaped by the three conditions discussed above, do not, of course, occur in a political vacuum. They are affected by structural elements of the international political environment in which they take place. Four elements that bear on compliance politics are (1) the distribution of power in the international system, (2) weapons technology and the ways of warfare informed by it, (3) the contractual and normative structures that shape the fields of action in which states move, and (4) the power- and norm-related habits that states have internalized and that rule their behavior vis-à-vis each other.

Power Distribution

The distribution of power in the international system can be unipolar, bipolar, or multipolar. Both multipolarity and bipolarity create incentives for arms control, albeit different ones. The implications of unipolarity are contingent on how other states perceive the unipolar power.

In a multipolar power structure, it is quite difficult for any individual power to prevail when it pursues its interests unilaterally. The likelihood that it will face a superior countervailing coalition looms large.¹⁴ In an environment shaped by high-tech weaponry including weapons of mass destruction and means of long-range or clandestine delivery, as well as interdependent and vulnerable economies and welfare-orientated publics,

risk-averse behavior is the most rational approach to international security policy.¹⁵ Evidently, rational behavior is not necessarily to be expected; revisionism by rising powers dissatisfied by the prevailing distribution of influence in world politics, nationalist fervor, or ideological zeal can all distort political rationality and make states more prone to take risks. Nevertheless, as a general tendency, multipolarity under modern conditions should be conducive to a willingness to invest in multilateral arms control and disarmament as a recognized and appreciated instrument of national security policy.

In bipolarity, the two leading states develop strong interests that their strategic rivalry should not get out of hand.¹⁶ The discussion of “catalytic war” during the East-West conflict is a case in point: the risk that a nuclear exchange could be triggered by a third party or by escalation from a regional conflict motivated the United States and the USSR to work together on such treaties as the NPT, and to negotiate and conclude agreements such as the “Basic Principles,” a document explicitly formulated to keep regional conflicts from entangling them in a deadly duel.¹⁷ In other words, multilateralism in this constellation serves to discipline allies and third parties alike; while power competition and an arms race between the leading powers continue, they are insulated from the risks emerging from the actions of others. Multilateral arms control thus develops below a bipolar, co-hegemonic overlay. Yet there is no harmony between the two competitors; for this reason, multilateralism suffers from inevitable weaknesses that limit its ability to deal with noncompliance problems.

This weakness results from the fact that any perpetrators of treaty violations are potentially useful allies and partners of the big two. Cracking down on them may thus be contrary to the geostrategic interests of one of the two. In this case, a fatal logical chain obtains: The stronger these interests are, the more danger the aggrieved great power will see in the breaching of the rules by that party, and the harder it will insist on taking remedial action; but by the same token, the “defending” great power will be more determined in sheltering its friend from such action. In other words, the very goal that multilateral arms control was meant to serve in bipolar politics—eliminating the risk of catalytic conflict—would suddenly be at stake.

For this reason, there might be a strong inclination not to force compliance issues too much to the forefront, but rather to accept a gradual erosion of treaty norms be-

cause confrontation might provide the bigger risk. The Soviet Union never forced the Israeli issue. Nor, for that matter, did it press the Iranian issue in the 1970s, when the Shah, an important US ally and an NPT member (in contrast to Israel), initiated a nuclear energy program that aroused considerable suspicion that a nuclear weapon was Iran's ultimate objective. The United States, in turn, kept largely silent on Iraq and North Korea, two Soviet clients, until the late 1980s. Only South Africa, a Soviet enemy and a country from which the United States kept its distance, was the target of joint pressure in the late 1970s, even though Pretoria had not even signed the NPT. But the US government prevented this pressure from forcing the Apartheid regime to dismantle its nuclear program because South Africa was seen, despite its repugnant domestic system, to be an anticommunist bulwark in the resource-rich and geostrategically relevant southern part of Africa. Thus both cooperation and confrontation remained limited; neither a unilateral nor a multilateral compliance policy could be pushed to the limit.

Finally, and most closely resembling the present situation, a unilateral power structure presents rather unique problems and opportunities. The interest of the supreme power lies naturally in preserving preponderance. Enforcement of rules that limit potential challengers' or regional revisionists' armament possibilities serves this interest well. The interests of second-tier powers are less clear. On the one hand, each additional challenge to the hegemon may be welcomed, as it weakens the unipolar power's supremacy and offers second-tier powers a potential new ally. On the other hand, such challenges may present a distinct danger to one or more of these second-tier powers, or the risk the challenger poses to overall regional or global stability may appear to other states to be greater than the advantage of a relative loss of hegemonic superiority. If the first interest, i.e., weakening the hegemon's position, is perceived as predominant, these powers may seek to support the challenger by working against consequent compliance enforcement. If the second interest dominates, they may acquiesce in a strong compliance policy under the leadership of the superpower; but it is to be expected that, in order not to suffer additional losses in status, they would prefer to be part of the decisionmaking if not the execution of compliance policy.

Whether the first or the second perception prevails depends most likely on the behavior of the hegemon it-

self. If it is seen as open, benign, and cooperative, the second attitude may have better chances to win the upper hand. If it is seen, in contrast, as dismissive of others' concerns, bullying, and unilateralist, the first posture is more likely to be assumed.

Ways of Warfare

Robert Jervis, in his seminal essay on the security dilemma,¹⁸ observed that security cooperation has a much better chance if the defense dominates over the offense—that is, if the configuration of weaponry needed to put up a vigorous defense against aggression has a good chance to win against an equally proficient configuration of offensive weaponry. The difficulty of making the distinction between “defensive” and “offensive” weapons is well known. Most weapons may serve in either capacity. It is thus more practical to speak about configurations that would serve well an offensive, and those that would better serve a defensive, strategy.

There are more difficulties with the Jervis approach. One is that in warfare, maybe more than in other human endeavors, the owl of Minerva rises only at dusk, as the famous quote of Hegel says: Whether the defense or the offense dominates will be determined only by the bloody test of the weapons. Before World War I, there was a general inclination to believe in the irresistibility of the quick and decisive offensive; however, the agonizing stalemate of the trenches with their machine guns mowing down approaching infantrymen proved the strength of the defensive arrangements.¹⁹ World War II started with the Western powers assuming that the defense would again dominate as in the Great War. Instead, the Germans, mastering the art of tank and joint-arms warfare, appeared to establish the contrary, only to learn in Russia that mechanized warfare could lose against an opponent with vast territory and material superiority.²⁰ As easy as the defense-offense formula sounds, it is hard to apply it in practice for prediction or planning.

It is thus more convincing to look at arms through the lens of prevailing discourse than to try to determine their “real” meaning in advance of their hour of truth. The following general rule is most plausible: If there is a general feeling that a technical or doctrinal breakthrough has occurred that promises a quantum leap forward in warfare capabilities, and that this leap would yield decisive advantages, multilateralism in security policy will have to fight an uphill battle. Those who be-

lieve that this military advantage is around the corner will be tempted to work anxiously to realize it. Those who feel left behind will strive as hard as they can to catch up and to neutralize the advantage, either by emulating what the first states have done, or by compensating through other means of warfare, or both.

The prospects for a successful multilateral compliance policy in that environment are dim if no corrective action is taken or no countervailing factors exist. Those who achieve the perceived breakthrough will be inclined to take the law into their own hands and enforce it on their own account, if and when it is in their interest. Rules that bind their might will be seen as unnecessary, illegitimate, and even dangerous constraints on their freedom of action. For those left behind, multilateral rules will be seen as an attempt to freeze their disadvantage into eternity. Moreover, they will feel uneasy about attempts at enforcement—unilateral and multilateral—as they could become targets of such enforcement themselves in the future if they seek ways to make up for the disadvantageous gap in military power.

As a consequence, multilateral enforcement has much more breathing space when the pace of technological and doctrinal development is measured than when it is rapid.

Contractual and Normative Structures

The international structure comprises more than just the raw power relations among states. An important structural element consists of the rules and norms that are established to regulate state behavior.²¹ In the abstract, states' options for action are virtually unlimited. The power distribution is a constraining factor, but it still leaves many roads open, particularly for the stronger states. Rules and norms, written and unwritten, help states distinguish the adequate or possible from the inadequate or impossible. They create opportunities for certain actions and barriers for others. Neither opportunities nor barriers are absolutes. Rather, they present distributions of probabilities for success and failure and thus influence the interest-based calculations states make before undertaking a course of action.

Arms control agreements, of course, are part and parcel of such established rules and norms. They are, however, embedded in a broader contractual and normative environment.²² The general standing of international law is an important factor in this regard. Is international law

loosely or densely knit? Has it been observed over an extended period of time so that it can be expected to attract adherence in the future? Is the law seen as basically and sufficiently fair and equitable or in urgent need of revision? Is a given arms control agreement seen to be related to other basic rules of international behavior or as standing alone, merely an experimental (or even imposed) set of norms sustained by thin and contested air? All these questions bear on how stably an arms control agreement will stand in the face of a challenge, and how well grounded a consensus on pursuing compliance policy will be.²³ In an environment in which international law is very weak, or seen to be weakening by the day, multilateral compliance policy will stand on very shaky ground. In a solid and robust legal environment, the chances for general support for compliance action are much better.

Prevailing Habitual Rules of Behavior

The existence and perception of rules are only one side of the coin. How much these rules have been internalized into state behavior is the other, possibly even more important, side. In the preceding section, rules and norms have been discussed as affecting interest-based calculations of states. Internalization, however, means that such rules and norms become an influence on how states define their interests in the first place.²⁴ States then pursue certain objectives not because this leads to a short-term advantage, but because it is deemed appropriate to do so. Interests are not replaced by idealistic, lofty goals; rather, they are seen in a different light. Upholding the strength of multilateral agreements may then become an objective in itself, because the security of a country is seen to be best guaranteed by the multilateral web of agreements that keep the international environment stable and predictable for that country.²⁵

In terms of our subject, it is self-explanatory that a multilateral compliance policy will thrive best if many states have internalized the norms of cooperative security and multilateralism and behave accordingly. Such states will see it as being in their own interest to support multilateral efforts to clarify ambiguous behavior or to remedy the breach of a treaty. Conversely, where the unilateral pursuit of enhancing one's own power is the behavioral rule guiding international conduct, multilateral enforcement will have little chance of surviving in such a tough, competitive world.²⁶

THE PRESENT SITUATION FOR COMPLIANCE POLICY

When the Cold War ended and the Soviet Union dissolved, some optimists saw a new, cooperative world order emerging, built on multilateral institutions, great power concert, and enlightened leadership by the remaining superpower. Indeed, the first post-Cold War years, which saw unprecedented progress in arms control, disarmament, and nonproliferation agreements, amendments to and improvement in existing agreements, the growing role of the United Nations, and the absence of blocking vetoes in the Security Council, gave hope that this vision might come true. Energetic efforts at settling regional conflicts, frequently undertaken by the major powers together, added to the hopes. However, this process has come to a halt and has been reversed. Today, the prospects appear rather bleak, and the future of multilateral compliance policy is being profoundly and adversely affected. In the following, I discuss first the state of the international variables affecting the conditions for compliance policy, and then these conditions themselves as they stand today.

The International Setting: Unipolarity, the Revolution in Military Affairs, and the Decline of Multilateralism

Which conditions prevail in today's world? While there is much discussion about multipolarity versus unipolarity, it is obvious that the difference between the most powerful and the next most powerful state is enormous.²⁷ The United States not only accounts for one third of total global military spending by itself—dwarfing the next most prolific spenders, Japan, the United Kingdom, France, and China, by six to seven times—it is also the leading economic power, possesses the most extensive intelligence efforts (for whatever that's worth), is the master of the world's communication systems, leads in most decisive technologies, and possesses diplomatic resources approached by no other state. It is very difficult not to call this structure unipolar. As discussed above, this constellation is not necessarily deadly for multilateralism and a corresponding compliance policy, but it does not make things easy unless other favorable factors obtain.

Unfortunately, at present, development in arms technology and doctrine can hardly be called static. Even if one does not subscribe to all of the "optimism" uttered in discussions of the so-called revolution in military af-

fairs, it is obvious that the integration of modern electronics, communication technology, and materials science has changed warfare rapidly and decisively. The integration of high-capability intelligence, surveillance, command, control, and communication with high-precision munitions and stealth features has created unprecedented options for decisive, devastating attack over long distances with reduced risks to the attacker against a defender that is not at the same level of proficiency. In the expert discourse, this change is taken to have affected the offense-defense relationship, favoring the former.²⁸ As discussed above, this is another factor impacting negatively on the prospects for arms control in general, and cohesive multilateral compliance action in particular.

Even this could be neutralized if international law and international organizations were strengthened by the conscious policies of the hegemon and the lesser powers. By demonstrating their willingness to be bound by the rules and to be integrated into the multilateral decisionmaking processes that international agreements and international law at large prescribe, the major powers would enhance confidence among themselves, and concomitantly in the less powerful states across the whole strata of international relations. In terms of the prospects for multilateral compliance policies, the fact that this is not the case is possibly the most adverse feature of present global policies.

The behavior of the unipolar power has especially significant effects on global confidence in multilateral institutions. However, 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.²⁹ Rather than seeing the national interest as served by these important buttresses to international stability, rules and national interest are increasingly seen as being opposed to each other in the present US political discourse. The Republican wing of the US political spectrum articulates this view more strongly and consistently than those representing the present administration.³⁰ There, voices of multilateralism appear side by side with, or sequentially following, those of unilateralism.³¹ But it was not Congress, but rather the Clinton administration that abused the UN Special Commission on Iraq (UNSCOM). The administration used this most adventurous and daring experiment in multilateral compliance policy for unilateral eavesdropping, with a view to gaining advantages

for military action that the United States would decide upon exclusively on a national basis.³² The US preference for national missile defense—the doubtful technical basis notwithstanding—over a time-honored arms control treaty also undermines multilateralism, as did the US attempt, during the renegotiation of the Conventional Forces in Europe (CFE) Treaty, to replace the stability principle in that treaty by one of complete freedom of military action in times of crisis. The United States also acted contrary to the spirit of multilateral arms control when the Senate approved unilateral changes in the verification rules of the Chemical Weapons Convention (CWC) and in the Senate's scandalous vote against ratifying the Comprehensive Test Ban Treaty (CTBT).³³

The United States is increasingly basing its national security doctrine on the notion of supremacy in all categories of weaponry and warfare—"full spectrum dominance" in Air Force parlance. The United States wants to maintain a position where it can take on and remain victorious over each and every possible enemy. This requires, naturally, the option to attack strategic targets around the globe in multiple strikes, with high precision, from vast distances, and without huge losses. Such a posture defies the main principles of arms control: balance, stability, equivalence, and defensive postures.³⁴ It is, plainly spoken, incompatible with the notion of reciprocity that is needed in the arms control business.³⁵

The United States combines this posture with an explicit declaration that the standard for the employment of force is the US national interest, not international law or the appropriate decisionmaking procedures in the United Nations or in regional organizations.³⁶ The United States refuses to be bound itself, though it can see the advantage of others being subject to rules. It demands for itself a freedom of action that it would denounce as "rogue" if others required the same privileges (recall the US reaction to the Russian claim in relation to Chechnya of special privileges in the "near abroad"). The US position with respect to the International Criminal Court is a precise reflection of this attitude.³⁷

US policy has ceased to be the driving force behind multilateral arms control. Indeed, US policy threatens to degenerate into the open pursuit of primacy through military supremacy, supplemented here and there, as appropriate, by useful agreements that bind the rest of the world, but possibly not the United States itself.

Russia also gives reason for concern. While the transgression of CFE limits in the Caucasus region could be excused in the light of a national emergency, the complete and conscious neglect of humanitarian law in the course of the Chechen war cannot. Russian foreign policy appears today much more militarized, with a stronger emphasis on nuclear weapons in particular, than in the immediate post-Cold War period. This policy change is partly a reaction to US policies, and partly a reflection of shifting domestic coalitions. The reintroduction of weapons instruction in high schools is the latest, and most alarming, sign of the direction Russian policy is taking.³⁸ With growing emphasis on military strength (however hollow), the prospects in coming years for far-reaching concessions on the arms control front become dim. Although the Russian legislature ratified both START II and the CTBT in spring 2000, this appears to be mainly a gambit to pressure the United States not to proceed with missile defense, and not a sign of any belief in the inherent merits of arms control. Consequently Russia is more likely to base decisions about collaboration in compliance procedures on its short-term geostrategic interests than on any expectations about the intrinsic value of the respective agreements for Russia's security in the long run.

China, in turn, has defied the principle of transparency several times.³⁹ Its repeated threats of force against Taiwan, including the firing of live missiles close to Taiwan's shores, are not even acceptable under the pretence of being an "internal affair." Beijing does not pay due regard to the security concerns such behavior must engender in its Asian neighbors, let alone the adverse effects on the readiness of the Taiwanese population to consider timely unification with the mainland. China has embarked on a determined, if slow, improvement of its military capability with a disturbing emphasis on power projection.⁴⁰ Rejecting the principle of transparency as adverse to its security, China is not willing to declare where the build-up might stop; the same applies to the modernization of its nuclear forces. Feeling bullied by the United States, China appears more and more resentful and distrustful of US intentions. China's willingness to cooperate multilaterally is consequently limited.

With the actual behavior of three of the most powerful states in the world very clearly deviating from existing norms, we must conclude that multilateral arms control rules and norms have not really been internal-

ized by these countries. Unilateralist pursuit of national advantage prevails over norm-defined interests. The possible antidote against the effects of unipolarity and a rapidly changing technological and doctrinal environment favoring the offensive is thus not available. To the contrary, two important conditions for successful compliance policy are at risk simultaneously. First, leadership is not available, as leadership in a multilateral framework assumes the readiness to play by the rules, to listen, to persuade, and to foster the agreed objectives rather than a narrowly defined national interest. And second, great power cooperation is becoming more and more difficult, as each of the big three is following narrow interests that set them on a collision rather than a collaboration course.⁴¹ As the results of disagreements in the UN Security Council about the Iraqi case clearly demonstrated, unilateralism makes attempts to take compliance and enforcement actions nearly impossible.⁴²

The Current Conditions for Compliance Policy: Hegemony Instead of Leadership, Great Power Disconcert, and Community Alienation

Great powers face a permanent dilemma: whether to take a long-term perspective on their interests and accept rules binding themselves as the price for the construction of an order that grants stability under their leadership, or to bet that their military supremacy will guarantee their security and, when it is seen as appropriate, enable them to impose their will on others. As discussed, it appears that the United States is moving in the latter direction. Unilateralism built on military supremacy is clearly the preference of Republicans. But it has an audible echo in parts of the Clinton administration, not least the Department of Defense. In fact, prominent voices on both sides of the US political spectrum endorse hegemony with considerable self-satisfaction.⁴³ Hegemony and the ensuing unilateralism, the argument goes, are good and just because the United States pursues the right values and thus has an inalienable right to impose its will or, alternatively, to opt out. Unilateral enforcement of internationally agreed rules is pictured as a virtual duty of the United States, emerging from its position as “custodian” of international regimes.⁴⁴ This self-indulgence is very risky. It is blind to the increasing resentment and uneasiness hegemony creates, even among close allies.⁴⁵

For hegemony is not the same as leadership. Hegemony pushes and shoves and twists arms and threatens

and imposes without much listening. Leadership accepts reciprocity and accommodates the interests of others even if their power is vastly below its own. Multilateral compliance rests on leadership, not hegemony. This condition is not met by the United States presently, and even less so by the other major powers.

Great power relations are also worsening. Russia is aggrieved by NATO enlargement, US plans for missile defense, and its own inability to live up to its world power ambitions—an inability Russia blames on the West and the United States in particular. China has not yet decided whether it wants to follow a dogmatic 19th-century power-politics policy or a modern, multilateral approach. It feels abused by the United States over Taiwan and the World Trade Organization, distrusts US-Japanese defense cooperation, and sees US missile defense policy as a conscious attempt to emasculate China’s deterrent and create a blackmail option for Washington against Beijing.

With the United States drifting towards hegemony rather than leadership, and great power relations in growing disarray, coherence in the larger treaty community is spiraling down as well. The increasing assertiveness of US policy brings to the forefront a state of inequality that hurts the basic need for a satisfactory perception of fairness among treaty participants. That the US chemical industry as of spring 2000 has not been subject to inspections under the CWC is a case in point.⁴⁶ The failure to date of the nuclear weapon states to live up to NPT Article VI obligations to pursue nuclear disarmament, and the US Senate’s refusal to fulfill the promise made at the 1995 NPT Review Conference to achieve a CTBT, have exacerbated the feeling of an unequal and unjust distribution of rights and duties within the community of parties to nonproliferation treaties. Unilateral sanctions, such as the air strikes against Iraq, have added to this frustration.

That international law is enforced unequally is a fact that cannot be eliminated. Sanctioning that is carried out by decision of the international community, however, makes this inequity more tolerable, because it guarantees that multiple perspectives are entering the enforcement debate and subsequent decisions. If one single power takes the law into its own hands, this mitigating process is eliminated. The United States, however, mixes the implementation of internationally made decisions with its own national security goals, foreign policy expediency, and measures designed to serve its economic

interests. That these interests are taken into account in determining policy is, naturally, quite legitimate. That they are not properly balanced against multilateral norms and the views and interests of US partners leads however to negative consequences. As a consequence, almost a third of the world's states are today under US economic sanctions, or threatened by them.⁴⁷ The blurring of a variety of motivations in these activities delegitimizes them where they are meant to bolster internationally accepted principles of security. The decisions, their reasoning, and their implementation are not transparent; nor is the United States, in imposing sanctions, in any way accountable to the rest of the world. The coherence of international treaty communities is vastly weakened by this unilateralism.

Unilateralism combined with superior military power also creates uneasiness and insecurity even among faithful treaty members that happen to have disagreements, disputes, or conflicts of interest with the most powerful country. These parties will be inclined to oppose strict compliance measures—even if they are needed to deal with a breach of rules—out of fear that they may become a target of such action later. They will be reluctant to agree in the future to more intrusive verification steps that may reveal information relevant to their defense and thus compromise their security. US use of UNSCOM for its own intelligence gathering was a loud warning shot. With decreasing readiness in the treaty community to support transparency and verification, another precondition of compliance policy is weakened.

While the superpower appears to be under the illusion that it can take care of compliance problems in a unilateral mode—possibly supported by “alliances of the willing”—and other major powers appear to be alienated or disinterested, treaty communities are threatened by erosion. With that erosion, the ability of the superpower to enforce agreements unilaterally will decline. It will become apparent just how much previous compliance policy, even if it was executed unilaterally and criticized by many, relied on the acquiescence or silent support of treaty communities that supported the norms and rules that were to be enforced. Erosion of that community eliminates this basis. What remains is the transition from multilateral enforcement, to solely unilateral enforcement, to pure power politics based on perceived (and likely short-term and narrowly defined) national interests. It appears that we are presently passing through the first phase of this process.

REMEDIES

The problems are obviously deep-rooted. They rest in a particular constellation of domestic politics and foreign policy not only in the United States, but also in Russia and China. Conditions could change if, in the first place, a political realignment took place in the United States. Given the somehow incalculable ups and downs of US domestic politics, predictions are not possible.⁴⁸ This is even more true for Russia and China.

For the deeply rooted problems analyzed above, surface repair activities do not help. Incremental organizational change, for example, a handy device to deal with institutional shortcomings, will not improve the situation, as the difficulties lie in the actors rather than in the institutional structure.⁴⁹ It is quite obvious that the structure cannot function without key actors playing by the rules. If this is not the case, changing the institutions is of little avail.

If actors are the problem, only actors can provide the solution. Actors are needed for three different tasks: to substitute for missing leadership and to influence the major powers to lead in the right direction; to try to bridge the gap that has arisen between the major powers; and to revive the core consensus that is the basis for community coherence.

The first task, substituting for the lack of multilateral leadership—as opposed to unilateralist hegemony—is a difficult one. Leadership is no doubt partly moral and spiritual, but a grain of solid power does not hurt. Given present global asymmetries, no one can really substitute for the United States in this regard. But a caretaker leadership might be possible. In the first instance, it could put compliance issues on the table where they belong—in the international organizations tasked with verifying or policing the treaties in question, or, in the case of serious problems, the United Nations or a regional organization. Concepts for cooperative and persuasive approaches could be supplied at the same time, and communicated within the treaty community as broadly as possible. Finally, when enforcement measures appear to have become inevitable, caretaker leadership would involve a determined effort to build a broad consensus among the parties for such measures.

At the same time, an attempt to influence US thinking is necessary. This attempt must target both the administration and Congress, for if the United States opposes the course that others propose, the prospects of

success will be dim. The key requirement is to seize the initiative and approach the United States with firm and convincing plans for specific compliance policies. In order to be listened to in Washington, such proposals must already enjoy some weighty support.

These prerequisites almost destine the European Union (EU) to do the job. It has an apparatus for developing positions in multilateral institutions to which all member states belong; it is generally inclined to take a cooperative approach; and it is close enough to the United States to get a hearing, particularly if there is an unanimous position. This, however, is the Achilles' heel of Europe's Common Foreign and Security Policy. As the Iraqi example shows, European members of the UN Security Council tend to go their own ways on important issues, their obligation to policy coordination (under the Amsterdam Treaty) notwithstanding. As long as this practice continues, the EU will fall short of its true potential, to the detriment of multilateral compliance policy.⁵⁰ On a more promising note, however, the Common Position adopted by the EU countries prior to the 2000 NPT Review Conference included compromises on nuclear arms control and disarmament, some of which found their way into the conference's final declaration. This indicates considerable progress in the EU's efforts to shape a common security policy.

The EU appears also to be in the best position to take on the second task of bridging the gap between the United States and the other major powers. By demonstrating that there is another Western power center, the risk of polarization is mitigated. In discussions with the United States, EU members could try to develop alternative courses towards Russia and China. US, Russian, and Chinese interests are not necessarily antagonistic. By trying to slow down the political escalation processes underway and emphasizing common interests in multilateral arms control and nonproliferation, the worst could possibly be prevented.

The third task, beefing up the community consensus, must possibly come from a source that is not exclusively Western. The New Agenda Coalition is a model that springs to mind.⁵¹ This group of eight countries made a gallant attempt, starting in 1998, to come up with a new compromise formula on disarmament and nonproliferation that went a long way towards finding common ground for further developing the nuclear nonproliferation regime and identifying a viable path for the course of arms control and disarmament. Its first attempts failed

because of the stubborn and unenlightened reaction of the nuclear weapon states. By adjusting its list of proposals and being flexible enough to work for compromise, however, the New Agenda Coalition was instrumental in securing a major success at the 2000 NPT Review Conference, which adopted a final document that included an unequivocal commitment to the elimination of nuclear arms. A group like this—encompassing leading nonaligned states and Western countries with an impeccable record in arms control, disarmament, and nonproliferation—may well be in a position to reaffirm the moral ground as well as the perception of common interests that are needed as the basis of effective compliance policy.

Finally, it is unlikely that the course of events will change without a determined effort from within international civil society. Nongovernmental organizations have proven their potential in initiating and providing the necessary momentum behind the campaign to ban anti-personnel landmines.⁵² The arms control and disarmament community within the United States has also exerted considerable influence over the years, serving as a watchdog, agenda-setter and, at times, mover of issues.⁵³ It will be necessary for the international arms control and disarmament community to agree on a few simple and communicable objectives and to campaign around them, with a strong effort in the United States in particular. The US part of this campaign is the most important one; without reliable allies on the inside of superpower politics, activities from the outside will remain insufficient.

CONCLUSION

The present situation for effective and successful compliance policy is not good. It would have been tempting to engage in a nice academic debate about institutional reform, starting with the UN Security Council and going in detail through the weaknesses of each and every international organization charged with treaty administration, then discussing the weaknesses of the compliance mechanisms in the various international agreements, and so on. The approach chosen here was different. The framework developed in the first part of this viewpoint related the structure and the actors to each other; only their interdependent feedback processes can produce the conditions that promise successful compliance policy. The diagnosis based on this framework showed that today's problems lie in the actors. The rem-

edies therefore had to address the actor problem as the top priority.

This does not mean that institutional design is not a worthy venture; it certainly is. For the broad picture, however, we have to get the priorities right. And all findings about institutional weakness should not be construed as relieving the actors, especially the leading ones, of their basic duty to play by the rules and to integrate themselves into the multilateral frameworks that need to be saved, maintained, and improved if states are to enjoy the security benefits that multilateral arms control can provide.

¹ This viewpoint is based on a paper presented to the Arms Control Cluster, Geneva Centre for Security Policy, March 21, 2000. Research for this paper was supported by the Volkswagen Foundation, The W. Alton Jones Foundation, and the John Merck Fund.

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⁴ In this context, the notion of "security communities" presents a useful framework. Cf. Emanuel Adler and Michael Barnett, eds., *Security Communities* (Cambridge: Cambridge University Press, 1998).

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⁷ Martha Finnemore, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization* 50 (Spring 1996), pp. 325-347; Martha Finnemore, *National Interests in International Society* (Ithaca, NY: Cornell University Press, 1996), Chapter 3.

⁸ Franck, *The Power of Legitimacy*; Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, MA: Harvard University Press, 1995).

⁹ Chayes and Chayes, *The New Sovereignty*.

¹⁰ Franck, *The Power of Legitimacy*.

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¹³ On the concept of cooperative security, cf. Ashton B. Carter et al., *A New Concept of Cooperative Security* (Washington, DC: Brookings Institution, 1992).

¹⁴ Steven M. Walt, *The Origins of Alliances* (Ithaca: Cornell University Press, 1987).

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¹⁷ On this almost forgotten agreement, cf. Alexander George, "The Basic Principles Agreement of 1972: Origins and Expectations," in George, ed., *Managing U.S.-Soviet Rivalry, Problems of Crisis Prevention* (Boulder: Westview, 1983), pp. 107-118.

¹⁸ Robert Jervis, "Cooperation under the Security Dilemma," *World Politics* 30 (January 1978), pp. 30-32; see also Charles L. Glaser, "The Security Dilemma Revisited," *World Politics* 50 (October 1997), pp. 171-201.

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²⁰ Barry R. Posen, *The Sources of Military Doctrine* (Ithaca: Cornell University Press, 1984).

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²⁵ I have argued that this is very much the case for Germany, cf. Harald Müller, "German Foreign Policy After Unification," in Paul Stares, ed., *The New Germany and the New Europe* (Washington, DC: The Brookings Institution, 1992), pp. 126-173; Harald Müller, *Macht und Ohnmacht. Deutsche Außenpolitik vor dem Ende?* (Frankfurt: Alfred Herrhausen Gesellschaft für internationalen Dialog, 118, 1998). For arguments along the same lines, see Peter J. Katzenstein, "United Germany in an Integrating Europe," in Katzenstein, ed., *Tamed Power. Germany in Europe* (Ithaca/London: Cornell University Press, 1997), pp. 1-48; Thomas U. Berger, "Norms, Identity, and National Security in Germany and Japan," in Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996), pp. 317-356.

²⁶ For the prerequisites of effective multilateralism, cf. John Gerard Ruggie, "Multilateralism: The Anatomy of an Institution," in Ruggie, ed., *Multilateralism Matters: The Theory and Praxis of an Institutional Form* (New York/Oxford: Columbia University Press, 1993), pp. 3-51.

²⁷ William C. Wohlforth, "The Stability of a Unipolar World," *International Security* 24 (Summer 1999), pp. 5-41.

²⁸ Lawrence Freedman, *The Revolution in Strategic Affairs* (London: IISS, Adelphi Papers, 1998), p. 318; Benjamin S. Lambeth, "The Technology Revolution in Air Warfare," *Survival* 39 (Spring 1997), pp. 65-83; Brian

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³⁰ Norman Podhoretz, "Strange Bedfellows: A Guide to the New Foreign Policy Debates," *Commentary* (December 1999); Condoleezza Rice, "Promoting the National Interest," *Foreign Affairs* 79 (January/February 2000), pp. 45-62; William Kristol and Robert Kagan, "Reject the Global Buddy System," *New York Times*, October 21, 1999, p. A27; "Senator Helms' Speech Before the United Nations Security Council" *International Herald Tribune*, January 21, 2000, p. 2.

³¹ One statement endorsing multilateralism and arms control as being in the national interest was given by Madeleine Albright in November 1999; see text reprinted in *Disarmament Diplomacy* 42 (December 1999), pp. 37-39.

³² David Malone, "Goodbye UNSCOM: A Sorry Tale in US-UN Relations," *Security Dialogue* 30 (September 1999), pp. 393-411.

³³ Joseph Cirincione, "The Assault on Arms Control," *The Bulletin of the Atomic Scientists* 56 (January/February 2000), pp. 32-37.

³⁴ Lambeth, "The Technology Revolution" pp. 65-83.

³⁵ Michael Sheehan, *Arms Control: Theory and Practice* (Oxford: Basil Blackwell, 1988).

³⁶ cf. The White House, "A National Security Strategy for a New Century" (December 1999), pp. 13, 47. The language in the paragraphs dealing with the employment of force are unambiguous:

International cooperation will be vital for building security in the next century because many of the challenges we face cannot be addressed by a single nation. Many of our security objectives are best achieved—or can only be achieved—by leveraging our influence and capabilities through international organizations, our alliances, or as a leader of an ad hoc coalition formed around a specific objective. Leadership in the United Nations and other international organizations, and durable relationships with allies and friendly nations, are critical to our security. A central thrust of our strategy is to strengthen and adapt the formal relationships we have with key nations around the world, create new relationships and structures when necessary, and enhance the capability of friendly nations to exercise regional leadership in support of shared goals. At other times, we seek to shape a favorable international environment outside of formal structures by building coalitions of like-minded nations. But we must always be prepared to act alone when that is our most advantageous course, or when we have no alternative.

The decision whether to use force is dictated first and foremost by our national interests. In those specific areas where our vital interests are at stake, our use of force will be decisive and, if necessary, unilateral. In situations posing a threat to important national interests, military forces should only be used if they advance U.S. interests, they are likely to accomplish their objectives, the costs and risks of their employment are commensurate with the interests at stake, and other non-military means are incapable of achieving our objectives. Such uses of military forces should be selective and limited, reflecting the importance of the interests at stake. We act in concert with the international community whenever possible, but do not hesitate to act unilaterally when necessary.

³⁷ Charles William Maynes, "The Perils of (and for) an Imperial America," *Foreign Policy*, No. 111 (Summer 1998), pp. 36-48.

³⁸ Masha Gessen, "Russian Society Regresses To a Military Mind-Set," *International Herald Tribune*, March 1, 2000, p. 11.

³⁹ *Disarmament Diplomacy* 41 (November 1999), p. 29; Rebecca Johnson, "Non-Proliferation Treaty: Challenging Times," *ACRONYM* 13 (February 2000), p. 42.

⁴⁰ Evan A. Feigenbaum, "China: Resources and Security," *Survival* 41 (Summer 1999), pp. 71-88.

⁴¹ David P. Calleo, "The United States and the Great Powers," *World Policy Journal* 16 (Fall 1999), pp. 11-19.

⁴² Marc Weller, "The US, Iraq, and the Use of Force in a Unipolar World," *Survival* 41 (Winter 1999/2000); William Wallace and Jan Zielonka, "Misunderstanding Europe," *Foreign Affairs* 77 (November/December 1998), pp. 65-79, 81-100.

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⁴⁴ W. Michael Reisman, "The United States and International Institutions," *Survival* 41 (Winter 1999/2000), pp. 62-80.

⁴⁵ Some not so benign perceptions are reported by Francois Heisbourg, "American Hegemony? Perceptions of the US Abroad," *Survival* 41 (Winter 1999/2000), pp. 5-19.

⁴⁶ Leslie-Anne Levy, "Clinton's Record on Chemical and Biological Arms Control," *Disarmament Diplomacy* 41 (November 1999), pp. 7-12.

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⁵² Maxwell A. Cameron, Robert J. Lawson, and Brian W. Tomlin, *To Walk Without Fear: The Global Movement to Ban Landmines* (Toronto: Oxford University Press, 1998).

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