

## *Viewpoint*

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# Multilateralism and the Future of the Global Nuclear Nonproliferation Regime

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Many years ago, a renowned scholar of international law, Louis Henkin, wrote: “almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time.”<sup>2</sup> This observation is surely true with respect to the behavior of states in implementing their duties under the global nuclear nonproliferation regime. Isolated developments that are inconsistent with such principles and obligations—up to and including the conduct of nuclear tests—serve neither to delegitimize the underlying global norms of this regime nor to legitimize behavior that is inconsistent with such norms. Henkin’s observation is of course no less true with respect to domestic law. Whether domestic or international, laws are norms to which societies attach special importance. These norms may not always be observed, but they serve a vital need in establishing some fundamental parameters within which the complicated relationships in all kinds of societies—domestic and international—take place.

The point in establishing such laws is not to guarantee perfect compliance nor to ensure perfect enforcement. One need only to consider the frequency with which laws against robbery, murder, and assault are violated daily in domestic societies, some without either detection by civil

authorities or any punitive action taken by the state in response. Though such violations can and do occur, they do not trigger a hue and cry for abrogation of the fundamental norms. Nobody points to the behavior of reckless drivers as a reason to get rid of traffic lights.

### **TWO CONTRASTING APPROACHES TO TREATIES**

Today, however, many observers of the international scene are at loggerheads over some of the most fundamental principles by which the world is to run—including the principles governing nuclear disarmament and nonproliferation. This debate also concerns the various ways in which such principles are established and maintained. This development is not simply a reappearance of the old debate between isolationists and internationalists. Though one can still find faithful adherents to the creed of isolationism, the collective political, cultural, economic, and technological developments that now fall under the rubric of “globalization” render such an approach increasingly naïve, unrealistic, and irrelevant.

Instead, the debate concerns a battle between unilateralism and multilateralism—between, in short, the two leading approaches available to states in pursuit of

their ideals and self-interests in the increasingly interdependent world of the twenty-first century.

These contrasting approaches are readily apparent in much of the contemporary literature on foreign policy. “In its pure form,” writes former UN Assistant Secretary General John Ruggie, “a multilateral world order would embody rules of conduct that are commonly applicable to all countries, as opposed to discriminating among them based on situational exigencies or particularistic preferences.”<sup>3</sup> While such rules are essentially “a set of abstract principles,” Ruggie has shown historically that they have served as “animating ideas” that shape the various ways in which states go about defining their interests.<sup>4</sup> Analyzing the question of how the United States has historically defined its role in the world, Ruggie wrote the following in 1996:

Answering that question requires not simply making à la carte calculations, as is too often assumed, but fashioning a deeper understanding of guiding principles and values which, at one and the same time, make sense externally and can command domestic support. Broadly defined interests will flow from such an understanding, though their realization in any particular instance inevitably will be subject to political toing-and-froing concerning perceived costs and benefits.<sup>5</sup>

In contrast, U.S. State Department official Richard Haass has recently labeled the approach of the new Bush administration as one of “à la carte multilateralism,” an approach that works as follows: “We’ll look at each agreement and make a decision, rather than come out with a broad-based approach.”<sup>6</sup> According to Thom Shanker of the *New York Times*, the Bush administration “is applying what they see as a hard-headed assessment of treaties case by case, and based on America’s interests.”<sup>7</sup> Columnist Charles Krauthammer has similarly explained that:

we now have an administration willing to assert American freedom of action and the primacy of American national interests. Rather than contain American power within a vast web of constraining international agreements, the new unilateralism seeks to strengthen American power and unashamedly deploy it on behalf of *self-defined* global ends.<sup>8</sup>

Elaborating these views, Krauthammer declared that the new administration is “rejecting the multilateral straight-jacket, disenthraling the United States from the notion

that there is real safety or benefit from internationally endorsed parchment barriers, and asserting a new American unilateralism.”<sup>9</sup>

None of these arguments, of course, is new—for the United States or any other country—as they all have various antecedents throughout the literature on political philosophy and the history of international relations. The broader choice of having to “go it alone” or “go it with others” is one of the most fundamental choices a human being can make in a lifetime, and the same is no less true for leaders of a state. Yet in the present historical age, which combines the realities of globalization with the perils of thermonuclear weaponry capable of devastation on a planetary scale, this debate takes on a profound new importance. At stake here is not just the future of the global nuclear nonproliferation regime and its fundamental norm of global nuclear disarmament, but potentially the future of international peace and security, and with it, the future of the world itself.

## POLES APART

How one assesses the state of the global nonproliferation regime today depends very much upon the basic perspective of the assessor, for such perspectives affect both how one goes about defining the “national interest” and how one measures progress in serving such interests. Which measurement tool should one use in conducting such an assessment: the yardstick offered by the unilateralist or the scales favored by the multilateralist?

There is no intrinsic reason why unilateralism per se is capable of serving the national interest any better than multilateral approaches, and arguably many reasons—particularly in an age of globalization—why multilateralism can serve the national interest far better than the lonely road of unilateralism. Before assessing these approaches vis-à-vis the “global nonproliferation regime,” one must first clarify the meaning of this term and identify some of the factors that will shape it in the years ahead.

The term “regime” clearly has different meanings for different people (or for different states), even among the experts. A common dictionary definition, “a prevailing order or system of things,”<sup>10</sup> does not capture the extent to which regimes are effectively systems of systems, nor does it help in identifying the geographic scope of such regimes and their membership, who sets the appropriate rules and how, and by what means such rules are enforced and changed over time. The nuclear nonproliferation re-

gime is in fact global in scope, though not necessarily universal in membership.<sup>11</sup> It consists of states that have undertaken binding legal obligations that change incrementally through the accretion of customs and general practices of state behavior, or through mutual agreement. These obligations pertain both to the nonproliferation of nuclear weapons and to the total elimination of all such weapons.

Many of the most important questions about this regime—especially questions concerning the scope of its legal obligations and the means by which they are implemented and changed—depend upon one's orientation on the continuum between the pole of unilateralism and the pole of multilateralism. Most assessments are hybrids borrowing from both points of view and fall somewhere between the poles of this continuum.<sup>12</sup>

The opposing perspectives differ largely because of their contrasting intellectual heritage. The unilateralists are more likely to draw their insights from the principles and practices characteristic of the system of sovereign states associated with the Treaty of Westphalia, a system one writer once associated with a "billiard ball" model of international relations dominated by sovereign states, each seeking to survive or to maximize its power in an anarchic world.<sup>13</sup> While not necessarily disputing the central role of states in world affairs, multilateralists, by contrast, prefer a more communitarian approach dating back to the work of Hugo Grotius, a founding father of modern international law.<sup>14</sup> Old though it may be, this fundamental debate continues and is heating up once again with regard to disarmament and nonproliferation issues.

Judging from various official statements and articles in the literature, the unilateralist looks upon nonproliferation as fundamentally a national policy, one that stands on its own, independent of all other policy goals—including disarmament. From this perspective, the nuclear nonproliferation regime is nothing more than the sum of the specific policies and commitments made by individual national governments to halt, slow, or otherwise impede the ability of other governments to develop or manufacture nuclear weapons. When practiced by the nuclear weapon states (NWS), the unilateralist approach to nonproliferation has often assumed the indefinite retention of their own nuclear stockpiles.

Recognizing, however, that the proliferation of nuclear weapons is a global threat, the unilateralist is prepared to accept the need for some limited international cooperation to address that threat, especially by means of volun-

tary arrangements that maintain national freedom of action. In such arrangements, like-minded states agree to conduct their independent national policies within certain agreed constraints. That such arrangements are non-binding, restrictive in application, opaque to the public, and lacking a collective means of enforcement is merely—from this perspective—the price that must be paid to maintain national freedom of action. This perspective is deeply rooted in the classic conception of a world of sovereign states cooperating only when necessary to achieve expedient self-interests in conditions of international anarchy.

For some who work from such premises, Henkin's existential finding about the behavior of states under international law is not at all reassuring. Through the eyes of a unilateralist, the fact that states almost always comply with their commitments is simply not good enough, surely not given the extreme security threats posed by the use or the credible threat of use of even a single nuclear weapon. Such an observer argues, therefore, that international obligations must be supplemented by measures directly controlled by individual states. The two most popular such measures these days—whether measured in the rhetoric of policy or their budgetary support—appear to be nuclear deterrence and missile defense.

The multilateralists, however, maintain a different view about regimes, one that stresses the substitution of diplomacy for both unilateral action and military compulsion. For the multilateralist, the society of states has its own independent effects upon state policy, just as ideas can play a crucial role in the pursuit of specific interests.<sup>15</sup> More specifically, the multilateralists hold that principles, customary practices, norms, taboos, and binding legal obligations constrain state behavior in profoundly significant and constructive ways. These constraints are particularly important at a time when the territorial integrity of nation-states is under daily assault by the inexorable political, economic, cultural, and technological forces of globalization. Multilateralists argue that interests are defined by human beings, who are motivated by both principle and self-interest. While the unilateralist is eternally preoccupied with crafting state policies to advance expedient national interests, the multilateralist is no less preoccupied with the national interest, but sees this interest as best served through close international cooperation and the progressive integration of global values and norms into domestic legal and political structures. Of the two, the multilateralist is more likely to stress the importance of treaties, while the unilateralist is more prone to view

binding international legal obligations as a limitation on national freedom.

In the nuclear realm, the unilateralist sees nonproliferation as either an end in itself, or more precisely, a means to pursue the end of maximizing the national interest. The multilateralist, meanwhile, is more likely to view nonproliferation as a means to pursue common security benefits that would be most reliably achieved through the physical elimination of the deadliest of the world's weapons. This latter perspective is apparent in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), especially its language reaffirming that "the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons."<sup>16</sup> To the multilateralist, the very existence of nuclear weapons poses unacceptable threats to the world community. This perspective is also reflected in the Preamble of the 1968 Tlatelolco Treaty, which provides that

nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian populations alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable.<sup>17</sup>

A challenge of this global scope, say the multilateralists, requires a collaborative global solution. When Article VI of the NPT says that "Each of the Parties to the Treaty" (not just the NWS) shall undertake to pursue negotiations on nuclear disarmament, it yet again reflects the multilateral approach to the overall nuclear regime.

It is noteworthy, however, that states can use demands for multilateral goals to preserve existing nuclear weapons capabilities, a distinctly national objective. Some NWS, for example, have interpreted Article VI of the NPT as in essence an escape hatch tying nuclear disarmament to the prior achievement of general and complete disarmament.<sup>18</sup> Here, the demand for the prior achievement of a global, multilateral goal (general and complete disarmament) is used unilaterally to preserve indefinitely a nuclear stockpile.

Because of the profound differences between these two approaches and their multiple uses in either advancing or discouraging multilateral cooperation, assessments of the global nuclear nonproliferation regime tend to vary with the approach taken. The multilateralist, for example,

should be concerned, because the level of international cooperation in both nonproliferation and disarmament is far lower than it could and should be. Some key treaties addressing nuclear weapons issues are not yet universal in membership—including the NPT. Others have not yet entered into force, including the Pelindaba Treaty (establishing the African Nuclear-Weapon-Free Zone), the Comprehensive Nuclear Test Ban Treaty (CTBT), and the Strategic Arms Reduction Treaty (START) II, while negotiations on a fissile material treaty remain deadlocked in the Conference on Disarmament.

Furthermore, the gains made in 1995 by the permanent extension of the NPT were shaken by several nuclear tests in South Asia in 1998, followed by the adoption of minimum nuclear deterrence policies by both India and Pakistan. These tests, as well as official words from these countries, the North Atlantic Treaty Organization, and all the NWS implicitly or explicitly reaffirming the value of nuclear weapons, have together dealt a significant blow to the multilateralist goal of delegitimizing all such weapons.<sup>19</sup>

Multilateralists also have some legitimate concerns that the full potential of the decisions agreed at that 1995 Review Conference has yet to be realized. The process, for example, has elicited very few hard facts about the size, disposition, and location of existing nuclear arsenals and fissile materials. Very few details are available to the public about the operation of national export controls, in terms of what goes where. While the NWS agreed at the 2000 NPT Review Conference to an "unequivocal undertaking" to eliminate their nuclear arsenals, their individual policies and some public statements continue to suggest an intention to retain such weapons indefinitely.

Meanwhile, serious differences remain among some of the NWS on global strategic nuclear issues, including the relationship between the "three D's"—deterrence, defense, and disarmament. The following are of particular concern to multilateralists: sub-critical tests of nuclear weapons; persisting rumors of efforts to develop new types of nuclear weapons; continuing concerns over the compliance of states with their nonproliferation and disarmament obligations; the slow pace of international acceptance of enhanced International Atomic Energy Agency (IAEA) safeguards; the increasing separation in policy between nonproliferation and disarmament; and hints of the emergence of new missions for nuclear weapons even against the use of other weapons.

Another concern of the multilateralists relates to the current and future status of the global norm of full-scope IAEA safeguards as a “necessary precondition” for cooperation in the field of nuclear energy. Some countries have expressed their intention to resume nuclear cooperation in South Asia without full-scope safeguards.<sup>20</sup> The fate of this norm is quite significant, since it was part of the “decisions package” that led to the indefinite extension of the NPT in 1995<sup>21</sup> and was also re-affirmed in the Final Document of 2000 NPT Review Conference.<sup>22</sup>

Multilateralists are also troubled by the unilateralists’ heavy emphasis, especially in recent years, on a military approach to nonproliferation and view such an approach as likely to perpetuate the global anarchy that a legal regime was intended to end. In addition, the multilateralists view efforts by some states to maintain perpetually their technological edge in weaponry—as well as their hedge of surplus armaments to meet uncertain or even hypothetical threats—as inconsistent with the global nuclear disarmament norm.<sup>23</sup>

Moreover, despite the vast sums of money that have been spent to sustain existing nuclear arsenals—a major study by the Brookings Institution found that the United States alone has invested over \$5.6 trillion in its nuclear weapons program since 1940<sup>24</sup>—the unilateralists insist that threats are increasing, owing to the activities of so-called “rogue states.” To the multilateralist, the notion of “rogue states” offers no basis for cooperative multilateral action. Multilateral disarmament and nonproliferation standards are global and non-discriminatory in scope and not limited to a small minority of states that another small minority of states chooses to label as rogues.

More recent unilateralist prescriptions urge the mating of deterrence with missile defense, despite persisting concerns that an offense/defense strategy cannot work given the awesome destructive power of nuclear weapons, and despite admissions that defenses may not in fact be impregnable. They counsel the avoidance of binding new agreements and question the utility of key nuclear treaties, including the CTBT and the START process. The unilateralists also decry the lack of strong mechanisms to enforce global nonproliferation norms, such as effective international export controls and sanctions, and they question the ability of existing measures to detect violations of international agreements.

## COMMON GROUND

I have dwelt upon these various contrasting perspectives on the global nuclear nonproliferation regime not to decry the regime, but to suggest that progress in reconciling some of the fundamental differences between the unilateralists and multilateralists is essential if there is to be any basis for a renaissance of creative international efforts to sustain the regime and to eliminate the global nuclear weapons threat. Multilateralists can and do acknowledge that there is a place for unilateral action when it comes to progress on both disarmament and nonproliferation, a point made quite explicitly in the Final Document of the 2000 NPT Review Conference.<sup>25</sup> Indeed, multilateralism has to begin somewhere, and it has often emerged from unilateral actions, what some call leadership. The search for solutions to this great threat to humanity must not, therefore, be premised on the need for one school of thought to vanquish the other. No regime can be sustained based on the triumph of realism over idealism, interest over principle, or necessity over hope. All of these qualities must be embodied in the global nuclear regime.

The nuclear powers have a particularly heavy burden to reinforce this regime by demonstrating through unilateral and multilateral actions how the interests of international peace and security are best pursued without nuclear weapons. As the noted “realist” jurist, Charles de Visscher, once put it in another context:

Many customs owe their origin wholly to decisions or acts of great Powers which by their repetition or sequence, and above all by the idea of order that finally grows out of them, have little by little lost their personal, contingent, in a word political character and taken on that of a custom in process of formation. The strong impulse given by the United States, from the end of the eighteenth century on, to the development of the law of neutrality may be cited as an example.<sup>26</sup>

This logic, however, embodies some negative force as well: the customary celebration of nuclear weapons by the great powers has its own destabilizing dynamic that such powers can ignore only at their peril. It is at this point that disarmament emerges as realism, and the quest for perpetual nuclear autarchy enters the realm of utter fantasy.

## A STRATEGY TO SAVE THE REGIME

The international agenda for nuclear nonproliferation and disarmament remains long and challenging, all the more so given the inseparable relationship between them. The effort to achieve the numerous goals on that agenda—particularly those relating to strengthening the rule of law—will clearly require persistence and strong political will. To a considerable extent, the sources of this political will may emerge from the “bottom-up” in domestic societies and from the “middle-out” in the community of states. With the convergence of such approaches, the prospects for energetic initiatives from the “top-down”—that is, from the level of national leaders particularly in the NWS—can only brighten.

Multilateralists and unilateralists who support disarmament need, therefore, to pay close attention to the constituencies that support the global nuclear nonproliferation regime. They must work to broaden this foundation as much as possible, to eliminate all uncertainty that this regime is in fact serving both national interests and the interests of international peace and security as a whole. The bottom-up approach stresses the important role of civil society in providing both the inspiration and the political support for national leadership to achieve responsible disarmament policies. A greater role is required from civil society, because the people themselves are the ultimate beneficiaries of nonproliferation and disarmament policies. Such an approach is also needed because in most countries, particularly in the NWS, many domestic national leaders in both the political systems and the bureaucracies remain skeptical of the national security merits of multilateral cooperation on behalf of such policies.

In a recent speech, Hans Corell, Legal Counsel of the UN Secretary General, drew attention to the roots that international legal obligations must have throughout civil society. “It is important,” he said, “that the fundamentals of international law are brought all the way to the grass-roots level and that, from this level, the pressure can be built that finally will set the politicians in motion.”<sup>27</sup> He specifically urged his fellow international lawyers to “please reach out to all the many that represent civil society: political parties, other non-governmental organizations, the business community and others.”<sup>28</sup>

It is precisely because such public understanding and support is so essential to the future of global nuclear disarmament efforts that the UN Department for Disarmament Affairs has been working as hard as its limited resources will allow to deepen the roots of disarmament

among the people. It has expanded its contacts with civil society through its outreach activities and its efforts to expand the participation of non-governmental organizations (NGOs) at UN disarmament gatherings. In September 2000, the Secretary General’s Advisory Board on Disarmament Matters expressed its concern over widespread public complacency about disarmament matters. The board recommended that the United Nations commission a study on disarmament and nonproliferation education and training, and it developed a draft mandate for the study.<sup>29</sup> On November 20, 2000, the General Assembly adopted a resolution creating a Group of Experts with such a mandate.<sup>30</sup> The Group held its second session on August 8-10, 2001, at the Monterey Institute of International Studies and will conclude its final report for submission to the General Assembly in 2002.<sup>31</sup>

If positive change does not occur from the top-down—as it may yet—then it must come from elsewhere. On the international level, a middle-out approach involving collaborative efforts among key states in diverse regions would also serve nuclear nonproliferation and disarmament goals. The “New Agenda” grouping<sup>32</sup> has already demonstrated what can be done to produce concrete progress, as was amply illustrated in the negotiations that led to the “thirteen steps” for global nuclear disarmament agreed at the 2000 NPT Review Conference.<sup>33</sup>

Additional support can—and indeed must—come from other states in all regions. Again, if countries at the top of the pyramid of military power are either unwilling or unable to move forward with a global nonproliferation and disarmament agenda—and the jury is still out on this question—leadership must come from elsewhere to pursue such goals. It is important to recognize that the poorest of countries also have enormous stakes in the success of this agenda, not just in terms of their potential access to some of the savings to be achieved through disarmament, but also from the security, economic, and environmental benefits that disarmament offers.

## CONCLUSION

Whether pursued as a bottom-up, top-down, or middle-out strategy, all efforts on behalf of global nuclear disarmament and nonproliferation would benefit from the emergence of a new awareness among both unilateralists and multilateralists alike of the common ground on which they stand. Global nuclear nonproliferation and disarmament are collective public goods. People in all countries will share the benefits of achieving these goals.

Multilateralism can and does serve the national interest, and unilateralism can indeed serve the global interest.

To help in forging such a consensus, unilateralists must be convinced that the progressive international elimination of nuclear arsenals will in fact reduce external nuclear threats on a scale not possible by other means. They must understand how the material savings from not having to spend trillions of additional dollars on nuclear weapons capabilities can flow into legitimate national security activities and alternative non-military uses—an important consideration during an economic downturn. Unilateralists must be given credit for their recognition of the need for strong enforcement and verification measures, controls that are all the more likely to succeed when applied fairly and without discrimination internationally. It is far easier to verify a global ban on any production or possession of a given weapon system than to verify compliance with highly nuanced, half-way measures.

For their part, multilateralists must pay closer attention to issues of national perception. In particular, they must work harder to ensure that the global rule of law does in fact translate into concrete national payoffs, in the form of enhanced security and material prosperity. They must recognize that global norms do not enforce themselves, and that many improvements in enforcement measures are needed internationally, including in the areas of export controls, sanctions, and other compliance mechanisms.

A broadened alliance of shared interests and ideals would help substantially in advancing the full gamut of international efforts, well beyond nuclear nonproliferation and disarmament. It would assist in building and sustaining coalitions needed to shape national policies and legislation. It would help in educating the public, by clarifying how each person has an important stake in the success of efforts to improve the conditions of peace and prosperity at the global level.

The ultimate challenge to the global nuclear nonproliferation regime comes not from so-called rogue states, despite the attention they typically receive in various circles of government, the news media, and academia. Instead, the ultimate challenge is to sustain and expand the foundation of political support for its principal goals: the elimination of nuclear weapons in the interest of international peace and security, and nonproliferation as a stepping-stone to that goal. The more one considers the potential gains from meeting this challenge, and the tragic consequences of failing to meet it, the more apparent it becomes

how much international peace and security depends upon the future of the NPT. The NPT is the linchpin of the global nuclear nonproliferation regime, if not international peace and security itself. Full compliance with all the provisions of the treaty is, as the late William Epstein would say, our “last chance” for a safer world for humanity.<sup>34</sup>

<sup>1</sup> This viewpoint elaborates on the author’s remarks at the International Workshop on Reassessing the Challenges to the Global Nuclear Nonproliferation Regime, sponsored by the Monterey Institute of International Studies, at L’Imperial Palace Hôtel in Annecy, France, May 21, 2001, <<http://www.un.org/Depts/dda/speech/statements.htm>>. The author would like to thank Dr. Randy Rydell for his research assistance in the preparation of this article.

<sup>2</sup> Louis Henkin, *How Nations Behave* (London: Pall Mall, 1968), p. 42.

<sup>3</sup> John Ruggie, *Winning the Peace: America and World Order in the New Era* (New York: Columbia University Press, 1996), p. 20.

<sup>4</sup> *Ibid.*, p. 21.

<sup>5</sup> *Ibid.*, p. 169.

<sup>6</sup> Thom Shanker, “White House Says the U.S. Is Not a Loner, Just Choosy,” *New York Times*, July 31, 2001, p. A1.

<sup>7</sup> *Ibid.*

<sup>8</sup> Charles Krauthammer, “The New Unilateralism,” *Washington Post*, June 8, 2001, p. A29. Emphasis in the original.

<sup>9</sup> *Idem.*, “The Bush Doctrine: ABM, Kyoto, and the New American Unilateralism,” *Weekly Standard*, June 4, 2001, <[www.weeklystandard.com](http://www.weeklystandard.com)>.

<sup>10</sup> Della Thompson, ed., *The Concise Oxford Dictionary of Current English*, Ninth Edition (Oxford: Clarendon Press, 1995), p. 1156, definition 2.

<sup>11</sup> India, Pakistan, Israel, and Cuba are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

<sup>12</sup> Lincoln P. Bloomfield, the father of the current U.S. Assistant Secretary of State for Political-Military Affairs, once wrote, for example, that “It would be an imprudent historian who would write off as utterly meaningless for arms control the aggregated whole of international conference diplomacy, its machinery, and its politics.” He added that “More than ever before national security does not and can not lie in going it alone.” Lincoln P. Bloomfield, “Arms Control and International Order,” *International Organization* 23 (Summer 1969), pp. 647 and 650, respectively.

<sup>13</sup> Arnold Wolfers, “The Pole of Power and the Pole of Indifference,” *World Politics* 4 (October 1951), p. 40.

<sup>14</sup> J. L. Brierly, *The Law of Nations: An Introduction to the International Law of Peace*, Sixth Edition (Oxford: Clarendon Press, 1963), p. 27 ff.

<sup>15</sup> In this respect, John Ruggie quotes Max Weber: “very frequently the ‘world images’ that have been created by ‘ideas’ have, like switchmen, determined the tracks along with action has been pushed by the dynamic of interest.” Ruggie, *Winning the Peace*, p. 23.

<sup>16</sup> Final Document of the 2000 NPT Review Conference, NPT/CONF.2000/28, Volume I, Part I, p. 14, <<http://www.un.org/Depts/dda/WMD/finaldoc.html>>.

<sup>17</sup> Treaty for the Prohibition of Nuclear Weapons in Latin America, February 14, 1967, Mexico City, Mexico, <<http://www.opanal.org/opanal/Tlatelolco/Tlatelolco-i.htm>>.

<sup>18</sup> For an illustration of this linkage, see the Statement by France at the 1997 Preparatory Committee meeting of the NPT, NPT/CONF.2000/PC.I/26, April, 18 1997, <[http://www.reachingcriticalwill.org/NPTDocuments/NPT\\_docs\\_index.html](http://www.reachingcriticalwill.org/NPTDocuments/NPT_docs_index.html)>. The statement reads: “Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons links the pursuit of negotiations on effective measures relating to cessation of the nuclear-arms race and to nuclear disarmament with a treaty on general and complete disarmament under strict and effective international control.”

<sup>19</sup> The case of NATO Nuclear doctrine is particularly interesting, as it provides the only known example of a multilateral grouping of states defending the security benefits from the possession of nuclear weapons. The final Communiqué of the Ministerial Meeting of the Defense Planning committee and the Nuclear Planning Group, issued on December 5, 2000, reaffirmed “the continuing validity of the fundamentally political purpose and the principles underpin-

ning the nuclear forces of the Allies as set out in the Alliance's 1999 Strategic Concept," <<http://www.nato.int/docu/pr/2000/p00-115e.htm>>. The 1999 document found that "Nuclear weapons make a unique contribution in rendering the risks of aggression against the Alliance incalculable and unacceptable. Thus, they remain essential to preserve peace" (para. 46), and that "The presence of United States conventional and nuclear forces in Europe remains vital to the security of Europe" (para. 42). "The Alliance's Strategic Concept Approved by the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Washington D.C. on 23rd and 24th April 1999," NATO Press Release NAC-S(99)65, April 24, 1999.

<sup>20</sup> There are many reports on this new cooperation. See "Moscow Ready to Give India Four Reactors and Provide Nuclear Fuel," *Irish Times*, February 21, 2001, p. 13; and "Massive Chinese Investment Invited in Pakistan Nuclear Power Projects," *Business Recorder* (Pakistan), August 13, 2001, <[www.brecorder.com](http://www.brecorder.com)>.

<sup>21</sup> Decision 2 of the 1995 NPT Review and Extension Conference, "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," NPT/CONF.1995/L.5, paragraph 12, <<http://www.un.org/Depts/dda/WMD/1995dec2.htm>>.

<sup>22</sup> Final Document of the 2000 NPT Review Conference, Volume 1, p. 6.

<sup>23</sup> At the 2000 NPT Review Conference, the United States, Russian Federation, Great Britain, and France circulated literature indicating that each respective country had reduced its nuclear arsenal. However, the Final Document of that Conference noted that "despite the achievements in bilateral and unilateral arms reduction, the total number of nuclear weapons deployed and in stockpile still amounts to many thousands" (Volume I, p. 13). The exact number is unknown, given the lack of transparency of these arsenals. The Natural Resources Defense Council maintains an annual estimate of the size of the stockpiles of the NWS, dating back to 1945. Their estimate for 1970 (when the NPT entered into force) was 39,691, compared to 31,535 for 2000. See *Bulletin of the Atomic Scientists* 56 (March/April 2000), p. 79, <<http://www.thebulletin.org/issues/nukenotes/ma00nukenote.html>>.

<sup>24</sup> Stephen I. Schwartz, ed., *Atomic Audit: The Costs and Consequences of U.S. Nuclear Weapons Since 1940* (Washington, DC: The Brookings Institution, 1998), 680 pages.

<sup>25</sup> "The Conference welcomes the significant progress achieved in nuclear weapons reductions made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament." Final Document of the 2000 NPT Review Conference, Volume 1, p. 14.

<sup>26</sup> Charles de Visscher, *Theory and Practice in Public International Law*, revised edition, translated by P.E. Corbett (Princeton: Princeton University

Press, 1968), p. 155.

<sup>27</sup> Hans Corell, "The Invisible College of International Law," Keynote Address at the Annual Dinner, 95th Meeting of the American Society of International Law, Washington, DC, April 6, 2001, p. 16, <[http://www.un.org/law/counsel/english/asil\\_6apr01.pdf](http://www.un.org/law/counsel/english/asil_6apr01.pdf)>.

<sup>28</sup> Ibid.

<sup>29</sup> "Work of the Advisory Board on Disarmament Matters," A/55/349, September 5, 2000.

<sup>30</sup> UN General Assembly Resolution 55/33 E, November 20, 2000, adopted without a vote, <<http://www.un.org/Depts/dda/>>.

<sup>31</sup> For further details and updates, see <<http://www.un.org/Depts/dda/education/>>.

<sup>32</sup> On June 9, 1998, a group of eight nations (Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia [no longer a member], South Africa, and Sweden) calling themselves the "New Agenda Coalition," issued a declaration entitled, "Toward a Nuclear-Weapons-Free World: Time for a New Agenda," which called for specific and immediate moves toward a nuclear-weapon-free world. The declaration is accessible at: <<http://www.basicint.org/8nation.htm>>. On December 1, 1999, the General Assembly adopted the New Agenda's resolution, including these initiatives, in UN General Assembly Resolution 54/55 G, "Towards a Nuclear-Weapon-Free World: the Need for a New Agenda," by a vote of 111-13 with 39 abstentions, <<http://www.un.org/documents/ga/res/54/a54r054.pdf>>. On November 20, 2000, the General Assembly adopted another New Agenda resolution, UN General Assembly Resolution 55/33 C, "Towards a Nuclear-Weapon-Free World: the Need for a New Agenda," this time by a vote of 154-3 (India, Israel, and Pakistan voting against) with 8 abstentions (Bhutan, France, Kyrgyzstan, Mauritius, Monaco, Russian Federation, Tajikistan, and Uzbekistan), <<http://www.un.org/documents/ga/res/55/a55r033.pdf>>. An international campaign of civil society groups known as the "Middle Powers Initiative," founded in March 1998 and led by Canadian Senator Douglas Roche, supports the New Agenda's goals among many of its own initiatives, <<http://www.middlepowers.org/>>.

<sup>33</sup> The "thirteen steps" are included in the Final Document of the 2000 NPT Review Conference, Volume 1, pp. 14-15. For a detailed analysis of the track record of the NWS in meeting these steps, see Tariq Rauf, "Towards NPT 2005: An Action Plan for the 13 Steps," Center for Nonproliferation Studies, Monterey Institute of International Studies, May 11, 2001, <<http://cns.miis.edu/pubs/reports.htm>>.

<sup>34</sup> William Epstein, *The Last Chance: Nuclear Proliferation and Arms Control* (New York: The Free Press, 1976).