

THE EMERGING NUCLEAR ORDER*

*Ashraf Jehangir Qazi***

The League of Nations, set up in the aftermath of World War I, sought to achieve progress towards comprehensive disarmament. As we all know, it disastrously failed. After World War II, the United Nations was established. Article 11 of the UN Charter noted that “the General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments.

Article 26 made the Security Council “responsible for formulating ... plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.” And Article 47 empowered the Military Staff Committee “to advise and assist the Security Council on questions relating to ... the regulation of armaments and possible disarmament.” From this it is clear that disarmament and the regulation of armaments were right from the start one of the key missions of the UN organization.

With the nuclear bombings of Hiroshima and Nagasaki an entirely new goal was added to disarmament: ridding the world of nuclear weapons, and indeed of all weapons of mass destruction. The UN was expected to be the focal point of such efforts as part of the multilateral maintenance of international peace and security by means of a collective security system.

However, the underlying assumptions of such a system clashed with the reality of Cold War politics. According to Professor Keith Krause, “the accelerating nuclear arms race and the Cold War between the East and the West ensured that any practical discussion of disarmament or regulation of disarmaments would be difficult, either within or outside the UN system.” Nevertheless, in 1946, the General Assembly established the United Nations Atomic Energy Commission (UNAEC) which was made responsible for, inter alia, “the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction.” International disarmament diplomacy

accordingly concentrated on nuclear weapons and weapons of mass destruction and the efforts and responsibilities of the United Nations in this regard.

The American Baruch Plan was the first attempt to control nuclear technology. As Krause says, it was an ambitious and radical proposal to put the control of all nuclear technology in the hands of an International Atomic Development Authority which would control or manage the exploitation of nuclear energy, from the mining of raw materials, to the activities of production plants, to the sole right to conduct research in the field of atomic explosives. At the time, of course, the U.S. was the sole nuclear power and it was not surprising that the Soviet Union objected that the Baruch Plan placed the problem of “control” before the problem of “disarmament”.

After that, despite several attempts and the establishment of a Disarmament Commission as a successor body to the UNAEC, no practical results were produced. Nevertheless, the two superpowers did agree that the UN system would be a focal point for the development of multilateral disarmament initiatives. The agreed goal remained complete nuclear disarmament and the elimination of weapons of mass destruction.

In 1961, the U.S. and the USSR submitted a Joint Statement of Agreed Principles of Disarmament negotiations to the General Assembly. Its principles included: general and complete disarmament; reduction of non-nuclear weapons; a sequential, balanced, time-limited and verifiable disarmament process; and international control under an International Disarmament Organization within the UN framework. Over a period of time, the Disarmament Commission which had been disbanded was recreated in 1978, the Conference on Disarmament emerged in 1984, and the Nuclear Non-Proliferation Treaty (NPT) was negotiated in 1968 and entered into force in 1970.

The NPT is the crowning achievement of the multilateral disarmament process. It was indefinitely extended in 1995. It rests on three pillars: preventing the spread of nuclear weapons beyond the five recognized nuclear-weapon States; progressive nuclear disarmament by these States; and access, under appropriate safeguards, to nuclear technology for peaceful purposes.

These three pillars are interlinked. Getting all the nuclear-weapon-capable States at the time – around 30 – to forego the development of nuclear weapons was only possible

because nuclear-weapon States undertook to reduce and ultimately eliminate their arsenals. Similarly, access to nuclear technology for civilian purposes was a quid pro quo for agreeing to intrusive oversight over nuclear activities to prevent diversion to military purposes. The success of the NPT, accordingly, depended on both “haves” and “have-nots” being included.

But, has the NPT been a success? Israel is not a signatory to the NPT and is an undeclared nuclear-weapon State. India and Pakistan are not signatories to the NPT and are declared nuclear-weapon States. North Korea has withdrawn from the NPT and has indicated it has an ongoing nuclear weapons development program. Iran is a signatory to the NPT and declares it has no intention of developing nuclear weapons, but the U.S. and some Western countries are convinced that it is developing them contrary to the conclusions of some of their own intelligence assessments. And, most importantly, the P5 countries have not taken their treaty commitments under Article 6 seriously, commitments that are directly linked to the commitments of non-nuclear-weapon member States.

The former head of the International Atomic Energy Agency, Mohammad el Baradei, has emphasized that “reluctance by one party to fulfill its obligations breeds reluctance in others.” The former President of the United States, Jimmy Carter, said in 2005 that the U.S. is “the major culprit in this erosion of the NPT. While claiming to be protecting the world from proliferation threats, in Iraq, Libya, Iran, and North Korea; American leaders not only have abandoned existing treaty restraints but also have asserted plans to test and develop new weapons, including anti-ballistic missiles, the earth-penetrating ‘bunker-buster’ and possibly small nuclear bombs. They also have abandoned past pledges and now threaten first use of nuclear weapons against non-nuclear States.”

Former U.S. Defence Secretary Robert McNamara regarded U.S. nuclear weapons policy as “immoral, illegal, militarily unnecessary and dreadfully dangerous.” He said it created “unacceptable risks to other nations, and to our own,” both the risk of “accidental or inadvertent nuclear launch,” which is “unacceptably high,” and of course, “nuclear attacks by terrorists.” In this regard, he endorsed the view of William Perry who was Defence Secretary under President Clinton, that as a result of U.S. policies “there is a greater than 50 per cent probability of a nuclear strike on U.S. targets within a decade.” That is, before 2015.

In his book, *Nuclear Terrorism*, the Harvard international relations specialist, Graham Allison, reviewed the partial success of Senators Sam Nunn and Richard Lugar in retrieving and securing fissionable materials in the early 1990s, and how the Bush Administration undermined these programmes through putting aside nonproliferation programmes, and through what then Senator Joseph Biden called “ideological idiocy,” devoting its energies and resources to driving the country to war by extraordinary deceit.

A decade ago, the former head of the U.S. Strategic Command (STRATCOM), General Lee Butler, said he had been “among the most avid of those keepers of the faith in nuclear weapons, but it is now my burden to declare with all the conviction I can muster that in my judgement they served us extremely ill.” He then posed the question: “By what authority do succeeding generations of leaders in the nuclear-weapon States usurp the power to dictate the odds of continued life on our planet? Most urgently, why does such breathtaking audacity persist at a moment when we should stand trembling in the face of our folly and united in our commitment to abolish its most deadly manifestation?” An eminent human rights activist observed, “to our shame, his question remains unanswered, but also has taken on greater urgency.”

Earlier, in 1995, STRATCOM in a report entitled *Essentials of Post-Cold War Deterrence* advised that expanded military resources must now be directed against rogue States of the Third World in accord with the Pentagon view that the “international environment has now evolved from a “weapon-rich environment (i.e., the USSR) to a target-rich environment” (i.e., the Third World). STRATCOM advised that the U.S. should have available “the full range of responses.” Nuclear weapons are the most important of these, because, “unlike chemical or biological weapons, the extreme destruction from a nuclear explosion is immediate, with few if any palliatives to reduce its effect.

Even if not used, “nuclear weapons always cast a shadow over any crisis or conflict,” enabling the United States to gain its ends through intimidation. Nuclear weapons “seem destined to be the centerpiece of U.S. deterrence for the foreseeable future. We must reject a no first use policy, and should make it clear to adversaries that our reaction may either be responsive or pre-emptive.” And, “it hurts to portray ourselves as too fully rational and cool-headed.” The “national persona we project” should make clear that “the U.S. may become irrational and vindictive if its vital interests are attacked and that some elements may appear to be potentially out of control.” Talk about nuclear weapons falling into the hands of terrorists! Maybe, this is what scared General Lee Butler.

In 1955, Bertrand Russel and Albert Einstein warned that we face a choice that is “stark and dreadful and inescapable: Shall we put an end to the human race; or shall mankind renounce war?” Contemplating this choice, Stephen Hawking concluded the survival of the species on earth was no longer a matter of “if”, it was a matter of “when”, and the “if” related to whether by then some significant numbers would have successfully relocated themselves to other planets.

Eliminating nuclear weapons is very possible. It is not a question of were it easy it would have happened. It is a question of political will. Or, rather, there is the political will, but it is to keep them, not to eliminate them. The World Court decided a decade ago that eliminating nuclear weapons is a legal obligation of the nuclear-weapon powers. Scholars and experts have noted that there are sensible and feasible plans to restrict all production of weapon-usable fissile materials to an international agency to which States can apply for non-military uses. The UN Committee on Disarmament (CD) has already voted for a verifiable treaty with these provisions in November 2004. The vote was 147 to 1 (the U.S.) with two abstentions (the UK and Israel). Nevertheless, concrete steps can be taken. One would be the establishment of nuclear weapons-free zones (NWFZs). There are a number of examples, although their importance depends on the willingness of the great powers to observe the rules.

The 1985 South Pacific NWFZ was only accepted more than 20 years later by Britain, France and the United States “long after its original purpose was lost.” The acceptance was delayed until a final round of French nuclear tests in the region was carried out. Also, the Federated States of Micronesia, the Marshall Islands, and Palau are excluded from the NWFZ and serve as bases for U.S. nuclear submarines. Another example is that of Diego Garcia. The island is a major U.S.-UK base for their military operations in the Middle East and Central Asia, and as a storage site for nuclear weapons for future use. The island, from which the population was brutally and illegally expelled by the British to build the huge U.S. military base, is claimed by Mauritius, a signatory of the African NWFZ.

In July 2009, the Treaty of Pelindaba, establishing the African NWFZ entered into force. The treaty explicitly includes Diego Garcia, although the British have entered a note about its sovereignty. The African Union regards the territory “an integral part of Mauritius,” an AU member. The U.S. claims that the British note disputing its sovereignty permits it to continue to use Diego Garcia for offensive military operations and for nuclear weapons, despite the unanimous AU stand to the contrary.

The U.S. also rejected the proposal of Russia (with Ukraine and Belarus) to establish a formal NWFZ from the Arctic to the Black Sea, encompassing Central Europe. In response, Russia withdrew the policy of no-first-use of nuclear weapons that it had adopted after the Bush-Gorbachev agreement, reverting to the first-use policy that NATO had never abandoned.

In April 1991, the UN Security Council in its resolution 687, Article 14, affirmed the goal of establishing a NWFZ in the Middle East. The goal is supported by a large majority of U.S. public opinion and would be a significant step forward towards nuclear disarmament and peace-building. Until recently, however, it was dismissed by the U.S. government. Zeev Maoz, one of Israel's leading strategic analysts, has argued that Israel's nuclear programmes are harmful to its security. Accordingly, he recommended Israel use its nuclear leverage to bring about a regional agreement for a weapons of mass destruction free zone (WMDFZ) in the Middle East.

It is, accordingly, encouraging that with the support of the Obama Administration the recent Final Declaration of the Review Conference of the NPT member States called for convening a conference in 2012 "on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass declaration." This idea was endorsed by the 1995 NPT conference but was never acted upon. Israel's contention is that a full Arab-Israeli peace must precede such a weapons ban. Even so, a sticking point at the recent conference was a passage affirming "the importance of Israel's accession to the NPT" which would require it to destroy its arsenal of an estimated 80 or so nuclear warheads.

The Obama Administration, however, urged Israel to take part in the proposed 2012 conference for a NWFZ in the Middle East. Nevertheless, the Israelis objected to being specifically mentioned, and the U.S. agreed with Israel, but mention of it remained in the text. The U.S. position was probably influenced by the fact that a NWFZ in the Middle East would address concerns regarding Iran's nuclear programme. Iran, however, is a long-time supporter of a NWFZ in the Middle East.

As for Israel's nuclear arsenal, a Carnegie Endowment report states: "It is generally believed that Israeli Prime Minister Golda Meir informed President Nixon that Israel had already acquired the bomb and pledged to keep it invisible – untested, undeclared and

in low political salience. Nixon agreed to end American annual visits to the nuclear reactor at Dimona and to no longer press Israel to sign the NPT.” This, of course, renders all U.S. calls for “universal adherence to the NPT as a fundamental objective” of its policy, meretricious. According to a senior Israeli diplomat, the Obama Administration assured Israel that it will adhere to the Nixon-Meir rules and “will not force Israel to state publicly whether it has nuclear weapon ... but will stick to a decades-old policy of don’t ask, don’t tell.” The “universality” of the American nonproliferation policy will, of course, apply to Iran’s suspected programme, but not to Israel’s actual programme. Commitment to universality on a discriminatory or double standards basis may have credibility as power projection, but not as principled policy.

India and Pakistan have not overtly deployed their nuclear weapons systems. India has offered no-first-use (NFU) to Pakistan although, according to Achin Vanaik, it has diluted its NFU pledge by excluding non-nuclear allies of nuclear opponents and allowing for possible retaliation against a non-nuclear opponent using other WMD against India. Pakistan has on several occasions offered a NWFZ for South Asia instead of a NFU pledge. According to Vanaik, establishing a NWFZ for South Asia is a far superior strategy for nuclear disarmament to alternatives like calling for unilateral disarmament in India or Pakistan. The NPT conference also called on India and Pakistan to join the NPT as non-nuclear weapons members. This was largely rhetoric since India’s sense of belonging to the major powers gives it a sense of entitlement to nuclear weapons status, and Pakistan will not countenance giving up nuclear weapons as long as India does not.

President George W. Bush’s commitment to developing a ballistic missile defence (BMD) was taken by many States to be a step towards the militarization of space. In February 2008, the Union of Concerned Scientists (UCS) noted: “The Bush Administration rejected a draft treaty presented at the UN Conference on Disarmament that would ban space weapons and prohibit attacking satellites from the ground or space.” There was the risk that potential targets would respond to the militarization of space according to their capacities which would raise the probability of disaster even if by accident. Accordingly, the UCS warned that Bush’s military programmes and their aggressive stance carry “an appreciable risk of ultimate doom.”

BMD is actually a first strike weapon because it undermines deterrent capacity. RAND Corporation describes BMD as “not simply a shield, but an enabler of U.S. action.” There is almost a consensus among military analysts that “missile defence is not really meant to protect America. It’s a tool for global dominance. It’s about offence. And that is exactly why we need it.” Israeli military historian, Martin van Creveld, writes: “The world

has witnessed how the U.S. attacked Iraq for, as it turned out, no reason at all. Had the Iranians not tried to build nuclear weapons they would be crazy.”

For many, U.S. global dominance may be equivalent to or a sine qua non for global peace and harmony. For many it is not. Good Guys vs Bad Guys. It is therefore encouraging to know that the Obama Administration has put BMD in cold storage, although it has not been abandoned. The U.S. remains committed, however, to developing theater missile defence systems, battlefield and mini-nukes which tend to blur the distinction between conventional and nuclear weapons.

On the eve of the Review Conference of the NPT, the UN Secretary General, Ban Ki-moon, said, “everyone know the catastrophic danger of nuclear weapons. Just as clearly we know the threat will last as long as these weapons exist. The Earth’s very future leaves us no alternative but to pursue disarmament. And there is little prospect of that without global cooperation. Momentum is building around the world. Governments and civil society groups, often at odds, have begun working together in the common cause.”

Despite this agreement on basics, and the fact that yesterday’s practitioners of nuclear realpolitik speak like sage savants in their declining years, there is as yet little agreement among governments as to the next possible steps towards nuclear disarmament. NPT Review Conferences draw attention to critical issues and draw up agendas which are not followed up.

The 1995 Conference established guidelines for a Middle East NWFZ which was not followed up. The 2000 Review set out thirteen practical steps for nuclear disarmament that included an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals. There have been substantial reductions of warheads but there is still enough to wipe life out on Earth many times over. This year the Review Conference made further progress on Middle East NWFZ and adopted by consensus an action plan to speed up arms reductions and to take other steps to diminish the importance of atomic weapons and report back on progress by 2014.

So, where do we stand today? Was the recent NPT conference a reasonable success within its parameters which is not saying much? Or, did it break new ground, as Rene Wadlow put it, not with new ideas but with a new momentum? Meanwhile, as Dr. Kissinger put it, the basic dilemma remains which is “how to bring the destructiveness of modern weapons into some moral or political relationship with the objectives that are being pursued.”

Notes & References

* Text of the Keynote Address delivered as the Chief Guest at the Opening Session of the two-day Conference on “Pakistan and the Emerging Nuclear Order”, organised jointly by the Institute of Strategic Studies, Islamabad; the Department of Defence and Strategic Studies, Quaid-i-Azam University, Islamabad; the Carnegie Endowment for International Peace and the Henry L. Stimson Center, Washington, D.C.; and the South Asian Strategic Stability Institute, Islamabad; June 10-11, 2010; at the Institute of Strategic Studies, Islamabad.

** The writer is former Ambassador of Pakistan who has also served on senior UN positions.