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COOPERATION FROM CONTROL:
THE ORIGINS OF THE NUCLEAR NON-PROLIFERATION REGIME

by

Allison Lee C. de Cerreño

A dissertation submitted to the Graduate Faculty in
Political Science in partial fulfillment of the
requirements for the degree of Doctor of Philosophy, The
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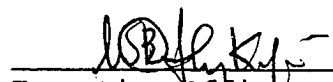
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Abstract

COOPERATION FROM CONTROL:
THE ORIGINS OF THE NUCLEAR NON-PROLIFERATION REGIME

by

Allison Lee C. de Cerreño

Adviser: Professor Howard H. Lentner

Once in place, international regimes enable cooperation to take place with respect to a particular issue or issue-area. However, while their function may be to enable cooperation, regimes do not have their origins in cooperation. Instead, states seek regimes as an effort to wield more control with respect to a particular issue or issue-area than they could otherwise exert on their own. Looking both at the role of the hegemonic power and the role played by various non-hegemonic states, this study examines the nuclear non-proliferation regime as a case study for explaining regime origins.

Acknowledgments

I would like to express my gratitude first to Professor Howard Lentner and Dr. Ted Greenwood for their suggestions and comments which helped change this study from what was more an historical overview of the NPT into an analytic argument on regime theory itself.

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CHAPTER ONE

COOPERATION FROM CONTROL:
THE CREATION OF INTERNATIONAL REGIMES

In the mid-1970s, while attempting to provide a better understanding for international responses to the increased politicization of technology, John Ruggie introduced the concept of a "regime" to international relations theory.¹ Since Ruggie's initial article, a number of scholars have made use of the concept of a regime as an alternative to neo-realist arguments concerning the international system. While there are many variations of the regime concept² all literature on

¹John Gerard Ruggie, "International Responses to Technology: Concepts and Trends," *International Organization* 29, 3 (Summer 1975): 557-583.

²I purposely avoid referring to the various arguments on regimes as "theory" since I do not believe that such discussions constitute theory. A theory is supposed to provide explanation, description, and prediction for a certain phenomenon. However, at this point, most of the literature on regimes only describes regimes and points to their existence. The few authors who have attempted to provide some insight into regime origins and dynamics have done little more than supply

regimes shares an emphasis on the role of cooperation in the international system.³

Regimes are most commonly defined as "...sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations."⁴ Put simply, states within a regime share certain basic beliefs (principles) and values (norms), and are willing to abide by specific rules and decision-making procedures related to a particular issue or issue-

lists of variables which might (or might not be) be relevant. For more on defining a theory, see J. David Singer, "The Level of Analysis Problem in International Relations," *World Politics* 14 (October 1961): 77-92. Also see Kenneth Waltz, *Theory of International Politics* (New York: McGraw-Hill Publishing Company, 1979), ch. 1.

³See Robert O. Keohane and Joseph S. Nye, Jr., *Power and Interdependence: World Politics in Transition* (Boston: Little Brown, 1977); Ernst Haas, "Is There a Hole in the Whole?" *International Organization* 29, 3 (Summer 1975): 827-876; Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984); and the multi-essay volume edited by Stephen D. Krasner, *International Regimes* (Ithaca: Cornell University Press, 1983).

⁴Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," in *International Regimes*, p. 2.

area.

Regimes are believed to enhance cooperation among states by reducing uncertainties of action and by altering transaction costs. With respect to transaction costs, regimes tend to link various issues or issue-areas so that behavior on one issue is linked to behavior on another. For example, in the nuclear non-proliferation regime, only by foregoing nuclear weapons is a nuclear non-weapon state supposed to be assured access to peaceful applications of nuclear technology. Thus, the transaction costs associated with cheating are raised. At the same time, the transaction costs associated with negotiation and exchange of information are reduced since many related issues can be dealt with at the same time and through the same framework, of rules and decision-making procedures.⁵

In addition to altering the transaction costs related to certain issues, regimes also aid in reducing uncertainties of action which are inherent in an anarchic international system. By establishing shared principles,

⁵For more on how transaction costs are affected by regimes, see Keohane, *After Hegemony*, pp. 89-92.

norms, rules, and decision-making procedures, and by linking various issues together, certain patterns of behavior are created. States are more assured of the future behavior of other states with respect to issues dealt with by a regime and are, therefore, less likely to cheat and more likely to work together.

Critics of the regime perspective, such as Joseph Grieco, argue that analysts of regimes focus too much on cheating and ignore a more fundamental barrier to cooperative efforts. According to neo-realist theories of international relations, the fundamental barrier to cooperation in the international system is the concern over maintaining relative power positions vis-a-vis other states within the system.⁶ As Grieco explains, "...the fundamental goal of states in any relationship is to prevent others from achieving advances in their relative power capabilities.⁷ As a result, realists argue that

⁶Joseph M. Grieco, "Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism," *International Organization* 42, 3 (Summer 1988): 487. Also see Waltz, *Theory of International Politics*, pp. 105-106 and 126-127.

⁷Grieco, "Anarchy and the Limits of Cooperation," p. 498.

states will be unlikely to enter into cooperative arrangements, including regimes. Furthermore, states which have entered into such arrangements will be likely to leave if they find that other states are benefitting more by remaining outside the arrangement.

Indeed, this argument highlights a crucial deficit in the current literature on regimes: the majority of regime scholars have focused on cooperation, and have not clearly distinguished between regime creation and function. While regimes may enable cooperation once fully established for the above reasons cited by Keohane, regimes appear not always to arise through cooperative efforts. In fact, there is evidence in the case of the nuclear non-proliferation regime that the origins of regimes may have more to do with both hegemonic and non-hegemonic states trying to exert control in the system than with actual cooperation. Indeed, because the international system mitigates cooperation under normal circumstances, it would be surprising if there were not an explanation other than cooperation for why states, and particularly non-hegemonic states, would enter such an apparently cooperative venture in the first place.

The following hypotheses provide an alternative explanation for regime creation, focusing on two aspects of regime origins rarely treated at the same time: the role of the hegemonic power and the interplay between it and the non-hegemonic states. In both cases the emphasis is placed on how such states try to exert more control in the international system. To date, the literature on regimes tends to focus only on hegemonic powers while practically ignoring non-hegemonic states, but upon closer examination it becomes clear that both play a necessary role in regime creation.

Hypothesis 1: A hegemonic power will not seek a regime so long as it is able to wield what it perceives as sufficient control over the issue or issue-area in question. Such issues or issue-areas may be economic, such as trade issues or energy issues; environmental, such as issues of pollution or biodiversity; or security related, such as nuclear non-proliferation or chemical weapons disarmament.

In an anarchic international system, states must ensure their own survival and prosperity. Regimes, once

fully established, help mitigate uncertainty among states by regulating behavior according to specific principles, norms, rules, and decision-making procedures. Yet, there is still a degree of uncertainty present even when a regime exists since there is always a chance that the rules might be evaded, or that the regime itself is incomplete. Thus, the best means for ensuring one's own survival is to exert unilateral control over vital issues or issue-areas. Hegemonic powers, with their preponderance of economic resources and military might are the only states which could ever be in a position to wield unilateral control and will do so when possible.

Hypothesis 1a. The corollary of the first point is that once a hegemonic power perceives it is losing or cannot achieve control over this issue or issue-area, it will seek the formation of a regime based on its own set of principles and norms.

As noted above, in a system where power is the final arbiter, and states do ultimately have to depend upon themselves for their security and economic prosperity, a state would feel most secure if it exerted full control

over an issue. However, in the event of an inability to wield such control, a regime presents the "next-best" solution by providing for some degree of certainty, and a degree of control through the various principles, norms, and ultimately rules which the hegemonic power seeks to put in place.

Hypothesis 2. Non-hegemonic states that have their own means for wielding control over a particular issue or issue-area are unlikely to support creation of a regime.

All states exist in an anarchic international system and, like the hegemonic power, non-hegemonic states must also ensure their own survival and prosperity. Most non-hegemonic states do not have adequate resources to ensure their own survival and prosperity through unilateral means. However, those few which do possess the means for wielding some control over a particular issue or issue area can be expected to do so for the same reasons that a hegemonic state prefers unilateral control over other more international arrangements.

Hypothesis 2a. Non-hegemonic states without unilateral

means for wielding more control in the system over a particular issue or issue area will tend to seek formation of a regime.

In an anarchic system where power is the final arbiter, most non-hegemonic states will never be able to wield adequate control over any issue. As a result, they must always depend on other states to a certain degree for both protection and for benefits. These non-hegemonic states have a few choices by which to protect themselves: they can ally themselves with a hegemonic power (bandwagoning); they can balance with other lesser powers against a hegemonic power; or they can seek the formation of a regime.⁸

Regimes are often the best solution for states for two reasons: (a) because all states (including a hegemonic power) within a regime are constrained by the shared principles, norms, rules, and decision-making procedures, regimes provide a means for constraining (and thus controlling) others; and (b) regimes can aid in the

⁸For more on the reasons why states might choose either balancing or bandwagoning, see Stephen M. Walt, *The Origins of Alliances* (Ithaca: Cornell University Press, 1987).

extraction of benefits by non-hegemonic states from hegemonic powers, by providing the former with more leverage than they would otherwise have (again, a form of control). While bandwagoning behavior may help states extract benefits, and balancing may help constrain a hegemonic power (or non-hegemonic states), only regimes can provide both of these benefits simultaneously.

Hypothesis 3. Only when both a hegemonic power and a sufficient number of non-hegemonic states desire a regime for an issue or issue area can that regime be fully established.⁹

While regimes may begin to arise as a result of the actions of either a hegemonic power or a group of non-hegemonic states, the final step toward fully establishing a regime can only be realized when both are willing to negotiate and accept the rules and decision-

⁹I use the phrase "fully established" to refer to the point at which all the components of a regime can be identified and it can be defined as such. However, when tracing the origins of a regime, one can say it is beginning to form once one can identify the emergence of a set of coherent principles and norms which will later form the core of the regime.

making procedures which will help guide behavior. If there is an insufficient number of non-hegemonic states, or if the hegemonic power is unwilling to form a regime, a regime will not be created. This is not to say that all states must agree to the principles, norms, rules, and decision-making procedures if a regime is to be created. Indeed, most regimes do not encompass all states. For example, the Bretton Woods monetary regime only included states with market-oriented economies, primarily in Western Europe and North America. Likewise, the nuclear non-proliferation regime does not currently include states like Israel, India, and Pakistan, and only recently have China and France become full members. However, regimes must include a sufficient number of states for each member to believe the regime will satisfy its needs for control better than any other means.

Some Definitions

Before continuing, it is necessary to clarify two terms which I will be utilizing throughout the following chapters: control and hegemony. As I employ the concept, control refers both to the ability to constrain

others in the system as well as to the ability to influence them. Control takes slightly different forms with respect to the issue of nuclear non-proliferation depending upon whether the hegemon or a non-hegemonic state is trying to achieve it.

For the hegemon, control means first and foremost the ability to prevent other states from acquiring nuclear weapons. However, with time, control over the issue of nuclear proliferation was also perceived as the ability to influence the spread of non-weapon nuclear technology. For the non-hegemonic states, control also refers to the ability to constrain others, but in addition to preventing others from obtaining nuclear weapons, these states also seek to constrain the hegemon by pressing for disarmament and linking both vertical and horizontal proliferation.¹⁰ The non-hegemonic states also seek control in the sense of influence, but with

¹⁰Horizontal nuclear proliferation refers to the spreading of such weapons to states which previously had none, thereby increasing the number of nuclear weapon states. Vertical nuclear proliferation refers to an increase in the number of nuclear weapons held by states already possessing such weapons, thereby increasing existing stockpiles.

respect to nuclear non-proliferation, this influence takes the form of extracting benefits from others, and especially from the hegemon.

The other term needing clarification here is hegemony. Hegemony, as used in most regime literature, refers to a situation whereby one country possesses a preponderance of resources, and is able and willing to maintain the rules of the system.¹¹ For the study of regime origins, this definition of hegemony is inadequate since it implies that the hegemon works unilaterally in creating and maintaining the system. As we shall see, other states also play important roles in regime creation. Moreover, it neglects the role of principles and norms, the key components of a regime. Thus, as Robert Keohane pointed out, it is helpful to incorporate into the overall definition of hegemony one of Antonio Gramsci's views on the concept. In addition to having a preponderance of military and economic resources, a hegemon is a state that is able to convince others that its own world view fulfills their interests and needs as

¹¹See, for example, Keohane, *After Hegemony*, pp. 32 and 34.

well.¹²

Why Worry About Regimes?

As was noted earlier, regime "theory" was originally offered as an alternative to neo-realist arguments concerning the international system. Neo-realism posits an anarchic system where states are the primary units and "self-help is necessarily the principle of action..." if a state is to ensure its survival.¹³ Driven by the security dilemma and the unforgiving nature of the system, all states are necessarily preoccupied with maintaining their relative positions of power within the system, making cooperation unlikely. As Grieco explains,

...states are *positional*, not atomistic, in character, and therefore...in addition to concerns about cheating, states in cooperative

¹²For more on Gramsci's definitions of hegemony, see Martin Carnoy, *The State and Political Theory* (Princeton: Princeton University Press, 1984), ch.3, especially, pp. 69-70.

¹³Waltz, *Theory of International Politics*, p. 111. For more on this perspective see Keohane, ed., *Neorealism and its Critics* (New York: Columbia University Press, 1986); Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981); and Waltz, *Man, the State, and War* (New York: Columbia University Press, 1959).

arrangements also worry that their partners might gain more from cooperation than they do.¹⁴

If some benefit more than others, the relative power relations will be changed, something states seek to avoid since they must ultimately depend upon themselves for their survival. The expected outcome of states acting within the constraints of the anarchic system is a balance of power which tends to form, as Waltz explains, "...whether some or all states consciously aim to establish and maintain a balance, or whether some or all states aim for universal domination."¹⁵

This notion of balancing has typically been used to explain patterns of behavior seen in international politics, and there has been little need seen for regime analysis. As Robert Jervis explains, "If patterns of international relations can be explained by the distribution of military and economic power among the

¹⁴Grieco, "Anarchy and the Limits of Cooperation," p. 487.

¹⁵Waltz, *Theory of International Politics*, p. 119.

states, then the concept of regime will not be useful."¹⁶ Nevertheless, according to regime theorists, balance of power arguments are unable to explain certain patterns of multilateral cooperation such as the cooperative efforts surrounding nuclear non-proliferation, or the General Agreement on Tariffs and Trade, for example. It is in explaining why cooperation can, and does, occur in these areas that the regime concept has proven useful.

The Function of Regimes

Once a regime has formed, it consists of a set of principles, norms, rules, and decision-making procedures

¹⁶Robert Jervis, "Security Regimes," in *International Regimes*, p. 174. For more on balance of power, see Ernst Haas, "The Balance of Power," *World Politics* 5, 4 (July 1953): 442-477; Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: Knopf, 1973); Karl W. Deutsch and J. David Singer, "Multipolar Power Systems and International Stability," *World Politics* 16, 3 (April 1964): 390-406; and Waltz, *Theory of International Politics*. For more recent treatments of balance of power, see Ted Hopf, "Polarity, the Offense-Defense Balance, and War," *American Political Science Review* 85, 2 (June 1991): 475-494; Randall Schweller, "Tripolarity and the Second World War," *International Studies Quarterly* 37, 1 (1993): 73-103; and Barry R. Posen, *The Sources of Military Doctrine: France, Britain, and Germany Between the World Wars* (Ithaca: Cornell University Press, 1984).

which are agreed upon by the states involved. Principles are defined as beliefs of fact and causation; norms are considered to be standards of behavior; rules are specific prescriptions for action; and decision-making procedures are the prevailing practices for making and implementing collective choice and action.¹⁷ Different regimes perform different functions, depending in large part on the particular issue or issue area they address. Some regimes provide information, some are concerned with the allocation of resources, some focus on dealing with divisions in the international system, and some combine all three functions. Nevertheless, all regimes share in common the function of enhancing cooperation by creating a convergence of expectations about behavior among member states. In other words, regimes aid in reducing uncertainty of action among states, thereby making cooperation more possible.

Other means for reducing uncertainty in the system do exist. Instead of regimes, states could form multilateral institutions alone or a series of *ad hoc*

¹⁷Krasner, "Structural Causes and Regime Consequences," p. 2.

arrangements to deal with a particular issue or group of issues. However, regimes offer more possibilities for cooperation, and in some cases fewer costs, than either of these alternatives alone. With respect to *ad hoc* arrangements, if new and different short-term arrangements had to be developed each time a state dealt with other states on a series of interrelated issues, much more time and energy would be spent than if a more stable long-term regime were established to deal with these issues. In addition, if states had to negotiate new terms for each related issue that arose, they could never be certain whether the others would adhere to their new obligations since each issue and arrangement would be treated as separate and short-term. Similarly, while multilateral institutions may play an important role in regime maintenance by providing the broad legal and decision-making frameworks, it is acceptance of the basic principles and norms which really reduces a state's interest in cheating or in challenging the relative power balance.

When a regime is fully established, the states involved have not just "joined" an agreement on a

particular issue; they have to a degree accepted and incorporated into their policies the principles, norms, and rules of the new regime. Thus, a pattern of cooperative behavior is established among participants that is upheld not only because of existing laws, but because the basic principles and norms have been internalized by the states. A state that is bound by international law alone would be more prone to cheating since international law is so difficult to enforce, making the benefits of cheating often worth any costs.¹⁸

The Irony of Regime Origins

While much has been written on the function of regimes, very little has been written on how they originate.¹⁹

¹⁸An example of just this situation was Iraq's attempted development of a nuclear capability. Iraq is a signatory of the Nuclear Non-Proliferation Treaty (NPT), and is thus bound by the rules and decision-making procedures of the non-proliferation regime which are codified in the treaty. Nevertheless, by covertly seeking a nuclear weapons capability, Iraq demonstrated that it has not fully accepted the principles and norms which are the basis of the regime.

¹⁹For more on the functions of regimes, see Ethan A. Nadelman, "Global Prohibitions Regimes: The Evolution of Norms in International Society," *International Organization* 44, 4 (Autumn 1990): 479-526; Joseph S.

Indeed, much of the literature only defines and redefines regime, providing no explanation as to how and why a regime might arise. A number of writers have provided lists of factors deemed to be important in regime creation, but none has ever adequately determined which of these factors are necessary and/or sufficient under various conditions. Among the variables often cited as important in regime creation are the existence of some good that can be utilized by all states; the desire by states to maximize one's own utility without regard to how others might be benefitting; a high level of discontinuity within the international system (as often occurs after a major war); and a belief that others share

Nye, Jr., "Nuclear Learning and U.S.-Soviet Security Regimes," *International Organization* 41, 3 (Summer 1987): 371-402; Robert O. Keohane, *International Institutions and State Power* (Boulder: Westview Pres, 1989), ch. 4. For more on the socialization function of regimes, see G. John Ikenberry and Charles A. Kupchan, "Socialization and Hegemonic Power," *International Organization* 44, 3 (Summer 1990): 283-315. For more on how game theory can be used to explain how regimes function, see Kenneth A. Oye, "Explaining Cooperation Under Anarchy: Hypotheses and Strategies," in *Cooperation Under Anarchy*, ed. Kenneth A. Oye, 1-24 (Princeton: Princeton University Pres, 1985); also see Duncan Snidal's article, "The Game Theory of International Politics," in *Cooperation Under Anarchy*, pp. 25-57.

one's commitment to cooperation.²⁰

One factor in regime formation that is almost always stressed is the need for a hegemonic power both willing and able to establish the regime.²¹ This focus on hegemonic powers is most clearly seen in the theory of hegemonic stability which has been used at various times to explain the existence of the open trading system. The theory of hegemonic stability rests on the assumption that where a costly public good exists (such as a liberal trading order), it is more likely to be provided in a system in which there is one hegemonic state that desires such a good than in a system with many small or medium

²⁰Krasner, "Structural Causes and Regime Consequences," p. 14; idem, "Regimes and the Limits of Realism: Regimes as Autonomous Variables," in *International Regimes*, p. 357; and Jervis, "Security Regimes," pp. 176-178.

²¹Whether the hegemonic power acts in a benevolent manner for the good of the entire system, or acts in its own interests and pressures others into acceptance of the regime has been debated in the literature. For more on this, see Robert Gilpin, *The Political Economy of International Relations* (Princeton: Princeton University Press, 1987); Keohane, *After Hegemony*; and Duncan Snidal, "The Limits of Hegemonic Stability Theory," *International Organization* 39, 4 (Autumn 1985): 579-614.

powers.²² It was believed then that regimes were created and maintained by hegemonic powers and benefitted all states (though not to the same degree), including so-called "free-riders" which could not be avoided.

Furthermore, it was argued that as hegemonic powers declined, so would the regimes which they maintained.

The theory of hegemonic stability has been partly challenged since there are cases where regimes have continued to exist even when the hegemonic power declined, as in the case of the regime centered around the General Agreement for Tariffs and Trade (GATT).²³ Nevertheless, with respect to regime origins, it appears that a hegemonic power is necessary, though not

²²Charles Kindleberger, *The World in Depression* (Berkeley: University of California Press, 1973), cited in Charles Lipson, "The Transformation of Trade," in *International Regimes*, p. 254. For arguments challenging hegemonic stability theory, see Snidal, "The Limits of Hegemonic Stability Theory," pp. 579-614; also see Keohane, *After Hegemony*.

²³For more on GATT as a regime, see the article by Jock A. Finlayson and Mark W. Zacher, "The GATT and the Regulation of Trade Barriers: Regime Dynamics and Functions," in *International Regimes*.

sufficient.²⁴ Unfortunately, when looking for the other necessary variables, most writers have neglected an obvious factor--the role of the non-hegemonic states in the system. Robert Keohane, however, does offer some insight into their role in regime creation by focusing on why states would demand regimes.

Calling his model a "constraint-choice" approach, Keohane argues that there are two key aspects in the process of regime formation: the imposition of constraints, and decision-making.²⁵ Constraints are imposed by the more powerful actors within the system. However, within these constraints, states do have a degree of choice. Keohane then provides a brief outline of the elements needed to develop a theory of regime demand rather than one focusing on supply. He explains that there would have to be at least one of the following conditions for a regime to be useful, and therefore,

²⁴An example of a regime that was in the process of forming, but was never consolidated due to a lack of an interested hegemonic power is the New International Economic Order (NIEO) of the 1970s.

²⁵Keohane, *International Institutions and State Power*, p. 104.

desired in a particular situation. There would have to be "(a) lack of a clear legal framework establishing liability for actions; (b) information imperfections [too little information and low quality information]; (c) positive transaction costs."²⁶

A problem, which Keohane himself concedes, is that these three elements occur in most, if not all, issue areas in international relations. However, Keohane points out that focusing on these three factors may still be helpful as a guide since they relate to the functions a regime should perform.²⁷ Demand for regimes, therefore, can arise from all or any one of these factors. In terms of transaction costs, Keohane explains that the more issues in a given policy space (issue density), the more interdependent the issues become, and the more likely a regime will be created as opposed to *ad hoc* agreements. He argues that if there exist only a few, unrelated issues it is easier (and less costly) for states to make *ad hoc* agreements. However, as more

²⁶Keohane, *International Institutions and State Power*, p. 111.

²⁷*Ibid.*

issues concerning a particular policy arise, and as they become more linked to each other, it may become difficult and more costly to rely only on short-term *ad hoc* agreements, and demands for a regime which encompasses the various issues might arise. Related to the factor of transaction costs is the desire for information. Regimes can aid states in obtaining information by reducing the transaction costs associated with it. As a result of increased availability of information, regimes help reduce uncertainty in the system.

In addition, demand for regimes might arise in an effort to provide a clear legal framework. Without regimes, agreements cannot adequately provide such a framework. As Keohane explains, with *ad hoc* agreements alone, "...each agreement would have to provide net gains for every essential actor..." but this is practically impossible in the international system.²⁸ Regimes, however, can aid in providing a long-lasting legal framework through a norm of "generalized commitment" so that states will be more willing to work together even if

²⁸Keohane, *International Institutions and State Power*, p. 114.

every single agreement does not provide some net gain.

A problem with Keohane's approach, as well as earlier approaches focusing solely on the need for a hegemonic power, is that each of these perspectives deals with only one element of the equation. For a full understanding of how regimes are created, it is necessary to examine the *interplay* between the hegemonic power and non-hegemonic states in the international system.

More importantly, almost all the literature on regimes focuses on the role of cooperation since the key function of regimes is to enhance cooperation among states in the system with respect to a particular issue or issue area. Yet, it is precisely this focus on the function regimes perform once they are established that has obscured the how and why of regime creation. Most writers have assumed that since regimes enhance cooperation, they must have originated as a result of cooperation. Yet, following this reasoning has not led to any adequate explanation of why regimes arise. Thus, it seems appropriate to look toward other possible reasons for regime creation. Examining the issue more closely, it appears that regime origins lie not in

cooperation, but in the interplay between non-hegemonic states and a hegemonic power, all seeking to wield more control over a particular issue in the system.

The Nuclear Non-Proliferation Regime as a Case Study

Regimes encompass many issues, some of which may overlap. Nevertheless, over the years the literature on regimes has focused primarily on issues of economic interdependence rather than security issues.²⁹ According to Roger Smith, this is because

there are currently no security regimes; regimes are more difficult to establish in the security area than in the economic realm because of the inherently competitive cast of security concerns, the unforgiving nature of the problems, and the difficulty in determining how much security the state has or needs...."³⁰

To some degree Robert Jervis agrees, explaining that

²⁹There are some exceptions, including Jervis, "Security Regimes;" Nye, "Nuclear Learning and U.S.-Soviet Security Regimes;" and more recently, Harald Müller, "The Internalization of Principles, Norms, and Rules by Governments: The Case of Security Regimes," in *Regime Theory and International Relations*, ed. Volker Rittberger, 361-388 (Oxford: Clarendon Press, 1993).

³⁰Roger K. Smith, "Explaining the Non-Proliferation Regime: Anomalies for Contemporary International Relations," *International Organization* 41, 2 (Spring 1987): 253.

regimes may not be as useful a concept when dealing with issues of security due to the nature of the issues themselves. He points out that security issues tend to be more competitive than economic issues, allowing little room for cooperation. Furthermore, security issues tend to be cast in zero-sum terms, and the stakes involved are regarded as more important.³¹ However, this does not necessarily mean that a security regime cannot be established, especially if one looks toward issues that can be thought of in terms of mutual security. In fact, Jervis himself points to the 1815-1854 Concert of Europe as a possible example of a security regime. A more contemporary regime encompassing a security-related issue, and the one that is focused on here, is the nuclear non-proliferation regime.³²

³¹Jervis, "Security Regimes," p. 175.

³²Other contemporary security-related regimes sometimes referred to are the biological weapons regime, the chemical weapons regime. The term regime is sometimes applied to the missile technology control and conventional weapons arrangements, but these are not clearly regimes as the term is applied here. For an interesting discussion of whether these various regimes should be combined, see Leonard S. Spector and Virginia Foran, *Preventing Weapons Proliferation: Should the Regimes Be Combined?: A Report of the Thirty-Third*

By definition, the international cooperative effort related to nuclear non-proliferation constitutes a regime with discernible principles, norms, rules, and decision-making procedures. The primary guiding principle underlying the current nuclear non-proliferation regime is the belief that the spread of nuclear weapons constitute a threat to national and international security. Also of importance, though less often emphasized, is the belief that the peaceful benefits of nuclear technology hold potential for all humans in many aspects of life. Finally is a belief that nuclear radiation from explosive devices is particularly harmful, and humans around the world must be protected from their effects.³³

Strategy for Peace, U.S. Foreign Policy Conference Held in Warrenton, Virginia 22-24 October 1992 (Muscatine, IA: The Stanley Foundation, 1992).

³³These principles can be found incorporated into a number of treaties, agreements, and declarations. Among these, see United Nations, Secretariat, Treaty Series, "Treaty on the Non-Proliferation of Nuclear Weapons," 1 July 1968, in *Treaties and Other International Agreements Registered or Filed with the Secretariat of the United Nations*, vol. 729 (1970), no. 10485; United Nations, Atomic Energy Commission, Official Records, 1st meeting, no. 1, "Baruch Plan," 14 June 1946 (Bronx, N.Y.); "Address Before the General Assembly of the United

There are four basic norms incorporated into the regime which follow from these principles. First, states without nuclear weapons should not seek them. Second, states with nuclear weapons should not help others seek them. Third, states with nuclear weapons should seek to dismantle them. Last, states with nuclear energy capabilities should make knowledge of peaceful applications available to other states so that all people might reap the benefits.

The rules of the regime are varied and are codified in a number of multilateral and bilateral agreements, including the Nuclear Non-Proliferation Treaty, the Partial Test Ban Treaty, and the various agreements for safeguards made between the International Atomic Energy Agency and states seeking materials or other benefits. However, the most basic rules concern the acquisition or building of nuclear weapons by states not already having them. Regulations prohibiting non-nuclear weapon states

Nations on Peaceful Uses of Atomic Energy [Atoms for Peace], " 8 December 1953, in *Public Papers of the Presidents of the United States* (Washington, D.C.: U.S. Government Printing Office, 1953-), Dwight D. Eisenhower, 1960.

from making or acquiring such weapons, and rules prohibiting nuclear weapon states from aiding others in acquiring nuclear weapons appear in numerous treaties and agreements, including the Treaty for the Non-Proliferation of Nuclear Weapons (NPT).

As the cornerstone of the non-proliferation regime, the NPT codifies these rules in its first two articles. In addition, the NPT explicitly states the norms and principles of the regime, as evidenced by the three goals of the treaty: limiting horizontal proliferation, aiding states in the peaceful applications of nuclear energy, and decreasing the number of weapons in the various weapon states' arsenals.³⁴ The regime's norms are also apparent in bilateral agreements on peaceful nuclear

³⁴This third goal has been the source of much contention over the years. Even though it has long been discussed as a goal and is codified in Article VI of the NPT, it has generally taken a back seat to the goals of curbing proliferation and providing for peaceful uses of nuclear technology. While it may not have been acted upon for much of the regime's existence, I still include it here since it is considered a goal, particularly by the non-nuclear weapon states, and has proven to be of importance at various NPT review conferences where the non-nuclear weapon states have argued that the nuclear weapon states have not fulfilled their obligations with respect to this point.

cooperation and in regional agreements such as the Treaty of Tlatelolco (which, when fully ratified, will create a nuclear weapon free zone in Latin America).³⁵

Finally, the decision-making procedures regarding access to nuclear technology and how to enforce the various rules are stipulated in a variety of agreements and actions including the NPT, the International Atomic Energy Agency Statute, and in various domestic laws like the U.S. Nuclear Non-Proliferation Act.³⁶

The nuclear non-proliferation regime tends to be characterized solely as a security regime, and as such it is often thought to represent a unique situation. Thus, it could be argued that understanding its origins would not necessarily be helpful for a more general explanation of regime origins. However, the nuclear non-

³⁵Smith, "Explaining the Non-proliferation Regime," pp. 257-259; Joseph S. Nye, Jr., "Maintaining a Nonproliferation Regime," *International Organization* 35, 1 (Winter 1981): 15-38.

³⁶International Atomic Energy Agency, *Conference on the Statute of the International Atomic Energy Agency*, vols. 1-4 and annexes (New York: United Nations Headquarters, September 1956); "Nuclear Non-Proliferation Act of 1978," in U.S. Congress, House, Committee on Foreign Affairs, *Nuclear Proliferation Factbook*, 99th Congress, 1st session (1985), pp. 155-170.

proliferation regime is really a mixed regime which deals both with security and economic issues related to nuclear technology. Therefore, explaining the origins of this regime may prove relevant for understanding the formation of other regimes as well.

Tracing the Origins of the Nuclear Non-Proliferation Regime

Once a regime has become fully established, it is relatively easy to point out. However, it is not always so easy to discern while it is being created. Thus, when discussing regime origins, it is important to think of regime creation as a *process*; in other words, regimes do not suddenly appear. Instead, they become fully established through a series of stages as follows: (a) the development of a set of principles and norms which will ultimately form the core of the regime; (b) the spread of these principles and norms, and their acceptance by a sufficient number of states, including the hegemonic power, and; (c) the negotiation of the rules and decision-making procedures which will help

guide state behavior within the regime.³⁷

In each of the following chapters one of the hypotheses discussed earlier will be examined in relation to the creation of the nuclear non-proliferation regime. The focus of Chapter Two will be Hypothesis 1, beginning with an explanation as to why the United States should be regarded as the hegemonic power when examining the nuclear non-proliferation regime. The chapter will then continue with a discussion of early U.S. perceptions of control with regard to the spread of nuclear weapons and technology. It will be shown that while the United States perceived a sufficient degree of control, it continued to rely on unilateral measures to curb the spread of nuclear weapons and influence the spread of nuclear technology.

Chapter Three will deal with Hypothesis 1a, beginning with a brief description of the early

³⁷One could think of a fourth stage as well, which I would refer to as the consolidation of the regime. This can be said to occur when the regime has been in place for an extended period of time, with the vast majority of member states both adhering to and seeking to promote further the various principles, norms, rules, and decision-making procedures.

development of a set of principles and norms by the United States. The changing perception of control will be traced to the point where the U.S. inability to control the spread of nuclear weapons unilaterally finally became apparent. The chapter will conclude with a discussion of the Atoms for Peace proposal which serves as a marker for the beginning of the regime's emergence.

The focus of Chapter Four will be Hypothesis 2 which begins the examination of the role of the non-hegemonic states in the creation of the regime. Utilizing a few examples, including those of the Soviet Union, France, and India, it will be shown that those states with other means for attaining control (both in terms of constraining others and extracting benefits) were unlikely to support creation of a regime. Chapter Five will then provide an examination of Hypothesis 2a by looking at the means by which the nuclear non-proliferation regime aided in the extraction of benefits and in the constraining of other states. How and why the regime provided the best solution for most non-hegemonic states will be discussed.

Finally, Chapter Six will provide discussion of

Hypothesis 3. It will first deal with what occurred with respect to the nuclear non-proliferation regime when only the hegemonic power desired the regime, and then what happened when only the non-hegemonic states wanted a regime. Last will be a discussion of the creation of the Nuclear Non-Proliferation Treaty as the point at which agreement on the various components of the regime was finally reached and as the culmination of the process of regime creation.

CHAPTER TWO

THE UNITED STATES' EARLY FOCUS ON
UNILATERAL CONTROL: HYPOTHESIS 1

Regimes arise through a complex process involving the interaction between a hegemonic power and non-hegemonic states in the system, all of which seek a regime in an effort to wield more control within the system over a particular issue or issue area. This chapter examines the role of the hegemonic power with respect to hypothesis 1: a hegemonic power will not seek the formation of a regime so long as it perceives an ability to wield sufficient control over the issue in question.

In an anarchic system, states must ultimately rely upon themselves for their survival and prosperity. Since one can never fully rely on the intentions or actions of another, the best means for ensuring one's own survival is through unilateral control of vital issues or issue-areas. Thus, if a state can exert unilateral control, it would be expected to do so. The only states potentially in a position to exert such unilateral control (or at

least perceive such a degree of control) over a particular issue are hegemonic powers.

The United States as a Hegemonic Power

The framework being used here draws a distinction between the role of the hegemonic power and the roles played by the various non-hegemonic states. Therefore, it is important at the outset to define hegemony further and indicate which state is the hegemonic power with respect to the nuclear non-proliferation regime.

In the case of the creation of the nuclear non-proliferation regime, the United States was the hegemonic state and will be treated as such in the following pages. Other states, such as France, Britain, and China, did achieve an elevated status by virtue of acquiring nuclear weapons during the years leading up to the establishment of the regime, and indeed would have reaped to a lesser degree some of the same benefits that the hegemon received by joining the regime. Yet they never competed for hegemony. Likewise, the Soviet Union achieved a significantly elevated status, but while it strove to become a hegemonic state, it never realized this goal

with respect to the nuclear non-proliferation regime. To justify this treatment of the United States as the sole hegemon when dealing with the creation of the nuclear non-proliferation regime, it will be helpful to briefly discuss the definition of hegemony.

The concept of hegemony has been used extensively throughout international relations literature, yet its definition is varied. In addition, there is debate as to whether hegemonic powers act in a benevolent manner, helping to create and maintain a system in which all can benefit to some degree, or whether hegemonic states act primarily through coercion.¹ Generally, a hegemonic state is defined as a state which has a preponderance of military and/or economic resources. However, just having resources does not automatically translate into an ability to effectively wield power. Therefore, authors like Robert Keohane have modified this definition, adding

¹For an example of the view that hegemonic powers offer benevolent leadership, see Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984). For an example of the competing perspective, that hegemonic powers act primarily through coercion, see Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981).

that a hegemonic state is one that is able and willing to maintain the basic rules governing relations between states.²

For the study of regime origins, this definition of hegemony is also inadequate since it neglects the important role of principles and norms, the key components of a regime. Thus, as Keohane points out, it is helpful to incorporate into the overall definition of hegemony one of Antonio Gramsci's views on the concept; that is, a hegemon is a state that is able to convince others that its own world view fulfills their interests and needs as well.³ Similarly, G. John Ikenberry and Charles Kupchan argue that a hegemonic power both manipulates material incentives and alters substantive beliefs in order to exercise power in the international

²Keohane, *After Hegemony*, p. 34. Also see Robert O. Keohane and Joseph S. Nye, Jr., *Power and Interdependence: World Politics in Transition* (Boston: Little, Brown, 1977), p. 44.

³For more on Gramsci's definitions of hegemony, see Martin Carnoy, *The State and Political Theory* (Princeton: Princeton University Press, 1984), ch.3, especially, pp. 69-70.

system.⁴ It is the latter point that is of particular interest when discussing regimes. As Ikenberry and Kupchan explain,

hegemonic control emerges when foreign elites buy into the hegemon's vision of international order and accept it as their own--that is, when they internalize the norms and value orientations [or principles] espoused by the hegemon and accept its normative claims about the nature of the international system.⁵

Thus, the definition of hegemon that will be used throughout the following pages is that of a state which both holds a preponderance of economic resources and military might, and is able to convince others to accept its own world view.

With this definition in mind, there is no question that the United States was a hegemonic power during the period in which the nuclear non-proliferation regime originated. During the creation of the nuclear non-proliferation regime, which roughly corresponds to the years between the end of World War II and early 1970, the

⁴G. John Ikenberry and Charles A. Kupchan, "Socialization and Hegemonic Power," *International Organization* 44, 3 (Summer 1990): 285.

⁵*Ibid.*, p. 285.

United States held a preponderance of economic and military resources. With respect to the nuclear non-proliferation regime, it was the United States that developed the basic set of principles and norms which later became the core of the regime.

The Soviet Union, on the other hand, only fulfilled one aspect of the definition above, namely that of having a preponderance of military might; and it only came to fulfill this aspect of hegemony sometime toward the middle of the process of creating the non-proliferation regime. It certainly never achieved a preponderance of economic resources during the period being discussed. More importantly, though it held its own set of sometimes competing principles and norms relating to nuclear non-proliferation, the Soviet Union ultimately came to accept the set of principles and norms espoused by the United States. At best, the Soviet Union could be thought of as a nascent hegemon which never fully realized this status. Thus, in the following chapters the United States will be treated as the sole hegemon; and the other nuclear weapon states, including the Soviet Union, will be treated as non-hegemonic states.

Wielding Sufficient Control Over Nuclear Weapons and Technology

It is hypothesized that a hegemonic power will not seek creation of a regime as long as it wields what it perceives to be sufficient control over a particular issue or issue-area. Control in the case of the nuclear non-proliferation regime was two-pronged for the United States. Control referred to: (a) the ability to prevent non-hegemonic states from acquiring nuclear weapons; and, (b) the ability to influence the spread of so-called peaceful nuclear technology.⁶

When examining the U.S. policy position on the proliferation of nuclear weapons, it quickly becomes apparent that there were two opposing perspectives in the

⁶Though in many discussions on nuclear technology, weapons technology is separated from other more peaceful applications, the key processes involved in the former are also used in the latter. Thus, the lines between peaceful nuclear technology and weapons technology are often blurred. As a result, it has sometimes been unclear as to whether the United States was seeking to control only the spread of nuclear weapons or whether it sought to control the spread of all nuclear technology. And, in fact, it is probable that U.S. leaders were not always certain of the exact nature of their goal. For more on the similarities between peaceful and weapons nuclear technology, see William C. Potter, *Nuclear Power and Nonproliferation* (Cambridge, MA: Oelgeschlager, Gunn & Hain Publishers, Inc., 1982).

period preceding the process of regime creation. This is important since if one were to treat the United States as a unitary actor, the 1946 Baruch Plan, which called for an international arrangement to prevent proliferation, could be construed as a challenge to Hypothesis 1. In recognizing that competing perspectives existed, it becomes possible to explain the early shifts back and forth between a focus on unilateral control and support for an international means for controlling nuclear weapons and technology. Moreover, it becomes apparent that those officials who shared the view that the United States could not continue its monopoly over nuclear weapons advocated an international approach, while those who believed a monopoly could be maintained preferred to rely on unilateral measures. While the support for an international approach to controlling nuclear technology will be discussed in Chapter Three, it is the latter perspective which will be dealt with here.

Preventing Non-Hegemonic States from Acquiring Nuclear Weapons

Though not always distinct in U.S. policy, control with

respect to nuclear proliferation took two forms for the United States: preventing others from acquiring nuclear weapons and influencing the spread of nuclear technology in general.⁷ As World War II drew to a close, most U.S. officials, as well as the scientists who had worked on the Manhattan Project, agreed that the U.S. monopoly over nuclear weapons would not and could not be indefinite. However, a number of officials believed it would still be a long time before any other state could build a nuclear weapon and even longer before any state had a nuclear capability that could threaten the United States. In a memorandum to President Harry S. Truman on April 25, 1945, Secretary of War Henry Lewis Stimson explained that the United States was "in the position of controlling the resources with which to construct and use it [the atomic bomb] and no other nation could reach this position for

⁷In terms of preventing others from acquiring nuclear weapons, due to emerging Cold War concerns, early U.S. policy was more specifically focused on preventing the Soviets from acquiring such weapons. Nevertheless, the possibility that other non-hegemonic states might some day acquire nuclear weapons was not far from their minds.

some years."⁸

Believing that the best means for preventing other states from acquiring nuclear weapons was by preventing the dissemination of knowledge related to nuclear technology, President Truman made it known immediately after the bombing of Hiroshima that the United States planned to maintain a high level of secrecy regarding atomic energy. In a public address on August 6, 1945, he stated,

The atomic bomb is too dangerous to let loose in a lawless world. That is why Great Britain and the United States, who have the secret of its production, do not intend to reveal the secret until means have been found to control the bomb so as to protect ourselves and the rest of the world from the danger of total destruction.⁹

This view on the need for secrecy was shared by a number of U.S. military officials, as well as congressional leaders. While Under Secretary of State Dean Acheson was

⁸Henry Lewis Stimson, *Henry Lewis Stimson Diaries* (New Haven: Yale University Library, Manuscripts and Archives, microfilm) reel 9, vol. 50, p. 70.

⁹See Truman's address of August 6, 1945, in Sydnor H. Walker, ed., *The First One Hundred Days of the Atomic Age, August 6 - November 15, 1945* (New York: Woodrow Wilson Foundation, 1945), p. 20.

exploring alternative international arrangements, Fleet Admiral of the U.S. Navy William D. Leahy was arguing for the importance of maintaining unilateral control over nuclear technology.¹⁰

In a memorandum sent to Truman by the Joint Chiefs of Staff in late October, 1945, Admiral Leahy noted that while it was true that the theoretical principles of nuclear technology were widely known, the specific technologies related to manufacturing and employment of nuclear weapons were still secret and should be kept so. Believing the United States to be facing a period of great uncertainty, and pointing out that agreements were still needed between the major powers on a number of key political issues, Leahy argued that allowing the circulation of technical knowledge in the nuclear field would only quicken the pace of an arms race. Furthermore, he questioned the wisdom of sharing such scientific data when there was no means for defending the

¹⁰National Security Archive, ed., *U.S. Nuclear Non-Proliferation: 1945-1991* [hereafter NSA/NNP] (Yale University; Washington, D.C.: Chadwyck-Healey, Inc./National Security Archive, 1993, microfiche), fiche 1, doc. 6.

United States against a nuclear attack. Leahy continued, explaining that some form of international control system would be needed to verify that the technology was being used for peaceful purposes only, and that such a system was not feasible at the time.¹¹ In other words, as long as the United States held a monopoly over nuclear weapons and was the only country with the necessary nuclear knowledge to make them, it was preferable to maintain unilateral control than to move toward some form of international control system.

Admiral Leahy's concerns were duly noted, but at this point the Truman Administration was persuaded more by the proponents of an international control system for nuclear technology. Thus, the Baruch Plan was presented to the United Nations Atomic Energy Commission in June 1946, coincidentally the same month in which Winston Churchill coined the phrase, "Iron Curtain."¹² Without providing a detailed discussion here, since the Baruch

¹¹NSA/NNP, fiche 1, doc. 6, pp. 1-2.

¹²Bernard G. Bechhoefer, *Postwar Negotiations for Arms Control* (Washington, D.C.: The Brookings Institution, 1961), p. 102.

Plan will be dealt with in the following chapter, a few brief points can be made. Had it been accepted, the Baruch Plan would have established an international control system for atomic energy in which fissionable materials, nuclear facilities, and expertise would be controlled and managed by a multilateral body referred to as the Atomic Development Authority. However, the United States wanted an effective control system, along with monitor systems within state borders, to be created before doing away with its own nuclear weapons. As political tensions between the United States and Soviet Union were already rising, the Soviets were unwilling to accept such an arrangement and the Baruch Plan failed.¹³

With the failure of the Baruch Plan, the United States shifted back toward a policy of unilateral control

¹³In addition to seeing the discussion on the Baruch Plan in Chapter Three, see Larry G. Gerber, "The Baruch Plan and the Origins of the Cold War," *Diplomatic History* 6, 1 (Winter 1982): 69-95; United Nations, Atomic Energy Commission, Official Records no. 1, 1st meeting, "Baruch Plan," 14 June 1946, pp. 4-14; and U.S. Congress, House, Committee on Foreign Affairs, Subcommittee on National Security Policy and Scientific Developments, *The Baruch Plan: U.S. Diplomacy Enters the Nuclear Age*, by Leneice N. Wu (Washington, D.C.: U.S. Government Printing Office, 1972).

to prevent the spread of nuclear weapons and technology. Indeed, as relations between the United States and Soviet Union worsened, a number of U.S. officials became much more intent on the need to maintain secrecy with respect to nuclear issues.

In a top secret report issued in July 1947, the views of the U.S. Joint Chiefs of Staff (JCS) were expressed regarding possibility for the international control of atomic energy. Arguing that the Soviets' ultimate aim was the imposition of communism on all peoples and that the only means for achieving this in the United States would be through a military defeat of the latter, the JCS report argued that the Soviets would attempt to produce an atomic weapon as soon as possible. Therefore, the JCS stressed that

the United States should, in the interest of its own security, insist on not sharing internationally its atomic resources and knowledge until adequate controls and adequate safeguards are provided against the violation or evasion of the terms of any agreement for the international control of atomic energy.¹⁴

Since adequate safeguards and controls could not be

¹⁴NSA/NNP, fiche 8, doc. 44, p. 4.

agreed upon due to the failure of the Baruch Plan, and since the United States still held a monopoly over nuclear weapons, the Truman Administration swung back to a reliance on unilateral secrecy as a means to deny others the acquisition of nuclear weapons.

Though some U.S. policymakers continued to press for an international arrangement to control the spread of nuclear weapons and technology, these hopes were dashed in 1948 with the communist coup in Czechoslovakia (February) and the Berlin blockade (August). Perceiving a military threat from the Soviet Union, but unable to remobilize conventional forces due to budgetary constraints and public opposition, the Truman Administration began to examine how to accord nuclear weapons a more central role in U.S. security and defense policies.¹⁵ The arguments for some form of international arrangement for controlling nuclear weapons and

¹⁵Peter A. Clausen, *Nonproliferation and the National Interest* (New York: Harper Collins College Publishers, 1993), p. 16. Also see various entries on this subject by James Forrestal (Under Secretary of the Navy, 1944-1947 and Secretary of Defense, 1947-1949) in *The Forrestal Diaries*, Walter Millis, ed. (New York: The Viking Press, 1951), especially pp. 327 and 350-351.

technology were tabled as the United States focused on increasing its nuclear weapons stockpile.

This period of secrecy and unilateral denial of nuclear technology would be short-lived. With the August 1949 test of a nuclear weapon by the Soviet Union, it was already clear that alone the United States could not hope to stem the spread of nuclear technology and weapons.

Influencing the Spread of "Peaceful" Nuclear Technology

Much of the knowledge, materials, and facilities used for "peaceful" applications of nuclear technology can be utilized to build nuclear weapons as well. Thus, early on in the nuclear age, the United States also saw the need to exert some influence over the spread of nuclear technology in general.

In addition to the concern over how to prevent other countries from obtaining their own nuclear weapon capabilities, a number of government officials in the United States were concerned with limiting the spread of any form of nuclear technology. In September 1945, contrary to the wishes of President Truman who was at this time still considering an international arrangement

for controlling nuclear technology, a bill was introduced in the U.S. Congress by Senator Brian McMahon for the "development and control of atomic energy."¹⁶ The bill called for the establishment of an Atomic Energy Commission in the United States which would aid in the research and development of both civilian and military aspects of nuclear energy. In addition, the bill called for governmental control over the "production, ownership, and use of fissionable materials," thus ensuring civilian rather than military control of nuclear technology within the United States. While allowing for the dissemination of information related to the potential uses of nuclear energy, the bill provided that the techniques and processes needed to achieve them were to be kept confidential and were in no way to be shared with other states.¹⁷

¹⁶For Truman's sentiments on the bill, see Millis, *The Forrestal Diaries*, p. 133.

¹⁷Senator Brian McMahon, "The McMahon Bill, December 20, 1945," in *The American Atom: A Documentary History of Nuclear Policies from the Discovery of Fission to the Present, 1939-1984*, eds. Robert C. Williams and Philip L. Cantelon, 77-92 (Philadelphia: University of Pennsylvania Press, 1984).

One year later, in September 1946, the bill became law as the Atomic Energy Act of 1946. Entering into force less than one year after the U.S.-U.K.-Canadian tripartite declaration in which the leaders of the three states declared their desire to share their knowledge of the peaceful applications of nuclear technology, the Atomic Energy Act of 1946 was viewed with great distaste among U.S. allies.¹⁸ This was particularly true of Britain and Canada which had cooperated with the United States on nuclear projects throughout the war and had expected that cooperation to continue. They saw the passage of this bill as a unilateral move by the United States to deny access to nuclear technology and materials, and encourage secrecy with respect to the benefits of such technology. Indeed, the Atomic Energy Act signalled an overt shift in U.S. policy toward the perspective shared by Admiral Leahy: that secrecy and unilateralism should be the hallmark of U.S. policy

¹⁸U.S. Department of State, *Documents on Disarmament, 1945-1959*, vol. 1, publication number 7008 (Washington, D.C.: U.S. Government Printing Office, 1960), p. 2. Also see discussion on this subject in Chapter Three.

regarding nuclear energy and weapons.

Summary

As debate continued among the U.S. leadership, U.S. policy on the control of nuclear weapons and technology continued to swing back and forth between encouraging some form of international arrangement and maintaining a unilateral policy of technology denial and secrecy. Notwithstanding the failed attempt at promoting the Baruch Plan, in the early years following World War II, there was more of a tendency toward unilateral means for control as long as the United States maintained its monopoly over nuclear weapons. However, as Chapter Three will show, this nuclear monopoly and the perception that the United States was able to wield sufficient control over the spread of nuclear weapons would be short-lived.

CHAPTER THREE

THE U.S. SEARCH FOR AN INTERNATIONAL
ALTERNATIVE: HYPOTHESIS 1a

Given a choice, states would prefer to wield unilateral control over vital issues and issue-areas in order to ensure their survival. The only states ever potentially in a position to do this are hegemonic powers. Yet, as is almost always the case with non-hegemonic states, there are often issues over which the hegemon either perceives a loss of control or cannot achieve unilateral control. This chapter examines this situation in light of Hypothesis 1a: when a hegemonic power perceives it is losing, or cannot achieve, control over a particular issue or issue-area, it will seek the formation of a regime based on its own set of principles and norms.

In a situation in which the hegemonic power cannot wield effective unilateral control over a particular issue, a regime offers the "next best" solution. By establishing patterns of behavior among states, regimes

aid in reducing uncertainty of action and intention, creating a less threatening environment and ultimately aiding in cooperation. Moreover, because the regime will be based on the hegemonic power's own set of principles and norms, most of the patterns of behavior established will be those desired by the hegemon, allowing it to maintain a great degree of control over the issue involved.

The Development of a Set of Principles and Norms

When examining the origins of a regime, one must think in terms of a *process* of creation. The first stage in this process of regime creation is the development of a set of principles and norms which will later form the core of the regime. With respect to the nuclear non-proliferation regime, there are three readily identifiable principles and four norms as follows¹:

¹While these principles and norms are readily identifiable today, not all of them were so apparent to the United States during this period. Indeed, it would be another two decades before they were all identified by scholars studying the regime. Nevertheless, they are listed here as an aid in understanding the discussion that follows.

Principle 1: The horizontal and vertical spread of nuclear weapons constitutes a threat to national and international security²;

Principle 2: The peaceful uses of nuclear energy hold potential benefits for all humans in many aspects of life;

Principle 3: Nuclear radiation from explosive devices is particularly harmful and humans around the world must be protected from its effects;

Norm 1: States without nuclear weapons should not seek them;

Norm 2: States with nuclear weapons should not help others seek them;

Norm 3: States with nuclear weapons should seek to dismantle them;

Norm 4: States with nuclear energy capabilities should make knowledge of the peaceful applications of nuclear energy available to other states so that all may reap their benefits.

Some of these principles and norms (most notably principle 3 and norm 3) were supplied, or at least

²It is worth noting that while the danger posed by the vertical spread of nuclear weapons is included in this principle, the United States has consistently stressed the dangers of horizontal proliferation, often neglecting the dangers associated with vertical proliferation. As will be shown in the following chapters, the inclusion of the vertical proliferation component in this principle resulted in large part from political pressure applied by the non-hegemonic states.

accorded more emphasis, by the non-hegemonic states during the process of regime creation. Nevertheless, when the United States began to seek establishment of an international arrangement for nuclear non-proliferation, it already had its own set of principles and norms upon which it wanted such an arrangement based.

The Set of Principles and Norms Developed by the United States

Only months after the atomic bombs were dropped on Hiroshima and Nagasaki, President Harry S. Truman delivered a message to the U.S. Congress which recognized both the danger and the promise of nuclear technology. Advocating multilateral discussions to determine how best to deal with the issues of nuclear technology and weaponry, he explained that

the hope of civilization lies in international arrangements looking, if possible, to the renunciation of the use and development of the atomic bomb, and directing and encouraging the use of atomic energy and all future scientific information toward peaceful and humanitarian ends.³

³U.S. President, "Special Message to the Congress on Atomic Energy," *Public Papers of the Presidents of the United States* (Washington, D.C.: U.S. Government

President Truman's comments were clearly reflective of a belief to some degree in the first two principles above, that the spread of nuclear weapons constituted a threat to security, and that the peaceful uses of nuclear technology held benefits for all people. It was these same two principles (with a focus on the horizontal proliferation component of principle 1) which underlay the Baruch Plan proposed to the United Nations the next year.

On November 15, 1945, these same two principles were again apparent in a joint declaration made by British Prime Minister Earl Clement Atlee, Canadian Prime Minister W.L. Mackenzie King, and U.S. President Harry Truman in which the three leaders made public their desire to share knowledge in the field of nuclear energy with other states. Owing to the fact the same processes used for peaceful purposes could also be used in preparation for nuclear weapons, Truman, Atlee, and King agreed that such cooperation would not come about before a safeguards system was in place to ensure that any

Printing Office, 1961), Harry S. Truman, 1945, p. 366.

information shared was not used for military purposes. Thus, an early rule related to safeguards was also formed in this early period. Together, the three leaders called for a U.N. commission which would make proposals

- (a) for extending between all nations the exchange of basic scientific information for peaceful ends,
- (b) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,
- (c) for the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction,
- (d) for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.⁴

As in Truman's earlier message to the U.S. Congress, this joint declaration also reflected a belief in the first two principles, but it went further in calling for the

⁴U.S. Department of State, *Documents on Disarmament, 1945-1959*, vol. 1, publication number 7008 (Washington, D.C.: U.S. Government Printing Office, 1960), p. 2. The U.N. Atomic Energy Commission was established on January 24, 1946 by a vote of 46-0-1. The Philippines abstained, believing that the composition of the Commission was unjust since the states represented were the same as in the Security Council to whom it would be responsible. See United Nations, General Assembly [hereafter UN/GA], Official Records, 17th Plenary Meeting, 1st session, "Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy: Report of the First Committee," 24 January 1946, doc. A/12.

commission to make proposals for a set of rules based on these principles.

Perceiving a Loss of or the Inability to Achieve Control

As was pointed out in Chapter One, those U.S. officials who believed the United States would soon lose its monopoly over nuclear weapons and technology advocated a form of international arrangement for controlling nuclear technology and weapons. However, U.S. policy on the issue did not immediately and clearly embrace their perspective. In fact, if one examines U.S. policy on this issue prior to the actual process of regime creation, there are a number of shifts evident between a more international approach and a unilateral approach to control. Yet, with each successive shift toward promoting an international alternative, the argument drew more support.

Phase I: The Inability to Achieve Control

Before the first nuclear weapon had even been used, a number of people who had helped in its development, as well as some senior government officials, argued that the

United States could never hope to maintain unilateral control over nuclear technology. One official who shared this view was Secretary of War Henry Lewis Stimson. In a memorandum of April 25, 1945, to President Truman, Stimson discussed the issue of the atomic bomb. Stimson explained that although the United States, United Kingdom, and Canada had worked together to develop the first nuclear weapon,⁵ the United States was still the only state capable of controlling the resources needed for building and using nuclear weapons. He added,

⁵For an excellent account of the British role in the development of the first atomic bomb, see Ferenc Morton Szasz, *British Scientists and the Manhattan Project: The Los Alamos Years* (New York: St. Martin's Press, 1992). For Canada's role, see the first two chapters of Albert Legault and Michael Fortmann, *A Diplomacy of Hope: Canada and Disarmament, 1945-1988* (Montreal: McGill-Queen's University Press, 1992). Also, for the earliest agreement between Britain and the United States concerning nuclear weapons and technology, see "The Citadel Quebec Articles of Agreement Governing Collaboration between the Authorities of the U.S.A. and the U.K. in the Matter of Tube Alloys, August 19, 1943," TIAS no. 2993, vol. 5, part 1 (Washington, D.C.: U.S. Government Printing Office, 1955), pp. 114-115. On the discussions leading up to this agreement, see U.S. Department of State, Historical Office, Bureau of Public Affairs, *Foreign Relations of the United States: The Conferences at Washington and Quebec, 1943*, publication number 8552 (Washington, D.C.: U.S. Government Printing Office, 1970), especially pp. 1-10 and 630-652.

however, that because the underlying theory for a nuclear weapon was well known by many scientists around the world, it was "practically certain that we [the U.S.] could not remain in this position indefinitely."⁶

Stimson emphasized that the creation of an international control system with respect to nuclear weapons technology would be "a matter of the greatest difficulty and would involve such thorough-going [sic] rights of inspection and internal controls as we have never heretofore contemplated."⁷ Nevertheless, he pointed out that at some point this might be necessary. Stimson therefore recommended the establishment of a committee which could suggest a course of action for U.S. policy once the existence of nuclear weapons had been made public.

The Interim Committee, as it came to be known, was composed of a number of prominent scientists working on the Manhattan Project, including Arthur Compton, Enrico

⁶Henry Lewis Stimson, *Henry Lewis Stimson Diaries* (New Haven: Yale University Library, Manuscripts and Archives, microfilm) reel 9, vol. 50, p. 70.

⁷*Ibid.*, p. 71.

Fermi, and J. Robert Oppenheimer, as well as various government and military officials. The committee members met a number of times during the months of May and June. Their discussions focused on two topics: the international control of nuclear energy and how to use the new nuclear weapon against Japan.⁸ In his diary Stimson wrote that in a meeting with the president on June 6, 1945,

I told him that the only suggestion which our Committee had been able to give as to future control of the situation was that each country should promise to make public all work that was being done on this subject [atomic energy] and that an international committee of control should be constituted with full power of inspection of all countries to see whether this promise was being carried out.⁹

Another early advocate of some form of international arrangement for the control of nuclear technology and

⁸There was no question of whether to use the bomb against Japan; that had already been decided. What was of issue was whether to target a military installation, a city, or to use the weapon in a demonstration before actually dropping it on Japan. For more on this see David Holloway, *Stalin and the Bomb: The Soviet Union and Atomic Energy, 1939-1956* (New Haven: Yale University Press, 1994), pp. 120-122.

⁹Stimson, *Henry Lewis Stimson Diaries*, reel 9, vol. 50, pp. 159-160.

weapons was Under Secretary of State Dean Acheson. In a top secret memorandum to President Truman, Acheson echoed the concerns of Stimson and the Interim Committee.

Acheson explained that many countries, including the Soviet Union, already had access to the theoretical foundations of nuclear technology, and that these same countries would soon be capable of competing with the United States in research on both peaceful and non-peaceful applications of nuclear energy. Acheson pointed out that the Soviets were already concerned about a possible nuclear threat emerging from the joint efforts of Britain, Canada, and the United States, and that continuing the exclusionary practices advocated by other officials would only make it more difficult to maintain peace between East and West as suspicions and tensions grew.¹⁰

Concluding that "a policy of secrecy is both futile and dangerous and that the real issues involve the

¹⁰National Security Archive, ed., *U.S. Nuclear Non-Proliferation: 1945-1991* [hereafter NSA/NNP] (Yale University; Washington, D.C.: Chadwyck-Healey, Inc./National Security Archive, 1993, microfiche), fiche 1, doc. 3, pp. 1-3.

methods and conditions which should govern the interchange of scientific knowledge and the international controls which should be sought to prevent a race toward mutual destruction," Acheson's memorandum made a number of recommendations.¹¹ He believed it to be of the utmost importance to open a dialogue with the Soviet Union in an effort to promote the exchange of technical information related to non-weapon nuclear technology. This, he argued, would help reduce tensions and demonstrate a willingness on the part of the United States to cooperate in the development of peaceful applications of nuclear energy. Continued negotiations with the Soviets would then be based on four conditions: first, the exchange of scientific knowledge in the field would have to be mutual; second, there would have to be a mutual renunciation on the subsequent development of nuclear weaponry monitored by inspections; third, collaboration between the countries would be purely in the realm of atomic energy for commercial uses, and; fourth, that through the rubric of the United Nations, these

¹¹NSA/NNP, fiche 1, doc. 3, p. 1.

conditions and negotiations should be extended to other states as well.¹²

Acheson's conclusions on the inability of the United States to continue wielding sufficient unilateral control over nuclear weapons were also reiterated by Vannevar Bush, Director of the Office of Scientific Research and Development. In a letter sent to the President on the same day as the memorandum above, Bush noted that there were only two options available to the United States following World War II: an arms race or international collaboration. Noting that the former would be more difficult to avert if the United States did not act quickly, before the Soviets had fully developed their nuclear program, Bush pointed out the benefits that could be reaped under a policy of collaboration. He strongly believed that the U.S. government could promote more effectively the commercial aspects of nuclear energy if it granted greater access to the necessary technological knowledge. However, the greatest advantage, in Bush's view, would be political; working with the Soviets to

¹²NSA/NNP, fiche 1, doc. 3, p. 3.

advance the peaceful applications of nuclear technology, "when it became known, would announce to the world that we [the United States] wish to proceed down the path of international goodwill...."¹³ Thus, those who recognized the impossibility of maintaining unilateral control over nuclear energy proposed solutions based on some form of international control system.

A Proposed Solution: Acheson-Lilienthal and The Baruch Plan

In March 1946 the U.S. Department of State issued a report on the international control of atomic energy. The report was the product of a Committee on Atomic Energy which had been established in January 1946 to recommend policy in the area of atomic energy. Chaired by Dean Acheson, the committee relied extensively on a group of consultants who had worked on the Manhattan Project.¹⁴ Beginning with the premise that international

¹³NSA/NNP, fiche 1, doc. 4, p. 4.

¹⁴In addition to Acheson, the committee included Major General Leslie R. Groves, Vannevar Bush, John J. McCloy, and James B. Conant. The Board of Consultants included Chester I. Barnard, J. Robert Oppenheimer, Charles A. Thomas, Harry A. Winne, and David E.

arrangements were desirable and necessary for dealing with nuclear energy, the Acheson-Lilienthal Report (named for Acheson and the chair of the consulting board, David E. Lilienthal) called for the creation of an international Atomic Development Authority (ADA) which would conduct "all intrinsically dangerous operations in the nuclear field, with individual nations and their citizens free to conduct under license and a minimum of inspection, all non-dangerous, or safe, operations."¹⁵ More specifically, the ADA would control all world supplies of uranium and thorium, the principal materials needed for atomic weapons at the time, and it would build and operate all atomic reactors and separation plants, leasing them out to various countries provided that inspections were held.

While the Acheson-Lilienthal Report was being

Lilienthal.

¹⁵U.S. Department of State, *A Report on the International Control of Atomic Energy*, Prepared for the Secretary of State's Committee on Atomic Energy by Chester I. Barnard, J. Robert Oppenheimer, Charles A. Thomas, Harry A. Winne, and David E. Lilienthal, Publication no. 2498 (Washington, D.C.: U.S. Government Printing Office, 1946), p. 31.

forwarded to Secretary of State James Byrnes, the Truman Administration was busy selecting a representative to the U.N. Atomic Energy Commission which had been formed only a few months earlier. Bernard Baruch, former head of the War Industries Board during World War I, and one of former President Woodrow Wilson's key advisers, was selected for the position. Baruch immediately began work on the Acheson-Lilienthal Report and modified it in three areas: he devised a set of more specific sanctions; he argued that these sanctions should not be subject to Security Council permanent members' vetoes; and he reduced the role of the ADA.¹⁶

On June 14, 1946, Bernard Baruch presented the U.S. proposal for the control of atomic energy to the U.N. Atomic Energy Commission (UNAEC).¹⁷ As in the earlier version of the plan, the Baruch Plan called for the creation of the international Atomic Development

¹⁶Larry G. Gerber, "The Baruch Plan and the Origins of the Cold War," *Diplomatic History* 6, 1 (Winter 1982): p. 72.

¹⁷For Baruch's personal views on the Plan and on the Soviet reaction to it, see Bernard Baruch, *The Public Years* (New York: Holt, Rinehart and Winston, 1960), pp. 372-373.

Authority which would exert "managerial control or ownership" over activities related to atomic energy considered potentially dangerous. The ADA would also be responsible for inspecting and licensing all other nuclear activities, and for developing peaceful applications of nuclear energy. Once this control system was in place, the manufacture of atomic weapons would cease and existing stockpiles would be dismantled. Baruch then outlined the potential violations which included illegal possession or use of a nuclear weapon, illegal possession of atomic materials for a weapon, and seizure of any property belonging to or licensed by the ADA.¹⁸

While the U.K. representative threw his support toward the Baruch Plan, the Soviets were anything but pleased with the U.S. proposal for the international control of atomic energy. In an address to the UNAEC three days later, Soviet Representative Andrei Gromyko argued that the Baruch Plan was an infringement on

¹⁸United Nations, Atomic Energy Commission [hereafter UN/AEC], Official Records no. 1, 1st meeting, "Baruch Plan," 14 June 1946, pp. 4-14.

national sovereignty. Pointing out that there would be more western powers than eastern powers in the ADA leadership, he asserted that the Soviet economy would be hostage to the West since the ADA would control access to nuclear materials and facilities. In addition, Gromyko argued that the proposal did not sufficiently address the need to prohibit the production of nuclear weapons. Instead, it sought to control the nuclear ambitions of other states while it allowed the United States to continue manufacturing and stockpiling nuclear weapons. As an alternative, Gromyko submitted a proposal from the Soviet government calling for the immediate prohibition and use of nuclear weapons as a first step. This would be followed within three months by the destruction of all existing stockpiles of nuclear weapons. Only after these first two steps were taken would some type of legislation be passed establishing violations and penalties.¹⁹ The debate had begun between the two sides as to which should come first--an effective control system for atomic energy

¹⁹UN/AEC, Official Records no. 2, 2nd meeting, 19 June 1946, pp. 26-28; also in *Documents on Disarmament, 1945-1959*, vol. 1, pp. 17-24.

or the prohibition of nuclear weapons. While both countries professed their desire for disarmament negotiations and an end to nuclear weapons, this disagreement deadlocked all such talks for the next decade, and the United States swung back to relying on unilateral means for control.

Phase II: The Perceived Loss of Control

After the failure of the Baruch Plan, U.S. policy shifted back to a focus on unilaterally controlling nuclear technology and weapons. Meanwhile, the Soviet Union was pursuing its own nuclear program, and on August 29, 1949, it tested its first nuclear weapon. Though the Soviet test was not unexpected, it did renew arguments about the U.S. inability to maintain effective unilateral control over nuclear technology, and it provided the context for renewed debate over potential international arrangements for dealing with nuclear technology and weapons.

Working through the United Nations, the United States once again began discussing the formation of an international control system. Still using the Baruch Plan as a basis, the United States entered into a series

of negotiations with the U.N. Atomic Energy Commission (UNAEC) representatives from Canada, China, France, the Soviet Union, and the United Kingdom. While five of the six permanent members to the UNAEC were able to reach agreement on basic requirements for an international control system, the Soviet Union opposed the ideas put forth by the United States.²⁰

These discussions were followed by a General Assembly Resolution in November 1949 which called upon the governments of the world to "do everything in their power to make possible, by the acceptance of effective international control, the effective prohibition and elimination of nuclear weapons...."²¹ In addition, the resolution called for a cooperative effort in the development of peaceful application of atomic energy, and recommended that states mutually agree to limit their sovereign rights by foregoing the production of nuclear

²⁰The main points of contention revolved around who should control nuclear source materials, who should operate nuclear facilities, and how often inspections should be held. For more on this, see UN/GA, 4th session, item 23, 25 October 1949, pp. 6-7, doc. A/1050.

²¹*Documents on Disarmament, 1945-1959*, vol. 1, p. 230.

weapons. With the support of the United States and its western allies, the resolution was approved, but the Soviet bloc voted against it, and Israel, South Africa, and Yugoslavia abstained.²² Given that a number of key states either voted against the resolution or abstained from a decision, U.N. General Assembly Resolution 299 (IV) was not as successful as had been hoped and the United States sought other methods for increasing its control over nuclear matters.

Another Solution Proposed: Linking Disarmament with Nuclear Energy

As early as 1946, the Soviet Union had argued that conventional weapons disarmament should be linked to a prohibition on nuclear weapons.²³ Knowing the Soviets enjoyed superiority in terms of conventional arms and forces, the United States adamantly opposed such a linkage and continued to treat the issues separately until shortly after the Soviet detonation of its nuclear

²²UN/GA, Official Records, 4th session, Resolution 299 (IV), 23 November 1949. For voting record see doc. A/1251.

²³NSA/NNP, fiche 6, docs. 35, 36, and 37.

weapon.

Realizing its previous position was no longer beneficial now that the Soviets too had nuclear weapons, the U.S. National Security Council modified the U.S. policy position on disarmament negotiations. The U.S. stance, delineated in NSC-112, was based on three basic principles: (1) that the first step would be to reach an international agreement on the general principles associated with disarmament; (2) that international control of atomic energy was inseparable from the regulation of conventional weapons and armaments; (3) that the international control of atomic energy had to be based on a U.N. treaty no less effective than the Baruch Plan.²⁴

Finding support among a number of its allies, the United States reversed its position in the United Nations as well, and put forth a jointly sponsored draft resolution in December 1950.²⁵ The proposal, which after

²⁴NSA/NNP, fiche 33, doc. 199, p. 1.

²⁵The other sponsors of the draft resolution included Australia, Canada, Ecuador, France, Netherlands, Turkey, and the United Kingdom. For the actual proposal see UN/GA, 5th session, item 26, 11 December 1950, doc.

approval became General Assembly Resolution 496 (V), recognized the need to develop a "comprehensive system of arms control" which would deal with conventional armaments as well as nuclear weapons. The Resolution established a Committee of Twelve, composed of Canada and the members of the Security Council as of 1 January 1951, which would devise the means by which the UNAEC and the U.N. Commission for Conventional Armaments would be merged into a single Disarmament Commission.

Seeking Formation of a Regime

Once a hegemonic state realizes it cannot control a particular issue through unilateral means, it will seek establishment of a regime based on its own set of principles and norms. Thus it was, in the case of the nuclear non-proliferation regime, that the United States took the lead in proposing an international solution based upon its own set of principles and norms.

A/1668. The Soviets had first proposed that conventional and nuclear disarmament be linked in early 1947, but the U.N. General Assembly decided against it. For more on this see Bernhard G. Bechhoefer, *Postwar Negotiations for Arms Control* (Washington, D.C.: The Brookings Institution, 1961), chapter 5.

The Final Phase of Perceiving a Loss of Control

On January 7, 1952, a meeting was held at the White House between President Harry Truman and U.K. Prime Minister Winston Churchill, with a number of their key advisers also in attendance. During the meeting, Truman stressed the fact that although the United States was reluctant to use nuclear weapons, they would be used if necessary, regardless of the sentiments of U.S. allies. Churchill had come to press the United States for more cooperation on atomic energy to the extent allowed under the recently amended Atomic Energy Act. It was at this meeting that Churchill made it known that his predecessors had constructed an atomic bomb and the U.K. government was planning to detonate it shortly.²⁶

Though the United States was not particularly concerned about Britain's nuclear weapons capability, it was now clear that it would not be possible to prevent others from obtaining the necessary information and materials to build their own arsenals. Approximately one year after the meeting, a top secret report was issued by

²⁶NSA/NNP, fiche 14, doc. 88, pp. 1-7.

a panel of consultants who had been working for the U.S. Department of State, researching disarmament issues. The panel, chaired by J. Robert Oppenheimer, concluded that "there is no permanent method of exorcising atomic energy from our affairs, now that men know how it can be released." They wrote further that even if some form of control system were established, "knowledge would persist and it is hard to see how there could be any major war in which one side or another would not eventually make use of atomic bombs."²⁷ Acknowledging the futility of abolishing the knowledge of how to develop atomic weapons, Eisenhower began to consider the benefits of revisions in U.S. security and defense doctrines which would treat nuclear weapons in the same manner as conventional weapons.²⁸

Atoms for Peace: The Regime Begins to Emerge

As 1953 drew to a close, members of the U.S. administration were growing more and more concerned with

²⁷NSA/NNP, fiche 18, doc. 113, part III, p. 1.

²⁸Ibid., fiche 22, doc. 130.

finding an effective means for limiting the spread of nuclear weapons and wielding influence over other applications of nuclear technology. With the 1952 detonation of a nuclear weapon by the United Kingdom, and the development of the much more powerful hydrogen bomb by both the United States (November 1952) and the Soviet Union (August 1953), it had become clear that a policy of unilaterally-imposed means for technology denial was ineffective. The United States alone could no longer hope to prevent the spread of nuclear knowledge or nuclear weapons. In October 1953, President Eisenhower asked Admiral Lewis Strauss, then chair of the U.S. Atomic Energy Commission (AEC), to review the Atomic Energy Act of 1946. Eisenhower believed that "radical revisions" were needed so that nuclear weapons could be treated in the same manner as conventional weapons, now that it was becoming less likely that the former would be totally banned.²⁹

A few weeks later, on November 11, 1953, Admiral Strauss distributed a secret internal paper with his

²⁹NSA/NNP, fiche 22, doc. 130.

findings. He explained that in 1946 the United States enjoyed a monopoly over atomic weapons. By 1953 the United States had lost its monopoly and, more importantly, would soon lose its advantage in numbers of nuclear weapons as well. He argued that the United States had to devise some formula by which it could negotiate with the Soviets to promote disarmament. This formula had to meet a number of conditions. Among these conditions, the proposal had to be "clearly and unequivocally advantageous" to the United States. In addition, the presentation of such a plan had to be politically beneficial to the United States irrespective of whether it was adopted by others. Moreover, the U.S. statement would avoid discussion of any sacrifice of sovereignty and would be phrased in such a way as to make it attractive to other states.³⁰

With these conditions in mind, and recognizing that inspections alone would not provide adequate safeguards, Strauss offered a number of ideas which he believed should be incorporated into a U.S. proposal. First, the

³⁰NSA/NNP, fiche 22, doc. 132, pp. 1-2.

United States would advocate that all mining and refining of uranium and thorium would cease or, at least, be limited to existing mines for the next ten years. Second, all plutonium production would cease immediately, with each country allowed only one pile of fissionable materials in order to produce isotopes for research purposes. Also included would be a provision whereby states would send all other stockpiles of uranium and plutonium to a third party. This third party would be an international body called the "World Atomic Power Administration" and would be composed predominantly of a group of small, neutral states with some form of representation by the United States and by the Soviet Union. Such an administration would be responsible for storage of fissionable materials, allocation of these materials to states for peaceful applications, and protection against use for non-peaceful purposes.³¹

On December 8, 1953, President Eisenhower addressed the U.N. General Assembly where he presented his Atoms for Peace initiative, based to a large degree on the

³¹NSA/NNP, fiche 22, doc. 132, pp. 3-4.

paper by Strauss.³² Acknowledging that there was no longer any means by which to prevent further proliferation of nuclear weapons, and that there was no way to defend against a nuclear attack, Eisenhower argued that the Soviet Union and the United States should disarm. In his words, this would demonstrate that "...in this enlightened age, the great powers of the earth, both of the East and of the West, are interested in human aspirations first, rather than in building up the armaments of war."³³ In addition, Eisenhower also stressed the importance of cooperating internationally in the development of peaceful applications of atomic power. He recommended the formation of an international atomic energy agency which would be given stocks of fissionable materials for research and development in peaceful applications of atomic energy. The agency would be

³²Before presenting the proposal at the United Nations, Eisenhower sent drafts to the French and British heads of state for comments. However, with the exception of altering a few words to modify the tone, no important substantive changes were made.

³³U.S. President, *Public Papers of the Presidents of the United States*, (Washington, D.C.: United States Government Printing Office, 1953) Dwight D. Eisenhower, 1960, p. 822.

responsible for storing and leasing fissionable materials and for providing scientific and technical information.

Eisenhower's portrayal of the Atoms for Peace initiative was that of a plan to protect the world from total destruction. In his words, the U.S. purpose was "to help move out of the dark chamber of horrors into the light, to find a way by which the minds of men, the hopes, the souls of men everywhere, can move forward toward peace...."³⁴ Nevertheless, Atoms for Peace had a number of specific political objectives. As Robert Beckman explains, at a time when the Cold War was becoming more entrenched, Atoms for Peace was seen as a way to enhance the image of the United States by positioning the U.S. as a leader in the pursuit to find peaceful applications of atomic energy. The plan was also perceived to be a tool that would prove useful in fostering U.S. business interests by allowing for expansion of nuclear exports, and by aiding in commercial nuclear reactor development. Furthermore, the U.S. government believed that greater disclosure to its allies

³⁴*Public Papers of the Presidents*, Dwight D. Eisenhower, p. 817.

would have a positive effect, helping them to participate more effectively in combined defensive operations with the United States. Finally, and most importantly, Atoms for Peace was also viewed as a means for increasing national security by limiting weapons proliferation through international cooperation and mechanisms of control.³⁵ This would occur in two ways. First, greater disclosure to allies would demonstrate the willingness of the United States to work with them, making them more likely to rely on the U.S. arsenal instead of seeking their own. Thus, the United States would still be able to wield some control, albeit more indirectly, with respect to nuclear proliferation. Second, it was believed that by providing the knowledge and materials for "peaceful" nuclear programs, the United States would be able to exert some influence over the pace at which the non-hegemonic states acquired these elements.

Once he had proposed his Atoms for Peace plan,

³⁵Robert L. Beckman, *Nuclear Non-Proliferation: Congress and the Control of Peaceful Nuclear Activities* (Boulder: Westview Press, 1985), p. 65. For more on the rationale behind allowing greater disclosure of nuclear information to U.S. allies, see NSA/NNP, fiche 22, doc. 135, p. 1.

Eisenhower appealed to the U.S. Congress to amend the 1946 Atomic Energy Act to allow for greater cooperation on nuclear issues with U.S. allies. The President once again stressed the fact that the United States had lost its apparent monopoly in the area of atomic energy that it had enjoyed in the early years after World War II. He argued that such amendments would help strengthen the "defense and economy of the United States and of the free world" by allowing more nuclear cooperation with allies and encouraging the exploitation of nuclear energy for peaceful purposes. Congress amended the 1946 Atomic Energy Act in 1955 to allow for more exchange of information on nuclear technology.³⁶

Summary

Thus it was that at each point when the United States perceived an inability to wield sufficient unilateral control over nuclear proliferation, it moved toward some

³⁶The 1946 Atomic Energy Act had been amended previously in 1951, leading to more restrictions. For more on the 1955 amendment and the additional amendments made in 1958, see William B. Bader, *The United States and the Spread of Nuclear Weapons* (New York: Pegasus, 1968), pp. 28-29.

form of international arrangement. When earlier attempts at promoting the Baruch Plan failed, the hegemonic power moved back toward unilateral control. However, with its monopoly over nuclear weapons lost first to the Soviet Union and then to Britain, it had become clear to most U.S. officials by 1953 that unilateral means were no longer effective. It was at this point that the United States moved forward to pressing for the establishment of a regime which would help it to continue its control through an international arrangement. Atoms for Peace incorporated the basic set of principles and norms which would later form the core of the non-proliferation regime. More importantly, it helped set in motion the second stage in the process of regime creation, namely the spread of the basic set of principles and norms to the non-hegemonic states in the system.

CHAPTER FOUR

NON-HEGEMONIC STATES WHICH REJECTED
THE REGIME: HYPOTHESIS 2

The primary reason for any state to seek creation of a regime is to enable it to wield more control on a particular issue or issue-area than it would otherwise be able to do. The previous two chapters have focused on the hegemonic power and its role in the process of regime creation. More specifically, it was shown that as long as the United States perceived an ability to maintain sufficient control over the issue-area of nuclear proliferation, it was willing to continue utilizing unilateral measures. When the perception shifted to one of control being lost, the United States began to seek the establishment of an international arrangement. For a short period following World War II, U.S. policy shifted between these two perspectives, but by the early 1950s the United States was clearly moving toward supporting an international arrangement, thus beginning the process of

regime creation.

Like the hegemonic power, non-hegemonic states also seek to wield more control over particular issues or issue-areas within the system. Control for these states refers both to the ability to constrain others and the ability to extract benefits. In terms of nuclear non-proliferation more specifically, control refers to preventing other states from achieving a nuclear weapons capability and to obtaining access to nuclear technological expertise, facilities, and materials. Most non-hegemonic states could never hope to wield sufficient control unilaterally with respect to nuclear non-proliferation, and would be expected to seek a regime as the best alternative. However, a few non-hegemonic states would be able to wield what they perceive as sufficient control for their needs without the benefit of a regime. This chapter will focus on this latter group of states, examining Hypothesis 2: a non-hegemonic state that has other means at its disposal for wielding control is unlikely to support the establishment of a regime.

The Means for Obtaining Benefits

Non-hegemonic states tend to seek formation of a regime in order to constrain other states and/or to extract benefits from others. In terms of extracting benefits, most non-hegemonic states do not have the means by which to leverage another state into providing them access to the goods they desire. While such states might be able to enter into a series of multilateral or bilateral agreements to gain access, the rules governing these arrangements would have to be re-negotiated with each new agreement and there would be no guarantee that another state would offer such an arrangement. For example, at the end of World War II, Britain and the United States had been working closely for some time on the development of nuclear technology. Britain had hoped that such access to materials, resources, and expertise would continue after the war, but with the 1946 McMahon Act in the United States, that cooperation was unilaterally curtailed.

For non-hegemonic states with no other means for gaining access to benefits, a regime can aid by establishing principles, norms, and rules regarding

access to certain benefits. In the case of the nuclear non-proliferation regime, the regime would provide access to materials, facilities, and expertise regarding peaceful applications of nuclear technology to those non-hegemonic states which abided by the general principles, norms, and rules. However, to gain this access, the non-hegemonic states had to agree to the bargain being struck; they had to renounce their right to build or otherwise try to acquire nuclear weapons. For those states which could never hope to (or want to) achieve a nuclear weapons capability, giving up this right was of little importance when weighed against the potential benefits of access. In contrast, those states which did not need the access to materials, facilities, and expertise provided by the regime still would have had to renounce their right to build nuclear weapons without obtaining any benefit from the arrangement. These states, therefore, would be less likely to support the creation of a regime.

A Case of Access Not Being Necessary: The Soviet Union

There are basically two reasons why non-hegemonic states

would not have required the access to benefits provided by the nuclear non-proliferation regime: they either had access to materials, expertise, and facilities through some other arrangement, or they had their own indigenous nuclear program. The Soviet Union provides an example of the latter case.

Research on radioactivity progressed very slowly in the Soviet Union before the end of World War II. Having begun research on radioactivity under the Tsar in 1911, no serious work was done until 1917, after the Revolution. By 1939, Soviet scientists had begun research on the conditions needed to produce a nuclear chain reaction, but by 1940 Stalin had redirected most resources into other areas as a result of World War II.¹

With the news in 1941 from Anatolii Gorskii, the People's Commissariat of Internal Affairs in London, that the British were seeking to build a nuclear weapon, Stalin reconsidered his earlier plans and decided to renew Soviet nuclear research. By April 1943 a special

¹For more on the early years, see David Holloway, *Stalin and the Bomb: The Soviet Union and Atomic Energy, 1939-1956* (New Haven: Yale University Press, 1994), especially chapters 2 and 3.

laboratory had been established and a group of scientists was being assembled to begin work on designing a nuclear weapon. Access to uranium deposits in Czechoslovakia was gained through a secret agreement between the two countries in early 1945² and, through intelligence gathering from both Germany and from the United States and Britain, the Soviets were able to gain valuable information regarding fission chain reactions.³

While it was generally agreed upon in the Soviet Union that a nuclear weapon could not be developed by them in time to have an impact on the outcome of the war, once the United States dropped its atomic bombs on Japan, Stalin quickly expanded his own nascent nuclear project. As David Holloway explains,

The atom bomb was not only a powerful weapon; it was also a symbol of American power. Stalin had pursued his policy of industrialization under the slogan "Catch up and overtake." As

²With the occupation of East Germany, the Soviets gained access to uranium deposits even more valuable than those of Czechoslovakia. Holloway, *Stalin and the Bomb*, p. 114.

³Of particular importance was the information gained through the help of Klaus Fuchs who had worked in Los Alamos in late 1944. Fuchs was arrested for spying in 1950. Ibid., pp. 106-107 and 109.

the most powerful symbol of American economic and technological might, the atomic bomb was *ipso facto* something that the Soviet Union had to have too.⁴

By the time the United States proposed the Baruch Plan in June 1946, the Soviet Union was well on its way to developing its own nuclear weapon. It already had one uranium reactor functioning, and sites were being prepared for a plutonium reactor, a gaseous diffusion separation plant, and a weapons laboratory in which work would be done on hydrogen bomb development as well.⁵ Thus, in terms of access to materials, facilities, and expertise, the Soviet Union had no need for a regime immediately following World War II, especially a regime which would have prevented it from continuing the development of its nuclear weapons program while allowing the United States to maintain its stockpile.

⁴Holloway, *Stalin and the Bomb*, p. 133.

⁵*Ibid.*, p 162. While the intelligence provided by Fuchs greatly helped the Soviets to develop their first atomic bomb, they probably relied upon themselves for their hydrogen bomb. As Holloway explains, the design for the first Soviet atomic bomb was a copy of the first U.S. bomb, but the first Soviet hydrogen bomb had an original design. For more on the development of the Soviet hydrogen bomb, see p. 296.

The situation was similar when the United States proposed the Atoms for Peace Initiative in 1953. Once again the Soviets had little need for the access to benefits which could be provided through a regime arrangement. In fact, the Soviet Union opposed Eisenhower's plan at first and only changed its stance for political reasons when it had become clear that the United States intended to move ahead with its proposals with or without the Soviet Union.

When States Have Other Means for Access: Israel and France

Some non-hegemonic states were able to find other means for access to benefits so that those provided through the nuclear non-proliferation regime would not have provided much more help. This being the case, it made little sense for such states to enter into a regime in which they would willingly abjure the development of nuclear weapons for access to benefits which were not needed. One such example is that of Israel and its arrangement with France.

The origins of the Israeli nuclear program date back

to its independence in 1948. In fact, even before independence had been achieved, a scientific team had been sent to survey the Negev Desert for uranium deposits. The team found large phosphate deposits containing uranium so it was clear from the beginning that access to fissile materials would not present a problem for the Israeli nuclear program. Seeing nuclear energy as the key to its development, the Israeli government had already laid the plans for a nuclear program by 1949, establishing a Department of Isotope Research at the Weizmann Institute and sending a group of Israeli scientists abroad for training.

Within four years of independence, the Israeli Atomic Energy Commission (IAEC) was established, though it would not be made public until November 1954.⁶ Though the IAEC had no decision-making powers, it was given the tasks of advising the government on long-term policies and priorities regarding nuclear research and development; supervising implementation of officially

⁶Fuad Jabber, *Israel and Nuclear Weapons: Present Option and Future Strategies* (London: Chatto & Windus, 1971), ch. 1.

approved policies; and representing Israel in its relationships with scientific institutions abroad.⁷

While the Israelis were moving ahead in the field of nuclear technology, France was watching with interest, both for political and technical reasons. Politically, French influence among the Arab countries was already greatly diminished by the late 1940s as the Arabs increasingly pressed for independence. As French influence diminished, U.S. and Soviet influence increased in the region, often pursuing policies counter to French interests.

In the early 1950s, the Soviet Union began expressing an interest in arming Egypt as a means for neutralizing any U.S. attempts at influence in the region. Egypt viewed the Soviet offers as attractive since it would provide them with arms with fewer restrictions than would be imposed by arms agreements with the United States. Meanwhile, the United States and Britain were in the process of maneuvering a series of regional defense agreements (referred to as the Baghdad

⁷Jabber, *Israel and Nuclear Weapons*, p. 18.

Pact) which they arranged between Turkey, Iran, Iraq, and Pakistan in 1953 and 1954. The French viewed the Baghdad Pact as running counter to their own interests because it helped to arm Iraq, and because it provided a justification for Soviet involvement in the region as an effort to curb U.S. influence. While both the United States and the Soviet Union were wooing the various Arab countries, France began to look toward Israel as a potential buffer in the region.⁸

For their part, the Israelis were also concerned by the Baghdad Pact since they believed that providing Iraq with modern weapons could help swing the delicate regional balance against their country. When the Arabs began boycotting Israel, the latter sought help from the United States but found the hegemonic power more concerned over its relationship with the Arab states. Looking to increase its military capacity, the Israelis found France to be a willing supplier.⁹ In October 1954,

⁸For more on this, see Sylvia K. Crosbie, *A Tacit Alliance: France and Israel from Suez to the Six Day War* (Princeton: Princeton University Press, 1974), pp.6-10.

⁹Ibid., p. 13.

the British withdrew from the Suez Canal, making it possible for the Arabs to blockade goods coming to Israel via the Canal. As the danger of a direct confrontation between Israel and Egypt grew, Israel found its own interests coinciding with those of France. With the Suez War of 1956, these coincidental interests became more obvious and the two countries soon found themselves engaged in what is often described as a tacit alliance of which cooperation on nuclear matters was a key component.¹⁰

Technically, France also had expressed an interest in Israel for some time. After visiting Israel in 1949, Francis Perrin, a French scientist, pressed for scientific cooperation between the two countries. When he became High Commissioner of Atomic Energy and the scientific Head of the French Commissariat à l'Energie Atomique (CEA) in April 1951, Perrin wanted to make use

¹⁰For more on this cooperation, see the chapter on Israel in Mitchell Reiss, *Without the Bomb: The Politics of Nuclear Nonproliferation* (New York: Columbia University Press, 1988). Also see Crosbie, *A Tacit Alliance*, ch. 1. For more on the Suez War, see Cheryl A. Rubenberg, *Israel and the American National Interest: A Critical Examination* (Urbana: University of Illinois Press, 1986), especially ch. 3.

of uranium-fuelled reactors to produce plutonium. Needing access to natural uranium, he turned to Israel, which had also just developed a cheaper method for heavy water production than the standard developed earlier by Norway.¹¹

An agreement on cooperation in the field of nuclear energy was signed between the CEA and Israel in 1953. Through this agreement, the French acquired the right to patent Israel's heavy water production process and the right to use Israel's low-grade uranium extraction process. The Israelis, on the other hand, gained access to the expertise of French scientists, obtained technical data, and were allowed to train their scientists and technicians at more sophisticated French installations.¹²

While Israel had much of its help from France, it also received some aid from the United States. In 1955, an agreement was signed by both countries on cooperation

¹¹Jabber, *Israel and Nuclear Weapons*, p. 21.

¹²See Reiss, *Without the Bomb*, p. 147 and Jabber, *Israel and Nuclear Weapons*, pp. 22-23. Jabber mentions that, given Israel's willingness to allow France to patent its technology, it is probable that France also promised Israel later help with building a nuclear reactor.

in the civil uses of atomic energy. Under this agreement, Israel was allowed to purchase a research reactor under safeguards from the U.S. American Machine & Foundry Company of New York to be fueled by highly enriched uranium. The reactor, which was built south of Tel Aviv at Nahal Soreq, went critical in June 1960. During these five years, Israel also sent over fifty of its top scientists to be trained in U.S. facilities.¹³

During this period, Israel continued its cooperation with France which aided in the building of a reactor at Dimona which would not be subject to safeguards. Though the decision to build the reactor was made in 1957, construction proceeded in secrecy until 1960 when its existence was made public.¹⁴ France supplied the initial

¹³Jabber, *Israel and Nuclear Weapons*, p. 25 and Reiss, *Without the Bomb*, p. 147.

¹⁴For the secret cables sent to the Secretary of State from the U.S. Embassy in Israel, regarding the Israeli nuclear program, see National Security Archive, ed., *U.S. Nuclear Non-Proliferation: 1945-1991* [hereafter NSA/NNP] (Yale University; Washington, D.C.: Chadwyck-Healey, Inc./National Security Archive, 1993, microfiche), fiche 117, doc. 704, 705, and 707. For the secret memorandum suggesting answers for an official interview on *Meet the Press* concerning Israel's nuclear program, see NSA/NNP, fiche 119, doc. 717. The interview can be read in doc. 719.

load of heavy water to Israel while it received the necessary uranium both from its own deposits and from a variety of countries, including Argentina, Belgium, France, and South Africa. The reactor became fully operational in 1963.¹⁵ That same year, Israel contracted with a French company to purchase 25 Jericho missiles, which were shipped in 1968-69.¹⁶ In addition, it signed a contract with a U.S. firm for delivery of short-range ground-to-air Hawk missiles which were delivered in 1965, the same year in which it reached an agreement for the purchase of 48 Skyhawk bombers from the United States.¹⁷

Thus, by the time the Nuclear Non-Proliferation Treaty was opened for signatures in 1968, Israel already had its own nuclear program established and had clear means for access to any other benefits it might need, even though most analysts and government officials believed it was pursuing a nuclear weapons capability.

¹⁵Reiss, *Without the Bomb*, p. 148.

¹⁶Ibid., p. 152.

¹⁷Crosbie, *A Tacit Alliance*, p. 22. Also see James Lee Ray, *The Future of American-Israeli Relations: A Parting of the Ways?* (Lexington: The University Press of Kentucky, 1985).

In fact, in a secret cable to the U.S. Embassies in Iraq and Lebanon from the U.S. Department of State in March 1961, the State Department stressed the U.S. opposition to nuclear proliferation in Israel and elsewhere and maintained that the United States would remain "vigilant" so no materials could be diverted to the region for this purpose.¹⁸ Yet, only a few years later, the United States was allowing contracts with Israel for potential delivery systems.¹⁹

The Means for Constraining Other States

The second aspect of control for the non-hegemonic states is the ability to constrain others. With respect to the nuclear non-proliferation regime, constraining others refers primarily to preventing them from acquiring nuclear weapons. Most non-hegemonic states lacked the

¹⁸NSA/NNP, fiche 124, doc. 755.

¹⁹Indeed, while France was the predominant supplier for Israel prior to the creation of the nuclear non-proliferation regime, the United States later took over this role, even when it was clear that the Israelis probably had developed a nuclear weapons capability. For more on the U.S.-Israeli relationship, see Rubenberg, *Israel and the American National Interest* and Ray, *The Future of American-Israeli Relations*.

necessary resources to prevent others from acquiring such weapons, so establishing a regime which aided in preventing nuclear proliferation would have been to their benefit.

Some states, however, saw fewer potential benefits from a regime arrangement dealing with the issue-area of nuclear proliferation. In some cases, such as Israel and South Africa, non-hegemonic states found themselves able to develop a nuclear weapons program long before their adversaries. Thus, a regime which would help prevent others from acquiring such weapons was not as much of a benefit, particularly when both countries already had alternative means for obtaining access to nuclear benefits as well. For other states, such as India and the Soviet Union, the situation was slightly different since their opponents already had nuclear weapons, but the result was the same. They also would find no benefit, with respect to constraining others, from a regime which would prevent "further" proliferation.

In addition to the fact that both India and the Soviet Union faced adversaries which already had a nuclear weapons capability, there is another similarity

between these two countries which is worth mentioning here: they both shifted position with regard to supporting the non-proliferation regime during the creation process.

In terms of shifting position, the Soviets originally rejected the notion of a non-proliferation regime. The Soviet Union rejected the Baruch Plan in 1946 and later rejected the Atoms for Peace proposal which called for increased cooperation and the establishment of an International Atomic Energy Agency. However, while the Baruch Plan lacked the support of a sufficient number of non-hegemonic states to establish a regime, Atoms for Peace had enough support to begin the process of regime creation. The Soviets soon realized that the United States intended to move ahead with other non-hegemonic states and it would benefit the Soviet Union to be involved in some way in order to get its own views heard.

India, on the other hand, began by supporting various aspects of the regime as will be discussed in Chapter Five. In addition to being very outspoken on the

need for a test ban treaty²⁰ and the need for access to nuclear technology, training, facilities, and materials, India played an important role in promoting the third principle, regarding the dangers of nuclear radiation, later incorporated into the non-proliferation regime. Yet, partly because of the potential threat from China's weapons program, when the Nuclear Non-Proliferation Treaty was opened for signatures in 1968, the Indian government rejected it, thereby rejecting full membership in the regime.

Thus, when examining the cases of India and the Soviet Union, the former helped in the early stages of the regime creation process, only to opt out of the full establishment of the regime by virtue of its not signing the Nuclear Non-Proliferation Treaty, and the latter was less willing to see the regime created at first, but ultimately played a key role in forming the nuclear non-proliferation regime. For the purposes of this chapter, a focus will be placed on the factors which led to India's lack of support for the final establishment of

²⁰Indeed, India signed the Partial Test Ban Treaty in 1963.

the regime, and the factors involved in the Soviets' early opposition.

When the Primary Opponent Was the First to Have Nuclear Weapons: The Soviet Union

In the case of the Soviet Union, its primary adversary was the first country to develop nuclear weapons, so a regime which would limit the proliferation of these weapons to other states would not provide much in the way of benefits. This was particularly true in the early years since Stalin did not see a threat so much from the spread of nuclear weapons themselves as from the U.S. monopoly over these weapons. In fact, this was very much apparent when the Soviet Union opposed the Baruch Plan in 1946.

The Soviets' concerns over the Baruch Plan, which was based on the United States' own set of principles and norms, were not without merit. The fact that the Baruch Plan called for a control system prior to the surrendering of nuclear weapons by the United States would have, in effect, left the Soviets in a position where they would have to trust the United States (a state

that had already used two nuclear weapons) not to make use of the weapons in the interim period. In other words, the Soviets would just have to trust in the "good-faith" of the United States for an undetermined length of time. In addition, while the Plan would have given ownership of nuclear facilities and mines to the proposed Atomic Development Authority, the western powers would have represented a majority within this international organization, making it potentially difficult for the eastern powers to gain access. As John Spanier and Joseph Noguee point out, the Baruch Plan

was a superb tool of psychological warfare. If the Soviets agreed to it, they would place themselves in a position of permanent military - and, therefore, political - inferiority to the United States; and if they turned it down, they would be spurning America's gesture of good will and assuming responsibility for the Cold War.²¹

This is not to say that the Soviets were innocent in this matter; they were interested in pursuing an atomic

²¹John W. Spanier and Joseph L. Noguee, *The Politics of Disarmament: A Study in Soviet-American Gamesmanship* (New York: Frederick A. Praeger, 1962), p. 58. Also on this topic see P.M.S. Blackett, *Fear, War, and the Bomb*, cited in Larry G. Gerber, "The Baruch Plan," *Diplomatic History* 6, 1 (Winter 1982): 93.

weapons capability since the best way for them to compete with an opposing state which already had a nuclear weapons capability was to develop one of their own. The Baruch Plan would have legally obligated the Soviets to forego such plans, and was therefore unacceptable to them.

Moreover, while the United States perceived the Soviet Union to be in a weakened position after World War II, Stalin perceived his situation very differently. He believed the threat of a war in the short-term was very low. The Soviet Union had emerged from World War II as a much more powerful state than it had been previously. Stalin believed that the United States and Britain were not willing to enter into another war so soon after the devastation caused by World War II. In addition, Stalin had access to information on the U.S. nuclear project and knew that the United States had only a few atomic weapons. Thus, a nuclear threat from the United States was not imminent.²² Meanwhile, the Soviet Union was

²²Holloway, *Stalin and the Bomb*, pp. 152-153. For more on how the Soviets acquired knowledge about the U.S. nuclear weapons program, see Chapter 5 in Holloway's book.

already pursuing its own nuclear weapons program and by June 1946 one uranium reactor was already functioning and the Soviets were preparing for the building of a plutonium reactor and a separation plant.²³

Instead of just rejecting the Baruch Plan, the Soviets had Representative Andrei Gromyko put forth their own proposal at the United Nations, based upon their own set of principles, which called for the immediate prohibition of the use of nuclear weapons as a first step. This would be followed within three months by the destruction of all existing stockpiles of nuclear weapons. Only after these first two steps were taken would some type of control system be put in place to deal with violations and penalties.²⁴ However, the United States rejected this plan, arguing that an international control system had to be in place before any prohibition on nuclear weapons could be discussed. Lacking the support of a sufficient number of non-hegemonic states,

²³Holloway, *Stalin and the Bomb*, p. 162.

²⁴United Nations, Atomic Energy Commission [hereafter UN/AEC], Official Records no. 2, 2nd meeting, 19 June 1946, pp. 26-28.

including the Soviet Union, for the U.S. plan, and lacking the support of the hegemonic power for the Soviet plan, the process of regime creation could not occur at this point.

When an Important Opponent Already Possesses Nuclear Weapons: India

India's decision not to join the nuclear non-proliferation regime formally by signing the Nuclear Non-Proliferation Treaty also stemmed from the fact that the regime would not provide much in the way of benefits. While India had been very influential in promoting the various principles and norms which would later form the core of the regime, the political and security situation changed with the 1964 detonation of an atomic device by China.²⁵

²⁵While not central to the argument here, it is worth pointing out that India was also influenced a great deal by the potential for increasing its international prestige which nuclear weapons were thought to accord. For more on this, see Ted Greenwood, "Discouraging Proliferation in the Next Decade and Beyond," in *Nuclear Proliferation: Motivations, Capabilities, and Strategies for Control*, Ted Greenwood, Harold A. Feiveson, Theodore B. Taylor, eds., 25-122 (New York: McGraw-Hill Book Company, 1977); and Stephen M. Meyer, *The Dynamics of Nuclear Proliferation* (Chicago: The University of

In the days that followed the Chinese nuclear test, a series of confidential airgrams and cables were sent between the U.S. Embassy in India and the U.S. State Department regarding the Indian government's reaction to the events in China. At the time, the Indian government assured the United States that it had no intention of pursuing its own nuclear weapons capability. Indeed, one week later at a dinner in honor of Prime Minister Bandaranaike of Ceylon, Indian Prime Minister Lal Bahadur Shastri stated the following:

The recent explosion of an atom bomb by China has created a stir which is undoubtedly a matter of concern to all of us. However, we have always held the view that the use of nuclear weapons should be banned by agreement and all nations in the world should unite to save the humanity from destruction. I feel also that those countries which do not possess nuclear weapons, in Europe, Asia, Africa, should unite and make a concerted effort to build up necessary public opinion. This should have an impact on the countries which are in possession of nuclear weapons.²⁶

There were, however, dissenting opinions within the Indian Parliament. Of the five major parties represented

Chicago Press, 1984), pp. 51-54 and 122-124.

²⁶NSA/NNP, fiche 170, doc. 1018.

in the Indian Parliament, two of them advocated a pro-nuclear weapons development view. The Jan Sangh, a right-wing Hindu orthodox party, argued that India should build its own nuclear weapon in order to balance China's new weapon capabilities. The Praja Socialist Party, though politically very different, also supported the development of nuclear weapons, but argued that to remain a significant actor in world affairs, India had to acquire self-sufficiency in all areas of its defense.²⁷

India had begun its nuclear program soon after independence when discussions between India, the United States and Britain over its thorium deposits convinced the Indians that they should embark upon their own nuclear program. In 1947 the Indian Atomic Energy Commission was created which trained Indian scientists and conducted surveys for uranium and thorium. That same year, the Atomic Energy Act was signed which placed any uranium and thorium reserves under state control and required that all further research and development be

²⁷See Ziba Moshaver, *Nuclear Weapons Proliferation in the Indian Subcontinent* (London: Macmillan Academic and Professional, Ltd., 1991), p. 39.

conducted in secrecy.²⁸ In November 1954, India outlined a three-stage plan at the Conference on the Development of Atomic Energy for Peaceful Purposes which was held in Delhi. The first stage would be to develop a natural uranium fuel cycle using heavy water reactors in order to produce plutonium and energy. The second stage would reprocess the spent fuel, again creating energy and the third stage would rely on breeder reactors to maintain the fuel supply.²⁹

By the 1950s, India had outside help in developing its nuclear program as Canada negotiated with India on the financing of a research reactor which was not placed under safeguards.³⁰ The United States also aided India's

²⁸Reiss, *Without the Bomb*, p. 217.

²⁹*Ibid.*, pp. 217-218.

³⁰While there were no multilateral safeguards procedures at this point, a number of states did include safeguard arrangements in their bilateral agreements. See, for example, in United Nations, Secretariat, Treaty Series, UNST/LEG(05)/U5, the various agreements for cooperation concerning civil uses of atomic energy. Among these, see the U.S.-Chile agreement of 8 August 1955, vol. 235 (1956), no. 3303; the U.S.-Argentina agreement of 29 July 1955, vol. 235 (1956), no. 3298; and the U.S.-Canada agreement of 15 June 1955, vol. 235 (1956), no. 3301.

progress by providing 21 tons of heavy water to India for one of its Canadian-built reactors; the heavy water was also not placed under safeguards.³¹ By the early 1960s India had already moved ahead to the point where it was able to design and construct its own chemical separation plant outside of Bombay.

By 1965, the United States was becoming increasingly alarmed that the Indians might be moving closer to the decision to develop their own nuclear weapons program. With their civil nuclear program well developed (making the access to benefits provided by a regime also unnecessary), the Indians could certainly have taken this route whenever they chose to do so. In late January 1965, Chester Bowles, the U.S. Ambassador to India, sent a secret cable (#2055) to the U.S. Department of State in which he stressed that exhortations alone would not sway India from a nuclear weapons program. The only possible means for keeping India a non-nuclear weapon state would be a combination of a non-proliferation treaty, an agreement on curtailing the further production of nuclear

³¹Reiss, *Without the Bomb*, p. 219.

weapons by the weapon states, and the promise of security guarantees.³²

In hindsight, Bowles was apparently correct in his assessment that a combination of all three of these items would be needed since the NPT alone did not provide sufficient benefits for India to become a full party to the regime. Indeed, since the NPT did not obligate the nuclear weapon states to cease stockpiling such weapons immediately, and since it provided no security guarantees to non-nuclear weapon states, neither the treaty nor the larger regime could aid India with respect to China's nuclear capability. In fact, pursuing its own nuclear weapons capability offered more benefit.

Summary

Most non-hegemonic states would tend to support the creation of a regime to help them wield more power over a particular issue or issue-area. However, some non-hegemonic states do not need a regime to wield what they consider to be sufficient control. In the cases

³²NSA/NNP, fiche 184, doc. 1102.

discussed here, the access to benefits that the nuclear non-proliferation regime could provide was unnecessary. Further, the regime also failed to provide any great benefit to these states with respect to constraining others. Since states in an anarchic system prefer to rely upon themselves for security and economic prosperity when possible, it is no surprise that these states chose this route during the period discussed.

CHAPTER FIVE

THE ROLE OF NON-HEGEMONIC STATES WHICH SOUGHT
CREATION OF THE REGIME: HYPOTHESIS 2a

Most non-hegemonic states could never manage to exert control unilaterally over a particular issue or issue-area and must, instead find other means for wielding more control. These alternative means could include balancing, bandwagoning, or regimes. Regimes, however, often offer the best solution because only through a regime can non-hegemonic states wield more control both through constraining and extracting benefits from others at the same time. Thus, as Hypothesis 2a states: non-hegemonic states in the system which do not have other means at their disposal for constraining others and extracting benefits will tend to seek a regime in order to wield more control over a particular issue.

In much of the literature on regimes, the role of non-hegemonic states in regime creation is overlooked. However, non-hegemonic states which find cause to desire

a regime play a crucial role in the development of that regime, particularly during the second stage (the spread and acceptance of principles and norms throughout the system) and third stage (the negotiating of the rules and decision-making procedures) of the process of regime creation. In focusing on Hypothesis 2a, this chapter will also discuss the role of the non-hegemonic states in the second stage of the origins of regimes.

Extracting Benefits

Non-hegemonic states desire a regime in order to exert more control over a particular issue or issue-area.

Control, for these states, refers both to constraining other states and obtaining the necessary leverage through which benefits can be extracted from other states. With respect to the nuclear non-proliferation regime, extraction of benefits refers to access to knowledge, facilities, and materials needed to pursue applications of peaceful nuclear technology. Most non-hegemonic states did not have the necessary specialists in nuclear technology, nor did they have the necessary materials to begin their own nuclear projects without outside help.

To gain this outside help before the establishment of the regime, each state would have to have entered into a bilateral or multilateral arrangement, but rules of access were generally determined by those states which already had nuclear programs. There was no means for non-hegemonic states to ensure that their demands for access would be met. A regime, however, which linked the issue of proliferation with access in order to pursue peaceful applications of nuclear technology, provided these non-hegemonic states with more leverage than they otherwise had.

A Means for Extracting Benefits: Atoms for Peace from the Perspective of the Non-Hegemonic States

President Dwight D. Eisenhower delivered his Atoms for Peace initiative to the U.N. General Assembly on December 8, 1953. As discussed earlier, responses to his speech were varied, but most of the world's non-hegemonic states greeted the plan with enthusiasm.¹ For some, like Canada

¹National Security Archive, ed., *U.S. Nuclear Non-Proliferation: 1945-1991* [hereafter NSA/NNP] (Yale University; Washington, D.C.: Chadwyck-Healey, Inc./National Security Archive, 1993, microfiche), fiche 24, doc. 142. Also see United Nations, General Assembly

and New Zealand, Atoms for Peace was seen as an initiative which would aid in moving toward nuclear disarmament. For others, the potential for increased access to nuclear information was more important. To these states, the Atoms for Peace initiative marked a welcome shift in U.S. policy away from the 1946 Atomic Energy Act which earlier had put an end to cooperation on nuclear matters between the United States, Britain, and Canada.

As the United States paved the way for more cooperation in the field nuclear technology, a number of non-hegemonic states were quick to negotiate agreements for access to nuclear materials, facilities, and technological expertise. Among the states arranging cooperative agreements with the United States on civil nuclear technology were Britain, Argentina, Belgium, Brazil, Canada, Chile, Colombia, Denmark, and Greece.²

[hereafter UN/GA], Official Records, 9th session, 23 September 1954, doc. A/PV.475.

²For the agreement between the United States and Britain, see United Nations, Secretariat, *Treaty Series* [hereafter UNST], vol. 229 (1956), no. 3161. UNST/LEG(05)/U5/235. For the agreements with the other states listed here, see vol. 235 (1956), nos. 3298-3307,

Similar agreements were made between Britain and a number of other non-hegemonic states, including West Germany.³

Important to remember is that while the non-hegemonic states were seeking to extract benefits, the United States was using the agreements as a means for controlling nuclear technology by providing for specific safeguards in the agreements. Similarly, while Britain sought access to technology through its arrangement with the United States, it sought to provide constraints through its agreements with West Germany and others. In fact, Britain went one step further, providing that should an International Atomic Energy Agency (IAEA) come into existence, and, should both countries agree, the safeguards specified in their bilateral arrangement would then be administered by the IAEA.⁴

Responding favorably to Atoms for Peace and the corresponding potential for increased nuclear cooperation, a number of non-hegemonic states grouped

respectively.

³See UNST, vol. 252 (1956), no. 3359.

⁴Ibid.

together to begin pressing for faster and more widespread information regarding both the peaceful applications of nuclear technology and the potential effects of nuclear radiation. To this end, U.N. General Assembly Resolution 810 (IX) was passed in late 1954 calling for an international technical conference under U.N. auspices to determine how the international community could effectively cooperate in the area of nuclear technology development for peaceful purposes.⁵

The first International Conference on the Peaceful Uses of Atomic Energy was held in Geneva in August 1955. The conference touched on a variety of issues related to access to nuclear technology, including how to build and maintain nuclear power reactors, how and where to find source materials, the uses of nuclear energy in medicine and agriculture, the safety aspects involved with nuclear energy, and how to fulfill the world's energy requirements using nuclear energy.⁶

⁵See UN/GA, 9th session, First Committee, agenda item 67, 26 November 1954, doc. A/2805.

⁶Of the eighty-four states invited, seventy-three attended the conference. The complete proceedings for this conference may be found in *Proceedings of the*

Following the international conference, the U.N. General Assembly passed a resolution on the effects of atomic radiation in December 1955. The resolution established a scientific committee consisting of one scientist each from fifteen states. The committee was to be responsible for receiving and assembling information regarding radioactivity in the environment and its effects on humans and various ecosystems. The committee was also to recommend uniform standards for safety procedures in and around nuclear facilities, make progress reports, and send these reports and any other pertinent information to the Secretary-General for dissemination to U.N. members and specialized agencies.⁷

International Conference on the Peaceful Uses of Atomic Energy, held in Geneva, 8 August-20 August 1955 (New York: United Nations Press, 1956), doc. A/CONF.8/1-16.

⁷U.S. Department of State, Historical Office, Bureau of Public Affairs, *Documents on Disarmament, 1945-1959*, vol. 1, publication number 7008 (Washington, D.C.: U.S. Government Printing Office, 1960), pp. 561-562. The fifteen states which appointed scientists to this committee were Argentina, Australia, Belgium, Brazil, Canada, Czechoslovakia, Egypt, France, India, Japan, Mexico, Sweden, the United Kingdom, the United States, and the Soviet Union. For the original draft resolution which led to the formation of this committee, see UN/GA, 10th session, First Committee, agenda item 59, 1 November 1955, doc. A/C.1/L.138.

Thus, Atoms for Peace helped set in motion the spread of the set of principles and norms developed earlier regarding the need for access to the potential benefits of nuclear technology.

Rules Begin to Emerge: Establishment of the
International Atomic Energy Agency

Against the backdrop of the various bilateral arrangements and the International Conference on the Peaceful Uses of Atomic Energy, the United States was pressing ahead for the establishment of the International Atomic Energy Agency envisioned in the Atoms for Peace Initiative. Having been met earlier with objections from the Soviet Union, the United States pursued negotiations with a number of other states possessing either nuclear source materials or emerging nuclear programs: Australia, Belgium, Britain, Canada, France, Portugal, and South Africa.⁸

The Soviet Union soon realized the political folly

⁸John G. Stoessinger, "Atoms for Peace: The International Atomic Energy Agency," in *Organizing Peace in the Nuclear Age*, Commission to Study the Organization of Peace, 117-233 (New York: New York University Press, 1959), p. 122.

of disagreeing with the establishment of an institution that would provide access to nuclear technology to non-hegemonic states, particularly because it had become clear that the organization would be established with or without its input. It therefore reversed its stance and embraced the U.S. plan, even though it positioned itself as a leader of the non-western developing states in calling for some input by these states into the development of the IAEA Statute. India too argued that all nations should be able to take part in the drafting of the Statute, and it was decided in mid-1955 that negotiations should proceed through a multilateral negotiating committee within the U.N. Disarmament Commission. In this manner, the non-hegemonic states, while beginning to accept some of the U.S. principles and norms, still managed to maneuver so that the principles and norms in which they were most interested would be reflected in the regime being created.⁹

Thus, Brazil, Czechoslovakia, India, and the Soviet Union were added to the earlier committee composed of

⁹Stoessinger, "Atoms for Peace," p. 123.

Australia, Belgium, Britain, Canada, France, Portugal, South Africa, and the United States. During the next few months of negotiations, the developing countries in particular played an important role in the shaping of the IAEA Statute. Following are some highlights of the disagreements and the role played by the non-hegemonic states in finding solutions.

One of the early disagreements in the drafting of the statute was over who should be allowed to be a member of the IAEA. The United States and the other original seven states involved in the negotiations agreed that membership should be limited to only those countries already members of the United Nations. This notion was challenged within the newly formed twelve-nation negotiating group since it would exclude many of the Communist states (such as North Korea, East Germany, and the People's Republic of China) not yet party to the U.N. Charter. This question was put to a vote during the International Conference on the Statute which was convened in September 1956. It was decided that non-U.N. members would be allowed to be members of the IAEA if such membership were approved by the General Conference

upon recommendation of the Board of Governors.¹⁰

The structure of the IAEA was also a source of considerable debate within the negotiating group. It was decided that there would be three primary organs within the IAEA: the Board of Directors, the General Conference, and the administrative staff under the charge of the Director-General.¹¹ With respect to the Board of Directors, the original eight negotiating members visualized a Board similar in make up to the Security Council, with five permanent members who were primary suppliers (in this case, Britain, Canada, France, the Soviet Union, and the United States). In addition, there would be five rotating members representing countries which produced nuclear materials or had source materials,

¹⁰For more on this debate, see Stoessinger, "Atoms for Peace;" also see International Atomic Energy Agency [hereafter IAEA], "Statute of the International Atomic Energy Agency," *Conference on the Statute of the International Atomic Energy Agency*, M5 (New York: United Nations Headquarters, September 1956), Article IV, pp. 51.

¹¹For a more complete discussion on all the different branches within the IAEA and their relationship to each other, see Lawrence Scheinman, *The International Atomic Energy Agency and World Nuclear Order* (Washington, D.C.: Resources for the Future, 1987).

and six other members which would be elected by the full IAEA membership, each for a fixed period of time.¹²

India spoke out against this composition of the Board, criticizing both the selection of the permanent members and the static nature of the five rotating members. It argued that in the years to come, other countries might become principal suppliers of source material and should be represented in some way. The solution to the debate was to expand the Board of Governors from sixteen to twenty-three members. The same five states would remain as permanent members as long as they continued to be leaders in the field of atomic energy. In addition, the top atomic power at the time in each of the remaining geographic regions was designated as a permanent member.¹³ Thus, to the five states already noted, Brazil, South Africa, Australia, India, and Japan were added. Two states which produced source

¹²Stoessinger, "Atoms for Peace," pp. 128-129.

¹³Top atomic powers referred to states either in a position to produce and supply substantial quantities of source material or with advanced nuclear technical skills. Ibid., p. 119. Also see IAEA, "Statute of the International Atomic Energy Agency," Article VI A., pp. 53-54.

material would be rotated annually and would be chosen from among the following: Belgium, Czechoslovakia, Poland, and Portugal. One nation which could supply technical assistance would be rotated and ten others would be elected by the full membership each year. Thus, as India desired, a number of developing and non-western states were given more power over decisions made by the IAEA.¹⁴

One other primary source for debate related to the function that the IAEA would play once established. With respect to this discussion, Brazil and India were most vocal about what they perceived to be the role of the Agency. While the United States, and indeed, most of the western countries involved, saw the IAEA as primarily a tool for a safeguards system, Brazil and India stressed the role of the IAEA as an organization for the dispensing of materials, facilities, and knowledge related to the peaceful applications of nuclear technology. Indeed, the issue of safeguards would not be decided for several more years as debates continued on

¹⁴Scheinman, *The International Atomic Energy Agency and World Nuclear Order*, pp. 130-131.

how to ensure the use of nuclear materials, facilities, and knowledge for peaceful purposes without stepping over the bounds of sovereignty.

On July 31, 1957, the Preparatory Commission of the IAEA designated thirteen states to serve on the Board of Governors: Australia, Brazil, Britain, Canada, Czechoslovakia, France, India, Japan, Portugal, Sweden, South Africa, the Soviet Union, and the United States. At the first regular session of the General Conference of the IAEA, held in Vienna from October 1-23 of that year, the final ten members of the Board were elected: Argentina, Egypt, Guatemala, Indonesia, Italy, the Republic of Korea, Pakistan, Peru, Romania, and Turkey.¹⁵

During the first few years after its inception, the IAEA did practically nothing related to safeguards. In fact, a system of safeguards was not even approved until September 1960; it was adopted by a vote of only 43-2-19.¹⁶ A quick reading of the early Program and Budgets

¹⁵Stoessinger, "Atoms for Peace," p. 165.

¹⁶The resolution on safeguards was jointly sponsored by Australia, Brazil, Canada, Greece, Italy, Japan, Netherlands, Nicaragua, Peru, Philippines, Portugal, Thailand, Turkey, the United Kingdom, and the United

of the IAEA demonstrates that between 1957 and 1960 no monies were set aside specifically for the purposes of safeguards, and then in the years until 1967, only a very small portion. Instead, as Brazil and India had hoped, the main portion of finances were put toward technical assistance, research, the distribution of information, and the development of health and safety standards.¹⁷

Important in determining the primary activities of the IAEA in its early years was the role played by a

States. Ethiopia and Tunisia abstained. The following countries voted against the resolution: Afghanistan, Bulgaria, Burma, Byelorussia, Ceylon, Cuba, Czechoslovakia, Ghana, Hungary, India, Indonesia, Iraq, Morocco, Poland, Romania, the Soviet Union, Ukraine, United Arab Republic, and Yugoslavia. See "Atomic Safeguards," *International Atomic Energy Agency Bulletin* 3, 1 (January 1961): 10.

¹⁷For example, in 1961 the breakdown in expenditures was as follows: technical assistance and training--\$544,324; research and services--\$464,242; nuclear power/reactors--\$437,548; radioisotopes--\$378,829; health and safety--\$871,324; information and technical services--\$688,668; and safeguards--\$177,709. See International Atomic Energy Agency, *Program and Budget for 1963*, p. 6, IAEA/GC(VI)/200. Also, see International Atomic Energy Agency [hereafter IAEA], *The Agency's Accounts for 1959*, IAEA/GC(IV)/117; the *Program and Budget for 1961*, IAEA/GC(IV)/116; the *Program and Budget for 1962*, IAEA/GC(V)/155. Even as late as 1965 only \$290,928 of the total expenditures of \$5,252,135 was spent on safeguards. See IAEA, *The Agency's Program for 1967-1968*, doc. IAEA/GC(X)/332.

number of developing states. Most of the members of the IAEA were developing countries, and their representatives on the Board reflected their interest in enhancing access to technical assistance, research, and other related activities. In addition, among these same countries there was an unexpectedly strong resistance to the notion of safeguards, since many were concerned about how these safeguards might have a negative impact on their sovereign rights.

This position was evident in a number of the early proposals and statements made to the General Conference of the IAEA. For example, at the Twenty-seventh Plenary of the Third Regular Session of the General Conference, Mexican Representative Ortiz Tirado pointed out that the most important function of the IAEA was that of providing technical assistance.¹⁸ In a 1958 proposal regarding the 1959 program budget and working capital fund, Morocco, Pakistan, Tunisia, and the United Arab Republic asked that the Board of Governors make a survey of the needs

¹⁸IAEA, General Conference, Third Regular Session, "Official Records of the Twenty-Seventh Plenary Meeting," 7 December 1959, pp. 18-22, doc. IAEA/GC(III)/OR.27.

and requirements of the developing countries in the matter of nuclear facilities. Also, they asked that a study be conducted regarding the development of technology and the economic feasibility of small-scale nuclear reactors which might prove most helpful for the further economic development of these countries. Finally, they asked that special effort be made to provide the information from the study and survey to those countries affected and to aid in their training programs so that they could take full advantage of the advances in nuclear technology.¹⁹ Similarly, in a proposal jointly submitted by Brazil, India, Indonesia, Pakistan, and the United Arab Republic on September 30, 1959, it was requested that the Board of Governors take further steps to "accelerate implementation of the program," especially to the developing countries, and that the Board pay particular attention to supplying

¹⁹IAEA, General Conference, Programme, Technical and Budget Committee, agenda item 12, "Programme, Budget and Working Capital Fund for 1959: Morocco, Pakistan, Tunisia, the United Arab Republic--Joint Draft Resolution," 10 October 1958, doc. IAEA/GC(II)/COM.1/12. The proposal was adopted as IAEA/GC(II)/RES/27 "Assistance to Less Developed Countries."

materials and equipment and to ensuring access to adequate expert advice to members "with the least possible delay."²⁰

Thus it was that the non-hegemonic states played a very important role in the establishment of the IAEA, one component of the nuclear non-proliferation regime.

Constraining Others

While extraction of benefits is one component of wielding control, constraining other states is equally important in determining whether a state will tend to support creation of a regime. In the case of the nuclear non-proliferation regime, constraining refers specifically to preventing other states from achieving a nuclear weapons capability. Constraints were also placed upon the hegemonic power and other nuclear weapon states with respect to limiting vertical proliferation and pressing for nuclear disarmament.

For non-hegemonic states to exert sufficient

²⁰IAEA, General Conference, Third Regular Session, *Resolutions and Other Decisions 1959*, p. 11, doc. IAEA/GC(III)/Resolutions.

unilateral control to constrain other states in the manner above, a regime arrangement provided a degree of security which they could not otherwise achieve. For those states which could never hope to have an effective nuclear arsenal, creation of a regime enabled them to make certain that others would also be unable to obtain or to make nuclear weapons. As a result, their relative power positions in the system, vis-a-vis nuclear weapons, would be maintained. Second, the creation of a regime enabled other states to exert more leverage over nuclear weapons disarmament by linking vertical and horizontal proliferation. In effect, if the nuclear weapon states wanted to curb horizontal proliferation, they had to agree to demands from the other states for curbing vertical proliferation as well.²¹

²¹There are often disagreements as to the role of disarmament in the nuclear non-proliferation regime. It is true that the nuclear weapon states have done little over the years to disarm, but the fact remains that the regime and the NPT, in which the regime is codified, stipulate three goals: the prevention of horizontal nuclear proliferation (Articles I, II, III); the dissemination of information and materials for peaceful uses of nuclear energy (Articles IV, V); and, complete and general disarmament (Article VI). Furthermore, from the point of view of the NNWS, vertical and horizontal proliferation have been viewed as two aspects of the same

Constraining Nuclear Weapon States: Delegitimizing Nuclear Weapons

In the years immediately following World War II, the developing countries represented a small and insignificant minority in the United Nations. However, with decolonization efforts, their numbers grew and, following the success of India's Resolution on Korea,²² the developing countries began to play a more important role in world affairs. One area in particular in which they became vocal was that of nuclear weapons testing.

Before 1954, various states around the world had voiced their concerns at different times with respect to disarmament and the prohibition of nuclear weapons. However, it was in 1954 that these countries began to respond more consistently and cohesively to the issues.

issue. See United Nations, Secretariat, Treaty Series [hereafter UNST], "Treaty on the Non-Proliferation of Nuclear Weapons," vol. 729, no. 10485, 1970, doc. UNST/LEG(05)/U5/ 729, 730.

²²For more on the nature of this resolution, see Arthur S. Lall, *Negotiating Disarmament: The Eighteen-Nation Disarmament Conference--the First Two Years, 1962-1964*, Cornell Research Papers in International Studies, II (Ithaca: Cornell University Center for International Studies, 1964), pp. 2-3. For the actual document, see UN/GA, Resolution 610 (VII), 3 December 1952.

In early March 1954 the United States began conducting what was to be a series of nuclear weapons tests near Bikini Atoll. Unknown to the U.S. military, a Japanese fishing vessel had accidentally wandered into waters too close to the area where the testing was being done. When the crew on board returned to Japan a few weeks later, there was international outcry as it was realized the men had been exposed to high levels of radiation from the weapons tests. What was particularly worrisome to many international leaders was not just the extent of the injuries, but the fact that the boat and its crew had been much further away from the actual testing site than was originally thought to be dangerous.²³ Within weeks of the incident, leaders around the world were asking for negotiation of a nuclear test ban treaty.

One of the most outspoken leaders on this subject was India's Prime Minister Jawaharlal Nehru. Indeed,

²³For an excellent narrative of this incident, see Ralph E. Lapp, *The Voyage of the Lucky Dragon* (New York: Harper & Brothers Publishers, 1957). Also, for more information on how the U.S. government dealt with the information related to the health risks posed by nuclear testing, see Robert A. Divine, *Blowing on the Wind: The Nuclear Test Ban Debate, 1954-1960* (New York: Oxford University Press, 1978).

Nehru was to contribute greatly to the creation of the nuclear non-proliferation regime.²⁴ In a statement to his Parliament on April 2, 1954, which was then forwarded to the U.N. Secretary-General, Nehru pointed out that the Soviets and the Americans had been conducting nuclear and thermonuclear weapons tests for quite some time. He explained that although little was known as to the potential long-term effects of these weapons, it was clear that they were extremely destructive and that no defensive measures existed against them. Expressing his concern over the fact that Asians had been the victims of nuclear weapons yet again, Nehru stressed the need for prohibition of such weapons and argued that a number of steps should be taken in the meantime to prevent more accidental exposure to such testing. Among other things, he proposed that an agreement be reached to end nuclear weapons tests immediately and that the full effects of these weapons on humans and their environment be made

²⁴Ironically, India was involved in many aspects of the creation of the nuclear non-proliferation regime. Yet, in failing to sign the 1968 Nuclear Non-Proliferation Treaty which codified many of the regime's principles, norms, and rules, India chose not to become party to the regime once it was fully established.

known publicly.²⁵

During that same month, a conference of countries from Africa and Asia was held at Bandung, Indonesia. At the close of the conference a communiqué was issued concerning the issue of nuclear weapons. Members of the conference argued that

disarmament and the prohibition of production, experimentation and use of nuclear and thermonuclear weapons of war are imperative to save mankind and civilization from fear and [the] prospect of wholesale destruction. It [the conference] considered that the nations of Asia and Africa assembled here have a duty towards humanity and civilization to proclaim their support for disarmament and for the prohibition of these weapons and to appeal to nations principally concerned and to world opinion, to bring about such disarmament and prohibition.²⁶

The members of the conference called for the establishment of an international control system and for the suspension of nuclear tests until such a system could

²⁵*Documents on Disarmament, 1945-1959*, vol. 1, pp. 408-411.

²⁶*Ibid.*, p. 455. For a complete list of the countries participating, and the full communiqué see U.S. Department of State, *American Foreign Policy, 1950-1955: Basic Documents*, vol. 2, publication number 6446 (Washington, D.C.: U.S. Government Printing Office, 1957), pp. 2344-2352.

be developed.

The government of India continued to be particularly vocal on the issues of prohibiting weapons of mass destruction and on conventional weapons disarmament. In October 1954 the Indian delegation to the United Nations submitted a draft resolution which, when passed, became Resolution 808 (IX). The resolution made note of the fact that in the last few years, many advances had been made in atomic weapons technology, including the development of stronger hydrogen bombs. It also argued that the continued development of such weapons greatly increased the threat of war. With this in mind, the resolution called for a study which would determine the most effective means by which a truce could be reached to end the arms race. Moreover, the study would aid in determining the factors which would be important in determining the levels of reduction which should take place.²⁷

In December 1955, India introduced another draft resolution on the suspension of nuclear tests. However,

²⁷UN/GA, 9th session, First Committee, agenda items 20, 68, 25 October 1954, doc. A/C.1/L.100.

owing to U.S. resistance there was very little chance of having the proposal passed and the Indian delegation withdrew it from voting at that time. Nevertheless, seven months later, the Indian delegation again put forth a proposal in the U.N. Disarmament Commission calling for an end to nuclear weapons tests. In explaining why such a ban was needed, the proposal noted that the effects of test explosions were long-lasting and dangerous, and that the pollution caused as a result of these tests was not confined to any one state.

More importantly, perhaps, the Indians saw a test ban as "an important initial step in nuclear disarmament which might make subsequent steps less difficult."²⁸ The Indian proposal then outlined a series of steps to help end the arms race and enable states to move toward disarmament. Among these was listed a prohibition on the conveying of nuclear weapons to countries not possessing such weapons by states already having them, and item that would eventually be incorporated into the Nuclear Non-Proliferation Treaty.

²⁸*Documents on Disarmament, 1945-1959*, vol. 1, pp. 665-666.

Though the Indian proposal once again met with obstacles, primarily from the United States, Nehru did not stop his protests. In November 1957 Nehru made a public statement on nuclear weapons, arguing that soon other countries would also possess nuclear weapons and at that point, control would be impossible. He appealed to the United States and Soviet Union to end all nuclear weapons testing in order to demonstrate that they did want to proceed toward disarmament and the destruction of all nuclear weapons. Nehru's plea, however, was met with opposition from the United States. Eisenhower stressed that it had been the Soviets who had blocked the way for negotiations on atomic weapons. Moreover, the U.S. president asserted that, while he agreed with the need to end nuclear weapons tests, a test ban could only occur if it were part of an overall proposal for arms reductions and nuclear control.²⁹

It had become evident that a key problem with passing a resolution on ending nuclear weapons testing

²⁹For Nehru's statement, see *Documents on Disarmament, 1945-1959*, vol. 2, pp. 917-918. For Eisenhower's response, see pp. 926-928.

was in getting such an agreement accepted by the nuclear weapon powers, and especially by the United States which still did not want to jeopardize its military advantage over the Soviet Union. In other words, demand from a number of non-hegemonic states in the international system was not, in itself, sufficient for incorporating this component into the regime; support from the hegemon was also needed.

Constraining Other Non-Hegemonic States: Limiting Proliferation

In addition to helping delegitimize nuclear weapons and helping to establish access to peaceful benefits of nuclear technology, non-hegemonic states were very important in finding means for prohibiting nuclear weapons altogether. Throughout the late 1950s and the 1960s efforts at prohibiting nuclear weapons focused on two methods: (1) an international treaty obligating states not to aid in proliferation of nuclear weapons; and, (2) regional treaties establishing zones in which nuclear weapons could not be built or stationed, and through which they could not be transported.

The Irish Proposals

Between 1958 and 1961, Ireland's Foreign Minister Frank Aiken took the lead in promoting through the United Nations the principles and norms associated with non-proliferation of nuclear weapons.³⁰ In an article written in 1961, Aiken explained the importance for establishing an agreement to prevent the further dissemination of nuclear weapons. He wrote that all states had a right to build or otherwise acquire nuclear weapons, but he argued that

any nation which voluntarily forgoes its right to such destructive power in order to get others to do likewise is likely to serve its own vital interests better than by increasing the danger of the destruction of civilization.³¹

For a country such as Ireland, which could never hope to

³⁰It is important to note here that throughout the extensive research involved here, no evidence was found to indicate that another country was working behind the scenes in proposing the various Irish draft resolutions. The fact that the United States and NATO allies abstained from the 1958 and 1960 drafts, and that the Warsaw Pact countries abstained from the 1959 draft is further evidence that Ireland acted on its own.

³¹Frank Aiken, "Can We Limit the Nuclear Club?" *The Bulletin of the Atomic Scientists* 17, 7 (September 1961): 265.

have a nuclear arsenal large enough to challenge those of the nuclear weapon states, this international arrangement made perfect sense. Such an arrangement would prevent others from acquiring or building nuclear weapons and would, thus, maintain the relative power balances in the system. In the statement above, Aiken was trying to convince other non-hegemonic states that they shared the same situation.

Aiken believed there were two key elements that had to be included in a treaty for the non-dissemination of nuclear weapons: there had to be provisions to guard against the manufacturing of nuclear weapons by non-weapon states; and there had to be a provision preventing the transfer of nuclear weapons or components from weapon states to non-weapon states. Both of these norms had been voiced earlier by the United States and India, among others. With these elements in mind, Aiken put forth his first draft resolution on the non-dissemination of nuclear weapons on October 17, 1958.

The 1958 draft resolution consisted of three paragraphs. The first section recognized that the aim of the United Nations with respect to disarmament issues was

a general agreement on the prohibition of atomic, hydrogen, and other weapons of mass destruction which will provide for the cessation of the production of such weapons, the destruction of existing stocks and the progressive limitation of conventional armaments...³²

The second paragraph recognized further that

the danger now exists that an increase in the number of states possessing nuclear weapons may occur aggravating international tension and the difficulty of maintaining world peace and thus rendering more difficult the attainment of the general disarmament agreement envisaged in paragraph 1...³³

Finally, the third paragraph called for the establishment of an *ad hoc* committee to study the dangers related to the proliferation of nuclear weapons. This committee would then be expected to recommend to the General Assembly effective measures for dealing with these dangers.

A vote was taken on paragraph 2 only. Thirty-seven states voted in favor of the paragraph, but fourteen abstained, including the United States, Britain, and France. France believed the draft resolution constituted

³²*Documents on Disarmament, 1945-1959*, vol. 2, p. 1185.

³³*Ibid.*, pp. 1185-1186.

an infringement on national sovereignty since it would divide states into nuclear "haves" and "have nots." Britain was concerned that the proposal would impair the effectiveness of certain "defensive alliances," most notably NATO, if nuclear weapon states were unable to transfer such weapons to other states. Finally, the United States fell back on its argument of previous years concerning other nuclear control systems, asserting that it would be almost impossible to ensure compliance.³⁴ Realizing that the proposal would have no chance of passing in full, Aiken withdrew the draft resolution.

In 1959 Ireland again put forth a draft proposal on the non-dissemination of nuclear weapons. Addressing the General Assembly on September 23, 1959, Foreign Minister Aiken explained that in a world with nuclear weapons, security could no longer be achieved separately, and could only be guaranteed through "a common effort." He noted that with its proposals, Ireland had in mind

a system whereby a group of nations in a defined area would be invited to give

³⁴Mohamed I. Shaker, *The Nuclear Non-Proliferation Treaty: Origin and Implementation, 1959-1979*, vol. 1 (London: Oceana Publications, Inc., 1980), pp. 6-7.

guarantees of their intention to abide by their Charter obligations to uphold the rule of law in their international relations, in return for corresponding guarantees by the other Member nations in relation to the area in question.

The non-nuclear nations in such an area would undertake firstly not to manufacture or acquire weapons...and secondly, to subject themselves to United Nations inspection. In return the nuclear Powers, and all the other Members of the United Nations, would bind themselves in advance, by specific engagements to defend the members of the area from attack, by means of a standing United Nations force.³⁵

The 1959 Irish draft resolution called for the Ten Nation Disarmament Committee to consider means for curbing the horizontal spread of nuclear weapons. The resolution was accepted by the First Committee by a vote of sixty-eight in favor and twelve abstentions. This time, the United States and its allies voted in favor of the resolution while the Soviet bloc, Peru, France, and the Republic of China abstained.³⁶ However, as Mohamed Shaker points out, the importance of this resolution lay "primarily in the recognition by the General Assembly, the plenary organ of the United Nations, of an existing danger in the

³⁵*Documents on Disarmament, 1945-1959*, vol. 2, p. 1475.

³⁶*Ibid.*, p. 1547.

proliferation of nuclear weapons."³⁷ Of importance for the purposes of the argument here is that the basic principle developed soon after World War II (and modified later), that horizontal nuclear weapons proliferation constitutes a threat to national and international security, was finally shared by both the United States and a sufficient number of non-hegemonic states.

One year later, in October 1960 Ireland again submitted a draft proposal on the prevention of the wider dissemination of nuclear weapons. This proposal called upon all governments "to make every effort to achieve permanent agreement on the limitation of the wider dissemination of such weapons."³⁸ Further, it called upon all nuclear weapon states to refrain from transferring control of nuclear weapons or the knowledge needed to build them to any non-nuclear weapon states. Finally, it called upon all non-nuclear weapon states to refrain from making or otherwise acquiring nuclear

³⁷Shaker, *The Nuclear Non-Proliferation Treaty*, p. 17.

³⁸UN/GA, 15th session, First Committee, agenda item 73, 31 October 1960, doc. A/C.1/L.253.

weapons.³⁹ Again, the Irish proposal incorporated key norms that were becoming more widely shared as the process of regime creation continued.

The 1960 resolution was adopted, but this time the United States, France, and the NATO countries abstained. Francis Wilcox, the U.S. Representative to the First Committee of the General Assembly, explained the reason for the U.S. abstention in a statement made on December 19, 1960. He began by noting that the U.S. concern over the further proliferation of nuclear weapons

is based on a belief that it would increase the complexities of bringing the nuclear race under control. The growth of independent national capabilities would also tend to increase the chances that nuclear war might be started by accident, by miscalculation or even by design. It would further destabilize the already precarious military balance in the world.⁴⁰

With this in mind, Wilcox argued that the resolution did not sufficiently recognize the need for nuclear

³⁹UN/GA, 15th session, First Committee, agenda item 73, 31 October 1960, doc. A/C.1/L.253. For a full listing of the votes cast, see UN/GA, Official Records, 15th session, 960th Plenary Meeting, doc. A/4680.

⁴⁰U.S. Department of State, *Documents on Disarmament, 1960*, publication number 7172 (Washington, D.C.: U.S. Government Printing Office, 1961), p. 371.

disarmament among the nuclear weapon states.

Interestingly, this was the portion of Principle 1 (relating to the danger of vertical nuclear proliferation) which the non-hegemonic states were most interested in promoting. More importantly, the resolution called for a commitment which could not be verified and which would last for an indefinite duration. Instead of helping matters, the United States argued that this Irish proposal would increase suspicion and make trust less likely.

Frank Aiken did not give up, and on November 17, 1961, the last of the Irish proposals was presented to the U.N. General Assembly. Unlike the 1960 proposal, the 1961 draft resolution called for an international agreement on the prevention of the dissemination of nuclear weapons which would be subject to inspection and control measures before implementation. In addition, it called upon the nuclear weapon states specifically to reach an agreement under which they would refrain from transferring nuclear weapons to non-nuclear weapon states. It also called upon the non-weapon states to

refrain from building such weapons.⁴¹ On December 4, 1961, the U.N. General Assembly unanimously adopted the Irish Resolution on "Prevention of the Wider Dissemination of Nuclear Weapons," effectively setting the stage for the negotiation of the Nuclear Non-Proliferation Treaty. With this resolution passed, the states in the international system had moved much closer to the full establishment of the nuclear non-proliferation regime.

The Call for Nuclear Weapon Free Zones

The Irish proposal focused on the creation of an international non-proliferation treaty, but this was not the only means for constraining other states within the regime framework. During the same period, a number of other countries began advancing their own alternatives for the prevention of nuclear proliferation. One such alternative was the creation of regional nuclear weapon free zones (NWFZs). Within these zones, countries would agree not to manufacture or acquire nuclear weapons, nor

⁴¹UN/GA, 16th session, First Committee, 17 November 1961, agenda item 81, doc. A/C.1/L.298.

would they allow the deployment of foreign-owned nuclear weapons within their territory. In addition, nuclear weapon states would undertake to respect these NWFZs and would give negative security assurances, pledging not to attack with nuclear weapons any countries within such zones. Viewed by many as a complement to an international nuclear non-proliferation treaty, the first proposal for a NWFZ was placed before the United Nations by Poland, with Soviet backing.

In October 1957 Poland's Minister of Foreign Affairs, Adam Rapacki, delivered a speech to the U.N. General Assembly in which he noted that his country intended to support any partial solutions to the creation of a collective security system in Europe in order to reduce the threat of war.⁴² Rapacki followed his speech with a plan for the creation of a NWFZ in central Europe which would include both Germanies, Poland, and Czechoslovakia. He defended such an arrangement by arguing that such a NWFZ would constitute a first step in

⁴²Adam Rapacki, speech given to the U.N. General Assembly in New York on 2 October 1957, quoted in Andrzej Albrecht, *The Rapacki Plan--New Aspects* (Warsaw: Zachodnia Agencja Prasowa, 1963), pp. 67-68.

eliminating the danger of nuclear war in Europe.⁴³ The plan also called for the implementation of a broad verification system utilizing ground and air inspection and control which would be manned jointly by members of the Warsaw Pact, NATO, and the non-aligned states.

Not surprisingly, the Rapacki plan was supported by the Warsaw Pact countries, whose key concern at the time was to prevent the rearming of West Germany. More importantly, the plan was supported by the western countries of Belgium and Canada, both of which believed it would be a step forward toward curbing the arms race. However, the United States, Britain, and West Germany were vehemently against the plan. They argued that it did not provide a general solution to the problem of security in Europe since it encompassed too small a region, it did nothing to address the potential reunification of Germany, and it did not deal with the fact that the Soviet Union remained armed with nuclear

⁴³Adam Rapacki, "The Polish Plan for a Nuclear-Free Zone Today," *International Affairs* (London) 39, 1 (January 1963): 1-12*.

weapons.⁴⁴ Rapacki revised his plan in light of these objections, opening the potential NWFZ to any European country which wished to join, and devising a two-stage implementation plan in which the number of nuclear weapons would first be frozen to present levels, followed by the total elimination of such weapons along with a reduction in conventional troops and armaments. The United States and most of the NATO countries continued to reject the plan on the basis that it did not deal with the Soviet Union's conventional and nuclear weapons which could be used against the countries within the zone.

In late 1961, the Swedish delegation proposed another NWFZ initiative, calling upon the Secretary General to make an inquiry regarding the conditions under which non-nuclear weapon states would be willing to enter into certain agreements. These agreements would prevent the non-nuclear weapon states from making nuclear weapons and from receiving such weapons on their territories on behalf of another state.⁴⁵ The response by the United

⁴⁴Albrecht, *The Rapacki Plan*, p. 30.

⁴⁵Shaker, *The Nuclear Non-Proliferation Treaty*, p. 39.

States and its NATO allies was a swift rejection. The western allies argued that by preventing states from allowing foreign-owned nuclear weapons in their territory, the proposal would prejudice already existing security arrangements and would call into question the right of nations to join in collective defense.⁴⁶ Nevertheless, the proposal was passed by the General Assembly in 1961, becoming General Assembly Resolution 1664 (XVI), and the background work on nuclear weapon free zones was begun.

During the next year, a number of responses were collected from member states regarding the conditions under which these states would agree to specific arrangements to refrain from acquiring nuclear weapons by any means. A few countries were particularly vocal on this issue. C.S. Jha, the Indian Permanent Representative to the United Nations, expressed the opinion that the elimination of nuclear weapons from all arsenals was crucial and that the greatest responsibility

⁴⁶U.S. Arms Control and Disarmament Agency, *Documents on Disarmament, 1961*, publication number 5 (Washington, D.C.: U.S. Government Printing Office, 1962), pp. 691-692.

lay with the nuclear weapon states. He also noted that all non-nuclear weapon states would have to adhere to any arrangement meant to aid in eliminating nuclear weapons. In addition, he explained that India would be willing to enter into any agreement which would lead to the elimination of all nuclear weapons.⁴⁷ Ireland's Minister of External Affairs, Frank Aiken, noted that his country would also comply with any specific arrangements for banning nuclear weapons and he urged other states to do so as well.⁴⁸

The Polish and Swedish proposals were soon followed by a number of other proposals made by non-hegemonic states, or groups thereof, for NWFZs in a number of regions, including the Balkans, Scandinavia, the Baltics, the Middle East, the Mediterranean, the South Pacific, and South Asia. Among these, the Organization of African Unity adopted a declaration for the "denuclearization" of Africa in 1964 as a direct response to the French nuclear

⁴⁷United Nations, Disarmament Commission [hereafter UN/DC], Official Records, "Supplement for January 1961-December 1962," p. 70.

⁴⁸Ibid., pp. 71-72. For a more complete list of responses by various states, see pp. 52-103.

tests being conducted in the Sahara. Also of importance, since it was one of the few NWFZ in which a formal treaty was developed before the entry into force of the Nuclear Non-Proliferation Treaty, was the Latin American nuclear weapon free zone.

Following the Cuban missile crisis of October 1962, Bolivia, Brazil, Chile, Ecuador, and Mexico took the lead in initiating negotiations on a NWFZ for Latin America in order to avoid the playing out of another superpower crisis in the region.⁴⁹ Opened for signature in Mexico City on February 14, 1967, the Treaty of Tlatelolco created a NWFZ encompassing all of Latin America, "except the continental part of the territory of the United States of America and its territorial waters" (including the Panama Canal zone).⁵⁰

Under Article I of the Treaty of Tlatelolco, parties to the treaty are obliged to use any nuclear material or

⁴⁹UN/GA, 18th session, First Committee, agenda item 74, 8 November 1963, doc. A/C.1/L.329.

⁵⁰"Treaty for the Prohibition of Nuclear Weapons in Latin America," in *Encyclopedia of Arms Control and Disarmament*, vol. 3, ed. Richard Dean Burns (New York: Charles Scribner's Sons, 1993), p. 1348.

facilities in their territories for peaceful purposes only. Moreover, the parties undertake not to engage in, authorize, or encourage the testing, use, or production of nuclear weapons within their territory.⁵¹ In addition to obligating the parties to sign verification agreements with the International Atomic Energy Agency, Article VII established the Agency for the Prohibition of Nuclear Weapons in Latin America, which would be stationed in Mexico City, in order to ensure compliance with the treaty.⁵²

In addition to the various articles obligating parties to the treaty, two protocols were also attached for adherence by parties outside the Latin American NWFZ. Additional Protocol I required that those countries which were responsible for territories within the geographical zone established by the treaty would also abide by the articles within the treaty. Additional Protocol II

⁵¹"Treaty for the Prohibition of Nuclear Weapons in Latin America," p. 1349.

⁵²Ibid., p. 1350. While the treaty has still not entered into force for all countries in Latin America, it remains an important component of the regime. At this time, Brazil, Chile, Cuba, and Argentina have finally begun to move on signing and ratifying the treaty.

required that signatory countries outside the territory established by the treaty would respect the articles of the treaty and undertake not to contribute to violation of its articles. In addition, the second Protocol required that these countries not use or threaten to use nuclear weapons against the countries that were party to the treaty.⁵³ The United States signed Additional Protocol II of the Treaty in Mexico City on April 1, 1968, and ratified it three years later on May 8, 1971.⁵⁴

Summary

For states not possessing alternative means for extracting benefits and constraining others with respect to nuclear weapons and technology, a non-proliferation regime proved the best solution. While the United

⁵³"Treaty for the Prohibition of Nuclear Weapons in Latin America," pp. 1355-1356.

⁵⁴However, President Richard Nixon was very careful to attach his own statement to the document which noted in part that an armed attack by a treaty member, in which it was assisted by a nuclear weapon state, would be incompatible with Article I of the treaty, thus abrogating the protocol in such a case. Ibid., p. 1356. The United States refused to sign Additional Protocol I until May 1977.

States' Atoms for Peace plan provided a starting point for the process of regime creation, the role of the non-hegemonic states was very important to sustaining that process.

Through their actions, the non-hegemonic states helped to create the rules and regulations of the IAEA regarding access and safeguards. They also helped to promote the third principle, regarding the need to protect people from nuclear radiation, which was then incorporated into the regime. In addition, they helped to modify Principle 1 by further focusing attention not just on the dangers of horizontal proliferation, but also on vertical proliferation. Finally, through their proposals for nuclear weapon free zones, a number of non-hegemonic states helped to further their own desire to constrain both other non-hegemonic states and the United States within the developing regime framework.

CHAPTER SIX

THE REGIME BECOMES FULLY ESTABLISHED: HYPOTHESIS 3

The third stage in the process of regime creation involves negotiation and compromise with regard to the rules and decision-making procedures which will guide the regime. The hegemonic power and the various non-hegemonic states will all seek rules and procedures which will enhance their ability to wield more control through the regime. However, compromises must be made in order to ensure that the regime remains the best possible alternative to attempting to exert unilateral control with respect to the particular issue involved.

Therefore, as Hypothesis 3 states: only when both the hegemonic power and a sufficient number of non-hegemonic states desire a regime for a particular issue or issue-area can that regime become fully established.

When Only a Hegemon Wants a Regime

While the hegemonic power plays a necessary role in the

creation of a regime, its role alone is not sufficient to bring about the full establishment of a regime. When examining the issue of nuclear non-proliferation, the 1946 Baruch Plan provides an example of a failed attempt to create a regime because it lacked the support of a sufficient number of non-hegemonic states.

The Baruch Plan: A Failed Attempt at a Regime

While not generally characterized as such, the Baruch Plan can be viewed as an early attempt by the United States to establish a regime based upon its own set of principles, norms, rules, and decision-making procedures for the control of nuclear weapons and technology. Two principles underlay the Baruch Plan: (1) that nuclear weapons posed an undeniable and unprecedented threat to world peace and to humans everywhere; and (2) that the potential benefits of nuclear energy were too great to be denied to any state. The key norm embodied by the Baruch Plan was that all states should renounce the atomic bomb as a potential weapon. As to rules and decision-making procedures, the making of nuclear weapons would be prohibited; all existing atomic bombs would be

dismantled; and the Atomic Development Authority would maintain and enforce a control system to ensure compliance.¹

Though the principles and norms were already shared to some degree by a small number of other states, the rules were determined unilaterally by the United States, based upon its own set of goals and its own sense of the means needed to control the spread of nuclear weapons and technology.

Presented to the U.N. Atomic Energy Commission in June 1946, the Baruch Plan proposed the creation of an international Atomic Development Authority which would own and/or manage the materials, facilities, and activities involved in nuclear energy activities. Since the western representatives in the ADA leadership would constitute a majority, the United States would still be able to wield significant control over nuclear matters, even if not unilaterally.

Some U.S. allies supported the Baruch Plan, but most

¹U.S. Congress, House of Representatives, "The Baruch Plan," in *Nuclear Proliferation Factbook*, 99th Congress, 1st session (Washington, D.C.: U.S. Government Printing Office, 1985), pp. 14-23.

non-hegemonic states opposed the initiative, seeing it as a means for the United States to continue its monopoly over nuclear weapons by legally preventing others from acquiring them while it maintained its own stockpile. Though the United States continued to press for the acceptance of the Baruch Plan for quite some time, as long as most non-hegemonic states were unwilling to accept it, a regime could not be formed.

When Only Non-Hegemonic States Desire a Regime

Just as the support of a sufficient number of non-hegemonic states is necessary for the creation of a regime, so too is the support of the hegemonic power. In terms of the nuclear non-proliferation regime, early discussions among various non-hegemonic states regarding the banning of nuclear weapon tests, provide an example of what happens when support from the hegemon is lacking.

Early Calls for a Nuclear Test Ban Arrangement

After the 1954 U.S. nuclear weapon test near Bikini Atoll which accidentally resulted in the exposure of the Japanese fishing boat, the *Lucky Dragon*, to radioactive

fallout, the issue of banning nuclear weapons testing became an important part of the non-hegemonic states' international agenda. Seeking to delegitimize nuclear weapons altogether, the non-hegemonic states based their arguments on the principle that nuclear radiation is particularly harmful and humans must be protected from its effects, as well as on the belief that nuclear weapons constituted a general threat to national and international security.

Leading the effort was Indian Prime Minister Jawaharlal Nehru, who argued that nuclear weapon tests should be ended immediately and that the effects of radiation exposure should be publicized. Viewing a nuclear test ban as one component involved in general nuclear disarmament, India proposed a draft resolution at the United Nations in October 1954 which outlined a series of steps and rules to help move states toward disarmament. Among these was a rule which would prohibit nuclear weapon states from providing such weapons to states not already having them.²

²See United Nations, General Assembly [hereafter UN/GA], 9th session, First Committee, agenda items 20 and

For the next several years, India remained outspoken on the need for a nuclear test ban as it garnered support among other non-hegemonic states. On October 9, 1958, India once again proposed a draft resolution on the "Discontinuance of Atomic and Hydrogen Weapons Tests," which was co-sponsored by Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Ghana, Indonesia, Iraq, Morocco, the United Arab Republic, Yemen, and Yugoslavia.³ When France publicly announced its intentions to conduct nuclear weapon tests in the Sahara, much more support was found among the Asian and African states, resulting in a series of draft resolutions in November 1959 on the "Question of French Nuclear Tests in the Sahara" and on the "Suspension of Nuclear and Thermonuclear Tests." The draft resolutions were co-sponsored by a number of states from Africa, Asia, Europe, and Latin America. In each case, the co-sponsors urged the nuclear weapon states to

68, 25 October 1954, doc. A/C.1/L.100.

³See UN/GA, 13th session, agenda item 70, 9 October 1958, doc. A/C.1/L.202 and Rev.1, Rev.1/Add.1, and Add.2.

refrain from testing their weapons.⁴ Despite these pleas, however, nothing was done regarding the issue of nuclear weapons testing until the United States reversed its own position on the subject.

The U.S. Position

In the early years of the test ban discussions, leaders within the United States believed that no moratorium on nuclear weapons tests should be effected until an agreement for general disarmament had been reached. In a National Security Council discussion in May 1954, it was generally agreed by those present that something had to be done to stop the production of nuclear weapons. It was with great concern that Eisenhower pointed out, "Soon even little countries will have a stockpile of these

⁴The states involved in the series of draft resolutions in November 1959 included Afghanistan, Austria, Burma, Cambodia, Ceylon, Cuba, Ethiopia, the Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Italy, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Peru, Saudi Arabia, Sudan, Sweden, Tunisia, the United Arab Republic, the United Kingdom, and Yemen. See UN/GA, 14th session, First Committee, agenda item 68, docs. A/C.1/L.238 and Add.1, and A/C.1/L.239 and Add.1. Also see agenda item 69, docs. A/C.1/L.236, A/C.1/L.237 and Rev.1.

bombs, and then we *will* be in a mess." However, few were willing to jeopardize the U.S. advantage over the Soviet Union by declaring a moratorium on testing before a general arms agreement was reached, especially with concerns as to whether smaller tests would even be possible to measure.⁵

The debate over a test ban continued among U.S. officials with a number of different arguments being made, both advocating and opposing a test ban. Thomas E. Murray, Commissioner of the U.S. AEC, argued that testing was necessary for further weapons development. However, given that the United States possessed a much larger arsenal than the Soviet Union in 1955, particularly with respect to thermonuclear weapons, a moratorium on testing could only help the United States maintain its strategic advantage over the Soviets for a greater length of time than would otherwise be the case. In addition, Murray described the potential impact of a test ban treaty on

⁵National Security Archive, ed., *U.S. Nuclear Non-Proliferation, 1945-1991* [hereafter NSA/NNP] (Yale University; Washington, D.C.: Chadwyck-Healey, Inc./National Security Archive, 1993, microfiche), fiche 27, doc. 158.

nuclear proliferation. In his words,

Another reason for such a moratorium [on nuclear weapons testing] follows from the fact that due to advances based on tests many nations, large and small, will eventually have thermonuclear weapons, because costs for such weapons are rapidly decreasing. The consequent threat to world peace is obvious. A moratorium on tests of thermonuclear weapons would tend to freeze technology and limit possession to nations now having them.⁶

The U.S. National Security Council (NSC), while finding Murray's argument persuasive, was still largely opposed to Murray's position. As noted by General Robert Cutler, Special Assistant for National Security Affairs, there was fear that a moratorium on testing "would jeopardize the one great weapon upon which the free world relied for its ultimate security."⁷

The debate over a test ban continued in the United States well into the late 1950s. By 1958, however, Secretary of State John Foster Dulles was growing increasingly concerned that the United Nations might pass a resolution condemning nuclear weapons testing, even without the support of the United States. If that were

⁶NSA/NNP, fiche 32, doc. 192, pp. 1-2.

⁷Ibid., doc. 195, p. 2.

to happen, he reasoned, the United States would find itself in a very awkward position as it tried to defend its stance on continued testing in the face of an international condemnation.

Sharing these concerns, President Eisenhower directed Special Assistant for Science and Technology James R. Killian, Jr. to appoint a panel to explore two key issues related to a test ban treaty: what the effect of such a treaty would be on U.S. and Soviet nuclear development and whether or not it would be possible to detect evasions of the treaty.⁸ The Bethe Panel, named for its chairman, Dr. Hans Bethe, was established in January 1958. It was composed of a group of civilians and military officials, all of whom were involved either with the manufacturing of nuclear weapons or with developing programs to detect nuclear explosions.

At the outset, the majority of the panel members believed that a test ban would prove disadvantageous to the United States, but within a few months that position

⁸Harold Karan Jacobson and Eric Stein, *Diplomats, Scientists, and Politicians: The United States and the Nuclear Test Ban Negotiations* (Ann Arbor: the University of Michigan Press, 1966), p. 47.

had shifted. When the Bethe Panel provided its conclusions to President Eisenhower, they argued that continued nuclear weapons testing would actually aid the Soviets in closing the gap in weapons development between themselves and the United States.⁹

While the U.S. administration, with the help of the Bethe Panel, was exploring the issue of a nuclear test ban, the Soviets had made a decision of their own. In March 1958, the Supreme Soviet decreed a unilateral cessation of nuclear weapons tests and urged other governments to follow. In doing so, the Soviets again positioned themselves as supporters of the effort to delegitimize nuclear weapons, and placed more pressure on the United States.¹⁰ The United States responded with

⁹For more on the panel members and their conclusions, see Jacobson and Stein, *Diplomats, Scientists, and Politicians*, pp. 46-49 and 58-62.

¹⁰UN/GA, 13th session, 3 November 1958, docs. A/3974 and A/3820. It is important to note here that the Soviets had just finished a weapons test series more extensive than any others previously conducted. The timing of their announcement was such that it occurred shortly before U.S. scheduled tests were to take place. Thus, the unilateral declaration was very much a political move on the part of the Soviets. See Jacobson and Stein, *Diplomats, Scientists and Politicians*, p. 45.

its own moratorium on nuclear weapons testing.

As the thirteenth session of the United Nations General Assembly opened in September 1958, the Soviets wasted no time in submitting a memo requesting the inclusion of "The Discontinuance of Atomic and Hydrogen Weapon Tests" in the agenda. Arguing that such a discontinuance would further the efforts toward a prohibition of nuclear weapons, the Soviets asked that the issue not be linked to other disarmament matters.¹¹

Thus, on October 31, 1958, the Conference on the Discontinuance of Nuclear Weapon Tests began, with delegations from the United Kingdom, the United States, and the Soviet Union. For almost eighteen months intense negotiations were held, resulting in the adoption of four articles for a test ban treaty, though there were still some key disagreements.¹²

¹¹UN/GA, 13th session, items 64, 70, 72, 3 November 1958, doc. A/3974.

¹²There was a great deal of dissension over three key issues: the staffing of control posts; the number of on-site inspections to ensure compliance; and the composition and voting procedures of the organization that was to be established to oversee a test ban treaty. For more on this, see John W. Spanier and Joseph L. Nogee, *The Politics of Disarmament: A Study in Soviet-*

By May 1961 no agreement on a nuclear test ban treaty had been reached and the United States was leaning toward beginning a new series of nuclear weapon tests, particularly in light of the fact that they believed the Soviets might be conducting clandestine tests. On August 31, 1961, the Soviets announced they would resume testing, and on September 1 they exploded a nuclear device in the atmosphere. For their part, the Soviets argued that they had to resume testing since the western powers were benefitting from the nuclear tests being conducted by France.¹³ On November 11 a statement by President John F. Kennedy was released in which he noted that, in light of the Soviet's resumption of testing, the United States needed to resume its own testing. The statement was met with much criticism from around the world.

For the next few months, the general feeling

American Gamesmanship (New York: Frederick A. Praeger, 1962), p. 143.

¹³United Nations Conference on the Discontinuance of Nuclear Weapon Tests, Official Records, "Verbatim Record of the 346th Plenary Meeting," 12 December 1961, doc. GEN/DNT/PV.346.

throughout the government was that the resumption of nuclear weapons would benefit the United States. As Secretary of State Dean Rusk pointed out, the most dangerous aspect of resuming nuclear testing would be the potential for escalating the arms race between the Soviets and Americans. Yet, he also noted that the United States could not accept the risks entailed with allowing the Soviets to advance their weapons program while the United States maintained a unilateral moratorium. Further, Rusk argued that while world public opinion and the dangers caused by radioactive fallout were of concern, neither factor was more important than strengthening U.S. national security.¹⁴ In other words, the United States had still not fully accepted the third principle being promoted by the non-hegemonic states and later incorporated into the regime.

When Agreement is Reached

Once both the hegemon and a sufficient number of other states have accepted a basic set of principles and norms,

¹⁴NSA/NNP, fiche 138, doc. 837, pp. 1-3.

the rules and decision-making procedures must be negotiated. It is at this point that importance of the interplay between the role of the non-hegemonic states and the hegemonic power is most clearly seen.

A Regime Component Becomes Reality: The Partial Test Ban Treaty

As has been discussed, the original calls for a nuclear test ban treaty came from the non-hegemonic states, particularly the states of Africa and Asia. However, even with the support of a large number of non-hegemonic states, nothing could be accomplished without the support of the United States as well.

The 1962 negotiations on a test ban treaty were conducted within the recently formed U.N. Eighteen-Nation Committee on Disarmament (ENDC).¹⁵ Though the United

¹⁵The ENDC was an expanded version of its predecessor, the Ten-Nation Committee on Disarmament, and was created on the premise that the nonaligned countries could help in resolving issues between the Cold War antagonists. Established by UN/GA Resolution 1722 (XVI), the ENDC was composed of the following states: (west) Canada, France, Italy, United Kingdom, United States; (east) Bulgaria, Czechoslovakia, Poland, Rumania, Soviet Union; (newly added nonaligned) Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden, United Arab Republic. Later, in 1969, the ENDC would again be enlarged to

States had resumed testing in April 1962, it had begun to formally reevaluate its policy on atmospheric testing and its overall policy on a nuclear weapons test ban. As scholars Harold Jacobson and Eric Stein point out, there were a number of contributing factors to this policy reformulation. First, with the resumption of testing, the United States came under increased fire from the nonaligned states, now represented in the ENDC. Second, during the spring of 1962 the levels of atmospheric radiation world-wide increased significantly as a result of the testing being done by the United States and Soviet Union.¹⁶ Third, with John F. Kennedy as U.S. President,

include Japan and Mongolia (July 3), and Argentina, Hungary, Morocco, Netherlands, Pakistan, and Yugoslavia (August 7). On August 26, 1969, the Committee was renamed the Conference of the Committee on Disarmament.

¹⁶Only a few months earlier, Dean Rusk and other U.S. officials had argued that public opinion and the dangers posed by radiation were not sufficient reasons to jeopardize U.S. national security. Thus, while Jacobson and Stein include these first two issues as factors influencing the reevaluation of U.S. policy on a test ban, I would not place as much emphasis on either of them. The third and fourth issues discussed by Jacobson and Stein, in combination with McNamara's view that a test ban could also serve to limit nuclear proliferation, seem to have been much more decisive factors in the decision to seriously consider a test ban treaty.

there had been a modification in U.S. military doctrine, with less focus on the actual number of weapons and more focus on targeting. Instead of targeting population centers as in the past, the Kennedy Administration sought to target military installations. It was believed that this would serve two purposes: first, it was expected that the Soviets would also stop targeting U.S. population centers; second, it was believed that targeting military installations would prove to be a more effective deterrent. As a result of the changing strategy of targeting, fewer and smaller nuclear weapons were needed. In addition, the administration recognized that nuclear weapons could not be used effectively in certain situations, such as guerrilla warfare which appeared to be the most likely type of conflict the United States would face in the coming years. As such, Kennedy and his advisors argued that the U.S. nuclear force was already adequate for deterrence purposes, and that more focus was needed on developing other types of weapons needed for other combat situations. Thus, interest in further gains that could be made through

testing was reduced.¹⁷ Finally, one key stumbling block had been the belief that underground testing could still occur undetected, even if a comprehensive test ban treaty were signed. However, in May 1962 France conducted an underground test of a 30-50 kiloton nuclear weapons. The explosion was detected by the United States, thus easing fears that tests of this degree might go unnoticed.¹⁸

In addition to these factors was another key item which helped sway the policy toward supporting a test ban, and which Jacobson and Stein failed to point out. By mid-1962 the U.S. reasons for considering a test ban were no longer restricted to maintaining a nuclear superiority vis-a-vis the Soviet Union. In a July 1962 secret memorandum to President Kennedy, Secretary of Defense Robert S. McNamara highlighted the relationship between a test ban and nuclear proliferation. With unrestricted testing, he projected that approximately sixteen states would be able to achieve a nuclear weapons

¹⁷For more on this point, see Robert McNamara's secret memorandum to President Kennedy in NSA/NNP, fiche 146, doc. 890.

¹⁸Jacobson and Stein, *Diplomats, Scientists, and Politicians*, pp. 381-384.

capability by the early 1970s. McNamara noted that there were a number of dissuasive factors which would aid in preventing these states from pursuing such a capability. Among these factors were the cost of weapons and delivery systems; the lack of real military necessity; legally binding restrictions; moral pressures; and the hope that proliferation of nuclear weapons would be halted. However, he also noted that a number of states had already demonstrated that certain motivating factors, such as the desire for prestige, military utility, and deterrent value, could lead states to build a nuclear weapons capability despite such dissuasive factors.¹⁹

McNamara reasoned that if testing were allowed to continue unrestricted, the costs of developing a nuclear weapons capability would be reduced, leading to a greater potential for nuclear proliferation. With a comprehensive test ban, however, he believed that such proliferation would be slowed. In fact, he wrote that a comprehensive test ban would be "...a necessary, but not sufficient, condition for keeping the number of nuclear

¹⁹NSA/NNP, fiche 147, doc. 892, p. 2.

countries small."²⁰ While an atmospheric testing ban would not have as great an effect on proliferation as a comprehensive test ban, McNamara still believed it would greatly increase the costs associated with weapons development. Thus, he concluded that a nuclear test ban would be to the advantage of the United States in helping prevent further nuclear proliferation.

While pressure from the non-hegemonic states continued, discussions continued within the United States on the benefits and problems associated with a test ban treaty. However, a turning point in the negotiations came in October 1962 when the Cuban missile crisis raised tensions to the point where many feared a nuclear exchange. Once the crisis was resolved, it served as a catalyst for further action on reducing the nuclear threat. In private correspondence between President Kennedy, Prime Minister Macmillan, and Premier Khrushchev, the U.S. and U.K. leaders urged the Soviet premier to accept one of the two draft treaties. Shortly after a statement by Kennedy in June 1963 that the United

²⁰NSA/NNP, fiche 147, doc. 892, p. 3.

States would not be the first to resume testing, the Soviets agreed to further talks on a Partial Test Ban Treaty. The treaty was formally signed on August 5, 1963, becoming one more component of the non-proliferation regime which was slowly beginning to coalesce.

The Regime is Fully Established: The NPT

Since the Treaty for the Non-Proliferation of Nuclear Weapons (NPT) clearly states the key principles and goals of the regime and codifies the rules and decision-making procedures regarding non-proliferation, it is considered to be the centerpiece of the regime. Therefore, when trying to identify the point at which the nuclear non-proliferation regime became fully established, the entry into force of the NPT serves as a clear marker. While the actual draft treaties were submitted by the United States and Soviet Union, the other non-hegemonic states were clearly involved in the creation of the final document.

By the late 1950s, many states had already begun to accept the three principles associated with the nuclear

non-proliferation regime, yet there was still little discussion on an agreement designed specifically to preventing nuclear proliferation. This changed on November 20, 1959, when the U.N. General Assembly passed Resolution 1380 (XIV) which called for the creation of a Ten-Nation Committee on Disarmament that would consider means for averting nuclear proliferation. The committee was to pay particular attention to the possibility of an agreement that would obligate states possessing nuclear weapons to refrain from transferring them to non-nuclear weapon states and that would obligate non-nuclear weapon states to refrain from making or acquiring such weapons.²¹

Two years later, in 1961, the U.N. General Assembly adopted Resolution 1665 (XVI) on the "Prevention of the Wider Dissemination of Nuclear Weapons," this time with unanimous support. The Resolution called upon all

²¹The Resolution was based on the draft proposal submitted by Ireland. The Resolution was approved by a vote of 68-0-12. The twelve abstaining votes were France, China, Peru, and the Soviet bloc. U.S. Department of State, *Documents on Disarmament, 1945-1959*, vol. 2, publication number 7008 (Washington, D.C.: U.S. Government Printing Office, 1960), p. 1547.

states, but especially those with nuclear weapons, to reach an agreement whereby all nuclear weapon states would refrain from transferring control of such weapons to states that did not have them, and those states not possessing nuclear weapons would refrain from making or acquiring them.²²

The Role of the United States

For the next few years, while the United States continued to profess an interest in the creation of a treaty directed specifically at preventing further nuclear proliferation, it was wary of the potential repercussions such a treaty might have on its plans for a multilateral nuclear force (MLF) in Europe. First articulated in December 1960 during a meeting of NATO members in Paris, the idea of training NATO allies on delivery systems and stockpiling nuclear weapons in their countries had been circulating within the U.S. government for quite some

²²The final draft of the resolution appears in UN/GA, 16th session, First Committee, agenda item 81, 17 November 1961, doc. A/C.1/L.298.

time prior to this event.²³ Due in large part to its continued interest in the MLF option, the United States was slow to act on establishing a non-proliferation treaty.

Nevertheless, the United States was progressing in some ways, and in a confidential working paper of September 1962, the United States had already begun to outline a possible draft "non-transfer declaration" for nuclear weapons. The draft declaration read as follows:

Desiring to promote international peace and security,

Desiring, in particular, to refrain from taking steps which will extend and intensify the arms race,

Believing that the creation of additional national nuclear weapons forces will jeopardize these ends....

1. The Governments of France, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and the Union of Soviet Socialist Republics solemnly declare that they will not transfer any nuclear weapons

²³For more on the U.S. position on the MLF, see John D. Steinbruner, *The Cybernetic Theory of Decision: New Dimensions in Political Analysis* (Princeton: Princeton University Press, 1974). Also see NSA/NNP, fiche 165, doc. 981 and fiche 167, doc. 997 regarding discussions within the U.S. government on the value of an MLF. For more on the German perspective regarding the MLF, see John H. Zedler, *The Multilateral Force: A Misreading of German Aspirations*, Security Studies Paper 14 (Los Angeles: University of California, Los Angeles, 1968).

directly, or indirectly through a military alliance, into the national control of individual states not now possessing such weapons, and that they will not assist such other states in the manufacture of such weapons;

2. The other signatory Governments solemnly declare that they will not manufacture nuclear weapons and that they will refrain from acquiring directly, or indirectly through military alliances, national control of any nuclear weapons, and that they will not seek or receive assistance from other states in the manufacture of such weapons...²⁴

The first two Articles of this draft declaration were to become the basis for Articles I and II in the Nuclear Non-Proliferation Treaty six years later. In the meantime, however, the United States was still hampering negotiations.

On October 16, 1964, the United States suddenly found itself pressed into action on creation of a non-proliferation treaty as China detonated its first nuclear device. While the U.S. Central Intelligence Agency had been expecting this for some time,²⁵ there was concern

²⁴NSA/NNP, fiche 155, doc. 924.

²⁵Indeed, almost four years earlier, in Secret National Intelligence Estimate Number 13-2-60 on the "Chinese Communist Atomic Energy Program," it was noted by the CIA that China was "energetically" developing a native nuclear weapons capability. The CIA estimate for

that others, and in particular India, might now seek a nuclear weapons capability. This concern was heightened by the fact that many countries actually supported, or at least failed to condemn, the Chinese explosion since it was the only developing country that had managed to develop a nuclear weapon. The U.S. response was to increase the pressure on those states which had not already signed the Partial Test Ban Treaty--it could do little else.²⁶

The possibility that India might begin developing its own nuclear weapons capability spurred some U.S. congressional and administration officials into action. On December 7, 1964, a letter was sent to Secretary of State Dean Rusk from the U.S. House of Representatives in which forty-two members of Congress urged postponement of any MLF agreement.²⁷

On that same day, a secret working paper from the

the first detonation of a nuclear device by China was sometime between 1962 and 1964. See NSA/NNP, fiche 118, doc. 715, p. 2.

²⁶For more on the U.S. fears and response, see NSA/NNP, fiche 171, doc. 1027.

²⁷Ibid., fiche 176, doc. 1062.

U.S. Department of State was distributed. The paper pointed out that approximately eleven states (Canada, Czechoslovakia, East Germany, India, Israel, Italy, Japan, Rumania, Sweden, West Germany, and Yugoslavia) already had or would soon have the capability to produce nuclear weapons. According to the document, nuclear weapons had become much easier to build owing to a number of factors. Among these was the wide availability of uranium, the fact that nuclear reactors could be used for production of weapons-grade materials, lower costs involved with the process, and easy access to much of the technical information on nuclear weapons.²⁸

After briefly discussing the importance of halting nuclear proliferation, the paper went on to note a number of possible solutions. One proposed solution was establishment of a number of multilateral agreements, including a treaty for non-acquisition and non-dissemination of nuclear weapons, a comprehensive test ban (CTB), and nuclear weapon free zones. A treaty for non-acquisition and non-dissemination was believed to be

²⁸NSA/NNP, fiche 176, doc. 1063, pp. 1-2.

the most valuable, but only if it were widely supported.²⁹ The writers of the document were wary of a CTB since there was some question as to whether nuclear tests might avoid detection at very low yields.³⁰

A second alternative discussed in the working paper was a nuclear denial by the great powers. Following this alternative would have entailed a formal declaration by the United States and other nuclear weapon states of no first use, a bilateral agreement between the United States and Soviet Union on reductions in arms and delivery systems, and negotiation with the Soviet Union for a minimum deterrence posture. One drawback to this alternative was that it was seen as potentially divisive since it could be viewed as "primarily white states dictating to non-whites."³¹

Among the other alternatives for controlling nuclear weapons proliferation were restricting assistance to

²⁹Note that it had only to be widely supported, not *unanimously* supported.

³⁰NSA/NNP, fiche 176, doc. 1063, pp. 5-8. The pros and cons of nuclear weapon free zones were excised from this document.

³¹Ibid., pp. 9-10.

nuclear-strategic programs (for example, adding more controls to reactors or materials supplied, denying dual-use computers, etc.), finding another means for providing prestige other than nuclear weapons, providing security guarantees to states which agreed not to develop nuclear weapons, and applying sanctions to states that sought to develop a nuclear capability.³² With the exception of noting that a multilateral treaty on non-acquisition and non-dissemination would be most effective if it were widely adhered to, the paper did not actively advocate one alternative over another. However, the conclusions were very clear on the importance of acting on the issue immediately.

If we are to stop the spread of nuclear weapons at all, we must stop it very soon before nations such as India, Israel and Japan make the decision to develop nuclear weapons....The job will not be easy. Wishes, persuasion, incentives, even limited threats may not be enough....The present costs of an effort to stop the spread of nuclear weapons must, however, be weighed against the costs of living in a world where proliferation has moved

³²NSA/NNP, fiche 176, doc. 1063, pp. 11-16. Note that much of the material here was excised, especially information related to other means for providing prestige and the types of security guarantees that could be provided.

on....³³

Three days later, a confidential internal paper was circulated on the "Value and Feasibility of a Nuclear Non-Proliferation Treaty." It was pointed out that the majority of states would be willing to sign such a treaty, partly due to public pressure, and partly due to "...a desire to prevent their neighbors from acquiring such weapons." Noting that the chances for nuclear proliferation occurring were likely to become greater as more states moved to develop their own capabilities and the costs of making the weapons decreased, and pointing out that the only obstacle was the MLF, the paper strongly recommended removing the MLF once and for all from the U.S. agenda and moving quickly on negotiations for an NPT.³⁴

³³NSA/NNP, fiche 176, doc. 1063, p. 17.

³⁴Ibid., fiche 178, doc. 1070, p. 1. It was at this point that the MLF was, for the most part, taken off the agenda. However, some government officials and policy analysts continued to advocate negotiation on an MLF for quite some time. In a January 1965 memorandum to Roswell Gilpatric, chairman of a special Presidential Committee on preventing nuclear weapons proliferation, from John McCloy of the Arms Control and Development Agency, McCloy noted that Secretary of Defense Robert McNamara suggested a reevaluation of the MLF. McCloy argued that failure to

While internal discussions continued on how best to pursue matters, President Johnson appointed the new task force; his administration was also carefully examining the possibility of a U.S. statement or proposal on nuclear weapon free zones. A secret policy paper circulated by the U.S. Department of State in early December 1964 noted that the United States had no intention of stationing nuclear weapons in the Middle East, Latin America, or Africa. The paper discussed the value of either making a policy statement or of taking the initiative to establish such zones. It cautioned against the latter, noting that a proposal for one zone might generate proposals for nuclear weapon-free zones in other regions that the United States could not accept.

Nevertheless, the view adopted in the paper was that

...during a period when major steps in arms control do not seem to be in the cards and when

reach an MLF agreement could lead to renewed nationalism in W. Germany and the possibility that W. Germany would then seek a national weapons capability. He argued that a nuclear-armed Germany would be far more dangerous than a nuclear-armed India, Israel, or Pakistan. Thus, McCloy concluded that the United States should once again press forward on an MLF in order to strengthen NATO and provide a measure for non-proliferation in Europe. See NSA/NNP, fiche 182, doc. 1094.

the U.S. is seeking to influence the course followed by the developing nations, a gesture of this type, which may mean a great deal to the countries directly involved, would be useful.³⁵

The paper made it clear, however, that if a statement were made, it would best be done on a unilateral basis so that it could be modified or revoked if necessary. In addition, when referring to the three regions noted above, the paper recommended that any official statement be very clear in referring to the "continent" of Africa, so as not to include Madagascar or the islands in the Indian and Atlantic Oceans; and in referring to the "Latin American republics," so as to avoid inclusion of Puerto Rico and the Panama Canal zone. In a similar manner, the word "stationing" would be purposely used so as to exclude transport of nuclear weapons in and across these areas.³⁶

Since an earlier working paper had pointed to a comprehensive test ban as another alternative for preventing the further spread of nuclear weapons, the

³⁵NSA/NNP, fiche 179, doc. 1075, p. 5.

³⁶Ibid., pp. 1-3.

Johnson Administration also continued to examine this route. On December 12, 1964, another secret background paper was prepared by the Department of State. The paper noted that the prospects for a favorable response to both a CTB and to a more specific non-proliferation agreement would be influenced greatly by four factors: US-USSR agreement on a CTB or NPT, assurance of adherence by competitors, assurance of stability in the international system, and the ability to find some form of prestige other than nuclear weapons for those states not already having them.³⁷ The paper further noted that positive reactions of Israel, Japan, Sweden, and India would be crucial for obtaining either of these two agreements. Unfortunately, only Sweden and Japan could be counted on to accede to either type of treaty.³⁸

Meanwhile, fears that the Indians were leaning further toward developing their own nuclear weapons

³⁷NSA/NNP, fiche 179, doc. 1078, pp. 2-4.

³⁸Ibid., doc. 1075, pp. 19-20. Also see NSA/NNP, fiche 180, doc. 1079 for specific analyses of the time frame in which these countries might develop a nuclear weapons capability and the motivating and dissuading factors involved in each case.

program were increasing. In January 1965 a secret report was delivered to Lyndon Johnson by the Gilpatric committee which had been appointed the previous month. The committee had concluded "...that the United States must, as a matter of great urgency, substantially increase the scope and intensity of our efforts if we are to have any hope of success [on non-proliferation]".³⁹

Within hours, a secret National Security Action Memorandum was issued to the Secretary of State, Secretary of Defense, Secretary of Commerce, Director of the CIA, Chairs of the JCS, ACDA, and AEC, and to NASA. There was no more question of priorities as the following was made clear:

It is the policy of the United States to prevent the proliferation of nuclear weapons to the control of other nations. The recent Chinese nuclear explosion has increased the urgency and complexity of this problem by creating strong pressures [excised material] to develop independent nuclear forces, which, in turn, could strongly influence the plans of other potential nuclear powers.⁴⁰

³⁹NSA/NNP, fiche 184, doc. 1104, pp. 1-2.

⁴⁰Ibid., doc. 1103, p. 1. While there is no means for determining what was written in the portion of this quote that was excised, given the nature of the cables and memos which preceded this document, the excised area

According to the memorandum, all necessary steps to ensure nuclear non-proliferation were to be taken immediately, including measures to promote the drafting of a non-proliferation treaty, a comprehensive test ban treaty, and the establishment of nuclear weapon-free zones. Furthermore, it was clearly emphasized that in the event of a conflict between non-proliferation efforts and other U.S. interests, the former would be given priority.⁴¹ This statement, in effect, paved the way for the United States to move quickly on drafting the NPT.

The Role Played by the Non-Hegemonic States

In 1961 the United Nations General Assembly expanded the earlier Ten-Nation Committee on Disarmament in order to better represent the non-aligned countries in the disarmament discussions. The Eighteen-Nation Disarmament Committee (ENDC) was permanently co-chaired by one representative each from the United States and the Soviet Union, and all meetings (except for the first one) were

most likely related specifically to India.

⁴¹NSA/NNP, fiche 184, doc. 1104, pp. 2-3.

held behind closed doors. Any reports developed by the ENDC were then submitted to the U.N. Disarmament Commission and then to the U.N. General Assembly.

Within the committee there were some key differences of opinion as to what a treaty on nuclear non-proliferation should include. Though there was no clear consensus among the western allies, most believed the focus of the meetings should be those ideas clearly expressed in the 1961 Irish proposal; thus, the U.S. view was that the ENDC should reach an agreement on a series of steps for halting the arms race and nuclear proliferation. The Soviet Union and the Warsaw Pact states presented a much more coherent bloc. Their primary focus was the development of a series of rules designed to prevent non-nuclear weapon states from accepting foreign owned nuclear weapons in their territories. Finally, the non-aligned members were most interested in developing a treaty that would not be just an empty set of words with no real means for realizing the goal of non-proliferation, and making sure that the NWS worked toward the complete disarmament of nuclear

weapons.⁴²

Negotiations within the ENDC on a nuclear non-proliferation treaty began on March 14, 1962. Two days prior to the opening of negotiations, Soviet Deputy Permanent Representative to the United Nations P. Morozov forwarded a letter to the Secretary General from Soviet Minister of Foreign Affairs Andrei A. Gromyko. In the letter, Gromyko noted that the Soviet Union was very much in favor of devising some agreement whereby the NNWS would refrain from manufacturing or otherwise acquiring nuclear weapons. He reaffirmed the Soviets' belief that

an agreement should be concluded between States whereby countries not possessing nuclear weapons should enter into an undertaking not to manufacture, not to acquire them from Powers which do possess them, and not to permit them to be sited in their territory.⁴³

Adding that "any widening of the circle of such countries [NWS] will set up new obstacles on the road to

⁴²Ironically, the eight non-aligned states, which avoided defining themselves as a bloc, often found themselves united as a result of their common purposes with respect to nuclear non-proliferation.

⁴³UN/GA, "Letter From A.A. Gromyko, Ministry of Foreign Affairs of the U.S.S.R.," 12 March 1962, p. 3, doc. A/5103.

disarmament and will greatly increase the danger of mankind's slipping into the abyss of nuclear war,"⁴⁴ Gromyko also declared Soviet support for the establishment of nuclear weapon free zones in a number of regions.

When negotiations began two days later, the Soviets were already prepared with a draft treaty for general and complete disarmament which they submitted on March 15. Among the articles in the first stage of disarmament was a provision for the prevention of the spread of nuclear weapons. The United States countered with its own draft treaty on April 18, 1962, entitled, "Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World." Progress, however, remained slow since the United States was still considering the MLF option.

The non-hegemonic states continued to press for a non-proliferation treaty.⁴⁵ On July 24, 1964, the

⁴⁴UN/GA, "Letter From A.A. Gromyko, Ministry of Foreign Affairs of the U.S.S.R.," 12 March 1962, p. 3, doc. A/5103.

⁴⁵While not central to the argument here, it is worth noting that a number of non-governmental groups

Organization of African Unity (OAU), which had been founded the year before, adopted a declaration announcing its readiness to adhere to an international agreement that would prevent any of its members from obtaining nuclear weapons.⁴⁶

A few months later, on October 10, 1964, the Non-Aligned Movement Conference adopted a declaration which, among other items, called for the nuclear powers to refrain from all activities conducive to proliferation. Moreover, the declaration recommended the establishment of nuclear weapon free zones in Africa, Asia, Europe, Latin America, and among the oceans of the world.⁴⁷ On that same day, India requested that the agenda item,

were also very vocal about the need to prevent proliferation and probably helped in spreading the principles and norms of the regime. Among these, for example, was the September 1964 Pugwash Conference on Science and World Affairs, which recommended a series of proposals that could provide a basis for a non-proliferation treaty. For more on the Pugwash Conference, see NSA/NNP, fiche 166, doc. 993.

⁴⁶U.S. Arms Control and Disarmament Agency, *Documents on Disarmament, 1964*, publication number 27 (Washington, D.C.: U.S. Government Printing Office, 1965), pp. 294-295.

⁴⁷*Ibid.*, pp. 443-448.

"Non-Proliferation of Nuclear Weapons" be added to the debate during the General Assembly session. Recalling the Irish proposals and noting that the Partial Test Ban Treaty was not specifically meant for the purposes of non-proliferation, India was advocating the development of a non-proliferation treaty as the "next logical step."⁴⁸

The Interplay Between the Hegemonic Power and Non-Hegemonic States: The Drafting of the NPT

In August 1965, a draft non-proliferation treaty containing seven articles was submitted by the United States. Article I dealt specifically with nuclear weapon states (NWS) and obliged these states to refrain from transferring control of nuclear weapons to non-nuclear weapon states (NNWS) and to refrain from taking any steps which would increase the number of nuclear weapon states. As to what these steps would be, the draft did not say; it only went on to note that nuclear weapon states would also agree not to assist non-nuclear weapon states in

⁴⁸*Documents on Disarmament*, 1964, pp. 442-443.

making their own nuclear weapons.⁴⁹

Article II was similar but dealt with the non-nuclear weapon states, noting that they would be expected to refrain from acquiring nuclear weapons from NWS and would refrain from making their own. Article III provided that each party to the treaty would agree to apply International Atomic Energy Agency safeguards on peaceful nuclear activities within their territories. Finally, Articles IV through VII dealt with definitions and the various procedures entailed in ratification, extension, etc.⁵⁰

One month later, the Soviets submitted their own draft treaty along with a memorandum to the General Assembly explaining their differences. The Soviets noted

⁴⁹United Nations, Eighteen-Nation Committee on Disarmament [hereafter UN/ENDC], "Conference of the Eighteen-Nation Committee on Disarmament," 17 August 1965, doc. ENDC/152. Revisions may be found in 21 March 1966, doc. ENDC/152/Add.1. Also see NSA/NNP, fiche 193, doc. 1167. This document is an internal paper which was prepared by the U.S. Arms Control and Disarmament Agency around March 22, 1966. It has attached to it copies of both the U.S. and U.S.S.R. treaties from 1965.

⁵⁰UN/ENDC, "Conference of the Eighteen-Nation Committee on Disarmament," 17 August 1965, doc. ENDC/152. Revisions may be found in 21 March 1966, doc. ENDC/152/Add.1. Also see NSA/NNP, fiche 193, doc. 1167.

that they had always supported the unconditional prohibition of nuclear weapons and the destruction of all existing stockpiles. Furthermore, the Soviets noted that the spread of nuclear weapons could only be curbed by ending vertical nuclear proliferation within the nuclear weapon states. Then they came to the crux of the matter as they noted that

At the present time, the greatest danger as regards the proliferation of nuclear weapons is presented by the plans for the creation of a NATO multilateral or Atlantic nuclear force, within the framework of which it is intended to give access to nuclear weapons to the Federal Republic of Germany--a State which is demanding the revision of European frontiers established as a result of the Second World War.⁵¹

With this in mind, the Soviets submitted their own draft treaty, three articles of which dealt with substantive matters and four of which dealt with various procedures. Article I was similar to the first article in the U.S. draft, but the Soviet draft stressed that NWS would not transfer nuclear weapons directly or indirectly to the control or ownership of NNWS, even if under the

⁵¹UN/ENDC, "Conference of the Eighteen-Nation Committee on Disarmament," 27 January 1966, p. 2. ENDC/164. Also see UN/GA doc. A/5976.

command of a military alliance. Furthermore, NWS would be obligated to refrain from giving any assistance to NNWS for making nuclear weapons, including information which could be used to do so. Article II dealt with the same issues but from the perspective of the NNWS which would be obliged to refrain from acquiring nuclear weapons directly or indirectly and to refrain from obtaining information, resources, materials, etc. which could be used for the making of such a weapon. Article III restated the obligations more clearly, noting that parties to the treaty would "refrain from offering any support, encouragement or inducement to States seeking to own, manufacture or exercise control over nuclear weapons."⁵²

The other members of the ENDC were concerned over the focus of the two draft treaties which only dealt with how to prevent NNWS from acquiring nuclear weapons, but did nothing to protect their right to develop peaceful nuclear applications, nor did it obligate the NWS to curb their own vertical proliferation. In other words, the

⁵²ENDC/164, p. 5. Also see NSA/NNP, fiche 193, doc. 1167.

draft treaties did not sufficiently address the principles which the non-hegemonic states had been promoting.

It was within this context that Ismael Fahmy, U.N. Representative from the United Arab Republic [Egypt], presented a statement to the first committee on October 25, 1965. Fahmy argued that there were a number of specific issues and questions that needed to be addressed by any treaty on the non-proliferation of nuclear weapons. First, he argued that it was important to be certain whether or not the states of the international system were ready at the time for a formal treaty on nuclear non-proliferation and whether there was a good chance for such a treaty to be concluded. Second, if an agreement were reached, he stressed the need for it to include some means for truly realizing the goal of nuclear non-proliferation. As part of this point, he noted that there should be no loopholes in the treaty. Third, Fahmy argued that any treaty on this subject should take into account the interests not only of the NWS, but of the NNWS as well, and no special privileges should be given to NWS at the expense of NNWS or the

latter would not be likely to sign. Fourth, any agreement reached on nuclear non-proliferation should be viewed as permanent and must include all states. Furthermore, escape clauses should not be allowed since they would render the treaty ineffective. Finally, any agreement on nuclear non-proliferation should not permit a change in the nuclear balances among states, and should be seen as a first step toward an agreement on the prohibition and destruction of all nuclear weapons.⁵³

With these points in mind, the eight non-aligned states in the ENDC introduced a draft resolution to the First Committee on November 8, 1965. After being accepted by the first committee, the draft resolution was introduced to the General Assembly where it was adopted by a vote of 93-0-6 on November 19, 1965, becoming U.N. General Assembly Resolution 2028 (XX).⁵⁴ The Resolution

⁵³Mohamed I. Shaker, *The Nuclear Non-Proliferation Treaty: Origin and Implementation, 1959-1979* vol. 1 (London: Oceana Publications, Ltd., 1980), pp. 43-44.

⁵⁴The abstentions were Albania, Cuba, France, Guinea, Pakistan, and Romania. While Pakistan was concerned over ambiguities which could lead to conflicting interpretations, the other states were primarily concerned with legitimizing the existing great power monopoly over nuclear weapons. See Shaker, *The*

called for all states to take the necessary steps for an early conclusion of a nuclear non-proliferation treaty and urged the ENDC to write a treaty adhering to five principles. Because this resolution was referred to on numerous occasions during the ENDC debates throughout the next two years, it is worth including the key principles here:

- (a) The treaty should be void of any loopholes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form;
- (b) The treaty should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear powers;
- (c) The treaty should be a step towards the achievement of general and complete disarmament and, more particularly, nuclear disarmament;
- (d) There should be acceptable and workable provisions to ensure the effectiveness of the treaty;
- (e) Nothing in the treaty should adversely affect the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories.⁵⁵

Nuclear Non-Proliferation Treaty, pp. 47-48. For the original resolution, see UN/GA, Official Records, 20th session, *Resolutions Adopted by the General Assembly during its Twentieth Session 21 September - 22 December 1965*, Supplement no. 14, pp. 7-8, doc. A/6014.

⁵⁵UN/GA, Official Records, 20th session, "Resolutions Adopted by the General Assembly during its

A few months later, in January 1966, the United States sent a message from President Johnson to the ENDC. He outlined a seven point program for nuclear non-proliferation. First, Johnson wrote, a nuclear non-proliferation treaty void of loop-holes should be sought. Through this treaty and through other efforts, the application of IAEA safeguards over peaceful nuclear activities should be extended. Johnson also argued for the strengthening of the United Nations and other security arrangements to dissuade further proliferation, and he advocated the expansion of the Partial Test Ban Treaty to include underground testing as well. Once these points were achieved, President Johnson recommended the development of an agreement which would oblige the NWS not to increase and, in fact, to reduce their nuclear stockpiles. Finally, he also advocated regional means for limiting nuclear proliferation.⁵⁶

Twentieth Session," 21 September - 22 December, 1965, pp. 7-8.

⁵⁶UN/ENDC, "Message Dated 27 January 1966 from President Johnson to the Conference of the Eighteen-Nation Committee on Disarmament," 27 January 1966, doc. ENDC/165.

The message from President Johnson was followed shortly thereafter by one from Alexei N. Kosygin, Chairman of the Council of Ministers of the Soviet Union. Kosygin insisted on the need for the immediate conclusion of a nuclear non-proliferation treaty to block all possibilities for further proliferation. Noting the Soviet concern over a nuclear-armed Germany, Kosygin wrote, "The Soviet Union is prepared to assume immediately an obligation not to be the first to use nuclear weapons, provided that the other nuclear Powers do likewise."⁵⁷

During the next few months, discussions continued on the original drafts of the non-proliferation treaty. Within the United States there were debates on a number of points. In a series of confidential letters and memorandums circulated among various officials at the time, concerns were expressed over the definition of proliferation. In a memo from General Earle Wheeler of

⁵⁷UN/ENDC, "Message Dated 1 February 1966 from the Chairman of the Council of Ministers of the Union of Soviet Socialist Republics to the Conference of the Eighteen-Nation Committee on Disarmament," 3 February 1966, p. 3, doc. ENDC/167.

the Joint Chiefs of Staff to Secretary of Defense Robert McNamara on June 29, 1966, Wheeler noted that "proliferation" as used in the earlier NPT drafts referred to "physical access" rather than to control over the firing of the weapons themselves.⁵⁸ This concern was echoed in a letter sent in July to Secretary of State Dean Rusk from Glenn Seaborg, Chairman of the U.S. Atomic Energy Commission. Seaborg more clearly specified the problem with the language as it was used in the earlier drafts. He wrote,

We think, for instance, that there might well be some question as to whether our present NATO atomic stockpile program or arrangements presently being considered are consistent with a ban on our granting "physical access" to nuclear weapons, or assisting non-nuclear weapon states in achieving such success.⁵⁹

Also of concern at the time was how to strengthen the article dealing with the application of safeguards. Article III of the U.S. draft read as follows: "Each of the states party to this treaty undertakes to cooperate

⁵⁸NSA/NNP, fiche 194, doc. 1173.

⁵⁹Ibid., doc. 1174. For further discussions on this issue, see NSA/NNP, fiche 198, doc. 1197.

in facilitating the application of International Atomic Energy Agency or equivalent international safeguards on all peaceful nuclear activities."⁶⁰ This wording did nothing, it was argued, to define those safeguards, nor did it offer specifics on how they would be applied or on how they would help prevent development of nuclear weapons under the guise of a peaceful nuclear program.

With these criticisms in mind, Adrian S. Fisher of the U.S. Arms Control and Disarmament Agency proposed in late August 1966 new language for a draft treaty to be discussed with the Soviets. To strengthen the article on safeguards, Fisher added to the above wording that

each of the states party to this treaty further undertakes not to provide source or fissionable material, or specialized equipment, or non-nuclear material for the processing or use of source or fissionable material or for the production of fissionable material, to other states for peaceful purposes unless such material and equipment will be subject to such safeguards.⁶¹

The reaction of the Soviets to this new wording was favorable as they viewed the new language as being closer

⁶⁰NSA/NNP, fiche 193, doc. 1167.

⁶¹Ibid., fiche 198, doc. 1196, p. 2.

to their own position. However, they were still concerned over the omission of language which would explicitly prevent any nuclear transfers through third parties.⁶² Nevertheless, there was enough agreement to move ahead closer to a final version of the treaty. By September 1966, the Soviets too had revised the language used in their earlier draft to reflect the position that they were willing to accept already existing security arrangements between the United States and its NATO allies.⁶³

Frustrated by the slow pace of negotiations on a non-proliferation treaty, a number of non-hegemonic states, including Argentina, India, Mexico, and Pakistan, took it upon themselves to submit a draft resolution on October 27, 1966, pressing for conclusion of such a treaty.⁶⁴ During the plenary sessions on this matter,

⁶²NSA/NNP, fiche 198, doc. 1196, pp. 1-2.

⁶³Ibid., doc. 1197, p. 3.

⁶⁴The complete list of joint sponsors of this resolution is as follows: Afghanistan, Argentina, Bolivia, Brazil, Burma, Chile, Colombia, Congo, Costa Rica, Cyprus, El Salvador, Ethiopia, Guatemala, Honduras, India, Jordan, Kenya, Kuwait, Mexico, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Paraguay, Senegal, Sweden,

Irish Foreign Minister Frank Aiken argued that the greatest threat to world peace was the continuing spread of nuclear weapons.

The number of nuclear powers is critical. We may succeed in living with five but, as many have come to appreciate, the number of such Powers has one characteristic in common with the mass of the fissile core of nuclear weapons, namely, that there is a threshold which may not be crossed without the certainty of explosion.⁶⁵

Of further concern to many of the sponsors of this resolution was the focus of the previous negotiations on a non-proliferation treaty. As explained by India's Representative to the ENDC, Vishnu C. Trivedi, much of the focus had been on preventing additional states from becoming nuclear powers. Yet, this was only one aspect of the proliferation issue. He argued that the only

Syria, United Arab Republic, Tanzania, Uruguay, Venezuela, and Yugoslavia. The following were added subsequently: Central African Republic, Ghana, Lebanon, Libya, Malta, Indonesia, Rwanda, Trinidad & Tobago, Zambia, Mauritania, Liberia, Upper Volta, Tunisia, and Gabon. See UN/GA, Official Records, 21st session, agenda item 26, annexes, p. 2, doc. A/6509. Also, doc. A/C.1/L.371 and additions.

⁶⁵UN/GA, 21st session, First Committee, agenda item 26, "Verbatim Record of the Fourteen Hundred and Forty-first Meeting," 3 November 1966, p. 2, doc. A/C.1/PV.1441.

means for achieving real security was by taking "meaningful steps toward disarmament."⁶⁶ In other words, the nuclear weapon states would also have to take steps to curb their own vertical proliferation of nuclear weapons.

The U.S. and U.K. reactions to this linking of vertical and horizontal nuclear proliferation issues were anything but favorable. At the plenary session the next day, Britain's leader of the delegation to the ENDC, Lord Chalfont, responded to Trivedi's statement. He attacked India for blurring the issues of disarmament and nuclear proliferation. While he noted that Britain had every intention of pursuing more comprehensive measures on disarmament, he argued that preventing horizontal proliferation had to be done first. Thus, Lord Chalfont argued, the two issues should not in any way be linked.⁶⁷ Nevertheless, the NNWS were adamant that some provision

⁶⁶UN/GA, 21st session, First Committee, agenda item 26, "Verbatim Record of the Fourteen Hundred and Forty-third Meeting," pp. 18-26, 7 November 1966, doc. A/C.1/PV.1443.

⁶⁷Ibid., "Verbatim Record on the Fourteen Hundred and Forty-fifth Meeting," pp. 38-47, 8 November 1966, doc. A/C.1/PV.1445.

be included relating to the curbing of vertical proliferation by the NWS.

On November 17, 1966, the General Assembly adopted the jointly-sponsored draft resolution by a vote of 97-2-3, renaming it Resolution 2153A (XXI) on the Non-Proliferation of Nuclear Weapons.⁶⁸ Noting that an agreement on a non-proliferation treaty had not been reached and that without such a treaty, both vertical and horizontal proliferation could increase, further increasing tensions and risking nuclear war, the resolution reaffirmed Resolution 2028 (XX). It further urged all states to take all steps necessary for conclusion of a nuclear non-proliferation treaty, and invited states to provide assurances that they would not use or threaten to use nuclear weapons against another country. Finally, it called upon the ENDC to give priority to negotiation of a non-proliferation treaty.⁶⁹

The ENDC reconvened on February 21, 1967, with a message from U.S. President Lyndon B. Johnson. Noting

⁶⁸UN/GA, Official Records of the Twenty-first Session, Supplement no. 16, Resolution 2153A.

⁶⁹Ibid.

the concerns of the other states with respect to access to peaceful applications of nuclear technology, Johnson recommended that "the treaty clearly state the intention of its signatories to make available the full benefits of peaceful nuclear technology--including any benefits that are the by-product of weapons research."⁷⁰

It soon became apparent that the focus of the early discussions, at least for the nuclear weapon states, would be on inspections and safeguards. While the nuclear weapon states were busy discussing safeguards and inspections, the other members of the ENDC were more concerned with access to peaceful applications of nuclear energy, guaranteeing the right to conduct peaceful nuclear explosions, obligating the NWS to move toward nuclear disarmament, and securing security assurances by the NWS.

Finally, on August 24, 1967, two identical drafts of a nuclear non-proliferation treaty were submitted by the United States and Soviet Union to the ENDC, though debate still continued on Article III relating to safeguards and

⁷⁰Conference of the Eighteen-Nation Committee on Disarmament, 21 February 1967, p. 2, doc. ENDC/187.

inspections. For the next several months, discussions continued outside the format of the ENDC and by January 1968, when the ENDC reconvened once again, the debate on inspections and safeguards had been resolved. On March 11, 1968, the final drafts of the NPT were submitted to the ENDC which, in turn, submitted a resolution to the General Assembly recommending endorsement of the NPT. The resolution was adopted by a vote of 95-4-21 on June 12, 1968.⁷¹ On July 1, 1968 the NPT was officially signed. It entered into force two years later, on March 5, 1970, in effect codifying the principles, norms, and decision-making procedures of the now fully established nuclear non-proliferation regime.

Summary

Only when both the hegemonic power and a sufficient number of non-hegemonic states desire a regime for a particular issue can that regime become fully established. The third stage in the process of regime

⁷¹The four countries voting against the resolution were Albania, Cuba, Tanzania, and Zambia. The twenty-one abstentions included France, Brazil, India, and Israel, among others.

creation entails negotiation and compromise as rules and decision-making procedures are developed and principles and norms are modified. For the regime to become fully established, both the hegemon and a sufficient number of non-hegemonic states must agree to the principles, norms, rules, and decision-making procedures. The regime will then provide them with more control over the issue in question than they would otherwise have been able to wield through some other means.

The nuclear non-proliferation regime is reflective of the importance of both the hegemonic power and the non-hegemonic states in this process, and nowhere is this more clearly seen than in the third stage of regime creation. In particular, the negotiations on the drafting of the NPT reflect the points of compromise which allowed the regime to become fully established. The United States had supplied the basic set of principles and norms which were then incorporated into Articles I, II, and III dealing with nontransferability of weapons, materials, and facilities as well as with safeguards. The non-hegemonic states, on the other hand, were instrumental in providing the inclusion of Articles

IV, V, VI, and VII which dealt with access to technology, peaceful nuclear explosions, vertical proliferation, and nuclear weapon free zones, respectively. Finally, the opening paragraphs of the Treaty, which outline the basic principles and goals of the Treaty, as well as most of the principles of the regime itself, were developed by the interplay between the United States and the various non-hegemonic states involved.

CHAPTER SEVEN

CONCLUSION

On March 5, 1970, the Treaty for the Non-Proliferation of Nuclear Weapons entered into force, effectively marking the point at which the nuclear non-proliferation regime became fully established. The examination of its origins has provided some important theoretical insights and has raised some interesting questions which are worth briefly discussing in this concluding chapter.

Theoretical Insights

Guided by the series of hypotheses posed in Chapter One, the past several chapters have provided a systematic and detailed examination of the origins of the nuclear non-proliferation regime. To facilitate discussion, the hypotheses are briefly restated here.

Hypothesis 1: A hegemonic power will not seek a regime so long as it is able to wield what it perceives as sufficient control over the issue or issue-area in question.

Hypothesis 1a: Once a hegemonic power perceives it is losing or cannot achieve control over this issue or issue-area, it will seek the formation of a regime based on its own set of principles and norms.

Hypothesis 2: Non-hegemonic states which have their own means for wielding control over a particular issue or issue-area are unlikely to support creation of a regime.

Hypothesis 2a: Non-hegemonic states without unilateral means for wielding more control in the system over a particular issue or issue-area will tend to seek formation of a regime.

Hypothesis 3: Only when both a hegemonic power and a sufficient number of non-hegemonic states desire a regime for an issue or issue-area can that regime be fully established.

At first glance, these hypotheses might appear obvious, yet when looking at the literature on regime origins, the importance of these hypotheses for the study of other regimes becomes evident.

Current literature on regime origins suffers from two important shortcomings. First, most authors fail to distinguish between regime creation and regime function. In doing so, they tend to explain the former in terms of the latter, focusing on cooperation to explain the origins of regimes. Second, most regime literature deals only with the role of the hegemonic power in regime creation, the one exception being Robert Keohane's work

on regime demand in *International Institutions and State Power*.¹ Yet Keohane's work and the literature dealing only with the hegemonic power's role in regime creation suffer from a similar problem; in both cases an attempt is made to explain regime creation by examining only one component of the process by which regimes originate.

The hypotheses here and the discussion provided in the past several chapters demonstrate that with respect to the origins of the nuclear non-proliferation regime, cooperation only became important toward the end of the process of regime creation. Indeed, examining the origins of the nuclear non-proliferation regime has shown that it was really the desire to wield more control over various aspects of nuclear technology and weapons that began the process of regime creation. This should not be surprising, as Keohane himself writes that regimes "should be comprehended chiefly as arrangements motivated by self-interest...."² Yet, once stated, this point is

¹Robert O. Keohane, *International Institutions and State Power* (Boulder: Westview Press, 1989), especially ch. 3.

²Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton:

too often forgotten.

Those few authors who deal with regime origins perhaps err in focusing only on the third stage of regime creation, that of negotiating and compromising on rules and decision-making procedures. As a result, cooperation is accorded more importance in regime origins than should be the case. For example, if one focuses on the years immediately prior to the drafting of the Nuclear Non-Proliferation Treaty to explain the origins of the nuclear non-proliferation regime, the real reasons behind this apparently cooperative effort would be obscured.

The second important point made clear by the discussion in the previous chapters is that when examining regime origins it is crucial to treat both the role of the hegemonic power and those of the various non-hegemonic states at the same time. At least with respect to the nuclear non-proliferation regime, it should now be clear that to understand fully the complex process of regime creation, one must examine the interplay between the hegemonic power's desire to wield more control and

Princeton University Press, 1984), p. 63.

the similar desires on the part of the non-hegemonic states. Indeed, demonstrating that non-hegemonic states also played crucial roles in the origins of the nuclear non-proliferation regime may help explain what Roger K. Smith refers to as "an anomaly" in international relations.

Smith contends that the nuclear non-proliferation regime "presents a serious anomaly for contemporary international relations theory in explaining both its formation and maintenance...."³ He points out that regime theory generally views the role of the hegemonic power as one of encouraging cooperation. Yet, he argues, at least in the early years after World War II, the United States did not encourage cooperation in the nuclear field. Instead, under the Baruch Plan, the United States sought to prevent any cooperation by denying technology to all others and maintaining its own monopoly.⁴ Smith continues, pointing out that the

³Roger K. Smith, "Explaining the Non-Proliferation Regime: Anomalies for Contemporary International Relations Theory," *International Organization* 41, 2 (Spring 1987): 255.

⁴*Ibid.*, p. 268.

nuclear non-proliferation regime became fully established "precisely when the United States entered a period of overall hegemonic decline."⁵

Smith's discussion, like those of others who deal with regime origins, suffers from a focus on the hegemonic power and on the final phase of regime creation. The regime was able to become fully established in 1970 because then and only then did it have both the support of the hegemon and the support of a sufficient number of non-hegemonic states. While the regime became fully established as the United States arguably entered a period of hegemonic decline, this was only one step in the process of regime creation. The earlier stages, involving the development of a core set of principles and norms and the spreading of these principles and norms to other states in the system, both occurred when the United States was still clearly the hegemonic power.

In fact, Smith contrasts the nuclear non-proliferation regime with the post World War II monetary

⁵Smith, "Explaining the Non-Proliferation Regime," p. 269.

and trade regimes, arguing that the economic regimes represent the norm while the non-proliferation regime is the anomaly. Both these regimes are often held up as examples of the hegemonic power (the United States) promoting cooperation and providing a public good, even to its own detriment. Yet, when examining the origins of the Bretton Woods or GATT regimes, analysts tend to begin with the 1944 United Nations conference held at Bretton Woods, New Hampshire.⁶ If one were to look back to when and why the norms and principles embodied in these regimes were developed by U.S. policymakers, it is quite possible that one would find cooperation was not at the root of these regimes any more than it was at the root of the nuclear non-proliferation regime.

Some Important Questions

When examining any topic, new questions are often raised even as prior ones are answered. Examining the origins of the nuclear non-proliferation regime has not proven to be an exception. Though it is beyond the scope of this

⁶For more on these two regimes, see Keohane, *After Hegemony*, ch. 8.

work to explain fully all the questions suggested by the previous chapters, a few are important enough to warrant a brief discussion.

Why Did the Regime Form in the Absence of Various States?

A question often posed when looking at the nuclear non-proliferation regime is why were some states willing to become members of the regime, even when others had not? For example, though Israel is still not a formal member of the regime, by virtue of not having signed the Nuclear Non-Proliferation Treaty, most of the Arab states have become members.⁷ Similarly, though Argentina, Brazil, and Chile opposed formally joining the regime for many years, all the other countries in South America became members of the regime.⁸ For that matter, why would most

⁷The years for ratification are as follows: Bahrain (1988); Egypt (1981); Iran (1970); Iraq (1970); Jordan (1970); Kuwait (1989); Lebanon (1970); Libya (1975); Qatar (1989); Saudi Arabia (1988); and Syria (1969). The United Arab Emirates and Oman are not members.

⁸While not willing to sign and ratify the NPT, Brazil and Chile did ratify the Treaty of Tlatelolco in 1968 and 1974 respectively. Argentina signed in 1967, but never ratified the treaty. Thus, in some sense these countries could be considered partial members of the non-proliferation regime. For more on this see, John R. Redick, *Nuclear Illusions: Argentina and Brazil*,

countries be willing to become party to the regime when two of the nuclear weapon states, France and China, refused to join?⁹

To answer this question, there is a larger issue which must be clarified. Regimes need not be universal in order to become fully established; there must just be a sufficient number of states (including the hegemon) so that each state party to the regime believes its needs are better met through the regime than through any other means. What constitutes a sufficient number of states is subject to change depending upon the nature of the issue with which a particular regime is dealing. The Bretton Woods monetary regime, for example, included only 44 countries at its beginning, and the Soviet Union and most of the eastern bloc countries were not counted among the members.¹⁰ Similarly, most of the countries of Eastern Europe are not members of the GATT trade regime.

Occasional Paper 25 (Washington, D.C.: The Henry L. Stimson Center, December 1995).

⁹Both of these countries ratified the NPT in 1992.

¹⁰United Nations, *Yearbook of the United Nations*, 1946-1947 (New York: United Nations, 1947), pp. 769-770.

As to the more specific question of why the nuclear non-proliferation regime was able to become fully established in the absence of Israel, India, Pakistan, etc., the answer is found in the dual nature of control discussed earlier. Control for the non-hegemonic states refers to both the ability to constrain other states and the ability to extract benefits from other states. It would appear that the states which chose to become members of the regime felt that the benefits gained by joining the regime outweighed the risks of not being universal.

How Important Was the Soviet Union?

In Chapter Two it was argued that the Soviet Union was not a hegemonic power during the period in which the nuclear non-proliferation was created, roughly spanning from 1945 to 1970. Yet, by virtue of it having a nuclear arsenal which came to rival that of the United States, the Soviet Union played a more important role than many other non-hegemonic states during the final stage of the regime creation process, that of negotiating the rules and decision-making procedures and modifying principles

and norms. Nevertheless, in the two earlier stages of regime creation, the formation of a basic set of principles and norms and their spread to other states in the system, the support of the Soviet Union was not as important as it is sometimes thought.

Certainly, the Soviet Union was the most vocal opponent of the Baruch Plan, the United States' earliest attempt at some form of international arrangement based on its own set of principles and norms. However, the Soviet Union was not the only state which rejected the plan; many states saw the Baruch Plan as a means for the United States to maintain its nuclear monopoly. In the face of such opposition, it is by no means clear that the United States would have been able to implement the Baruch Plan successfully had the Soviets supported it.

Again in 1953, the Soviet Union initially rejected the Atoms for Peace Initiative proposed by President Dwight D. Eisenhower. While the U.S. administration had hoped to have Soviet support, the vocal objections made by the Soviet Union did not hamper U.S. negotiations with a number of other non-hegemonic states and the plan moved toward implementation even without the Soviet Union.

Indeed, it was only when the Soviets realized that the United States had sufficient support to implement the Atoms for Peace Initiative with or without them that they reversed their stance on the issue. It is true that the Soviet Union then played an important role in getting the concerns of the non-hegemonic states, and particularly those of the developing countries heard. Nevertheless, it is questionable as to whether the support of the Soviet Union was really needed at this point for Atoms for Peace to work and for the International Atomic Energy Agency to be established.

What of the Regime Today?

The argument presented in the previous chapters has dealt with the origins of the nuclear non-proliferation regime. Here is not the place to examine the dynamics of the regime since it became fully established, nor to discuss in detail the continuing arguments related to its weaknesses and strengths. However, there are some points that can be made briefly concerning the status of the regime today.

The nuclear non-proliferation regime has been in

existence now for twenty-five years, but there is still some debate on how strong it is and how well it is performing.¹¹ Because the NPT is the cornerstone of the regime, it is often used as a gauge for the strength of the regime.¹² Nevertheless, adherence to the NPT is not the only means for determining the current status of the regime. Also of importance is adherence to other agreements such as the Treaty of Tlatelolco and the

¹¹For more on the weaknesses and strengths of the regime, see Joseph S. Nye, Jr., *The International Nonproliferation Regime*, Occasional Paper 23 (Muscantine: The Stanley Foundation, 1980); idem, "Maintaining a Nonproliferation Regime," *International Organization* 35, 1 (Winter 1981): 15-38; Roger K. Smith, "Opaque Proliferation and the Fate of the Non-Proliferation Regime," *The Journal of Strategic Studies* 13, 3 (September 1990): 92-124; and Lawrence Scheinman, "Nonproliferation Regime: Safeguards, Controls, and Sanctions," in *The Nuclear Connection*, eds. Alvin Weinberg, Marcelo Alonso, Jack N. Barkenbus, 177-210 (New York: Paragon House Publishers, 1985).

¹²For more on the weaknesses and strengths of the treaty itself, see Lawrence Scheinman, "The Non-Proliferation Treaty: On the Road to 1995," *International Atomic Energy Agency Bulletin* 34, 1 (Vienna, 1992): 33-40; idem, "Does the NPT Matter?" in *Beyond 1995: The Future of the NPT Regime*, eds. Joseph Pilat and Robert Pendley, 53-63 (New York: Plenum Press, 1990); Ashok Kapur, "Dump the Treaty," *The Bulletin of the Atomic Scientists* 46, 6 (July/August 1990): 21-22; and Lewis A. Dunn, "It Ain't Broke--Don't Fix It," *The Bulletin of the Atomic Scientists* 46, 6 (July/August 1990): 19-20.

Treaty of Rarotonga.¹³ In addition, one can look at the current negotiations on, and the chances for the development of, a complete test ban treaty (CTB); it is often argued that such a treaty would help strengthen the overall non-proliferation regime.¹⁴ Similarly, one could also look at the earlier U.S.-Soviet talks on nuclear arms reduction and whether more is likely to be done in this area with Russia. Though the discussion that follows cannot deal with all of these aspects, a few key items will be highlighted for thought.

The nuclear non-proliferation regime is by no means universal, but there have been some important additions

¹³Like the Treaty of Tlatelolco, the Treaty of Rarotonga (1985) was also developed to establish a nuclear weapon free zone, but while the former creates such a zone in Latin America, the latter does so in the South Pacific.

¹⁴For more on a CTB and its relationship to the nuclear non-proliferation regime, see William Epstein, "The Non-Proliferation Treaty and the Review Conferences: 1965 to the Present," in *Encyclopedia of Arms Control and Disarmament*, ed. Richard Dean Burns, 855-875 (New York: Charles Scribner's Sons, 1993). Also see the monograph circulated by The Campaign for the Non-Proliferation Treaty, *The Comprehensive Test Ban and The Non-Proliferation Treaty: Extracts from a Briefing Featuring Ambassadors Paul C. Warnke, Herbert F. York, and James F. Leonard* (Washington, D.C.: The Campaign for the Non-Proliferation Treaty, March 1994).

to its membership over the last few years. France and the People's Republic of China, the only two overt nuclear weapon states which remained outside the regime's framework, both formally joined the nuclear non-proliferation regime in 1992 by virtue of signing the Nuclear Non-Proliferation Treaty. South Africa, a key *de facto* nuclear weapon state also finally joined in 1991, actually dismantling the nuclear weapons it had created covertly.¹⁵ Though Argentina and Brazil, states which had in the past expressed an interest in obtaining nuclear weapons, have not yet signed the NPT, both of these countries have finally become contracting parties to the Treaty of Tlatelolco, bringing them into the framework of the overall non-proliferation regime.¹⁶ These new memberships in key agreements for preventing nuclear proliferation would seem to suggest that the regime is becoming stronger and that the principles and norms upon which it is based are coming to be shared by a

¹⁵Though suspected, this fact was not disclosed until March 1993. See "South Africa Comes Clean," *The Bulletin of the Atomic Scientists* 49, 4 (May 1993): 3-5.

¹⁶See Redick, *Nuclear Illusions*, p. 34.

greater number of states.

Nevertheless, as evidenced by the recent moving forward of the minute hand on the well-known clock of *The Bulletin of the Atomic Scientists*, the picture is still ambiguous.¹⁷ Even as the nuclear non-proliferation regime has become more universal by virtue of its new members, older members are straying from the principles and norms which form the core of the regime. Iraq was one of the earliest members of the regime, and as such had agreed not to seek to acquire or build nuclear weapons. Yet, as events in late 1991 made clear, Iraq had done just that.¹⁸ North Korea formally became a member of the regime in 1985 but, as became all too evident in 1993, it was also pursuing a covert nuclear capability.¹⁹ More recently, Iran (another early

¹⁷In the January/February 1996 issue, the hand on the "doomsday clock" was moved from seventeen to fourteen minutes to midnight. For an interesting history of the *Bulletin's* clock and when and why it has been "reset" over the years, see Mike Moore, "Midnight Never Came," *The Bulletin of the Atomic Scientists* 51, 6 (November/December 1995): 16-27.

¹⁸David Albright and Mark Hibbs, "Iraq's Bomb: Blueprints and Artifacts," *The Bulletin of the Atomic Scientists* 48, 1 (January/February 1992): 30-40.

signatory of the NPT) is being scrutinized as a result of recent purchases from Russia which apparently include a facility for enriching uranium.²⁰

Because the NPT is the cornerstone of the nuclear non-proliferation regime, perhaps the most important test of the regime was the four-week NPT Review and Extension Conference held at the United Nations during April and May 1995. Yet, even the results of the conference are somewhat ambiguous. It was this fifth review conference which was supposed to determine whether the NPT should "remain in force indefinitely, or should be extended for an additional fixed or fixed periods."

The result of the conference was the indefinite extension of the NPT, which at first glance would suggest a strengthening of the regime itself. However, while a majority of countries supported this extension, there was

¹⁹David Albright, "North Korea Drops Out," *The Bulletin of the Atomic Scientists* 49, 4 (May 1993): 9-11. There were a series of articles in *The New York Times* and *The Washington Post* during this period, including R. Jeffrey Smith, "North Korea Quitting Arms Pact," *The Washington Post*, 12 March 1993, p. A16.

²⁰For more on this see David Albright, "An Iranian Bomb?" *The Bulletin of the Atomic Scientists* 51, 4 (July/August 1995): 21-26.

no consensus on this decision and a vote was never formally taken.²¹ In fact, many states were concerned that the various nuclear weapon states were not fulfilling their obligations under the treaty, both in terms of seeking arms reduction and, more importantly, in terms of making the peaceful applications of nuclear technology accessible to other treaty members.

What does this mean for the regime? It is difficult to say, but it appears that even as more states are adhering to the regime's basic principles and norms, others are coming to question whether the regime is still providing the basic benefit of aiding in wielding more control over the issue-area of nuclear technology.

²¹Instead, Conference President Jayantha Dhanapala of Sri Lanka, along with the various delegations, developed a series of "decisions" related to strengthening the treaty review process, to principles and objectives of nuclear non-proliferation and disarmament, and to extension of the treaty. Obtaining the consent of the delegations involved, he proceeded to adopt these three decisions without a formal vote. For more on this, see William Epstein, "Indefinite Extension-with Increased Accountability," *The Bulletin of the Atomic Scientists* 51, 4 (July/August 1995): 28.

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