

# **What Drives States to Support New Nonproliferation Obligations? An Empirical and Theoretical Exploration**

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## Introduction<sup>1</sup>

Why would a state that opposes nuclear proliferation resist new nuclear nonproliferation obligations? This question is analytically distinct from the question of why states pursue nuclear weapons,<sup>2</sup> and having the right answer is pivotally important to evaluating the global nonproliferation regime and crafting nonproliferation policy. Understanding the interests that drive some countries to support or accept new nonproliferation obligations beyond the Non-Proliferation Treaty’s (NPT) core requirements—what I call “NPT-plus obligations” [see Table 1]—and other countries to reject them would sharpen understanding of the types of incentives, concessions, or compromises that the advocates would have to make in order to entice the hold-outs.<sup>3</sup> States are under no legal obligation to support or adopt these obligations, and much of nonproliferation diplomacy is devoted to building support for them.

One answer dominates much of the worldwide debate over the future of the nuclear nonproliferation regime: non-nuclear-weapon States (NNWS), particularly those associated with the Non-Aligned Movement (NAM) of developing countries, oppose many NPT-plus obligations because they perceive them as illegitimate or unfair on the grounds that the nuclear-weapon States (NWS) have failed to uphold their existing nuclear disarmament commitments under NPT Article VI. Thus, if the NWS remedy the unfairness by satisfactorily demonstrating their commitment to nuclear disarmament, the NNWS will be more inclined to support NPT-plus obligations. This reasoning is commonplace in nonproliferation policy discourse. For example, in a survey of foreign perspectives on U.S. nuclear policy conducted by SAIC in 2006 for the U.S. Defense Threat Reduction Agency, respondents predicted that “greater U.S. readiness to engage on nuclear disarmament issues would pay off in increased support from other third parties in pursuing U.S. non-proliferation objectives.”<sup>4</sup> Mohammad ElBaradei, Director General of the IAEA and a Nobel Peace Prize recipient, has argued that the United States would “have much more moral authority to go after the Iranians of the world” if it pursued nuclear disarmament.<sup>5</sup> Hans Blix, the distinguished Swedish diplomat and former head of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) for Iraq, laments that “even while the nuclear weapons states are ignoring their own commitments to disarmament, [NWS] remain intent on tying non-nuclear weapons states to ever more commitments.”<sup>6</sup> It is also a dominant self-critique of U.S. policy made by leading U.S. experts. Daryl Kimball, executive director of the Washington-based Arms Control Association and editor of the leading journal *Arms Control Today*, offers this characteristic critique:

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<sup>1</sup> This is a work in progress. The author thanks Chris Chyba, John Deutch and Brian Finlay for comments on earlier drafts. All errors and omissions are mine.

<sup>2</sup> As the title and introduction imply, the structure and approach of this essay was inspired by Scott Sagan’s groundbreaking 1996 article “Why Do States Build Nuclear Weapons?” (*International Security* 21 (Winter 1996/1997), pp.54-86).

<sup>3</sup> Treaty on the Non-Proliferation of Nuclear Weapons, March 5, 1970.

<sup>4</sup> Lewis Dunn et al, “Foreign Perspectives on U.S. Nuclear Policy and Posture: Insights, Issues and Implications,” Advanced Systems and Concepts Office, Defense Threat Reduction Agency (December 2006), p.3.

<sup>5</sup> Nuclear Proliferation Challenges and Nonproliferation Opportunities: A Conversation With Dr. Mohamed Elbaradei, Steinbeck Forum, Monterey Conference Center, Monterey, California, May 30, 2006. Transcript available at <[http://cns.miis.edu/cns/media/pr060531\\_transcript.htm](http://cns.miis.edu/cns/media/pr060531_transcript.htm)>

<sup>6</sup> Blix, p.71.

[A] growing number of states believe that the nuclear haves do not intend to fulfill their end of the NPT bargain—their pledge to eliminate nuclear weapons. That growing frustration makes the non-nuclear-weapon states less willing to agree to further measures that would bolster the regime.<sup>7</sup>

Kimball singles out the United States in particular as the main perpetrator of this hypocrisy, blaming U.S. opposition to the CTBT, a verifiable FMCT, and other items in the 13-point action plan on disarmament agreed at the 2000 NPT Review Conference.<sup>8</sup>

This essay develops a critique of this explanation as incomplete. The behavior of states is guided not only by normative considerations about fairness, hypocrisy and the like; it is also animated, and in many cases dominated, by security and economic interests. A state may oppose an NPT-plus obligation on principle because it is unfair, but it does not follow that a state would necessarily support the obligation if the unfairness were remedied. That’s because taking on new nonproliferation obligations is not costless. Budgets and time are finite for all governments, and officials must spend scarce resources—time and money—formulating, evaluating, and negotiating the content of a proposed obligation. Then they have to implement it, which could entail a new set of costs, such as adjustment costs and a potential loss of sovereignty. In short, a state may continue to oppose a nonproliferation measure on the grounds that it will not produce a net security, economic, or prestige benefit.

In the spirit of Scott Sagan’s important article “Why Do States Build Nuclear Weapons?,” published by *International Security* in 1996, this essay develops two very informal frameworks for explaining why a state that has no interest in developing nuclear weapons might nonetheless resist new nonproliferation obligations: a “legitimacy framework” in which fairness and related normative considerations play a particularly strong role shaping states’ nonproliferation policies; and a “material interests framework” in which security and economic interests dominate the decision. Given the high profile of the assumptions and reasoning underlying the legitimacy framework in contemporary nonproliferation policy debate and the obvious relevance to international security, it is remarkable how little scholarly attention this set of issues has received. There is a large body of work on why states build nuclear weapons in which scholars specify and debate core assumptions and causal inferences, critically assess empirical evidence, and compare and

**Table 1**

*NPT-Plus Obligations: Some Illustrative Examples*

- Accessing to the IAEA Additional Protocol
- Accepting restrictions on national nuclear fuel cycle policy
- Supporting enforcement actions against proliferating states
- Taking UNSC 1540 seriously
- Supporting and enforcing nuclear export controls

*For a more comprehensive illustrative list, see National Security Advisory Group, “Reducing Nuclear Threats and Preventing Nuclear Terrorism,” pp. 16-17 (“Shoring up the nonproliferation regime”).*

<sup>7</sup> Daryl Kimball, “Reinforce the Nonproliferation Bargain,” *Arms Control Today* (March 2005), available at <[http://www.armscontrol.org/act/2005\\_03/focus](http://www.armscontrol.org/act/2005_03/focus)>

<sup>8</sup> Daryl Kimball, “Reinforce the Nonproliferation Bargain,” *Arms Control Today* (March 2005), available at <[http://www.armscontrol.org/act/2005\\_03/focus](http://www.armscontrol.org/act/2005_03/focus)>

contrast alternative accounts.<sup>9</sup> But there is no body of work comparable in empirical breadth, theoretical depth or critical orientation that explores the drivers of nonproliferation policy in states that oppose nuclear proliferation. Thus, for each of the two frameworks, I specify the main assumptions and theoretical drivers, relate it to broader theories of proliferation and international relations, and critically assess the evidence.

In general, I find the evidence supporting either perspective to be worryingly thin; there is no study that I am aware of that breaks open the black-box of governmental decision-making to examine the private motivations of leaders, which need not correspond to the government’s public pronouncements at NPT review conferences and other fora. For this reason, I regard the arguments and conclusions of this essay as tentative. In addition, by juxtaposing these two frameworks, I do not mean to suggest they are mutually exclusive or collectively exhaustive of all theoretical possibilities; a state can be motivated by both sets of interests. In addition, the frameworks are purposefully silent on a range of theoretical issues pertinent to international relations theory, such as the cognitive limitations of international actors, the modalities of preference formation, the role of domestic politics and institutions such as bureaucracies and legislatures, and the structural features of the international order. My objective is to use the frameworks to highlight shortcomings in the dominant narrative over how to build greater support for NPT-plus obligations, which I associate with the legitimacy framework, and to encourage more thoughtful accounting and analysis of the disparate and complex interests that states bring to bear on decisions to undertake new international obligations.

With these caveats in mind, my main conclusion is that progress on disarmament is neither necessary nor sufficient to attract the support of most countries for NPT-plus obligations. In general, efforts to strengthen the NPT regime depend increasingly on the willingness of governments to make costly investments of time, money, and sovereignty in a host of domestic and international institutions designed to regulate the transfer of sensitive materials and technology, penalize transgressions, and deter future violations. The road to achieving nearly universal support among NNWS for the NPT’s core nonproliferation obligation has been difficult, but the effort succeeded in no small part because most NNWS had no intention or capability of building nuclear weapons anyway, in 1968 when the treaty was concluded or even today. This isn’t to diminish the NPT’s role in contributing to international peace and security; it established an invaluable institutional framework for promoting nuclear nonproliferation and has helped stabilize states’ expectations. Rather, it is to point out that the nonproliferation advocate’s challenge today is in many respects considerably more complex. For not only must she work to sustain confidence among NNWS that nuclear weapons are not the answer to their security concerns despite the programs of Iran and North Korea; she must also convince the rest of the NNWS (and NWS) to spend scarce resources on nonproliferation instead of on military readiness, poverty reduction, public health, infrastructure improvements, and other competing domestic and international priorities. For countries that are especially committed to nonproliferation and/or have sufficient resources, the balance of tradeoffs may generally favor supporting NPT-plus obligations with little or no external prodding. Countries that do not share

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<sup>9</sup> For a concise overview, see, Jacques E.C. Hymans, “Theories of Nuclear Proliferation: The State of the Field,” *Nonproliferation Review* 13 (November 2006), pp.454-465.

that threat perception or face more intractable resource constraints, however, can be expected to resist costly obligations unless they are compensated in some way or coerced.

This essay proceeds as follows. First, I provide a very short history of the debate over nuclear disarmament and the NPT for context. Then I develop the two frameworks and evaluate them against a key case study, the 1995 decision to indefinitely extend the NPT. I also examine the evolution of China’s nonproliferation policy. I conclude with a discussion of the policy implications of the frameworks and a proposed research agenda.

## A. The Nonproliferation Hawk’s Albatross? Nuclear Disarmament and the NPT

The historical relationship between nuclear disarmament and nuclear nonproliferation is a troubled one. Disagreement over the extent to which the Non-Proliferation Treaty (NPT) should pull double-duty as a disarmament treaty dates back to NPT negotiations at the Eighteen Nation Committee on Disarmament. Some NNWS, most vocally from the Non-Aligned Movement (NAM), sought explicit textual obligations committing the NWS to negotiate towards specific disarmament-related measures, such as a comprehensive test ban treaty, a fissile materials cut-off treaty, and a freeze on nuclear weapons manufacturing.<sup>10</sup> The Soviet Union and the United States rejected these proposals out of concern that tying the implementation of the NPT to specific achievements in disarmament would “hamper the conclusion of the former without reaching agreements on the latter.”<sup>11</sup>

The artfully vague compromise was NPT Article VI, which reads:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.

The NNWS that went on to ratify the NPT acquiesced to this imprecise language on the grounds that a nonproliferation treaty with indefinite disarmament obligations was preferable to no nonproliferation treaty—and no disarmament obligations whatsoever from the NWS.<sup>12</sup>

This uneasy compromise has strained debate over the implementation of the NPT to varying degrees ever since, with a mild reprieve during the last five years of the twentieth century. It began with the 1995 NPT Review and Extension Conference, where the parties agreed to *inter alia* a strengthened review process and a Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament that reaffirmed the NWS’ commitment to nuclear disarmament and called for the completion of negotiations on a Comprehensive Test Ban Treaty (CTBT) and a fissile materials cut-off treaty (FMCT). That was followed at the 2000 NPT Review Conference (RevCon) with the 13 Practical Steps on Nonproliferation and Disarmament. These steps, though

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<sup>10</sup> See Mohamed Shaker, *The Nuclear Non-Proliferation Treaty: Origin and Implementation* (London: Oceana, 1980), p.568.

<sup>11</sup> Ibid, p.566.

<sup>12</sup> Ibid, p.571.

not legally binding on NPT parties, were understood to serve as benchmarks for gauging progress on nuclear disarmament. They include entry into force of a CTBT and FMCT, along with additional arms control measures.<sup>13</sup> The 2000 RevCon was a high-water mark in optimism and apparent consensus about the future of NPT, resulting for the first time in a Final Document “with comprehensive and substantive text that reviewed the treaty’s operation and set future goals.”<sup>14</sup>

### *The Consensus Unravels*

Sadly, the tentative consensus embodied by the 13 Practical Steps was very short-lived. Five years later, a polarized dispute over the NPT’s past and future produced a corrosive stalemate at the 2005 NPT Review Conference and stoked a pessimistic outlook.

The consensus began to unravel in 2001 when the new U.S. administration of George W. Bush reaffirmed its opposition to the CTBT and the Anti-Ballistic Missile (ABM) Treaty, followed by leaks on the results of a Nuclear Posture Review conducted in 2001 that some audiences interpreted as elevating the profile of nuclear weapons in U.S. defense strategy. This deterioration in the apparent consensus over disarmament occurred amidst a number of grave proliferation incidents and a bitter divergence over how to enforce nuclear nonproliferation norms. The September 2001 Al Qaeda attacks against the United States had an immediate, dramatic impact on many countries’ sensitivity to proliferation threats, particularly the United States and its allies. It elevated their threat perception to new heights and paved the way for the doctrine of preventive war to become an animating principle of U.S. national security strategy. In his January 2002 State of the Union speech, U.S. President George W. Bush singled out Iran, Iraq, and North Korea:

States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.<sup>15</sup>

A U.S.-led coalition cited this concern to justify a preventive military invasion of Iraq in March 2003. IAEA inspections in the run-up to the war and extensive investigations by the Iraq Survey Group, a weapons inspectorate set up by coalition partners once Baghdad fell, found no evidence of illicit nuclear activity in Iraq. The administration’s exploitation of heightened threat perceptions sowed skepticism about the quality of U.S. intelligence, the trustworthiness of America’s top leadership, and, in some cases, the urgency of the nuclear proliferation threat.

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<sup>13</sup> Final Document, 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2000/28.

<sup>14</sup> Norman Wulf, “Observations From the 2000 NPT Review Conference,” *Arms Control Today* (November 2000), <[http://www.armscontrol.org/act/2000\\_11/wulf.asp](http://www.armscontrol.org/act/2000_11/wulf.asp)>.

<sup>15</sup> Delivered Jan. 29, 2002, <<http://www.washingtonpost.com/wp-srv/onpolitics/transcripts/sou012902.htm>>.

Meanwhile, two other countries presented clear-cut cases of proliferation that provoked additional disputes over the causes, consequences, and appropriate remedies for proliferation. In January 2003, North Korea became the first country in history to withdraw from the NPT, and an IAEA report issued in June of that year documented extensive violations by Iran of its safeguards violations.<sup>16</sup> Both countries exploited a nuclear black market in gas centrifuge technologies operated by A.Q. Khan, father of Pakistan’s gas centrifuge program.

The five years leading up to the 2005 NPT RevCon were eventful, to put it mildly. At the conference, however, many NAM countries wanted to focus laser-like on the disarmament records of the NWS, particularly the United States. Washington, however, refused to entertain criticisms and sought instead to steer the emphasis towards nonproliferation concerns.<sup>17</sup> The result of this impasse was procedural gridlock over conference proceedings, substantive divergence over the nature of the proliferation threat and its appropriate remedies, and all-around acrimony.<sup>18</sup>

The pessimism that subsequently gripped much of the global nonproliferation community has begun a tentative but promising retreat over the past eighteen months. In January 2007, a bipartisan group of senior American statesmen published an op-ed in the *Wall Street Journal* (WSJ) embracing the vision of a world free of nuclear weapons.<sup>19</sup> This was followed one year later with a second WSJ op-ed that reaffirmed the vision and offered an outline for how to move in that direction.<sup>20</sup> These important interventions have sparked optimism among experts and opinion leaders in the United States and abroad that positive changes in American nuclear weapons policy are afoot.

There are sound strategic reasons for the United States to rationalize its nuclear posture, but nonproliferation advocates hope—and in some cases expect—that such changes will revitalize support for the NPT regime and lead to greater support for a spate of improvements to the regime. According to this perspective, many countries condition their support for the NPT regime to some significant extent on whether the NWS have made satisfactory progress towards nuclear disarmament. There are actually two distinct ways that a lack of progress on disarmament could undermine support for the NPT. It could stimulate one or more (typically unnamed) NNWS to pursue nuclear weapons or withdraw from the NPT (not necessarily in that

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<sup>16</sup> IAEA, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, GOV/2003/32, June 6, 2003, <<http://www.iaea.org/Publications/Documents/Board/2003/gov2003-40.pdf>>.

<sup>17</sup> A U.S. non-paper on Article VI distributed at the conference entitled “The Commitment of the United States of America to Article VI of the Treaty on the Nonproliferation of Nuclear Weapons” didn’t even mention the 1995 Decision or the 2000 13 Practical Steps. The document is available at <<http://www.reachingcriticalwill.org/legal/npt/RevCon05/nonpapers/USArtVI.pdf>>.

<sup>18</sup> For an insightful summary, see Burkard Schmitt, “NPT Breakdown,” Analysis n°0, Institute for Security Studies (July 2005), <[http://www.iss.europa.eu/index.php?id=18&no\\_cache=1&tx\\_ttnews\[swords\]=NPT&tx\\_ttnews\[tt\\_news\]=518&tx\\_ttnews\[backPid\]=11&cHash=26b628b910](http://www.iss.europa.eu/index.php?id=18&no_cache=1&tx_ttnews[swords]=NPT&tx_ttnews[tt_news]=518&tx_ttnews[backPid]=11&cHash=26b628b910)>.

<sup>19</sup> George P. Shultz, William J. Perry, Henry A. Kissinger & Sam Nunn, “A World Free of Nuclear Weapons,” *Wall Street Journal*, January 4, 2007; p.A15.

<sup>20</sup> George P. Shultz, William J. Perry, Henry A. Kissinger & Sam Nunn, “Toward a Nuclear-Free World,” *Wall Street Journal*, January 15, 2008, p.A13

order!). This perspective is aptly summarized by Alexei Arbatov, a leading scholar at the Carnegie Endowment for International Peace’s Moscow Center. He asserts that it is “completely clear that the unwavering reliance of the nuclear powers on nuclear weapons as the most important means for ensuring their own security creates additional stimulus for other countries to acquire these weapons.”<sup>21</sup> This scenario pertains to what drives states to pursue nuclear weapons—a subject of obvious importance—but it is analytically distinct from what motivates states that have no interest in developing nuclear weapons to support or oppose new nonproliferation measures, which is the focus here. Indeed, withdrawing from the NPT and/or building nuclear weapons is neither the only nor the most probable remedy for a state that is dissatisfied with the disarmament records of the NWS; it entails potentially massive adverse economic, political, and security ramifications that for most countries are disproportionate to the grievance. A state is much more likely to retaliate against the NWS by hardening its opposition to NPT-plus obligations. The remainder of this essay shall compare and contrast the assumptions and logic underlying this claim of a causal relationship between nuclear disarmament and support for NPT-plus obligations, which I refer to as the “legitimacy framework,” with an alternative account, a “material interests framework” that emphasizes security and economic interests.

## B. The Legitimacy Framework: Nuclear Disarmament and Support for NPT-Plus Obligations

The legitimacy framework hypothesizes that normative values such as legitimacy shape the behavior of nation-states in the conduct of their international relations; that NPT-plus obligations lack legitimacy in the eyes of many NNWS because the five NWS—and the United States in particular—have failed to uphold their NPT Article VI obligations to pursue nuclear disarmament in good faith; and that this perception corrodes support among NNWS for NPT-plus obligations. This logic generates a straightforward policy prescription for the United States and other nonproliferation advocates seeking support for NPT-plus obligations: demonstrate progress on nuclear disarmament.

The study and emphasis of normative considerations in international affairs has a distinguished scholarly history dating back to the writings of Immanuel Kant. Contemporary philosophers, international relations theorists, and scholars of international law have extended Kant’s emphasis on the constitutive characteristics of legitimacy in a number of enlightening ways. Broadly speaking, this diverse body of literature has a prescriptive strand offering accounts of what a just or moral foreign policy should be, and a descriptive strand focusing on how values such as fairness, ideology, and national identity shape international politics and foreign policy. We are interested here in the latter strand, which in its contemporary scholarly guise has two main theoretical orientations, constructivism and liberalism.

Thomas Franck, the eminent New York University legal scholar, argues along Kantian lines that states comply with international law when they perceive the rules to be fair;<sup>22</sup> one obvious

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<sup>21</sup> Alexei Arbatov, “Superseding US-Russia Deterrence,” *Arms Control Today* (January/February 2005), <[http://www.armscontrol.org/act/2005\\_01-02/Arbatov.asp](http://www.armscontrol.org/act/2005_01-02/Arbatov.asp)>.

<sup>22</sup> Thomas Franck, *Fairness in International Law and Institutions* (New York: Oxford University Press, 1998).

implication of this is that states are unlikely to accept unfair rules to begin with. Scholars taking a more empirical approach have documented how states internalize normative considerations in their decision-making processes. Liberal international relations theory focuses on how domestic political values and institutions shape a states’ foreign policy;<sup>23</sup> some of its leading theorists argue that that states with liberal-democratic domestic political orders tend to conduct their international relations in accordance with liberal-democratic principles such as fairness, rule of law, and peaceful settlement of disputes.<sup>24</sup> Liberal accounts have offered persuasive explanations of such key proliferation cases as the evolution of India’s nuclear weapons program.<sup>25</sup> Constructivist theory goes a step further than liberal theory and seeks to explain the factors that shape debate over definitions about what constitutes the national interest.<sup>26</sup> In constructivist theory, concepts such as sovereignty, national interest, and power are social constructs; their content—and by extension, international politics—is determined not by material factors such as wealth but by ideas.<sup>27</sup> Constructivist accounts of nuclear proliferation focus on the normative significance of nuclear weapons as symbols of strength, prestige and modern statehood; the theory offers compelling explanations of several proliferation cases, such as the French decision to develop a nuclear arsenal and the so-called “nuclear taboo” against the use of nuclear weapons.<sup>28</sup>

One of the main theoretical challenges facing constructivist theories of international relations, according to one of its critics, is explaining “the strategic, institutional, or material conditions in which a set of ideas [about the national interest] is likely to take hold.”<sup>29</sup> In the specific context of the NPT, a compelling framework should provide an explanation for why some NNWS would link their support for NPT-plus obligations to nuclear disarmament and other NNWS do not. After all, from a fairness perspective all NNWS are effectively in the same position: if the NWS have indeed failed to uphold their disarmament obligations, then in principle it is unfair to ask *any* NNWS to support NPT-plus obligations. Yet it is clear that some NNWS—such as Canada, Japan, and the NNWS members of the European Union—do not seem to condition or link their support for at least some NPT-plus obligations on satisfactory progress by the NWS towards nuclear disarmament. Ireland, New Zealand and Sweden, moreover, have an IAEA Additional Protocol in force but are also members of the New Agenda Coalition, a seven-member nuclear disarmament bloc, which suggests that these countries do not link the two issues.

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<sup>23</sup> For an overview, see Andrew Moravcsik, “Liberal International Relations Theory: A Scientific Assessment,” in Colin Elman & Miriam Fendius Elman, eds., *Progress in International Relations Theory: Appraising the Field* (Cambridge, MA: MIT Press, 2003), p.159.

<sup>24</sup> See, e.g., Michael Doyle, *Ways of War and Peace* (New York: W.W. Norton, 1997).

<sup>25</sup> See, e.g., George Perkovich, *India’s Nuclear Bomb: The Impact on Global Proliferation* (Berkeley: University of California Press, 1999).

<sup>26</sup> Jack Snyder, “One World, Rival Theories,” *Foreign Policy*, No. 145. (Nov. - Dec., 2004), p.60.

<sup>27</sup> For an excellent review of constructivist theory focused on the work of its leading theorists, see Stefano Guzzini & Anna Leander, eds., *Constructivism and International Relations: Alexander Wendt and His Critics* (New York: Routledge, 2006).

<sup>28</sup> See Scott Sagan, “Why Do States Build Nuclear Weapons?,” *International Security* 21 (Winter 1996/1997), pp.76-80. See also Nina Tannenwald, *The Nuclear Taboo: The United States and the Non-Use of Nuclear Weapons Since 1945* (Cambridge: Cambridge University Press, 2008).

<sup>29</sup> See Snyder, p.62.

By contrast, countries associated with the Non-Aligned Movement (NAM) of mostly developing countries have been most explicit in linking support for NPT-plus obligations and progress towards nuclear disarmament. Consider the following statement by Egypt’s representative at the 2005 NPT Review Conference:

[Progress on nuclear disarmament] should be the foremost criterion in reviewing progress in the implementation of the Treaty and assessing compliance with its provisions by the nuclear weapon states, as well as the determining factor with regard to acceptance by the states parties of any further obligations under the NPT.<sup>30</sup>

Egypt’s representative hints at “but for” causation: progress on nuclear disarmament is the *determining* factor for whether to accept those obligations.

There are good theoretical reasons rooted in constructivist theory for why NAM countries might insist on such a linkage. A recent study co-edited by Peter Katzenstein and Robert Keohane explores the causes and consequences of anti-Americanism—which they define as a psychological bias against the United States—and develops a series of societal archetypes that may be especially fertile ground for it, based on the identities and values that characterize the archetype.<sup>31</sup> Two of these archetypes stand out as particularly relevant to the NPT. *Liberal anti-Americanism* is rooted in a perceived failure of the United States to live up to its own liberal ideals—a charge of hypocrisy. Katzenstein and Keohane associate it with liberal-democratic industrialized societies, the former colonies of Great Britain, and China.<sup>32</sup> *Sovereign-nationalist anti-Americanism* is more subtle and emerges as an adverse reaction to American political power in polities that put a premium on such values as sovereignty, national identity, and respect in international politics; it is associated with rising powers and post-colonial countries “where sovereignty came only after hard-fought wars of national liberation” and is now “a much-cherished good that is to be defended.”<sup>33</sup> This form of anti-Americanism also has a redistributive dimension insofar as sovereign-nationalists seek to reduce American power and expand their own.<sup>34</sup>

The NAM’s ideology and rhetoric are textbook sovereign-nationalist in tone and substance, with its emphasis on political and economic sovereignty, anti-imperialism, and securing greater voice in international institutions.<sup>35</sup> The movement emerged from the Asia-Africa Conference held in

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<sup>30</sup> Statement by H.E. Ambassador Ahmed Fathalla, Assistant Foreign Minister for Multilateral Relations, at the General Debate of the 2005 Review Conference of the NPT, 3 May 2005, p.2, <<http://www.un.org/events/npt2005/statements/npt03egypt.pdf>>.

<sup>31</sup> Peter J. Katzenstein & Robert O. Keohane, “Anti-Americanisms,” *Policy Review* 139 (October/November 2006), p.25, <<http://www.hoover.org/publications/policyreview/4823856.html>>. See also Peter J. Katzenstein & Robert O. Keohane, “Varieties of Anti-Americanism: A Framework for Analysis,” in Peter J. Katzenstein & Robert O. Keohane, eds., *Anti-Americanisms in World Politics* (Ithaca: Cornell University Press, 2007), p.9.

<sup>32</sup> *Ibid.*, pp.28-29.

<sup>33</sup> *Ibid.*, pp.29-31.

<sup>34</sup> *Ibid.*

<sup>35</sup> The Non-Aligned Movement Official Homepage, “The Non-Aligned Movement: Description and History,” available <<http://www.nam.gov.za/background/history.htm>>.

Bandung, Indonesia in 1955, where “leaders shared their similar problems of resisting the pressures of the major powers, maintaining their independence and opposing colonialism and neo-colonialism, specially [sic] western domination.”<sup>36</sup> It seeks to preserve “independent judgment” in foreign policy while maintaining “the struggle against imperialism.”<sup>37</sup> It also “works towards the restructuring of the international economic order.”<sup>38</sup>

It is possible that NAM countries insist on a linkage between disarmament and support for NPT-plus obligations because of anti-American sentiments. Mohammad ElBaradei, for example, has suggested that the United States would “have much more moral authority to go after the Iranians of the world” if it pursued nuclear disarmament.<sup>39</sup> The United States is closely associated with many NPT-plus obligations, because they either originated from an American initiative or Washington is perceived as their most vigorous advocates. Washington is also frequently singled out in debates over the NPT and disarmament as the main perpetrator among the NWS for failing to uphold Article VI.

Katzenstein and Keohane’s study, however, found no hard evidence of anti-Americanism in the countries they and their colleagues studied, despite the well-documented plummet of global opinion of the United States.<sup>40</sup> When countries opposed a U.S. policy, they did so primarily because they thought the policy was flawed on its merits (the authors call this “opinion”), not because they were psychologically predisposed (“biased”) to reject American policy initiatives.

Although Katzenstein and Keohane focus on the relationship between these societal archetypes and the anti-Americanisms associated with them, other international actors, forces, or events could plausibly tweak the identities and values that characterize the archetypes and thereby provoke the generic response associated with that archetype. NAM opposition to an NPT-plus obligation could be an expression of a more generalized grievance against the *statu quo* structure of international power and influence. Moreover, their study did not focus specifically on the NPT regime, and the NPT’s unique normative structure—its differential legal rights and obligations, its coincidence with broader patterns of international power and influence—potentially puts both the liberal and the sovereign-nationalist’s grievances in especially sharp relief. It formalizes discrimination in a way that few other international institutions do, on a subject—nuclear weapons—of enormous military, political, and symbolic significance. It divides the world into “non-nuclear-weapon States” (NNWS) and “nuclear-weapon States” (NWS), whereby the former agree to not develop nuclear weapons and accept international safeguards, while the latter promise to not proliferate to NNWS, share civilian nuclear technologies with NNWS, and “pursue negotiations in good faith” towards nuclear disarmament.

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Nuclear Proliferation Challenges and Nonproliferation Opportunities: A Conversation With Dr. Mohamed Elbaradei, Steinbeck Forum, Monterey Conference Center, Monterey, California, May 30, 2006. Transcript available at <[http://cns.miis.edu/cns/media/pr060531\\_transcript.htm](http://cns.miis.edu/cns/media/pr060531_transcript.htm)>

<sup>40</sup> This appears to be true even for the Middle East, although the authors warn that opinion there may harden into anti-American bias. See generally Katzenstein & Keohane, eds., *Anti-Americanisms in World Politics*.

This collection of rights and duties is often described as a “bargain,” which denotes an exchange: the NNWS trade nuclear restraint in exchange for access to peaceful nuclear technology and nuclear disarmament by the NWS. According to Hans Blix:

[T]here is a sense among a large number—if not all—of the non-nuclear weapons states parties to the NPT that the double bargain was in fact a one-sided deal: they see that more is being asked of them as the nuclear weapons states seem less and less sincere in holding up their end. As a result, many see the entire regime is strained to the breaking point.<sup>41</sup>

A perceived failure on the part of the NWS to live up to their end of the NPT bargain—good faith efforts to achieve nuclear disarmament—with impunity would only heighten the unfairness and perceived illegitimacy of efforts to bolster the pillar of the NPT’s grand bargain that the NWS value most, namely nonproliferation.

The foregoing discussion suggests an intriguing hypothesis for explaining patterns of support for NPT-plus obligations: the closer a state’s political and strategic cultures are to the liberal and/or sovereign-nationalist archetypes, the more likely it is to ascribe independent weight to fairness and related normative considerations in determining whether to accept new nonproliferation obligations. Accordingly, its willingness to support NPT-plus obligations should depend in non-trivial degree on its perception of progress by NWS towards nuclear disarmament.

#### EMPIRICAL EVIDENCE

From this perspective, one can seek to explain the 1995 decision to indefinitely extend the NPT as the product of a grand compromise between the NWS and the NNWS—or more precisely, the NAM—in which the NWS secured an indefinite extension of the treaty from the NAM in exchange for offering a renewed commitment to nuclear disarmament.<sup>42</sup> Article X of the NPT specified a twenty-five year lifespan from the date of its entry into force, which occurred on March 5, 1970, with an option to extend the treaty’s life by majority vote. The extension could be for an indefinite period, or for an additional fixed period or periods. In the years running up to the 1995 Review and Extension Conference, the Western Group—an NPT negotiating bloc comprised by the United States and its allies—generally preferred an indefinite extension but were skeptical that it could be achieved.<sup>43</sup> The main obstacle was NAM opposition, which “had a long history of attempting to use the NPT as leverage against the nuclear weapon states to extract arms control progress.”<sup>44</sup> Most NAM countries initially supported a 25-year extension; they reasoned that a definite term would exert more pressure on the NWS to pursue nuclear disarmament than an indefinite extension.

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<sup>41</sup> “Restoring Faith in the Double Bargain,” in Jeffrey Laurenti & Carl Robichaud, eds., *Breaking the Nuclear Impasse* (New York: The Century Foundation, 2007), p.70.

<sup>42</sup> See, e.g., Jayantha Dhanapala, “Rebuilding an Unraveled Consensus for Sustainable Nonproliferation,” in Jeffrey Laurenti & Carl Robichaud, eds., *Breaking the Nuclear Impasse* (New York: The Century Foundation, 2007), p.24.

<sup>43</sup> Thomas Graham, *Disarmament Sketches* (Seattle: University of Washington Press, 2002), p.260.

<sup>44</sup> *Ibid.*

The tide began to shift in favor of an indefinite extension in July 1993, when President Clinton announced U.S. support for negotiations leading to a Comprehensive Test Ban Treaty—one of the main priorities for NAM countries—and continued observance of a test moratorium in the interim. By the time the Review and Extension Conference was formally launched in April 1995, a majority of countries supported indefinite extension.<sup>45</sup> This was already enough to secure an indefinite extension, since Article X stipulated that the terms of extension would be determined by majority vote. But many participants, including the president of the conference, Ambassador Jayantha Dhanapala, believed that forcing a vote could undermine support for the treaty among the countries that did not support indefinite extension. Thus, the main task of the Review and Extension Conference was to entice the holdouts into supporting an indefinite extension.

By the penultimate week of the conference, around 150 countries supported a Canadian resolution that said simply that “the treaty shall continue in force indefinitely.”<sup>46</sup> At this stage, the main obstacle to a consensus decision on indefinite extension was a group of eleven NAM countries that supported a 25-year extension accompanied by a number of stringent nuclear disarmament measures [see Table 2].<sup>47</sup> They were eventually brought into the fold by a proposal to include a pair of political commitments designed to keep the pressure on NWS for fulfilling their disarmament commitments. The “Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament” was originally inspired by a South African proposal to identify benchmarks for measuring progress towards nuclear disarmament; these benchmarks include entry into force of a Comprehensive Test Ban Treaty, negotiations towards a fissile material cut-off, and ongoing nuclear reductions. The “Decision on Strengthening the Review Process for the Treaty” established a more robust treaty review process intended in significant part to review Article VI compliance.<sup>48</sup> Ambassador Dhanapala summarized this outcome as follows:

The indefinite extension was achieved largely because the long-standing comprehensive test ban—generally seen as the litmus test of nuclear disarmament—seemed at last certain of adoption, and because of the promise by the nuclear weapon states that negotiations would follow for a convention banning the production of fissile material and for a program of nuclear disarmament leading to elimination of nuclear weapons.<sup>49</sup>

**Table 2**

*The Gang of Eleven: Opponents of the Indefinite Extension*

- Indonesia
- Iran
- Jordan
- Malaysia
- Mali
- Myanmar
- Nigeria
- North Korea
- Papua New Guinea
- Thailand
- Zimbabwe

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<sup>45</sup> Ibid, p.278.

<sup>46</sup> Ibid, p.289.

<sup>47</sup> Barbara Crossette, “Nuclear Pact May Continue by Consensus,” *New York Times*, May 10, 1995, available at <<http://query.nytimes.com/gst/fullpage.html?res=990CE2DC1238F933A25756C0A963958260>>.

<sup>48</sup> See Graham, pp.289-290.

<sup>49</sup> See, e.g., Jayantha Dhanapala, “Rebuilding an Unraveled Consensus for Sustainable Nonproliferation,” in Jeffrey Laurenti & Carl Robichaud, eds., *Breaking the Nuclear Impasse* (New York: The Century Foundation, 2007), p.24.

## PROBLEMS AND IMPLICATIONS

The foregoing case establishes that eleven NAM countries linked their support for an indefinite extension on the willingness of the NAM to accept two political commitments related to nuclear disarmament, and there are good theoretical reasons to suppose that an interest in the fairness and legitimacy of international obligations helps explain that linkage. Indeed, anybody who spends time in multilateral fora debating the NPT and disarmament can attest to the moral outrage that some officials and experts from NAM countries direct towards the NWS’s nuclear disarmament record. But there are two important difficulties with the case study as presented: it does not establish that any of the Gang of Eleven was genuinely motivated to insist on the linkage out of concerns about fairness, and it does not explain why other NAM countries would not insist on that linkage as well.

This highlights a pervasive problem in empirical accounts supporting a relationship between disarmament and nonproliferation: the evidence tends to be either anecdotal or sourced from governmental statements and positions made at NPT review conferences and similar fora. Both present important validity concerns.<sup>50</sup> For example, when a governmental official issues a statement at an NPT RevCon saying (as Egypt did in 2005) that progress on disarmament should be the “determining factor with regard to acceptance by the states parties of any further obligations under the NPT,” what we have is an official explanation of the government’s position, perhaps embellished for emphasis, and not a definitive account of what actually drove the government to reach that position. A government or other actor might invoke legitimacy and fairness concerns strategically in order to serve some parochial or vested interest. Consider the following alternative explanations for Egypt’s uncompromising posture on disarmament at the 2005 NPT RevCon:

[D]issatisfaction with the benefits Egypt has derived from NPT membership; Egyptian disenchantment with the lack of implementation of the 1995 NPT resolution on the Middle East; maneuvering for position as its regional grouping’s candidate for a seat on an expanded Security Council; wariness in Cairo that Iran has embarked on a dedicated nuclear weapons program; and calculations that a spoiler’s role at the Review Conference would play well at home politically, especially in a more democratic political environment.<sup>51</sup>

Alternatively, an actor (such as a disarmament advocate or retired diplomat) might use the narrative to claim credit for a favorable policy outcome, put a positive spin on an unfavorable one, or bolster an argument for their policy preference. This isn’t to suggest that any particular user of the narrative is behaving strategically; rather, it is to caution against accepting such statements at face value.

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<sup>50</sup> See Gary King, Robert O. Keohane & Sidney Verba, *Designing Social Inquiry* (Princeton, NJ: Princeton University Press, 1994), p.25.

<sup>51</sup> William Potter, “The NPT Review Conference: 188 States in Search of Consensus,” *The International Spectator* (March 2005), p.27, <<http://cns.miis.edu/pubs/other/potter051118.pdf>>.

Indeed, to determine the “true” driver(s) for the Gang of Eleven, Egypt or any country, we must crack open the governmental black box and examine the private motivations of decision-makers in detail. I am not aware of any empirical studies purporting to do this on the relationship between disarmament and support for NPT-plus obligations, or indeed on the broader question of what drives states to support new nonproliferation obligations. For example, in the pages of the *Nonproliferation Review*, the field’s leading refereed journal, most of the two or three dozen contributions that probe this set of issues are primarily concerned with reporting or analyzing the *content* of a state’s nonproliferation policy; only about a dozen contributions take the next step and explore the factors that *drive* the state to adopt the policy.<sup>52</sup> Studies that do hone in on these drivers, in the *Nonproliferation Review* and elsewhere, tend to focus on the policies of the leading nuclear suppliers and a select few other countries such as China, and not the countries that are most vocal about nuclear disarmament, such as Egypt and other leading NAM countries.<sup>53</sup> Such studies are essential because a cursory glance at patterns of support for NPT-plus obligations reveals significant limitations in the use of broad generalizations about what drives states’ nonproliferation decision-making.

Consider, for example, the IAEA Additional Protocol, a key NPT-plus obligation. As of May 30, 2008, it is in force in eighty-eight countries, including eighty-four NNWS, thirty-nine members of the 130-strong G-77, and thirty-five members of the 118-member NAM. The list of NAM countries with an Additional Protocol is diverse, featuring countries such as Indonesia, Nigeria and South Africa that are often described as seeking leadership within the NAM, along with four countries from the Gang of Eleven. Moreover, some of these accessions occurred after the start of the Bush administration and the unraveling of whatever tentative consensus may have existed on disarmament prior to 2001, so the pattern cannot be fully explained as an artifact of an earlier

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<sup>52</sup> See, e.g., Mingquan Zhu’s “The Evolution of China’s Nuclear Nonproliferation Policy” (Winter 1997), Duane Bratt’s “CANDU or CANDON’T: Competing Values behind Canada’s Nuclear Sales” (Spring-Summer 1998), Kholisa Sodikova’s “Uzbekistan’s National Security Policy and Nonproliferation” (Winter 1999), Vladimir A. Orlov’s “Export Controls in Russia: Policies and Practices” (Fall 1999), Jungmin Kang and H.A. Feiveson’s “South Korea’s Shifting and Controversial Interest in Spent Fuel Reprocessing” (Spring 2001), Richard T. Cupitt et al’s “The Determinants of Nonproliferation Export Controls: A Membership-Fee Explanation” (Summer 2001), Harald Müller’s “German National Identity and WMD Proliferation” (Summer 2003), T.V. Paul’s “Chinese-Pakistani Nuclear/Missile Ties and Balance of Power Politics” (Summer 2003), and William Potter’s “India and the New Look of U.S. Nonproliferation Policy” (Summer 2005).

<sup>53</sup> See, e.g., *ibid.* The literature is especially strong on the drivers of nonproliferation policies during the tumultuous 1970s, when India’s nuclear test and the emergence of commercial competition among nuclear suppliers for foreign reactor sales highlighted “the ultrafine line between peaceful and non-peaceful uses of nuclear technology, and also suggest[ed] a limited effectiveness of international safeguards alone for sustaining a nonproliferation regime.” Lawrence Scheinman, “The Nuclear Fuel Cycle: A Challenge for Nonproliferation” *Disarmament Diplomacy* 76 (March/April 2004). See, e.g., Michael J. Brenner, *Nuclear Power and Non-Proliferation: The Making of U.S. Policy* (Cambridge: Cambridge University Press, 1981); Rodney W. Jones et al, eds., *The Nuclear Suppliers and Nonproliferation: International Policy Choices* (Washington, DC: Lexington Books for the Center for Strategic and International Studies, 1985); Henry R. Nau, *National Politics and International Technology* (Baltimore: Johns Hopkins Press, 1974); Thomas L. Neff, *The International Uranium Market* (Cambridge, MA: Ballinger Publishing, 1984); Daniel Poneman, *Nuclear Power in the Developing World* (London: George Allen & Unwin, 1982); Benjamin Schiff, *International Nuclear Technology Transfer* (New Jersey: Rowman & Allanheld, 1983); William Walker and Måns Lönnroth, *Nuclear Power Struggles* (London: George Allen & Unwin, 1983); Edward F. Wonder, *Nuclear Fuel and American Foreign Policy* (Boulder, CO: Westview Press, 1977).

era when confidence in the disarmament records of the NWS may have been higher.<sup>54</sup> Indeed, three times as many countries acceded to the IAEA Additional Protocol after the disastrous 2005 NPT RevCon than before it.<sup>55</sup> Egypt, on the other hand, has raised Israel’s nuclear weapons program and status as a non-party to the NPT as a major reason for its opposition to the Additional Protocol.<sup>56</sup> It is not obvious how changes in the nuclear weapons policies of any of the NPT NWS would tamp this dimension of Egypt’s opposition.

In sum, there are good theoretical reasons to believe that governments factor normative considerations into their foreign policy decision-making, and that the NPT regime, with its differential rights and obligations, is particularly vulnerable to becoming a site of normative conflict over proposals to strengthen the regime. And if the framework is accurate, it implies a straightforward policy prescription for the United States and other countries committed to nonproliferation: encourage and pursue nuclear disarmament among the NWS. But the evidence for such a neat linkage is thin, and the framework has a difficult time accounting for the apparently eclectic pattern of support for a key NPT-plus obligation, the IAEA Additional Protocol.

### C. THE MATERIAL INTERESTS FRAMEWORK: THE PRIMACY OF SECURITY AND ECONOMIC FACTORS

In this framework, states evaluate NPT-plus obligations primarily on the basis of whether they produce a net security or economic benefit. The framework does not rule out the possibility that normative considerations also influence policy, but it holds that they are generally subordinated to, or at least not elevated above, more material interests, such as the impact on a government’s military capabilities, alliances, and domestic economy. A state’s support for the obligation turns primarily on whether it confers a net security or economic benefit. Progress on disarmament will only directly impact this calculation if the state feels more threatened by the nuclear arsenals of the NWS than it does comforted by the improved safeguards against horizontal proliferation implied by the NPT-plus obligation. Otherwise, any linkage is more likely to be a negotiating tactic aimed at leveraging other concessions or advancing some parochial political or diplomatic interest.

This characterization of nonproliferation decision-making is often associated with realist theories of international affairs that emphasize the primacy of security interests, but it is also consistent with constructivist and liberal accounts as well. The key idea behind it is that an NPT-plus obligation will often entail an opportunity cost. This dimension of nonproliferation policy-making does not receive nearly the attention from scholars and policy-makers that it deserves, and the main contribution of this framework is its emphasis on this set of interests.<sup>57</sup> A state may

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<sup>54</sup> See IAEA, “Strengthened Safeguards System: Status of Additional Protocols,” <[http://www.iaea.org/OurWork/SV/Safeguards/sg\\_protocol.html](http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.html)>.

<sup>55</sup> Ibid.

<sup>56</sup> See, e.g., Associated Press, “Egypt refuses to sign UN nuclear watchdog protocols for stricter inspections,” December 12, 2007, <<http://www.iht.com/articles/ap/2007/12/12/africa/ME-GEN-Egypt-Nuclear-Power.php>>.

<sup>57</sup> Some notable exceptions include Chaim Braun & Christopher Chyba, “Proliferation Rings: New Challenges to the Nuclear Nonproliferation Regime,” *International Security*, vol. 29 no. 2 (2004) and James M. Acton, “Strengthening safeguards and nuclear disarmament: Is there a connection?,” *Nonproliferation Review*, vol. 14, no. 3

oppose nuclear proliferation, but that interest competes with other matters, international and domestic, for scarce resources. Budgets and time are both finite, and officials must spend time and money formulating, evaluating, and negotiating the content of a proposed obligation. Then they have to implement it, which could entail a new set of costs, such as adjustment costs and a potential loss of sovereignty. The magnitude of these costs depends on a number of factors, such as the material resources available to the state, the costs associated with adjusting to a new policy, ongoing implementation costs, and the normative weight ascribed to sovereignty. For example, countries with a relatively large, professional bureaucracy could ordinarily be expected to manage and implement complex arrangements more cost-effectively than a country with an overstretched bureaucracy. Adjustment costs come in different forms, and can include those associated with reorganizing the bureaucracy, creating new bureaucratic or regulatory structures, and managing any redistributive consequences that come with the adjustment. In the case of export controls, for example, the state might worry about losing export revenue due to restrictions on sensitive exports; in the case of the IAEA Additional Protocol, it might be concerned that greater demands on the agency for nonproliferation-related initiatives would divert resources away from IAEA technical assistance programs. Generic examples of implementation costs include compiling performance data, filing reports and/or interfacing with international institutions, and the day-to-day costs of administration.

Some NPT-plus obligations exact potentially significant implementation costs. Consider UNSC 1540. It is, in essence, an unfunded mandate requiring that countries “adopt and enforce appropriate effective laws” preventing non-state actors from proliferating WMD.<sup>58</sup> States must criminalize proliferation, adopt and enforce export and border controls, and institute effective physical protection measures. For many countries, particularly developing ones, this is a very tall order requiring potentially significant investments in a range of specialized regulatory capacity—investments they might prefer to spend on education, infrastructure, or public health.<sup>59</sup> But 1540 does not define what “appropriate effective” means, leaving the interpretation to individual countries’ discretion; this has led “to a system, whereby, a country could (and has) submit(ed) a one sentence report claiming compliance with the Resolution.”<sup>60</sup>

Though not strictly speaking an opportunity cost, concerns about limitations on national sovereignty may also be relevant; a country whose political and strategic cultures put a premium on safeguarding national autonomy may perceive that new nonproliferation obligations entail significant sovereignty costs. Nearly all NPT-plus obligations entail a nontrivial sacrifice of sovereignty. Asking countries to commit to never developing a domestic nuclear fuel cycle capability, for example, is in essence a request to accept restrictions on national energy

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(2007). See also Henry L. Stimson Center, “The ‘Next One Hundred’ Project: Constructing a Global Toolkit to Support States-at-Risk and Strengthen the International Nonproliferation Regime,” <<http://www.stimson.org/cnp/?SN=CT200608111059>>.

<sup>58</sup> UN Security Council Resolution 1540, April 28, 2004.

<sup>59</sup> *Time* reported that “South Africa’s U.N. Ambassador Dumisani Kumalo, the current council president, said many developing countries find the reporting requirements for this and other resolutions onerous when they are trying to provide food, health care and jobs for their people.” <<http://www.time.com/time/world/article/0,8599,1735242,00.html?xid=rss-topstories>>

<sup>60</sup> Henry L. Stimson Center, “United Nations Security Council Resolution 1540,” Issue Brief, May 30, 2007, <<http://www.stimson.org/cnp/?SN=CT200705111253>>.

development policy. Some countries are clearly less sensitive to sovereignty concerns than others, but one need only look at how the domestic political debate has unfolded within Iran over the uranium enrichment issue to see how concerns about sovereignty can become tied together with values such as nationalism and economic development. Iran’s leadership has skillfully exploited these sentiments to stoke populist support for the enrichment program, enabling the leadership to build impressive popular support at home for it.<sup>61</sup>

A state may judge that the costs of an NPT-plus obligation are offset by the benefits, but this is by no means assured. An individual state may have very little to gain from an NPT-plus obligation. For example, if the international commercial market for LEU is as healthy and competitive as many experts and industry leaders assert it to be,<sup>62</sup> proposals that envision countries accepting restrictions on domestic nuclear fuel cycle activities in exchange for access to new fuel assurance mechanisms (such as a fuel bank or multilateral consortium) may add little extra value to a country that is already in good standing with its nonproliferation obligations and one or more of the existing commercial suppliers; the market assures supply. To a significant extent, the benefits of a measure like this are diffuse; they accrue primarily to the collective international community in the form of a strengthened nonproliferation regime. Moreover, these benefits are to a large extent linked to how many other countries support the mechanism, which gives rise to collective action problems—not least of which is a potential free rider problem owing to the fact that the regime provides a public good (the benefits conferred by the regime are non-rival and non-excludable). In any event, nonproliferation may rate as a distant abstraction for many governments compared to more palpable, immediate concerns like poverty reduction, public health, and economic development. It may lack a real constituency in the national bureaucracy, among opinion elites, or within a legislature.

The material interest framework’s emphasis on the net security and economic benefits of alternative policy choices forces an accounting of the subjective costs and benefits associated with an NPT-plus obligation, in addition to whatever normative interests may be in play. Countries plainly vary both in terms of the costs they would incur by agreeing to an NPT-plus obligation and the threat perceptions they bring to bear on proliferation. In general, the framework predicts that a state is unlikely to support an NPT-plus obligation if the implementation costs associated with it are comparatively high and the threat perception comparatively low. The implication for nonproliferation policy is that the success of efforts to mobilize greater international support for NPT-plus obligations is likely to hinge on the creative use of carrots and sticks to minimize the opportunity cost, with nuclear disarmament by the NWS playing at most a supporting role by neutralizing a potential source of bargaining leverage and eliminating a popular excuse for inaction.

## EMPIRICAL EVIDENCE: THE INDEFINITE EXTENSION OF THE NPT, REVISITED

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<sup>61</sup> See Joseph Cirincione and Andrew Grotto, *Contain and Engage: A New Strategy for Resolving the Nuclear Crisis with Iran* (Washington, DC: Center for American Progress, 2007).

<sup>62</sup> See, e.g., IAEA, “Multilateral Approaches to the Nuclear Fuel Cycle,” INFCIRC/640, p.51, <<http://www.iaea.org/Publications/Documents/Infcircs/2005/infcirc640.pdf>> (noting that “[w]ith suppliers eager to do business, there is hardly a reason to doubt the ability of the market to provide adequate assurance of enrichment services”).

As we saw earlier, the 1995 decision to indefinitely extend the NPT is sometimes described as the outcome of a careful compromise between the NWS and NNWS, “achieved largely because the long-stalled comprehensive test ban...seemed certain of adoption and because of the promise by the nuclear weapon states that negotiations would follow for [the FMCT] and for a program of nuclear disarmament.”<sup>63</sup> There is no question that the NWS’ willingness to reaffirm nuclear disarmament has subsequently created political expectations about future conduct; the extent and degree to which that reaffirmation was outcome determinative in 1995, however, is a different matter.

In a 1995 interview with the *Nonproliferation Review*, Ambassador Dhanapala said that “[i]t was clear from the very beginning that all delegations did want to extend the Treaty;” in other words, the consensus among the states party going into the conference was that the treaty served their interests. The only real question was whether the extension would be for an indefinite term or for a 25-year period. As we have seen, the NWS and the advanced industrialized countries generally supported an indefinite extension while many NAM countries initially supported a 25-year extension.

The NWS’ willingness to reaffirm disarmament could have been a factor in some countries’ decision to support an indefinite extension, but it was not the only factor and in many cases may not even have been an important one. According to lead U.S. negotiator Ambassador Thomas Graham, Washington’s strategy was to play on NAM countries’ security concerns about proliferation should the review conference fail to yield an indefinite extension:

Much of the success of the NPT extension is owed to the United States’ strategy of sidestepping the NAM “leadership” and appealing to individual non-aligned states in capitals on the basis of their own security interests.<sup>64</sup>

Heads of delegation from both factions told the *Nonproliferation Review* in the aftermath of the conference that the pressures worked. Canada’s delegate was particularly blunt:

In developing our strategy to gain the permanence of the Treaty, we identified both the salient peaks in the NAM which were initially opposed to indefinite extension, and the fertile valleys—countries that might be willing to support permanence. We then attempted to undermine and isolate the critics.<sup>65</sup>

For example, in the run-up to the conference, “Washington told South Africa that its tentative support for a series of 25-year extensions called into question its ‘nonproliferation credentials’ and its right to gain membership in an exclusive nuclear exporter’s trade group.”<sup>66</sup> It “bluntly reminded top Mexican officials attending the conference of how its economy was rescued by a

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<sup>63</sup> Dhanapala, *Rebuilding an Unraveled Consensus*, p.24.

<sup>64</sup> Graham, p.289 .

<sup>65</sup> Susan B. Welsh, “Delegate Perspectives on the 1995 NPT Review and Extension Conference,” *Nonproliferation Review* 2 (Spring-Summer 1995), p.4.

<sup>66</sup> R. Jeffrey Smith, “Permanent Nuclear Treaty Extension May Be Approve by a Consensus Vote; Most Nations on Record in Support After Effort by U.S. and Allies,” *Washington Post*, May 7, 1995, p.A7.

multibillion-dollar economic assistance plan that the United States spearheaded and is the major contributor to,”<sup>67</sup> and “encouraged divisions brewing between powerful developing countries and smaller ones, who shared the U.S. interest in denying nuclear weapons to their bigger neighbors.”<sup>68</sup> The result of this lobbying—decried by the Indonesian delegate, who supported the 25-year extensions, as “arm twisting”<sup>69</sup>—was that by the penultimate week of the conference, as we saw earlier, eleven NAM countries supported a 25-year extension accompanied by “stringent new disarmament measures” against around 150 countries supporting the no-strings-attached Canadian resolution for an indefinite extension.

In the end, most NAM countries apparently came to the same conclusion that many of them reached during the original NPT negotiations, when they acquiesced to a vaguely worded disarmament obligation in Article VI: it is better to have an NPT with imperfect disarmament obligations than risk no NPT—and no disarmament obligations—at all.<sup>70</sup> The *Washington Post* suggests that many countries in fact did use this logic: “To agree on a permanent treaty by consensus rather than a potentially divisive vote, many non-nuclear nations had to set aside their misgivings about the nuclear powers’ arms control efforts.”<sup>71</sup> Thus, an alternative interpretation of the events of 1995 is that economic and security interests led to the indefinite extension of the NPT.

As to the Gang of Eleven, I have already pointed out that it is unclear whether they were genuinely motivated by a principled concern over fairness or sought instead to use their position as leverage to extract political concessions from the NWS or deny the United States and its allies an important diplomatic victory. What does seem clear, however, is that they were in a very weak bargaining position. Their best alternatives to their preferred outcome (rolling 25-year extensions) were to: a) affirmatively vote against an extension but stay within the treaty; b) possibly withdraw from the treaty if a majority of countries agreed to an indefinite extension anyway; or c) compromise and support an indefinite extension. The first two options risked serious political and economic repercussions and could lead to a spate of regional proliferation; they would also put them on the wrong side of an emerging consensus. From this perspective, the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament—which merely reaffirmed steps that the United States and other NWS had planned on taking anyways—was a face-saving way for these countries to join the consensus at a time when they were effectively isolated and to claim some semblance of victory. A normative interest in fairness and legitimacy, such as it existed, lost out to other national interests.

To be sure, this analysis does not explain why the Gang of Eleven opposed an indefinite extension. One or more of them could have been driven to initially oppose the indefinite

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<sup>67</sup> Ibid.

<sup>68</sup> Julia Preston & R. Jeffrey Smith, “The Nuclear Treaty: Product of Global Full-Court Press,” *Washington Post*, May 14, 1995, p.A23.

<sup>69</sup> Welsh, *Delegate Perspectives*, p.6.

<sup>70</sup> See Mohamed Shaker, *The Nuclear Non-Proliferation Treaty: Origin and Implementation* (London: Oceana, 1980), p.571.

<sup>71</sup> Julia Preston, “Nuclear Talks End in Discord; Delegates Unable to Agree on How to Evaluate Arms Control Efforts,” *Washington Post*, May 12, 1995, p.A23.

extension by normative criteria, which were ultimately outweighed by a countervailing interest not to be on the wrong side of an emerging consensus. Alternatively, some may have intended from the beginning to use their opposition to the indefinite extension as a bargaining tactic to extract concessions from the United States and other countries for which that outcome was a top foreign policy priority. In any event, as noted earlier the reality appears too complex for sweeping generalizations—analysts seeking clearer answers must break open the black-box of governmental decision-making and examine each governments’ private motivations.

### *A Short Case Study: China*

China presents an especially interesting case because of how dramatically its nonproliferation policy has evolved over the past three decades. In some respects, China is a paradigmatic example of a sovereign-nationalist country—obsessed with national sovereignty, increasingly assertive in regional and global affairs, acutely sensitive to perceived acts of disrespect (on vivid display this spring during the Olympic Torch Relay, when Western human rights protests provoked violent counterprotests in China), and harboring a historical self-image as an underdog.<sup>72</sup> Beijing did not participate in NPT negotiations and once denounced the nonproliferation regime on the grounds that it was merely “a conspiracy concocted by the U.S.S.R. and the U.S. to maintain their nuclear monopoly” and keep other countries weak.<sup>73</sup> This sentiment animated Chinese policy during the 1970s and 1980s, when it actively proliferated to Iran, Iraq, North Korea and Pakistan to “undermine superpower influence while enhancing China’s strategic, political, and economic interests.”<sup>74</sup>

Today, however, China is a party to the NPT willing to support UNSC sanctions against Iran. China’s shift is remarkable, and the reasons for why are complex. But an evolving threat assessment rooted in security and especially economic considerations offers a particularly powerful explanation for it.

Until the 1990s, China did not share the same threat perception as the United States, the Soviet Union, and other participants in the mainstream nonproliferation community, “since the would-be proliferant states were typically not seeking such weapons to counter threats from China.”<sup>75</sup> The first signs of a change in China’s nonproliferation outlook emerged in the early 1980s. China had begun to undergo a dramatic political and strategic reorientation in the late 1970s with the political ascendance of the pragmatic reformers under the leadership of Deng Xiaoping. China and the United States normalized relations in 1979; in 1982 Deng issued a dramatic reversal of Mao’s pessimistic outlook on the prospects for global peace, which opened up the possibility of cooperation with the international institutions that China had largely shunned.<sup>76</sup> China began taking tentative steps towards the nonproliferation mainstream during this period, including

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<sup>72</sup> Bates Gill, *Rising Star: China’s New Security Diplomacy* (Washington: Brookings Institution Press, 2007), p.76.

<sup>73</sup> Quoted in Mingquan Zhu, “The Evolution of China’s Nuclear Nonproliferation Policy,” *Nonproliferation Review* 5 (Winter 1997), p.43.

<sup>74</sup> *Ibid.*, p.78.

<sup>75</sup> *Ibid.*, p.78.

<sup>76</sup> *Ibid.*, p.3.

joining the IAEA and signing the Biological and Toxin Weapons Convention in 1984. Still, “these and similar steps were relatively cost free, as they imposed little restraint on China’s own vertical and horizontal proliferation activities,” which China continued with little self-restraint through the mid-1990s.<sup>77</sup>

By the mid-1990s, however, China appears to have largely abandoned this perspective.<sup>78</sup> According to Bates Gill, Director of the Stockholm International Peace Research Institute (SIPRI), the shift reflects in part a Chinese calculation that its relationship with the United States is more important than proliferation partnerships with Iran and others; for example, China agreed under U.S. pressure in 1997 to cease all nuclear cooperation with Iran and even to end sales of antiship cruise missiles to Tehran.<sup>79</sup> Since 1996, it has also curtailed its nuclear cooperation with Pakistan in the face of intense U.S. pressure.<sup>80</sup> More fundamentally, however, Beijing appears to have concluded that nuclear proliferation, regardless of what drives it, undermines regional and global stability and therefore threatens China’s domestic economic development.<sup>81</sup> By supporting the NPT and even some NPT-plus obligations (such as adopting the NSG’s “trigger list” for nuclear exports), China may also hope to reassure skeptics that its rise will be peaceful and constructive.<sup>82</sup>

To be sure, China is an acknowledged NWS under the NPT and hence is neither the “victim” of that treaty’s discriminatory legal categories nor the main target of the status quo-powers’ nonproliferation efforts, which focus primarily on rogue NNWS. This clearly alleviates liberal anti-Americanism or a more generalized variation of it targeting the broader NPT regime vis-à-vis Article VI. Similarly, the NPT regime does not directly implicate any latent sovereign-nationalist sensitivities because the spread of nuclear weapons to China’s neighbors—Japan, Taiwan, South Korea or others—is anathema to Beijing’s vision for regional leadership and security. Moreover, China’s astounding economic growth and impressive rise as a regional *cum* global power over the past thirty years have surely chipped away at the underdog sentiment. Finally, China does not have to bear the sovereignty costs of many proposed NPT-plus obligations because these proposals are not targeted at China per se. It is of course possible that China’s nonproliferation policy may have evolved differently had the NPT considered it a *de jure* NNWS or had China not made such enormous strides in the past thirty years in economic development and global clout.<sup>83</sup> What does seem clear, however, is that China’s support for the NPT regime is rooted in a complex set of normative, economic and geopolitical preferences that

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<sup>77</sup> Ibid., p.76.

<sup>78</sup> There are lingering suspicions of illicit Chinese exports, particularly ballistic missile-related sales to Pakistan. In other cases, however, it is not always clear whether a particular case reflects a conscious strategic decision by China’s senior leadership to “look the other way” when a Chinese company makes a sale or is the result of an inefficient and often corrupt domestic regulatory environment straining to keep up with China’s massive trade flows. See, e.g., Zachary S. Davis, “China’s Nonproliferation and Export Control Policies: Boom or Bust for the NPT Regime?” *Asian Survey*, Vol. 35, No. 6. (Jun., 1995), pp. 587-603.

<sup>79</sup> Gill., p.88.

<sup>80</sup> Ibid., p.93.

<sup>81</sup> Ibid., p.84.

<sup>82</sup> Ibid, p.100.

<sup>83</sup> Ibid., p.76.

gave China a stake in promoting nonproliferation, or at least decoupling support for nonproliferation from nuclear disarmament.

## PROBLEMS AND IMPLICATIONS

The material interests framework, if it is correct, suggests that in many cases the fundamental obstacle to attracting greater support for NPT-plus obligations is not the disarmament records of the NWS, but is instead rooted in limited state capacity for taking on new responsibilities and a divergent threat assessment in which proliferation concerns rate low compared to other priorities. My analysis of the 1995 indefinite extension decision suggests that states will compromise an apparent interest in fairness and legitimacy in favor of economic and security interests if presented with a choice between the two. Demonstrating progress on disarmament might lower the price of their support, but it does not guarantee the sale for NPT-plus obligations that entail non-trivial costs and provide diffuse or indirect benefits.

The policy implications of this framework are complex. On the one hand, it suggests that progress on disarmament, though preferable for a variety of reasons, is not, strictly speaking, required in order to achieve improvements to the broader nonproliferation regime. This is good news for nonproliferation advocates. The legitimacy framework, to the extent it is accurate, puts an enormous political and diplomatic burden on the nuclear weapons policies of the NWS, and the United States in particular. Optimism about the future of U.S. nuclear weapons policy is arguably the highest it has been in many years, but it is by no means for certain whether this optimism will translate into real changes in U.S. nuclear weapons policy, which has proven remarkably resilient and resistant to fundamental change.<sup>84</sup> Whereas the legitimacy model implies a potentially debilitating pessimism about the future of nonproliferation should these efforts fail, the material interests framework and its supporting evidence suggest that potentially significant improvements are possible even without demonstrating progress on disarmament.

On the other hand, however, the material interests framework suggests that the price of securing some countries’ support could be quite high even if the United States and other NWS satisfy concerns about Article VI. It counsels that nonproliferation advocates must do a better job of fostering policy linkages in NAM countries between nuclear nonproliferation on the one hand, and their economic and security interests on the other. Such linkages are possible. For example, a government that is capable of securing its borders from illicit smuggling of sensitive materials and technology may be better equipped to collect customs tariffs on legitimate commerce. Fuel assurance mechanisms may be developed with an eye towards actually creating value for the consumer, such as by offering a range of back-end fuel supply services like spent fuel storage<sup>85</sup> or access to technical energy planning assistance. At the same time, nonproliferation advocates must also be prepared to directly compensate or coerce countries into making positive contributions to the NPT regime. This could mean providing greater technical and development assistance to countries via UNSC 1540, or developing new container security protocols that force

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<sup>84</sup> See Janne E. Nolan & James R. Holmes, “The Bureaucracy of Deterrence,” *The Bulletin of the Atomic Scientists* 64 (March/April 2008), p.40; Janne E. Nolan, *An Elusive Consensus* (Washington: Brookings Institution Press, 1999).

<sup>85</sup> See, e.g., John Deutch, Arnold Kanter, Ernest Moniz and Daniel Poneman, “Making the World Safe for Nuclear Energy,” *Survival*, vol. 46, no. 4 (Winter 2004–05), pp. 65–80

ports seeking to remain part of global shipping channels to comply with strengthened international standards.<sup>86</sup>

#### D. Conclusions

The legitimacy framework offers a concise account of post-Cold War developments in the NPT regime, a theory of what drives states to support NPT-plus obligations, and a clear set of recommendations for mobilizing greater international support for these obligations. It has become increasingly influential in international debate over nonproliferation and is viewed by many as showing the way out of the current impasse.

As we have seen, however, this perspective suffers significant shortcomings. There are good theoretical reasons rooted in constructivist accounts of international relations to hypothesize a causal linkage among NAM countries between support for NPT-plus obligations and disarmament, but the empirical record is thin and a key nonproliferation decision—the indefinite extension of the NPT in 1995—appears to be better explained by an alternative account of nonproliferation decision-making, the material interests framework. But there are simply too few studies of the private motivations of decision-makers vis-à-vis NPT-plus obligations to permit firm conclusions. For this reason, I regard the arguments and findings in this study as preliminary. What’s needed are case studies that break open the black box of governmental decision-making and marshal evidence on the private motivations of governments for their nonproliferation policies. This is likely to be an especially difficult task for the sovereign-nationalist countries that the narrative suggests may be most sensitive to Article VI concerns, which vary widely in the degree of transparency and access to decision-makers. But this type of evidence is essential in order to gain the type of high-resolution understanding that issues of such fundamental importance to global security deserve.

Still, there is no denying that nonproliferation policy-making—what drives states to support new nonproliferation obligations—is fertile ground for further theoretical and empirical development, with potentially major implications for nonproliferation policy. My suggestion that the impasse over the future of the NPT regime may subsist primarily between a relatively narrow band of sovereign-nationalist countries over the broader distribution of power and influence helps clarify which actors are at an apparent impasse over the future of the NPT regime and the prospects and policies for overcoming that impasse.

My analysis also implies that securing support for NPT-plus obligations is in some ways easier than is commonly appreciated, but potentially much harder as well. For countries that are more or less content with the normative structure of the status quo, the disarmament “hurdle” that the United States and other NWS must leap may be relatively small, particularly if it is accompanied by a more multilateral, less heavy-handed orientation on Washington’s part that could alleviate some sovereign-nationalist sentiment. The hurdle may be much higher, however, for the most sovereign-nationalist countries, particularly where opinion against the United States has hardened into bias. Indeed, pressuring sovereign-nationalist countries to take on NPT-plus obligations—to sacrifice more sovereignty in the name of nuclear nonproliferation—could have

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<sup>86</sup> See, e.g., Stephen E. Flynn, *America the Vulnerable* (New York: HarperCollins, 2004).

the perverse effect of reinforcing their opposition to such obligations. In either case, however, the continued relevance of economic and security considerations suggests that successful nonproliferation advocacy is likely to depend to a large extent on the creative development and use of sticks and carrots to compensate or coerce countries into concluding that the balance of normative, economic and security interests favors supporting NPT-plus obligations.