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International Non-Proliferation Policy and the United Nations Security System after 9/11 and Iraq[1]

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Introduction

No matter if the "weapons of mass destruction" (WMD) argument brought forward by the U.S. in respect of the multinational military intervention in Iraq in 2003 was meant to be *"real"* or rather was *"constructed"*: It is a fact that the WMD case, along with the new concept of security after 9/11, is real in its consequences for international WMD non-proliferation policy, collective use of force, and thus the U.N. security system.

However, this fact does not cut off the *path-dependencies* of a policy of containment of nuclear, biological and chemical weapons. A point often overlooked is that not only U.S. unilateralism – along with the multi-nationalism in the EU-context that it evoked for example in the Iran nuclear dispute in early 2005 – has contributed to a loss of collective endeavour in WMD non-proliferation policy. Rather, the sheer technology" of the problem itself had been rendering collective, or "global" solutions increasingly unfeasible long before.[2]

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1 I am grateful to Jodok Troy for some documentary assistance and to Anja Opitz for proofreading the manuscript.

2 Joseph Cirincione (ed.), *Repairing the Regime. Preventing the Spread of Weapons of Mass Destruction,* New York/London 2000; Brad Roberts (ed.), *Weapons Proliferation in the 1990s,* Cambridge, MA/London 1995.

For example, since the 1980ies, the dimension of the threat has been substantially defined by the easy trans-national availability of key technologies and dual-use goods. In addition, a number of pivotal states have not only been exhibiting decreasing commitment but also technical and financial capabilities to implement their obligations in the disarmament sector.

Moreover, research already concluded ten years ago that in contrast to community-of-states or world-society based approaches (such as "trust" and "verrechtlichung", or "civilizing"), we would be going to increasingly have to discuss the use of force in non-proliferation policy and options for military intervention – and this especially so when facing diffuse WMD threats. That is because such a type of threat is not amenable to customary means of deterrence and active repulse. Based on this observation, my article first locates the problem of WMD non-proliferation within its path-dependencies as well as the theoretical debate of "nuclear peace". It then introduces the formative elements of the state of the art of the WMD non-proliferation regime on the eve of 11 September 2001 and the Iraq conflict (2002-03), contrasting them with the structural developments in the WMD non-proliferation sector that we have been witnessing since then. From this, the paper derives working propositions about non-proliferation policy in the early 21st century.

Among the results will be that on the one hand, we still have to comprehend the problem of non-proliferation of weapons of mass destruction in the light of last decades' experience. On the other hand, certain principles of non-proliferation policy have been fading recently, especially its co-operative and universal idea. This leaves us with important conclusions for U.N. collective security and the use of force in the WMD sector: The "war on terror" as well as the case of Iraq has shown that the global level of WMD non-proliferation is seriously losing its relevance – which has serious consequences for the further developments and accomplishments of non-proliferation standards in the U.N. framework.[3]

Debating the "nuclear peace"

Was this development expectable or not? – and is it beneficial or detrimental to multipolar "nuclear" of WMD peace? In fact, there has been a debate on "nuclear peace" in the field of international political theory since the 1960ies – with *"nuclear peace"* being a coin phrase for the challenge of maintaining international stability and managing WMD security threats either through or against horizontal und vertical proliferation.

As structural realism's exponent, Kenneth Waltz, argued in his 1995 debate with Scott Sagan, the fade of bipolarization did not shatter the Cold War's nuclear peace legacy, but the spread of weapons of mass destruction could increase the security of all states also under the international system's post-

3 A basic reading is Charles F. Parker, *Controlling Weapons of Mass Destruction. An Evaluation of International Security Regime Significance,* Uppsala 2001.

Cold War condition.[4] Compared to a rapid proliferation or none at all, Waltz favoured *clandestine* proliferation, i.e. a gradual and creeping spread of WMDs, regarding that type of proliferation as a clearly stabilizing factor in a multipolar world. [5] Waltz went on to argue that also the U.S. *anti-universalistic,* i.e. bilateralized and case-dependent, approach to WMD non-proliferation needed to be regarded as a stabilizing factor. In his judgement, U.S. anti-universalism contributes to effective collective deterrence in a multipolar and multi-actor world because it makes unequivocally evident that vital national interests continue to be at stake.[6] Strengthening the WMD non-proliferation regime within the U.N. framework, Waltz cautioned, would going to be counter-productive because non-proliferation is a matter of bargaining security interests – and this very bargaining, for Waltz, can never be based on a collective-security system or any universal concept but only on a *case-dependent,* differentiated approach.[7]

In fact, the case of North Korea as well as the unsuccessful 2005 Review Conference of the Nuclear Non-Proliferation Treaty (NPT) provide some evidence in favour of Waltz' model, which includes the proposition that setting up a collective scenery of monitoring, containment and threat – as it was the U.N. approach in the Iraq case – will at best increase a country's nuclear ambitions. Waltz is convinced that collective action of the international community contributes to the focused country's perception of threat and demonstrates its asymmetrical international positioning: "Countries are vulnerable to capabilities they lack and others have",[8] as Waltz puts it in general terms.

Directly challenging Waltz's model, Scott Sagan argued that Waltz overlooked the fact that many of the new or potentially new WMD-capable actors either were no states at all or at least did not quite fit into the rational-actor model.[9] Sagan went on to argue that current endeavours to further global non-proliferation regimes and regional balances of power would be shattered by a – perceived or real – spread of WMD capabilities, making wars among and against WMD-aspiring states probable.[10] Thus, the Iraq case may be regarded as evidencing Sagan's model.

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4 Scott D. Sagan/Kenneth N. Waltz*, The Spread of Nuclear Weapons: A Debate,* New York/London 1995, p. 93. An earlier fundamental contribution was Kenneth N. Waltz, *The Spread of Nuclear Weapons: More May be Better,* London 1981 (= *Adelphi Papers,* no. 171).

5 Ibid., p. 42.

6 Ibid., pp. 26-27. This argument was already made by Bernard Brodie, *Strategy in the Missile Age,* Princeton, NJ 1959, p. 255.

7 Ibid., p. 27 and – with direct reference to U.S. security policy – p. 44.

8 Scott D. Sagan/Kenneth N. Waltz, *The Spread of Nuclear Weapons*, p. 40.

9 Ibid., pp. 47-91.

10 Ibid., pp. 55-66.

Arms control, disarmament and counter-proliferation

Judging from a broader point of view, the puzzle is however none of "nuclear" peace but one of *arms control* vs. *disarmament*. Arms control has been recognized since the first Hague Conference of 1899 as a main problem in world politics, and neither 9/11 nor the Iraq conflict and war of 2002-03 have fundamentally changed arms control's main problem: Smouldering crises are needed for arms control to be consensually put on the collective security agenda, and even then it is strictly subject to the nations states' vision of sovereignty and national self-interest. Notwithstanding this perpetual fact, the rationale of arms control has much changed in the wake of 9/11: During bipolarization, arms control was a co-operative approach following universal aims and bringing adversaries together in a comment at least technical endeavour to safeguard national as well as international security.[11]

Within this framework, WMD non-proliferation policy, as best reflected in the NPT of 1968, was a strategy of politically preventive security policy, combining export controls, threat of sanctions, offer of assistance in conversion and economic incentives for resigning of expertise in the armament sector. The political objective of arms control is to make opponents fully exploit given antagonistic potentials for co-operation,[12] thus aiming not at dissolving WMD-related conflict but at amelioratively transforming it.[13] However, because this approach requires all parties involved to acknowledge a common interest in security and co-operation, it tremendously loses momentum in an era of asymmetric threats and strategies.

Appreciating these contemporary limitations of arms control, not only the U.S. government[14] but also the U.N. Security Council in its "Iraq resolution" 1441 did not follow a non-proliferation policy in the strict sense of the term but rather a policy of unconditional *disarmament*,[15] or, more specifically, a policy of *counter-proliferation*. Within counter-proliferation, disarmament is one factor among others, such as "dissuasion" by a moral role-model function of states or international organizations, "denial" by stronger export controls, "diplomatic pressure" by an adamant sanction policy but also "destruction" by preventive

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11 Wolf Graf von Baudissin/Dieter S. Lutz (eds.), *Kooperative Rüstungssteuerung,* Baden-Baden 1981; Erhard Forndran, *Probleme der internationalen Abrüstung. Die internationalen Bemühungen um Abrüstung und kooperative Rüstungssteuerung 1962-1968,* Frankfurt a.M./Berlin 1970.

12 Thomas Schelling/Morton Halperin, *Strategy and Arms Control,* New York 1961, p. 2.

13 Roger Handberg, *Ballistic Missile Defense and the Future of American Security. Agendas, Perceptions, Technology, and Policy,* Westport, CT 2002, S. 115.

14 First analyses of U.S. Iraq policy in 2002-03 included François Heisbourg, "A Work in Progress: The Bush Doctrine and Its Consequences," in: *The Washington Quarterly* 26 (2003), no. 2, pp. 75-88; Steven Lambakis/James Kiras/Kristin Kolet, "Understanding 'Asymmetric' Threats to the United States," in: *Comparative Strategy* 21 (2002), pp. 241-277.

15 Paradigmatic works include Philip J. Noel-Baker, *Disarmament,* New York 1972; Richard J. Barnet/Richard A. Falk (Hg.), *Security in Disarmament,* Princeton, NJ 1965.

use of force.[16] Disarmament as a framework concept therefore, in opposition to arms control, assumes weapons not to be a consequence of conflict and a means of enacting conflict. Rather, it maintains that weapons are themselves a root cause of conflict: Abolish just all weapons and you will get peace in immediate return. Although this approach is mainly pinned on the *realpolitik* unilateralism of the U.S., it represents, by its very origin, an *idealist,* peace-studies related concept.

If WMD arms control from the 1960ies on was a response to the practical shortfalls of disarmament since the Baruch Plan of 1946, disarmament and counter-proliferation are the current answers to the shortfalls of arms control in managing asymmetric threats. It is now appropriate to have a short rundown on the non-proliferation policy status at the global level in respect of biological, chemical and nuclear weapons.

On the state of the art of WMD non-proliferation before 9/11

Research on political control of biological and chemical weapon proliferation[17] is comparatively thin, which to a considerable part follows from the nature of the subject itself: Because of their dual-use character of their active substances, biological and chemical weapons are difficult to handle in terms of arms control. *Biological weapons* stand out as the oldest weapons of mass destruction, documented since the 4th century B.C. when the Scythians infected arrows with parts of dead bodies. The oldest endeavours not only to control the spread and use of weapons of mass destruction but to abolish them relate to *chemical weapons* and the Brussels declaration of 1874. However, the attempt to link a universal ban on both biological and chemical weapons in the Geneva Protocol of 1925 had no success. Nevertheless in the nuclear age, conditions became quite benign for global-scale regulations for biological and chemical weapons non-proliferation, and if only because these two categories of WMD usually were locally limited in their usability and effectiveness, making them not a versatile strategic asset. So in 1972 the Biological Weapons Convention could be concluded, ostracizing this kind of WMD and today extending to 146 states. However, the convention's effectiveness is strongly limited by the fact that one could neither agree on constraints on research nor on a more than rudimentary verification regime. Several states, not only the U.S., reject intrusive verification

16 This has been most clearly elaborated with respect to the Unites States' counter-proliferation strategy, cf. Barry R. Schneider, *Future War and Counterproliferation. U.S. Military Responses to NBC Proliferation Threats,* Westport, CT 1999, esp. pp. 47-51.

17 Seminal work includes April Carter, *Success and Failure in Arms Control Negotiations,* Oxford/New York 1989; Charles F. Parker, *Controlling Weapons of Mass Destruction*; Jean Pascal Zanders/John Hart/Frida Kuhlau, "Chemical and biological weapon developments and arms control," in: *SIPRI Yearbook 2002. Armaments, Disarmament and International Security,* Oxford et al. 2002, pp. 667-708.

because they fear industrial espionage and favour bilateral measures as well as export controls.

Thus, the political idea of *universality* or at least of *collectiveness* in this policy area of non-proliferation had become ineffective long before 9/11, resolution 1441 and the Iraq intervention. Quite differently, non-proliferation in the chemical weapons sector made a great step forward in the wake of the Cold War's end: The Chemical Weapons Convention that entered into force in 1997 not only outlaws the use of chemical weapons but also requires the signing states to destroy their respective arsenals and places of production. The convention contains a verification regime including civil industry.

Nuclear weapons,[18] which will be in the focus of the remainder of this article, are the most effective and politically precarious weapons of mass destruction. Milestones in nuclear proliferation control typically do not result from problem-responsive strategies but rather reflect pragmatic responses to the failure of earlier approaches. Cold War history already in the 1970ies saw the failure of a collective control of the Bomb – as primarily envisaged in the Baruch Plan of 1946 – as the genuine trigger for the nuclear arms race.[19] Nuclear non-proliferation is vested in a regime within the U.N. framework, made up by a network of interlocking treaties and Organizations. This regime includes the Non-Proliferation Treaty, the International Atomic Energy Agency (IAEA) as a U.N. special organization, the IAEA safeguard rules for the monitoring of treaty compliance, the still only partly ratified Comprehensive Test-Ban Treaty, the nuclear export rules of the London Group of States and the four existing nuclear-free zones according to the treaties of Tlatelolco, Rarotonga, Pelindaba und Bangkok.[20]

Current issues in nuclear non-proliferation exhibit extremely clear path-dependencies. For example, irrespective of the Cuba crisis of 1963, the subsequently concluded Moskow Treaty on a partial nuclear test ban could not be completed by an inspection regime due to opposing national interests. Thus it has been evident since quite a long time before "Iraq" that the international community has a *verification* problem. The Nuclear Non-Proliferation Treaty of 1968, in contrast, contains a verification regime as well as a universal impetus, along with a five-year mechanism of review and adaptation. However, it lacks

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18 The state of the art on nuclear non-proliferation before 9/11 is best reflected in: Peter A. Clausen, *Nonproliferation and the National Interest. America's Response to the Spread of Nuclear Weapons,* New York 1993; D. A. V. Fischer, *Stopping the Spread of Nuclear Weapons. The Past and Prospects,* London/New York 1992; Harald Müller/David Fischer/Wolfgang Kötter, *Nuclear Non-Proliferation and Global Order,* Oxford et al. 1994; Raju G. C. Thomas (ed.), *The Nuclear Non-Proliferation Regime. Prospects for the 21st Century,* Houndmills 1998.

19 Cf. John L. Gaddis, *The United States and the Origins of the Cold War 1941-1947,* New York 1972, pp. 331-335; Gregg F. Herken, *The Winning Weapon. The Atomic Bomb in the Cold War 1945-1950,* New York 1981.

20 Charles F. Parker, *Controlling Weapons of Mass Destruction*, pp. 37. There is an additional regime for controlling missile technology, especially ballistic carriers for nuclear warheads. As this article does not focus on arms technology it will not be discussing this regime.

pivotal members such as India, Pakistan, Israel and now also North Korea, whereas nobody has believed in the will of the members Iraq, Iran, Libya and North Korea (until 2004) to practically abide by the rules set forth in the treaty. Rather, pivotal states typically use the NPT review mechanism for bargaining and national-interests purposes, such as threatening to quit the treaty, which North Korea in fact finally did. In addition, U.S. policy clearly has contributed to inhibiting the evolution of a universal nuclear non-proliferation regime, favouring a bilaterally as opposed to multilaterally, if not universally organized non-proliferation approach since the introduction of the Nuclear Non-Proliferation Act of 1978.[21]

Iraq by 2002 had repeatedly become a prime example of the limited chances of success of an internationally accorded sanction policy. It is well known that in 1981, Israel autonomously bombed the Osiraq reactor, delivered by France as a research reactor – although at that time, Osiraq was under IAEA control. However, Israel had denied IAEA's ability to rule out a military use of the plant and accused both IAEA and the Iraq government of not being able to provide evidence for the non-military intentions of the Osiraq activities. It was this non-existence of counter-evidence in the eyes of the Israel government from which it derived its right of preventive strikes. Interestingly, in the 2002-03 conflict, U.S. president Bush exactly resumed this train of thought. Already in 1981, the U.S. had used the éclat in IAEA that followed the Osiraq bombing to retreat from the agency, bringing the U.N. approach to nuclear non-proliferation to a standstill. Only after IAEA's director at that time, later chief inspector in Iraq Hans Blix, had reassured the U.S. that the agency was not going to constrain Israel's inherent rights of self-defence in any way did they finally return to continue its participation in IAEA's work.[22]

Problems with non-proliferation *fact-finding* had come to their first boil in the 1990-91 Iraq conflict and war and the work of the then "United Nations Special Commission on Iraq" (UNSCOM). However, the international community failed to draw the necessary conclusions for strengthening the U.N. non-proliferation regime.[23] The nuclear non-proliferation regime under the NPT treaty namely lacks regulations for sanctions and is only directed against the spread of fissile material, not against the export of whole nuclear power plants.

Recent developments in the NPT regime

Bearing in mind strong path-dependencies of such kind, it cannot come as a surprise that political selectivity and narrow perspective have come to dominate nuclear non-proliferation policy. The NPT signing states have not been able to

21 See Michael J. Brenner, *Nuclear Power and Nonproliferation. The Remaking of US Policy,* Cambridge et al. 1981.

22 See Jed C. Snyder, "Iraq," in: Jed C. Snyder/Samuel F. Wells, Jr, *Limiting Nuclear Proliferation,* Cambridge, MA 1985, pp. 3-42.

23 Harald Müller/David Fischer/Wolfgang Kötter, *Nuclear Non-Proliferation and Global Order,* pp. 132-138.

agree on common analyses of threat since the 1990 Review Conference, which thus willingly or not focused on reinforcing the instruments for implementing *regime rules* rather than assessing *proliferation threats*.[24] Consequently, nuclear non-proliferation became all too narrowly defined as a question of *verification*, and that again as a question of *inspection*, which had its serious consequences in the Iraq conflict. Interestingly enough, inspections however have been regarded as an, at best, moderately suited instrument of non-proliferation since the mid-1990ies – by academics and practitioners alike, with the limitations and deficits of verification in Iraq and North Korea well-known and documented long since.[25] The 1995 NPT Review Conference yielded remarkable progress at the level of declaration of *principles* such as total nuclear disarmament and sharpening the IAEA safeguard system, but it again failed to come forward with a collective analytical *threat assessment*. In contrast, the conference prematurely made the once again smouldering India-Pakistan conflict a model from which it derived *vertical proliferation* (such as nuclear testing) to be the main challenge for all nuclear non-proliferation policy in the coming age.

At the 2005 Review Conference of the NPT,[26] the international community set out to keep up with the new challenges of nuclear proliferation and sought to appreciate the *terrorist danger* and its consequences for the adaptation and further development of the regime. This was a daunting task from a political science point of view because terrorist research itself has become quite indecisive on nuclear terrorism. Its doyen Walter Laqueur used to adamantly deny any functionality of WMD for terrorist objectives – in the sense of "Terrorists want a lot of people watching, not a lot of people dead". However, whereas making no clear statement as for risk assessment, Laqueur has recently been portraying a number of horror scenarios of terrorist assaults involving WMD use.[27] Nevertheless, he seems to conclude that state-sponsored terrorism is a comparatively good thing because he argues that state-supported terror groups are those most unsuspicious of WMD ambitions – because sponsoring states usually follow political aims that require pinpointed threat, extortion and damage, but not indiscriminate destruction. [28]

Given the fact that terrorists usually attack national targets, the first level of response in the case of WMD terrorism will also be the *national*, thus imposing strict limits on collective action at an international scale. In our experience, no two states will sufficiently share perceptions of threat, have compatible technical

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24 Ibid.

25 See e.g. Richard Butler, "Inspecting Iraq," in: Joseph Cirincione (ed.), *Repairing the Regime. Preventing the Spread of Weapons of Mass Destruction,* New York/London 2000, pp. 175-184; David A. Kay, "Denial and Deception. Practices of WMD Proliferators: Iraq and Beyond," in: Brad Roberts (ed.), *Weapons Proliferation in the 1990s,* Cambridge, MA/London 1995, pp. 305-325.

26 www.un.org/events/npt2005.

27 E.g. Walter Laqueur, *The New Terrorism. Fanaticism and the Arms of Mass Destruction,* New York et al. 1999.

28 Ibid., pp. 265-267.

capabilities, administrative structures and common preparedness to mobilize the same resources in order to counter terrorism.[29] At the same time, in the course of the evolution of the concept of comprehensive security, terrorist threats, if WMD-related or not, were included into the international security agenda and are for example reflected as a main source of internationally originating security threat both in the National Security Strategy of the United States (2002) and the European Security Strategy (2003). In the end, this again is nothing entirely new: There has been a debate in the strategic community to regard "terrorism as warfare" since the 1980ies and to classify terrorist action as war-type attacks, thus enabling the attacked to respond with military means, referring to each nation's inherent right to self-defence as laid down in article 51 of the U.N. Charter and including pre-emptive self-defence. [30]

WMD non-proliferation and collective use of force

As this clearly impacts the management of collective use of force in international relations and the U.N. collective security system, it is only consequent that the Secretary General, in setting his agenda for the 2005 General Assembly, proposed to expand the concept of *collective security* so to make it a more political term including collective perceptions of threat and collective commitment based on a common language in security policy. In this context, the Secretary General also initiated a process of developing a General Assembly definition of terrorism.

On the one hand, this opens up new perspectives also for collective WMD non-proliferation policy. On the other hand, it is exactly the attempt to revive the principles of universality and collectiveness that finally led to the failure of the 2005 NPT Review Conference. The question of if and if so, how to include "terrorism" in the nuclear non-proliferation agenda had already split the Review Conference's Preparatory Committee, which did not succeed in presenting a consensus report containing recommendations to the Review Conference:

"The main problem was how to refer to the agreements of 1995 and 2000. The US and some key allies wanted no reference to them whatsoever – as if attempting to erase them from old photographs and memories – as if somehow, by not referring to them, it meant that they just did not exist."[31]

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29 Nadine Gurr/Benjamin Cole, *The New Face of Terrorism. Threats from Weapons of Mass Destruction,* London/New York 2000, p. 213.

30 E.g. Caleb Carr, "Terrorism as Warfare," in: *World Policy Journal* 13 (1996-1997), no. 4, pp. 1-12; Brian Jenkins, *The Lessons of Beirut. Testimony Before the Long Commission,* Santa Monica, CA 1984; Gayle Rivers, *The War Against Terrorists. How to Fight and Win,* New York 1986.

31 Patricia Lewis, "The NPT Review Conference: No Bargains in the UN Basement," http://www.opendemocracy.net/globalization-summits/nuclear_2563.jsp#, 1 June 2005.

The U.N. Secretary General was very much concerned to officially acknowledge that the international community must act collectively in order

"to reduce the threat of proliferation not only to States, but to non-state actors. As the dangers of such proliferation have become clear, so has the universal obligation for all States to establish effective national controls and enforcement measures."[32]

The European Union, in its "Fundamental elements" proposal for the 2005 NPT Review Conference sought to promote the term of "nuclear terrorism" as a descriptor for threats to international security. Some EU member states however, including Austria, were opposed to the Union's motion because they are following a policy not of nuclear non-proliferation but of

"a world free of nuclear weapons and, as it were, of all weapons of mass destruction … It will require a patient multilateral endeavour, step by step, beginning with a reduction of nuclear threats that will eventually, irreversibly and transparently lead to the complete elimination of all nuclear arsenals. We concur with others that we must begin to seek an alternative system of collective security in which nuclear deterrence does not figure and in which the supply and demand side are equally addressed."[33]

The U.S. obviously does not seek to establish a collective nuclear-weapons abolishment regime in the U.N. framework or elsewhere but continue implementation of the President's Actions Plan of 2004, based on the mentioned bilateralism and case-by-case approach. [34] The diplomatic term for that is

"expanding the 'Global Partnership' to eliminate and secure sensitive materials, including weapons of mass destruction, which broadens U.S. and Russian efforts aimed at cooperative threat reduction. Although most of these activities call for action outside the formal framework of the NPT, they are grounded on the norms and principles of nuclear nonproliferation laid down by the Treaty."[35]

Therefore, a pre-eminent conclusion about international non-proliferation policy and the United Nations security system after 9/11 and Iraq is that one thing certainly did not change: Even in the current era of a widely shared denomination of threats, WMD non-proliferation policy has not become

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32 The Secretary-General Address to the Nuclear Non Proliferation Treaty Review Conference, New York, 2 May 2005, http://www.un.org/events/npt2005/statements/npt02sg, p. 4.

33 Delegation of Austria 2005 NPT Review Conference. Ambassador Wernfried Koeffler Head of Delegation, New York, 4 May 2005, http://www.un.org/events/npt2005/statements/npt04austria.pdf, p. 6.

34 The Delegation of the United States of America to the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons 2-27 May, 2005. Statement by Stephen G. Rademaker, United States Assistant Secretary of State for Arms Control, 2 May 2005, http://www.un.org/events/npt2005/statements/npt02usa.pdf, p. 5.

35 Ibid.

collective peace work at the level of the international community, but it continues to be a tension-laden dialogue of *national power* and *self-interest*.

Working theses on NBC non-proliferation policy in the early 21st Century

However, there are also some more specific conclusions to draw from the synoptic rundown given in this article:

- Whereas from the 1960ies onwards, inclusiveness, reciprocity and *crisis stability* had been the leitmotif of arms control,[36] they by now have strongly faded: WMD non-proliferation policy is not any more in the first place meant to maintain dialogue and reciprocity between adversaries, who one another concede the right of a self-interest in their own security and commit themselves to safeguarding this minimal co-operative fundament also over periods of tensions and crises. The WMD counter-proliferation concept of the U.S. in particular shows that the new leading concept is one of full-spectrum escalation dominance in imminent crises, along with differentiation and asymmetry in confronting problem states.

- *Asymmetry* has generally become the motto not only in Western threat perception and the "new wars" theory but also in WMD non-proliferation policy: The West is not following a co-operative approach but an approach of unconditional norm setting, along with highly conditional norm enforcement. This includes a shift in non-proliferation's prime objectives, to which bargaining-induced change of the opponent's (as well as one self's) consciousness used to belong.[37] Along with that trend, basis mechanisms of non-proliferation such as verification cease to be understood on a result-oriented basis. For example, in the Iraq case of 2002-03, the U.S. would aim the comparative success of the inspections at an argument for the necessity of military intervention.

- Particularly, non-proliferation policy's cardinal assumption has been shattered: *Security needs* of nation states do not count any longer as root cause for proliferation, accounting for their interest in acquiring WMD capabilities. Along with this fades the regime-oriented basic idea of WMD-related arms control. This idea was that WMD proliferation is a problem resulting from rational considerations and calculations in the light of the national-self interest, which is exactly why any nation will appreciate the motivation of the other, which again will shape a common context for conflict regulation in the light of interdependence and overarching

36 See Lawrence Freedman, "The End of Formal Arms Control," in: Emanuel Adler (ed.), *The International Practice of Arms Control,* Baltimore, MD/London 1992, pp. 69-83 (p. 72).

37 See Joseph S. Nye, Jr., "Arms Control and International Politics," in: Emanuel Adler (ed.), *The International Practice of Arms Control,* Baltimore, MD/London 1992, pp. 153-173 (pp. 160-61).

principles. This classic idea is quite different from the emerging idea of asymmetry and tabula-rasa solutions on both sides – WMD-seekers as well as counter-proliferators. This ideational change is enforced by the fact that currently, almost only antagonists who share no common background of experiences are facing each other. Thus, they lack the antagonistic co-operation potential that results from commonly gone-though crises. As a result, in present and coming WMD-control related crises, they will not be likely to develop complementary security interests. This will not allow much chances of success of a broadly conceived, civil-society and prevention-based approach.

- Consequently, we will have to expect a further erosion of the concept of *regimes* in non-proliferation policy: In political terms, the dominant strategy for implementing non-proliferation is no longer one of positive incentives, as classically applied in the NPT, which promises security guaranties and help in civil use of nuclear energy. Rather, and in fact already before 9/11, there was a shift away from world-society and compliance-oriented principles – such as verification and confidence-building – towards pre-emption defined in military terms and in the sense of escalation dominance.

- As a result, the effectiveness of *international norms at the global level* will likely further decrease and the U.N., with the Security Council in particular, be confronted with the risk of losing its primary responsibility for peace and international security, at least as far as WMD control is concerned. Along with this will come a uni- and multi-nationalization of WMD policy. Relevant examples have already been set, such as the U.S. approach towards North Korea and the British-French-German Approach towards Iran. Together with the non-existent evidence for Iraq WMD (pre-)capabilities, this can only foster states' of concern perceptions that the vital security interests of the U.S. and the "Western community" were of a deeply constructivist character, making them negotiable and fading out red lines that may trigger a collective or at least all-Western World response to a WMD threat.

From a practical political science point of view, we can thus conclude that non-proliferation must not be conceived of or studied in axiomatic terms. WMD non-proliferation is not a universal target value but its effectiveness for international security problem solving depends on the respective security constellation. Conflict research has concluded that non-proliferation is not a means for collective conflict-prevention in the case of suddenly emergent crises that involve strongly asymmetric actors. Rather, arms control regimes of any kind are a specific instrument for *peace building* – that is, for a medium to long-term management of conflict potentials and for reducing tension and mistrust but not for coping with imminent, manifest conflict processes.[38]

38 Michael S. Lund, *Preventing Violent Conflicts. A Strategy for Preventive Diplomacy,* Washington, DC 1996, p. 47.

In order to defuse conflict potentials as well a conflict-laden international polarization on a short to medium-term basis, conflict research suggests utilizing negotiation, special envoys and mediation,[39] and not monitoring or fact finding. In this sense, Iraq resolution 1441 and its main instrument, that is, weapons inspections were missing the point. Conflict research would have proposed the international community commonly to set up an effective scenery of threat, reaching over the whole spectrum of measures to safeguard and restore peace and international security under the U.N. charter.[40] While this runs counter to the policy recommendation that structural realism makes – exemplified by Kenneth Waltz's "nuclear peace" –, it agrees with the political realists' point of view that any non-proliferation doctrine which does not focus on reality-based problem-solving but seeks to purge the world from the scourge of WMD as such violates a basic principle of *prudent politics* as the classical realist school of international relations policy has it: "Never bring yourself in a position from which you cannot retreat without a loss of face and from which you cannot advance without undue risk."[41]

39 Ibid.

40 Cf. ibid., p. 148.

41 "Bernard Johnson's Interview with Hans J. Morgenthau," in: Kenneth Thompson/ Robert Myers (Hg.), *Truth and Tragedy. A Tribute to Hans J. Morgenthau,* New Brunswick, NJ/London 1984, pp. 333-386 (p. 382); see also George Kennan, *American Diplomacy*, Chicago, IL 1984, esp. p. 100.