

The Non-Aligned Movement, Nuclear Non-Proliferation Treaty and Norms

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Each of the three pillars of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) are beset by arguments that undermine the treaty's appeal, adoption and therefore its efficacy. The pillar of peaceful use of nuclear energy, targeted specifically at improving economic prosperity for developing nations in order to court their accession to the treaty, is arguably the most widely supported and least contentious. Some have argued that technology sharing associated with producing or enriching reactor fuel is correlated with state pursuit of nuclear weapons, but beyond that it appears to have few detractors.¹ Article III of the treaty requires safeguards to be put in place for any use by non-nuclear weapons states (NNWS), to prevent diversion to non-peaceful uses, but makes no similar requirement for nuclear weapons states (NWS). This division of responsibility was loathed by members of the Non-Aligned Movement (NAM) in the 1960s when it was written, and even before when the statutes of the International Atomic Energy Agency (IAEA) was being authored.² India has been a vocal opponent of the non-proliferation regime since its inception and onwards until it declared its own nuclear weapon capability via a test on May 11, 1998. Former Indian military officer and politico Jaswant Singh argued later that year that the nonproliferation regime formed "a sort of international nuclear apartheid."³ The third pillar, disarmament, also serves as a chief source of complaint for NNWS. The NPT, as a cornerstone of the non-proliferation regime, creates two classes of security guarantee: nuclear deterrence and conventional. Former NNWS like India, current ones like Iran, and transnational organizations like the NAM, have complained that the nonproliferation regime make explicit

¹ (Brown & Kaplow, 2014)

² (Fischer, 1997)

³ (Singh, 1998, p. 43)

structures out of the implicit power-differentials associated with ownership of nuclear weapons. Those structures are the bodies of the nonproliferation regime and so include: the IAEA, the Nuclear Suppliers Group (NSG), and treaties like the NPT and even the Comprehensive Test Ban Treaty (CTBT) and others.

Nuclear weapons owners tell a different story. Where the NNWS emphasize the unequal burdens of safeguards imposed by the NPT and the stratification of security that results from its toothless disarmament pillar, the NWS emphasize the problem of proliferation. The United States and the Soviet Union came directly out of a war into a hostile stalemate of global power that lasted for 40 years and was caught in a vicious cycle of nuclear escalation that has dominated geopolitical and security theory for most of the twentieth century. Half-cognizant of the absurdity of the terms of the game, they managed to collaborate to contain the spread of the most dangerous component of the contest, nuclear weapons, while simultaneously battling each other conventionally through proxy forces around the globe. Nuclear non-proliferation has a fraught history, but compared with the diffusion of conventional weapons, and the proliferation of peaceful uses of nuclear energy, it can be argued that it has been an exceptionally successful achievement for the regime components, and individual states. It is astonishing to some that anyone would oppose any kind of nonproliferation effort, but viewed from the perspective of the global south, nuclear proliferation is what one would aptly, albeit figuratively call a “first world problem.” Starvation, civil wars, agricultural and economic development, disease, literacy and education, terrorism, these are third world problems. Addressing these problems, arguably, has largely been supported by the largesse of first-world countries and the transnational institutions emerging from major and middle powers. The contest of viewpoints about equality, largesse, apartheid, neocolonialism vs beneficent patronage is one of the enduring questions of our times, and nuclear weapons provide a flashpoint for the debate.

Nuclear weapons create a vastly unequal security environment. This idea has been debated by scholars for decades. Nuclear weapons have been called a revolution in military affairs, and created whole fields of study, institutions both civilian, commercial and military. Their explosive power makes them not just another bomb. The display of power in 1945 appeared to make self-evident the ensuing claim that the US, and shortly thereafter Russia, and the others that followed had escaped the national security logic that prevailed elsewhere; a pre-WWII logic based on the limits of conventional warfare. Jaswant Singh, in his defense of India’s nuclear tests avails this point. He notes that in 1998 India was “the only country in the

world sandwiched between two nuclear weapons powers,” and that in a “rough neighborhood,” not developing a nuclear weapon was asking for trouble.⁴

India has been a leading voice for disarmament from its early days. And Singh says it remained so even after its tests at Pokhran.⁵ India was part of the early draft of the IAEA statute and was on hand to see the NWS write into the NPT the call for disarmament. It has, however, been a constant complaint from the NAM and other NNWS that whenever pressed on their progress refuse, reject or evade the pressure the responsibility. It is not uncommon to read the NPT called “most brilliant half-successful arms control agreement in history,” because of the success of nonproliferation and the “complete failure to produce nuclear disarmament”.⁶ Both Tannenwald and Yew note this disparity as a chief complaint of the NAM. The Nuclear Threat Initiative notes that “Apart from the bilateral negotiations on New START, there have been no negotiations or efforts on disarmament measures since the conclusion of the CTBT negotiations.” They also note that two NAM members, and nuclear states, Pakistan and India continue to advocate for total disarmament while “paradoxically...simultaneously increasing their nuclear arsenals and delivery systems.”⁷

he behavior or nuclear states regarding their own nuclear arsenals appears inconsistent with their commitments to disarm; to the NNWS this appears hypocritical. Whether their behavior is paradoxical or hypocritical perhaps depends on one’s diplomatic intent, but paradoxical behavior has never prevented one hypocrite from calling out another. This kind of what-aboutism is part and parcel international politics. Yvonne Yew expressed a position common to scholars and writers studied for this paper when she writes, “...the different emphases have framed nuclear negotiations in a deadlocked cycle of mutual recriminations and served as a stumbling block to building mutual trust.”⁸ The position that NWS are being disproportionately addressing nonproliferation while ignoring their disarmament commitment is one of the chief complaints of the NAM. McCoy argues that this nuclear “apartheid” (a word used by Singh and examined in depth by Shampa Biswas) actually contributes to proliferation. His argument is that the extensive fuel control regime pursued by the US is punitive and uncooperative, and that the opportunity for others to participate in a lucrative, if illegal black fuel market is a strong incentive. Similar to the way the Prohibition on Alcohol in the US in the 1930s created a market for bootleggers, and the

⁴ (Singh, 1998, pp. 48-52)

⁵ (Singh, 1998)

⁶ (Ruble & Cohen, 2018, p. 328)

⁷ (“Nuclear Disarmament Resource Collection,” 2017)

⁸ (Yew, 2011, p. 5)

overall result was far more dangerous.⁹ Pursuing nonproliferation more seriously than disarmament suggests to NNWS an intent to harden structural inequalities. Many of the NAM states were former colonies, and so see disparities as perpetuating practices of discrimination all-too familiar and deeply despised.

While this claim was unifying during the early years of the Cold War, many of the states prospered, or at least saw improved conditions under the hegemony of the West, and over time this has led to internally fracturing of the NAM coalition.¹⁰ The NAM has also seen some of its political oxygen sucked up by the G-77, the rise of NGOs, and the voluminous expansion of both UN-led aid programs and state-led economic aid connected or arising out of first world states.

Duplicitous behavior by NNWS like India, Iran, DPRK, Libya, Iraq and others also weakens NNWS credibility as voices for either nonproliferation or disarmament.¹¹ Yew's research on the relationship of the NAM to the nonproliferation regime classifies members into three categories: "leaders, spoilers and others" based on their behavior with respect to NAM fundamental principles like their insistence on disarmament. Iran is a spoiler; Egypt has been a leader. She notes that it has irrevocably damaged the credibility of the group that its members have become, or tried to become, NWS despite advocating for disarmament of the existing great powers.

To recap, nuclear weapons are so powerful that they create a markedly unequal international security environment. The balance of power (in realist terms) is overwhelmingly in favor of states that own nuclear weapons. These states have rejected calls to totally disarm and have not acted in good faith on their NPT pledge to disarm. Claims of intent to disarm are therefore hypocritical. Instead, the NWS have assertively pursued nonproliferation for the last fifty years, sometimes even using nonproliferation as a *casus belli* (Iraq). The pursuit of nonproliferation and the laggardly pace of disarmament harden structural inequality. IAEA technical cooperation and peaceful use initiatives, because they are economically attractive for developing states act as an economic leverage in a network of inducements which weaken the political unity and resolve of agents like NAM who create political pressure for NNWS to eliminate nuclear weapons from their arsenals. The non-nuclear weapons states face a set of dilemmas. If they accept economic inducements in the name of nonproliferation directly or as political linkage, they participate in an apartheid regime against their own

⁹ (McCoy, 2005)

¹⁰ (Yew, 2011)

¹¹ (Sundaram, 2010)

collective interests. If they reject aid, they are likely to suffer significant costs. Or, as has been seen, states can cheat. They can appear to support the nonproliferation regime and clandestinely act as proliferators or develop a nuclear weapons program and break into the nuclear club.

This framing makes sense if one grants that nuclear weapons truly function as a deterrent to existential threats. However, the argument that the US begrudgingly provides aid to Pakistan (despite its entanglement with the Haqqani network and broad dysfunction) in order to shore up stability and security for its nuclear weapons program suggests that nuclear weapons do create a different set of rules for their owners.¹² Barbara Tannenwald's¹³ research shows that nuclear weapons states have faced attack, and that the threat of nuclear retaliation has a complex logic. She argues that we have not seen a third use of nuclear weapons in combat because of the emergence of norms, and in particular with nuclear weapons, a stronger form of opposition: taboo. Every nuclear weapons state has engaged in combat and met with deadly resistance at some point since 1945. But the Cold War remained non-nuclear despite the dramatic build-up and global deployment of nuclear weapons.

If Tannenwald's conjecture is correct, and taboos or norms have functioned to prevent nuclear weapons use, and perhaps even were operating in 1986 at Reykjavik when Reagan and Gorbachev began disarming, or SALT I, SALT II, New START, etc. Then two things become true. Firstly, NWS are capable of disarming and there are models of behavior that deserve study by NNWS and NAM for achieving further disarmament. Secondly, norms, which are by their nature outside the forums of formal political contest where NWS dominate, may provide a *modus operandi* for groups like the NAM or G-77. If these groups are to improve bloc cohesion, and/or draw on middle states as their elites, they ostensibly could use their majoritarian voices, during a time when the neoliberal order (as a structure which coheres around nuclear weapons owners and the nonproliferation regime) appears to be vulnerable. Now would be high time for alternatives to emerge, for the NAM to double-down on disarmament efforts like nuclear weapons free zones, state level ratification of the Treaty on the Prohibition of Nuclear Weapons. There is no need to abandon the NPT per se, but instead to create a competitive set of economic inducements to middle states to swear off nuclear arms entirely. Again, a full detail of the political action required to resist the network of inducements that create challenges for the disarmament set is outside the scope of this paper, suffice it to say creating a disarmament norm would require a majority of states

¹² (Sanger & Broad, 2007)

¹³ (1999)

to express that nuclear weapons ownership is the mark of a pariah, and that the nonproliferation regime has not added up to atoms for peace, but actually a vicious cycle that draws states, albeit slowly, towards the logic of cheating. The idea would be to turn the tides of perception that nonproliferation was “harm reduction” into one that suggested it as a kind of fear-based addiction and dependency.

Clearly this is a long project that would require an about-face on the behalf of the G-77, NAM or other global south advocates. Their greatest challenge would again be creating sufficient internal political cohesion to do the work of shifting the norms, but the recession of global leadership that seems to prevail at this time is a window that will not remain open forever.

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