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Systemic Conditions and Security Cooperation: Explaining the Persistence of the Nuclear Non-proliferation Regime¹

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Abstract *This article analyzes systemically the understudied topic of why and how the nuclear non-proliferation regime has remained a sustainable, even expanding entity, despite the unequal status of its members, and the fragility of international regimes as a species. The author argues that the convergence of two sets of distinct interests derived from the systemic roles and preferences of nuclear 'haves' and 'have-nots' has determined the creation and sustenance of the regime. For the nuclear-armed major powers the key factors that facilitate cooperation are the preservation of monopoly rights to possess nuclear weapons and the denial of similar rights to non-major power states. For most non-nuclear states, the regime's norms and principles render an important constraint against nuclear acquisition by their neighbors and a powerful normative restraint against nuclear use by the nuclear weapon states. This unique combination of interests and norms explains why the regime has persisted despite predictions of its demise. The larger theoretical implication is that favorable systemic conditions and system-induced interests have to be present in order for a multilateral security regime to emerge and persist. Conversely, when these favorable systemic conditions change, the regime is likely to weaken or dissipate.*

In his pioneering work, Robert Jervis identified several systemic conditions that are necessary for the emergence of security regimes. These conditions are: (1) major powers 'want to establish' regimes, (2) states 'must believe that others share the value of mutual security and cooperation' (3) no state 'believes that security is best provided for by expansion', and (4) 'War and individualistic pursuit of security must be seen as costly' (Jervis, 1983, pp. 176–78). Very little follow-up work has been done on these conditions or in exploring them in the context of different security regimes. The rise and persistence of security regimes thus remain understudied topics. In this article, I build on the systemic factors identified by Jervis, especially the first condition on major power preferences while exploring the particular combinations of other systemic factors that gave rise to the nuclear non-proliferation regime. This regime, despite being unequal, has persisted for over three decades and has increased its membership during that period. This is a significant development in international relations, since

¹ The author thanks Jeff Knopf, Bill Hogg and Baldev Nayar for their comments.

multilateral security regimes tend to be rare and those that exist (e.g. the chemical and biological weapons regimes) tend to treat member states fairly equally.

The establishment and persistence of the nuclear non-proliferation regime offer several theoretical puzzles to international relations scholarship. First, durable security regimes have been rare. Some such regimes have come and then gone out of existence. The prominent examples include the regimes associated with the Concert of Europe and inter-war arms control treaties. Security regimes that are still in existence include the biological weapons regime, the chemical weapons regime, the outer-space regime, the Antarctica regime, and the US–Russia arms control regime. Of these, few have such multilateral security implications as does the non-proliferation regime.

Second, multilateral regimes rarely discriminate against some members by creating distinct categories of states and treating them differently with respect to rights, responsibilities and privileges. The sovereign equality of states is an embedded characteristic of most regimes and treaties. For example, the comparable multilateral regime to the nonproliferation regime, the chemical weapons regime, considers all signatories of the Chemical Weapons Convention (CWC) as equals. The non-proliferation regime not only distinguishes the rights and responsibilities of nuclear weapon states (NWS) and non-nuclear weapon states (NNWS), but does not contain provision for the change of the status of either category of states. The regime expects the two types of states to have two different behavioral patterns and with the 1995 extension of the Nuclear Non-proliferation Treaty (NPT) in perpetuity, this state of affairs would continue as long as the Treaty lasts.²

Third, it is pertinent to ask why this regime, despite its imposition of unequal rights and obligations on its members and its sometimes questionable performance, has survived so long and why the membership of the NPT has grown to 187 from the original 96 states. In 1995, why did a large majority of these states choose to extend the Treaty in perpetuity, which in essence removed their sovereign right to build nuclear weapons? In other words, what explains state preferences in the maintenance of this sovereignty-limiting regime in the nuclear weapons arena?

Finally, a number of states (e.g. Canada, Australia and South Africa) that took the leadership role in the indefinite extension of the Treaty in 1995 seemed to be willing to forgo the legal equality provision that they assiduously demand in economic regimes such as the free trade regimes associated with the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA). Why would they abandon their sovereign equality rights in this crucial security area? Meanwhile, a few middle-ranking states such as India are unwilling to forgo their sovereign rights in this area. What explains variations in the choices of different categories of states?

Satisfactory answers to these questions are important for understanding the regime phenomenon more clearly. In fact, international relations theory has not adequately accounted for this regime (Smith, 1987). Some scholars, especially structural realists, have argued that international regimes rarely emerge in the security realm because of the high stakes involved in obtaining security in a

² For the text of the Treaty, see <http://www.un.org/Depts/dds/WMD/npttext.html>

self-help system.³ Others rely heavily on power-based factors, especially on the hegemonic leadership variable in order to explain the rise and sustenance of the regime. A hegemonic power can adopt benign policies such as economic incentives and coercive policies such as military and economic sanctions to force subordinate states to forgo nuclear weapons and join the regime (Mueller, 1992). A hegemonic power can also help socialize lesser actors to embrace particular norms that it articulates (Ikenberry and Kupchan, 1990). Regimes persist as long as the hegemonic power is able to enforce rules and regulations and compel violators to follow the regime norms, since regimes are epiphenomena of existing power relationships (Strange, 1983). Liberal institutionalists consider norms as a source of state behavior in this realm. To institutionalists, regimes arise because they solve collective action problems and serve several regulatory functions. They reduce verification costs and simplify decisions while punishing violators (Stein, 1990; Zacher and Sutton, 1996).⁴

Although most of these perspectives have not yet attempted to explain the non-proliferation regime specifically, their arguments should be applicable to this regime, since it is one of the few multilateral security regimes that have persisted for over forty years. The important question left unanswered in most prevailing perspectives is: where does the initial impetus for a sovereignty-sacrificing and unequal security regime come from and why should it become acceptable over time to a large number of states, both major⁵ and minor power actors?

The Nuclear Non-Proliferation Regime

The non-proliferation regime comprises a set of norms, principles, treaties and procedures through which countries pledge not to acquire nuclear weapons or help in their acquisition by other states. International and bilateral safeguards verify these pledges and thereby prevent defection and cheating. The NPT and the International Atomic Energy Agency (IAEA), which administers the safeguards system, are the chief legal and institutional components of the regime. The main principle of the regime is that the spread of nuclear arms is a threat to international security, while its underlying norm is that non-nuclear members

³ For the realist view on anarchy and its effects, see Waltz (1979) and Greco (1988). For another perspective on why security cooperation is difficult to achieve, see Lipson (1984).

⁴ Another international relations school, constructivism, also could be used to explain the regime, although I do not have space to pursue this in subsequent pages. To constructivists, norms are independent factors that, once internalized, can shape state identities and interests. National security policies are socially determined by norms, culture and identities as opposed to structural or material factors. National interests are 'not just out there waiting to be discovered, they are constructed through social interactions', especially through international organizations (Finnemore, 1996, p. 2). See also Katzenstein, 1996; Wendt, 1994; Chafetz, 1993.

⁵ I treat five permanent members (P-5) of the UN Security Council, who are also the declared nuclear weapon states, as major powers, even though there are substantial power differentials among the states in this group. Among the major powers, the US is currently the only state with hegemonic power, holding the ability to intervene system-wide and influence events globally in a powerful manner.

of the regime should not develop nuclear weapons and all members should desist from helping other nations build such weapons.⁶

In this article, I argue that power-based and norm-based schools are addressing different pieces of the puzzle under investigation here, i.e. they are dealing with two different dimensions of the regime phenomenon. Singularly, neither fully accounts for what determines state preferences in choosing cooperation through the non-proliferation regime. The former inaccurately argues that regimes do not come into being other than through hegemonic imposition. Institutional schools are unclear how the non-nuclear norm emerges in the first place. However, they may offer plausible reasons for the persistence of the regime, since the regime does serve certain functions to member states. Going beyond the strict limits of the two perspectives, I develop an argument, based on classical realist conceptions of systems, national roles and interests, that posits that security regimes and their norms do matter to varying degrees to different actors in the international system depending on their power positions and security preferences. The choices of major, middle, and minor powers in this realm depend on whether they are *status quo* states or dissatisfied states with respect to the existing nuclear order and whether they are in enduring conflicts with the nuclear powers or not.

In order to better understand the systemic roles and preferences of varying states, I adopt a typology proposed by Keohane (1969, pp. 295–96). Four categories of states are presented under this typology. They are: system-determining, system-influencing, system-affecting, and system-ineffectual states. The system-determining states are the most powerful actors in the international system, e.g. the superpowers during the Cold War era. The security policies of system-determining states for the most part shape international politics. System-influencing actors are states ‘which cannot expect individually to dominate a system but may nevertheless be able significantly to influence its nature through unilateral as well as multilateral actions’ (Keohane, 1969, p. 295). Keohane includes the UK, France, China, Germany, Japan and perhaps India in this category. Three of these are second-tier nuclear weapon states and two are key trading states. A third category, system-affecting states, comprises those states ‘that cannot hope to affect the system acting alone’ but can ‘exert significant impact on the system by working through small groups or alliances, or through universal or regional international organizations’ (Keohane, 1969, p. 295). Examples include Brazil, Argentina, Canada, and Sweden. A final category of states are those ‘that can do little to influence the system-wide forces that affect them, except in groups which are so large that each state has minimal influence and which may themselves be dominated by larger powers’ (Keohane, 1969, p. 296). Most small states in the international system belong to this category, which Keohane calls ‘system ineffectuals’.

Keohane’s classification, based on conditions prevailing in the late 1960s, needs some reformulation in view of the major systemic change of the early 1990s, i.e. the end of the Cold War. Although during the Cold War era, both the superpowers were system-determining actors, with the end of the Cold War, it seems only the US can now be characterized as such a state. The four other permanent members of the UN Security Council—Russia, the UK, France, and

⁶ For the assumptions behind the regime, see Scheinman (1987, pp. 14–15).

Table 1. Regime choices of different categories of states

Type of states	Regime support	
	Satisfied	Dissatisfied
System-determining	Yes	No
System-influencing	Yes	No
System-affecting	Yes	No
System-ineffectuals	Yes	Yes

China—are system-influencing major power actors, although their influence varies depending on particular issue areas. In terms of economic dimensions, Germany and Japan can also be classified in the category of satisfied system-influencing non-major-power states.

System-affecting states are middle powers such as India, Indonesia, Mexico, Iran and South Africa. Some system-affecting states can be classified as *status-quo*-oriented or satisfied middle powers that are supporters of one or more major powers, which provide them with security and market access. Canada and Australia can be classified under this category. Other system-affecting states may be revisionist middle powers, i.e. states that are not satisfied with the prevailing international or regional order. Iran, Iraq and North Korea could be examples of states in this category. India could be classified as a quasi-*status-quo* middle power or a system-affecting state that is not fully satisfied with the hierarchy of power in the international system, but is willing to accept many of the parameters of the international order.⁷ System ineffectuals are small states whose policies or priorities have little consequence for the international system. They may influence events occasionally on specific issues if they act in concert with major powers or middle powers and other small states especially through international organizations.

As shown in Table 1, for system-determining superpowers and other system-influencing major power states, in order to adhere to a security regime, the regime should not constrain their power capabilities drastically toward existing and potential adversaries, nor toward smaller powers in whose affairs they wish to intervene. As long as a particular weapon system is not dispersed enough to challenge their superiority, they have a vested interest in seeing the prevention of the spread of these capabilities to additional countries. Major power interests are most critical in regime formation although not all non-major powers are insignificant in the success or persistence of the regime, especially if it is designed to arrest their military capabilities. However, a dissatisfied revisionist major power (either system-determining and system-influencing) can oppose a security regime if the regime is purported to arrest its development of a particular military capability.

For system-influencing satisfied non-major-power and system-affecting satisfied middle power states, the expected impact that the regime norms will have in preserving security and independence *vis-à-vis* neighboring states and

⁷ However, India's power position is changing and it is likely to enter the league of system-influencing major powers in the 21st century. See Nayar and Paul (2002).

adversarial major powers determines their preferences for or against a security regime. Some such middle powers may be willing to forgo their nuclear weapons option, if they are protected by major powers. However, middle powers that are dissatisfied and that are not protected by the security umbrella of a major power, or non-major power states that are in active conflict with nuclear weapon states or have been targets of major power interventions can oppose security regimes that maintain the monopoly rights of existing major powers. Some such states may join the regimes as a tactical ploy while pursuing clandestine nuclear activities, and thereby undermining the regimes' effectiveness. Non-allied middle powers that have the potential to become major powers may also oppose a security regime if it is aimed at preventing their entry into the major power league. Most small powers are system-ineffectuals and they tend to be supporters of security regimes that promote international norms and legal obligations on the part of bigger states. Moreover, they are often coerced into accepting regimes that major powers construct.

Superpower Consensus and the Emergence of the Non-proliferation Treaty

To illustrate the arguments further, it is imperative to look at how the NPT, the most critical component of the non-proliferation regime, came into being. The NPT in its present form was a major US–Soviet initiative during the Cold War era which also received the support of several medium and small states. Although Ireland made the initial proposal in 1958, the Treaty in its current framework emanated out of the US–Soviet consensus that the spread of nuclear weapons to more states was not in the interest of international security, especially in the management of the superpower bipolar competition. A third nuclear power, Britain, strongly supported this initiative, while France and China initially opposed the Treaty on political grounds, but changed their positions in the early 1990s. Despite the superpower initiative, in the end the Treaty came into being as a result of a grand bargain between NWS and NNWS. Under this bargain, a large number of the NNWS agreed to forgo their nuclear weapons options on the condition that the nuclear states commit themselves to supplying technology and materials necessary for civilian applications and to pursue nuclear disarmament in good faith (Smith, 1987).⁸

This unusual consensus between the system-determining yet adversarial superpowers occurred because the Treaty clearly reflected the power structure in the international system in the 1960s. The superpowers anticipated that the Treaty would help preserve that power structure for the foreseeable future. The unequal treaty would help to put a lid on the nuclear aspirations of potential nuclear states, while not upsetting their own nuclear weapons acquisitions. Two categories of states opposed the Treaty: system-affecting middle powers with major power aspirations (most prominently India and Brazil) and middle powers that wished to maintain a high level of autonomy in their foreign policy, such as Argentina, Israel and South Africa. None of these states was under the security umbrellas of a major power. France and China acted as critics of the Treaty, but their opposition was token at best, and over time they began to see value in its preservation and their adherence. Their criticism was more like

⁸ France joined the NPT in 1991 and China in 1992.

symbolic political opposition to superpower politics than a frontal assault on the treaty. The two key system-influencing non-major powers, Germany and Japan, were under the security umbrellas of the United States and were keen to pursue economics-first foreign policies. In addition, they were constrained by asymmetrical security interdependence with their neighbors resulting from war and aggressive historical interaction.⁹ Thus a key systemic condition, i.e. the dearth of dissatisfied major power challengers, was a considerable factor enabling the Treaty to come into existence. In the past, treaties such as the inter-war naval arms control agreement failed partly because some major power challengers were asked to put a lid on their weapons programs while the *status quo* powers maintained superiority in their armaments capabilities (Goldman, 1994). In the NPT's case, China, the UK and France—the potential challengers and second-tier nuclear states—were treated equally, their nuclear weapons status was bestowed with legitimacy, and they were not required to undertake any unilateral disarmament. At the time of the Treaty's conclusion, no new state, beyond the five major powers, had acquired the necessary capabilities for building a nuclear weapons force.

The superpowers took the lead in arguing that the spread of nuclear weapons to additional countries would be detrimental not only to international security but to the security of those countries themselves. In order to expedite smaller states' adherence, side payments were offered to some potential critics of the regime (Keeley, 1987, p. 28). However, many minor powers joined the regime willingly, for reasons discussed later. By providing nuclear umbrellas to potential proliferators among allied nations, the US helped to avert nuclear acquisitions by the economic giants and system-influencing non-major powers Japan and Germany, and by a system-affecting middle power, South Korea. Similarly, the USSR's hegemonic presence in Eastern Europe precluded the need for independent nuclear acquisitions by countries in the region. What explains the rise of the unusual superpower consensus in this arena?

Explaining Superpower Consensus

Historically, major powers have relied on instruments or strategies such as diplomacy, trade, military intervention, war, conquest, aid, alliance building, and divide and rule in order to exert control and influence over lesser states. Generally, the lesser powers fell victim to conquest or they bandwagoned, as in most cases the disparity in military, technological, and organizational capabilities prevented them from resisting major power interventions and attempts at gaining influence. Those which managed to resist major power advancements often had to confine resistance to their own territories, without affecting major power behavior elsewhere. Rarely in history have smaller states challenged major powers single-handedly by threatening war on their territory.

As Hoffmann contends, the superpowers appear to have realized that, if proliferation continued unabated, their capacity 'to impose solutions on others will decrease, especially if the difference between military power and usable power continues ... a modicum of "equalization of power" by nuclear weapons would persist' (Hoffmann, 1966, p. 119). Realizing this equalizer role of nuclear

⁹ For the German and Japanese nuclear policies, see Paul (2000, chapter 3).

weapons, the superpowers disseminated the view that their nuclear relationship and experience were irrelevant to other states. This paradoxical denial, according to one author, could partly be explained as an effort by the nuclear powers to preserve their unique status in the international system. There was also a fear that nuclear spread could produce a 'radical historical discontinuity' in power relationships (Weltman, 1980).

Although some system-affecting middle powers sought to keep their autonomy by maintaining substantial conventional forces, this capability still could not threaten the homelands of the major powers. When they initiated the NPT, the superpowers seemed to have calculated that if additional middle powers emerged with nuclear weapons capable of long-range delivery, the situation could change. A nuclear-armed middle or small power, militarily insignificant in global power politics, could thus threaten unacceptable damage on a major power, or its allies, or client states, or troops overseas, if it had the necessary delivery system. Although this could end up as a highly irrational act, since there is no guarantee that a massive retaliatory strike would not take place, the sheer possession of nuclear weapons by such a state could constrain the maneuverability of the major power, especially in crises, as there is no effective defense even against an attack with a crude atomic bomb. The major power could thus be deterred from acting, in the face of the possibility, however unlikely, that the smaller nuclear power could use its weapons of mass destruction if it believed an attack on its territory was imminent. The major power would hesitate to intervene, since its forces in the theater or the key cities of their allies could face nuclear attacks by the smaller nuclear state.¹⁰

The larger the number of such medium and small states with nuclear weapons and delivery capabilities, the greater the constraint on major powers to intervene militarily in regional conflicts. Moreover, the threat of such military interventions would lose credibility for regional actors. Nuclear proliferation would thus affect the power projection capabilities of major powers and their capacity for managing international affairs (Nye, 1982, p. 33).¹¹ The superpowers opposed even allied states acquiring nuclear weapons, fearing that this would help erode their structural dominance.

Major power cooperation in this realm has been motivated by a desire to prevent the rise of new major powers with nuclear weapons. Major powers, including China, had realized that their nuclear monopoly provided them with a vehicle for preventing other potential challengers, especially within the regions close to them. The USSR's initial aim in supporting the NPT was clearly to forestall Germany from acquiring nuclear weapons and once again becoming a major military power. These aims were shared by the US, as is evident in its opposition to nuclear acquisition by France and China and the continued opposition to Germany, Japan, and India going nuclear.

Although self-interest constitutes the key basis for major-power, especially superpower, cooperation in this realm, other objectives derived from their

¹⁰ This concern of the major powers proved to be a lingering one and it is one of the major reasons for the US to oppose the nuclear weapons programs of Iraq and North Korea. Armed with nuclear weapons, these two countries could thwart a US intervention, especially by threatening a nuclear attack on their neighbors and Washington's allies, Israel and Saudi Arabia in the former case, and South Korea and Japan in the latter.

¹¹ See also Potter (1985).

systemic leadership role are also significant. A relevant concern has been that nuclear weapons in the hands of more nations would increase the probability of their use during times of interstate crises. An additional concern has been the likely behavior of allies in a proliferated world. If more and more regional states were to acquire nuclear weapons, the alliance partners under nuclear umbrellas would feel threatened and could opt for their own independent nuclear programs, thereby affecting the credibility of extended deterrence. The superpower control over these allied states would decline if they developed independent nuclear forces.

Non-Major-Power States and the Treaty

While the logic of system-determining major power behavior can be explained through a systemic analysis based on power and interests, the preferences of non-nuclear states are less self-evident. The cooperative attitudes of *status-quo*-oriented, satisfied, system-affecting middle powers—especially the technologically capable non-nuclear states—and small system ineffectual states (to a limited extent) have been important for the regime to gain international legitimacy. Adherence by a number of non-major power states in reality was not due to hegemonic coercion but largely based on reasons of self-interest. I argue that a combination of systemic and institutionalist factors could explain the support of non-major-power actors for the regime.

The Utility of the Non-proliferation Regime and Its Institutions and Norms

The large literature on international regimes and institutions can help us understand the utility of the non-proliferation regime for different categories of states. To proponents, regimes and institutions serve several functions for states. Primarily, they help states to overcome collective action problems, promote efficiency and transparency and develop reciprocity, and they offer information about the preferences, capabilities and intentions of others. All these help generate certainty and predictability in interstate relations (Martin, 1999, p. 91; Keohane, 1986). By inducing order they promote a *status quo* bias, since international cooperation through regimes tends to enhance the well-being of cooperating states at the expense of those left outside (Martin, 1999, p. 92; Strange, 1983).

Transparency. The liberal institutionalist arguments help us to understand the choices of non-nuclear states with respect to the non-proliferation regime fairly well. The non-proliferation regime and its institutionalized arrangement, i.e. the International Atomic Energy Agency and its safeguards system, provide benefits similar to those that institutionalists refer to: they provide transparency and information on the nuclear activities of member states, they help to reduce transaction costs, and they make commitments more credible (Keohane and Martin, 1995). The IAEA offers a more feasible and less costly mechanism to conduct inspections than any that a single state could provide. States tend to be more agreeable to safeguards inspections conducted by international inspectors than by national inspectors from other countries. Since nuclear acquisition is a

long process, it is unlikely that a signatory state would be able to defect for too long without being noticed. Although the IAEA safeguards have not been foolproof, as is evident in the cases of Iraq and North Korea, they are better than no safeguards at all.

The non-proliferation regime provides limited assurances to non-nuclear states, especially satisfied middle and small powers, that their neighbors will not acquire such weapons and that nuclear states will not use their weapons against them if they adhere to the NPT. When two states agree to forgo nuclear possession, they are providing assurances regarding their benign intentions in this realm to each other. If a state breaks its NPT commitments, the fact that it signed the treaty provides others with a major tool to challenge them. A large number of medium and small states signed the NPT partly because the Treaty acts as a limited legal barrier (a binding commitment to the international community not to develop, produce, and deploy nuclear explosives) and a confidence-building measure. This was based on qualified assurances by the NWS to the NNWS that they would not use nuclear weapons against them, a promise that has started to unravel, however, in the wake of the US and UK announcements in 2002 of rescinding their qualified no-first-use commitments and to keep the option of nuclear retaliation open as a deterrent against chemical and biological use by regional challengers or substate actors.

Sanctions. When a state uses the NPT as a cover for weapons acquisition, as in the case of Iraq and North Korea,¹² the Treaty provides other member states legal justification to undertake coercive sanctions and raise the issue internationally, even if such actions are not immediately successful. Because the potential is high for international opprobrium toward a state wanting to exit from the Treaty and initiate a weapons program, the violator can anticipate being isolated and punished through coercive economic and military sanctions. Thus the Treaty helped to raise the exit costs once a state signed onto it. States, once they have adhered to the Treaty, have great difficulty formally withdrawing, as was the case with North Korea in 1993. However, determined states with ambitious regional goals or engaged in enduring rivalries and protracted conflicts with nuclear powers can still take an opaque or underground route—a major weakness of the Treaty.

Sanctions against violators are a key retaliatory function that the regime offers. Multilateral sanctions are essential in order to maximize the economic damage to a target, since 'individual senders rarely possess the market power needed to substantially damage through unilateral actions'. Moreover, multilateral sanctions tend to 'enhance the senders' commitment to sanctions and improve the clarity and magnitude of the signal' and thereby facilitate cooperation among the principal actors (Mansfield, 1995, pp. 575–76). Institutions often serve as mechanisms for sanctions, since they help to reduce the problems associated with collective action, allow the leading sender to bear the majority of the cost, enhance credibility to the commitment and help the participation of

¹² At the time that a large number of middle and small powers joined the Treaty, the Iraqi and North Korean problems did not exist.

other states. They also help in the creation of issue linkage, such as debt, trade, and protection (Mansfield, 1995, pp. 575–76). The international sanctions against Iraq and North Korea partially attest to these claims by institutionalists. It is, however, difficult to gauge the effectiveness of sanctions in these two cases, since neither nation has abandoned its nuclear weapons program. The important value here though is that very few other signatories have followed their lead even after a decade or more of their violation of their NPT commitments.

The smaller states' preferences in this respect are consistent with their general behavior in the international arena, which derives from their subordinate position in the international system. As Cox argues, 'small states have a collective interest in erecting limits on major power activity' (Cox, 1992, p. 143). Moreover, they are keen to constrain the military behavior of their more powerful neighbors in their regions.

Security. For *status-quo*-oriented middle and small powers the non-proliferation regime serves to help reduce the security dilemma associated with nuclear weapons. Through transparency and monitoring, the regime creates confidence in others' activities in the nuclear realm. Although in normal circumstances, arming is the avenue to obtain security, in the case of nuclear weapons, arming can generate powerful negative security externalities, for one's neighbors could then also attempt to acquire nuclear weapons. At the same time, a nuclear-armed small state would likely become a target of the nuclear weapon powers. For many smaller states, nuclear acquisition would hurt rather than enhance their security. Without nuclear weapons, they are unlikely to receive the unwanted attention of nuclear weapon states or their neighbors. With nuclear weapons they could engender hostility on the part of their neighbors as well as the major powers.¹³ Non-possession may assure them that surprise, preventive and pre-emptive attacks will not take place even during periods of potential crisis.

Cost Reduction. In most instances, small states cannot afford costly arms race relationships with larger powers. The economic costs of nuclear acquisition could be overwhelming for a medium/small state. Even though the acquisition of nuclear weapons can be less expensive than conventional capability, the associated expenditure for delivery systems, storage facilities and constant updating would multiply the costs of defense for a middle/small state.¹⁴ In addition, it may be confronted with the costs of continuous defense preparedness and maintenance of nuclear weapons and facilities under high readiness. For small states, security needs to be buttressed by international legal norms, especially if they do not receive security guarantees from the major powers. The non-proliferation regime fits well into the security calculations of a medium or small state that does not face a regional nuclear-armed adversary.

¹³ For the reasons why states forgo nuclear weapons, see Paul (2000).

¹⁴ On this, see Knopf (2002).

Nuclear Disarmament. Through Article VI, the NPT contains a pledge by the nuclear weapon states that they will negotiate in good faith to end the nuclear arms race at an early date. However hollow this promise has been from the perspective of the smaller states, it was better than no promise at all. Without the Treaty, the NNWS possessed no leverage over the nuclear polices of NWS. Article VI gave a limited bargaining lever, which they have periodically raised at the NPT review conferences. Leaders of both the superpowers have evoked this bargaining position of the NNWS as a rationale for the need for the conclusion and ratification of arms control agreements.

It is pertinent to ask why smaller states are not more worried about the nuclear capabilities of nuclear weapon states. States tend to imitate the capabilities of larger actors in the international system and this has been the case in the conventional weapons realm. Why is the nuclear realm different? The answer lies in the general expectation that major powers do not require nuclear weapons to attack or conquer most minor powers. Major powers have overwhelming conventional superiority to overcome the sovereign existence of small states. Thus, major power nuclear capability has limited relevance to the security concerns of a majority of small states. Nye has argued that 'most small states are likely to accept some ordered inequality because anarchic equality appears more dangerous' (Nye, 1985, p.130). Their preferences in favor of the non-proliferation regime to a great extent derive from their desire to mitigate the effects of anarchy in the international system with respect to nuclear arms.

Taboo. The above system-driven calculations are reinforced by a key norm that has emerged: the nuclear taboo. The taboo gives a fairly strong assurance to non-nuclear states that nuclear powers are unlikely to attack them using nuclear weapons. The nuclear taboo is an unwritten and uncodified norm that forbids the use of nuclear weapons, especially against a non-nuclear state. While there is some dispute over the sources of the taboo's origins, it is generally accepted that the norm constrains nuclear states' readiness to use their weapons against non-nuclear states. It seems, in the past, that nuclear powers that had the opportunity to use such weapons desisted from doing so not for reason of deterrence but because of normative constraints (Tannenwald, 1999; Paul, 1995). As Schelling characterizes it, the taboo arises from the fear that once introduced on the battlefield, the effects of nuclear attack could not be 'contained, restrained, confined [or] limited' (Schelling, 1994, p. 110).

The main reason for the persistence of the tradition of non-use is that nuclear weapons are 'absolute weapons' that are unique in their destructiveness and their use generates consequences that decision makers can neither fathom nor calculate. The potential for total destruction gives nuclear weapons an all-or-nothing characteristic unlike any other weapon invented so far, which in turn makes it imperative that the possessor not use them against another state except as a last resort weapon. The calculation suggests that military victory following a nuclear attack may not be materially, politically or psychologically worth obtaining if it involves the destruction of all, or a sizeable segment, of an

enemy's population and results in the contamination of a large portion of the territory with radioactive debris. The nuclear taboo has helped the non-proliferation regime, especially in convincing non-nuclear states that the risk of forgoing nuclear weapons are lessened due to the fact that nuclear attacks on them are unlikely to take place. As will be discussed below, a loosening of this taboo has begun to take place, however, through official pronouncements by nuclear states such as the US and the UK, and this may have consequences for the future of the regime.

Opposition by System-Affecting Actors

Although several *status-quo*-oriented system-affecting states and most small states have accepted the regime, a small number of system-affecting middle powers, such as India, Brazil (until 1996), South Africa (until 1991), and Argentina (until 1995), opposed the Treaty for some time. They perceived that adherence to this unequal Treaty would foreclose their nuclear options as well as make them more vulnerable to coercion by nuclear weapon states. In addition, it would threaten their potential for achieving a systemic leadership role. Some of these states have been engaged in enduring conflicts and do not enjoy direct nuclear protection or other forms of security guarantees by the major powers. Systemic constraints in these cases are countervailed by the desire of these states to maintain autonomous foreign policy options, largely derived from their regional primacy. As long as nuclear weapons remain a source of structural and deterrent power in the international system, medium states with ambitions to be autonomous in their security choices have major incentives to maintain their nuclear weapons options. These options could be turned into actual capability if a medium state comes under increasing security threat from its regional adversaries or from major powers. However, over time, the opposition to the Treaty by many system-affecting medium states has waned, especially since they failed to make much headway during the NPT review conferences in altering the Treaty or its provisions.

Opposition by a key system-affecting state, India, continues, based on its unique strategic and geopolitical position in the international system, conflictual relationships, domestic politics, historical experience and ambitions for major power status. In May 1998, India made the most direct challenge to the regime by conducting five nuclear tests. India's arch enemy Pakistan followed suit with its own tests. Systemic factors are crucial for understanding the Indian opposition to the regime and its hardened position on nuclear weapons, although domestic factors such as the arrival of the Bharatiya Janata Party (BJP) government may explain the timing of the 1998 tests. With the end of the Cold War, India lost its superpower patron, the USSR. China's defense modernization and alliance with Pakistan helped to set the Indian position on nuclear weapons. Moreover, among the system-affecting developing countries that oppose the NPT, only India holds the potential to become a system-affecting major power in the new century and has the most to lose in perpetuating the *status quo* of the nuclear club. The Pakistani and Chinese nuclear capabilities have also made it problematic for India's security planners to forgo the nuclear weapons option. The fact that nuclear weapons have been maintained by governments led by

different political persuasions suggest that systemic and subsystemic considerations play a crucial role in Indian preferences regarding the regime (Paul, 1998b).

Israel is another middle power that is presumed to have acquired nuclear weapons. For Israel, nuclear weapons are last resort weapons. Although an ally of the US, Israel is likely to maintain its nuclear capability because of the lack of a credible nuclear umbrella in the region. A handful of dissatisfied system-affecting actors in highly protracted conflict zones—e.g. Iraq, Iran and North Korea—still hold nuclear ambitions despite being signatories to the NPT. Their nuclear choices are heavily dependent on their hostile relations with their neighbors and the major powers, which currently have made them targets of coercive economic and/or military sanctions by the US and its allies. Systemic and subsystemic factors are crucial in these cases as well. They pursue nuclear arms because these weapons could be instruments to prevent major power military intervention and deterrence against their regional adversaries.

The 1995 NPT Renewal

The deliberations at the NPT extension conference in 1995 further confirmed the systemic arguments that I have presented. Statements on the advantages and disadvantages of the Treaty as perceived by different actors based on their systemic roles and preferences typified the negotiations. In April 1995, delegates from 174 of the 178 members of the signatory states met at the United Nations in New York to decide the extension of the Treaty. They were faced with three main options: (1) a proposal by Mexico to extend the Treaty in perpetuity with the condition of time-bound progress in nuclear disarmament, (2) rolling extensions of 25 years tied to specific progress in nuclear disarmament, introduced by Indonesia on behalf of six non-aligned-movement states, and (3) a proposal for indefinite extension, introduced by Canada, on behalf of the Western countries (Fischer and Rauf, 1996, p. 3). Over 100 states, including the major powers, their allies, and several smaller states favored the Canadian draft while 14 states, mostly middle-sized, system-affecting powers belonging to the non-aligned movement, opted for the second. Significantly enough, no state argued for the lapse of the Treaty which showed that the debate was not on the principles behind the Treaty *per se* but on the issue of tying its future to genuine nuclear disarmament by the five declared nuclear states. After month-long negotiations, the delegates from 174 countries adopted a motion without a vote to extend the Treaty in perpetuity. The extension document included 'declarations on principles and objectives for nuclear nonproliferation and disarmament', and a resolution on a strengthened review process which met with the support of a majority of states. The strengthened review process would include review conferences at five-year intervals and preparatory committee meetings three years prior to the review conference to consider ways to promote full implementation of the Treaty.¹⁵ In addition, a resolution calling on all countries in the Middle East to accede to the Treaty, place their nuclear facilities under IAEA safeguards, and conclude a Middle East Zone free of weapons of mass destruction and delivery systems was also adopted (Rauf and Johnson, 1995, p. 28).

The negotiations revealed divisions among non-nuclear states, especially

¹⁵ For the text of the extension documents, see *IAEA Bulletin* (1995, p. 33).

among members of the non-aligned group on the best course of action to follow. The major powers and their allies acted in unison by exerting pressure on smaller members to sign the extension, while making minimal concessions in the form of time-bound nuclear disarmament. Some system-affecting middle powers such as Indonesia, Malaysia, Nigeria, Egypt and Mexico argued for a 25-year extension, with future renewal tied to progress in disarmament among the nuclear weapon states. These states were not opposed to the Treaty as such, but were convinced that the periodic review conferences and tying of future extension to nuclear arms control would put pressure on nuclear weapon states to pursue nuclear disarmament earnestly. To a certain extent, their views were incorporated, albeit in a weakened form. The conference adopted a document called 'The Principles and Objectives,' which envisaged a program of action for the implementation of Article VI, the completion of a Comprehensive Test Ban Treaty (CTBT) no later than 1996, and the conclusion of a fissile material cut-off treaty. This document also underlined the need for a determined pursuit by the nuclear weapon states of 'systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons' (Fischer and Rauf, 1996, p. 41).

Many middle-ranking states, led by Indonesia, typified the view that rolling extension of the Treaty was the best way to maintain the pressure for nuclear disarmament. Without such a conditional extension, the division of the world into nuclear 'haves' and 'have-nots' would stay permanent. The Indonesian effort at the 25-member president's consultation group to include legally binding security assurances, guaranteed elimination of nuclear weapons, and unimpeded non-discriminatory transfer of nuclear materials and technology was not acceptable to major power states and their Western allies. The conference failed to produce a final declaration due to the unwillingness of nuclear weapon powers to agree on critical language on nuclear disarmament, as demanded by key non-aligned countries (Rauf and Johnson, 1995, p. 30).

What facilitated the renewal of the NPT in perpetuity? By 1995, systemic conditions favorable to the Treaty had increased.¹⁶ First, the end of the Cold War and the United States' emergence as the only superpower with enormous economic clout, created a new climate in which other states began to adapt their foreign policy preferences. Simultaneously, the non-aligned movement lost its vitality. Almost all Latin American and Caribbean states, with the exception of Mexico and Venezuela, supported indefinite extension. The number of middle powers opposing the Treaty declined, with South Africa, Argentina and Brazil accepting its non-proliferation principles. The latter two concluded bilateral agreements giving up their nuclear ambitions. The desire on the part of the civilian regimes in these states to gain market access to the US was a key consideration for the change in their policies. Smaller members belonging to the non-aligned movement were more interested in NPT extension than nuclear disarmament by the five declared states. This was largely because, for these states, the nuclear arms race of the major powers did not pose as direct a threat to their security interests as nuclear proliferation in their regions.

The conclusion of the superpower conflict considerably limited the debate on

¹⁶ For arguments on the strengthening of the regime in the post-Cold-War era, see Davis (1993).

the US–Russian arms race and helped to refocus international attention on the horizontal proliferation issue. The major powers exhibited strong solidarity *vis-à-vis* emerging nuclear states, as was evident in their approach towards Iraq, because they no longer had to gain the support of smaller allies in the Cold War conflict. The progress that the US and Russia made toward deep cuts in their strategic weapons, especially following the conclusion of START I and II, strengthened their position *vis-à-vis* critics who linked vertical with horizontal proliferation. The *de facto* moratorium on nuclear testing, maintained by all nuclear weapons states except France and China, at the time of the NPT renewal conference further bolstered the positions of the nuclear weapons states. The moratorium was also presented as the first step toward a Comprehensive Test Ban Treaty, a major demand during previous review conferences. The CTBT was eventually concluded in September 1996, although by the end of 2002 it had not yet been ratified by all concerned states.

Second, the accession of China and France as well as medium proliferators like South Africa to the Treaty, and the Argentine and Brazilian decisions to ratify the Tlateloco Treaty (thus bringing them closer to the NPT norms) helped to strengthen the regime.¹⁷ Moreover, the Eastern European states chose to follow the EU lead in this area as part of their effort to join the EU as full-fledged members. The US dominance in the international security arena also meant it could exert considerable pressure on violators of the NPT. Signatory states that violated their obligations, such as Iraq and North Korea, have faced sanctions and, in the former case, military response. In the absence of a viable alternative, the Treaty was renewed despite some NNWS reservations about extending it in perpetuity without attaching conditions on nuclear disarmament.

Third, the absence of large-scale defections has made the NPT a more credible and viable regime for most signatories to adhere to. Only two or three signatory states are presumed ever to have violated the Treaty. The exit costs have become higher, as is evident in the failed attempt by North Korea to leave the Treaty. Even threshold nuclear states have had to be circumspect in their nuclear activities, since open violation of the non-proliferation norm would invite international sanction in one form or another. The general attitude of the international community now differs from the previous responses to acquisitions of nuclear weapons by the five nuclear states, as indicated by the international reaction to the Indian and Pakistani tests in 1998, which was much more severe than in the aftermath of tests by the five nuclear powers.

The Future of the Regime

While the regime received a boost in the immediate aftermath of the Cold War and especially following the indefinite extension of the NPT in 1995, the future of the regime cannot be said to be without challenges. The key events that have posed questions about the future of the regime have been: (1) the 1998 nuclear tests by India and Pakistan, (2) the continued efforts by three official members of the NPT (Iraq, Iran and North Korea) to acquire nuclear weapons, and (3) the changing policies of the United States (and UK) towards arms control regimes in general. The US policies are changing as a result of its increasing hegemony

¹⁷ Argentina in 1995 and Brazil in 1996 joined the NPT.

(a systemic factor), subnational asymmetric security threats that the US is facing, and domestic changes brought about by the new Bush administration.

Although India and Pakistan were not members of the Treaty and their nuclear acquisitions took place during the 1980s, the 1998 tests evoked condemnation and sanctions by the major states, especially the US, UK, China, Japan, EU, Canada and Australia. After two years, the nuclear weapon states and their allies removed the sanctions because of political and strategic changes in South Asia, especially in the aftermath of the September 11, 2001 terrorist attacks on the US and the need for the support of these states to conduct the war in Afghanistan. The US and other nuclear powers also engaged in strategic dialogue with India, which is no longer viewed as a revisionist state but one that could play a stabilizing role in the Asian balance of power in the years to come. For the United States, New Delhi has now become a potentially useful candidate for a balance-of-power coalition, especially *vis-à-vis* China. Having realized the virtual impossibility of forcing these nuclear-weaponizing states to rescind their nuclear programs, the Western countries have decided on the next best course, engagement, as a way to influence their nuclear policies and perhaps slow down their acquisitions.

The second ongoing challenge to the regime comes from the continuing efforts by Iraq, Iran and North Korea, three signatories of the NPT, to clandestinely acquire nuclear weapons and the inability of the international community to enforce the NPT provisions on them. North Korea agreed in 1994, in a joint agreement with the US, to freeze its nuclear program in return for aid, which included the setting up of two light water power reactors, funded by South Korea and Japan (Hughes, 1996). However, as of 2002, the agreement has not been fully implemented. In October 2002, North Korea publicly admitted, despite the agreement, that it has been continuing its nuclear weapons program. Reportedly, North Korea's nuclear program was assisted by Pakistan through its supply of enriched uranium as a *quid pro quo* for Pyongyang delivering nuclear-capable missiles to Islamabad (Sanger and Dao, 2002, p. 1).

Iraq is the second key challenger to the regime. In 1991, the Gulf War coalition managed to impose inspections on Iraq, which succeeded in dismantling more Iraqi weapons of mass destruction (WMD) capabilities than was accomplished during the entire war. The suspension of the inspections in 1998, however, has created conditions enabling the Iraqi regime to continue its nuclear program. Iran is a third NPT signatory that is presumed to be pursuing nuclear-weapons-related activity, although the evidence in this case is less than conclusive. The facts that these three states have pursued nuclear weapons programs, despite their being signatories to the NPT, and that they are likely to engage in war with their neighbors or the US, in which case the possibility exists for nuclear use, challenge the effectiveness of the regime in achieving foolproof non-proliferation objectives. If North Korea and Iraq obtain nuclear weapons and declare themselves as nuclear weapon states, it may prompt similar efforts by South Korea and Japan in East Asia and Iran and Saudi Arabia in the Persian Gulf.

A final but crucial challenge to the regime comes from the changing policies of the United States in the arms control area. The Bush administration came to power in January 2001 with a view to reasserting American primacy globally. The previous arms control agreements became easy targets for the Republicans who viewed these treaties and regimes as legacies of the Cold War era that were

tying the US down unnecessarily. The most significant decisions that the Bush administration has taken so far that can have an effect on the non-proliferation regime are: the decisions not to ratify the CTBT and perhaps resume nuclear testing, to abandon the 1972 Antiballistic Missile (ABM) Treaty and actively pursue a national missile defense (NMD) and theater missile defense (TMD) program, to declare the possible use of nuclear weapons in retaliation against chemical and biological weapon attacks on the US or its allies, and to abandon the qualified no-first-use pledge made by the Carter administration to NPT signatories. In March 2002, the Pentagon's Draft Nuclear Posture Review reconfirmed these policies. The Review called for the development of new earth-penetrating nuclear devices in order to destroy heavily fortified underground bunkers, especially those that store chemical and biological weapons of regional adversaries such as Iraq and North Korea.¹⁸ Washington's key ally, Britain, likewise abandoned its no-first-use pledge and declared the possibility of using nuclear weapons against four states of concern: Iraq, Iran, Libya and North Korea.¹⁹

The Bush administration perceives that the world has become unipolar and that the United States is in a different league altogether in the international system. It would like to retain its freedom of action and not to be constrained by arms control regimes. It also believes that the non-proliferation regime has been ineffective in preventing the development of North Korean and Iraqi nuclear programs and that unilateral US military action is required to stop die-hard proliferators. Noticeably, although the US opposes some other security regimes, it has not yet directly challenged the non-proliferation regime, since it still does serve the US goal of maintaining a nuclear monopoly and keeping the nuclear club limited in membership. It also gives legitimacy to the continued imposition of economic sanctions and the use of force by the US against violators of the Treaty such as Iraq and North Korea. Thus, even though the US may jettison other security treaties and regimes, it is unlikely that it would abandon the non-proliferation regime, because the regime does not constrain US freedom of action as do other treaties such as CTBT, Chemical and Biological Weapon Conventions and the ABM Treaty.

Conclusions

The creation and the persistence of the nuclear proliferation regime shows that cooperation is possible in a pivotal area of international security relations if necessary systemic conditions for cooperation are present. Cooperation in this area became possible due to the congruence of interests derived from separate system-driven preferences of major, middle, and small powers in preventing the spread of nuclear weapons to additional countries. A systemic, interest-based explanation can fairly accurately account for the continuation of this regime and its main component, the NPT, even when it sacrifices parts of the sovereignty of some actors while maintaining the rights of major powers to arm themselves. The cooperation among major powers and their allies and the decrease in the

¹⁸ www.nytimes.com, 10 March 2002.

¹⁹ www.thetimes.co.uk, 21 March 2002.

number of system-affecting actors opposed to the regime facilitated the 1995 extension of the NPT in perpetuity.

Based on this analysis, one of the key sources of potential failure of the regime would be the acquisition by one or more system-influencing or system-affecting states of nuclear weapons, such as Japan, that currently support the regime. As the NPT forbids states from changing status to become new possessors of nuclear weapons, such a state would have to renounce the Treaty. The most likely candidates for such nuclear acquisitions are dissatisfied middle powers that are targets of major power interventions, or states that are engaged in enduring rivalries with other middle powers in their regions. Thus the regime is likely to survive until several middle-ranking states or a future major power actor openly challenges the regime's existence by acquiring nuclear weapons and thereby breaking the regime's rules and norms. Further, the abandonment of the regime by the US for domestic or international reasons could also undermine its effectiveness, since the coercive power of the US has been essential for the imposition of sanctions on violators of the NPT. Despite the misgivings of some members of the Bush administration about the Treaty, this prospect is unlikely in the near future because, unlike other multilateral security regimes, the non-proliferation regime does not particularly constrain US security policies, especially in the nuclear arena. This conclusion is consistent with an interest-based analysis of regime norms, since they arise and survive as long as the proper systemic conditions exist and their persistence accords with the vital interests of key actors of the international system.

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