

## **AMERICA AND NUCLEAR NON-PROLIFERATION IN SOUTH ASIA: PROBLEMS AND CHALLENGES**

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To circumscribe and control the spread of nuclear weapons since the beginning of the nuclear age hallmarked the concerted efforts of American foreign policy, and it was one of the main architects of the Nuclear Non-Proliferation Treaty (NPT), signed in 1968 and entered into force in 1970. The NPT, the linchpin of the nuclear non-proliferation regime, was the result of a compromise between the US and the Soviet Union, and during the Cold War US non-proliferation policies greatly impacted the NPT regime, especially after the adoption of an export policy emphasizing technology control following the Indian detonation of a 'peaceful' nuclear device in 1974. Since the end of the Cold War, US nonproliferation policies have had a greater sway on the NPT and the broader non-proliferation regime. The US played a key role in the indefinite extension of the NPT in 1995. The Bush administration's new approach to non-proliferation forced the Nuclear Suppliers Group to revise its guidelines in order to accommodate the new US policy toward India that reverses more than a quarter century of US declaratory policy.

This article examines the impact of US non-proliferation policies on the prospects for survival of the NPT in the post-Cold War/post 9/11 era. Argentine ambassador Jose Maria Ruda explained that his country would not join the treaty because it legitimized the 'disarmament of the unarmed'<sup>1</sup>. During the Cold War, the inequality built into the NPT could be justified by the NWS (Nuclear weapon states) by the special circumstance created by the global contest between the US and the Soviet Union.

When the Cold War ended, the US was 'uniquely positioned to put the momentum of its improving relations with Russia behind strenuous efforts to breathe new life into nonproliferation policy', discarding 'the

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<sup>1</sup> United Nations, XXII General Assembly, First Committee, meeting 1572nd, May 22, 1968. An attempt to justify the discriminatory nature of the NPT appears in Joseph S. Nye, Jr., "NPT: The Logic of Inequality", *Foreign Policy*, No. 59, Summer 1985, at pp. 123-31.

Cold War ways of thinking and behaving that [had] traditionally made nonproliferation take a back seat to other, supposedly more important, security concerns.<sup>2</sup> The signing of the second Strategic Arms Reduction Treaty (START II) with Russia in 1993 demonstrated Clinton administration's willingness to exercise leadership in implementing the nuclear-haves' side of the NPT bargain.

At the 1990 NPT Review Conference the Non-Nuclear Weapons States (NNWS) party to the treaty had reiterated their concerns about the lack of implementation of Articles IV and VI. The treaty was indefinitely extended in 1995, even though a number of Non-Aligned countries had serious misgivings about this decision.<sup>3</sup> Certain positive steps by the NWS before the conference were undertaken, such as strong US support for the Comprehensive Test Ban Treaty (CTBT), signed in 1996. In 1998, India and Pakistan detonated nuclear weapons, openly becoming nuclear-weapon states; and in 1999 the US Senate voted against the CTBT. At the 2000 NPT Review Conference the parties agreed to implement '13 Practical Steps' to meet their commitments under Article VI of the treaty, including 'an unequivocal undertaking by nuclear weapon states to eliminate their nuclear arsenals'. Many NNWS are very disenchanted with the failure of the five declared NWS to fulfill this commitment, as well as with the absence of progress to enter the CTBT into force and to achieve an effectively verifiable Fissile Material Cutoff Treaty. After September 11 there has been a significant shift in the dominant discourse on non-proliferation, away from the 13 Practical Steps.

In June 2002 the Bush administration enacted the doctrine of unilateral pre-emptive strikes against rogue states as official US policy<sup>4</sup>,

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<sup>2</sup> Jennifer Scarlott, "Nuclear Proliferation after the Cold War", *World Policy Journal*, Vol. 8, No. 4, Fall 1991, at pp. 696–7.

<sup>3</sup> 'Malaysia's delegate to the conference, Hasmy bin Agam, reflected the view of a number of other developing nations when he said the treaty provided a carte blanche to the nuclear powers. He said the accord could be interpreted as "justifying nuclear weapon states for eternity".' Barbara Crosette, 'Treaty Aimed at Halting Spread of Nuclear Weapons Extended', *New York Times*, May 12, 1995, at p. 10. The Non-Aligned Movement (NAM) was formally established at the Belgrade conference in 516 Contemporary Security Policy, Downloaded By: Old Dominion University, at: 15:58, March 8, 2007.

<sup>4</sup> As Litwak notes, President Bush's speech at West Point, on June 01, 2002, that officially launched the pre-emption doctrine opened up a policy debate on 'whether counter proliferation [would] be pursued as an alternative to or as a complement to traditional nonproliferation policy'. Robert S. Litwak, "Nonproliferation and the Use of Force", in Janne E. Nolan, Bernard I. Finel and Brian D. Finlay (eds), *Combating Weapons of Mass Destruction: Ultimate Security*, New York: The Century Foundation Press, 2003, at p. 87.

abandoning the Clinton administration's treaty-based, multilateral approach to non-proliferation. Problems of compliance with NPT treaty obligations on the part of NNWS (Iraq, North Korea and Iran) seem to have consigned the nuclear disarmament commitments of the NWS to the back burner. From the US perspective, the more serious threat to US national security is the possible acquisition of nuclear weapons by 'rogue' states such as North Korea or Iran and the potential transfer of weapons-grade fissile materials from a nuclear-capable rogue state to a terrorist organization such as Al Qaeda.

The inability and failure of the May 2005 NPT Review Conference to agree on a common agenda and produce a final document is a symptom that the NPT is in great jeopardy.

Arguably, due to its supremacy in the post-Cold War/post 9/11 world, the US had a unique responsibility to make the conference succeed. The central thesis is that US non-proliferation policy and the future of the NPT are inextricably hyphenated. The hypothesis is that an underlying acceptance of proliferation optimism has led to the shift in US policy away from non-proliferation and towards a policy of condoning selective nuclear proliferation among friendly states; premised on US-led 'coalitions of the willing' rather than the NPT. The point is that the US indefinite retention of nuclear weapons despite Article VI of the NPT and its continuing reliance on the doctrine of deterrence undermine the core bargain of the NPT and threaten the treaty's survival. Further, it can be argued that the Bush administration's greater reliance on counter-proliferation (the threat of use of military force) against 'rogue' or 'irresponsible' states is a bad policy that threatens the NPT and could lead to the emergence of a 'nuclear armed crowd'.

### **Theories of Non-proliferation and the Proliferation Optimism–Pessimism Debate**

The nuclear proliferation literature can be broken down into two sets: studies on the causes of proliferation<sup>5</sup>, and studies on the

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<sup>5</sup> It is beyond the scope of this article to discuss the voluminous literature on the causes of nuclear proliferation. See, e.g., Scott D. Sagan, "Why Do States Build Nuclear Weapons? Three Models in Search of a Bomb", *International Security*, Vol. 21, No. 3, Winter 1996/97, at pp. 54–86; Saira Khan, "The State of Scholarship on Nuclear Proliferation", chap. 1 in her book, *Nuclear Proliferation Dynamics in Protracted Conflict Regions: A Comparative Study of South Asia and the Middle East*, Aldershot: Ashgate, 2002, at pp. 9–34.