

Grands enjeux stratégiques contemporains

## **Nuclear Disorder in the 21st Century**

Professor W. Pal SIDHU

Senior Fellow, Brookings Institution

and Senior Fellow, New York University's

Center on International Cooperation

## INTRODUCTION

**...nuclear order entails evolving patterns of thought and activity that serve primary goals of world survival, war avoidance and economic development; and the quest for a tolerable accommodation of pronounced differences in the capabilities, practices, rights and obligations of states.**

**– William Walker,**

***A Perpetual Menace: Nuclear Weapons and International Order (2011)***

### **Three assumptions:**

- **Order is traditionally shaped by great wars among great powers. Nuclear order, in contrast, has evolved in the absence of major wars between major powers.**
- **Nuclear order under-pinned world order during the Cold War and is thought to have contributed to the so-called ‘long peace’.**
- **Nuclear disorder – a disconnect between nuclear weapons and world order – carries the risk of conflict between old and new major powers.**

- Establishment of the **three pillars** of nuclear order in the 20<sup>th</sup> Century:

- weapons

- institutions and norms

- informal instruments

- Origins of **nuclear disorder** in the 21<sup>st</sup> Century **and challenges** from

- States Within the existing order

- States Without the existing order

- Non-State actors

- **Redressing** nuclear disorder in the 21<sup>st</sup> Century

- Re-asserting and re-establishing the ancien regime through

- either force and/or diplomacy

- Establishing a new post-nuclear weapons world order

- Muddling along from a de-facto to a quasi-de-jure regime

- Though the Cold War was dominated by the dyad relationship of the superpowers, all major powers – established and rising – developed **nuclear weapons** and related deterrence theories for their ‘use’.
- Major powers also established two sets of **norms and institutions** to serve the nuclear order:
  - Those designed to **manage relations** between major powers with the view to prevent direct war between the two blocs or at the very least maintain strategic stability (the UN Security for example was used to manage differences)
  - Those designed to preserve the existing nuclear order built around the original five nuclear weapon states and **prevent proliferation** of additional nuclear armed states (the NPT and the provisions of the IAEA are the best examples). These prescribed behaviour for both NWS and NNWS.

- **Members of the nuclear order also established a third pillar: a series of unilateral, bilateral and plurilateral **informal arrangements** to buttress the formal arrangements to manage their own relations and prevent further proliferation (the NSG, the MTCR and the Zangger Committee)**
- **To establish the institutional pillars – formal and informal – of the nuclear order the superpowers often worked across their ideological divides (evident in the case of the NPT and the NSG). While many other allies also contributed to strengthening the norms and institutions of the nuclear order, the order was primarily managed in the Cold War by the superpowers. This was a top-down system.**
- **Ideally major power members of the nuclear order were represented in at least two of the three pillars, though this was not always the case. France, for example, joined the NPT only in 1992 and moved in and out of NATO. Similarly, China too joined the NPT in 1992 and has still not joined the MTCR.**

## SECURING THE ORDER

- The nuclear order and the three pillar system also had a degree of **flexibility** to accommodate geopolitical changes, especially rising powers in the nuclear order.
- The best example of this is **China**, which did not have all the trappings of a major power when it joined the nuclear club in 1964. Yet, it was **accommodated** in the NPT and eventually even the UNSC (in 1971).
- In contrast, **India**, which also did not have all the trappings of a major power when it conducted its first nuclear test in 1974, was **not accommodated**. In fact, the nuclear order initiated a crucial informal arrangements – the NSG – to strengthen it. This set up India as the first potential major power to challenge the existing nuclear order.
- In 1977 the UNSC unanimously passed Resolution 418 under Chapter VII of the UN Charter – its first invocation related to nuclear weapons – against **South Africa's** nascent and clandestine nuclear weapon program even though South Africa, like India, was not a NPT member.

- The end of the Cold War and the last decade of the 20<sup>th</sup> century saw **two divergent strands** from within the nuclear order:

- First, efforts to **consolidate** the existing nuclear order:
  - UNSCOM and IAEA, defanging Iraq's nuclear weapons
  - China and France finally joined the NPT in 1992
  - Framework agreement with DPRK in 1994
  - Indefinite extension of the NPT in 1995
  - Indian test preparations in 1995/96 nipped
  - Moves to create a CTBT and FMCT

This decade provided a rare opportunity to decouple world order from nuclear weapons and, perhaps, develop a framework for a world order not linked to the nuclear order. A couple of tentative steps were taken in this direction (the 31 January 1992 UNSC Presidential Statement) and the 1994 US Nuclear Posture Review (NPR). **However...**

... the opportunity was lost.

- **Second, a series of steps weakened the existing nuclear order:**
  - **Unilateral US/UK action to enforce UNSCOM broke consensus**
  - **Framework agreement with DPRK unraveled**
  - **Failure to implement key promises made at the indefinite extension of the NPT in 1995**
  - **The US and China failed to join the CTBT**
- **Inertia and concerns of an uncertain world order led to retention and even modernization of P5 nuclear arsenals**
- **Role of nuclear weapons expanded beyond the tradition one to counter only other nuclear weapons. Threshold of use lowered.**
- **Emphasis on defence, particularly missile defence, also weakened the classic deterrence relationship and strategic stability.**

- The last decade of the 20<sup>th</sup> century and the dawn of the 21<sup>st</sup> century also saw **challenges from states without the nuclear order:**
  - India's nuclear tests of May 1998 were particularly significant. By then it was a growing economic power and potential rising power. **India was also the only country to justify its nuclear tests on grounds of both security concerns and as a symbol of its major power status.** In doing so it sought entry into the nuclear order.
  - In contrast nuclear tests by **Pakistan** (May 1998) and **DPRK** (October 2006, May 2009 and February 2012) were couched in purely security terms. Pakistan identified India as its primary concern while DPRK pointed to the presence of US nuclear weapons on the peninsula. **Neither one of them sought to present themselves as major powers or seek to join the nuclear order.**
  - **Israel**, which has not declared its nuclear weapon status, is sui generis, though it too does not seek entry into the nuclear order.

## NUCLEAR DISORDER

- Nuclear disorder in the 21<sup>st</sup> century was also the result of two sets of **challenges from non-state actors** (including but not limited to terrorist groups)
  - The **terrorist acts** of 9/11, the Anthrax attacks in the US and other reported instances of terrorist groups seeking to build and use nuclear weapons, poses the biggest challenge to the nuclear order. Terrorist attacks even without the use of nuclear weapons can raise tensions between nuclear-armed states, as the 26/11 attacks on Mumbai showed.
  - The exposure of the A. Q. Khan network underlines the challenge posed by such **proliferation networks**, particularly in weak states, that bypass the established formal and informal institutions and threaten the nuclear order by offering technology and knowhow to state and non-state actors.

## TRILEMMA

**While nuclear order might have been a key determinant of world order in the Cold War, it appears that the evolving world order today will impact on the new nuclear order. This poses a trilemma:**

**Can states within the existing nuclear order adhere to it in this period of transition of world order? Can nuclear stability be achieved in an era of advances in non-nuclear technology, like cyber and space?**

**Should all states with nuclear weapons outside the order be accommodated into it? Or should only states with nuclear weapons which are also emerging major powers be accommodated? If so, how could such a select accommodation take place? What about non-nuclear rising powers?**

**Can the threats posed by non-state actors be effectively addressed only by members of the present nuclear order? Of is it imperative to reform the order to enable new states to contribute to dealing with the threat from non-state actors?**

## ADDRESSING NUCLEAR DISORDER

**While nuclear disorder might be a natural state for a world order in transition, its indefinite continuation is dangerous, particularly at a time when rising powers are seeking greater accommodation.**

**There are three possible approaches to redressing the existing nuclear disorder.**

**First**, re-asserting and re-establishing the ancien regime through force and/or diplomacy

**Second**, establishing a new post-nuclear world order

**Third**, muddling along with a series of ad-hoc and informal arrangements which move from a de-facto to a de-jure regime

## **PRESERVING THE ANCIEN REGIME**

**The return to the status quo of the original nuclear order might well be the preference of its original nuclear weapon state members but re-establishing the ancien regime through either force and/or diplomacy is near impossible.**

**In the history of maintaining the nuclear order diplomacy has worked only once – in the case of South Africa – but this was possible due to the unity among the P5 members and the fact that diplomacy was not aimed only at the nuclear arsenal but to prompt regime change. Today both P5 unity is missing and the concept of regime change (especially in the wake of Iraq and Libya) is discredited.**

**Enforcing the nuclear order by forcibly disarming the errant states is also fraught with danger, especially if such action does not have the unanimous backing of the P5. Even if such a backing is mustered, its implementation is likely to be complex, long-drawn and with uncertain results, as was the case in Iraq.**

## **A NEW NON-NUCLEAR ORDER?**

**The notion of establishing a new world order not based on the possession or protection of nuclear weapons is the ideal for those keen on disarmament.**

**Such an order is possible only if a consensus can be built between those who see nuclear order as integral to world order and those who can visualize an alternative order without nuclear weapons.**

**However, such a world order is likely only if the other two pillars of the nuclear order, particularly the UN Security Council, are also reformed and strengthened to prevent major conflict among the existing and rising powers.**

**This requires a greater degree of cooperation among all the major powers – existing and rising – than is evident at the moment.**

## MUDDLING THROUGH

**Given the lack of consensus of redressing nuclear disorder through the first two approaches, it is more likely that the approach which will inevitably come to be is one of muddling through with a series of ad-hoc and informal arrangements which move from a de-facto to a de-jure regime.**

**This approach will most likely be driven by initiatives similar to the Indo-US nuclear deal, the P5+1 agreement with Iran and the six party talks vis-à-vis DPRK.**

**Perhaps the best example of this approach are the efforts of key major powers to accommodate **India** into the nuclear order through initiatives like the Indo-US nuclear deal as well as membership of the various export control regimes which form the informal pillar.**

**Permanent membership of the UNSC would mark the ultimate accommodation of India into the nuclear and world order. However, that is unlikely in the foreseeable future.**

**While there appears to be a modicum of consensus to accommodate India based on its potential as a major power and a key actor in any future world order, a similar consensus is lacking with regard to the other non-major nuclear armed states – Pakistan, DPRK and Israel.**

**The cases of **Pakistan and DPRK** – both of whom pose the biggest proliferation challenge to the existing nuclear order and are considered to be potential failed states – are problematic.**

**Given that the any nuclear order is as robust as its weakest link, including Pakistan and DPRK would render the order vulnerable.**

**Their growing nuclear weapons arsenals makes it almost impossible to disarm them through force.**

**On the other hand, even if there was a consensus to accommodate them in the nuclear order, it is not clear how this could be done.**

In the 21<sup>st</sup> century, efforts particularly on the part of the P5 to preserve the existing nuclear and world order is starting to have diminishing returns.

This might relate in part to:

- the continuing **relevance of nuclear weapons** in underpinning the global order and the desire of new states to acquire these weapons to ensure their regime security;
- the diminishing legitimacy of an **unreformed** UN Security Council in pursuing non-proliferation;
- the diminishing returns of imposing **sanctions** to change regime behavior;
- and the unattractiveness of the **use of force** to reverse proliferation.

# CONCLUSION

As efforts to prevent proliferation fail and new states acquire nuclear weapons, the original members of the nuclear order are inevitably left with two unenviable options:

- To **accommodate** the new state with nuclear weapons into the existing nuclear order
- To **disarm** the states' nuclear weapons and weapon capability through force

To exercise either of these options a consensus at least among the P5 is essential. However, as recent cases have shown, such consensus is almost impossible to build, let alone sustain over a long period.