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The Arms Control Regime Under Pressure: WMD Proliferation and the War Against Terror

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The 'doomsday clock', where the strike of twelve will signal nuclear holocaust, was introduced in the Bulletin of Atomic Scientists in 1947. Since then the clock has moved 17 times, coming closest by 3 minutes, to striking, amidst a sudden drop in the Cold War temperature in 1953. According to the clock the world was safest following the signing of the START I treaty in 1991 -17 minutes to twelve. The doomsday clock was recently set two minutes forward – to seven minutes to midnight.

Arms Control and Proliferation in the Post-Cold War Era

The set of rules, expectations and prescriptions that constitute a regime are based on the principle of reciprocity. The degree of success a regime enjoys corresponds closely with the degree to which its signatories uphold it and whether it reflects the environment it is aimed at regulating. The current arms control regime is the sum of a largely incoherent mass of treaties that varies widely in verification and enforcement provisions as well as in numbers and importance of the signatories. The basic aim of arms control is to place restraints on the acquisition, deployment and use of certain military capabilities.

The core assumption underlying all arms control is that an uncontrolled arms race is to the detriment of all. During the Cold War, arms control was primarily seen as an instrument for stability between the two super powers. For 30 years, the United States and the Soviet Union (later Russia) underpinned stability by upholding a carefully monitored balance between their respective arsenals of bombs and missiles. Gradually, the focus has been expanded to include regulating the creation, maintenance and proliferation of Weapons of Mass Destruction (WMD) globally. During the post-Cold War era the focus has also shifted from bilateral arms control to multilateral non-proliferation efforts, ending the days when arms control was a matter for the great powers.

In the past, smaller states depended entirely on cooperation with one of the five permanent members in the United Nations Security Council to obtain sophisticated WMD or missile technology. The 1990s saw increased non-proliferation across the traditional north-south economic divide. India and Pakistan have openly challenged the nuclear non-proliferation regime, while others have been carrying out their WMD programmes in secrecy. A modern trend is for smaller countries with WMD ambitions to 'pool' technology and expertise in order to speed up their programmes. The greatest difficulty in post-Cold War arms control has been the monitoring of treaty compliance. This is partly due to difficulties in defining non-compliance and what to do with it when it occurs. The compliance determination process lacks coherence and consistency amongst other, due to underfunding and restrictions built into the actual regimes.

Especially rogue states, where the ruling elites' behaviour has caused their

states to become diplomatically isolated, have made advances in procuring WMD technology. Their rationale for doing so may vary, but the acute and often severe security dilemma that arises from isolation will for some states be a motivation to acquire WMD as an 'equaliser' to deter its adversaries. Many worry that upon obtaining WMD, some states will use nuclear, biological and chemical weapons (NBC) not as an 'ultimate deterrent' but as an offensive weapon. Rogue states have featured in the US-lead war against terror because six of the countries accused by the US State Department for sponsoring international terrorism: Iran, Iraq, Libya, North-Korea, Sudan and Syria are known to have WMD programmes. The ones that President Bush considers to be the most dangerous of the offenders -Iran, Iraq and North Korea were singled out as an 'axis of evil' in his instantly famous 'State of the Union' address in January 2002.

After the September 11th attacks, non-state actors such as terrorist organisations have emerged as the greatest WMD threat. Historically, there have been few terrorist incidents where chemical, biological or nuclear agents have been used as weapons. A reason for this is that this form of terrorism requires not only the willingness to employ such weapons, but also the technical skills to produce and deliver them effectively. The non-proliferation of WMD technologies combined with the utter disregard for civilian casualties that characterises some regimes and terrorist organisations, constitutes perhaps the greatest challenge facing the international community. The US has designated the prevention of terrorists from acquiring WMD as one of their main priorities in the war against terror.

A Regime Under Pressure

In the wake of the Gulf War prospects were bright for multilateral arms control. The United States lead the way in promoting a system of more robust international safeguards. One of these was to fortify the arguably most important pillar in the arms control regime, the 1968 Nuclear Non-Proliferation Treaty (NPT) with signatory states agreeing to allow broad access to conduct inspections. The NPT, which prohibits non-nuclear weapon states from possessing, manufacturing or acquiring nuclear weapons, was strengthened by further non-proliferation treaties, most notably the 1996 Comprehensive Test-Ban Treaty (CTBT) and negotiations begun in 1998 to establish a Fissile Material Cut Off Treaty (FMCT). The 1997 Chemical Weapons Convention (CWC) is probably the most ambitious and complex of the multilateral arms control agreements. Expanding the scope of the 1925 Geneva Convention, the CWC outlaws all chemical weapons, not just their use. Work was also undertaken to give the 1972 Biological Toxins and Weapons Convention (BTWC) better enforcement mechanisms.

Over the last few years, both the bilateral and multilateral pillars of the non-proliferation regime have come under pressure. The Strategic Arms Reduction Talks (START) aimed at reducing US and Russian strategic arsenals are displaying signs of loosing their importance. The arms cuts agreed to by the two countries in 1993 (START-II), have yet to be implemented while the Bush administration choose to pursue unilateral parallel reductions of strategic nuclear arsenals rather than to initiate a new round of START talks. In mid-December 2001, the US notified Russia of its wishes to pull out of the Anti-Ballistic Missile Treaty, starting a six-month timetable for withdrawal and opening the way for the creation of a National Missile Defence (NMD) system. The move met negative responses, not only from its former adversaries, but also from US alliance partners. Faced with mounting criticism the US has made efforts to de-emphasize the 'national' in national missile defence, expressing a willingness to include all US allies under a missile defence umbrella. Today most agree that such defences will add to security without upsetting global stability.

Today there are a growing number of 'threshold states' that have advanced nuclear programmes such as Iran, Iraq and North Korea, and the fear is that these states will continue their violations of the regime in secret and then attempt a sudden break-out from the NPT which requires only three months notice before withdrawal. Also the CWC and BTWC are troubled by slow progress and non-compliance. This is particularly worrying since Chemical and Biological weapons are easier to produce and more difficult to detect. This makes them an 'ideal' weapon for terrorist organisations. Many fear that the Sarin assault on the Tokyo subway in 1995 and anthrax attack in the US after the September terrorist attacks might only be the beginning of a new trend in terrorism.

In a climate of increased supply and demand of WMD technology, the increasing number of violations of the arms control regime clearly displays the limitations of the framework. The problem of an increased number of actors in arms control makes it difficult to create a coherent regime. Technological advances have also resulted in an increasing number of dual-use products which in addition to peaceful purposes can be used in WMD programmes. The European states are the most persistent offenders when it comes to exporting such articles to rogue states. This highlights the lack of consensus regarding standards of evidence of non-compliance with the arms control regime and the lack of adequate enforcement rules.

During the 1990s the inspection systems of the international arms control regime displayed serious flaws. Iraq's defiance of U.N. Security Council-mandated weapons inspections and North Korean attempts to develop nuclear weapons and role as 'salesman to the world' of missile technology are amongst the most profiled examples. In 1998, first India and later Pakistan joined the nuclear club, without being met by decisive sanctions from the international community. These developments seriously eroded faith in voluntary multilateral cooperation. In February 2002, the United States dealt a serious blow to the NPT when it withheld the traditional pledge of the five nuclear powers not to use nuclear weapons against countries that do not possess such weapons, adding Iran, Iraq, Syria, Libya and North Korea to their list of potential targets. During the 1990s, the nuclear weapon states have grown increasingly reluctant to strengthen the arms control regime in the current climate of increased proliferation. UN arms control officials report that it is increasingly difficult to get even normally cooperative countries to agree to new, extensive inspections of nuclear facilities.

The Bush Administration and the Arms Control Regime

After taking office it became clear that the Bush administration did not intend to continue the Clinton policy of 'multilateral if possible, unilateral if necessary'. Key members of the current administration are sceptical about arms control treaties as a matter of principle. The US has decided to withdraw from the Anti-Ballistic Missile Treaty and has put aside strengthening of the Biological Weapons Convention. It has refused to continue the formal strategic arms reduction process towards a START III agreement and the goals set in START II have not been met. To withhold the traditional pledge not to use nuclear weapons against states that do not possess such weapons is seen as to be encouraging states that are not allied to a nuclear power to build their own nuclear deterrents. The US also announced that it has begun exploration into designs for smaller "usable" nuclear weapons, blurring the line between conventional weapons and WMD. By ruling in that non-nuclear states can be attacked with nuclear weapons commentators have suggested that the Cold War strategy of 'Mutually Assured Destruction' is being replaced by a US strategy of 'Unilaterally Assured Destruction' against potential attackers.

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One reason for this is approach is an assumption that binding arms control commitments are incompatible with the flexible planning and freedom of action: That multilateral binding treaties can tie down the remaining super power like Gulliver in the "Land of Lilliput". It is argued that such arrangements are unnecessary since friendly states do not need legally binding non-proliferation agreements, whereas adversaries are likely to cheat on their commitments, thus undermining rather than increasing security. At the same time, the US is one of the few countries that has consistently monitored the WMD programmes of rogue states. The US has showed itself willing to act against WMD non-proliferation through financial support as in the case of securing Russian WMD facilities and coercing the energy starved North-Korea to accept the building of a power station in return for the Communist state's halting of its nuclear activities. The US has also made it clear that it is willing to use armed force against persistent offenders against the WMD control regime.

The present US administration has consistently stated that it wants a new system of arms-control. The question is whether the new system will be the result of unilateral American policies or through a multilateral regime. The current over-all American policy is not necessarily unilateralist. The Bush administration is likely to pursue a pragmatic approach by choosing the path that is most likely to keep the US safe from WMD attacks. To meet this aim, the US has so far undertaken military efforts in a number of countries, it has assembled a global coalition to combat terror and it has expressed that it would like to see compliance with already signed agreements rather than a further expansion of a flawed arms control regime.

Concluding remarks

There can be little doubt that post-Cold War arms control has lost its momentum. The increased proliferation of WMD technology has confronted the international community with a new set of challenges, which the tools of the current arms control and non-proliferation regime do not adequately address. The carnage of September 11th shows that international terrorist groups are unlikely to hesitate to use WMD if they should acquire them. This adds to the urgency in addressing the deficits of the current arms control regime. If efforts towards arms control and non-proliferation are to be continued, two routes are available - to make the current multilateral regime more coherent and strictly enforced, or to unilaterally go after those who try to obtain Weapons of Mass Destruction. A combination of the two is the most viable option.

The views expressed in this article are to be attributed to the author and are not those of the NATO-PA.

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