The Nuclear Non-Proliferation Regime
– Towards a Cognitivist Approach

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muchas gracias, amada mamita.

te lo debo todo…
Tack så mycket, Tove.
Jag hoppas det fortsätter att vara rolig.

Grazie, Alice.
Ciò che è stato promesso, è dovuto

Tack så mycket, professor Jansson,
för din ovärderlig stöd.
Abstract

After the use of the first nuclear weapons, during World War II, the world changed forever, as the balance of military power would no longer by measured by the amount of conventional weapons each state possesses. Alongside this, the world experienced a crude awakening to the catastrophic costs, for the environment and in terms of human misery, that the use of these armaments involved. In order to tackle the spreading of these weapons, with the aim to prevent further tragedies, the Nuclear Non-Proliferation Regime (NNPR) begun to develop in the mid 1950s. Since then, the regime, together with its cornerstone, the Nuclear Non-Proliferation Treaty (NPT), have produced outstanding achievements in the non-proliferation field, as well as being the source of glaring disappointments and tensions among states to the present day.

It is in this context that the following document uses regime theory, the framework that focuses on the study of why and how states decide to cooperate with each other, to present an analysis of the NNPR, understood as a series of overlapping, interlocking and mutually reinforcing agreements and mechanisms on the issue-area of nuclear activities among nations.

The study is driven by two research questions: 1) How can regime theory explain the longevity and broad acceptance of the NNPR/ NPT and what is its current state after the 2015 Review Conference?; 2) From the point of view of regime theory, in which way would an international effort towards demilitarisation be beneficial for the fulfilment of Art VI of the NPT, regarding nuclear disarmament? The research achieves the objective of deepening the comprehension around the success and broad acceptance of the NNPR and the NPT, while presenting a plausible alternative for an agreement on nuclear disarmament that could involve demilitarisation. This alternative is elaborated through a pathway suggested with the use of regime theory, specifically, with the use of the weak cognitivist approach.
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Chapter I: Introduction and Research Questions

Right after the United States decided that using nuclear energy, through the atomic bomb, was the most effective way to end the conflict it had with the Empire of Japan, during World War II, the world changed forever. The balance of power sustained until then on the use of conventional weapons was broken, as nuclear weapons became the cruellest, most destructive weapons ever created. Upon being detonated, nuclear weapons indiscriminately kill belligerent and non-belligerent targets alike, causing devastating immediate and long-term damage to human life and the environment, due to the effects provoked by radioactivity.

Notwithstanding the overwhelming international consensus against the new weapon and the horrors it caused, many other nations achieved or tried to achieve offensive nuclear capabilities after 1945. In 1963, John F. Kennedy declared that his greatest concern was that, by 1970, there could be at least ten nations in possession of nuclear arsenals, as opposed to the four in existence at that moment and that, by 1975, that number could be increased to fifteen or twenty¹.

In that context, the Nuclear Non-Proliferation Treaty (NPT), proposed in 1968, was one of the most relevant consequences of the dawn of the nuclear age, in the aftermath of World War II. With the increasing concerns over such destructive weapons spreading, the treaty sought to prevent the access to nuclear weapons to states that did not possess them, while reducing and progressively disarming the arsenals of the five recognised nuclear weapons states (NWS). Since its entry into force, in 1970, 190 countries have become parties to the covenant, making the NPT the most broadly accepted arms control treaty in the world². In that light, the treaty was positioned as the cornerstone of a series of overlapping, interlocking and mutually reinforcing agreements and mechanisms known as the International Nuclear Non-Proliferation Regime (NNPR).³


Nevertheless, the NPT was not the result of a fortunate coincidence. It was not a *carte blanche* given by the 190 nuclear weapons “have-nots” parties to the five authorised nuclear weapon “haves” parties, namely, the United States, the United Kingdom, France, Russia and China. It was, instead, a strategic bargain in which 190 states have subscribed the indefinite compromise of renouncing the right to develop the mightiest weapon ever created, in exchange for the promise from the five nations permitted to have and keep nuclear weapons to share nuclear technology for peaceful purposes, while engaging in disarmament negotiations with the objective of ultimately eliminating their nuclear arsenals. And here is where the problems begins because, although the treaty has been successful in the areas of controlling the spread of nuclear weapons and sharing nuclear technology for peaceful means, the commitments regarding the aspect of disarmament have been widely neglected.

The aforementioned aspect is directly related to the starting point for this thesis. The research was motivated by an interview done by the German magazine Der Spiegel to the former president of the Soviet Union, Mikhail Gorbachev, in which he referred to the problem of nuclear disarmament as follows:

“*Gorbachev*:...can we really imagine a world without nuclear weapons if a single country amasses so many conventional weapons that its military budget nearly tops that of all other countries combined? This country would enjoy total military supremacy if nuclear weapons were abolished.

**SPIEGEL**: You’re talking about the US?

**Gorbachev**: You said it. It is an insurmountable obstacle on the road to a nuclear-free world. That’s why we have to put demilitarisation back on the agenda of international politics. This includes a reduction of military budgets, a moratorium on the development of new types of weapons and a prohibition on militarising space. Otherwise, talks toward a nuclear-free world will be little more than empty words. The world would then become less safe, more unstable and unpredictable. Everyone will lose, including those now seeking to dominate the world.”

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In this interview, Gorbachev puts in doubt the viability of achieving nuclear disarmament if a general effort towards general disarmament, which would also include conventional weapons, is not at the centre of the international political agenda. Under this view, although there is consensus in the international community, regarding the desirability of a nuclear weapons-free world, such an objective is not realistic until the nuclear option is replaced, in its entirety, by a more effective security framework. But even if the political will existed to reach a complete nuclear disarmament, and a posterior ban on this kind of weapons, such an objective would drastically change the balance of power in the world. Due to its overwhelming defence spending, the United States would become the undisputed hegemon, which is a risk that competing nations, such as Russia and China, for example, would hardly be willing to take.

Nevertheless, the fact remains that the majority of the states in the world, which are parties to the NPT, have found avenues to be able to cooperate and even generate the series of subsequent agreements and treaties that have created the NNPR, keeping it in place for more than 45 years. Therefore, to be able to comprehend the problem posed by this issue it is necessary to achieve a sufficient understanding not only of the NPT, but of the NNPR as a whole through a theoretical framework, within the international relations discipline, which focuses specifically on explaining the processes of creation, maintenance and cessation of regimes: regime theory.

As such, regime theory is at the centre of the research questions driving this study, which are:

1) How can regime theory explain the longevity and broad acceptance of the NNPR/ NPT and what is its current state after the 2015 Review Conference ?;

2) From the point of view of regime theory, in which way would an international effort towards demilitarisation be beneficial for the fulfilment of Art VI of the NPT, regarding nuclear disarmament?

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The objective of the first question is to achieve a sufficient understanding of the circumstances that led to the creation of the NNPR (along with the NPT), the driving forces behind the ample support it has enjoyed and what are the conditions for its survivability in the present. It is important to mention that every five years the states parties to the NPT reunite in the NPT Review Conferences to evaluate the performance and functioning of the agreement. At the end of every review conference the states produce a declaration in which they present their conclusions regarding the current state of the agreement, as well as plans and additional commitments for the future. Throughout time, it has become customary to attribute the success of a review conference to the formulation of said document. As it has happened with three review conferences out of the nine that have been held so far, the states parties were not able to reach an agreement in 2015, a fact that brings concern among the international community, because it is interpreted as a sign that the covenant is losing relevance, which is a factor that creates instability. It is also important to signal that the purpose of mentioning the 2015 Review Conference in the formulation of this question is mainly to delimit the last point in time where official information on the topic was produced, and not to make that event per se a focus of extensive analysis.

The second question aims to use regime theory to analyse the plausibility of a scenario where general disarmament becomes a real purpose. Which model of cooperation or international configuration would be needed to advance this objective? It is already factual that for various reasons — according to the different variants of regime theory we will examine — states have been able to create and maintain an institutional order to regulate nuclear affairs, although some parts of it have yet to be concretised. To answer this question I will use the proposed theoretical framework to evaluate if it would be possible, under the current conditions, to expect an effort towards general disarmament as a precursor agreement towards nuclear disarmament.

1.1 Relevance of the study

Although the menace of a catastrophic Third World War was dissipated with the end of the Cold War, the nuclear weapons produced and accumulated throughout that period were pointed out, by many observers, as being inessential and anachronistic. Around the middle of the 1990s decade, the proposals pushing for the dismantling of these weapons begun to
gather an increased number of supporters. However, even though part of these arsenals were disposed of without major difficulties, their volumes and power remain at worrisome levels. Noam Chomsky has stated that, along with climate change, nuclear proliferation is the greatest threat that humanity currently faces.

Moreover, there are other issues that could alter the integrity of the NPT, such as the conflicts in the Middle East, lack of confidence in the inspections regime of the IAEA, North Korea’s withdrawal from the NPT, Israel’s undeclared nuclear arsenal, the apparent acceptance of India’s nuclear status outside of the NPT, Pakistan’s nuclear arsenal, the increasing value of nuclear weapons as a tool of deterrence, among others. All of these issues weaken the trust in the regime and, therefore, the prospects of states using it as a platform to achieve the goal of disarmament. Nevertheless, in spite of all the challenges left to be solved, states continue to push for the maintenance of the NPT, as if they found the idea of a world without it inconceivable.

In the aforementioned context, this document aims to be a contribution to the field of nuclear studies from the perspective of regime theory, under the proposition that an effective understanding of the processes behind the NNPR would help to visualise a plausible scenario for disarmament.

1.2 Methodology

This study will utilise a deductive approach based on an inter-theoretical dialogue mode of additive relationship sustained on complementary domains of application. We will understand a deductive approach as the act of explaining an event deriving from a theoretical hypothesis regarding the processes that originated it, where existing theories are evaluated in the search for possible answers to the research questions. These answers are presented as hypotheses which propose an explanation for the phenomenon.

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being researched. From the pool of theories used for explanatory purposes, one is selected as the most appropriate to explain the issue at hand. When following a deductive approach, it is important to be aware that the objective of the theoretical analysis is the model and not the direct reflection of reality, which means that the goal is not to make an exhaustive description of all the details a situation involves, but to concentrate on the most relevant aspects of the phenomenon.\(^9\)

On the other hand, an inter-theoretical dialog is based on two aspects: 1) a complementary relationship, which consist on identifying the respective domains in which each theory develops; 2) sequencing of the theoretical explanations, which means that one theoretical account momentarily depends on another one to be able to explain a phenomenon.\(^10\)

The analysis will be centred around three theoretical clusters: realism/ power-based, liberalism/ interest-based, constructivism/ knowledge-based. Although each of them offer different perspectives to explain the research questions, a combination of the three theories will be used to answer them, while considering the constructivist/ knowledge-based school, particularly the weak cognitivist approach, as the one offering the most compelling explanation. The reason for having chosen these clusters of theories is that, as a rule, a group of theories can collaborate among each other when accounting for a specific phenomenon, being only in rare cases that the use of only one theory could be used to reliably explain a particular issue.\(^11\)

This thesis will be fundamentally a desktop study consisting on the examination of primary and secondary sources, processed without the conduction of interviews or questionnaires. Within the primary sources of information there will be first-hand documents and testimonies accounting for an event or situation, which will include official documents, speeches and interviews, among others. This material will be used to help support or dismiss the plausibility of the ideas in play at the moment of constructing the plethora of hypotheses for each of the variants of regime theory within the general theoretical


\(^10\) Della Porta et all., *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*, 65, 66.

\(^11\) Ibid., 65.
framework. The secondary sources will be analyses and interpretations of original sources of information, which are advantageous to provide a broadened scope of knowledge and deeper, more detailed explanations.\textsuperscript{12}

Among the primary sources are the text of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), various UN Resolutions and the myriad of treaties composing the NNPR. The secondary sources are comprised by the most prominent international relations authors associated with the theories that will be used, such as Kenneth Waltz, John Mearsheimer, Joseph Nye, Robert Keohane, Emmanuel Adler and Stephen Krasner, among others.

Lastly, one of the reasons for choosing this particular methodological avenue and not that of, for example, case studies, which could have been considered appropriate as a first option, is the great amount of research in the area of nuclear studies that already utilises this approach.\textsuperscript{13} The choice to work with an inter-theoretical framework was based, among others, in the interest of enhancing the value of this document as a contribution to the fields it focuses on.

1.3 Overview of the thesis

Chapter two will explain the theoretical framework. This segment will provide clarification for the myriad of concepts that will be capital to understand the research, such as regime theory, regime effectiveness and robustness, and the particular approaches to regime theory coming from the main schools of thought in international relations theory: realism, liberalism and constructivism. Additionally, this chapter will present a series of hypotheses to explain the creation and maintenance of the NNPR, as well as the possibility to reach an agreement on the issue-area of disarmament, using all the variants of regime theory discussed in this document.


Chapter three will provide a historical overview of the NPT, as well as offering a summary and a brief contextualisation of the events occurring at the time the different NPT Review Conferences were held. Additionally, a brief summary will also be provided on the most relevant components of the NNPR, which will include agreements such as START I, Anti-Ballistic Missile Treaty and the Comprehensive Nuclear Test Ban Treaty, among others.

Chapter four will present an analysis of the degree of success of the NPT in the area of non-proliferation, while also evaluating the appropriateness of the hypotheses, suggested in chapter II, to explain the creation, effectiveness and maintenance of the NNPR.

Chapter five will be dedicated to developing the issue of the current state of nuclear disarmament. Additionally, because of its effectiveness at the moment of visualising a plausible scenario to find a solution for the disarmament problem, the hypotheses generated through the cognitivist framework, particularly that of weak-cognitivism, will be given a deeper analysis.
Chapter II: Theoretical Framework

2.1 Justification for the theoretical choices

After having done the introductory level of theoretical research that I present in this document, there is one fundamental conclusion I reached: all the theories presented here are interconnected, inalienable and a capital component to be able to guarantee a sufficient level of depth and understanding of the questions this thesis aims to answer in connection with the NNPR. These theories are neoliberalism, neorealism and constructivism, as baseline international relations theories; and interest-based, power-based and knowledge-based approaches, with regard to regime theory.

First of all, neoliberalism and neorealism are the most dominant approaches to international relations theory, and have been so for a long time. Both have engaged in a debate where, although they recognise the existence of the same core assumptions (anarchy, power, etc.) in relation to the driving forces behind states’ behaviour, they have reached different conclusions. Additionally, constructivism, part of the alternative theories of international relations, offers a challenging approach when compared to the more orthodox views, basing its propositions on the role of social relationships and the creation of shared meanings as forces that can shape states’ preferences and objectives.

Nevertheless, things become much more interesting when one realises that the theoretical approaches for regimes have a close connection with the international relations theories chosen for this writing. Power-based approaches, related to realism, promote, among others, that states cannot achieve deep levels of cooperation and that they attribute high importance to relative gains. On the other hand, interest-based approaches assert that states are rational-egoists who can cooperate because they are interested in absolute gains and not in how much other states can win (relative gains). Furthermore, although there is not a nominal correlation between constructivism and the knowledge-based approaches, as the latter are linked to the cognitivist school, there is, nonetheless, a


theoretical closeness not only because of the great number of authors that promotes both constructivist and knowledge-based theories, but because their baseline assumptions are rooted in the same theoretical domicile, emphasising the relevance of factors such as social structures and the construction of shared knowledge as means to shape the behaviour of states and their ability to cooperate. Because, yes, the proponents of knowledge-based theories accept the interest-based assumption that states can cooperate, but they don't agree with their core precepts, which are the ones they share with the power-based approaches.

Therefore, as it is possible to appreciate, all these theoretical principles are indeed interconnected, inalienable — starting with neorealism, they have originated mostly as a reaction to each other —, and, thus, a capital component to understand the topic of the NNPR creation, maintenance and future prospects for cooperation towards disarmament. In fact, some authors assert that the NNPR has at least a period that can be considered as liberal and another which is markedly realist. Nevertheless, as Roger Smith argues, a combination of all three theories is necessary to understand the NNPR because “What needs to be considered, in addition to power and egoistic self-interest, is knowledge and the process by which states ‘learn.’”

2.2 Neoliberalism

This theory, also known as neoliberal institutionalism, proposes an alternative to the pessimistic and conflict-driven image of international relations offered by neorealism. Nevertheless, neoliberals share the following aspects/assumptions with neorealists: (1) being both structural schools, they recognise the existence of power relationships in the international landscape; (2) they consider states as rational actors and the most important in international affairs; (3) they recognise the nature of the international system as a primordially anarchic field, were states seek to achieve their selfish objectives.


On the other hand, according to Ikenberry, liberalism presents four key principles: (1) the basis for a peaceful world depends on the construction of a community of states, with war being the outcome of militaristic societies that have yet to transition towards becoming liberal democracies; (2) the modernisation of societies is advanced by economic exchange and free trade, which become factors that motivate states to avoid conflict; (3) international institutions and law provide a fertile ground for inter-state cooperation, establishing the management of international relations; (4) the international system would become a “community power”, which means that power politics and the balance of power would generate an apparatus of collective security, where power would be less determinant to the stability of international relations.19

According to Keohane, institutional liberalism grants a basis for political authority, understood as a combination of legitimate social purpose and power. He asserts that institutions and rules can help to achieve a degree of cooperation that can be mutually beneficial among states, while conceiving the use of power for the creation of institutions motivated by the need to promote human security, welfare and liberty.20 Additionally, neoliberals argue that rational states can cooperate even under conditions of anarchy, and that it’s institutions that which allow it, by establishing the credibility and commitment of states, helping them to overcome uncertainty about the reciprocity of others, providing grounds for negotiation of specific agreements, and reducing transactions costs. By following these practices, states use institutions to modify the environment in which they interact, reducing the anxiety effects of anarchy while promoting the flow of information which, in the end, leads to further optimisation of the prospects of mutually beneficial cooperation.21

2.3 Neorealism

In international relations, realism is a school of thought that emphasises the conditions around states when pursuing power politics to fulfil their national objectives.22 The modern realist theory was a reaction to a liberal current that realists called idealism, which

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highlighted morality, international organisations and international law, instead of power, as the core factors on international affairs.23

Modern realism has five fundamental assumptions: “First, states are the major actors in world affairs. Second, the international environment severely penalises states if they fail to protect their vital interests or if they pursue objectives beyond their means; hence, states are “sensitive to costs” and behave as unitary-rational agents. Third, international anarchy is the principal force shaping the motives and actions of states. Fourth, states in anarchy are preoccupied with power and security, are predisposed towards conflict and competition, and often fail to cooperate even in the face of common interest. Finally, international institutions affect prospects for cooperation only marginally.”24

Realists accentuate the difficulties in politics brought to the table by human selfishness and the lack of an international form of government, making power and security the most fundamental aspects of political life, with security referring to a less violent and dangerous world, instead of one that would be peaceful and safe. In this scenario the role of decision-makers is not to solve this primal conflict, but to manage it and mitigate it.25 For realists, the condition of anarchy pushes states to pursue security, which incidentally makes them confront each other for power, as that is the most effective asset to guarantee survival, which involves that states are not aggressive just because they possess an inherent will to exercise power.

The authors grouped in this school are inclined to take political power as independent from ideology, religion, culture, morality or other sides of social and economic aspects that states usually use to justify their decisions. The reason for this is that realists perceive that discrepancies in the aforementioned aspects do not create substantial differences in behaviour among states when it comes to them exercising their power. Therefore, realists propose that the most effective way to understand the interaction between states is to


conceive them as independent actors pursuing their selfish interests in a context of anarchy.

One of the most important analytical precepts for realists, which they employ to explain why states behave the way they do, has to do with how power is distributed in the international arena, and the position in which each state lies regarding that distributive dynamic. For realists, this condition of insecurity, product of the anarchical environment, makes states not only worry about their own share of power, but about other states’ share of power as well, which is known as absolute and relative gains. According to Waltz, “when faced with the possibility of cooperation for mutual gain, states that feel insecure must ask how the gain will be divided. They are compelled to ask not ‘will both of us gain?’ but ‘who will gain more?’ If an expected gain is to be divided, say, in the ratio of two to one, one state may use its disproportionate gain to implement a policy intended to damage or destroy the other. Even the prospect of large absolute gains for both parties does not elicit their cooperation so long as each fears how the other will use its increased capabilities.” This precept is at the core of the realist position to assign little relevance to cooperation between states.

2.4 Constructivism

This view on international relations highlights the relevance of normative as well as material structures, emphasising the role played by identity in forming political action and the mutually constitutive relationship between agents and structures. Constructivist theory is based on three focal precepts: “(1) states are the principal units of analysis for international political theory; (2) the key structures in the states system are intersubjective, rather than material; and (3) states’ identities and interests are in important part


constructed by these social structures, rather than given exogenously to the system by human nature or domestic politics.”

Additionally, the constructivist view differentiates from the neorealist one regarding the way in which they understand the composition of structures. For neorealists, the structures are made only by an effective distribution of material capabilities while, for constructivists, structures are based on social relationships. This social structures are composed by three elements: (1) shared knowledge: social structures are guided by shared understandings, expectations or knowledge. These concepts shape the actors in different situations, as well as the nature of their relationships, whether cooperative or conflictual; (2) material resources: whether they are gold or tanks, constructivists state that material resources are imbued with meaning for human action only because they are attached to a structure of shared knowledge, unlike neorealists, who present a desocialising view of this elements; (3) practices: according to constructivists, social structures do not exist as material capabilities, but as practices. In this sense, the Cold War was a structure of shared knowledge that conditioned the interaction of great powers for forty years. Nevertheless, it ceased to exist once the actors involved in it stopped acting in function of the conflict.

On the other hand, when it comes to the neorealist premises of states focusing on relative gains, the improvability and inefficiency of cooperation, as well as states leaning towards war or peace, constructivists assert that they can be explained by the production and reproduction of structures of shared knowledge over time. In the words of Wendt “such behaviour is a self-fulfilling prophecy and this is due to both agency and social structure. Thus, on the agency side, what states do to each other affects the social structure in which they are embedded, by a logic of reciprocity. If they militarise, others will be threatened and arm themselves, creating security dilemmas in terms of which they will define egoistic identities and interests. But if they engage in policies of reassurance, as the Soviets did in the late 1980s, this will have a different effect on the structure of shared knowledge, moving it toward a security community.” The aforementioned points out to the concept of collective identity which, in the constructivist view, refers to a positive identification with the


32 Wendt, “Constructing International Politics,” 77.
welfare of another, which leads to that other being perceived as a cognitive extension of the self, instead of an exogenous part. Due to corporate needs of differentiation, this identification will not always be fully but, as long as it exists to a certain extent, an empathetic rather than an instrumental interdependence between self and other will be present.33

2.5 Regime Theory

Around forty years ago, the trigger for the study of regimes was caused by the perception that the concepts of international order, organisation and authority where insufficient to explain the complexities of the behaviour among advanced industrial states.34 It was at that time, in 1975, that John Ruggie introduced the concept of international regimes to international relations theory, which he defined as "a set of mutual expectations, rules and regulations, plans, organisational energies and financial commitments which have been accepted by a group of states."35 Later, in 1983, Stephen Krasner introduced a new interpretation of the concept, which would become the consensus definition for the term international regime, understanding it as “implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations.”36 From this point onwards, the study of regimes begun to be centred on the following key components: principles, norms, rules and decision-making procedures. When defining each component Krasner states that “principles are beliefs of fact, causation, and rectitude. Norms are standards of behaviour defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.”37


37 Ibid.
Nonetheless, there is a capital difference between principles and norms, on one side, and rules and procedures, on the other. Principles and norms determine the most essential aspects of a regime, and there may be many rules and decision-making procedures that can function in harmony with a determined set of principles and norms. In this case, eventual changes in rules and decision-making procedures are changes within regimes. On the other hand, in the case that the norms and principles of a regime are discarded there is a transition towards a new regime or the disintegration of regimes on a specific area. Therefore, eventual changes in principles and norms equal to changes affecting the regime itself.38

Nevertheless, although the aforementioned elements are a necessity, they are not enough for a regime to be constituted, as regimes must include something other than mere mercurial manifestations of rational interest. In this case it is the combination of behaviour with principles and norms what separates a regime governed activity in the international landscape from other types of conventional activities driven entirely by specific calculations of interests.39 Therefore, regimes have to be comprehended as something that goes beyond a temporary agreement that could change depending on shifts in power or interests. In this sense there is a clear analytical distinction between a regime and an agreement, where the latter’s purpose is the achievement of immediate self-interest gains, while the former’s objective is to facilitate agreements through the sacrifice of immediate gain. The aspect that motivates states to incur in this sacrificial process of immediate gains for future gains is the prospect of reciprocity.40

Now, when it comes to the study of the creation and classification of regimes, there are three types of theories, which are distinguished from each other depending on the exploratory variables that they accentuate. These theories can be classified as power-based, interest-based and knowledge-based. Moreover, it is possible to refer to three schools of thought on international regimes’ research, where the first, realism, concentrates on power relationships; the second, neoliberalism, focuses its analysis on

38 Ibid., 187, 188.
39 Ibid., 187.
40 Smith, “Explaining the Non-Proliferation Regime: Anomalies for Contemporary International Relations Theory,” 256.
clusters of interests; and the third, cognitivism, highlights knowledge dynamics, identities and communication.\textsuperscript{41}

One of the biggest differences among the three aforementioned schools of thought is the significance that power, interest and knowledge-based theories are going to confer to institutionalism, understood as the notion that international institutions are relevant. This means that, for the purpose of analysing, institutions can be important in two ways: they can be more or less effective and more or less robust (or resilient). As mentioned by Hasenclever, Mayer, and Rittberger, effectiveness comprises a static point of view, in terms that it can be determined at any given point in time; robustness (resilience), on the other hand, is a dynamic measurement of the relevance of regimes, with its application presupposing an important alteration in the environment of the regime.\textsuperscript{42}

In other words, when talking about regime effectiveness two ideas become overlapped: one is that the effectiveness of regimes is directly dependent on the degree to which its members comply with its norms and rules; the other is that regimes are effective as long as they fulfil certain purposes or objectives. On the other hand, talking about the robustness of a regime refers to the power of permanence of international institutions when confronted with external challenges. Therefore, institutions lack robustness if, for example, they suffer alterations - understood as changes to principles and norms - with every power shift among its members, or when a powerful affiliate decides that its interests are no longer executed in a way that it finds convenient within the current regime.\textsuperscript{43}

Now, before going into further detail regarding the three approaches for the study of regimes that will be used in this thesis - power-based, interest-based and knowledge-based -, it is important to mention that there are other approaches to the study of creation and classification of regimes. One of the most prominent is that proposed by Haggard and Simmons, in which they describe four theoretical approaches to regime change and variance: structural, game theoretic, functional and cognitive.\textsuperscript{44} However, the differences

\begin{itemize}
\item \textsuperscript{41} Andreas Hasenclever, Peter Mayer, and Volker Rittberger. \textit{Theories of International Regimes}. 1st ed. (Cambridge: Cambridge University Press, 1997): 1,2.
\item \textsuperscript{42} Hasenclever et al., \textit{Theories of International Regimes}. 1st ed, 2.
\item \textsuperscript{43} Ibid.
\item \textsuperscript{44} Haggard et al., "Theories of International Regimes," 492.
\end{itemize}
between the categories chosen for this thesis and those proposed by Haggard and Simmons are not ultimately substantial, as the definitions they give to each of their categories are largely contained within the power-based, interest-based, and knowledge-based structures advanced in this document.\textsuperscript{45}

2.5.1 Interest-based theories

According to Hasenclever, Mayer, and Rittberger\textsuperscript{46}, this group of theories, originated in the neoliberal school, constitute the mainstream approach to analysing international institutions, accentuating the role of international regimes, instead of power dynamics, as a means for states to achieve their common interests. They identify states as rational egoists for whom absolute gains are the most important, while heavily basing their assumptions on economic theories of institutions focusing on information and transaction costs. Models of game-theory have also been applied to represent the different groups of interests that are most prominent in various types of regimes. Additionally, these groups have the capacity to influence the likelihood of a regime being created in the first place.

Although neoliberals have incorporated certain assumptions of the realist school, they challenge the classical realist apprehension regarding international institutions, claiming that this apprehension cannot be supported on the assumptions that realists make regarding the nature of states and the international system.

Additionally, interest-based theories are heavily rooted in the institutionalist perspective, which means that they depict regimes as being both, effective and resilient. In their view, regimes help states to achieve a coordinated behaviour so that they can bypass outcomes that would be suboptimal. Moreover, states might express their interest in continue supporting the existence of a regime even when the factors that originated it in the first place are no longer significative. However, the rational choice models on which neoliberals base their theories reveal that their institutionalism is a circumscribed one, because they

\textsuperscript{45} Hasenclever et al., \textit{Theories of International Regimes. 1st ed}, 6, 7.

\textsuperscript{46} Ibid., 4.
consider the identities and preferences of the actors as externally given and, therefore, independent of institutions and practices governed by rules.\textsuperscript{47}

This thesis will explore two of the approaches that are considered as the most representative of neoliberal regime theory. The first is contractualism, which focuses on the effects of international regimes over the disposition of states to cooperate in situations representing the Prisoner’s Dilemma. By doing this, it presents an explanation for the creation and maintenance of regimes. The second, situation-structuralism, is based on the aforementioned perspective, considering the full variety of strategic situations in which different actors could cooperate using regimes, while analysing the consequences of these different groups of interests regarding regime creation and the institutional form of regimes.\textsuperscript{48}

2.5.1.1 Contractualist theory of international regimes

The contractualist theory — also known as neoliberal institutionalism —, developed by Keohane, is the most debated and extensive theory of international regimes to this day. One of its most notorious traits is its integration of some of the core assumptions of the realist school, such as states being the most important actors in world politics, as well as the significant role that anarchy plays in affecting their interaction, particularly when it comes to their inclination to cooperate among each other.\textsuperscript{49} Another realist precept incorporated to the theory is that states behave rationally, acting exclusively on behalf of their own benefit, which leads them to perform calculations of interest that are the basis for their foreign policies and the decision to support or not an international institution. These calculations also consider the preferences of other actors in the system, making interaction and, by extension, cooperation, an element that does not affect the utility functions of a state. This point of view regarding rationality suggests that states are atomistic actors, which would make the use of the term “international society” questionable.\textsuperscript{50}

\textsuperscript{47} Ibid.


\textsuperscript{50} Hasenclever et al., "Interests, Power, Knowledge: The Study of International Regimes," 184.
On the other hand, realists have taken distance from Keohane, stating that he does not share that same approach to rationality as them. For Keohane, states are egoistic entities, which means that “their utility functions are independent of one another: they do not gain or lose utility simply because of the gains or losses of others.”\textsuperscript{51} This would mean that they are not envious and that they do not concern themselves with how well other states might do, which is contrary to the realist assumption that asserts that states are not only concerned with absolute gains and losses, but with relative gains and losses as well.

Keohane points out that the ability of states to communicate and cooperate rests on institutions which, depending on the point in history and the issue they address, can vary in nature (the policies they incorporate) and in strength (the degree to which their rules are clearly specified and routinely obeyed).\textsuperscript{52} Therefore, there are two key conditions that make the neoliberal institutionalist perspective relevant, according to Keohane: “First, the actors must have some mutual interests; that is, they must potentially gain from their cooperation. In the absence of mutual interests, the neoliberal perspective on international cooperation would be as irrelevant as a neoclassical theory of international trade in a world without potential gains from trade. The second condition for the relevance of an institutional approach is that variations in the degree of institutionalisation exert substantial effects on state behaviour.”\textsuperscript{53} Now, although realists could conclude that a theory based in this kind of situations is trivial, it isn't for Keohane, as he identifies that the fact that states have interests is not a sufficient condition to motivate them to cooperate. To demonstrate this claim Keohane uses the Prisoner’s Dilemma, due to its capacity to represent an ample plethora of situations in international politics.

The Prisoner’s Dilemma portraits situations of collective actions or cooperation problems in which the imperatives of individual rationality result in Pareto-inefficient\textsuperscript{54} outcomes. In this game, the best choice for each participant is to defect (not cooperate) because it is the best option regardless of what the other participant does. In this case, defection is the most rational choice, which also represents the natural outcome of the game.

\textsuperscript{51} Keohane, \textit{After Hegemony: Cooperation and Discord in the World Political Economy}, 27.


\textsuperscript{53} Keohane, \textit{International Institutions and State Power: Essays in International Relations Theory}. 2, 3.

\textsuperscript{54} An outcome is \textit{Pareto-efficient} if there is no other feasible outcome that is better for all players. Yakov Babichenko. "How Long to Pareto Efficiency?" \textit{International Journal of Game Theory} 43, no. 1 (2013): 13.
Nevertheless, both participants could have obtained better results if they had abandoned their individual-rational mindset, by preferring mutual cooperation instead of mutual defection. However, although both participants share the interest of overcoming the Pareto-inefficient result, the prevalence of defection as a choice makes them unable to notice this fact. All in all, the problem cannot be solved by means of an agreement not to defect, because the participants know that the other has a potential motivation to backtrack on such a deal. Cooperation would become an alternative only if the participants were to meet again in the future, and the uncertainty about each other’s actions is not dictated by a high degree of suspicion.55

According to contractualists, a key element that helps find solutions to the Prisoner’s Dilemma, so that states can cooperate and obtain common benefits, are international regimes. The theory states that international institutions, particularly international regimes, enable states to engage in cooperation despite the fact that in a world where anarchy is fundamental, there is no power that can discourage others from cheating. What regimes do is that they “reduce the risks of cooperation through various mechanisms, defining what cooperation means in the first place, and allowing states to recognise defection when they see it. In addition, regimes can include monitoring agreements. These agreements make available information on the compliance of the cooperation partners. This lowers the risk of cooperation, because it increases the probability for the would-be cheater to be identified as such, thereby reducing the expected utility of cheating.”56 Moreover, regimes increase the repetitiveness of the situation because they grant the actors chances to negotiate in the future. This allows states to follow a strategy of reciprocity with each other, where they choose to reward present cooperation with future cooperation, while punishing present defection with future defection.57 In synthesis, regimes change “the calculations of advantage that governments make.”58

Under these circumstances, in a Prisoner’s Dilemma situation played consecutively by the same egoistic players, cooperation can be induced and maintained through this *tit-for-tat*


57 Ibid.

strategy, as long as future benefits and losses are not heavily discounted by the actors.59 Nevertheless, what Keohane accentuates the most are not the monitoring or retaliatory capabilities of regimes, but the effects that have to do with reputation, stating that "international regimes help to assess others' reputations by providing standards of behaviour against which performance can be measured, by linking these standards to specific issues, and by providing forums, often through international organisations, in which these evaluations can be made."60

Regarding the topic of regime creation and maintenance, contractualists state that they are created by states to advance their own selfish objectives, as they reduce the costs associated with negotiating, monitoring and enforcing agreements. Nevertheless, the creation of a regime is not a cost-free process, as they usually result from multilateral negotiations, incurring, therefore, in transaction costs.61 This is why, from a functional point of view, actors will desire to make up for the costs of establishing a regime by means of the benefits they could get from it. Taking into account that the focus of a regime is to allow actors to cooperate through agreements, the probabilities of successfully putting a regime in place become higher if the amount of eventual beneficial agreements in the issue-area is substantial.62

Additionally, for contractualists, the costs associated with creating a regime can also help to understand why it is maintained. Although, over time, a regime can become less attractive for certain actors, based on a change in the circumstances that originated it in the first place, contractualists think that regimes tend to persist, meaning, that they will often be robust. In part, the theoretical explanation for this involves reputational concerns, ascribing value to the difficulty of the creation process to make the regime persist, and the consideration that, although the regime might be producing sub-optimal benefits in the present compared with the past, the current benefits it provides are preferable to its eventual disappearance.

60 Keohane, After Hegemony: Cooperation and Discord in the World Political Economy, 94.
62 Keohane, After Hegemony: Cooperation and Discord in the World Political Economy, 79, 90.
Hypotheses

This theory would explain the creation, maintenance and reach of the NNPR/NPT due to the fact that, although the superpowers of the Cold War suggested the agreement to pursue their own selfish objectives in the first place, nuclear weapons have been a generalised security concern for the international community since the moment they were first utilised. This provided nations with a common interest in the form of the threat posed by their use. In this context, the NPT and the NNPR have ameliorated the concerns that states, as rational egoists, would have regarding the risk of defection, due to the fact that they provide a system of safeguards and information — managed by the IAEA — to discourage attempts by other countries to obtain the weapon. Additionally, states are encouraged to respect the agreements and maintain them, as this creates a positive spiral were cooperation is rewarded with more cooperation, while defection is punished in different ways, such as in the cases of Iran and North Korea. The nations party to the agreement are also encouraged to maintain it, even when the fulfilment of article VI of the NPT has been problematic, due to the risk of instability that would be caused by the disappearance of the regime.

Regarding the issue of disarmament, an agreement based on a contractualist ground would not be possible, fundamentally, due to the lack of a common interest on disarmament between the NWS and the non-nuclear weapons states (NNWS). For the NWS, the best outcome to the problem of the implementation of art IV of the NPT would seem to be a perpetuation of the current status quo, where their possession of the weapons is legal and they have no deadline to respect in terms of nuclear disarmament, while the rest of the world continues committed to not pursue the weapon.

2.5.1.2 Situation-Structuralism

Developed by Michael Zürn, situation-structuralism seeks to extend the interest-based standpoint of contractualist theory. According to situation-structuralists, any theoretical attempt to shed light on regimes has to consider the strategic nature of the position in which states are when deciding to commit or not to cooperation. The starting point of this theory is Keohane’s game-theoretic approach to the problem of collective action that regimes help states to solve. They assert that the Prisoner’s Dilemma represents just one form of the problem of collective action, stating that the key differences among these problems of cooperation create the need for different types of regime structures; this
argument making situation structuralism to expand the interpretative standpoint of contractualism, including appreciations on the form and the maintenance of regimes.\textsuperscript{63}

Now, according to Hasenclever, Mayer, and Rittberger, situation-structuralists concur with Keohane in that problems of collective action that can be represented through the Prisoner’s Dilemma are not uncommon in world politics. Nevertheless, they also point out that other situations of interdependence in strategic terms can exist, in which individual and collective rationality can be put to the test. One such case are collaboration regimes, which regularly implicate international organisations that collect and spread information to help states measure their compliance with the central provisions of the regime. The Prisoner’s Dilemma, they mention, is considered to be inside this category. Another kind of situation is the one referred to as coordination-regime. This type has the particularity of involving several Pareto-efficient equilibria, presenting the problem to actors of having to choose one collectively. According to the authors, this type of situations do not require the imperative of a compliance mechanism, as the optimal cooperative solution is self-enforcing. In this case, intentional non-compliance would be an indicator of non-conformity with the distributional arrangements of the regime and would, therefore, become public.\textsuperscript{64}

A third type of collective action problem is the one depicted by assurance situations, which are similar to coordination games in that they can present more than one Pareto-efficient solution, which makes it convenient for all actors. Nevertheless, problems to grasp the Pareto frontier are likely if one actor is mistakenly fearful that the preference of the other is similar to the configuration presented in the Prisoner’s Dilemma, making it defect instead of cooperate; or if at least one actor is doubtful that the other will act rationally on the issue-area in question. Both possibilities, specially in a high-stakes situation, such as the security dilemma, make it reasonable for the participants to take the secure alternative of defection\textsuperscript{65}, which is the only choice participants can take to avoid the worst possible outcome.

A fourth type of regime is the one known as suasion, which is characterised by the fact that it has only one equilibrium result, which accommodates only one actor leaving the other

\textsuperscript{63} Hasenclever et al., “Interests, Power, Knowledge: The Study of International Regimes,” 187.

\textsuperscript{64} Ibid., 188.

unsatisfied. When non-reciprocated cooperation is the only viable way to proceed, the player with the advantage has to be convinced of engaging in cooperation, while the unsatisfied player can only make efforts to manipulate the preferences of the other by making threats (reducing the benefits of defection) or promises (enlarging the benefits of cooperation).\textsuperscript{66}

Regarding the causes for the creation of international regimes, situation-structuralists imply that the four patterns of situations examined before can be ordered by their likeliness to originate regimes. Under this reasoning, the highest chance would be in assurance situations, followed by coordination, collaboration and suasion situations, respectively. This hypothesis rests on the assumption that the probability of successful creation for a regime increases the more the complications related to problems of cooperation declines. Zürn states that refining the distinctions among the four patterns of situations can be done by observing a set of secondary variables, which are: (1) expected frequency of interaction over time; (2) the density of transactions; (3) the type of foreign policy implemented by the different actors; (4) the distribution of particular resources connected to the issue; (5) the presence of salient solutions; (6) the number of actors involved in the issue-area; (7) the character of the relationship among the actors (peaceful or hostile).\textsuperscript{67}

**Hypotheses**

*This theory would explain the NNPR as a collaboration regime, starting by the strategic nature of the position of the actors involved.* The powerful countries, in possession of nuclear weapons, see a security concern in the possibility of weaker nations obtaining such devastating weapons. The NNWS also see a concern on the possibility of the weapons spreading and on the fact that their neighbours and rivals might obtain them. The aforementioned conditions configure a scenario were there is a strong motivation to cooperate provided by the threat of an undesirable outcome, which proportionately increases the chances for successful creation and maintenance of the regime. In this case, the NPT has served as a source to collect and disseminate information about the compliance with the regime, reassuring the states that the precepts of the agreement are being respected.

\textsuperscript{66} Michael Zürn in Hasenclever et al., "Interests, Power, Knowledge: The Study of International Regimes," 184, 188, 189.

\textsuperscript{67} Ibid., 189, 190.
On the topic of disarmament, a plausible solution could be offered by the suasion variation. Taking into account the assumption that there is no common interest, that NWS do not want lose the leverage they gain from the possession of such devices, NNWS could act cooperatively, under their common interest, to try to manipulate the situation towards making the NWS cooperate, by making more concessions or threatening the NWS with the possibility of an outcome that goes against their desires.

2.5.2 Power-based theories

This group of theories is originated in the realist school of thought and is characterised by the assumption that states ascribe importance not only to absolute gains, but to relative gains as well. Additionally, the theories in this group tend to diminish the relevance attributed to international institutions, while recognising that inter-state cooperation based on regimes is a phenomenon that needs to be explained. For realists in general, the most powerful states create and shape institutions so that they can maintain and increase their hold on world power. On the other hand, realists who assign a higher degree of significance to international institutions sustain that power is not less relevant in cooperation than in conflict between nations. In this case, the distribution of power capabilities among the different actors comprising a process can have a strong incidence on the possibility of creating effective and persistent regimes in an issue-area, as well as on the nature of the resulting regime, particularly when it comes to the distribution of benefits resulting from cooperation.

Overall, power-based theories outline alternative conceptual frameworks to those proposed by neoliberals, where they accentuate relative power capabilities and the sensitivity of states to the distributional practices of cooperation. That is to say, although realists and neoliberals coincide on the view that states are the most relevant actors on the global stage and that they act motivated by self-interest in an anarchical habitat, the realist

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68 Hasenclever et al., Theories of International Regimes. 1st ed., 3.


70 Hasenclever et al., Theories of International Regimes. 1st ed., 4.
state is concerned about the benefits that its competitors might accumulate while, on the neoliberal vision, states feel no envy among each other.\footnote{Hasenclever et al., "Interests, Power, Knowledge: The Study of International Regimes," 196.}

Now, there are three realist approaches that are the most significant for the study of international regimes: hegemonic-stability theory, Krasner’s power-oriented analysis and Grieco’s view of states as defensive positionalists.

### 2.5.2.1 Hegemonic-stability Theory

The hegemonic-stability theory was a product of the work of economist Charles Kindleberger, and his book on the Great Depression. There, Kindleberger stated that "for the world economy to be stabilised, there has to be a stabiliser, one stabiliser."\footnote{Charles Poor Kindleberger. The World in Depression 1929-1939. (London: Allen, Lane, Penguin Press, 1973): 304.} Nevertheless, Kindleberger’s focus did not lie in the institutionalisation of international politics nor on the effectiveness of regimes, but on the creation and maintenance of an international economic system.

Going deeper on the effort of comprehending the theory, and its implications on international relations and the study of regimes, it becomes relevant to clarify what we understand for hegemon. Mearsheimer identifies a hegemon as “a state that is so powerful that it dominates all the other states in the system. No other state has the military wherewithal to put up a serious fight against it. In essence, a hegemony is the only great power in the system."\footnote{Mearsheimer, The tragedy of great power politics, 40.} Within that line of thought, the theory of hegemonic-stability claims that the presence of a single, strongly dominant actor in international politics leads to collectively desirable outcomes for all states in the international system, while the absence of a hegemon is associated with disorder in the world system and undesirable outcomes for individual states.\footnote{Duncan Snidal. "The Limits of Hegemonic Stability Theory." International Organization 39, no. 4 (1985): 579.}

According to Keohane, the theory of hegemonic stability states that regimes are created and maintained by actors with significant power resources in a particular issue-area, and
that the decline of regimes - the decrease in their strength or effectiveness - is produced when the distribution of power becomes more equal among their members.\textsuperscript{75}

Moreover, in the opinion of Hasenclever, Mayer, and Rittberger, the theory tacitly denies the possibility that states could take collective action on a large scale. This assumption, along with its account on the distribution of power as one of its central explanatory variables, positions the theory of hegemonic-stability within the realist school of thought. Nevertheless, the authors affirm that, from the perspective of the theory as an approach to understand regime creation and maintenance dynamics, it doesn't propose that states are unable to cooperate. This seeming contradiction can be understood by exploring the two levels in which states can cooperate within the context of a regime.\textsuperscript{76}

The type known as first-order cooperation occurs in situations where states adapt their policies in relation with certain issues that are significative in a way that is mutually benign. This type of cooperation is guided by previously agreed rules of conduct, although it can also occur in a spontaneous and implicit way. An example of this form of cooperation is present in the area of international trade, where states can follow and fulfil common rules aimed at overcoming obstacles to trade such as tariffs, obtaining mutual benefits in terms of greater efficiency and higher growth rates. In a case such as this, the hegemonic-stability theory does not exclude the possibility of cooperation.\textsuperscript{77}

However, in the type known as second-order cooperation, the theory negates the possibility of collaboration occurring among states. This has to do with how the rules for cooperation are made and the way in which they are enforced. Due to the fact that both, rule-making and rule-enforcement carry associated costs, the sharing of said costs by several actors would become a form of second-order cooperation and, according to the theory of hegemonic-stability, states are not likely to engage in such a practice. This is because, according to the theory, states cannot be expected to cooperate in an effort to


\textsuperscript{76} Hasenclever et al., “Interests, Power, Knowledge: The Study of International Regimes,” 198.

\textsuperscript{77} Ibid.
secure the preconditions - understood as an array of rules that are clear and constraining enough as means of enforcement - for joint beneficial cooperation to happen.\(^{78}\)

**Hypotheses**

*This theory would explain the creation and maintenance of the NNPR starting with the role the USA and the USSR played in conceiving the NPT.* Although the NPT was formulated during the Cold War, a bipolar period in the modern history of international relations, both superpowers were able to engage in first-order cooperation due to the fact that it was mutually beneficial for them, and their security interests, to prevent nuclear weapons to massively spread to other nations. For the great majority of countries on the planet, the NPT was seen as an attractive agreement, due to the fact that the “hegemonies” would take on a great share of the implementation costs of the agreement, would facilitate the use of nuclear energy and, equally important, would make sure their neighbours respected the agreement, resulting in stability.

Regarding disarmament, it would not work under this theory due to the fact that the hegemon would hardly be willing to negotiate under the possibility of losing power. Nevertheless, if we operate under the assumption that the hegemon is the USA, it would be possible to reach nuclear disarmament due to the overwhelming difference in conventional military power between this nation and the rest of the world, which would not alter greatly the current power configuration. That being said, the dissuasive leverage of a means that would, in many cases, guarantee mutual destruction, diminishes the significance of conventional forces in the power equation for all the other NWS, particularly for those not allied with the USA, such as Russia and China.

### 2.5.2.2 Krasner’s power-oriented analysis

Krasner’s approach was originated as a critique to Keohane’s Contractualist theory of regimes, rooted in the neoliberal school. Contractualism begins by recognising and accepting the neorealist premise of anarchy as a fundamental feature of the international system, while describing the failure of states to cooperate with each other in terms of “market failure”. Under this light, even if states share certain interests they may refuse to

\(^{78}\text{Ibid.}\)
cooperate among themselves for fear that other states would cheat. Therefore, contractualism proposes that under the absence of institutional structures a Pareto-inefficient behaviour can be originated. However, Krasner contests this premise, expressing that in the politics of regime formation the most important issue is not how to achieve a Pareto-efficient outcome, but how states will end up in the Pareto-frontier in the first place. According to Krasner, “the apparatus of economics, which has been so heavily deployed in regime analysis, has focused on information and monitoring rather than power, implying, if not explicitly arguing, that intelligence (figuring out the right institutional structure) is more important than the underlying distribution of capabilities. Regime analyses based upon market failure inevitably obscure issues of power because, given a Pareto suboptimal situation and a concern with absolute not just relative gains, it is possible to make at least one actor better off without making others worse off.”

The elemental fact that politics is ultimately a game about “who gets what”, is depicted through the game known as Battle of the Sexes. This coordination game has two Pareto-efficient stages of equilibrium, which depict the possible cooperative results of the game, and towards which players present conflicting preferences. An example would be the case in which two people desire to spend the weekend together rather than alone, but they disagree on where to go (the sea or the mountains). According to Krasner, dilemmas of common aversions and common interests, such as the one illustrated through Battle of the Sexes, are distributions of preferences that do create incentives to establish and maintain international regimes. “Both involve strategic interaction. Dilemmas of common aversions refer to situations in which actors must coordinate their policies by agreeing on some set of rules or conventions, to avoid mutually undesirable outcomes. The specific content of these rules will matter only if the actors disagree about which is the most desirable outcome. If there is no disagreement, then the outcome is a Nash equilibrium and is Pareto optimal: there is no incentive for any actor to defect and no opportunity to increase any actor’s utility without damaging that of another. Cheating is therefore not a problem.

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There is no need to develop elaborated mechanisms for generating and monitoring information because there is no sucker’s pay off to worry about.”

Therefore, the essential problem of cooperation between states is not about creating the tools to obtain the information that would allow to identify or discourage cheaters, but that of distributional conflicts (who gets what) and the eventual use of power to solve them. Regarding this, Krasner proposes three ways to utilise power to achieve cooperation in Battle-type situations: (1) Power can be exercised to decide who will be allowed to play the game in the first place. In world politics, the less powerful an actor is the less likely it is that it will be invited to the table; (2) power can be used to establish the rules of the game, defining, for example, who makes the first move. In Battle-type games it is possible for the player who has the first move to dictate the outcome, as long as the other player proceeds under the assumption that the first player’s strategy is irrevocable; (3) power can be used to change the payoff structure. A state that counts with more military or economic resources can use threats or promises to manipulate the others’ preferences, establishing the situation so that only the Pareto-efficient equilibrium favouring the most powerful actor remains.

Having reached this point it begins to appear that if states can engage in cooperation by surmounting asymmetrical information then the relevance of institutions diminishes considerably. Krasner states that in a power-oriented research program, power is not used to facilitate cooperation but to secure a more favourable distribution of benefits, while pursuing ways to explain outcomes in terms of interests and relative capabilities instead of institutions designed to promote Pareto-efficiency.

With the anterior being said, Krasner does not state that regimes are irrelevant, as they help states to evade the risk of uncoordinated action, originating more stability. Moreover, regimes might not present great amounts of autonomy and robustness but, when it comes to the distribution of power, adjuvant interests and overall outcomes of a process in a determined issue-area, they often play a fundamental role as mediators. The different

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85 Ibid., 362.
states involved in the process of creation of a regime would not incur in hard efforts to bargain and negotiate if said regime in question did not guarantee significant distributional consequences.

Hypotheses

According to this theory, the most powerful states — the USA and the USSR at the time, and the other authorised nuclear states later on — utilised their power in the three ways that Krasner suggests to mobilise the other nations into considering the NNPR/NPT as attractive choices. Concretely speaking, they used their power in the following ways: 1) they invited everyone to join; 2) they established the rules of the accord, namely, the legitimacy to possess nuclear weapons under the promise to eradicate them in the future, in exchange for facilitating peaceful nuclear technology; 3) they have changed the benefits and consequences in certain cases, such as the North Korean and the Iranian. Additionally, the regime has been able to maintain its status quo due to the fact that, as it happened in the beginning, the conditions imply a general benefit where no nation ends up losing. In the case of the NPT, for the countries that renounced their right to obtain nuclear weapons — the majority — the fact that they are not getting them means that their neighbours will not get them either, which results in a context where no actor has real motivation to change its mind. Nevertheless, the equilibrium has been at risk by the dissatisfaction with the fulfilment of article VI of the NPT, with regard to disarmament.

On the aforementioned issue-area, the very way in which this theory understands the use of power would give few avenues for an agreement on disarmament to be fruitful. The most important factor has to do with the use of power to establish the rules of the agreement. Under the current circumstances, the decision to prolong the NPT indefinitely, taken in 1995, gave no time limit to the legitimacy of the NWS to possess the devices, taking away the pressure that existed before, where they had a deadline of 25 years to comply.

2.5.2.3 Grieco’s “Defensive Positionalism”

Just as it occurred with Krasner’s approach, Grieco’s position also originates on a critique to Keohane and other neoliberal authors. According to Grieco, neoliberalism “offers a well established definition of anarchy, specifying that it means ‘the lack of common government in world politics’. Neoliberalism then proceeds to identify one major effect of international
anarchy. Because of anarchy, according to neoliberals, individuals or states believe that no agency is available to ‘enforce rules’, or to ‘enact or enforce rules of behaviour’, or to force them to cooperate with each other. As a result, according to neoliberal theory, ‘cheating and deception are endemic’ in international relations. Anarchy, then, means that states may wish to cooperate, but, aware that cheating is both possible and profitable, lack a central agency to enforce promises. Given this understanding of anarchy, neoliberal institutional theory correctly identifies the problem of cheating and then proceeds to investigate how institutions can ameliorate that particular problem. Nevertheless, for realism, the absence of a common government means that there is no authority that would guarantee the survival of states as independent units of the system, which turns the international system into an environment where self-help becomes a fundamental factor. Therefore, according to Grieco, although the aforementioned does not exclude the possibility of states engaging in cooperation over common interests, it does make that cooperation harder to achieve and maintain than it is suggested by the neoliberal position, fundamentally, because anarchy’s structurally induced intolerance for relative losses.

Accordingly, although the notion that states are utility-maximisers is accepted by neoliberals as much as by realists, both disagree on the nature of their utility functions as, in the international arena, a state’s level of fulfilment can by reduced by the gains of one of its competitors. For this reason, apprehensions regarding relative gains can deter states from committing or continuing to support efforts of cooperation with others, even when cheating stops being a problem. A factor that can increase the concern for relative gains is the possibility of the state’s survival being threatened, as realists assert that the environment of international anarchy does not give any guarantee that states presenting a friendly disposition in the present would continue doing so in the future. In other words, “Minds can be changed, new leaders can come to power, values can shift, new opportunities and dangers can arise.” Additionally, states are also wary of the possibility that their partners may transform relative advantages into greater bargaining power in a

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determined issue-area, allowing them to pursue increasingly better bargains at the cost of the disadvantaged state’s capacity for autonomous choice.⁹⁰

According to Grieco, states do not necessarily behave like relative gain seekers, but as “defensive positionalists”, although absolute gains continue to be a part of their utility calculations. Because of this, states will not be discouraged from engaging in cooperation practices after suffering a relative loss, if that relative loss is less meaningful than the benefit provided by the absolute gains, a conduct that, additionally, can modify the sensibility of a state to relative losses in general.⁹¹ Moreover, the concerns in relative gains tend to be minimised when states have common adversaries or when the power differential between them is so big that their relative positions would not be affected because there would be no conceivable gap in payoffs.

Therefore what defensive positionalism asserts is that cooperation between states is possible only upon an equitable distribution of gains, and only if the agreement roughly maintains a balance of capabilities pre-cooperation.⁹² Now, this type of cooperation is not always easy to accomplish due to the fact that, by the collective nature of the problem, a variety of Pareto-efficient solutions exist. Therefore, states take measures such as the offering of side-payments or other concessions to narrow the concerns of a distributional gap for the more disadvantaged partners, as cooperation could come under stress and eventually be cancelled if these issues were not addressed.

Lastly, when it comes to international institutions, Grieco mentions that international institutions "affect the prospects for cooperation only marginally" and are not "an independent force facilitating cooperation."⁹³ However, he also states that international institutions are in fact significative when states have decided to engage in cooperation.⁹⁴

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⁹⁴ Grieco, Cooperation among Nations: Europe, America, and Non-tariff Barriers to Trade, 233.
Hypotheses

This approach explains the NNPR/NPT on the basis that states, as “defensive positionalists”, will be prone to cooperate with each other if their relative losses are outweighed by their absolute gains. In the case of the powerful states that possess nuclear weapons, the fact that other, less powerful nations could have access to nuclear weapons was seen as a relative loss scenario, which served as motivation for the creation of the NPT and the current efforts to perpetuate it. In the case of the nuclear “have nots”, the power differential in military terms was and has remained so vast compared to the nuclear “haves”, that a common ground of forfeiting the intention of acquiring the weapon within their group, plus the safeguards which would guarantee others would not try to acquire it, are enough to reduce the level of threat they would perceive from each other, identifying the situation as involving an equitable distribution of gains.

On the topic of disarmament, an agreement would be possible for a nation such as the USA, due to the fact that its relative loss would be outweighed by the absolute gain of no other state having nuclear weapons either. Nevertheless, the other nuclear “haves” would lose an important element of their leverage power, as they would be unable to compete with the USA, particularly Russia and China.

2.5.3 Knowledge-based theories

The main concern of this group of theories, originated in the cognitivist school, has been to criticise the neoliberal adoption of three realist precepts: (1) that instead of considering international institutions and the international society as their priorities, states, as rational actors, focus fundamentally in their own power, interests and identities; (2) the notions of learning (at the unit level) and history (at the system level) cannot be fully grasped under such an inflexible point of view to direct the study of international relations; (3) the adequate comprehension of international social norms is hampered by its positivist methodology.95

Therefore, knowledge-based theories focus on the factors that generate interest as seen by states, emphasising the role of normative and causal ideas. This theoretical field counts

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two approaches: (1) weak cognitivism, which attempts to fill a gap in theory by explaining preference and interest formation. It receives this name because it does not attempt to attack rationalist theories; (2) strong cognitivism, which asserts that neoliberals´ failure to grasp the nature of institutionalised practices, or the way in which they affect the identities of international actors, has led them to develop an incomplete understanding of the way in which regimes work. Additionally, they present a steeper inclination towards institutionalism than realists and neoliberals.96

2.5.3.1 Weak Cognitivism

This theory is comprised by three main assumptions that separate it from power-based and interest-based approaches: (1) that between the human will and international structures there is interpretation, and before taking the decision to cooperate, interests must be determined and circumstances evaluated97; (2) the relevance, for the creation and performance of regimes, of intersubjectively shared notions. According to Haas, "Before states can agree on whether and how to deal collectively with a specific problem, they must reach some consensus about the nature and the scope of the problem and also about the manner in which the problem relates to other concerns in the same and additional issue-areas"98; (3) the increasing demand for scientific and dependable information by decision-makers, as they have to deal with the uncertainty provoked by the ever growing dynamics of interdependence among states, that also affects their interests and the possibilities they see to concretise them.99

The objective of weak cognitivists is to overcome the dominance of the rationalist approach in the study of international regimes, by analysing certain events that generated significative historical changes at the level of ideas, and that rationalist theories are not able to adequately explain, such as the way in which policies inspired in Keynes´ notions helped constructing the post World War II economic order, or the origination of the process of decolonisation, taking into account that "Decolonisation was above all an international

96 Hasenclever et al., Theories of International Regimes. 1st ed., 6.
99 Adler et al., "Conclusion: epistemic communities, world order, and the creation of a reflective research program," 369.
change of ideas about legitimate and illegitimate rule and not a change in the balance of power or the economic utilities of imperialism.” The study of these events suggested that patterns of conduct cannot be understood exclusively as the product of egoistic interests and power realities without taking ideas into account. Additionally, the findings showed that a change in the beliefs of actors may modify the perception they have on their interests. Therefore, weak cognitivists assume that ideas influence behaviour through three “causal pathways”. The first is that ideas can have utility as roadmaps, where decision-makers take the options that best represent their analytic and normative conceptions. Principled beliefs help define the preferences of actors, while causal beliefs affect the choice of means to fulfil those objectives. Thus, different beliefs systems can explain different choices taken by actors under similar circumstances. At the same time, widely shared ideas can help ease cooperation if there is no unique equilibrium, functioning as a focal point to find agreeable solutions to problems of collective action. Additionally, the strength of ideas is enhanced by international regulations and norms, which are originated under the influence of widely shared beliefs in the first place. The second causal pathway has to do with the coordinating role of ideas and the way in which they help to understand the content of specific regimes. Their function here is to prevent constrains among the parties during certain regime creation processes, caused by the existence of a plethora of Pareto-efficient equilibria about which actors have different preferences. Ideas ameliorate this situation by serving as a focal point for the negotiations between the parties. The third pathway is related to institutional robustness, as regimes can prolong the impact of ideas for decades or generations, to the point where they would be able to be influential even if actors no longer believe in them as principled or causal statements.

Now, if ideas induce changes in behaviour, the process around it can be labeled as learning, which has two forms: “First, new understandings of the social and political environment can prompt decision makers to alter their strategies for achieving goals, the latter remaining basically unchanged. Alternatively, new understandings can redefine the very content of the national interest, requiring the selection of new goals and a search for


more appropriate strategies to achieve them.”

Joseph Nye refers to this difference as “simple” and “complex” learning. The latter is especially significative for cognitivists, as the fact that sometimes states change their plans to achieve their interest is something that rationalists also recognise.

Now, according to weak cognitivists, knowledge and ideas can affect the process of regime creation if they are widely shared by decision-makers. One of the ways in which this can happen is when the opinions of specialists make their way to the ears of policymakers. In this sense they state that epistemic communities are important “channels through which new ideas circulate from societies to governments as well as from country to country.” They have defined epistemic communities as a “network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain.” One particular trait of epistemic communities is that they do not play a passive role by, for example, handling information and knowledge only upon the request of a decision-maker. They take an active approach to reach policy makers and they also operate transnationally.

Now, if epistemic communities are able to reach consensus on an important area within their field of study, it becomes possible for them to establish a relatively independent source of scientific evidence and authority, which can function as a factor to generate international learning while, also, having an impact on international policy coordination if they fulfil three conditions: (1) an elevated degree of uncertainty must exist among decision-makers; (2) there must be consensus regarding the knowledge on the issue before advising policy makers; (3) the members of the epistemic community have to obtain political power. As a means to influence the creation and maintenance of regimes, epistemic communities have to become part of the bureaucratic engine.


104 Haas, "Introduction: epistemic communities and international policy coordination," 27.

105 Ibid., 3.

106 Ibid.


108 Adler et al., "Conclusion: epistemic communities, world order, and the creation of a reflective research program," 374.
Hypotheses

The horror provoked by the use of nuclear weapons, during World War II, might have originated a change of paradigm in the way in which war is conducted, a factor that can very well be represented in the nuclear taboo, understood as a normative prohibition on nuclear use developed in the global system, which, although not yet a fully robust norm, has stigmatised nuclear weapons as unacceptable weapons of mass destruction. This non-use of nuclear weapons remains the single most important phenomenon of the nuclear age. It suggests that it was the fundamental change in ideas, and not the pursuit of egoistic interests or calculations of power, that which modified the perception of the different actors in the international community, thus, influencing them into changing their preferences. The widely shared idea of the nuclear taboo has made cooperation easier by coordinating the actors and helping them in solving their differences, prolonging the effectiveness and longevity of the regime for decades. Additionally, it is possible to see that states have also presented instances of complex learning, redefining the content of their national interest regarding nuclear matters, as it happened in the case of South Africa.

Regarding the area of disarmament, it would be highly probable that, over time, an agreement could be reached on the grounds of this theory, mainly, due to the way in which power and egoism are not key determinants in the interaction between states. Additionally, it seems highly plausible that a concerted effort on the part of the epistemic communities involved in the topic could achieve the necessary degree of influence to affect decision-makers, originating instances of simple and complex learning. Moreover, new fundamental changes in ideas could happen in the future, triggering a process of redefinition of the risks inherent to stagnation on the issue-area of disarmament.

2.5.3.2 Strong Cognitivism

As mentioned before, strong cognitivists make a stark critique against mainstream rationalistic approaches. A point in common that the authors abiding for this perspective have is their view of the close connection between international regimes and the normative structures of the international society. Consequentially, they think that states do not have the same level of freedom to choose if comply or not with international commitments, in

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opposition to what the mainstream rationalists propose. Thus, in their opinion, international regimes are more robust, while self-interest decreases in relevance as a factor to explain regime continuity.\(^{110}\)

Strong cognitivists take an institution-centric approach, stating that the behaviour of states is not different from any social behaviour and, therefore, contemplates particular normative structures. Important institutions and concepts such as sovereignty, international law and diplomacy "constitute state actors as subjects of international life in the sense that they make meaningful interaction by the latter possible."\(^{111}\) Therefore, in the absence of these rules, it would make little sense to use terms such as legitimate self-defence or illegal intervention. According to strong cognitivists, regimes fulfil a regulative and a constitutive function. Regulative because regimes work as imperatives, compelling states to obey their rules and regulations; constitutive, due to the fact that regimes also contribute to the creation of a common social world for the interpretation of the meaning of behaviour, a notion which is minimised by rationalists.\(^{112}\) The latter occurs because, for rationalists, “the understanding of regimes as constitutive (…) blurs the distinction between cause and effect. Although regulative rules can be thought of as causing state behaviour in a sense that is consistent with modern, empiricist philosophy of science, the constitutive dimension of regimes cannot.”\(^{113}\) Constitutive rules do not make states behave in a particular form, but they make it possible to chase any purpose of their choosing.

Regarding the strong cognitivist take on the resilience of regimes, many scholars within the field consider that the behaviour of states responds to a logic of appropriateness. Proposed by Louis Henkin, the term refers to the theory suggesting that states feel compelled to observe agreements and norms even if they have the capacity and the incentive to defect, which involves that free riding and cheating stop being barriers for cooperation, as the neoliberals argue.\(^{114}\) The anterior does not imply that effective compliance mechanisms are useless, but it does suggest that rationalist explanations can


\(^{112}\) Hasenclever et al., "Interests, Power, Knowledge: The Study of International Regimes," 211.

\(^{113}\) Ibid.

be misleading. To explain the aforementioned notion, strong cognitivists highlight how engrained are states in the international society. In Henkin’s opinion, governments acknowledge they are dependent on an international system that is normatively organised\textsuperscript{115} and, taking into account that a society cannot exist without a general sense of confidence in the fact that obligations acquired by its members will be honoured, those who govern nations have “a common interest in keeping the society running and keeping international relations orderly.”\textsuperscript{116} Nevertheless, not all the rules and regulations are ascribed the same degree of relevance. According to strong cognitivists, this relevance would depend on the legitimacy of the rule, and this legitimacy would depend, at the same time, on four traits: determinacy, symbolic validation, coherence and adherence.

On the other hand, for certain cognitivists, neoliberals ascribe too much importance to strategic action when presenting reasons to explain the robustness and effectiveness of regimes. Strategic action can be understood as the use of exogenous stimuli to manipulate the social environment, so that a rational actor is induced to abide by a normative construct\textsuperscript{117}. Nevertheless, the possibility of a regime being successful in coordinating social behaviour rests more on communicative action, or the use of persuasive arguments. When engaging in the process of creating and maintaining regimes, the participants begin a debate in which they try to reach agreements on the significative aspects of the social situation, while presenting reasons why some types of behaviour should be chosen. If the parties consider this reasons convincing they become motivated to comply with the mutually agreed interpretations\textsuperscript{118}.

This proposition brings forth the sanctioning problem of regimes as, when breaches of rules and regulations occur, states do not behave passively. Instead, states usually ask the breaching party to present excuses for its inability to comply to, then, appraise if those excuses were part of the shared understandings laid down by the regime. All in all, states could decide that the rule that originated the compliance failure of the other party was excessively hard, or that that specific rule needs to be reformulated, or perhaps that the

\textsuperscript{115} Louis Henkin in Hasenclever et al., "Interests, Power, Knowledge: The Study of International Regimes,” 211.

\textsuperscript{116} ibid.


\textsuperscript{118} Friedrich Kratochwil and Harald Muller in Hasenclever et al., "Interests, Power, Knowledge: The Study of International Regimes,” 211.
justifications given by the breaching party were not enough and, therefore, deserves some type of sanction. For this reason “what constitutes a breach of an obligation undertaken within a regime is not simply an 'objective description' of a fact but an intersubjective appraisal. Likewise, what constitutes reciprocity or reasonableness of behaviour within regime contexts is not an issue that can be resolved simply by monological treatment of ‘objective information’, as is characteristic of a propositional language.”\textsuperscript{119} Thus, regimes are the result of a continuous process of community self-interpretation and self-definition in response to a changing environment.

Lastly, strong cognitivists point out towards the rationalist premise of considering the egoistic interests and identities of states as a starting point that represents no problems for explaining the process of regime creation and regime robustness. Regarding this notion, Wendt indicates that an actors’ comprehension of itself, its objectives and other actors is in a continuous process of formation, implying that such concepts should be taken as dependent variables instead of pre-theoretical givens.\textsuperscript{120} Additionally, once it has been settled, a cooperation framework governed by rules could very well “lead to an evolution of community” with which actors can feel identified, generating legitimate respect for the interests of each other.

**Hypotheses**

According to this theory, the NNPR would be the natural consequence of the prolongation of social behaviour to the sphere of state behaviour, within the area of nuclear arms control. For strong cognitivism, the NNPR has created a common social world among the states parties, where they have been compelled to abide by its rules as it has created a shared interpretation of the meaning of good behaviour. Additionally, because of the tendency of states to operate under a logic of appropriateness, nations feel compelled to respect and obey the rules of the agreement, even when the system of safeguards is not infallible.\textsuperscript{121}


\textsuperscript{120} Wendt, “Collective Identity Formation and the International State,” 390.

\textsuperscript{121} Smith, “Explaining the Non-Proliferation Regime: Anomalies for Contemporary International Relations Theory,” 259.
On the issue-area of disarmament, an agreement on the grounds of this theory is unlikely, due to the asymmetries inherent to the NPT. Taking into account the assumption that state interaction is a prolongation of social interaction, where nations feel compelled to abide by the norms, strictly speaking, the nuclear “haves” have not been breaking the commitment of disarmament stated in article VI of the NPT. Since there is no deadline to achieve it, and the accord only demands efforts done in good faith to complete the objective, the NWS do not have a real institutional pressure to fulfil the accord. In this sense, it could be argued that the nuclear “haves” have not generated a sense of respect for the needs of the nuclear “have nots”.

Chapter III: The Nuclear Non-Proliferation Regime (NNPR)

According to regime theory, it is erroneous to indistinctly use the terms Non-Proliferation Treaty and Non-Proliferation Regime to refer to the series of instruments and initiatives that seek to halt the development of nuclear means for non-peaceful purposes. According to Jorge Morales Pedraza, former Senior Manager at the Director’s Office in the IAEA, the NNPR is a set regional and international treaties adopted by the international community. They involve the participation of several regional and international organisations in charge of promoting the peaceful uses of nuclear energy, as well as a plethora of multilateral export control groups of nuclear materials, equipment and technologies considered sensitive from the point of view of regulations for the control of nuclear development. On this context, the NPT is considered by the international community as the cornerstone NNPR.  

Having this understanding in mind, the current chapter will briefly examine the history and the most fundamental aspects of the NPT, as well as providing an overview of the main components of the NNPR.

3.1 The NPT

The plans to prevent the dissemination of nuclear weapons on a planetary scale have been at the top of the international community’s agenda since the dawn of the nuclear age, with the bombing of the Japanese cities of Nagasaki and Hiroshima by the USA, in 1945. This concern was even manifested by the UN General Assembly which, in its very first session, on January 1946, adopted unanimously a resolution calling for the destruction of all nuclear weapons. The aforementioned happened in a context where states were eager to experiment with the military applications of the atom.

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123 Unilateral declarations by certain states have been left out of this recount, due to the fact that this thesis focuses on the cooperative aspect of regime creation and maintenance, in relation with the NNPR.

On the other hand, although the idea of nuclear non-proliferation began to be considered in 1961, a proper definition appeared only later, as a consequence of the first stages of negotiation of the NPT. One of the primary causes that pushed states to be concerned about this fact was based on the statistical threat that nuclear proliferation represented in two aspects: (1) the possibility that an increase in the number of states in possession of nuclear weapons could also increase the probability of a nuclear war occurring; (2) the concern about the devastating effects that an unintended launch of nuclear armaments by the USA or the USSR could have. The anterior worries were increased when, in October 1964, China achieved its first nuclear explosion, which led the other nuclear powers (US, USSR, UK, France) to realise the need of setting a political and diplomatic limit to the question of proliferation.125 Following these fears, the formal process of negotiation of the NPT begun in 1965, with UN General Assembly Resolution 2028 (XX), which laid down the basic principles for a future agreement.126

This Resolution had one particularity: it enlarged the concept of non-proliferation to include a reference to both, the increase and geographic dissemination of nuclear weapons by nuclear states, as well as the manufacturing and obtention of such weapons by non nuclear nations. This observation is significant due to the fact that, until this moment, the expansion of the nuclear arsenals of states that already had them was never considered within the definition of the concept of non-proliferation; the only aspect that was discussed was the number of states that could gain access to the technology. The aforementioned led to the development of the concepts of vertical nuclear proliferation, for the first case, and horizontal nuclear proliferation, for the latter.127

The negotiation process concluded when the NPT was ready for accession, in 1968. The treaty recognises the US, the USSR, the UK, China and France as the only states allowed to posses nuclear weapons, while basing the agreement on three mutually reinforcing pillars: (1) non-proliferation: as declared in articles I, II and III, the NWS acquire the compromise to not transfer nuclear arms to other nations, and the states without nuclear weapons accept to not engage in efforts aimed at obtaining them, while subscribing


127 Garrido, "La no proliferación y el desarme en perspectiva histórica," 2, 3.
scrutiny agreements with the IAEA to verify their compliance with the framework; (2) peaceful use of nuclear energy: article IV of the NPT recognises the right of all signatories to use nuclear energy for peaceful ends, establishing the principle of international cooperation for the development of nuclear energy; (3) disarmament: according to article VI, all states parties agree to make good faith efforts related to stopping the nuclear-arms race, with the objective of achieving a treaty of general disarmament under full, strict and effective international control. Additionally, in its article VIII, the treaty established that a review conference of states parties to the treaty would be held every five years after the document entered into force, in 1970. Since then, 190 countries have become parties to the covenant, making the NPT the most broadly accepted arms control treaty in the world. In the words of Robert Grey, former US arms control negotiator, this treaty is “in many ways an agreement as important as the UN Charter itself.”

3.2 Review Conferences

The following is a brief summary of the outcomes of the NPT’s Review Conferences of the Parties from 1975 to 2015:

First Review Conference, 1975:
NNWS expressed dissatisfaction with what they considered was a one-sided implementation of the Treaty. They complained that emphasis had been placed heavily on their obligations, while almost no attention had been given to their rights or to the obligations of the NWS. This opinion was noticeable in the discussions on nuclear disarmament, security assurances to NNWS, and the peaceful uses of nuclear energy. Nevertheless, a final declaration was produced reaffirming the commitment of the parties with the core precepts of the treaty.

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Second Review Conference, 1980
Although the number of states parties to the treaty rose sharply, there was an equally sharp increase in the number of complains regarding the implementation of article VI, related to disarmament. Because of this, the parties were not able to produce a final declaration.\textsuperscript{133}

Third Review Conference, 1985
The number of states parties grew one more time. Concern was expressed again on the issue of the implementation of article VI. On the topic of nuclear assistance, the providing states highlighted the efficiency with which they had conducted the process, while some recipient countries expressed dissatisfaction with its implementation. Additionally, the initiative of establishing nuclear weapons-free zones was candidly received. A final declaration was produced expressing strong support for the treaty, although being critical towards the aspects of disarmament and the nuclear-arms race.\textsuperscript{134}

Fourth Review Conference, 1990
More states became parties to the treaty. The main topics during this session were related to the implementation of the treaty, specially the conclusion of a comprehensive test ban accord, safeguard agreements, the peaceful uses of nuclear energy and security assurances to the NNWS. Nevertheless, a final declaration was not produced, mainly due to differences in how to execute article VI of the treaty.\textsuperscript{135}

Fifth Review Conference, 1995
A historic agreement was reached with the decision to extend the validity of the treaty indefinitely. The compromise was reached in exchange for the approval of a resolution on the Middle East, were reference is made to the existence of nuclear facilities without safeguards, compelling Israel, the only state in the region which is not party to the treaty,

\textsuperscript{133} Ibid.
\textsuperscript{134} Ibid.
\textsuperscript{135} Ibid.
to sign it. In future conferences, Arab states would denounce that nothing has been made to enforce this resolution.\textsuperscript{136}

\textit{Sixth Review Conference, 2000}

After the nuclear tests carried out by India and Pakistan, in 1998, the perception in the international community was that the NPT was at risk. A final declaration including thirteen practical steps to advance towards the execution of article VI was approved.\textsuperscript{137} Nonetheless, in the years following the 2000 Review Conference, little progress was made in the implementation of the agreements reached in the 1995 and 2000 conferences.\textsuperscript{138}

\textit{Seventh Review Conference, 2005}

There was no substantive progress, as most of the debate was centred around discussing procedural issues linked to the conference’s agenda. Additionally, the USA, under the Bush administration, refused to support any of the compromises it had undertaken during the 1995 and 2000 Review Conferences.\textsuperscript{139} A final declaration was not produced.\textsuperscript{140}

\textit{Eighth Review Conference, 2010}

A final declaration was produced which included an action plan, convening the parties to another conference, in 2012, to negotiate the establishment of a nuclear weapons-free zone in the Middle East, laying the basis for a political process that could increase the stability and mutual trust among the states in the region.\textsuperscript{141}


\textsuperscript{137} Ibid.


\textsuperscript{139} Ibid.


\textsuperscript{141} Ibid.
Ninth Review Conference, 2015

The five acknowledged NWS offered no proposals to resolve the most pressing matter, which is the execution of article VI of the NPT. A final declaration was not produced[^142], which would also have stipulated a March 2016 deadline to schedule a conference regarding the establishment of a nuclear weapons-free zone in the Middle East, an initiative drafted by the Russians, who cosponsored the same proposal in 1995, along with the USA and the UK. Nevertheless, the USA complained that the deadline was “arbitrary”, while Canada demanded that the negotiations on the issue included Israel, a state which is not party to the NPT. During the final plenary, the USA criticised the lack of flexibility of the Arab League on the topic, while Egypt, Russia and other nations part of the Non-Aligned Movement accused the USA, UK and Canada of obstructionism.[^143]

### 3.3 Components of the NNPR

The following is a summary of the different global, regional and bilateral agreements and tools which comprise NNPR, according to the United Nations Institute for Disarmament Research.[^144] The list is presented chronologically and divided based on the polarity of the international order at the time, distinguishing three great periods: Bipolar World, Unipolar World and Nonpolar World.

#### 3.3.1 Bipolar World (1947 - 1991)

During this period, a sophisticated and effective nuclear order was seen as the most fitting approach to implement during the Cold War. Throughout these decades the principles of dissuasion (avoid the mutual use of nuclear power) and abstinence (prevent other states


[^144]: Steve Tulliu, and Thomas Schmalberger. *Coming to terms with security: a lexicon for arms control, disarmament and confidence-building.* Vol. 319. (Geneva: United Nations Publications UNIDIR, 2003): 23, 47, 77- 103, 123, 198, 202, 203. Additional sources have been used when necessary to bring the information up to date.
from achieving the status of NWS) were the basis to maintain the equilibrium and the balance of power in the international system.  

The way in which this nuclear order manifested was different for each region. For example, in East Asia and Europe, relations of deterrence and acquisition patterns were established with precision, while in the Middle East, South Asia and Latin America, they were broadly indistinct. Nevertheless, as it was conceived, the nuclear order became truly global in reach, scope and normative pretension. This happened through a globalism that was invigorated by the desire of the USA and the USSR to project their power within a more stable framework, and through the ample interest of nations and peoples in diminishing the threat posed by nuclear weapons. 

Some of the agreements, treaties and organisations instituted during this period include the International Atomic Energy Agency (IAEA), an organisation established in 1957 by the United Nations General Assembly (UNGA) to encourage and assist in the research, development and practical application of atomic energy for peaceful purposes throughout the world. The Agency establishes and administers the IAEA safeguards around the NPT, which are designed to ensure that the activities in which it assists are not used to further military purposes. This organisation fulfils a fundamental role with respect to the robustness and effectiveness of the NNPR, because of its commitment to create and maintain the transparency around the behaviour of all the actors involved, as "Transparency is crucial to the effectiveness of international regimes. Indeed, promoting transparency —fostering the acquisition, analysis, and dissemination of regular, prompt, and accurate regime-relevant information— is often one of the most important functions regimes perform. In many regimes, such information underpins efforts to alter state behaviour and allows regime members to evaluate past progress in order to redesign the regime to perform better in the future." The application of the safeguards system by the IAEA, and its credibility, gives states the certainty that other states are not cheating and are fulfilling their commitments in different treaties and agreements.

Other treaties and agreements reached during this period include the following:

145 Álvarez Valdés, Armas nucleares: la incertidumbre de la no-proliferación y el desarme, 14.


<table>
<thead>
<tr>
<th>Year</th>
<th>Treaties and Agreements</th>
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<tbody>
<tr>
<td>1957</td>
<td>International Atomic Energy Agency (IAEA).</td>
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<tr>
<td>1957</td>
<td>European Atomic Energy Community (EURATOM).</td>
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<tr>
<td>1959</td>
<td>Antarctic Treaty.</td>
</tr>
<tr>
<td>1963</td>
<td>Hotline Agreement (Memorandum of Understanding Between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Direct Communications Link).</td>
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<tr>
<td>1967</td>
<td>Treaty of Tlatelolco (Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean).</td>
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<tr>
<td>1967</td>
<td>Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL).</td>
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<tr>
<td>1967</td>
<td>Outer Space Treaty (Treaty on Principles Governing the Activities of States in the Exploration and use of Outer Space, including the Moon and Other Celestial Bodies).</td>
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<tr>
<td>1971</td>
<td>Zangger Committee (ZAC) (NPT Exporters Committee).</td>
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<tr>
<td>1971</td>
<td>Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War.</td>
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<tr>
<td>1972</td>
<td>SALT Interim Agreement (Interim Agreement between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with respect to the Limitation of Strategic Offensive Arms).</td>
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<tr>
<td>1972</td>
<td>Strategic Arms Limitation Talks (SALT I).</td>
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<tr>
<td>1973</td>
<td>Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War.</td>
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<tr>
<td>Year</td>
<td>Treaties and Agreements</td>
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<tr>
<td>1977</td>
<td>ENMOD Convention (Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques).</td>
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<tr>
<td>1977</td>
<td>Agreement between the United Kingdom and the Union of Soviet Socialist Republics on the Prevention of the Accidental or Unauthorised Use of Nuclear Weapons.</td>
</tr>
<tr>
<td>1979</td>
<td>Strategic Arms Limitation Treaty (SALT II) (Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms).</td>
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<tr>
<td>1979</td>
<td>Moon Treaty (Agreement Governing the Activities of States on the Moon and Other Celestial Bodies).</td>
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<tr>
<td>1987</td>
<td>Missile Technology Control Regime (MTCR).</td>
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<tr>
<td>1987</td>
<td>Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Establishment of Nuclear Risk Reduction Centers.</td>
</tr>
<tr>
<td>1988</td>
<td>Agreement between The United States of America and the Union of Soviet Socialist Republics on Notifications of Launches of Intercontinental Ballistic Missiles and Submarine-launched Ballistic Missiles.</td>
</tr>
</tbody>
</table>
3.3.2 Unipolar World (1991 - 2005)
Between 1991 and 1997, the atmosphere surrounding the area of nuclear non-proliferation was positive. A prominent change in the global nuclear dynamics was produced by the end of the ideological division in the relationship between the West and the East, with the collapse of the USSR helping to position the topic of non-proliferation at the centre of the international security agenda. “Suddenly, a different kind of security order seemed possible (especially to the liberal West) resting not on difference, not even on sameness, but on togetherness. It involved basing international security on the rule of law, the global spread of democracy, conflict resolution, the interdependence and restraint that would follow free trade, and on deliberate avoidance of the bad old practices of military power balancing.” During this period the first actual treaty towards disarmament was implemented, although the most important moment was the NPT Review Conference of 1995, where it was decided that the NPT would have an indefinite duration.

Nevertheless, tensions arouse starting in 1998, when India and Pakistan began to perform nuclear tests, and when the USA decided to reject the Comprehensive Test Ban Treaty. Shortly after, in 1999, the USA also decided to abandon its commitment towards the Anti-Ballistic Missile Treaty. Additionally, in 2003, North Korea withdrew from the NPT and the IAEA begun to show the first signs of alarm with regard to the possible hostile nature of the Iranian nuclear program.

The treaties and agreements produced during this period were the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>Treaties and Agreements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC).</td>
</tr>
</tbody>
</table>

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148 Álvarez Valdés, Armas nucleares: la incertidumbre de la no-proliferación y el desarme, 14.

149 Walker, “Nuclear order and disorder,” 710.

<table>
<thead>
<tr>
<th>Year</th>
<th>Treaties and Agreements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>Joint Declaration On The Denuclearisation of the Korean Peninsula (Agreement between North and South Korea to establish a denuclearised Korean Peninsula).</td>
</tr>
<tr>
<td>1993</td>
<td>Agreement Between the United States of America and the Russian Federation Concerning the Disposition of Highly Enriched Uranium Resulting from the Dismantlement of Nuclear Weapons in Russia.</td>
</tr>
<tr>
<td>1993</td>
<td>Strategic Arms Reduction Treaty (START II) (United States-Russian Treaty on the Further Reduction and Limitation of Strategic Offensive Arms).</td>
</tr>
<tr>
<td>1996</td>
<td>Comprehensive Nuclear Test Ban Treaty (CTBT).</td>
</tr>
</tbody>
</table>
One of the most important developments during this period has been Barack Obama’s speech in Prague, in 2009. There, Obama promised to make the elimination of all nuclear weapons in the world an essential element of the USA’s nuclear policy. His compromise came at a moment of scepticism towards the NPT, after the low level of commitment shown by the Bush administration and the failure of the 2005 Review Conference. This was taken as a sign of hope towards the possibility that the deep divisions in the NNPR could be subsided.

Nevertheless, to this day, stark differences still persist among the states, and the optimism with which Obama’s accession to the presidency was seen has ultimately vanished, despite the triumph of having been successful in negotiating and implementing the New Start Treaty with Russia. One of the reasons for disappointment and concern was the announcement by the USA of modernisation of its nuclear arsenal, followed by a Russian announcement of the same nature. Currently, all the NWS, recognised and non-recognised — with the exception of Israel, which is not possible to verify due to its policy of nuclear ambivalence — are undergoing modernisation of their nuclear stock.

The only formal agreement produced during this period has been the Treaty between The United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START). The covenant entered into force on 5 February of 2011, and it restricts the United States and Russia to 1,550 deployed strategic warheads each, having to reduce their arsenals to comply with that cipher within seven years since the date the treaty entered into force.

**3.3.3 Nonpolar World (2005 - present)**

In contrast to multipolarity—which involves several distinct poles or concentrations of power—a nonpolar international system is characterised by numerous centres with meaningful power. In a multipolar system, no power dominates, or the system will become unipolar. Nor do concentrations of power revolve around two positions, or the system will become bipolar. Multipolar systems can be cooperative, even assuming the form of a concert of powers, in which a few major powers work together on setting the rules of the game and disciplining those who violate them. They can also be more competitive, revolving around a balance of power, or conflictual, when the balance breaks down. Today’s world differs in a fundamental way from one of classic multipolarity: there are many more power centres, and quite a few of these poles are not nation-states. Indeed, one of the cardinal features of the contemporary international system is that nation-states have lost their monopoly on power and in some domains their preeminence as well. States are being challenged from above, by regional and global organisations; from below, by militias; and from the side, by a variety of nongovernmental organisations (NGOS) and corporations. Power is now found in many hands and in many places (…). In this world, the United States is and will long remain the largest single aggregation of power. (…) But the reality of American strength should not mask the relative decline of the United States’ position in the world—and with this relative decline in power an absolute decline in influence and independence”. Richard M. Haass. "The Age of Nonpolarity." Foreign Affairs. May/June 2008. Accessed February 28, 2016. [https://www.foreignaffairs.com/articles/united-states/2008-05-03/age-nonpolarity](https://www.foreignaffairs.com/articles/united-states/2008-05-03/age-nonpolarity).

Chapter IV: Non-proliferation. Effectiveness and Broad Acceptance of the NNPR

This chapter will give a general view on the current state of the efforts regarding the non-proliferation aspect of the NNPR/ NPT. The focus will then move towards assessing the appropriateness of the hypotheses presented in chapter II regarding the effectiveness and broad acceptance of the NNPR, giving a power-based, interest-based, and knowledge-based interpretation.

4.1 The current state of non-proliferation

The NNPR has provoked many disappointments and incurred in many discouraging failures within its lifespan. Among this regrettable developments it is possible to count the way in which those states that have not signed the NPT brandish their nuclear programs, the acquisition of nuclear armaments by India and Pakistan in 1998, and the way in which some signatory members avoided and neglected their compromise not to pursue nuclear weapons even after being discovered to be in violation, as it was the case with Iran and North Korea.

Establishing guarantees that the clauses of the NPT are fulfilled requires substantial efforts to promote a strong international debate, dire unilateral measures, focused multilateral pressure — as in the case of Iran —, or war — as it happened with Iraq. It is also possible that even after a state party is offered generous concessions to avoid the possibility of it defecting the regime, the beneficiary nation would exploit the agreement only to brake it in the end, as in the case of North Korea. It is also possible that even one of the most vocal and proactive supporters of the regime will not ratify parts of it that are fundamental for the framework’s effectiveness and robustness, such as the failure of the USA to ratify the Comprehensive Test Ban Treaty. This list of obvious failures makes it easy to not be able to see at a first glance the large plethora of successful deeds the regime has accomplished. Because, when looking at the big picture, “the nuclear nonproliferation regime might even be called an overwhelming success: for more than three decades, almost all states in the international system chose to forgo nuclear weapons and, in some cases, even gave them up. Numerous reports in the 1960s warned that the number of new
nuclear states could reach as high as twenty in a few decades.”\textsuperscript{153} Instead, the current amount of nations that have gone nuclear is only four.\textsuperscript{154} This limited increase in the proliferation of NWS in more than 65 years has been caused by the substantial international efforts to limit this type of armaments. During this time, global events carrying the risk of nuclear war, such as the Cuban Missile Crisis in 1962, heavily impacted the decision-makers and the general public alike, increasing even more the anti-nuclear sentiment\textsuperscript{155}.

Currently, the NPT has been signed and ratified by all the nations in the world, with the exception of Israel, India and Pakistan. Additionally, during the lifespan of the regime, only five states have acquired nuclear weapons. Of those five, three are the aforementioned states whom are not party to the NPT, plus South Africa, which obtained nuclear weapons in 1982, outside of the NNPR, only to dismantle them at the beginning of the 1990s, when it became party of the NPT.\textsuperscript{156} The fifth state in this list of exceptions is North Korea, which became the only nation to have acquired nuclear arms even after being party to the NPT.\textsuperscript{157}

One of the reasons that explains this historically benign development is that the majority of the states party to the regime seem to be overwhelmingly interested in preserving it. The nations which saw the decision to accede to the NPT related to their interest of creating a system of restraint would want to perpetuate the accord. The reason is that these nations would be concerned with the possible actions that their neighbours and enemies could take but, at the same time, with how their own priorities and behaviour could be noted, as a failure in compliance with the terms of the treaty could set a precedent for future defection, reducing the credibility of the other members in general and the confidence in a


\textsuperscript{156} Nuclear Threat Initiative. “South Africa” (2016). \url{http://www.nti.org/learn/countries/south-africa/nuclear/}.

particular state’s own assurances. Moreover, according to compliance research, states are also inclined to value factors such as the reputation they can project at the time of upholding promises; their ability to find solutions for domestic challenges in function of their obligations with the regime; their capacity to avoid a scenario where they would have to constantly measure the pros and cons of compliance; and the degree to which they have internalised the precepts of the regime to the extent of taking them for granted. Therefore, although some states could have a specific interest in reducing the strength of certain aspects of the regime, the most probable course of action for the majority will be to put efforts towards maintaining the system.

During the last decades, the behaviour of states which are party to the NPT is consistent with the aforementioned proposition. Despite the fact that there has been little progress in the field of disarmament, states have presented a stark interest in conserving the accord, a sign of the satisfaction that nations see regarding the progress in the non-proliferation issue-area. Throughout this time, nuclear policies and stocks have been regularly modified in function of the transformations in the global order, instead of because of the NWS’s obligation to fulfil the provisions of the NPT, or as the outcome of multilateral negotiations. Nevertheless, when the time came for states to choose if prolong the treaty or not, in 1995, there was a ubiquitous agreement on accepting the USA’s proposal of indefinite extension, as many state-officials manifested a positive evaluation of the role played by the treaty in their national security planning.

It is also worth mentioning that the current maintenance of the regime has been achieved in spite of the — sometimes — strong differences that states can manifest in the NPT Review Conferences, a number of which, as we saw in chapter III, have been considered a failure. The nations use these meetings to demand certain measures that could yield benefits in the areas of diplomacy, prestige, bargaining and domestic gains, even if said measures are not put in practice. In the case of USA’s allies, for example, they will be


inclined to regard their support for a non-proliferation initiative as a tool to reinforce their position in an uneven alliance. In a similar fashion, states desiring to improve their connections with the Global South will probably push more energetically on initiatives linked to disarmament efforts. Meanwhile, other nations will be attracted to the idea of opposing the reinforcement of safeguards system because of both, their own calculations of benefit and their affiliation to potential proliferators. Additionally, demanding and complaining about the appropriate fulfilment of the precepts of the agreement would seem to be an effective way for gaining advantages in bargaining power, where failures in compliance by other members gives “legitimacy” to a particular state to block measures deemed as inconvenient. Along the same lines, a state can exchange the possibility of raising complaints for concrete gains, as it was the case for many nations in the 1995 Review Conference, and for Egypt, in the 2010 reunion.

Nevertheless, although its clear that most nations would prefer to have a more equitable agreement instead of the NPT, it is unlikely that the accord would be threatened. Besides the fact of there being no precedents of international regimes collapsing due to their lack of fairness only, it is powerful actors the ones that can trigger revolutionary changes in the international landscape and, in this case, the nine countries that posses nuclear weapons concentrate 50% of the world’s population, are among the nations with the highest economic output on the planet and, furthermore, five of these countries are also the members of the UN Security Council with veto power. “Numerous members may bemoan the treaty’s shortcomings, but serious withdrawal threats are non-existent. No significant push towards a renegotiation of the agreement is discernible.”

4.2 Regime Theory: Effectiveness and Broad Acceptance of the NNPR

4.2.1 Interest-based

This cluster of theories assumes that states will be inclined towards cooperation through regimes due to the great potential for transparency, compliance monitoring and decreased

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164 Ibid., 128.
transaction costs, but not due to an essential change in their desires to obtain nuclear weapons.\textsuperscript{165} This framework considers that institutions are grounded in self-interest and power, just like in the case of realists, being able to provide more credible assurances about commitments, establish focal points for coordination, procure information on processes and facilitate an environment for reciprocity.\textsuperscript{166} The anterior makes this approach a fitting option to explain the NNPR, as it accounts for certain aspects that power-based theories miss, like, for example, the way in which a regime can persist upon the decline of the hegemon, in the hegemonic stability theory.

From the interest-based perspective, the NNPR has generated an atmosphere of “legal liability”, thus establishing clear and stable expectations about the way in which states will behave because of the explicit and tacit precepts manifested in the NPT. At the same time, economic issues — which have historically been at the core of regime theory’s analytical focus — and concerns of military security are connected through the NNPR’s basic bargain at the level of international and domestic politics. Under these conditions, important decisions regarding budget allocations are intrinsically affected by the determination of obtaining nuclear weapons, which presents international consequences such as regional apprehension, general disapprobation and the possibility of ostracism. Therefore, the NNPR is anchored inside a wide myriad of other international accords which involve foreign investment, monetary relations, formal alliances, aid to states in ways of development and a plethora of security agreements involving not only extended nuclear deterrence but also transferences of conventional weaponry.\textsuperscript{167} The aforementioned is supported by a reliable influx of information — provided by the IAEA —, the conferences of revision and nuclear suppliers, and other factors which diminish the transaction costs in instances of nuclear energy cooperation.

With the anterior in mind, it is possible to see that the two hypotheses generated from the interest-based theories, presented in chapter two to explain the NNPR, can hold their ground relatively well. In the case of the contractualist theory of international regimes, it is possible to distinguish that states would make efforts to maintain the regime due to the


\textsuperscript{167} Smith, "Explaining the Non-Proliferation Regime: Anomalies for Contemporary International Relations Theory," 274.
trust they place in the information mechanisms, the reduced risk of deflection, the positive spiral of cooperation coming from compliance and the common aversion that the spread of nuclear weapons supposes for all the states parties. Similarly, the situation-structuralism hypothesis, which would explain the NNPR as a collaboration regime, due to the strategic nature of the position the actors occupy, also recognises the inclination of states — motivated by their self-interest — to avoid undesirable outcomes, as well as their satisfaction with the effectiveness of the information dissemination measures to maintain the regime.

Nevertheless, both theories present fundamental problems at the moment of having to explain regime creation. According to Smith\(^{168}\), this is due to the fact that these theories understand regimes as constructs designed to facilitate agreements, making the answers they provide to be centred on explaining the reasons why states decide to continue cooperating within a regime, but they do not focus on the questions related to the origins of regimes. This problem has to do with the definition of regime. According to Krasner, regimes are defined as “implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations.”\(^{169}\) Keohane expanded this definition stating that regimes are an offshoot of negotiation and bargaining, which then leads to formal agreements manifested in treaties or contracts, suggesting that accords born in any other way cannot be considered as a regime.\(^{170}\) This excludes the option that regimes could be created spontaneously or through coercion. Through this emphasis in the processes of bargaining and negotiation, Keohane positions the distribution of power as a capital element conditioning the formation of regimes, but this aspect is not compatible with the part of the definition that makes reference to the convergence of actors’ expectations. The latter point, coupled with the neoliberal assumption that states are rational actors taking rational choices to maximise their egoistic preferences, would imply that, for a regime to be formed, a change in rationality and, therefore, in preferences, should take place. The theories cannot clarify preference formation and preference change, as the interests of the actors are assumed, not explored.\(^{171}\) In other words, the theories have difficulties explaining “the creation and

\(^{168}\) Ibid., 275.

\(^{169}\) Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," 186.

\(^{170}\) Keohane, After Hegemony: Cooperation and Discord in the World Political Economy, 76.

\(^{171}\) Rublee, Nonproliferation Norms: Why States Choose Nuclear Restraint, 11.
simultaneous convergence of a new interest by a host of states differing widely in history, political culture, and capability. (Although these theories provide) a powerful analytical tool for discerning the dynamics of regime maintenance, (they fail) to help us understand why a regime was formed at all, because (they do) not get at why there was a redefinition of egoistic self-interest.”

4.2.2 Power-based

Due to the fundamental principles in which realism is founded — namely, anarchy and self-help — this theoretical framework has been widely criticised due to its inclination to predict proliferation. For realists, any state with the economic and scientific means would have attempted to develop the most powerful weapon of deterrence since the moment the technique to split the atom was discovered. For the advocates of this perspective, anarchy and self-help operate together, creating a strong incentive for nations to obtain the highest military strength possible. As Mearsheimer points out: “the greater the military advantage one state has over other states, the more secure it is. Every state would like to be the most formidable military power in the system because this is the best way to guarantee survival in a world that can be very dangerous. This logic creates strong incentives for states to take advantage of one another, including going to war if the circumstances are right and victory seems likely. The aim is to acquire more military power at the expense of potential rivals. The ideal outcome would be to end up as the hegemon in the system. Survival would then be almost guaranteed.” Under these premises, realists see cooperation as unlikely and self-reliance as unavoidable, making the acquisition of nuclear weapons as the most reasonable choice for a rational state. In addition, realists assume that the possession of nuclear weapons lowers the possibility of war, a thought which adds further justification to pursuing nuclear arms. Nevertheless, the explanations on the resilience and effectiveness of the NNPR, provided by realism and the power-based framework of regime theory, do not match up with the current state of non-proliferation: in more than four decades, only four states have developed and maintained nuclear weapons aside from the five authorised NWS.


One of the most important factors producing the inaccuracy of the power-based approach to explain the NNPR is that its issue-area dwells deeply into security considerations. Most of the research linked to regime theory has been related to topics connected to foreign investment; exchange rates; the trading system; trade in specific sectors such as textiles, autos, commodities, air travel; natural resources; the environment; pollution; oil; debt; telecommunications and data flow; human rights; international crimes and moral issues.\(^{175}\) The reason for this is the difficulty of establishing regimes on security issues due to the inherently competitive nature of security concerns, the unforgiving traits of the potential conflicts and the complexity of asserting the degree of security a particular state has or needs. The anterior is particularly subjective in the field of nuclear armaments.\(^{176}\) This makes the hypotheses proposed from the different theories comprising the power-based regimes framework, to explain the robustness, effectiveness and longevity of the NNPR, in chapter two, to be mostly incorrect.

In the case of the hegemonic stability theory, it is important to mention that the framework establishes a relationship between the power of the hegemon and the health of the regime. Assuming a hegemon sustaining a regime begins to decline, so will the regime start showing signs of strain until it finally ceases to exist. The NNPR was institutionalised at the same time when the USA entered into a sustained period of generalised decline (1970)\(^{177}\), and has grown in both, effectiveness and robustness, since then. Additionally, although the USA encouraged cooperation with the regime, it did not see the need to connect the peaceful development of nuclear energy with the non-proliferation of nuclear weapons, as long as it could control the process of diffusion of the technology. In this respect, “the desire to construct the non-proliferation regime came only when the process seemed to go out of (the USA´s and the USSR´s) control.”\(^{178}\) Under this light, the NNPR was the result of the majority of states “convincing” the hegemon of creating the regime, and not the outcome of the hegemon using its hegemonic power. Moreover, the


\(^{176}\) Smith, "Explaining the Non-Proliferation Regime: Anomalies for Contemporary International Relations Theory," 253.


hegemonic stability theory cannot explain the persistence of the NNPR during the nonpolar age.

In the case of Krasner’s power-oriented analysis, although it is true that the most powerful states — the USA and USSR at the time — exercised their power in the three ways Krasner suggests to get the necessary cooperation to establish the NPT/NNPR, an outcome which solves the question of “who gets what?”, related to the Pareto-frontier, is difficult to achieve because the issue-area is inherently about security. This means that the realist assumptions of anarchy, self-interest, and the accumulation of military power to guarantee security, do not provide a convincing explanation to questions such as why would NNWS, which were economically strong enough and technologically capable, decide to willingly relinquish the possibility of acquiring nuclear armaments and continue doing so in the future?; or how can the NPT have maintained its status quo considering the credibility risks associated to security guarantees in a survival-conscious environment? As Hymans suggests, it is hard to see why, from this perspective, anything less than an indigenous nuclear capability would be sufficient to deter outside threats.\textsuperscript{179} In this context, for example, the security guarantee provided by the fact that North and South Korea were parties to the NPT did not prevent the former from defecting the agreement.

Regarding Grieco’s “Defensive Positionalism”, although its true that states would be inclined to cooperate with each other if their relative losses are outweighed by their absolute gains, security considerations change the landscape of the states’ calculations, particularly for weaker and NNWS. When realist precepts are at the core of the proposition, and nations are forced to consider scenarios of survivability and security guarantees, they cannot afford to remain as “defensive positionalists”, as the risk of others acquiring nuclear weapons due to the passiveness originated by the focus on absolute gains would be too great. This is because, at the medulla of realism “lies the notion that friends today may become enemies tomorrow— and a nuclear war would be over in the blink of an eye, while nuclear weapons take a long time to develop and deploy. Thus, the dominant strategy of states is to go for the bomb themselves and thus avoid any unpleasant surprises.”\textsuperscript{180} The inaction involving the defensive stance proposed by this theory is, in part, supported in the assumption that it is appropriate to forge an alliance with


\textsuperscript{180} Ibid., 456.
other states under the belief that they share similar objectives. Nevertheless, Mearsheimer points out the mercurial nature of alliances, stating that, although they are not intrinsically discarded, “alliances are only temporary marriages of convenience, where today’s alliance partner might be tomorrow’s enemy, and today’s enemy might be tomorrow’s alliance partner.”

4.2.3 Knowledge-based

Although the power-based and interest-based standpoints on nonproliferation provide useful interpretations, they are incomplete, as they sometimes cannot account for the factual record surrounding the issue. On the other hand, knowledge-based arguments, which include the concepts of ideas and identity, provide valuable interpretations to help solve the questions around non-proliferation. Realist and neoliberal frameworks do not consider the two aforementioned concepts as factors that can influence decision-makers. Knowledge-based approaches, however, consider that ideas and beliefs can affect decision-making on two key points: 1) in the way basic interests can be converted to policy preferences; 2) in the way preferences and the conditions of the environment come together to create policy strategy. Hence, the chain governing the process of decision-making begins with the basic interests of the actor which then, in the pursuit of these interests, develops preferences. Having defined its preferences, the actor looks for the most effective strategies at its disposal to achieve them. This process of preference formation and strategy selection contains an ideational component, where actors choose their strategies based on their beliefs regarding the most convenient results they expect under environmental constrains. Following this line of reasoning, environmental changes can alter the beliefs about the effectiveness of a strategy in achieving the previously defined preferences. Therefore, a change in beliefs can derive into a change in the strategy of a state. A crucial catalyst in the process of states changing their beliefs is their capacity to learn, and that which is learned is the knowledge coming from other actors and situations contained in the environment. In this sense, the knowledge of the effects that nuclear weapons could have in the international system were so overwhelmingly different to what was known at the date when they were first used, that the...

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new capability of engaging in nuclear war pushed nations towards the creation of new habits.

The knowledge-based approach appears to be particularly effective at explaining the dynamics of regime formation in the field of nuclear non-proliferation. It is possible to see that the central concepts contained in the hypotheses for weak and strong cognitivism, presented in chapter two, are sustained by the literature as factors to explain the NNPR. For weak cognitivism, these are the change of paradigm in the way in which war is conducted, the development of the idea of the nuclear taboo, and the positive influence that states have exerted upon one another by spreading the belief in non-proliferation. For strong cognitivism, the assumption that the regime would be a natural prolongation of social behaviour into the sphere of state behaviour, the role of the NPT in formalising non-proliferation as a practice associated to good behaviour, and the logic of appropriateness, were nations feel compelled to respect the rules of the agreement.

One of the fundamental reasons making this cluster of theories so appropriate to analyse the NNPR is their exclusion of the elements of power and self-interest. Due to this aspect, the explanations presented by these theories adjust to the very definition of what a regime is, as a construct where actors’ expectations converge. Therefore, when it comes to the non-proliferation regime, “it seems clear that it was built not on existing patterns of behaviour, but on convergent expectations prior to any well-developed pattern of interaction.”¹⁸³ This means that states experienced a change in their beliefs, provoked by a process of learning from the environment, which made them develop similar ideas and expectations regarding the use of nuclear weapons and, this cluster of expectations, was later formalised into the NNPR/ NPT. “Learning models could therefore help explain why political leaders are beginning to doubt the value of nuclear arsenals, based on new information highlighting the negative environmental, economic, and political effects of nuclear weapons.”¹⁸⁴


Chapter V: Nuclear disarmament and Regime Theory

Similar to chapter IV, this section will make a revision of the most important aspects on the issue of nuclear disarmament, including legal observations, security considerations, the interpretation of Art. VI of the NPT and the current state of the question up to the 2015 NPT Review Conference. Additionally, the chapter will evaluate the topic of disarmament focusing on the cognitivist framework of regime theory, particularly on weak cognitivism.

5.1 Nuclear disarmament

After seven decades since they were first developed, nuclear arms are still the cornerstone in the national security planning of the nations that posses them. For these states, the disarmament provisions contained in the NPT are a target to be achieved in the long term. Under this idea, the NWS which are party to the NPT do not act on the basis of having to demonstrate their political will to begin the nuclear disarmament process, in a multilateral way and under international oversight, to which Art. VI of the NPT compels them. On the contrary, all of them are currently modernising their nuclear arsenals, disregarding their legal obligations.

Within the boundaries of the NPT, two groups of states can be distinguished: 1) the NNWS, which have accepted the grand bargain of renouncing to acquire nuclear weapons in exchange for the means to facilitate the peaceful use of nuclear energy and the promise of disarmament by the NWS. These states consider that all the pillars of the treaty have the same relevance. A priority for this group of states is the adoption of concrete and effective measures to carry out the process of disarmament. For them, it is fundamental to prevent the horizontal proliferation of nuclear weapons, but also the one known as vertical proliferation, which is the one occurring when NWS acquire more nuclear weapons; 2) The NWS, composed by the five recognised nuclear nations. For this group, the main pillar of the NPT is the one related to non-proliferation. These nations consider that the most relevant activity is to prevent that states without nuclear weapons obtain them. They share the common view that the possession of these weapons among themselves is slightly tolerable, while considering the possibility of NNWS obtaining nuclear arms as an extraordinarily dangerous scenario for the security and peace of the world. In the view of
NWS, their possession of nuclear weapons guarantees global security and stability, while NNWS find this standpoint as absolutely unacceptable.¹⁸⁵

Additionally, there is a dimension pertaining to the conflict of disarmament that lies beyond the NPT, and that is related to the four NWS situated outside of the treaty: India, Israel, Pakistan and North Korea. Within these nations, hope still exists that North Korea would be willing to exchange its nuclear weapons for a peace treaty that could guarantee economic benefits and a reestablishment of good relations with the USA and the rest of the international community. Nevertheless, it is not probable that the other non-recognised NWS give up their weapons before the five recognised nuclear states do so. They are unwilling to become parties to the NPT, although they can be asked to behave as if they were a states parties, just as France did until 1992, when it became a formal participant.

However, while all the NPT states parties are subject to the international legal obligation to make efforts towards the goal of disarmament, this group of nations is not anchored by any such commitment. The configuration of this scenario reveals one of the greatest challenges the regime faces, which is the question of how to bring these states into accepting the plethora of obligations the NPT involves.

Furthermore, the landscape grows in complexity when considering that, with the exception of Israel, which justifies its arsenal based on the security problems it has to face in the Middle East, all the other NWS observe each other and evaluate their security policy in relation to, what they perceive, are stronger or competing adversaries: Pakistan to India, India to China, China to the United States and Russia, France and the United Kingdom to Russia, and Russia to the United States.¹⁸⁶ In this context, the following is a table showing the current amount of nuclear weapons available by state.

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Status of World Nuclear Forces 2016

<table>
<thead>
<tr>
<th>Country</th>
<th>Deployed Strategic</th>
<th>Deployed Nonstrategic</th>
<th>Reserve/Nondeployed</th>
<th>Military Stockpile</th>
<th>Total Inventory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russia</td>
<td>1,790²</td>
<td>0²</td>
<td>2,700⁵</td>
<td>4,490</td>
<td>7,300⁹</td>
</tr>
<tr>
<td>United States</td>
<td>1,750⁸</td>
<td>180⁵</td>
<td>2,740⁸</td>
<td>4,670⁶</td>
<td>6,970¹⁰</td>
</tr>
<tr>
<td>France</td>
<td>280⁷</td>
<td>n.a.</td>
<td>10⁷</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>China</td>
<td>0⁶</td>
<td>2⁶</td>
<td>260</td>
<td>260</td>
<td>260⁸</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>120⁴</td>
<td>n.a.</td>
<td>95</td>
<td>215</td>
<td>215¹¹</td>
</tr>
<tr>
<td>Israel</td>
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<td>80</td>
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<td>110-130</td>
<td>110-130⁹²</td>
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<tr>
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<tr>
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<td>0</td>
<td>n.a.</td>
<td>?</td>
<td>?</td>
<td>?²</td>
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<tr>
<td>Total:⁹</td>
<td>~4,000</td>
<td>~180</td>
<td>~6,110</td>
<td>~10,240</td>
<td>~15,350</td>
</tr>
</tbody>
</table>

* All numbers are approximate estimates and further described in our Nuclear Notebook published in the Bulletin of the Atomic Scientists, and the World Nuclear Forces overview in the SIPRI Yearbook. See also status and 10-year projection of U.S. and Russian forces. Additional reports are published on the FAS Strategic Security Blog. Unlike those publications, this table is updated continuously as new information becomes available. Current update: March 1, 2016.

a This number is higher than the aggregate data under the New START treaty because this table also counts bomber weapons at bomber bases as deployed. Detailed overview of Russian forces as of 2016 is here.

b All are declared to be in central storage. Several thousand retired non-strategic warheads are awaiting dismantlement.

c Includes all non-strategic warheads, strategic warheads assigned to delivery systems in overhaul, and most bomber weapons.

d In addition to the 4,490 in the military stockpile, an estimated 2,800 retired warheads are estimated to be awaiting dismantlement. Details are scarce, but we estimate that Russia is dismantling approximately 500 retired warheads per year. See 2016 overview of Russian forces here.

e This number is higher than the aggregate data released under the New START data because this table also counts bomber weapons on bomber bases as deployed. Detailed overview of U.S. forces as of 2016 is here.

f Approximately 180 B61 bombs are deployed in Europe at six bases in five countries (Belgium, Germany, Italy, Netherlands and Turkey). For details, see here and here.

g Non-deployed reserve includes an estimated 2,440 strategic and 300 non-strategic warheads in central storage.

h The U.S. government declared in April 2015 that its stockpile included 4,717 warheads as of September 2014. Since then, a small number of warheads are thought to have been retired.

i In addition to the roughly 4,670 warheads in the military stockpile, the U.S. government in April 2015 announced that approximately 2,500 retired warheads at that time were awaiting dismantlement. In addition, close to 20,000 plutonium cores (pits) and some 5,000 Canned Assemblies (secondaries) from dismantled warheads are in storage at the Pantex Plant in Texas and Y-12 plant in Tennessee. For detailed overview of U.S. forces as of 2015, see here. Next U.S. update: March 2016.

j Only weapons for France’s single aircraft carrier are not considered deployed, although it is possible that warhead loadings on some submarines missiles have been reduced. For a review of the French arsenal, see this article.

k China is thought to have “several hundred warheads,” far less than the 1,600-3,000 that have been suggested by some. None of the warheads are thought to be fully deployed but kept in storage under central control. The existence of a Chinese non-strategic nuclear arsenal is uncertain. The Chinese arsenal is increasing with production of new warheads for DF-31/31A and JL-2 missiles. Detailed overview of Chinese forces as of 2015 is here. Next China update: July 2016.

The number of warheads on each submarine has been lowered from 48 to 40. This has lowered the number of “operationally available” warheads from 160 to 120. By the mid-2020s, the stockpile will be reduced to “not more than 180.” This reduction is already underway. Detailed overview of British forces is here.

Although Israel has produced enough plutonium for 100-200 warheads, the number of delivery platforms and estimates made by the U.S. intelligence community suggest that the stockpile might include approximately 80 warheads. Detailed 2014 overview of Israeli forces is here.

None of Pakistan’s warheads are thought to be deployed but kept in central storage, most in the southern parts of the country. More warheads are in production. Detailed overview here.

Indian nuclear warheads are not deployed but in central storage. More warheads are in production. Detailed overview of Indian forces is here.

Despite three North Korean nuclear tests, there is no publicly available evidence that North Korea has miniaturised and operationalised its nuclear weapons capability. A 2013 world survey by the U.S. Air Force National Air and Space Intelligence Center (NASIC) did not credit any of North Korea’s ballistic missiles with any nuclear capability.

Numbers may not add up due to rounding and uncertainty about the operational status of the four lesser nuclear weapons states and the uncertainty about the size of the total inventories of three of the five initial nuclear powers.

Because of the aforementioned scenario, the general opinion in the international community is that the disarmament provisions of the NPT, which involve the total destruction of all nuclear weapons and nuclear weapons production facilities within states parties to the treaty, have been a failure. Nonetheless, an aspect that provokes more concern is that this failure to pursue the commitments stipulated by Art. VI could deepen the opinion, among state parties, that this is a trend that will continue in the future, weakening the robustness and effectiveness of the entire NNPR. Now, why has this happened? Why have the NWS ignored their legal obligations and the desires of the rest of the world? According to Morales Pedraza, there are three reasons for this: 1) The NPT is not a disarmament treaty (there is, currently, no nuclear disarmament treaty) and, therefore, contains no implementation mechanism that could guide the destruction of all nuclear weapons and nuclear weapons production facilities. The treaty contains only one article (art. VI) addressing the area of disarmament, and it was included in the document with the objective of accommodating the position of the NNWS, and not with the purpose to be implemented by the NWS; 2) the NPT is, in reality, a non-proliferation treaty. Its main objective, when it was opened for signature, in 1968, was to prevent the acquisition of nuclear weapons by an increased number of states. Moreover, the treaty allows a select number of nations to keep nuclear weapons as part of their military force. After more than four decades since the treaty entered into force, all the NWS parties to the treaty still conserve their nuclear weapons; 3) the NPT does not include a mechanism to force its implementation. Such mechanism could be a specific plan for the destruction of all nuclear weapons and nuclear weapons production facilities, a verification mechanism to confirm

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the correct implementation of the eventually approved plan, and an international organisation in charge of supervising the implementation of all the provisions contained in the treaty. These complications around the implementation of Art. VI have been a persistent source of tension within the regime. They have provoked the NPT Review Conferences to be infected by the disputes on disarmament issues; mined the disposition of the NNWS to participate and support the initiatives for tighter enforcement of the provisions of the treaty, pushed by the NWS; and affected the willingness of the NNWS to accept steps to further strengthen the regime.

On the other hand, an aspect that further complicates the problem is that the behaviour of the states involved cannot be deemed as illegal within international law, as many thought after the advisory opinion given by the International Court of Justice (ICJ), in 1996. According to Ford, most observers thought that the document produced by the court on the “Legality of the Threat or use of Nuclear Weapons”, indicated that Art. VI compelled every state party possessing nuclear weapons to disarm. But that was not the case. The opinion of the court stated that there “exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.” Additionally, it is important to remember that the advisory opinions of the ICJ are not binding on states. Moreover, the request extended to the court did not involve an interpretation on the meaning of Art. VI, making that segment of the opinion a “dictum”. The original question posed to the ICJ, by the World Health Organisation (WHO), was “Would the use of nuclear weapons by a State in war or other armed conflict be a breach of its obligations under international law including the WHO Constitution?” Therefore, in legal terms, the failure to take “effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament” cannot be considered necessarily as non-compliance by any state in particular. In this


191 Ibid.


respect, progress in the fulfilment of the provision is dependant on the seriousness of all the parties negotiating, which makes it independent of the powers and efforts of individual parties.

Now, besides the advisory opinion by the ICJ, three other efforts are distinguished as attempts to clarify the commitments laid down by Art. VI: 1) the objectives and principles on nuclear disarmament established in the 1995 NPT Review Conference; 2) the Middle East resolution adopted in the same conference; 3) the thirteen steps agenda towards nuclear disarmament established in the 2000 NPT Review Conference. Nevertheless, none of these efforts can help to solve the problem, because they cannot be considered as “subsequent agreements” within the meaning of Art. 31 of the Vienna Convention on the Law of Treaties. The reason for this is that they are political agreements, which doesn't make them binding interpretations of Art. VI of the NPT.

Nevertheless, putting the legal aspect aside, there is still a robust debate on whether an agreement to reach effective disarmament would, indeed, be the best course of action. Those in favour highlight the link between disarmament and non-proliferation, stating that disarmament can reinforce the decision of NNWS with the means to develop nuclear weapons to not abandon their current condition while, at the same time, it would contribute to diminish the importance that leaders attribute to nuclear weapons as an essential tool to boost the security of states. For advocates of this position, “Genuine moves towards disarmament will be rooted in the premise that nuclear weapons are unnecessary and undesirable. Tightening of doctrines and international conventions to devalue the weapons must be accompanied by hardware reductions: the latter is necessary to ensure the credibility of the former. To the extent that it happens, the international context of national decision-making will change and become more benign for non-proliferation.”

On the other hand, detractors of disarmament think that steps taken in this direction would probably not convince potential proliferators of the idea that nuclear weapons are devaluated. An argument for this is that the NWS — the USA in particular — are large and/or secure, and they would be unwilling to disarm until their political ties with other states were good enough to give them a higher perception of security. In this context, smaller, less secure states would perceive themselves in a very different position, which would

make disarmament by the great nuclear powers an ineffective medium to convince them about the lack of value on nuclear weapons. In case of war, potential proliferators could not expect to achieve victory by the use of conventional force, as would a stronger state such as the USA. Thus, a potential proliferator can argue that big NWS can afford to disarm because their security is not dependant on nuclear weapons, leading them, on the contrary, to reaffirm the logic that nuclear weapons are valuable because their own security depends on them. Moreover, “some potential proliferators may see disarmament, and the associated pressures for non-proliferation, as an attempt by the conventionally powerful states to protect their ability to prevail against weak states. Still worse, some potential proliferators will see disarmament as increasing the military value of nuclear weapons, since a small number of such weapons would then provide a valuable nuclear monopoly. For example, states with regional expansionist ambitions might become more interested in acquiring nuclear weapons because they could be used more effectively to achieve these objectives.”

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In any case, as it was stated in the beginning, the disarmament provisions contained in the NPT are, for the great majority of the NWS, a goal to be achieved in the long-term, because their legal commitments do not involve a deadline, and the NNWS have no tools to pressure them. Currently, there are concerns that a potential agreement on disarmament could end up transforming into an instrument to put in place further measures on the non-proliferation issue-area, becoming a reminder of the broken promises during the 1990s decade, where the NPT was prolonged indefinitely under the expectation that disarmament initiatives would acquire momentum, and progress would be made towards the implementation of a nuclear weapons-free zone in the Middle East. It is obvious that the NWS are comfortable with the privileges that the treaty bestows upon them, while the rest of the NNWS consider the current arrangement as unacceptable and discriminatory with regard to international law and the equality among states. The unfair character of the NPT is, according to many diplomats, politicians and experts, one of the main reasons originating the problems that this treaty is confronting, putting in danger, slowly but surely, the stability of the NNPR and, therefore, global security and peace. With this in mind, it is safe to say that “the disarmament process, which requires incremental steps and multilateral agreements, will be long and difficult, and that the conditions for a

world free of nuclear weapons do not yet exist.”¹⁹⁶ This statement is also supported by the results of the 2015 NPT Review Conference, where there was a failure to “agree on any meaningful steps towards nuclear disarmament, including of course filling what is called the "legal gap" - i.e. prohibiting the use of nuclear weapons in the same way, by a treaty, that other weapons of mass destruction, biological and chemical weapons, are prohibited.”¹⁹⁷

5.2 Cognitivist framework and nuclear disarmament

As it was stated in the methodological proposal, the framework chosen as the most fitting to analyse the road towards progress on the issue-area of disarmament, among all of those presented and considered, is the knowledge-based one, specifically, that of weak cognitivism. One of the reasons for this, besides the methodological commitment, is that the hypotheses proposed for the other theories, regarding this topic, seem to be appropriate in their rejection of the possibility of advancing disarmament.

In the case of the interest-based framework, the hypothesis proposed for the contractualist theory, based mainly on the fact that there is no common interest among states to reach nuclear disarmament in the short term, seems to be supported by the idea that the NPT — and the NNPR, in general — is not an agreement about disarmament, but about non-proliferation, where the current status quo is the desired outcome for the NWS. Regarding situation structuralism, although it would seem plausible that a solution could be found under the suasion variation, to solve the problem of the lack of a common interest among states on the disarmament issue, the security considerations within a survival-conscious environment make it hard to imagine. This is particularly significative when taking into account that there are NWS that have refused to become parties of the NPT and other agreements belonging to the NNPR, which makes them immune to legal accountability.

Regarding the power-based framework, the hypothesis offered from the perspective of the hegemonic stability theory also seems plausible. In the case that the USA had the political


will to push forward a nuclear disarmament agenda, the overwhelming difference in conventional weaponry between it and the rest of the world would most likely dissuade the other NWS to consider that road as the most reasonable without seriously attempting against their own security. In Krasner’s power oriented analysis, where the powerful states lay down the rules of an agreement and decide who participates, the NWS continue to be more worried about bringing the non-recognised NWS into the NPT than on advancing the commitments regarding disarmament, which makes it very unlikely to imagine a change in their preferences. In the case of Grieco’s defensive positionalism, it also seems plausible that the USA would be willing to take steps towards nuclear disarmament if the rest of the world does but, due to the overwhelming difference in conventional weapons capabilities, the other NWS would hardly take the risk, given the fact that their security would be seriously compromised.

For strong cognitivism, within the knowledge-based framework, the hypothesis would also seem to be appropriate. Taking into account that states interact by emulating the norms of social behaviour, the unfairness inherent to the process of disarmament is representative of other forms of institutionalised unfairness that exist in social life. In this context, the lack of a central authority in the international system, and the fact that the NWS are, technically, not incurring in a breach of their legal obligations, leaves the NNWS in a vulnerable position to do anything about the disregard of the NWS for their interests.

In the case of weak cognitivism, the fact that power and self-interest are not capital components of the fundamental principles in which the theory is anchored, allows it to have a higher degree of flexibility when conceiving a possible road map for nuclear disarmament to occur. As it was proposed in the hypothesis, a reinforced presence of the epistemic communities could contribute to this goal. Decision-makers often use the ideas of experts to give legitimacy to initiatives that they desire to pursue for political ends. This can be observed in the fact that NWS remain firm in justifying their arsenals based on deterrence considerations, but are willing to accept the arguments of experts who put in doubt the logic of deterrence when a situation involves nuclear threshold states and potential nuclear proliferators. Nevertheless, it is possible that the beliefs of this decision-makers could change as a result of learning based on shared technical information, with this process of learning leading to new policies.198

This new set of policies could be the representation of a change in preferences that could affect the way in which the topic of disarmament is addressed, either via an amendment or reinterpretation of Art. VI of the NPT, or through a whole new treaty that would become part of the NNPR through the pathway proposed by Jervis for security regime-formation, which involves four points: 1) great powers must want to establish a regime, meaning that they must desire to regulate an environment over a determined issue-area. For this to happen, they must have a certain degree of satisfaction with the current status quo and with the gains that these possible alterations would bring without the need or threat of using war; 2) the actors in the system must have the certainty that the others share the value they ascribe to cooperation and mutual security. This is a significative condition as, in several cases, the idea of a security regime could have been discarded not because of fear of a major power turning into an aggressor, but by the fact that other states have mistakenly perceived it as an aggressor; 3) even if all the great powers in the system are satisfied with the status quo, a security regime cannot be established if one or more state-actors considers that expansion is the best method to ensure security. This perception might not be so uncommon in states with a long history facing strong enemies; 4) war, and the individualistic pursue of security through it, must be perceived as very costly. If states consider that the accumulation of weaponry and their security policies can be developed in a way that would not provoke unnecessary wars, then the incentive for individualistic policies greatly diminishes.\textsuperscript{199}

Nevertheless, since this is a proposal from the point of view of weak cognitivism, I think a fifth point could be added to Jervis’ conditions: an idea provoking a fundamental change in the states’ shared perception of reality, that could be associated — although not necessarily — to an event that could significantly affect the international society. In this sense, ideas are the basis of the process of learning that was previously mentioned. According to weak cognitivism, ideas fulfil functions such as: 1) roadmaps for decision-makers to take the options that represent in the best way their analytical and normative conceptions; 2) a coordinating tool, helping to understand the content of specific regimes, preventing constrains among the parties during the regime creation process; 3) contributing to regime robustness, by prolonging the impact of a regime’s foundational precepts, helping them to remain influential for decades or generations.

Under this premise, and taking into account that there are currently no possibilities of multilateral negotiations occurring to push forward an agenda of disarmament, a significant event of global scope would be able to provide an idea of ample reach, triggering a process of learning among states, which would derive in a new shared perception of reality, leading, ultimately, to new policies. Realistically speaking, such an event could very well be the threat of imminent collapse of the backbone of the NNPR, the NPT, due to the failure to comply with Art. VI. A scenario involving this event would provide another fundamental condition for regime formation: the convergence of expectations. This is because non-proliferation is a common goal for both, NWS and NNWS alike, so it is likely that the danger of losing the NPT would lead to decisive actions towards producing binding reinterpretations of Art. VI or even establishing a separate treaty, within the NNPR, to address the issue-area of disarmament. In this context, a general pledge towards demilitarisation, as part of the new agreement, would serve as the capital measure to give nations the confidence that their security would not be seriously compromised. Additionally, if the five recognised nuclear powers take serious steps towards implementing a nuclear disarmament agenda, it would not be unlikely that the four non-recognised NWS would consider such option as plausible. Nevertheless, whatever the alternative on the table to move forward the ideal of nuclear disarmament, a negotiated solution would probably not see the light of the day within our life times.
Chapter VI: Conclusion

As Lodgaard points out, nuclear history can be understood as a political conflict over the usefulness of nuclear weapons for the security of states, and over the utility of nuclear deterrence specifically. In this context, the NNPR has helped the international society by setting a norm against nuclear proliferation, communicating that the establishment of nuclear weapons programs is illegal under international law, instead of an act of national pride. As time passed, nuclear proliferation became increasingly costly in economic, diplomatic and technical terms, while nuclear non-proliferation became more rewarding. This is the context that this document has attempted to examine by doing a recollection of the facts around the NNPR, to be then analysed with the help of regime theory.

The first question that has guided this analysis is “how can regime theory explain the longevity and broad acceptance of the NNPR/ NPT and what is its current state after the 2015 Review Conference?” From the point of view of weak cognitivism, which was deemed as the theory offering the most compelling explanation, the reasons for the longevity and broad acceptance of the NNPR/ NPT have to do with a generalised and fundamental change in the ideas related to how to conduct warfare, the devastating effects of nuclear weapons since their first and only use, at the end of World War II, the positive influence propagated among states regarding non-proliferation, and the concept of the nuclear taboo. The process of formalising these ideas through the NNPR has reinforced and expanded their importance in terms of both, meaning and longevity. The idea of non-proliferation has had such consensus and force since the use of the atomic bomb, in 1945, that it could very well be highlighted as the main factor preventing the regime from collapsing due to the failure to comply with the disarmament provisions of the NPT.

Nevertheless, although it is clear that the consensus surrounding the idea of non-proliferation and non-nuclear weapons-use is unanimous, the lack of progress in relation to disarmament suggest the possibility that some states are more inclined to base their decision-making process on realist, power-based notions. This assumption suggests that states have a compartmentalised matrix of predisposed ideas, which they apply in function of each particular issue area, in this case, disarmament. This difference could be seen in

the posture of NWS around this topic, where their lack of efforts and political will to move towards disarmament is the product of conceiving the world under the precepts of power balance, the anarchic nature of the interaction among states and the concern for relative gains and loses.

On the other hand, NNWS are more inclined towards knowledge-based and interest-based perceptions, presenting a stronger sense of affiliation with the premises of non-proliferation and disarmament as a whole, the value of the NNPR as a vehicle of stability and the benefits of reciprocal cooperation, as it is the case for the states that are nuclear rejectionists, such as Australia, Canada, Germany, Italy, the Netherlands, Norway, Spain, Sweden and Switzerland. These are highly industrialised nations, possessing the necessary knowledge and technical-industrial capability to create nuclear weapons on a short time period, but they do not embark in such an endeavour because their non-nuclear status is supported by a robust national political consensus. Therefore, this group of states are not concerned with the inclusion of initiatives pertaining to disarmament/rearmament in their security planning. For them, an unprecedented change in the structure of the world order, implying a radical alteration in the idea of the value of nuclear weapons for security purposes, would need to occur to make them reconsider their stance.201

Therefore, the proposal to explain the effectiveness and longevity of the NPT has a correlation with the way in which events surrounding this issue have unfolded in the present day, where the unanimous consensus around the ideas of non-proliferation and non-nuclear weapons-use have reinforced and prolonged the NNPR. Therefore, although the disarmament issue-area does not see the same degree of consensus, the threat of losing the decades of accomplishments reached on the grounds of non-proliferation is far too great to be willing to sacrifice it in the name of stronger initiatives towards disarmament, at least for the time being.

The aforementioned leads us to the second research question: “from the point of view of regime theory, In which way would an international effort towards demilitarisation be beneficial for the fulfilment of Art VI of the NPT, regarding nuclear disarmament?” As it was proposed in detail in the previous chapter, from a weak cognitivist point of view, a fundamental change in the idea of how pressing it is to make progress in the issue-area of

201 Ibid., 176.
disarmament could be plausibly brought to the table by a serious threat towards the collapse of the NPT, and the non-proliferation order in general. Nevertheless, the status quo of the regime continues to show stability, supporting the notion that a revolutionary event linked to the threat of collapse of the NPT is currently unlikely, making the probability of a negotiated solution, based on demilitarisation, hardly possible in the short term. This is because, regrettably, although Art. VI of the NPT talks about the obligation of establishing a world with zero nuclear weapons, it says nothing about the precise meaning of zero. The NPT could very well be considered an incomplete agreement, waiting for new rules to guide the path towards a nuclear weapons-free world. To be sustainable, those rules would have to be anchored in the principle of equality among states, where all parties are subjected to the same rules.

Another interesting observation coming as a result of the research is the utility and flexibility that the framework of weak cognitivism gives, in general, to the rationalistic approaches of regime theory (power and interest-based). Weak cognitivism focuses on the study of features of a strategic situation, which are intentionally left as unexplained by the game-theoretic models that rationalists utilise, such as the problematisation of the behavioural alternatives and preferences of the different actors comprising a specific case. In concrete terms, this means that rationalistic approaches can prove to be insufficient when trying to explain situations where actors have several options to achieve cooperation. It is here that the weak cognitivist approach on the role played by ideas comes into action, creating convergent expectations that allow actors to coordinate their behaviour in ways that produce mutually beneficial scenarios.\textsuperscript{202} Moreover, this reasoning is applicable to other issue-areas, outside of the study of the NNPR.

An example would be the case of the completion of the European Community’s internal market, in the mid-1980s, where the participating states had strong motivations to push forward a plan for trade liberalisation. Their dependence on trade had grown and they were losing ground against their biggest competitors — the USA and Japan — which recovered much sooner from the recession caused by the second oil crisis. Under these circumstances, the abolition of barriers to the free movement of goods, services, labour and capital was a prospect that guaranteed substantial economic dividends. Nevertheless, the achievement of these benefits could only explain the inclination of the states involved

to produce an institutional arrangement, due to the fact that there were multiple options with a relatively equivalent degree of effectiveness. Therefore, in this case, a rationalistic approach cannot explain the inclination to choose a specific institutional setup. However, it is possible to find an explanation when looking at a decision provided by the European Court of Justice, in the late 1970s\textsuperscript{203}, which established that the Treaty of Rome instructed the states parties not to restrict the circulation of goods and services which have been legally produced and sold in another state party. Therefore, it was not the principle of ubiquitous deregulation, but the idea of mutual recognition\textsuperscript{204}, the one that became a central ideological pillar for the creation of the internal market. Like this example, there are others which demonstrate the appropriateness of applying the weak cognitivist framework to issue-areas outside of the boundaries of this particular thesis (the NNPR), such as international communications, climate change, and the management of water resources, among others.\textsuperscript{205}

Lastly, the only thing left to do is to go back to the event that originated the idea for this research: Gorbachev’s interview. In my opinion, he was right when suggesting that demilitarisation had to be a part of the solution for the implementation of nuclear disarmament. As it was previously mentioned, the NWS conceive the world through a mostly realist lens when it comes to nuclear disarmament, measuring their military power in relation to that of their nearest competitors in terms of strength. Under such a view, any concrete initiative towards disarmament would leave the USA as the undisputed hegemon, due to the enormous difference between it and the other NWS in terms of conventional military capabilities. In other words, no other country would be able to confidently base its security policy planning solely on conventional forces. Therefore, as Gorbachev stated, demilitarisation has so far been an unsurmountable obstacle, with the notion of a world free of nuclear weapons being only empty words in its absence.\textsuperscript{206}


\textsuperscript{204} for further information go to: Case Law of EU (2013). Cassis de Dijon case and mandatory requirements. \url{http://www.caselawofeu.com/cassis-de-dijon-case-and-mandatory-requirements/}.


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