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Nuclear Proliferation and Authority in World Politics

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Abstract

We apply the “security-hierarchy paradox” to nuclear proliferation. Global security requires a certain amount of hierarchy. A world in which no nuclear proliferation rules exist to constrain states, for example, would not be secure. Global security requires legitimate and authoritative rules, which we define as rules that are mutually negotiated, binding to all and which provide a stable social order. Too much hierarchy, however, amounts to coercion and undermines global security. Rules that are not mutually negotiated, binding to all or do not provide a stable social order are not authoritative. We argue that North Korea and Iran have attempted to build nuclear weapons because they interpret the proliferation rules to lack authority. The coercive U.S. approaches to enforcing proliferation rules – including diplomatic isolation, preemption, and regime change – have undermined the legitimacy of those rules. When the U.S. pursues less hierarchical policies, as it has recently toward North Korea, the ensuing negotiations have facilitated progress toward an agreement. When the U.S. pursues a consistently hierarchical approach, as it has toward Iran, no progress is made. Our analysis suggests that it is worth attempting a less hierarchical approach toward Iran and encourage it to accept a deal similar to the one negotiated with North Korea.

Introduction

Efforts by North Korea and Iran to acquire nuclear weapons threaten the authority of global nonproliferation rules. A nuclear North Korea could trigger further nuclear proliferation in South Korea and Japan. A nuclear Iran might encourage not only Israel to be less ambiguous about its nuclear status but also Sunni states in the region to consider nuclear weapons. Both North Korea and Iran might also sell its weapons to others. The unraveling of global nonproliferation rules is widely considered to be harmful to global security. Whether the international community can maintain the legitimacy and authority of global nonproliferation rules, given attempts by North Korea and Iran to violate those rules, is an urgent contemporary global security issue.

We will analyze these cases using a rule-oriented constructivist approach to the concepts of authority, hierarchy, and legitimacy in world politics. This approach argues that contemporary global security threats require intermediate levels of hierarchy or legitimate authority constituted by rules mutually negotiated and binding to all. Both too little hierarchy and too much hierarchy are harmful to global security. We argue that both Iran and North Korea are challenging the proliferation rules because they claim that the U.S. has been pursuing too much hierarchy – policies of regime change, diplomatic isolation and preemption – to enforce those rules. We also argue that a less hierarchical U.S. approach toward North Korea has helped ameliorate that particular conflict and that the U.S. should attempt a similarly less hierarchical approach toward Iran.

We proceed in three steps. First, we develop a rule-oriented constructivist approach to the concepts of authority, hierarchy and legitimacy in world politics. We connect these concepts to the “security hierarchy paradox,” which argues that both too little and too much hierarchy is harmful to world politics (Frederking, 2007). Second, we summarize the global nonproliferation rules and apply the rule-oriented constructivist framework to global efforts to enforce those rules in North Korea and Iran. Finally, we conclude that these cases support the argument that nonproliferation efforts are more likely to fail when powerful countries pursue “too much” hierarchy and are more likely to succeed when powerful countries invoke legitimate, authoritative rules.

Rule-Oriented Constructivism, Authority, and Hierarchy

Lake (2007) argues that both authority and hierarchy are central to world politics. Mainstream approaches to international relations, however, use a formal conception of authority that precludes the possibility of hierarchy in world politics. The modern conception of authority, following Max Weber, is based on law: authority comes from one’s lawful position or office. This notion, together with the anarchy assumption, leads to the conclusion that international politics lacks authority. Since there is no lawful institution above the state, there is no authority above the state and therefore no hierarchy in world politics.

Lake posits “an alternative, relational conception of authority that uncovers hierarchical relationships between states” (2007, 49). Authority is a contract between the ruler and the ruled: the ruler provides a stable social order, and the ruled accept a certain loss of freedom. Authority is constituted by social acceptance of the legitimacy of the rules. Authority is distinct from, but closely related to, coercion. Coercion is a necessary component of authority given the incentives to flout (even legitimate) rules. Lake laments the difficulty of distinguishing authority from coercion in empirical cases:

Despite their clear analytic differences, political authority and coercion are hard to distinguish in practice. They are deeply intertwined, making it difficult for analysts to conclude whether, in any given instance, a subordinate state follows a dominant state's command out of obligation or force (2007, 53).

Lake concludes the core problem is that "obligation, central to the difference between authority and other forms of power, is inherently unobservable" (2007, 61).

We argue that interpretive, linguistic methods are helpful in analyzing social concepts like authority, hierarchy, and legitimacy. Whether an act stems from obligation or force may be inferred through language. The key distinction between authority and coercion is whether or not the ruled interprets the ruler to be invoking a legitimate rule, which we define as a rule that is mutually negotiated and binding to all. Whether a hierarchical act is a legitimate use of political authority or an illegitimate act of coercion depends on social acts of collective interpretation: language, deliberation, and judgment. Authority, hierarchy, and legitimacy are socially constructed categories and are thus amenable to interpretive analysis.

One type of interpretive analysis relies on rule-oriented constructivism (Onuf 1989, 1998; Frederking, 2003; Duffy and Frederking, 2008). There are two main arguments of rule-oriented constructivism. The first argument, shared by all constructivists, is that the structures governing world politics are primarily social. The second argument, which characterizes rule-oriented constructivism, is that communicatively rational agents use speech acts to construct the social rules governing world politics. The first argument distinguishes constructivism from mainstream IR theories that rely primarily on material factors of power (realism) and wealth (neoliberalism). The second argument distinguishes constructivism from mainstream approaches that rely on a rationalist understanding of social interaction in which actors engage in utility maximization and cost-benefit calculations.

The first argument – that structures governing world politics are primarily social – asserts the primacy of social facts, or facts that exist because all the relevant agents agree they exist (Searle 1995). Rule-oriented constructivists consider Searle's social facts to be rules, arguing that social facts like sovereignty, property, human rights, deterrence, and collective security are the rules governing world politics. Rules are both constitutive and regulative. Rules are constitutive because they tell us what is possible. Rules are regulative because they tell us what is permissible. Rules enable agents to act; they tell us the nature of the situation we are in, who we and others are, and what goals are appropriate. The regulative nature of rules is straightforward: rules tell us what to do. The constitutive nature of rules is less easy to see: rules constitute our shared social reality by defining agents and contexts. They make action possible by telling agents how to understand themselves, their situation, and their choices within that situation. Global security rules make security policies possible just as the rules of tennis make double faults possible or the rules of chess make castling possible. They constitute our shared social reality. We would not be able to understand the meaning of actions that influence our security – e.g., troop movements, weapons deployments, or peace negotiations – without them.

There are three different types of rules: beliefs, norms, and identities. Beliefs are shared understandings of the world. Shared beliefs make truth claims about the world; to criticize a belief is to say that it is untrue. Shared beliefs make action possible because agents agree on the nature of the situation. Shared beliefs about how the world works (markets, security, terrorism, the environment) are fundamental rules of world politics (Adler & Haas, 1992). For example, shared beliefs about whether security is based on military capability or political relationships tell states what is possible and permissible regarding arms control policies (Frederking, 2000).

Norms are shared understandings of appropriate action. Norms make appropriateness claims about relationships; to criticize a norm is to say that it is inappropriate. Norms both guide action and make action possible, enabling agents to criticize assertions and justify actions. Norms about how we should treat others (human rights, democracy, equality, hierarchy, colonialism) are fundamental rules of world politics (Kratochwil, 1989). For example, norms about the appropriateness of weapons of mass destruction influence the range of possible war-fighting and deterrence policies (Price & Tannewald, 1996).

Identities are shared understandings of our selves and others. Identities make sincerity claims about agents; to criticize a conveyed identity is to say that it is insincere. Identities enable us to make sense of our actions and the actions of others. Identities about who we are and who others are (enemies, allies, friends, “rogue” states, etc.) are fundamental rules of world politics (Wendt, 1999). For example, identities about racial superiority influence decolonization policies and humanitarian interventions (Crawford, 2002).

Rule-oriented constructivists ask: what are the rules? What are shared beliefs about how the world works? What are shared norms about how to treat each other? What are shared identities about who the agents are? Of course, agents often contest the rules. Much of world politics are disputes over beliefs, norms, and identities. Rule-oriented constructivists explain conflict by stating the competing rules preferred by different agents. For rule-oriented constructivists the essence of world politics is the construction of politically contested rules.

The second rule-oriented constructivist argument is that communicatively rational agents use speech acts to construct social rules. This argument distinguishes rule-oriented constructivism from other forms of constructivism. It relies on speech act theory, which asserts that language constitutes social action by invoking mutually recognized social rules (Austin, 1962; Searle, 1969). For example, saying “I do” in a marriage ceremony is a meaningful act because it invokes the rules of marriage. A touchdown creates six points and a promise creates an obligation because those acts invoke the rules of football and promising. In the same way, states’ security policies invoke the rules of global security.

Four major types of speech acts are assertions, directives, commitments, and expressions. Assertions convey knowledge about the world. Examples include common arguments like “democratic governments do not go to war with each other” and “free trade maximizes economic efficiency.” Directives tell us what we must or should do and often include consequences for disregarding them. Examples include domestic laws, Security Council resolutions, and uses of force. Commitments are promises to act in a particular way. Examples include treaties, contracts, and international trade. Expressions convey a psychological state. Examples include apologizing, boasting, criticizing, or welcoming.

Kulbalkova (2001) summarizes how rule-oriented constructivists understand the relationship between speech acts and rules:

Rules derive from, work like, and depend on speech acts, and language and rules together (they can never be separated) are the medium through which agents and structures may be said to constitute each other....To study international relations, or any other aspect of human existence, *is to study language and rules* (p. 64).

Language connects agents (speech acts) and structure (rules). When we speak, we (re)create the world. Rules – shared beliefs, norms, and identities – have the form of speech acts. Shared beliefs take the form of assertions that make truth claims about the world. Norms take the form of directives and commitments that make appropriateness claims about how we should treat each other. And identities take the form of expressions that make sincerity claims about who we and

others are. These connections show that when agents perform speech acts, they necessarily invoke social rules. Speech acts have meaning only within an already existing structure of social rules.

For rule-oriented constructivists, agents perform speech acts, convey claims, interpret and evaluate the claims of others, and act on the basis of shared claims. Agents are communicatively rational. Communicative rationality defines a rational act as one that effectively conveys claims and invokes rules so that others correctly interpret it (Habermas, 1984 & 1987; Risse, 2000). Communicatively rational speech acts convey implicit claims of truth (beliefs), appropriateness (norms), and sincerity (identity). This dialogic process of agents conveying and evaluating the claims of each other's speech acts constructs and reconstructs social rules.

Rule-oriented constructivists take rules and language seriously. Rules make agents, and agents make rules through language: "Constructivism challenges the positivist view that language serves *only* to represent the world as it is. Language also serves a constitutive function. By speaking, we make the world what it is" (Onuf, 2002, p 126). Language is not a neutral medium; language is itself action. Rule-oriented constructivists thus have an interpretive view of social science (Alker, 1996). To understand an act, one must know an agent's contextual understanding of the situation. One must know the reason for the action. One must know which social rule the agent is invoking with the act. To explain an action, one refers to the rule the agent is following.

This rule-oriented constructivist approach to world politics relies on a social, linguistic understanding of hierarchy, authority, and legitimacy. For rule-oriented constructivists, hierarchy exists when one or more states can issue directives to the majority of states, but the majority of states cannot issue directives to the more powerful states. For rule-oriented constructivists, authority exists when the directives issued by powerful states are interpreted as legitimate because they invoke mutually negotiated and binding rules that provide for a social order. One can then combine these concepts into the "security hierarchy paradox."

A certain amount of hierarchy is necessary for global security. Consider the issue of weapons of mass destruction (WMD). Dealing with this transnational security threat requires agreed upon rules in treaty language and Security Council resolutions; global bureaucrats to monitor, inspect, and verify compliance; and enforcement mechanisms for those who fail to comply. A lack of hierarchy – and legitimate authority – would exist in a world where states assert a sovereign right to accumulate whatever weapons they want. If we agree that preventing the proliferation of these weapons is necessary for global security, then global security requires a certain amount of hierarchy in which powerful states issue directives to all states. Such directives must invoke rules that are fair and legitimate (Tannenwald, 2004). The security hierarchy paradox also asserts that too much hierarchy – coercion – harms global security. Powerful countries generally assert too much hierarchy in three ways: (1) relying on the unilateral use of force (invoking rules that are not mutually negotiated); (2) asserting that certain rules do not apply to them (invoking rules that are not binding to all); and (3) advocating a harsh approach toward suspected rule violators, including diplomatic isolation and even regime change (invoking rules that do not lead to a stable social order).

Global security thus requires political authority, or an intermediate level of hierarchy. This condition is constituted by legitimate rules – mutually negotiated and binding rules that provide a stable social order (Kegley & Raymond 2007; Jervis, 2005). If powerful countries follow global security rules, then others will acknowledge their leadership as legitimate. If powerful countries assert exceptions to the rules and pursue too much hierarchy, then they undermine their own authority, reduce the legitimacy of the international order, and thus fail to live up to their end of the bargain.

Global Proliferation Rules

The rule-oriented constructivist question is: what are the rules? What are the global rules of nuclear proliferation? Many of the rules are in the Nuclear Non-Proliferation Treaty (NPT). The NPT established different rules for nuclear and non-nuclear states. The NPT prohibits non-nuclear states from developing nuclear weapons and obligates them to accept regular inspections by the International Atomic Energy Agency (IAEA) to monitor compliance. The NPT obligates the nuclear powers in three ways: (1) to make good faith efforts to reduce their nuclear stockpiles and make progress toward nuclear disarmament; (2) to provide nuclear technology, with safeguards monitored by the IAEA, to non-nuclear states; and (3) to extend nuclear deterrence policies to any NPT member threatened by nuclear weapons.

We presume that these rules constitute “legitimate political authority.” That is, they are mutually negotiated rules, they are binding to all, and they provide for a stable social order. Their authority is constituted by a bargain between nuclear and non-nuclear states: the latter agree not to build nuclear weapons, and in return the former agree to provide peaceful nuclear technology, offer security guarantees, and negotiate reductions in their nuclear arsenals. The nuclear states provide for a stable social order, and the non-nuclear states agree to a reduced, non-nuclear status. By the mid 1990s the vast majority of states had ratified the NPT. There were significant holdouts – including countries like India, Pakistan and Israel, greatly influenced by a local rivalry – but overall the world had agreed to a set of nuclear non-proliferation rules. The IAEA had safeguard agreements to inspect nuclear facilities with over 150 states. The IAEA now annually carries out over 2,000 inspections at over 600 facilities.

The authority of these rules, though, was tested at the 1995 NPT review conference when the state parties discussed whether to permanently extend the treaty. The nuclear states favored a permanent extension, and to achieve this they agreed to three demands by the non-nuclear states: (1) complete negotiations on the Comprehensive Test Ban Treaty (CTBT), (2) seriously discuss nuclear disarmament as mandated by the NPT, and (3) accept strengthened IAEA review processes for nuclear states. At both the 2000 and 2005 reviews the non-nuclear states continued to demand that the nuclear states adhere to the CTBT and begin good faith negotiations toward nuclear disarmament. Many non-nuclear states believe that nuclear states have reneged on these NPT commitments (Graham & Lavera, 2002).

If authority in world politics is based on a bargain between the rulers and the ruled, then the authority of the nuclear proliferation rules is jeopardized if the rulers do not keep their end of the bargain. The U.S. has received the most criticism, particularly due to its abandonment of the Anti-Ballistic Missile (ABM) Treaty and rejection of the CTBT. Both actions suggest that U.S. intentions are to build the next generation of nuclear weapons and risk an arms race with the other nuclear states, the opposite of its NPT obligation to negotiate steady reductions (Bajpai, 2003). With these acts, and others, including selling nuclear related materials to India, the U.S. has undermined the authority of nuclear proliferation rules. The continued authority of nuclear proliferation rules is based on a bargain: non-proliferation in exchange for technology assistance, security guarantees and steady reductions of nuclear weapons. At some point the ruled might start asking why they should continue to comply with the bargain if the rulers do not.

In the next section, we make two arguments. First, we rely on the rule-oriented constructivist concepts of rules, hierarchy, and authority to argue that both North Korea and Iran dispute the authority of the nuclear proliferation rules. For rules to be authoritative, they must be binding to all. However, the U.S. has insisted that Iran and North Korea comply with the NPT rules for non-nuclear states without agreeing to be bound by the NPT rules obligating nuclear states. The U.S. has not supported resolutions to the conflicts consistent with NPT rules: non-

proliferation in exchange for technology assistance, security guarantees, and steady reductions of nuclear weapons. The U.S. has also attempted to enforce such one-sided rules in coercive and overly hierarchical ways, including diplomatic isolation, preemption, and regime change. The U.S. has not succeeded in enforcing nonproliferation rules because it has pursued too much hierarchy.

Second, we argue that a less hierarchical approach by the U.S. toward North Korea and Iran is a necessary condition for those countries to accept the authority of nonproliferation rules. In recent years the U.S. has made more progress toward achieving an agreement with North Korea than Iran because it has recently pursued less hierarchical policies toward North Korea and has suggested possible agreements more consistent with NPT rules. Our analysis suggests the possibility that a similarly less hierarchical approach toward Iran could yield similar results.

Nonproliferation Rules, North Korea, and Iran

U.S. and global efforts to prevent nuclear proliferation in North Korea can be categorized as a three-step process: (1) an initial step of intermediate hierarchy that culminated in the 1994 Agreed Framework, (2) an extended step lasting over a decade and across two different administrations categorized by high levels of hierarchy, and (3) declining levels of hierarchy and movement toward an agreement that looks very much like both the 1994 Agreed Framework and the NPT rules. We argue that this pattern of hierarchy explains whether North Korea considered the nonproliferation rules to be authoritative throughout the interaction.

Step One

North Korea had embarked on a nuclear program throughout the cold war (Kerr, 2005; Moon & Bae, 2005; Van Ness, 2005). Although North Korea signed the NPT in 1985 under pressure from Mikhail Gorbachev, it resurrected and accelerated its nuclear program when China normalized relations with South Korea in 1992. When IAEA inspectors found evidence of this in March 1993, North Korea ended the inspections and said that it intended to withdraw from the NPT. In April 1993 the IAEA declared that North Korea had violated its NPT obligations. The Security Council responded with a May 11, 1993 resolution reaffirming the importance of nonproliferation to the maintenance of international peace and security, urging North Korea to remain a party to the NPT, and calling on North Korea to comply with the IAEA inspections (SCR 825).

The international pressure, together with negotiations between the U.S. and North Korea in Geneva, paid some dividends. On June 11, 1993 a joint North Korea-U.S. statement announced that North Korea would not withdraw from the NPT, and in February 1994 North Korea agreed to resume IAEA inspections. However, when inspectors arrived in March, North Korea denied them complete access to seven nuclear sites. This led to a March 31 presidential statement declaring that North Korea's NPT obligations included allowing IAEA inspectors complete access to the seven nuclear sites (S/PRST/1994/28). The U.S. urged the Security Council to authorize economic sanctions for this breach of the NPT. China, however, would not support sanctions. While it did not want nuclear weapons on the Korean peninsula, it also did not want the Council to intervene in the North's affairs.

Given the deadlock on the Council, Clinton came very close to ordering a military strike against North Korea in May 1994, but the U.S. resisted a hierarchical, unilateral use of force and instead continued to advocate sanctions. On June 15, 1994, Madeline Albright said sanctions were "a tool to show the Democratic People's Republic of Korea that it needs to correct its past

behavior and be careful about its future behavior.” The threat of economic sanctions kept North Korea at the bargaining table, and negotiations continued throughout 1994. On October 21 the U.S. and North Korea signed an “Agreed Framework.” In return for North Korea freezing its nuclear program, the United States would help the North install light water reactors, supply fuel oil, begin to normalize diplomatic relations, and not use or threaten to use nuclear weapons against North Korea. The North traded nuclear ambitions for technology and a security guarantee – an arrangement very similar to the authoritative bargain established by the NPT.

Both parties hailed the agreement. North Korea’s chief negotiator described it as “a very important milestone document of historic significance” that would resolve his country’s nuclear dispute with the United States “once and for all.” Clinton (1994) said the agreement was “a good deal for the United States...The United States and international inspectors will carefully monitor North Korea to make sure it keeps its commitments. Only as it does so will North Korea fully join the community of nations.” However, the agreement did not resolve the dispute, and the North did not accept the authority of the nonproliferation rules.

Step Two

Neither side kept its part of the bargain. The U.S. did not keep its commitment to install light water reactors or normalize diplomatic relations. North Korea did not fully comply with IAEA inspections, and it began selling ballistic missiles to Pakistan and Iran. Still, U.S. relations with the North improved in the late 1990s due to a major South Korean engagement policy. By 2000, the two were close to an agreement in which the North would end its nuclear program and stop its missile exports, and in return the United States would normalize diplomatic relations, guarantee the North’s security, and (together with Japan) provide billions in economic aid. Again, there were many similarities to the larger NPT bargain, but no agreement was signed as the Clinton administration left office.

The Bush administration was more suspicious of the North and contemptuous of the 1994 deal negotiated by Clinton. US policy toward North Korea then drastically changed after the 9/11 terrorist attacks. During the January 2002 State of the Union address, Bush included North Korea in the “axis of evil” with Iran and Iraq. U.S. policies were now highly hierarchical. The Bush doctrine of preemption limited the US to two options: military invasion or regime change. In March 2002 the U.S. asserted that the North had violated the 1994 agreement. It then relied on South Korean intelligence and asserted that the North was enriching uranium as part of a secret nuclear weapons program (DiFilippo, 2006, p. 108-109). In October 2002 a U.S. delegation confronted North Korea and, while the details are disputed, left the meeting claiming that the North had admitted that it had such a program. Vice President Cheney, Secretary of State Powell and Secretary of Defense Rumsfeld all said they believed that North Korea possessed one or two nuclear weapons. Despite North Korean denials and the lack of verifying evidence, the U.S. suspended the supply of heavy oil, part of the US commitment from the 1994 agreement.

North Korea responded by saying the 1994 agreement was no longer valid. In January 2003, it reactivated a nuclear facility, removed IAEA monitoring cameras, expelled IAEA inspectors, and again announced its intention to withdraw from the NPT. The U.S. turned up the rhetoric. Just two months prior to the invasion of Iraq, Bush said: “We expect this issue to be resolved peacefully, and we expect them to disarm...We expect them not to develop nuclear weapons. And if they choose to do so, their choice, then I will reconsider whether or not we will start the bold initiative that I talked to Secretary Powell about” (Sanger, 2003). As in Iraq after 1998, the US advocacy of regime change led to a situation in which there were no weapons inspections to verify compliance with proliferation rules. Renewed American hostility

encouraged the North to pursue nuclear weapons in order to deter a U.S. invasion. The March 2003 invasion of Iraq confirmed North Korean beliefs about American intentions.

In April, China convened negotiations between North Korea and the U.S. (Denisov, 2007). The North told the U.S. that it had nuclear weapons. It wanted a bilateral agreement similar to the 2000 deal almost completed by the Clinton administration: in return for a nonaggression treaty with the U.S., normal diplomatic relations, and economic ties, it would agree to abandon its nuclear program, allow inspections, and stop missile exports. For North Korea, this was a bilateral issue between it and the U.S. It would adhere to the NPT if the United States would guarantee its security – again, demands consistent with NPT treaty language requiring nuclear states to extend nuclear deterrence to non-nuclear states. North Korea wanted the United States to follow the NPT rules. The U.S. rejected this, arguing that North Korea must agree to IAEA inspections without any preconditions.

The April 2003 talks produced no agreement. North Korea demanded bilateral talks to focus on American obligations under the NPT and the 1994 agreement. The U.S. wanted multilateral talks to minimize its own obligations and bring global pressure on North Korea to rejoin the NPT. China continued to be more aggressive throughout the summer of 2003 (Medeiros, 2003). It suspended oil shipments to North Korea, sent high level envoys, and shifted troops around the Sino-Korean border. China eventually strong armed North Korea into attending six-way talks in August 2003, February 2004, and July 2004 (also including Russia, Japan, and South Korea). However, these talks were also unsuccessful. The U.S. continued to invoke regime change policies by saying that all options were on the table and to make unproven accusations about North Korea possessing nuclear weapons. Given the growing awareness that the U.S. selectively used its intelligence to justify the invasion of Iraq, such statements took a more ominous tone, and North Korea blamed the U.S. for the failure of the talks (DiFilippo, 2006).

China, Russia, and the U.S. struggled to maintain a common position. The U.S. wanted a tough approach, advocating sanctions and the use of military force to cut off exports of nuclear materials and missile components to other countries. China and Russia would not agree to inspect North Korean ships because they did not want to escalate the crisis. A second dispute occurred when the U.S. in February 2005 refused to recognize North Korea's right to peaceful nuclear activities, a right recognized in the NPT rules. China and Russia, citing the NPT, disagreed with the U.S. position.

A third dispute occurred in September 2005 when China proposed an agreement offering economic incentives and an American statement that it had no intention of attacking North Korea if it dismantled its nuclear weapons. The U.S. initially rejected the deal, but South Korea and Russia supported it, and China would not alter the proposal. Faced with the prospect of isolation and being blamed for the breakdown of talks, the U.S. accepted the Chinese proposal. North Korea, however, rejected this offer. It wanted the U.S. to perform its obligations under the 1994 agreement and build the light water reactors, facilitate normal diplomatic relations, and provide a stronger American security guarantee.

Step Three

With diplomatic talks stalled and the use of force not an option, the U.S. was left with a policy of isolation and regime change. North Korea again fell into its pattern of using provocative actions to get the world's attention. On October 9, 2006 North Korea conducted an underground test of a nuclear weapon, telling the world that it was a nuclear power. Five days later the Security Council unanimously authorized financial sanctions and an arms embargo

against North Korea for the nuclear test. The resolution prohibited North Korea from conducting further tests or launching ballistic missiles and required it to dismantle its nuclear, chemical, and biological weapons programs under international supervision.

It took these nuclear tests to encourage China and Russia to support economic sanctions. A Chinese representative said:

In ignoring the protests of the international community, the DPRK arrogantly held a nuclear test. The Chinese side resolutely demands that the DPRK should unconditionally observe the nonproliferation regime, discontinue all such actions as are capable of leading to the worsening of the situation, and rejoin without delay the process of the six-party negotiations (quoted in Denisov, 2007, p. 38).

A Russian delegate said: “Pyongyang’s test is a huge blow to the non-proliferation regime. The fact of the test is causing apprehensions and indignation” (quoted in Denisov 2007, p. 39). It also took the tests for the U.S. to realize that its hierarchical policies had failed.

The six party talks resumed in 2007, and those talks produced a tentative agreement broadly consistent with NPT rules: North Korea agreed to seal its nuclear facilities and invite IAEA inspectors; the U.S. agreed to send shipments of heavy fuel oil and begin the process of normalizing relations, including taking North Korea off its list of sponsors of terrorism. The U.S. abandoned its hierarchical approach and accepted North Korea’s insistence on an “action in exchange for action” principle. The U.S. agreed to send a shipment of heavy fuel oil, and then North Korea agreed to accept IAEA inspectors, and then the U.S. agreed to take North Korea off its terrorist list. Throughout 2008, with multiple bumps along the way, the countries were implementing these agreements. It seemed that a less hierarchical approach by the U.S. encouraged North Korea to begin to accept the authoritative nature of the NPT rules.

In April 2009 North Korea asked for more, however, promising to start a uranium enrichment program unless the Security Council ended the sanctions passed after the 2006 nuclear tests. The Security Council refused to do so and instead urged North Korea to continue to implement its recent agreements as a means to end the sanctions. North Korea, however, defied the Security Council and announced a test of an underground nuclear device on May 25, 2009. The Security Council responded in kind and authorized harsher sanctions against North Korea. As of this writing, there are no six-party talks and no negotiations between the U.S. and North Korea. This recent negative turn in relations is not consistent with the overall trend. The downward spiral began with North Korea demanding an end to Security Council sanctions, a collective security enforcement tool that is not generally considered an overly hierarchical act (Frederking, 2007). North Korea has overreached in its demands that the international community reduce the hierarchical nature of its enforcement of nonproliferation rules.

Iran

Efforts to prevent nuclear proliferation in Iran have not gone through a similar three step process. Instead, U.S. policies toward Iran have been consistently hierarchical throughout the crisis. They have not wavered from policies of regime change, preemption, unilateral economic sanctions, and diplomatic isolation. Similar to the sustained response by North Korea during step two above, Iran has refused to accept the legitimacy of the NPT rules.

The Iranian crisis began in August 2002 when an Iranian dissident exile told the IAEA that Iran had two undeclared nuclear facilities (Chubin, 2006). In December 2002, the U.S. released satellite images of these two facilities and asserted that Iran was actively developing

nuclear weapons capabilities. Iranian President Khatami denied this claim, saying that Iran was not in violation of the NPT and was not seeking nuclear arms. A series of IAEA inspections beginning in February 2003 at those two facilities, however, uncovered hidden nuclear programs and led the IAEA to conclude by June 2003 that Iran was in violation of the NPT by not declaring all relevant nuclear facilities (Rajaei, 2004; Takeyh, 2003; Baghat, 2003). Iran admitted that it had concealed some of its nuclear activities for almost two decades but claimed that it was pursuing nuclear energy for commercial purposes rather than military uses.

In September 2003, the IAEA called for cessation of all enrichment activities and for Iran to sign an agreement allowing random inspections. In November, Iran did indeed sign an additional protocol agreeing to such inspections and also agreed to voluntarily suspend its uranium enrichment programs. However, IAEA reports in February and June 2004 concluded that Iran had failed to resolve the agency's concerns about its nuclear program. In response to these reports, Iran ended its voluntary suspension of uranium enrichment. The U.S. reacted to these IAEA reports by demanding that the Security Council authorize sanctions on Iran (Amuzegar, 2006; Saikal, 2006). In August, Bush said: "Iran must comply with the demands of the free world... And my attitude is that we've got to keep pressure on the government, and help others keep pressure on the government, so there's kind of a universal condemnation of illegal weapons activities" (Bumiller, 2004). However, when Russia and China refused sanctions, the U.S. agreed to European-led negotiations with Iran.

France, Germany and the United Kingdom began direct talks with Iran, and in November 2004 Iran again agreed to voluntarily suspend all uranium enrichment during those negotiations. The "Paris Agreement" included an Iranian agreement to unscheduled IAEA inspections of its nuclear facilities. Subsequent IAEA reports, however, stated that Iran had not cooperated with inspectors, that the IAEA had no direct evidence of a nuclear weapons program, but that it did not know if other undeclared sites existed. Iran clearly stated that it would not allow the negotiations to indefinitely postpone its uranium enrichment programs. On May 13, 2005, the supreme religious leader, Ayatollah Ali Khamenei, warned Western countries against "bullying" Iran.

In August 2005 the Europeans offered their own security assurances, economic cooperation, and fuel for electricity reactors in return for Iran permanently ending production of fissile material. Iran, with its newly elected President Ahmadinejad, rejected the offer. In response, the Europeans canceled the talks. Iran then continued its uranium enrichment programs. On August 30, French President Jacques Chirac warned that Iran would Security Council action if it did not reinstate a freeze on sensitive nuclear activities.

There is room for dialogue and negotiation. We call on Iran's spirit of responsibility to restore cooperation and confidence, failing which the Security Council will have no choice but to take up the issue... The use of civilian nuclear energy, which is perfectly legitimate, must not serve as a pretext for pursuing activities that could actually be aimed at building up a military nuclear arsenal (Sciolino, 2005, p. 6).

Iran did not do so. Indeed, Ahmadinejad addressed the U.N. General Assembly on September 17 and condemned the global nonproliferation rules as "nuclear apartheid" because the U.S. and its allies would allow countries like Israel, India and Pakistan to develop nuclear capabilities but not others. One week later the IAEA found that Iran's obstruction of weapons inspections was in violation of the NPT and voted to refer the situation to the Security Council.

This IAEA vote was 21-1 with 12 abstentions, including Russia and China. In an attempt to avoid Security Council action, Iran again agreed to resume negotiations with the Europeans.

In January 2006, Iran resumed research on the nuclear fuel cycle at a facility in Natanz, leading to an end to the EU negotiations. In February 2006, the IAEA reported sixteen specific NPT violations to the Security Council. The Security Council was to take no action, however, until the IAEA director general issued an assessment report due thirty days later. This vote was 27-3 with five abstentions, and both Russia and China voted in favor. On February 17, French foreign minister Philippe Douste-Blazy put the matter simply: “No civilian nuclear program can explain the Iranian nuclear program. So, it’s an Iranian clandestine military nuclear program” (Bernard 2006).

Iran continued to reject the authority of the nonproliferation rules. Consistent with previous threats, Iran announced that it would resume its uranium enrichment program and would no longer agree to any IAEA inspections. Ahmadinejad also hinted at the possibility of Iran withdrawing from the NPT. When the thirty days elapsed, the Security Council called on Iran to suspend its uranium enrichment within 30 days. Again Iran did not comply. On April 11, 2006, Iran announced that it successfully enriched uranium. On May 2, it asked the U.N. to respond to the continued vague threats from U.S. officials about possible nuclear strikes against Iran that were “in total contempt of international law.” On May 11, Ahmadinejad said that Iran would “defend and never give up its rights.” Yet in May 2006 Ahmadinejad sent an 18-page letter to President Bush suggesting new talks, the first direct communication between an Iranian and U.S. head of state since 1979. The U.S. rejected the offer because Iran did not agree to end its nuclear program.

By this time, Iran had continued its nuclear programs and evaded genuine IAEA inspections for three years, and the Security Council slowly began to take a greater enforcement role. In July 2006, it demanded that Iran suspend its enrichment programs within 30 days or face possible economic and diplomatic sanctions (SCR 1696). Iran responded by saying that it would negotiate with the U.S., but that it would not suspend enrichment as a precondition to negotiations. The 30 days elapsed with only minimal Iranian cooperation, but the U.S. and its allies could not yet convince China and Russia to support sanctions. Only after another series of IAEA reports outlining Iranian noncooperation did the Council in January 2007 authorize financial sanctions against Iran (SCR 1737) for refusing to suspend its uranium enrichment programs. In March 2007, the Security Council passed further sanctions and reaffirmed that Iran must cooperate with the IAEA (SCR 1747).

Iran and the IAEA then agreed that the former would meet a series of deadlines throughout 2007 and resolve suspicions about its nuclear activities. The U.S. remained dubious. On Oct 22, 2007 Vice President Cheney warned that “the Iranian regime needs to know that if it stays on its present course, the international community is prepared to impose serious consequences...Our country, and the entire international community, cannot stand by as a terror-supporting state fulfills its most aggressive ambitions” (Stolberg, 2007, p.8). That same week President Bush said: “If you're interested in avoiding World War III, it seems like you ought to be interested in preventing them (Iran) from having the knowledge necessary to make a nuclear weapon.” Bush said that he intended to continue to pursue a policy of isolating Iran with the hope that “at some point in time, somebody else shows up and says it's not worth the isolation” (Stolberg, 2007, p.8).

A November 2007 IAEA report concluded that Iran had made “incomplete disclosures” about its nuclear program and that Iran had continued to ignore the Council’s demand that it stop enriching uranium (Sciolino& Broad, 2007, p.10). While Iran did provide access to top nuclear officials and new documentation, the IAEA did not have the unfettered access to facilities

needed to confirm such information. While Russia and China again were hesitant to impose more sanctions, they eventually relented and in March 2008 the Council imposed a third round of sanctions (SCR 1803). Iran continued to defy Security Council demands throughout 2008 despite a June offer by the five veto powers and Germany of a package of economic and security incentives in return for Iran freezing its uranium enrichment efforts.

The Obama administration has offered direct talks with Iran, a concrete step in the direction of less hierarchy. On March 21, 2009, Obama said: "My administration is now committed to diplomacy that addresses the full range of issues before us, and to pursuing constructive ties among the United States, Iran and the international community. This process will not be advanced by threats" (Cooper & Sanger, 2009, p.4). Iran, perhaps preoccupied with the domestic turmoil surrounding its recent elections, has yet to respond in a positive way to this overture. As of this writing, the U.S. is waiting for an Iranian response to its offer of talks, and the most recent IAEA conclusions are that it has reached a "stalemate" with Iran regarding its nuclear program. There continues to be widespread agreement in Western states that Iran is simply stalling while it continues its uranium enrichment programs.

Conclusion

These two cases suggest a pattern: U.S. policies pursuing too much hierarchy encourage states to reject the authority of global nonproliferation rules. Why should a non-nuclear state accept nonproliferation rules when a nuclear power is threatening it? The NPT bargain is that in return for security guarantees and technology transfer, non-nuclear states agree not to proliferate. North Korea wanted an agreement within the parameters of those authoritative NPT rules. For such an agreement to be legitimate, however, the rules had to bind the U.S. as well. The U.S. had to agree to its end of the NPT bargain – a security guarantee (plus normal diplomatic relations) and technology transfer (and some economic carrots) – before North Korea would consider recognizing the authority of the nonproliferation rules. Despite the recent setbacks, an agreement similar to these NPT rules can be reached if the U.S. does not demand too much hierarchy and North Korea does not demand too little.

Would a less hierarchical approach toward Iran also yield similar possibilities? Some argue that a North Korea deal is possible for Iran (Amuzegar, 2006). The parameters of such an agreement would include: (1) Iran ends its enrichment programs, agrees to IAEA inspections, and ends support of terrorist groups, and (2) the U.S. ends sanctions, supports Iran's entry into the World Trade Organization, assists the peaceful use of nuclear energy, agrees to a bilateral nonaggression pact, and begins normal diplomatic relations. Iran fears that the U.S. is using the nuclear issue as a pretext to achieve wider regional objectives, such as pursuing regime change in Tehran, regaining the strategic position the US had under the shah, preventing the dominance of an Iraqi Shia majority, and securing Israel's supremacy in the region (Saikal, 2006). What we do not know is whether Iran intends to counter these perceived US goals by building nuclear weapons or trading those nuclear weapons for a security guarantee.

Some analysts do not believe that Iran wants a deal consistent with NPT rules. Schake (2007) argues that a nuclear weapons program would enhance Iran's security objectives: to be the dominant power in the Persian Gulf, to deter US military power, to gain leverage against regional rivals (Israel, Pakistan) and to export revolutionary Shia Islam. Dueck and Takeyh (2007) argue that Iran wants nuclear weapons for deterrence and power projection, not because they want an "Islamic bomb" to hand over to terrorist groups. For example, Iran has had chemical weapons for decades and has not handed them over to terrorist groups. Dueck and Takeyh claim, "The often-contemplated notion of offering Iran security guarantees in return for

its disarmament has limited utility since Tehran's drive for the bomb transcends mere deterrence and is rooted in opportunism and a quest for hegemony" (Dueck & Takeyh, 2007, p. 194).

The question is whether Iran accepts the authority of the proliferation rules, interprets U.S. hostility toward it as a violation of those rules, has primarily defensive motives for building nuclear weapons, and would be amenable to an NPT agreement if the U.S. pursued a less hierarchical approach; or whether Iran is rejecting the authority of the nonproliferation rules, has primarily offensive motives for building nuclear weapons, and only a more coercive approach toward Iran would prevent nuclear proliferation. U.S. policy to this point has largely assumed the latter and has yet to seriously explore the former. Given the eminently foreseeable harm to regional and global security of a unilateral military strike by either the U.S. or Israel against Iran, this analysis suggests that perhaps the U.S. should attempt a less hierarchical approach and seriously offer an NPT deal to Iran. At minimum, such an approach would encourage the necessary multilateral action to prevent nuclear proliferation if Iran clearly rejects such an offer and thus the authority of global proliferation rules.

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