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Nonproliferation and the Domestic Politics Theory of Compliance

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NONPROLIFERATION AND THE DOMESTIC POLITICS
THEORY OF COMPLIANCE

by

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Since 1945, nuclear weapons have impacted world politics and the world has sought to control their spread. This has resulted in the nonproliferation regime and its centerpiece: the Treaty on the Nonproliferation of Nuclear Weapons (NPT).

Understanding nonproliferation compliance is important to determining whether the NPT is contributing to stopping the spread of nuclear weapons. If the NPT is having no influence on state behavior, then the international community can decide if its efforts should be redirected from treaties to other nonproliferation efforts.

There are several competing theories on why states do or do not comply with treaties. One of the most common thoughts is that states act in their own best interest at the moment. However, domestic politics and the influence of internal factors have gained recognition and popularity. Dr. Beth Simmons is one of the leading scholars in this area.

Simmons has done extensive qualitative and quantitative research resulting in the proposition that in the case of human rights treaties mobilization of domestic groups, agenda setting, and litigation influence treaty compliance. Simmons argues that the neorealist focus on state interests within treaty compliance is not satisfactory.

While the Simmons’ theory developed from human rights treaties, it may be applicable to nonproliferation. Both issue areas deal with security: individual for human
rights and national for nonproliferation. Furthermore, the human rights treaties used by Simmons and the NPT share similar timelines in world history, are widely ratified, and utilize oversight bodies. And yet they all lack direct enforcement capabilities. Like the human rights issues, nuclear weapons issues sometimes cause an emotional reaction. Finally, while it goes against accepted international norms to violate human rights and proliferate, infractions still occur in both issue areas. Perhaps, the most common reason for the violations is for the security of the ruling regime.

Does the domestic politics theory on compliance with human rights treaties assist in explaining NPT compliance? Given the success of the theory in the area of human rights and the similarities of human rights treaties to the NPT, it will be meaningful to evaluate the domestic politics theory of treaty compliance and use the theory in the area of nonproliferation to gain a greater understanding of treaty compliance more generally and to test whether the issue area matters.

This dissertation seeks to assess whether Simmons’s domestic politics theory of compliance (i.e. mobilization of domestic groups, agenda setting, and litigation) is a useful prism for viewing the high politics issues area of national security, specifically on nuclear weapons, by exploring six Nonproliferation Treaty member states situations of compliance, noncompliance, and potential compliance concern. Ultimately, it shows that the theory is not very useful in explaining compliance (or noncompliance) because the mechanisms are not present when analyzing the NPT. Mobilization is somewhat present in two cases but not directly tied to the NPT and nonproliferation. This means that the theory should be modified to account for its shortcomings with treaties concerning high politics issues.
There is no evil in the atom; only in men's souls. —Adlai Stevenson, 1952
Many times during graduate school, I realized that trying to earn a Ph.D. is like trying to climb Mt. Kilimanjaro. I started both endeavors with much enthusiasm and a little trepidation. I had some experience that I felt made me qualified and I would just wing the rest. Now, I recognize that learning to be a scholar is not quite like learning to use the bathroom outdoors... but for me they are both traumatic experiences. Perhaps, I should have said that my enthusiasm was accompanied by optimism and naivety. I never understood in either situation why people should be intimidated or worse yet, not make it to the summit after so much effort. It never occurred to me I could not finish either challenge. I could practically hear the Sherpas telling me, “pole, pole” while going through graduate school (pole is Swahili for slowly). Except this time, instead of the meaning “slowly, slowly” as advice to take my time to ensure success, I was hearing it as a cruel chant that I was dragging this on too slowly and was taking too long.

I owe my parents so much. When I said I was going to climb Kilimanjaro my parents laughed at my lack of mountain climbing and bought me hiking boots. Likewise, when I told them about the language requirement for a Ph.D. they laughed at my lack of language skills and bought me German language software. Their buying my hiking boots helped get me up the mountain and their buying German software helped get me through the Ph.D. language requirement. Like with many of my ambitious plans, they are supportive and keep the “you’re crazy” comments to a minimum. One plan was to write a book. Now, I meant a humorous coming of age novel... but this dissertation will do.
I also never could have climbed the mountain without a guide. Dr. Kurt Taylor Gaubatz has been my guide every step of the way. From my first classes at Old Dominion University through the dissertation process, Dr. Gaubatz has been encouraging and guided me in the right direction.

Thanks to committee members Dr. Karp and Dr. Schulman for their advice and questions which helped to shape this dissertation. I also owe a debt to Melodee Baines whose friendship and sense of humor helped me keep my sanity through graduate school. Finally, I want to acknowledge my husband for supporting me and his patience when I vented about my research. I have ditched him for many a coffee shop over the past three years and he has never complained.
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CHAPTER I
INTRODUCTION

Since 1945, nuclear weapons have played a vital role in international politics. They continue to do so being perceived as overt threats, security enhancers, and prestige enhancers. Given how dangerous nuclear weapons are the issue of nonproliferation and the international effort to stop the spread of nuclear weapons is critically important.

A key step in stopping the spread of nuclear weapons is for states to first commit themselves voluntarily not to acquire the weapons and not to assist other states in their pursuit of the weapons. States make this commitment by ratifying the Treaty on the Nonproliferation of Nuclear Weapons (NPT). Given that most everyone can agree a world with more nuclear weapons states is a scary prospect (with Kenneth Waltz being the famous dissenter), it is important to understand compliance with the NPT. Put another way, understanding whether the NPT influences nonproliferation compliance is important to knowing whether the NPT is contributing to stopping the spread of nuclear weapons. If the NPT is having no influence on state behavior, then the international community should redirect its efforts to other nonproliferation endeavors. The question asked in this dissertation is: can treaties influence compliance? And, if so, how do they do so? More specifically, does the NPT influence nonproliferation compliance at the national level?

A review of the literature on treaty compliance reveals a primarily neorealist perspective. The commonly accepted belief is that state compliance can be explained by

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balance of power and states acting in their own best interests. However, Dr. Beth Simmons has recently argued that treaties themselves influence state compliance by influencing politics at the domestic level.

Simmons has done extensive qualitative and quantitative research resulting in the proposition that mobilization of domestic groups, agenda setting, and litigation influence compliance of a state in the case of human rights treaties. Simmons refers to this trifecta as the domestic politics theory of compliance. As the Director of the Weatherhead Center for International Affairs and Clarence Dillon Professor of International Affairs at Harvard University, Simmons is a very well-respected and influential scholar.

Simmons’ seminal work is her 2009 book, *Mobilizing for Human Rights: International Law in Domestic Politics*, which presents her argument for the domestic politics theory of treaty compliance. Simmons argues in her award-winning book that the neorealist focus on state interests for treaty compliance is not satisfactory. She does not claim her findings are sufficient to explain compliance behavior but that they do play a pivotal role in compliance. Her research focused on case studies within the low politics area of human rights. Given how influential her theory has been, it is important to

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5 Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics*.
6 According to Simmons' university biography page (Harvard University, "People: Beth Simmons."), *Mobilizing for Human Rights: International Law in Domestic Politics* won the “2010 American Society for International Law’s Certificate of Merit for a Preeminent Contribution to Creative Scholarship, the American Political Science Association’s Woodrow Wilson Award for best book published in government, politics or international relations, and the International social Science Council’s Stein Rokkan Award for a very substantial and original contribution to social science research"
understand what other fields of study it may be applied successfully and what limitations it may have. This dissertation seeks to understand whether Simmons' domestic politics theory of compliance (i.e. mobilization of domestic groups, agenda setting, and litigation) is applicable to the high politics issues of national security, specifically on the proliferation of nuclear weapons. It does so by exploring the situation of six NPT states' with differing experiences of compliance and noncompliance.

While the Simmons' theory developed from human rights treaties, it may be applicable to nonproliferation. Both issue areas deal with security: individual for human rights and national for nonproliferation. Furthermore, the human rights treaties used by Simmons and the NPT share similar timelines in world history, are widely ratified, and utilize oversight bodies. And yet they all lack direct enforcement capabilities. Like the human rights issues, nuclear weapons issues sometimes cause an emotional reaction. Finally, while it goes against accepted international norms to violate human rights and proliferate, infractions still occur in both issue areas. Perhaps, the most common reason for the violations is for the security of the ruling regime.

The domestic politics theory of treaty compliance has been applied successfully to human rights treaties, which are by their very definition for the individual's security. Therefore, the individuals that comprise the domestic population are the largest stakeholders. This may or may not hold true for national security issues, such as acquiring nuclear weapons. Groups that mobilize at the domestic level to demand their rights under international law may not demand compliance with international laws that involve national security issues. Given the success of the theory in the area of human rights and the similarities of human rights treaties to the NPT, it will be meaningful to
evaluate the domestic politics theory of treaty compliance and use the theory in the area of nonproliferation to gain a greater understanding of treaty compliance more generally and to test whether the issue area matters. By understanding compliance with the NPT policymakers may be able to work more efficiently and effectively on nonproliferation agreements.

The domestic politics theory of compliance is comprised of three elements: the mobilization of domestic groups, agenda setting, and litigation. The first element is the mobilization of domestic groups. These groups can be motivated to organize and inspired to influence their government based on a treaty. Simmons’ argues that a treaty may increase the odds of success and thereby increase motivation of a group to mobilize for change. There have been moments in history of strong anti-nuclear weapons movements. Mobilization has occurred against the weapons and the treaty gives further credibility and hope to those mobilizing.

The second point that Simmons advances is that negotiating and ratifying a treaty can influence or set domestic agendas. Treaties can bring issues to the forefront of the elite agenda setters’ attention and the nation’s population in general. A treaty gives text to a concept and something for people to speak directly about in specific terms. The elite agenda setters may have a variety of international and domestic reasons to ratify and possibly comply with a treaty. The domestic population now has a legal foothold on which to demand action from its government. In the nonproliferation arena this means that the decision to build nuclear weapons must be held in order for states to determine whether they will ratify the NPT. This brings up the third part of Simmons’ domestic policy theory of treaty compliance, litigation.
The final part of Simmons’ domestic politics theory of compliance is litigation. With treaty ratification, citizens now have a legal mechanism, which depending on the legitimacy of the judiciary system, can be used to demand (and possibly even ensure) compliance and not simply state lip service to a treaty and its mandate. In the world of nuclear proliferation this means a state that has ratified the treaty may now fear that its domestic population can hold the national government accountable. Right and wrong are now explicitly written out in a treaty and the domestic population can observe and judge compliance of its own government and bring legal action as necessary.

Simmons argues that within human rights treaties there is a disparity of compliance perhaps based on the specific issue. Those issues that have related actions that are “centrally administered and easy to observe” are more likely have state compliance then those issues that involve actions that are “decentralized and often furtive.” Simmons offers the example of state administered death penalty at the national level, as opposed to torture, which may be administered widely at the local level. In comparison, a pursuit of nuclear weapons will be a centralized tightly controlled state effort and therefore in theory it should be straightforward for a government to control compliance (or noncompliance).

Simmons theory and findings are based on studying compliance with human rights treaties. What about when the issue is nuclear weapons and nonproliferation? First, we should understand nuclear weapons and then compare the two issue areas.

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Nuclear Weapons

Since the 1945 nuclear weapon test in a New Mexico desert, nuclear weapons have taken on many meanings. It has been argued that these weapons of mass destruction represent the end of a world war, prestige, scientific prowess, Cold War stability, and national security (in the form of deterrence). For those against nuclear weapons, these bombs also represent potential genocide, possible accidents, a future in a state of nuclear winter, as well as targets of terrorists and sabotage.

Nuclear weapons are unique because of their important role in international politics. The fungibility of nuclear weapons may be debatable but the power and prestige that comes with the weapons is not. It is no coincidence that the five permanent members of the United Nations Security Council are the five nuclear weapons states recognized by the NPT. According to the Article IX of the NPT, only states that have “manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967” are recognized as nuclear weapons states under Article IX of the treaty. Many states have sought nuclear weapons at some point, perhaps to be a part of this elite club. Those states that evolve their programs to the full development of weapons have seen how this changes the international playing field. North Korea, for example, has only a handful of weapons but it demands greater attention from the international community than if it had no weapons at all. Yet, most states have given up their “right” to pursue nuclear weapons.

Nuclear weapons are infamous as a threat to nations and individuals. Nuclear weapons contain a tremendous potential energy and resulting destructive power. Even a primitive nuclear weapon, such as the one dropped on Hiroshima, contains in a single
weapon the equivalent destruction power of 15 kilotons of TNT.\textsuperscript{8} Any given modern nuclear weapon may be equal to millions of tons of TNT. The largest nuclear weapon in history is the USSR's Tsar Bomba (also known as the King of Bombs). This weapon was designed to be 100 megatons of TNT but to reduce the fallout during the test it was only detonated to half its potential, which was equal to a yield of 50 megatons of TNT.\textsuperscript{9} This resulted in a shock wave that could be felt 700 kilometers away and complete destruction within the 55-kilometer radius. A bomb this size may not be militarily useful but it illustrates the destructive power that can be raged against humankind. How can we control the spread of this technology and avoid destruction?

There are three possible methods for controlling the spread of nuclear weapons. There is deterrence, which is to say a threat based approach. There are security assurances, both positive and negative, which are to assuage threats. Finally, there are political approaches, such as treaties.

Deterrence is the credible threat of retaliation for undesirable/noncompliant behavior and is completely dependent upon punishment.\textsuperscript{10} The extreme example in security is Mutually Assured Destruction, also known as MAD, and MAD is exactly what it is. MAD is the concept that if the states involved in a conflict both have enough nuclear weapons to survive an attack and retaliate by annihilating the enemy than neither side will launch an attack, which at that point is tantamount to national suicide. MAD is often used to describe the Cold War relationship between the US and the Soviet Union.

Weapons states and nonaligned states agreed that "something had to be done to cap the flow of nuclear weapon technology or the actual transfer of such weapons before matters ran out of control."\(^1\)

On a related issue, security assurances may be another method of stemming proliferation of nuclear weapons.\(^2\) There are positive and negative security assurances. Positive security assurances (usually referred to as security guarantees) are commitments to come to the aid of a state threatened by the use of force. If the use of nuclear weapons is an option in defending said state, it is considered to be under a nuclear umbrella. A negative security assurance is the commitment not to use nuclear weapons against a state. The idea is that by offering security a state will be less likely to pursue nuclear weapons to bolster its own security. Positive and negative security assurances take the form of bilateral agreements, multi-lateral agreements, and treaties (such as nuclear weapon free zones). There are over a dozen of these types of agreements but no single all-encompassing agreement (or treaty).\(^3\)

Why create a nonproliferation treaty rather than use deterrence or security guarantees to stop the spread of nuclear weapons? Threatening a country for developing nuclear weapons reinforces for the victim state the value of the weapons (and that the state which possesses nuclear weapons makes the rule). A treaty will offer benefits for compliant behavior rather than only punishment offered by deterrence.

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\(^1\) Ibid., 312.
\(^2\) Thomas C. Reed and Danny B. Stillman, *The Nuclear Express* (Minneapolis: Zenith Press, 2009), 143.
\(^4\) Ibid., 241.
Robert Cooper said it best, “it may be that modern science, which gave us the weapons, will also give us the means of controlling them. But history suggests that the solution to the problems of technology is better politics rather than better technology.”\textsuperscript{15}

In fact, there is a long history of trying to use politics to control nuclear weapons. President Eisenhower was one of the first to suggest policy to control proliferation, believing that decisive policy decisions could make a difference. He asked that the decisions “be the decisions which will lead this world out of fear and into peace.”\textsuperscript{16}

Perhaps, the most effective and celebrated of these policies is the NPT.

Policy in the form of a treaty may be the only way of slowing and possibly stopping the spread of nuclear weapons. Deterrence has not proven sufficient for stopping the spread of nuclear weapons. UN Secretary-General Ban Ki-moon expanded on this concept when he said, “Unfortunately, the doctrine of nuclear deterrence has proven to be contagious. This has made non-proliferation more difficult, which in turn raises new risks that nuclear weapons will be used.”\textsuperscript{17}

If it is assumed that treaties are critical to controlling the spread of nuclear weapons, then compliance is the essential issue. No treaty is perfect and there will always be a state that fails to comply or attempts to cheat. Nonproliferation treaties and agreements give the international community a structure to create and codify

\textsuperscript{17} Ban Ki-moon, "The United Nations and Security in a Nuclear-Weapon-Free World" (paper presented at the Nuclear Disarmament: A Compass Point for Progress and Accountability, New York, 2008).
international norms, a way to control the chaos and identify the cheaters. Kennedy perhaps put it best in 1963 in his commencement speech to American University:

No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can - - if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers - - offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.\(^{18}\)

Comparing Nonproliferation and Human Rights

On the surface nonproliferation law and human rights law seem very different, but on several levels, they are comparable. In both cases, states commit themselves to a course of action that infringes upon their national sovereignty. The two also address security. Human rights deals with individual security and nonproliferation has a focus on state and individual security. Human rights essentially seek to ensure that “everyone has the right to life, liberty and security of person.”\(^{19}\) Nonproliferation seeks “to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples.”\(^{20}\) These definitions aid in understanding the cosmopolitan view that most people can agree on: it is a good thing to be pro-human rights and pro-nonproliferation (anti-spread of nuclear weapons).


\(^{19}\) United Nations General Assembly, "Universal Declaration of Human Rights," in Resolution 217 A (III) (10 December 1948), Article III.

\(^{20}\) "Treaty on the Non-Proliferation of Nuclear Weapons," in UN Registration Number 1-10485 (05 March 1970), Preamble.
Furthering the idea that human rights and nonproliferation are both about security, they both have similar goals but differing entities to protect. The pursuit of human rights is often viewed as in the protection of the individual and the pursuit of nuclear weapons is often viewed as in the protection of the nation. Human rights are not seen as playing a key role in national security. In some cases it is said that human rights even hinder national security by disallowing certain practices that some believe are in the interest of national security. Nuclear weapons, on the other hand, are seen as increasing defenses and some believe the weapons are very much in the interest of national security. The same could be for regime security.

Both human rights violations and nuclear weapons proliferation may be incentivized by regime security (or to maintain the government state quo). A government may violate human rights to remain in power, such as to hold back a minority or opposition group. For centuries this practice was considered acceptable. A government may seek to build or acquire nuclear weapons as a deterrent against other states interfering or attempting to overthrow the controlling regime. The concept of bolstering national defenses to prevent regime change and maintain status quo of government is also a centuries old practice. Iran is attempting to do this right now by pursuing nuclear weapons for national and regime security.21

It is now against established international norms to violate human rights and to proliferate, but both still happen. States often have interests that lead them to turn a blind eye to these practices. For example, a state may not condemn a state committing blatant human rights violations for the sake of stronger economic ties. Along the same lines, a

state may not respond harshly to a state seeking to proliferate because of a reliance on a mutual trade agreement.

The timing of the two issue areas' development in international law is also similar. The main human rights treaty, the Universal Declaration on Human Rights, was brought about after the atrocities of World War II and the Holocaust. In fact, Simmons argues that human rights as a matter of treaty law had a "nearly complete absence prior to the end of World War II."22 Upendra Baxi and Kate Hamburger Kolleg disagree, and in their review of Simmons book point out this is a Western centric view not a world view of the history of human rights.23 Likewise, prior to World War II and the bombing of Japan, the world has no idea that the nuclear era was just around the corner. Additionally, both human rights and nonproliferation had increased attention again in the 1970s. It was then that large strides were once again made in human rights.24 For example, this period of time included Amnesty International's campaign against torture, leading to the UN General Assembly Declaration Against Torture and eventually the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). There was also more movement on advancing women's issues, including the UN Decade for Women. For nonproliferation, there was perhaps the biggest development since the creation of the International Atomic Energy Agency: the ratification of the NPT.

The treaties that Simmons used for in her research are also similar to the NPT in that they are each almost universal in their state memberships. The NPT currently has

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189 member states (not including North Korea). The Convention on the Rights of the Child (and its Optional Protocol Relating to Children in Armed Conflicts) is a case study in Simmons' research that also has nearly universal membership. The Convention on the Elimination of All Forms of Discrimination against Women is another such example.

Simmons' case study treaties all rely on an oversight committee. The NPT utilizes the International Atomic Energy Agency (IAEA) as its oversight body. According to Article III of the NPT, each state is required to enter an agreement with the IAEA, "for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty."

Simmons believes that the US and USSR used human rights treaties "selectively to try and gain the moral high ground." Likewise, commitments to some nonproliferation treaties can be used to gain moral high ground in an attempt to show a greater commitment to nonproliferation.

As Simmons found with human rights treaties, the NPT does not have "unconditional effects." Ratification does not mean there are no noncompliance cases. Even treaties that have near universal memberships will have cheaters. Nevertheless, in some cases, the treaties may make a difference in state behavior.

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26 Simmons, Mobilizing for Human Rights: International Law in Domestic Politics, 315.
27 Ibid., 233.
28 Ibid., 262.
29 "Treaty on the Non-Proliferation of Nuclear Weapons," Article III.
30 Simmons, Mobilizing for Human Rights: International Law in Domestic Politics, 353.
31 Ibid., 273.
A less obvious similarity lies in what could be termed a "national security clause." Some human rights violations, such as torture, are practiced in the name of national security. According to Simmons this is done "out of self-constructed ‘necessity,’ justifying their practices with references to security and the public or national interest."32 There is an obvious link here with states defending the pursuit of nuclear weapons for security reasons and national interests. North Korea claimed it was "defending supreme national interests" when it withdrew from the NPT for the first time in 1993.33

A shared perceived weakness of human rights and the nonproliferation regime is the increasing role of non-state actors in the international system. As Upendra Baxi and Kate Hamburger Kolleg point out in their review of Simmons' book, there is discussion of armed opposition groups but non-state actors do not play a prominent role.34 Non-state actors do not make commitments nor are they held responsible under these treaties. States pledge not to commit atrocities and not to pursue nuclear weapons. Yet, non-state actors are capable of committing atrocities and pursuing nuclear weapons.

Another type of non-state actor is transnational activists. Transnational activists, and transnational advocacy networks, are composed of "relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services."35 The human rights issue area has many transnational actors (taking the form of nongovernmental organizations)

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32 Ibid., 305.
34 Baxi and Kolleg, "Mobilizing for Human Rights: International Law in Domestic Politics."
forming transnational advocacy networks, such as Amnesty International and Human Rights Without Frontiers.\textsuperscript{36} Nonproliferation also has transnational actors, such as the Nuclear Threat Initiative, the James Martin Center for Nonproliferation Studies, the World Institute for Nuclear Security, and the Carnegie Endowment for International Peace.\textsuperscript{37}

Related to transnational actors are campaigns and mass movements. Campaigns "usually have a concentrated period of intense activity" with a specific goal, while mass movements are broader and "often require a number of campaigns to achieve large goals."\textsuperscript{38} Campaigns and movements exist in human rights, for example the US civil rights movement and the more specific Montgomery Bus Boycott campaign. There have been mass movements against nuclear weapons testing and nuclear power. For example, there is the anti-nuclear power movement in Germany and the campaign that took the form of mass occupation of proposed Wyhl nuclear power plant site in Germany.\textsuperscript{39} (This is not quite nuclear nonproliferation but the connection will be discussed in greater detail later.)

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Finally, human rights treaties and the NPT share a lack of direct enforcement. Not just physical enforcement but also in the sense of diplomatic enforcement. As Simmons points out in regard to human rights laws, "peers cannot act as reliable enforcers of the regime." Other states may ignore noncompliance events because of political or economic concerns or perhaps because of the costs associated with raising the issue and enforcement. In the case of human rights, a state may feel since it is outside their territory and does not directly affect national security, noncompliance does not require a forceful response (or a response at all). For nonproliferation, states can take unilateral actions, such as cutting diplomatic ties or sanctions. Otherwise, the IAEA reports the noncompliance to the UN Security Council, who can than vote on the level of enforcement/response (or to have a response at all). The fact of "reliable enforcers" is more difficult because of the UN Security Council's structure, which includes veto power for the permanent members.

Given the similarities between the two different issue areas, it will be meaningful to evaluate the Simmons' domestic politics theory of human rights treaty compliance and its applicability in the area of nonproliferation to gain a greater understanding of why states comply with international agreements and if the issue area matters. As described in *Mobilizing for Human Rights*, Simmons found in international human rights law that the states that ratify with no intention of complying, may in the end comply due to the mobilization of stakeholders. In particular, ratification of a treaty can generate political pressures on a state to comply. Simmons’ research found stable democracies and stable

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42 Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics*. 
autocracies are less likely to commit and comply with international human rights treaties. This dissertation seeks to compare an assessment of nonproliferation compliance with human rights compliance.

The Nonproliferation Regime and the NPT

Now that nonproliferation and human rights have been compared, it is time to delve deeper into the nonproliferation regime and the NPT, which is the focus for exploring the domestic politics theory's usefulness in high politics issues. A regime is defined as "a framework of rules, expectations and prescriptions between actors in international relations."43 One of the key components of regimes is international laws and agreements. The international nonproliferation regime is comprised of several treaties and organizations but the Treaty on the Non-Proliferation of Nuclear Weapons (NPT or INFCIRC/140) is the "linchpin" of the regime.44

Nonproliferation is an issue area that has seen significant development in international law. This has come in the form of multi-national treaties and bi-lateral agreements. As Simmons used the pinnacle human rights treaties for her research, this study will use the treaty centerpiece of the nonproliferation regime: the NPT. The NPT and human rights treaties have a number of commonalities.

Both human rights treaties and the NPT state the necessity of security that precipitated the creation of the treaties. The preamble of the NPT sets the treaty's central

purpose: “Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to make measures to safeguard the security of peoples.”

While security is the obvious underlying concern for creating the treaty, it is important to understand that several factors contributed to nonproliferation taking the form of an international treaty. The alternative (or even complementary) methodologies to a treaty are secrecy and denial.

First, keeping the technology as a military secret was obliviously not enough to stop proliferation. The Soviet nuclear program made its important early gains through espionage of the US program, while the UK program was assisted directly by the US. There was serious concern that other states may have their own capabilities with time, even without direct (or indirect) assistance from the US. This becomes truer with time as the interconnectedness of the world increases and technological advances make it easier to transfer nuclear knowledge.

Second, denial did not appear a viable option as new uranium deposits were being discovered around the world. Keeping the material to an exclusive group for trade would not last. Finally, the increase in available uranium meant an anticipated expansion in nuclear reactors. The concern ultimately being that nuclear reactors can be used for production of electricity and for the production of plutonium.

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45 "Treaty on the Non-Proliferation of Nuclear Weapons," Preamble.
47 Ibid.
48 Ibid.
These factors of secrecy and denial collectively meant that there was not a useful methodology for stopping proliferation and that it had become a “necessity to do this through voluntary and co-operative international arrangements.” These international arrangements include several treaties, with the center piece of the legal framework of nonproliferation being the NPT.

By also being a *law-making treaty*, the NPT is a normative treaty. This means that a large number of states belong to the treaty and the treaty expands on the accepted "perception of international law upon any given topic or establish new rules which are to guide them for the future in the international conduct." The NPT is an exceptional treaty with almost universal membership and it elaborates upon the shared perception that the spread of nuclear weapons is bad.

Finally, the NPT may be considered a self-enforcing treaty. According to Simmons, a self-enforcing agreement is one in which “two or more parties adhere to the agreement as long as each gains more from continuing the agreement than from abrogating it.” It is in each individual state’s interest to not have other states possess nuclear weapons as that is fewer weapons that could potentially be used against said state. This relies on the concept of reciprocity. Simmons found this unsatisfactory in human rights treaties because a state would not lower its human rights standards in response to another state’s human rights crimes. It may be possible to view reciprocity in the form of suspension of aid to a violating state, which may only serve to hurt the

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53 Ibid., 123.
offending state's citizens. With the NPT this reciprocity is a denial of peaceful uses cooperation and a denial of trade of nuclear technologies. If reputation is a serious concern, and a state does not want to be seen as unreliable, the likelihood of compliance increases making the treaty almost self-enforcing.54

The Content of the NPT

So, what are states agreeing to when they ratify the NPT? While the focus of this research is on nonproliferation compliance, the NPT is greater than this focus. The NPT has two well-known objectives: prevent the spread of nuclear weapons and international disarmament. There is a third, and often ignored objective, to spread the technology and knowledge of peaceful uses of nuclear energy. Collectively, these objectives are often referred to as the three pillars. The three pillars are: nonproliferation, peaceful uses of nuclear energy, and disarmament.55 There are eleven articles outlining the responsibilities and commitments of the states that choose to be a party to the NPT. These articles can be divided into the three pillars, with the some left over articles for administrative purposes.

Nonproliferation Pillar

Nonproliferation is for some, like the US government, the most important pillar.56 The first article of the NPT requires nuclear weapons states not to transfer nuclear weapons, control over nuclear weapons, nuclear weapon technology or give any

54 Ibid., 117.
assistance related to developing nuclear weapons to a non-nuclear weapons state. This is the twin to Article II. The second article is the responsibility of the non-nuclear weapons states. It requires these states to not to receive nuclear weapons or anything related to nuclear weapons. Non-nuclear weapons states are also committed not to pursue nuclear weapons with or without another state’s assistance. Collectively, this is the backbone of the nonproliferation regime.

Article III requires non-nuclear weapons states to place their facilities under safeguards. This article mandates states conclude a safeguards agreement with the IAEA within 18 months of a state’s entry-in-force with the NPT. The purpose of this article is to verify that states are in compliance with articles I and II of the NPT. The agreement utilized is known as a Comprehensive Safeguards Agreement and the model used for writing each state’s agreement is known as IAEA Informational Circular 153 (INFCIRC/153).

How are the nuclear weapons states that are party to the treaty affected by Article III? They are not required under the NPT to have IAEA safeguards at their facilities. Rather these states have what is known as Voluntary Offer Agreements. The US, Russia, UK, France, and China have Voluntary Offer Agreements with the IAEA, which is an agreement modeled after INFCIRC/153. It is however stronger on safeguards for specific facilities but less comprehensive as not all facilities are included. This agreement gives a state the opportunity to offer to the IAEA some (or even all) of its materials and/or facilities for safeguards. This is to belie the sometimes-perceived

58 Ibid., 8.
commercial disadvantage of having safeguards. It is up to the IAEA to choose whether to apply safeguards on the materials and/or facilities offered.

Articles IV and V include the activities and materials that will be safeguarded. The purpose of “safeguards is the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.”59

Article VII allows parties to the treaty to enter into regional treaties concerning nuclear weapons. This article is referring to nuclear weapon free zone (NWFZ) treaties in particular. Many states have chosen to join these treaties. There are currently five regional treaties establishing such zones.60 These treaties are the Treaty of Tlatelolco (Latin America and the Caribbean NWFZ), the Treaty of Rarotonga (South Pacific NWFZ), the Treaty of Bangkok (Southeast Asia NWFZ), the Treaty of Pelindaba (African NWFZ), and the Central Asia Nuclear Weapon Free Zone Treaty. There are currently calls in the international community for a Middle East Nuclear Weapon Free Zone.61 There are also related treaties covered by this article that prohibit the deployment of nuclear weapons in more controversial areas. These are “the Antarctic Treaty, the

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Outer Space Treaty, the Moon Agreement, and the Seabed Treaty [that] denuclearize and
demilitarize specific areas of the globe, as well as outer space.\textsuperscript{62}

Peaceful Uses of Nuclear Energy Pillar

Article IV states that “nothing in the treaty shall be interpreted as affecting the
inalienable right of all the Parties to the Treaty to develop research, production and use of
nuclear energy for peaceful purposes without discrimination and in conformity with
Articles I and II of this Treaty.” Iran has cited this article continuously in defense of its
enrichment research and production (although some influential members of the
international community believe this may be a ploy to conceal a weapons program).
Article V explains that non-nuclear weapons states shall receive any benefits possible
from peaceful nuclear explosions by weapons states.

Disarmament Pillar

Article VI may be one of the most important articles in the whole treaty. It directs
that nuclear weapons states “pursue negotiations in good faith” to end the arms race (that
was happening at the time), for nuclear disarmament and to create “a treaty on general
and complete disarmament.” The arms race has ended and now (debatable) progress is
being made towards nuclear disarmament. Non-nuclear weapons states and the Non-
Aligned Movement often cite this article in urging the super powers to do more for

\textsuperscript{62} \textit{Nuclear Threat Initiative, "NWFZ Tutorial,"
Disarmament was largely ignored during the Cold War, a time when the Soviet Union and the US were rapidly building their arsenals.

Administrative Articles

Article VIII has two main objectives. The first objective is to explain how states can propose and pass amendments to the treaty. For an amendment to pass, it would require a majority vote that includes all of the Board of Governors representatives (which also means all five of the nuclear weapon states). The treaty has never been amended. The second objective is to create a conference that is to be held every five years. The conference is for “reviewing the operation of the treaty.” These conferences are always politically charged. Because it can be difficult to accomplish much at an international conference, the states have preparatory meetings in the years between review conferences in order to keep momentum going and discuss ideas.

Article IX explains that the treaty is open to all states for ratification and how the treaty comes into force. The important detail contained in this article is that a nuclear weapons state is one that has “manufactured and exploded a nuclear weapon or another explosive device prior to 1 January, 1967.”

Article X contains two important points. First, a state can withdraw from the treaty if the state decides it is in its national interest and gives the other treaty members and the UN Security Council three months’ notice. This has happened only once. North

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Korea submitted its notice on 12 March 1993.64 Second, after the treaty is in force for twenty-five years a conference will be held to decide if the treaty shall continue indefinitely or for another fixed period. In 1995, the parties to the treaty voted to extend the treaty indefinitely.65 This decision was taken with the backdrop of the newly discovered clandestine activities of North Korea and Iraq.66 This lengthened the shadow of the future for those states involved and perhaps thinking of cheating (i.e. taking noncompliant actions).67

Finally, Article XI is informative and contains no obligations for the states. This article explains that authentic translated copies of the NPT will be "in the archives of the Depositary Governments" and transferred to the governments of the parties of the treaty.

Findings

Applying the domestic politics theory of treaty compliance to human rights treaties helps explain why states keep their treaty obligations. Simmons does not argue that domestic politics theory independently explains treaty compliance but that the theory does help scholars and policy makers to gain a better understanding of the puzzle that is treaty compliance. But does the theory aid in understanding compliance in high politics issue areas?

66 Reed and Stillman, The Nuclear Express, 145.
Considering the state of the world in June 2012, six states are used as sample of the international community in relation to the NPT. These states are divided into three groups: those of no compliance concern, those that have already failed to comply, and those that are of potential proliferation concern. Germany and Kazakhstan are strong proponents of the nonproliferation regime and are the states of no proliferation concern. Syria and Libya are the noncompliant states as they have both failed to comply with their NPT obligations. Egypt and Saudi Arabia are challenging and are both considered potential future proliferation concerns. When analyzing these states of varying compliance through the perspective of domestic politics theory, there are mixed results.

The following pages will show that the domestic politics theory of treaty compliance does not very well explain state compliance with the NPT. The German and Kazakhstan case studies have some mobilization but no litigation or agenda setting. Even then the mobilization in Germany is against nuclear power more generally and the mobilization in Kazakhstan is against nuclear weapons testing. All three mechanisms of the domestic politics theory (i.e. mobilization, agenda setting, and litigation) are lacking in the noncompliance cases of Syria and Libya. This is as expected. Similarly, the Egyptian and Saudi Arabia cases of potential proliferation concern have no evidence of mobilization, agenda setting, or litigation related to nonproliferation.

The domestic politics theory of treaty compliance is not an all-encompassing theory that explains compliance, nor did Simmons ever claim it to be. The theory is a tool we can use to view and understand treaty compliance. In the high politics issue area of nation security, and nonproliferation specifically, the domestic politics theory does not
seem to be extremely useful but it should not be fully discounted. Perhaps, this means that the theory should be modified to account for high politics issues.

Dissertation Structure

Chapter 2 explores alternate theories on state compliance with international obligations. Compliance theories and ideas are reviewed to complete a well-rounded review on variables relevant to understanding the compliance of a state to a particular treaty. The focus is on introducing Simmons’ domestic policy theory of compliance: domestic mobilization, agenda setting, and litigation. The chapter also includes an explanation of the methodology and the reasoning behind the case study choices.

The six states assessed can be broken into three categories. There are states that are very obviously not going to proliferate and strong proponents of the nonproliferation regime and there are those states that have already failed to comply. The third category is those states that have not failed to comply but may do so in the future. They are future potential challenges for the nonproliferation community. Some of the states are currently undergoing dramatic political changes and so for the sake of this dissertation, analyses will assume a cut-off date in history of June 2012.

For each state, there is an introduction to the specific situation of the state, followed by an overview, which includes the state’s history with nonproliferation and why they might want to proliferate, any important issues or concerns that have been raised in the past, as well as their history with the NPT itself and the international nonproliferation regime more broadly.
The status of nuclear power in the state is also reviewed to draw a more complete picture of each state. Next, each state is analyzed applying Simmons’ domestic politics theory of treaty compliance. This includes reviewing the theory’s mechanisms of domestic population mobilization, agenda setting, and litigation for each state’s particular situation in a scholarly search for evidence. Conclusions are then drawn for each state on whether compliance/noncompliance can be better understood using domestic politics theory.

Each chapter of case studies also finishes with a section on broader conclusions for the category of states discussed (as opposed to conclusions on the specific states covered in the case study itself). The conclusion section also includes a table comparing the states in the case study and the application of domestic politics theory mechanisms. The case study chapters are (3) States of No Proliferation Concern, (4) States That Have Already Failed to Comply, and (5) States That are of Potential Proliferation Concern.

Chapter 3 includes the first two states, which are not of potential proliferation concern. These are Germany and Kazakhstan. They were both proliferation concerns for the international community in the past but have solid records in the nonproliferation regime today. Kazakhstan exemplifies the spirit of nonproliferation in having given up the weapons it inherited from the Soviet Union and joining the NPT. Germany illustrates that it is possible to increase dedication to the nonproliferation regime. Both, Germany and Kazakhstan will show the importance of domestic populations on national decisions.

Chapter 4 includes the next two states and its focus is on states that have already failed to comply. Non-compliance is a political decision among states and therefore debatable. The decision for choosing the noncompliant states for this dissertation is
based on previous judgments by the IAEA Board of Governors. These states are Syria and Libya. Both states were found in noncompliance this decade and neither still has a nuclear weapons program (at least to the international community’s knowledge as of June 2012).

The case study chapters are rounded out with chapter 5, with two states that are capable of acquiring nuclear weapons and are of potential proliferation concern. Egypt and Saudi Arabia were chosen to represent states that are a proliferation concern. Despite the seemingly difficult task of selecting potential proliferators, these two states are logical choices and supported by contemporary researchers. For example, Egypt and Saudi Arabia are from *The Nuclear Tipping Point*, which is an edited volume focused on states that could go nuclear and the policies that affect them. Their potential to proliferate is explored further in this chapter. Each of these states has a unique history with proliferation and concerns that could tip them in the direction of acquiring nuclear weapons. They are of serious concern because they have the capacity to acquire nuclear weapons should they chose to do so.

Chapter 6 offers an analysis of how useful the domestic politics theory of treaty compliance is in the high politics issues area of nonproliferation. A table is offered comparing the different cases and the application of domestic politics theory’s mechanisms. While the theory is not especially useful the concept of what this means for the theory and for nonproliferation is thoroughly explored. It was never expected that the theory would be sufficient in explaining compliance and Simmons never claims that it is.

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However, it may prove to be a useful lens through which the international nonproliferation community can further understand treaty compliance.

Finally, this chapter summarizes the research and draws conclusions, ending the dissertation. The argument is reviewed, the pieces of the dissertation summarized. Ideas for future research are offered and final conclusions are drawn to end the dissertation.
CHAPTER II
COMPLIANCE AND THE CASE STUDY METHODOLOGY

Introduction

The NPT and IAEA nuclear safeguards are a barrier to nuclear weapons and removing them would allow for the development of nuclear weapons without oversight. State compliance with the NPT means a safer world with fewer nuclear weapons. Without compliance there would be no way of monitoring the nuclear materials and activities in the world.

Commitment and compliance are key aspects of international law, and treaties in particular. A better understanding of when and why states comply with their commitments can lead to a strengthening of the international legal system and improvements in the development of treaties. But are the drivers for compliance the same no matter the issue? Does it matter if the issue is of low politics or high politics? Furthermore, can understanding compliance in low politics issue areas, such as human rights, help us understand compliance in high politics issue areas, such as the spread of nuclear weapons?

In her domestic politics theory, Simmons extensively explores “the role of the executive, the judiciary, and citizens” on the compliance behavior of a state. In this study, her domestic politics theory of compliance will be expanded to consider compliance with the NPT, as opposed to compliance with key human rights treaties.

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69 Simmons, Mobilizing for Human Rights: International Law in Domestic Politics, 126.
This chapter starts with a focus on developing an understanding of what compliance and noncompliance look like for the NPT. The particular definitions of compliance and noncompliance in the context of the NPT will be given.

The next focus is on explaining in detail the mechanisms of the domestic politics theory of treaty compliance in the low politics issue area of human rights. These variables are the mobilization of domestic groups, agenda setting, and litigation. This section includes how these three variables can be defined and how they may be influential in the high politics of nuclear weapons proliferation.

The third focus of this chapter is on explaining the methodology for applying the domestic politics theory of treaty compliance to the NPT. This section includes an argument for using the case study method by discussing the strengths and weaknesses of this approach.

The fourth focus is on the case study identification. Here is where the explanation of countries to be utilized in the case studies is given. Using the variables influencing compliance, that are identified at the beginning of this chapter, each state will be assessed on compliance with the NPT (and ultimately nonproliferation by proxy). There will be a total of six states assessed.

These six states are divided into three categories according to their record of NPT compliance. This includes two states that are not of proliferation concern, two states that have already failed to comply and two states that are of potential proliferation concern. The states not of proliferation concern are Germany and Kazakhstan. The two states that have already failed to comply were chosen according to the IAEA Board of Governors’ findings. These are Syria and Libya. Finally, the two states that are potential
proliferation concerns are Egypt and Saudi Arabia. There will be an emphasis on the relationship with Simmons’ findings for all six case studies to further understand treaty compliance.

Finally, conclusions are offered to understand the connection of compliance and its related variables with the upcoming case study chapters.

Compliance and Noncompliance

Compliance

A working definition of compliance comes from Merriam-Webster: “a. the act or process of complying to a desire, demand, proposal, or regimen or to coercion b. conformity in fulfilling official requirements.” Every treaty includes official requirements to which the parties to the treaty are committing themselves. Assessing a state’s compliance is intended to be a measurement of the level of compliance. In other words, states meet these obligations completely, partially or not at all. Without compliance, a treaty is not worth the paper it is written upon.

In theory, compliance should be simple to assess. Either a state is meeting its obligations or it is not...or so one would think. As with so many things in life, there is a grey area. A state that has not been found in noncompliance may not necessarily be in compliance. It is precisely this gray area that causes international controversy and creates political issues. This concept, and the role of politics in compliance, will be discussed in

detail. The mechanisms of domestic politics theory presented as independent variables in this chapter are ways that treaties may influence compliance.

Compliance with the NPT is challenging to assess in the same way that it is difficult to assess within human rights issues. A state in noncompliance will likely not readily reveal itself. A violator may attempt to hide details of its transgressions. Not every violation is as blatant as those that make it into the news. Furthermore, anomalies can exist which raise questions about the compliance of a state. In some cases, these anomalies can be resolved quickly, such as by the IAEA conducting an inventory verification or a state providing more information. In other cases, these anomalies become part of the path to a noncompliance finding, such as with Syria.

For this dissertation a state is in compliance as long as it is not in noncompliance according to the IAEA Board of Governors. This dichotomy is a bit simplistic but a clear guideline is needed to make this differentiation and using the decisions of the international community avoids author biasing. There are, of course, politics involved in the Board of Governors' decisions so bias is not completely eliminated. The states that are of a potential proliferation concern are currently in compliance and may remain so forever. However, they may be sources of proliferation concern in the future and are already being discussed by contemporary scholars. The results of this research may aid in understanding whether domestic politics plays a role in treaty compliance and therefore increase or decrease international concern in the future.
Noncompliance

Noncompliance is occasionally easy to determine: a failure to comply with obligations is a failure to comply. But, as stated above, an apparent lack of compliance is not necessarily noncompliance. For the purposes of this dissertation, noncompliance is technically defined as those states that have been found in noncompliance by the IAEA. It is not an uncomplicated process for the IAEA Board of Governors to determine and report a noncompliance finding. The IAEA process is explained below but the important part now is to understand that using their findings to determine noncompliance is reasonable for this dissertation. There is little controversy around the six states chosen for this dissertation and their level of compliance.

Anyone can determine noncompliance for themselves; states are frequently crucified in the media by flippant commentators. However, the IAEA has access to and requires facts (facts often disputed by the country being investigated) and then the agency requires a drawn out period of debate and votes on various related resolutions. Until fairly recently, the IAEA Board of Governors had always followed the Spirit of Vienna for big decisions, such as noncompliance findings.

The "Spirit of Vienna" refers to the cooperative working environment at the IAEA that focuses on the technical issues rather than be distracted with politics, especially in the first two decades of the agency’s history.71 A former US ambassador to the IAEA has pointed out that the Spirit of Vienna has been undermined by recent noncompliance finding votes in which divisive politics have played a larger role than

While the IAEA noncompliance findings may increasingly reflect politics, it seems a more reasonable measure of compliance for this dissertation than using personal opinion or a single state’s point of view.

A formal finding of noncompliance is a political decision among states and therefore is sometimes debatable. It is important to note that the IAEA can find states in violation of Safeguards Agreements (INFCIRC/153) but not in noncompliance of the NPT. The IAEA’s purpose is to assess only Article III of the NPT via safeguards not the entire treaty. While noncompliance with the IAEA, and therefore Article III of the NPT, is likely to mean noncompliance with the NPT, this is not an automatic guarantee.

Former Director Pierre Goldschmidt of the Department of Safeguards at the IAEA, has cautioned that "the fact that there is no official definition of what constitutes noncompliance should not be used as an excuse by the secretariat for not reporting promptly, fully, and factually any significant or intentional failure or breach of safeguards undertaking."  

If the IAEA secretariat detects a violation or noncompliance, the Department of Safeguards has two choices. The state can be reported to the IAEA Board of Governors or the incident can be included in the annual Safeguards Implementation Report. The Board of Governors is composed of 35 member States. According to Article X11.C of the IAEA Statute, “the Board shall report the non-compliance to all members and to the

Security Council and General Assembly of the United Nations.” There is no definition of noncompliance to guide the Board’s decision; however, Peter Jenkins suggests that the previous decisions can be considered as a kind of case-law.\(^7\)

Jenkins also found that, “whether the Security Council needs to be informed of a case has been the prime consideration” in deciding whether a state is in noncompliance. The underlying fact is that Article III.B.4 of the IAEA Statute says the Security Council should be informed when matters concern “international peace and security.”\(^6\) The Board of Governors considers the consequence and severity of the violations in the context of international peace and security when determining noncompliance.

The Board of Governors has found six of the eight states brought before it to be in noncompliance. The two noncompliant states used for the case studies in this dissertation are Libya in 2004 and Syria in 2011. The four not being used are Romania in 1992, Iraq 1991, Iran in 2005, and North Korea, which was found in noncompliance in 1993, in 1994, and again in 2003. Egypt and South Korea were discussed by the Board of Governors but not found in noncompliance.

Beginning in 1997, states have had the option of entering an Additional Protocol with the IAEA. This gives the IAEA more information and access to implement safeguards more efficiently and effectively, in order to confirm states are in compliance with their obligations. Perhaps unsurprising, neither of the noncompliance case studies chosen (Syria and Libya) had an Additional Protocol in place when found in noncompliance.

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\(^7\) Peter Jenkins, "Staying Credible: How Precedents Can Help the IAEA Get Noncompliance Calls Right," *Arms Control Today* 40, no. 7 (September 2010).

In addition to the Board of Governors’ decisions on compliance, the United States completes its own evaluations. The US State Department’s *Adherence to and Compliance with Arms Control, Non-proliferation, and Disarmament Agreements and Commitments* report “provides an assessment of US adherence to obligations undertaken in arms control, nonproliferation, and disarmament agreements, as well as an assessment of the adherence of other nations to obligations undertaken in arms control, nonproliferation, and disarmament agreements and related commitments.”

Like the Board of Governors, the US State Department also identified Libya, Iraq, Iran, and Syria as noncompliant parties to the NPT. According to the 2010 report, Libya and Iraq were not compliant in the past but are currently. The report addresses current (as of 2010) US concerns about compliance issues with five states specifically: Iran, China, Burma, North Korea, and Syria. In addition, the US finds 18 states are not in compliance with Article III of the NPT as they have failed to bring a Safeguards Agreement into effect within 18 months of becoming a party to the NPT (as required by Article III).

Under Article III, states are required to begin negotiating a Safeguards Agreement with the IAEA within 180 days of entering the NPT into force, and bring the resulting Safeguards Agreement into force within 18 months of beginning the negotiations.

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78 Ibid., 53.

79 "Treaty on the Non-Proliferation of Nuclear Weapons," Article III.
There are currently 14 states not in compliance with this aspect of the NPT.\textsuperscript{80} These states have not been formally found in noncompliance and reported to the UN Security Council most likely because they are not seen as a threat to international security (which the IAEA Statute uses as a guideline in determining which states to report).\textsuperscript{81} There is currently a push within the US government to encourage these states to include their agreements with the IAEA. The IAEA has limited resources and given the lack of nuclear capabilities in these states (which all have bigger concerns than expending their resources on concluding these agreements) there has not been a strong effort to complete the agreements.

In addition to the definition of noncompliance above, there is the possibility that states can be in noncompliance under Article III and Article VI. Under Article VI, nuclear weapon states that are party to the NPT agree to “pursue negotiations in good faith” to disarm.\textsuperscript{82} There has been progress in arms control and disarmament but some states have long argued that the nuclear weapons states are in noncompliance by their failure to negotiate "in good faith" towards the total elimination of nuclear weapons.\textsuperscript{83}

Domestic Politics and Treaty Compliance

Scott Sagan has suggested an alternative “domestic politics model, which envisions nuclear weapons as political tools used to advance parochial domestic and

\textsuperscript{81} "Statute of the International Atomic Energy Agency."
\textsuperscript{82} "Treaty on the Non-Proliferation of Nuclear Weapons," Article VI.
\textsuperscript{83} Joseph S. Nye, "NPT: The Logic of Inequality," \textit{Foreign Policy} 59 (Summer 1985).
bureaucratic interests." Sagan believes that domestic reasons can drive a state to acquire nuclear weapons, because the weapons represent a means to an end (which may vary actor to actor). Simmons has demonstrated that domestic reasons can also explain and possibly compel treaty compliance with human rights treaties. Her three mechanisms (mobilization, litigation and agenda setting) represent a means to an end (treaty compliance). Sagan’s domestic model for proliferation therefore suggests another reason to use Simmons’ domestic politics theory to understand nonproliferation compliance.

The domestic politics theory of treaty compliance "privilege[s] domestic political actors as agents in their own political fate." In other words, Simmons found that treaties can influence compliance by empowering domestic actors. She does not rule out the impact of external actors but has found the internal actors can be sufficient for gaining compliance in the area of human rights law. Simons argues that "international law helps local actors set priorities, define meaning, make rights demands, and bargain from a position of greater strength than would have been the case in the absence of their government’s treaty commitment." This translates into three mechanisms that will be used as variables for this dissertation: mobilization, agenda setting, and litigation. In human rights, this means that citizens can use their government's international commitments to demand change through litigation and mobilize to demand change by drawing domestic and international attention to violations. But what does this mean in the world of high politics and national security?

86 Ibid., 126.
Simmons found a strong connection between government types and compliance with human rights treaties. This may translate well to the high politics of security with a small twist. Simmons found that true democracies already respected human rights and that signing a human rights treaty required little action for a democracy. They were sincere in their ratification. Furthermore, the domestic groups may not mobilize, as there is little need to on this issue in a democracy.

On the other hand, an autocracy that disregards human rights may ratify with no intention of changing its behaviors. They are insincere in their ratification. The groups that may have mobilized in a more democratic nation usually have no credible means of requesting change in an autocracy (whether this is by litigation or mobilization). Simmons offers this result when describing government type in relation to compliance. Most importantly, Simmons found that her theory "works" best for transitional democracies where the mechanisms have the most impact.

What does this mean for the nonproliferation regime? Will it be possible to separate the sincere ratifications from the insincere? And will the mechanisms of the domestic politics theory of treaty compliance be more apparent (i.e. will it make the clearest explanation) in the transitional democracies, as Simmons found in the human rights regime?

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87 Ibid., 354.
88 Ibid., 155.
Simmons concedes that "not all kinds of issues elicit identical kinds or degrees of domestic mobilization." Simmons uses the example of torture to illustrate this concept. A state can instill fear in its citizens to prevent domestic mobilization. For example, a government can claim that it is protecting the nation by using torture against a certain group because that is the only way to prevent terrorist attacks. It is not a far stretch of the imagination to think a state may claim that possessing nuclear weapons is the only way to prevent attack from other nations. Citizens will mobilize because of discontent but discontent as Simmons defines it is "structural, arising from the existing political, social, and economic relationships within a given society." Those that have rallied against nuclear weapons have identified their discontent with their governments building what they view as dangerous unreliable technology that causes genocide.

Citizens may mobilize not so much because they disagree with their government's decision and desire for compliance, but because it has become personal. Human rights treaties are deeply personal because they affect the individual. State acquisition of nuclear weapons does not encroach at the individual level in the same way violations of human rights does. However, sanctions against a state as a result of noncompliance can impact citizens. At which point, the decision not previously affecting the individual now matters more. This impact can be even greater if the international community uses violence, such as pre-emptive strikes or war.

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89 Ibid., 199.
90 Ibid., 358.
91 Ibid., 137.
A major factor in domestic groups being able to mobilize is ever lowering transaction costs. Transactions costs are the non-monetary costs of doing business. In this case, it includes telecommunications, internet access, and more. Simmons points out that the lowering transaction costs "helped to empower the governed relative to governments over the century." The rise in social media has played a critical role in supporting groups organizing around the world on important issues.

In fact, governments attempting to suppress domestic groups that have begun to mobilize have shutdown telecommunications providers to stop the ease of communications that leads to better organization. During the 2011 Arab Spring, social media was used extensively to communicate among demonstrators. It should be noted that modern technology and social media are not solely responsible for domestic groups' ability to mobilize. In 1919, domestic groups were able to mobilize effectively in Egypt, Tunisia, and Libya, without Twitter or Facebook.

Populations will be most likely to mobilize when they place value on an issue and they deem success likely. Treaties can increase the likelihood of successfully mobilization. This is especially true in transitional partially democratic governments, such as Egypt and Kazakhstan in this dissertation's case study. Simmons sees treaties

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93 Simmons, Mobilizing for Human Rights: International Law in Domestic Politics, 352.
94 Ekaterina Stepanova, "The Role of Information Communication Technologies in the 'Arab Spring'," in PONARS Eurasia Policy (May 2011).
95 Lisa Anderson, "Demystifying the Arab Spring," Foreign Affairs (May/June 2011).
96 Ibid.
97 Ibid., 152.
98 Ibid., 153.
as resource for populations considering mobilizing. A treaty clearly defines an issue and gives legal grounds to demand change, which combined increase the likelihood of success. 100

If domestic mobilization played a role, evidence should be found in the form of movements, such as petitions, protests, and organized events by citizens drawing attention and publicity to their cause in the hopes of stopping their nation from pursuing nuclear weapons.

**Agenda Setting**

The second mechanism of the domestic politics theory is national agenda setting. For the issue area of nonproliferation, this would mean nonproliferation related policies would be discussed and enacted in the national agenda. To say that a nation joins and complies with a treaty based only on its existing policy preference is perhaps “too hasty.” 101 No international treaty can completely reflect a state’s preference (as no state has the power to negotiate and influence a treaty without compromises). Therefore, the issue of the treaty comes onto the domestic agenda and given the process of ratification may by default influence compliance. Furthermore, a treaty gives a nonnegotiable text for discussion.

Simmons does not claim that a treaty changes preferences but that it may change the priorities. 102 An issue that could be ignored previously now draws plenty of attention, including legislative attention. It is also possible that it is not that a state was not

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100 Ibid., 138.
101 Ibid., 127.
102 Ibid., 127.
interested in an issue previously so much as it was a low priority and not discussed. With a treaty there is a clear definition and expectation from the international community which a state should respond to positively or negatively. Silence before a treaty is developed may have meant ambiguity on the issue but silence with the treaty in existence is interpreted as disagreement with the corresponding policy.\textsuperscript{103}

Domestic actors can also use treaties to reinforce a previously set agenda. For example, a state unable to pursue nuclear weapons does not have to admit that it is not capable but rather just point to its commitment as the reason for not pursuing nuclear weapons. Furthermore, a national government can use a treaty in line with its agenda of condemning other nations, as we see in the Middle Eastern nations condemning Israel for not joining the NPT.

The caveat Simmons offers for agenda setting is that there are no guarantees.\textsuperscript{104} Agenda setting is more likely to work in states that are “sincere” in their ratification and want to comply. Furthermore, influencing the agenda and bringing attention to an issue is not a guarantee of successful implementation of the treaty.

If agenda setting plays a role than evidence should be found by looking for nonproliferation becoming an issue where it was not previously and the development of national law related to nonproliferation.

\textit{Litigation}

The ratification of an international treaty requires a corresponding domestic law. Depending on the government type it is automatically created or lawmakers must

\begin{thebibliography}{99}
\bibitem{103} Ibid., 128.
\bibitem{104} Ibid., 129.
\end{thebibliography}
specifically implement new laws.$^{105}$ The IAEA lawyers willingly review national legislation to ensure states are creating the best possible regulations for this task. Citizens can use these domestic and international laws to demand compliance. This can be seen in the issue area of human rights. Individuals and minority groups can use litigation to demand their rights be protected. This may also be true for nonproliferation but whether litigation is utilized will be the more interesting question. But the ratification of a treaty (and corresponding law) does not guarantee it will be used for litigation purposes.$^{106}$

It may be that domestic groups do not use the judicial system to demand their state not pursue nuclear weapons because they have larger more immediate concerns. For example, a domestic population with high unemployment, economic difficulties and risk of starvation may not be concerned with the state breaking its nonproliferation commitment. However, if the illegal pursuit of nuclear weapons has resulted in the domestic population being punished by international sanctions, perhaps that population will mobilize and will use the court system to demand change. This could also happen if a state with economic difficulties spends money on nuclear weapons to the detriment of social services and weakening the national economy. Some analysts suppose that it is a fear of economic collapse that has kept China from pursuing larger nuclear warhead stockpiles.$^{107}$ There is a belief in China that the Soviet Union collapsed because of its arms race with the US. In this case, a group could be rallied to demand change through litigation against the government in the court system.

$^{105}$ Ibid., 130-31.
$^{106}$ Ibid., 130.
Related to litigation are domestic institutions. Domestic institutions, such as national judicial systems, create stability and ease compliance with human rights treaties. The courts could assist in compliance with the NPT. Simmons found that having a strong independent judicial system contributes to treaty compliance. Ideally, a separate institution that is not elected by the people, nor directly responsible to the political government, could more effectively, and objectively, develop and enforce policies and regulations. A credible judicial system allows for compliance issues to be challenged domestically and are an avenue for change. An example of this is the domestic courts being used to change practices of government torture in Chili and Israel, based on their international treaty obligations.

Litigation has the ability "to put in place a new or transformed discourse of rights which goes to the heart of the way in which the substantive issues are conceived, expressed, argued about, and struggled over." This can be applied not just to rights but other issues, such as possibly to nonproliferation. Individual litigation cases may not cause change but "litigation is also a political strategy, with power to inspire rule revision and further mobilize political movements." Furthermore, a failed case is not necessarily a failure in itself as even this has the potential to bring publicity and public mobilization.

If litigation played a role evidence will be found in the court system. There will be court cases brought against the state by individuals and/or domestic groups organized for the goal of nonproliferation and keeping their state from pursuing nuclear weapons.

Why a Case Study Methodology

Simmons uses a combination of qualitative and quantitative analyses in her study of compliance with human rights treaties. A qualitative methodology however is more appropriate for this dissertation. To be more specific, a case study methodology is the ideal choice in this situation. A case study methodology is useful because the research goal is to explore the implementation of Simmons' theory within the high politics issue area of nonproliferation to see what can be learned about treaty compliance.

One of the strengths of a case study is the capability to assess generalizations or variables in a specific situation. As Bennett and George point out in their seminal book, case studies allow for several causal mechanisms to be explored within a single case. Case studies allow “within-case analysis and cross-case comparisons of a small number of cases.” In this study, cases will be analyzed individually testing Simmons' three components of domestic politics theory of compliance: agenda setting, litigation, and domestic mobilization. Then the results are compared across the case studies to identify any patterns or anomalies in the conclusions chapter.

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113 Ibid., 21.
114 Ibid., 18.
There are potential disadvantages to using a case study methodology that should be acknowledged. First, there are potential biases in choosing the case studies. Care must be taken that a variety of cases are chosen and not just the ones that will be support the desired results. There has also been an effort to use a variety of geographical regions, cultures, economies, etc. Some states have failed to comply, some are considered strong proponents of nonproliferation, and some are harder to interpret. These categories are addressed by choosing six states for case studies (two for each category). This will be explained in the next section, Case Study Identification. One final note on selection bias: there is a bias in that all of the states are members of the NPT. This bias is acceptable as the hypothesis is centered on compliance with this specific treaty.

Another disadvantage of the case study methodology is that it does not necessarily identify how much a variable influenced/impacted/mattered, only whether it mattered. Etel Solingen faces a similar problem in Nuclear Logics, in which she states it is important not to overestimate or underestimate the impact of any single variable when using the case study method. This is not a true disadvantage in this research because knowing whether Simmons’ findings mattered in compliance with the NPT is sufficient. If it is possible to discern how much they mattered, or how much the domestic politics theory of compliance mattered as whole, that would be more interesting but it will not be considered a failure if this cannot be discerned. On a related noted, the purpose of this research is to identify whether the variables are necessary. It is not expected that there will be a clear answer on whether the variables are sufficient. Bennett and George point

115 Ibid., 23.
116 Ibid., 25.
this out as seeking to find whether a variable “favors” a specific outcome. In some particularly complex case studies, one may only know whether a variable is a “contributing cause” but one may not be able to discern if it is necessary for the outcome.

Case Identification

Before describing the categories that the six states fall into, one needs to understand they are all sufficiently technologically advanced to be nuclear capable. As Matthew Kroenig has pointed out bluntly, “whether or not a state wants nuclear weapons is irrelevant if it is unable to acquire them.”

Several analysts and scholars have made an effort to determine which states have the capacity to build nuclear weapons. Example works include, Stephen M. Meyer’s seminal work, *The Dynamics of Nuclear Proliferation*, as well as the scholarship of Sonali Singh and Christopher R. Way, and Dong-Joon Jo and Erik Gartzke. This dissertation will use states that have obvious technological and financial assets, although as several countries have shown us (for example, North Korea) superiority is not necessary in either category to obtain nuclear weapons. The antiquated idea that only

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118 George and Bennett, *Case Studies and Theory Development in the Social Sciences*, 27.
119 Ibid., 27.
first world states can acquire nuclear weapons has been repeatedly proven wrong since China's first detonation in 1964.\textsuperscript{124} Furthermore, developing nations may have capabilities in manufacturing and machine tools that can be “exploited” by third parties in a nuclear weapons program.\textsuperscript{125}

Another important thread between the states, but perhaps most important to the noncompliant states is the Additional Protocol. The noncompliant states are chosen because their noncompliant findings were post 1997. Since 1997 states have had the option of ratifying the Additional Protocol. This “addition” to current obligations gives the IAEA more information and access in order to be able to not just verify declared materials and activities, but to confirm the absence of undeclared materials and activities. The Additional Protocol is anticipated to become a new international norm but it is too early to tell. In the future it may prove true and the absence of an Additional Protocol in force may be indicative of future noncompliance.

In total, there are six states being evaluated. The two states that are not a concern and the two states that failed to comply should be straightforward when applying the domestic politics theory because the outcomes (compliance) are clear for these case studies. The two states that are of potential concern of becoming nuclear weapons states in the future may well be the more difficult and interesting cases. This analysis will apply the domestic politics theory of treaty compliance to understand the cases with a


\textsuperscript{125} Ibid., 246.
known end state in comparison with Simmons' results in human rights and will generate information on the potential unknown outcomes of the other two cases.\textsuperscript{126}

More information on why these particular states were chosen will be given in each case study chapter's introduction. Here the basic reasons are outlined in defense of using Germany, Kazakhstan, Syria, Libya, Egypt, and Saudi Arabia for this dissertation.

The two states that are not of proliferation concern are Germany and Kazakhstan. They were both considered potential proliferators at one point in history. Germany clearly has the technological and financial capacity to acquire nuclear weapons but chooses not to do so. Germany was a concern after World War II and again after the Cold War. Kazakhstan was also a concern after the Cold War, when it inherited nuclear weapons (as a result of the breakup of the Soviet Union) and it was unknown if they would keep them. This was an immediate and pressing proliferation concern. However, Kazakhstan willingly returned the weapons to Russia and joined the NPT. Both Germany and Kazakhstan are considered strong supporters of nonproliferation today.

The two states on "the other side of the coin" are states that have already failed to comply: Syria and Libya. As mentioned in the noncompliance discussion above, the common way of defining noncompliance for states is by when they fail to meet their safeguards obligations, as outlined in Article III of the NPT. Syria and Libya were chosen because they are recent cases of noncompliance that may be considered closed: as of June 2012, the international community believes their programs have been stopped. This is as opposed to the ongoing saga of Iran and North Korea who may have active

\textsuperscript{126} There are two other kinds of case studies that get away from the focus of this research. A fourth type of case study would include states that have violated the NPT in the past and are now complying with the treaty. A fifth case study category would be on states who gave up weapons programs in order to join the NPT as compliant states.
programs at the moment. How their programs progressed and ultimately ended are very
different stories and will make for an interesting chapter.

Finally, chapter 5 rounds out the case studies with two states that are capable of
acquiring nuclear weapons and are future potential proliferation concerns: Egypt and
Saudi Arabia. These states were selected from *The Nuclear Tipping Point*, which is an
edited volume focused on states that could go nuclear and the policies that affect them.\(^{127}\) Respected nonproliferation expert David Albright, of Institute for Science and
International Security, also lists Egypt and Saudi Arabia in his “to worry about”
discussion of proliferators.\(^ {128}\) There are other scholars who refer to Egypt and Saudi
Arabia in this manner, and who they are and what their concerns are will be discussed in
more detail in chapter 5.

Egypt and Saudi Arabia each has a unique history with nuclear proliferation and
each has concerns that could tip them in the direction of acquiring nuclear weapons.
Furthermore, both states have the capacity to acquire nuclear weapons if the decision is
made to do so. Egypt, which under the autocracy of Mubarak had a policy of compliance
to the NPT despite its security incentives to proliferate, may become a transitional
democracy as result of the uprising and the Arab Spring. Egypt may be the most
interesting test of this theory for explaining treaty compliance.

\(^{127}\) Campbell, Einhorn, and Reiss, eds., *The Nuclear Tipping Point: Why States
Reconsider Their Nuclear Choices*.

\(^{128}\) Albright, *Peddling Peril: How the Secret Nuclear Trade Arms America's Enemies*,
244.
Conclusions

The previous chapters have laid the groundwork for the dissertation’s case studies. This chapter reviewed the relevant measures of compliance, the mechanisms that comprise Simmons' domestic politics theory of compliance, introduced the case study methodology, and identified the states to be used in the case studies.

Definitions of compliance and noncompliance were offered but the ultimate decision for this dissertation is based on the IAEA. The states are defined as noncompliant with the NPT based on historical findings by the IAEA Board of Governors. States are in compliance if they have not been found in noncompliance.

The domestic politics theory of compliance includes the mobilization of domestic groups, agenda setting, and litigation. These three variables were further defined in this chapter. They will be used in the following case study chapters to see if the domestic politics theory of treaty compliance can help us understand compliance in the high politics issue area of national security. Through the prism of domestic politics theory we should see in the case study states: nonproliferation added to the national agenda where it was previously absent, litigation in the courts attempting to stop the acquisition of nuclear weapons, and domestic groups mobilizing in the name of nonproliferation. The theory is not expected to fully explain compliance; nor should the lack of the theory's mechanism in noncompliance cases fully explain noncompliance. According to Simmons the domestic politics theory of treaty compliance just helps explain compliance.

The next three chapters are the case studies themselves. Chapter 3 discusses the currently compliant states: Germany and Kazakhstan. Both of these states were once
proliferation concerns but are not solid supporters of the nonproliferation regime. Chapter 4 analyzes the recent noncompliant states, Syria and Libya. Since 2003, both of these states have been found in noncompliance by the IAEA Board of Governors. However, the world thinks their programs have been stopped and it is possible to study these cases. Chapter 5 concludes the case study chapters with a discussion on the potential proliferation states of Egypt and Saudi Arabia. Both of these states may support the nonproliferation regime, but the world also has reason to be concerned there may be a change of policy in the future.

The politics are evolving and there may be great changes in store for some of these states. But for the sake of this dissertation, analyses will only use history and events up until June 2012. Otherwise, the next chapters would continually need revising for years to come as history unfolds.

The next several chapters will explore if "commitments have made an important contribution" to stopping the spread of nuclear weapons, as Simmons has found to be true in the issue area of human rights.\textsuperscript{129} In the very least, the analyses seek to gain a better understanding of why states keep their commitment not to develop or acquire nuclear weapons; nor help others to do so.

\textsuperscript{129} Simmons, \textit{Mobilizing for Human Rights: International Law in Domestic Politics}, 199.
CHAPTER III

STATES OF NO PROLIFERATION CONCERN

Introduction

The states in this chapter are the strong NPT supporters. It is expected that these states will continue to meet their commitments and will not proliferate. They may even demonstrate their commitment by going beyond the obligations of the NPT. Viewing these two cases through the lens of the domestic politics theory of treaty compliance should give the expected results: if the theory is relevant to understanding compliance in nonproliferation then the theory's mechanisms should be present in these two compliance cases. There should be the presence of mobilizing domestic groups, the agenda setting should be logical and related to the treaty, and there should be the use of litigation.

These two case studies develop a baseline for the theory before moving on to the harder noncompliance cases and potential proliferation concern cases. It is important before delving in to the case studies to recall that Simmons does not claim domestic politics theory of treaty compliance to be sufficient in explaining compliance. She suggests only that the theory can help explain the puzzle that is treaty compliance and other factors may be involved as well.

So, what are the two cases and why were they chosen? The states for this chapter are Germany and Kazakhstan. After the Cold War, Germany reunified and Kazakhstan became an independent nation. Germany and Kazakhstan each have a unique history
with nuclear weapons. Germany once pursued nuclear weapons and Kazakhstan actually
had nuclear weapons; but both have made the choice not to possess nuclear weapons.

Germany became the birthplace of the Atomic Age in 1938 with the discovery of
a fission reaction in uranium.\(^{130}\) Fission is the key concept behind a nuclear weapon and
is necessary to create an explosion.\(^{131}\) Germany had an active nuclear weapons program
during World War II and after the war the international community sought an assurance
that the program would not be restarted.\(^{132}\) The original nuclear weapons program under
Hitler was not successful, and luckily, we never had to learn how he would have used
these destructive weapons.

Decades later, with the end of the Cold War, there were fears that Germany might
once again be tempted to develop nuclear weapons for security reasons in unstable
political times.\(^{133}\) These fears, happily, were unfounded and Germany has stayed the
non-nuclear course. Kazakhstan had a slightly different story after the Cold War.

Kazakhstan did not seek nuclear weapons but found them in its possession with
the fall of the Soviet Union.\(^{134}\) Kazakhstan suddenly had the world’s fourth largest
arsenal of nuclear weapons and substantial inventories of highly enriched uranium and
plutonium. The Soviet Union’s nuclear weapons test site, Semipalatinsk, was also
contained within the Kazakhstani borders. Ironically, however, this test site played a role

\(^{132}\) Simpson, Nielsen, and Swinerd, NPT Briefing Book.
\(^{133}\) John J. Mearsheimer, "Why We Will Soon Miss the Cold War," Atlantic Monthly Online 266, no. 2 (1990).
in Kazakhstan citizens' revulsion for nuclear weapons despite the nation being posed to be a nuclear power. After two releases of radioactivity at the site, citizens living close by mobilized to end testing in their new nation.\(^\text{135}\) The largest event was a protest in August 1989 that drew more than 50,000 demonstrators to Semipalatinsk.\(^\text{136}\) The suffering caused by the effects of fallout and radiation contamination from nuclear weapons testing resulted in Kazakhstan giving up its inherited arsenal and becoming a leading player in the anti-nuclear weapons testing movement.\(^\text{137}\)

This chapter, on states of no proliferation concern, starts with the case of Germany and is followed by the case of Kazakhstan. For each state, there is an introduction to the specific situation of the compliant state. An overview is given next, which consists of the state’s history with the NPT and the international nonproliferation regime more broadly, as well as the status of nuclear power in the state.

Next, each state is analyzed using Simmons’ domestic politics theory of treaty compliance. This includes reviewing the mechanisms of agenda setting, litigation, and mobilization of the domestic population for each state’s particular situation in a scholarly search for evidence. Conclusions are offered for each state as to whether these variables can explain their individual compliance cases.


Finally, there are conclusions drawn for the chapter as a whole. The focus of the chapter’s conclusion is whether, based on these two case studies, state compliance with the NPT can be effectively understood via domestic politics theory.

Germany

Today, Germany is a nonproliferation global leader. However, it is interesting to note that “the impetus behind the atom bomb project in Britain and the United States came from a fear of the consequences of a unilateral German success in the military exploitation of atomic energy.”138 While Germany never did produce nuclear weapons, in 1945 the nuclear genie was out of the bottle in the United States. Germany unknowingly drove the Allied nuclear weapons program but today consciously drives the international nonproliferation effort.

Germany was one of the reasons the international community sought to develop a nonproliferation treaty. “Since at least 1960, the basic concern has been to stop or deflect Germany from going the way of France,” to make the acquisition of weapons by Germany as difficult as possible.139 Today there is little doubt that Germany is in compliance with its NPT obligations. While Germany proliferation may have been a concern at the time that the concept of a nonproliferation treaty was initially developed, Germany is now one of the treaty’s strongest supporters. In 2004, Kurt Campbell called

Germany one of the “mainstays” in the international nonproliferation community. \(^{140}\) Germany is clearly technologically capable of producing a nuclear weapon with minimal time but thus far, it has purposefully chosen not to do so. \(^{141}\)

This was not always obvious. While Germany did commit to the NPT it did not have the strongest set of domestic laws for meeting its obligations under the treaty. After the first Gulf War much information was revealed about the Iraqi nuclear weapons program. This included, much to the embarrassment of the German government, the revelation that German companies had aided the program. In fact, the world would later learn of “extensive illegal deliveries by German companies to Iraq, as well as to Libya and other states of concern.” \(^{142}\) In particular, German citizens and companies have been accused of aiding the development of gas centrifuges for enrichment in other nations. Enrichment is a key step for a uranium based nuclear weapons program. \(^{143}\)

It was the German "reputation for technical excellence, combined with its slack export controls [that] help to explain why it produced a substantial proportion of Iraq’s nuclear imports." \(^{144}\) That is to say German companies contributed to the Iraq program by taking advantage of the lack of government oversight. German export controls have

\(^{140}\) Campbell, Einhorn, and Reiss, eds., *The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices*, 18.


greatly improved in recent history. Unfortunately, the international standard punishments and penalties are not severe for WMD proliferation acts but things are beginning to change, such as with UN Security Resolution 1540 (which requires states to create regulations against WMD proliferation).

These violations did contribute to the nuclear weapons programs around the world but "it should be stated clearly that those violations were the exception; the majority of German companies have conducted business without cause for objection." Moreover, while Germany did have some problems with individuals abusing the lack of export controls, there was never an issue that Germany itself was proliferating (i.e. government sanctioned proliferation). Germany has now implemented domestic export control laws that meet the international standards. One of the ways Germany does this is by being a member of the Zangger Committee. The Zangger Committee developed (and continues to update) a Trigger List, which is a list "of nuclear-related strategic goods to assist NPT parties in identifying equipment and materials subject to export controls." This Committee and its list have contributed to international compliance with paragraph 2 of the NPT's Article III.

147 Rietz, "Germany’s Export Control Law in the New Millennium."
148 David Albright, "Nuclear Non-Proliferation Concerns and Export Controls in Russia," in Testimony before the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services (Washington, DC, 06 June 2002).
The Nuclear Suppliers Group (NSG) is another export control organization through which Germany meets its nonproliferation obligations. The Nuclear Suppliers Group focuses on developing guidelines for nuclear-related transfers and maintaining what is known as the Dual-Use List. This list covers nuclear-related "equipment, material and technology" exports that "could make a significant contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity." It is anticipated that Germany will continue "to observe the NSG guidelines more closely" since discovering several of its citizens and companies associated with Iraq's 1980s nuclear weapons program. By doing so, Germany will be working to stay in compliance with Article II of the NPT, which requires states to refrain from helping other states acquire nuclear weapons. This article had been intended to stop state-to-state cooperation but evolving times now require states to address individual actors within their borders acting without state consent.

This case study begins with an overview on Germany, including the state's history with nonproliferation and use of nuclear power. The case study then systematically goes through the domestic politics theory mechanisms of agenda setting, litigation, and mobilization. Finally, conclusions are drawn about Germany's compliance to the NPT and what may be learned by using domestic politics theory.

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History with Nonproliferation

Germany could have decided to pursue nuclear weapons for prestige and political power. At the time of negotiations for the NPT, Germany and other states had serious concerns "that nations without nuclear weapons production will not be able to play the role even of 'secondary great power.'"\(^{154}\) Germany may have also wanted to balance the power in the region or even compete as a regional hegemonic power with France and the UK who had already acquired nuclear weapons.\(^{155}\)

Germany’s main concern at the time was feeling threatened by the Soviet Union. Another reason Germany could have desired nuclear weapons is for national security. If concerns persisted about the reliability of the US as an ally or the capabilities of NATO, Germany could have decided to pursue nuclear weapons to provide for its own defense.\(^{156}\)

This same reason applied decades later, when, with the end of the Cold War, Germany could have pursued nuclear weapons because as Mearsheimer put it, "Germany would no doubt feel insecure without nuclear weapons."\(^{157}\) However, Germany has continued to choose the path of nonproliferation and has maintained compliance with its NPT commitments.

\(^{154}\) Kelleher, "The Issue of German Nuclear Armament," 103.
\(^{155}\) Waltz, Theory of International Politics.
\(^{156}\) Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices, 209-12.
\(^{157}\) Mearsheimer, "Why We Will Soon Miss the Cold War."
Germany committed not to build nuclear weapons for the first time in 1954, when it signed the Paris Protocols to the Treaty of Brussels.\textsuperscript{158} It made the commitment again in 1975 when it ratified the NPT (this will be discussed in more detail in the next section).\textsuperscript{159} And, finally, Germany once again agreed not to proliferate in 1990, as part of the Two-Plus-Four Treaty that ended the multi-national control in Germany.\textsuperscript{160} The NPT was perhaps the most important nonproliferation commitment Germany made because of the treaty’s unique characteristics.

Germany is a party to the NPT because the Federal Republic of Germany and the German Democratic Republic both signed in 1969 and ratified in 1975.\textsuperscript{161} On October 3, 1990, the United Nations was notified that the Federal Republic of Germany and the German Democratic Republic would be known as “Germany” and would keep their previous nonproliferation commitment. Simmons found that states may ratify to avoid being singled out as the only state in their region not a party to a treaty. Germany is clearly not in this camp of states ratifying late simply to avoid standing out in the region. With a 1969 signature and 1975 deposit, Germany is on par with most of its neighbors.

Upon making the original commitment to the NPT, Germany also made a declaration. The declaration included a reference to the importance of NATO to

\textsuperscript{158} Campbell, Einhorn, and Reiss, eds., \textit{The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices}, 175.
\textsuperscript{159} Center for Nonproliferation Studies, "NPT Membership."
\textsuperscript{160} Campbell, Einhorn, and Reiss, eds., \textit{The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices}, 175.
Germany's national security, as well as a statement that the nation maintained its right to develop nuclear weapons if "it considers its supreme interests in jeopardy."\textsuperscript{162}

As all parties to the NPT must do under Article III, Germany negotiated a Safeguards Agreement with the IAEA. Germany’s Safeguards Agreement with the IAEA came into force in February 1977 and they ratified the Additional Protocol in April 2004.\textsuperscript{163} As a European Union member, Germany also needed to bring a safeguards type agreement into effect with Euratom. Euratom is the European Atomic Energy Community, which is the nuclear watchdog agency within the European Commission.\textsuperscript{164}

Germany's other nonproliferation commitments include the Comprehensive Test Ban Treaty, which it ratified in 1998.\textsuperscript{165} Germany is an Annex II state; this means their ratification is necessary for the treaty to enter into force. This may be a remnant of past proliferation concerns about Germany. Germany does not belong to any nuclear weapon free zones.\textsuperscript{166}

Current Nuclear Status

In 2008, Germany generated about 25\% of its electricity from nuclear power.\textsuperscript{167} Germany had 17 operating nuclear reactors, comprised of six boiling water and 11

\textsuperscript{162} Ibid.
\textsuperscript{163} International Atomic Energy Agency, "Status List."
\textsuperscript{166} Arms Control Association, "Nuclear-Weapon-Free Zones (NWFZ) at a Glance."
pressed water reactors. All of the reactors were built by Siemens-KWU and are fairly large (totaling 20,339 MWe). The last time a new commercial reactor came online was 1989. On a related note, after reunification, the Soviet design reactors in East Germany were all shutdown. Since the March 2011 disaster at Fukushima in Japan, Germany has decided to shutdown all of their nuclear power plants by 2022; eleven of which are being completely demolished and being returned to green fields.\textsuperscript{168}

Germany has no uranium mines but it does have an enrichment plant: URENCO Deutschland.\textsuperscript{169} The plant, located in Gronau near the border with the Netherlands, has been operational since 1985. AREVA also has a fuel fabrication plant in Germany.\textsuperscript{170} There are no plans to close these plants.

\textit{Domestic Politics Theory}

Domestic Mobilization

Simmons describes domestic mobilization as social and political movements organized by citizens. West Germany saw its first mobilization against nuclear weapons in 1958.\textsuperscript{171} It was the short lived “Campaign against Atomic Death” which was organized by the Social Democratic Party. Another movement began in 1960 as the Easter Marches of Atomic Weapons Opponents; it was later renamed the “Easter

\textsuperscript{168} Ibid.
\textsuperscript{170} World Nuclear Association, "Nuclear Power in Germany."
Marches of Atomic Weapons Opponents-Campaign for Disarmament.” Inspired by a similar movement in the UK, the “Easter Marches of Atomic Weapons Opponents-Campaign for Disarmament” organized marches across Germany in the 1950s and 1960s. However, in the German and UK movements "there was no agreement, even amongst the protesters in either country, about what meaning this resistance was supposed to have."\(^{172}\) It seems the German movement was framed as an environmental issue and did not reference the NPT. This may be because Germany was already keeping its commitments and the domestic population was calling on the rest of the world, and the UK specifically, to disarm.

The anti-nuclear power movement goes back decades in Germany. One of the best known successful movements was the anti-nuclear power movement to stop construction of a nuclear power plant in Wyhl.\(^{173}\) The movement included meetings, protests, mass occupations, and litigation. In certain regions of Germany, there has been mobilization against nuclear power recently, which impacted the national agenda to shutter all German nuclear power plants after Fukushima.\(^{174}\)

The NPT actually supports peaceful nuclear uses so this example shows it is possible for the German citizens to mobilize successfully, but this is certainly not an example of mobilizing directly for nonproliferation or the NPT.\(^{175}\) More importantly, though, the mobilization against nuclear power could be extrapolated and viewed in the


\(^{174}\) World Nuclear Association, "Nuclear Power in Germany."

\(^{175}\) "Treaty on the Non-Proliferation of Nuclear Weapons."
context of nuclear weapons. A domestic population so opposed to nuclear power would clearly be opposed to nuclear weapons. However, there is simply no reason for citizens to mobilize against non-existent noncompliance.

Agenda Setting

Simmons found that in human rights treaties, agenda setting had more impact in democracies than in autocracies. In order for the national agenda setting process to be influenced by a treaty, the legislature needs to be fairly independent and "have greater control over the national legislative agenda." In Germany, the legislature is comprised of the Bundestag and the Bundesrat; and the system is genuinely democratic. Before unification, the Federal Republic of Germany was a democracy and the German Democratic Republic was an autocracy. According to the Polity IV Project, Germany currently scores a ten. This means that it is a "consolidated democracy." While Simmons’ work finds that domestic politics theory as a whole has less impact in stable democracies because their treaty compliance may be pre-determined by a variety of factors, it is still a worthwhile exploration.

As stated above, the Government of the Federal Republic of Germany made a declaration with its signature to the NPT. This declaration included statements which serve to reconcile its security interests (which were high on the national agenda) with the

176 Simmons, Mobilizing for Human Rights: International Law in Domestic Politics, 149.
177 Ibid., 149.
179 Ibid.
181 Simmons, Mobilizing for Human Rights: International Law in Domestic Politics, 155.
treaty's explicit demand that non-weapons states not pursue or acquire nuclear weapons.

Among the key statements are:

"... the security of the Federal Republic of Germany shall continue to be ensured by NATO; the Federal Republic of Germany for its part shall remain unrestrictedly committed to the collective security arrangements of NATO,"\(^{182}\)

"...in a situation in which it considers its supreme interests in jeopardy, will remain free by invoking the principle of international law laid down in Article 51 of the United Nations Charter to take the measures required to safeguard those interests;"\(^{183}\)

As indicated by these statements, agenda setting was influenced by security concerns not by the treaty’s text and existence. The treaty did however, force the German government to reflect on its view of nuclear weapons and develop a written policy.

Litigation

The centerpiece of Germany's judicial system is the Federal Constitutional Court. Also known as Bunesverfassungsgericht, it is the "special court for the review of judicial and administrative decisions and legislation to determine whether they are in accord with the Basic Law (constitution) of the country."\(^{184}\) The German judiciary is considered "independent, both constitutionally and in practice."\(^{185}\) The system in Germany "works" and citizens could bring forth litigation to be heard by an impartial court system. They

\(^{182}\) United Nations, "NPT (Germany)."

\(^{183}\) Ibid.


\(^{185}\) Systemic Peace, "Polity IV Country Report 2010: Germany."
have a way to hold their national government and its branches accountable. However, a search of the literature for the use of litigation finds that no one has filed a suit disputing the nation's commitment to the NPT; nor calling for compliance with the treaty. Presumably, this is because Germany is already complying. If Germany was not complying, citizens could use Article 25 of the Basic Law to bring a law suit. Under Article 25, international law, such as treaty obligations "take precedence" over the domestic laws.186

**Conclusions for Germany**

As recently as 1990, John Mearsheimer predicted Germany would pursue nuclear weapons to reduce its vulnerability after the Cold War.187 So far, that has not come to pass. Germany has consistently demonstrated its commitment to the international nonproliferation regime. For example, Germany signed and ratified the Comprehensive Test Ban Treaty.188 Germany's ratification is required for this treaty to enter into force. Germany also has an Additional Protocol, which means they are voluntarily granting the IAEA broader access to locations and information.189

Beyond the possible role of mobilization, the domestic politics theory has not been effective in aiding understanding of Germany's compliance with the NPT. The

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187 Mearsheimer, "Why We Will Soon Miss the Cold War."
188 CTBTO Preparatory Commission, "Status of Signature and Ratification."
treaty did not impact agenda setting or litigation which in turn could have influenced national compliance with the NPT.

The mobilization mechanism was more relevant but is still not a strong explanation of German compliance. There was a movement to abolish nuclear weapons, which is similar to Article VI of the NPT. However, the goal was not about German commitment to the NPT but other nations' commitments to the NPT. Furthermore, the movement has not been successful. There was also a movement to end nuclear power in Germany, which is not in line with the NPT pillars, but does serve as a stark warning to politicians that the domestic population would likely mobilize against German nuclear weapons should it ever become an issue.

Kazakhstan

With the fall of the Soviet Union in 1991, Kazakhstan was suddenly an independent nation and “for a brief period, Kazakhstan was the fourth largest nuclear power on Earth.” ¹⁹⁰ This unforeseen nuclear weapons state was faced with a serious decision: to keep the weapons or do away with of them. The whole world wanted to know what Kazakhstan would do (as well as what Ukraine and Belarus would do). The Kazakhstan situation received much attention because of the arsenal’s size and a reported plan to sell nuclear material to Iran.¹⁹¹ In the end, Kazakhstan made the “courageous decision” to give up its nuclear weapons by returning them to Russia and set an example

¹⁹¹ Andrew Cockburn and Leslie Cockburn, One Point Safe (New York: Doubleday, 1997).
for the world. This process was completed by the negotiation of the START I treaty which was signed in 1992. The final weapons were relocated to Russia in 1995. Kazakhstan continues to meet its obligations and is expected to do so in the future.

Overview

History with Nonproliferation

There are several reasons Kazakhstan may have considered keeping the nuclear weapons it inherited. It is possible Kazakhstan wanted them for security. As a recently independent nation Kazakhstan could have seen the benefits of nuclear weapons in meeting their national security needs. No one knew exactly what kind of political environment would follow the Cold War. Perhaps with the end of the Soviet Union they wanted to be self-reliant. Or they could have kept the stockpile because of the perceived prestige associated with nuclear weapons. Finally, it is expensive to develop nuclear weapons and by acquiring them from the Soviet Union, Kazakhstan may have been tempted to take on the lower maintenance costs and put off making a decision for decades.

Kazakhstan’s inheritance from the Soviet Union “included 1,040 strategic nuclear warheads mounted on 104 Intercontinental Ballistic Missile (ICBMs), 370 nuclear-tipped air-launched cruise missiles, nuclear material mining and processing facilities, and the

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largest weapons-testing complex in the world.”195 They had also had stockpiles amounting to over ten thousand kilograms of highly enriched uranium and three thousand kilograms of plutonium, giving the nation the potential to further increase their arsenal should they decide to do so.196 Despite this inherited arsenal, Kazakhstan would later join the NPT as a non-nuclear weapons state.

Kazakhstan returned the warheads and their missiles, dismantled the ICBM silos and parts of the test site.197 After ratifying the NPT, Kazakhstan negotiated a Safeguards Agreement, as required under Article III, entering it into force in August 1995.198 Kazakhstan later entered the Additional Protocol, which came into force in May 2007.

Kazakhstan even took steps beyond its commitments under the NPT. In cooperation with the US government, Project Sapphire was carried out to remove over 500 kilograms of highly enriched uranium, some of it being weapons grade material.199 The material was taken to Oak Ridge National Laboratory in 1994.

In 1989, the local population around the test site played an important role in Kazakhstan creating and keeping other nonproliferation commitments. They started a movement focused not necessarily for dismantling the weapons, but rather to stop the testing of nuclear weapons.200 They were successful in stopping the tests and more importantly in gaining attention of their national government and the international community. The movement called for a comprehensive test ban treaty that “would not

198 International Atomic Energy Agency, "Status List."
199 Cockburn and Cockburn, One Point Safe.
only put a stop to the local health hazards of testing but [would be] an essential step in
stopping the nuclear arms race.\textsuperscript{201} This comprehensive treaty did come to realization.

Kazakhstan's other nonproliferation commitments include the Comprehensive
Test Ban Treaty, which they ratified in May 2002.\textsuperscript{202} They are members of the Nuclear
Suppliers Group and the Zangger Committee, which means they try to be responsible
with their nuclear technology related exports.\textsuperscript{203} As described in the German section of
this chapter, these two export control organizations contribute to NPT compliance by
developing and maintaining nuclear-related guidelines and lists for states to incorporate
into their domestic legislation. Kazakhstan also participates in the Proliferation Security
Initiative with the US government and is party to the Central Asia Nuclear Weapon Free Zone.\textsuperscript{204}

Current Nuclear Status

Kazakhstan's civilian nuclear fuel cycle is quite small but the industry is quite
large.\textsuperscript{205} There was one power plant in Aktau (the BN-350) but it closed in 1999. It was
for electricity and desalination purposes. Although, the US government believes that the
BN-350's main purpose was to be a plutonium production reactor for the Soviet nuclear
weapons program rather than produce electricity for the surrounding area. Russia and

\begin{footnotes}
\footnotenum{201} Ibid., 298.
\footnotenum{202} CTBTO Preparatory Commission, "Status of Signature and Ratification."
\footnotenum{203} Nuclear Threat Initiative, "Kazakhstan Treaty Membership."
\footnotenum{204} Ibid.
\footnotenum{205} World Nuclear Association, "Uranium and Nuclear Power in Kazakhstan."
\end{footnotes}
Kazakhstan are cooperating on future plans to build new power plants in Kazakhstan. Kazakhstan also has four research reactors.\textsuperscript{206}

Three of the research reactors are located at the Semipalatinsk Test Site.\textsuperscript{207} The test site was home to 456 above and below ground nuclear tests. The Semipalatinsk Test Site and its “facilities there comprised the largest underground nuclear test site in the world.”\textsuperscript{208} In response to protests, the last test was held in 1989, before the site was closed by President Nazarbayev in August 1991. The test site includes some of the nation’s research facilities and waste storage.

Uranium mining is the main sector of the nuclear industry remaining Kazakhstan. Kazakhstan has 15% of the world’s natural uranium resources and is the world’s largest producer annually.\textsuperscript{209} All mining and exploration is controlled by the government owned company, Kazatomprom. Kazatomprom has begun cooperation with companies Cameco and AREVA to increase its capabilities in mining, conversion and fuel fabrication.

Kazakhstan has a conversion and fabrication facility, the Ulba Metallurgical Plant, which has served a variety of functions.\textsuperscript{210} The most relevant activities are conversion of the uranium ore to yellow cake and the fabrication of fuel pellets.

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\textsuperscript{209} World Nuclear Association, "Uranium and Nuclear Power in Kazakhstan."
\textsuperscript{210} Ibid.
\end{flushright}
Domestic Politics Theory of Compliance

Domestic Mobilization

Kazakhstan did not mobilize in the name of the NPT. However, there was an important movement, the Nevada-Semipalatinsk movement which organized to stop nuclear weapons testing. The movement began with protests at the test site after two accidents that vented radioactivity in 1989. While the protestors in the Nevada Test Site garnered little attention in the US, they did inspire the citizens living near the Semipalatinsk Test Site to mobilize. The leader of the movement was poet and politician Olzhas Suleimenov. The movement was originally composed of citizens living near the test site and Kazakh environmentalists.

The goals of the Nevada-Semipalatinsk movement as outlined in a petition were "(1) the closure of the Semipalatinsk facility and a cleanup of the area; (2) the end of nuclear weapon production; (3) citizen control over nuclear waste; (4) the creation of a map showing the extent of radiation damage in the Soviet Union; and (5) the elucidation of the plight of radiological victims in the Soviet Union." There was also a less-defined overarching goal to eliminate nuclear weapons. The petition outlining these goals had over one million signatures in a matter of days.

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212 International Campaign to Abolish Nuclear Weapons, "1989 - Formation of the Nevada Semipalatinsk Movement."
214 Ibid.
From 1989 to 1991, the movement spread to other cities and protests against testing were held in several cities across Kazakhstan. The protests brought much attention and people flew in from around the world to join the movement. It was reported at the time that, “a powerful protest campaign in Kazakhstan has made it difficult, if not impossible to continue testing at the Soviet Union’s primary test site there.”

The movement did not use litigation to advance their cause but the participants did use speeches, meetings, protests, petitions and other non-violent means to influence the agenda against nuclear weapons testing. While the movement was focused on halting nuclear weapons testing, the concept of a test ban treaty was seen “as a vital prelude to stopping the nuclear arms race.” There was an assumption that if the movement was successful and testing ended in the Soviet Union, there would be insurmountable pressure on the US to end testing as well.

Agenda Setting

Kazakhstan gained its independence in December 1991 with the fall of the Soviet Union. The government is technically a republic “with little power outside the executive

216 Stott, "Mushroom Clouds and Blood Pressure," 298.

The leadership has a strong hold as the current President is expected to serve until at least 2020, as the elections in between have been waived.\footnote{224}{Systemic Peace, "Polity IV Country Report 2010: Kazakhstan."} He has now given himself the title Leader of the Nation, which makes him the “de facto leader” even after he is no longer president.\footnote{225}{Ibid.} He also receives immunity from any possible persecution by the Parliament now and in the future. There was also a 2010 law passed that allows him to run for re-election indefinitely. Elections monitors have found that the minimum standards of democratic elections have not been met in Kazakhstan’s past elections. The executive power has few limitations, as the legislative body “largely serves as a rubber-stamp body (as does the judiciary).”\footnote{226}{Ibid.}

Kazakhstan’s leadership may not have been thinking of the international community when they chose to return the weapons to Russia. It is more likely they saw the weapons as a bargaining chip in the game of world politics. In exchange for the weapons, Kazakhstan “received significant and broad assurances in December 1994 from
France, Russia, the United Kingdom and the United States.” These assurances were focused on security and on respecting the sovereignty of the new nation of Kazakhstan.

Litigation

The Kazakhstan judicial system is comprised of a Supreme Court and a Constitutional Council (also known as the Constitutional Court). The executive branch’s influence over the Constitutional Council by the fact when President Nazarbayev amended the constitution to allow for unlimited terms, he sent it to the Constitutional Council for it to be approved and to give the appearance of transparency.

A search for past or current lawsuits returns nothing. There is no litigation related to forcing Kazakhstan to keep its nuclear nonproliferation commitments. There was no litigation related to stopping nuclear weapons testing either. However, resolutions were introduced and passed by the Supreme Soviet under the Soviet Union and in the newly formed Kazakhstani Parliament after independence.

Conclusions for Kazakhstan

As UN Secretary General Ban Ki-moon stated, “Semipalatinsk has become a powerful symbol of hope. Hope for a world free of nuclear weapons.” Kazakhstan had a unique opportunity to be a nuclear weapon state automatically at its infancy. However, Kazakhstan did the noble thing for itself and for the world’s international

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227 Writz and Lavoy, eds., Over the Horizon Proliferation Threats, 253.
230 Ki-moon, "Video Message to the International Conference on a World Free of Nuclear Weapons."
security. By giving up the weapons Kazakhstan had not just set an example for other countries but won international favor. Who knows how world politics would look today if Kazakhstan were a nuclear weapons state. Worse, Kazakhstan could have kept the weapons and materials and sold them to other states.

Although, this has been an interesting case study, relatively little has been gained by applying the domestic politics theory of treaty compliance. The agenda setting was driven not by the treaty itself but by the international community’s urge to secure the arsenal. There was no litigation associated with the NPT. The public did mobilize against testing nuclear weapons but not actually for nonproliferation and the treaty.

The Nevada-Semipalatinsk Movement was a great example of domestic groups mobilizing for a cause but it was not focused on the NPT; nor did it use the NPT to advance its cause. The common opinion in Kazakhstan was that “the only reason for continued testing was the need to develop new and improved nuclear weapons.” Therefore, it is possible there is a link with the NPT.

Conclusions

In this chapter we viewed the cases of Germany and Kazakhstan’s nonproliferation compliance through the lens of domestic politics theory. In theory these two cases should have been straight forward because we know these states are in compliance with the NPT. Germany and Kazakhstan are not current or potential proliferation concerns, and both are supporters of the nonproliferation regime. It seems

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231 Stott, "Mushroom Clouds and Blood Pressure," 298.
that in these cases the agenda setting, litigation, and domestic mobilization mechanisms would be readily identifiable. In fact, Kazakhstan was chosen in part because the domestic population had mobilized against nuclear testing within their borders. However, this case proved more complicated than anticipated because there was mobilization, but it was not directly about nonproliferation.

Table 1 (on the following page) illustrates the presence of domestic politics theory mechanisms evaluating the Germany and Kazakhstan case studies for this chapter. The national agenda setting was not influenced by the treaty but rather by the international community and world politics at the time. Neither state saw the use of litigation to enforce the obligations of the national government under the NPT. Finally, both countries had domestic populations mobilize for nonproliferation related issues. The foci of the movements, however, were on disarmament of other nations, stopping testing, and anti-nuclear power.

Neither nation's citizens mobilized in the name of the NPT nor to keep their nations from acquiring nuclear weapons. Given their history of mobilizing on nuclear issues, it may be that neither state's population is concerned about their governments' compliance with the NPT and have purposely chosen to mobilize on these peripheral issues. We could expect that mobilization would occur if the pursuit of nuclear weapons (i.e. NPT noncompliance) were to become a concern in either state. Domestic politics theory of treaty compliance does not solely explain these cases but the theory does appear to offer some insight to German and Kazakhstani compliance.
<table>
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Table 1. Results of Chapter 3 Case Studies
CHAPTER IV

STATES THAT HAVE ALREADY FAILED TO COMPLY

Introduction

When the world thinks of states pursuing nuclear weapons certain states come to mind right away: Iran, North Korea, and Iraq. However, Libya and Syria are also fairly recent cases of states pursuing nuclear weapons with less notoriety. In 2003, when the international community was focused on the US and Iraq (and its alleged weapons of mass destruction programs) the US and UK were also working in a much quieter diplomatic fashion to dismantle the nuclear weapons program in Libya.

In 2007, the world was watching Iran, which had failed to stop enrichment activities and was being punished with sanctions. While the international community was using diplomacy and the UN system to stop Iran, the Israelis bombed a plutonium production reactor to stop Syria from pursuing nuclear weapons. There was relatively little outcry from Syria or the international community, especially considering it was such a violent and overt action.

The states in this chapter are ones that have already failed to comply with their nonproliferation commitments. We already know the outcome (noncompliance) and can focus on exploring what influenced the outcome. Failures are as important as successful compliance in international law. What can we learn about compliance with the nonproliferation treaties by exploring noncompliance? Does viewing Syria and Libya through the lens of the domestic politics theory of treaty compliance indicate that these
two nations should have been in compliance? Did agenda setting, litigation, and mobilization of domestic groups play a role at all in not pursuing or pursuing nuclear weapons despite being party to the NPT? Were these aspects of the Simmons’ theory completely absent?

Exploring two case studies that are “failures to comply” creates a well-rounded investigation of compliance with the NPT. Comparing factors of the successful compliance and failed compliance may illustrate a clear role for the domestic politics theory of treaty compliance when it comes to the high level politics of national security. Or the comparison may show that no difference exists in the role of domestic politics. Or comparing the case studies may aid in identifying other variables related to compliance.

Why use Syria and Libya, as opposed to other compliance failure cases? Syria and Libya both pursued nuclear weapons but they no longer have programs. This means we can consider them "closed" cases for now. This is in contrast to North Korea and Iran who have been found in noncompliance but may still have current programs. Another important point is that the Arab Spring has left Syria and Libya in flux, so this dissertation will only consider the state of things as of June 2012.

Syria and Libya have another commonality that separates them from the other noncompliance cases. They both may have been concerned with domestic audiences when deciding to pursue nuclear weapons. There was no fear of outside regime change at the time that they began their programs. Unlike North Korea, Iraq and Iran whose weapons programs seem to be for maintaining regime security from outside intervention, Syria and Libya seem to be focused on regime security from domestic forces. They have both had disgruntled domestic groups and had reason to fear being overthrown. A
successful nuclear weapons program would rally the domestic populations behind the regime that had brought them to parity with Israel and defied the international community.

Both states for this chapter are Middle East North Africa (MENA) states and Arab states. These two instances of noncompliance were deliberately chosen because they came after the Additional Protocol was available for ratification. The Additional Protocol is an international legal instrument that can signify renewed and/or strengthened commitment to NPT obligations by voluntarily giving the IAEA more information and access.

As Simmons found, the role of government is an important one. Both states had cost benefits analyses that may have had their respective national governments leaning toward acquiring nuclear weapons. A traditional realist view would say that the national governments' common perceived threats from Israel may have formed the preference to cheat their NPT obligations. But was there more to the decision? Did domestic factors also play a role?

In addition to the similarities mentioned above (i.e. both states are MENA states, Arab states, failures to comply states, and neither has the Additional Protocol), both Libya and Syria also received outside assistance with their clandestine activities violating the NPT. Libya received assistance from A. Q. Khan and Syria received assistance from North Korea. Both states were also hesitant to ratify the Additional Protocol. Libya did so after the revelation of its noncompliance and Syria has been under continuous pressure since its clandestine activities came under scrutiny.
There are a few differences between these two case studies. Syria and Libya differ slightly in the international community's path to a noncompliance finding. Syria’s noncompliance was announced to the world in the form of the 2007 Israeli attack. Libya’s clandestine program and its dismantlement were discussed behind closed doors with the US and UK, and after an agreement was reached Libya announced its own program publicly and its plans to terminate said program.

Syria and Libya also differed in their desired type of nuclear weapon. There are two basic types of nuclear weapons: the gun-type assembly and the implosion method. The gun-type assembly requires uranium enriched to weapons grade. This explains the Libyan enrichment facility. The implosion type typically requires plutonium, a human-made element (although it is possible to use uranium). All reactors produce plutonium as a byproduct in fuel that has burned up in the reactor (known as a spent fuel). However, reactors can be designed to produce higher amounts of plutonium and the features necessary to generate and distribute power can be ignored. This explains Syria’s clandestine building of a plutonium production reactor absent any infrastructure to distribute power.

The importance of this chapter is to explore whether the domestic politics theory of compliance can give insight into the Syrian and Libyan noncompliance with the NPT. Did domestic politics theory help explain noncompliance or does it indicate there should have been compliance? As discussed in chapter 2, a noncompliance finding by the IAEA Board of Governors is an indisputable measure of noncompliance for this test.

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232 Federation of American Scientists, "Nuclear Weapon Design."
This chapter starts with the 2011 noncompliance finding of Syria and is followed by the twists and turns of the Libyan case study and its 2004 noncompliance finding. In the Libya case study, there is a discussion on why Libya actually moved into compliance after violating its NPT commitments for years. For each state, there is an introduction to the specific situation of the noncompliant state. An overview is given next, which consists of the state’s history with the NPT and the international nonproliferation regime more broadly, as well as the status of nuclear power in the state. This aids in understanding the context of the noncompliant actions.

Next, each state is analyzed using Simmons’ domestic politics theory of treaty compliance. This includes reviewing the role of agenda setting, litigation, and the mobilization of the domestic population for each state’s particular situation. Conclusions are then drawn for each state on whether these variables can explain the lack of compliance.

Syria

Syria’s noncompliance activities most likely began in 2001. It was then that the Syrians began building a clandestine nuclear reactor based on a North Korean design. The design used is not for a reactor that produces power but rather a reactor specifically designed with the purpose of plutonium production. According to renowned proliferation

analyst David Albright, the reactor had the potential to produce a weapon's worth of plutonium every one to two years.235

The international community became aware of Syria's clandestine activities in 2007 with Israel's bombing of a secret facility at Al-Kabir (referred to as Dair Alzour by the IAEA) and the subsequent cover-up by Syria.236 What is more surprising than the fact that Israel managed to fly over Syria and destroy the facility? That there was no chorus of disapproval. Not from Syria and not from the international community. It was silent. The event was reported by the media but there were no comments from the leadership in Syria or Israel. This is shocking given that Syria is quick to criticize Israel normally. And while Israel's attack made it clear that they will not sit idly by while others develop nuclear weapons, at that time it did not want to take credit for its actions.

Few details were initially available, as Israel and Syria remained surprisingly quiet concerning the incident (as did the US which later admitted prior knowledge).237 North Korea came to Syria's aid in covering up the incident by removing debris and bulldozing the area, in an attempt to remove all traces of the facility and attack before allowing the IAEA access.238

It is important to note that like other poor developing nations, Syria was not a likely candidate to build a nuclear weapon based on its capabilities. Syria was accused of developing other types of weapons of mass destruction but nuclear weapons had not been

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238 Office of the Director of National Intelligence, "Background Briefing with Senior U.S. Officials on Syria's Covert Nuclear Reactor and North Korea's Involvement," (2008).
a concern.\textsuperscript{239} According to the Nuclear Threat Initiative, Syria, "has a weak industrial infrastructure, poor scientific capabilities, and lacks trained engineers and other personnel needed to run a major civilian or weapons-oriented program."\textsuperscript{240} As the international community keeps learning: where there is a will there is a way. More exactly, where supply meets demand there is away. A state that has a strong desire (demand) for nuclear weapons but lacks some technical resources can find a supplier to fill this gap for the right price. A. Q. Khan allegedly approached the Syrians with an offer to assist in building a clandestine nuclear weapons program.\textsuperscript{241} However, the North Koreans were a natural choice of supplier as they were already cooperating with Syria in the areas of missile technology and related components.\textsuperscript{242} Like Syria, North Korea was once underestimated because of a lack of resources. Now North Korea has a suspected small arsenal of nuclear explosive devices and a profitable (albeit scary) business model.

North Korea is accused of supplying the designs, knowledge, and experts to help the Syrians develop and build their clandestine program.\textsuperscript{243} North Korea even used its

\textsuperscript{243} Office of the Director of National Intelligence, "Background Briefing with Senior U.S. Officials on Syria’s Covert Nuclear Reactor and North Korea’s Involvement."
own clandestine procurement networks and its front company, Namechongang Trading
Company (NCG), to procure components for Syria's secret reactor.244

Overview

History with Nonproliferation

The Syrian government has attempted to project an image of greatness and
regional leadership. However, since the 1967 Arab-Israeli war, when Syria (and other
Arab states) suffered a significant defeat, the Arab governments have "struggled to find
explanations for Arab weakness and strategies that would reverse some of the perceived
injustices."245 During this time, Syria’s powerful ally the Soviet Union did nothing to
support Syria. In fact, the Soviet Union worked against Syria with the US to end the
1973 Yum Kippur War in a stalemate.246 This may have played a role in Syria pursing
weapons of mass destruction rather than relying on its allies.

Syria may also have hoped that if they could acquire nuclear weapons it would
build support for the regime domestically. In addition to being the first Arab state with
nuclear weapons, Syria would be on par with the Israelis. Syrians "have projected a self-
image of enduring greatness and leadership of the pan-Arab cause" and possessing
nuclear weapons would help this image at home and abroad.247 Syria may think that
nuclear weapons would help in the regional balance of power and replace the loss of their

245 Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States
Reconsider Their Nuclear Choices, 84-85.
246 Ibid., 85.
247 Ibid., 83.
superpower ally, the Soviet Union. Syria may have been pushed towards nuclear weapons in the face of an ever-strengthening Israel with its presumed nuclear weapons and strong relationship with the US. Finally, in 1978 Syria felt it had lost another ally with Egypt signing the Camp David Accords.

Syria was among the first to sign and ratify the NPT; signing in 1968 and ratifying in 1969. However, it was not until May 1992 that their Safeguards Agreement (INFCIRC 407) entered into force, as required in Article III of the NPT. Technically, Syria had 18 months to bring this agreement into force but back in the 1970s if a state missed the deadline it was not seen as particularly significant. Failure to enter into a Safeguards Agreement within 18 months of NPT ratification has not been used by the IAEA as the basis for noncompliance findings, although technically it is failing to comply with the NPT. In the 1970s, it was assumed that a state had nothing to declare if it did not enter its safeguards agreement in a timely fashion. This may have set a bad precedent. Syria signed its Safeguards Agreement with the IAEA in 1992 under international pressure because the Chinese were building the aforementioned research reactor as part of a Technical Cooperation project with the IAEA.

Syria was found in noncompliance in June 2011. This means that Syria was reported by the IAEA secretariat to the Board of Governors, who in turn reported Syria to the IAEA member states, the UN General Assembly, and most importantly, to the UN Security Council.

248 Nuclear Threat Initiative, "Syria Profile: Nuclear."
249 International Atomic Energy Agency, "Status List."
250 Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices, 92.
The path to an official IAEA noncompliance decision began in 2007 with the destruction, by Israel, of the offending facility in Dair Alzour. Rather than inform the UN nuclear watchdog (the IAEA), Israel chose to take unilateral action. The IAEA Director General Mohammed El Baradei during that time period has accused the US of also being aware of the facility for years and choosing not to inform the IAEA.

George W. Bush states in his memoirs (Decision Points) that Israel informed him of the clandestine reactor but he did not feel it was the US' place to intercede.

The Israeli government moved forward with a unilateral strike against the Al-Kibar facility in September 2007. Within days of the strike, the Syrian government had removed site debris, used bulldozers to move part of a nearby hill’s dirt onto the now leveled site, and then began constructing a new structure on the exact same location. The North Koreans played a supporting role in this cover-up. The Syrian government claimed the previous building (which they attempted to erase all traces of) and the new facility under construction were military buildings with no nuclear function. However, they denied the IAEA immediate access so the IAEA was unable to confirm the Syrian claims.

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252 Ibid., 230-31.
254 Office of the Director of National Intelligence, "Background Briefing with Senior U.S. Officials on Syria’s Covert Nuclear Reactor and North Korea’s Involvement."
A year later, the IAEA finally was given access to verify the site's purpose but more anomalies were found.\textsuperscript{256} The inspectors determined that the facility layout was consistent with a nuclear reactor (although the IAEA refuses at this point to completely reject a non-nuclear possibility). The US has gone further by pointing out that not only was the destroyed facility a reactor but it is \textit{not} consistent with a power plant design and must be a plutonium production design.\textsuperscript{257}

IAEA inspectors have taken environmental samples which revealed the presence of anthropogenic uranium (human-modified uranium) at the site of the destroyed building.\textsuperscript{258} The Syrian government tried to blame the Israeli missiles as the source of the uranium but the IAEA believes this unlikely. In 2008 and 2009, IAEA inspectors found similar particles in the hot cell at SSR-1 (the research reactor provided by the Chinese under IAEA technical cooperation).\textsuperscript{259} The particles did not match any material in the Syrian declared inventory to the IAEA. The particles are believed to be from undeclared uranium conversion activities in 2004.

Up until the bombing, and resulting revelation to the IAEA, Syria had not been accused of noncompliance with the NPT by the IAEA Board of Governors. However, the US government had become concerned that Syria's alleged weapons of mass destruction

\textsuperscript{256} Ibid.
\textsuperscript{257} Office of the Director of National Intelligence, "Background Briefing with Senior U.S. Officials on Syria's Covert Nuclear Reactor and North Korea's Involvement."
\textsuperscript{258} International Atomic Energy Agency, "Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic: Report by the Director General to the Board of Governors."
\textsuperscript{259} Ibid.
programs were beginning to include nuclear weapons.\textsuperscript{260} The US and others in the international community were significantly concerned to interfere with nuclear power and technological sales to Syria. The US government issued statements of concern in its national intelligence reports and State Department compliance reports. While issuing these reports, the US was also putting pressure on other states not to deal in nuclear related sales to Syria.\textsuperscript{261}

After the Al Kibar raid there were eleven reports by the IAEA Director General concerning the implementation of safeguards in Syria, each describing the lack of cooperation and ongoing discrepancies.\textsuperscript{262} Eventually, on the 9\textsuperscript{th} of June 2011, the Board of Governors passed a resolution on the decision to report "Syria's non-compliance with its Safeguards Agreement to all Members of the Agency and to the Security Council and General Assembly of the United Nations."\textsuperscript{263} As of April 2012, the issue remains open with the IAEA asking Syria for clarifications and to ratify the Additional Protocol.\textsuperscript{264}

The Syrian government may have several reasons for the decision to not comply with their nonproliferation obligations. The first and obvious reason is a perceived threat from Israel and outside intervention from other nations. This is a classic neorealist point of view. Simmons, however, has taught us with the domestic politics theory of treaty compliance to look beyond balance of power and security threats.

\textsuperscript{260} Office of the Director of National Intelligence, "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 January-31 December 2004."
\textsuperscript{261} US Department of State, "Adherence to and Compliance with Arms Control, Non-Proliferation, and Disarmament Agreements and Commitments."
\textsuperscript{263} Ibid., 2.
\textsuperscript{264} Ibid.
Current Nuclear Status

Syria currently has one nuclear reactor, Syrian Research Reactor-1 (SSR-1), which is located near Damascus. This miniature neutron source reactor was provided by the Chinese in the early 1990s, under a Technical Cooperation agreement with the IAEA.\textsuperscript{265} It is under IAEA safeguards and is used for producing medical isotopes, research, and training.\textsuperscript{266} According to IAEA standards, this reactor does not produce enough plutonium to be of a proliferation concern. The reactor does use highly enriched uranium but the quantity required is quite low by proliferation standards.\textsuperscript{267} The deal for the research reactor began in 1991 and was made official by the Syrian parliament in 1992.\textsuperscript{268} The reactor went critical (started-up) in in 1996.

Syria had seriously considered buying a research reactor from India in 1991 but India retracted the offer after pressure from the US.\textsuperscript{269} It was not uncommon for the US to pressure states from cooperating with Syria on nuclear technology.\textsuperscript{270}

Syria has no known enrichment or reprocessing capabilities, which are also paths to a nuclear weapon. Syria did research (and receive IAEA support) in uranium extraction solvents and techniques. They also built a hot cell facility. This technique and facility could be pure scientific research but both could be misused for nuclear weapons program.

\textsuperscript{266} Ibid.
\textsuperscript{267} Nuclear Threat Initiative, "Syria Profile: Nuclear."
\textsuperscript{268} Nuclear Threat Initiative, "Syria Profile: Nuclear Chronology."
\textsuperscript{269} Ibid.
\textsuperscript{270} US Department of State, "Adherence to and Compliance with Arms Control, Non-Proliferation, and Disarmament Agreements and Commitments."
Domestic Politics Theory of Compliance

Mobilization of Domestic Groups

The government may have pursued a nuclear weapons program to impress the domestic population and gain support for a weakening regime. Since the bombing in 2007 and the Arab Spring, the situation in Syria has taken an unexpected turn and the government has become even weaker. Previously the lack "of any real opposition groups inside the country and a pervasive fear of the security services were largely cited as the culprit behind the seeming passivity of the Syrian people."

Given the undemocratic nature of Syria it was unlikely that the domestic groups would mobilize for any cause. However, as we have seen with the Arab Spring in 2011, there is a tipping point. The frustrated citizens of Syria have organized protests and taken to the streets. It is unknown how this will finish but the most important point is despite the risk of death, the citizens are mobilizing.

They are not, however, mobilizing to stop Syria’s noncompliance with the NPT. Nor have they done so in the past. This may be because the domestic population did not know noncompliance activities were happening. Or once the activities were revealed the domestic groups did not think they could mobilize and make a difference given the strict government. Finally, they may have not cared as they clearly have bigger issues with the government than compliance with a nonproliferation treaty.

What about the future? It is too soon to tell.... But what if there is a change of government in Syria? If the population now knows they can mobilize for change

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successfully will they do it again? Can we expect to see an anti-nuclear weapons
movement in Syria in the future assuming that the domestic groups want to normalize
relationships with the rest of the world (which is necessary for the pariah state to begin
economic recovery and rejoin the international community).

Agenda Setting

Syria is defined by the CIA as a “republic under an authoritarian regime.” This corresponds with the Polity IV Project scoring of Syria as a "-7" on the polity scale. Bashar al-Assad has been president since 2000, when he took over after the death of his father, Hafez al-Assad. The government is highly centralized and the nation has been under martial law for decades. The President is ultimately responsible for the Syrian nuclear program.

Given the strict (let alone often brutal) rule of Hafez Assad and his son Bashar Assad, agenda setting is limited to the elite leadership. When the NPT was open for signature, Syria’s quick ratification may be explained by Syria’s close relationship with the Soviet Union at the time. The Soviet Union was a negotiator and early proponent of the NPT. Syria may have secretly hoped the treaty would curb Israel’s pursuit as well,

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274 Ibid.
276 Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices, 92.
but this is unlikely. Ratification did give the leadership the ability to criticize Israel for not signing.

There was a need for the elite to modify their agenda to win support from the domestic population. The noncompliance activities could have been to demonstrate to the citizens (and possibly to the world) that Syria can achieve parity with Israel and even surpass other Arab states by acquiring nuclear weapons. There would certainly be the possibility of prestige for the Syrians should they achieve this distinction. Furthermore, with the assumption that security is a key component of the Syrian agenda, the government could point to the nuclear weapons as a program to provide security to its citizens and to garner support for a "caring government."

Once again it is not necessarily the government type that indicates potential noncompliance/compliance. Just as an autocracy is less likely to comply with human rights treaties, a government with specific perceived threats may prefer not to follow a nonproliferation treaty. The agenda setting of the government does not to appear to be influenced by ratification of the NPT. This may have been because of overriding concerns bending the agenda towards noncompliance.

Litigation

Unsurprisingly, Syria has a weak judicial system. The judicial system is comprised of the Supreme Judicial Council, the Supreme Constitutional Court and the Court of Cassation.277 Under the rule of Hafez Assad, the judicial system has not

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"provided a serious check to his authority." 278 Under his son, Bashar Assad, there have been attempts at reform in various sectors but the "old guard" within the Ba'ath Party continues to undermine these efforts.

There has been no reported activity by domestic groups utilizing litigation to develop or implement policy related to nuclear weapons.

Conclusions for Syria

It is difficult to understand why Syria thought they would successfully get away with building a clandestine facility in this day and age of technology. The IAEA was able to use satellite images and environmental sampling to determine the Syrian government's true intentions. The IAEA did not begin these safeguards verification activities until after the Israeli bombing. It seems from this case study that perhaps technology will influence compliance decisions in the future by creating a fear not just of early detection but also of post event analyses.

The Board of Governors not only called for Syria to come into compliance with its NPT obligations but also required Syria to meet the newest international norm in nonproliferation. Syria is to "sign and promptly bring into force and implement in full the Additional Protocol." 279 Furthermore, Syria should act in accordance with the Additional Protocol until it is in force. On a related note, Syria continues to stay outside the Comprehensive Test Ban Treaty, having refused to sign or ratify the treaty. 280

278 Ibid.
280 CTBTO Preparatory Commission, "Status of Signature and Ratification."
Despite knowing other states having had their attempts to acquire nuclear weapons exposed, Syria moved forward with its clandestine program. Perhaps there was still fear of being caught because the Syria did go to extraordinary lengths to change the façade of the building.\textsuperscript{281} Given the assistance of North Korea, it may be a fair assumption that the Syrians planned to build up their capacity and then leave the NPT, as their advisors, the North Koreans, did. On the one year anniversary of the IAEA noncompliance report, Syria remains uncooperative and issues relating to its program remain unresolved. Marking the occasion, Robert Wood (Acting US Permanent Representative to the International Organizations in Vienna) told the IAEA Board of Governors, "the responsibility remains with Syria to remedy its noncompliance, and to demonstrate a constructive approach in its relations to this Agency, the Syrian people, and the international community."\textsuperscript{282} Only time will tell.

It is worth noting that Israel had bombed another nation’s reactor previously. In 1981, Israel destroyed Iraq’s Osirak reactor before its core was fueled.\textsuperscript{283} It is believed that the attack resulted in a re-doubling of efforts in Saddam Hussein’s efforts to acquire a nuclear weapon and forced the Iraqi’s to try harder to “cheat the system.” Will this happen with Syria?\textsuperscript{284} Furthermore, was Syria North Korea’s only client or are there more?


Libya

While Syria worked with the North Koreans to develop their nuclear capacity via a plutonium production reactor, the Libyans agreed to a deal with Khan and his network to purchase a turnkey enrichment facility. The facility is referred to as a turnkey because the Libyan's purchase was not individual pieces of technology and materials to support an indigenous program, but rather the purchase was an entire program. This was not the first attempt by Libya to acquire nuclear weapons. Allegedly, Libya had approached China, India and Pakistan in the past in its pursuit of nuclear weapons technology and knowhow from 1969 until 2003. Libya actively pursued nuclear weapons despite its commitments under the NPT.

In 2003, Qadhafi announced that Libya would give up its clandestine nuclear weapons program. The US and UK were instrumental in arranging the deal that led to the announcement but the decision was solely Qadhafi's. There are a variety of reasons that likely led to this decision, including Qadhafi not wanting to end up like Saddam Hussein and his wishing for Libya to reintegrate with the world in order to help the domestic economy. Domestic reasons may have played a prominent role in pursuing nuclear weapons and for giving up the program in Libya.

Overview

History with Nonproliferation

Libya had several reasons to desire nuclear weapons. Nuclear weapons could have provided regime security by building support for Qadhafi domestically and keeping the international community from enforcing a policy of regime change. Like Syria, Saudi Arabia, and Egypt, Libya may have sought a sense of pride and prestige by becoming the first Arab state to acquire nuclear weapons. There may have been fear associated with living in the Middle East and a desire to build up national defenses.

Libya signed the NPT in 1968 under King Idris and later ratified the treaty in 1975 under Colonel Qadhafi. Despite this show of commitment, it is believed Qadhafi began to seek nuclear weapons almost immediately after taking power in 1969. Over the years, Qadhafi made many contradictory statements. Sometimes the eccentric leader stated that Libya had no intention of acquiring nuclear weapons and other times he stated it was a necessity. This ambiguity caused mistrust of Libya within the international community.

Libya has been accused of trying to buy nuclear weapons from China and India in the 1970s. Libya was also accused of working with Pakistan in the 1970s to develop a trade for uranium ore (from Niger) as a thank you to Pakistan for help in developing Libya’s nuclear program. Libya has admitted that during the 1980s, the nuclear program

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286 Ibid.
288 Nuclear Threat Initiative, "Libya Profile: Nuclear."
hired a German national to develop gas centrifuges for uranium enrichment. After nearly a decade, that expert left Libya having been unsuccessful in producing a working centrifuge let alone enriching any uranium.

Libya tried several acquisition pathways to obtain uranium conversion and enrichment capabilities. The US government played active (and successful) role pressuring suppliers to cancel sales. However, such pressure can only works on legitimate companies and states. Libya eventually found a supplier in the form of A. Q. Khan in the 1990s.

According to the IAEA, in 1995 Libya made a "strategic decision" to once again pursue nuclear weapons and acquired its first centrifuges from the Khan network in 1997. Khan would later confess he first met with Libyan representatives in 1990. The Khan network’s comprehensive offerings included technology, components, manufacturing capabilities, training, instructions, lessons learned from previous experience, and even weapon blueprints (believed to be 1960s Chinese design and fabrication documents). In 2004, the IAEA reported that analysis of environmental sampling swipes of relevant facilities and equipment in Libya revealed that some of the centrifuges had been used in the Pakistani program prior to being shipped to Libya.

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289 Ibid.
This confirmed the connection between the Libyan program and the Khan network (and debatably also the connection to the official state nuclear weapons program of Pakistan).

By 2000, the UK and US intelligence communities had become suspicious that Khan was working with Libyans and tracked the situation closely. There are a variety of reasons that must have influenced the decision to dismantle the nuclear weapons program and these are discussed in the following section. But the important part to note now is that in March 2003, just days before the US (and coalition) invasion of Iraq, Qadhafi sent a secret personal envoy to approach the UK and US about Libya voluntarily dismantling its weapons of mass destruction programs. After quiet negotiations Qadhafi agreed to share details of his programs and give them up (including nuclear) as well as take responsibility for the Pan Am 103 bombing over Lockerbie. The final push before full public disclosure and dismantlement by Libya, was the Proliferation Security Initiative's interdiction of a German owned ship, the BBC China, which was transporting enrichment components from Malaysia to Libya on behalf of the Khan network. Although there is debate whether this interdiction should be attributed to the Proliferation Security Initiative or whether it was a separate intelligence mission. In the end, Qadhafi came clean and welcomed the US, UK, and IAEA in to its facilities to examine and dismantle its nuclear weapons program. The program was a clear violation of the NPT and a noncompliance finding was imminent.

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294 Global Security, "A. Q. Khan & Libya."
295 Nuclear Threat Initiative, "Libya Profile: Nuclear."
"Applauding the voluntary decision" of Libya for giving up its nuclear program, opening itself to verification by the IAEA, and ratifying the Additional Protocol, the Board of Governors' March 2004 noncompliance resolution for Libya was very complimentary.\(^{298}\) In April 2004, there was no punishment handed down from the UN Security Council in response to the noncompliance report.\(^{299}\) The Security Council simply "took note of the IAEA resolution," commended Libya for its decision to dismantle its program, and encouraged it to do so for all of its WMD programs, not just nuclear.\(^{300}\)

Current Nuclear Status

Libya has no civilian nuclear power program but does have plans for a nuclear reactor (for power and/or desalinization) in an estimated 15 years.\(^{301}\) This is subject to change. They have attempted to establish a nuclear power program in the past. This included approaching the Soviet Union, France and a Belgian company for sales negotiations during the 1970s and 80s.\(^{302}\) The US had actively discouraged other states from cooperating with Libya on nuclear power because of Libya's stated intentions of acquiring nuclear weapons.\(^{303}\)


\(^{299}\) US Department of State, "Adherence to and Compliance with Arms Control, Non-Proliferation, and Disarmament Agreements and Commitments," 86.

\(^{300}\) Ibid., 86.


\(^{302}\) Nuclear Threat Initiative, "Libya Profile: Nuclear."

\(^{303}\) US Department of State, "Adherence to and Compliance with Arms Control, Non-Proliferation, and Disarmament Agreements and Commitments," 85.
While Libya has not successfully established a power program, they do have a strong research program. The Libyan Secretariat of Atomic Energy oversees the nation's nuclear program and the National Board for Scientific Research manages the research and development programs. This includes research on the fuel cycle and peaceful uses. This same organization established the Tajoura Research Center (TNRC) that is a declared facility under IAEA safeguards. The 10 megawatt research reactor, known as IRT-1, at TNRC was supplied in the late 1970s by the Soviet Union (and was started up in 1981). The IAEA did not detect any safeguards violations prior to the Libyan's revealing their clandestine program.

During the Libyan program's dismantlement phase, it was discovered that TNRC was also heavily involved with Libya's clandestine nuclear weapons program. Its activities include the now infamous centrifuge program and plutonium separation activities. During the process of "coming clean" with the international community, the world would learn there were ten more undeclared sites involved with the nuclear program.

Domestic Politics Theory of Compliance

Domestic Mobilization

It is difficult for domestic groups to mobilize in an oppressive regime, but as the Arab Spring has shown us, it is not impossible. Within Libya, several groups posed a...
threat to Qadhafi, which may have influenced his decision to reverse and dismantle the nuclear weapons program. By doing this, he was able to redirect resources and attempt to appease domestic groups.

One such group took the form of the Islamic movement (sometimes referred to as radicals). These groups offer social services that the Libyan government was failing to make available. As international studies scholars know, non-state actors can begin to replace domestic government by providing social services.

The military was another domestic group that may have posed a threat if the nuclear program continued. The nuclear program was demanding a large amount of resources, “competing with other military priorities.” The Libyan military had previously revolted and were put down in a bloody oppression. Another military coup was a serious concern for Qadhafi as well. Redirecting resources from the nuclear program to meet other needs and demands of the military helped ameliorate this concern.

There are no indications that domestic group are currently mobilizing over Libya’s nuclear weapons nonproliferation commitment (the NPT). Nor have they mobilized in the past over this issue. It may be that the domestic groups that would have were simply unaware their government was violating the NPT. It may also be that their concerns for personal safety and security have taken priority.

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308 Solingen, Nuclear Logics: Contrasting Paths in East Asia and the Middle East, 223.
309 Ibid., 223.
Agenda Setting

In 2010, Libya was a "-7" on the Polity IV Project scale of polity, which puts it in the autocracy category. Qadhafi began the Libyan nuclear program and as the leader in an autocracy was the ultimate decision maker for the program. Beginning in 1995, Matoug M. Matoug was the Secretary of the General People's Committee and Secretary of the National Board of Scientific Research, meaning he was in charge of the operations of the program. He also represented Libya in discussions with the IAEA during the verification of the disarmament.

Several factors motivated the elite decision makers to create an agenda to pursue nuclear weapons and then later reverse that decision. Originally, the agenda may have included national security at the top of the list. The Libyans live in an unstable region and were under harsh economic sanctions, in addition to being viewed as suspicious (at best) by the west. Israel's suspected nuclear weapons capabilities may have been viewed as a direct threat and may also have been a source of a feeling of inadequacy on the Libyan side.

Along that same line of inadequacy, the 1967 Israeli victory may have played a role in Qadhafi's determination to obtain nuclear weapons. In 2003, Qadhafi stated that Libya had pursued WMDs (including nuclear weapons) because the world was unsafe. He said that Libya's urging for WMD free zones in the Middle East and Africa had

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311 Nuclear Threat Initiative, "Libya Profile: Nuclear Facilities."
"received no serious responses" and so Libya "sought to develop its defence capabilities." 312

The Libyans were interested in abandoning the programs, specifically the nuclear program, for economic and national security reasons. 313 By reversing its decisions, the government could ease and/or end sanctions that after decades were negatively affecting the economy. The nuclear program was coming at a high cost and progressing so slowly that the cost benefit analysis that may have at one time made sense no longer did. The end of the programs could also lead to normalization of relations with the West and perhaps future trade and economic benefits.

While discussions were already quietly underway, the 2003 US invasion of Iraq occurred and may have sped up the Libyan public confession and dismantlement. 314 The basic dynamic being that Libya may have been putting itself at risk of preemptive war. After the US attack on Iraq, partially over the alleged WMD program, Qadhafi may have viewed his own program as a liability. 315 Qadhafi may have seen the potential threat to his regime and feared the same end for himself as Saddam experienced. He was quoted as saying, "today it becomes a problem to have a nuclear bomb." 316

Reportedly, Qadhafi wanted security assurances similar to those received by the former Soviet Republics Ukraine, Belarus and Kazakhstan after the Cold War. When they gave up their weapons in the early 1990s, they received security assurances from the

313 Nuclear Threat Initiative, "Libya Profile: Nuclear."
315 Nuclear Threat Initiative, "Libya Profile: Nuclear."
316 Muammar al-Qadhafi, "Libya: Al-Qadhafi Addresses General People's Congress Tripoli" (paper presented at the General People's Congress of Libya, Tripoli, 02 March 2004).
According to some accounts, Qadhafi agreed to the dismantlement of the Libyan program once he received the security assurance that Bush would not push for "regime change."  

The decision to reverse the decision to pursue nuclear weapons (ie. modify the previous agenda setting) may also have stemmed from the realization that the program would fail. Libya could not try to purchase uranium hexafluoride (UF$_6$) on the open market because it would raise suspicions, and it did not have the network to purchase clandestinely. UF$_6$ is made from yellowcake and is necessary to feed into the enrichment facility. Yellowcake is uranium oxide concentrate, U$_3$O$_8$, which is natural uranium that has been milled. Libya eventually received hundreds of tons of yellowcake from Niger but it did not have the capability to convert it to UF$_6$ feedstock.

According to a US State Department report, Khan's network supplied an initial stock of UF$_6$ to get the Libyan program started but it would not be able to supply the valuable material on the necessary consistent basis. Analysis at Oak Ridge National Laboratory determined that the shipment of 1% low enriched uranium supplied by the network most likely originated in North Korea. Without UF$_6$, the enrichment

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317 Writz and Lavoy, eds., Over the Horizon Proliferation Threats, 253.
319 Reed and Stillman, The Nuclear Express, 270.
321 Reed and Stillman, The Nuclear Express, 270.
322 US Department of State, "Adherence to and Compliance with Arms Control, Non-Proliferation, and Disarmament Agreements and Commitments," 85.
technology is useless and no weapon can be built. Furthermore, the engineers were not able to properly assemble the enrichment technology Qadhafi had purchased.\(^{324}\)

Finally, there were domestic issues that may have distracted Libya from its original purpose of acquiring nuclear weapons. Libya's domestic population was facing a 30% unemployment rate.\(^{325}\) Perhaps the millions of dollars spent on various methods of acquiring nuclear technology could have been spent on building the economy. The major source of national income, oil, was facing serious problems from production dropping, outdated technology, and sanctions.

There are many influences on agenda setting but there is no evidence that the NPT played a role. There was no mention of the NPT, or Libya's commitments under the NPT, by the leadership until after the decision to dismantle. Even then, there are no statements or indications that the treaty itself was an influencing factor.

With the government overthrow and subsequent death of Qadhafi on October 20\(^{th}\), 2011, Libya's Transitional National Council has become the internationally recognized government. It is striving to establish a democracy, but it is too soon to know if the council will successfully unite the various regions and tribes to steer Libya out of what appears to be an ever disintegrating state.\(^{326}\) This new regime could significantly change which issues are on the national agenda and how the agenda is set.

\(^{324}\) US Department of State, "Adherence to and Compliance with Arms Control, Non-Proliferation, and Disarmament Agreements and Commitments," 85.

\(^{325}\) Reed and Stillman, *The Nuclear Express*, 272.

Litigation

According to the Polity IV Project, "the judiciary has demonstrated little autonomy from the *de facto* executive and does not serve as an effective check on his [Qadhafi] authority."\(^{327}\) The "new" post-Qadhafi judicial system is currently being "reconstituted" as part of the ongoing reform in Libya.\(^{328}\) It is now beginning to be tested by criminal trials associated with violations (mostly of human rights) during the Arab Spring. There has been no reported activity by domestic groups utilizing litigation to develop or implement policy related to nuclear weapons.

**Conclusions for Libya**

The US suspected Libya of noncompliance with the NPT's Article II and Article III for many years.\(^ {329}\) Robert Mozley predicted in 1998, that given Libya's limited scientific resources "it must buy turnkey facilities."\(^ {330}\) He also noted that Libya lacked uranium resources. In order to acquire nuclear weapons, Libya would have to use its oil revenues to purchase the technology and nuclear material.\(^ {331}\)

Despite being an early signatory of the NPT and a member of the IAEA, Libya activity pursued nuclear weapons until 2003. After several failed attempts to acquire nuclear weapons from other sources, a business partner was found in Khan and his network. According to US Ambassador Donald Mahley, the Khan network was vital to

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\(^{328}\) US Department of State, "Background Note: Libya,"


\(^{330}\) Mozley, *The Politics and Technology of Nuclear Proliferation*, 200-01.

\(^{331}\) Ibid., 201.
the Libyan program's development and the program would never have progressed without assistance; the program would in fact have been "thwarted" without the network's effort.\textsuperscript{332}

The Libyan government did have limited success with its program under the guidance of Khan. While elite decision makers referenced the Libyan commitment to international nonproliferation and disarmament, it is unlikely that this was the cause of the decision to reverse and dismantle the nuclear weapons program. More likely it was a combination of the resources used for the nuclear program needed to be redirected to meet other needs, Qadhafi fearing the same fate as Saddam Hussein, believing that relinquishing the program would help with Libya's reintegration with the rest of the world, helping the national economy, etc.

Since that official reversal of policy in December 2003, Libya has reaffirmed it nonproliferation obligations. Libya's nonproliferation commitment today is larger and more involved than the NPT. After the noncompliance resolution, Libya ratified the Additional Protocol in August 2006.\textsuperscript{333} Libya is also a party to the Comprehensive Test Ban Treaty, having ratified it in 2004.\textsuperscript{334}

Since the Arab Spring many issues in Libya have become unpredictable. The overthrow and murder of Qadhafi has created a power vacuum. Competing domestic groups have caused a civil unrest that verges on a civil war. The future of nuclear power

\textsuperscript{332} Donald A. Mahley, "Dismantling Libyan Weapons," The Arena 10 (November 2004): 5.
\textsuperscript{334} CTBTO Preparatory Commission, "Status of Signature and Ratification."
and nuclear weapons is unknown at this time but it appears that both are non-issues at this moment.

In October 2011, NATO ended its seven month Operation Unified Protector to protect the citizens of Libya.\(^{335}\) NATO had been enforcing a no-fly zone and an arms embargo. Ultimately NATO played a key supporting role to the domestic groups that were mobilizing (and turning to violence) when they could not influence the agenda setting or use the legal system to fight blatant violations of human rights. We did not see this mobilization of citizens calling for nonproliferation action.

Libya’s discrete steps to disarm came before the IAEA Board of Governors’ noncompliance resolution. Therefore, they were seen as cooperative and the noncompliance was not intended to be punitive or to result in sanctions. In fact, the final draft of the resolution stated that the noncompliance be reported “while commending” Libya.\(^{336}\)

Conclusions

Syria and Libya were both found to be in noncompliance with NPT in recent history. They travelled different paths to noncompliance: Syria relying on another state’s assistance for a plutonium based weapon and Libya using a non-state actor’s assistance to pursue a uranium based weapon. Syria was bombed to stop (and perhaps reverse) its proliferation program, while Libya reversed its path willingly. What can be learned by


viewing these case studies of noncompliance from the perspective of the domestic politics theory of treaty compliance?

The domestic politics theory involves agenda setting, litigation, and mobilizing of domestic groups. For Syria these three elements were completely absent. The NPT appears to play no role in persuading Syria’s elite to place nonproliferation on the national agenda. Nor was the NPT utilized as the basis of litigation in the court rooms or mobilization in the streets.

For Libya, litigation and domestic mobilization were absent. The elite did have a change in their agenda setting but there is no evidence this is from the influence of the NPT as much as non-treaty factors (include the urge to maintain the regime). Security assurances from aggression and regime change play a vital role in the final negotiations for Libya to dismantle its program.  

While the focus was on only two instances of noncompliance these negative findings are still meaningful. The lack of support for the domestic politics theory of treaty compliance indicates that, perhaps, the theory (and its three intertwined variables) is necessary for compliance. If so, this aligns with what Simmons has found in the human rights realm.

The lack of freedom of the press is an issue in both these states. This means it may be difficult for the citizens and researchers alike to get reliable information about the activities in these states. It also means it is difficult for the citizens to be heard and

337 Hirsh, "Bolton's British Problem."
mobilize. Syria is ranked 176th and Libya is ranked out 154th of 179 states in the Press Freedom Index.\textsuperscript{338}

Table 2 illustrates the findings of Syria and Libya for this chapter. The agenda setting for nations was not influenced by the treaty but by the international community. Neither state saw the use of litigation to enforce the obligations of the national government under the NPT. Finally, neither country had domestic population mobilize for the NPT and to keep their nations from acquiring nuclear weapons.

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<tr>
<th>State</th>
<th>Agenda Setting</th>
<th>Litigation</th>
<th>Mobilization</th>
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Table 2. Results of Chapter 4 Case Studies

CHAPTER V

STATES THAT ARE OF POTENTIAL PROLIFERATION CONCERN

Introduction

The states in this chapter are two for whom proliferation is less predictable at the moment. They have not failed to comply but they are considered to have the potential to be failures. They are potential proliferation concerns. What can we learn about treaty compliance in the issue area of nonproliferation from viewing these states through the lens of the domestic politics theory? These states were chosen because they have been identified as worth watching closely by respected contemporary researchers.339

Iran may come to mind immediately as a proliferation threat. However, the IAEA Board of Governors, despite Iran not possessing nuclear weapons, has already found Iran in noncompliance. Rather the focus here is on those states that may not be considered active threats to the nonproliferation regime but may possess the resources and urge to purse nuclear weapons in the future.

This builds on the concept that the definition of potential proliferators has broadened from traditional proliferation concerns (such as North Korea and Iran) to include states that are not accused of actively pursuing nuclear weapons but may be hedging their bets technologically or otherwise.340 These states have the technological

339 This includes scholars such as David Albright, James Wirtz, Peter Lavoy, Thomas Reed, and Danny Stillman.
340 Wirtz and Lavoy, eds., Over the Horizon Proliferation Threats, 222.
potential and the reasons to take the decision to pursue nuclear weapons, but to the best of our knowledge have not yet done so.

Scholars over the past decade have consistently placed Saudi Arabia and Egypt in the category of potential proliferation concern. As recently as 2012, Wirtz and Lavoy, wrote that these "anxiety-causing" states include Egypt and Saudi Arabia. David Albright included Egypt and Saudi Arabia (among others) in his "to worry about" list in 2010. Thomas Reed and Danny Stillman warn of Egypt and Saudi Arabia pursuing nuclear weapons in the future in their 2009 book entitled, *The Nuclear Express*. In 2007, scholar Etel Solingen placed Egypt and Saudi Arabia in this category as well, based on the likelihood that they would seek to match the Iranian pursuit of nuclear weapons. And as far back as 2004, Campbell, Einhorn, and Riess identified Saudi Arabia and Egypt as having the potential to tip towards nuclear weapons.

In terms of nonproliferation, these two states have more in common than just causing international concern. Both states are parties to the NPT. As required by the NPT, both states are IAEA member states with Comprehensive Safeguards Agreements in place; although neither state has an Additional Protocol. Egypt is an Arabic

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341 Ibid.
343 Reed and Stillman, *The Nuclear Express*.
347 International Atomic Energy Agency, "Status List."
speaking state with an almost completely Muslim population. The same is true for Saudi Arabia. While Egypt is technically North Africa it is often included in discussions on the Middle East. Both nations were under strict authoritarian rule, Egypt technically a republic, but in fact tightly controlled by Mubarak and the military. Saudi Arabia is under the will of the royal monarch family. Egypt and Saudi Arabia are both insecure and threatened by Israel's suspected nuclear capabilities. Egypt has strongly supported the proposal for a Middle East Nuclear Weapon Free Zone. Saudi Arabia politically supports this concept as well.

Finally, both have made statements that a nuclear Iran is unacceptable and they may pursue nuclear weapons in response. Egyptian Ambassador Maged Abdel Aziz said in a 2010 reference to the Iranian program that, "we are not going to accept to be second-class citizens in the region of the Middle East." However, as of 2012, the new Egyptian government has sent mixed signals and may be taking a more supportive stance.

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350 Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices.
with Iran in the future.\textsuperscript{354} Saudi King Abdullah has been reported as saying, "if they get nuclear weapons, we will get nuclear weapons."\textsuperscript{355}

A major difference between the two states is that Saudi Arabia is an oil rich state with these resources being the backbone of their economy.\textsuperscript{356} Egypt has limited natural resources and a smaller economy.\textsuperscript{357} Egypt has seen much change since the Arab Spring, while Saudi Arabia has seen minimal change. For this dissertation, the analyses will consider the history and events before June 2012, with a look towards the future from that point in time.

The importance of this chapter is to explore treaty compliance in nonproliferation and discover whether the domestic politics theory of compliance can help understand these hard cases and possibly predict the outcome. This chapter starts with the analysis of Egypt and is followed by a study of Saudi Arabia.

For each state of potential proliferation concern, there is an introduction to the state’s specific situation. An overview is given next, which consists of the state’s history with the NPT and the international nonproliferation regime more broadly, as well as the status of nuclear power in the state. This aids in understanding the context of the potential noncompliant actions.

Next, each state is analyzed using Simmons’ domestic politics theory of treaty compliance. This includes reviewing the role of agenda setting, litigation, and mobilization of the domestic population for each state’s particular situation in a search

\textsuperscript{354} Tom Parry, "Brothers in Arms: Egypt’s Fresh Links to Iran Reignite Fears over Nukes," \textit{The Mirror}, 26 June 2012.
\textsuperscript{355} Chemi Shalev, "Dennis Ross: Saudi King Vowed to Obtain Nuclear Bomb after Iran," \textit{Haaretz}, 30 May 2012.
\textsuperscript{356} Central Intelligence Agency, "The World Factbook: Saudi Arabia."
\textsuperscript{357} Central Intelligence Agency, "The World Factbook: Egypt."
for evidence. Conclusions are then drawn for each state on whether these variables can explain (or predict) the potential for continued compliance or a move towards noncompliance.

Egypt

Egypt has been reported on by the IAEA Secretariat to the Board of Governors, but it has not been found in noncompliance by the Board of Governors. This does not mean its current standing of compliance will not change in the future. As discussed in this chapter’s introduction, a variety of scholars and analysts share the view that Egypt could under certain conditions decide to pursue nuclear weapons. Egypt is currently a supporter of the NPT generally, but has not supported strengthening measures such as the Additional Protocol.

Egypt's history has included moments of considering proliferation but never committing fully to a nuclear weapons program. The option was left open in the 1950s and 1960s under Nasser and was later abandoned along with the idea of nuclear power in the 1980s. Although, Egypt did conduct secret activities from 1990 to 2003 including creating uranium metal, a key step in developing a nuclear weapon. Egypt does not have the money to purchase a complete weapon but they have the basic industry and

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359 Solingen, Nuclear Logics: Contrasting Paths in East Asia and the Middle East, 229.
technology needed to support a nuclear weapons program should they choose to do so.

Some believe a nuclear Iran and/or a potential souring of the Egypt-US relationship may cause Egypt to pursue nuclear weapons.\textsuperscript{361} But does domestic politics theory help aid in understanding why they may choose to continue to meet their obligations under the NPT?

\textit{Overview}

\textbf{History with Nonproliferation}

Egypt has several reasons to pursue nuclear weapons. Perhaps they desire a deterrent against Israel and/or Iran.\textsuperscript{362} It may be as simple as seeking a balance of power in the region and possibly becoming an undisputable hegemonic power.\textsuperscript{363} The weapons could also serve as a source of pride for the domestic population wanting to equal the Israelis as well as become the first Arab nation with nuclear weapons. There has been a strong desire for regional Arab leadership following Nasser.

On the other hand, the Egyptian leadership may want to win the support of its citizens that admire the Iranian program and the Iranian defiance of the West and international community. Although, Egypt has said that Iranian weapons are a threat to Egypt and Egypt will need weapons to counter this threat. Egypt does not have a nuclear security guarantee from one of the existing nuclear weapons states, "except for a vague

\textsuperscript{361} Campbell, Einhorn, and Reiss, eds., \textit{The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices}.

\textsuperscript{362} Writz and Lavoy, eds., \textit{Over the Horizon Proliferation Threats}, 49.

\textsuperscript{363} Campbell, Einhorn, and Reiss, eds., \textit{The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices}, 43-44.
Soviet commitment" in the 1960s. The weapons would serve national defense purposes if its relationship with the US deteriorated in the future. However, despite these incentives, Egypt has kept its commitment to not pursue nuclear weapons as required under the NPT.

Egypt is a party to the NPT and several other nonproliferation relevant treaties. Egypt brought the NPT into force under Sadat in February 1981, years after first signing it in 1968. Ratification for the People's Assembly occurred because it became obligatory by other states beginning to provide nuclear facilities, equipment and materials to Egypt.

Egypt joined the IAEA in 1957 and signed a Safeguards Agreement in June 1982, the delay was due to the fact that the NPT Article III stated time limit of 18 months was in effect from the time of ratification (which for Egypt was in 1981). Related to the Safeguards Agreement is the Additional Protocol which Egypt has thus far refused to sign. The Additional Protocol would allow the IAEA more information and access, as well as demonstrate Egypt's commitment to the nonproliferation regime. It is unlikely

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364 Solingen, Nuclear Logics: Contrasting Paths in East Asia and the Middle East, 232.
365 Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices, 72.
that Egypt will take on any more obligations while Israel remains outside the NPT.\textsuperscript{369}

This includes the Comprehensive Test Ban Treaty.

Egypt signed the Comprehensive Test Ban Treaty in 1996 but has yet to ratify it.\textsuperscript{370} Egypt is an Annex II state, meaning its ratification is required before the treaty can enter into force.\textsuperscript{371} Once again, Egypt has tied the issue to Israel; this time it is refusing to ratify the Comprehensive Test Ban Treaty because Israel has not. Although, it is unclear whether if Israel did sign and ratify the treaty Egypt would then ratify the Comprehensive Test Ban Treaty. It might choose to wait until Israel joined the NPT.\textsuperscript{372}

Egypt is a signatory to the African Nuclear Weapon Free Zone (also known as the Pelindaba Treaty) but has failed to ratify that treaty as well.\textsuperscript{373} Egypt has tied its ratification with the treaty to requiring Israel to join the NPT.\textsuperscript{374} The Pelindaba Treaty entered into force in 2009 (the Egyptian ratification was not necessary for entry into force).\textsuperscript{375}

On a more positive note, Egypt does have a stated policy of supporting a Middle East Nuclear Weapon Free Zone and the later proposed Middle East Weapons of Mass Destruction Free Zone.\textsuperscript{376} Of course, these are aimed at restraining Israel. Mubarak pursued the concept of the Middle East Nuclear Weapon Free Zone vigorously after Iran

\textsuperscript{369} Nuclear Threat Initiative, "Egypt Profile: Nuclear."
\textsuperscript{370} CTBTO Preparatory Commission, "Status of Signature and Ratification."
\textsuperscript{371} "Comprehensive Nuclear-Test-Ban Treaty," in \textit{UN Registration Number NIF-0} (10 September 1996).
\textsuperscript{373} Nuclear Threat Initiative, "Egypt Treaty Membership."
\textsuperscript{374} Nuclear Threat Initiative, "Egypt Profile: Nuclear."
\textsuperscript{375} Nuclear Threat Initiative, "Egypt Treaty Membership."
\textsuperscript{376} Nuclear Threat Initiative, "Egypt Profile: Nuclear."
proposed the idea in 1979 as a UN General Assembly resolution.\textsuperscript{377} Egypt continues to support the idea of a Middle East Nuclear Weapon Free Zone today and speaks to its merits at every possible forum.\textsuperscript{378} Minimal progress has been made but there are plenty of statements in support of the concept. Of course, as we saw in the failed compliance case studies, statements are not always truth.

The Muslim Brotherhood (Egypt's new leading political party) has “ridiculed” this idea in the past and called for Egypt to abandon its NPT commitment in favor of acquiring nuclear weapons.\textsuperscript{379} There was a 2004 moment of doubt in the international community about Egypt's commitment.

In 2004, the IAEA became aware of some suspicious activities and undeclared facilities via open source analysis.\textsuperscript{380} IAEA questioning of Egyptian officials and scientists revealed that there were in fact previously undeclared activities, materials and laboratories. The undeclared activities included experiments "involving the irradiation of small amounts of uranium and thorium and their subsequent dissolution."\textsuperscript{381} This is an important concept/process to master in order to develop nuclear weapons.\textsuperscript{382}

The Egyptian government cooperated with the IAEA investigation into the alleged activities.\textsuperscript{383} However, the matter was still reported by the Secretariat to the Board of Governors.\textsuperscript{384} Egypt was not found in noncompliance and was not reported to...
the UN Security Council. According to former deputy director general of the IAEA Pierre Goldschmidt (head of safeguards), "in the case of Egypt, the IAEA did not find any indication that the reported failures and breaches were part of concealment efforts or a deception strategy." However, Goldschmidt argues that the matter should still have been defined as noncompliance as the intent is not as important as the violation itself.

The Mubarak regime was toppled in 2011. The military transitional government took control until democratically elected officials were chosen. In June 2012, the Muslim Brotherhood candidate Mohamed Morsy won the presidential election. There are concerns as the new government takes shape and the international community waits to understand the role of the military in this new government. This change in government and its possible influence on Egyptian compliance with its current nonproliferation obligations will be discussed further below.

Current Nuclear Status

Compared to other Middle Eastern states' nuclear infrastructure, Egypt is rather advanced in its nuclear capabilities. However, the state has been unsuccessful in establishing a nuclear power plant. Egypt currently has two research reactors, one provided by the Soviets in 1961 and one provided by an Argentinean company in the

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Egypt also has facilities for "mining, milling, fuel fabrication, waste management, and (small-scale) reprocessing." The relationship to nuclear weapons can be seen in the early research that was used to understand how to reprocess the waste from the nuclear reactor to extract the plutonium needed for a bomb (plutonium is a byproduct of burning up uranium based fuel in a reactor).

Egypt’s nuclear program started under Nasser with the purpose of peaceful uses, although reportedly the weapons option was not to be entirely ignored. The power program began with a decision by Nasser in 1954, resulting in the creation of the Atomic Energy Authority (AEA) in 1955. There was also an alleged clandestine nuclear weapons program, which ended in the 1970s with the death of Nasser. Perhaps not ironically, the program that was to maintain Egypt’s “superiority” over Israel involved German Nazi scientists. It has been argued that, “Egypt’s leadership never allocated the financial resources and political capital necessary to the success of a weapons program.” If true, this suggests that there may have been curiosity about nuclear weapons but no serious urgency in pursuing them.

Mubarak originally continued Nasser’s nuclear power program but in the mid-1980s, terminated the nuclear agenda. This was due to the Chernobyl accident, a weakening of the Egyptian economy, and pressure by the business sector to use the

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389 Federation of American Scientists, "Nuclear Weapons Program: Egypt."
390 Nuclear Threat Initiative, "$\text{Egypt Profile: Nuclear Facilities.}"
391 World Nuclear Association, "$\text{The Nuclear Fuel Cycle: Education.}"
392 Solingen, Nuclear Logics: Contrasting Paths in East Asia and the Middle East, 229.
394 Solingen, Nuclear Logics: Contrasting Paths in East Asia and the Middle East, 229.
395 Nuclear Threat Initiative, "$\text{Egypt Profile: Nuclear.}"
coastal property intended for power plants for tourism instead. This standstill of the nuclear program may have caused “Egypt’s nuclear scientific expertise to atrophy” making it much more difficult to renew the nation’s pursuit of nuclear power.

Nevertheless, in 2006, Mubarak’s son announced that Egypt would again pursue nuclear power to meet the nation’s growing electricity needs. He proposed that Egypt would build three nuclear power plants by 2020. This was a reversal of the twenty-year policy not to pursue nuclear power, established in 1986. In 2010, Egypt passed comprehensive regulation related to nuclear and radiation issues, a necessary step to responsible nuclear power development. With the end of the Mubarak regime nuclear power remains a viable option and plans are still in place to move ahead.

As of 2012, the Egyptian government, in consultation with international experts and the IAEA, has narrowed down possible sites to build and there are plans to put out a request for proposals in the near future. The plan has risen to 4 power plants. Several nations and companies have stated they will place bids to build the Egyptian nuclear power plants.

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396 Ibid.
397 Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices, 44.
398 Writz and Lavoy, eds., Over the Horizon Proliferation Threats, 49.
401 Ibid.
Domestic Mobilization

There has not been nor is there currently mobilization of domestic groups to pressure the state to not acquire (or acquire) nuclear weapons. While our focus is on domestic groups and their relation to the treaty it is worth noting there are serious concerns that domestic groups could mobilize in the name of noncompliance. Etel Solingen has pointed out that Egypt's renewed interest in nuclear power is most likely the result of "domestic pressures from constituencies mobilized by Iran's nuclearization."\textsuperscript{402} There may be more domestic groups in the future that mobilize in demand of Egyptian nuclear weapons. The "pro-nuclear inward-looking secular and Islamist forces" calling for nuclear weapons in the 1980s could mobilize once again.\textsuperscript{403} More recently, in 2000, a "pan-Arab opposition party" included the acquisition of nuclear weapons on its political platform.\textsuperscript{404}

Much as in Syria and Libya, the Arab Spring brought about a dramatic mobilization of the domestic populations. Domestic groups may not be mobilizing in the name of nonproliferation but perhaps they have been concerned with more pressing personal needs for change. It is important to note the Egyptians mobilized effectively and successfully once and they could do so again. Domestic politics theory tells us to watch for this to happen in the future as a clue to compliance.

\textsuperscript{402} Solingen, \textit{Nuclear Logics: Contrasting Paths in East Asia and the Middle East}, 236.
\textsuperscript{403} Ibid., 242.
\textsuperscript{404} Ibid., 242-43.
Under the rule of Mubarak, the Muslim Brotherhood called for Egypt to pursue nuclear weapons. Given the current instability of the nation’s government and the fact that the Muslim Brotherhood is running politicians for various offices in the emerging democracy… this is unsettling. More importantly, the Muslim Brotherhood candidate, Mohamed Morsy, won the presidential election in June 2012.

Agenda Setting

The Global Report 2009: Conflict, Governance, and State Fragility, stated that Egypt under Mubarak was “governed by an uninstitutionalized, or ‘weak,’ autocratic regime.” Scholars and analysts were concerned with the possibility of an Egyptian nuclear weapons program, but believed that it was less likely as long as Mubarak maintained control over the country. Under the strict rule of Mubarak, civil society was highly constrained and agenda setting was limited to himself and his close advisors. Under the new democracy we may see more entities influence the national agenda and by default new opportunities to influence the agenda setting.

Under Nasser, the agenda was “inward-looking self-reliance” which was in line with the pursuit of nuclear weapons. Under Sadat and Mubarak, the agenda was more outward looking and was focused on building the economy (within the constraints of maintaining regime security and the pursuit of self-enrichment). This agenda did not fall in line with an expensive nuclear weapons program that would risk an international

405 Writz and Lavoy, eds., Over the Horizon Proliferation Threats, 49-50.
406 Kirkpatrick, "Named Egypt’s Winner, Islamist Makes History."
408 Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices, 44.
409 Solingen, Nuclear Logics: Contrasting Paths in East Asia and the Middle East, 245.
political backlash. Despite inflammatory comments by Sadat and Mubarak with regards to a possible pursuit of nuclear weapons, both seemed to have not been serious when it came to national policy.410

It was during Sadat's rule that the NPT came onto the national agenda.411 Albeit not because it was open for ratification but because Egypt's desire for nuclear power required the international community to ask Egypt about its stance on nuclear weapons. So, an issue not previously discussed was brought up and a decision made. This aligns with how Simmons defines agenda setting.

Egypt is one of the outspoken non-nuclear weapons states focused on the "fundamentally discriminatory nature of the two-tiered system" codified within the NPT.412 The NPT has categorized the world into nuclear weapons states and non-nuclear weapons states.413 No new nuclear weapons states can exist under the system and those that exist remain outside the treaty while still receiving assistance from other states rather than being outcasts of the international community (mainly Israel, Pakistan, and India).

The newly elected leadership of Egypt will be shaping the new national agenda. While one can assume the economy and government reform are on the agenda there may be more controversial issues. President-elect Mohamed Morsy has stated that Egyptian foreign policy will include restoring diplomatic relations with Iran and building a close relationship.414 He has also said he may reverse the decades old peace deal with Israel. He has yet to speak about nuclear weapons for Egypt.

410 Ibid., 243.
411 Federation of American Scientists, "Nuclear Weapons Program: Egypt."
412 Solingen, Nuclear Logics: Contrasting Paths in East Asia and the Middle East, 236.
413 "Treaty on the Non-Proliferation of Nuclear Weapons."
414 Parry, "Brothers in Arms: Egypt's Fresh Links to Iran Reignite Fears over Nukes."
Litigation

A new government is being formed at this moment through a process of democratic elections. The judicial system was reformed quickly and is currently being tested. Former President Mubarak has already been tried and convicted and this may indicate a positive sign for the future of the judicial system’s legitimacy. Mubarak was sentenced to life in prison for accessory to murder, relating to the death of protestors calling for the end of his rule in February 2011. However, many Egyptian citizens do not believe in the legal system and they are protesting that officials directly responsible for killing demonstrators have had their charges dismissed. The citizens are also displeased that corruption charges against Mubarak and his sons were dropped.

It is too soon to know if litigation will play a role in nonproliferation for Egypt. Researchers should follow what suits are filed in the court system. They can also watch for any talk of litigation, which is unlikely until domestic groups organize in the name of nonproliferation.

Conclusions for Egypt

Egypt’s commitment to the NPT may have waivered occasionally but so far has been mostly against acquiring nuclear weapons. When the discrepancies over Egypt’s undeclared facilities, materials, and activities arose in 2004, the Director General of the IAEA at that time (an Egyptian national) stated, “the repeated failures by Egypt to report nuclear materials and facilities to the agency in a timely manner are a matter of

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concern." He went on to say it was not however a proliferation concern and used this opportunity to remind the international community to take their obligations seriously. This is ironic because one has to wonder if the incident would have been much more serious had a different country been involved. The matter was never brought to the attention of the Board of Governors, neither for a vote on compliance or whether to report Egypt to the UN Security Council.

A realist perspective indicates that a nuclear Egypt could be imminent. The weapons would assist in its balance of power in the region both relative to Israel and in the future possibly with Iran. The ebbs and flows of the Egyptian program do not line up with the Israeli timeline. One would expect that Egyptian activity would coincide with periods of aggression or key moments in the Israeli nuclear weapons program. However, as Etel Solingen has reviewed in *Nuclear Logics*, this is not the case which further supports the use of domestic factors.

In the fall of 2001, Thomas Graham wrote an analysis on WMD threats for the *Brookings Review* where he ranked Egypt as a 1 out of 5 (where 1 is low) on a scale of magnitude of WMD threats and made no mention of nuclear weapons.

Domestic politics theory may give us more insight into the future NPT compliance of Egypt. For example, Egypt's practice of nonproliferation compliance could change if the agenda setting is influenced by global events. This could include a

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417 Campbell, Einhorn, and Reiss, eds., *The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices*, 43-44.
negative turn in relations with the US. Some experts also predict Egypt may pursue nuclear weapons if Iran successfully acquires nuclear weapons. Although, under the Muslim Brotherhood, Egypt and Iran could revive their relationship, changing a perceived threat into an ally.

With the Muslim Brotherhood coming to power in the 2012 presidential election, there is a chance they could return to their earlier rhetoric and pursue nuclear weapons. If this comes to pass, Egyptian citizens might mobilize in favor of nonproliferation. The last few years have seen the Egyptian economy hit hard by slow growth, particularly in construction and tourism. Perhaps the citizens would mobilize in the name of the NPT to demand their new government not pursue nuclear weapons in favor of spending resources on improving the economy. Sadly, it may be as likely that citizens would mobilize in order to demand their government pursue nuclear weapons.

If Egyptian citizens do mobilize for nonproliferation and if the new government is as open and transparent as the citizens have been demanding, then they could take their issue to the (hopefully) now legitimate judicial system to demand that Egypt meet its nonproliferation commitments. These factors could inform the setting of the elite agenda, which would be the final "tipping point" for compliance in this case. Domestic politics theory of treaty compliance tells us this is all possible and we should watch for these possible events.

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420 Campbell, Einhorn, and Reiss, eds., *The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices.*
421 Nuclear Threat Initiative, "Egypt Profile: Nuclear."
422 Parry, "Brothers in Arms: Egypt's Fresh Links to Iran Reignite Fears over Nukes."
423 Writz and Lavoy, eds., *Over the Horizon Proliferation Threats*, 49-50.
Like Egypt, Saudi Arabia has not been found in noncompliance by the IAEA Board of Governors. Unlike Egypt, Saudi Arabia has very limited scientific resources, such as nuclear facilities and experts, which it could utilize to pursue a nuclear weapons program. Unlike Egypt, Saudi Arabia has the financial resources to purchase a complete nuclear weapon therefore overriding the need to have an extensive nuclear weapons program. In fact, Saudi Arabia already owns missiles capable of carrying nuclear warheads.

There are several allegations of direct and indirect support between Saudi Arabia and Pakistan's nuclear program. These allegations remain unsubstantiated by the Pakistani and Saudi governments, and in some cases are vehemently denied. Suspicion is that Saudi Arabia supported Pakistan's nuclear weapon program in exchange for future access to nuclear weapons for Saudi Arabia.

While Saudi Arabia has not been found in noncompliance it remains a concern because of several disturbing events and discrepancies. An example of an issue that causes international nonproliferation concern was when Prime Minister Bhutto's press adviser Khalid Hasan asserted that much of the funding for Pakistan's nuclear program

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425 Nuclear Threat Initiative, "Saudi Arabia Profile: Nuclear."
under came from Saudi Arabia. This was confirmed by Dr. A. Q. Khan who was a key figure in developing Pakistan's nuclear program.

Another example are the claims made by First Secretary, and a nuclear expert, Mohammed Abdalla Al Khilewi of the Saudi Arabian mission to the United Nations in New York. He defected to the US where he was granted political asylum in August 1994. In various outlets, he asserted that he had made copies of thousands of official Saudi documents that passed through his office. He has not made this archive public, but he asserts that the documents show that from 1975 until 1990, the Saudi Arabian government provided some $5 billion to help fund Saddam Hussein's nuclear efforts; and that it tried to acquire nuclear weapons from Pakistan and the Soviet Union.

In one interview, Khilewi estimated conservatively that the Saudi government spent at least $7 billion on nuclear armaments since 1975, including millions of dollars to buy nuclear reactors for what it calls "scientific" and "peaceful" uses, and for nuclear research and data collection. But most of the money went to support nuclear programs in other countries—Iraq and Pakistan, with most going to Iraq. In his view, Pakistan transferred nuclear technology out of economic interest.

Khilewi also claims that the Saudi government, recognizing its technical shortcomings in nuclear expertise, attempted "to buy into" the Iraqi and Pakistani nuclear

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431 Daniel Pipes, "Mohammed Al Khilewi: Saudi Arabia Is Trying to Kill Me," *Middle East Quarterly* 5, no. 3 (September 1998).
programs in exchange for weapons. Supposedly, a secret agreement was created arranging Saudi Arabian finances for the nuclear weapons program if Pakistan would defend Saudi Arabia with nuclear weapons in the occurrence that the oil-rich state was attacked with nuclear weapons.

Khilewi has made repeated statements that Saudi Arabia has tried to silence him with bribes, threats and attempted assassinations. Saudi Arabia continues to maintain the allegations are baseless and the documents are fabricated. Perhaps, Thomas Lippman explained it best when he wrote: “this allegation has never been proved but neither has it been effectively refuted.”

Why would Saudi Arabia support the Pakistani program? Is this a sign of the clandestine sale in the future some suspect? Direct and Indirect issues include public statements, financial contributions, and national defense purchases.

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433 Mir, "Where Terror and the Bomb Could Meet."
434 Pipes, "Mohammed Al Khilewi: Saudi Arabia Is Trying to Kill Me."
435 Lewis, "Defector Says Saudis Sought Nuclear Arms."
437 In-depth discussion of the issues that cause international concern over a nuclear Saudi Arabia are available in Kimberly Van Dyke and Steve Yetiv, "Pakistan and Saudi Arabia: The Nuclear Nexus," *Journal of South Asian and Middle Eastern Studies* 24, no. 4 (2011).
Overview

History with Nonproliferation

Saudi Arabia has several reasons to pursue nuclear weapons that are similar to Egypt's. The Saudis may feel threatened by a nuclear Iran and seek a balance of regional power. Or the Saudis may one day decide to be the undisputed hegemonic power in the region.\textsuperscript{438} In doing so, the Saudis could take pride in being the first Arab nation with nuclear weapons. This could result in stronger support from the citizens for the monarchy. The Saudis live in a volatile region and may seek to increase their national defenses with nuclear weapons, especially if their relationship deteriorates with the US. They are not explicitly under the US nuclear umbrella, which is also a concern. Despite the reasons Saudi Arabia has to pursue nuclear weapons, they have, so far, committed themselves not to do so.

Saudi Arabia joined the NPT in 1988, nearly 20 years after the treaty entered into force.\textsuperscript{439} Saudi ratification of the NPT was actually forced by the US and the international community due to a suspicious Saudi military purchase of Chinese missiles.

In 1988, Riyadh purchased long-range CSS-2 ballistic missiles from China.\textsuperscript{440} This particular missile is quite inaccurate and therefore only useful when mounted with something that does not need precision targeting, such as a nuclear weapon. The CSS-2 ballistic missile is meant to carry nuclear warheads and does so in all other known

\textsuperscript{438} Graham Allison, "Nuclear Disorder: Surveying Atomic Threats," \textit{Foreign Affairs} 89, no. 1 (January/February 2010).

\textsuperscript{439} Nuclear Threat Initiative, "NPT Membership."

\textsuperscript{440} Corera, \textit{Shopping for Bombs: Nuclear Proliferation, Global Insecurity, and the Rise and Fall of the A. Q. Khan Network}, 97.
deployments. Pakistan served as the middleman and initiated the deal between China and Saudi Arabia. In return, Pakistan received cash from China and Saudi Arabia.\footnote{Adrian Levy and Catherine Scott-Clark, \textit{Nuclear Deception: The Dangerous Relationship between the United States and Pakistan} (New York: Walker & Company, 2008), 173-74.}

Furthermore, Riyadh purchased the missiles with the understanding that once the Pakistani nuclear program was successful, several nuclear bombs would be sold to the House of Saud for mounting on the missiles. It is believed that this arrangement died the same year as Pakistani President Zia, who had been the one to originally make the secretive deal. It was an interesting deal and a bit surprising as the Saudis already had military capabilities within their air force to strike with greater precision then the CSS-2s and at a lower cost.\footnote{Richard L. Russell, "A Saudi Nuclear Option?", \textit{Survival} 43, no. 2 (Summer 2001): 74.} This is especially true given the $3 billion price tag on the CSS-2s.\footnote{Nuclear Threat Initiative, "China's Missile Exports and Assistance to Saudi Arabia," http://www.nti.org/db/china/msarpos.htm (accessed November 30, 2012).}

In 1988, the US was shocked by the discovery of the Chinese missiles deployment to a remote desert area of Saudi Arabia, where they were being manned by the Chinese.\footnote{Campbell, Einhorn, and Reiss, eds., \textit{The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices}, 112-15.} To ameliorate US and international concern, the Saudis struck a deal with the US. The missiles could stay but Saudi Arabia needed to sign and ratify the NPT, demonstrating their commitment to not pursue nuclear weapons.\footnote{Thomas Lippman, " Nuclear Weapons and Saudi Strategy," Saudi-US Relations Information Service, http://www.saudi-us-relations.org/articles/2008/ioi/080209-lippman-nuclear.html (accessed November 30, 2012).} This helped put the US and Saudi Arabia's neighbors at ease. It also allowed the US and Saudi Arabia to continue their strategic relationship, including arms sales. To this day, the missiles are in
the Saudi desert being maintained by a Chinese crew and have never been inspected by the US. The missiles were "grandfathered" and therefore excluded from the missile proliferation commitment the Chinese made, in 2000, that included not to aid states in acquiring missiles that can be used for WMD.\textsuperscript{446}

As mentioned in the previous section, the CSS-2s are not the only eyebrow raising incident in Saudi Arabia's nonproliferation history. There were also the statements by Prime Minister Bhutto's press advisor and Dr. A. Q. Khan. There are also the various controversial statements by Khilewi described above.

While the Saudis did ratify the NPT, they were slow to enter into a Safeguards Agreement as required within 180 days by Article III of the NPT. As mentioned in previous case studies, there is no precedence of this issue being used as grounds for a noncompliance finding. Saudi Arabia signed a Small Quantities Protocol in 2005.\textsuperscript{447} This agreement is for states with minimal amounts of nuclear material and no material in a fuel cycle facility.\textsuperscript{448} This agreement and a Comprehensive Safeguards Agreement entered into force in 2009.\textsuperscript{449} Saudi Arabia has no Additional Protocol in place.

Outside of the NPT, Saudi Arabia also supports the concept of a Middle East Nuclear Weapon Free Zone, which has seen slow progress in coming to fruition.\textsuperscript{450} Saudi Arabia has not signed, let alone ratified, the Comprehensive Test Ban Treaty.\textsuperscript{451}

\begin{footnotesize}
\begin{enumerate}
\item Campbell, Einhorn, and Reiss, eds., \textit{The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices}, 112-16.
\item International Atomic Energy Agency, "Status List."
\item Nuclear Threat Initiative, "Saudi Arabia Profile: Nuclear."
\item CTBTO Preparatory Commission, "Status of Signature and Ratification."
\end{enumerate}
\end{footnotesize}
ratification is not required for the treaty to enter into force, but it shows a lack of commitment to the international nonproliferation regime.

Current Nuclear Status

Saudi Arabia does not currently have nuclear fuel cycle facilities or research reactors.\textsuperscript{452} Within the Gulf, Saudi Arabia is a primary “producer and consumer” of electricity from oil and gas.\textsuperscript{453} With an expected annual 8% growth in demand, Saudi Arabia has taken the decision to pursue nuclear power. In 2011, it was announced that 16 power plants will be built over the next 20 years. The first 2 reactors are expected to come online by 2021. Deals are also in the works for smaller Argentine plants for desalination purposes.

\textit{Domestic Politics Theory of Compliance}

Domestic Mobilization

Saudi Arabia’s “strict implementation of the Shari’a laws prohibits or restricts freedom of speech, the press, assembly, and association.”\textsuperscript{454} Therefore, it will be very difficult for the domestic population to mobilize in the name of nonproliferation. Furthermore, the monarchy has “both the capacity and the willingness to suppress

\textsuperscript{452} Nuclear Threat Initiative, "Saudi Arabia Profile: Nuclear."
opposition activities and even views." But as history has shown repeatedly, it is still not impossible for oppressed populations to mobilize.

In 2010 and 2011, pre-dominantly Shia domestic groups inspired by the Arab Spring mobilized and were met with strong opposition from the government. These "modest incidents" occurred across Saudi Arabia but were put down with minimal bloodshed. The King did, however, enact new domestic policies to appease citizens "including funds to build affordable housing, salary increases for government workers, and unemployment benefits."

In 2004, a human rights organization formed for the first time in Saudi Arabia. This organization, called the National Human Rights Association, collects information on violations from the population and seeks to ensure Saudi Arabia's compliance with its international human rights agreements. This is a huge first step and domestic politics theory leads us to believe there may be change in human rights compliance in the future. Given this example, perhaps it will be possible for groups to mobilize in the name of nonproliferation. It is too soon to tell but we should watch for this type of event in the future.

\[\text{\textsuperscript{455}}\text{Ibid.}\]
\[\text{\textsuperscript{456}}\text{Central Intelligence Agency, "The World Factbook: Saudi Arabia."}\]
\[\text{\textsuperscript{457}}\text{Ibid.}\]
\[\text{\textsuperscript{458}}\text{Ibid.}\]
Agenda Setting

The Polity Project IV scores the government on the far end of the autocracy spectrum.\textsuperscript{459} Within the autocracy, the nation's citizens are quite repressed and do not influence the government.\textsuperscript{460}

This obviously means that the King is the ultimate authority and has no restrictions enforced upon him by a constitution or legislation.\textsuperscript{461} Currently the ruler is King and Prime Minister Abdullah bin Abd al-Aziz Al Saud.\textsuperscript{462} Therefore, the agenda is set almost exclusively by the royal family. Decisions are often taken by the King's cabinet.\textsuperscript{463} The cabinet, called the Council of Ministers, is comprised of 18 people appointed by the King. The Council’s membership is family members and close family friends. This has begun to change; there has been some reform with the goal of pleasing the domestic constituency and perhaps Western critics. This includes a move to hold elections for certain positions.

While there is little that appears to influence the Saudi agenda, a 2008 Senate Committee on Foreign Relations report stated that the United States' relationship with Saudi Arabia may be the only factor that keeps the Saudis from going nuclear.\textsuperscript{464} Campbell et al. also believe that US policy weighs heavily on the agenda setting of Saudi

\begin{itemize}
\item\textsuperscript{459} Systemic Peace, "Polity IV Country Report 2010: Saudi Arabia."
\item\textsuperscript{460} Ibid.
\item\textsuperscript{461} Ibid.
\item\textsuperscript{462} Central Intelligence Agency, "The World Factbook: Saudi Arabia."
\item\textsuperscript{463} Systemic Peace, "Polity IV Country Report 2010: Saudi Arabia."
\item\textsuperscript{464} This same report corroborates what many scholars and diplomats already believe: “Saudi Arabia may have some sort of formal or informal understanding with Pakistan regarding nuclear weapons.” Committee on Foreign Relations, \textit{Chain Reaction: Avoiding a Nuclear Arms Race in the Middle East, Report to the Committee on Foreign Relations}, 110th cong., 2nd sess., February 2008.
\end{itemize}
A change in the relationship for the worse may end with Saudi Arabia believing it needs to be more self-reliant and acquire nuclear weapons.

Simmons also defines agenda setting within domestic politics theory as a treaty bringing an issue up that otherwise would not be discussed. In Saudi Arabia, the treaty became an issue when the Chinese missile purchase was revealed to the international community. At that point the US and others wanted a solid answer on Saudi Arabia's view of nuclear weapons. Where nonproliferation was not a previous issue, the treaty came on to the national agenda not when it was open for ratification but when the world asked for a commitment.

Litigation

Since 2007, there has been a reform to make the judicial system more transparent and consistent. Previously, judges could enforce Shira'i law as they (the individual) interpreted it with no regard for the codification of law or the use of precedents. The reform included the elimination of the Supreme Judicial Council and replacing it with the newly created Supreme Court and a corresponding Appeals Court. The King and his family still influence the judicial system despite its relative independence.

Finally, there is no legislature to develop laws that could be used for litigation. The King and his close advisors develop new laws as they see fit and the public has little input. The Council of Ministers, mentioned in the Agenda Setting section above, does play an advising role in development of laws.

465 Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices.
467 Ibid.
Given the limited independence of the courts and the complete lack of legislature, the domestic population has no manner of using these government elements to call for and implement change.

Conclusions for Saudi Arabia

Above all, the Saudis would clearly be more interested in obtaining nuclear weapons, if Iran goes nuclear.\footnote{Kate Amlin, "Will Saudi Arabia Acquire Nuclear Weapons?," Nuclear Threat Initiative, http://www.nti.org/analysis/articles/will-saudi-acquire-nuclear-weapons/ (accessed November 30, 2012).} Riyadh has seen Iran as a threat, especially since the Iranian Revolution in 1979, when the Shah was overthrown by Ayatollah Khomeini. This was when the majority Shiite state of Iran “had begun denouncing the corrupt oil sheikdoms.”\footnote{Al J. Venter, \textit{Allah's Bomb: The Islamic Quest for Nuclear Weapons} (New York: The Lyons Press, 2007), 150.} Today, “Iran's nuclear programme has provided a potent symbol of the growing Shia threat.”\footnote{Mai Yamani, "The Two Faces of Saudi Arabia," \textit{Survival} 50, no. 1 (February–March 2008).} Should it obtain nuclear weapons, Iran could become the regional hegemonic power, if it is not already, given the demise of Saddam Hussein.

Beyond the threat of a nuclear Iran, Saudi Arabia is located in a volatile region where it may feel “always insecure and fearful of encirclement.”\footnote{Lippman, "Nuclear Weapons and Saudi Strategy."} Israel’s unannounced nuclear capability is seen as a threat by Riyadh and the Saudis repeatedly call for Israel’s disarmament. And while Israel has nuclear arms, it most likely will not
allow an Islamic nuclear weapons program to advance too far down the path of proliferation.\footnote{Corera, \textit{Shopping for Bombs: Nuclear Proliferation, Global Insecurity, and the Rise and Fall of the A. Q. Khan Network}, 13.}

Given the lack of nuclear infrastructure and expertise the Saudis are unlikely to pursue nuclear weapons on their own. Furthermore, to begin a program now would leave Saudi Arabia quite far behind the perceived threats that are the Israeli and Iranian nuclear weapons programs. In fact, “if the Saudis do pursue nuclear weapons, they will almost surely draw in part on the already established Saudi-Pakistani nexus.”\footnote{Van Dyke and Yetiv, "Pakistan and Saudi Arabia: The Nuclear Nexus," 69.} Some people believe that a deal has already been struck; that Pakistan will provide a nuclear weapon to Saudi Arabia in exchange for assistance received during the years of pursuit.

The agenda setting of Saudi Arabia is not clear cut. Should it decide nuclear weapons are important to the state’s survival and obtain a nuclear capability, it may well get caught on the horns of a security dilemma; what it believes to be defense may well be perceived as offensive by other states.\footnote{John H. Herz, \textit{Political Realism and Political Idealism: A Study in Theories and Realities} (Los Angeles: University of California Press, 1951).} As Thomas Lippman stated, “the acquisition or development of nuclear weapons would be provocative, destabilizing, controversial and extremely difficult for Saudi Arabia, and ultimately would likely weaken the kingdom rather than strengthen it.”\footnote{Lippman, "Nuclear Weapons and Saudi Strategy."}

Simmons found that treaties and the domestic politics theory had the most "impact" in transitional democracy.\footnote{Simmons, \textit{Mobilizing for Human Rights: International Law in Domestic Politics}, 155.} At this point, Saudi Arabia is most definitely not a
transitional democracy.\textsuperscript{477} It would be difficult to know the true opinions of the domestic population given the lack of freedoms. Saudi Arabia is ranked 158th out of 179 states in the Press Freedom Index.\textsuperscript{478} As it appears currently, domestic politics theory does not help us understand Saudi Arabia's compliance with the NPT.

Conclusions

Egypt and Saudi Arabia offer interesting cases of states that may be considered potential proliferation concerns. This makes them hard cases of the dissertation. They are currently complying but should aspects of their situations change in the future they could become proliferators. What can be learned by viewing these case studies of potential proliferation concern through the lens of the domestic politics theory of treaty compliance?

Experts have believed "that as long as President Mubarak or a like-minded successor remains in charge, there is little prospect- short of such traumatic events as a military attack on Egyptian territory or the use of nuclear weapons somewhere in the Middle East – that Cairo's response would be to embark on a nuclear weapons program."\textsuperscript{479} With Mubarak sitting in jail and his successor a member of the Muslim Brotherhood, what can we expect for the future of nonproliferation in Egypt?

As mentioned above, Saudi Arabia does not have the scientific resources to launch a nuclear weapons program and has no immediate reasons to do so. However,

\textsuperscript{478} Reporters Without Borders, "Press Freedom Index 2011/2012."
\textsuperscript{479} Campbell, Einhorn, and Reiss, eds., The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices, 44.
Saudi Arabia could more than afford to finance a nuclear weapons program (or purchase) with its GDP of $676.7 billion, with oil accounting for “80% of budget revenues, 45% of GDP, and 90% of export earnings.” In the context of strained relations with the US, and a possibly nuclear Iran, Saudi Arabia may hedge its bets. In fact, there is evidence that it has already begun to by supporting the Pakistani’s in its pursuit of the nuclear bomb. What can we expect for the future?

One can look back at history and quickly remember that things were not so different in the 1960s. Instead of an Iranian pursuit of nuclear weapons causing headlines, it was an Israeli pursuit of nuclear weapons. In response to Israel's nuclear program, in 1960, Nasser threatened to arm Egypt with nuclear weapons. More recently it was Mubarak's ambassador saying that "if others will acquire nuclear weapons -- and if others are going to use these nuclear weapons to acquire status in the region of the Middle East -- let me tell you, we are not going to accept to be second-class citizens in the region of the Middle East." More recently it was Saudi King Abdullah allegedly saying about a nuclear Iran, "if they get nuclear weapons, we will get nuclear weapons."

If Iran obtains nuclear weapons, Saudi Arabia or Egypt might well be pushed to develop their own nuclear capability as a deterrent to Iran and also perhaps as a matter of regional prestige as the first Arab state to match the Persians. It is important to note, and the Saudis understand this well, that even a small nuclear weapon could destroy major oil

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481 "Nasser Threatens Israel on A-Bomb."
482 Grossman, "Egypt Plays Key Nonproliferation Role, but Keeps Nuclear Options Open."
483 Shalev, "Dennis Ross: Saudi King Vowed to Obtain Nuclear Bomb after Iran."
facilities and cities, and threats of radiological, chemical and biological weapons attacks cannot be discounted. In addition, even if Iran or other states in the region never use weapons of mass destruction, they could enable brinkmanship or coercion because others would be aware of their existence.

Domestic politics theory has not helped us understand treaty compliance in these countries. Nonproliferation did become an agenda item for both nations, but not because of domestic pressures. With the treaty open for ratification they were under pressure from the international community and also wished to use the nonproliferation issue to condemn Israel. There has been no litigation or mobilization on nuclear issues to date.

Domestic politics theory gives variables that one can watch for in the future to understand whether Egypt and Saudi Arabia will comply with their international nonproliferation obligations. There may be elements of agenda setting, litigation, or domestic mobilization in the name of nonproliferation in the future. Egypt is the more likely case because it is the transitional democracy that, according to Simmons, the theory may work best for explaining. For these methodologies of change to be used both governments will have to become more open and transparent; which is already beginning to happen but only time will tell if there will be real change.

Table 3 illustrates the findings of Egypt and Saudi Arabia for this chapter. The agenda setting for nations was not influenced by the treaty but by the international community. Neither state saw the use of litigation to enforce the obligations of the national government under the NPT. Finally, neither country had domestic population mobilize for the NPT and to keep their nations from acquiring nuclear weapons.

484 Simmons, Mobilizing for Human Rights: International Law in Domestic Politics, 155.
Table 3. Results of Chapter 5 Case Studies

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<thead>
<tr>
<th>State</th>
<th>Domestic Politics Theory Mechanisms Present?</th>
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<tr>
<td></td>
<td>Agenda Setting</td>
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<td>Egypt</td>
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<tr>
<td>Saudi Arabia</td>
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While domestic politics theory does not seem to have helped us understand the mechanisms for compliance with the NPT in these cases, there are legitimate concerns that these mechanisms could actually be used in support of proliferation. As exemplified by the Muslim Brotherhood, citizens could mobilize in favor of nuclear weapons. Perhaps they want the perceived prestige for their nation or to emulate Iran. Or perhaps they fear Iran and desire their government try to protect them.
CHAPTER VI
CONCLUSIONS

Introduction

There are scholars and practitioners, that credit the NPT for being "more successful in preventing new states from acquiring nuclear weapons than it has been in either slowing down or disarming states that already possess nuclear weapons."\textsuperscript{485} However you interpret the evidence, there are fewer nuclear weapons today than anticipated at the time of the creation of the NPT. Is this because treaties do have an impact on state behavior, as put forth by Simmons in the form of the domestic politics theory?

Given the theory's ability to explain treaty compliance in human rights issue area it was expected that this might apply to other issue areas. Nonproliferation does have some commonalities with human rights (both are about security, both have monitoring systems, both have high levels of ratification, both gained momentum around the same point in history, etc.) but the details concerning the type of security and the resulting implications are on opposite ends of the spectrum.

While there is a clear link between the theory's three mechanisms (mobilization, agenda setting, and litigation) and state compliance in human rights treaties, the last three case study chapters have shown that the domestic politics theory is not very useful when studying compliance with the NPT. In this research on the NPT and the domestic politics

\textsuperscript{485} Waheguru Pal Singh Sidhu in Williams, ed. Security Studies: An Introduction, 362.
theory, mobilization was partially present in the compliant states, but the other two mechanisms are completely absent.

This chapter begins by exploring what can be inferred about the theory from studying its application to the NPT. What can be learned about the theory’s relative ineffectualness in explaining NPT compliance? The theory has already proven its value in the low politics issues area of human rights but it struggles to explain compliance in the high politics issue area. Therefore it is not that theory is not useful but it needs to be revised. Or perhaps it is not the theory but that nonproliferation has characteristics that make the domestic politics theory.

The second section expands on the characteristics of nonproliferation, and what the research results may mean for the issue area. Noncompliance with the NPT equates to new nuclear weapons states. This has high costs for the state that chooses to develop nuclear weapons and the international community whose relationship must change with the noncompliant state.

Thirdly, given the relative importance of mobilization, is it the key to understanding compliance and nonproliferation? Mobilizing may have more weight than the other mechanisms of the domestic politics theory. After all, Simmons even uses this mechanism in the title of her book introducing the theory. It is the only mechanism present in this nonproliferation research, and even then it is not a direct relationship.

Finally, conclusions are drawn for the analyses as a whole. This sums up what was learned from viewing the NPT compliance (and noncompliance) cases through the lens of the domestic politics theory, what this all means for the NPT, and if mobilization is the most important concept gained from the domestic politics theory.
What Can Be Inferred About the Theory?

There were three chapters of case studies, each with a different type of compliance situation with the NPT. There were states of no proliferation concern (compliant), already failed to comply, and potential compliance concerns. Each of these compliance situations contributes to the analysis of the domestic politics theory’s explanatory capability.

**Compliant States**

Germany and Kazakhstan both had limited mobilization but neither had the mechanisms of litigation and agenda setting. Perhaps, mobilization is more important than the other two mechanisms. Or given the obvious strong stance against (most things) nuclear and the current unquestionable compliance, the theory does not gain much traction because there is no concern that these governments would ever consider building nuclear weapons. The other mechanisms are missing because there is no need for them.

Given the past mobilization against testing of nuclear weapons, nuclear power, and the British nuclear arsenal, there is an implicit constraint upon the national governments in Germany and Kazakhstan that the domestic populations would mobilize again. The governments would not broach the subject of violating their international nonproliferation commitments. Therefore, it is not that the theory does not work so much as the compliance (the threat of mobilization) is so unquestionable that theory cannot be applied in a meaningful manner.
Noncompliant States

Libya and Syria developed nuclear weapons programs despite their international obligations, with no outcry from their citizens. There are several reasons for this, which may explain the domestic politics theory’s weak application in these two cases. First, both nations’ citizens are facing direct threats to their individual security. It is likely that these threats are much more pressing than the national level security concerns. Maslow’s Hierarchy of Needs explains that physiological needs (such as health and survival) are a human’s most basic need. Therefore, if a citizen had to prioritize his/her concerns, the proliferation of nuclear weapons is likely further down the list than safety for his/her family or establishing a stable fair democracy. Second, neither Syria nor Libya’s domestic populations likely knew of the clandestine programs nor their government’s noncompliant actions before the international community knew. Their governments did not promote their progress with the same propaganda that, for example, the North Koreans commonly use.

The more pressing concerns of Libyan citizens really came to light during the 2011 Arab Spring. The Arab Spring was a movement by domestic groups to overthrow their governments in "a common call for personal dignity and responsive government." In Libya, the killing of peaceful protestors by Qadhafi’s regime prompted an international outcry.

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487 Anderson, "Demystifying the Arab Spring."
A noticeable difference of the Libyan Arab Spring (from other Arab Spring nations) was the supporting role of the North Atlantic Treaty Organization (NATO).\textsuperscript{488} In response to the February 2011 UN call for security of the Libyan people from their government, NATO allies and partner countries formed a coalition for Operation Unified Protector (OUP). OUP enforced the no-fly zone, enforced the arms embargo, and protected civilians.

The ability of the Libyan citizens to mobilize was the first major step. NATO and the international community than gave legal standing and text the citizens could use to vindicate their position against their government and continue their demand for change. The agenda setting quickly became about independence from a ruthless dictator.

One has to wonder if the international community had supported the citizens in mobilizing against nuclear weapons if it would have made a difference. Instead, secret negotiations were held to arrange the reverse in Libya’s program. Change came from the outside rather than from within. Of course, the citizens could have chosen to side with their government had they known about the program. This concept of mobilizing for noncompliance is discussed later in this chapter.

\textit{Potential Proliferation Concerns}

Egypt and Saudi Arabia are similar to the already failed to comply states, in that there are other more pressing concerns that could distract from proliferation. Both states were impacted by the Arab Spring, Egypt much more so than Saudi Arabia. The domestic politics theory did not prove an effective lens for viewing and understanding

future compliance. Perhaps, trying to understand potential compliance with the NPT in these cases was too much to demand of the theory. The theory cannot indicate future compliance (or noncompliance) if the mechanisms are absent. Or is the absence of the mechanism a sign of future noncompliance?

As seen in our compliance and noncompliance cases, the absence of the mechanisms is not a true indicator of anything. In these countries there is no reason to mobilize against nuclear weapons as there are more personal concerns for which to mobilize.

Overall Trends

All three case study categories have commonalties. Despite varying compliance all are missing litigation and agenda setting mechanisms of the domestic politics theory. Furthermore, with the slight exception of Kazakhstan and Germany's mobilization on related nuclear issues, there is an absence of mobilization for nonproliferation. Table 4 illustrates the findings of all six states evaluated in this dissertation. For each of the domestic politics theory mechanisms (agenda setting, litigation, and mobilization) no state demonstrated an impact on treaty compliance with the NPT.
The weak performance of the domestic politics theory shows that the theory needs to be modified. Its usefulness in human rights does not extend to all issue areas. Based on this research there should be an added stipulation that in the area of national security related treaties (high politics) the theory appears to be less useful. It is too brazen to say it is completely useless as nonproliferation may be a special case. Nonetheless, there may still be some ways in which testing the domestic politics theory has aided in understanding proliferation.
What Do the Results Tell Us About Nonproliferation?

Given that domestic politics theory did not provide much leverage for understanding state compliance with the NPT: what does this tell us about nonproliferation? Is nonproliferation unique?

Simmons discussed extensively those states that were insincere in their ratification of treaties. These are the states that ratified treaties with no intention of meeting their obligations. However, she argues that they may eventually comply as a result of the combined mechanisms of the domestic politics theory. It seems that the NPT has fewer insincere ratification states than human rights treaties because there is a higher cost to ratification. With human rights treaty ratification there is little cost for noncompliance. With the NPT ratification, noncompliance means pursuing nuclear weapons, which other states see as a direct threat to their survival. Therefore, they are more likely to respond to noncompliance and by default the costs are higher for the noncompliant state (than for noncompliance with a human rights treaty).

The cost of noncompliance with a treaty whose issue area has such far reaching international implications (such as the NPT) can be dire. The noncompliant actions of states party to the NPT have led to diplomatic and military pressures, and even wars. And yet, one would be hard pressed to think of an intervention based solely on the violation of a human rights treaty. There would be no more suffering, let alone genocide, if the international community took as harsh an approach to noncompliance with human rights treaties as they do with weapons related treaties.
The monitoring systems of the NPT build further on the cost of noncompliance. The IAEA Department of Safeguards is specifically designed to verify NPT treaty compliance. This is done in a variety of ways, including: on-site inspections, open source information analyses, satellite imagery analyses, trade analyses, etc. There are also the intelligence communities of individual states and independent NGOs that are interested in verifying compliance for their own reasons. Nonproliferation has a variety of actors that collectively form a relatively strong monitoring system.

The international security nature of the treaty and the perceived threats associated with violations combined with a strong monitoring system may in fact increase compliance, without depending on the influence of domestic politics.

Is Mobilization the Key?

The only part of the domestic politics theory of treaty compliance that seems to have an impact is the mobilization mechanism. Mobilization must come before there can be agenda setting or litigation. Or perhaps it is simply more important than the other two mechanisms in high politics issue areas.

The Kazakhstan and German case studies demonstrated that treaty mobilization can be subsumed within related causes. In these two cases, nuclear testing and nuclear power subsumed the anti-nuclear weapons (anti-proliferation) position. Given transitive preferences, one can safely assume the citizens would agree with the lesser demands of the anti-proliferation agenda. Neither nation's governments would choose to pursue nuclear weapons knowing the strength of the opposition on related nuclear issues. There
is no need for citizens to mobilize in the name of treaty compliance because the consensus is so strong on related issues that proliferation is a non-issue in their countries.

Related to this lack of mobilization for the NPT is the situation in states where there is treaty noncompliance and yet the citizens do not mobilize. As discussed in the case of Syria and Libya, this may have been for several reasons. The leading reason behind the lack of mobilization for nonproliferation is that the populations have more immediate concerns in their lives (specifically safety and economics) that demand their mobilization efforts more than nonproliferation.

In recent history, both Syria and Libya have proven that their populations can mobilize despite oppressive government. This contributes to the idea that mobilization is the most important mechanism of the domestic politics theory. Mobilization in an oppressive regime is difficult but does draw the attention of the national leadership and of the international community. This may be one of the only ways for the citizens to influence the national agenda setting in a non-democratic government which offers no mechanism for citizen input. Furthermore, litigation in a repressive and corrupt government is pointless. It can be ignored and is likely to be a fruitless effort, especially on an issue for which the national leadership has much to lose. Therefore, mobilization must come before the agenda setting and litigation.

This concept of mobilization coming first can also be seen in Germany and Kazakhstan. By mobilizing against nuclear weapons testing and nuclear power, both nations’ citizens were also mobilizing against nuclear weapons more generally. It is safe to say the transitive preferences for these citizens move from anti-nuclear weapons testing to anti-nuclear weapons. The same goes for nuclear power. Those against nuclear
power will undoubtedly be against the non-civilian use of nuclear technology for weapons. In this case, the national governments have taken the point and there is no need for litigation. Furthermore, these mobilizations successfully influenced the agenda. The nuclear weapons test site is closed in Kazakhstan and Germany is closing its nuclear power plants.

On the other hand, there is the possibility of mobilization in support of noncompliance. Perhaps the domestic population really believes that their nation’s intent is peaceful uses only, or they may aspire to the national prestige presumed to accrue for nuclear weapons states. Either way, in this proposed instance, a state found in non-compliance with a treaty has citizens actually mobilizing in support of their nations’ defiance.

Finally, it is important to note that mobilization as a mechanism may be directly influenced by a country’s history and tradition of mobilization. To generalize: mobilization may be a common way of drawing attention to an issue in the Arab world, or even a way of trying to accomplish things in France, it may not be as likely to occur in other places. It is hard to imagine an issue that would unite and mobilize apathetic citizens across America. Likewise, in Germany, stereotypically citizens are more likely to use the established governmental process than take to the streets.

Research Conclusions

The nonproliferation regime, the NPT and the IAEA safeguards (a requirement under Article III) ameliorate the international community’s peace of mind against the
spread of nuclear weapons. Compliance is critical for the treaty and regime to remain relevant.

This dissertation has explored case studies through the lens of the domestic politics theory of treaty compliance to understand why states comply (or do not comply) with the NPT. Chapter 2 set out a definition of compliance and noncompliance in the context of the NPT for the purposes of this dissertation. The concept of the domestic politics theory of treaty compliance was discussed with time spent on its three main points (agenda setting, litigation, and mobilization of domestic groups) and how they may apply in the high politics issue area of nonproliferation. An explanation is made in defense of using a case study methodology for this research followed by an identification of the case studies to be used.

In the effort to answer the question of whether the domestic politics theory is useful for understanding compliance in the high politics issue area of national security, and nonproliferation specifically, this dissertation looked at a total of six states divided into three categories of case studies: no proliferation concern, failure to comply, and potential proliferation concern. Chapter 3 covers the states of no proliferation concern (Germany and Kazakhstan) and chapter 4 covers the states that have already failed to comply (Syria and Libya). Chapter 5 covers the states are of potential proliferation concern (Egypt and Saudi Arabia). In each of these chapters, after an overview of each state’s situation, the basic background information was covered including the state’s history with the NPT and with the nonproliferation regime more broadly, as well as the current nuclear power status. Then, most importantly, each state was analyzed for the domestic politics theory variables of agenda setting, litigation, and domestic
mobilization. All of the case studies were based on the facts up until June 2012. Things may change in the future; especially in those nations most affected by the Arab Spring.

The New Stipulation for the Domestic Politics Theory

Simmons never claimed that the domestic politics theory was the panacea for treaty compliance issues. This dissertation has shown this to be appropriate because the theory appears to work very poorly outside of the human rights issue area. The domestic politics theory does not appear to apply to high politics issues and its limits need to be recognized. Domestic politics theory will be more or less useful depending on the issue area. However, if there is one thing that appears to transcend issue areas it is mobilization.

When looking at other issue areas, mobilization appears to be the most important mechanism of the domestic politics theory of treaty compliance. It appears to be the most effective tool and is utilized first by citizens. If successful, it influences the national agenda and removes the need for litigation. If it is not successful it may lead to litigation and attempts to influence the national agenda by relying on the treaty (that is in-line with the need for mobilization).

Current Nonproliferation Challenges

There are several current proliferation challenges in the world. Two of the most important are the ongoing issues with Iran and North Korea. The domestic politics theory does not look likely to help the international community work with North Korea or Iran. The citizens of North Korea will not be mobilizing anytime soon for the leadership
to stop building nuclear weapons. In fact they could one day mobilize (albeit in a suspiciously well-choreographed manner) to support their nation’s nuclear weapons development. Likewise, Iran appears to have vacillating domestic support for its nuclear policies. In neither country can we expect new litigation or influence on the national agenda by nonproliferation supporters.

With those states have remained outside the treaty (Israel, India and Pakistan) the NPT has minimal impact. However, it seems unlikely that the domestic politics theory can be applied to those states that never committed themselves to the treaty in the first place.

Finally, there are the five nuclear weapons states that have committed themselves to good faith negotiations on disarmament. This can be explored further in future research but it seems viewing this issue through the domestic politics theory of treaty compliance would be difficult given how difficult compliance is to define for Article VI.

**Hope for the Future**

The nonproliferation regime has “helped to create predictability, stability, and security in many regions of the world.” Elements of the regime are coordinated around the NPT. The NPT may not be a perfect treaty but it is the best we have and it serves a

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real purpose and international community need. The German ratification of the NPT included the following declaration statement, which says Germany:

regards the Treaty not as end but rather a starting point for the negotiations, provided for the Treaty itself as its natural supplement and to ensure its effective implementation, concerning disarmament, the peaceful uses of nuclear energy, and the benefits arising for the peaceful applications of nuclear energy;\textsuperscript{492}

The treaty is a \textit{starting point} and the international community must continue to strive for this noble cause. There are those that do not believe that the treaty is working to stop the spread of nuclear weapons and is doomed to be a failure and meaningless. There is a real danger in this way of thinking as "this prophecy is not only at risk of being self-fulfilling, but would remove the legal norms (and perceived consequential improved security context) that may be constraining some states from nuclear weapons acquisition."\textsuperscript{493}

As this dissertation has shown, the domestic politics theory of treaty compliance is not a very useful prism for understanding nonproliferation treaty compliance. In fact, the mechanism may even work against compliance in high politics. Most likely the result of “domestic pressures from constituencies mobilized by Iran’s nuclearization,” caused Egypt’s renewed interest in nuclear power.\textsuperscript{494} The same domestic pressure could mobilize for matching Iranian weapons in the future.

\textsuperscript{492} United Nations, "NPT (Germany).


\textsuperscript{494} Solingen, \textit{Nuclear Logics: Contrasting Paths in East Asia and the Middle East}, 236.
As David Albright states, "our security should rest on the first lines of defense, such as institutionalized approaches like the Nuclear Non-Proliferation Treaty."\(^{495}\) Sadly, this is not a perfect system and sometime a first line of defense is not enough. The world has had to rely on last line of defense measures several times. The classic example being the 2003 Iraq war, for which nonproliferation was a partial justification. This preventive war, Waheguru Pal Singh Sidhu of the Geneva Centre for Security Policy in Switzerland calls "the first (and last) non-proliferation war."\(^{496}\)

Hopefully, this research on nonproliferation and the domestic politics theory of treaty compliance aids in understanding nonproliferation compliance. And by default a better understanding of compliance may lead to more compliance and make the world a safer place.


"Comprehensive Nuclear-Test-Ban Treaty." In UN Registration Number NIF-0, 10 September 1996.


Mearsheimer, John J. "Why We Will Soon Miss the Cold War." Atlantic Monthly Online 266, no. 2 (1990): 35.


Parry, Tom. "Brothers in Arms: Egypt's Fresh Links to Iran Reignite Fears over Nukes." The Mirror, 26 June 2012.


Shalev, Chemi. "Dennis Ross: Saudi King Vowed to Obtain Nuclear Bomb after Iran." Haaretz, 30 May 2012.


"Treaty on the Non-Proliferation of Nuclear Weapons." In *UN Registration Number I-10485*, 05 March 1970.


US Department of State. "Adherence to and Compliance with Arms Control, Non-Proliferation, and Disarmament Agreements and Commitments." Edited by Compliance Bureau of Verification, and Implementation, 2010.

US Department of State. "Adherence to and Compliance with Arms Control, Non-Proliferation, and Disarmament Agreements and Commitments." Edited by Compliance Bureau of Verification, and Implementation, 2005.


Zangger Committee. "Zangger Committee."
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